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HOUSE OF REPRESENTATIVES—*Monday, May 24, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 24, 1999.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PARTNERSHIPS FOR A CLEAN ENVIRONMENT AND BETTER COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, since I was elected to Congress, I have been focusing on the issue of livable communities and how we can create better partnerships between the Federal Government and our citizens. Unfortunately, one of the obstacles we face is the efforts by some people to create false choices. Last week, we saw two examples here in Congress, one dealing with efforts to reduce gun violence, and the other an important environmental announcement by one of our leading auto companies.

Repeated throughout the discussion regarding guns in our communities have been people who have tried to paint very stark pictures that suggest that really there is nothing that we can do to take simple common sense steps. Hopefully, the action in the Senate indicated that there are things that we can do that bring people together that will make a difference. I am optimistic that we may be able to yet have that discussion on the floor of this House.

At the same time, we find people trying to paint these same sorts of false choices as it relates to the environmental community. Some argue that we have to work against business or manufacturing when the government seeks to improve the environment. This simply does not have to be the case. Last week we had an excellent example of what happens when companies recognize that they are partners in our efforts to protect the environment and improve air quality.

For the last 25 years, trucks and the SUVs have been allowed to produce 2.5 times as much smog-causing gas as cars, and next year, when stricter rules take place, these full-sized vehicles will be producing five times as much as cars under the new rules. Regulations for pickups and the sport utility vehicles were originally more lenient because they were used theoretically primarily by small business, yet today they comprise half of all family vehicles.

Last Monday, Ford Motor Company announced that starting with its model 2000 year, its full-sized pickup trucks will meet current pollution standards for cars. All but the largest will meet the stricter new car requirements as well as the proposed truck requirements that go into effect between the years 2002 and 2007. Ford made their announcement a week after a Federal appeals panel, in a radical departure from established judicial precedent, invalidated air quality regulations set by EPA which were designed, in part, to decrease ground level ozone, a major contributor to smog. If that ruling is upheld, efforts like Ford's will take on much more significance.

Ford is taking this initiative because they recognize that consumers want cars and trucks that are environmentally sound, and that by producing them, Ford will have a competitive advantage. Jacques Nasser, Ford's chief executive and president, said that Ford is doing this because it will benefit the company financially and because "it is the right thing to do."

As the use of pickup trucks and SUVs has increased, so has the amount of smog-producing gas they produce. Manufacturers cleaning up their trucks will allow for cleaner air and easier breathing. Ford's action on the national level will allow each individual driver to contribute less pollution to their community every day, and this new equipment will not adversely affect performance and will come to Ford customers at no extra cost, since Ford has agreed to absorb the $100 per truck cost.

Clean air and a healthy environment benefit each of us and all of our communities. Ford has acknowledged that their industry must be a partner in our efforts to protect and preserve our environment. They are to be commended for this action, and I challenge other car and truck manufacturers to do the same.

This example of the private sector stepping forward and acting on behalf of the environment should be a wake-up call to this Congress as well. We need to do our part by considering rewarding those companies rather than potentially even penalizing them. We must also work together to avoid the debacle that occurred last week with unrelated environmental riders that were added to the supplemental appropriations bill.

Ford's action demonstrated that preserving the environment is a priority for the American people, and that we must do all we can to create an environmental record we can be proud of. I would hope that as we approach further efforts dealing with the environmental protection and, for that matter, the reduction of gun violence, we can avoid the false choices offered by the extreme.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SUPPORT THE SOCIAL SECURITY AND MEDICARE "SAFE DEPOSIT BOX"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, tomorrow we will consider legislation to ensure that we will no longer use the Social Security Trust Fund for any other purpose than for what it was intended for.

Now, my colleagues might ask, "Why is this necessary?" The answer is quite simple. Despite repeated efforts over the years, we have not been able to stop perpetual raids on the Social Security Trust Fund. We have attempted to stop this violation of the trust fund going as far back as 1990.

Now, that year we enacted legislation, the Budget Enforcement Act, which removed Social Security taxes and benefits from the budget and from calculations of the budget deficit. That was done to prevent Social Security from masking the true size of the deficit and to protect it from budgetary cuts.

The rationale was that if this was done, Congress would not use Social Security in devising the Nation's overall fiscal policies. Historically, the Social Security Trust Fund Board have invested surplus Social Security revenues in U.S. Government securities. These investments are honored just like investments from the private sector. Interest is earned on the monies invested, and returned to the trust fund to help offset long-term obligations to future beneficiaries. It was felt that without such an enforcement mechanism, this practice would continue unless Congress took action to prevent this dishonest bookkeeping from continuing.

Unfortunately, Mr. Speaker, the intent of the 1990 law has not been fully adhered to, and to guarantee honesty in budgeting we must end the misuse of Social Security Trust Fund investments. This Social Security Trust Fund surplus should not be used to fund any other programs, and it should not be used to mask our Nation's debt.

We have been very zealous in cutting wasteful spending and reducing the size of our government's bureaucracy. We should keep up our efforts to continue to cut unnecessary and wasteful spending. That is why I applaud my colleague, the gentleman from California (Mr. HERGER) for introducing H.R. 1259 which will, among other things, provide a mechanism to ensure that all Social Security surpluses are dedicated to saving the program and Medicare.

I fully endorse this concept and believe we will be fulfilling our pledge to our Nation's seniors if we pass this legislation. We must stop this phoney bookkeeping and leave Social Security money alone. Right now, the trust fund is running a $126 billion surplus and it is used to mask the yearly deficit.

In 1997, Congress passed the historic Balanced Budget Act of 1997, which of course reduced wasteful government spending. We believed it was a restraint on Federal spending that has led to a reduction in our yearly deficits. With our Nation's strong economy and fiscal responsibility, there has been a strong revenue growth in this country and it has helped the national Treasury. These two factors make it possible to stop the much-used practice of commingling the Social Security Trust Fund money with the general revenue.

So, my colleagues, this week we can make history, make history by standing up for not only what we believe to be right, but what is absolutely necessary if we are going to make good on our promise to save Social Security and Medicare for this and future generations. We can pass H.R. 1259, stop this practice which started when President Lyndon Johnson unified the budget in 1969. It was then that Social Security and the other Federal trust funds were officially accounted for in the entire Federal budget.

So this "Safe Deposit Box Act" establishes the submission of separate Social Security budget documents by excluding outlays and receipts of the old-age, survivors, and disability program under the Social Security Act, thereby, Mr. Speaker, preventing Social Security surpluses from being used for any other purpose other than for the Social Security Trust Fund and the Medicare program.

So I urge my colleagues tomorrow and this week to support H.R. 1259.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

We pray, gracious God, that Your spirit of comfort and serenity will be with the neediest of people who turn to You with their life's concerns. We remember the refugees of the world and all those who suffer pain or hunger or fear for the days ahead. Remind us all, O God, that when the resources of the world are not with us, we can rely on Your grace. And when people must walk through the roads of danger and hostility, we earnestly pray that Your healing power and Your reconciling spirit will be with them whatever their need or trouble. O loving and eternal God, bless us and all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. SERRANO) come forward and lead the House in the Pledge of Allegiance.

Mr. SERRANO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CHINESE ESPIONAGE

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, this headline from the New York Times says it all: China Stole Nuclear Secrets for Bombs. Although the bipartisan Cox report on Chinese espionage will not be officially released until tomorrow, we already know enough that all Americans should be outraged.

According to Chairman COX, the threat to our security from this major intelligence catastrophe will not be years into the future but within the next few months. Look to the Chinese Communist government to begin testing nuclear ICBMs within a few months, using United States nuclear secrets. While our law enforcement officials were asleep, our national security was compromised. It is not just Attorney General Janet Reno. The entire Clinton-Gore administration owes the United States public an explanation for this outrage.

TWO FORMS OF VIOLENCE

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, the debate goes on in this country as we try earnestly to find solutions for the problem of violence in our schools and throughout our society. At the same time the 6 o'clock news reports school violence, it reports the violence of war. So I wonder and I ask out loud, is it possible that our children are imitating the actions of our government, that every time we have a difference with another country, we use violence to solve that difference?

Second, this week on the agriculture appropriation bill we will say "no" once again to selling food and medicine to Cuba. Food and medicine. Economic violence. Is it possible that our children are simply imitating the violence they see coming from our adult behavior?

ON MILK POLICY

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, very soon a great debate will begin to rage here in the halls of Congress. That debate will be about how we price milk. My friends from other regions of the country will complain that if the system is reformed and the playing field is leveled, their dairy farmers would receive less or they would lose relative to other parts of the country.

But, Mr. Speaker, we should understand that dairy farmers in my region of the country have been losers under the current convoluted milk marketing order system for over 60 years. This makes no economic sense. Even Justice Anton Scalia has called the system "Byzantine." All we are asking for is equal pay for equal milk, and we will not give up this fight until we get it.

TRADE DEFICIT HITS RECORD HIGH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, another record. For the third straight month, America's trade deficit is going through the roof. It is now averaging $20 billion a month. That is 400,000 good-paying American jobs being lost every single month. It is so bad even Commerce Secretary Daley said America cannot continue to subsidize the world. Unbelievable. Something stinks.

Why is this administration still coddling to China on MFN and WTO membership? Enough is enough. America is going bankrupt at warp speed and Uncle Sam is buying the rocket fuel. I say it is time to get to the bottom of this action with China. Tell us the truth, White House, before we do not have a job left.

OPPOSE H.R. 45 AND KEEP NUCLEAR WASTE OUT OF NEVADA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, when I was a young child, people used to say that little green men lived on Mars and the moon was made of cheese. That is when fantasies and rumors were the tools that shaped opinions and science was the unattainable.

Unfortunately, many of my colleagues look at transporting and storing high-level nuclear waste in Nevada in much the same way.

Fantasy and nonsense have no place in scientific studies, studies which prove that a repository site at Yucca Mountain is 10 times more prone to earthquakes and lava flows than government scientists previously estimated, studies that show Nevada ranks third in the Nation for current earthquake activity and has experienced over 650 earthquakes in the last 20 years.

That means with over 30 earthquakes a year. Clearly Yucca Mountain is not suitable and is one of the worst places to store the deadliest material ever created by man.

The space program proved that the moon is not made of cheese and that little green men do not live on Mars, and if the DOE properly addresses this new scientific information as the law requires them to do, they will not force green people to live in Nevada.

Mr. Speaker, oppose H.R. 45 and place true science before fantasy, misinformation and conjecture.

COMBATTING SCHOOL VIOLENCE

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, mercifully events in Georgia last week produced no deaths in the school shooting. But this shows why it is that all of us at every level of government and every part of our community have to be working harder to reduce school violence. There are things that this Congress can be doing, things that our communities can be doing.

One area that we are working on in West Virginia and which I hope might be of benefit in other areas is we are designing a school safety report card: What are the elements of a safe school, listing them and then giving that to each community so each community can evaluate its own school.

One thing that I have learned following four hearings across our State is that there is no one-size-fits-all. We have to tailor our responses to each community and to each school. But we also have to dedicate ourselves to the proposition that as school ends this year, that when it resumes next year the schools will be safer than they have been.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 974) to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia College Access Act".

SEC. 2. ESTABLISHMENT OF SCHOLARSHIP PROGRAM.

There is hereby established the District of Columbia College Access Scholarship Program (hereafter in this Act referred to as the "Program") under which the Mayor of the District of Columbia shall award scholarships in accordance with section 4 using amounts in the District of Columbia College Access Fund established under section 3.

SEC. 3. DISTRICT OF COLUMBIA COLLEGE ACCESS FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the government of the District of Columbia the District of Columbia College Access Fund (hereafter in this Act referred to as the "Fund"), which shall consist of the following amounts:

(1) Amounts appropriated to the Fund under law.

(2) Gifts and bequests.

(3) Refunds paid under section 4(b)(4).

(4) Interest earned on the balance of the Fund.

(b) ADMINISTRATION.—The Mayor of the District of Columbia shall administer the Fund, in consultation with the Secretary of Education.

(c) USE OF FUND.—

(1) IN GENERAL.—Amounts in the Fund shall be used solely to award scholarships in accordance with section 4, except that not more than 10 percent of the balance of the Fund with respect to a fiscal year may be used for the administration of the Fund during such year.

(2) DETERMINATION OF AMOUNT AVAILABLE FOR SCHOLARSHIPS.—With respect to each academic year for which scholarships may be awarded under this Act, the Mayor shall determine the amount available from the Fund for awarding scholarships.

(d) INVESTMENT.—The Mayor shall invest such portion of the Fund as is not in the judgment of the Mayor required to make current payments for scholarships. Such investments shall be in such form as the Mayor considers appropriate.

SEC. 4. ADMINISTRATION OF SCHOLARSHIP PROGRAM.

(a) APPLICATIONS.—Any qualified graduate seeking a scholarship under the Program shall submit an application to the Mayor in such form and containing such information as the Mayor may prescribe by regulation. The Mayor shall make applications for scholarships under the Program available not later than October 1 of the academic year preceding the academic year for which the scholarships will be awarded, and shall announce the recipients of scholarships under this section not later than a date determined by the Mayor in consultation with the Secretary of Education.

(b) AWARDS AUTHORIZED.—

(1) AWARDS TO EACH QUALIFIED GRADUATE.—

(A) IN GENERAL.—From the amount available from the Fund under section 3(c)(2) for any academic year, the Mayor shall award scholarships to each qualified graduate submitting an application that is approved pursuant to subsection (a).

(B) AWARDS TO STUDENTS AT ELIGIBLE PUBLIC INSTITUTIONS BASED ON IN-STATE TUITION.—Subject to subparagraph (D) and paragraph (2), such scholarship shall provide, for attendance at an eligible public institution located outside the District of Columbia, an amount equal to the difference between—

(i) the amount of the tuition normally charged by that institution to a student who is not a resident of the State in which that institution is located for the program of instruction in which the qualified graduate is enrolled or accepted for enrollment; and

(ii) the amount of the tuition normally charged by that institution to a student who is a resident of such State for such program of instruction, or the amount of the tuition normally charged by that institution to a student who is a resident of the county in which the institution is located for such program of instruction, whichever is less.

(C) TUITION ASSISTANCE GRANTS TO STUDENTS AT ELIGIBLE PRIVATE INSTITUTIONS.—Subject to paragraph (2), such scholarship shall provide, for attendance at an eligible private institution, a tuition assistance grant in a uniform amount determined by the Mayor, not to exceed $3,000 for the academic year.

(D) CAP ON AMOUNT PROVIDED.—The amount of a scholarship provided to an individual under subparagraph (B) for an academic year may not exceed $10,000.

(2) RATABLE REDUCTION IF FUNDS INSUFFICIENT.—If the amount available from the Fund under section 3(c)(2) for any academic year is not sufficient to pay the scholarship amount determined under paragraph (1) for each qualified graduate submitting an application that is approved pursuant to subsection (a), the amount of such scholarships shall be ratably reduced. If additional sums become available for such academic year, such reduced scholarships shall be increased on the same basis as they were reduced (until the amount allotted equals the amount determined under paragraph (1)).

(3) DISBURSEMENT.—The scholarships awarded under this section shall be disbursed to the eligible institution at which the qualified graduate is enrolled or accepted for enrollment by check or other means that is payable to and requires the endorsement or other certification by such graduate.

(4) REFUNDS.—The Mayor may prescribe such regulations as may be necessary to provide for the refund to the Fund of a portion of the amount awarded under this section in the event a recipient of a scholarship under this section withdraws from an institution during a period of enrollment in which the recipient began attendance.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner in order for a qualified graduate to receive a scholarship to attend such institution under this Act.

(d) DEFINITIONS.—As used in this section:

(1) QUALIFIED GRADUATE.—The term "qualified graduate" means an individual who—

(A) has been a resident of the District of Columbia for not less than the 12 consecutive months preceding the academic year for which the scholarship is sought;

(B) begins his or her undergraduate course of study within the 3 calendar years (excluding any period of service on active duty in the Armed Forces of the United States, in the Peace Corps or Americorps) of graduating from a secondary school, or receiving the recognized equivalent of a secondary school diploma;

(C) is enrolled or accepted for enrollment in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution;

(D) if the student is presently enrolled at an institution, is maintaining satisfactory progress in the course of study the student is pursuing, as determined under section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c));

(E) is a citizen or national of the United States, a permanent resident of the United States, able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident, or a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau;

(F) does not owe a refund on grants previously received under title IV of the Higher Education Act of 1965, and is not in default on any loan made, insured, or guaranteed under such title;

(G) has not completed his or her first undergraduate baccalaureate course of study; and

(H) is not incarcerated.

(2) ELIGIBLE INSTITUTION.—The term "eligible institution" means eligible public institution or an eligible private institution.

(3) ELIGIBLE PUBLIC INSTITUTION.—The term "eligible public institution" means an institution of higher education that—

(A) is established as a State-supported institution of higher education by the State in which such institution is located;

(B) is eligible to participate in student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); and

(C) has entered into an agreement with the Mayor containing such requirements for the management of funds provided under this Act as the Mayor may specify, including a requirement that the institution use the funds to supplement and not supplant assistance that otherwise would be provided to students from the District of Columbia.

(4) ELIGIBLE PRIVATE INSTITUTION.—The term "eligible private institution" means an institution of higher education that—

(A) is located in the District of Columbia, the State of Maryland, or the Commonwealth of Virginia;

(B) is not established as a State-supported institution of higher education by the State in which such institution is located;

(C) is eligible to participate in student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); and

(D) has entered into an agreement with the Mayor containing such requirements for the management of funds provided under this Act as the Mayor may specify, including a requirement that the institution use the funds to supplement and not supplant assistance that otherwise would be provided to students from the District of Columbia.

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) SECONDARY SCHOOL.—The term "secondary school" has the meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 5. ADMINISTRATION OF PROGRAM AND FUND.

In carrying out the Program and administering the Fund, the Mayor of the District of Columbia—

(1) shall consult with the Secretary of Education; and

(2) may enter into a contract with a nongovernmental agency to administer the Program and the Fund if the Mayor determines that it is cost-effective and appropriate to do so.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for payment to the Fund such sums as may be necessary for fiscal year 2000 and for each of the 5 succeeding fiscal years.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR UNIVERSITY OF THE DISTRICT OF COLUMBIA.

There is authorized to be appropriated to the University of the District of Columbia for fiscal year 2000 and each of the 5 succeeding fiscal years such sums as may be necessary to enhance educational opportunities for the University.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all my thanks to the gentleman from Indiana (Mr. BURTON) and the gentleman from Texas (Mr. ARMEY) for permitting the expeditious consideration of this bill. My gratitude as well to the gentlewoman from the District of Columbia (Ms. NORTON) the ranking member of the Subcommittee on the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from California (Mr. HORN), the gentleman from Florida (Mr. SCARBOROUGH) and all the cosponsors and those who have expressed encouragement and support for our efforts.

I would also like to thank some of the staff people who have worked so hard on this legislation: My former staff director Peter Sirh, staff director and counsel Howie Denis, communications directory Trey Hardin, Anne Mack Barnes, Jon Bouker the gentlewoman from the District of Columbia's staff, and Noah Woofsy of the legislative counsel's office.

Today we take a giant step forward in our quest to enhance educational opportunities in the Nation's capital. My thanks to the gentlewoman from the District of Columbia, the ranking member of the subcommittee I chair, and all the others who have expressed encouragement and support for our efforts.

The bill we consider today, H.R. 974, the District of Columbia College Access Act, reflects the constitutional reality that Congress is the de facto State legislature for the District of Columbia. The city by its very nature lacks the capacity for a university system of higher education as that concept is understood in the 50 States. The same choices and opportunities simply do not exist for students and parents here as exist elsewhere in the United States. This has too often led to an out-migration of population in order to take advantage of the higher educational opportunities all other Americans enjoy as residents of a particular State.

A strong element in all of our reform legislation since the creation of the Subcommittee on the District of Columbia has been directed at stopping the bleeding of the population out of the District. This is critical for us all, as you cannot have a healthy Washington region without a healthy city.

The District has lost hundreds of thousands of residents in recent decades, particularly middle-income taxpayers. The Subcommittee on the District of Columbia has helped to lead a strong bipartisan evident in Congress to change that. Our efforts have included economic development, such as facilitating the MCI Center and the new convention center project. We have encouraged home ownership with the $5,000 tax credit for first-time homebuyers. We have improved personal safety, water quality and financial stability itself. Congress can be proud of its efforts to revitalize the Nation's capital.

Congress, in full cooperation with the city and the Federal Government, has in fact restructured relationships so as to have the Federal Government assume many of the functions normally performed by States, such as care for felony prisoners. This has put the District on a glide path to recovery. It is now in a better position to improve delivery of municipal services.

I am pleased to commend those leading local foundations and companies that have banded together in an extraordinary and historic effort to assist District students. The legislation we are voting on today is essential to those great efforts in the private sector.

It is my strong belief that this is the best money the Federal Government will ever spend in this city.

Mayor Williams has characterized H.R. 974 as "very, very important legislation not only in improving education but in bringing our city back." This bill can be a shining example of a bipartisan urban agenda.

While giving graduates more choices, subject to the caps and limits in the bill, this legislation fully respects and leaves untouched college admission policies and standards.

The bill will enable District residents who are high school graduates to attend public institutions at in-State rates in other States in the union. We have included tuition assistance grants as another option for other colleges in D.C., Virginia and Maryland. This is yet another incentive to encourage local population stability through educational enhancement. This TAG program is highly successful in Virginia and many other States.

H.R. 974 helps to level the playing field for District high school graduates. I was deeply moved by the reaction to this bill as I saw it in the eyes of students at Eastern High School, not far from our Capitol building. These students need and deserve a break. They need and deserve the same opportunities that students in other school systems in other States across this land have.

As the students took my hand, looked into my eyes and thanked me for introducing this bill, I knew we were on the right track. Fighting for educational opportunity legislation is one of the reasons I entered public life. I look forward to working with colleagues who share this vision for the future as we move this bill to the other body.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

The District of Columbia College Access Act before us is but one example of a series of bipartisan bills benefiting the residents of the Nation's capital on which the gentleman from Virginia (Mr. DAVIS) and I have worked since he became chair of the Subcommittee on the District of Columbia. I want particularly to thank the gentleman from Virginia for his indispensable leadership on legislation that has been critical to the rescue of the Nation's capital from fiscal crisis. I particularly appreciate his work on H.R. 974, the District of Columbia College Access Act, a bill that signals the move of the Subcommittee on the District of Columbia from crisis to rebuilding.

May I also take this opportunity to thank the gentleman from Indiana (Mr. BURTON) who has treated the city's problems with great attention and urgency, always moving bills quickly and helpfully; the gentleman from California (Mr. WAXMAN) whose assistance and wise counsel has been much appreciated; and the members of the subcommittee, all of whom support H.R. 974 and have contributed to this and other bills that have rescued the Nation's capital.

□ 1415

The committee, the subcommittee and the administration have worked closely together on H.R. 974 in an indispensable collaboration. We have worked closely with officials of the administration including Mrs. Clinton, Secretary Richard Riley and Assistant Secretary Scott Fleming in crafting H.R. 974.

I want to particularly thank the President, who included funds for this bill in his own budget, raising substantially the amount that would otherwise have been available.

In its three features, H.R. 974 goes a considerable distance toward offering District residents and students the State public higher education available to residents of the 50 States. Funds are authorized for grants for students to attend State colleges and universities anywhere in the United States at in-State rates for a limited private college alternative, such as some States offer to broaden the State's option, and for the District's own public admissions university, the University of the District of Columbia.

The central feature of H.R. 974 is authorization for funding for students to attend any State college or university where admission has been granted at in-State tuition rates. This provision is essential because unlike every State in the Union, the District has only one public institution of higher education, an open admissions university. One size does not now and never has fit all in higher education and certainly not in today's fast-moving technological society.

In addition, the in-State tuition provision is critical to keeping and attracting taxpayers, the sine qua non for the continuing recovery of the city. The cost of higher education is so high today that it alone drives many parents with children out of the city.

H.R. 974 also provides more limited funding for private colleges in the District, Maryland and Virginia, just as States often offer some funding for private college attendance in order to increase the diversity of options students need today.

Encouraged by H.R. 974, the private sector is raising an even larger amount to help District students prepare for and attend college. Business leaders in the District and the region approached the chairman, the gentleman from Virginia (Mr. DAVIS), and me some months ago, disturbed that many students in the District did not go to college or dropped out for lack of funds. These leaders have raised nearly $20 million in private funds to supplement money D.C. parents and students raise or win on their own. They suggested that in-State tuition rates could greatly enhance the educational opportunities they were raising funds to expand. Thus, H.R. 974 is a true public-private effort with the private sector, more than equaling what we do here today.

The symmetry and opportunities in this bill take higher education in the Nation's Capital a great distance toward providing D.C. residents with equal opportunity, compared with opportunities routinely available the residents of the States. Many students can now go out of State. Some will remain in the District to get limited funding to attend private colleges and universities in the district or go to Maryland and Virginia with such funds. Many more will attend the District's own open-admissions State university that allows any student to qualify for admission to college. The UDC pool of students will not be able to take advantage of the in-State provision. Two-thirds of UDC students work, many have families, many go to college after years in the work force. Despite severe financial hardships resulting from the fiscal crisis including a 6-week shutdown, entering freshman enrollment rose dramatically by 70 percent in only 1 year. This extraordinary growth is the best evidence that D.C. residents must also have their own State university in addition to the out-of-State options provided in this bill.

In the State tuition and UDC provisions, H.R. 974 tries to achieve a mirror image of what D.C. parents and students would have if they lived in other jurisdictions. Residents who have stuck with the city during the tough times when so many have left deserve some encouragement to remain. The fact that there is near unanimous support in the city for this bill is some indication that it is probably already having the effect of encouraging residents to remain in the District. What we do here today is a step along the way of assuring equal citizenship for District residents.

H.R. 974 addresses a critical educational deficit that not only affects students and other residents, but the revitalization of the city itself. No longer will D.C. youngsters be the only Americans without access to the full complement of the State university systems that are routinely available to the residents of every State as a matter of right.

I want to again not only express my personal thanks to the leaders of my committee and the members of my subcommittee. I want also to assure the House that the parents and the children of the Nation's Capital are particularly grateful for the opportunities provided in the District of Columbia College Access Act.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just note, as my colleague, this does not level the playing field for District students as opposed to other States, but it goes a long way toward that. They still have to compete to get into these university systems out-of-State as out-of-State students, which in many cases is an admissions hurdle that one would not get if they lived within that State; so they are not taking in-State slots, they are taking out-of-State slots.

But should they achieve that, should they overcome that obstacle, this legislation simply says they would then only have to pay in-State. At least it makes that dream affordable for them, and that is all this legislation does.

We are giving to the students in the District of Columbia, our Nation's Capital, the same affordable educational opportunities that we are finding in the other 50 States. It is a modest step forward, but it is a very important one if we are to integrate our kids in our District with the rest of the region, have them pick up jobs we need to fill in this region. The Northern Virginia Technology Council recently estimated that there were 18,000 available jobs that we could not find qualified applicants to fill.

We want the District of Columbia to be part of this regional economy as well. There is no reason that they should not be given the equal opportunity and affordable educational opportunities this legislation offers.

Mr. Speaker, I am just very proud to support this bill, and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I appreciate the words of our chairman, the gentleman from Virginia (Mr. DAVIS), this bill in and of itself will encourage youngsters to go to college in the first place who simply would never have tried, despite their qualifications. They know full well that they have the money only for a semester or for a year, and now with this bill, providing 4 years of tuition to go to college, what we have here is a bill that encourages youngsters to do well in school, in junior high school and in high school.

The District of Columbia College Access Group that is supplementing our own efforts with private funds has indicated that it was astonished at how many of our youngsters simply drop out of college after getting into college and earning the right to go to college. The gentleman from Virginia has indicated something very important here, and that is that these youngsters have to get into college in the first place. So here we have an incentive to do well enough to get into college, and what this will do for youngsters is indicated by reference to the gentleman's own premier university, the University of Virginia, one of the best colleges in the United States.

Well, a youngster in Virginia, no matter what the family income, from the richest to the poorest, pays less than $5,000 to go to one of the best universities in the United States. If a youngster from my side of the river applies to go to University of Virginia, those parents must come up with about three times that amount of money, or $16,000. Imagine what it means to my taxpayers to know that they can encourage a youngster to compete to go to UVA or to go to University of Maryland and that the parents will be able to afford that.

I want to mention something else to the gentleman. The gentleman from Virginia and I have fought very hard for this bill to be nationwide, and I want to inform the gentleman that he and I are going to have to continue that fight.

Our bill says that if one gets into the University of Michigan, if one gets into a junior college in Texas, they can take this money and have it follow the student, and we are going to have to fight for that provision. And I think that is a very important provision, as much as I admire the roster of colleges in Maryland and Virginia, but I want to encourage youngsters to fly, to broaden their horizons, and this is a provision we are going to have to fight for.

One of the reasons that I want us to fight for this provision is that they have other bills introduced which do not have nationwide application, but the reason they do not have nationwide application is because there is a need to make sure that there is enough money. The bill that the gentleman and I have worked on recognizes that it may be necessary to circumscribe the bill based on the amount of money. So the chairman, the gentleman from Virginia (Mr. DAVIS), and I have delegated to the mayor of the District of Columbia, whomever he appoints, the task of drawing the bill in to fit the funds.

Mr. Speaker, I think the gentleman from Virginia (Mr. DAVIS) has acted wisely in this regard, not only for home rule reasons, because, of course, the mayor and those closest on the ground know best, but because we do not want to have the first year or two some of these funds go unused because we have prematurely circumscribed who can, in fact, get these funds. How silly we would feel if, because some youngsters may get scholarships to private schools, they do not want to go to school in Maryland and Virginia, we have leftover funds from this bill that could desperately be used by a student who has achieved admission to the University of Michigan or the University of Alabama, but cannot go because from on high, in the capital of the United States, we have without any data and any way to get any data circumscribed how the bill should be drawn.

Let me finally say that the gentleman has often spoken with good reason about the extraordinary number of jobs in the region, one of the fastest-growing technological regions in the country that has jobs that cannot be filled, and they are all the way from jobs way down on the technological ladder to way up. Our own State university has not had the technology to adequately prepare students for these jobs with the grant to allow UDC to become a historically black college and university. We go a long step toward preparing youngsters for jobs in the regions since that money will be used for technology and infrastructure and, of course, within State tuition, allowing our youngsters access to some of the best schools in the United States. We, of course, allow them to get the preparation necessary to make our regional jobs available to everyone in our region including the residents of the District of Columbia.

I want to say to the gentleman from Virginia (Mr. DAVIS) that his own hard work on this bill has been absolutely indispensable. Where we have worked together trying to fashion a bill that he and I could both agree upon, we have reached out to the residents in order to find what their concerns were from the private colleges who wanted to make the kind of private college alternative that is available here that is available in Virginia. We have reached out to UDC where there are students who cannot possibly take advantage of out-of-State tuition and because we have worked so closely together and worked with the Secretary of Education and with members of the administration, we have reached a bill that we think fits and serves the residents of the District of Columbia.

He spoke, the chairman spoke, about the students at Eastern High School, and I do not believe that he exaggerated when he spoke about how absolutely thrilled these youngsters were to think of going to school outside of the District of Columbia, to have their opportunities broadened so spectacularly with one bill.

I want to thank the gentleman from Virginia (Mr. DAVIS), the members of my committee and the leadership of the full committee for a Herculean effort not only in designing this bill but in working with the Speaker and the minority leader to bring this bill forward so that it could get and achieve early passage so early in the 106th Congress.

Mr. DAVIS of Virginia. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, let me just add one final point and that is this, if we really want to change the culture in this city where education becomes the thing to do for high school students, where it becomes matter of fact that one goes to high school and they move on to college or higher education, this is the kind of legislation that is needed because right now it is only a dream and not an achievable dream for many.

To be able to go to a quality private or State university system and have an array of choices and have that affordable to someone, we think will break that cycle and will encourage more people to go in.

The contrast between the surrounding suburbs where sometimes over 90 percent of the kids who graduate from high school go on to higher education and in the city is astounding. This, I think, could help change that around by making it truly achievable. Again, I commend my friend, the gentlewoman from the District of Columbia (Ms. NORTON) for her efforts in this and look forward to prompt passage.

Ms. NORTON. I could not agree more with the words of the gentleman, and so much so that I want him to know that I will be working with the city to see if residents can use this bill beginning with this school year.

If they tool up, I think that they can make it happen, even though our fiscal year begins October 1 and school usually begins in August and September. I thank the gentleman again for his leadership and for his great assistance on this bill.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 974, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 974, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

NOAL CUSHING BATEMAN POST OFFICE BUILDING

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1251) to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building".

The Clerk read as follows:

H.R. 1251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Postal Service building located at 8850 South 700 East, in Sandy, Utah, shall be known and designated as the "Noal Cushing Bateman Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Noal Cushing Bateman Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Utah (Mr. COOK) introduced H.R. 1251 on March 24, 1999, designating the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building". This legislation is cosponsored by each Member of the Utah delegation to the House of Representatives pursuant to the policy of the Committee on Government Reform.

The Congressional Budget Office has determined that enactment of this measure would have no significant impact on the Federal budget and would not affect direct spending and receipts.

Pay-as-you-go procedures, therefore, would not be applicable.

Mr. Bateman, honored by the bill before us, served in the Sandy City council for 20 years and was mayor for 6 years. He also served as head of the local PTA chapter and led a successful school construction bond campaign. He attained leadership positions in the Church of Jesus Christ of Latter Day Saints.

Mr. Speaker, I urge all Members to support this bill, H.R. 1251.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to join my colleague, the gentleman from Virginia (Mr. DAVIS), in bringing to the House Floor five postal-naming bills. These five measures have met the Committee on Government Reform requirement and enjoy the full support and cosponsorship of their respective House congressional delegations. All of these bills were reported unanimously out of the Subcommittee on Postal Service and the full committee. I urge their immediate consideration and approval.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman from Virginia (Mr. DAVIS) for yielding me this time.

Mr. Speaker, today the House of Representatives is poised to pass H.R. 1251, a bill to rename the post office in Sandy, Utah, the Noal Cushing Bateman Post Office. I urge my colleagues to support this legislation.

Noal Cushing Bateman represents the best of Utah. In his lifetime, he has seen Sandy City grow from a struggling farming community of 3,000 to a thriving business center with over 100,000 residents. Not only has he witnessed the growth but his planning and vision in large measure made it possible. His service to the community has spanned most of the 20th century.

Beginning in 1935, he served 20 years on the Sandy City council, 14 years as Sandy City treasurer and 6 years as mayor. He served for 35 years as the director for the Salt Lake County Water Conservancy District. At an age when many people retire, Noal Bateman was just catching his second wind. At age 69, he chaired the Community Development Block Grant Committee, a position he held for 9 years.

He was president of the Sandy PTA and lead a campaign for a bond issue to build the present Sandy Elementary School. Today, at age 87 he remains active in the Church of Jesus Christ of Latter Day Saints and in the community.

Sandy City presents an annual award to the person who best exemplifies the volunteer and community service that makes Sandy such a wonderful place to live, to work, to raise a family. This award is called the Noal Bateman Award. It is only fitting that we honor the man whose vision made Sandy what it is today by renaming the Sandy Post Office at 8850 South 700 East the Noal Cushing Bateman Post Office.

The measure is a small gesture of gratitude for decades of tireless efforts by Mayor Bateman on behalf of the citizens of Sandy.

I would like to thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Goverment Reform, for his prompt measure on this action in the committee, and I urge my colleagues to support this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1251.

The question was taken.

Mr. DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1251.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

JOHN J. BUCHANAN POST OFFICE BUILDING

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1377) to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building".

The Clerk read as follows:

H.R. 1377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 13234 South Baltimore Avenue in Chicago, Illinois, is hereby designated as the "John J. Buchanan Post Office Building". Any reference to such facility in a law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "John J. Buchanan Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, as we work this year to strengthen our local schools, lower taxes for the middle class and save Social Security and Medicare, I particularly want to thank the gentleman from Virginia (Mr. DAVIS) and the committee for this opportunity to honor the work and dedication of Alderman John J. Buchanan who retired last month as alderman for the 10th Ward in the City of Chicago after almost 20 years of public service.

I introduced H.R. 1377 to recognize Alderman Buchanan's outstanding public service record in Chicago and honor him through the designation of the United States Post Office at 13234 South Baltimore Avenue as the John J. Buchanan Post Office. I have enjoyed working with the alderman personally over the last 4 years in a bipartisan effort to help 10th Ward residents who have particularly worked very closely for improvements to Brainard Avenue in the Hegewish area and the continued construction of the Deep Tunnel Project designed to protect our Lake Michigan drinking water.

John Buchanan has been a life-long resident and public servant for the 10th Ward. The only time he left the community was during his years of service in the United States Navy. He was first elected to office in 1963 and served the community until 1971.

From 1972 until 1977, he served as coordinator of economic development for the Chicago Mayor's office. While in this position, he successfully instituted programs for the retention and attraction of new business and industry. In 1991, Alderman Buchanan was once again elected to serve as alderman of the 10th Ward of Chicago. His city council committee membership included Aviation; Budget and Government Relations; Rules and Ethics; Economic and Capital Development; Finance; Human Relations; and Police and Fire.

Alderman Buchanan and his wife, who I would point out is his high school sweetheart, have two children and five grandchildren.

Mr. Speaker, I am proud to report that every Member of the Illinois Congressional Delegation has agreed to support this legislation as cosponsors. I want to thank the gentleman and the committee for this opportunity to recognize the exceptional public service of Alderman John J. Buchanan through this special honor.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1377 was introduced by my colleague, the gentleman from Illinois (Mr. WELLER), on April 13, 1999. This measure designates the United States Postal Service facility located at 13234 South Baltimore Avenue in Chicago as the John J. Buchanan Post Office Building.

Mr. Buchanan is a City of Chicago alderman who recently retired as a lifelong resident and public servant of Chicago's 10th Ward. He has resided in Chicago his entire life. John Buchanan serves on the board of directors of several community organizations, including the south Chicago YMCA and Trinity Hospital Governing Council. We are pleased to support this naming bill for John J. Buchanan.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1377.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1377.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CLIFFORD R. HOPE POST OFFICE

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 197) to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office".

The Clerk read as follows:

H.R. 197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 410 North 6th Street in Garden City, Kansas, is hereby designated as the "Clifford R. Hope Post Office". Any reference to such facility in a law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "Clifford R. Hope Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I appreciate the gentleman from Virginia (Mr. DAVIS) yielding time to me.

Mr. Speaker, it is a great honor for me to speak today on behalf of this legislation honoring Clifford R. Hope. Mr. Hope was an active public servant involved in Kansas politics for more than 37 years. Naming the post office in his hometown of Garden City, Kansas, is an honor. It is a small tribute to Mr. Hope's lifetime accomplishments.

During Mr. Hope's political career, his first leadership opportunities presented themselves as a member of the Kansas House of Representatives. First elected in 1921, Mr. Hope at the age of 31 became the youngest speaker of the Kansas House of Representatives.

As in many other States in the 1920s, tension mounted surrounding civil rights issues. Mr. Hope, an ardent opponent of the Klu Klux Klan, took the politically difficult stance to ensure that Kansas' history as a free State was not tarnished and that individual liberties of all its citizens were protected.

After 3 terms in the State legislature, Clifford R. Hope was elected to Congress in 1926. Mr. Hope became a respected leader in this House, ultimately serving as the chairman of the Committee on Agriculture from 1946 to 1951. Mr. Hope was the last Republican chairman of the committee until another Kansan, PAT ROBERTS, assumed that position in 1995.

Mr. Hope was deeply involved in establishing many of the agricultural programs that still exist today. In addition to his work on behalf of agriculture, Mr. Hope was a strong advocate for defense programs and was heavily involved in the military programs essential to our successful war efforts during World War II.

□ 1445

Mr. Hope was a veteran of World War I.

Spanning the presidential administrations of Presidents Coolidge, Hoover, Roosevelt, Truman and Eisenhower, Mr. Hope's time in Congress was a period of extraordinary change in our Nation. Through the end of the roaring 1920s, the Depression and World War II, and the critical rebuilding years that followed, Mr. Hope faithfully served Kansans and was actively involved in many legislative accomplishments that we take for granted today.

He was an avid supporter of conservation programs. Mr. Hope first experienced legislative success by passing into law the bill creating the Cheyenne Bottoms Wetlands in Kansas. It was created in 1928, and this wetland still today serves the goals of environmental restoration and preservation. While Mr. Hope's initial bill was aimed at Kansans, it was followed by one of the largest nationwide conservation programs, the Small Watershed Program, which was developed under Mr. Hope's tenure as the Committee on Agriculture Chairman. Passed in 1954 and known as P.L. 566, the Small Watershed Program has been successful in reducing runoff, controlling erosion and protecting countless communities from flooding for more than 40 years.

In addition to conservation programs, Chairman Hope also had great success in promoting the United States humanitarian role in the world. The Food for Peace Program, P.L. 480, was signed into law by President Eisenhower in July of 1954. From its inception, Food For Peace has been the backbone of the United States's food donation efforts around the world. However, not all of Mr. Hope's feeding programs had such worldly goals. Authorized in 1946, the zeal with which Mr. Hope promoted the School Lunch Program earned him the title of "Hot Lunch Cliff."

While it is often common to measure a man by his accomplishments, it is the manner in which those accomplishments are achieved that is truly important. In this day of harsh rhetorical battles, it is refreshing to honor a Member with character and demeanor. Our former Governor of Kansas, William H. Avery, also a former member of this body, perhaps said it best about Mr. Hope's character:

"I never heard Cliff speak a harsh word against those with whom he disagreed, either in debate or in personal conversation. He had the respect and admiration of all who knew him. He will always be remembered as an honest man with an infectious personality, kind to both his friends and adversaries, but unshakable in his convictions."

In the epilogue to the book "Quiet Courage," written in 1997 by Congressman Hope's son, Clifford Hope, Jr., also a distinguished Kansan, the son speaking of his Congressman father concludes that:

First of all, Congressman Hope had a solid record of substantial legislative accomplishments. He probably spent more time from 1933 until 1957 on farm support legislation than any other single issue, seeking to secure a safety net for farmers and, equally important, striving to ensure a stable supply of inexpensive food and fiber for consumers. His more lasting legislative accomplishments were in the area of soil and water conservation, agricultural research and marketing, and the Food For Peace program.

Although preoccupied with agriculture problems, Congressman Hope spent many hours studying and seeking the truth on all important issues. Hope's legislative achievements were not, in his son's opinion, his primary reason that he considered his father a role model Congressman and considered so by many of his contemporaries as well. He was a role model, rather, because of the virtues and values he held dear. In recent years there has been a rediscovery of, or at least a renewed interest in, personal virtues.

William J. Bennett, in his "Book of Virtues" quotes stories and poems which exemplify 10 virtues: responsibility, self-discipline, compassion, friendship, work, courage, perseverance, honesty, loyalty and faith. Senator Frank Carlson, also a former member of the House of Representatives, in his congressional ceremony honoring his friend Cliff Hope in 1956 cited a list of nine virtues that make up the stature of the perfect man: patience, kindness, generosity, humility, courtesy, unselfishness, sincerity, good temper, and guilelessness.

Hope would be the first to disclaim that he was a perfect man, but in large measure, he did possess the virtues cited by Bennett and Drummond. All of these in particular were ones imparted and taught to all of those he came in contact with.

So, Mr. Speaker, today as we seek passage of this legislation, H.R. 197, I encourage all of us to strive for these characteristics. We too will leave a mark on the history of this country, and I hope that during my term of service in the United States Congress that I will never forget a fellow Kansan, Clifford R. Hope, that he provided a role model for those of us who engage in this business each and every day, and that we will all strive to serve with quiet courage.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 197, introduced by the gentleman from Kansas (Mr. MORAN) on January 6, 1999, designates the United States Postal Facility at 410 North 6th Street in Garden City, Kansas as the Clifford R. Hope Post Office.

Mr. Hope was a former Member of Congress representing the 7th congressional district in Kansas from 1927 to 1957. His political career began in the Kansas House of Representatives, where he served as Speaker of the Kansas House. Following his election to Congress, Mr. Hope became Chairman of the House Committee on Agriculture.

I am pleased to honor such a distinguished colleague, and we are pleased to support this bill from this side of the aisle.

Mr. MOORE. Mr. Speaker, I am pleased to rise today in support of legislation authored by my friend and colleague from Kansas' Big First District, Representative JERRY MORAN, and cosponsored by the Kansas House of delegation, that would designate the Garden City, Kansas, post office as the "Clifford R. Hope Post Office."

Clifford Ragsdale Hope was born in Birmingham, Iowa, in 1903. He was educated in the public schools and attended Nebraska Wesleyan University of Lincoln, Nebraska. He graduated from my alma mater, Washburn University School of Law, in Topeka, Kansas, in 1917, and was admitted to the Kansas bar that same year.

Clifford Hope then served in World War I as a second lieutenant with the 35th and 85th Divisions in the United States and France from 1917–1919. After the war, he began the private practice of law in Garden City, and served in the Kansas House of Representatives from 1921–27, where he became speaker pro tempore in 1923 and speaker in 1925.

Representative Hope was elected as a Republican member of the 70th Congress and to the fourteen succeeding Congresses, serving from 1927 to 1957. He chaired the House Agriculture Committee in the 80th and 83rd Congresses, when his party held a majority of seats in this body. He did not seek renomination in 1956, but returned to Garden City, where he served as president of Great Plains Wheat, Inc., of Garden City, Kansas, from 1959–63.

Former Representative Hope died in Garden City, Kansas, on May 16, 1970. He lived a life dedicated to public service for his community, state, and nation. Our home state of Kansas, the United States of America, and American agriculture were all made better because of him. Mr. Speaker, I am pleased to have the opportunity to present remarks in support of this measure to name the Garden City post office after Clifford Hope and I am confident we will see it signed into law in the near future.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 197.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 197.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1660

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1660. I believe it was an honest mistake. I was confused with another Davis in the House on that legislation. I do not support the legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ROXANNE H. JONES POST OFFICE BUILDING, FREEMAN HANKINS POST OFFICE BUILDING, AND MAX WEINER POST OFFICE BUILDING

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 100) to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania.

The Clerk read as follows:

H.R. 100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROXANNE H. JONES POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 2601 North 16th Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Roxanne H. Jones Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Roxanne H. Jones Post Office Building".

SEC. 2. FREEMAN HANKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 5300 West Jefferson Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Freeman Hankins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Freeman Hankins Post Office Building".

SEC. 3. MAX WEINER POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 2037 Chestnut Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Max Weiner Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Max Weiner Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Pennsylvania (Mr. FATTAH), who is also the ranking member on the Subcommittee on Postal Service, introduced H.R. 100 on January 6, 1999. The bill names three post offices located in Philadelphia, Pennsylvania. Pursuant to the long-standing policy of the Committee on Government Reform, all of the Members of the House Delegation of the State of Pennsylvania support the legislation.

Mr. Speaker, the committee voted unanimously to bring this legislation to the floor. I would also like to inform all of our colleagues that the Congressional Budget Office has reviewed this bill, and estimates the enactment of the provisions would have no significant impact on the Federal budget and would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply. Furthermore, the provision contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act, nor would it impose any costs on State, local or tribal governments.

The legislation indicates the Postal Service building located at 2601 North

16th Street, Philadelphia, Pennsylvania, be known and designated as the "Roxanne H. Jones Post Office Building." In 1984, Roxanne H. Jones was the first African-American woman elected to the State Senate in Pennsylvania. She was reelected for two additional terms prior to her death in 1997. During her tenure, she helped pass legislation that aided people on welfare to break the cycle of welfare dependency by supporting legislation providing job training opportunities, introducing and passing legislation to expand affordable housing, and to obtain State funding for drug treatment centers for addicted mothers and their children. Ms. Jones was a former welfare recipient.

The bill also designates the Post Office located at 5300 West Jefferson Street in Pennsylvania as the "Freeman Hankins Post Office Building." Freeman Hankins was elected to the Pennsylvania Senate in 1968 and served until his retirement in 1989. He served on the boards of the Pennsylvania Higher Development Agency, Lincoln University and the Mercy Douglas Corporation.

Additionally, H.R. 100 provides that the United States Postal Service building located at 2037 Chestnut Street in Philadelphia be designated as the "Max Weiner Post Office building." Mr. Weiner, a steadfast advocate for consumer rights and protections, was the founder of the Consumers Education and Protective Association and the Independent Consumer Party. He was effective in helping many Pennsylvanians to keep their homes, heat their homes, protect their privacy and have access to public transportation.

Mr. Speaker, I commend the gentleman from Pennsylvania for recognizing these individuals who worked diligently for the betterment of their community. I urge my colleagues to support H.R. 100 designating the naming of three post offices in Philadelphia.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 100 was introduced by my good friend and colleague, the gentleman from Pennsylvania (Mr. FATTAH), the ranking minority member of the Subcommittee on the Postal Service.

H.R. 100 establishes designations for United States Postal Service buildings in Philadelphia, Pennsylvania. The gentleman from Pennsylvania (Mr. FATTAH) has named post offices after three great community leaders: the late State Senator, Roxanne H. Jones, the late State Senator Freeman Hankins, and the late Max Weiner, a tireless advocate for consumer rights. I am pleased to join the gentleman from Pennsylvania (Mr. FATTAH) in honoring such fine individuals.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 100.

The question was taken.

Mr. DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. Davis of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 100.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CARDISS COLLINS POST OFFICE BUILDING, OTIS GRANT COLLINS POST OFFICE BUILDING, MARY ALICE (MA) HENRY POST OFFICE BUILDING, AND ROBERT LEFLORE, JR. POST OFFICE BUILDING

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1191) to designate certain facilities of the United States Postal Service in Chicago, Illinois.

The Clerk read as follows:

H.R. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARDISS COLLINS POST OFFICE BUILDING.

The facility of the United States Postal Service located at 433 West Harrison Street in Chicago, Illinois, is hereby designated as the "Cardiss Collins Post Office Building". Any reference to such facility in a law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "Cardiss Collins Post Office Building".

SEC. 2. OTIS GRANT COLLINS POST OFFICE BUILDING.

The facility of the United States Postal Service located at 2302 South Pulaski Street in Chicago, Illinois, is hereby designated as the "Otis Grant Collins Post Office Building". Any reference to such facility in a law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "Otis Grant Collins Post Office Building".

SEC. 3. MARY ALICE (MA) HENRY POST OFFICE BUILDING.

The facility of the United States Postal Service located at 4222 West Madison Street in Chicago, Illinois, is hereby designated as the "Mary Alice (Ma) Henry Post Office Building". Any reference to such facility in a law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "Mary Alice (Ma) Henry Post Office Building".

SEC. 4. ROBERT LEFLORE, JR. POST OFFICE BUILDING.

The facility of the United States Postal Service located at 50001 West Division Street in Chicago, Illinois, is hereby designated as the "Robert LeFlore, Jr. Post Office Building". Any reference to such facility in a law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "Robert LeFlore, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. Davis) and the gentlewoman from the District of Columbia (Ms. Norton) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Illinois (Mr. DAVIS), an active, dedicated and respected member of the Subcommittee on Postal Service, introduced H.R. 1191 on March 18, 1999. This legislation names four post offices, all located in Chicago, Illinois.

Pursuant to the policy of the Committee on Government Reform, H.R. 1191 enjoys the cosponsorship of all members of the House Delegation from the State of Illinois. As was the case in previous bills naming post offices, the Congressional Budget Office has determined that the enactment of this bill will have no significant impact on the Federal budget and would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

Section 1 of H.R. 1191 designates the facility of the United States Postal Service located at 433 West Harrison Street in Chicago, Illinois as the "Cardiss Collins Post Office Building." Ms. Collins, many of us will remember, represented Illinois' 7th Congressional District for 22 years. I had the pleasure and the opportunity to work with her for two of those years. She was the first and only African-American woman from Illinois to serve in the U.S. House of Representatives. She was known for her outstanding work on the Committee on Government Reform and Oversight and on the Committee on Commerce.

Section 2 of the legislation designates the Postal Service building located at 2302 South Pulaski Street in Chicago, Illinois as the "Otis Grant Collins Post Office Building." Mr. Collins served the 21st District in the Illinois General Assembly for four terms. He is recognized as a premier activist against insurance redlining in the country. Mr. Collins died in 1992.

Section 3 of H.R. 1191 designates the postal facility located at 4222 West

Madison Street as the "Mary Alice (Ma) Henry Post Office Building." Ma Henry was known as one of the leading activists on the West Side, dedicating her life to serving humanity and building her community. She developed a plan for a primary care clinic at Garfield Hospital and that was dedicated in 1976 as the Mary Alice "Ma" Henry Family Health Center, and it presently serves more than 20,000 patients yearly. "Ma" Henry died in 1995.

H.R. 1191, in section 4, also names the postal facility located at 50001 West Division Street as the "Robert LaFlore, Jr. Post Office Building." Mr. LaFlore served in the Illinois General Assembly for 11 years and was known as a powerful voice for the disadvantaged and underprivileged. Prior to his death in 1993, Mr. LaFlore left behind legislation to help children and senior citizens. Mrthcoah

Mr. Speaker, this legislation has passed both the subcommittee and the committee levels. I urge all Members to support H.R. 1191, introduced by our distinguished colleague, the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1191 was introduced by my good friend and colleague, the gentleman from Illinois (Mr. DAVIS). The gentleman from Illinois (Mr. DAVIS) is the sponsor of a bill to designate four postal facilities in the 7th Congressional District of Illinois.

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The four individuals the gentleman from Illinois (Mr. DAVIS) seeks to name these postal facilities for have a long history of being servants, activists, heroes and heroines in their respective communities. In fact, the first person, the honorable Cardiss Collins, is a former Member of Congress, well-known to many Members of this body and fondly remembered still. She served as ranking member of this very committee, the Committee on Government Reform and Oversight, before she retired in 1996.

Representative Collins represented the residents of the 7th Congressional District for almost 24 years. I must take a moment to express my special and personal pleasure at this bill in Cardiss Collins' name. She was a dear and distinguished colleague in this House, much revered on both sides of the aisle here. When I was elected to Congress in 1990, she had served for some years then as the only black woman in the Congress, because others had left. During that time and for her entire career here, however, she was known for her devotion, not only to her Chicago constituents and to women and to people of color, but for her dedication to the American people.

Cardiss Collins is remembered here for her astute judgment, for her ability, for her collegiality and for her dedication. It is a special pleasure to speak to this bill in particular, and I know that the gentleman from Illinois (Mr. DAVIS) will regret that he was detained on an airplane and unable to perform this particular service for a woman I know is also his very good friend.

The second postal facility is named for Otis Grant Collins, who, prior to his death in 1992, was recognized as one of the premier activists in apprenticeship training in this country. In addition, while serving as state representative in the Illinois General Assembly, he was a champion of laws that protected minority communities from redlining.

The third postal facility is named for Mary Alice Ma Henry, who, prior to her death in 1995, was recognized as one of Chicago's most caring and compassionate community activists. She is remembered as a courageous leader for the poor, uninsured and the left out of our society. In 1976, the Mary Alice Ma Henry Family Health Center was dedicated and now serves over 20,000 patients every year.

The fourth postal facility is named after former state representative Robert LeFlore, Jr., who, prior to his death in 1993, was recognized as a leading advocate for the disadvantaged and the underprivileged. He was a tireless worker on behalf of seniors and children, and his contributions will be remembered for a long time.

These individuals represent the best of Chicago and the nation. Their contributions have been significant and their legacies have been embedded in the communities they touched. I am pleased to sponsor this bill on behalf of some of the great African American leaders in the Chicago community and in our country.

Ms. SCHAKOWSKY. Mr. Speaker, today I join with my colleagues in commemorating the contributions of an outstanding former Member of Congress. Cardiss Collins, who served in Congress from 1973 to 1985 representing Illinois' 7th district, was a leader in so many ways. Naming a Chicago postal building after her is a much deserved honor.

After losing her husband in a tragic plane crash, Cardiss Collins committed to continuing the fight for social justice, won the 1973 special elections and began a distinguished tenure here in Washington. Her six terms of service were then the longest service for an African American female.

Cardiss Collins' career in Congress was highlighted by a number of notable positions. Congressman Collins was the ranking minority member on the Government Operations Committee, Where she chaired the Subcommittee on Manpower and Housing. Cardiss Collins was the first African American and the First woman to serve as Democratic whip-at-large. In 1979, Collins was the Chairwoman of the Congressional Black Caucus.

Congresswoman Collins' commitment to the people of her district and the people of Illinois was apparent even before she came to Congress. A graduate of Northwestern University, she began her career at the Illinois Department of Labor. She later went on to the Illinois Department of Revenue. Cardiss Collins' commitment to the American political system was also evident through her service as Democratic Committeeman of the 24th Ward.

Again, I applaud the most honorable career and dedication of Congresswoman Collins. I am proud to join my colleagues in the Illinois delegation who share this sentiment.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1191.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1191.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

NURSING RELIEF FOR DISADVANTAGED AREAS ACT OF 1999

Mr. ROGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 441) to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

The Clerk read as follows:

H.R. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Relief for Disadvantaged Areas Act of 1999".

SEC. 2. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS DURING 4-YEAR PERIOD.

(a) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking "; or" at the end and inserting the following: ", or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or".

(b) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

"(m)(1) The qualifications referred to in section 101(a)(15)(H)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

"(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education or has received nursing education in the United States;

"(B) has passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

"(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional nursing as a registered nurse immediately upon admission to the United States and is authorized under such laws to be employed by the facility.

"(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

"(i) The facility meets all the requirements of paragraph (6).

"(ii) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed.

"(iii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

"(iv) The facility has taken and is taking timely and significant steps designed to recruit and retain sufficient registered nurses who are United States citizens or immigrants who are authorized to perform nursing services, in order to remove as quickly as reasonably possible the dependence of the facility on nonimmigrant registered nurses.

"(v) There is not a strike or lockout in the course of a labor dispute, the facility did not lay off and will not lay off a registered nurse employed by the facility within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

"(vi) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed at the facility through posting in conspicuous locations.

"(vii) The facility will not, at any time, employ a number of aliens issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) that exceeds 33 percent of the total number of registered nurses employed by the facility.

"(viii) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

"(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

"(II) transfer the place of employment of the alien from one worksite to another.

Nothing in clause (iv) shall be construed as requiring a facility to have taken significant steps described in such clause before the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999. A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

"(B) For purposes of subparagraph (A)(iv), each of the following shall be considered a significant step reasonably designed to recruit and retain registered nurses:

"(i) Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere.

"(ii) Providing career development programs and other methods of facilitating health care workers to become registered nurses.

"(iii) Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly employed in the geographic area.

"(iv) Providing reasonable opportunities for meaningful salary advancement by registered nurses.

The steps described in this subparagraph shall not be considered to be an exclusive list of the significant steps that may be taken to meet the conditions of subparagraph (A)(iv). Nothing in this subparagraph shall require a facility to take more than one step if the facility can demonstrate that taking a second step is not reasonable.

"(C) Subject to subparagraph (E), an attestation under subparagraph (A)—

"(i) shall expire on the date that is the later of—

"(I) the end of the one-year period beginning on the date of its filing with the Secretary of Labor; or

"(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

"(ii) shall apply to petitions filed during the one-year period beginning on the date of its filing with the Secretary of Labor if the facility states in each such petition that it continues to comply with the conditions in the attestation.

"(D) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

"(E)(i) The Secretary of Labor shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) (and accompanying documentation) and each such petition filed by the facility.

"(ii) The Secretary of Labor shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary). The Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether an attestation is expired or unexpired at the time a complaint is filed.

"(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

"(iv) If the Secretary of Labor finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has failed to meet a condition attested to or that there was a misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

"(v) In addition to the sanctions provided for under clause (iv), if the Secretary of Labor finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(iii) (relating to payment of registered nurses at the prevailing wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

"(F)(i) The Secretary of Labor shall impose on a facility filing an attestation under subparagraph (A) a filing fee, in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding $250.

"(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

"(iii) The collected fees in the fund shall be available to the Secretary of Labor, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

"(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be 3 years.

"(4) The total number of nonimmigrant visas issued pursuant to petitions granted under section 101(a)(15)(H)(i)(c) in each fiscal year shall not exceed 500. The number of such visas issued for employment in each State in each fiscal year shall not exceed the following:

"(A) For States with populations of less than 9,000,000, based upon the 1990 decennial census of population, 25 visas.

"(B) For States with populations of 9,000,000 or more, based upon the 1990 decennial census of population, 50 visas.

"(C) If the total number of visas available under this paragraph for a fiscal year quarter exceeds the number of qualified nonimmigrants who may be issued such visas during those quarters, the visas made available under this paragraph shall be issued without regard to the numerical limitation under subparagraph (A) or (B) of this paragraph during the last fiscal year quarter.

"(5) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

"(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility;

"(B) shall require the nonimmigrant to work hours commensurate with those of nurses similarly employed by the facility; and

"(C) shall not interfere with the right of the nonimmigrant to join or organize a union.

"(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term 'facility' means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) that meets the following requirements:

"(A) As of March 31, 1997, the hospital was located in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

"(B) Based on its settled cost report filed under title XVIII of the Social Security Act for its cost reporting period beginning during fiscal year 1994—

"(i) the hospital has not less than 190 licensed acute care beds;

"(ii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were entitled to benefits under part A of such title is not less than 35 percent of the total number of such hospital's acute care inpatient days for such period; and

"(iii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were eligible for medical assistance under a State plan approved under title XIX of the Social Security Act, is not less than 28 percent of the total number of such hospital's acute care inpatient days for such period.

"(7) For purposes of paragraph (2)(A)(v), the term 'lay off', with respect to a worker—

"(A) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

"(B) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.".

(c) Repealer.—Clause (i) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking subclause (a).

(d) Implementation.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (b)).

(e) Limiting Application of Nonimmigrant Changes to 4-Year Period.—The amendments made by this section shall apply to classification petitions filed for nonimmigrant status only during the 4-year period beginning on the date that interim or final regulations are first promulgated under subsection (d).

SEC. 3. RECOMMENDATIONS FOR ALTERNATIVE REMEDY FOR NURSING SHORTAGE.

Not later than the last day of the 4-year period described in section 2(e), the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit to the Congress recommendations (including legislative specifications) with respect to the following:

(1) A program to eliminate the dependence of facilities described in section 212(m)(6) of the Immigration and Nationality Act (as amended by section 2(b)) on nonimmigrant registered nurses by providing for a permanent solution to the shortage of registered nurses who are United States citizens or aliens lawfully admitted for permanent residence.

(2) A method of enforcing the requirements imposed on facilities under sections 101(a)(15)(H)(i)(c) and 212(m) of the Immigration and Nationality Act (as amended by section 2) that would be more effective than the process described in section 212(m)(2)(E) of such Act (as so amended).

SEC. 4. CERTIFICATION FOR CERTAIN ALIEN NURSES.

(a) In General.—

(1) Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following new subsection:

"(r) Subsection (a)(5)(C) shall not apply to an alien who seeks to enter the United States for the purpose of performing labor as a nurse who presents to the consular officer (or in the case of an adjustment of status, the Attorney General) a certified statement from the Commission on Graduates of Foreign Nursing Schools (or an equivalent independent credentialing organization approved for the certification of nurses under subsection (a)(5)(C) by the Attorney General in consultation with the Secretary of Health and Human Services) that—

"(1) the alien has a valid and unrestricted license as a nurse in a State where the alien intends to be employed and such State verifies that the foreign licenses of alien nurses are authentic and unencumbered;

"(2) the alien has passed the National Council Licensure Examination (NCLEX);

"(3) the alien is a graduate of a nursing program—

"(A) in which the language of instruction was English;

"(B) located in a country—

"(i) designated by such commission not later than 30 days after the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999, based on such commission's assessment that the quality of nursing education in that country, and the English language proficiency of those who complete such programs in that country, justify the country's designation; or

"(ii) designated on the basis of such an assessment by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection; and

"(C)(i) which was in operation on or before the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999; or

"(ii) has been approved by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection.".

(2) Section 212(a)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(C)) is amended by striking "Any alien who seeks" and inserting "Subject to subsection (r), any alien who seeks".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(c) Issuance of Certified Statements.—The Commission on Graduates of Foreign Nursing Schools, or any approved equivalent independent credentialing organization, shall issue certified statements pursuant to the amendment under subsection (a) not more than 35 days after the receipt of a complete application for such a statement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Rogan) and the gentleman from Guam (Mr. Underwood) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Rogan).

GENERAL LEAVE

Mr. ROGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 441.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, because of a shortage of nurses in the late 1980's, Congress passed the Immigration Nursing Relief Act of 1989. That act created for a period of 5 years the H–1A temporary visa program for registered nurses. When the H–1A program sunset, the House of Representatives decided against extending it.

There does not appear to be a national nursing shortage today, so there is no need to revise the H–1A program. However, a number of hospitals with unique circumstances are still experiencing great difficulty in attracting American nurses. Hospitals serving mostly poor patients in inner-cities have special difficulties. So do certain hospitals in rural areas.

H.R. 441, the Nursing Relief for Disadvantaged Areas Act of 1999, introduced by the gentleman from Illinois (Mr. Rush), has been drafted very narrowly to help precisely these kind of hospitals. It will create a new temporary registered nurse visa program designated H–1C that would provide up to 500 visas a year and that would sunset in 4 years.

To be able to petition for an alien, an employer would have to meet 4 conditions: First, the employer would have to be located in a health professional shortage area as designated by the Department of Health and Human Services. Second, the employer would have to have at least 190 acute care beds. Third, a certain percentage of the employer's patients would have to be Medicare patients. Finally, a certain percentage of patients would have to be Medicaid patients.

The H–1C program created by this bill would adopt those protections for American nurses contained in the expired H–1A program. For instance, for a hospital to be eligible for H–1C nurses, it would have to agree to take timely and significant steps to recruit American nurses. Also H–1C nurses would have to be paid the prevailing wage.

Additional protections have also been added. H–1C nurses cannot be able to comprise more than 33 percent of a hospital's workforce of registered nurses and a hospital cannot contract H–1C nurses to work at another facility.

Our goal should be that set out by the Immigration Nursing Relief Advisory Committee created by the Immigration Nursing Relief Act of 1989. We need to balance both the continuing need for foreign nurses in certain specialties and localities for which there are not adequate domestic registered nurses and the need to continue to lessen employers' dependence on foreign registered nurses and protect the wages and working conditions of U.S. registered nurses.

Mr. Speaker, I believe this bill successfully balances both these needs. Because it is so narrowly drafted it is not opposed by the American Nurses Association. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation introduced by the gentleman from Illinois (Mr. RUSH) which addresses a pressing need for nurses at low income inner-city hospitals. When similar legislation was proposed last Congress, I expressed my concerns that it did not include adequate safeguards to protect American workers. Fortunately, this legislation was amended to specify that the relief was only temporary and to allow us to move more firmly in the direction of developing a more permanent solution to this problem that will utilize nurses from the American workforce instead of continuing to rely on foreign labor. I supported the revised bill, which passed the committee in the House last year before we ran out of time in the Senate.

The legislation being considered today is nearly identical to the legislation the House approved last Congress. It would allow up to 500 fully qualified foreign nurses to enter the United States each year to work for 3 year periods at hospitals that have not been able to hire enough nurses from the American workforce.

Since we are facing a temporary shortage of workers, the legislation sunsets in 4 years. The bill also provides for a determination to be made on whether the hospitals are taking reasonable steps to recruit and retain nurses from the American workforce. In addition, the Department of Labor and the Department of Health and Human Services would be required to conduct a study to establish ways for these American hospitals to meet their staffing needs with nurses from the American workforce instead of continuing to rely on foreign labor.

Finally, the legislation also includes a provision creating an abbreviated certification process for foreign nurses who meet specified qualification standards. This change is needed to eliminate unnecessary and inappropriate steps in the certification process for ensuring the qualifications of these nurses to work in the United States.

I am a proud cosponsor of this bill, and I would certainly like to congratulate the work of the gentleman from Illinois (Mr. RUSH), the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. CONYERS), and, of course, the gentlewoman from Texas (Ms. JACKSON-LEE) on H.R. 441.

On a note relating to Guam, Guam, unfortunately, does not qualify because of a certain threshold here on hospital beds, but certainly I hope we will be able to work that out at some time along in the process or perhaps with different legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Guam, one, for his cosponsorship and leadership, and certainly I appreciate his effort on our behalf with respect to managing the time on this legislation.

The distinguished gentleman from California (Mr. ROGAN) and, of course, the distinguished gentleman from Texas (Mr. SMITH), the chairman of this committee, and myself are delighted to bring H.R. 441 to the floor of the House. We want to congratulate and applaud the gentleman from Illinois (Mr. RUSH), who had the insight and leadership to bring this legislation forward.

I would like to take the time, Mr. Speaker, to read into the record the words and comments of the American Nurses Association, and will subsequently have this letter submitted into the RECORD.

I read the letter primarily because I think this is also, this legislation, an affirmation of the importance of nurses in our Nation. We want to thank them. The American Nurses Association stands as the longstanding organization, the only full service professional nursing organization in the country, along with, of course, other organizations that have organized themselves around nursing.

The letter begins, "Dear Congresswoman Lee, the American Nurses Association appreciates the opportunity to comment on H.R. 441, the Nursing Relief Act for Disadvantaged Areas of 1999." They again state that they are the only full service professional nursing organization. "We have a longstanding interest in the development of nursing workforce policy."

"Overall, the ANA believes that we need to address the root causes for the instability of the nursing workforce that has led to swings in the supply and demand of registered nurses. It is clear that over reliance on foreign educated nurses by the hospital industry serves only to postpone real efforts to address the nursing workforce needs of the United States."

However, they remain neutral, and state they will "look forward to ongoing discussions with the committee to address this complex issue."

Mr. Speaker, I include the letter for the RECORD.

AMERICAN NURSES ASSOCIATION,
600 MARYLAND AVENUE, SW,
Washington, DC, March 18, 1999.

Hon. SHEILA JACKSON LEE,
Ranking Minority Member, Subcommittee on Immigration and Claims, Washington, DC

DEAR CONGRESSWOMAN LEE: The American Nurses Association (ANA) appreciates the opportunity to comment on H.R. 441, the Nursing Relief for Disadvantaged Areas Act of 1999. As the only full-service professional nursing organization, we have a long-standing interest in the development of nursing workforce policy.

Overall, ANA believes that we need to address the root causes for the instability of the nursing workforce that has led to swings in the supply and demand of registered nurses. It is clear that over reliance on foreign educated nurses by the hospital industry serves only to postpone real efforts to address the nursing workforce needs of the United States.

With regard to H.R. 441, ANA has taken a position of neutrality. However, ANA will adamantly oppose any amendments which seek to broaden the application of this visa or would lessen the protections afforded registered nurses under this measure.

ANA looks forward to opportunities for ongoing discussions with the Committee as they seek to address this complex issue.

Sincerely,

BEVERLY L. MALONE, PHD, RN,
President.

Mr. Speaker, they too recognize the importance of addressing the question of the shortage of nurses. I want to thank them for their responsible letter that says that they will not oppose this legislation and will work along with us.

They have worked with us during this process to ensure that the process would be limited and, I believe, with the leadership of the gentleman from Illinois (Mr. RUSH) and the gentleman from Texas (Chairman SMITH), that we have come to a point where all of us can agree on this legislation.

The Registered Nurse Temporary Visa Program was created by the Immigration Nursing Relief Act of 1989 and expired in 1997. The Immigration Nursing Relief Act was enacted in response to a nationwide shortage of nurses sufficient to disrupt the delivery of services to patients in some of our health care institutions and to potentially place patients in jeopardy.

The program allowed health care institutions who attested there would be a substantial disruption in the provision of health care services without the help of the alien nurses to essentially sponsor such a nurse.

Nurses admitted under the program were permitted to stay in the United States for an initial period of 3 years, but that period was subject to a possible extension up to a total of 5 years. The New York City, Chicago, Houston, Los Angeles and Miami areas accounted for two-thirds of all petitions filed because of the enormous need in these communities.

I support H.R. 441 because it creates a new registered nurse temporary visa program that would sunset after 5 years in collaboration with the insight provided for us by the American Nurses Association. It would limit the number of visas that can be issued to 50 a year and hospitals would be able to petition for an alien nurse to those in need. H.R. 441 would serve to decrease the nursing shortage in the United States and set up a new H-1C visa program.

I would also like to note, as I indicated earlier again, that the American Nurses Association has offered themselves to work and collaborate with us on stabilizing the nursing profession. There is no greater asset to our hospital and health profession industry, if you will, or the nurturing of Americans that does not include our nursing professionals, whether it is in home care, whether it is in our community clinics, or whether it is in our hospitals. They are an important aspect of our medical system in this Nation.

□ 1515

So I am delighted that they are not opposing this legislation.

I also want to close, simply, Mr. Speaker, by acknowledging again the gentleman from Illinois (Mr. RUSH) who has worked on this legislation for now two sessions, and we are delighted that we are able to bring it to the floor of the House.

I know that the gentleman from Illinois (Mr. RUSH) was en route, but all of us has found ourselves struggling with the air traffic today. I know that he will want to submit his statement into the RECORD. I want to congratulate him.

Mr. UNDERWOOD. Mr. Speaker, I certainly would like to again reiterate our congratulations to the gentleman from Illinois (Mr. RUSH) for his diligence in this, and I thank the majority for their cooperation.

Mr. Speaker, I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, I rise today to encourage my colleagues to vote for H.R. 441, the Nursing Relief for Disadvantaged Areas Act of 1999.

My reason for introducing and encouraging support for this legislation is simple—it will assist the underserved communities of this nation by providing adequate health care for their residents.

Today, there are some areas in this country which experience a scarcity of health professionals, even though numbers indicate that no nursing shortage exists nationally. Such an area exists in my district, the First Congressional District of Illinois. The Englewood community, a poor, urban neighborhood with a high incidence of crime, is primarily served by St. Bernard's Hospital. This small community hospital's emergency room averages approximately 31,000 visits per year; 50% of their patients are Medicaid recipients and 35% receive Medicare.

The Immigration Nursing Relief Act of 1989 created the H-1A visa program in order to allow foreign educated nurses to work in the United States. the rationale for the H1-A program, as acknowledged by the AFL-CIO, the American Nurses Association and others, was to address spot shortage areas. St. Bernard's Hospital utilized the H1-A program to maintain an adequate nursing staff level. The H1-A program was vital to St. Bernard's continued existence. Prior to this program, St. Bernard hired temporary nurses. As a result, the hospital's nursing expenditures increased by approximately $2 million in an effort to provide health care to its patients in 1992. This additional cost brought St. Bernard's close to closing its doors. The H1-A visa program expired on September 30 1997. Currently, no program exists that would assist hospitals such as St. Bernards in their effort to retain qualified nurses.

My legislation merely seeks to close the gap created by the expiration of the H1-A program. H.R. 441, prescribes that any hospital which seeks to hire foreign nurses under these provisions must meet the following criteria: (1) be located in a Health Professional Shortage Area; (2) have at least 190 acute care beds; (3) have a medicare population of 35%; and (4) have a Medicaid population of at least 28%.

As one who has always fought for the American worker, I can assure you, that this proposal does not have a detrimental effect on American nurses. My legislation sets a cap on the number of new visas that may be issued each year. The legislation also includes processing requirements, that require employers to attest that the hiring of foreign nurses will not adversely affect the wages and working conditions of registered nurses. The Secretary of Labor will oversee this process and provide penalties for non-compliance.

Health care is a basic human right. The hallmarks of civilized nations are health care, education, and democracy.

the state of health care is a grave concern in my district. Hospitals have closed. City health clinics are closing. Payments for Medicare and Medicaid have been cut back.

The legislation we must pass today, is aimed at helping hospitals, like St. Bernard's, keep their doors open to the communities they serve.

Mr. HYDE. Mr. Speaker, I am pleased that we are returning today to some unfinished business from the 105th Congress—noncontroversial legislation that provides short-term relief to hospitals with critical needs that cannot recruit and retain adequate numbers of registered nurses. H.R. 441, the "Nursing Relief for Disadvantaged Areas Act of 1999," is designed in response to a crisis facing some large hospitals with high percentages of Medicare and Medicaid patients in areas where there are shortages of health care professionals. The viability of essential health care for large numbers of people is threatened when certain acute care facilities in medically underserved, impoverished communities are unable to meet their requirements.

H.R. 441 provides such hospitals relief in compelling circumstances by facilitating the temporary admission to the United States of registered nurses in an H-1C nonimmigrant visa category—subject to a nationwide ceiling of 500 visas issued annually and limits of 50 or 25 (depending on a state's population) on the numbers of nurses who can receive visas each year for employment by hospitals in any one state. The legislation includes an exception from per state limits to facilitate the potential use of otherwise unused visas—as long as the annual nationwide ceiling is not breached.

This narrowly focused program for nurses, which will sunset after a four period, addresses urgent needs that cannot be met in any other way. The House bill was introduced by our colleague from Illinois, Mr. RUSH, with my cosponsorship—and its Senate counterpart was introduced by Senator DURBIN with Senator HUTCHISON's cosponsorship.

I became involved in this effort to enact remedial legislation when Saint Bernard Hospital, located in the Englewood Community in Chicago, brought its precarious situation with regard to nursing shortages to my attention during the last Congress. Because I knew the continued functioning of Saint Bernard Hospital would be so essential to the residents of the Englewood Community, I decided to endorse an appropriately limited legislative remedy.

H.R. 441, like the bill that passed the House last year, clearly merits bipartisan congressional support. It provides relief to particularly vulnerable hospitals and incorporates many safeguards designed to protect American jobs.

I commend the gentleman from Texas [LAMAR SMITH], Chairman of the Subcommittee on Immigration and Claims, and the gentleman form Michigan [JOHN CONYERS], Ranking Minority Member of our full committee, for their important contributions to this carefully crafted legislation. Because the language of the bill in its current form reflects a consensus among House and Senate members of both parties, I am hopeful that it can be enacted into law expeditiously. I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation, introduced by Mr. RUSH, which addresses a pressing need for nurses at low income, inter-city hospitals.

When similar legislation was proposed last Congress, I expressed my concerns that it did not include adequate safeguards to protect American workers. Fortunately, the legislation was amended to specify that the relief was only temporary and to allow us to move firmly in the direction of developing a more permanent solution to this problem that will utilize nurses from the American work force instead of continuing to rely on foreign labor. I supported the revised bill which passed the committee and the House last year, before we ran out of time in the Senate.

The legislation being considered today is nearly identical to the legislation the House approved last Congress. It would allow up to 500 fully qualified foreign nurses to enter the United States each year to work for three-year periods at hospitals that have not been able to hire enough nurses from the American work force. Since we are facing a temporary shortage of workers, the legislation sunsets in four years.

The bill also provides for a determination to be made on whether the hospitals are taking reasonable steps to recruit and retain nurses from the American work force. In addition, the Department of Labor and the Department of Health and Human Services would be required to conduct a study to establish ways for these hospitals to meet their staffing needs with nurses from the American work force instead of continuing to rely on foreign labor.

Finally, the legislation also includes a provision creating an abbreviated certification process for foreign nurses who meet specified qualification standards. This change is needed to eliminate unnecessary and inappropriate steps in the certification process for ensuring the qualifications of these nurses to work in the United States.

Mr. ROGAN. Mr. Speaker, I thank my colleagues for their comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. ROGAN) that the House suspend the rules and pass the bill, H.R. 441.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1999.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 21, 1999 at 5:30 p.m. and said to contain a message from the President whereby he submits draft legislation entitled, "Educational Excellence for All Children Act of 1999."

With best wishes, I am
Sincerely,
JEFF TRANDAHL.

EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–68)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and the Workforce, the Committee on Armed Services, and the Committee on Banking and Financial Services and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration the "Educational Excellence for All Children Act of 1999," my Administration's proposal for reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA) and other elementary and secondary education programs.

My proposal builds on the positive trends achieved under current law. The "Improving America's Schools Act of 1994," which reauthorized the ESEA 5 years ago, and the "Goals 2000: Educate America Act" gave States and school districts a framework for integrating Federal resources in support of State and local reforms based on high academic standards. In response, 48 States, the District of Columbia, and Puerto Rico have adopted State-level standards. Recent results of the National Assessment of Educational Progress (NAEP) show improved performance for the economically disadvantaged and other at-risk students who are the primary focus of ESEA programs. NAEP reading scores for 9-year olds in high-poverty schools have improved significantly since 1992, while mathematics achievement has also increased nationally. Students in high-poverty schools and the lowest-performing students—the specific target populations for the ESEA Title I program—have registered gains in both reading and math achievement.

I am encouraged by these positive trends, but educational results for many children remain far below what they should be. My proposal to reauthorize the ESEA is based on four themes reflecting lessons from research and the experience of implementing the 1994 Act.

First, we would continue to focus on high academic standards for all children. The underlying purpose of every program within the ESEA is to help all children reach challenging State and local academic standards. States have largely completed the first stage of standards-based reform by developing content standards for all children. My bill would support the next stage of reform by helping States, school districts, schools, and teachers use these standards to guide classroom instruction and assessment.

My proposal for reauthorizing Title I, for example, would require States to hold school districts and schools accountable for student performance against State standards, including helping the lowest-performing students continually to improve. The bill also would continue to target Federal elementary and secondary education resources on those students furthest from meeting State and local standards, with a particular emphasis on narrowing the gap in achievement between disadvantaged students and their more affluent peers. In this regard, my proposal would phase in equal treatment of Puerto Rico in ESEA funding formulas, so that poor children in Puerto Rico are treated similarly to those in the rest of the country for the purpose of formula allocations.

Second, my proposal responds to research showing that while qualified teachers are critical to improving student achievement, far too many teachers are not prepared to teach to high standards. Teacher quality is a particular problem in high-poverty schools, and the problem is often exacerbated by the use of paraprofessionals in instructional roles.

My bill addresses teacher quality by holding States accountable for stronger enforcement of their own certification and licensure requirements, while at the same time providing substantial support for State and local professional development efforts. The Teaching to High Standards initiative in Title II would help move challenging educational standards into every classroom by providing teachers with sustained and intensive high-quality professional development in core academic subjects, supporting new teachers during their first 3 years in the classroom, and ensuring that all teachers are proficient in relevant content knowledge and teaching skills.

The Technology for Education initiative under Title III would expand the availability of educational technology as a tool to help teachers implement high standards in the classroom, particularly in high-poverty schools. My bill also would extend, over the next 7 years, the Class-Size Reduction initiative, which aims to reduce class sizes in the early grades by helping districts to hire and train 100,000 teachers. And the Title VII Bilingual Education proposal would help ensure that all teachers are well trained to teach students with limited English proficiency, who are found in more and more classrooms with each passing year.

Third, my bill would increase support for safe, healthy, disciplined, and drug-free learning environments where all children feel connected, motivated, and challenged to learn and where parents are welcomed and involved. The recent tragedy at Columbine High School in Littleton, Colorado, reminds us that we must be ever vigilant against the risks of violence and other dangerous behaviors in our schools. Our reauthorization bill includes several measures to help mitigate these risks.

We would strengthen the Safe and Drug-Free Schools and Communities Act by concentrating funds on districts with the greatest need for drug- and violence-prevention programs, and by emphasizing the use of research-based programs of proven effectiveness. Moreover, with respect to students who bring weapons to school, this proposal would require schools to refer such students to a mental health professional for assessment and require counseling for those who pose an imminent threat to themselves or others; allow funding for programs that educate students about the risks associated with guns; expand character education programs; and promote alternative schools and second chance programs. A new School Emergency Response to Violence program would provide rapid assistance to school districts that have experienced violence or other trauma that disrupts the learning environment.

My High School Reform initiative would support innovative reforms to improve student achievement in high schools, such as expanding the connections between adults and students that are necessary for effective learning and healthy personal development. This new initiative would provide resources to help transform 5,000 high schools into places where students receive individual attention, are motivated to learn, are provided with challenging courses, and are encouraged to develop and pursue long-term educational and career goals.

Fourth, in response to clear evidence that standards-based reforms work best when States have strong accountability systems in place, my proposal would encourage each State to establish a single, rigorous accountability system for all schools. The bill also would require States to end social promotion and traditional retention practices; phase out the use of teachers with emergency certificates and the practice of assigning teachers "out-of-field;" and implement sound discipline policies in every school. Finally, the bill would give parents an important new accountability tool by requiring State, district, and school-level report cards that will help them evaluate the quality of the school their children attend.

Based on high standards for all students, high-quality professional development for teachers, safe and disciplined learning environments, and accountability to parents and taxpayers, the Educational Excellence for All Children Act of 1999 provides a solid foundation for raising student achievement and narrowing the achievement gap between disadvantaged students and their more advantaged peers. More important, it will help prepare all of our children, and thus the Nation, for the challenges of the 21st century. I urge the Congress to take prompt and favorable action on this proposal.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 21, 1999*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6 p.m.

Accordingly (at 3 o'clock and 18 minutes p.m.), the House stood in recess until 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1251, by the yeas and nays;

H.R. 100, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NOAL CUSHING BATEMAN POST OFFICE BUILDING.

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1251.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS), that the House suspend the rules and pass the bill, H.R. 1251, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 0, not voting 71, as follows:

[Roll No. 145]

YEAS—362

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard

Royce
Rush
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—71

Abercrombie
Ackerman
Baker
Bass
Becerra
Berry
Borski
Brown (CA)
Brown (FL)
Burr
Buyer
Capuano
Carson
Chenoweth
Clay
Clement
Coburn
Cooksey
Crowley
Delahunt
DeLauro
Frank (MA)
Ganske
Gejdenson
Gonzalez
Gutierrez
Hansen
Hefley
Hinchey
Hinojosa
Kasich
Kelly
Lantos
Lazio
Lipinski
Lowey
Maloney (NY)
Manzullo
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Moakley
Morella
Neal
Norwood
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Porter
Rangel
Rodriguez
Rothman
Ryan (WI)
Sanchez
Sanders
Scarborough
Schaffer
Shows
Smith (TX)
Stabenow
Tauzin
Tierney
Velázquez
Weiner
Weygand
Young (FL)

☐ 1822

Mr. BAIRD changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ORTIZ. Mr. Speaker, on rollcall No. 145, I was unavoidably detained by official business in my district. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

ROXANNE H. JONES POST OFFICE BUILDING, FREEMAN HANKINS POST OFFICE BUILDING, AND MAX WEINER POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 100.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 100, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 0, not voting 65, as follows:

[Roll No. 146]

YEAS—368

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—65

Ackerman
Baker
Bass
Becerra
Berry
Borski
Brown (CA)
Brown (FL)
Burr
Buyer
Capuano
Carson
Chenoweth
Clay
Clement
Coburn
Cooksey
Crowley
Delahunt
DeLauro
Frank (MA)
Gejdenson
Gonzalez
Gutierrez
Hansen
Hefley
Hinchey
Hinojosa
Kasich
Kelly
Lantos
Lazio
Lipinski
Lowey
Maloney (NY)
Manzullo
McGovern
Meehan
Meeks (NY)
Menendez
Moakley
Neal
Norwood
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Porter
Rodriguez
Rothman
Ryan (WI)
Sanchez
Sanders
Schaffer
Shows
Smith (TX)
Stabenow
Tauzin
Tierney
Velázquez
Weiner
Weygand
Young (FL)

☐ 1830

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ORTIZ. Mr. Speaker, on rollcall No. 146, I was unavoidably detained by official business in my district. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. RYAN of Wisconsin. Mr. Speaker, I was unavoidably detained due to delays in air traffic control. I missed rollcall votes 145 and 146. Had I been present, I would have voted "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–159) on the resolution (H. Res. 185) providing for consideration of the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1259, SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–160) on the resolution (H. Res. 186) providing for consideration of the bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1083

Ms. DUNN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. CRANE) be removed as a cosponsor of H.R. 1083. He was inadvertently added last week.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentlewoman from Washington?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 33

Mr. MORAN of Virginia. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of House Joint Resolution 33.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 1999.

Hon. J. DENNIS HASTERT,
The Speaker,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received for the White House on May 24, 1999 at 4:30 p.m. and said to contain a message for the President whereby he submits certifications in accordance with the resolution of advice and consent to ratification of the Amended Mines Protocol of the Convention on Conventional Weapons.

With best wishes, I am
Sincerely,
JEFF TRANDAHL.

CERTIFICATIONS REGARDING AMENDED MINES PROTOCOL OF CONVENTION ON CONVENTIONAL WEAPONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification of the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its Technical Annex, adopted by the Senate of the United States on May 20, 1999, I hereby certify that:

In connection with Condition (1)(B), Pursuit Deterrent Munition, the Pursuit Deterrent Munition shall continue to remain available for use by the United States Armed Forces at least until January 1, 2003, unless an effective alternative to the munition becomes available.

In connection with Condition (6), Land Mine Alternatives, in pursuing alternatives to United States anti-personnel mines or mixed anti-tank systems, I will not limit the types of alternatives to be considered on the basis of any criteria other than those specified in the sentence that follows. In pursuit of alternatives to United States anti-personnel mines, or mixed anti-tank systems, the United States shall seek to identify, adapt, modify, or otherwise develop only those technologies that (i) are intended to provide military effectiveness equivalent to that provided by the relevant anti-personnel mine, or mixed anti-tank system; and (ii) would be affordable.

In connection with Condition (7), Certification with Regard to International Tribunals, with respect to the Amended Mines Protocol, the Convention on Conventional Weapons, or any future protocol or amendment thereto, the United States shall not recognize the jurisdiction of any international tribunal over the United States or any of its citizens.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 24, 1999.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

URGENCY REQUIRED IN DEALING WITH GUN SAFETY LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. GEORGE MILLER) is recognized for 60 minutes as the designee of the minority leader.

Mr. GEORGE MILLER of California. Mr. Speaker, the purpose of my remarks is to try and gain support within the Republican leadership to move and to move in an urgent fashion with respect to the gun safety provisions that have passed the Senate.

Mr. Speaker, this country has been shocked over the past 2 years as we have witnessed the shootings in Springfield, Oregon; Fayetteville, Tennessee; Edinboro, Pennsylvania; Jonesboro, Kansas; West Paducah, Kentucky; Pearl, Mississippi; and in Littleton, Colorado, as we have seen children take up arms against their schoolmates, against their friends, in school.

And while we will be discussing these matters at great length for a long period of time in the Congress as the Nation and the Congress come to grips with what we might do to try and prevent these actions in the future, one thing seems to be very clear among the people in this country, and I would hope among the people in the Congress and certainly among the Republican leadership, and that is that keeping guns out of the hands of kids will help to ensure that the feelings of anger and hostility do not lead to fatal shooting sprees.

We clearly need to listen to children and parents and make sure that school counseling and mental health resources are sufficient, and we must understand that the causes of youth violence are complicated and that the solutions must be broad-based, and we must strive to understand what brings children to this point where they would take up this violent action with guns against their schoolmates.

It is urgent to the American public that the Congress be able to respond to the problems of children having guns, having easy access to guns, and the irresponsibility of some parents who make those guns available or negligently leave those guns lying around the house, in many instances loaded and unlocked, with easy access by these children.

Last week the Senate passed several pieces of legislation designed to improve the margins of gun safety, if you will, requiring background checks for all gun sales, including gun shows. We have a companion bill here by the gentleman from Illinois (Mr. BLAGOJEVICH) requiring new handguns to be sold with safety locks. We have companion legislation here by the gentlewoman from Indiana (Ms. CARSON) outlawing high density ammunition clips, so they will not be made available.

I think that these are measures that the American public can understand, that the American public supports, that the American public, whatever their positions are with respect to gun control, understand that these are gun safety issues about the safety of our children.

Our children are, in many instances, some of our most vulnerable citizens, who go to school with all the expectations that we all went to school with when we were growing up, only to find out that it can become a shooting gallery because of the easy access of a troubled teen or a troubled youngster to these kinds of guns. Yet what we see is an effort to somehow not address this legislation on a timely fashion, not to take that legislation from the Senate and to pass it, not to have a freestanding piece of legislation which we can pass and send to the Senate that is identical to that which they passed so that they might be able to put it on the President's desk before we leave for Memorial Day.

No, what we see is, we are going to get one hearing this week, and then action perhaps in the committee sometime in June. Knowing the July schedule, knowing the August schedule. It is very likely, it is very likely, that America's schoolchildren will start the next school year without the Congress of the United States having addressed this issue.

I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished gentleman from California for yielding to me.

I would say to the gentleman, 13 young people die from firearms every single day. That amounts to nearly 5,000 a year. It is the second leading cause of death among young people.

There is a reason why there are more deaths from firearms of young people in the United States than in all 25 other industrialized nations combined. Something is wrong here. What is wrong is the fact that there are over 225 million guns available in the United States that invariably are getting into the hands of our young people.

There are many things we could and should be doing.

□ 1845

For one thing, we have concealed weapons laws. In the Commonwealth of Virginia it is lawful to take a concealed weapon into a children's recreation center. In the Commonwealth of Virginia and many other States, one can take guns and park one's vehicle in a high school parking lot with a gun in or on one's vehicle. That does not make sense.

It does not make sense to be able to buy more than one handgun a month. What people oftentimes do is buy a whole case of guns in one State. They travel up the East Coast and then set up shop on a street corner in an urban area and sell those guns.

These are not responsible situations when we see the kind of death and destruction that is occurring from firearms every day. It is time for the House to take action to complement the action of the Senate, to put forward a good, responsible juvenile justice bill that will in fact make our schools and streets safer for our children.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN) very much for his contribution. His remarks point out the urgency and the danger that these guns present to young people in this Nation. He has pointed out that 13 children under the age of 18 are killed each day because of guns.

Guns cause one in every four deaths of teenagers between the ages of 15 and 19. Firearms are the fourth leading cause of accidental death among children 5 to 14. Clearly the easy availability and proximity of guns, handled in an irresponsible fashion, to young children is lethal to those children.

We have an opportunity with the very common sense proposals that were presented in the Senate to address this matter and to address it now, with the same sense of urgency that parents are asking themselves about, whether or not they should send their children for the remainder of the school year, whether or not they should pull their children out of school before school closes, whether or not they should try to find another school that they might think will be more safe than the one they are in.

But what we have learned over the last 18 months, we do not know what school that would be. We do not know where a troubled child has easy access to a gun and then acts out anger, frustration or problems that that child has by shooting their schoolmates.

That is why we are asking the Republican leadership to schedule this debate, to schedule this vote this week before we go home for Memorial Day, Memorial Day, a rather significant day in the history of this country. But tragically now many will be celebrating Memorial Day at the loss of their children because of these tragic shootings. I think that is why we cannot play this by the ordinary rules of legislative procedure and process and jurisdiction and all of those arguments that are designed to keep these common sense approaches from coming to the floor of the House to be voted on.

Why are they doing that? Because the people who oppose trigger locks on guns that are accessible to children, the people that are opposed to getting rid of the loophole for gun shows where one can buy guns and gun shows without a background check, that one would not be allowed to if one went into a gun shop, people who oppose limiting the high density ammunition clips, they want time to regroup, to rescramble, to put pressure on the Congress, to give campaign contributions, to lobby the Congress so that they can overwhelm the judgment and the determination of the American people.

The Republican leadership ought not to become a tool for those interests, because it is those interests that are keeping guns in the presence of young children in an irresponsible fashion.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding to me, and I strongly associate with his comments.

I have only been in Congress 3 years; but in the course of the time that I have been in Congress there have been eight multiple shootings on school yards.

I look at my colleague, the gentlewoman from Colorado (Ms. DEGETTE), she and I were present earlier before tragic shootings in our State, seeking the attention of the Republican leadership and of this Congress to at least allow a vote on simple, common sense, direct approaches that would minimize the impact of gun violence with our children.

We pleaded, for instance, to have the opportunity to at least vote on the most benign of child access protection legislation in the last Congress. We were denied the opportunity in the last juvenile justice bill to have any vote at all on any legislation, any amendment, even modestly taking the tack of trying to increase the safety of guns in the home.

It was frustrating for me that we could have 15 States, starting with the State that was the home of the Chair of that subcommittee that had child access protection, the State of Florida, 15 States have followed, and yet we have not been able to have the most innocuous of votes in this Chamber.

I am pleased that finally we are starting to see some movement, that we have seen some action on the Senate side, and perhaps the Republican leadership will find it in their heart to allow a vote on the floor of this Chamber. There are a number of proposals that have absolutely nothing to do with the rights of the hunting population around this country. In fact, they are supported by the overwhelming majority of gun owners.

Why? Why do we still sell guns in this country that do not tell one whether or not there is a bullet in the chamber? There are dozens of people who are killed every year because of the so-called unloaded gun. Why is it that we do not spend a few cents, up to 75 cents or a dollar, to have a mechanism so that when the clip is removed from an automatic pistol, that it sweeps the chamber and unloads it? Why is it that there are more consumer protection devices for toy guns than real guns?

Mr. Speaker, I think the time has come for the people on this floor to seize control of this issue ourselves. If it takes a discharge petition in order to be able to vote on these simple, common sense steps that will save children's lives, that are in fact supported not just by the majority of Americans, but by the majority of the gun-owning Americans, I think that the time has come.

I deeply appreciate the gentleman from California (Mr. GEORGE MILLER) yielding me some time. I appreciate this discussion that is taking place here this evening. I hope the American public will add their voice so that they are in fact heard and this Congress takes its head out of the sand, takes simple, common sense steps that will in fact save the lives of children in America.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his remarks, and he does point out the incredible inconsistency that we would put child-proof caps on aspirin, child-proof locks on gates and child-proof locks on car doors, and all of these efforts to save our most precious resources, the children of this Nation, but we would not think about doing it with respect to a lethal weapon like a gun that is unfortunately all too often left lying around the house.

Fifty-five percent of the handgun owners keep their guns loaded in their homes, and 34 percent of them keep them loaded and unlocked, loaded and unlocked in their homes, and in many instances with very young children present; and tragically sometimes, as we know, children with a lot of difficult problems who end up then acting out in a fashion that is lethal to their friends and to their classmates.

So I think that is why, as we see America starting to respond to the tragedies in Oregon and Colorado and Georgia and elsewhere, they start to say, why should people not have to be responsible in all the homes with locking the gun with the trigger lock, and the people who sell these guns be responsible for providing trigger locks with the sale of these guns so that their children can be safe, so that they can know that it is the denial of the easy and spontaneous access.

That does not mean that somebody someday will not hammer the lock off of the gun or, as we saw tragically witnessed here recently, break off the locks on the cabinet, but it is the standard of care that we owe our children.

I thank the gentleman from Oregon (Mr. BLUMENAUER) for raising those points.

Mr. Speaker, I yield to the gentlewoman from Colorado (Ms. DeGETTE).

Ms. DeGETTE. Mr. Speaker, Columbine High School is just a few blocks from my congressional district. Columbine High School had its graduation this last weekend, honoring those kids who graduated with their class and honoring those who could not be there.

No one would be so shallow as to suggest that the only solution to these terrible shootings we have had in high schools around the country is gun control. But a troubled youth who does not have a gun is a troubled youth. A troubled youth with a gun is a killer.

I have been inundated with calls. Many of my colleagues have been inundated with calls from around the country, from suburban parents, moms and dads, from urban and rural parents, moms and dads, asking the simple question: Why cannot we do something, a little something, to keep guns out of the hands of kids?

No one believes that children in an unsupervised way, especially in or around a school, should have a gun. There are several proposals that we can pass on behalf of the American public and on behalf of American children, simple proposals which will give safety for guns and kids.

The first proposal is one which will make gun shows comply with the same laws that gun shops comply with. Gun shop owners, to sell a gun to somebody, have got to conduct a background check. They have got to have some identification to know that the person buying the gun is 18 years old or older. They have to have some kind of registration and way to trace that they sold the gun.

Gun shows can have numerous dealers which are not registered and which can sell guns to anybody for any amount of money, no questions asked. One year ago this last June, a staff member from my Denver office walked into a gun show in the Denver area, the Tanner Gun Show. The Tanner Gun Show is held 10 times a year. He bought a gun, no questions asked, cash on the barrel head, $450. It was a semi-automatic weapon. The two boys at Columbine High School bought their guns at the Tanner Gun Show, the very same gun show we had been at just a few months before.

Another thing we can do before we leave this week is we can pass legislation banning once and for all multiple-round ammunition cartridges. Why on earth does one need a cartridge of 15 or 25 or 30 bullets to hunt? One does not need those. Those cartridges are designed to kill human beings; and kill human beings they did, at Columbine High School. They kill police officers around the country every year. We thought we banned them in 1995. But because of a loophole in the law, these cartridges are still legally available, and that loophole needs to be closed.

Last, but certainly not least, Congress can pass legislation this week which will establish child safety locks on guns. This would prevent kids who should not have guns from getting them and using them. This is a common sense proposal. Parents across the country want to know why Congress has not enacted this law already.

As I said, Columbine High School's graduation was last Friday. Many more schools will still be in session through next week. Congress should send a message to the parents across America that we care; that part of the solution, although not all of the solution, is that Congress will take steps to enact child gun safety laws, not next month, not next fall, not sometime in the future, but now, before school is out, to begin to ensure the safety of every child across America.

That is why I appreciate the gentleman from California (Mr. GEORGE MILLER) taking on this important task tonight. That is why I intend to work this week to let our Speaker and everyone in this Congress know Congress must discuss child gun safety legislation and pass common sense, narrowly drawn rules before we leave for the Memorial Day recess. The only and best way we can memorialize these kids this week in Congress is to pass legislation before Memorial Day.

□ 1900

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman very much for her remarks and thank her for the kind of vehicle she is going to provide the Congress to express its opinion to get this done now.

As she points out, these are provisions, the safety locks on guns, the getting rid of the loophole provided by gun shows as opposed to gun shops, and multiple rounds, high-density ammunition clippings, these are very commonsense remedies and closure of loopholes that the American people understand and that they support.

The Senators in the United States Senate have passed these provisions.

They should be sent over here. We should pass a freestanding bill and make sure that we can have this become law before our children get back to school. I think it is important that we address it with that kind of urgency.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from California for yielding. I particularly thank him for allowing me to join him and my colleagues on an issue of such moment, if you will, and to be able to say to the American people and to my colleague, common sense tells us that guns do kill.

They do kill. Ask any law enforcement officer, any person who is responsible for keeping law and order. Ask teachers. Ask parents. And, of course, ask injured children and ask the loved ones of those children who are killed.

I have heard the response by those who are advocates of the idea that the Second Amendment should prevail above all, that guns do not kill, people do. But people use guns to kill. And I think the American people are way out in front on this issue right now, because if we read the Second Amendment, it has to do with the keeping of a militia for a founding country of 13 colonies trying to survive.

And do my colleagues know what? We have a militia, the National Guard. And no one is trying to take guns away from the National Guard. We also know that the people of America have guns in their homes, and no one is trying to take guns away from the American people.

But in 1995, over 440 children died just of unintentional shootings alone. In my home City of Houston, Texas, a few years ago, almost 10 years ago, I did something unheard of. I rose up off of City Council and said, we are going to pass an ordinance that holds adults responsible for allowing guns to get in the hands of children.

If my colleagues know Texas, and I do not think my fellow Texans will allow me to praise them as well as to cite that it was an unheard of thing to do for a City Council member to do in the City of Houston. And there was a lot of opposition. The National Rifle Association sent people in to testify against it. But the mothers came forward and said, we want this.

Out of that ordinance came a State law that is now in place in the State of Texas that holds parents responsible, holds parents responsible, for letting guns get in the hands of children. And what we have seen is a 50-percent decrease in unintentional shootings since that was what it was to be directed toward.

To the family in Conyers, Georgia, if those guns had been more secure, as we are attempting to say to parents, not only in a nice display case with a glass front that could be broken, but away from the eyesight of children, it is our responsibility to try and keep them safe, but it is our responsibility to keep law enforcement officers safe as well.

Firearms are the fourth leading cause of accidental death among children 5 to 14 and the third leading cause of death among 15 to 24 years old. If this were a medical problem, we would call it an epidemic. In 1994, 70 percent of the murder victims between the ages of 15 and 17 were killed by a handgun and 2 in 25 high school students, almost 8 percent, reported having carried a gun in the last 30 days.

As a member of the House Committee on the Judiciary, we have had an opportunity to move this legislation forward. In fact, we could have done just what the Senate did to amend the juvenile bill that the Senate just passed with common-sense response to these gun issues.

We could, for example, stamp out the loophole in gun shows. Enormously important. We could provide for the safety locks that would protect our children and to realize that they protect others, as well.

My colleagues could not imagine the gun shows that travel around the Nation. And many times there are store owners that participate in these gun shows. But let me assure my colleagues, there are a lot of individuals who come and say, I have no license. I have no permit. I have nothing. I am just here. And the reason I have nothing is because these are in my personal possession.

This is a loophole. And so, we get the individual driving up to the gun show with 25 AK-47s and they say, this is part of my personal ownership. And they sell 10 or 15 to an individual who gives no reason. I have talked to law enforcement officers who went and bought a gun from someone, an automatic rifle, and said, "I am going to use this to kill a cop in New York." And the person who was unlicensed said, "All right. Here is a silencer to go with it. But make sure when you do it, do not call my name."

There are too many guns in America. And most Americans want to be safe in their homes. They want law enforcement officers to be safe, as well. And so, I am joining with my colleagues to ensure the closing the loophole in the gun shows. I would like to see a Brady waiting period for those gun shows to protect individuals. I want to see raising the handgun purchase age from 18 to 21. I think child safety locks are an imperative.

And frankly, I wish we could pass the same legislation in the comprehensive gun legislation offered by my colleague, the gentlewoman from New York (Mrs. McCARTHY) to deal with the idea of holding adults responsible.

When I spoke to some parents and teachers and explained to them that, no, I am not trying to disadvantage parents, I chair the Congressional Children's Caucus, I do not want to point the blame and put parents, who are already distraught, in a situation where they are criminally liable, but I think such a piece of legislation is common sense, and I think if they understand it fully, they would be running towards supporting it.

Because what it says is, know what your children are doing. Do not leave guns on coffee tables and in places conspicuously, where the child can get it. And if their child is in a garage or reading the Internet and building bombs, they need to know what is going on. Because we have to protect their children and our children. And how much more can we get from not listening to our children.

Let me close by simply saying to my colleagues, and I thank again the gentleman from California for yielding, that we know that there are other aspects of this, the video and entertainment industry. I am working on legislation to deal with mental health services, an omnibus mental health services for our children that deals with schools but also deals with other needs that our children have, so that if they are on medication they are not off of it one day and on it the next day.

I think America should be ashamed that we have a children's memorial that acknowledges the number of children that have been killed by guns. And allow me to share with my colleagues.

Chris Hollowell, age 5, was unintentionally shot and killed by his 10-year-old brother.

Sean Harvey, 16, was killed by a man who mistakenly thought the boy was stealing the neighbor's car.

Brian Crowell, 12, was unintentionally shot by a 14-year-old.

Amanda Garza died from a gunshot wound to the head after shooting herself with a .357.

Amanda Rogers, dead, 6 years old, was playing with a Nintendo with her cousin and was unintentionally shot by them.

Karissa Miller, 2, was unintentionally shot and killed by a 7-year-old boy.

Christopher Murphy, 11 years old, the son of two police officers, unintentionally shot and killed by his 11-year-old friend.

Christopher David Holt, 4, unintentionally shot and killed himself with a .357 Magnum.

Amanda Drukenbrod, 13, shot and killed at home when a teenage boy was showing off his gun.

I can go on and on, pages and pages of young children who died at the hand of a gun. Not a knife, not a stick, but a gun.

I think it is time now to say that we will not go home for this Memorial Day recess unless we stand up and be counted in the United States Congress and put a bill on the President's desk that he can sign.

I say to the gentleman from Illinois (Mr. HASTERT), join us in getting this legislation on the floor of the House because our children are dying and we cannot stand by any longer.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for her remarks and urge that the Speaker make this in order this week before we leave town for the Memorial Day break.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, my colleague from California (Mr. GEORGE MILLER), he and I are on the same Committee on Education and the Workforce; and in the last past year and a half, we have talked about violence in our schools, we have talked about what can be done.

A week ago Tuesday, we had six young people come in to talk to us, talk to us about how gun violence has affected their lives. And it was very hard because here we had so many young people that faced death, lost their friends.

There are many of us that are victims. A lot of us are adults. We try and say we can handle that kind of pain. But even as adults, it is always hard. But to hear the young people talk about what happened in their schools, it was a real heartbreaker. And yet, here in Congress we continually hear silence.

I came to Congress to try and reduce gun violence in this country. That was a promise I made to my son. It is a promise I have made to my new grandson. It is something I plan on doing. And we have had our Littletons, we have had our shootings in Georgia, so many shootings. But I want people to look at this because this is where people do not realize what is happening. We have a Littleton every single day.

Every single day, we lose 13 young people, whether it is an accidental death, whether it is a suicide, or whether it is a homicide, we lose 13 young children a day.

We have an opportunity here in Congress to try and do something. We have an obligation to the people of America to do something. We have been talking about comprehensive reform on reducing gun violence and helping our young people. And yet in the Senate the other night, when they asked for more money for school counselors and psychologists, it was voted down. That can be part of a comprehensive package.

No one is saying that it is not just guns. There are a lot of factors that go into gun violence. The young fellow in Georgia, when he shot six of his classmates, he was really on the verge of suicide. He still does not understand why he did what he did.

We can help a lot of these kids. What I am hearing constantly is, this is too big for all of us to handle. We cannot do anything about it. But do my colleagues know what? That is what we hear when they want defeat before they even start.

We have to change the debate. When I am home in my district, I have NRA members that come up to me all the time, "Carolyn, we support what you are doing." But then we have so many Members that are afraid of the NRA leadership. They are afraid of what they can do to them as congresspersons.

Certainly, they are not going to come after me about guns in my district because the people in my district support me on what I am trying to do. But we have Members here, and they have every right to be afraid of the NRA because the NRA will come in and say things about the Member that have absolutely nothing to do with guns, or make up lies. And they do make up lies.

What I am asking the American people, the mothers, the fathers of this land, call their congresspersons, give them the support that they need. Because if we only hear from one side, I guarantee my colleagues, in a couple of months, we will be back here when school opens again and there will be another shooting in the school and people will say, why can we not do something?

A year ago, when we had a committee hearing, a psychologist said it was not a matter of if there would be another school shooting, it was a matter of when there would be another school shooting.

□ 1915

But a lot of these young people that were shot, killed, injured, they did not make the newspapers across the country. They might have made it in their hometown newspaper, but they did not make it on the front pages, because they are all individuals.

My colleague before me talked about a health care crisis. We have four young people left in Colorado that have spinal cord injuries. Do you know what it is going to cost the American people on health care? The estimates, the low estimates of health care to our young people on a yearly basis for those that survive their injuries is $14 billion. $14 billion. Can you imagine what we could do with that? Can you imagine what we could do with that money here in Congress? Education, health care, all the things that we want to do.

I am asking every mom, every dad, let us hear from you. We have to hear your voices. Grassroots, that is what we need. That is what changes and certainly motivates this Congress, because if they do not, there are a number of us that will continue to fight to reduce gun violence in this country, but it would be nice if we had a few more voices to be heard so we could give our colleagues the strength to do the right thing. They have got to hear from you. If you want to make a difference, then your voice does count. Do not sit there saying, "Oh, so and so will call. I don't have to." You have to let the Congresspeople here know what you want. Then we will win.

Mr. GEORGE MILLER of California. I thank the gentlewoman very much for her remarks and think she makes a very important point. It is highly unlikely that we will have this kind of common sense gun legislation to help protect our children, to help protect our communities from the easily accessible and irresponsible ownership of guns, if the American people do not call their Members of Congress and insist upon it.

Over the last couple of weeks as I have been out in the public in my district and talking to groups and just being on the streets of my district, people have come to me and asked time and again: Why can you not do this and do it now?

When they saw the Senate not do it, they were infuriated, and the Senate doubled back and took a new vote and then came in line with what the American people wanted. Then the Senate doubled back a second time and came in line with what the American people wanted.

But apparently the Republican leadership in this House and the NRA are going to delay this legislation, fully understanding that delay is the enemy of legislation, that you get it jammed up at the end of the session against a recess, against the appropriations bills, and this starts to fall through the cracks, and it is nobody's fault and it is everybody's fault.

We need the American people to call the Republican leadership, to call their Members of Congress and tell them that these three or four measures, very common sensical measures, should be passed and should be passed immediately. They could, if in fact the leadership wanted to do it, be passed before we leave for Memorial Day.

They are having a hearing on the day we leave town, because then they are hoping for a week where there will not be any discussion of this measure and there will not be a sense of urgency about the American people to have Congress address this when we come back, and pretty soon we will find ourselves addressing it in September or October. It is the oldest legislative strategy in this town, just delay and delay.

Already we see Members that are supporters of the NRA going around the floor with checklists from the NRA trying to line up their support, who they have given their contributions to, will they stand tough on this. That is why they want the time. They want the time to kill this bill, not to give it great general consideration but to kill these ideas that have passed overwhelmingly in the Senate of the United States.

I would hope that people would heed your call for them to call Members of Congress and ask them to pass these child gun safety measures that have been passed by the Senate.

I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding and I particularly thank him for his leadership on this special order, because there is a hunger and a thirst in the American public for this legislation and for education about this legislation.

Mr. Speaker, this chart came home to the American people finally in Littleton and in Georgia. Close to 60,000 deaths during the tragic Vietnam War for 11 years. That is compared to 11 years at home, close to 400,000 deaths, increasingly the deaths of children. The reason that so many of us on both sides of the aisle cannot go home for Memorial Day without a bill is that we cannot face our constituents without a bill, not after the massacre in Littleton and the attempted massacre in Georgia.

I want to focus for just a few minutes on gun shows, because frankly I was ignorant until recently of the fact that anybody can buy a gun at a gun show free of any Federal requirement. I am sure most of the public does not know that there is no Federal requirement that says that a person with a mental defect has to be checked before buying at a gun show, with a felony conviction has to be checked before buying at a gun show, or even that a child has to be checked before buying at a gun show. Remember that some of the guns used in Littleton were bought at a gun show.

The gentleman from Virginia (Mr. MORAN) was on the floor earlier. He is from the district adjoining mine. My district has an absolute ban on guns of any and every kind. As I speak, my district is flooded with guns of every kind. Many of those guns come from gun shows in Virginia, because anybody can buy a gun at gun shows in Virginia. Maryland also provides guns through gunrunning into the District of Columbia.

That is why we need Federal law and Federal regulation. State by State is almost useless, given how porous are the boundaries in our country. We can go from one place to the other. You do not have to go through any kind of check to go from one place to the other, and it is a free country and we would not want you to have to go through a check. But we do want to contain these guns so that we can begin to deal with these contrasts.

The gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform, and I sat on a special hearing before the Georgia incident where we heard astounding testimony from the GAO on how easy it is to buy .50 caliber sniper rifles from legitimate dealers, leave aside gun shows. Now, a .50 caliber sniper rifle is a rifle that can penetrate armor if you stand out on the back steps of the Capitol and aim it toward the Lincoln Memorial.

The GAO went undercover and asked for .50 caliber weapons of the kind, to use their words, that would pierce a limousine or bring down a helicopter. My friends, this is the Nation's capital. The people who ride in limousines and helicopters are Members of Congress, the President, the Vice President, and members of the Cabinet.

What this says, of course, is that even here, someone who wanted to take out anybody from the highest official to an ordinary citizen anywhere in the city or the region could buy a gun from a legitimate dealer, even telling them virtually that that is what they wanted to do. Imagine what a person with a mental defect could do by going to a gun show.

We must remember that this very building was the site of the assassination of two brave Capitol policemen. That gun was shot by a schizophrenic man. At a gun show, he might easily have purchased such a weapon.

The long and short of it, my friends, is that what we have in this country is massive gunrunning across the borders, between one State and another, sometimes shipped in large numbers. The result is that in the large cities such as the one I represent, the District of Columbia, the murders take place one by one. Now in the suburbs the murders take place in groups, by massacre. Choose your style. The difference is the same. They are all our children.

I focus on gun shows this evening because of the ages of the youngsters in the last two incidents. A 15-year-old in Georgia, a 17 and an 18-year-old in Littleton. These are precisely the ages of children that could go into a gun show today in many States and purchase a weapon.

Sometimes we are told that what was passed in the Senate the other day will not make much difference, it is at the margins, why pass it? The simple answer to that is if it will not make much difference, then pass it. If in fact those who cherish guns think that these bills will not hurt them very much, then pass the bills. There will be some slight inconvenience to the legitimate public, but who would say that that inconvenience would not be worth it if the lives of only a few children were saved?

And may I remind the House that most of the deaths we will never hear about because they are accidental deaths. We hear about the massacres, we hear about the drive-by shootings. But when these guns are kept in homes, they are most often used accidentally by family members or friends within the homes. The 15-year-old youngster broke into a locked chest to get the gun that he used in suburban Georgia last week.

The silent deaths, the accidental deaths will be reduced, and certainly the deaths that have outraged the country will be reduced if we pass the modest legislation that came forward finally from the Senate last week. That is the very least this House can do if we want to make sure that this gap never appears again in our country.

Mr. GEORGE MILLER of California. I thank very much the gentlewoman for her remarks. I want to thank my colleagues who joined me in this special order to try and urge the Republican leadership to pass this week the common sense gun safety provisions that have passed the Senate of the United States.

We do so with the full understanding that the problems and the tragedies in Littleton or in Georgia or in Oregon or in Kentucky and other such States where young people have taken up guns and assaulted and killed their classmates and their friends, that that problem will not be addressed solely with the questions of gun safety legislation. But clearly in each of these cases or most of these cases, what we find is the easy access of young children, in some cases disturbed young children with the irresponsible possession of guns in the home.

We believe that trigger locks will help increase the margin of safety in our communities. We believe that not letting young people go into gun shows or people go into gun shows on behalf of young people and with no questions asked be able to buy a gun, a gun they could not buy if they went into a gun shop. They could not do that. They would have to undergo that check. We urge the leadership to pass these common sense gun safety measures.

I yield to the gentleman from Guam.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from California for yielding. I want to extend my congratulations for this excellent special order on the issue of the proliferation of guns. Even in a place as remote as Guam, which lies some 9,000 miles away from here, a couple of weeks ago a couple of young ladies in middle school were detained in school for having handguns, bringing handguns to school. Guam, the place that I come from, is a place where lots of people own weapons.

□ 1930

Fortunately, most people on Guam who feel that they need to own weapons are in total agreement with their registration and with their regulation, so I am happy to report that. But it appears to me that certainly the country's supply of weapons, the availability of weapons, the easy access of weapons is really the crux of what we are getting at.

It is rather clear that the guns in and of themselves may not be causing these violent episodes that our Nation has been subjected to, but certainly the fact that the weapons are so easily available has made sometimes what would be seen as minor violent acts turn into major, major tragedies, and I cannot help but wonder where is the wisdom that is supposed to be part of the legislative body that we belong to in trying not to address this issue when it is rather obvious that this cries out for action.

As a career educator, and actually early on in my career I was what would be seen as a disciplinarian in a very large high school, and I served in that capacity for several years, one of the things that certainly would help us in trying to deal with all the issues that are attendant to the growth of children and the work of children inside educational institutions is to not allow them the opportunity to have things that would be harmful to them. And we think of all the things that we deny them that would be harmful to them, think of all the efforts, extraordinary efforts, that we go through to deny them things that we know are not in their own best interests, things which may lead to tragic circumstances; and yet we seem to hesitate, we seem to falter when it comes to the issue of guns.

So I certainly appreciate and I want to congratulate the work of the gentleman from California (Mr. MILLER) and all the other speakers during this special order.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Guam.

Finally, I just like to say, Mr. Speaker, that I had an opportunity to meet with a group of students at Pinole Valley High School in my district and had subsequent conversations with five of those students, Brian Davenport, Marcus Maxwell, Jamian Johnson, Kari Washington and Brett Parsons about Littleton, and those students and the students in the larger group had spent a great deal of time watching the news, listening to the news on the Internet, over the networks and elsewhere, acquiring information about what took place at Littleton.

They clearly understood that this was about them, it was about their peers, it was about their generation, children of their same age, and they were terribly troubled about it, and they understood that this is not a problem that can be answered with one solution, that it is, in fact, very complex.

I was also quite pleasantly surprised, the extent to which the students understood they clearly had a very strong role to play in the solution to these outbreaks of rage and the violence and the killing that have taken place in these schools, that they understood that maybe they should be nicer to some of their fellow students, that there were students who they knew were somewhat loners or did not feel a part of the student body, that they should extend themselves, they should go over and talk to them, that maybe they should stop making fun of students or characterizing students because of the way they dressed, whether they had the latest clothes or they did not have the latest clothes, or the latest sneakers, or the wrong color clothes or what have you; that they had to think about not doing that, that students should not be characterized and categorized whether or not they participate in a religious organization after school or the debate club or they were on the track team or the football team.

All of these cliques that are natural, very, very natural during the adolescent years in schools, they understood that that was unfair to those students.

They had formed, they had many celebrations of their differences at Pinole High School over the years. The day I was there, they decided to celebrate their unity, to celebrate their sameness, to celebrate the fact that they were part of one student body drawn from many different communities.

It was a very exciting thing to see happen in response to Littleton.

So while we are focused on guns this evening and while we are focused on the need of the Republican leadership to expedite the consideration of these common sense gun safety measures, we also appreciate the complexity and the magnitude of this problem.

And let us not forget, let us not forget as we keep talking about children and schools and violence and killings, that 25 million teenagers are enrolled in 20,000 schools nationwide. Eight of those youths in six schools perpetrated the school killings of the last 8 months. Twenty-five million children came and went to school every day without being subjected to this danger or perpetrating this danger. We are talking about a handful of young children.

Some people have suggested, and I think the minority whip said it this week in Salt Lake City: The problem is not guns; the problem is, we are raising children to kill children.

No, we are not raising children to kill children. Twenty-five million teenagers went to school yesterday, the day before, and the day before Littleton and the day before all of these tragedies, and afterwards, and did not engage in the killing of their classmates or their friends. But a very small handful, because of the easy access and proximity and the irresponsible ownership of these guns and possession of these guns in their homes and the easy ability to purchase them through a loophole in the law at gun shows; that handful of students was able to perpetrate an incredible amount of violence and incredible amount of killing on their school friends and on their communities.

So this is not to suggest that these are children of a generation of a culture of violence and killing because it is not true. Those kinds of generalizations will cause us to miss the problem, will cause us to miss the complexity of it.

But what we do know in this particular case was these young people had relatively easy access to these guns, and what we do know is that we have that part, as my colleagues know, that part of the solution coming together in the passage of these measures that have passed the Senate.

So I think we ought to keep and we ought to understand our children, and we should not, we should not paint them with the very broad brush of a relatively and, well, less than two handfuls of children that have perpetrated this kind of violence over the last 18 months. If this was the culture of violence in this young generation, as Michael Males, who is at the School for Social Ecology at the University of California, Irvine, points out, if this was a culture of violence, if we had raised children to kill children, then these killings would not be thousands of miles apart and months apart. This is what all children would be doing.

But they are not doing it. Like all of the children before them, they are going to school to get an education, to socialize and become part of their community, to grow up and to mature and decide what they are going to do with the rest of their lives. And their parents did not raise them to kill children.

But some parents unfortunately have been very irresponsible about leaving loaded guns and leaving firearms around, easily accessible to their children, apparently have not had the kind of communication or have not imposed upon their children the kind of discipline I grew up with about a gun.

I hunted, my father hunted, my children hunt. We have very, very strict rules about when one can touch a gun and when they cannot touch a gun and what to do with a gun in the home and what to do with the gun in the field.

Now some parents apparently have not been able to convey that or not willing to convey that or do not understand the kind of risk. We have got to deal with the questions of that kind of parental irresponsibility and with placing some responsibility and liability on those who fail to be the proper custodians of their children and of these firearms.

Mr. WU. Mr. Speaker, the tragedy at Columbine was heartbreaking for all Americans, but it was particularly difficult for the people in my home state of Oregon, where we endured a similar tragedy just one year ago at Thurston High School in Springfield.

At Thurston High, two young students were killed, and America reacted with sadness and sympathy.

At Columbine High, as we all know, thirteen students were killed by the two gunmen. America reacted with profound grief and a renewed sense of urgency.

Ladies and Gentlemen, thirteen children die every day in America—the result of handgun violence. Columbine happens every single day.

It is not nearly as dramatic, there are no CNN cameras, the nation does not stop and hold its breath, and watch . . .

But, every day in America, 13 children die unnecessary deaths from guns.

This is a children's health epidemic—and it is high time this Congress start paying attention to it, and take some steps in the right direction.

Now is the right time to begin the search for answers. Clearly, this is not an easy task. There are many approaches we can take to reduce youth violence:

We can make it easier for parents to spend time with their children.

We can reduce class size so teachers can identify troubled children, and get them the help they need.

We can better teach our young people the value of human life.

We can devote more resources to school counselors and mental health providers.

And we can simply open up the channels of communication between adults and teenagers . . .

What I've learned from listening to Oregon students in their schools, is that perhaps the most important thing we can do to make schools safer, is to create an atmosphere where it is more acceptable for students to talk to adults when they see danger signs.

These are all important steps . . .

Each will be helpful, but none alone or all together will be effective enough to curb this health epidemic without a commitment from this Congress to make guns less accessible to young people.

Conflicts and emotions that get the better of people can sometimes be sorted out with words, sometimes they get sorted out with fists, or with knives . . .

But the only tool of anger that can mow down thirteen students in a school library—is a gun.

Simply passing laws will not address the root causes of this tragedy, but there are steps we can take to keep guns out of the hands of violent juveniles.

That is why I urge my colleagues to support reasonable gun safety measures being introduced by Democrats:

First, let's close the "gun show loophole," which allows criminals to trade weapons anonymously. By instituting background checks for those seeking to anonymously purchase firearms at gun shows, we can make guns less accessible to criminals, and to violent youths.

Second, let's raise the minimum age for handgun purchases from 18 to 21.

Third, let's make sure that guns are childproofed at least as well as a bottle of aspirin—by requiring gunmakers to equip all guns with child safety locks.

And finally, let's show the American people that we're serious about stopping the illegal transfer of guns. I hope my colleagues will join Mr. WEXLER of Florida, myself, 95 other Democrats, and one Republican, Ms. MORELLA, in supporting HR 315—a bill which limits the number of handgun purchases to one per month.

Once again, I don't think that any law will ever be a complete solution. None of us do.

But we're not expected to always find the complete solution. We are here to do what we can to make this country better, safer, healthier, and more prosperous.

These sensible measures are steps in the right direction, steps down a right and sensible path.

I hope our colleagues on the other side of the aisle will take these steps with us. Sooner rather than later.

Because this is an epidemic that waits for none of us. Every day we wait—thirteen more children die—another Columbine—every single day.

Mr. GEORGE MILLER of California. Mr. Speaker, these three measures that have passed the Senate are the beginning step in that area, so I want to thank my colleagues who joined me in this special order. I plead with the American public to call their Member of Congress, to call the Republican leadership, ask them to schedule these gun safety measures as soon as possible, to do it this week. We have a relatively clear calendar. It can all be passed and wrapped up before we go home for the Memorial Day break.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask that all Members have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

CLINTON ADMINISTRATION CREATING PERCEPTION THAT ALL IS WELL IN THE WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, we can only spin national security issues and concerns so long, and eventually the truth catches up to us. The truth is about to hit the fan this week in Washington on the national security concerns of this country.

For 7 years, Mr. Speaker, we have heard the rhetoric coming from the White House that the world is safe, there are no problems, our security is intact, and therefore, we can dramatically cut the size of our defense forces and we can, in fact, shift that money over to other purposes.

During the 7 years that that has occurred, Democrats and Republicans alike in this body and the other body have joined together to constantly remind the administration that things were not quite as good as they were being portrayed to the American people.

Unfortunately, we were not as successful as we would have liked. In fact, Mr. Speaker, State of the Union speech after State of the Union speech the President would stand before the American people and would talk about the economy, would talk about jobs, would talk about crimes domestically, but no mention of national security concerns. In fact, Mr. Speaker, this past January, as I sat through the State of the Union speech in this very room, I timed the President's speech. He spoke for 1 hour and 17 minutes. The total amount of time he devoted to national security was 90 seconds, 90 seconds to talk about the problems we have with our relationship with China, 90 seconds to talk about the problems that are resulting from the economic instability in Russia, 90 seconds to talk about the proliferation that has now caused Iran and Iraq and Syria and Libya to begin to develop medium- and eventually long-range missile systems, 90 seconds to talk about the sabre rattling between India and Pakistan, 90 seconds to talk about the problems with North Korea, both our nuclear development program and their testing of long-range missiles which the CIA acknowledges now for the first time ever can actually hit the mainland of the U.S.

In fact, Mr. Speaker, during those 90 seconds, all the President did was point up to the gallery and praise one of our young pilots.

Mr. Speaker, support for our military is not when the commander in chief parades a group of soldiers down the White House lawn for a photo op, it is not when the commander in chief stands on the deck of an aircraft carrier and talks about the pride in our services while morale is reaching an all-time low. We have serious problems, Mr. Speaker, and this week, starting tomorrow, those problems are going to be made available for the American people to see firsthand.

Now, as I said earlier, Mr. Speaker, we are aware that this administration has tried to create the perception, and with a great deal of success, that everything is okay in the world, all is safe, Russia is our new friend, China is our new friend and partner, we do not have to worry about the Balkans because we have got our troops deployed.

In fact, Mr. Speaker, what has been occurring over the past 7 years with strong concerns expressed by both Democrats and Republicans alike in this body is that we have committed our troops to too many places in a short period of time to be effective in modernizing for the future and in protecting America's vital interests around the world.

I have used this comparison frequently, Mr. Speaker, and I want to use it again:

In the time period from the end of World War II until 1991, during the administration of all those Presidents in between, from Harry Truman through Democrat and Republican administrations ending with George Bush, all of those commanders in chief, as they have the ability to under our Constitution, deployed our troops a total of 10 times, 10 times at home and around the world. Some of those deployments were very serious, like Korea and Vietnam and Desert Storm.

Since 1991, Mr. Speaker, our current commander in chief has deployed our troops 33 times, 33 times in 8 years versus 10 times in 40 years. Mr. Speaker, none of these deployments were paid for, none of them were budgeted for, none of these deployments had the administration asking the Congress to vote in support of the deployment before our troops were committed.

In the case of Bosnia, it was not that this Congress is isolationist. Nothing could be further from the truth. The problem in this Congress among Democrats and Republicans was why was America putting 36,000 troops into Bosnia when, for instance, Germany right next door, our friend and ally, was only committing 4,000 troops? It was a question of fairness. Why was America being asked in each of these 33 deployments to pick up an unusually large amount of the responsibility?

In Kosovo today, when we see the nightly news of the bombing raids the previous night, we see U.S. and British planes conducting the bulk of those air strikes. By law and by NATO's mandate, the U.S. is only supposed to provide 22 percent of the support for NATO.

□ 1945

So Members of Congress rightfully ask the question, where are the other NATO allies? Why is not Europe playing a larger role in these kinds of operations?

In fact, Mr. Speaker, that was the reason why we passed the supplemental bill several weeks ago and just last week approved the defense authorization bill, calling for increases in funding to partially replace the funds that were siphoned off to pay for these 33 deployments, none of which were budgeted for.

When the President would commit our troops to, say, Bosnia or to Haiti, we would then have to find the money in our defense budget, taking it from other programs or from quality of life issues for the troops to pay the costs of these operations. The comptroller of the Pentagon estimates that that cost us $19 billion over the past 7 years. In fact, Bosnia alone has already cost us close to $10 billion. At a time where we have been convinced that the world is safe, partially because our troops are today at this time deployed all over the world, we have decimated our ability to prepare for the future in our military.

Some other things have occurred, Mr. Speaker, and I want to talk about them briefly.

First of all, this President, working along with Tony Blair from Great Britain, decided it was in the best interest of the U.S. and Britain, along with our NATO allies. And make no mistake about it, the bulk of NATO is decided by our President and Tony Blair, NATO really is dependent upon the leadership of the U.S. and Britain. I do not think Luxembourg would have much of a chance in stopping America from doing anything it wanted in terms of NATO. The decision to go into Kosovo was one that required the debate and the consent of this body, but that was not to be.

In fact, Mr. Speaker, hindsight always being 20/20 we can now look back, as I have, and talk to some of our analysts in the intelligence operation, which I have. In fact, Mr. Speaker, I have learned that every CIA Balkan analyst in the CIA, every one of them, unanimously, agree that an aerial attack on Serbia and Kosovo would not stop ethnic cleansing.

The CIA, for all of its faults, and I was as troubled by the bombing of the Chinese Embassy as anyone, but the CIA's analysts who are the experts on the Balkans told this administration that the bombing that we eventually got involved in would cause a massive problem of refugees. The CIA Balkan analysts told the administration that bombing would not work, would not stop the ethnic cleansing.

All of this was done prior to the administration's decision. In fact, there were documents internally within the intelligence community, submitted to the administration, outlining the CIA's concern that if the bombing took place it would cause a humanitarian catastrophe, and that is exactly what has happened. It is far worse than just the humanitarian catastrophe.

In fact, many of those analysts said that we actually contributed to the refugee crisis because when we bombed, it obviously caused the observers who were in the former Yugoslavia to leave that country, which then gave Milosevic a free hand to continue at a much higher level the ethnic cleansing and the significant attacks on innocent people.

So in effect, Mr. Speaker, what the intelligence community was saying to us as a Nation, prior to a decision to conduct the aerial campaign, was that if we went ahead, we would cause the situation to become much worse. That is exactly what has occurred.

We are now into our 60-something day of consecutive bombing and many in this body, having seen the fact that we do not have the dollars to put forward to pay for the Kosovo deployment, which is now in excess of probably $2 billion, are now wondering what our strategy is to stop the bombing, what is our strategy to end the crisis. Since many of our colleagues, including myself, do not feel that we have a legitimate strategy to end the conflict, we wonder what the strategy is to win the conflict, because we are controlling what our military can and cannot do in Kosovo, in Serbia.

We are limiting the strikes. We never committed to a ground force. So the question we have to ask is, if we do not have a strategy to end the conflict, and if we do not have a strategy to win the conflict, what is our strategy? For many of us, there is no strategy, Mr. Speaker. It is just a continuing massive amount of aerial attacks that in many cases are harming innocent civilians.

Now, let me add further, Mr. Speaker, if we have to look at the situation in the former Yugoslavia and see what we have done, we can look certainly at three different things. We have now rallied all of the people in Serbia, many of whom were against Milosevic, many of whom are ready to try to remove him forcefully, we have managed to rally all of them in support of Milosevic as their hero.

We have managed to help cause an extensive increase in the refugee crisis, to the extent now that we have almost 1 million men and women and children in outlying regions around Kosovo, with no decent housing and no decent food and no timetable to return them to their country.

We have done something else, Mr. Speaker. We have managed to do what one colleague of mine from the Russian Duma told me the Soviet communist party could not accomplish in 70 years, after expending billions of dollars, to convince the Russian people that America was evil, that we really were designed as a nation to hurt innocent people. He said Russians are now convinced, after some 55 days of bombing, which it was when he was here, that this country really is evil. So we have managed to do in 55 days what the Soviet communist party could not accomplish in Russia in 70 years.

Mr. Speaker, we are doing ourselves long-term harm in our relationship with Russia. First of all, after starting the aerial campaign, we did not engage Russia. Now the administration would have us believe otherwise. There was no direct contact with Russia after Rambouillet until, in fact, a group of Russian pro-western parliamentarians contacted us in the Congress and said: You do not understand what you are doing. You are driving our party out of power. We who support strong relations with America, we who want to help you solve the proliferation problem in our country, we who want to get rid of the communists and the ultranationalists are being driven out because your policies in the Balkans are causing the Russian people to identify with the communists and the ultranationalists.

When the elections are held this year, if you continue this policy, you are going to drive Russia back into a Cold War era like we saw in the Soviet days.

Our policies in the Balkans are very much of a concern to me, not just because of the crisis being created with the Serbs and with the Kosovars and the refugees, but also because of the long-term implications in our relationship with Russia.

Now, make no mistake about it, Mr. Speaker. Like all of our colleagues in this body, I abhor what Milosevic has done. He is a thug. He is a war criminal, and after this is over we need to proceed in convening a war crimes tribunal.

Our policies, Mr. Speaker, have not succeeded either. We need to have this administration understand that continuing a mistake is worse than trying to find an honorable solution. We have that opportunity.

As I said on this floor several times, 11 Members of this body, 5 Democrats and 6 Republicans, attempted to find common ground with members of the Russian Duma 2 weeks ago in Vienna. We found that common ground. In fact, the agreement that we reached became the basis for the G–8 accord that came out 5 days later, which the U.S. was a signatory of.

That agreement calls for a negotiated settlement along the lines of the five key NATO principles that our President has said are most important for us. Now is the time for us to use the leverage that we have and our NATO partners have and Russia has to convince Milosevic that he must come to the table on our terms.

I am not convinced our administration is still at this very moment doing enough to engage the Russians in applying the appropriate pressure to Milosevic.

Mr. Speaker, the agreement that we reached in Vienna we brought back to Washington, we faxed to the 19 parliaments of all the NATO countries and we asked them to apply pressure to their governments, not to cave into Milosevic, not to hand him a victory but to say now is the time to use our leverage to get this crisis done at the negotiating table, which I am firmly convinced can occur.

In fact, Mr. Speaker, we introduced a resolution in support of our framework agreement in the Congress 2 weeks ago, and held a congressional hearing in the Committee on International Relations last week on that resolution. The Duma, following our lead, did the same, and on Friday of last week the State Duma of the Russian Federation passed that document as a formal document on the floor of the State Duma.

We are now asking our leadership to work with us to accomplish a similar task, not because we are trying to embarrass the administration but because we understand the urgency of solving this crisis before any more lives are lost, before any more ethnic cleansing is done, before any more Americans are placed in harm's way. Now is the time for this administration to stand up and do what is right, and that is to bring Milosevic to the table and to do it directly, and to use the Russian leverage, which is considerable, in having Milosevic agree to the terms that we laid out with our NATO friends. This disaster is having a terrible effect on our long-term relationship with Russia.

Mr. Speaker, we were supposed to have on Thursday of this week the Russian parliamentarians come back to Washington for a public press announcement in support of the work that we are doing. Because of the press of business and the fact that we will break for the Memorial Day recess this week, they will be coming back the first full week in June.

Something else will happen tomorrow, Mr. Speaker. Two things of significant importance to all of our colleagues, which I hope our colleagues will convey to every constituent all across America. The first is, between 4:00 and 6:30 we will host probably one of the most investigative reporters on security issues in this city at a book signing ceremony in EF–100 of the U.S. Capitol building. Bill Gertz, who writes for the Washington Times, will be here to unveil to Members of Congress and our staffs his book entitled "Betrayal."

Every Member of Congress should read this book. In fact, it has hit the bestseller list in just the first week it was on the stands. Why is this book so important, Mr. Speaker? Because it details, in depth, an analysis of this spin on defense concerns in this country over the past 7 years.

In one chapter in this book Mr. Gertz goes into great detail to talk about an incident involving a Canadian and a U.S. military officer that were flying in a helicopter out in the Seattle area, when a Russian ship that was supposedly spying, pointed and fired a laser weapon at that helicopter. The laser beam hit our American officer in the eye and did permanent eye damage to him.

That incident, Mr. Speaker, if one reads the Gertz book, was covered up for 30 days. To this day, our government has never acknowledged that that Navy officer was hit deliberately by a Russian laser generator on a Russian vessel. We did not do the proper investigation. We did not hold the Russians accountable.

Mr. Speaker, as my colleagues know, I am someone who spends a lot of time working on improving relations with Russia, but with Russia we have to understand one very basic tenet that Ronald Reagan knew very well. We must deal with the Russians from a position of strength, consistency and candor. When we are not candid with the Russians, when we do not call them when they violate treaties, when we do not ask them about things like Yamantau Mountain in the Urals where they are spending billions of dollars on a huge underground complex that we just do not know the purpose of, the Russians lose respect for us.

□ 2000

That is the problem this administration has with Russia. We were so concerned with not embarrassing Boris Yeltsin that we forgot over the past seven years that Russia had to be held accountable for those things it did that were in violation of arms control regimes, that were things that destabilized our relationship, and we are now paying the price for those policies.

A second chapter in Mr. Gertz's book deals with a letter that, up until this book, has been classified. The letter was sent and signed by President Bill Clinton to President Boris Yeltsin. Mr. Speaker, every one of our colleagues needs to read this letter because in the letter our President tells Yeltsin, "Don't worry. Our policies will help you in your reelection effort."

We were so concerned about not doing anything to expose Russian problems for what they were that we even went to the length of ignoring reality. When the Russians transferred technology to Iran for the SHAHAB–3 missile, we ignored it. When we caught the Russians transferring accelerometers and gyroscopes to Iraq, we ignored it. We were afraid to do anything to expose violations because we did not want to embarrass President Yeltsin.

We are now paying the price for those policies, Mr. Speaker, and our national security has been harmed because of the absolutely overwhelming proliferation that has gone out from Russia to every destabilized country in the world, technology being used for missile proliferation, weapons of mass destruction, because we did not want to hold the Russians accountable for violations and for their lack of tight controls in terms of technology that could be used abroad. We are now paying the price for those policies, and Russia is a much more destabilized nation.

And now, because of the Kosovo conflict, we are backing Russia into a corner, and the pro-western leaders in Russia are saying we are going to hand Russia over to the Communists and the ultranationalists if we do not get our policy back together again.

The Gertz book documents these stories, Mr. Speaker, and I would encourage our colleagues to stop by EF–100 tomorrow between 4 o'clock and 6:30 to meet Bill Gertz personally and get a copy of his book and to read for themselves the hard evidence.

In fact, I saw an article last week that the FBI may be considering actually pressing charges against Gertz for some of the revelations that he has exposed. It is an absolute shame and outrage when, in America, we have to have a reporter for a newspaper expose to us information that Members of Congress and the public should have a legitimate right to understand and know.

It reminds me of that famous national intelligence estimate that this administration spun out four years ago when the President said we have no need to worry about any long-range missiles hitting America for at least 15 years, when the CIA publicly put that document out and the President used that document to veto our defense bill. Three years later, after tremendous pressure from many of us in this room from both sides of the aisle, the CIA has now publicly reversed itself and has acknowledged that North Korea has a long-range ICBM today. That is the kind of spin that this administration has placed on national security issues for seven years, but now it is about to unfold.

Also tomorrow, Mr. Speaker, at 10:30 in the morning the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) and nine members in total of the Cox committee, the Select Committee to look at technology transfer from the U.S. to China, which I was honored to be a member of, will issue our public statement.

For five months, Mr. Speaker, we have tried to get the administration to declassify the Select Committee's report, and for five months we have been stonewalled. Nine Members of Congress, five Republicans and four Democrats, very honorable people, met behind closed doors all during the breaks, all during the holidays from July through January 1 and 2 of this year.

Behind closed doors we interfaced with the FBI, the CIA, the Defense Intelligence Agency. We held hearings, we called witnesses in, and we said nothing on the record. In a bipartisan way we developed a document that resulted in 32 specific recommendations of how to deal with the tremendous amount of technology transfer that has occurred to the People's Republic of China. We looked at cases where there was espionage involved. We looked at cases where companies went too far and perhaps violated U.S. laws, and we looked at cases where our government relaxed our technology controls to allow Chinese companies to buy technologies that should not have been on the marketplace.

All of that information was summarized and by the first week of January of this year, our report was complete. With its 32 recommendations, all of which were classified, and with the volumes of data we had assembled, we sent the report to the administration and we asked the administration to look at our recommendations, to come back to us and begin a dialogue of how to protect our Nation's security.

What did the administration do? Mr. Speaker, as they have done for seven years, they spun America's national security. Instead of dealing with it up front, putting the report on the table, they leaked stories out.

One story that was leaked to the Wall Street Journal by the administration dealt with the Chinese acquiring our W–88 missile technology, or our nuclear warhead technology, not missile technology. And the reason why that was leaked is because that leakage occurred during a Republican administration.

Now, I can tell my colleagues that the members of the Select Committee, both Democrats and Republicans, were not looking at what administration was responsible for security breaches. We did not care whether it was Clinton, Bush, Reagan, Carter, whomever. Our job was to do the right thing for America.

But what did the administration do? They tried to spin it: "We will leak the story about the W–88 because of the press feeds on that, and they will think that is what the China Select Committee looked at, and that was done during a Republican administration," and as the administration tried to say, "Well, we corrected those problems." That was their initial spin.

Then they went to the business community and they said, "You have to understand what the Select Committee is doing. They are about ready to come out with a report that is going to lay all the blame at the feet of American industry," and that was not the case and is not the case, Mr. Speaker. In fact, I am going to publicly say tomorrow, as I am saying tonight, that while there were some cases where American companies went too far, and there are criminal investigations of at least two of those companies under way right now, the bulk of the time American companies have done the right thing. They have wanted to abide by the law.

Now, the law has been changing. The regulations have changed. But it was not for us to blame only industry.

Mr. Speaker, the administration would also have some believe, through its spin efforts, that it is all the fault of China, and China is this bad country that has been able to use espionage to get access to technology that they should never have gotten access to. And in some cases, that is the story. We are currently seeing that with the story on our laboratories.

But, Mr. Speaker, how can we blame a country like China for buying technology if we as a Nation voluntarily allow that technology to be sold abroad? That is what has occurred over the past seven years. We allowed technology to be sold abroad that up until this administration was very tightly controlled and regulated, and was checked by a series of efforts within the intelligence community and the defense and State Department establishments to make sure that that technology would not enhance the capability militarily of a potential or current adversary. So blaming China alone is not going to be acceptable.

No, Mr. Speaker, the reason why, as we will see tomorrow, we have had such problems with our technology has, in my opinion, largely been the direct result of this government, our own government. We have sent the mixed signals. We have lowered the threshold. We have removed the whistleblowers. We have stopped people from doing their job. The question of why that occurred is something that needs to be explored. Our Select Committee did not look at that, but the problem of the technology being transferred is real.

For five months, Mr. Speaker, we have tried. Every one of the nine members of the Select Committee has tried to get this document out for the public to see. My comment was repeatedly, look, let us not have any more spin, just release the document and let the American people and the Members draw their own conclusions. It has taken us five months to make that happen. Tomorrow, that report will be released.

I can remember back to February 1, Mr. Speaker, and this is probably the best example I can give of the attempt to spin this that I can think of. February 1, Sandy Berger, head of the National Security Council, issues a public response to selected media personnel in this city of the response of the administration to the 32 classified recommendations that we made in the Cox committee.

So in January we make our recommendations and we issue the report and it is all classified. Without discussing their actions at all with any member of the Cox committee, on February 1 Sandy Berger releases in a public format the White House's response to those 32 recommendations.

Now, if that was not bad enough, Mr. Speaker, two days later we have a Committee on National Security brief that is open to Members only. The brief is being given to us by the Director of Central Intelligence, George Tenet. When he is finished his brief about emerging threats and we get to the question and answer session, I ask the DCI, the Director of Central Intelligence, a question.

I said, "Mr. Tenet, you know that the China Select Committee one month ago issued its report, because we gave you a copy. You are the intelligence leader for our country. In that report we made 32 recommendations for changes, but we also reached a very simple unanimous conclusion, and that conclusion, Mr. Tenet, you know is that America's national security has been harmed in a significant way by technology transfers to China." I asked Mr. Tenet, "Do you agree with that assessment that the nine of us reached unanimously?"

This was his answer, Mr. Speaker, two days after Sandy Berger gave the media an unclassified response to our recommendations. George Tenet said, "Mr. Congressman, can I get back to you? I have not finished reading the report yet."

So here was the White House on February 1 issuing to selected media outlets unclassified response to a report that the Director of Central Intelligence two days later said he had not finished reading yet.

Mr. Speaker, that is why we have problems with our national security. Tomorrow, the American people get to see for themselves. They get to hear about the warheads and the technology that we have lost. They get to hear about the neutron bomb. They get to hear about technology involving our space launch capability. They get to hear about the MIRVing nuclear warhead. They get to hear about military-industrial technology, high-performance computers.

They get to hear about all of these things, and in the end, the administration is going to try to blame someone. They are either going to try to find a scapegoat within the administration who they can say caused these problems, as they are currently trying to do in the Department of Energy, trying to blame the labs, when some of the labs were doing an adequate job but others were not; or they are going to try to blame someone up in the Cabinet who can be the fall guy or gal who takes the blame for what has occurred.

In the end, Mr. Speaker, I am convinced that the blame for our security lapses, as Harry Truman said, started at the top where the buck stops. The administration sets the policy.

Now, some would say, well, the President cannot know everything, and this is true. Some of my CIA friends have told me that this is one of the first Presidents since Eisenhower who never sees the CIA's morning briefers, never sees them. He chooses not to see the briefers who are coming in to advise him of security concerns. The CIA does not even know if the President reads the daily brief provided to him. What the CIA analysts that I have talked to say is that they think that what Clinton gets is filtered through Madeleine Albright and Sandy Berger.

Mr. Speaker, this is going to be a bad week in the history of America. The Kosovo crisis continues; Russia is being backed into a corner, to the point where they are now very antagonistic toward America; Bill Gertz comes out with a book called "Betrayal" which documents specific events that have occurred that have undermined our national security; and tomorrow, a select group involving nine Members of Congress, five Republicans and four Democrats, present a unanimous report and finding of what we found, that our national security has been harmed by our sale and transfer of technology to China.

Many Members are going to use this as a platform to jump all over China and blame the Chinese and say they are an evil nation. I am going to be one, Mr. Speaker, that stands up and says, let us pause a moment.

□ 2015

We need to engage China. Has China done some things that are wrong? Yes. We must deal with them. Does this mean we should isolate ourselves from China and consider all Chinese to be bad people? Absolutely not, because, in the end, Mr. Speaker, I am convinced that the bulk of the problems that we uncovered were caused by our own government. If we are stupid enough to allow another nation to buy sensitive technologies, then we cannot blame that nation. We blame our own policies that caused those technologies to be allowed to be sold for the first time.

In our testimony and in public statements that have been on the record, so I am not revealing any sensitive information, the first director of our Defense Technology Agency called DTSA, whose responsibility it was to monitor applications for technology sales abroad, and which was decimated during this administration, Steve Brian said that in 1996 China had zero high performance computers. None. These are the high end supercomputers, high performance computers in the 8 to 10,000 MTOPS range, very capable computers that are only used for very elaborate research or for weapons design. China had none.

Only two countries were manufacturing those high performance computers at that time, the U.S. and Japan, and both of our countries had an unwritten understanding that neither would sell these high performance computers to those nations which were or could become potential adversaries of the U.S.

We relaxed our policy on exporting high performance computers, Mr. Speaker, and in two years, by 1998, China had acquired over 350 high performance computers.

Now, we were told the State Department would monitor where they were being used, but they did not do that, because China would not let our State Department monitor where these computers went. We know now that many of them are being used by organs of the People's Liberation Army. They are being used for weapons design, they are being used for their nuclear programs, and those devices came from this country.

Mr. Speaker, China did not steal those high performance computers; they bought them. They bought them because we changed our policies. We allowed Chinese entities to acquire technologies that up until the mid-1990s had been tightly controlled and monitored by those people who are watching out for our security concerns, now and in the 21st Century.

Mr. Speaker, by Thursday of this week I expect to unveil two new documents, documents which I have been working on with a small group of people for the past four months. These two documents will not just focus on the China Select Committee, but will go beyond that.

By Thursday of this week, it is my hope, if the graphic artists have completed the work, which I expect they will, to present two large charts, if you will, the visual presentation of what has happened in terms of technology transfer to China.

The first chart, Mr. Speaker, which I have a rough sketch of, will trace every front company and operative arm of the People's Liberation Army that tried to acquire and did acquire technology in America, who the leaders were, what their ties are and were, and how they were able to get the approval to buy technology that is very sensitive and is being used by the Chinese military today, most of it with the support of our government.

The second chart, Mr. Speaker, will be a depiction of a time-line, starting in 1993 and running through 1999. It will take every major technology area of concern that we have, encryption, high performance computers, military-industrial technology, space launch capability, nuclear weapons, it will take all of those technology disciplines and will track them through that 6 year time period, and it will list specific dates when actions took place in this administration to allow those technologies to be transferred. Almost all of those actions were done voluntarily by our country.

Mr. Speaker, in the end we have got to understand that we are now going to begin to pay the price for 7 years of gloating over our economy, 7 years of gloating over what was supposed to be world security, 7 years of pretending Russia and China were not potential problems, and rather than being up front and candid and transparent with Russia and China, we glossed over problems. We pretended things were not happening. We told Yeltsin we would help him get reelected. We did not want to offend Jiang Zemin. In doing that, we gave away technology that America is going to have to deal with for the next 50 years.

Mr. Speaker, this is not a partisan issue. Democrats and Republicans in this body and the other body have been together on national security concerns. Democrats and Republicans have worked hand-in-hand over the years in protecting America's security.

This battle, Mr. Speaker, is between the White House and the Congress. This White House has done things that this Congress has tried to stop and overturn.

Starting tomorrow and continuing through the next year and a half, until the presidential elections and both parties attempt to win the White House, the American people will have to judge as to whether or not our security has been harmed, how extensively it has been harmed, what is going to be the remedy for us to deal with these concerns that we have relative to technology flowing into hands that eventually could be used against America.

I want to caution our colleagues, Mr. Speaker, not to rush to snap judgments. We should not tomorrow when the China Select Committee reports come out and bash all Chinese citizens, or certainly not Chinese-Americans. Some of our most capable leaders in this country are Chinese-Americans. In fact, some of my best friends are Chinese-Americans, leaders in the academic world, the scientific world, the technology world. We must make sure that we let them know that they are solid Americans that we respect. We must not let this report come out and be an effort where Members of Congress come out and trash China and trash our relationship with those Chinese American leaders in our communities across this country.

The problem in the end, Mr. Speaker, is with us. It is within our own government. We should not try to find any scapegoats. We should not try to blame industry. We should not try to just blame the Chinese. We should not just try to blame any one group.

The bulk of the problems I think we will find were caused by our own actions, by our own decisions, to ease up on the control mechanisms, to make technology available for sale. This is not to say there are not cases of espionage, because there are, and they need to be dealt with, as in our laboratories and the network that the Chinese established. But if we are foolish enough to allow China to set up front companies and buy technology from us, who is wrong? The Chinese, who are abiding by our laws and buying technology in many cases that we sell them, or are we at fault for loosening our controls and allowing them to buy these technologies?

The same thing is true with companies. American industry by and large wants to do the right thing, but if we send confusing signals, if we change the regulations, if we loosen up the standards, then most American industry should not be blamed when these very technologies are then sold abroad because we have allowed those practices to go on.

As I said earlier, there are companies that deserve to be investigated, and two are under criminal investigation right now. But I would hope tomorrow and for the rest of this week as we get ready to celebrate the Memorial Day holiday that we as a Nation step back and begin to seriously consider our national security.

It has not been a high focus for the past 7 years. We have been lulled into a false sense of complacency. The economy is going strong, people are working, inflation is low, unemployment is low, and we have been convinced that the world is safe. Now, all of a sudden, we wake up and see Russia backed into a corner, China involved in technologies that we never thought they should have, North Korea deploying long and short range missiles that now threaten not just our territories, but the mainland of the U.S., Iran-Iraq developing medium range systems with the help of Russia, India and Pakistan saber rattling with nuclear warheads and medium-range missiles.

Where did they get the weapons from, Mr. Speaker? Where? We saw China supplying Pakistan with the M-11 missiles. We saw China supplying Pakistan with ring magnets. We saw China supplying Pakistan with the technology for the nuclear furnaces. We saw Russia supplying India with technology.

Why are we surprised? All of a sudden we come with the realization, we have problems in the world, and we have not dealt with those problems in a fair, open and honest way, in spite of tremendous efforts by Republicans and Democrats in this body and the other body.

It is time to end the spin, Mr. Speaker. It is time for this administration to end the nauseating spin, the spin doctors at the White House, who want to spin everything, to make it look as if they have no role to play, just as they did when they lost the Congressional elections and did not want to accept any responsibility in the White House. It was all the fault of those Members of Congress who were out of touch.

It is about time this administration and this President understand that once in awhile he needs to accept the responsibility for his actions and the collective actions of this administration.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes.

Mr. UNDERWOOD. Mr. Speaker, I appreciate the opportunity to share with the American people and the Members of the House a special order on Asian Pacific American Heritage Month.

As many people know, and it is being widely celebrated in various communities throughout the Nation, May of every year is Asian Pacific American Heritage Month. I want to thank the previous speaker for making a clear distinction between some of the problems and some of the issues concerning espionage and some of the security issues that we are currently experiencing. Mr. Weldon certainly is one of the body's leading experts on national security, and I serve with him on the Committee on Armed Services, and while we may not fully agree on some of the interpretations given to some of the challenges we face, we are certainly unanimous in the sense that all of this discussion should stay clear of any kind of aspersions cast upon the Asian-American community.

As chairman of the Asian Pacific American Caucus for the 106th Congress, it is my privilege and honor to try to bring to the attention of the body and the attention of the American people the multifaceted contributions of the Asian Pacific American community to American life and society.

As members of the Congressional Asian Pacific American Caucus tonight, my colleagues that will participate and I will use this opportunity to honor, remember and celebrate the Asian and Pacific Islander Americans in our country.

In fact, it is important to note that over 65 Congressional districts have a population of at least 5 percent Asian Pacific Americans, and some 28 Congressional districts have over 10 percent Asian Pacific Americans in their home areas.

The history of APA month dates back to some legislation introduced by former representative Frank Horton from New York in 1978 establishing Asian Pacific American Heritage Week to draw attention to the contributions and to the conditions of this growing part of the American population. In 1990 the week was extended to a month, and it was not until 1992 that legislation was actually passed to make APA month a permanent occasion during the month of May.

This is supposed to be the time that America recognizes the heritage that the many communities which actually make up the rubric of Asian Pacific America bring to the cultural complex of America, and it is a very complex contribution, and a series of actually many heritages.

I am a Pacific islander, and with us today are the gentleman from American Samoa (Mr. FALEOMAVAEGA) a Pacific islander, and Mr. WU, a freshman member from Oregon, who is of Chinese ancestry. We represent a wide variety of cultures and civilizations. Actually the area that we draw off account for over half of the world's population. These multiple heritages range from the ancient civilizations of the Indian subcontinent and China, to the island Pacific, from Japan, Korea, Vietnam and the Philippines. We add our customs and traditions to the beautiful tapestry which makes up American life.

☐ 2030

This diversity is good for America. Sometimes we think of minority groups, minority communities as somehow areas of problems to resolve, that there is always some dimension of them that invites solutions to some preceding problem.

I want to happily acknowledge that, as Pacific Americans, indeed all Americans of all races and all ethnic backgrounds should be proud of who they are and the multifaceted contributions that they have made to America's social fabric.

Despite the diversity of the backgrounds that make up the Asian Pacific American community, we are united by a characteristic concern for family, for making sure that we protect and nurture each other, those in our immediate once commonly referred to as nuclear family, as well as in our extended family, whether in education, in business, and just about everything in life, we are working hard not only for ourselves, but for our families, and making sure they get better opportunities and encouraging our young people while we pay attention to our elders.

This concern for family across generations I think is characteristic, good strong characteristic of all of the communities which make up Asian Pacific America, and it is something that we proudly wish to share with the rest of America.

This is the month where we can call attention to the best of our community and to demonstrate to Washington and to the Nation that Asian Pacific Americans are making their mark and making their contributions in all segments of society.

There are people like Vera Wang and Josie Natori, both fashion designers who are internationally renowned for their creations. There are entrepreneurs like Jerry Yang, founder of Yahoo, Incorporated, and Robert Nakasone, president and chief executive officer of Toys "R" Us.

We also shine in the education field. Dr. Chang-Lin Tien is the former chancellor of U.C. Berkeley and has made many outstanding contributions to the field of scientific research and journal publications and government consultation.

In the field of the arts, we have performers like Yo-Yo Ma, a cellist with the Boston Symphony Orchestra who dazzles us with his artistry and has some 12 Grammy awards to his name.

We also have actresses like Ming Na-Wen, who not only starred in critically acclaimed movies such as the "Joy Luck Club," but also lent her voice to the famous animated musical "Mulan."

In the area of government, we have outstanding civil leaders such as Bill Lann Lee, acting attorney general for civil rights, who has led our Nation's fight for equal opportunity for the past year and a half and has done an outstanding job.

In our armed forces, we have General Eric Shinseki, current Vice Chief of Staff for the U.S. Army, who has had 33 years of military service, won numerous awards, and has recently been nominated to the post of Chief of Staff for the U.S. Army, which would make him the highest ranking officer in the U.S. Army, certainly the highest ranking officer of Asian Pacific American ancestry to rise to that position in our country's history.

In the scientific field, we have innovative doctors such as Dr. David Ho, Times Magazine's 1996 Man of the Year. Dr. Ho is renowned for his groundbreaking research on HIV and AIDS, and he is currently the scientific director of the world's largest independent AIDS research laboratory.

Kalpana Chawla, on the other hand, is renowned in her work on the 1997 Columbia Space Shuttle mission. She is the first East Indian American who has traveled to space.

In the media, we are graced with such talented television journalists as Ann Curry, a two-time Emmy award winning anchor, and she has joined the cast of "NBC Dateline" and the highly popular national morning news show, "The Today Show."

Michelle Kwan's artistry and elegance on the ice have demonstrated to us just how far determination and dedication can take us. On the other hand, the grace of Michelle Kwan is balanced with the agility and force of Junior Seau. American Samoan by ancestry, Junior is a football player with the San Diego Chargers, has been voted for six consecutive Pro-Bowls and was named 1994 NFL linebacker of the year.

We have, of course, the gentleman from American Samoa (Mr. FALEOMAVAEGA), who, despite the size of his congressional district, has more players in the NFL than probably any six other congressional districts combined. So I am sure he will tell us a little bit more about that.

Of course we have in politics, we have not as many as we would like, but we certainly have a number of them.

Mr. Speaker, I yield to Vice Chair of the Asian Pacific American Caucus, the gentleman from Oregon (Mr. WU), who has recently been featured in a very complimentary article in A Magazine, which is a national Asian magazine. I want to congratulate him for that. He has a number of issues to share. I was certainly glad that he has come to this House to grace us with his presence.

Mr. WU. Mr. Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD) for yielding to me.

It is a special pleasure for me to stand here in honor of Asian Pacific American Heritage Month. I am proud to serve as the Vice Chair of the Congressional Asian Pacific American Caucus, and it is my great privilege to stand on the floor of this House as the first Chinese American to serve in this body in the 220-year history of this country.

We all may have our small footnotes in history, but I try to keep a touch of humor, and in this town maybe even tougher, a touch of humility about what happens around here.

I would like to share a little story that happened right here in this Chamber. The story is only slightly humorous, but perhaps more importantly, it helps illustrate the point which I would like to make tonight.

When I was younger, I attended one year of medical school, and sometime during the fall of that year decided that I wanted to leave medical school to make a broader difference. When I called home to share that with my father, let us just say that he was not pleased. He was not pleased at all.

During the next year, when I took a leave of absence and worked for a while, I received a stream of articles, newspaper articles from my parents, from my dad in particular, and it was all about doctors, doctors who were doing wonderful things in impoverished neighborhoods, really working in communities where they were needed. It was also about lawyers and those articles about ambulance-chasing lawyers who were up to no good. My father was really, really hoping, I think, that I would go back to medical school.

Now fast forward 20 years, and I was sitting just about there on this floor. It was January 6 of this year. I was about to be sworn in as a Member of Congress, probably the proudest day of my live. My parents were sitting right up there. My wife was somewhere over here. My in-laws were somewhere over here, and I could not see them.

But I could see my father. I could see my father. As I looked up at him, I could not help but think, I wonder if he still wishes that I graduated from medical school?

I am telling that story because I think that it is something very positive in our community, that we have a lot of people who have become prosperous, who are engineers, who are scientists, who are business owners, but very few people who have gone on to fields like law and politics.

But I am proud to say that there is a movement afoot across America, and I am proud to report to the House tonight that there is a very positive trend occurring in Asian American communities. Gordon Quan in Houston, Max Inge in New York City, Barry Chang, whom I just visited in California, Silicon Valley, Charlie Woo, who is visiting in Washington today but who is starting a movement in Los Angeles, and other places like my home in Portland, Oregon, from Chicago to St. Louis to Washington, D.C., where Asian Americans are recognizing the importance of encouraging the next generation to branch out, to branch out from the traditional professions like science, like engineering, as good as those professions are, from dentistry, from medicine, into new fields like art or journalism or law or even politics.

I believe that it is vitally important for Asian Americans to participate in the political process. We often hear complaints about not being fairly treated in the media or in other public bodies. But I submit to my colleagues that the only way to make a truly lasting and positive and constructive difference is to get involved and to stay involved, to become part of shaping the dialogue and influencing the process ourselves.

That is what is happening across the Nation today, to do what groups across America are doing to continue to instill in our generation and the next the importance of taking school seriously, and not just taking school seriously but taking participation in the political process seriously, to pass on to our young folks what we have learned from our lives and the lives of our parents: that the opportunity to participate in the American dream is a gift of the American spirit, and that we should not let any part of this gift slip away. We must fully participate in the process.

I am grateful every day to share in that process. I do my job each and every day with the faith that we are serving a larger process. We all need to participate as Americans. This is the message being brought to other Asian Americans, to urge them to get involved and to stay involved.

Each new immigrant group that comes to America has learned, sometimes the hard way, that to be a voice at the table, we must make sacrifices. We as Asian Americans are clearly in the early formative stages of political participation.

Like every other group that has come to America before us, so many sacrifices have been made already. But one more sacrifice is left to be made. I add this to Asian Americans of the older generation, to those of my parents' generation, perhaps to anyone who is older than I: You who have made so many sacrifices already, you have come to a foreign country, learned a foreign language, you have worked hard to make your families prosperous. You have really helped your children get an education and helped them become Americans.

That is perhaps one of the largest sacrifices that you have made, to encourage your children to grow up in this country, to be a part of this culture and, in so doing, to become different from you. It is a great sacrifice for any parent to make, and countless generations of immigrants before you have made that sacrifice.

But I am here to ask you to make one more sacrifice, and that is to encourage your children to pursue their passions, no matter what that passion is, whether that is to become a doctor or become a dentist or teacher. But if they choose to become an artist, a journalist, a lawyer, or even to enter into public life, to encourage them in the pursuit of that passion, to make one more sacrifice for your children.

I will say to your children that it is a two-way street. When I was young, my parents encouraged me to keep up my Chinese and to study hard. There was always something better to do, whether it was to go out and play with my friends or because the ice cream truck was coming by.

I say to the younger generation, listen to what your parents have to say. Keep in touch with the culture and the language. It is good for you, and your parents are asking something that will be ultimately good for you, and you will appreciate it in the years to come.

Mr. Speaker, I am proud to stand on the floor of the House tonight on the occasion of Asian Pacific American Heritage Month and report to my colleagues that, while much still remains to be accomplished, we have made great progress, and we will continue to make that progress year by year, generation by generation.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from Oregon (Mr. WU) for his remarks, and he certainly tried to encourage generations, the younger generation, to increase their level of participation in the public and political life in this country.

During this past week, as part of Asian Pacific American Heritage Month, there were efforts here to help train some locally elected officials from various parts of the country who are of Asian Pacific American heritage, and that is a very important contribution. I think it is good not only for those communities, I think it is good for America and certainly will help to strengthen America.

□ 2045

GENERAL LEAVE

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to be permitted to include therein extraneous material on the subject of this special order.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Guam?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman from American Samoa (Mr. FALEOMAVAEGA), my fellow Pacific Island brother, for any remarks he might add. I am proud to say that he went to school on Guam in middle school.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank my colleague for the opportunity to hold this celebration to commemorate the rich and diverse heritage of Asian-Pacific Americans who call our great Nation, the greatest democracy in the world, home.

I want to further commend our host, the gentleman from Guam (Mr. UNDERWOOD), chairman of the congressional Asia-Pacific Caucus and my fellow Pacific Islander, for his tremendous leadership of the Asia-Pacific Caucus and his magnificent job in coordinating this event today.

And I certainly would like to commend my colleague, the gentleman from Oregon (Mr. WU) and also the gentlewoman from Hawaii (Mrs. MINK), who will also be participants, as they will be participating in this dialogue.

A few years ago, I was privileged, along with my Asian-Pacific colleagues on Capitol Hill, to attend a special White House ceremony where President Clinton signed an official proclamation declaring the month of May as "National Asian-Pacific Heritage Month."

Today I am privileged again to be here before my colleagues to speak to the Nation and to our colleagues and to share this occasion honoring the enduring legacy of those Americans whose roots extend from the soils of nations in the Asian-Pacific region.

Mr. Speaker, in honoring this month as our national Asian-Pacific Heritage Month, it was my privilege to have been invited recently to speak before our men and women in uniform stationed at Fort Campbell, Kentucky, Fort Knox, Kentucky, and also at Edwards Air Force Base in California to share with them an historical perspective on the contributions of the Asian-Pacific community as part of our Nation's heritage.

Mr. Speaker, I want to personally thank Major General Robert Clark, the Commanding General of the 101st Airborne Division; Colonel Virgil Packett, II, the Assistant Division Commander; and Command Sergeant Major Iuni Savusa, both members of the 101st Airborne Division. I want to thank these gentlemen for the courtesies, the briefings, and the hospitality that were extended to me during my visit.

And my commendations also go to Colonel Scott Feil, Commander of the First Armored Training Brigade; Colonel George Edwards, the Garrison Commander; Mr. Jack Eubanks, the Chief Protocol Officer; and Sergeant First Class Emani Masaniai of Fort Knox, Kentucky.

These gentlemen received me during my visit at Fort Knox, and they did a splendid job in making the proper preparations for the special event and the opportunity to meet with the active duty and retired military personnel and their families. I thank them for my visit to Fort Knox.

Last but not least, Mr. Speaker, I want to also extend my sincere thanks and appreciation to Major General Richard Reynolds, the Commanding General of the Edwards Air Force Base Flight Test Center; Mr. Jim Papa, the Executive Director of the Air Force Flight Test Center; Ms. Mary Jane Gugliotte, the Protocol Officer; Ms. Leonila Marcelino of the Asian-Pacific Employment Office; Mr. Nuu Moa of the Samoan community; and Air Force Major Kevin Toy from the Air Force Congressional Liaison Office. I want to thank them all for making my stay at Edwards Air Force Base a positive experience that I will not forget.

In particular, I want to thank General Clark of the 101st Airborne Division and General Reynolds of the Edwards Air Force Base Test Center for the depth of their knowledge of our Nation's security needs. And I thank both of these gentlemen for the outstanding leadership roles that they demonstrate not only to the airmen and soldiers under their commands, but more importantly their commitment to provide as best as possible for the needs of our men and women in uniform and especially their families.

Mr. Speaker, I am privileged today to be here before my colleagues to speak to the Nation and to share this occasion in celebrating the contributions of the Asian-Pacific American community, well over 10 million strong and among the fastest growing demographic group in the United States today.

During this time for celebration, it is only fitting that we honor our fellow citizens of Asia-Pacific descent, both from the past and from the present, that have blessed and enriched our Nation. I submit that the Asian-Pacific Americans have certainly been an asset to our country's development, and it is appropriate that we make this recognition accordingly.

As many of you are aware, immigrants from the Asia-Pacific countries are amongst the newest wave to arrive in the United States in recent years. However, they are merely the latest chapter in the long history of Asian-Pacific Americans in our nation.

The people of Asia-Pacific have contributed much to America's development in the field of sciences and medicine. For example, nothing exemplifies this more than Time Magazine's selection of a Chinese American in 1996 as its Man of the Year, Dr. David Ho, head of the prestigious Aaron Diamond AIDS Research Center at New York City's New York University Medical School.

Dr. Ho's journey started as a 12-year-old immigrant from Taiwan. Gracing the cover of Time Magazine has given hope to millions of people around the world afflicted by the HIV virus. His story is a stirring testimony to the significant concrete contributions that Asian-Pacific American immigrants have made to our Nation. Dr. Ho's scientific advances continue a long record of service by Asian-Pacific Americans.

In 1899, a Japanese immigrant arrived on the shores of this Nation. After years of study and work, this man, Dr. Hideyo Noguchi, isolated the syphilis germ, leading to a cure for the deadly, widespread disease.

For decades, Dr. Makio Murayama, a Japanese-American, conducted vital research in the United States that laid the groundwork for combating sickle cell anemia.

In 1973, Dr. Leo Esaki, another Japanese-American, an immigrant also to our country, was awarded the Nobel Peace Prize in physics for his electron tunneling theories.

And in engineering, Mr. Speaker, few have matched the architectural masterpieces created by the genius of Chinese-American, I.M. Pei.

In the field of business and commerce, the names of prominent Asian-Pacific American corporate leaders and legal scholars are too numerous to mention. One only need read our Nation's top periodicals and newspapers to document that Asian-Pacific American students, both in high school and at secondary and post-secondary levels are among the brightest minds that our Nation has produced.

In the entertainment field and sports, American martial arts expert Bruce Lee, the late Bruce Lee, captivated the movie audiences of this Nation while destroying the stereotype of that passive, quiet Asian-American male.

World class conductor Seiji Ozawa has led the San Francisco Symphony Orchestra through some brilliant performances over the years.

About 70 years ago, Mr. Speaker, a native Hawaiian named Duke Kahanamoku shocked the world by winning the Olympic Gold Medal in swimming, followed by Dr. Sammy Lee, a Korean-American who also won an Olympic Gold Medal in high diving.

And the strange thing about Dr. Sammy Lee, Mr. Speaker, at the time when the Olympic members of our team were practicing for the Olympics at that time, Dr. Lee was not even permitted to practice along with his fellow divers, American divers, simply because he was not white.

Then there was Tommy Kono of Hawaii, also an Olympic Gold Medalist in weightlifting. And, yes, perhaps the greatest Olympic diver ever known to the world, a Samoan-American by the name of Greg Louganis, who recorded a record in gold medals and national championships that will be in the books for a long, long time.

And, yes, the enthralling Olympic ice-skating performances of Japanese-American Kristi Yamaguchi and Chinese-American Michelle Kwan continue the legacy of milestone achievements by our Asian-Pacific community.

In professional sports, of course, we have Michael Chang blazing new paths in the sport of tennis. Pacific Islanders, and I know some of our fellow Americans are not well up on the sport of rugby, but by mentioning names of Pacific Islanders like Brian Williams and Jonah Lomu and Michael Jones and others of Polynesian descent.

And, yes, in the field of professional American football, as has been alluded to earlier by my colleague from Guam (Mr. UNDERWOOD), we currently have approximately 21 American-Samoans who play in the NFL. And I am humble enough to say that we probably produce more NFL players, Mr. Speaker, than anybody here in this country.

Yes, Junior Seau, the perennial all-pro linebacker from the San Diego Chargers. I am sorry to say that Jesse Sapolu of the San Francisco Forty-Niners just recently retired.

I can go on, Mr. Speaker, but my colleagues might be bored by their hearing these remarks.

In the field of professional boxing, I would suggest to my colleagues and to my fellow Americans to keep an eye on this young Samoan heavyweight boxer by the name of David Tua. Yes, David Tua. He now ranks among the top 10 in the world in the heavyweight division in boxing.

And one of the brightest stars to emerge recently from our community, Mr. Speaker, is none other than Tiger Woods. Yes, Tiger Woods, the professional golfer. I think Tiger Woods could not have said it better. He is part American Indian, he is part black American, he is part white; but his mother is from Thailand. And he said this is what makes him the best golfer there is in the world.

Tiger made history, of course, in one of the world's most important golf tournaments. And before his career is finished, I submit, Mr. Speaker, he will reinvent the game of golf.

We also have Asian-Pacific Americans who are making their mark in history not in our country, but in the Far East. Yes, a Samoan-American by the name of Salevaa Atisanoe weighs over 578 pounds, participates in the ancient sport in Japan called sumo wrestling and wrestles by the name of Konishiki. Yes, he weighs only 578 pounds, Mr. Speaker, but he can bench press 600 pounds. Figure that out. Konishiki was the first foreigner in Japan's centuries-old sport to break through to the rarified air of sumo's second highest rank.

And another of Tongan-Samoan descent, Mr. Leitani Peitani, who now is known basically as Musashimaru, has also gained prominence in the sport of sumo wrestling.

And, yes, we also have native Hawaiian Chad Rowen, who wrestles by the name of Akebono, the first foreigner to achieve the highest ranking in this ancient sport and the rank of Yokozuna.

Mr. Speaker, in honoring the Asian-Pacific Americans that have served to enrich our country, I would be remiss not only as a Vietnam veteran, but as a former member of the 100th Battalion 442nd Infantry Reserve Unit in Hawaii if I did not honor the contributions of the Japanese-Americans who served in the U.S. Army's 100th Army Battalion and 442nd Infantry Combat Group.

Mr. Speaker, history speaks for itself in documenting that none have shed their blood more valiantly for America than the Japanese-Americans who served in these units while fighting enemy forces in Europe during World War II.

Mr. Speaker, the records of the 100th Battalion and 442nd Infantry are without equal. These Japanese-American units suffered an unprecedented casualty rate of 314 percent and received over 18,000 individual declarations, many awarded posthumously, for bravery and courage in the field of battle.

Given the tremendous sacrifices of lives, a high number of medals were awarded to these units: 52 Distinguished Service Crosses; 560 Silver Stars; 9,480 Purple Hearts. I find it unusual, Mr. Speaker, that only one Medal of Honor was awarded.

Nonetheless, 442nd Combat Group emerged as the most decorated combat unit of its size in the history of the United States Army. President Truman was so moved by their bravery on the field of battle, as well as that of black American soldiers who served in World War I and World War II, that he issued an executive order to desegregate the armed services.

I am proud to say we can count on the Honorable DANIEL INOUYE and the late Senator Spark Matsunaga, both from the State of Hawaii, as not only Members of Congress that distinguished themselves in battle as soldiers with the 100th Battalion and 442nd Infantry. It was while fighting in Europe that Senator INOUYE lost his arm and was awarded the Distinguished Service Cross, the second highest medal for bravery, as it is noted today.

These Japanese-Americans, Mr. Speaker, paid their dues in blood to protect our Nation from its enemies. And it is a shameful mark, Mr. Speaker, on the history of our country that when the patriotic survivors of the 100th Battalion and 442nd Infantry returned to the United States, many of these soldiers were reunited with their parents, their brothers and sisters, who were locked up behind barbed wire fences living in concentration camps.

□ 2100

My colleagues on the hill might be interested to know that the gentleman from California (Mr. MATSUI) and former Representative Norman Mineta were children of the concentration camps. Mr. Speaker, I do not know if I am ever able to perform what these Japanese American soldiers could do. If you could well imagine coming home from war, facing the reality that you might never return and then when you come home, you have to find your parents and your brothers and sisters in these concentration camps, I say, Mr. Speaker, something was awfully wrong at that time in our country.

The wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese Americans will forever serve as a reminder and testament that this must never be allowed to occur again. When this miscarriage of justice unfolded in World War II, while some Americans of German and Italian ancestry were discriminated against, these Americans were not similarly jailed en masse like Japanese Americans. Some declared the incident as an example of outright racism and bigotry in its ugliest form. After viewing the Holocaust Museum recently, Mr. Speaker, in Washington, D.C., I understand better why the genocide of some 6 million Jews has prompted the cry, "Never again. Never again." Likewise, I sincerely hope that mass internments on the basis of race will never again darken the history of our great Nation. I am also told that probably one of the reasons why the Italian Americans were not also placed in concentration camps, can you imagine if Joe DiMaggio's father was given the same treatment at the time when Joe DiMaggio was the great American baseball player and hero of all the people? That is exactly what happened.

To those that say, "Well, that occurred decades ago," I say, we must continue to be vigilant in guarding against such evils today.

I am pleased to announce for the first time, as has been mentioned earlier by my colleague from Guam, that President Clinton has nominated General Eric Shinseki, an American of Japanese descent from the State of Hawaii, to become the new Chief of Staff for the Army. General Shinseki is currently the Vice Chief of Staff for the U.S. Army. Previous to his current position, General Shinseki was formerly Commanding General of U.S. Army Europe, Commander of Allied Land Forces in Central Europe and was Commander of the NATO Stabilization Force in Bosnia.

I am pleased by General Shinseki's appointment. It was not long ago we had the case of Bruce Yamashita, a Japanese American from Hawaii who was discharged from the Marine Corps officer training program in an ugly display of racial discrimination. Marine Corps superiors taunted Yamashita with ethnic slurs and told him, "We don't want your kind around here. Go back to your own country." The situation was made worse when the Commandant of the Marine Corps at the time who appeared on television's "60 Minutes" stated, "Marine officers who are minorities do not shoot, swim or use compasses as well as white officers."

After years of perseverance and appeals, Mr. Speaker, Mr. Yamashita was vindicated after proving he was the target of vicious racial harassment during his officer training program. The Secretary of the Navy's investigation into whether minorities were deliberately being discouraged from becoming officers in the Marine Corps resulted in Yamashita receiving finally his commission as a captain in the United States Marine Corps.

I am also disturbed, Mr. Speaker, by events of recent years involving campaign funding where the integrity of the Asian Pacific American community has been unfairly tarnished in the media for the alleged transgressions of a few.

I find this racial scapegoating to be repugnant and morally objectionable. Playing up fears of the "Asian connection" serves to alienate Asian Pacific Americans from participating in our political process. Moreover, this negative reporting acts to marginalize Asian Pacific American political empowerment at a time when we are coming of age in American politics.

When whites raise money for whites, it is called gaining political power. But when Asian Pacific Americans begin to participate, we are accused of being foreigners trying to infiltrate the mainstream of our Nation's political system. On this note, Mr. Speaker, remember the Oklahoma City bombing incident? Americans of Arab descent were immediately targeted and investigated by local Federal law enforcement agencies. Mr. Speaker, I submit it is simply wrong and unAmerican to react this way.

To protect America's greatness, we should all be sensitive to the fact that democratic participation by people of all races and backgrounds, including Asian Pacific Americans, is crucial to our Nation's health and vitality.

I believe Yamashita's case and the hysteria surrounding the Asian Pacific American contributions bear implications not just for the military and the media but for our society as a whole. It asks the question, how long do we have to endure the attitude of those who consider Asian Pacific Americans and other minorities as lesser Americans?

I applaud Captain Yamashita and others like him who have spoken out to ensure that racial discrimination is not tolerated. During this month as we recognize the diverse experiences and contributions of the Asian Pacific American community to our Nation, I would hope that we will all take inspiration from this example.

When I envision America, I do not see a melting pot, Mr. Speaker, designed to reduce and remove racial differences.

The America I see is a brilliant rainbow, a rainbow of ethnicities and cultures, with each people proudly contributing in their own distinctive and unique way. That is what America is all about. And Asian Pacific Americans wish to find a just and equitable place in our society that will allow them, like all Americans to grow, to succeed, to achieve and contribute to the advancement of this great Nation.

Mr. Speaker, I wish there were no labels. I wish I was not considered a Pacific American or an Asian American or a Black American or a Native American. I never hear of people classifying themselves as French Americans, or British Americans. But why these labels?

With that in mind, Mr. Speaker, I would like to close my remarks by asking, what is America all about? I think it could not have been said better than on the steps of the Lincoln Memorial in 1963 in that hot summer when a Black American, an American, by the name of Martin Luther King Jr. echoed this saying, "I have a dream. My dream is that one day my children will be judged not by the color of their skin but by the content of their character."

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from American Samoa for those very inspirational remarks and the cataloging of a number of successes that members of various Asian Pacific American communities have had and their contributions that have been made to this country. Nevertheless we continue to face many serious issues. Sometimes we must address those issues in a way that communities must in order to find ways to resolve problems that continue to exist. Some of these problems are long-standing. Some of them have to do with new immigrant status. Some of them have to do with current practices and current laws and current perceptions.

I know that in that regard and in working on those issues, the gentlewoman from Hawaii has been on the forefront of many of these issues. She has had a very distinguished career here in the House of Representatives and has served as previous chair of the Congressional Asian Pacific American Caucus, Mr. Speaker, and in that capacity not only continued the struggle for fairness and justice and equality in this country but continued to serve as a mentor for those of us who are following in her footsteps.

I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD), and I want to express the appreciation of all of the members of the Asian Pacific Congressional Caucus for his leadership and for his effort in making sure that we have this time this evening in which to express our thoughts about Asian Pacific issues. The gentleman from American Samoa (Mr. FALEOMAVAEGA) has certainly demonstrated in the short time that he took this evening the extensive record that has been accomplished by so many Asian Pacific individuals throughout this country. I know that he just elaborated on a few. If we had time, we could document many, many more individuals who certainly have brought great credit and recognition to the Asian Pacific community throughout this country. I do not think that there is a single individual in the Congress of the United States that does not recognize the contributions that have been made by Asian Pacific individuals, even in their constituencies. But notwithstanding the tremendous accomplishments of so many of our distinguished Asian Pacific brothers and sisters throughout this country, there are still some very nagging problems that confront us, problems that have to do with the way we look and the assumptions that people make because of the way we look, the way we are treated when we enter certain places, how we are looked down upon because of the mere fact of our Asian appearance. The conclusions that are leaped to, that we neither speak English nor have been educated in this country, and that we are undoubtedly immigrants, recent immigrants, or some characterization like that. This is very hurtful for many Asians. And so compounding on this day-to-day experience that we have to endure and suffer throughout our lives, the crescendo of criticism that has been levied upon all of us because of the misconduct of a few or the apparent misconduct of a few among us is an extremely painful experience. As the gentleman from Oregon (Mr. WU) suggested, we have a huge task, therefore, as Asian Pacific elected individuals in the Congress of the United States to serve as role models, to make sure that the young people who are thinking in terms of government service, of elective office, or seeking high positions in their local communities, that they are not discouraged by this dramatic news coverage that hits us every now and then.

Following the 1996 campaign, there was so much controversy that even the Congress got overwhelmed by a lot of that discussion. Out of it I believe came some of the very, very discouraging amendments that were added to welfare reform legislation and campaign spending reform legislation which singled out people in our society who are legally present in this country, who are legal residents but notwithstanding were somehow characterized by virtue of their status as not worthy Americans. They could not participate in programs, even though they had worked their 10 years and paid their taxes into Social Security, they were somehow unworthy because they had not seen fit to become U.S. citizens and therefore were pushed aside and denigrated and certain programs were denied them.

In the campaign spending reform, what was the most egregious provision that was added in a floor amendment was to say that a legal resident could not make a political contribution to a Federal candidate, and that the Federal candidate in receiving a contribution from a legal resident could be held accountable and even criminally found accountable for having received such a contribution. That was the most egregious of all the provisions that have been added over the years. I found that so egregious, that notwithstanding the fact that I was a strong supporter from the very beginning of campaign spending reform, I felt compelled in the end to vote against that legislation because I could not tolerate the idea that we were enacting into law this kind of disparate treatment of people who are legally within the United States.

So I would hope that when we take up campaign spending reform again this year, that that provision is not included or not considered for an appropriate amendment.

My point is that we have achieved a lot as a group, but there are continuing problems as we go through our lives. And it is important for the Asian Pacific community to stand up as a group, to be proud of their contributions to American life, proud of their citizenship, proud of their ancestry and of those who have come in recently, and to always work to defend their right to live here under the Constitution and to be fully protected by all of the provisions of the Constitution of the United States.

I want to take this opportunity this evening to thank the members on both sides, the House and the Senate, in their work in the conference committee in approving the $4.3 million which is the last funding for the payment of the reparations that the gentleman from American Samoa mentioned had been enacted in 1988 to pay for the great harm, the insult, the travesty that occurred in their being placed in relocation camps during World War II.

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Congress finally said this is a terrible wrong, the Constitution was totally abrogated in this instance, and so for all those who survived, in 1988 they were provided a payment of $20,000 for each survivor. The funds simply ran out, and there was not enough money in the fund to pay the last several hundred of those that have been found eligible. So the Congress in its wisdom provided the extra dollars to make sure that every single person found eligible received their sum that the Congress had promised.

One added implication to this whole issue was the fact that late in the whole process it became known that

Japanese individuals who were living in Latin America were picked up in the dark of the night and put on board ship, and shipped over to the United States and placed in the same types of concentration camps with the concurrence of the Latin American governments and under the instruction by the United States Government. These individuals have been trying to qualify for the same benefits that have been accorded our own Japanese American citizens, but despite their efforts they were denied under some sort of legal argument that they were not legally here.

Well, how could they be legally here if they were kidnapped in the middle of the night? Most of these individuals, now part of our communities, many of them have become citizens and are part of our community, and they felt very, very much discriminated against when they were excluded from the arrangements that the Congress made in 1988.

Thankfully, Mr. Speaker, the Justice Department entered into a settlement with these individuals, not quite as much as the other AJAs, but at least a recognition of the great harm that had been perpetrated upon these individuals, several thousand of them who were captured in the night and brought here under the assumption that they would be traded with our prisoners of war that were captured by Japan, and indeed about 800 of them were, in fact, bartered in this way and were moved over to Japan and perhaps continued to live there. But nonetheless, the Congress has accepted responsibility, the administration has accepted responsibility for this terrible act in the middle of war and made some measure of compensation.

I would hope, as the delegate from American Samoa said, that there would be continuing lessons to be learned by what happened during World War II, and I think it is our job to continue this education process, and so in moments like this it is important to remind the country about what happened. In another generation it will probably be forgotten. That is the tragedy: We have no place in which this story can be permanently told so that the people in this country can understand what happened, and what a terrible injustice it was and an outright violation of the U.S. Constitution.

So, Mr. Speaker, I hope that there will be efforts to establish a fund, an education fund that will be meaningful and will carry this story not in a negative sense of condemnation, but in a hopeful sense that this kind of history would never be repeated again, ever, to any segment of our population.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman from Hawaii for her eloquent statement, and as the gentlewoman will know, tomorrow is going to be a very important occasion whereby the Cox committee is going to submit a report to the Congress and to the Nation. This is in reference, of course, to the issue of the Chinese government having solicited or gaining access to the secrets and the computers and all of that. And I, as a member of the Committee on International Relations, I thank the gentleman that talked or made his presentation earlier this evening, the gentleman from Pennsylvania (Mr. WELDON).

The fear that I have in what is going to happen tomorrow and in the coming weeks, and I am just going to simply label it China bashing, and I am very concerned about this because this is going to be exactly the issue that we have tried to discuss this evening where the stereotyping and the labeling becomes so instantaneous, and I must submit that the media is not going to do any better, that we can just see what is going to happen to the Chinese American community. They are all going to be looked upon with suspicion and having some second thoughts about them being not American simply because they are Chinese.

And I sincerely hope that this is not going to be the case, but I am fearful, just as has been my experience in the several hearings that we have held in the Committee on International Relations when we talk about human rights. It seems that we have only focused on human rights violations in China, but not on other countries and other regions of the world. And I seriously raise the issue if there is fairness and equity in the process, just as I would like to submit that in tomorrow's presentation that there should be a firm understanding that this has nothing to do with the Chinese people.

And what I am really puzzled about is that even our own allies have spied upon this government, and there seems to be no word or indication from the media that Chinese are not the only ones that are spying, if they, in fact, are doing this. But I understand through the media that the report is quite firm, with whatever data that they are going to submit, that this did happen. But I am at least grateful to the gentleman from Pennsylvania saying this should not be taken as an attack, not only to our Chinese-American community but even to the Chinese government, because it was our own government and officials that were responsible.

So I think that again I want to thank the gentlewoman for yielding and to allow me to submit this concern that I have in listening to the gentleman from Pennsylvania, the remarks he had made earlier about this report that is going to be submitted tomorrow.

Mrs. MINK of Hawaii. The temptation is certainly going to be ever present that people will scapegoat and bash and make generalizations about the entire Asian community. If one looked at my colleague, the gentleman from Oregon (Mr. WU) and my colleague, the gentleman from Guam (Mr. UNDERWOOD), perhaps not so much my colleague from American Samoa, but his mustache, but myself, they probably could not make a distinction. Somebody would probably think we are all Chinese.

Mr. FALEOMAVAEGA. Mr. Speaker, I have been to Israel, and they think that I am Arab; I have been to Pakistan, they think I am Indian; I have been to India, they think I am Polynesian; and, coming from the islands, they think I am from the Punjab region of India; and the gentlewoman probably remembers, and I remember last year one of my own colleagues right here on this floor of the House addressed me as the gentleman from Somalia.

So I fully understand. There is a little problem of understanding where I come from.

Mrs. MINK of Hawaii. Mr. Speaker, however we come out on this whole issue of China's connection with what occurred at the labs, I certainly think that it is up to us to be completely vigilant on how this debate is characterized, that when they are talking about the government of China, that they make absolutely clear that they are not disparaging in any way the Chinese American people who are living in the United States. I mean that has to be the bottom line for all of us, to be there, to make sure that the debate, the media frenzy and all of that that will follow does not in any way characterize the loyal, hard-working, diligent, wonderful Chinese Americans who are living within the United States.

Mr. FALEOMAVAEGA. Mr. Speaker, the point is well made by the gentlewoman from Hawaii.

A classic example: The gentleman that has been fired from the Department of Energy, supposedly giving secrets, in the media, the first instance, it is a Chinese American. Never say the name of the gentleman, but why does it have to be stated that he is a Chinese American? That is my point, and I think it is wrong for the media to make these types of stereotypes.

I do not hear my fellow Americans saying a French American doing this or a British American or a Scandinavian American or a Balkanese American. Why the labels? And I just think that the media has done a real disservice in adding this frenzy or this hype on this race issue which I really think is not only inappropriate but is just out of place.

Mrs. MINK of Hawaii. Mr. Speaker, we have our task cut out for us, and I do want to thank the gentleman from Guam (Mr. UNDERWOOD) again for making this time available to me. I did want to go into the matter of the Filipino veterans and the great inequity that they have had to endure, but understanding that we are having a special order on that issue alone some time during the week, I will refrain from putting these remarks in at this time and await that other period.

So I thank the gentleman from Guam (Mr. UNDERWOOD). I appreciate his leadership in this effort tonight.

Mr. UNDERWOOD. Mr. Speaker, I thank very much the gentlewoman from Hawaii (Mrs. MINK), and as she has indicated, we will have a special order on the matter of the Filipino veterans I believe on Wednesday, and the gentleman from California (Mr. FILNER), who has taken a strong leadership position on that issue, and the gentlewoman's own work in terms of the work of the Congressional Asian Pacific Caucus has been remarkable in this. So this is one of the ongoing issues that is a remnant of the war experience, Filipinos who have fought under the U.S. flag, but being denied the veterans' benefits that were promised to them as a result of them fighting under the American flag against the common enemy.

Just to add a little bit more to the issue of how the espionage should be dealt with, it is important, and not just for perceptual reasons, because that in itself is important, but it will have an impact on the employment and contractual opportunities of individuals, and that is where the rubber hits the road on issues like this, in much the same way that was experienced during all the discussion of the fundraising scandals. I know that I heard many reports from individuals who had difficulties having access to elected officials, who had appointments broken, and to the same extent that if we are not careful in how we deal with this particular issue, there will be additional questions asked of Asian American scientists. And in a way it is an ironic contrast to the fact that the technological lead role of this country is due in large measure to the presence of Asian American scientists, and in fact Asian American scientists continue to make this country much more secure, not less secure, and certainly much stronger and not weaker.

The Asian Pacific American Caucus has many serious issues to attend to: the issue of *Filipino Veterans' Rights* v. *Cayetano*, a native Hawaiian case; an effort to try to get President Clinton to meet leaders of the South Pacific nations; census issues; immigration rights issues; and health issues which we will continue to work on as a caucus. But we tend to look at APA month as a time to bring recognition to this enormous community which has made significant progress in this country and enormous contributions to strengthen this country, and we will continue to pursue those issues.

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with great honor that I join my colleagues of the Congressional Asian Pacific Caucus in recognizing the month of May as Asian Pacific American Heritage Month.

This year's theme, "Celebrating Our Legacy," commemorates the contributions Americans of Asian and Pacific Islander descent have made to our country. What better place than our nation's Capitol to highlight the historical legacy of Asian and Pacific Islander Americans.

Their contributions, which have enriched our American society and strengthened its core values, are vast and varied. This evening I would like to focus on their valiant efforts to protect our nation.

There is no better example of the critical role Asian Pacific Islanders played in defense of our country than during World War II. Although their families and friends were forcibly being moved out of their homes and put into internment camps encircled by barbed wire, Japanese American men insisted on being allowed to fight for their country. This resulted in the formation of the 442nd Regimental Combat Team.

Among the 442nd,s many heroes is Sadao Munemori from Los Angeles. Mr. Munemori received the Congressional Medal of Honor posthumously for saving the lives of his fellow soldiers while sacrificing his own.

In Europe, on April 5, 1945, Mr. Munemori led the attack against the last stronghold of Hitler's army in Italy. Thrust into command when his squad leader was wounded, Munemori attacked two German machine gun nests that had pinned down his squad in a minefield. After withdrawing due to heavy enemy fire, Munemori took refuge in a shell crater already occupied by two of his men. When an unexploded hand grenade bounced off his helmet and rolled toward his companions, Munemori jumped on it, absorbing the blast.

In the South Pacific, Filipino American soldiers fought along side American soldiers in some of the bloodiest battles of the war. For almost four years, during the most intense and strategically important phases of World War II, more than 200,000 Filipinos fought side-by-side with Allied forces and willingly sacrificed their lives and well-being in defense of freedom. By holding off the enemy at the Battle of Corregidor for six months, these Filipino American veterans enabled forces to mobilize back home. Moreover, many Filipino American soldiers lost their lives as POW's during the Bataan Death March, demonstrating their ultimate loyalty to our country. These courageous men won the freedom of the Filipino people and made a tremendous impact on our ability to prevail in the Pacific Theater.

There are many more unsung heroes like Mr. Munemori and the Filipino veterans. And it is their legacy that we celebrate during the month of May. Generations of Asian Americans have given us their culture, traditions, and values and greatly enriched American society. I ask all my colleagues to join us in expressing our heartfelt appreciation to all Americans of Asian and Pacific Islander descent for their contributions to our country.

Ms. ESHOO. Mr. Speaker, I rise today to honor Asian Pacific American Heritage Month this month and to introduce a congressional resolution which condemns prejudice against Asian and Pacific Islander Americans and supports the political and civic participation by Americans of Asian and Pacific Islander ancestry.

All too often, Asian and Pacific Islander Americans are subject to prejudice and acts of violence that often go unnoticed by the public eye. These Americans have suffered unfounded and demagogic accusations of disloyalty throughout the history of the United States. A 1992 report of the U.S. Commission on Civil Rights found that Asian and Pacific islander Americans are still frequent victims of racially motivated bigotry and violence. As recently as this past weekend, the Los Angeles times published a story reciting recent and increasing incidence of ethnic prejudice at our nation's nuclear weapon laboratories because of the ongoing investigations at Los Alamos.

Mr. Speaker, we should recognize the rich cultural heritage of the Asian and Pacific Islander American community and all these communities have contributed to America and American values. We must distinguish between the activities of spies and foreign agents and those in the Asian American communities that contribute tremendous energy and knowledge to our nation's economy and defense.

In my Congressional District, which includes Silicon Valley, Americans of Asian ancestry are intimately involved in making the technology sector vibrant and our economy expand. But mine is not the only example we can find. Asian and Pacific Americans are woven into our national and local communities and add cultural diversity, knowledge attainment, and loyalty to America and the values we hold dear.

I'm proud to reintroduce a congressional resolution tonight which condemns all prejudice against Asian and Pacific Islander Americans and supports the political and civic participation by these Americans.

We must not forget the strength our country has gained from the inspiration, the hard work and the loyalty of Americans of Asian and Pacific Islander ancestry and what their contributions have meant for a stronger, more prosperous America.

[From the Los Angeles Times, May 21, 1999]

SPY SCARE TAINTS LABS' CLIMATE, ASIAN AMERICANS SAY

(By Nick Anderson)

WASHINGTON.—On the surface the incidents cited by employees in the nation's nuclear weapon laboratories were not explosive: a snide remark here, an ambiguous warning there. It was hardly material for a clear-cut case of workplace discrimination.

But to Asian Americans who work in the labs, the incidents were real and their implications disturbing. Amid congressional espionage inquiries and press reports that a Chinese American lab employee may have helped China purloin vital nuclear weapon secrets, a small, indignant group of scientists and engineers decided that something should be done to defuse the threat of "ethnic profiling."

"There were enough things happening that we were very concerned about suspicions and [whether Asian Americans] were being treated differently," said Raymond Ng, a mechanical engineer for Sandia National Laboratories in Albuquerque. "There was a lot of fear and concern about what was going on.

Management was not aware of these things. We needed to make it known."

So Ng joined with Joel Wong, an industrial hygienist at Lawrence Livermore Laboratory near San Francisco, to give Energy Secretary Bill Richardson a short list of recent incidents of ethnic insensitivity reported by coworkers who wished to remain unnamed. Richardson, who oversees the labs, said that he considers the reports to be generally true, even if some particulars remain unverified.

In one account, snickering and hushed laughter broke out in a roomful of computer users as a person with a Chinese surname was introduced to lead a session on computer security. In another, a lab manager told an Asian American employee that "personal characteristics" would determine a person's career opportunities in the wake of recent disclosures of security breaches, implying that ethnicity was one such characteristic.

Then there was the teasing. Someone wondered aloud whether an Asian American employee got "rich" by selling classified information, according to Ng and Wong. Someone else said he was wary of sharing information with a colleague of Asian descent who might be a "spy."

Two Chinese American lab employees who insisted on anonymity recounted similar incidents in separate interviews with a Times reporter. One said he had been asked at work whether he had "dual loyalties."

CONCERNS RAISED IN LABS AND ELSEWHERE

Whether an ethnic backlash actually is occurring to any significant degree is hard to determine. But concerns about possible ethnic stereotyping are rising and not just among national lab employees. The subject comes up in government circles, in the scientific community, in the ethnic Asian media, in high-tech business groups and among Asian American civic leaders who fear a replay of the uproar directed at Asian American political donors after revelations of attempts by foreign interests to influence the 1996 elections.

Prominent Asian Americans have met with Richardson four times and once with White House Chief of Staff John Podesta to seek assurances that scientists and engineers in U.S. labs would not be subject to discrimination.

"Asian Pacific Americans are concerned that their loyalty and their patriotism are being challenged," Richardson acknowledged in a speech April 30. "And that's because of racism."

The Energy secretary vowed to protect the rights of all laboratory workers and to visit the labs in person to drive the point home.

In Congress, Reps. Tom Campbell (R-San Jose) and David Wu (D-Ore.), who is the first Chinese American member of the House, are drafting a resolution expressing support for Chinese Americans.

Wu said there is "widespread concern in the Chinese American community and particularly the Chinese American scientific community. These are folks who work very, very hard. They are Americans. By all accounts that I know of, they work hard and play by the rules."

Campbell said that some scientists and engineers in Silicon Valley now worry about traveling to professional conferences in mainland China for fear that they will be suspected of leaking technological secrets to the Communist regime.

Still, many lawmakers assert that the United States must raise its guard against Chinese espionage and set new limits on scientific exchange with China and other countries seeking to develop nuclear weapons. Their campaign is likely to gain considerable momentum with the release of a House investigative panel's report citing evidence of widespread leakage of sensitive military technology to China. The committee's bipartisan findings are expected to be made public next week by its chairman, Rep. Christopher Cox (R–Newport Beach).

Asian American scientists, engineers and civil leaders hasten to condemn espionage. But they content that some Republican leaders in Congress, aided by unbalanced media reports, have cast a cloud over Chinese Americans—and Chinese nationals—doing legitimate scientific work in the weapons labs and elsewhere.

SENATOR REFERS TO "VERY CRAFTY PEOPLE"

Asked about the extent of Chinese espionage on the NBC program "Meet the Press," Sen. Richard C. Shelby (R–Ala.), chairman of the Senate Select Committee on Intelligence, said in March: "We've got to remember the Chinese are everywhere as far as our weapons systems, not only in our labs that make our nuclear weapons and development, but also in the technology to deliver them. We've seen some of that. They're real. There here. And probably in some ways, very crafty people."

A spokeswoman for the senator, Andrea Andrews, said that Shelby was referring to Chinese spies, not to Chinese Americans in general. But other read more into his statement. Charles Sie, vice chairman of the Committee of 100, an influential Chinese American group whose founders include the architect I.M. Pei and the cellist Yo-Yo Ma, called Shelby's words a "ridiculous" example of ethnic stereotyping.

Also "ridiculous," said Jeff Garberson, spokesman for Lawrence Livermore, was the request he recently received from a national newsmagazine for a generic photo of an Asian American employee at work "to illustrate a story on espionage." The request was refused.

Leading science periodicals are closely monitoring the espionage issue, especially the possible fallout for foreign-born scientists who may be U.S. citizens, permanent U.S. residents or distinguished visitors. A headline in the June issue of Scientific American read: "Explosive Reactions: A Backlash From a Nuclear Espionage Case Might Hurt Science and Do Little to Bolster National Security."

Many of the top scientists in America in this century have been foreign-born, including some from mainland China or Taiwan. Many more, including several Nobel Prize winners, are of Asian heritage.

Asian American engineers also have been deeply involved in the U.S. defense industry. According to the National Science Foundation, more than 300,000 people of Asian descent were working in the United States as scientists and engineers in 1995, the latest year for which figures are available. That's about 10% of all scientists and engineers and far more than any other ethnic minority. Many Chinese American scientists said that they are most concerned about lasting damage the espionage allegations could have on the career prospects of promising graduate students in engineering or the physical sciences, a significant number of whom are foreign-born or Asian American.

"What one is afraid of are possible future actions with regard to employment promotion, retention of top Chinese American scientists," said Cheuk-Yin Wong, who is chairman of the Overseas Chinese Physics Assn., which has about 400 members nationwide. He is no relation to Joel Wong.

Lab administrators said that they want to prevent such consequences. C. Paul Robinson, head of Sandia National Laboratories, recently told Chinese American employees that they should not be judged responsible for a particular espionage case so long as white Americans, like himself, were not held equally responsible for the disastrous Aldrich Ames spycase.

"Can we all please think extra hard about that?" Robinson implored in an electronic newsletter. "Our work is important; we need all the good brainpower that we can bring to bear in our work and we certainly must not mistreat loyal Americans."

Mr. UNDERWOOD. Mr. Speaker, but certainly all Members are invited to submit statements for the RECORD in terms of the experiences of their own individual districts and the participation in these social, economic, educational and political life of Asian Pacific Americans in their districts.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request Mr. GEPHARDT), for today and Tuesday, May 25, on account of official business in the district.

Mrs. CARSON (at the request Mr. GEPHARDT), for today, on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 60 minutes, today.

Mr. UNDERWOOD, for 60 minutes, today.

(The following Members (at the request of Mr. LARGENT) to revise and extend their remarks and include extraneous material:)

Mr. SCHAFFER, for 5 minutes, on May 25.

Mr. CUNNINGHAM, for 5 minutes, today.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On May 21, 1999:

H.R. 1141. Making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 25, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2293. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Revision of Federal Speculative Position Limits and Associated Rules (RIN: 3038–AB32) received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2294. A letter from the Administrator, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule—1998 Single-Year and Multi-Year Crop Loss Disaster Assistance Program (RIN: 0560–AF75) received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2295. A letter from the President and Chairman, Export-Import Bank, transmitting a statement with respect to transactions involving U.S. exports to the Republic of Korea; to the Committee on Banking and Financial Services.

2296. A letter from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 1999–2000 for Certain Centers—received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2297. A letter from the Secretary of Health and Human Services, transmitting the Sixth Triennial Report to Congress on Drug Abuse and Addiction Research: 25 Years of Discovery to Advance the Health of the Public, pursuant to 42 U.S.C. 290aa–4(b); to the Committee on Commerce.

2298. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses; Reexamination of the Policy Statement on Comparative Broadcast Hearings; Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases [MM Docket No. 97–234, GC Docket No. 92–52, GEN Docket No. 90–264] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2299. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations by substituting Channel 244C for Channel 244C1 and reallotting the channel (Ely and Carlin, Nevada) [MM Docket No. 98–185, RM–9355] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2300. A letter from the Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 [CC Docket No. 96–98] Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers [CC Docket No. 95–185] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2301. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act [CS Docket No. 98–201; RM No. 9335; RM No. 9345] received April 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2302. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Plan for Transferred Government Spectrum; to the Committee on Commerce.

2303. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination and certification of eight countries which are not cooperating fully with U.S. antiterrorism efforts: Afghanistan, Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria; to the Committee on International Relations.

2304. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2305. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Oklahoma, and Texas Abandoned Mine Land Reclamation Plans and Regulatory Programs [Technical Amendment No. MCRCC–01] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2306. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 050599B] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2307. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine [Docket No. 981014259–8312–02; I.D. 032699A] received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2308. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Visiting: Notification to Visitors [BOP 1071–F] (RIN: 1120–AA67) received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2309. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1998, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

2310. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA341G and SA342J [Docket No. 99–SW–03–AD; Amendment 39–11174; AD 99–11–03] (RIN: 2120–AA64) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2311. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Gulf Intracoastal Waterway, TX [CGD08–99–034] (RIN: 2115–AE47) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2312. A letter from the Assistant Administrator for Weather Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—American Meteorological Society's Industy, Government Scholarship, and Fellowship Program [Docket No. 990208045–9045–01] (RIN No: 0648–ZA61) received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2313. A letter from the Assistant Secretary, Department of the Treasury, transmitting proposed draft legislation that provides for the transfer to Puerto Rico and the Virgin Islands, for five years, the full amount of the excise tax collected on imported rum; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 20, 1999, the following reports were filed on May 21, 1999]

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 1905. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–156). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKEEN: Committee on Appropriations. H.R. 1906. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–157). Referred to the Committee of the Whole House on the State of the Union.

[Filed on May 24, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 974. A bill to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes; with an amendment (Rept. 106–158, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 185. Resolution providing for consideration of the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–159). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 186. Resolution providing for consideration of the bill (H.R. 1259) to amend the

Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms (Rept. 106–160). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. H.R. 1833. A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; with an amendment (Rept. 106–161). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Armed Services. H.R. 1401. A bill to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001, and for other purposes; with an amendment (Rept. 106–162). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Ways and Means discharged from consideration of H.R. 974. Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on May 21, 1999]

H.R. 434. Referral to the Committees on Ways and Means and Banking and Financial Services extended for a period ending not later than June 11, 1999.

[The following action occurred on May 24, 1999]

H.R. 974. Referred to the Committee on Ways and Means extended for a period ending not later than May 24, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

[Reported on May 21, 1999]

By Mr. TAYLOR of North Carolina:

H.R. 1905. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

By Mr. SKEEN:

H.R. 1906. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

By Mr. COBLE (for himself, Mr. Berman, Mr. Hyde, Mr. Conyers, Mr. Rohrabacher, Mr. Campbell, Mr. Goodlatte, Ms. Lofgren, Mr. Delahunt, Mr. Pease, Mr. Wexler, and Mr. Gallegly):

H.R. 1907. A bill to amend title 35, United States Code, to provide enhanced protection for inventors and innovators, protect patent terms, reduce patent litigation, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN (for himself and Mr. Gejdenson):

H.R. 1908. A bill to authorize the transfer of naval vessels to certain foreign countries; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1909. A bill to make supplemental appropriations for fiscal year 1999 to ensure the inclusion of commonly used pesticides in State source water assessment programs, and for other purposes; to the Committee on Appropriations.

By Mr. GREEN of Texas:

H.R. 1910. A bill to prohibit abuses in the use of unsolicited bulk electronic mail, and for other purposes; referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO:

H.R. 1911. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; referred to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia:

H.R. 1912. A bill to require the Secretary of the Army to designate Fort Belvoir, Virginia, as the site for the planned National Museum of the United States Army; to the Committee on Armed Services.

By Mr. POMEROY (for himself, Mr. Hill of Montana, and Mr. Baldacci):

H.R. 1913. A bill to authorize registration of Canadian pesticides for agricultural crops; to the Committee on Agriculture.

By Mr. THOMAS:

H.R. 1914. A bill to amend the Internal Revenue Code of 1986 to permit cooperatives to pay dividends on preferred stock without reducing patronage dividends; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Ms. Roybal-Allard, Mr. Abercrombie, Mr. Matsui, Mr. Faleomavaega, Mr. Lantos, Ms. Lofgren, Mr. George Miller of California, Mr. Underwood, Mrs. Mink of Hawaii, and Mr. Waxman):

H. Con. Res. 111. Concurrent resolution condemning all prejudice against Asian and Pacific Islander Americans in the United States and supporting political and civic participation by such Americans throughout the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 119: Mr. Schaffer and Mr. Jefferson.

H.R. 121: Mr. Schaffer.

H.R. 137: Mr. Kind.

H.R. 206: Mr. English.

H.R. 353: Mr. Gekas, Mr. Peterson of Pennsylvania, Mr. Bishop, Mr. Lewis of California, Mr. Quinn, Mr. Pascrell, Mr. Shaw, Mr. Gibbons, and Mr. Markey.

H.R. 360: Mr. Gonzalez.

H.R. 415: Mr. Jefferson.

H.R. 430: Mr. Jefferson.

H.R. 488: Mr. Maloney of Connecticut.

H.R. 534: Mr. Traficant.

H.R. 608: Mr. Goode.

H.R. 670: Mr. Udall of Colorado and Mr. Forbes.

H.R. 675: Ms. Slaughter, Mr. Pastor, Mr. Strickland, of Mr. Tancredo.

H.R. 693: Mr. Gephardt.

H.R. 699: Ms. Lofgren.

H.R. 730: Mr. Kennedy of Rhode Island.

H.R. 776: Mr. Tierney and Mr. Wu.

H.R. 798: Mr. Snyder.

H.R. 826: Mr. Allen.

H.R. 850: Mr. Baird.

H.R. 868: Mr. Oxley.

H.R. 894: Mr. Bliley and Mr. Isakson.

H.R. 902: Mr. Abercrombie and Mr. Sherman.

H.R. 912: Mr. Blumenauer.

H.R. 961: Ms. Carson, Ms. Roybal-Allard, and Ms. Schakowsky.

H.R. 974: Mr. Lewis of California, Mr. Boucher, Mr. Scarborough, and Mrs. Maloney of New York.

H.R. 997: Mr. Hyde.

H.R. 1003: Mrs. Mink of Hawaii.

H.R. 1053: Mr. Jefferson.

H.R. 1071: Mr. Jefferson.

H.R. 1074: Mr. Hunter, Mr. Bachus, Mrs. Biggert, and Mr. Ney.

H.R. 1080: Mr. Cummings.

H.R. 1085: Ms. McKinney and Mr. English.

H.R. 1095: Mr. Coyne, Ms. Hooley of Oregon, Mr. Wynn, Mr. Vento, Mr. Lampson, and Mr. Barrett of Wisconsin.

H.R. 1102: Ms. Pryce of Ohio, Mr. Armey, Mr. Combest, and Mr. Coyne.

H.R. 1108: Ms. McKinney.

H.R. 1111: Mr. Canady of Florida, and Mr. Levin.

H.R. 1115: Mr. Cardin, Mr. Payne, Ms. Lee, Mr. Gonzalez, Mr. Davis of Florida, Mr. Condit, and Mr. Kildee.

H.R. 1138: Mr. Allen.

H.R. 1168: Mr. Roemer, Mr. Kilpatrick, Mr. Cardin, Mrs. Capps, and Mr. Gordon.

H.R. 1175: Mr. Andrews, Mr. Clay, Mr. Knollenberg, Ms. Rivers, Mr. Schaffer, Mr. Stupak, Mr. Turner, and Mr. Watts of Oklahoma.

H.R. 1196: Mr. Green of Texas, Mr. Levin, Mr. McGovern, Mr. Leach, Mrs. Kelly, Mr. Frank of Massachusetts, and Mr. Tierney.

H.R. 1214: Mr. Jefferson.

H.R. 1221: Mr. Pastor and Mr. Lucas of Kentucky.

H.R. 1222: Mr. Burton of Indiana.

H.R. 1248: Mrs. McCarthy of New York.

H.R. 1250: Mr. Hinojosa.

H.R. 1256: Mr. Peterson of Pennsylvania, Mr. Doolittle, and Mr. Shimkus.

H.R. 1259: Mr. Walden of Oregon, Mr. Wilson, and Mr. Minge.

H.R. 1286: Mr. Jefferson.

H.R. 1299: Mr. Gephardt.

H.R. 1301: Mr. Oxley, Mr. Largent, Mr. Lampson, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Forbes, Ms. Granger, Mr. Schaffer, Mr. McInnis, Mr. Stupak, Mr. Sensenbrenner, Mr. Goodling, Mr. Hobson, Mr. Dickey, Mr. Kasich, and Mr. Gilchrest.

H.R. 1322: Mr. Shays.

H.R. 1326: Mr. Sessions, Mrs. Clayton, Mr. Clyburn, Mr. Nethercutt, Mr. Jefferson, and Mr. Wu.

H.R. 1355: Mr. Barrett of Wisconsin, Mr. Watt of North Carolina, Mr. Lampson, and Mr. Cummings.

H.R. 1382: Mr. McHugh.

H.R. 1385: Mr. Kolbe, Mr. Dickey, Mr. Leach, Ms. McKinney, Mr. Nussle, Mr. Kanjorski, Mr. Hinchey, Mr. Whitfield, and Mr. Boucher.

H.R. 1413: Mr. Bonilla.

H.R. 1456: Mr. Waxman, Mr. Brown of Ohio, Mr. Hinchey, Mr. Blumenauer, Ms. Lee, and Mr. Udall of Colorado.

H.R. 1476: Mr. Filner and Mrs. Thurman.

H.R. 1485: Ms. Norton.

H.R. 1494: Mr. McKeon.

H.R. 1496: Mr. Pitts, Mr. Souder, and Mr. Hilleary.

H.R. 1560: Ms. Lofgren and Mr. Minge.

H.R. 1592: Mr. Lucas of Kentucky, Mr. Spence, Mr. Foley, Mr. Sununu, Mr. Sisisky, Mr. Deal of Georgia, Mr. Spratt, Mr. Cooksey, Mr. Thompson of Mississippi, Mr. Bachus, Mr. Ryun of Kansas, Mr. Jones of North Carolina, and Mr. Hostettler.

H.R. 1598: Mr. Archer and Mr. McCollum.

H.R. 1620: Mr. Hilleary.

H.R. 1628: Mrs. Meek of Florida, Mr. Hastings of Florida, Mr. Deutsch, Mr. Shaw, and Mr. Wexler.

H.R. 1649: Mr. Linder.

H.R. 1650: Mr. Maloney of Connecticut and Ms. Danner.

H.R. 1659: Mr. Engel, Mr. Towns, Mr. Hinojosa, Mr. Watt of North Carolina, and Ms. Jackson-Lee of Texas.

H.R. 1665: Mr. Traficant, Mr. Wolf, and Mr. Dingell.

H.R. 1690: Mr. Herger.

H.R. 1691: Mr. Wolf, Mr. King, Mr. Dickey, Mr. Norwood, Mr. Hastings of Washington, Mr. Riley, and Mr. Shows.

H.R. 1710: Mr. Hilleary.

H.R. 1734: Ms. Waters.

H.R. 1771: Mr. Rahall, Mr. Forbes, Mr. Goss, Mr. Pombo, Mr. Gibbons, Mr. Goode, and Mr. Shows.

H.R. 1772: Mr. Rahall, Mr. Forbes, Mr. Pombo, Mr. Gibbons, Mr. Goode, and Mr. Shows.

H.R. 1777: Ms. Hooley of Oregon, Mr. Frost, and Mr. Shays.

H.R. 1837: Mr. Whitfield, Mr. Frost, Mr. Doyle, and Mr. Camp.

H.R. 1857: Mr. Levin, Mr. Dingell, Mr. Frost, and Mr. English.

H.R. 1861: Mr. McInnis, Mr. McCrery, and Mr. Foley.

H.R. 1867: Mrs. Bono and Mr. Blumenauer.

H.R. 1885: Mr. Shows.

H.J. Res. 7: Mr. Hall of Texas.

H.J. Res. 53: Mr. Ryan of Wisconsin.

H. Con. Res. 34: Mr. Lucas of Kentucky, Ms. Eddie Bernice Johnson of Texas, and Ms. Rivers.

H. Con. Res. 51: Ms. Jackson-Lee of Texas and Mr. Dixon.

H. Con. Res. 58: Mr. Jefferson.

H. Con. Res. 60: Mr. Pastor, Mr. Gilchrest, and Mr. Dixon.

H. Con. Res. 67: Mr. Forbes, Mr. Lewis of Georgia, Mr. Pallone, Mr. Porter, and Mr. Weiner.

H. Con. Res. 107: Mr. McKeon, Mrs. Myrick, and Mr. Schaffer.

H. Con. Res. 109: Mr. Lantos, Mr. Gallegly, Mr. Knollenberg, Ms. Woolsey, and Mr. Gonzalez.

H. Res. 144: Mr. Jefferson.

H. Res. 169: Mr. Diaz-Balart, Mr. Rohrabacher, Mr. Barrett of Wisconsin, and Mr. Lantos.

H. Res. 178: Mr. Vento, Ms. Roybal-Allard, Mr. Dixon, Mr. Strickland, Mr. Diaz-Balart, Mr. Blagojevich, Ms. Norton, Mr. Meehan, Mr. Gonzalez, Mr. Lewis of Georgia, Mr. Traficant, Mr. Souder, and Mr. Tancredo.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1083: Mr. Crane.

H.R. 1660: Mr. Davis of Virginia.

H.J. Res. 33: Mr. Moran of Virginia

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1259

Offered by: Mr. Traficant

Amendment No. 1: Add at the end the following new section:

SEC. 6. BUDGETARY TREATMENT OF THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM AND THE HOSPITAL INSURANCE PROGRAM.

It is the sense of the Congress that—

(1) the moneys of the United States held for purposes of the old-age, survivors, and disability insurance program and the hospital insurance program maintained under the Social Security Act and related laws of the United States should always be held in separate and independent trust funds and should always be segregated from all other moneys of the United States,

(2) the receipts and disbursements of such programs (including revenues dedicated to such programs) should never be included in any budget totals set forth in the budget of the United States Government as prepared by the President or any budget prepared by the Congress, and

(3) the Congress should never make any law authorizing the use of such trust funds for any purpose other than for providing for the prompt and effective payment of benefits, payment of administrative expenses, and payment of such amounts as may be necessary and appropriate to correct prior incorrect payments, and no agency or instrumentality of the United States, or any officer or employee thereof, should ever be authorized to use, or to authorize the use of, such trust funds for any such other purpose.

H.R. 1401

Offered by: Mr. Traficant

Amendment No. 2: At the end of title XXVIII (page , after line), insert the following new section:

SEC. . DESIGNATION OF NAVAL FACILITY, GRICIGNANO D'AVERSA, ITALY.

(a) Designation.—The facility of the United States Navy located in Gricignano d'Aversa, Italy, and known as the Naples Support Site, shall be known and designated as the "Thomas M. Foglietta Support Site".

(b) References.—Any reference to the Naples Support Site in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "Thomas M. Foglietta Support Site".

H.R. 1905

Offered by: Mr. Roemer

Amendment No. 1: Page 10, insert after line 9 the following (and redesignate the succeeding sections accordingly):

Sec. 104. Notwithstanding any other provision of law, any amounts appropriated under this Act for Members' Representational Allowances for the House of Representatives which remain after all payments are made under such Allowances for fiscal year 2000 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

H.R. 1906

Offered By: Mr. Bass

Amendment No. 1: Insert before the short title the following new section:

Sec. . (a) Limitation.—None of the funds appropriated or otherwise made available by this Act may be used to award any new allocations under the market access program or to pay the salaries of personnel to award such allocations.

(b) Coresponding Reduction in Funds.—The amount otherwise provided by this Act under the headings "COMMODITY CREDIT CORPORATION FUND" and "REIMBURSEMENT FOR NET REALIZED LOSSES" to reimburse the Commodity Credit Corporation for net realized losses sustained is hereby reduced by $90,000,000.

H.R. 1906

Offered By: Mr. Bass

Amendment No. 2: Insert before the short title the following new section:

Sec. . (a) Limitation.—None of the funds appropriated or otherwise made available by this Act may be used to award any new allocations under the market access program or to pay the salaries of personnel to award such allocations.

H.R. 1906

Offered by: Mr. DeFazio

Amendment No. 3: In the item relating to "SALARIES AND EXPENSES" under the heading "Animal and Plant Health Inspection Service", insert after the first dollar amount the following: "(reduced by $7,000,000)".

H.R. 1906

Offered by: Mr. DeFazio

Amendment No. 4: Insert before the short title the following new section:

Sec. . None of the funds appropriated or otherwise made available to the Secretary of Agriculture by this Act to carry out the first section of the Act of May 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting livestock.

H.R. 1906

Offered by: Mr. DeFazio

Amendment No. 5: Insert before the short title the following new section:

Sec. . (a) Limitation.—None of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting livestock.

(b) Corresponding Reduction in Funds.—The amount otherwise provided by this Act for salaries and expenses under the heading "Animal and Plant Health Inspection Service" is hereby reduced by $7,000,000.

H.R. 1906

Offered by: Mrs. Meek of Florida

Amendment No. 6: Add before the short title the following new section:

Sec. . After March 1, 2000, none of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture—

(1) to permit the importation of meat or meat food products under subsections (a) and (f) of section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) from any foreign country with respect to which the Secretary has not made the determination, as is required by subsection (e) of such section, that the foreign country's meat inspection requirements currently achieve a level of sanitary protection equivalent to that achieved under United States standards; and

(2) to permit the importation of poultry or poultry products under subsection (a) of section 17 of the Poultry Products Inspection

Act (21 U.S.C. 466) from any foreign country with respect to which the Secretary has not made the determination, as is required by subsection (d) of such section, that the foreign country's poultry inspection requirements currently achieve a level of sanitary protection equivalent to that achieved under United States standards.

H.R. 1906

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 7: Add before the short title the following new section:

SEC. . After March 1, 2000, none of the funds appropriated or otherwise available by this Act may be used by the Secretary of Agriculture—

(1) to permit the importation of meat or meat food products under subsections (a) and (f) of section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) from any foreign country in violation of subsection (f) of such section; and

(2) to permit the importation of poultry or poultry products under subsection (a) of section 17 of the Poultry Products Inspection Act (21 U.S.C. 466) from any foreign country in violation of subsection (d) of such section.

H.R. 1906

OFFERED BY: MR. MORAN OF KANSAS

AMENDMENT NO. 8: Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to implement the final rule of the Food Safety and Inspection Service of the Department of Agriculture entitled "Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems" with respect to very small establishments, as such establishments are defined in the rule.

H.R. 1906

OFFERED BY: MR. SANDERS

AMENDMENT NO. 9: Insert before the short title the following new section:

SEC. . For an additional amount for the Department of Agriculture (consisting of an additional $5,000,000 for the commodity supplemental food program under the "COMMODITY ASSISTANCE PROGRAM"), $5,000,000.

H.R. 1906

OFFERED BY: MR. SANDERS

AMENDMENT NO. 10: Insert before the short title the following new section:

SEC. . For an additional amount for the Department of Agriculture (consisting of an additional $7,000,000 for the commodity supplemental food program under the "COMMODITY ASSISTANCE PROGRAM"), $7,000,000.

H.R. 1906

OFFERED BY: MR. SANDERS

AMENDMENT NO. 11: At the end of the bill (preceding the short title), Insert the following new section:

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount for the Department of Agriculture (consisting of a $2,000,000 competitive grant program for elementary and secondary schools to work with local farmers to purchase locally-grown foods) and reducing the amount for "FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER", by $2,000,000.

H.R. 1906

OFFERED BY: MR. SANDERS

AMENDMENT NO. 12: Page 35, line 7 (relating to the rural community advancement program), insert after the dollar amount the following: "(increased by $3,000,000)".

Page 53, line 7 (relating to ocean freight differential grants), insert after the dollar amount the following: "(reduced by $3,000,000)".

H.R. 1906

OFFERED BY: MR. SANDERS

AMENDMENT NO. 13: Page 10, line 14 (relating to the Agricultural Research Service), insert after the dollar amount the following: "(reduced by $10,000,000)".

Page 50, line 9 (relating to the commodity assistance program), insert after the dollar amount the following: "(increased by $10,000,000)".

H.R. 1906

OFFERED BY: MR. SANDERS

AMENDMENT NO. 14: Page 10, line 14 (relating to the Agricultural Research Service), insert after the dollar amount the following: "(reduced by $5,000,000)".

Page 50, line 9 (relating to the commodity assistance program), insert after the dollar amount the following: "(increased by $5,000,000)".

H.R. 1906

OFFERED BY: MR. SANFORD

AMENDMENT NO. 15: Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture may be used to pay the salaries and expenses of personnel who issue, under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272), any loans to sugar beet or sugar cane processors.

H.R. 1906

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 16: Insert before the short title the following new sections:

SEC. . None of the funds appropriated or otherwise made available by this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

SEC. . (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be purchased using financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds appropriated or otherwise made available by this Act, the Federal agency providing the assistance shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds appropriated or otherwise made available by this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

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SENATE—*Monday, May 24, 1999*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who knows us as we really are and whose grace gives us the courage to change and become more of what we were meant to be, we thank You for this quiet moment in which no secrets are hidden from You, and our deepest longings are revealed. As we begin this new work week, wash out of our minds any negative thinking or any emotions resistant to Your will. Help us to form and hold the picture of ourselves as servant-leaders filled with Your power, patriotism, and enthusiasm. May we completely be absorbed with what is best for our Nation and work together with a cooperative attitude. Free us of the pride that thinks too much about the perpendicular pronoun. We want to be motivators rather than manipulators of the people around us. May this be a great day of progress for the work of the Senate. To that end, bless the Senators with Your grace and goodness. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HAGEL. I thank the Chair.

SCHEDULE

Mr. HAGEL. This morning the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate will begin consideration of S. 1059, the Department of Defense authorization bill. Amendments to the defense authorization bill are expected to be offered during today's session of the Senate. If votes are ordered with respect to S. 1059, those votes will be stacked to occur at 5:30 p.m. this evening. As always, Senators will be notified as votes are ordered.

It is the intention of the leader to complete action on the defense authorization bill this week as well as the defense appropriations bill. Therefore, Senators can expect votes into the evening throughout the week.

I thank my colleagues for their attention and cooperation.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 10 minutes. The time until 12 noon shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee, with 20 minutes of the time to be under the control of the Senator from North Dakota, Mr. CONRAD.

Mrs. FEINSTEIN. Mr. President, I designate myself to control approximately 10 minutes of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

WORK INCENTIVES IMPROVEMENT ACT

Mrs. FEINSTEIN. Mr. President, I wish to speak for a few moments today about a bill that many Senators, some 70 of us, believe will improve the lives of millions of disabled Americans. The Work Incentives Improvement Act would allow disabled adults to enter the workforce without placing their Medicaid or Medicare benefits at risk. I particularly thank Senators KENNEDY, JEFFORDS, MOYNIHAN, and ROTH for their outstanding leadership in crafting this legislation. I am very proud to be a cosponsor.

Today, more than 8 million working-age adults receive disability payments from the Federal Government for conditions that range from paralysis to multiple sclerosis. A recent Harris poll showed that 72 percent of these disabled people would really like to work, but disabled Americans face a terrible Catch-22. The Federal Medicaid program won't cover people who continue to work and remain disabled. So if a disabled adult earns more than $500 a month, he or she loses their Medicaid. That is the rub.

The eligibility criteria for Medicaid benefits have had a devastating effect on disabled Americans. The Medicaid program equates having a disability with being poor and unable to work, furthering inaccurate stereotypes about disability. To make things worse, the Medicaid program ensures that disabled people who do work end up having to shoulder the cost of their care by themselves.

For all but the best-off disabled Americans, these costs are prohibitive. People with serious medical conditions can't pay the out-of-pocket costs of their medical treatment. These costs can run into the tens of thousands of dollars each year. In other words, if a disabled American does have a job, the minute that disabled American earns more than $500 a month, they fall off a cliff and they lose their Medicaid or their Medicare. So millions of disabled Americans remain dependent on cash assistance from the Federal Government simply because they can't work and keep Medicaid at the same time.

Last year, I wrote to President Clinton urging a remedy to the situation. I am proud to be an original cosponsor of the Work Incentives Improvement Act. This bill allows Americans with disabilities to enter the workforce without losing their health coverage under Medicaid or Medicare. Even if disabled people are working in full-time jobs with health benefits, they will be able to buy their Medicaid coverage for medical expenses that their regular insurance does not cover.

In addition, the Work Incentives Improvement Act sets up a new system called Ticket to Work, to provide better job training and placement services for the disabled. The Work Incentives Improvement Act will enable disabled Americans to pursue self-sufficiency, to achieve independence, and to contribute in meaningful ways to our economy. It is certainly an idea whose time has come. That is why over 70 Senators have signed on as cosponsors.

Unfortunately, the Senate has not had the chance to vote on this important legislation. The reason I am on the floor today, as well as others who I hope will be coming to the floor, is to urge Senate Majority Leader TRENT LOTT to bring the Work Incentives Improvement Act to the Senate floor for a vote soon. No one should have to choose between a job and their health. By preserving Federal health benefits for disabled workers, we can avoid the Catch-22 and, most importantly, we can help the disabled to live full and healthy lives.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The legislative assistant proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 25 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1102, S. 1103, S. 1104 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant called the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRISIS IN THE FARM ECONOMY

Mr. CONRAD. Mr. President, I rise today to talk about the continuing crisis in the farm economy. I have just been home the weekend before last. Everywhere I went in my State, people were saying to me: Senator, something has to be done. We are facing a crisis in rural America. The prices we are getting for things continues to be at very low levels—in fact, we have the lowest prices in 53 years—and at the same time everything we buy is going up. That is putting us in a cost/price squeeze that is truly strangling American farmers.

The result is going to be devastating unless there is a response. Last year, the Federal Government did respond with a $6 billion program of disaster assistance that made a significant difference in rural America. About half of that money went for a support, a supplement that gave farmers some assistance when prices were collapsing. There was also a second major element for a disaster program, natural disasters around the country that had dramatically reduced farm income. That program made a significant difference.

Those same conditions continue this year. Prices again are at very low levels, and we have seen natural disasters once again strike rural America. In fact, we now know to deliver on the promise we made last year on a disaster program is going to require more money than we appropriated. We appropriated about $3 billion for that purpose. We now know delivery on the program we passed is going to cost another $1.5 billion, because the signup of agricultural producers that is now completed indicates to us there are far more who are eligible than we thought when we wrote the program. That is, of course, because we were faced with a moving target. We were faced with additional natural disasters that deepened and worsened and made more farmers eligible.

I believe we need that $1.5 billion to keep the promise made last year and another $2.8 billion that will be necessary to give the same kind of income support we provided last year, about a 50-percent AMTA supplemental.

Why are these necessary? What is happening out there so those of us who represent farm country come to our colleagues and talk about a crisis in rural America? Perhaps the best way of showing what has happened is this chart that shows what has happened, over a 53-year period, to farm prices. As we can see, with spring wheat and barley prices from 1946 to 1999, we are now at the lowest level for barley and wheat prices in 53 years. That is the hard reality our farmers are coping with, the lowest prices in 53 years. We know that earlier this year hog prices fell to 8 cents a pound. It costs 40 cents a pound to produce a hog.

To put these prices into some perspective, these are per bushel. We are down to a price per bushel of $2.60 to $2.70 for wheat. I know a bushel does not mean a lot to many people in our very urban society today, but a bushel of wheat weighs 56 pounds. So farmers are getting 5 cents a pound—actually something less than 5 cents a pound—for the product they produce. There is no way you can make it when you are getting 5 cents a pound for a product that costs at least 10 cents a pound to produce. But that is what is happening to farmers.

Let me go to the next chart that shows what is happening to wheat prices received by farmers in relationship to cost. This green line shows the cost of production in 1997. You can see it is just about $5 a bushel. That is the cost. That is the best estimate of what it costs across the country to produce a bushel of wheat, just above $5. You can see the last time farmers were getting above $5 was back in 1996. Since that time, in 1997, it was far below the cost of production, and it has done nothing but get worse through 1998 and on into 1999. We are far below the cost of production. As I indicated, we are running, down here at $2.60 a bushel. The cost of production is over $5. It is no wonder farmers are saying we desperately need a Federal response.

Why is it a Federal responsibility? For the entire history of the United States, we have recognized the special role of agriculture. We have recognized it is subject to dramatic swings in both production and prices, because, first of all, it is a product that depends on the weather, and the weather is very unpredictable, as we have seen across the country for year after year after year. On top of that, we are subjected to dramatic price swings. In the last several years, we have been influenced by the collapse in Asia; we lost one of our biggest customers. We have also seen a financial collapse in Russia. Of course, Russia was a key customer of the United States. Those two things have had a dramatic and adverse impact on price. You can see it here—prices down, down, down—and the cost of production staying up. That has put our farmers at an extreme disadvantage.

While farmers are paying more but receiving less, it is not surprising, then, they find themselves in a cost/price squeeze. This green line shows the prices farmers paid for various inputs. As you can see, the prices farmers had been paying had been going up rather steadily. They have actually leveled off in the last 3 years. But look at what the prices that farmers have been receiving look like. That is this red line. We can see it peaked right at the time we passed the 1996 farm bill.

The 1996 farm bill changed everything. It said, instead of adjusting what Government provides by way of assistance when prices fall, we will no longer do that. The new farm bill said we are going to have fixed payments that are sharply reduced year after year no matter what happens to prices.

Here is the pattern we see: the prices farmers pay for goods they use to produce products going up; the prices they receive going down dramatically. The result is this enormous gap between what they are able to buy for, what they have to pay to receive goods, and what they are able to get when they sell their goods. This dramatic gap, this chasm now, between the prices farmers pay for what they have to buy and what they get for what they sell has opened up into such a large difference that literally tens of thousands of farm families are threatened.

It would be one thing if the United States was alone in this world, if we did not have competitors to worry about, but we do have competitors. The Europeans are our chief competitors, and it is very interesting to see what they are doing.

At the very time when we have dramatically cut support for farmers, cut support at the very time they are in the greatest need, because the gap between what they pay for and what they get has opened up in such a very serious way, we have cut dramatically the level of support we provide our farmers. In the last farm bill, we cut in half the support we provide our farmers. If we look at what our competitors, the Europeans, are doing, we see quite a different pattern.

Our European competitors are spending far more than we are to support their farmers. If we go back to 1996, we can see the red bar is what Europe is spending in direct support; the yellow bar is what we are spending. We can see the pattern all through 1997, 1998, 1999, the year 2000—and these are projections for 2001 and 2002—that our competitors are providing much more support to their producers than we are providing ours.

I conclude by saying we have a crisis in rural America. It requires a Federal response. I hope very much before this year has concluded that we have said farming is important in this country, that we understand it is in crisis, and that we are prepared to respond.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The time between 12 noon and 12:30 p.m. shall be under the control of the distinguished Senator from Utah, Mr. BENNETT. The Senator is recognized.

SUSPEND BOMBING IN KOSOVO

Mr. BENNETT. Mr. President, I rise to call for a suspension of the bombing in Kosovo, not because of anything Milosevic has done, such as the release of three American servicemen; not because of differing opinions within NATO, such as those currently being expressed by the Italians and the Germans; not because of the inadvertent damage done to accidental targets, such as the Chinese Embassy; and not because of any personal animus or distrust of any individuals in this administration. No; I oppose continuation of the bombing in Kosovo because it has not worked. It is not working and shows no signs of working in the future.

The bombing has been of no help to the Kosovars, hundreds of thousands of whom have lost their homes, their neighbors, their children and perhaps even their lives while the bombing has gone on. It has been of no help to the Albanians or the Macedonians who have seen hundreds of thousands of refugees flood cross the borders into their ill-equipped countries. It has been of no help to NATO, an alliance that has seen its military stocks drawn down to dangerously low levels with no effect on the atrocities going on in the killing fields. And the bombing has been of no help to our relationships with nations outside of NATO, particularly Russia and China, who have vigorously opposed our decision to proceed.

Again, in short, the bombing has not worked, even though we have persisted for a longer time than we bombed in Desert Storm. My call for suspending the bombing comes from the modern wisdom that says: If at first you don't succeed, try something else.

There are those, including my colleagues on the Senate floor, commentators and columnists for whom I have the utmost respect, who say we cannot even consider suspension of the bombing. We are at war, they say; we must press on to victory. Anything else would be dishonorable, and on a practical geopolitical level, would send the wrong signal to others who might choose to confront us in the future.

Such language is often called Churchillian, echoing the electrifying rhetoric of the indomitable prime minister speaking in the darkest days of World War II.

No one has a higher regard for the magnificent rhetoric and the deeds of Winston Churchill than I, but, to me, the mantra, "Because we're in, we have to win," is more suitable for a bumper sticker than it is for Winston Churchill.

Let me take you to a Churchillian episode that I think applies here, and it comes not from the darkest days of World War II but World War I.

Those who remember their history will remember that Winston Churchill fell into great disregard during World War I as a result of his sponsorship of the Dardanelles operation. He was removed from any position of responsibility. But because he was still an officer in the British Army, he agreed, indeed sought for, the opportunity to go to the front in France. And so, as Major Churchill, he went to the front, and unlike most British officers of the time, he really went to the front. He went all the way to the front lines and saw for himself over a period of time the horrors and the futility of trench warfare. He saw it firsthand, and he came away convinced that it was not working.

When he returned to England, he became Minister of Munitions and put his full support and strength behind searching for an alternative. If you will, he put aside the patriotic rhetoric of his time and sought for a policy that would work. William Manchester, in his biography of Churchill called the "Last Line," refers to Churchill as the father of the tank. It was Winston Churchill who caught the vision of the fact that you could do something different and created the modern tank, or created the prototype of what became the modern tank, and revolutionized warfare, eliminating the failures of trench warfare.

If at first you don't succeed, try something else. The legacy of Winston Churchill was that he was willing to try something else when he saw the reality of the failure on the ground. I think, frankly, that is the Churchillian example we should seek to follow now: Suspend the bombing and try something else.

There are many suggestions on the table. The one, of course, we hear the most these days is send in the ground troops. To those who urge this, I ask, as I asked when the bombing was proposed in the first place: Will it work? Will it accomplish our goals? And with that question, we get the next obvious question: What are our goals?

When Secretary Madeleine Albright made the case for the bombing to the Senators in the Capitol, she told us if we did not bomb, the following would happen: First, there would be brutal atrocities and ethnic cleansing throughout all of Kosovo with tens of thousands of people being slaughtered and hundreds of thousands driven from their homes.

Second, she said there will be a flood of refugees across the borders into neighboring countries, swamping their already fragile economies.

Third, she said there will be splits within NATO. This alliance will be torn apart by disagreements.

And finally, she said Milosevic will strengthen his hand on his local political situation.

That was 8 weeks ago. Now, 8 weeks later, the bombing has failed to prevent any of those results. All four of them have taken place—the ethnic cleansing and the brutality and the atrocities have gone on; the refugees have appeared across the borders; NATO is split with arguments going on among its top leaders; and Milosevic has been strengthened as the leader, martyr, hero, if you will, of the Yugoslavs. We have not achieved a single goal that the bombing set out to accomplish. I come back to the same question: What are our new goals?

As best I can understand them, from the various statements that have been made, one list of the new goals would be as follows: No. 1, removal of all Serbian influence in Kosovo; No. 2, a return of the Kosovars physically to their land; No. 3, a rebuilding of their homes and villages; and No. 4, an international police force in there for an indefinitely long period of time to guarantee that their homes will always be protected.

Let us accept those goals for just a moment. I ask the same fundamental question I asked in the beginning with respect to bombing. Will it work? Will continuation of the bombing achieve these four new goals when it did not achieve the four old ones? And what about ground troops? Will ground troops achieve these new goals?

On the first question, as to whether the continuation of the bombing will achieve these new goals, there is disagreement from the experts. In this morning's Washington Post, General Short says: "Yes, we will see the achievement of these goals within a matter of months." Last Friday, the Defense Department spokesman Kenneth Bacon said, "No, there was no indication that bombing would achieve the goals."

I ask this fundamental humanitarian question: Do we have to continue to destroy the economy of Yugoslavia, depriving the civilian population of power and water, as we did over the weekend, raising the specter of the epidemic spread of typhoid while we decide who is right, while we decide which opinion is the correct one? Can we not suspend the bombing while that debate goes on?

With respect to ground troops, and those who say ground troops are the only answer, those who are calling for an invasion and an indefinitely long occupation of part of Serbia, that part known as Kosovo, to them I would refer the words of Daniel Ellsberg that appeared in the New York Times last Friday. I find them chilling. I would like to read them now at some length. I cannot paraphrase them and put them in any better form than Mr. Ellsberg himself. He says, referring to a ground invasion in Kosovo:

> . . . I believe, it would be a death sentence for most Albanians remaining in Kosovo.
>
> By all accounts, it would take weeks to months to deploy an invasion force to the region once the decision to do so was made, and Slobodan Milosevic already has troops there fortifying the borders. Wouldn't the prospect of an invasion lead him to order his forces in Kosovo to kill all the military-age male Albanians and hold the rest of the population as hostages rather than continuing to deport them?

A very, very important question.

Daniel Ellsberg goes on:

> We don't know how many male Kosovars of military age—broadly, [those] from 15 to 60 years old—have been killed already.

He says:

> But even if the number is in the tens of thousands . . . that would mean that most of the men were still alive. Facing invasion, would Mr. Milosevic allow any more men to leave Kosovo to be recruited by the K.L.A., or to live to support the invasion? The Serbs could quickly slaughter 100,000 to 200,000 male Kosovars. (In Rwanda five years ago, an average of 8,000 civilians a day were killed for 100 days, mostly with machetes.)
>
> Obviously, Mr. Milosevic and his subordinates are brutal enough to do that. If they haven't done it already (and there is no testimony [to suggest] that they have on that scale) it may well be because they fear that such an annihilation would make an invasion inevitable. A commitment now to ground invasion would remove that deterrent, just as the commitment in March to begin bombing in support of an ultimatum and the consequent withdrawal of international monitors removed an implicit deterrent against sweeping ethnic cleansing and expulsion.
>
> As for to the remaining civilians in Kosovo—women, children and old people—tens of thousands of them could be used against the invasion as human shields, in a way never before seen in warfare. Fighting in built-up areas, NATO troops would probably be fired on from buildings that were packed on every floor with Kosovar women and children. Using the traditional means—explosives, artillery and rockets—to destroy those buildings would make NATO forces the mass executioners of the people we were fighting to protect.

The column goes on. I shall not continue with it except to summarize the grim conclusion. Mr. Ellsberg says:

> . . . We bombed Vietnam for seven and a half years in pursuit of goals we refused to compromise and never secured.

I find that a chilling summary in terms of some of the language we are hearing now: We must never compromise until our goals are secured. The first goals laid out were not secured. We now have a new set of goals and we are determined once again not to give in.

When I first went into the briefing room to hear Secretary Albright, Secretary Cohen, National Security Adviser Berger, and General Shelton give us the justification for proceeding in this area, I went in with no preconceptions one way or the other. Contrary to assumptions that have been made in the press about those of us who voted against the bombing, I did not carry any impeachment baggage into that briefing.

I have a history of backing President Clinton when I think he is right. I supported him on the recognition of Vietnam, on most favored nation status for China, on the Mexican peso bailout, on NATO expansion, on NAFTA and GATT and fast track, all to the discomfort of some of my constituents. I did so because I thought the President was right. And I went into that briefing very much capable of being convinced.

But during the briefing, as I became more and more uneasy about what I was hearing, when it came my turn to speak, I said to Secretary Albright: Let me give you a little bit of history.

I did that because she had quoted history to us, talking about the Balkans being the beginning of World War I and the battleground of World War II.

And she said: If we don't act quickly enough, this will be the spark that sets off World War III.

I did not choose to argue with her history. World War I did not begin because of a fight over the Balkans. While there were battles in World War II which occurred there, to be sure, the pivotal points in World War II were in places like North Africa, Stalingrad, Normandy, and Bastogne, not to mention, of course, Guadalcanal, Iwo Jima, and Leyte Gulf.

No. I said to her: Madam Secretary, let me give you a little piece of history. This comes out of the Eisenhower administration, presided over by a military general who had achieved international fame for his strategic vision. This is when he was President.

I said, "A group of his advisers came to him to describe an international situation and to recommend a military solution. They laid out all of the military actions they wanted to take and then said, Mr. President, it will achieve these results."

President Eisenhower listened very carefully and then asked: "Are you willing to take the next step?" They replied, "What do you mean, Mr. President?"

He said, "If this doesn't work, this first step that you have outlined, are you willing to take the next step?"

"Oh, Mr. President," they said, "the next step won't be necessary. There won't need to be any next steps. This first step will work."

President Eisenhower asked again, "You have not answered my question. Are you willing to take the next step?"

"Well, let us explain to you, Mr. President, why the next——

He said, "I accept your analysis that this will probably work. I accept your analysis that people will probably react in the way you are suggesting they will react. But I am asking you this question: 'Are you willing to take the next step if the first one does not work?' And if the answer is 'No', then don't take the first step." I asked, "Madam Secretary, my question to you is, 'Are you willing to take the next step?' If this doesn't work, what do we do?"

I got conversation, but I did not get an answer to my question. I came out of that briefing saying, unless I can get an answer to that question, I will vote against the bombing. I was not satisfied and I did vote against the bombing.

I did not prevail in this Chamber. A majority of the Members voted in favor of the bombing, and so we have now had 8 weeks of it.

That date has an interesting meaning for me, because in this conversation, in the briefing, they were asked, "How long will it take for us to find out if this is going to work?" We were told repeatedly, "We can't tell you that. We don't know."

Finally, in some frustration, I spoke out of turn and said to the briefer, "How long would you be surprised if it were more than?"

I got kind of a dirty look and then grumpily the fellow said: "8 weeks."

Well, it has now been 8 weeks, and it hasn't worked, which is why I am here saying let's suspend the bombing while we talk about something that might. Let us stop destroying the economy of Yugoslavia while we talk about what might work in Kosovo, because our destruction of water works and television stations and power-generating plants in Belgrade has had no effect on the killing in Kosovo. Can't we stop killing civilians who are not involved in this while we talk about what our options might be?

I think one of the most trenchant and insightful analyses of what happened to this country in Vietnam was written by Barbara Tuchman in a book called "The March of Folly." In that book she described how people persist in going after solutions that do not work, because they do not want to admit that it won't work, and they are sure that if we just keep bombing a little bit longer, somehow something will work out.

Shortly after I had my exchange with Secretary Albright, the President, President Clinton, was asked, "What will you do if the bombing does not work?" He was asked by the Prime

Minister of Italy. According to the Washington Post, he looked startled at the question, then turned to National Security Advisor Sandy Berger for an answer. Mr. Berger gave him the answer, "We will continue bombing."

To me, that is folly. To me, that is not Churchillian. To me, that is not looking around to see what else might be there. I suggest, again, I call for a suspension of the bombing while we review our options, admit that the bombing hasn't worked and try to devise a new strategy that will. Perhaps there is none. After all of this analysis we may come to the conclusion there is nothing we can do now that the brutalities have taken place and the Kosovars have been driven from their homes. There may be nothing we can do effectively to restore them. For those who say how humiliating it would be for the United States to admit that, I ask this question, "How humiliating will it be if we go forward and fail to achieve our goals? Wouldn't we have been better off in Vietnam if we had admitted that we were not getting it done long before the time came when that humiliating scene we all saw on our television screens of the helicopters above the Embassy in Saigon was broadcast throughout all the world?"

I voted for the supplemental bill that provided the military funds with respect to the operation in Kosovo. I did so because I lost the first debate. The bombing went on. The funds were spent. The President has exhausted all of the funds of the Department of Defense through the balance of this year, and it would be irresponsible, in my view, not to replenish those funds so the Defense Department can function now. I voted to replenish the funds that have already been spent. But I call on us to stop spending those funds now, while we undertake a comprehensive review of our strategy and address, once again, the fundamental question that was not answered in the beginning, and has not been answered so far, which is still, "Will it work?"

I conclude by saying that the historic figure upon whom I called for the rationality of answering that question is Winston Churchill, the man who went to the front lines and saw that trench warfare was insanity and came back to become the father of the tank, who looked for another alternative. There must be something better than what is happening in Kosovo right now. Let us suspend the bombing and search for it.

I yield the floor.

Mr. President, I have an additional 5 minutes under my control, which I yield to the Senator from Nebraska, Mr. HAGEL.

Mr. DORGAN. Mr. President, if the Senator from Nebraska will yield.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HAGEL. I am happy to yield to my colleague from North Dakota.

EXTENSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, I have cleared this request. I ask unanimous consent that morning business be extended until the hour of 1:30, and that at 1 I be recognized for 20 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The distinguished Senator from Nebraska is recognized.

75TH ANNIVERSARY OF AMERICAN FOREIGN SERVICE

Mr. HAGEL. I thank the Chair, and I thank my friend and colleague from Utah for some additional time.

I rise today to commemorate the 75th anniversary of the creation of the modern American Foreign Service.

We have all traveled abroad. I have visited over 60 countries over the years. As many Americans, I have seen firsthand the dedication of professional Foreign Service officers in some of the most difficult and dangerous working environments in the world.

There is no longer any clear division between domestic and international issues. Transportation, trade, telecommunications, technology, and the Internet have changed all that.

As our Nation grew, it became more globally engaged. Over the last 200 years, year after year, America has become an international community. In 1860, we had only 33 diplomatic missions around the world. But we had 253 consular posts abroad, primarily involved in supporting our Nation's dramatic economic growth and trade expansion. As America's role in the world grew, we took on more responsibility. America's diplomacy needed to draw from the broad strength of our democratic society. And that, too, grew.

The solution was the Rogers Act of 1924. This act created America's first professional competitive Foreign Service. It merged the small, elite diplomatic corps with the more broadly based consular services. The Rogers Act established a merit-based exam system to recruit the best our growing Nation had to offer without regard to family ties or political favors.

America's diplomats are unsung heroes. Americans understand and appreciate the sacrifices of duty, honor, and country we ask every day from our military around the world. However, not enough Americans know about the sacrifices we also ask every day from our American Foreign Service officers around the world. Just like our military, they serve our national interests abroad in an increasingly uncertain and dangerous world.

Our military's purpose is to fight and win wars. The purpose of our diplomats is to prevent wars. This makes recognition for their work more difficult. This is a little like listening for the dog that doesn't bark. But our Foreign Service officers do much more than prevent wars and resolve crises. They negotiate agreements to expand trade and open up foreign markets. They protect Americans abroad who find themselves in trouble and many more important responsibilities. They explain American policies to often hostile nations. They help negotiate arms control agreements to stem the dangerous proliferation of weapons of mass destruction.

The work of the Foreign Service is relevant. It is very relevant to the daily lives of every American. Their many successes are often unheralded. We take them for granted. The Foreign Service has endured the same underfunding and poor working conditions as has our military services. In the last decade, the Foreign Service has experienced similar recruitment and retention problems, as has the military.

Since 1992, the Foreign Service has declined 11 percent, even while we have asked the Foreign Service to open up new missions in Central Asia and Eastern Europe and increase staffing in China. This has led to sharp staff reductions elsewhere in the world.

In my travels, as I am sure in your travels, Mr. President, and all of our colleagues' travels, we have also seen how run down and dangerous many of our embassies around the world have become. This has a real impact on our national interest. This is as dangerous as what we have been doing to our military. It is like asking the Air Force to permanently maintain an increased flight tempo with aging aircraft and a severe shortage of pilots. This all has serious consequences to our country. Few appreciate how dangerous it has become for our diplomats who defend America's interests the world.

Since World War II, more ambassadors have been killed in the line of duty than generals and admirals. The Secretary of State has commemorated 186 American diplomats who have died under "heroic or inspirational circumstances."

Finally, in today's global community, we have a greater need for an active, energetic, and visionary foreign policy and those who carry out that foreign policy than ever before.

Today, we all commemorate the 75th anniversary of the creation of the modern American Foreign Service, and we are stronger and better for it.

The PRESIDING OFFICER. The time between 12:30 and 1 p.m. shall be controlled by the Senator from New Hampshire.

The distinguished Senator from New Hampshire is recognized.

(The remarks of Mr. SMITH of New Hampshire pertaining to the submission of S. Res. 107 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. KYL). The time of the Senator has expired. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator JOHNSON be added as a cosponsor to S. 1022, the Veterans Emergency Health Care Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Josh Alkin, a member of my staff, be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL SON OF SAM LEGISLATION

Mr. DORGAN. Mr. President, last week we debated the Juvenile Justice Act. We had a good number of provisions, especially dealing with guns, gun shows, and gun sales that were very controversial. I did not speak last week on an amendment I offered to the juvenile justice bill that became a part of that and is now a provision that has been passed by the Senate. I want to take a few minutes today to describe the amendment I offered and its importance.

Some while ago, I was watching a television program. It was about a serial killer, a man who killed four women and one man in Gainsville, FL. The program described the book this serial killer has written: "The Making of a Serial Killer: The Real Story of the Gainsville Murders in the Killer's Own Words."

I thought: That cannot be the case. If you murder four or five people and are sent to prison, you lose your right to vote and you lose certain rights. Do you have a right to write a book and profit from it? This television program described the dilemma.

There was a murderer in New York who was described as the "Son of Sam" murderer many years ago. He was sent to prison and wrote a book in order to profit from his murder. In other words, a violent murderer goes to prison and spends his time writing a book to sell to the public to make money. Is that a right prisoners have in this country after committing a violent crime? Is there a constitutional right to profit from a violent crime in America? I do not think so.

The State of New York passed a statute, the "Son of Sam" statute, and the Federal Government passed a statute saying that the proceeds from a book written by a violent offender who is sent to prison cannot be retained by the violent criminal.

That was appealed and went to the U.S. Supreme Court. Guess what. The U.S. Supreme Court said: No, you may not prohibit the expressive writings of a violent criminal, because that is a violation of the first amendment. I am truncating the Supreme Court decision, but essentially the Supreme Court invalidated the "Son of Sam" laws. The Federal law has never been enforced, to my knowledge, and the State laws have been invalidated.

So we had a circumstance where, on the program I watched, this serial killer was interviewed. The woman with whom he apparently is romantically involved, who is one of the sponsors of this book, was interviewed. It raised the question in my mind: Shouldn't we correct this issue and these statutes so the next time this goes to the Supreme Court, the Supreme Court will not overturn the law?

I wrote a piece of legislation, after consultation with some constitutional lawyers, that I think does solve this issue and will say to any prospective author, some disgusting human being who murders four young girls and a man in Gainsville, FL, who now says, I want to write a book to describe the detail, the horrible detail of these murders: You can write until you are dead, but you will never ever profit, you will never profit by writing the accounts of your murders and then sell a book and keep the money. Not just you, but your agent, those to whom you assign the profits—you will not be able to reap the rewards of telling the gruesome, dirty tales of your sordid criminal lives.

The juvenile justice bill which passed last Thursday has an amendment in it that closes the loophole and rewrites the Federal law. It says that any individual convicted of any Federal or State felony or violent misdemeanor, if that convicted defendant tries to sell his book, movie rights, or other expressive work or any property associated with the crime—a bloody glove, murder weapon, photos and so on—whose value has been enhanced by that crime, then the U.S. attorney will make a motion to forfeit all proceeds that would have been received by the defendant or the defendant's transferee—spouse, partner, friends, and so on.

Is this important? I think it is. I think we ought to have a Federal statute, and if the Supreme Court said the "Son of Sam" statute is not valid, we ought to have a Federal statute that says to anybody in this country: If you commit a violent crime and you go to prison, do not expect to sit in prison and write and profit by publishing a book about your crime.

I offered that in the Senate last Thursday, and I was joined by my colleague, Senator EVAN BAYH. It has now passed the Senate, and my hope is my colleagues in the House will see fit to keep this in the Juvenile Justice Act, and it will go to the President and be signed into law.

(The remarks of Mr. DORGAN pertaining to the submission of S. Res. 105 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. DORGAN. Mr. President, I want to make a point about something which I think is critically important to the Senate and to this country and its future. It is something we are spending no time on and pay no attention to. It is the issue of the Comprehensive Nuclear Test Ban Treaty.

In the past two State of the Union Addresses, the President has asked Congress to report out and approve the nuclear test ban treaty.

Going back to a time when President Eisenhower talked about this issue, I think most Americans understand the value of and the interest in a test ban treaty.

Since 1945, six nations have conducted 2,046 nuclear test explosions. That is an average of one test every 9 days. There are a few countries that have the capability of producing a nuclear weapon and testing a nuclear weapon. There are many countries that want that capability. Stopping the spread of nuclear weapons, stopping the spread of missile technology, the means by which nuclear warheads can be delivered, is critically important.

It seems to me one of the underpinnings of those efforts must be the passage of the Comprehensive Nuclear Test Ban Treaty. The United States has been under a moratorium of nuclear tests. We have not been testing since that moratorium began in 1992. We do not test nuclear weapons. We have been a leader. In this area, ratifying the Comprehensive Test Ban Treaty is not only important public policy for our country and the world, it is important in the context of our leadership in these areas.

The difficulties we now have in the Balkans and the ruptures that have occurred with our relationship with the Russians, it seems to me, ought to emphasize to us how important it is to turn back to these issues of arms control.

We know that the Iranians are testing medium-range missiles. We know that the North Koreans are testing medium-range missiles. We know that India and Pakistan exploded nuclear weapons under each other's nose, and they do not like each other.

Ought that be of some concern to us? Of course it should. Yet, the Nuclear Test Ban Treaty—the CTBT it is called—the Comprehensive Nuclear Test Ban Treaty is here in a committee without movement. There were no hearings on the treaty in the last session of the 105th Congress. We are now 5 months into the 106th Congress. I very much want our country to do the right thing: Ratify that treaty before September of 1999, when the committee will be formed of the countries that are signatories to that treaty and who have ratified that treaty, about how it will be brought into force and how it will be verified.

I know some say: Well, if you have a treaty on banning nuclear weapons tests, only those who are willing to ban them will ban them, and you can't deal with the rogues or the outlaws.

Look, if that is the attitude, no arms control of any type is worth pursuing. But, of course, that is absurd. Arms control has brought real rewards and real reductions in nuclear weapons.

I have in my desk here in the Senate a piece of a backfire bomber. I am not at my desk to get it, but it is a piece of a wing of a backfire bomber. Normally you would get a piece of a potential adversary's bomber wing by shooting down a bomber. We did not do that. We cut the wing off the bomber as part of an arms control agreement in which they reduced the number of bombers, they reduced the number of missiles, and they reduced the number of warheads.

Arms control reductions have worked. So too will the Comprehensive Nuclear Test Ban Treaty. I intend to work with a number of my colleagues to see if we are able, in the coming weeks, to speak with some aggressiveness on this issue here on the floor of the Senate and, on behalf of the American people, to make the case that we ought to have the opportunity to vote on the ratification of the Comprehensive Nuclear Test Ban Treaty. We ought to do it soon.

I have seen the agenda that has been offered by the Majority Leader as to what he hopes to bring to the floor to the Senate before Memorial Day, before the Fourth of July. This is not on it. It must be. It should be. I hope it will be, because this is a critically important issue to our country and to the world.

Efforts to stop the proliferation of nuclear weapons are critical to our future.

Many countries want them. Only a few countries have access to them. We must, at every step of the way, try to forge arms control agreements that work. The Comprehensive Nuclear Test Ban Treaty is one step in that direction.

Other steps include forging additional alliances with Russia who, as all of us know, is in some significant economic difficulty. We worry a lot about a range of issues with respect to their command and control of nuclear weapons.

But the first step, I think, is for the Senate to be given the opportunity to vote on and ratify the Comprehensive Nuclear Test Ban Treaty. I hope that is sooner rather than later.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU pertaining to the submission of S. Con. Res. 33 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Ms. LANDRIEU. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. The clerk will report the bill.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that the staff members of the Committee on Armed Services appearing on the list appendant hereto be extended the privilege of the floor during consideration of S. 1059.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

ARMED SERVICES COMMITTEE STAFF

Romie L. Brownlee, Staff Director.

David S. Lyles, Staff Director for the Minority.

Charles S. Abell, Professional Staff Member.

Judith A. Ansley, Deputy Staff Director.

John R. Barnes, Professional Staff Member.

Stuart H. Cain, Staff Assistant.

Christine E. Cowart, Special Assistant.

Daniel J. Cox, Jr., Professional Staff Member.

Madelyn R. Creedon, Minority Counsel.

Richard D. DeBobes, Minority Counsel.

Marie Fabrizio Dickinson, Chief Clerk.

Keaveny A. Donovan, Staff Assistant.

Edward H. Edens IV, Professional Staff Member.

Shawn H. Edwards, Staff Assistant.

Pamela L. Farrell, Professional Staff Member.

Richard W. Fieldhouse, Professional Staff Member.

Maria A. Finley, Staff Assistant.

Mickie Jan Gordon, Staff Assistant.

Creighton Greene, Professional Staff Member.

William C. Greenwalt, Professional Staff Member.

Joan V. Grimson, Counsel.

Gary M. Hall, Professional Staff Member.

Larry J. Hoag, Printing and Documents Clerk.

Andrew W. Johnson, Professional Staff Member.

Lawrence J. Lanzillotta, Professional Staff Member.

George W. Lauffer, Professional Staff Member.

Gerald J. Leeling, Minority Counsel.

Peter K. Levine, Minority Counsel.

Paul M. Longsworth, Professional Staff Member.

Thomas L. MacKenzie, Professional Staff Member.

Michael J. McCord, Professional Staff Member.

Ann M. Mittermeyer, Assistant Counsel.

Todd L. Payne, Special Assistant.

Cindy Pearson, Security Manager.

Sharen E. Reaves, Staff Assistant.

Anita H. Rouse, Deputy Chief Clerk.

Joseph T. Sixeas, Professional Staff Member.

Cord A. Sterling, Professional Staff Member.

Scott W. Stucky, General Counsel.

Eric H. Thoemmes, Professional Staff Member.

Michele A. Traficante, Staff Assistant.

Roslyne D. Turner, Systems Manager.

D. Banks Willis, Staff Assistant.

PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Lawrence Slade, a fellow on the staff of Senator MCCAIN, be granted privileges of the floor during the discussion of S. 1059, the national defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, today the Senate begins consideration of S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

It is my distinct privilege as chairman to make the initial statement regarding this bill. I acknowledge the presence on the floor of my senior and most respected member, Mr. THURMOND, the former chairman of the Armed Services Committee. He will be speaking to the Senate just after the statements by the chairman and the ranking member. I thank Senator LEVIN, the ranking member. We came to the Senate together. I think this is our 21st year. We have collaborated on many, many special assignments given to us by previous chairmen and/or ranking members through the years. I value our professional relationship and, indeed, our friendship.

I also wish to pay special acknowledgment to the subcommittee chairmen of the Armed Services Committee. Prior to this year, for some 20 years, I was a subcommittee chairman. I understand the role of a subcommittee chairman on our committee. But I must say, with great humility, I think each of the subcommittee chairmen this year exceeded beyond any current precedent their leadership, their hard work, together with their ranking member, in preparing the respective parts of this bill over which their subcommittees have jurisdiction.

We have on our committee today marvelous participation by all members of the committee, on both sides of the aisle. I think our committee has historically operated and tried in every way to be nonpartisan on matters of defense, and we have succeeded.

We are supported by just an extraordinary professional staff, and indeed other Members have their various personal staff members who work with the professional staff, and it is all a team together working to produce not only the bill but throughout the year to be responsive to each and every Member of the Senate with regard to their requests, or whatever the case may be, as they relate to the jurisdiction of our committee. So I thank them all at this time, as we begin this very important presentation to the Senate for the year 2000.

I am extremely pleased to observe that this is the first time in nearly 15 years—15 consecutive years—that the defense budget before the Senate represents an increase in real terms, real dollars in our defense spending. This is a much-needed change, one that recognizes the problems brought on by 14 years of decline in defense spending. This overlaps, as the Chair will quickly recognize, both Republican and Democrat administrations. So this is not a political statement, although I do believe that the cuts under President Clinton have been too long and too deep. It was this year that the President, largely at the urging of a very courageous and fine Secretary of Defense, our former colleague, Secretary Cohen, and, indeed, members of the Joint Chiefs, gave his support to raising defense spending levels.

Today, particularly under President Clinton, who has sent forward our troops into harm's way more times on more different specific missions than any other President in the history of this country, we are asking every day, every month, every year, more and more of the men and women of the armed services at a time when we have this very, very low level of manning of all branches of our services.

At the same period, this world remains a place of ever increasing violence and uncertainty. As U.S. national interests are challenged throughout the globe, it is incumbent upon our military to be prepared to act when necessary, and act they have, with extraordinary commitment and professionalism.

Our military forces are currently strained by ongoing day-to-day operations. The contingency operations in Bosnia, Iraq, and throughout the Balkan regions are putting a very severe strain on our overall manning and commitments, and the families —may I underline "the families"—of these service members. In order for the military to respond effectively, it must receive the resources necessary to equip, train, and operate.

Unfortunately, after years of declining budgets and continually increasing deployments overseas, the military services are showing the beginning signs of this overburdening. Recruiting and retention problems are leading to shortfalls in key skills. Insufficient procurement budgets have left our forces with equipment that is somewhat unreliable because of age and, indeed, more costly every day to maintain. Inadequate infrastructure funding has resulted in the degradation of the facilities in which our military personnel work and live.

We must provide additional resources if we are to preserve this Nation's security and the readiness of its Armed Forces. That is why this bill before the Senate authorizes $288.8 billion in budget authority for fiscal year 2000—$8.3 billion above the President's request.

I commend the majority leader of the Senate, Senator LOTT, for his support and his leadership. It doesn't just go back a few weeks; it goes back well into last year. When consulting with him and, indeed, our distinguished chairman at that time, Senator THURMOND, the three of us recognized, together with other leaders in the Senate, such as Senator STEVENS and Senator DOMENICI, that we have to bring about a reversal in this decline of defense spending. Those are the origins of the change of this curve.

I want to note the extraordinary relationship that exists today between our committee and the Defense Appropriations Subcommittee. I particularly thank Senator STEVENS and his staff director, Steve Cortese, for their cooperation and support throughout the process of putting this bill together. Hopefully, Senator STEVENS will follow soon behind with his bill so that the Senate can have both to consider.

At this point I wish to take a moment to give credit to the Joint Chiefs of Staff for helping to secure the additional funding for defense. I think this is the first year in my 21 years that they have stepped forward with such absolute determination, vigor, and professional honesty and integrity and told the Senate—in effect, told the American people—of the concerns they have not only for their personnel but for the lack of funding needed to train the personnel, the research and development needed for the future, and the procurement decline we have experienced through these years. They came before the Senate committee last September and again in January, and they were very forthright. I don't doubt for a minute that their determination was the primary reason the President and the Secretary of Defense stepped up and began to support additional funding.

The Secretary of Defense, of course, all along had been counseling the President, but I want to pay special respect to the Joint Chiefs.

It is by necessity that I address this question of the shortfall in defense spending and lay it out historically over these 15 years.

But let no one, let no nation, let no leader, let no rogue or terrorist think for a moment that the men and women of the Armed Forces of the United States, together with their equipment and their readiness and training, aren't prepared to turn back any threat posed against this Nation, or this Nation together with its allies.

In numerous committee hearings this year, the frightening magnitude of some of these problems was revealed. General Shelton, Chairman of the Joint Chiefs of Staff stated, "Anecdotal and now measurable evidence indicates that our current readiness is fraying and that the long-term health of the Total Force is in jeopardy." General Shelton further informed the committee that our ability to execute our national military strategy has declined so severely that it would "* * * take us more time, and that time to victory would mean that we would lose terrain that we subsequently would have to regain. It means that the casualties to the U.S. would be higher." Furthermore, according to the latest Quarterly Readiness Report: "* * * there are currently 118 CINC-identified readiness related deficiencies, of which 32 are designated category 1 deficiencies—ones which entail significant war fighting risk to execution of the National Military Strategy and are key risk drivers for the MTW, Major Theater War, scenarios."

During the committee's hearings on September 29, 1998 and January 5, 1999, the Service Chiefs outlined the essential funding requirements necessary to maintain the readiness of the armed forces. General Shelton and the Chiefs identified a series of readiness and modernization problems that, without additional funding of approximately $17.5 billion per year—I repeat, Mr. President—$17.5 billion per year—would continue to degrade our military capability.

This figure does not include the additional funding necessary for contingency operations such as those we are facing in Kosovo today and in Bosnia and Iraq. It does not include additional funding for these contingency operations and increased pay and retirement benefits necessary to address the serious problems in recruiting and retention. This would cause additional requirements to exceed $20 billion per year.

While the committee acknowledges that the administration's budget request contained additional money for defense—primarily because of the Joint Chiefs and Secretary Cohen's direct pleas to the President, the proposed budget request for fiscal year 2000 still falls short of meeting the Service Chief's minimum requirements.

One of the noteworthy shortfalls within the budget request is the Administration's request to incrementally fund military construction. Such incremental funding would actually result in increased costs and delays in the construction of critical facilities. In addition, although the administration's fiscal year 2000 request represents an increase of approximately $500.0 million over the fiscal year 1999 budget request, it does not adequately fund the quality of life needs of the military departments. Therefore, the bill before the Senate allocates an additional $3.3 billion to MILCON to fully fund the fiscal year 2000 military construction and family housing programs requested by the Administration, and to fund additional quality of life programs—those determined by the members of our committee to have that high priority.

A focus of the committee's action this year has been to address the serious problems we are having with recruiting and retaining a quality force. In January, the committee moved quickly to report out—and the Senate subsequently passed—S. 4, The Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. The act authorized a 4.8-percent pay raise, reformed the military pay tables, and improved the military retirement system.

The National Defense Authorization Act for 2000—this bill—includes pay and compensation elements of S. 4, as well as other innovative proposals to offer incentives to potential recruits and active-duty personnel.

We believe the policies recommended in this bill will enable the military services to recruit and retain the number of quality personnel required to meet our national military strategy.

That is the heart and soul of this bill.

Again, I wish to commend Senator LOTT and others who let this committee move out and have this as the first bill in the Senate to send the strongest message to the men and women in the Armed Forces all across the world that the Congress of the United States—certainly the Senate—stands beside them to see they are properly compensated and that their families receive a fair return for their services and the risks they take.

There it is. It is in here. I hope it receives the strongest support of the Senate.

The funding level of $288.8 billion for defense contained in the bill before the Senate represents a real increase of 2.2 percent over the fiscal year 1999 level. With the additional $8.3 billion over the budget request, the committee has done the following:

Added more than $1.2 billion to primary readiness accounts, including ammunition, training funds, base operations, and real property maintenance.

Two, authorized net increases of $509.3 million for ballistic missile defense programs; $218 million for military space programs and technologies; $111.6 million for strategic nuclear delivery vehicle modernization; and $55 million and a fraction for military intelligence programs; authorized $12.2 billion for atomic energy defense activities under the Department of Energy, an $187 million increase over the 1999 funding levels. That is an area in which the Presiding Officer has taken a great deal of interest through the years.

Recommended a comprehensive set of provisions to enhance safeguards, security and counterintelligence at DOE facilities in response to recent and very, very grave and serious allegations regarding lack of security at DOE laboratories.

We are learning every day about this breakdown in our counterintelligence. Members are participating in this analyzation. It is very serious and requires the closest attention by every single Member of the Senate.

The committee has spent a good deal of time examining the allegations of Chinese espionage at the DOE facilities. The initiatives contained in this bill, I believe, will go a long way toward fixing the problems that Congress continues to discover. I say "continues," because more and more comes out every day.

In addition to the other items contained in this package, we have put into statute many of the items contained in the Presidential Decision Directive 61. The Secretary of Energy has indicated his support for our legislation. That is in this bill. We passed these provisions with strong bipartisan support in the committee.

We also authorized a $855 million increase to the procurement budget request and a $213 million increase to research, development, test, and evaluation for the Navy, Marine Corps, and Air Force seapower and strategic lift programs. In addition, the committee authorized the budget requests for construction of six new ships and robust research and development in the future ships DD–21, CVN(X), the *Virginia* class submarines, and CVN–77.

We added nearly $1.9 billion to procure a range of critical, unfunded requirements, and over $280 million of vital research and development activities for both air and land forces.

We establish 17 new National Guard Rapid Assessment and Initial Detection Teams for domestic response to terrorist attacks involving weapons of mass destruction.

This is a problem that this Senator considers the most serious facing the United States of America. That is, terrorism, which no longer is beyond our shores but which could be brought to our shores by any of the people crossing through the ports and the airports of this great nation of ours. Regrettably, even someone of deranged mind here at home could bring about the use of weapons of mass destruction.

Therefore, this Senator, and indeed this committee, is giving its strongest support to prepare ourselves, hopefully, to deter any such attacks. If they occur, then the resources of the Department of Defense stand well trained to assist other departments and agencies of this Government in bringing about what solutions we would be faced with in such a horrible situation.

I established a new subcommittee this year called Merging Threats under the very capable leadership of the Senator from Kansas, Senator ROBERTS. He will have more to say today about the very valuable work of this subcommittee and its ranking member and other Members toward what I have described in meeting this particular threat here at home.

These particular teams, each comprised of 22 full-time National Guard personnel specifically trained and equipped to deploy and assess suspected nuclear, biological, chemical, and radiological events in support of local first responders—that is, the local police, the local rescue, hospitals, volunteers all across our country; that is a local responding—would provide greater team coverage nationwide and greatly increase our ability to respond quickly to terrorist attack in the United States of America.

Now, I note that the National Guard is involved. Throughout this bill, throughout current military history, there is an ever and ever increasing role for the Guard and Reserve forces. They comprise the total force, when you calculate the military capabilities of this country, and as each year goes by, more and more responsibility must be shared by the Active Forces with the Guard and the Reserve. They have performed brilliantly.

Further, we establish a Department of Defense central transfer account for all funds to combat terrorism both at home and abroad, establish an information assurance initiative to strengthen DOD's information assurance program, and add an additional $120 million to the administration's request for information assurance programs, projects, and activities.

The committee also considered additional base closings. This is a very serious subject, and my colleague, Mr. LEVIN, will have more to say about this, as will Senator MCCAIN. During markup, the committee addressed two amendments submitted by these Senators. Both were not voted favorably by the committee.

Speaking for myself, I have historically supported BRAC as a means of reducing excess military infrastructure. As Secretary of the Navy, I remember vividly having closed the Boston Naval Shipyard, one of the most significant base closings since World War II. I know how difficult it is on the local community and the State to see one of these facilities close. It is not just a matter of economics, although that is very serious; it is a matter of pride; it is a matter of patriotism; it is a matter of generations of association of the men and women of the military forces who were trained at and operated these bases. It goes back into the sinews of our history.

Today, it is quite clear that the infrastructure and our inventory exceeds that which is needed by the current levels of the Armed Forces. Much of our war-fighting capability has changed dramatically. I remember the first BRAC. I was coauthor of that legislation. We closed a number of the old cavalry outposts that were built for the sole reason of protecting the territories when Americans were settling the West.

By the time we got around, I think, 10, 12 or 15 years ago, to closing these bases, they had long since outlasted their military contribution to the overall security of our Nation. Historically, the country has always been behind.

Again, I was the coauthor of the last BRAC bill. However, this time I declined and voted against the BRAC legislation for reasons that I will state more succinctly and fully at the time the amendment is brought to the floor today.

I believe the bill before the Senate is a vital first step in enhancing military readiness, modernizing our forces, and improving the quality of life of our service members and their families.

I urge my colleagues to send a strong signal of support, a strong signal of support to the men and women of the Armed Forces bravely performing their responsibilities as their forefathers have done throughout the history of this great Nation, formed 209-plus years ago. I anticipate with this bill and the bills that will follow we will always keep America strong, a beacon of hope and freedom and security to the whole world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased to join the chairman of the Armed Services Committee in bringing S. 1059 to the floor. This is our fiscal year 2000 defense authorization bill. It is the product of many months of hard work by the committee under the leadership of our new chairman, Senator WARNER, who has taken the baton from Senator THURMOND, who had done an extraordinary job. Senator THURMOND, who is on the floor, was chairman of our committee for many years. This year he turned that responsibility over to Senator WARNER, and Senator WARNER has carried on with great strength and great commitment that is in keeping with the leadership Senator THURMOND showed when he was chairman of this committee. I commend Senator WARNER for carrying on that tradition of Senator THURMOND and, indeed, those before Senator THURMOND.

As Senator WARNER has pointed out, our staffs have been instrumental in helping us bring this bill to the floor. We had a unanimous vote for this bill in committee. I think that is a real testament to the chairman's leadership. I commend him for it.

Mr. WARNER. Mr. President, if the Senator will yield, it was a partnership between the Senator from Michigan and myself together with all members of our committee.

I think in the context of talking about Senator THURMOND, in the 21 years we have been here, he served with the chairmen before Senator THURMOND—Senator Nunn, Senator Tower, Senator Goldwater, Senator Stennis. Indeed, both you and I were well trained by these very, very strong and able leaders in the defense of our Nation.

Mr. LEVIN. Mr. President, that is a view I fully share.

The bill we bring to the floor is a sound bill that goes a long way to meet the priorities which have been established by Secretary Cohen and the Joint Chiefs of Staff. It is brought to the floor based on a very sound foundation because General Shelton, the Chairman of the Joint Chiefs, has assured us, assured the committee, assured the Congress, and assured the Nation our Armed Forces are fundamentally sound and fundamentally capable of fulfilling their role in our national military strategy. So we start with that sound foundation. Obviously, there are some places where we have to put some additional resources. But the foundation is a sound one and the Chairman of our Joint Chiefs has assured us of that.

So, what we seek to do in this bill is build on that sound foundation. I believe we have done so. In accordance with the fiscal year 2000 budget resolution, the bill includes an $8 billion increase in budget authority above the level provided in the President's budget.

Unlike some of the budget increases in the past years, the added money in this bill will be spent in a much more responsible way than we have sometimes done in the past, because the money we have added this year is entirely spent for programs for which the Department of Defense has indicated a real need. The bottom line is, this bill will improve the quality of life for our men and women in uniform. It will improve the readiness of our military. It will continue the process of modernizing our Armed Forces to meet the threats of the future.

Virtually all the items for which the committee added funding were taken from either the Services' unfunded priority list for fiscal year 2000 or from the outyears of the future years' defense program, the so-called FYDP, which we deal with in the Armed Services Committee. These add-ons include substantial increases for the highest priority readiness items identified by the Joint Chiefs of Staff, including an added $554 million for real property maintenance, $420 million for base operations, $120 million for ammunition, $73 million for spare parts, $60 million for reserve component training, $40 million for depot maintenance. This money will significantly enhance the ability of our Armed Forces to carry out their full range of missions.

These are areas where we sometimes fall short. These are not the most glamorous areas. They do not have a lot of people lobbying for them. But they are critically important areas—real property maintenance, base operation, spare parts, reserve component training, depot maintenance.

In addition, the bill includes the triad of pay and retirement initiatives sought by Secretary Cohen and by the Joint Chiefs—a 4.8-percent military pay raise for fiscal year 2000, reform of the military pay table to increase pay for midcareer NCOs and officers, and changes to the military retirement system. These changes will, hopefully, help address recruiting and retention problems we have in the services.

When S. 4 was considered on the Senate floor, we indicated then we wanted to do everything we could to ensure the men and women in uniform received fair compensation for the service they provide to our country. At that time, I expressed concern about proceeding with the pay bill outside the context of the defense authorization bill and before Congress had passed a budget resolution. We have now revisited this issue in the context of the budget resolution and the authorization bill. I am pleased to report the changes in military pay and benefits proposed in this bill are all paid for.

Unfortunately, the committee has not yet been able to find a way to fund one of the most important aspects of S. 4, and that aspect is Senator CLELAND's proposals to enhance the GI bill, which is so important in providing educational opportunities to the men and women in our Armed Forces. These provisions, Senator CLELAND's proposal, would provide substantial incentives to help address the current recruiting and retention problems which face the military services while offering our men and women in uniform an educational opportunity in the proudest tradition of our country. I expect Senator CLELAND will raise this issue again as we debate the bill on the floor.

I sincerely hope we will find a way to adopt these proposals. They are very important proposals. They are important to the retention we need to enhance. They would be important even if there were not a retention problem, in terms of opportunities we should offer to the men and women in our Armed Forces.

The bill reported by the committee also provides full funding for the Department of Defense Cooperative Threat Reduction Program with Russia and with other countries of the former Soviet Union. Unfortunately, two of the three companion programs at the Department of Energy received substantially less funding than requested by the administration. The bill also contains some unfortunate restrictions on the DOE Nuclear Cities Program, which I hope we will be able to address on the Senate floor.

The Cooperative Threat Reduction Program and the related Department of Energy programs are one positive cornerstone of our relationship with Russia. They play a vital role in our national security by reducing the threat of the proliferation of weapons of mass destruction from Russia and from rogue nations with which Russia might be pressured to form closer ties in the absence of these programs.

One area where I am most disappointed with the outcome of the markup is base closures, and our chairman has made reference to this issue.

The case for additional rounds of base closures is overwhelming. The Secretary of Defense has told us that more base closures are critical to meeting our future national security needs. The Secretary's letter reads, in part, as follows:

> [N]o other reform—

No other reform—

> even comes close to offering the potential savings afforded by even a single round of BRAC.

Which is the base closing process.

> There simply is no substitute for base closure and realignment.

He went on to say:

> The two additional rounds under consideration by the Committee will ultimately save $20 billion and generate $3.6 billion annually. Both the Congressional Budget Office and the GAO affirm the reasonableness and credibility of our estimates for savings from BRAC. In exchange for property that we neither want nor need, we can direct $3.6 billion on an annual basis into weapons that give our troops a life-saving edge, into training that keeps our forces the finest in the world, and into the quality of life of military families.

The Secretary concluded:

> The Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinge in great measure on realizing the critical savings that only BRAC can provide. As such, the Chairman and Joint Chiefs are unanimous in their support of our legislative proposals, and I most strongly solicit your support and that of your colleagues.

The Chiefs themselves—all of them, the Chairman and the other Chiefs—wrote to us on May 10, a very strong letter, about the necessity of adopting an additional round of base closings. Here is what they wrote to our chairman:

> Previous BRAC rounds are already producing savings—$3.9 billion net in 1999 and $25 billion through 2003. We believe that two additional rounds of BRAC will produce even more savings—an additional $3.6 billion each year after implementation. This translates directly into the programs, forces, and budgets that support our national military strategy. Without BRAC, we will not have the maximum possible resources to field and operate future forces while protecting quality of life for our military members. We will also be less able to provide future forces with the modern equipment that is central to the plans and vision we have for transforming the force.

These are our top military officials telling us about the importance of additional rounds of base closings, to remove the unneeded infrastructure that we are now supporting, which drains resources that are needed for modernization, for readiness, for morale, for training.

We cannot justify maintaining excess infrastructure that we do not need and, at the same time, say we have needs that must be addressed. We cannot have this both ways. We do have needs that must be addressed, and we have infrastructure we do not need which, if removed, will provide the resources to meet those needs.

Our top uniformed officers tell us the following:

> BRAC is the single most effective tool available to the Services to realign their infrastructure to meet the needs of changing organizations and to respond to new ways of doing business. No other initiative can substitute for BRAC in terms of ability to reduce and reshape infrastructure. Simply stated, our military judgment is that further base closures are absolutely necessary.

Absolutely necessary is what the chairman and the members of the Joint Chiefs tell us.

These are not words of subtlety; these are very direct words which come from our uniformed leadership in this country, and we should heed them. I hope we will do that during consideration of this bill.

Mr. President, I ask unanimous consent that the two letters to which I have referred, in addition to a letter from the Service Secretaries dated May 11, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, May 11, 1999.

Hon. CARL LEVIN,
Ranking Member, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR CARL: As I have on many occasions, I want to convey my strong support for approval of additional rounds of Base Realignment and Closure (BRAC) authority as part of the FY 2000 Department of Defense Authorization Bill, which the Senate Armed Services Committee is marking up this week.

As you are aware, the first three rounds of BRAC have already yielded some $3.9 billion net savings in FY 1999 and will generate more than $25 billion by the year 2003. These savings have proven absolutely critical to sustaining ongoing operations and current levels of military readiness, modernization and the quality of life of our men and women in uniform. Even still, the General Accounting Office (GAO) points out that the Department of Defense continues to retain excess infrastructure, which we estimate at roughly 23 percent beyond our needs.

As you know, we are aggressively reforming the Department's business operations and support infrastructure to realize savings wherever possible. Nevertheless, no other reform even comes close to offering the potential savings afforded by even a single round of BRAC. There simply is no substitute for base closure and realignment.

The two additional rounds under consideration by the Committee will ultimately save $20 billion and generate $3.6 billion dollars annually. Both the Congressional Budget Office and the GAO affirm the reasonableness andcredibility of our estimates for savings from BRAC. In exchange for property that we neither want nor need, we can direct $3.6 billion on an annual basis into weapons that give our troops a life-saving edge, into training that keeps our forces the finest in the world, and into the quality of life of military families.

I well appreciate both the difficult decision you and your colleagues now face, as well as the legitimate concerns of bases and communities potentially affected by additional rounds of BRAC. At the same time, many success stories across the nation prove that base closure and realignment can actually lead to increased economic growth. In fact, the GAO recently noted that in most post-BRAC communities incomes are actually rising faster and unemployment rates are lower than the national average. Moreover, the Department continues to streamline the process, making it even easier for communities to dispose of base property and to create new jobs in the future.

The Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinge in great measure on realizing the critical savings that only BRAC can provide. As such, the Chairman and Joint Chiefs are unanimous in their support of our legislative proposals, and I most strongly solicit your support and that of your colleagues.

BILL COHEN.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 10, 1999.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to you to express our strong and unified support for authorization for additional rounds of base closures when the Senate Armed Services Committee marks up the FY 2000 Department of Defense Authorization Bill next week.

Previous BRAC rounds are already producing savings—$3.9 billion net in 1999 and $25 billion through 2003. We believe that two additional rounds of BRAC will produce even more savings—an additional $3.6 billion each year after implementation. This translates directly into the programs, forces, and budgets that support our national military strategy. Without BRAC, we will not have the maximum possible resources to field and operate future forces while protecting quality of life for our military members. We will also be less able to provide future forces with the modern equipment that is central to the plans and vision we have for transforming the force.

The Department's April 1998 report to Congress demonstrates that 23 percent excess capacity exist. The Congressional Budget Office agrees that our approach to estimating excess capacity yields a credible estimate. The General Accounting Office also agrees that DOD continues to retain excess capacity.

The importance of BRAC goes beyond savings, however. BRAC is the single most effective tool available to the Services to realign their infrastructure to meet the needs of changing organizations and to respond to new ways of doing business. No other initiative can substitute for BRAC in terms of ability to reduce and reshape infrastructure. Simply stated, our military judgment is that further base closures are absolutely necessary.

BRAC will enable us to better shape the quality of the forces protecting America in the 21st century. As you consider the 2000 budget, we ask you to support this proposal.

Gen. HENRY H. SHELTON,
USA,
Chairman, Joint Chiefs of Staff;
Gen. JOSEPH W. RALSTON,
USAF,
Vice Chairman, Joint Chiefs of Staff;
Gen. DENNIS J. REIMER,
USA,
Chief of Staff, U.S. Army;
Adm. JAY L. JOHNSON,
USN,
Chief of Naval Operations;
Gen. MICHAEL E. RYAN,
USAF,
Chief of Staff, U.S. Air Force;
Gen. CHARLES C. KRULAK,
USMC,
Commandant of the Marine Corps.

Hon. CARL LEVIN,
Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This letter expresses our unqualified support for legislative authority this year to conduct future rounds of Base Realignment and Closure (BRAC).

Each of our services needs to reshape our base infrastructure to meet new mission requirements. As a practical matter, BRAC is the only tool we have available to divest ourselves of unneeded infrastructure, consolidate missions and free funds to improve priority programs on the scale that we know is required. These priority programs are the readiness, modernization and quality of life programs that support our people. Prudent management of our infrastructure requires us to stop spending critical funds on the estimated 23 percent excess base capacity we no longer need, so that we can focus our investments on those bases that support our 21st century missions. We must refocus to provide an efficient warfighting structure and to provide the quality of life that is essential to retention and recruitment.

The benefits of BRAC are real, significant and long lasting. The estimated net savings through 2003, over $25 billion, have already allowed us to better fund priority programs. The annual recurring savings of almost $6 billion, which the Congressional Budget Office considers reasonable, will allow us to further improve these programs well into the future. Additionally, we estimate two future BRAC rounds could provide almost $20 billion in savings through the implementation period and over $3.6 billion thereafter in annual recurring savings.

We remain fully committed to assisting communities recover economically from BRAC actions. Right now we are concentrating on initiatives to accelerate property transfer to further enhance economic redevelopment.

We ask that you support legislation for future BRAC rounds so we can continue readiness, modernization and quality of life improvements well into the 21st century.

RICHARD DANZIG,
Secretary of the Navy;
F. WHITTEN PETERS,
Acting Secretary of the Air Force;
LOUIS CALDERA,
Secretary of the Army.

Mr. LEVIN. Mr. President, as our chairman indicated, the committee spent a great deal of time addressing security concerns at the Department of Energy. The revelations of Chinese espionage directed at the DOE nuclear weapons program underscore 20 years of failure by the FBI and the Department of Energy, over the course of three administrations, to take adequate steps to address security problems in the Laboratories.

This problem has been ongoing for 20 years, through three administrations, and we have not seen, until a Presidential decision directive last year, an effort to significantly tighten security at the Laboratories.

We have in that Presidential decision directive, which is called PDD–61, a strong effort by this administration to tighten that security. What we do in this bill is to build on that effort, and we do so in a way which does not undermine the ability of the Department of Energy to perform its vital national security function.

I commend our chairman for his leadership in this effort. It is important that we do strengthen the security at the Department of Energy. It is important that we take the effort which finally was made when this administration signed a Presidential decision directive, and the President did so, but that we build additional safeguards which need to be in law.

Here is what we have done. We have written much of that Presidential decision directive into law. We have established an outside Commission on Safeguards, Security and Counterintelligence at the Department of Energy facilities. We have required a certification of the security aspects of the lab-to-lab and foreign visitors programs from the Secretary of Energy, the Director of the CIA, and the Director of the FBI.

The bill reported by our committee includes many other important provisions which will contribute to the national security and the effective management of the Department of Defense. Some of these provisions are: a provision establishing a single account for all Department of Defense funds to combat terrorism, both at home and abroad; a series of provisions to improve the effectiveness and efficiency of health care provided to service men and women under the TriCare Program; a provision promoting reform of Department of Defense financial management systems; a series of provisions promoting more effective management of defense laboratories and test and evaluation facilities; a provision extending the Department's mentor-protege program for small disadvantaged businesses.

I conclude by, again, thanking our new chairman, Senator WARNER, for the manner in which he and his staff have handled this bill. He has maintained a great tradition of this committee, working with all members to make sure that all voices are heard in the effort which will always be needed to protect the Nation's security.

I know there is going to be vigorous debate on some provisions of this bill. We hope that Senators will, indeed, come to the floor and offer their amendments so that we can complete Senate action on the bill in a timely manner and go to conference.

But whatever the outcome of the debate on specific amendments or the vehemence of that debate, I think I can say unequivocally that our chairman, following in the footsteps of Senator THURMOND, has done so with tremendous strength and has, in doing so, enhanced the security of this Nation.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleague. I think his statement reflects the partnership in which we have worked and will continue to work.

We do urge Members to bring their amendments to the floor. Currently, we have the following—I share with my colleague, and I think he is aware of this: Senator ROBERTS has an amendment, Senator SPECTER has an amendment, and Senator ROTH has an amendment, the subject matter I am sure the Senator is familiar with.

It is the desire of the majority leader, and I presume with the concurrence of the minority leader, that votes on these amendments will occur not before 5:30, but as soon thereafter as we can package them and have them sequentially. So that is for the information of all Senators.

I now yield the floor.

I see our distinguished former chairman, the senior Senator from South Carolina.

Mr. THURMOND addressed the Chair.

Mr. LEVIN. Will the Senator yield for one moment?

Mr. WARNER. Yes.

Mr. LEVIN. Will the Senator yield for one moment?

Mr. THURMOND. Certainly.

Mr. LEVIN. I thank you.

I want to withhold comment on what the chairman just said in terms of sequencing votes, because we are checking with some Senators on this side who may wish to debate one or more of those amendments to which the Senator has referred. We have not seen final language on any of them, I do not believe, so I want to at least alert the chairman I would not want my silence to indicate concurrence in what he indicated and said until we have had a chance to review that. There is the possibility we would want to withhold votes on those until tomorrow, for instance, but we need to see the language on those amendments.

Mr. WARNER. Mr. President, we will provide our distinguished colleague with those amendments. I believe at the desk now is the Specter-Landrieu amendment. So one is before the Senate. I am now working with Senator ROBERTS on a revision of his. I presume that the Roth amendment is pretty well in final form. I hope someone can inform the Senator from Virginia as quickly as possible as to the text of the amendment.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Senator WARNER and Senator LEVIN and my colleagues, as the Senate begins consideration of the national defense authorization bill for fiscal year 2000, I join my colleagues on the Armed Services Committee in congratulating Chairman WARNER and the ranking member, Senator LEVIN, on their leadership in preparing a strong, bipartisan defense bill.

As the former chairman of the Armed Services Committee, I am well aware of the challenges and demands they faced in the preparation of the bill and believe they acheived all the objectives the committee established at the start of the year.

At the Armed Services Committee hearing on September 29, 1999, General Shelton, the Chairman of the Joint Chiefs of Staff, stated:

> It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.

The national defense authorization bill for fiscal year 2000 ensures that our Armed Forces can continue to carry out their global responsibilities by focusing on readiness, future national security threats, and quality of life. I am especially pleased with the focus on the quality of life issues. Our military personnel and their families are expected to make great sacrifices and they deserve adequate compensation. Therefore, I strongly support the 4.8 percent pay raise, the changes in the retirement system, and the authority for military personnel to participate in the Thrift Savings Plan. These are critical provisions, which when coupled with the additional family housing and barracks construction, will result in a well-earned improvement in the standard of living for all of our military personnel.

During the past several years many Senators have raised the specter of the declining readiness of our Armed Forces. The administration had continually denied this assertion until last fall, when each of the Service Chiefs—I repeat, each of the Service Chiefs—acknowledged that readiness was in fact a serious problem within our Armed Forces.

General Reimer, the Army Chief of Staff stated: "Your Army is underfunded today to adequately meet all the competing demands."

The Chief of Naval Operations, Admiral Johnson, stated: "I am deeply concerned that we are at the beginning of a free-fall in terms of readiness."

And General Krulak, the Commandant of the Marine Corps, put it in these words: "We are ready today, but in order to maintain readiness and the current budgetary shortfall and those of previous years, we are effectively mortgaging the readiness of tomorrow's Marine Corps."

The defense bill before us is a significant step toward correcting the readiness issues identified by our Service Chiefs. It increases primary readiness accounts by more than $1.2 billion; it increases the procurement budget by more that $855 million and increases research and development by more than $200 million. Despite these significant funding increases, I must emphasize that they are but a first step toward reversing the readiness trends. We cannot be satisfied with these increases and ensure continued robust funding increases for these programs in future bills.

Since the fall of the Berlin Wall our Nation has faced ever changing threats. Among these are the spread of nuclear and weapons of mass destruction, international terrorism, and the ever increasing sophistication of weapons in the hands of countries throughout the world. The bill provides the funding for the Department of Defense and the Department of Energy to ensure that the Nation's military forces, both active and reserve, are prepared to counter these threats as we enter the new millennium.

As with all legislation, there are provisions in this bill that I did not support during the markup that I hope will be amended. Specifically, I am opposed to the provision that would limit the ability of the Federal Prison Industries to sell products to the Department of Defense and the provision in Title C of the bill regarding Tritium production. In my judgement, the Armed Services Committee is overstepping its jurisdiction by legislating on the Federal Prison Industries, which is under the purview of the Judiciary Committee. Regarding Tritium production, I am concerned that the provision has been weakened to the point where the reliability and viability of our Nation's nuclear weapon's stockpile may be at risk. Unless we have strong language to support the Secretary of Energy's decision to complete design for the Advanced Tritium Production source there is a strong possibility that those who oppose a reliable and effective nuclear stockpile will delay tritium production beyond the time we need tritium.

I have previously congratulated the chairman and ranking member for their work on this bill. Before closing, I want to congratulate each of the subcommittee chairmen: Senator SMITH, Senator INHOFE, Senator SNOWE, Senator SANTORUM, Senator ROBERTS, and Senator ALLARD, and the ranking members for their contribution to this bill. Their leadership and work provided the foundation for this legislation. Finally, I believe it is important that we recognize Les Brownlee and David Lyles for their leadership of a very professional and bipartisan staff. I desire to thank Col. George Lauffer for his fine work.

This national defense authorization bill is a strong and sound bill. I intend to support it and urge my colleagues to join me in showing our strong support for the bill and our men and women in uniform.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we thank our distinguished former chairman for that powerful statement. His firm hand and leadership are very much a part of the everyday activities of the Senate Armed Services Committee. I can think of no Member of this body who has served in uniform longer than our distinguished colleague, who entered, in my recollection, through the Army Reserve. I was there at a ceremony.

What was the year that you entered the Army Reserve, Senator? Anyway, way back——

Mr. THURMOND. What was the question?

Mr. WARNER. What was the year you entered the Army Reserve? I remember I was there when we recognized——

Mr. THURMOND. I finished college in 1923 and became 21 years of age in December of that year.

Mr. WARNER. Isn't that interesting. I remember when we gathered on the steps of the west front of the Capitol to recognize the Senator for his service. He fully understands the commitments made by men and women in the Armed Forces through several generations. That historical knowledge has been brought to bear many times on the decisionmaking responsibilities of the Senate Armed Services Committee.

Mr. THURMOND. Thank you very much.

Mr. WARNER. Mr. President, seeing no other Senator at the moment seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Bill Adkins, a legislative fellow of Senator ABRAHAM's staff, be granted floor privileges during the consideration of S. 1059.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 377

(Purpose: To express the sense of the Senate regarding the legal effect of the new Strategic Concept of NATO)

Mr. ROBERTS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for himself, proposes an amendment numbered 377.

Mr. ROBERTS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF SENATE REGARDING LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) not later than 30 days after the date of enactment of this Act, the President should determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States; and

(2) if the President certifies under paragraph (1) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

(b) DEFINITION.—For the purposes of this section, the term "new Strategic Concept of NATO" means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C., on April 23 and 24, 1999.

(c) EFFECTIVE DATE.—This section shall take effect on the day after the date of enactment of this Act.

Mr. ROBERTS. Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 378 TO AMENDMENT NO. 377

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, proposes an amendment numbered 378 to Amendment No. 377.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(c) REPORT.—Together with the certification under subsection (a)(1), the President should submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation or several member nations where the commitment of NATO forces will be "out of area", or beyond the borders of NATO member nations.

Mr. WARNER. Mr. President, I yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Kansas is recognized.

AMENDMENT NO. 377

Mr. ROBERTS. Mr. President, before I make remarks on behalf of the amendment, which pretty well dovetails the second-degree amendment introduced by the distinguished chairman of the committee, I would like to pay a deserved tribute to our distinguished chairman, the Senator from Virginia, for his leadership in forging a defense bill during a time of great, great challenge.

During a time when our military is stressed, strained, and some of us believe hollow, our Nation needs those who will take a stand—a stand, if you will—to really try to fulfill the first obligation of our Federal Government, and that is to safeguard our national security.

Our new chairman of the Senate Armed Services Committee, in the tradition of Senator THURMOND, has been the right man at the right time for the right job. He has, without question, reaffirmed the standing of the influence of the committee. He has actually given the committee—in this case, the creation of a new Emerging Threats and Capabilities Subcommittee—a chance to take a look at really what our Nation faces in terms of our national security threat in the post-cold-war period. I want to thank him publicly for discussing with me the possibility of being the chairman of that committee and for that appointment.

I think the thing I want to mention the most in regard to the chairman's leadership and also that of Senator LEVIN is the pay raise and retirement reform contained in this bill. After hearing from the Joint Chiefs and knowing that we have a crisis in regard to retention of our men and women in uniform, the chairman, actually during the impeachment process, sat us down to work and really hit the ground running.

Despite the criticism of those who wanted a much larger bill, a more comprehensive bill, to address all of the problems that we face in the military—and, by the way, I mention that these challenges include the quality of life issues, the health care issues, the issue of the operations tempo, the issue of the personnel tempo, and then that of mission quality. There are those who said, we are not quite sure that this pay raise or this retirement reform will really address the retention problem. There are others who said they wanted to study it further. I suggest to them that if we studied it actually further, we would be in such a problem with retention we would be past the marrow of the bone.

JOHN WARNER really took the issue by the horns and provided the leadership. We are sending a message to every man and woman in uniform, saying that we care. And we took action, as I said before, despite the impeachment proceedings and despite a very, very busy schedule here in this Congress.

So thank you to JOHN WARNER and also to Senator LEVIN, whose expertise in regard to his oversight and his policy actually keeps the committee with very strong leadership. It is a privilege to serve with both Senators. I will make a statement at a later time in regard to the efforts by Senator BINGAMAN, who is the distinguished ranking member of the Emerging Threats Subcommittee, and what we think we have been able to achieve.

Mr. President, I rise with the support of the chairman of the committee, as well as my colleague from Georgia, Senator CLELAND, to offer an amendment to this bill, S. 1059. It is my hope that this amendment will reaffirm the Senate's important responsibility of either rejecting or consenting to fundamental changes in the letter and spirit of existing treaties—in particular, when those changes actually broaden the nature of U.S. military missions, responsibilities, and obligations overseas.

I ask my colleagues' support for a simple sense-of-the-Senate resolution that calls for complete transparency on the part of the President and Senate consideration in regard to the de facto editing of the original North Atlantic Treaty.

My sense-of-the-Senate simply asks the President to certify whether the new strategic concept of NATO, this formalization of new and complicated United States military responsibilities in Europe, as evidenced by the war in Kosovo and the possibility of future Kosovos around the world, is in fact a document that obligates the United States in any way, shape, or form. If so, my sense-of-the-Senate affirms that this body be given the opportunity to debate, accept, or reject the new blueprint for future NATO actions. These future actions will undoubtedly include substantial components of our own Armed Forces engaged completely outside the province of the original treaty. We see this today in regard to the ongoing operations in Bosnia, Albania, Macedonia, and over the Federal Republic of Yugoslavia. These deployments are dominated by U.S. forces, ostensibly because of our responsibilities as a NATO member.

During the cold war, the Congress and the American people believed the original Nato Treaty was in our vital national security interest. I am not so sure we know now whether these new NATO missions meet that important criteria for the possibility of spilling American blood and treasure. There has been a transformation Mr. President, and, while yes the world has transformed since 1949, Congress still needs to be given the opportunity to formally consider and endorse what we're signing up for and committing to do in Europe and elsewhere around the world. Given this situation, I believe it is imperative the Senate ask the President to formally certify whether the new Strategic Concept, which was adopted during the 50-year anniversary here in Washington about a month ago, represents commitments by the United States, and, if so, submit the document for formal congressional scrutiny.

Let's be honest with the American people, Mr. President. If the new Strategic Concept of 1999 is the particular direction we're headed in regards to Europe, let's give this body and the American people a chance to formally agree or disagree. If only for budgeting reasons, let's understand what we are committing to do so we can plan and budget for it.

In this discussion, we must not lose sight of the fact that NATO is a military alliance and the new Strategic Concept of 1999 is its guide for the 21st century. This is a very important document the nineteen nations of NATO have drafted and I encourage every Senator to examine it closely, comparing it with the original North Atlantic Treaty. I believe Senators will find that the new Strategic Concept of 1999 document is completely inconsistent with the spirit of the original treaty in critical areas. That means the treaty has been changed, albeit rather quietly, during the 50-year anniversary celebration, and the United States has formally committed to a new strategic direction in Europe.

It's time for the Senate to stop, take notice of what is happening to NATO, and go on record asserting its constitutional role.

Through the new Strategic Concept of 1999, President Clinton, along with the member nations of NATO, has quite possibly taken the commonsense notion of mutual consultation for self-defense purposes implicit in Article Four of the original NATO Treaty and altered substantially the very purpose of the NATO Alliance from one of collective self-defense of member territory to international crisis management and humanitarian relief operations. As a matter of fact, I think the Strategic Concept is reflective for the most part in reference to a speech the President gave over 2 years ago at The Hague outlining what he thought the Strategic Concept and the new goals of NATO should be.

Additionally, I believe the new Concept document is not merely a tool for justifying existing extraterritorial NATO deployments of American military forces, but is a precedent toward formalizing as U.S. policy the lazy tendency of this Administration and yes, others to rely increasingly on the military services to solve social and political problems in Europe and elsewhere. Problems, I would say, Mr. President, for which other instruments of power are clearly better suited for those tasks.

I want to assure my colleagues, Mr. President, I have decided to submit my amendment as a Sense of the Senate because my objective is not to brazenly force the President to do something he, in his authority as Chief Executive to represent the nation in foreign affairs, has decided not to do or would not do. However, I am trying to encourage the Administration to be clear with the Congress and the American people—indeed to seek our consent and the public's approval—in regards to this national security policy divergence.

I am sure opponents of my amendment will argue that the new Strategic Concept of 1999 is only that, a concept, an intellectual exercise, mere musings as to future security challenges in the North Atlantic region. I disagree. My colleagues, do not let the title fool you! The 65-point document states its intent is to be a "guide that expresses NATO's enduring purpose and nature and its fundamental security tasks, identifies the central features of the new security environment, specifies the elements of the Alliance's broad approach to security, and provides guidelines for the further adaptation of its military forces." That is a direct quote.

For a Congress constitutionally required to provide funding for and oversight to the Departments of State and Defense, those are specific purposes and very clear intentions.

I am sure some opponents will also argue that regardless of the specificity of the new Strategic Concept, it is not a formal treaty and therefore should not be sent to the Senate. I really think that is putting the cart before the horse. First, let's get our definitions straight. The U.S. Department of State Circular 175, Procedures on Treaties, defines a treaty as "an international agreement regardless of title, designation, or form whose entry into force with respect to the United States takes place only after the Senate has given its advice and consent."

I will certainly concede that the new Strategic Concept is not a treaty per se, that that is only because the Senate has not given nor had an opportunity to give its advice and consent. If we formally adopted the logic that the President should only send actual treaties to the Senate, the treaty clause of article II of the Constitution would become irrelevant, contrary to the framers' intent.

My point is that the decision of the President to submit an international agreement to the Senate is largely a political decision. Nonetheless, when a document tacitly commits the United States to a new strategic direction in Europe, it should contain the Senate's stamp of approval. It does not have it.

Opponents of my amendment will further argue that the new Concept is not even an international agreement, much less a potential treaty. I believe any document that contains even tacit commitment by the United States and other nations to engage in new types of NATO missions outside the domain of the original treaty, as well as the commitment to structure military forces accordingly, can be considered an international agreement.

Incidentally, the U.S. Department of State Circular 175, Procedures on Treaties, also sets forth eight considerations available for determining whether an agreement or an accord should be submitted to the Senate for ratification. Among them: The extent to which the agreement involves commitments or risks affecting the Nation as a whole—if that is not a description of Kosovo, I do not know what it is—whether the agreement can be given effect without the enactment of subsequent legislation by the Congress; past U.S. practices as to similar agreements and the preference of Congress as to a particular type of agreement.

In mentioning these criteria, I must note that last year Senators CLELAND, SNOWE, and I attempted to clarify administration policy in the use of military force by attaching several consulting requirements to fiscal year 1999 defense spending legislation.

My question is: In order to determine what the strategic plan is, what our obligations are, what we are doing in Kosovo and other areas of the world, does that have to be done each year? Let's get the Senate involved at the outset. It is the Strategic Concept that is at the genesis of this kind of policy.

The first State Department consideration is the most significant for purposes of our discussion. I genuinely believe that the new Strategic Concept of 1999 and its predecessor document, without question, involved commitments and risks affecting the Nation as a whole. In fact, I could not have put it more succinctly. That is one of the reasons our distinguished chairman, Senator WARNER, wrote to the administration on this issue as the recent NATO summit, the 50-year anniversary, approached. He knew the document's revision was very imminent. He wanted to have a debate here in the Congress before moving forward with the other 19 nations. I commend our chairman for his knowledge, his foresight, and his leadership on this issue.

As for the second State Department consideration I mentioned, the new Concept of 1999 probably cannot be given effect without the enactment of subsequent legislation by the Congress—without, that is, huge defense appropriation and authorization acts that try to balance the readiness and the modernization and quality-of-life requirements which this bill tries to address with numerous peacekeeping enforcement missions.

Members on both sides of the aisle may also argue—in good faith, I might add—that the Resolution of Ratification for an expanded NATO which passed this body last spring contained conditions for revising NATO's Strategic Concept which effectively constitute a Senate endorsement of the new Strategic Concept of NATO.

Again, I disagree. When we compare the actual text of the new Concept and the Resolution of Ratification adopted only last year, not only do we see the complete abandonment of the original 1949 treaty, but it is also a document that has gone way beyond what the Senate actually intended.

Section 3 of the Resolution of Ratification as passed by the Senate April 30 of last year contained the following conditions for the new Strategic Concept. Let's compare these with the Concept document. The Ratification Resolution stated:

(1) The strategic concept of NATO: (A) Policy of the United States toward the strategic concept of NATO—the upcoming revision of that document will reflect the following principles:

(i) First and foremost a military alliance: NATO is first and foremost a military alliance. NATO's success in securing peace is predicated on its military strength and strategic unity.

(ii) Principal foundation for defense of security interests of NATO members: NATO serves as the principal foundation for collectively defending the security interests of its members against external threats.

However, Senators, I urge you to read this—this document is on your desks—in the Strategic Concept adopted at the 50th anniversary celebration in Washington last month:

Strategic Concept point #24: Any armed attack on the territory of the Allies, from whatever direction, would be covered by Articles 5 and 6 of the Washington Treaty. However, Alliance security must also take account of the global context [emphasize the word "global"]. Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage, organized crime, and by the disruption of the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance. Arrangements exist within the Alliance for consultation among the Allies under Article 4 of the Washington Treaty and, where appropriate, co-ordination of their efforts including their responses to risks of this kind.

I must point out, that last phrase is completely original. There is nothing in article 4 of the original NATO treaty even remotely similar to the term "the coordination of their efforts including their responses to risks of this kind." It is just not there. I cannot imagine more substantive change to the NATO treaty than adding a collective response obligation for the United States to respond to terrorism and other asymmetrical threats not only in Europe but all around the globe.

The Resolution of Ratification continues—again, that was the expansion treaty that was passed as of last year:

(iii) Promotion and protection of United States vital national security interests: Strong United States leadership of NATO actually promotes and protects United States vital national security interests.

(iv) United States leadership role: [Now, this is in last year's language in regard to the ratification of the expansion.] The United States maintains its leadership role in NATO through the stationing of United States combat forces in Europe, providing military commanders for key NATO commands, and through the presence of United States nuclear forces on the territory of Europe.

However, 1 year later in the Strategic Concept, point No. 18 —and I urge Senators to pay attention to it:

As stated in the 1994 Summit declaration and reaffirmed in Berlin in 1996, the Alliance fully supports the development of the European Security and Defense Identity (ESDI) within the Alliance by making available its assets and capabilities for Western European Union (WEU)-led operations. To this end, the Alliance and WEI have developed a close relationship and put into place key elements of the ESDI as agreed in Berlin. In order to enhance peace and stability in Europe and more widely, the European Allies are strengthening their capacity for action, including by increasing their military capabilities. The increase of the responsibilities and capacities of the European Allies with respect to security and defense enhances the security of the environment of the Alliance.

Now, Mr. President, the WEU will be using NATO military equipment paid for by the taxpayers of the United States. That may be proper, that may be a role for NATO, but I think we need to review that proposal.

The Resolution of Ratification of last year does continue:

(v) Common threats: NATO members will face common threats to their security in the post-Cold War environment including—

(I) the potential for the re-emergence of a hegemonic power confronting Europe;

(II) rogue states and non-state actors possessing nuclear, biological, or chemical weapons and the means to deliver these weapons by ballistic or cruise missiles, or other unconventional delivery means;

(III) threats after wider nature, including the disruption of the flow of vital resources, and other possible transnational threats; and

(IV), conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes, and the actions of undemocratic leaders.

All that was contained in the language when we ratified the expansion in regard to that treaty last year, 1 year later.

Strategic Concept point #20: The security of the Alliance remains subject to a wide variety of military and non-military risks which are multi-directional and often [very] difficult to predict. These risks include social and political difficulties, ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states can lead to local and even regional instability. The resulting tensions could lead to [the] crises affecting [the] Euro-Atlantic stability, to human suffering, and to armed conflicts.

Nonmilitary risks, Mr. President? Inadequate or failed efforts at reform? What are we talking about? I do not recall those phrases in the Resolution of Ratification. Why would a military alliance such as NATO care about a nonmilitary risk? What is a nonmilitary risk anyway?

The Resolution of Ratification continues, as of last year:

(vi) Core mission of NATO: Defense planning will affirm a commitment by NATO members to a credible capability for collective self-defense, which remains the core mission of NATO. All NATO members will contribute to this core mission.

No argument there. That is the historical purpose of NATO and that is collective security.

One year later, with the Strategic Concept, while they were popping champaign corks in regard to NATO being 50 years old:

Strategic Concept point #10: To achieve its essential purpose, as an Alliance of nations committed to the Washington Treaty and the United Nations Charter, the Alliance performs the following fundamental security tasks:

Deterrence and defense: To deter and defend against any threat of aggression against

> any NATO member state as provided for in Articles 5 and 6 of the Washington Treaty.
>
> Crisis management: To stand ready, case-by-case and by consensus, in conformity with Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations.

I am glad to see that deterrence and defense is still there. But, again, this emphasis on conflict prevention and crisis management is extremely disconcerting and not consistent with the Resolution of Ratification that was passed in the Senate as of last year.

The Resolution of Ratification continues—we are talking about section 7:

> (vii) Capacity to respond to common threats: NATO's continued success requires a credible military capability to deter and respond to common threats. Building on its core capabilities for collective self-defense of its members, NATO will ensure that its military force structure, defense planning, command structures, and force goals promote NATO's capacity to project power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members. This will require that NATO members possess national military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts.

However, 1 year later, in the Strategic Concept point No. 49:

> In contributing to the management of crises through military operations, the Alliance's forces will have to deal with a complex and diverse range of actors, risks, situations and demands, including humanitarian emergencies. Some non-Article 5 crisis response operations may be as demanding as some collective defense missions. Well-trained and well-equipped forces at adequate levels of readiness and in sufficient strength to meet the full range of contingencies as well as the appropriate support structures, planning tools and command and control capabilities are essential in providing efficient military contributions.

I do not know how this Nation is to fund, structure, and train U.S. military forces to manage parochial crises in Europe, no matter how small, through military operations. Nor do I think that is the best use of our forces, if you consider already we must meet the two major regional conflict response thresholds within serious budget constraints.

Again, I do not see this use of military forces endorsed in the Resolution of Ratification that the Senate passed last year. The Resolution of Ratification does continue:

> The fundamental importance of collective defense:

This was last year.

> The Senate declares that—
>
> (i) in order for NATO to serve the security interests of the United States, the core purpose of NATO must continue to be the collective defense of the territory of all NATO members; and
>
> (ii) NATO may also, pursuant to Article 4 of the North Atlantic Treaty, on a case-by-case basis, engage in other missions where there is a consensus among its members that there is a threat to the security and interests of NATO members.

However, once again, in the Strategic Concept, 1 year later, at the celebration, the 50-year celebration, No. 48:

> The maintenance of the security and stability of the Euro-Atlantic area is of key importance. An important aim of the Alliance and its forces is to keep risks at a distance by dealing with potential crises at an early age. In the event of crises which jeopardize Euro-Atlantic stability and could affect the security of Alliance members, the Alliance's military forces may be called upon to conduct crisis response operations. They may also be called upon to contribute to the preservation of international peace and security by conducting operations in support of other international organizations, complementing and reinforcing political actions within a broad approach to security.

What do we mean by this—"keep risks at a distance by dealing with potential crises at an early stage"? Isn't that the job of diplomacy? Anyway, the list of inconsistencies between the Resolution of Ratification and the new Strategic Concept of 1999 goes on and on and on.

I have taken a great deal of time of the Senate and my colleagues to be specific about this. Even if they were more consistent, it does not change the fact that the Strategic Concept of 1999 fundamentally alters the nature and the domain of the original treaty that this Senate ratified just a year ago.

So, in closing, I think my bipartisan amendment, warrants support because it is time to go on record that the Senate insists that changes to the original scope and purpose of the alliance go through proper channels, specifically article II, section 2, clause 2 of the U.S. Constitution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this amendment, which the Senator and I refer to as the Roberts-Warner amendment, is one which obviously I strongly support.

I first ask unanimous consent that correspondence the Senator from Virginia had with the President of the United States be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. I commend the Senator. We have been working on parallel tracks on this issue for some months now. I cannot think of a more important amendment that will be added to this bill than the one of which my distinguished colleague from Kansas is the principal sponsor. At this very moment, well over half of the tactical aircraft are being operated by U.S. air men and women; well over 70 percent of the support aircraft, the tankers, the intelligence aircraft and all of those, the spotters and the like, are being operated by U.S. airpersons.

It is the Strategic Airlift Command which is heroically—together with the Air Guard, I add, which, of course, is part of that command—carrying out the vast preponderance of the missions associated with airlift in this operation in Kosovo.

If there is one thing this operation tells us, it is that future conflicts are becoming more and more dependent on modern technology. The weapons being employed in this air-only campaign are guided missiles, again predominantly provided by the United States.

The other nations of NATO, for whatever reasons, simply have not equipped themselves or trained their personnel in sufficient numbers to conduct an operation of this magnitude. That is not in any way to detract from their courage in flying their missions, and approximately eight other nations are joining in this air operation. Whether they are single aircraft, or two aircraft or one mission a day—whatever it is—they are an integral part. I salute them, and I respect them, but statistically, it is the taxpayers of the United States and it is the young men and women wearing the uniform of the United States who are carrying the brunt of this operation.

The Senator brings to the attention of the Senate that at this 50th anniversary summit conference, this document, to which he has referred several times, was adopted. In any reading of this document by this Senator, and I think any other Senator, it will clearly show that it is the intention of the summit to push beyond the horizon of the original NATO of 1949, to push beyond the horizon of the 1991 Strategic Concept the potential missions of this historic organization.

It is the absolute fundamental right of the Senate, under the treaty clause of the Constitution, to review in detail, and I say carefully, what is proposed—I repeat, proposed—by the 50th anniversary summit.

The Senate Armed Services Committee will conduct a series of hearings once the hostilities and the risk of NATO forces is in one way or another—I hesitate to use the word "terminated" because I am not certain if that word is applicable to this situation which in itself is so filled with uncertainty, but whenever the hostilities are contained to the point where the Armed Services Committee can begin to look at what went right and what went wrong in the conduct of the military operations and, most particularly—most particularly—this consensus by the 19-nation doctrine by which this operation has been, is, and will be conducted for an indefinite period of time.

I first became concerned about this new doctrine early this spring. I wrote to the President on April 7 urging him not to allow the summit to "finalize"—that is the word I used—or write in stone, I said at that time, a new Strategic Concept. Why not just wait until the Kosovo operation gets to that point where hopefully hostilities have subsided and you sit down and study that operation, and from that study you would be better able to devise what NATO should do in the future regarding comparable operations.

I said:

> The intent of this letter is to give you my personal view that a final decision by NATO on the Strategic Concept should not be taken—risked—against the uncertainties emanating from the Kosovo situation. The United States and our allies will have many lessons learned to assess as a pivotal part of the future Strategic Concept. Bosnia and Kosovo have been NATO's first forays into aggressive military operations. As of this writing——

That is April 7—

> the Kosovo situation is having a destabilizing effect on the few gains made to date in Bosnia. This combined situation must be carefully assessed and evaluated before the United States and our allies sign on to a new Strategic Concept for the next decade of NATO.

Unfortunately, the President disagreed with my assessment, and on April 24, NATO went on to finalize a new Strategic Concept, and that document has been discussed in length by my colleague.

The main difference in the security tasks identified in the 1991—Mr. President, about every decade, NATO seems to get down to revising its future missions, and the 1991 document was clearly out of date. It still referred to the threat from the Soviet Union. So time had come, of course, to revise it. All I said is let's just wait a reasonable period of time and assess the lessons learned and let the American people give direction to the President and give direction to the Congress if, in fact, they want to be part of a military alliance where certainly in this operation well over half of it is being conducted by their own sons and daughters, and the price to be paid is still unknown. It will be heavy and it will be paid by the American taxpayers.

I recently had a very distinguished former Secretary of Defense write and tell me: Assess the costs being borne by the United States and the other NATO nations and that will be, I say to my former friend, the Secretary of Defense many years ago, that will be a central focal point of the hearings by this committee in the future.

But those costs are going to be enormous to the American taxpayers. We first have the risk to the men and women of our country, the disproportionate contribution by our military assets, and the costs that will be allocated to the American taxpayer.

Back to my letter to the President. I said that we can wait another 2 or 3 months. We have waited since 1991. Why do we have to rush into another one? But the President, in his letter, declined to do it.

The main difference in the security tasks identified in the 1991 Strategic Concept and the document adopted this April is the addition of a "crisis management" task, and an emphasis on non-article 5 crisis operations. Non-article 5 operations were not even mentioned in the 1991 Strategic Concept.

I say to my colleague from Kansas, they were not even mentioned, but they are written throughout this new one which was promulgated this April. I will read one paragraph:

> The security of all allies is indivisible. An attack on one is an attack on all. With respect to collective defense under article 5 of the Washington Treaty—

Of course, that is the 1949 treaty—

> the combined military forces of the alliance must be capable of deterring any potential aggression against it, of stopping an aggressor's advance as far forward as possible should an attack nevertheless occur and assuring the political independence and territorial integrity of its member states.

Here is the key sentence:

> They must also be prepared to contribute to conflict prevention and to conduct a non-article 5 crisis response operation.

That means going beyond the territorial boundary of the 19 nations.

The vote of the American people through its elected Members of the Senate is absolutely essential before we sign on to such a mission. I commend my colleague for bringing that to the attention of the Senate in the form of this amendment.

According to the new Strategic Concept, the alliance is tasked "to stand ready, case-by-case by consensus . . . to contribute to effective conflict prevention, and to engage actively in crisis management, including crisis response operations.

Kosovo is an example of a non-article 5 crisis response operation.

EXHIBIT 1

COMMITTEE ON ARMED SERVICES,
Washington, DC, April 7, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Administration, in consultation with our NATO allies, is now finalizing various documents to be submitted to the Heads of State for ratification at the upcoming 50th anniversary NATO Summit to be held in Washington later this month. A key decision, in my view the most important one, is the revision of the Strategic Concept for the future—perhaps a decade—that will guide NATO in its decision making process regarding the deployment of military forces.

I am recommending, Mr. President, that a draft form of this document be reviewed by the principals, but not finalized, at this 50th anniversary Summit. Given the events in Kosovo, a new Strategic Concept for NATO—the document that spells out the future strategy and mission of the Alliance—should not be written 'in stone' at this time. Instead, NATO leaders should issue a draft Strategic Concept at the Summit, which would be subject to further comment and study for a period of approximately six months. Thereafter, a final document should be adopted.

NATO is by far the most successful military alliance in contemporary history. It was the deciding factor in avoiding widespread conflict in Europe throughout the Cold War. Subsequent to that tense period of history, NATO was, again, the deciding factor in bringing about an end to hostilities in Bosnia, and thereafter providing the security essential to allow Bosnia to achieve the modest gains we have seen in the reconstruction of the economic, political and security base of that nation.

Now NATO is engaged in combating the widespread evils of Milosevic and his Serbian followers in Kosovo.

I visited Kosovo and Macedonia last September and witnessed Milosevic's repression of the Kosovar Albanians. Thereafter, I spoke in the Senate on the essential need for a stabilizing military force in Kosovo to allow the various international humanitarian organizations to assist the people of Kosovo—many then refugees in their own land, forced into the hills and mountains by brutal Serb attacks. Since then, I have consistently been supportive of NATO military action against Milosevic.

Unfortunately, it is now likely that the NATO Summit will take place against the background of continuing, unfolding events relating to Kosovo. At this time, no predictions can be made as to a resolution.

We are just beginning to learn important lessons from the Kosovo conflict. Each day is a new chapter. For example, NATO planners and many in the Administration, and in Congress, have long been aware of the disparities in military capabilities and equipment between the United States and our allies. Now, the military operation against Yugoslavia has made the American people equally aware and concerned about these disparities. The U.S. has been providing the greatest proportion of attack aircraft capable of delivering precision-guided munitions. Further, the United States is providing the preponderance of airlift to deliver both military assets (such as the critically needed Apache helicopters and support equipment) and humanitarian relief supplies, the delivery of which are now in competition with each other.

Until other NATO nations acquire, or at least have in place firm commitments to acquire, comparable military capabilities, the United States will continually be called on to carry the greatest share of the military responsibilities for such 'out of area' operations in the future. This issue must be addressed, and the Congress consulted and the American people informed.

It is my understanding that the draft Strategic Concept currently under consideration by NATO specifically addresses NATO strategy for non-Article 5, 'out of area' threats to our common interests—threats such as Bosnia and Kosovo. According to Secretary Albright in a December 8, 1998 statement to the North Atlantic Council, 'The new Strategic Concept must find the right balance between affirming the centrality of Article V collective defense missions and ensuring that the fundamental tasks of the Alliance are intimately related to the broader defense of our common interests.' Is this the type of broad commitment to be accepted in final form, just weeks away at the 50th anniversary Summit?

During the Senate's debate on the Resolution of Ratification regarding NATO expansion, the Senate addressed this issue by adopting a very important amendment put forth by Senator Kyl. But this was before the events in Kosovo. The lessons of Kosovo could even change this position.

The intent of this letter is to give you my personal view that a 'final' decision by NATO on the Strategic concept should not be taken—risked—against the uncertainties emanating from the Kosovo situation.

The U.S. and our allies will have many "lessons learned" to assess as a pivotal part of the future Strategic Concept. Bosnia and Kosovo have been NATO's first forays into aggressive military operations. As of this writing, the Kosovo situation is having a destabilizing effect of the few gains made to date in Bosnia. This combined situation must be carefully assessed and evaluated before the U.S. and our allies sign on a new Strategic Concept for the next decade of NATO.

A brief period for study and reflection by ourselves as well as our Allies would be prudent. NATO is too vital for the future of Europe and American leadership.

With kind regards, I am

Respectfully,

JOHN WARNER,
Chairman.

THE WHITE HOUSE,
Washington, DC, April 14, 1999.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your thoughtful letter on the upcoming NATO summit and the revised Strategic Concept. I appreciate your attention to these important issues, and I agree strongly with your view that NATO's continued vitality is essential to a safeguarding American and European security.

I have thought carefully about your proposal to delay agreement on the revised Strategic Concept in light of NATO's military operations in Kosovo. While I share your deep concern about the situation in Kosovo and the devastating effects of Serb atrocities, I am convinced that the right course is to proceed with a revised Strategic Concept that will make NATO even more effective in addressing regional and ethnic conflict of this very sort. Our operations in Kosovo have demonstrated the crucial importance of NATO being prepared for the full spectrum of military operations—a preparedness the revised Strategic Concept will help ensure.

The Strategic Concept will reaffirm NATO's core mission of collective defense, while also making the adaptations needed to deal with threats such as the regional conflicts we have seen in Bosnia and Kosovo as well as the evolving risks posed by the proliferation of weapons of mass destruction. It will also help ensure greater interoperability among allied forces and an increased European contribution to our shared security. The Strategic Concept will not contain new commitments or obligations for the United States but rather will underscore NATO's enduring purposes outlined in the 1940 North Atlantic Treaty. It will also recognize the need for adapted capabilities in the face of changed circumstances. This approach is fully consistent with the Kyl Amendment, which called for a strong reaffirmation of collective defense as well as a recognition of new security challenges.

The upcoming summit offers a historic opportunity to strengthen the NATO Alliance and ensure that it remains as effective in the future as it has been over the past fifty years. While the situation in Kosovo has presented difficult challenges, I am confident that NATO resolve in the face of this tyranny will bring a successful conclusion.

Your support for the NATO Alliance and for our policy in Kosovo has been indispensable. I look forward to working closely with you in the coming days to ensure that the summit is an overwhelming success.

Sincerely,

BILL CLINTON.

Mr. WARNER. I assure the Senate that we will deliberate this amendment tomorrow again, I say to the Senator. We are not able to complete it today due to the absence of several colleagues and the fact that right now the Nation's capital is engulfed in a series of storms preventing a number of our Members from returning. Also, I think it is important that every Member of the Senate hear the words of the Senator from Kansas and others about this very important amendment.

Mr. ROBERTS. Would the distinguished chairman yield for several questions?

Mr. WARNER. Yes.

Mr. ROBERTS. I thank the distinguished chairman for his very kind comments.

Would it be helpful, I ask the distinguished chairman, if Members of this body would know that the same basic feeling exists in regards to the British Parliament in the House of Lords?

Mr. WARNER. I think that is a very important point.

Mr. ROBERTS. I have a statement here by a member of the Parliament. Menzies Campbell says:

> . . ."It is a matter of considerable regret that the House of Commons has never debated properly the issues surrounding the NATO Strategic Concept." He argued that, "Parliament should have had the opportunity to consider matters such as NATO's right of independent action without Security Council authority and further expansion of the alliance and its consequences."

He said that:

> Foreign and security policy is the responsibility of the government, but the legislature is surely entitled to express its views.

This was also true in regards to the statement by Lord Wallace of Great Britain in the House of Lords.

> . . ."no intelligent debate". . .it is "quite astonishing that we allow British defence strategy to be structured by an international organisation without any form of input and debate by our Parliament."

Then he went on to say, in drawing the example here in the Senate:

> Both Republicans and Democrats. . .argue that the. . . [overemphasis on] the enlargement issue in the run-up to NATO's 50th anniversary celebration. . .came at the expense of any meaningful debate over the evolution of NATO and the role that the. . .Alliance will play in the 21st century.

If I could ask my distinguished chairman, would he recall the many times that we have had briefings in regards to the situation in Kosovo and the question over and over again that was posed prior to the bombing: Would this be in our vital national security interest?

I know the Senator asked that question many times. I know that the distinguished Senator from Utah, Mr. BENNETT, who made a very eloquent speech in this Chamber this morning, asked that question. I tried to ask the question in regards to an amendment to the defense appropriations bill last year. I said: Before we would actually commit any troops under this ever-changing concept in that part of the world, would the administration please answer eight questions—as to cost, purpose, exit strategy, end game, and et cetera, et cetera?

That public law requirement was not addressed for 6 months. I am worried about the future of NATO, I would say to my distinguished friend. I know the chairman is. I think that Kosovo is a rock that has hit the NATO windshield, and it has been like shattered glass. It does not matter if you feel that involvement is a fine mess we have gotten into or whether or not we think that this policy is the right policy.

I am sure the distinguished chairman—I have talked with him about it—will have the full committee or perhaps my subcommittee look at the tactics that have been used, the stress and strain on others, on other services in other parts of the world.

I am sure we have talked about the ethics of conducting a war above 15,000 feet; immaculate coercion, where no allied NATO soldier has suffered any casualty as opposed to the people we are trying to help.

I know that we have talked, Mr. Chairman, about the law of unintended effects; what is happening today in regard to Russia, China, India, Pakistan, South America, and Central America. President Zedillo of Mexico wondered aloud in the international press: Will NATO now come to enforce human rights within the sovereign territory of Mexico in regards to the Chippewa Indian situation? How about East Timor, Chechnya, Turkey, and the Kurds, et cetera, et cetera? Rwanda, that situation is far more difficult.

I don't know, Mr. Chairman. I just think there are a lot of real questions that Members have. If you go back to the basic genesis as to why we are there, it comes right back to the President's speech at the Hague over 2 years ago, reflected in the Strategic Concept of NATO.

I thank the distinguished chairman.

Mr. WARNER. I say to my colleague, you are right on.

Indeed, go back before Kosovo to Bosnia. How many debates took place on this floor where the central question was: Was it in the vital U.S. interest to make our commitments there? Time and time again, the administration dropped the word "vital," and then talked about how it was in our interest.

But when we put life and limb of the American person on the line, whether it is in the cockpits or on the ground or on the sea, I really believe it should be in the vital interest of the United States of America for our families to be asked to make those commitments of life and limb. That is central to this question, as you pointed out, I think very carefully.

If I might, because I think it bears worth repeating: "The NATO charter requires the use of force in only one instance"—now this is the 1949 treaty, under article 5—"to respond to an armed attack against one or more of the member nations." Strike one, strike all. There is nothing in that charter that calls for the use of force to protect common interests.

This is being created out of whole cloth, this non-article 5 combat. It is as if we are writing a new article to the original treaty. It is for that reason that we should bring this before the Senate. Because through the guise of calling it a strategic concept through the panoply of the 50th anniversary, what they have done here, in my judgment, is create a new article to the fundamental treaty of 1949, and that they cannot do without the advice and consent of the Senate.

Mr. ROBERTS. Would my distinguished chairman yield for one additional question?

Mr. WARNER. Yes.

Mr. ROBERTS. I am worried about the future of NATO. If in fact our involvement in Kosovo was at one time not in our vital national interest, there is, I think, a good argument that can be made—has been made by the national security team and the President—that since NATO's credibility or the future of NATO is now on the line, it is in our vital national security interest.

Having said that, and having looked at the war in Kosovo and the tactics used, and the result, and all six of the goals, as outlined by the distinguished Secretary of State in our briefings, being turned on their head as a result of the tactics that have been used in the military strategy, and the law of unintended effects, can you imagine a situation under this Strategic Concept that all 19 nations will ever agree to ever bomb anybody again? On a proactive basis? Where we are going outside of the NATO territory, ignoring the U.N.? I doubt it.

Eight nations, right now as I speak, more especially three, want the bombing ended. Many others in this Chamber—not this Senator, for reasons that I could go into, but I will not—did not want to start the bombing campaign. Others wanted to start it. Others wanted to use the ground forces. That debate is going on right now.

We are negotiating within the NATO—within the NATO—alliance as opposed to trying to negotiate, as we are trying to do, with Mr. Milosevic, who, by the way, is a thug and an international terrorist and all the things people say about him. That does not enter into this. But can you imagine, Mr. Chairman, under what circumstance, after Kosovo, that NATO would bomb again, or for that matter ever use ground troops?

What kind of message does that send to the bad guys and the hard targets and the real people that we should be worrying about all around the world? I think we have decimated—well, there is a stronger word for it, but I will not use it—in regards to NATO. I think under this Strategic Concept we have wandered so far afield and into a dangerous pasture that we are endangering the true mission of NATO, which is collective security, not to mention all the rest of these things that are in this concept.

That is what worries me.

Mr. WARNER. Mr. President, I say to my good friend, in my judgment, predicated on a lot of study in the lifetime of this Senator of the NATO treaty, the doctrine of consensus was predicated on keeping the operations within the borders.

And now, under this proposed 1999 Strategic Concept, to take it beyond the borders, I question whether or not the doctrine of consensus will work.

What a tragedy it would be if we took this magnificent NATO organization, which fulfilled beyond the dreams of all its mission, as laid down in 1949, which kept the peace in Europe for that half century, and allow it to be pulled apart by a doctrine such as this new Strategic Concept. I think the Senator is quite right. We are in this conflict, in all probability, not because of our national vital security interests but because of NATO. It is because of NATO that we cannot allow our military commanders to promulgate the actions which are necessary to go ahead and win it.

I often think, I say to my good friend, as over 50 percent of the airmen are flying tactical missions and over 70 percent of the support missions and the airlift, are we unfairly asking those young aviators to bear the brunt of war disproportionately because NATO did not devise and put in place, concurrently with the air operations, starting a ground operation? Because a ground operation would have transformed this conflict considerably. It might well, in my judgment, have brought about a far earlier conclusion of this conflict and saved the prolonged risk to airmen which is going on today and tomorrow and for the indefinite future, given the absence of bringing together all the force capable of the 19 nations to bear.

Indeed, the other nations that do not have the air power, as we have it, could have been the primary components of the ground action, leaving to the American airmen the operations in the sky but they undertake the operations on the ground. It would have forced Milosevic to put in place, making in all probability his ground assets a better target than they are today, widely dispersed and hidden in the villages and towns throughout Kosovo and elsewhere.

I think the whole dynamics of this conflict would have been changed had we not limited solely to air but done a ground-air combination, for which our forces have trained these 50 years in NATO, as well as the other NATO nations, for a ground-air coordinated defense.

I point out, NATO was always to be a defense treaty.

Mr. ROBERTS. If I may ask my distinguished friend, the chairman, one other question; that is, I do not think there is any question in the minds of many that to state that you are not going to use grounds forces before you decide to use force was a mistake. There is no question about that.

I am not sure I could still support or still support—I never did support—the use of ground troops, unless I know what their specific mission is: What do we expect them to do. And then, if you "win," if we could ever define "winning," what is it that we have won.

So from the standpoint of tactics, I say again to the chairman, I am very hopeful, once this war is over, we hope and pray that all of this talk that has been rather critical will be secondary, and, if Milosevic would agree to some of the negotiating principles that have been offered, we shall see. I see where one NATO general indicated it is going to take another 2 months. I hope that is not the case.

I hope the Senate Armed Services Committee—and I ask the chairman, would it be his intent to take a hard look. I have a subcommittee that looks at low-intensity conflicts—this became a high-intensity conflict—and military tactics and strategy. I hope we can take a look at this, especially with the asymmetrical threat that Mr. Milosevic has used so well against us. He basically took one look at our tactics and acted accordingly and played rope-a-dope. He has achieved most of his objectives. That seems to me to be a real problem here. I hope we have those hearings.

Again, I go back to the genesis of this whole business, and that is a Strategic Concept that puts us in far different pastures. I know there will be some of my colleagues who say this is not a treaty. The fact that we are having this debate today, I think, is encouraging. We had a debate on ratification of NATO expansion last year. To my knowledge, we have not had any debate, or very little discussion, of this Strategic Concept and what it means.

So the Senator's cosponsorship of this amendment is much appreciated. If, in fact it is not a treaty, it has the effect of a treaty.

Mr. WARNER. Mr. President, we are going to have that series of hearings. I do not want to have a hearing or a series of hearings on the Armed Services

Committee until the men and women of the NATO forces are, hopefully, in a very limited situation with regard to personal risk.

Mr. ROBERTS. If the chairman will, I heartily agree. The war must be over.

Mr. WARNER. Let me just bring up a final concluding point to my good friend here. I know others want to speak to this. Then we will have to lay it aside.

I point out that during the 1994 debate on modifications to the ABM Treaty, the Armed Services Committee included a provision, and I was a cosponsor of that effort in the 1995 DOD authorization act—I ask my colleague to listen carefully—which required the President to submit to the Senate for advice and consent any international agreement which would "substantially modify the ABM Treaty."

I think that is a direct parallel and an exact precedent for what the Roberts-Warner amendment seeks.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first I commend our good friend from Kansas for the energy he has put into a very significant issue which has to do with the new Strategic Concept of NATO.

This is not a new issue. The question of NATO's role since the fall of the Soviet Union has been an issue of a number of new Strategic Concepts. Listen to what NATO said in 1990. We have heard a lot about 1999 in Washington, but just listen to the heads of state in July 1990, speaking in London. Here is what the heads of state said: While reaffirming the basic principles on which the alliance has rested since its inception, they recognized the developments taking place in Europe would have a far-reaching impact on the way in which its aims would be met in the future and the need for a fundamental strategic review, fundamental strategic review.

And what came out of that strategic review in 1991, fundamental strategic review for NATO? They have listed many new security challenges and risks in 1991. Listen to risk No. 9, language very similar to what was adopted in Washington this year:

> Risks to allied security less likely to result from calculated aggression against a territory of the allies but, rather, from adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in central and eastern Europe. The tensions which may result, as long as they remain limited, should not directly threaten the security and territorial integrity of the members of the alliance. They could, however, lead to crises inimical to European stability and even to armed conflicts, which could involve outside powers or spill over into NATO countries, having a direct effect on the security of the alliance.

Does it sound familiar? It sure does to me. It sounds like 1999 to me.

> Risks to allied security are less likely to result from calculated aggression against a territory of allies but, rather, from the adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes. . . .

I didn't hear too many calls then for a submission of amendments to the NATO treaty. I don't think we heard any calls then, although the risks changed. They changed in a significant way: No longer likely to come from calculated aggression against the territory of the allies but from adverse consequences of instabilities.

I don't think there was a change to the NATO treaty then, and I don't think there is a change to the NATO treaty now. There were no new commitments or obligations for the United States then, in 1991, nor do I believe there are any now.

Are there different challenges? Yes. Is there a different strategic concept? Yes. Are there different risks? Yes. But is there a change to the treaty, new commitments or obligations for the United States now? I don't think so. Were there in 1991 when all the allies signed a new strategic concept? No. Even though the Soviet military capability still was constituting the most significant factor, all of a sudden because of the decline and fall of the Soviet Union, we now had new risks. Listen to these words in paragraph 12. This is the 1991 Strategic Concept, paragraph 12:

> Alliance security must also take account of the global context.

Wow. You talk about a different challenge and you talk about a new strategic concept. In 1991, the NATO allies suddenly say that alliance security must take account of the global context. Those are pretty broad words. But I didn't hear any suggestion back in 1991 that it was an amendment to the NATO treaty that required submission to the Senate—and for a good reason. There were no commitments or obligations undertaken in 1991, and there are no strategic concepts which contain new commitments or obligations in 1999. In 1999, the allies said that alliance security interests can be affected by other risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources, and actions of terrorism and sabotage. That is a lot different from an attack on the territory of the allies. But nobody suggested in 1991 that was an amendment to the NATO treaty, to the Washington Treaty.

Why didn't anyone suggest that in 1991? Because that did not constitute the undertaking of new commitments or obligations for the United States, even though we all agreed that alliance security must take into account the global context—and that is a lot beyond Europe. In 1991, everyone agreed to that. I don't remember one amendment, not one amendment, not one proposal that suggested that the new Strategic Concept constituted a commitment or obligation binding upon the United States which would require a change in the NATO treaty. It wasn't suggested in 1991 because there was no new commitment or undertaking binding upon us, because there was simply a new strategic concept. The 1999 Strategic Concept does not constitute a new commitment or obligation, either. The same principle applies now as applied then.

So the amendment of the Senator, which says if there are new undertakings, whether or not the new Strategic Concept imposes any new commitments or obligations on the United States, it seems to me is a requirement on the President that is perfectly appropriate. I have no difficulty whatsoever in asking the President to tell us whether or not the 1999 Strategic Concept represents new commitments or undertakings. It is perfectly appropriate—as this resolution does—to call on the President to inform us as to whether or not there are new commitments or undertakings.

As a matter of fact, the President has already informed us of exactly what this resolution says he should inform us. The President wrote Senator WARNER on April 14 that "the Strategic Concept will not contain new commitments or obligations for the United States." Those are the President's words.

So what this resolution does is say: Does it? The President said, in April, that it won't. I have no doubt that the President will reaffirm that it didn't. But I must say I don't have a difficulty with what Senator ROBERTS is doing because it is perfectly appropriate to ask the President: Is there anything in this new Strategic Concept which imposes on us a new obligation for commitment? If so, submit it to us as a treaty amendment.

This is very different from some earlier language that was circulated in the Armed Services Committee. This doesn't make a finding that there are new commitments or obligations in this agreement in Washington in 1999. The language before us doesn't make any such finding. The language before us in the Senator's resolution, which I find to be appropriate, requires the President to determine and certify whether or not the Strategic Concept imposes any new commitment or obligations on the United States—whether or not.

And so as I read this resolution, I think the language is appropriate in this resolution, that the President reaffirm what he told us on April 14, tell us if there is any change in his thinking on that. Again, as he wrote Senator WARNER on April 14—and this letter has been made part of the RECORD now, I believe—the President said:

> The Strategic Concept will not contain new commitments or obligations for the United States, but rather will underscore NATO's enduring purposes, outlined in the 1949 North Atlantic Treaty.

There has been reference here to the significance of changes in strategic concepts, and I think it is important that the Senate spend some time doing what Senator ROBERTS and others have done, both on the committee and off, in focusing on this Strategic Concept. It is important that we understand what these new threats and risks are. It is important, in my judgment, that we make a determination as to whether or not we do have new legal commitments and obligations.

I don't believe the 1999 Strategic Concept creates any new binding obligations or commitments any more than I did that the 1991 Strategic Concept created any new binding commitments and obligations. But our committees of jurisdiction surely should focus on that resolution.

Senator WARNER has indicated in the last few minutes that the Armed Services Committee will, indeed, be holding a series of hearings on this subject. As he stated it, if I heard him correctly, those hearings will occur after the events in Kosovo are resolved. But as of this time, we have not yet had such hearings. I am not certain of this. But I don't believe that the Foreign Relations Committee has either, at least after the Washington agreement was signed. There may have been a hearing before the Washington agreement. But I don't believe there has been one since it was signed. The agreement has some very significant provisions in it relative to a European commitment to take on greater responsibility for European defense.

Senator WARNER made reference to the European Security and Defense Initiative, a very significant change—a very significant initiative in terms of what Europe will do. It is something that I have believed for some time that Europe should do. The reference is very specific inside of the Washington agreement.

Two, the European allies taking on—in the words of the agreement—"assuming greater responsibility in the security and defense field in order to enhance the peace and stability of the Euro-Atlantic area, and, thus, the security of all allies."

Then it goes on to say: "On the basis of decisions taken by the Alliance in Berlin in 1996 and subsequently, the European Security and Defense Initiative will continue to be developed within NATO."

I think it is a very significant change. It is something which we in the United States should welcome. It means that the Europeans will be taking on greater responsibility for the defense of Europe against threats, old and new.

We ought to welcome as well the reference or the discussion of a new initiative where European countries will have greater defense capability; capabilities to address appropriately and effectively the risks that are associated with weapons of mass destruction; new capabilities so that they can deploy more readily greater mobility, greater survivability of forces, greater infrastructure and sustainability. These are initiatives inside of the new strategic doctrine which will make it possible for Europe to take greater responsibility for the defense of Europe. We should welcome this.

I don't think there has been very much emphasis in the United States on what Europe has agreed to do in the new Strategic Concept—what they have, in effect, put into black and white, the commitment to greater European resources being used for the European defense.

As I said a few moments ago, this resolution which is before us says that if there are new commitments and obligations—if—then the President should so certify to the Senate. And I believe there is none.

Indeed, the Senator from Virginia has been assured by the President in the letter which he put in the RECORD that the Strategic Concept will not contain new commitments or obligations. I believe there is none in this 1999 Strategic Concept, and I believe there was none in the 1991 Strategic Concept. There was none in 1991.

Even though the language is very similar—again, my good friend from Virginia being here—I just want to read some of the language in the 1991 Strategic Concept again. I will be very brief. But article 12 of the 1991 Strategic Concept said that "alliance security must also take account the global concepts"—"global concepts." "Alliance security interests can be affected by other risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources and actions of terrorists and sabotage."

That was in 1991. That is just one part of a Strategic Concept which we all agreed to.

Did that represent changes in the North Atlantic Treaty? No, it did not, in my judgment. Nobody suggests that it did back then. No one suggested that the President back then, President Bush, submit that kind of change in strategic concept to the Senate as a change in the treaty, for a very good reason: It did not constitute a legal obligation or commitment which represented a change in the North Atlantic Treaty. That is why nobody proposed back then that we have to ratify this.

Those are broad words in here, section 9 of the 1991 new Strategic Concept—it was called new Strategic Concept 1991:

> Risks to allied security are less likely to result from calculated aggression against the territory of the allies but rather from the adverse consequences of instabilities that may arise in serious economic, social and political difficulties—

Listen to this—

> including ethnic rivalries and territorial disputes which are faced by many countries in Central and Eastern Europe.

They could lead to crises in European stability.

Did that create legally binding obligations and commitments on the United States in 1991? No, it didn't. And nobody suggested that the President should submit that language, because there is no legally binding obligation or commitment from that kind of language, although in the words of the Strategic Concept in 1991 they recognized—this is what our leaders said in all of the NATO nations—"that the developments they can place in Europe would have a far-reaching impact on the way in which NATO's aims would be met in the future."

"Far-reaching impacts," 1991.

I commend—and I had an opportunity to do this a few minutes ago—the efforts of the Senator from Kansas, the Senator from Virginia, and the Senator from Maine, and others to bring to our attention what this new Strategic Concept is, so that we as a Senate can understand what it is that NATO is looking at in terms of a strategic concept. It is very important that those hearings the Senator from Virginia made reference to take place. In my own opinion, if the Foreign Relations Committee has not already done so—and I don't believe they have, but I may be wrong—it is important that the Foreign Relations Committee have hearings on this Strategic Concept.

Again, I don't have any difficulty with the language in this resolution, because I think it is appropriate that the President tell us whether or not we have undertaken in this language any new obligations or commitments. The President wrote my good friend from Virginia on April 14 that the Strategic Concept will not contain new commitments or obligations for the United States. I assume that he will reaffirm that in fact there are no new commitments or obligations when he gives us the certification which is required in this resolution.

I just want to summarize by saying that I have no difficulty with this language, because I think it is appropriate we have that assurance, because if there are new commitments or obligations—it seems to me there should be—then it would be presumably an amendment to a treaty which should be submitted to the Senate. But, again, just as there was none in 1991 when that new Strategic Concept which I just read was adopted by NATO, I don't believe there are more important—my belief is that the President has written the good Senator from Virginia that in fact there are no new commitments or obligations contained in this new Strategic Concept in 1999.

Again, I want to commend the Senators who have focused on this. I think we must address the new kind of environment we face in this world, and that it is important that NATO, which is going to play such a critical role in the stability of Europe and the new kinds of threats which we and Europe face, address those threats, that we do so in the context of the most successful alliance in the history of mankind, an alliance which is now growing, an alliance which when we added three new countries in this Senate, on this floor—we adopted the Kyl amendment that, as I remember it, contained 10 provisions—very similar to what is in this 1999 Strategic Concept.

I won't take the time to read more than just one section of the 10 principles in the Kyl amendment.

The Senate understands that the policy of the United States is that the core concepts contained in the 1991 Strategic Concept of NATO, which adapted NATO's strategic strategy of the post-cold-war environment, remain valid today in that the upcoming revision of that document will reflect the following provisions, and there are many.

One is:

> (IV) conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes, or the actions of undemocratic leaders.

That is one of the principles of the Kyl amendment in which we confirmed three nations would be added to the NATO alliance.

I yield for a question.

Mr. WARNER. I want to engage in a few more minutes of colloquy. Other Senators are waiting and we have momentum under this bill. One Senator desires to lay down some additional amendments. I cannot let this opportunity go by.

Article 5 of the 1949 treaty laid out in very clear language exactly the reasons for which NATO was established. It could be understood by anyone, whether he or she wears four stars or is a private. It simply says:

> The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all.

The word "attack" goes all the way through article 5.

> We will assist the parties so attacked.
>
> It was a defensive treaty, whether it was armed aggression across the border against a member nation. That is the only reason that NATO was founded.

Now in the Bosnia and Kosovo operation, there wasn't any attack on a member nation but it was unsettling to the security of Europe. There was no attack.

They decided it was a non-article 5 military operation. There is no non-article 5 in here. You have to go to a preamble. You have to work a strain for the basis on which we are in Bosnia and in Kosovo.

We are there; we are committed as a nation. If in the next decade we want to do something beyond article 5, then let's put it down as a new article. Let's write it as a new article, article 15, and put it down in very clear language so that everybody can understand what it is we want to do, rather than going back and getting a strange interpretation of a preamble to begin to justify putting men and women of the Armed Forces of the United States in harm's way.

The burdensharing concept: The financial relationship between the United States, which pays 25 percent of the costs of NATO—eventually our committee will get all those costs and spread them out. I think we ought to, plain and simple, start a new article if we want to do something different than article 5 and not go back within the confines of this magnificent document and try to get some strained, whatever it is, to justify military action beyond the borders.

Mr. LEVIN. Mr. President, in 1991 this is what the NATO new Strategic Concept said:

> Risks to Allied security are less likely to result from calculated aggression against the territory of the Allies, but rather from the adverse consequences of instability that may arise from the serious economic, social, and political difficulties, including ethnic rivalries and territorial disputes which are faced by many countries in central and eastern Europe.
>
> They could . . . lead to crises inimical to European stability and to armed conflicts.

That is section 9.

Then they say, in addition to article 5, article 6 which they made reference to, an armed attack of the territory of the allies from whatever direction. In 1991, this new Strategic Concept said, "However, alliance security must also take account of the global context." That is 1991—"Global context."

Mr. WARNER. I suggest my good friend is making my argument.

What I am saying is this is likened to statute law. What the Senator is reading are regulations. How often in the history of our country have regulations just about emasculated the statute?

Mr. LEVIN. My only point in response to the Senator from Virginia, is that nobody suggested in 1991 that those words created a new binding obligation or commitment on the United States. I didn't hear it in 1991; I didn't hear it in 1992; I didn't hear it in 1993; I didn't hear it in 1994.

"Global context" alliance security must take account.

Why didn't anybody make that argument in the 8 years since 1991? The answer is, because it didn't create any commitment or obligation, or else I assume somebody on this floor would have argued there was a new commitment or argument—the very similar language.

In 1990, NATO got together and said the Soviet Union has fallen apart, and developments taking place in Europe have a far-reaching impact. This is a fundamental strategic review.

The only point I am making is I have no difficulty with the language in the good Senator's amendment, because I think we should have the assurance that there is no binding obligation or commitment represented by these new strategic concepts that NATO adopts. I happen to think that is very important.

I repeat that the Senator has received that assurance from the President of the United States.

I yield the floor.

Mr. WARNER. Mr. President, if I may procedurally address what I believe is about to take place. The good Senator from Pennsylvania and the good Senator from Louisiana have an amendment which will soon be presented to the Senate and become the pending business. However, before, as I understand it, the Senator from Minnesota will lay down three amendments and we will immediately lay them aside; then our distinguished colleague and member of the committee will address the Senate with regard to the bill for about 10 minutes.

Mr. SPECTER. I have worked out with the Senator from Maine that I will speak first and then yield to the Senator from Maine and the Senator from Louisiana who will speak at somewhat greater length.

Mr. WARNER. I yield the floor.

AMENDMENTS NOS. 380 THROUGH 382, EN BLOC

Mr. WELLSTONE. I ask unanimous consent to send three amendments to the desk and then have them temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] proposes amendments Nos. 380 through 382, en bloc.

Mr. WELLSTONE. I ask unanimous consent reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 380

(Purpose: To expand the list of diseases presumed to be service-connected for radiation-exposed veterans)

On page 387, below line 24, add the following:

SEC. 1061. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Colon cancer.

"(R) Tumors of the brain and central nervous system.".

AMENDMENT NO. 381

(Purpose: To require the Secretary of Defense to provide information and technical guidance to certain foreign nations regarding environmental contamination at United States military installation closed or being closed in such nations)

On page 83, between lines 7 and 8, insert the following:

SEC. 329. PROVISION OF INFORMATION AND TECHNICAL GUIDANCE TO CERTAIN FOREIGN NATIONS REGARDING ENVIRONMENTAL CONTAMINATION AT UNITED STATES MILITARY INSTALLATIONS CLOSED OR BEING CLOSED IN SUCH NATIONS.

(a) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall provide to each foreign nation that is a strategic partner of the United States the following:

(1) Such information meeting the standards and practices of the United States environmental industry as is necessary to assist the foreign nation in determining the nature and extent of environmental contamination at—

(A) each United States military installation located in the foreign nation that is being closed; and

(B) each site in the foreign nation of a United States military installation that has been closed.

(2) Such technical guidance and other cooperation as is necessary to permit the foreign nation to utilize the information provided under paragraph (1) for purposes of environmental baseline studies.

(b) LIMITATION.—The requirement to provide information and technical guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any installation or site referred to in paragraph (1) of that subsection.

(c) DEFINITION.—In this section, the term "foreign nation that is a strategic partner of the United States" means any nation which cooperates with the United States on military matters, whether by treaty alliance or informal arrangement.

AMENDMENT NO. 382

(Purpose: To require the Secretary of Health and Human Services to provide Congress with information to evaluate the outcome of welfare reform)

At the appropriate place, insert the following:

SEC. ____ . EVALUATION OF THE OUTCOME OF WELFARE REFORM.

Section 411(b) of the Social Security Act (42 U.S.C. 611(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) for each State program funded under this part, data regarding the rate of employment, job retention, earnings characteristics, health insurance status, and child care access and cost for former recipients of assistance under the State program during, with respect to each such recipient, the first 24 months occurring after the date that the recipient ceases to receive such assistance.".

Mr. WELLSTONE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 383

Mr. SPECTER. Mr. President, after conferring with the distinguished manager, I, too, wish to send an amendment to the desk and ask it be laid aside after it has been read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 383.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

SEC. ____ . Directing the President, pursuant to the United States Constitution and the War Powers Resolution, to seek approval from Congress prior to the introduction of ground troops from the United States Armed Forces in connection with the present operations against the Federal Republic of Yugoslavia or funding for that operation will not be authorized.

None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops from the United States Armed Forces in Kosovo, except for peacekeeping personnel, unless authorized by a declaration of war or a joint resolution authorizing the use of military force.

Mr. SPECTER. Mr. President, I can describe this very briefly. It provides that none of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops for the United States Armed Forces in Kosovo except for peacekeeping personnel unless authorized by declaration of war or joint resolution authorizing the use of military force. I have asked that it be laid aside to be taken up at a later time.

The purpose, in a nutshell, is to preserve the congressional authority to declare war or have the United States engage in war.

AMENDMENT NO. 384

Mr. SPECTER. Now, on behalf of Senator LANDRIEU and myself, I send a sense-of-the-Senate amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Ms. LANDRIEU, for herself and Mr. SPECTER, proposes an amendment numbered 384.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title 10 add the following:

The Senate finds that:

The United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this concurrent resolution referred to as the "ICTY") by resolution on May 25, 1993;

Although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

The ICTY has jurisdiction to investigate: grave breaches of the 1949 Geneva Conventions (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5);

The Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established";

Reports from Kosovar Albanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

In furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

These reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

Any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

The indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

The ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

Vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

Investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

SEC. 2. It is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

Mr. SPECTER. Mr. President, as stated very briefly before, I intend to speak for about 10 minutes. Then we have worked out an arrangement where the Senator from Maine will speak for about 10 minutes. We will be preceding Senator LANDRIEU, because she intends to talk for about 30 minutes. That is the speaking order which we have arranged among ourselves.

The PRESIDING OFFICER. Is that in the form of a unanimous consent request?

Mr. SPECTER. It is.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the sense-of-the-Senate resolution which has been submitted provides for the prosecution of war criminals in Kosovo, arising out of the atrocities and war crimes which have been so blatantly committed in Kosovo.

The somewhat polite term of "ethnic cleansing" has been used to describe these atrocities. But they are, in effect, mass murders and executions committed by the Serbian forces against the people of Kosovo. We have, to the credit of the civilized world, established a War Crimes Tribunal in the Hague. The establishment of this War Crimes Tribunal to prosecute crimes in the former Yugoslavia has already returned 84 indictments and the resulting conviction of some 8 criminals there.

The importance of establishing the rule of law is something that may be the most important legacy that will come out of the Bosnian war and the war in Kosovo, and hopefully will be embodied in a permanent international criminal court—which will remain for another day. Those resolutions have been introduced and pressed by a number of Senators, including Senator DODD and myself and others. But in Bosnia, we saw the war crimes and we have seen very strenuous activity by the War Crimes Tribunal in the 84 indictments and in the 8 convictions.

Now we have seen ethnic cleansing at a high level. We have seen acts of violence which go to the very top of the Serbian-Yugoslavian Government, right to the doorstep of President Milosevic himself. Although he is not named in this sense-of-the-Senate resolution, it is plain that the kind of atrocities which have been carried out could only be carried out by his order, at least with his knowledge and, at the very minimum, with his acquiescence—any of which is sufficient to establish criminal culpability for those war crimes.

Recently, Justice Louise Arbour visited the United States. On April 30, she met with Senator LANDRIEU, other Senators, and myself, and expressed the need for adequate financing for the investigations. The administration had requested funding of some $5 million. On the emergency supplemental which passed both Houses of Congress last week, up to an additional $13 million was added, for a total of $18 million, which was the sum requested by Justice Arbour.

At that time, she made a plea that the NATO forces or the IFOR forces undertake activity to arrest high-level indictees who are at large, referring specifically to Karadzic, whose whereabouts has been identified in the French Quarter, and who could be taken into custody.

Mladic, the other principal indictee, is said to be in Belgrade and it might require an invasion to apprehend and take him into custody. But at least as to the arrest of Karadzic, that could be accomplished.

Justice Arbour also stated there were other high-ranking officials for whom sealed indictments had been obtained. Those sealed indictments were in the hands of military authorities, and those individuals, too, could be taken into custody.

Justice Arbour expressed the judgment that if these war criminals, alleged war criminals—these individuals indicted on charges of war crimes, to be specific—were taken into custody, then she believed it could have a profound effect on the subordinates, on perhaps Milosevic himself or certainly on the subordinates immediately under Milosevic.

It is our hope this sense-of-the-Senate resolution will impel the authorities to apprehend those individuals.

I shall not go through the whereas clauses, setting forth the foundation for the U.N. action on establishing the War Crimes Tribunal or the atrocities themselves, but focusing for just a minute on the five clauses following the resolution:

First, that the United States, in coordination with the United Nations, supply sufficient funds for the investigation of the allegations of the atrocities and war crimes committed in Kosovo.

That can be accomplished with the $18 million appropriated by the United States and appropriations by other responsible nations.

Second, that the United States, through its intelligence services, should provide all cooperation in the gathering of evidence to secure the indictments of those responsible for war crimes.

Third, that where the evidence warrants indictment, those indictments will be brought for war crimes, crimes against humanity, and genocide, regardless of the position of the indictees within the Serbian leadership.

This is directed at President Milosevic himself.

Fourth, that the United Nations and all nations have an obligation to honor the warrants issued by the War Crimes Tribunal, and the United States and other responsible nations should use all appropriate means to apprehend the war criminals already under indictments.

That refers to Karadzic, Mladic, and the others under sealed indictments as previously mentioned, having been identified by Justice Arbour.

Fifth, NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

If there is any inclination, as part of a plea bargain on any of the negotiations, to spare President Milosevic or other high-ranking officials, that should be rejected as part of the diplomatic resolution of the conflict in Kosovo if such a diplomatic resolution should be obtained.

Last Thursday, Secretary of State Madeleine Albright testified before the Foreign Operations Subcommittee of Appropriations, a committee of which I am a member. She was questioned at that time and stated that the United States was not negotiating with Milosevic.

Well, in effect, an indirect negotiation is not a whole lot different. But it may be—and I made this statement at the time of the hearing—that the line could be drawn so that the United States would maintain its position that it would not be a party to any settlement which, by way of a plea bargain, gave immunity or absolved Milosevic or any other high-ranking diplomatic official or anyone from responsibility for the war crimes warranted by indictments and warranted by the evidence.

I commend Senator LANDRIEU for her leadership on this important resolution, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise to cosponsor the amendment offered by my colleagues from Pennsylvania and Louisiana expressing the sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

This amendment expresses the Sense of Congress that:

The United States should provide sufficient resources for an expeditious investigation of the allegations of war crimes committed in Kosovo;

The United States should provide all possible cooperation to the Tribunal in the gathering of evidence;

Where evidence warrants, indictments should be issued for war crimes and that the United States and all nations have an obligation to honor arrest warrants; and,

NATO should not accept a settlement in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals.

During the past two months, Kosovo has witnessed carnage and bloodshed unseen in Europe for almost fifty years. These events are the culmination of a decade-long campaign of terror and bloodshed in the Balkans engineered by Mr. Milosevic.

Over 1.2 million Kosovar Albanians are now displaced, having been forced to flee their homes. Over 700,000 Kosovars are now refugees, most in Albania, Macedonia, and Montenegro. Others have been forced to hide in the forests and mountains.

The United States now has hard evidence that war crimes have been committed. A report issued by the State Department earlier this month entitled "Erasing History: Ethnic Cleansing in Kosovo" argued that: "At this writing, the forces of Yugoslav President Slobodan Milosevic continue to burn, loot, rape, shell, and de-populate Kosovo, and thousands of refugees continue to flee into neighboring Albania and Macedonia. The refugees coming out of Kosovo are only now beginning to tell their stories. Yet even these fragmented accounts portray a systematic policy of ethnic cleansing."

This report alleges that:

Serbian forces have made Pristina, the capital of Kosovo, a ghost town. Serbian military, police, and paramilitary forces expelled between 100,000 to 120,000 persons from Pristina in only four days. Kosovars in Macedonia indicate that only 100 ethnic Albanians remain in Pristina. Serbian forces are stealing and "confiscating" furniture from abandoned homes.

In Pec, Serbian forces herded young Albanian women to the Hotel Karagac [Kara-jack], and raped them repeatedly. The commander of the local base used a roster of soldiers' names to allow his troops to visit the hotel on a rotating basis.

Violence in western Kosovo is stronger than in any other region of the province. Pec was emptied of ethnic Albanians in 24 hours. In Djakovica's [Jack-o-vika] old city, Serbian forces burned 200 to 600 homes the day after NATO airstrikes began. By the next day, the rest of the old city had been torched.

The U.N. High Commissioner for Refugees stated that the Djakovica region, and I quote, "undoubtedly has been one of the most violent and cruel in the whole of Kosovo, turning it at times into a virtual killing field."

In fact, the bulk of these crimes are being committed by the Serb paramilitary units, such as the "White Eagles" and "Tigers" under the direct control of the Ministry of the Interior, and, in turn, accountable to Mr. Milosevic.

Indeed, the campaign waged by Mr. Milosevic in Kosovo is a virtual catalog of systematic crimes which I believe merit investigation by the International War Crimes Tribunal. The crimes, to summarize, are:

Forced expulsions: Over one million people have been forced from their homes;

Looting and Burning: Some 500 residential areas have been burned since late March, including over 300 villages burned since April 4;

Detentions: Consistent refugee reports that Serbian forces are separating military-aged men from their families in a systematic pattern. Some analysts estimate that the total number of missing men is as high as 100,000. Their fate is unknown;

Summary Execution: Refugees have provided accounts of summary executions in at least 70 towns and villages throughout Kosovo;

Rape: Ethnic Albanian women are reportedly being raped in increasing numbers. Refugee accounts indicate systematic and organized mass rapes in Djakovica and Pec;

Identity Cleansing: Refugees report that Serbian authorities have confiscated passports and other identity papers, systematically destroyed voter registers and other aspects of Kosovo's civil registry, and even removed license plates from departing vehicles as part of a policy to prevent returns to Kosovo.

The civilized world must send a strong and unambiguous message that ethnic cleansing, genocide, and mass rape are not acceptable, and will not be tolerated.

I will never forget, about 4 years ago, I picked up a copy of the New York Times and opened it. There was a rather large picture of a young girl about 15 years old. She had sort of a Dutch cut, bangs hanging over her forehead. She had on a school uniform. But there was something very wrong with the picture: She was hanging from a tree. Dead in Srebrenica.

And then it came out that there was a major massacre of thousands of people in that supposedly protected enclave by the Serbian military. And to this day, 5,000 to 7,000 Muslim men and boys are simply missing. A few have been found in mass graves, but the most still remain missing.

This crime, too, was committed by those who followed Mr. Milosevic's orders.

I would say that when any nation on earth permits their military police to wear hoods and cover their face while they are carrying out their official duties, then you know that what they are doing is not legal.

And there can be little doubt that those who conduct these activities in Kosovo—be they in the Yugoslav military or in paramilitary outfits such as the "White Eagles" or the "Tigers" —that they are acting on orders which come from Mr. Milosevic.

And now there are reports that Yugoslav authorities have begun to dig up the mass graves in Kosovo in an effort to destroy evidence that could be used against them in war crimes trials.

Try as they might to hide their crimes, the world now knows what has happened in Kosovo. The regime of Mr. Milosevic has been waging war on the people of the Balkans for close to ten years now. The international community must stand up to this, or we will set the stage for further bloodshed and tragedy in Asia, in Africa, and elsewhere in Europe. Mr. Milosevic must be held accountable for the orders which he has given, and the crimes which he has ordered committed.

I urge my colleagues to join me and the distinguished Senators from Pennsylvania and Louisiana and support this amendment. It sends a clear message to Mr. Milosevic and others who commit crimes against humanity: You will be held accountable, and you will be brought to justice.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for 10 minutes.

Ms. SNOWE. Mr. President, I rise in strong support of the Fiscal Year 2000 National Defense Authorization Act. This critical legislation brings the military to the threshold of a new century posing new challenges to the U.S. national security. Under the superb leadership of our distinguished chairman, the senior Senator from Virginia, the Armed Services Committee has reported a bill that shapes a more flexible, mobile, and precision Total Force required for the future.

This bill takes a proven and fundamental approach to enhancing our national defense by devoting more resources to readiness and modernization accounts and improving the quality of life for military families. The total authorized funding of $288 billion in the legislation increases the administration's request by $8 billion and represents a 2.2-percent increase in real terms over the fiscal year 1999 level.

These responsible funding levels try to rescue a defense budget that, as a percentage of the Nation's GDP, has reached its lowest points in 50 years. In modernization programs—those for weapons procurement—funding has fallen by 67 percent since 1985.

At the height of the Reagan buildup, the Pentagon obligated $138 billion for procurement. Since then, the spending fell to a low point of $44 billion in 1997. The fiscal year 2000 budget increases the account to $56 billion, and I commend Secretary Cohen for planning the first budget of this administration that brings procurement back to a threshold of $60 billion, as recommended by the Joint Chiefs of Staff, starting in the year 2001.

The major weapons and systems authorized by this bill, particularly service combatants, strategic and tactical aircraft, and high-speed armored vehicles, will give the armed services more endurance and firepower at lower life cycle costs. Smooth construction materials will deceive the enemy radars that can detect the hard angles of older platforms. Information technologies will give ships, tanks, and aircraft battlespace data that shows potential enemy movements before they occur. A new series of rapid transporters will bring forces to the shorelines of instability. And from safe distances in the air or at sea, smaller crews will program missiles for strategic inland targets.

As chair of the Seapower Subcommittee, I had the honor of witnessing firsthand the revolution in capabilities by traveling to the Persian Gulf to visit the sailors of the carrier Enterprise and the guided-missile cruiser U.S.S. *Gettysburg* and the minesweeper U.S.S. *Ardent* during the Easter recess. Without exception, the men and women of these ships, forward deployed between Iran and Iraq, demonstrated a solid commitment to defending the interests of their nation in some of the most dangerous waters on the planet.

I listened and talked with dozens of sailors and returned to Washington with a fresh understanding of the human dimension of readiness. Only dedicated people can deliver the capabilities needed to project our military power. Far removed from their families and the luxuries of life ashore, the crews of the *Enterprise*, the *Ardent*, and the *Gettysburg* admirably performed their missions of containing the Iraqi military and ensuring the freedom of commerce.

The diligence of the crews of these ships makes a visitor forget their youth. From galleys and control rooms to flight decks and bridges, sailors cooperated with professionalism to ensure that our maritime power upheld peace and stability.

They reminded me that patriotism hinges on sacrifice, and that Congress can perform no greater service in defense policy than to improve the quality of life for military families.

Therefore, I think the legislation before us reinforces the wisdom of additional personnel provisions in both this authorization bill, as well as the legislation that was passed by the Senate that would increase the retirement and the pay for the members of our Armed Forces. The Bill of Rights Act, the pending legislation, as well as the fiscal year 1999 supplemental, will move closer to this goal by authorizing a universal active-duty pay increase of 4.8 percent, the largest since 1982, and giving troops enrolled in the retirement plan the option of drawing pension benefits calculated under the same formula as other personnel who served for at least 20 years.

I believe this certainly reinforces the conversations that I have had with a group of senior noncommissioned officers aboard the Enterprise who stressed the need for equity in the Pentagon's compensation and retirement systems. I repeatedly heard that uniformed personnel could not obtain timely care for their families and waited months on end for reimbursement.

As a result, I sponsored a provision in this bill permitting TriCare beneficiaries to receive treatments at qualified medical offices if they live more than 50 miles from a DOD health installation. This initiative, coupled with the Bill of Rights Act, directs to the Defense Department to rely on more efficient claims processing procedures to tackle the issue of access to quality treatment that several sailors raised in their encounters with me.

I also include a provision in this legislation—of course, it was authored with Senator KENNEDY—that would create a Defense Department task force on domestic violence. This is another issue that has become a serious concern within our Armed Forces.

This task force will consist of military representatives, family advocacy program experts, and civilian domestic violence professionals to develop guidelines for a coordinated response to this tragic problem that has grown from 14 reported cases per 1,000 families in 1990 to 22 per 1,000 families by 1998.

The second major provision of the Kennedy-Snowe amendment mandates creation of a central departmentwide database to receive information on reported domestic violence cases in the Armed Forces.

No military family should endure the trauma, fear, and alienation that flows from acts of domestic violence. I am hopeful that the Kennedy-Snowe amendment will represent a crucial beginning in the process of setting standards and imposing penalties to deter spousal and child abuse in the armed services.

I want to highlight a few provisions under this legislation which were within the jurisdiction of my Seapower Subcommittee. I thank Senator KENNEDY, the ranking Democrat of the subcommittee, along with the panel's other members, for their diligent work on this year's legislation.

The Seapower Subcommittee held five hearings in our review of the fiscal year 2000 budget request. Our hearings focused on the overarching question of how the Pentagon can sharpen its ability to reinforce U.S. political and economic objectives overseas with an agile maritime fleet.

Towards this end, we explored programs designed to maintain the sea lanes vital to international trade. The subcommittee also summoned Navy and Marine Corps witnesses to discuss strategic air and sealift in support of regional commanders in chief, littoral force projection and protection, evolving submarine requirements, and priorities in the realms of research and acquisition.

Witnesses before the Seapower Subcommittee testified that the proliferation of weapons and advanced technology caused by the willingness of countries to sell expertise, hardware, and technology present a challenge for the United States to predict potential adversary threats. This trend of proliferation shortens the timeline for an enemy to field an offensive weapon that can disable our forces in any region of concern.

For these reasons, research and development in systems designed to counter enemy air, land, and sea-launched missiles, in addition to antiship torpedoes and mines, will enhance the Navy's capacity to deter conflict throughout the littoral areas of the globe. These coastal zones, within 200 miles of any sea, contain three-quarters of the world's population, 80 percent of the capital cities, and the major corridors of commerce.

Subcommittee witnesses expressed concern that traditional threats, as well as nontraditional threats, from hostile countries and international terrorists would attempt to disrupt seagoing trade and military operations. They pointed out that over 50 countries possessed over 150 types of naval mines; over 60 countries have inventories of more than 60 types of torpedoes; over 75 countries have more than 90 types of antiship cruise missiles; and by 2016, 40 to 50 countries will deploy at least one theater ballistic missile.

Navy and Marine Corps witnesses testified that their services will function as the force of choice in the 21st century. They based this assessment on compelling demographic facts. Water covers 70 percent of the world's surface, and by the year 2010, over 70 percent of the world's population will live in urban areas within 300 miles of a coastline.

An ever-increasing world population—to top 7.5 billion by the year 2015—will only intensify this surge of urbanization and leave new environmental, housing, and health care problems in its wake.

Competition among ethnic and religious populations will furthermore make the urbanized littorals ripe for conflict in the 21st century. The Navy and Marine Corps can, therefore, use the sea area as an operating base and a maneuver space without permission from a foreign country. In this context, maritime forces can serve as a first echelon of U.S. military power projection.

Force modernization must subsequently remain on schedule since America needs high-technology fleet able to steam at a moment's notice to any point on the planet. Our witnesses, however, cited a number of budgetary and operating tempo developments that compete with core modernization requirements.

From 1988 to 1998, the Navy's total obligational authority, in constant 1998 dollars, decreased by 40 percent. Coincident with this decrease, the Navy and

Marine Corps have experienced a dramatic increase in forward presence and contingency operations.

In the past 50 years, naval expeditionary forces have responded to over 250 crises worldwide. Since 1992 alone, as this "Commander-in-Chief Requirements" chart illustrates, naval forces have responded to 77 different contingency operations or threats around the world—that is between 1992 and 1998—while between the years of 1988 and 1991, they only responded to 27 different threats worldwide. So it shows the disparity in the threats between this decade and the previous decade, to show the tremendous pressures that are being placed on our naval and our marine forces.

During the cold war, Marines were called upon to respond to a threat on average of once every 15 weeks. Since 1990, the Marines have been responding to a threat once every 5 weeks. That is a threefold increase. So as a result of the naval force structures, as one witness said during the Seapower Subcommittee's first hearing, there is "no shock absorbency left" when it comes to our force structures and the demands they are placing on our naval and marine forces.

Again, as this chart will illustrate in terms of where we are today on the 300-ship Navy, we are going to have to build, on an annual rate, 8 to 10 ships a year in order to sustain a 300-ship Navy. We are going to decline pretty rapidly. As we are in 1999, we have 315 ships; for the year 2000, 314; by the year 2005, we will be down to 305 ships. In order to sustain 300 ships, we will have to increase the number of ships we are building to 8 to 10 a year from the 6 we are building currently.

Based on the testimony, and also my visits to the deployed fleet units, and discussions with the Navy, the Marine Corps, the Army and Air Force officials, the subcommittee reached the following conclusions:

First, the Navy and Marine Corps capabilities must remain ahead of the threats designed to disrupt or deny maritime operations on the high seas and in the littorals. To respond to this conclusion, the Seapower portion of this bill adds $213 million to the budget request for research, development, testing, and evaluation.

Second, the Navy and Marine Corps future readiness will decline if recapitalization and modernization are deferred. I think again these charts illustrate the problem. So to respond to this challenge, the Seapower portion of this bill adds $1.068 billion to the budget request for procurement.

Third, strategic sea and airlift are required to support daily operations overseas, emergent requirements, and sustained military campaigns of a major theater war. The force deployment goals of the 1995 Mobility Requirements Study Bottom-Up Review Update established the strategic lift requirements as those required for one major theater war and, later, to swing that lift to support the second nearly simultaneous MTW.

So to respond to this challenge, the bill adds $40 million to the budget request for national defense features in ships.

In addition, the full committee approved the budget request for $3 billion for procurement of 15 C–17 aircraft, $70 million for modifications to the C–5 aircraft, $170 million for the C–17 research and development, and $63 million for the C–5 research and development.

Fourth, the Navy must build no fewer than 8 ships per year to maintain a force structure of approximately 300 vessels, as I mentioned earlier. Ship designs and technologies must respond to these challenges of both the littorals and the open ocean warfare.

Quantity has a quality of its own, especially when naval operations occur at the same time in different geographic regions. The Seapower portion of the bill therefore adds $375 million advanced procurement for the LHD–8 and extends the DDG–51 multiyear procurement authority to include the fiscal years 2002 and 2003 ships.

The committee, however, remains concerned with the overall shipbuilding rate included in the administration's budget requests. The topic of ship force structure was discussed more than any other issue in the Seapower hearings.

Witnesses stated repeatedly that the current force structure of 324 ships already strains worldwide operations. This problem will only grow, since the projected size of the fleet, as I said, will decrease to 305 platforms in the next 5 years.

Unfortunately, the Department of Defense has provided few specifics on the planned size of the Navy force structure beyond the calendar year 2015 and how it intends to address the impending ship shortfall problem beyond lowering acquisition costs and reducing the size of ships' crews.

The time has come for the administration to demonstrate an understanding of the ship acquisition problem and to share with Congress a systematic plan to address this serious national security concern.

The report accompanying this bill requires the Secretary of Defense to submit, with the fiscal year 2001 budget request, a report that details the Department's long-range shipbuilding plan through fiscal year 2030 and describes the annual funding required to procure 8 to 10 ships a year between fiscal years 2001 and 2020.

Finally, attack submarines have reached the limits of sustainable operations. The submarines of the 21st century will generate key strategic and tactical intelligence, deploy surveillance and reconnaissance teams, and enhance the firepower of carrier battle groups. In recognition of these facts, the bill approves the request of $116 million for submarine advanced technology and adds $22 million for the Advanced Deployable System.

Finally, the key to reducing the operating costs of ships lies in research and development to design future ships that can operate effectively with smaller crews. Our bill approves well-funded research and development programs for developing new ship designs to reduce overall life-cycle costs.

All of these naval programs, as well as the major systems of the other three Services, will require an adequate domestic basing structure for maintenance and deployment. This factor, along with the changing mix of threats to our national security, triggered the two bipartisan Armed Services Committee votes this year against amendments authorizing additional base realignment and closure rounds.

The committee first rejected the BRAC amendments because no base closure round yet has yielded the taxpayers any clear or proven savings. To appreciate this point, one only need to consider the conclusion of the leading advocate of BRAC, the Department of Defense. DOD's April 1998 base closure report to Congress stated explicitly that "no audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC."

Furthermore, the conflict in Kosovo illustrates how hostilities can strain our ability to project military power in unstable areas of the world. Since this war began in March, the United States has diverted its only aircraft carrier in the Western Pacific, near North Korea, to Serbia's Adriatic Sea basin. We have more than 400 aircraft from airfields across the country now engaged over Kosovo.

In the meantime, the Department of Defense has almost depleted the Nation's air-launch precision missile stocks, strained our aerial tanker fleet, and called up 33,000 reservists. Congress and the administration should therefore consider how to improve, rather than phase out, the shore- and land-based systems that sustain our deployed forces.

We cannot forget that America's overseas basing infrastructure has declined by more than 40 percent since the end of the cold war. The four previous BRAC rounds have eliminated about 25 percent of domestic military installations.

The key challenge of the 21st century force will focus on long-range deployments from American territory to protect interests and allies on short notice. We need a master base plan, still undeveloped, that identifies categories of ports, staging grounds, airfields, depots, and maintenance facilities to meet these strategic requirements. The administration cannot ask Congress to approve more closure commissions in a vacuum about what physical support assets at home the troops of tomorrow will need to complete their missions abroad.

This authorization bill advances the goals of shaping the modernized Armed Forces on which Americans will rely to safeguard their interests in a changing and volatile world.

I again thank the committee chairman, Senator WARNER, for his leadership, and the ranking member, Senator LEVIN, for his leadership as well in crafting this significant bipartisan legislation. I urge all Senators to support it.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Laurell Brault, my military fellow, be given floor privileges during the Senate consideration of S. 1059.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Virginia.

Mr. WARNER. Madam President, first I thank our distinguished colleague from Maine. She comes from a great State which has a maritime tradition that really predates the United States of America. Am I not correct in that?

Ms. SNOWE. That is correct.

Mr. WARNER. How fortunate we are in the Senate to have one with that traditional background as now head of the Seapower Subcommittee of the Armed Services Committee of the Senate. You share that with another distinguished colleague in the next-door State of Massachusetts, Senator KENNEDY, who is the ranking member. We are well represented on this committee.

I commend you for your report and bring to the attention of the Senate and the American people the underlying theme of our pay bill, how many times our men and women of the Armed Forces are required now in missions beyond our shores. That is very important. Of course, as to the 300-ship Navy—a famous figure—I hope that you and I and others can hold the line, because we are a maritime Nation. Our entire economic strategy is dependent on the security of our overseas markets and the ability to get our products out. Our entire defense strategy is dependent on what we call forward deployment. The ships of the Navy are a lifeline protection for both our economic as well as our national security responsibilities in this country. I commend the Senator.

Ms. SNOWE. I thank the chairman for his comments. I certainly feel privileged to chair the Seapower Subcommittee and to focus on some of the critical challenges facing our naval forces in the future. Having had the opportunity to visit our personnel on the U.S.S. *Enterprise*, the U.S.S. *Gettysburg*, and the U.S.S. *Ardent*, I had a firsthand appreciation of the pressures placed on the men and women in our Armed Forces and the more we need to support them in every way possible. That is why I think the pay and retirement provisions are all necessary, given the demands that are being placed on our naval forces overseas. The deployments are longer and they are more rigorous. It is becoming far more difficult for them when they return to home port because they have to begin retraining. So there is very little time for them to prepare for the future and also the demands that these challenges present in keeping them from their families. We have to recognize that. I think the administration has to recognize that in terms of the number of contingency operations, that, ultimately, is really putting a tremendous strain on all of our armed services.

Mr. WARNER. Madam President, I thank our distinguished colleague. I dare say that she will establish a record far superior to that of her predecessor; namely, the Senator from Virginia, as chairman of the Seapower Subcommittee.

I ask unanimous consent that the distinguished Senator from Maine be added as a cosponsor to the Roberts-Warner amendment now pending at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I understand the order is our distinguished colleague, also a new member of our committee and one who has certainly pulled her weight by a margin of two in her service on the committee.

AMENDMENT NO. 384

The PRESIDING OFFICER. Under a previous unanimous consent order, the Senator from Louisiana is recognized for 30 minutes.

Ms. LANDRIEU. I thank the Chair.

Madam President, I thank our chairman for the fine work that he has done in bringing this very important bill to the floor and to acknowledge the work of my colleague from Maine. As a Senator who represents another State with a great maritime tradition, I most certainly appreciate the hard work and the intensity to which she brings to bear in making sure we maintain adequate naval power to support all of our missions around the world. Her leadership has been tremendous. I look forward to working with her, along with our chairman, in the years to come.

Mr. WARNER. Madam President, could I interrupt the Senator. I ask unanimous consent that at 5:30 today—I beg the forgiveness of the Chair and our distinguished colleague.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. On an equally important note, I rise to support the sense-of-the-Senate resolution, now in amendment form, offered by the distinguished Senator from Pennsylvania and myself. We feel very strongly about presenting it to the whole chamber, and we hope to get a very strong bipartisan vote, in just a few minutes, on this resolution.

Madam President, at the close of World War II, Europe was devastated. The allied armies, in liberating Eastern Europe, had uncovered a horror beyond imagination—6 million Jews, men, women, and innocent children, had been massacred, and millions of other civilians and soldiers had been killed on all sides by fruitless wars of aggression.

Once Germany itself had been occupied, the documentary evidence of these atrocities came to light. Along with victory came the eventual capture of the Nazi leadership, and slowly but surely, the German war leaders who did not kill themselves outright, fell into allied hands. At that time there were two competing ideas on how to deal with these prisoners. The English and the Russians simply wanted to take the leaders of Nazi regime outside and shoot them. After all, it was the way victors had treated the vanquished in Europe for hundreds of years, particularly when the vanquished had been so merciless themselves.

However, the American Secretary of War, Henry Stimson, proposed a very different, and actually, radical solution. He wanted to use the atrocities perpetrated by Nazi Germany to make real the notion of international law. In retrospect, it seems very strange, indeed, that a Secretary of War would be the primary advocate for holding a legal proceeding. But Secretary Stimson was wise. He understood something very fundamental: America had not joined World War II to prop up the same, tired cycle of war and revenge that had made Europe the bloodiest continent on Earth during the 20th century. We entered the war to create a fair and lasting peace. We had no territorial demands. We asked for no war reparations, and we did not come to loot and rob Germany of its treasures. All we wanted in exchange for the great sacrifice that we made as a people was the assurance that after the war, peace, democracy and freedom would prevail.

The Nuremberg trials were one of the central steps in fulfilling this objective. Instead of revenge, the trials stood for justice. Instead of collective blame, these trials stood for individual accountability. Instead of Europe's bloody past, the Nuremberg trials held the promise that we could break the cycle of violence.

Over 50 years since the conclusion of those trials, the Nuremberg principles are being called into question. I believe we reached the right conclusions at those trials. We hit upon some universal truths about what needs to be done to bring true peace to a region wracked by war. We determined it was necessary to establish justice, to hold individuals accountable for their acts, and to try to stop future wars of revenge. Those principles ring true even today.

Ironically, as this map shows and as we are well aware, another conflict in Europe now puts the lessons of the Nuremberg Trials to the test. We began strongly enough. In May of 1993, the United Nations Security Council created the first international war crimes court since the Second World War, since the Nuremberg trials. The International Criminal Tribunal for former Yugoslavia was formed to investigate and try war crime cases resulting from the war in Bosnia. It was hailed then as the first step towards reconciliation of the warring factions.

If the international community could bring justice to Bosnia, if they could expose the wanton destruction of human life by the Bosnian Serbs, there might be a real chance for the same collective soul searching that occurred in Germany at the end of World War II. That reflection and acknowledgment of wrongdoing has generated a peace between the great powers of Western Europe that was simply unthinkable at the beginning of this century. If it can happen between the Germans and the French, why not between the Croats and the Serbs?

For a number of reasons, mostly political, the international community has simply not grasped the opportunity that this international tribunal has offered to us.

In the 6 years since its formation, the Tribunal has indicted 84 people. However, of those 84 indicted, it has completed only 6 trials. Twenty-five others are now in custody, either awaiting trial, or involved in proceedings. But six convictions in 6 years is a very mediocre showing for a conflict that was marked by intense brutality on all sides. Furthermore, the most significant war criminals remain at large. We are aware of where they are, but they continue operating unmolested. The reality is that while the vast majority of war crime indictments were against Bosnian Serbs, the Croatian and Muslim indictees are far more frequently held in custody because their governments have been cooperating with the Tribunal.

Unfortunately, the moment for effective action has passed and the results are clear. When we do not uphold the principles established at Nuremberg, it gives license to thugs and dictators to pursue their aims by brutality and illegal means. We can only wonder if there would have been different headlines today had we been more insistent that the perpetrators of war crimes in Bosnia stand before the bar of justice.

I am joined by my colleague, the senior Senator from Pennsylvania, in introducing this amendment that seeks to prevent a repeat of our mistakes. Let us make the Tribunal truly effective. That is what this amendment offers. The chief prosecutor, Justice Arbor, has made clear that the Tribunal's jurisdiction does extend to Kosovo. We need to ensure that when this war is over—and one day, hopefully soon, it will be—the parties responsible for these crimes will be made to answer personally. Our amendment addresses a number of the obstacles currently facing the tribunal.

First, the amendment asks that the United States, in coordination with other United Nations contributors, provide the resources necessary for a rigorous investigation of the war crimes committed in Kosovo. I am happy to report, as was mentioned by my friend from Pennsylvania, that an additional $18 million has already been passed by this Senate in the supplemental appropriations bill for this specific purpose. At present, the Tribunal has a mere 70 investigators at its disposal. This number covers not only the 600,000 refugees from Kosovo, but all of the ongoing investigations of Bosnian war crimes. Clearly, the Tribunal is undermanned to undertake a project of the enormity presented by Kosovo.

Secondly, the resolution calls on our Government, through our intelligence services, to provide all possible cooperation in the gathering of evidence necessary to prosecute war crimes. While testimonial evidence is sufficient to bring charges against those responsible for the mass execution, the rapes, gang rapes and arson, but such evidence rarely addresses the crimes of a country's leadership. Such is the case in Kosovo. Milosevic is not out in the field shooting civilians himself, but the situation certainly looks as if he is issuing the orders—proving that connection requires intelligence sources that only we and our NATO allies can provide. And we should do it forthwith.

Additionally, we cannot be afraid of where the war crimes evidence leads. This resolution will make it clear that no one—no one—will be exempt. We shall not compromise long-term peace prospects for short-term political expediency. Wherever the evidence leads, indictments will follow.

Equally important, this resolution reflects the fact that all nations have an obligation to honor arrest warrants issued by the International Criminal Tribunal. Many of those already indicted are living normal lives while their whereabouts are well known. Such selective prosecution and inaction breeds cynicism and creates an atmosphere that supports the sort of thugs now operating in Serbia. It undermines our effort and it should not be tolerated. This must stop.

The resolution we introduce today calls on the United States to use all appropriate means to apprehend war criminals already under indictment.

Lastly, and most critically, this resolution insists that NATO should not accept any diplomatic resolution to the war in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals. The proper resolution of this conflict may be our last opportunity to bring a lasting peace to this region. It cannot be done if those responsible for the war are not punished for their actions.

It is often easier to exclude tyrants from justice to secure a temporary lull in the fighting than to support a thorough and complete peace. If we go for easy answers, we will doom the people of that region to repeat these same horrors again and again. As historians have often noted, one war frequently sows seeds for the next. This is particularly true of the kind of incessant ethnic warfare going on in the Balkans. The only way to change this reality is to insist that individuals be held accountable for their barbaric actions and be brought to justice.

People must understand that there are international standards of behavior and they will be held accountable. It makes a huge difference in the way they interact with their neighbors. In short, we must demonstrate that might does not make right and that no one can benefit from the misery of their neighbors.

Our State Department recently issued a report entitled "Erasing History: Ethnic Cleansing in Kosovo." This is one of a hundred pictures that have been taken, showing the horrors of mass executions and murder of innocent men, women and children. That report details much of what is already known—700,000 refugees forced to flee their homes; 500 villages looted and burned; at least 70 instances of summary executions; the systematic rape of women and young girls, and the list goes on.

What is odd about ethnic cleansing is that while it tries to erase history, it actually has the opposite effect. It brands indelibly into people's minds the memories of the fire, torture, the shooting, the rape, the running, the horrors of the night and the morning. The entire history of the Balkans reads like one giant tragedy where the past motivates evil in the present. Instead of erasing history, Yugoslavia must move beyond it, and NATO needs to continue to press them in that direction to achieve those ends. Justice, provided impartially and equally, is the most effective means for doing that, and we can do that through a strong, well-financed, determined War Crimes Tribunal.

There may be no clean hands in the Balkans, but there can be new beginnings. I believe this resolution will anchor the United States policy to creating one.

I would like to put up another chart of something that shows a video capture from a tape recently smuggled out of Yugoslavia.

Mr. WARNER. Madam President, will the Senator allow me to interrupt to make a unanimous-consent request?

Ms. LANDRIEU. Yes.

Mr. WARNER. Madam President, I ask unanimous consent that at 5:30 today, which is just minutes away, the Senate proceed to vote on or in relation to the Specter-Landrieu amendment No. 384 with no amendments in order to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Madam President, if I might draw the Senate's attention to the last paragraph, which is section 5, can the Senator read that?

It says: "NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar"—and then, my first question is, Is it conceivable that the United Nations should likewise not accept any? I mean in the final analysis, it is difficult to predict now. Certainly NATO will have a voice in the matter. But it could be that this thing would be involved before the United Nations. Is the spirit of this to include the United Nations, so to speak?

Ms. LANDRIEU. Yes. I would say so. The spirit of this resolution is clear that no diplomatic end to this war should allow any immunity for those who are guilty of war crimes.

I would have no objection. I would want to talk with Senator SPECTER about adding reference to the United Nations. Clearly though, it is a NATO conflict.

Mr. WARNER. Let me proceed to another item.

The Senator used the key phrase, she doesn't want any amnesty or anything to prohibit the prosecution, and I think the Senator said "of those who are guilty." But who has to establish guilt in terms of who is and who is not guilty? It seems to me if this were to read that it would "bar the indictment, apprehension, or prosecution of persons alleged to have committed," because the Senator said "war criminals," that could be interpreted as saying somebody is already designated one, two, three, and four as a war criminal and, therefore, you cannot give them amnesty, but there are some, I would presume, in this conflict who have not been designated "war criminals" but there are allegations to that effect, and they would have to proceed through the indictment process. But as this is written, the date of the agreement might cut off a class of individuals who are guilty but have not been as yet designated "war criminals."

Do I make myself clear?

Ms. LANDRIEU. I understand, I believe, what the Senator from Virginia is asking me. But I think the language of this amendment covers his concerns. We have not been allowed into Kosovo 1 day, but when we are, it will reveal atrocities and evidence of those responsible. It will happen in the same way as when we entered into Central Europe to find the concentration camps. This resolution simply states that no resolution of this conflict should give immunity in advance to anyone who could be charged and then later convicted of war crimes.

I think the language is clear on that intent.

Mr. WARNER. Let's hope this colloquy has cleared up any other questions. Before we started the debate, I talked with the Senator, and I thought she was very candid in her private comments to me.

Supposing that this frightful conflict drags on and the only basis on which anyone can reach any resolution is the question of amnesty, do I understand the Senator's position to be that under no circumstances should the sole remaining provision to stop this conflict be waived by those negotiating and those who eventually have to accept the resolution? Is that your position?

Ms. LANDRIEU. Absolutely. It is quite a serious point of this resolution, and I recognize that it may take a tool off the table, but it is purposefully done that way. I happen to believe it would be a great mistake for this Nation and our NATO allies to enter into any agreements that give immunity to people who are charged with war crimes, with the brutality of gang rapes, and torture. And there are hundreds of examples that we have had now from eyewitness accounts that we hope to prosecute.

Mr. WARNER. Madam President, I don't intend to take the Senator's time. I intend to support the resolution. I thought a colloquy would bring out questions that others might have in mind and would clarify any doubts.

Madam President, thank you.

Mr. LEVIN. If the Senator will yield further while she is being interrupted, I want to commend the good Senator from Louisiana for her steadfastness, and for the sponsors' steadfastness on that very point. There was no provision for amnesty in Dayton. There was no provision for amnesty at Rambouillet. There should be no such provision, nor should the door be opened a crack to any such possibility. People must be held accountable for war crimes. I do not think for 1 minute that there is room for negotiation on that issue, or else we will see an endless repetition of the kind of cleansing of ethnic groups that we have seen in the Balkans.

I commend the sponsors, and particularly the Senator from Louisiana for her strength and support.

Mr. WARNER. Madam President, I likewise commend the esteemed colleague and Senator from Louisiana for an important amendment which will send a signal at this time. It is very timely.

I wish to commend my distinguished colleague from Pennsylvania. It is a very interesting combination of two Senators coming to the floor on an important point.

Ms. LANDRIEU. I thank the Senator. The Senator from Pennsylvania surely brings a tremendous amount of expertise, having been a prosecutor and having dealt with these issues on a domestic basis and an international basis.

Let me just conclude by pointing out and explaining what this picture is. This looks like a picture of people burying bodies. But actually, because this is part of a 20-minute video, this is a snapshot, of people exhuming bodies, digging up a mass grave, to try to hide or relocate these victims. The State Department believes that the Serbs are placing the bodies around bomb sites to mislead the Yugoslavian people and the international community.

This is an important part of the world. If I can close by putting up a map of Yugoslavia—this is not a small, insignificant area—Yugoslavia lays in the heart of Europe on the Mediterranean Sea where civilizations have lasted for thousands and thousands of years. We have fought wars and millions of soldiers have died. Americans have spent fortunes and generations of blood helping Europe to achieve peace. In large part we have succeeded. With this one important exception. Establishing law and order through the Tribunal is the first step on a long road of recovery. That is the point of this resolution.

I hope we will be successful today, and that it will give us the strength to maintain our resolve to bring justice to people who are depending on us.

Thank you, Madam President. I yield the floor.

Mr. LEVIN. Madam President, I ask unanimous consent that I be added as a cosponsor to the amendment.

One of the points raised by the Senator from Virginia is a technical drafting issue, which I think is a relevant one. I believe we can correct it in conference. I think its importance was pointed out.

The PRESIDING OFFICER. The hour of 5:30 having arrived, the question is on agreeing to Amendment No. 384.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI), the Senator from Arizona (Mr. MCCAIN), and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mr. HUTCHINSON) would vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Georgia (Mr. CLELAND), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. LIEBERMAN) would each vote "yea."

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—10

Biden
Cleland
Feingold
Hutchinson
Kennedy
Lieberman
McCain
Murkowski
Reed
Torricelli

The amendment (No. 384) was agreed to.

Mr. NICKLES. Mr. President, Senator MURKOWSKI was unable to cast a vote on this amendment because of unavoidable flight cancellations back to Washington.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, at this time on behalf of the distinguished majority leader, I ask unanimous consent that at 9:30 on Tuesday, tomorrow, the Senate resume the DOD authorization bill and Senator SMITH of New Hampshire be recognized for up to 20 minutes on a matter regarding the historic connection of the U.S.S. *Indianapolis* to the history of our Nation, to be immediately followed by 30 minutes for debate, equally divided, with an additional 10 minutes under the control of Senator GRAMM relative to Senator ROTH's amendment regarding Admiral Kimmell and General Short.

I further ask consent that following that debate, the amendment be temporarily set aside and there then be 1 hour for debate equally divided relative to the Roberts-Warner amendment No. 377.

I further ask that following that debate, the amendment be laid aside and then there be up to 1 hour equally divided relative to the Wellstone amendment No. 382.

I finally ask consent that at 2:15 on Tuesday, the Senate proceed to a vote on or in relation to the Roth amendment and, following that vote, the Roberts-Warner amendment No. 378 be agreed to and the Senate immediately proceed to a vote on amendment No. 377, as amended, to be followed by a vote on or in relation to amendment No. 382, with 2 minutes for explanation prior to each vote.

For the information of all Senators——

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Mr. President—no objection.

The PRESIDING OFFICER. If there is no objection, so ordered.

Mr. WARNER. I thank the Chair.

For the information of all Senators, the next votes will occur at 2:15 p.m. on Tuesday. It is the hope of leadership that passage could occur by close of business Tuesday night or Wednesday morning. On behalf of the majority leader and, I am sure, the minority leader, we urge our colleagues to do everything they can to make this possible.

The distinguished whip.

Mr. REID. Mr. President, I don't know of two more able managers of a bill than the Senator from Virginia and the Senator from Michigan. But on behalf of the minority, I say that it would break all records of the Senate to finish this bill tomorrow night. It simply is not possible to do.

We in the minority are going to cooperate in every way we can. The fact that we have these two fine managers doesn't mean we can perform a miracle.

Additionally compounding the issue, I have been told that there has been an amendment filed dealing with the Kosovo situation that could take days of debate, not hours of debate.

We are willing to cooperate. There is no one on this side who wants to hold up this bill for any purpose other than the fact that we want to have a good bill. In short, we have shown in the past few months since this Congress has been in session that we have cooperated every way we can, as indicated by the work that was done in reducing 91 Democratic amendments on the juvenile justice bill to a mere handful of amendments so we could get that passed by Thursday evening.

In short, we want to help. We want to cooperate in any way we can. But we cannot be part of this miracle, because it won't happen.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank the Senator from Nevada for not only all of his help in getting bills passed but also in realistically assessing situations, which is part of his job.

I must say, given the amendments we already know of, while I am hopeful, too, of completing action on this bill at some point this week, I do not see how the hopes, as expressed here, can come to reality, given the substance of some of these amendments.

Again, the Kosovo amendment alone, I think, would precipitate a significant, lengthy debate on this floor, given all of the circumstances and the length of time which that subject has already required for debate, and the fact that we are in the middle of a conflict right now, and the ramifications for that conflict and the signals which would be sent to the prime creator of that conflict, Mr. Milosevic. It would be a lengthy debate, I think. I would like to finish this bill by Wednesday, too, but I just can't see, given that amendment and other amendments which are significant, that that is a realistic assessment.

Mr. REID. Will the Senator yield for a question?

Mr. LEVIN. I would be happy to.

Mr. REID. It is not a member of the minority who filed that amendment. It is a member of the majority who has filed that amendment; is that true?

Mr. LEVIN. That is correct.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. DOMENICI pertaining to the submission of S. Res. 106 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

AMENDMENT NO. 388

(Purpose: To request the President to advance the late Rear Admiral (retired) Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General (retired) Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the previous amendments will be set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. BIDEN, Mr. THURMOND, and Mr. KENNEDY, proposes an amendment numbered 388.

Mr. ROTH. Mr. President, I unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment (No. 388) is printed in today's RECORD under "Amendments Submitted.")

Mr. ROTH. Mr. President, I rise today on behalf of my colleague from Delaware, Senator BIDEN, and on behalf of Senator THURMOND and Senator KENNEDY to introduce an amendment whose intent is to redress a grave injustice that haunts us from the tribulations of World War II.

Admiral Husband Kimmel and General Walter Short were the two senior commanders of U.S. forces deployed in the Pacific at the time of the disastrous surprise December 7, 1941, attack on Pearl Harbor. In the immediate aftermath of the attack, they were unfairly and publicly charged with dereliction of duty and blamed as singularly responsible for the success of that attack.

Less than 6 weeks after the Pearl Harbor attack, in a hastily prepared report to the President, the Roberts Commission—perhaps the most flawed and unfortunately most influential investigation of the disaster—levelled the dereliction of duty charge against Kimmel and Short—a charge that was immediately and highly publicized.

Admiral William Harrison Standley, who served as a member of this Commission, later disavowed its report, stating that these two officers were "martyred" and "if they had been brought to trial, they would have been cleared of the charge."

Later, Admiral J.O. Richardson, who was Admiral Kimmel's predecessor as Commander-in-Chief, U.S. Pacific Fleet, wrote:

> In the impression that the Roberts Commission created in the minds of the American people, and in the way it was drawn up for that specific purpose, I believe that the report of the Roberts Commission was the most unfair, unjust, and deceptively dishonest document ever printed by the Government Printing Office.

After the end of World War II, this scapegoating was given a painfully enduring veneer when Admiral Kimmel and General Short were not advanced on the retired lists to their highest ranks of war-time command—an honor that was given to every other senior commander who served in war-time positions above his regular grade.

Admiral Kimmel, a two star admiral, served in a four star command. General Short, a two star general, served in a three star command. Let me repeat, advancement on the retired lists was granted to every other flag rank officer who served in World War II in a post above their grade.

That decision against Kimmel and Short was made despite the fact that war-time investigations had exonerated these commanders of the dereliction of duty charge and criticized their higher commands for significant failings that contributed to the success of the attack on Pearl Harbor. More than six studies and investigations conducted after the war, including one Department of Defense report completed in 1995 at Senator THURMOND'S request, reconfirmed these findings.

Our amendment is a rewrite of Senate Joint Resolution 19, the Kimmel-Short Resolution, that I, Senator BIDEN, Senator THURMOND, Senator HELMS, Senator STEVENS, Senator COCHRAN, Senator KENNEDY, Senator DOMENICI, Senator SPECTER, Senator ENZI, Senator MURKOWSKI, Senator ABRAHAM, Senator CRAIG, Senator DURBIN, Senator JOHN KERRY, Senator KYL, Senator HOLLINGS, Senator BOB SMITH, Senator COLLINS, Senator LANDRIEU, Senator VOINOVICH, Senator DEWINE, and Senator FEINSTEIN—a total of 23 cosponsors—introduced last month.

The amendment calls upon the President of the United States to advance posthumously on the retirement lists Admiral Kimmel and General Short to the grades of their highest war-time commands. Its passage would communicate the Senate's recognition of the injustice done to them and call upon the President to take corrective action.

Such a statement by the Senate would do much to remove the stigma of blame that so unfairly burdens the reputations of these two officers. It is a correction consistent with our military's tradition of honor.

Mr. President, the investigations providing clear evidence that Admiral Kimmel and General Short were unfairly singled out for blame include a 1944 Navy Court of Inquiry, the 1944 Army Pearl Harbor Board of Investigation, a 1946 Joint Congressional Committee, and a 1991 Army Board for the Correction of Military Records.

To give you the sense of the thoroughness of these investigations, I have before me the volumes that constitute the Joint Congressional Committee's final report that compiles many of these studies.

I think they demonstrate, beyond question, the thoroughness with which the investigation had proceeded.

The findings of these official reports can be summarized as four principal points.

First, there is ample evidence that the Hawaiian commanders were not provided vital intelligence that they needed, and that was available in Washington prior to the attack on Pearl Harbor.

Second, the disposition of forces in Hawaii were proper and consistent with the information made available to Admiral Kimmel and General Short.

In my review of this fundamental point, I was most struck by the honor and integrity demonstrated by General George Marshall who was Army Chief of Staff at the time of the December 7, 1941 attack on Pearl Harbor.

On November 27 of that year, General Short interpreted a vaguely written war warning message sent from the high command in Washington as suggesting the need to defend against sabotage. Consequently, he concentrated his aircraft away from perimeter roads to protect them, thus inadvertently increasing their vulnerability to air attack. When he reported his preparations to the General Staff in Washington, the General Staff took no steps to clarify the reality of the situation.

In 1946, before a Joint Congressional Committee on the Pearl Harbor disaster, General Marshall testified that he was responsible for ensuring the proper disposition of General Short's forces. He acknowledged that he must have received General Short's report, which would have been his opportunity to issue a corrective message, and that he failed to do so.

Mr. President, General Marshall's integrity and sense of responsibility is a model for all of us. I only wish it had been able to have greater influence over the case of Admiral Kimmel and General Short.

A third theme of these investigations concerned the failure of the Department of War and the Department of the Navy to properly manage the flow of intelligence. The 1995 Department of Defense report stated that the handling of intelligence in Washington during the time leading up to the attack on Pearl Harbor was characterized by, among other faults, ineptitude, limited coordination, ambiguous language, and lack of clarification and follow-up.

The fourth and most important theme that permeates the aforementioned reports is that blame for the disaster at Pearl Harbor cannot be placed only upon the Hawaiian commanders. They all underscored significant failures and shortcomings of the senior authorities in Washington that contributed significantly—if not predominantly—to the success of the surprise attack on Pearl Harbor.

The 1995 Department of Defense report put it best, stating that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared."

This is an important quote. It shows that the Department of Defense recognizes that these two commanders should not be singled out for blame. Yet, still today on this issue, our government's words do not match its actions.

Kimmel and Short remain the only two officials who have been forced to pay a price for the disaster at Pearl Harbor.

Let me add one poignant fact about the two wartime investigations. Their conclusions—that Kimmel's and Short's forces had been properly disposed according to the information available to them and that their superiors had failed to share important intelligence—were kept secret on the grounds that making them public would have been detrimental to the war effort.

Be that as it may, there is no longer any reason to perpetuate the cruel myth that Kimmel and Short were singularly responsible for the disaster at Pearl Harbor. Admiral Spruance, one of our great naval commanders of World War II, shares this view. He put it this way:

"I have always felt that Kimmel and Short were held responsible for Pearl Harbor in order that the American people might have no reason to lose confidence in their government in Washington. This was probably justifiable under the circumstances at that time, but it does not justify forever damning those two fine officers."

Mr. President, to do so is not only unfair, it tarnishes our nation's military honor.

Mr. President, this sense of the Senate has been endorsed by countless military officers, including those who have served at the highest levels of command. These include former Chairmen of the Joint Chiefs of Staff Admiral Thomas H. Moorer and Admiral William J. Crowe, and former Chiefs of Naval Operations Admiral J.L. Holloway III, Admiral Elmo R. Zumwalt and Admiral Carlisle A.H. Trost.

Moreover a number of public organizations have called for posthumous advancement of Kimmel and Short. Last August, the VFW passed a resolution calling for the advancement of Admiral Kimmel and General Short.

Let me add that Senator Robert Dole, one of our most distinguished colleagues and a veteran who served heroically in World Warr II, has also endorsed this sense of the Senate resolution.

This resolution now in amendment form is about justice, equity, and honor. Its purpose is to redress an historic wrong, to ensure that Admiral Kimmel and General Short are treated with the dignity and honor they deserve, and to ensure that justice and fairness fully permeate the memory and lessons learned from the catastrophe at Pearl Harbor.

As we approach Memorial Day and prepare to honor those who served to protect our great nation, it is a most appropriate time to redress this injustice. After 58 years, this correction is long overdue. I urge my colleagues to support this joint resolution.

Mr. President, I ask unanimous consent that a number of exhibits be printed in the RECORD, including a statement from the Veterans of Foreign Wars, including a resolution adopted by the Veterans of Foreign Wars, a letter from several distinguished admirals of the U.S. Navy who are alive and sent this to us comparatively recently, likewise a letter from the Pearl Harbor Survivors Association, Inc., and finally a copy of the letter from Senator Bob Dole to myself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: All Members of the United States Senate 105th U.S. Congress

From: Thomas A. Pouliot, Commander-in-Chief Veterans of Foreign Wars of the United States

Date: 28 September 1998.

On August 31, 1998, the delegates to 99th National Convention of the Veterans of Foreign Wars of the United States unanimously approved Resolution Number 441, "Restore Pre-Attack Ranks to Admiral Husband E. Kimmel and General Walter C. Short." A copy of VFW Resolution Number 441 is attached for your review.

Based on our resolution and a review of S.J. Res. 55, we believe the goals of both the Senate and VFW resolutions are similar and consistent.

Therefore, we strongly endorse this bill and ask that the Senate remove the burden of guilt for the attack on Pearl Harbor from the shoulders of Admiral Kimmel and General Short.

Respectfully,

THOMAS A. POULIOT,
Commander-in-Chief.

VETERANS OF FOREIGN WARS OF THE
UNITED STATES,
Washington, DC, June 25, 1998.

Hon. WILLIAM S. COHEN,
The Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: Last month, Senators JOE BIDEN and WILLIAM ROTH of Delaware sent a letter urging you to recommend to the President that Admiral Husband Kimmel and General Walter Short be advanced posthumously to their wartime ranks of four star Admiral and Lieutenant General respectively.

The Veterans of Foreign Wars of the United States supports the recommendation of Senators BIDEN and ROTH, and asks that you consider their request.

Thank you for your consideration.

Sincerely,

JOHN E. MOON,
Commander-in-Chief.

RESOLUTION NO. 441—RESTORE PRE-ATTACK RANKS TO ADMIRAL HUSBAND E. KIMMEL AND GENERAL WALTER C. SHORT

Whereas, Admiral Husband E. Kimmel and General Walter C. Short were the Commanders of Record for the Navy and Army Forces at Pearl Harbor, Hawaii, on December 7, 1941, when the Japanese Imperial Navy launched its attack; and

Whereas, following the attack, President Franklin D. Roosevelt appointed Supreme Court Justice Owen J. Roberts to a commission to investigate such incident to determine if there had been any dereliction to duty; and

Whereas, the Roberts Commission conducted a rushed investigation in only five weeks. It charged Admiral Kimmel and General Short with dereliction of their duty. The findings were made public to the world; and

Whereas, the dereliction of duty charge destroyed the honor and reputations of both Admiral Kimmel and General Short, and due to the urgency neither man was given the opportunity to defend himself against the accusation of dereliction of duty; and

Whereas, other investigations showed that there was no basis for the dereliction of duty charges, and a Congressional investigation in 1946 made specific findings that neither Admiral Kimmel nor General Short had been "derelict in his duty" at the time of the bombing of Pearl Harbor; and

Whereas, it has been documented that the United States military had broken the Japanese codes in 1941. With the use of a cryptic machine known as "Magic," the military was able to decipher the Japanese diplomatic code known as "Purple" and the military code known as JN-25. The final part of the diplomatic message that told of the attack on Pearl Harbor was received on December 6, 1941. With this vital information in hand, no warning was dispatched to Admiral Kimmel or General Short to provide sufficient time to defend Pearl Harbor in the proper manner; and

Whereas, it was not until after the tenth investigation of the attack on Pearl Harbor was completed in December of 1995 that the United States Government acknowledge in the report of Under Secretary of Defense Edwin S. Dorn that Admiral Kimmel and General Short were not solely responsible for the disaster, but that responsibility must be broadly shared; and

Whereas, at this time the American public has been deceived for the past fifty-six years regarding the unfound charge of dereliction of duty against two fine military officers whose reputations and honor have been tarnished; now, therefore

Be It Resolved, by the Veterans of Foreign Wars of the United States, that we urge the President of the United States to restore the honor and reputations of Admiral Husband E. Kimmel and General Walter C. Short.

* * * * *

To: Honorable Members of the United States Senate.

From: Thomas H. Moorer, Admiral, U.S. Navy (Ret.), Former Chairman, Joint Chiefs of Staff, Former Chief of Naval Operations; J.L. Holloway III, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations; William J. Crowe, Admiral, U.S. Navy (Ret.), Former Chairman, Joint Chiefs of Staff; Elmo R. Zumwalt, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations; Carlisle A.H. Trost, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations.

Re: The Honor and Reputations of Admiral Husband Kimmel and General Walter Short.

DEAR SENATOR: We ask that the honor and reputations of two fine officers who dedicated themselves to the service of their country be restored. Admiral Husband Kimmel and General Walter Short were singularly scapegoated as responsible for the success of the Japanese attack on Pearl Harbor December 7, 1941. The time is long overdue to reverse this inequity and treat Admiral Kimmel and General Short fairly and justly. The appropriate vehicle for that is the current Roth-Biden Resolution.

The Resolution calls for the posthumous advancement on the retired list of Admiral Kimmel and General Short to their highest WWII wartime ranks of four-star admiral and three-star general as provided by the Officer Personnel Act of 1947. They are the only two eligible officers who have been singled out for exclusion from that privilege; all other eligible officers have been so privileged.

We urge you to support this Resolution.

We are career military officers who have served over a period of several decades and through several wartime eras in the capacities of Chairman, Joint Chiefs of Staff and/or Chief of Naval Operations. Each of us is familiar with the circumstances leading up to the attack on Pearl Harbor.

We are unanimous in our conviction that Admiral Husband Kimmel and General Walter Short were not responsible for the success of that attack, and that the fault lay with the command structure at the seat of government in Washington. The Roth-Biden Resolution details specifics of this case and requests the President of the United States to nominate Kimmel and Short for appropriate advancement in rank.

As many of you know, Admiral Kimmel and General Short were the Hawaiian Commanders in charge of naval and ground forces on Hawaii at the time of the Japanese attack. After a hurried investigation in January, 1942 they were charged with having been "derelict in their duty" and given no opportunity to refute that charge which was publicized throughout the country.

As a result, many today believe the "dereliction" charge to be true despite the fact that a Naval Court of Inquiry exonerated Admiral Kimmel of blame; a Joint Congressional Committee specifically found that neither had been derelict in his duty; a four-to-one majority of the members of a Board for the Correction of Military Records in the Department of the Army found that General Short had been "unjustly held responsible" and recommended his advancement to the rank of lieutenant general on the retired list.

This injustice has been perpetuated for more than half a century by their sole exclusion from the privilege of the Act mentioned above.

As professional military officers we support in the strongest terms the concept of holding commanders accountable for the performance of their forces. We are equally strong in our belief in the fundamental American principle of justice for all Americans, regardless of creed, color, status or rank. In other words, we believe strongly in fairness.

These two principles must be applied to the specific facts of a given situation. History as well as innumerable investigations have proven beyond any question that Admiral Kimmel and General Short were not responsible for the Pearl Harbor disaster. And we submit that where there is no responsibility there can be no accountability.

But as a military principle—both practical and moral—the dynamic of accountability works in both directions along the vertical line known as the chain of command. In view of the facts presented in the Roth-Biden Resolution and below—with special reference to the fact that essential and critical intelligence information was withheld from the Hawaiian Commanders despite the commitment of the command structure to provide that information to them—we submit that while the Hawaiian commanders were as responsible and accountable as anyone could have been given the circumstances, their superiors in Washington were sadly and tragically lacking in both of these leadership commitments.

A review of the historical facts available on the subject of the attack on Pearl Harbor demonstrates that these officers were not treated fairly.

1. They accomplished all that anyone could have with the support provided by their superiors in terms of operating forces (ships and aircraft) and information (instructions and intelligence). Their disposition of forces, in view of the information made available to them by the command structure in Washington, was reasonable and appropriate.

2. Admiral Kimmel was told of the capabilities of U.S. intelligence (MAGIC, the code-breaking capability of PURPLE and other Japanese codes) and he was promised he could rely on adequate warning of any attack based on this special intelligence capability. Both Commanders rightfully operated under the impression, and with the assurance, that they were receiving the necessary intelligence information to fulfill their responsibilities.

3. Historical information now available in the public domain through declassified files, and post-war statements of many officers involved, clearly demonstrate that vital information was routinely withheld from both commanders. For example, the "Bomb Plot" message and subsequent reporting orders from Tokyo to Japanese agents in Hawaii as to location, types and number of warships, and their replies to Tokyo.

4. The code-breaking intelligence of PURPLE did provide warning of an attack on Pearl Harbor, but the Hawaiian Commanders were not informed. Whether deliberate or for some other reason should make no difference, have no bearing. These officers did not get the support and warnings they were promised.

5. The fault was not theirs. It lay in Washington.

We urge you, as Members of the United States Senate, to take a leadership role in assuring justice for two military careerists who were willing to fight and die for their country, but not to be humiliated by its government. We believe that the American people—with their national characteristic of fair play—would want the record set straight. Thank you.

Respectfully,

ADM. THOMAS H. MOORER.
ADM. WILLIAM J. CROWE.
ADM. J.L. HOLLOWAY III.
ADM. ELMO R. ZUMWALT.
ADM. CARLISLE A.H. TROST.

PEARL HARBOR SURVIVORS ASSOCIATION, INC.
Lancaster, CA, January 14, 1991.

Re: Resolution No. 6.

EDWARD R. KIMMEL,
Wilmington, DE.

DEAR MR. KIMMEL: I am writing to you in regards to the resolution that we of the Pearl Harbor Survivors Association, Inc. passed at our National Convention in Albuquerque, NM. this past December 6, 1990.

Subject: A resolution to restore the full wartime rank of Adm. Kimmel and Gen. Short, (posthumously).

Whereas: Following the surprise Japanese attack on Pearl Harbor December 7, 1941 the two officers in command of U.S. armed forces at Pearl Harbor, Admiral Husband E. Kimmel (Pacific Fleet Commander) and Lieutenant General Walter C. Short (Hawaii Army Commander) were retired in "permanent grade" from their respective branches of the armed forces.

Whereas: At the time of the attack Admiral Kimmel was serving in a temporary appointment as full Admiral (four stars) but was retired as Rear Admiral (two stars), his permanent grade.

Whereas: At the time of the attack, Lieutenant General Short was serving in a temporary appointment as Lieutenant General (three stars) but was retired as a Major General (two stars), his permanent grade.

Whereas: In 1947 provisions were enacted in the laws governing retirement from the armed forces which permitted officers who had temporarily served in a higher rank to be advanced on the retired list to that higher rank, without benefit of higher pay, when recommended for such advancement by the Secretary of Defense and approved by the President of the United States and concurred in by the Senate.

Whereas: Recently published historical writings and film documentaries established that Admiral Kimmel and General Short were unjustly made scapegoats for the success of the surprise attack on Pearl Harbor and other military installations on Oahu on December 7, 1941.

Whereas: At its National Convention in December 1984 at Grossingers Resort in New York State, the Pearl Harbor Survivors Association, Inc. representing voices of the time, unanimously passed a resolution honoring the memory of Admiral Kimmel and General Short and praising them for having single-handedly shouldered the full blame for the disaster at Pearl Harbor when, in fact, others, and the whole nation should have shared the burden.

Whereas: The terms of the 1984 resolution were fulfilled at the PHSA 45th reunion in Hawaii in December, 1986 when these officers' nearest living next-of-kin were presented beautifully inscribed plaques honoring Admiral Kimmel and General Short with an expression of admiration and respect.

Resolved: (1) That the Pearl Harbor Survivors Association urges the Secretary of Defense to recommend to the President of the United States that he nominate Rear Admiral Husband E. Kimmel (Retired) (Deceased) for posthumous promotion to the rank of full Admiral on the list of retired naval officers and Major General Walter C. Short (Retired) (Deceased) for posthumous promotion to the rank of Lieutenant General on the list of retired army officers, these ranks being the highest in which these officers served while on active duty in the armed forces of the United States in 1941.

Resolved further: (2) That the Pearl Harbor Survivors Association urges the President of the United States to make the aforedescribed nominations and send them to the Senate of the United States for its advice and consent with the recommendation that they be favorably acted upon by that body.

Resolved further: (3) That the Pearl Harbor Survivors Association, Inc. urges the Senate of the United States to give its advice and consent to the aforementioned nominations.

Resolved further: (4) That the Secretary of the Pearl Harbor Survivors Association, Inc. forward copies of these resolutions to the Secretary of Defense, the President of the United States, the Secretary of the U.S. Senate, and to the Chairman and each member of the Senate Armed Forces Committee.

Submitted by Alex D. Cobb, Jr.

We the officers of the Association are now in the process of complying with the above resolution and hopefully will have it in place for the 50th Anniversary of Pearl Harbor.

If I can be of further help please feel free to contact me.

Sincerely,

KENNETH R. CREESE,
National Secretary.

SENATOR BOB DOLE
Washington, DC, March 11, 1999.
Hon. WILLIAM V. ROTH, JR.,
Hart Senate Office Building,
Washington, DC.

DEAR BILL: I will join my voice with yours in support of the Kimmel-Short Resolution of 1999.

The responsibility for the Pearl Harbor disaster should be shared by many. In light of the more recent disclosures of withheld information Admiral Kimmel and Lieutenant General Short should have had, I agree these two commanders have been unjustly stigmatized.

Please keep me informed of the progress of this resolution.

Sincerely,

BOB DOLE.

The PRESIDING OFFICER. The senior Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the amendment sponsored by my friends from Delaware—Senators ROTH and BIDEN.

Admiral Husband E. Kimmel and General Walter C. Short were both unfairly maligned for their roles during the invasion of Pearl Harbor. They were blamed for not anticipating nor being prepared for the attack. Admiral Kimmel was commander of U.S. forces in the Pacific, and General Short was commander of U.S. Army forces. The overwhelming consensus of the academic community and retired flag officers, most notably naval officers, concur that history must be set straight in this matter.

Admiral Kimmel and General Short are, in my opinion, the two final victims of Pearl Harbor. Both officers were relieved of their commands, their careers and reputations destroyed after being blamed for negligence and dereliction of duty. These men were doing their duty to the best of their ability, and without full cooperation from superiors in their chain-of-command. Despite the fact that the charge of dereliction of duty was never proved, that charge still exists in the minds of many people.

Surprisingly, almost everyone above these two officers escaped censure. Yet, we know now that civilian and military officials in Washington withheld vital intelligence information which could have more fully alerted the field commanders to their imminent peril.

In judging Admiral Kimmel and General Short, the following facts have been repeatedly substantiated, but wrongfully and continually ignored:

The intelligence made available to the Pearl Harbor commanders was not sufficient to justify a higher level of vigilance than was maintained prior to the attack.

Neither officer knew of the decoded intelligence in Washington indicating the Japanese had identified the United States as an enemy.

Both commanders were assured by their superiors they were getting the best intelligence available at the time.

There were no prudent defensive options available for the officers that would have significantly affected the outcome of the attack.

Military, governmental and congressional investigations have provided clear evidence that these two commanders were singled out for blame that should have been widely shared.

In 1995, I held an in-depth meeting to review this matter which included the officers' families, historians, experts and retired high-ranking military officers, who all testified in favor of the two commanders.

In response to this review, Under Defense Secretary Edwin Dorn's subsequent report disclosed officially—for the first time—that blame should be "broadly shared." The Dorn Report stated members of the high command in Washington were privy to intercepted Japanese messages that in their totality ". . . pointed strongly toward an attack on Pearl Harbor on the 7th of December, 1941 . . ." and that this intelligence was never sent to the Hawaiian commanders.

The Dorn Report went so far as to characterize the handling of critically important decoded Japanese messages in Washington as revealing "ineptitude . . . unwarranted assumptions and misestimates, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels."

They are eligible for this advancement in rank by token of the Officer Personnel Act of 1947, which authorizes retirement at highest wartime rank. All eligible officers have benefitted. All except for two: Admiral Kimmel and General Short. This advancement in rank would officially vindicate them. No retroactive pay would be involved.

The posthumous promotion of Admiral Kimmel and General Short will be a small step in restoring honor to these men.

It is time for Congress and the Administration to step forward and do the right thing.

I urge adoption of the amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with great reluctance, I oppose this amendment. I do so based on some independent study that I have made, and indeed, I guess, throughout my lifetime. I had a very, very modest period of active service at the end of World War II in 1945 for a period of about 15 or 18 months. I can't remember now.

Anyway, I lived my lifetime through this period of history. Therefore, all of my active service in that period was here in the United States, preparing to join others of my generation for the invasion of Japan, which I thank the Dear Lord did not take place.

I have gone through enough of this material to satisfy me that what we are faced with here is one generation trying to provide revisionist history upon another. That is, in my judgment, unwise, and it could well promote many other meritorious cases during that period of history—and who knows, going way back in history—to be brought to this Congress for similar rectification or whatever the petition may say.

The records show that the request by my two distinguished esteemed colleagues initiated correspondence beginning in 1994—that is roughly 5 years ago. Secretary Perry on 7, September, 1994; again on 22 November, 1994; President Reagan, 1, December, 1994; Deputy Secretary John Deutch, 10, December, 1994; Perry, 5 March, 1995; Deutch, 24 March of 1995; the Dorn Report on 6, October, 1995; Deputy Secretary Defense John White, December of 1995; Secretary Cohen here in 18, November, 1997; and P&R de Leon, on 20, July, 1998.

In other words, for 5 years the Department of Defense has devoted a good deal of time and effort to try—I presume and I certainly assume—to make an objective analysis of all of these letters, and have turned down the various requests from my two senior colleagues.

First, I ask my distinguished colleague from Delaware, because I look at this very imposing collection of documents and I reflect on the number of inquiries that have been held throughout history, these are the inquiries that have been held regarding these two officers and their association with the tragic losses of men, women, and assets of the United States on December 7, 1941.

We start with the Knox Investigation, December 9 through 14, in 1941. That was followed by the Roberts Commission, December 18 through January 23, 1942; the Hart Investigation, February 12 through June 15 of 1944; the Army Pearl Harbor Board, July 20 through October 20, 1944; Navy Court of Inquiry, July 24 through October 19, 1944; the Clark Investigation, August 4 through September 20, 1944; the Hewitt Inquiry, May 14 through July 11, 1945; the Clausen Investigation, January 24 through September 12, 1945; the Joint Congressional Committee, November 15 through May 23, 1945.

Based on the results of all those investigations, Secretary of Defense Cohen wrote to Senator THURMOND and presumably Senator ROTH. He said:

DEAR MR. CHAIRMAN: Thank you for your interest in exonerating the names of Admiral Kimmel and General Short. In the years since the fateful events at Pearl Harbor there have been numerous formal investigations of the events leading up to the attack, including sharp debate over our state of readiness at the time.

While Under Secretary of Defense for Personnel and Readiness, Mr. Edwin Dorn conduced a thorough review of this issue in 1995. He carefully considered the information contained in nine previous formal investigations, visited Pearl Harbor and personally

> met with the Kimmel and Short families. His conclusion was that responsibility for the Pearl Harbor disaster must be broadly shared, but that the record does not show that advancement of Admiral Kimmel and General Short on the retired list is warranted.
>
> I appreciate the fact that the overwhelming consensus of the organizations and personnel mentioned in your letter recommend exoneration of Admiral Kimmel and General Short. Absent significant new information, however, I do not believe it is appropriate to order another review of this matter.
>
> Ed Dorn and I both agree that responsibility for this tragic event in American history must be broadly shared, yet I remain confident in the findings that Admiral Kimmel and General Short remain accountable in their positions as leaders.

The first question to my distinguished colleague, this amendment would have the effect of no longer holding them accountable for this tragedy. If that be the case, who is to be held accountable for this tragedy?

Mr. ROTH. I point out to my distinguished colleague that first of all, the Dorn Report makes the very clear finding that responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short. It should be broadly shared.

When it says it should be broadly shared, it seems to me it is saying in effect that all of those who had any responsibility for the act should be treated the same. That is basically what we are saying here. These two distinguished gentlemen gave a lifetime of service to their country with distinction. There are many factors that were shown in the other investigations: That they did not have the intelligence, they did not have the information that they were entitled to if they were going to properly discharge their responsibility.

We are not saying here that they were not partly responsible, but they were no more responsible than other leaders in Washington. To me, it is unfair, inequitable and not in the tradition of the military to treat two individuals differently from others.

This is not an effort of a younger generation trying to correct what we think is an unfair situation. I, like the distinguished chairman of the Armed Services Committee, served in World War II with the military. I just think it is only right, it is only just that we treat them exactly the same and let them be promoted to their higher wartime ranks.

There is a responsibility, accountability, among many. Any number of these studies clearly showed that a large part of that responsibility was in Washington.

All we are asking is, let's treat all these people alike—fair and with justice.

Mr. WARNER. Mr. President, I think the Senator has raised a very key point. That is, equality of treatment. First, the Dorn Report specifically said that they—Kimmel and Short—do bear part of the responsibility. We are in agreement on that.

Mr. ROTH. Yes.

Mr. WARNER. Can the Senator point to any of the investigations that I recited, beginning back in 1941, which in any way, totally or otherwise, exonerated Kimmel or Short?

Mr. ROTH. There were some findings that because of the lack of intelligence, they were not advised of the most up-to-date information that Washington had; they were not at fault.

As a matter of fact, the finding was made that their disposition based on the information they had was appropriate and proper.

Mr. WARNER. Mr. President, before we leave that point, if none of these reports that I recited—some nine in number which had before them live witnesses, clarity of mind and clarity of recollection—did not exonerate these officers, then why should we now at this late date in history try to make a different finding? There could have been other officers who possibly were not advanced in rank. You cite they should be treated equally. How do I know there are not other officers, Army and Navy, who were not advanced in rank because they bore part of the responsibility for this tragedy? So, when you ask for equality, it would seem to me you would have to come forth with all the cases of all those who bore part of the responsibility and show that they were treated differently than Kimmel and Short.

Mr. ROTH. With all due deference to my colleague, that is hypothetical. It is possible that somewhere someone was mistreated. But those facts are not before us. I am not aware of any such charges.

But here we have two individuals about whom many different people agree, from those like Bob Dole, who served with great distinction, from the admirals who were in command, both of the Navy and our military forces, all coming forward with the recommendation that, to be fair, these two individuals should be advanced to their highest wartime rank.

The point the Senator is making is true in life. Many times lawsuits are brought but you cannot, in settling that lawsuit, with the individuals before you—you are not going to solve all the problems of mankind because you only have the facts of those you are considering. Our resolution is a follow-through for two individuals, about whom, time and time again, it was said they served with distinction.

Mr. WARNER. But the Senator said let's treat these two individuals equally with others who bear part of the responsibility—a reasonable request. But I would want to know beforehand, who are the others? How were they treated? Was their treatment commensurate with what the Senator asked for tonight?

Mr. ROTH. No one of whom I am aware, who served in World War II at the time of Pearl Harbor and had any responsibility in Washington, was held accountable and given less rank.

General George Marshall admitted that he had a responsibility, but I do not think anyone suggested, or would want to suggest, that he should have been penalized.

Mr. WARNER. Mr. President, I am primarily concerned with the junior officers in the command of the Army in Hawaii, the command of the Navy in Hawaii. There may have been a number of officers and, indeed, enlisted men—say an intelligence officer. There was a good deal of intelligence out there that the situation was getting very serious, and I will refer to that momentarily. But how do I know their careers were not impeded? They may not have been general officers or flag officers of the U.S. Navy. But whether they were lieutenants or commanders, their careers may well have been blocked. There may be relatives out here and descendants of those officers who feel just as strongly as to the punishment that was meted out to their grandparents or whatever the case may be.

If you are going to open up a case like this, it seems to me it is in the nature of a class action: Let everybody come forward.

Mr. ROTH. I say to the good chairman, the others have not presented the case. These individuals, their families, have tried to correct what I think is a serious wrong. Again, all I can say is that rare is it that by one stroke of action you correct all inequities, all injustices. But here we have two individuals who were scapegoated. Let's face it. They needed to blame somebody. I think as a matter of fact the Roberts investigation was not known for the legal jurisprudence with which it was conducted.

I believe, in fairness to these individuals, the record ought to be set straight. They served their country with great distinction through the years. Disaster occurred at Pearl Harbor, but they alone cannot be held responsible. Most of these reports will admit that. The others were permitted to rise to their highest rank, and I just say as a matter of justice——

Mr. WARNER. Mr. President, we do not know. You make an assumption that others were allowed to rise to their highest rank. I do not know that. There is no evidence before the Senate tonight.

This is but one of, what? How many volumes here? The hearings before the Joint Committee on the Investigation of Pearl Harbor, U.S. Congress, 1945, I count, what, 15 volumes here? To me, that is thoroughness of an investigation. I mean, document after document, page after page in which—let's see, how many Members of Congress, if they list the committee here? I do not see on this volume, but perhaps it is in others, how many Members of Congress were involved. Usually they list them.

How many Members were involved, does the Senator know?

Mr. ROTH. Let me say this. What I do know, as far as the record shows, only two officers were penalized, were punished.

Mr. WARNER. Mr. President, what record does the Senator speak of, that shows only two? Is there any record that shows only two officers in the U.S. military were ever penalized?

Mr. ROTH. No. But to me it is the same sort of thing. You are in a law case. Can you talk about the others who may be involved in the same kind of a problem? We are only trying to correct what I think are two serious cases.

Let me point out any number of distinguished groups and organizations who have come out in support.

Mr. WARNER. The Senator has recited them. Certainly, I accept that for the record. I also commend your able assistant, Mr. Brzezinski here, who has worked tirelessly on this for several years and done the research. But let me ask you this question. We are both lawyers; we spent years in courtrooms. What new evidence do you bring before the Senate tonight to ask for a reversal of some nine different boards and commissions that have reviewed this over a period of these many years? What new evidence do you bring in support of your petition?

Mr. ROTH. It really is not a question, I say to my colleague, of new evidence. The evidence has been there for many years, since 1944, when investigations were made both by the Army and Navy. Time and again, it has been found that these two individuals were not the only ones responsible. Admittedly, they share blame with others. But everybody else in the Service was permitted to keep their rank or raised to their highest.

Mr. WARNER. Mr. President, we do not know that as a fact. The Senator keeps repeating everyone else was allowed to advance. I do not see anything before me.

Mr. ROTH. I say, to the contrary, what is the evidence that there are others? Theoretically, you keep saying there are others. Who are they?

Mr. WARNER. Look at the Dorn report. I would like to refer to that at some point here. Let's just go over the Dorn report. This is a very comprehensive analysis by the Department of Defense over a considerable period of months. I would like to refer to some of their findings.

First, that these officers did receive warning messages on November 27, stating that Japan might take hostile action at any moment. Kimmel and Short concluded the attack would occur in the western Pacific and not Hawaii.

That was apparently their independent judgment.

The Army and Navy were separate departments reporting directly to the President. There is a question about the collaboration of these two senior officers on the islands of Hawaii.

Lack of mission discussion between Kimmel and Short on defense plans for Hawaii and long-range air patrols—in other words, they had not collaborated to coordinate the assets of the United States as a deterrent, or indeed a defense against any attack on which they had warning on November 27. Kimmel and Short did not share their internal intelligence with each other. That, to me, is a very troubling fact.

Just to say, as this report does, that responsibility is broadly shared does not absolve Kimmel and Short of accountability for this action to some degree. For example, the commander has plenary, that is, full, complete, and absolute, responsibility for the welfare of the people under his command and is directly accountable for everything the unit does or fails to do. That is legendary in military history.

Even in the Navy, there are cases where the captain was in his quarters, properly, perhaps, taking a rest and arose with the ship, and there are hundreds of cases where he is held accountable, even though he was not on the bridge at the time.

Three- and four-star positions are listed as positions of importance and responsibility. Both commanders made errors in judgment. The most serious ones were failure to establish a state of readiness in light of warnings received and to liaison between the two commands, i.e., Army and Navy, and to coordinate defensive measures and to maintain effective reconnaissance. Intelligence available to Kimmel and Short was sufficient to justify a higher level of vigilance than was maintained. An officer may be relieved of command if a superior decides the officer has failed to exercise sound judgment. And that is precisely what was done in this case.

The Senator points out that history does show, facts and mitigation, that responsibility was shared in Washington for failure to communicate on a timely basis some intelligence, but it does not absolve them from taking prudent actions as field commanders at a time of very high tension. That is the point I make. Indeed, those facts may have been the mitigating facts that these men were not actually court-martialed and incarcerated for this tragedy. This was an absolute, at the time, frightful blow against the United States of America. All of us have seen the pictures, and we know the history well. That is why it concerns me to try this revisionist action at this late date.

Relief does not require a finding of misconduct or unsatisfactory performance, merely a loss of confidence with regard to the specific command in question. There is a vast difference between a degree of fault which warrants court-martial action and a level of performance which warrants removal of command.

Promotion is based on potential and not past performance. That is, promotion is based on expectation of performance to the level at which the individual is being considered for promotion. Posthumous advancement in rank would be based on the judgment that, at a minimum, they had served satisfactorily at the three- and four-star level. Their superiors at the time decided they had not, and there is no compelling basis to contradict this earlier decision, made at a time when there were live witnesses and clarity of memory in the minds of many.

There may be a debate as to fairness and justice, but there can be no argument about the legitimacy of those who exercised their power for relief in retirement. The official treatment—this report goes on—of Kimmel and Short was subsequently temperate and procedurally proper; mention of court-martial but no charges brought; some allegations that there was no court-martial because the Government feared bringing charges would implicate other senior military and civilian leaders; could also be there were sufficient grounds for successful court-martial prosecution.

Mr. President, there is no new evidence before the Senate tonight. I would like to go on. I am going to put this in the RECORD. Is there some other point the Senator wishes to make? If I understand—you have been very forthright—there has been no new evidence. So what we are really doing is trying to exercise fair and impartial judgment by giving our own independent assessment of facts that were deduced in a timely manner in the period of 1941 to, say, 1946. That is the conclusion of this congressional review.

Now we are determining from those facts which were deduced at the time of clarity of memory and presumably many witnesses who testified before the Congress. We are now asked to make this important decision which is tantamount, in the minds of many Americans, to exonerating totally these two officers from any misconduct or dereliction of duty at the time of Pearl Harbor. I just simply cannot go along with that, I say to the Senator.

First, again, there are no new facts. We are agreed on that.

Mr. ROTH. The issue is not the question of new facts. The issue is the question of fairness. I believe that is as critically important today as it was at the time it occurred. The record is clear that these individuals, General Short and Admiral Kimmel, did not have the intelligence information available at the time that would have enabled them to better address the challenge from the Japanese.

Mr. WARNER. May I ask, is that fact not borne out in many of these hearings that were held in the period of 1941 to 1946? My recollection is that that was always presented at that time, or at least certainly in the congressional one when the war was over.

Mr. ROTH. To me, it is just a difference, I guess, in approach. If you take the position that it happened in the past and it should not be changed, I think that is wrong. I think there is a strong case that these individuals were not treated fairly. The President was given authority under the 1947 act to raise any retired flag officer to the rank——

Mr. WARNER. Mr. President, I remember it well. The Senator will recall we referred to it, those of us down in the ranks, as the tombstone promotion; am I not correct?

Mr. ROTH. That is correct.

Mr. WARNER. That shows our vintage.

Mr. ROTH. I just think it is not fair to these individuals, to their reputation. Admittedly, even the Dorn report makes all kinds of conclusions that they did not have the information to which they were entitled, that others shared in the responsibility for what happened.

In this country, in the tradition of the military—and I am not a professional soldier, although I did have the pleasure of serving several years in the military——

Mr. WARNER. Mr. President, I might say, with distinction; a fine officer.

Mr. ROTH. I appreciate that. I think the important thing is to show that in our country, individuals who were not treated equitably, the record can be set straight.

Mr. WARNER. On that point, so the Senator's argument tonight is one of fairness. But I say to him, if the Senate were to go along with him, implicitly it would say that all of these reports involving hundreds of conscientious men and perhaps women who were on these boards, some seven or eight boards, were unfair.

Mr. ROTH. I go back to the fact, it was the President who decided in the 1947 act not to raise them to their wartime ranks. I think it is a rank injustice. I think it is a blot on the history of World War II. There are many people one can probably point out who said this, that, or the other.

Here were two gentlemen, one an admiral who had been in command, a naval CO, who was in charge in Hawaii. General Short was in command of the Army Hawaiian department. They did not have the intelligence.

One has to remember, in a time of war and stress, one of the concerns was that the country was so shocked by what took place in Hawaii that there was concern over what would be the reaction of the American people. Even though they were found innocent of dereliction of duty, that did not become public information, for the simple reason they wanted to make certain that the American people supported the efforts of this country and more. That was kept secret indefinitely, until 1947, at which time it came out.

But I know the chairman is a fair man. I admire him greatly. I know there are those in the military saying: Well, don't go back and change now. Let history judge. I just think it is unfair to these individuals who did serve with excellence, who did serve with distinction, to be penalized when they were the only two.

Mr. WARNER. But, Senator, what do you say to all of these people—I wish we had a volume here that showed how many Members of Congress participated? Perhaps you can provide that. I do not know how many sat on all the boards that Frank Knox had. I recited all of them here, but I did serve in the Department of Navy as an Under Secretary for 5-plus years.

Mr. ROTH. With great distinction.

Mr. WARNER. I am not so sure, but you are nice to say it. It was a challenge. I was privileged and humbled to do so.

But my point is, a naval court of inquiry, that is usually about 9 or 10 officers certainly for a matter of this importance. All of these investigations involved, I think, at a minimum 10 or 12 people, not to mention all the staffs on both sides. I am sure they had the opportunity for these two officers to make known their own views and to turn over all of the investigations and say that they did not act fairly towards these two men.

Here we are, here in May of 1999, with no new evidence. I do not have the records of all these boards. I suppose somebody has gone through them. And Mr. Brzezinski maybe has.

Could I ask, have you got an estimate of how many persons were involved in all these boards which rendered a judgment that these two men must be held accountable for this tragedy at Pearl Harbor? Does anyone have an estimate of how many Members of Congress?

Mr. ROTH. I think the point is that in these investigations, the purpose of them was not to determine who was accountable but, rather, it was a statement of fact. But, again, let me underscore. You keep coming back and saying: Why should we be looking at it today?

I think that is what makes this country different. If there is a wrong, an error, it is never too late to correct it.

Here we have a case where these individuals were found not to be solely responsible for the attack on Pearl Harbor. As a matter of fact, there were findings in agreement that many in Washington played a key role. Most persuasive to me is the fact that the intelligence they needed to address the attack was not made available to them, yet they are the ones who were denied promotion. The only two.

Mr. WARNER. But you don't know that. I don't know that. There is no record before us to show that these were the only two men who were treated unfairly. You come back to that.

Mr. ROTH. We do know——

Mr. WARNER. I reject that argument.

Mr. ROTH. You reject the argument, but you give me no names. Who else was involved? These are the two who many distinguished former officers of the service, of the Navy, of the Army, the Veterans of Foreign Wars, find this is unfairly treating these individuals. I am merely trying to correct a wrong. I recognize different people—I think we are both fair minded, to be honest. We just happen to disagree.

Mr. WARNER. All right. You want to correct. On what basis do you correct other than the palpitations of your heart?

Mr. ROTH. Because of the fact that——

Mr. WARNER. Where is the evidence?

Mr. ROTH. There were findings that these individuals did not have the intelligence to which they were entitled. In Washington, it was known that war was imminent. If you had the full information, it was fairly clear that there could be an attack on Pearl Harbor. There was a so-called bomb, 14-part message, all of which indicated that attack was an immediate threat.

That information was denied the two individuals with the key critical responsibility in Hawaii. I just think that to hold them responsible and not to give them the lifetime is unfair.

Mr. WARNER. If I could again refer to the Dorn Report:

> The failure of Kimmel and Short to make adequate preparations in light of the information they did have.

That was a major finding.

> They knew their primary mission, arguable their only mission, was to prepare for war.
>
> They knew that war with Japan was highly likely.
>
> They knew that a surprise attack probably would precede a declaration of war.
>
> They knew Japan, not the US, would strike the first blow.
>
> They knew the initial Japanese attack would fall on Pearl Harbor.
>
> They knew that an attack on Pearl Harbor could come from aircraft carriers.
>
> They knew from their own staffs of the danger of a surprise air attack.
>
> They knew from recent events that the idea of a carrier air attack on Pearl Harbor was not new.
>
> They made statements prior to December 7 that acknowledged the possibility of an air attack on their forces.

Now, that was the finding of the Dorn group here just in 1995. I have it here, some numerous pages of this report.

Mr. ROTH. Let me make—I do not want to interrupt.

Mr. WARNER. No. Please go ahead.

Mr. ROTH. Let me point out those findings were general findings. But the fact is, the up-to-date intelligence that Washington had in the days immediately before Pearl Harbor was not made available to General Short or Admiral Kimmel.

Mr. WARNER. Mr. President, that sum portion of intelligence, I think that all throughout history has been conceded. And these tribunals, particularly the Congress, had that before it. It is for that reason maybe they were not court-martialed and incarcerated, if found guilty.

Mr. ROTH. Yes, you knew an air carrier attack was possible. But to know, for example, as they knew in Washington in the days right before the attack that the Japanese wanted to know where the warships were located, it was this kind of information that gave immediacy to the threat. To me, that was critical.

You talk about the Dorn Report. Let me just say, as part of the Dorn Report, they sort of are all over the map in their finding. They say:

> It is clear today, as should have been clear since 1946 to any serious reader of the JCC hearing record, that Admiral Kimmel and General Short were not solely responsible for the defeat at Pearl Harbor.
>
> * * * * *
>
> * * * more information was available in Washington but not forwarded to them. Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications (notably the "bomb plot", "winds", "pilot", and "fourteen-part" messages) which provided crucial—

Now, this is the Dorn report—

> which provided crucial confirmation of the imminence of war. Read together and with the leisure, focus, and clarity of hindsight, these messages point strongly towards an attack on Pearl Harbor at dawn on the 7th.

That is the Dorn Report:

> The immediacy of an attack on Pearl Harbor at dawn on the 7th.
>
> The evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misstatements, limited coordination, ambiguous language and lack of clarification and followup at higher levels.

I could go on.

> A careful reading of the proceedings and reports of those panels suggests clear recognition of the faults at all levels. Yet these two gentlemen were singled out and were not given advance to their wartime rating.

I think it was inequitable. I think it was not fair, and it seems to me the greatness of this country is that we can go back and make changes where warranted.

Mr. WARNER. Mr. President, I have just located, I think, a document that interests me a great deal. It is entitled, "Investigation of the Pearl Harbor Attack: Report of the Joint Committee on the Investigation of the Pearl Harbor Attack," pursuant to a resolution of Congress, S. Res. 27. And it was reported on July 5, 1946.

Just listen to those Senators who were on this commission: Alben Barkley, you remember him. What an extraordinary man; Walter George, George was considered one of the great, great internationalists; Scott Lucas of Illinois, one of the most senior Senators from the State of Illinois, the Presiding Officer's State; Owen Brewster from Maine; Homer Ferguson from Michigan.

I say to my good friend, those names still reverberate with absolute distinction and credibility in this Chamber today. They made the findings which left history intact. And we here, just the two of us, really, on the floor tonight, are to urge our colleagues tomorrow to reverse that history?

With all due respect, there is not the foundation, in my judgment, for the Senate to so act and overrule the findings of these men.

Mr. ROTH. Mr. President, as the Senator knows, I have the greatest respect for his soundness of judgment, for his honesty and integrity. I have the same for the Senators named. But the fact remains, honorable men and women often disagree. Here we do disagree.

I am just trying to join my colleagues—there are 23 of us —in seeking to correct what we think was unfair treatment to two individuals who devoted a lifetime of service to this country. Yes, there are differences of opinion on this matter, but nothing seems to me more important than to try to correct a record which I think, on the basis of the studies I have seen, results in unfairness. We are trying to correct that.

I understand you disagree with the basis of our proposal, but I think both of us want the same thing, and that is fairness.

Mr. WARNER. Mr. President, there is no one in this body for whom I have greater respect than my dear friend and colleague, Senator ROTH. He has put a lot of work, together with his able staff, into this case. But it seems to me that we stand in a momentous hour in the history of this country. We are asking our colleagues to trust in our own judgments and our findings as to whether or not one of the most remarkable and tragic chapters in the history of this Nation, in effect, should have this significant reversal these many years hence, based on no new evidence, based on the fervent plea of my colleagues, Senator ROTH and Senator THURMOND.

I shall take the floor tomorrow and most vigorously oppose this. I think for the night we have pretty well concluded this debate. I have to tell the Senator, it is an interesting one for me and not altogether without some implications in my own life, thinking back in that period of history. I will never forget Pearl Harbor.

If I could just reminisce for a moment, it is hard to believe that shortly thereafter this city, the Nation's Capital, endured periods of blackout. I remember it very well, as a small—well, I wasn't so small. I remember my father was a physician and he was able to drive at night only with a slit on the headlights to get to the hospital. I remember very well our home was equipped with blackout curtains. All the streetlights went out. We were fearful of an attack here in Washington, DC, and, indeed, other east coast cities. There were Nazi submarines patrolling off the east coast of the United States, sinking ships.

How well I recall on the beaches of Virginia there was washed up debris from sunken ships. The people on the west coast lived in constant fear that there would be an invasion. These were serious and strenuous times, calling on the men and women of the Armed Forces for a duty and a commitment and an assumption of risk without parallel, because this Nation in many respects was unprepared. How well we recall the pictures of the Army practicing maneuvers with broomsticks rather than rifles.

When I think of the tragic death, loss of life and property, indeed, if we were to follow your logic—President Roosevelt had that intelligence—we could go back and judge the record of many others. It seems to me that what is before the Senate tonight is clear facts that men and women of clear conscience, with the ability to assess fresh information, have painstakingly gone through it, reached their conclusion year after year, and then a President, Harry Truman, is my recollection, am I correct, made the decision that he did with respect to these two officers.

I just do not believe that the Senate at this time should reverse that history.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 21, 1999, the federal debt stood at $5,596,857,521,196.34 (Five trillion, five hundred ninety-six billion, eight hundred fifty-seven million, five hundred twenty-one thousand, one hundred ninety-six dollars and thirty-four cents).

One year ago, May 21, 1998, the federal debt stood at $5,503,780,000,000 (Five trillion, five hundred three billion, seven hundred eighty million).

Fifteen years ago, May 21, 1984, the federal debt stood at $1,485,189,000,000 (One trillion, four hundred eighty-five billion, one hundred eighty-nine million).

Twenty-five years ago, May 21, 1974, the federal debt stood at $470,357,000,000 (Four hundred seventy billion, three hundred fifty-seven million) which reflects a debt increase of more than $5 trillion—$5,126,500,521,196.34 (Five trillion, one hundred twenty-six billion, five hundred million, five hundred twenty-one thousand, one hundred ninety-six dollars and thirty-four cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF PROPOSED LEGISLATION "EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999"—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 30

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate on May 21, 1999, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

I am pleased to transmit for your immediate consideration the "Educational Excellence for All Children Act of 1999," my Administration's proposal for reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA) and other elementary and secondary education programs.

My proposal builds on the positive trends achieved under current law. The "Improving America's Schools Act of 1994," which reauthorized the ESEA 5 years ago, and the "Goals 2000: Educate America Act" gave States and school districts a framework for integrating Federal resources in support of State and local reforms based on high academic standards. In response, 48 States, the District of Columbia, and Puerto Rico have adopted State-level standards. Recent results of the National Assessment of Educational Progress (NAEP) show improved performance for the economically disadvantaged and other at-risk students who are the primary focus of ESEA programs. NAEP reading scores for 9-year-olds in high-poverty schools have improved significantly since 1992, while mathematics achievement has also increased nationally. Students in high-poverty schools and the lowest-performing students—the specific target populations for the ESEA Title I program—have registered gains in both reading and math achievement.

I am encouraged by these positive trends, but educational results for many children remain far below what they should be. My proposal to reauthorize the ESEA is based on four themes reflecting lessons from research and the experience of implementing the 1994 Act.

First, we would continue to focus on high academic standards for all children. The underlying purpose of every program within the ESEA is to help all children reach challenging State and local academic standards. States have largely completed the first stage of standards-based reform by developing content standards for all children. My bill would support the next stage of reform by helping States, school districts, schools, and teachers use these standards to guide classroom instruction and assessment.

My proposal for reauthorizing Title I, for example, would require States to hold school districts and schools accountable for student performance against State standards, including helping the lowest-performing students continually to improve. The bill also would continue to target Federal elementary and secondary education resources on those students furthest from meeting State and local standards, with a particular emphasis on narrowing the gap in achievement between disadvantaged students and their more affluent peers. In this regard, my proposal would phase in equal treatment of Puerto Rico in ESEA funding formulas, so that poor children in Puerto Rico are treated similarly to those in the rest of the country for the purpose of formula allocations.

Second, my proposal responds to research showing that while qualified teachers are critical to improving student achievement, far too many teachers are not prepared to teach to high standards. Teacher quality is a particular problem in high-poverty schools, and the problem is often exacerbated by the use of paraprofessionals in instructional roles.

My bill addresses teacher quality by holding States accountable for stronger enforcement of their own certification and licensure requirements, while at the same time providing substantial support for State and local professional development efforts. The Teaching to High Standards initiative in Title II would help move challenging educational standards into every classroom by providing teachers with sustained and intensive high-quality professional development in core academic subjects, supporting new teachers during their first 3 years in the classroom, and ensuring that all teachers are proficient in relevant content knowledge and teaching skills.

The Technology for Education initiative under Title III would expand the availability of educational technology as a tool to help teachers implement high standards in the classroom, particularly in high-poverty schools. My bill also would extend, over the next 7 years, the Class-Size Reduction initiative, which aims to reduce class sizes in the early grades by helping districts to hire and train 100,000 teachers. And the Title VII Bilingual Education proposal would help ensure that all teachers are well trained to teach students with limited English proficiency, who are found in more and more classrooms with each passing year.

Third, my bill would increase support for safe, healthy, disciplined, and drug-free learning environments where all children feel connected, motivated, and challenged to learn and where parents are welcomed and involved. The recent tragedy at Columbine High School in Littleton, Colorado, reminds us that we must be ever vigilant against the risks of violence and other dangerous behaviors in our schools. Our reauthorization bill includes several measures to help mitigate these risks.

We would strengthen the Safe and Drug-Free Schools and Communities Act by concentrating funds on districts with the greatest need for drug- and violence-prevention programs, and by emphasizing the use of research-based programs of proven effectiveness. Moreover, with respect to students who bring weapons to school, this proposal would require schools to refer such students to a mental health professional for assessment and require counseling for those who pose an imminent threat to themselves or others; allow funding for programs that educate students about the risks associated with guns; expand character education programs; and promote alternative schools and second chance programs. A new School Emergency Response to Violence program would provide rapid assistance to school districts that have experienced violence or other trauma that disrupts the learning environment.

My High School Reform initiative would support innovative reforms to improve student achievement in high schools, such as expanding the connections between adults and students that are necessary for effective learning and healthy personal development. This new initiative would provide resources to help transform 5,000 high schools into places where students receive individual attention, are motivated to learn, are provided with challenging courses, and are encouraged to develop and pursue long-term educational and career goals.

Fourth, in response to clear evidence that standards-based reforms work best when States have strong accountability systems in place, my proposal would encourage each State to establish a single, rigorous accountability system for all schools. The bill also would require States to end social promotion and traditional retention practices; phase out the use of teachers with emergency certificates and the practice of assigning teachers "out-of-field;" and implement sound discipline policies in every school. Finally, the bill would give parents an important new accountability tool by requiring State, district, and school-level report cards that will help them evaluate the quality of the schools their children attend.

Based on high standards for all students, high-quality professional development for teachers, safe and disciplined learning environments, and accountability to parents and taxpayers, the Educational Excellence for All Children Act of 1999 provides a solid foundation for raising student achievement and narrowing the achievement gap between disadvantaged students and their more advantaged peers. More important, it will help prepare all of our children, and thus the Nation, for the challenges of the 21st century. I urge the Congress to take prompt and favorable action on this proposal.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 21, 1999*.

NOTICE ON AMENDED MINES PROTOCOL—MESSAGE FROM THE PRESIDENT—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

I am gratified that the United States Senate has given its advice and consent to the ratification of the Amended Mines Protocol of the Convention on Conventional Weapons.

The Senate and my Administration, working together, reached agreement on a detailed resolution of advice and consent to ratification, including 13 conditions covering issues of significant interest and concern. I will implement these provisions. I will, of course, do so without prejudice to my Constitutional authorities. A condition in a resolution of advice and consent to ratification cannot alter the allocation of authority and responsibility under the Constitution, for both the Congress and the President.

I am grateful to Majority Leader Lott, Minority Leader Daschle, and Senators Helms, Biden, Leahy, and the many others who have assisted in this ratification effort. It is clear that the practical result of our work together on the Protocol will well serve the critical humanitarian interest of protecting civilians from the dangers posed to them by landmines, as well as the imperative requirements of ensuring the safety and effectiveness of U.S. military forces. In this spirit, I express my hope that the Protocol will lead to further sound advances in the development of the international law of armed conflict.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 24, 1999*.

NOTICE ON AMENDED PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS AND OTHER DEVICES, TOGETHER WITH ITS TECHNICAL ANNEX—MESSAGE FROM THE PRESIDENT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification of the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its Technical Annex, adopted by the Senate of the United States on May 20, 1999, I hereby certify that:

In connection with Condition (1)(B), Pursuit Deterrent Munition, the Pursuit Deterrent Munition shall continue to remain available for use by the United States Armed Forces at least until January 1, 2003, unless an effective alternative to the munition becomes available.

In connection with Condition (6), Land Mine Alternatives, in pursuing alternatives to United States anti-personnel mines or mixed anti-tank systems, I will not limit the types of alternatives to be considered on the basis of any criteria other than those specified in the sentence that follows. In pursuit of alternatives to United States anti-personnel mines, or mixed anti-tank systems, the United States shall seek to identify, adapt, modify, or otherwise develop only those technologies that (i) are intended to provide military effectiveness equivalent to that provided by the relevant anti-personnel mine, or mixed anti-tank system; and (ii) would be affordable.

In connection with Condition (7), Certification with Regard to International Tribunals, with respect to the Amended Mines Protocol, the Convention on Conventional Weapons, or any future protocol or amendment thereto, the United States shall not recognize the jurisdiction of any international tribunal over the United States or any of its citizens.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 24, 1999*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3149. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Effectiveness of Occupant Protection Systems and Their Use" dated April 1999; to the Committee on Commerce, Science, and Transportation.

EC-3150. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class C Airspace and Revocation of Class D Airspace, Austin-Bergstrom International Airport, TX; and Revocation of Robert Mueller Municipal Airport Class C; Delay of Effective Date; Docket No. 97-AWA-4/4-30 (5-3)" (RIN2120-AA66) (1999-0170), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3151. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port of New York/New Jersey Fleet Week (CGD001-98-170)" (RIN2115-AA97) (1999-0017), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3152. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of ten rules relative to Regatta Regulations (RIN2115-AE46) (1999-0009), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3153. A communication from the Aeronautical Information Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 1929" (RIN2120-AA65), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3154. A communication from the Aeronautical Information Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (82); Amdt. No. 1928" (RIN2120-AA65), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3155. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 1999 Management Measures" (RIN0648-AK21), received May 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3156. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim Rule to Certify Jones-Davis and Gulf Fisheye Bycatch Reduction Devices Under Amendment 9 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico" (RIN0648–AL14), received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3157. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Framework Adjustment 28" (RIN0648–AM10), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3158. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Financial Disclosure" (RIN0648–AG16), received May 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3159. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program" (RIN0648–AL21), received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3160. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands", received May 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3161. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments", received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3162. A communication from the Principal Deputy, Acquisition and Technology, Office of the Under Secretary of Defense, transmitting Selected Acquisition Reports (SARs) for the quarter ending December 31, 1998; to the Committee on Armed Services.

EC–3163. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/'Other flatfish' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area", received April 30, 1999; to the Committee on Commerce, Science and Transportation.

EC–3164. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Gulf of Alaska", received April 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3165. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area in the Gulf of Alaska", received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3166. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon, OR to Point Pitas, CA", received April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3167. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States—Announcement That the Scup Commercial Quota Has Been Harvested for the Winter I Period", received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3168. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands", received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3169. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska", received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3170. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel; in the Central Aleutian District of the Bering Sea and Aleutian Islands", received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3171. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Gulf of Alaska", received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3172. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for Vessels Using Hook-and-Line and Pot Gear in the Bering Sea and Aleutian Islands", received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3173. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Bumper Safety Standards" (RIN2127–AH59), received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3174. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Light Truck Fuel Economy Standards for Model Year 2001" (RIN2127–AH52), received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3175. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Participation in and Receiving Data from the National Driver Register Problem Driver Pointer System" (RIN2127–AH54), received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3176. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Test Device Placement" (RIN2127–AF40), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3177. A communication from the Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Local Competition Provisions in the Telecommunication Act of 1996" (CC Docket No. 96–98; 3rd Order on Reconsideration and Further NPRM), received May 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3178. A communication from the Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Policy and Rules Concerning the Interstate, Interexchange Market Place Implementation of Section 254(g) of the Communications Act of 1934, as amended" (CC Docket No. 96–61), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3179. A communication from the Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Deployment of Wireline Services Offering Advanced Telecommunications Capability, First Report and Order and Further Notice of Proposed Rulemaking" (FCC 99–48), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3180. A communication from the Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services" (CC Docket No. 95–20), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3181. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99–22: Low-Income Housing Tax Credit—1999 Possessions Population Figures" (OGI–121622–98), received May 10, 1999; to the Committee on Finance.

EC–3182. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting a report entitled "Analysis of the Climate Change Technology Initiative", dated April 1999; to the Committee on Finance.

EC–3183. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, a draft of proposed legislation to exempt disaster employees from filing Virgin Island income tax forms; to the Committee on Finance.

EC–3184. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed Manufacturing License Agreement with Poland; to the Committee on Foreign Relations.

EC–3185. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed Manufacturing License Agreement with Turkey; to the Committee on Foreign Relations.

EC–3186. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed Manufacturing License Agreement with Norway; to the Committee on Foreign Relations.

EC–3187. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed export license with the United Kingdom; to the Committee on Foreign Relations.

EC–3188. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a list of countries not cooperating with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC–3189. A communication from the President, Inter-American Foundation, transmitting, a draft of proposed legislation amending the Foreign Assistance Act of 1969; to the Committee on Foreign Relations.

EC–3190. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to two vacancies in the Department of Defense; to the Committee on Armed Services.

EC–3191. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the Panama Canal Treaty of 1997; to the Committee on Armed Services.

EC–3192. A communication from the Deputy Director of Central Intelligence for Community Management and the Senior Civilian Official, OASD(C3I), Department of Defense, transmitting jointly, pursuant to law, a report relative to Year 2000 compliance; to the Committee on Armed Services.

EC–3193. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in Iowa Marketing Area; Revision of Rule, DA–99–02", received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3194. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Veterans' Affairs.

EC–3195. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; Diseases of the Ear and other Sense Organs" (RIN2900–AF22), received May 12, 1999; to the Committee on Veterans' Affairs.

EC–3196. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on Energy and Natural Resources.

EC–3197. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Uranium Industry Annual 1998"; to the Committee on Energy and Natural Resources.

EC–3198. A communication from the Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Manual for Nuclear Materials Management and Safeguards System Reporting and Data Management" (DOE M 447.1–2), received May 12, 1999; to the Committee on Energy and Natural Resources.

EC–3199. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Field Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Establishing and Maintaining a Facility Representative Program at DOE Facilities" (DOE STD 1063–97), received May 12, 1999; to the Committee on Energy and Natural Resources.

EC–3200. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Integration of Environment, Safety and Health into Facility Disposition Activities" (DOE STD 1120–98), received May 12, 1999; to the Committee on Energy and Natural Resources.

EC–3201. A communication from the Governor, Commonwealth of the Northern Mariana Islands, transmitting a report relative to the Federal-CNMI Initiative on Labor Immigration, and Law Enforcement, dated April 1999; to the Committee on Energy and Natural Resources.

EC–3202. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Complaint Procedures" (Docket No. RM98–13–000), received May 17, 1999; to the Committee on Energy and Natural Resources.

EC–3203. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, a report entitled "Oil and Gas Leasing Program Evaluation Report", dated October 1998; to the Committee on Energy and Natural Resources.

EC–3204. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (SPATS No. WV–077–FOR), received May 10, 1999; to the Committee on Energy and Natural Resources.

EC–3205. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received May 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3206. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received May 11, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3207. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Sutures; {Phtalocyaninato (2–)} Copper", received May 5, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3208. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvant, Production Aids, and Sanitizers", received May 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3209. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvant, Production Aids, and Sanitizers", received May 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3210. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Children's Hospitals Graduate Medical Education Act of 1999"; to the Committee on Health, Education, Labor, and Pensions.

EC–3211. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "FDA Review Fee Act of 1999"; to the Committee on Health, Education, Labor, and Pensions.

EC–3212. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Health Service Corps; to the Committee on Health, Education, Labor, and Pensions.

EC–3213. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

EC–3214. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report entitled "Women, Minorities, and Persons with Disabilities in Science and Engineering: 1998"; to the Committee on Health, Education, Labor, and Pensions.

EC–3215. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–3216. A communication from the Secretary of the Treasury, the Chairman of the

Board of Governors of the Federal Reserve, the Chairman of the Securities and Exchange Commission and the Chairperson of the Commodity Futures Trading Commission, transmitting, jointly, a report entitled "Hedge Funds, Leverage, and the Lessons of Long-Term Capital Management", dated April 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3217. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–3218. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of a rule relative to prompt corrective action for federally insured credit unions, received May 11, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3219. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendment of Affordable Housing Program Regulation" (RIN3060–AA82), received May 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3220. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendment of Affordable Housing Program Regulation" (RIN3069–AA73), received May 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3221. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports to Cuba" (RIN0694–AB93), received May 11, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3222. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Chemical Weapons Convention; Revisions to the Export Administration Regulations" (RIN0694–AB67), received May 11, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3223. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rulemaking for EDGAR System" (RIN3235–AH70), received May 17, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3224. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale For Flood Insurance, 64 FR 24957, 05/10/99" (Docket No. FEMA–7712), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3225. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Authorization of Solicitations during the Combined Federal Campaign" (RIN3206–AI53), received May 18, 1999; to the Committee on Governmental Affairs.

EC–3226. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order: In the Matter of Cable Act Reform Provisions of the Telecommunications Act of 1996" (CS Docket No. 98–85, FCC 99–57), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3227. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order: In the Matter of 1998 Biennial Regulatory Review—Streamlining of Cable Television Services Part 76 Public File and Notice Requirements" (CS Docket No. 98–132, FCC 99–12), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3228. A communication from the Associate Chief, International Bureau, Telecom Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order: In the Matter of 1998 Biennial Regulatory Review, Reform of the International Settlement Policy and Associated Filing Requirements, et al." (IB Docket No. 98–148, FCC 99–73), received May 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3229. A communication from the Associate Chief, International Bureau, Telecom Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Land Mobile Services. Second Memorandum Opinion and Order" (PR Docket No. 99–235, FCC 99–68), received May 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3230. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Lighting Devices, Reflectors, and Electrical Equipment" (RIN2125–AD27), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3231. A communication from the Attorney, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Space Transportation Licensing Regulations" (RIN21205–AF99), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3232. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Equipment Safety Standards" (RIN2130–AA95), received May 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3233. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice of Approval of Fishery Management Plan Amendments" (RIN0648–AL40), received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3234. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Shark Fisheries; Large Coastal Shark Species; Closure" (I.D. 031899B), received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3235. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Adjustments to the 1999 Summer Flounder Commercial Quota", received April 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3236. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands", received April 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3237. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Implementation of the National Invasive Species Act of 1996 (CGD97–068) (USCG–1999–3423)" (RIN2115–AF55) (1999–0001), received May 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3238. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Pepsi Gala Fireworks, New York Harbor, Upper Bay (CGD01–99–048)" (RIN2115–AA97) (1999–0019), received May 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3239. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Santa Barbara Channel, CA (COTP Los Angeles-Long Beach 99–001)" (RIN2115–AA97) (1999–0015), received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3240. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gulf Intracoastal Waterway, LA (CGD–08–99–028)" (RIN2115–AE47) (1999–0010), received May 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3241. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Chemical Testing; Management Information System Reporting Requirements (USCG–1998–4469)" (RIN2115–AF67), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3242. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Waiver application; tank vessel; reduction of gross tonnage (USCG–1999–5451)", received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3243. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Charleston to Bermuda Sailboat Race, Charleston, SC (CGD07-99-024)" (RIN2115-AE46) (1999-0013), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3244. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; City of Augusta, GA (CGD07-98-068)" (RIN2115-AE46) (1999-0011), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3245. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Act of 1990 (OPA 90) Phase-out Requirements for Single Hull Tank Vessels (USCG-1999-4620)" (RIN2115-ZZ08), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3246. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Vessel Identification System (CGD 89-050)" (RIN2115-AD35) (1999-0001), received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3247. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Mississippi River, LA: (CGD 08-97-020)", (RIN2115-AE84) (1999-0003), received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3248. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Visiting: Notification to Visitors" (RIN1120-AA67), received May 14, 1999; to the Committee on the Judiciary.

EC-3249. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status for Certain Nationals in Haiti" (RIN1115-AF33) (INS No. 1963-98), received May 13, 1999; to the Committee on the Judiciary.

EC-3250. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, the consolidated financial statements for the calendar years 1997 and 1998; to the Committee on the Judiciary.

EC-3251. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "Chemical Safety Information and Site Security Act of 1999"; to the Committee on the Judiciary.

EC-3252. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the annual report relative to the activities and operations of the Public Integrity Section, Criminal Division for calendar year 1997; to the Committee on the Judiciary.

EC-3253. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, two reports entitled "1998 Activities of the Administrative Office of the United States Courts" and "1998 Judicial Business of the United States Courts" for fiscal year 1998; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-124. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to senior citizens; to the Committee on Finance.

SENATE RESOLUTION NO. 70

Whereas, The Balanced Budget Act of 1997 established a new reimbursement system for Medicare home health services effective for cost reporting periods beginning on or after October 1, 1997 which has threatened to ruin the home health benefit; and

Whereas, The Balanced Budget Act of 1997 created an interim payment system which is cost-based with reduced limits and is in effect until a prospective payment system is initiated with cost reporting periods beginning on or after October 1, 2000; and

Whereas, While the 105th Congress made strides to rectify the interim payment system, the real effect of the Omnibus Reconciliation Act of 1998 was to raise the per-visit reimbursement for home health between only $0.50 and $1.00 and the per-beneficiary limits by less than 5% for the majority of home health agencies; and

Whereas, If the home health program, which is only 9% of the overall Medicare budget, is slashed, other programs will bear the burden, and in many cases Medicare patients will be transferred to the Medicaid program; and

Whereas, If these patients are not served by home health, they will drive up health care costs in other arenas, including nursing homes, hospitals, and emergency care; and

Whereas, One out of every 10 Medicare beneficiaries received some form of home health care in 1996; and

Whereas, On average, a home care visit in 1996 cost between $40 and $140, while the cost of staying in a hospital per day is $2,071, and a skilled nursing facility, $443; and

Whereas, The average home health agency has seen a 39% reduction in Medicare revenue since the implementation of the interim payment system; and

Whereas, Fifty-eight, or 15%, of Illinois home health agencies have closed in the past year; and

Whereas, Rural home health agencies report revenues at least one-third lower than this same period last year; and

Whereas, Three-fourths of Illinois Home Care Council freestanding agency members (those not affiliated with a hospital or network) estimate that, unless something changes with the interim payment system, they will be closed within 6 months to a year; and

Whereas, The interim payment system is based on average costs, which creates strong incentives to avoid caring for patients with complex or long-term medical problems, forcing many Illinois home health agencies to choose between staying in business and serving highly complex, high visit volume patients; and

Whereas, Three prominent public policy research organizations, George Washington University, the Commonwealth Fund, and the Lewin Group, independently concluded that the home health provisions of the Balanced Budget Act of 1997 are causing a crisis in the Medicare home health benefit by: (i) eliminating access to medically necessary home health services for the sickest, most frail Medicare beneficiaries; (ii) rewarding higher cost and penalizing lower cost home health agencies by establishing radically different payment limits that do not reflect current patient mix or efficiency; and (iii) eliminating access to Medicare home health in rural areas; and

Whereas, The prospective payment system is a system by which home health agencies are paid according to types and numbers of patients actually served which assures a predictable reimbursement rate and schedule, beneficial to both the federal government and home health agencies; therefore, be it

Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois, that we urge Congress to hold the Health Care Financing Authority accountable for the timely implementation of a fair prospective payment system; and be it further

Resolved, That we urge the federal government to rectify some of the damage wrought by the interim payment system by raising the per-beneficiary and per-visit limits, so that agencies can keep serving patients until the prospective payment system is implemented; and be it further

Resolved, That we urge the federal government to eliminate the additional 15% cut in reimbursements scheduled for October 2000; and be it further

Resolved, That we urge Congress to require a representative of the federal government to meet with an Illinois Home Care Council member to discuss the questions and concerns raised by this resolution; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the House of Representatives, and of the other members of the Illinois Congressional delegation.

POM-125. A concurrent resolution adopted by the Legislature of the State of Michigan relative to the regulation of insurance matters by the states; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 26

Whereas, In 1994, the Michigan Legislature passed legislation (HB 5281) granting lending institutions the authority to sell all lines of insurance; and

Whereas, That legislation, which became 1994 PA 409, includes necessary consumer and fair market protections, such as requiring the separation of lending and insurance transactions; prohibitions against offering or discussing insurance while a loan transaction is pending; requiring separate lending and insurance areas; requirements for full written disclosures to customers; and inclusion of strong prohibitions against sharing confidential insurance-related information in bank loan files with bank-affiliated agencies; and

Whereas, In a joint letter published November 7, 1994, HB 5281 was lauded and strongly supported by the Michigan Bankers Association, Michigan Association of Insurance Agents, Michigan League of Savings Institutions, Michigan Association of Life Underwriters, Michigan Chamber of Commerce, Michigan Consumer Federation, Michigan Credit Union League, Small Business Association of Michigan, Michigan Association of Credit Unions, Michigan Retail Hardware Association, Greater Detroit Chamber of Commerce, and National Electrical Contractors Association (Michigan Chapter); and

Whereas, In 1995, the Rhode Island Legislature resoundingly passed legislation substantially similar to Michigan law, granting lending institutions the authority to sell insurance; and

Whereas, The Comptroller of the Currency is an appointed, federal bureaucrat who has a track record of promulgating regulations that serve to expand bank insurance powers. These new insurance activities, deemed to be banking issues by the Comptroller, often conflict with established state laws; and

Whereas, On January 13, 1997, the Office of the Comptroller of the Currency (OCC) issued a request for comments on Rhode Island's Financial Institution Insurance Sales Act to assist in the determination as to whether Section 92 of the Federal Bank Act provided the Comptroller of the Currency sufficient authority to preempt Rhode Island's banks-in-insurance statute; and

Whereas, The McCarran-Ferguson Act of 1945 relegates authority to the individual states for regulation of the insurance activities of all entities; and

Whereas, The preemption of state insurance laws by an unelected federal bureaucrat is in direct conflict with the fifty-four-year tradition of state regulation of insurance under McCarran-Ferguson and thereby raises vitally important questions of states' rights and the primacy of duly elected representatives to enact laws governing insurance activities within their state borders; and

Whereas, In the Eighty-ninth Michigan Legislature, Michigan's Senate Majority and Minority Leaders, Speaker of the House and House Minority Leader, members of the Senate Financial Services Committee, and Majority and Minority Chairs of the House Insurance and Banking Committees all delivered letters to the Comptroller of the Currency forcefully opposing the OCC's desire to preempt Rhode Island's banks-in-insurance statute; and

Whereas, The National Association of Insurance Commissioners (NAIC); National Conference of State Legislators (NCSL); and the National Conference of Insurance Legislators (NCOIL) all submitted letters strongly opposing the Comptroller of the Currency's desire to preempt state insurance law; and

Whereas, In past court disputes between federal banking and state insurance regulators, federal courts have granted "unequal deference" to federal regulators, thereby rendering decisions based not on the merits of the case, but on deference to the federal regulator; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to affirm the authority of the states to regulate insurance matters, including preventing the Office of the Comptroller of the Currency from preempting state laws regulating the sale of insurance through lending institutions and ending the practice of federal regulators being able to be granted "unequal deference" in litigation between state and federal regulations on insurance matters; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–126. A joint resolution adopted by the Legislature of the State of Maine relative to a World War II memorial; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT A WORLD WAR II MEMORIAL

We, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

Whereas, in 1987, United States Representative Marcy Kaptur, at the suggestion of World War II veteran Roger Durbin, introduced legislation to establish a memorial to honor all who served in the Armed Forces of the United States during World War II and the entire nation's contribution to the war effort. The legislation failed, but the interest in having a memorial gained patriotic support and subsequent legislation prevailed; and

Whereas, federal Public Law 103–32 authorizing a World War II Memorial in the District of Columbia or its environs was signed into law on May 25, 1993; and

Whereas, the Memorial Advisory Board was created to advise the American Battle Monuments Commission in site selection and design and to promote donations to support the memorial construction; and

Whereas, a memorial design by Freidrich St. Florian at the site of the historic Rainbow Pool on the National Mall was approved; and

Whereas, former Senator Bob Dole and Frederick W. Smith, CEO, Federal Express, were named as National Co-chairmen of the World War II Memorial Campaign; and

Whereas, news of the World War II Memorial is currently be spread throughout the country, to every city, town, church, synagogue, mosque, business, civic group, veterans' organization and every other organization that comprises a part of our American culture; now, therefore, be it

Resolved: That We, your Memorialists, request the President of the United States and the United States Congress to offer support in obtaining the necessary financial resources to help the World War II Memorial take its rightful place in history; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; each Member of the Maine Congressional Delegation; and the American Legion, Department of Maine.

POM–127. A resolution adopted by the Legislature of the Commonwealth of Guam relative to Federal smuggling interdiction capabilities on Guam; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 85

Whereas, Guam in the last year has become a prime target for a human smuggling operation run by the infamous Chinese criminal organization known as the "Snakeheads"; and

Whereas, as a result of concerted efforts by organized criminal operations, Guam has been flooded with illegal aliens of this smuggling activity; and

Whereas, six hundred (600) illegal immigrants have been apprehended and detained at the Guam Department of Corrections correctional facility, including four hundred forty-five (445) illegal immigrants currently in detention, to the expense of Guam taxpayers and to the danger of other inmates in an already overpopulated facility; and

Whereas, Guam law enforcement officials estimate that more than two hundred (200) other illegal immigrants have gotten through Guam's borders without detection, and are already in the community at-large; and

Whereas, Guam law enforcement officials estimate that another several thousands illegal immigrants will arrive on Guam in the next few months; and

Whereas, the humans being smuggled often cannot pay the full price of transportation, estimated at Twenty Thousand Dollars to Thirty Thousand Dollars ($20,000.00–$30,000.00), and the immigrants therefore become basically indentured servants; and

Whereas, because of Guam's status under United States immigration laws, the efforts of these criminal organizations are rewarded because the illegal immigrants they transport immediately claim asylum under U.S. law, and are often paroled and allowed to walk free; and

Whereas, the impact of this human smuggling operation on the government of Guam and the local community has been great and is potentially devastating, with costs estimated in the millions, with the mass of illegal immigrants using law enforcement, corrections, hospital, public health and many other local resources, which are already strained by the recent economic slump; and

Whereas, the illegal immigrants who have likely come into Guam's borders unnoticed, and the illegal immigrants who have been apprehended and then paroled and let free in the community are a serious public health hazard, as more than a few have been diagnosed with tuberculosis and other diseases; and

Whereas, neither the United States Immigration and Naturalization Service, nor the United States Coast Guard, currently have sufficient resources stationed on Guam to control the influx of illegal immigrants, resulting in an alarming lack of enforcement of the very laws that have created this emergency situation; now therefore, be it

Resolved, that I MináBente Singko Na Liheslaturan Guåhan (Twenty-Fifth Guam Legislature) does hereby, on behalf of the people of Guam, respectfully request the Federal Government of the United States of America to permanently upgrade the U.S. Coast Guard facility, vessesls and equipment, and properly man these facilities and vessels on Guam to give the Coast Guard the ability to patrol the seas surrounding Guam and detect, intercept and redirect any vessels carrying illegal immigrants; and be it further

Resolved, that I MináBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the Federal Government of the United States of America to apply Six Dollars ($6.00) of the U.S. Immigration departure fee currently collected from each passenger departing the Guam International Air Terminal, as a funding source to support the intent of this resolution; and be it further

Resolved, that I MináBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the President of the United States and his Administration to identify and set a permanent location for the diversion of vessels interdicted in the open sea in a location outside of Guam so that persons shall be repatriated from this alternate location; and be it further

Resolved, that I MináBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the Federal Government of the United States of America to reimburse the government of Guam for all expenses associated with this illegal immigrant operation; and be it further

Resolved, that I MináBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the Congress of the United States of America to pass legislation as soon as possible that would cause Guam to cease to be an area where asylum can be granted under U.S. law; and be it further

Resolved, that I MináBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the United States Congress to pass legislation, if simply removing Guam as an area where asylum can be granted would bring the potential for any litigation, to remove Guam from the Immigration and Nationality Act, from U.S. Immigration and Naturalization Service jurisdiction and from the immigration laws of the United States of America; and be it further

Resolved, that I MináBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the Guam Delegate to the United States House of Representatives to fully support this Resolution in Congress; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to the Secretary of the United States Department of Justice; to the Guam Congressional Delegate; and to the Honorable Carl T. C. Gutierrez, I MináBente Guåhan (Governor of Guam).

POM–128. A resolution adopted by the Board of Directors of the Puerto Rico Bar Association relative to the death penalty; to the Committee on Energy and Natural Resources.

POM–129. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the "Millennium of Peace"; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 208

Whereas, the goal of the coming millennium is to encourage each person on Earth in dedicating the third millennium as the "Millennium of Peace;" and

Whereas, the multi-ethnic and multi-cultural population of Hawaii sets an encouraging example for international understanding as all nations and peoples strive to live together in peace and harmony; and

Whereas, the spirit of Aloha is the gift of the Hawaiian people to the world and the profound meaning it has for all of the children on Earth with its message of love; and

Whereas, the President of the United States has admonished the citizens and communities of America to develop and implement millennium projects and celebrations; and

Whereas, the United Nations has dedicated the year 2000 as the Year of World Peace; now, therefore,

Be It Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the Senate concurring, that the Legislature joins in and encourages all citizens and governments of the Earth to join with the people of Hawaii in the spirit of Aloha to dedicate the celebrations of the third millennium to peace and understanding as "The Millennium of Peace" for all of Earth's children; and

Be It Further Resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's Congressional Delegation, the Governor of the State of Hawaii, and the United States Ambassador to the United Nations.

POM–130. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the restoration of redress funds to compensate individuals of Japanese ancestry; to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION NO. 45

Whereas, during World War II, the United States forcibly removed and interned over 120,000 United States citizens and legal permanent residents of Japanese ancestry from their homes and relocated them to government internment camps; and

Whereas, in addition, the United States arranged the deportation of over 2,264 men, women, and children of Japanese ancestry from thirteen Latin American countries to the United States to be interned and used in prisoner of war exchanges with Japan; and

Whereas, in 1988, the United States Congress passed, and President Reagan signed, the Civil Liberties Act of 1988 (the Act), which acknowledged the fundamental injustice of that evacuation, relocation, and internment, and to apologize on behalf of the people of the United States for the wrongs done to United States citizens and legal permanent residents of Japanese ancestry; and

Whereas, that Act further sought to make restitution to those individuals of Japanese ancestry who were interned by authorizing a $20,000 redress payment to each citizen and legal permanent resident of Japanese ancestry who was deprived of liberty or property as a result of government action; and

Whereas, the Act directed the United States Treasury to distribute these payments, to which Congress appropriated $1,650,000,000 between October 1990 and October 1993; and

Whereas, in a subsequent settlement of a class action suit, the United States agreed to send a letter of apology and to pay a $5,000 redress payment from the same fund to each formerly interned Japanese Latin American; and

Whereas, to fulfill its educational purpose of informing the public about the internment so as to prevent the recurrence of similar events, the Act also created the Civil Liberties Public Education Fund to make disbursements for research and educational activities up to a total of $50,000,000; and

Whereas, Congress specified in the Act that the principal of $1,650,000,000 was to be invested in government obligations and earn interest at an annual rate of at least five per cent; and

Whereas, in 1998, a Japanese Peruvian former internee and the National Coalition for Redress/Reparations filed a class action suit alleging that the Treasury Department breached its fiduciary duty by failing to invest the funds mandated by Congress, and seeking to recover the lost interest which is estimated to be between $50,000,000 and $200,000,000; and

Whereas, while the reparations fund has made payments to approximately eighty-two thousand claimants, there will not be sufficient money in the trust fund established by Congress to pay all of the remaining claims by Japanese Americans and Japanese Latin Americans or to meet the goal of $50,000,000 in educational grants; and

Whereas, a United States Justice Department official has apparently acknowledged that the funds were not invested as originally mandated by Congress, and that the $1,650,000,000 has all been spent, although claims are still pending; and

Whereas, the Legislature finds that while nothing can replace the loss of civil liberties suffered by those who were forced to evacuate their homes and relocate to internment camps on the basis of their ancestry, a formal apology and token redress payment to these individuals of Japanese ancestry is the least that can be done to compensate them for the loss of their rights; now, therefore,

Be It Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the House of Representatives concurring, that the United States government is urged to restore redress funds to pay all outstanding Japanese American and Japanese Latin American redress claims and to fulfill the educational mandate of the Act; and

Be It Further Resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and the Governor of Hawaii.

POM–131. A concurrent resolution adopted by the Legislature of the State of Iowa relative to the Mississippi River; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION 23

Whereas, barges operating on United States inland waterways are the dominant carriers of United States grains to export port facilities; and

Whereas, the majority of this barge grain traffic traverses the Mississippi River system; and

Whereas, the Upper Mississippi River is the dominate originator of grain barge traffic for export; and

Whereas, 95 percent of the world's population live outside the United States; and

Whereas, economies and populations continue to grow worldwide and these agricultural export markets are essential to the economic future of the Upper Midwest including Iowa; and

Whereas, international markets are very competitive and opportunities can be gained or lost based on very small differences in price; and

Whereas, the United States Army Corps of Engineers projects Upper Mississippi River barge traffic to increase dramatically; and

Whereas, increased barge traffic will continue to place a burden on the river transportation system which is more than 50 years old; and

Whereas, the original design specifications for the locks and dams have been surpassed by modern barge technology resulting in delays because tows must be broken down to move through the locks; and

Whereas, delays are projected to rise as high as several million dollars per year; and

Be It Further Resolved, That the Congress is urged to provide adequate funding for major rehabilitation efforts on the Upper Mississippi River; and

Be It Further Resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the President of the United States; the Chief of Engineers, United States Army Corps of Engineers, North Central Division; the United States Secretary of Transportation; the President of the United States Senate; the Speaker of the United States House of Representatives;

and the members of Iowa's congressional delegation.

We, Brent Siegrist, Speaker of the House and Mary Kramer, President of the Senate; Elizabeth A. Isaacson, Chief Clerk of the House, and Michael E. Marshall, Secretary of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Seventy-eighth General Assembly.

POM–132. A resolution adopted by the Senate of the General Assembly of Commonwealth of Pennsylvania relative to moneys earmarked for abandoned mine land reclamation; to the Committee on Appropriations.

SENATE RESOLUTION NO. 33

Whereas, The biggest water pollution problem facing this Commonwealth today is polluted water draining from abandoned coal mines; and

Whereas, Over half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

Whereas, This Commonwealth has over 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of Pennsylvania's 67 counties, more than any other state in the nation; and

Whereas, The Department of Environmental Protection estimates it will cost more than $15 billion to reclaim and restore abandoned mine lands; and

Whereas, The Commonwealth now receives about $20 million a year from the Federal Government to do reclamation projects; and

Whereas, There is now a $1 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

Whereas, Pennsylvania is the fourth largest coal producing state in the nation, and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine; and

Whereas, Pennsylvania is not seeking to rely solely on Federal moneys to address its abandoned mine reclamation needs and has undertaken a comprehensive program designed to maximize reclamation opportunities by increasing community involvement, making better use of existing resources, encouraging private and public participation in reclamation activities and reducing the cost of abandoned mine reclamation projects; and

Whereas, The Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

Whereas, Pennsylvania has been working with the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs and other states to free more of these funds to clean up abandoned mine lands; and

Whereas, Making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

Whereas, The Federal Office of Surface Mining, the United States Environmental Protection Agency and Congress have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

Resolved, That the Senate of Pennsylvania urge the President of the United States, and Congress make the $1 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe our abandoned mine lands; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress.

POM–133. A concurrent resolution adopted by the Legislature of the Commonwealth of Puerto Rico relative to military activities in the municipality of Vieques and surrounding waters; to the Committee on Armed Services.

CONCURRENT RESOLUTION NO. 45

STATEMENT OF PURPOSE

In the course of the last one hundred years, the People of Puerto Rico have shown their loyalty to the democratic values of liberty, equality and respect for human rights consecrated by and set forth in the Constitution of the United States of America. The People of Puerto Rico have responded affirmatively and participated in all of the armed conflicts in which our Nation has been forced to take part, from World War I to the Persian Gulf War. In these conflicts, over two thousand (2,000) Puerto Rican fellowmen and women have made the ultimate sacrifice, giving their lives in defense of the ideals of justice, liberty and the principles of democracy. Furthermore, other thousands of other Puerto Ricans have been wounded while participating in these conflicts.

The Preamble of the Constitution of the United States of America provides that it was ordained to "[...] establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity." However, despite the fact that the United States Constitution was established to promote for the general welfare and insure domestic tranquility, the people of the island municipality of Vieques have suffered the direct consequences of military practices, including air, land and naval activities for the last thirty (30) years. Ever since the administration of Governor Roberto Sanchez-Vilella from 1965 to 1969, the Department of Defense has been made aware of the grave problems and ominous consequences to the quality of life, tranquility and the pursuit of happiness of the United States citizens who reside in the island municipality of Vieques. The Legislature of Puerto Rico believes that the time has come to ensure the people of Vieques the full enjoyment of their unalienable rights to life, liberty and the pursuit of happiness while ensuring common defense of all United States citizens. The People of Puerto Rico are grateful for, appreciate and value the contribution of the armed forces of the United States of America to our collective security, and recognize the vital strategic importance, for our collective defense, of the Navy bases located in Ceiba and Vieques. Nevertheless, and in light of our modern world realities, we request that the courageous men and women of the Navy ensure that the people of Vieques, who have sacrificed so much throughout the years for our national security, achieve full enjoyment of their fundamental rights by ceasing their military exercises and bombing with live ammunition in the territory and surrounding waters of the island municipality of Vieques.

In the case of *Alberto Lozada-Colon* vs. *U.S. Department of State*, docket number 98–5179, filed in the U.S. Court of Appeals for the District of Columbia, the counsels for the U.S. Department of State and the U.S. Department of Justice have argued before the court that the provisions for the organization of a constitutional government in Puerto Rico and the political status adopted as of 1952, in now way altered the political relationship with the United States of America, and that the Island of Puerto Rico continues to be a territory, subject to the plenary powers of the U.S. Congress. Despite this evident colonial status, we are United States citizens and we have the right to enjoy the protection and guarantees that are provided by our U.S. Constitution. Because of this, the U.S. citizens residing in the island of Vieques are covered and protected by the same basic rights as the citizens of any of the fifty (50) states of the American Nation. Upon examining the history of military activity in Vieques, we have to conclude that these have dramatically affected the lives of its people. The constant bombing and other military practices using live ammunition have affected the physical and emotional health of the residents of Vieques.

In the light of these considerations, the Legislature of Puerto Rico believes that it is imperative that the United States Navy cease using live ammunition in its firing and bombing military practices in Vieques. Once again, we reaffirm the need for the residents of Vieques to live in an environment of tranquility and to enjoy the happiness that all Americans aspire; be it

Resolved by the Legislative Assembly of Puerto Rico:

Section 1.—To request that the President, the Congress and the Navy of the United States of America, on behalf and in representation of the People of Puerto Rico, immediately respond to the plea of our people to cease using live ammunition in firing and bombing military practices in the island municipality of Vieques and its surrounding waters.

Section 2.—To request that the President, the Congress, and the Navy of the United States of America, once the firing and bombing military practices mentioned in Section 1 have ceased, deactivate and remove all undetonated explosive artifacts used during its firing and bombing military practices which might reasonably constitute a risk to the inhabitants of Vieques.

Section 3.—This Concurrent Resolution shall be remitted to the Honorable William Jefferson Clinton, President of the United States of America; the Congress of the United States of America, the Vice President of the United States of America, the Chairman of the Joint Chiefs of Staff, the Secretary of the Department of Defense, and the Secretary of the Navy of the United States of America.

Section 4.—This Concurrent Resolution shall take effect immediately after its approval.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 1102. A bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

S. 1103. A bill to reform Social Security by creating personalized retirement accounts, and for other purposes; to the Committee on Finance.

S. 1104. A bill to amend the Social Security Act to provide simplified and accurate information on the social security trust funds, and personal earnings and benefit estimates to eligible individuals; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Lautenberg, Mrs. Lincoln, and Mr. Daschle):

S. 1105. A bill to assist local governments and States in assessing and remediating brownfield sites, increase fairness and reduce litigation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself and Ms. Snowe):

S. 1106. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER:

S. 1107. A bill to reform the conduct of Federal elections; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mrs. Lincoln, Mr. Coverdell, Mr. Sessions, Mr. Cleland, Mr. Hollings, Mr. Shelby, Mr. Robb, and Mr. Hutchinson):

S. 1108. A bill to amend the Federal Crop Insurance Act to improve crop insurance coverage and administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCONNELL (for himself, Mr. Smith of New Hampshire, Mr. Kohl, Mr. Frist, Mr. Gregg, Mr. Johnson, Mr. Warner, Mr. Cleland, Mr. Schumer, Mr. Allard, Mr. Jeffords, Mr. Akaka, Mrs. Feinstein, Mr. Enzi, Mr. Robb, Mr. Grams, Mrs. Boxer, Mr. Lugar, Ms. Landrieu, Mr. Cochran, Mrs. Murray, Mr. Inhofe, Mr. Mack, Mr. Torricelli, Mr. Bingaman, Mr. Thomas, Mr. Leahy, Mr. Campbell, Mr. Kennedy, Mr. Helms, Mr. Durbin, Mr. Santorum, Mr. Lautenberg, Mr. Bunning, Mr. Moynihan, Mr. Kerry, Mr. Wyden, Mr. Graham, Mr. Reid, Mr. Levin, and Mr. Lieberman):

S. 1109. A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT:

S. 1110. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1111. A bill to provide continuing authorization for a National Conference on Small Business, and for other purposes; to the Committee on Small Business.

By Mrs. BOXER (for herself and Mr. Lautenberg):

S. 1112. A bill to protect children and other vulnerable subpopulations from exposure to environmental pollutants, to protect children from exposure to pesticides in schools, and to provide parents with information concerning toxic chemicals that pose risks to children, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself, Mrs. Feinstein, and Mr. Specter):

S. Res. 105. A resolution expressing the sense of the Senate relating to consideration of Slobodan Milosevic as a war criminal; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself, Mr. Kennedy, Mr. McCain, Mr. Hatch, Mrs. Hutchison, Mr. DeWine, Mr. Chafee, Mr. Lugar, Mr. Abraham, Mr. Santorum, and Mr. Warner):

S. Res. 106. A resolution to express the sense of the Senate regarding English plus other languages; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire:

S. Res. 107. A resolution to establish a Select Committee on Chinese Espionage; to the Committee on Rules and Administration.

By Ms. LANDRIEU (for herself and Mr. Specter):

S. Con. Res. 33. A concurrent resolution expressing the sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1102. A bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

SOCIAL SECURITY BENEFITS GUARANTEE ACT OF 1999

S. 1103. A bill to reform Social Security by creating personalized retirement accounts, and for other purposes; to the Committee on Finance.

PERSONAL SECURITY AND WEALTH IN RETIREMENT ACT OF 1999

S. 1104. A bill to amend the Social Security Act to provide simplified and accurate information on the social security trust funds, and personal earnings and benefit estimates to eligible individuals; to the Committee on Finance.

SOCIAL SECURITY INFORMATION ACT OF 1999

Mr. GRAMS. Mr. President, I want to take a little time this morning to talk about Social Security. I know our Nation has been engaged in Social Security reform discussions for about 2 years now kind of formally. But, informally, many have been talking about what we are going to do to ensure a safe, sound Social Security system in the future.

We all expected that we could work in a bipartisan manner during this Congress to be able to complete the immense task of saving and strengthening Social Security for the American people.

Unfortunately, President Clinton has failed to take leadership on this issue and has failed to present an honest plan to this Congress to address Social Security's rapid approaching crisis.

There is widespread reluctance to move forward on reform due to political considerations. Yet, if we keep delaying essential reform until after the "next election"—it is always after the next election—we will never be able to complete our goal of ensuring retirement security for future generations of Americans.

Now, on the positive side, the debate has surely raised the public's awareness of their own retirement security shortcomings. It has brought attention to the Social Security crisis and has led to a variety of solutions to fix the system.

I believe this is a healthy debate, one that we must continue to encourage. I am sure that when our elected officials muster the political will to make some of those hard choices we face, the Nation will be ready to support those choices.

Regardless of when we actually consider Social Security reform, we must continue the job of educating Americans about the importance of savings and retirement planning. We must continue to debate the role of future Social Security benefits in our retirement security decisions.

That is why I am here. I rise today to introduce three pieces of legislation as first steps to save Social Security. To outline the bills, my first bill, very simply, would grant every current and future Social Security beneficiary a legal right to those Social Security benefits.

The second is a comprehensive plan to move Social Security from the current pay-as-you-go system to one that is a fully funded, personalized retirement system, to ensure a safe, sound, secure retirement program that maximizes benefits for the retiree.

The third bill would provide real information about the costs and the benefits under the current Social Security system.

Mr. President, each working American devotes his or her entire life to a job, or series of jobs, and pays hundreds of thousands of dollars in Social Security taxes into the retirement system. In fact, Social Security taxes are the largest tax that many families will ever pay, accounting for up to one-eighth of the total lifetime income that will go into Social Security.

Many people, including myself, believe that Social Security benefits are our "earned right." We think that because we have paid Social Security taxes, we are legally entitled to receive Social Security benefits. But this "earned right" is nothing but an illusion—an illusion created by politicians who call Social Security taxes "contributions" and make Social Security sound like it is a regular insurance program.

The truth is that the American people do not have any legal right to their Social Security benefits, though they pay Social Security taxes all of their lives. Their benefits are always at the mercy of the Government and politicians who can adjust them and can even spend them on unrelated Government programs. This fact—that Americans currently have no legal right to Social Security—was decided by the courts when the Social Security was just getting started.

Mr. President, it was back in 1937, less than 2 years after the creation of Social Security, that the Supreme Court decided in the case of Helvering v. Davis that Social Security was not an insurance program.

The court held:

> The proceeds of both the employee and employer taxes are to be paid into the Treasury like any other internal revenue generally, and are not earmarked in any way.

So, basically, Social Security is just a tax, not a retirement system.

The Court also pointed out:

> Congress did not improvise a judgment when it found that the award of old-age benefits would be conducive to the general welfare. The President's committee on economic security made an investigation and report . . . with the loss of savings inevitable in periods of idleness, the fate of workers over 65, when thrown out of work, is little less than desperate. . . . Moreover, laws of the separate States cannot deal with this effectively. . . . Only a power that is national can serve the interests of all.

What it meant was that Social Security was not and is not an insurance program at all, but a tax—a tax, pure and simple—that leaves retirement benefits to be actually determined by the political process—not the benefits of the plan, but the political process.

This decision was later confirmed in another important case, Fleming v. Nestor. In this case, the Supreme Court more expressly ruled that workers have no legally binding contractual rights to their Social Security benefits, and that those benefits can be cut or even eliminated at any time.

Mr. President, this is a very interesting and important case. Ephram Nestor was a Bulgarian immigrant who paid Social Security taxes from 1936 until he retired in 1955. He received a $55.60-per-month Social Security check during his retirement. But in 1956, Nestor was deported for having been a member of the Communist Party in the 1930s. His Social Security checks were stopped in accordance with the law.

Nestor sued the Secretary of Health, Education, and Welfare, claiming that because he had paid Social Security taxes, he had a right to Social Security benefits.

The Supreme Court rejected his claim, clearly stating:

> To engraft upon the Social Security system a concept of "accrued property rights" would deprive it of the flexibility and boldness in adjustment to ever changing conditions which it demands.

The Court also held:

> It is apparent that the non-contractual interest of an employee covered by the [Social Security] Act cannot be soundly analogized to that of the holder of an annuity, whose right to benefits is bottomed on his contractual premium payments.

It strikes me that these Supreme Court decisions prove that if Social Security is considered more of a welfare program, there is no assurance that retirees will receive benefits now or in the future if they are judged unworthy, or if the IOUs owed to the Social Security Trust Funds are deemed unnecessary to repay. It also shows, contrary to common belief, that Social Security is not backed by the full faith and credit of the government and is not a government-guaranteed investment. I believe these decisions—which we rarely see referenced, for obvious reasons—are unfair and wrong, and must be corrected.

In my view, workers must have a full legal right to receive government-guaranteed Social Security benefits. The reason is simple: despite these court cases, I believe most people think that the federal government should provide benefits to the American people for their retirement, if those people have paid into the system. It's our moral and contractual duty to honor that commitment, and ensure the program is more of an insurance policy than a welfare program. Coming demographic changes will soon create huge cracks in the Social Security program—if the government fails to make the changes necessary to address the crisis ahead, it would be wrong to let current or future beneficiaries bear that burden.

As a first step to saving Social Security, legislation I am introducing today would grant every current and future Social Security beneficiary an "earned right," or legal right, to their Social Security benefits plus an accurate inflation adjustment. This could be achieved by requiring the government to issue U.S. Treasury-backed certificates specifying the level of guaranteed benefits.

Mr. President, this legislation, the Social Security Benefits Guarantee Act, is not at all complicated. All it does is to create an "earned right" to Social Security, which every American deserves and should be given in the first place. It shows that regardless of how we may reform the system in the future, retirees will earn a return on the investment they make in the form of payroll taxes.

By granting Americans this legal right, we are taking away uncertainties resulting from the growing political debate. Social Security will no longer be subject to Washington's manipulation, and the IOUs will be repaid. Implementing my legislation would force Congress and the Administration to come up with an honest plan to save and strengthen the Social Security system.

But more importantly, it would put millions of current and future Social Security beneficiaries at ease, allowing them to sleep at night without fearing the loss or reduction of their retirement benefits.

Mr. President, once we have secured Social Security benefits, taking the difficult steps to reform the Social Security system will be easier. The current system has served us well until now. The changing demographics of our society makes it impossible for the system to survive without reform. I believe a fully-funded, market-based, personalized retirement system would give all workers full property rights to their retirement investment.

Not only could personal retirement account, or PRA, benefits be three to five times higher than current Social Security benefits, workers would actually own the money in their account and could pass the assets on to their children. It would be part of your estate, which today, as you know, Social Security does not transfer. Congress would no longer spend the surplus money.

That's the reason I am today re-introducing my legislation, the "Personal Security and Wealth in Retirement Act."

Mr. President, Americans today are living longer and retiring earlier than ever before. American retirement security is supposedly built on a three-legged stool: Social Security, private pensions, and personal savings. These are the three cornerstones of a secure retirement.

Unfortunately, today these cornerstones have eroded. Without major repair, the stool will collapse, causing serious financial hardship for millions of Americans.

Most Americans rely increasingly on Social Security for their retirement income. Not everyone has a private pension and some are unable to save. Yet Social Security, upon which rests their hopes for a secure retirement, is headed for bankruptcy.

Benefits for 76 million baby boomers and future generations of retirees will not be there unless something is done soon.

I believe the best solution to our retirement crisis is to reform Social Security by moving it from a pay-as-you-go retirement system to a fully-funded, market based system. The legislation I am introducing today will do just that.

The first criticism you will hear is that a market-based retirement system is too risky. However, my plan would guarantee benefits for current and future beneficiaries, while retaining and expanding the current safety net under Social Security.

At the same time, workers would have the freedom to control their funds and resources for their own retirement security within certain safety and soundness parameters. Workers and their employers could divert 10 percent of a worker's income into personal retirement accounts.

In addition, workers could also contribute to personal retirement accounts they've established for their non-working children.

Let me focus on the proposed safety net provisions under my plan: One key component of my proposal is to ensure that a safety net will be there at all times for disadvantaged individuals. This can be done without government guarantees of investments or overly strict regulation of investment options.

Under this legislation, a safety net would be set up and would involve a guaranteed minimum benefit level: 150 percent of the poverty level. When a worker retires, if his or her PRA fails to provide the minimum retirement benefits for whatever reason the government would make up the difference. So nobody would retire into poverty. They would retire at least with a minimum of 150 percent of the poverty level.

The same applies to survivor and disability benefits. If a worker dies or becomes disabled, and his or her PRA doesn't accumulate sufficient funds to provide minimum survivor and disability benefits, the government would match the shortfalls.

This simple safety net is necessary, and the minimum benefit would guarantee that no one in our society would be left impoverished in retirement, while still allowing workers to enjoy the freedom and prosperity achievable under a market-based retirement system.

This would operate in a manner similar to the federal government's Thrift Savings program, which includes safe investments and a far higher return than Social Security. If the system works for us, others should also be able to benefit from it.

Another feature of the fully funded retirement system I'm outlining could provide better survivor and disability benefits than the current Social Security system offers.

Under my plan, for instance, when a worker dies, his family would inherit all the funds accumulated in his PRA.

I use my father as an example. He died at the age of 61, and from Social Security received a check for $253 as a death benefit. But that was all. Under our system, all the money that you have paid in during a lifetime of working would be yours. And, if you happen to die early, it would then be a part of your estate and transferred to your heirs. The savings wouldn't disappear into the black hole of the Social Security trust funds, or become tangled in a survivors' benefit bureaucratic debate.

The system would also provide, besides the retirement savings, a survivors benefit package.

My plan requires the funds that manage PRAs to use part of their annual contribution or yield to buy life and disability insurance, supplementing their accumulated funds to at least match the promised Social Security survivors and disability benefits.

By requiring retirement funds to purchase life and disability insurance for everyone, all workers in each individual fund would be treated as a common pool for underwriting purposes. The insurance would be purchased as a group policy not by individual workers by investment firms or financial institutions, thus avoiding insurance policy underwriting discrimination while providing the largest amount of benefits at the lowest possible cost.

Mr. President, again, a major criticism of a market-based personal retirement account system is that it's inherently volatile, subject to the whims of investors and the market, exposing a worker's retirement income to unnecessary risks.

My plan specifically addresses this concern by requiring the approved investment firms and financial institutions that manage PRAs to have insurance against investment loss.

By approximating the role of the FDIC, we ensure that every PRA would generate a minimum rate of return of at least 2.5 percent, which is more than current Social Security benefits. In fact, Social Security is paying less than 1 percent today, and for future generations it would actually be a negative rate of return.

Regardless of the ups and downs of the markets, workers would still do better under this system than under the current Social Security program.

This is another safety net built into my plan to give the American people peace of mind when it comes to their retirement investment.

To further reduce risks to a worker's PRA, my legislation also requires that rules, regulations, and restrictions similar to those governing IRAs would apply to personal retirement accounts.

PRAs must be properly structured and follow strict, sensible guidelines set forth by the independent federal board that will oversee the system.

In choosing qualified investment firms and financial institutions to manage the PRAs, the oversight board is responsible for examining the credibility and ability of these companies, and then approving them as PRA managers accordingly. In other words, to put in place a very safe and sound retirement system, much like the FDIC is in banks. People are confident their savings is protected. This would be the same with their retirement accounts. They would be protected. This will generate much better returns, as much as three to five times more at retirement than today's Social Security—three to fives times more benefits when you retire than under the current Social Security plan because personal retirement accounts, unlike Social Security, make real investments which produce new income and produce wealth.

That means improved benefits for everybody, including low-wage earners, without the redistribution of private income.

Mr. GRAMS. The third bill I am introducing today deals with the flow of information related to an individual's Social Security contribution.

Most working Americans are poorly prepared for their retirement. That is because of a disturbing lack of information. Congress needs to help them better plan for retirement by providing useful and accurate information about the Social Security benefits they are going to receive.

In other words, let people know exactly what the system is, how much is in the trust fund, how much money they can expect to receive at retirement, and what will be the rate of return of their investment.

Americans currently receive Social Security information through the personal earnings and benefits estimate statements or the PEBES, provided by the Social Security Administration. However, a recent GAO report shows that the report, although useful, is actually incomplete and it is difficult for many Americans to understand exactly what is in the account for them at Social Security.

As a result, many workers, even those near retirement, continue to overestimate their likely Social Security benefits, which, bottom line, threatens their quality of life throughout their retirement years.

Social Security taxes are the largest tax that many families will ever pay. It will account for up to one-eighth of the total lifetime income they will make. Few Americans know the value or the yield of their investment, because the Government never tells them the whole truth about Social Security by providing them with this key information. Reliable information on Social Security is crucial to enable Americans to better understand the value of their Social Security investment and to help them determine exactly how much they should supplement their expected Social Security benefits with other savings in order to have a certain level of retirement security.

This is particularly important for some ethnic minorities, because research shows that African Americans have lower rates of return from Social Security. They get less back from the system than others who pay in. Low-income, single, African American males have a negative rate of return today. As I said, overall it is about a 1 percent rate of return. For many, it will be a negative rate of return. But for low-income, single, African American males today, they already have a negative rate of return on the money they pay into the system.

My bill would improve the reports by requiring the Social Security Administration to provide an estimate of the Social Security benefits a worker is going to receive in terms of inflation-adjusted dollars, as well as an estimated rate of return the worker is projected to receive from Social Security.

In real dollars, it means today if you are 20 years old, the report says when you retire you could expect to receive about $98,000 a year in retirement benefits. You say, that is great, 98,000 a year; but if you take in the inflation-adjusted amount throughout those 40 years in buying power, it would be less than $14,000 in today's money.

So you need to know exactly what you are going to get at retirement and what the buying power of those dollars is going to be 40 years from now so that you can make better plans on how you are going to plan for your retirement.

Given the crucial role of information about Social Security in retirement planning and the fact that, beginning this year, the statements from Social Security will be mailed annually to every eligible individual over 25, immediate improvement of these standards is imperative. These numbers are already going to be sent out, so this isn't an added cost, this isn't asking for a new program from the Government; this is saying that the report the Social Security Administration is going to send to every American over 25 needs to be more accurate than the information provided today.

Information will not solve all the problems we have with Social Security, but I think it will surely give working Americans some useful tools to help them better plan for retirement.

In closing, American workers labor mightily to put money aside for retirement. They should have full property rights to their money. They deserve the security of owning their retirement benefits and savings. My legislation gives American workers legal protection to their retirement savings. It will stop politicians from cutting their benefits to spend money in other unrelated programs out of our Social Security trust fund. It also allows American workers maximum freedom to better plan for their retirement by giving them more accurate information on their Social Security benefits.

In closing, retirement security is essential to millions of Americans and we must do everything we can to help them achieve that security and the peace of mind that will go along with it.

My legislation charts a course which I believe will lead us there.

By Mr. BAUCUS (for himself, Mr. LAUTENBERG, Mrs. LINCOLN, and Mr. DASCHLE):

S. 1105. A bill to assist local governments and States in assessing and remediating brownfield sites, increase fairness and reduce litigation, and for other purposes; to the Committee on Environment and Public Works.

SUPERFUND LITIGATION REDUCTION AND BROWNFIELD CLEANUP ACT OF 1999

Mr. BAUCUS. Mr. President, today, along with Senators LAUTENBERG, LINCOLN, and DASCHLE, I am introducing legislation to reauthorize and reform the Superfund program, the Superfund Litigation Reduction and Brownfields Cleanup Act.

The Environment and Public Works Committee has been working on Superfund reauthorization legislation for more than six years. It's time to finish the job. To my mind, the best way to accomplish this is to focus on a set of modest but important reforms about which we are likely to be able to achieve a broad bipartisan consensus.

That is what our bill aims to do.

Superfund has been criticized as creating disincentives for cleaning up "brownfields"—generally, sites in older neighborhoods or industrial areas that are contaminated, but not to the extent that they are likely to be put on the National Priorities List. The main charge is that fear of Superfund liability makes some developers reluctant to invest.

Title I of the bill addresses this concern. It eliminates Superfund liability for prospective purchasers of contaminated property who are not responsible for the contamination, and thereby removes a potential disincentive for brownfields cleanup. The bill also provides liability relief for current owners of contaminated property who are not responsible for and had no reason to know of the contamination when they acquired the property, and persons whose property is contaminated as a result of migration from neighboring property.

In addition, the bill authorizes funding for three purposes:

$35 million per year for five years for grants to local governments, States and Indian tribes to inventory and assess contamination at brownfield sites;

$60 million per year for five years for grants to local governments, States and Indian tribes to capitalize revolving loan funds and for site cleanup; and

$15 million per year for five years to States to develop and enhance voluntary cleanup programs.

Perhaps the most well known criticism of Superfund relates to the toll it can take on small businesses that, despite their often minimal contribution of waste to a site, have been forced to incur significant sums in attorney fees and payments toward cleanup. A significant portion of small businesses that sent waste to a site sent only municipal waste or very small amounts of hazardous waste. In addition, many small businesses simply cannot afford to pay the costs associated with retaining an attorney and cleanup.

To address these problems, the bill provides two liability exemptions.

The first is an exemption for parties that sent a de micromis amount of hazardous waste—presumed to be less than 110 gallons of liquid material or 200 pounds of solid material. (Note that this provision is not limited to small businesses: it also would exempt a large company that sends only de micromis amounts of waste.)

The second is an exemption for small business and homeowners that sent municipal solid waste from their home or business. There is no limit on the amount of municipal waste these parties sent.

In addition, the bill provides relief for those who sent a relatively small amount of hazardous waste, but more than allowed under the de micromis exemption, and for small businesses with a limited ability to pay. Specifically, the bill provides expedited settlements for contributors of de minimis amounts of waste and persons with a limited ability to pay. These provisions require EPA to make settlement offers as expeditiously as practicable to these parties. A party who contributed 1% or less of the waste to the site is presumed to be de minimis.

Together, these provisions would provide relief for virtually every small business and homeowner that should get relief. The bill also requires that EPA establish a small business Superfund assistance section within the small business ombudsman office of EPA.

Under Superfund, contributors of municipal solid waste and municipal sewage sludge have been sued, and in some instances, found liable, based on the fact that even municipal waste contains some small amount of hazardous substances. At sites with municipal waste (such as municipal landfills), frequently the majority of waste by volume is municipal waste, but the conditions that result in listing the site on the NPL were caused by the more toxic industrial waste. Hence, there has long been controversy as to whether contributors of municipal waste, and municipalities that own municipal landfills on the NPL, should be treated the same as contributors of other waste.

Last year EPA published a policy for settlements with municipal owners and operators of NPL landfills, and for public and private contributors of municipal waste. The policy was developed through negotiations with several municipal organizations.

Our bill codifies EPA's policy. Under the provision, municipalities that own or operate landfills that are on the NPL are entitled to settle for 20% of the cleanup costs at a site, and for 10% if they have a population below 100,000.

Contributors of municipal waste, including municipalities and private parties, can settle for $5.30 a ton. This number was calculated based on the cost of cleaning up a municipal landfill that does not also have hazardous waste.

Title IV provides exemptions for contributors of certain "recyclable material"—paper, plastic, glass, textiles, rubber (other than whole tires), metal and batteries—that meet specified conditions. It is virtually identical to the Lott/Daschle bill in the 105th Congress. In particular, I appreciate the work of Senator LINCOLN on this issue.

Contributions of orphan funding from the Superfund can mitigate much of the perceived unfairness of the joint and several liability system. Allocation pilot studies conducted by EPA revealed that the most important tool for achieving settlements, and in the process reducing transaction costs, is for EPA to offer some contribution of funding to offset costs attributable to parties that are unable to pay.

The bill authorizes $200 million per year for five years in mandatory spending to be used by EPA in cleanup settlements. It is so used to offset costs attributable to parties that are insolvent or defunct or otherwise unable to pay, or for other equitable purposes. This mandatory spending is conditional, however, on the Superfund cleanup program being appropriated at least $1.5 billion annually, exclusive of the $200 million for orphan funding. That so-called "firewall" is intended to ensure that cleanups are not sacrificed in order to pay orphan funding. Assuming the program is funded at the required level, EPA would be required to contribute $200 million per year to cleanup settlements. However, to maintain flexibility, EPA would have the discretion to determine how much of the $200 million to allocate to which sites.

The bill authorizes appropriations of $7.5 billion over five years, or $1.5 billion a year. At this level, EPA would be able to maintain the current pace of cleanups, which is resulting in the completion of construction at 85 sites a year. Now that we finally are making good progress in cleaning up sites, its important to maintain this pace.

On a related point, the bill continues to fund cleanups principally through the Superfund Trust Fund. In doing so, it assumes the reinstatement of the two Superfund taxes—the excise taxes on petroleum and chemical feedstocks and the corporate environmental tax of .12 percent of corporate alternative minimum taxable income above $2 million. By doing so, the bill would retain the current reliance on the trust fund to pay for the majority of cleanup costs, with a limited payment from general revenues.

Mr. President, the chairmen of the Environment and Public Works Committee and its Superfund Subcommittee, Senators CHAFEE and SMITH, also have introduced a Superfund reform bill, S. 1090. There are several areas of general agreement between the bill that we are introducing today and S. 1090. Some examples are the exemption for bona fide prospective purchasers and other exemptions intended to promote brownfields redevelopment; exemptions for contributors of recyclable material; and exemptions and expedited settlements for contributors of municipal waste or small amounts of hazardous waste, to protect municipalities and small businesses.

There are, however, some significant differences between the approaches taken in the two bills, particularly with respect to providing an adequate federal safety net to protect public health and the environment, the allocation system, and, perhaps most significantly, providing adequate and assured funding to operate the program.

I hope that we can work cooperatively and expeditiously to resolve these differences, so that we can pass a Superfund reauthorization bill with broad, bipartisan support.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Superfund Litigation Reduction and Brownfield Cleanup Act along with Senators DASCHLE, BAUCUS, and LINCOLN. This bill will strengthen and improve the current Superfund program by cleaning up urban and rural brownfields and removing small, innocent parties from unnecessary superfund litigation.

Unlike the alternative Superfund proposal offered by the Republicans on Environment and Public Works Committee, this bill continues what is best about the Superfund program and makes the minor adjustments necessary to make it cost effective.

Mr. President, way back in the 103rd Congress, the critics of Superfund raised a number of issues. They asserted that the program was too slow, that not enough cleanups were taking place, that there was too much litigation.

At the time, we were seeking solutions which would make the program faster, streamline cleanups, treat parties more fairly and get the little guys out earlier, all while keeping those responsible for the problem also responsible for cleaning it up. This was all within the general goals of achieving more cleanups and therefore providing better protection of human health and the environment.

I am proud of those proposals, and many of us still on the Environment and Public Works Committee, including Chairman CHAFEE, who voted for that bill way back in the 103rd Congress should also be proud. Many of those proposals, although never enacted into law, were adopted administratively by EPA and radically altered the Superfund Program as we know it. Others have been tested and been improved upon. In general, the thrust of this bill has resulted in many of the achievements of the current program.

According to a report issued by the General Accounting Office, by the end of this fiscal year all cleanup remedies will have been selected for 95 percent of nonfederal NPL sites (1,109 of 1,169 sites).

In addition, approximately 990 NPL sites have final cleanup plans approved, approximately 5,600 emergency removal actions have been taken at hazardous waste sites to stabilize dangerous situations and to reduce the threat to human health and the environment.

More than 30,900 sites have been removed from the Superfund inventory of potential waste sites, to help promote the economic redevelopment of these properties.

During this same time, EPA has worked to improve the fairness and efficiency of the enforcement program, even while keeping up the participation of potentially responsible parties in cleaning up their sites.

EPA has negotiated more than 400 deminimis settlements with over 18,000 small parties, which gave protection for these parties against expensive contribution suits brought by other private parties. Sixty six percent of these have been in the last four years alone.

Since fiscal year 1996, EPA has offered "orphan share" compensation of over $145 million at 72 sites to responsible parties who were willing to step up and negotiate settlements of their cases. EPA is now offering this at every single settlement, to reward settlors and reduce litigation, both with the government, and with other private parties.

These are just a few highlights of the improvements made in the program, many drawn from our earlier legislative proposals. Other improvements, such as instituting the targeted review of complex and high-cost cleanups, prior to remedy selection, have reduced the cost of cleanups without delaying the pace of cleanups.

EPA's administrative reforms have significantly improved the program, by speeding up cleanups and reducing senseless litigation, and making the program fairer, faster and more efficient overall.

But despite the fact that this is a program that has finally really hit its stride, we are now faced with proposals from the majority which could undercut the progress in the program, and which are premised on a goal of closing down the program rather than a goal of cleaning up the sites. Indeed, the very title of their bill, the Superfund Program Completion Act, reflects this intent.

I am deeply troubled by many of the provisions in the Republican bill, which would have the effect of ramping the program down without regard to the amount of site work left to be done. This bill provides for lowered funding levels, a cap on the NPL, waivers of the federal safety net, and some broad liability exemptions.

At the same time, it creates a number of new, expensive obligations which would further reduce the amount of money available for cleanup. It also shifts the costs of the program to the taxpayers and would not include an extension of the Superfund tax.

In short, while I am encouraged by the fact that the Republican bill drops some troubling provisions from prior bills, it introduces a whole set of new issues that are cause for great concern.

I think it is very clear that what we need here is a better Superfund program, not a retreat from tackling our environmental problems.

We need a bill that continues to accelerate the pace of cleanups, keeps cleanups protective, reduces litigation and transaction costs, is affordable and does not shift costs to the American taxpayer.

That is why I am introducing the Superfund Litigation Reduction and Brownfield Cleanup Act of 1999. I believe that this bill, is in some areas very close to the provisions supported by my Republican colleagues, but differs in some critical areas.

It would protect cleanups, reduce litigation and not shift costs to the American taxpayer.

I hope that these are goals we can agree on. And I urge my colleagues to not throw the Superfund baby out with the bathwater.

I look forward to working with my colleagues to strengthen the Superfund program in the 21st century not dismantle it.

I ask unanimous consent that the bill and a summary of the Legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Superfund Litigation Reduction and Brownfield Cleanup Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS LIABILITY RELIEF

Sec. 101. Finality for buyers.
Sec. 102. Finality for owners and sellers.
Sec. 103. Regulatory authority.

TITLE II—SMALL BUSINESS LIABILITY RELIEF

Sec. 201. Liability exemptions.
Sec. 202. Expedited settlement for de minimis contributions and limited ability to pay.
Sec. 203. Small business ombudsman.

TITLE III—SETTLEMENTS FOR MUNICIPALITIES AND CONTRIBUTORS OF MUNICIPAL WASTE

Sec. 301. Municipal owners and operators.
Sec. 302. Expedited settlements with contributors of municipal waste.

TITLE IV—CLARIFICATION OF LIABILITY FOR RECYCLING TRANSACTIONS

Sec. 401. Recycling transactions.

TITLE V—BROWNFIELDS CLEANUP

Sec. 501. Brownfields funding.
Sec. 502. Research, development, demonstration, and training.
Sec. 503. State voluntary cleanup programs.
Sec. 504. Audits.

TITLE VI—SETTLEMENT INCENTIVES

Sec. 601. Fairness in settlements.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.
Sec. 702. Funding for cleanup settlements.
Sec. 703. Agency for Toxic Substances and Disease Registry.
Sec. 704. Brownfields.
Sec. 705. Authorization of appropriations from general revenues.
Sec. 706. Worker training and education grants.

TITLE VIII—DEFINITIONS

Sec. 801. Definitions.

TITLE I—BROWNFIELDS LIABILITY RELIEF

SEC. 101. FINALITY FOR BUYERS.

(a) LIMITATIONS ON LIABILITY.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(o) LIMITATION ON LIABILITY FOR PROSPECTIVE PURCHASERS.—Notwithstanding paragraphs (1) through (4) of subsection (a), to the extent the liability of a person, with respect to a release or the threat of a release from a facility, is based solely on subsection (a)(1), the person shall not be liable under this Act if the person—

"(1) is a bona fide prospective purchaser of the facility; and

"(2) does not impede the performance of any response action or natural resource restoration at a facility.".

(b) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as amended by subsection (a)) is amended by adding at the end the following:

"(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

"(1) IN GENERAL.—In any case in which the United States has incurred unrecovered response costs at a facility for which an owner of the facility is not liable by reason of subsection (o), and the conditions described in paragraph (3) are met, the United States shall—

"(A) have a lien on the facility; or

"(B) may obtain, from the appropriate responsible party or parties, a lien on other property or other assurances of payment satisfactory to the Administrator, for the unrecovered costs.

"(2) AMOUNT; DURATION.—The lien shall—

"(A) be for an amount not to exceed the lesser of the amount of—

"(i) the response costs of the United States; or

"(ii) the increase in fair market value of the property attributable to the response action at the time of a subsequent sale or other disposition of the property;

"(B) arise at the time costs are first incurred by the United States with respect to a response action at the facility;

"(C) be subject to the requirements for notice and validity specified in subsection (l)(3); and

"(D) continue until the earlier of satisfaction of the lien or recovery of all response costs incurred at the facility, notwithstanding any statute of limitations under section 113.

"(3) CONDITIONS.—The conditions referred to in paragraph (1) are the following:

"(A) RESPONSE ACTION.—A response action for which the United States has incurred unrecovered costs of a response not inconsistent with the National Contingency Plan is carried out at the facility.

"(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was commenced.

"(4) SETTLEMENT.—Nothing in this subsection prevents the United States and the purchaser from entering into a settlement at any time that extinguishes a lien of the United States.".

(c) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person or a tenant of a person that acquires ownership of a facility after the date of enactment of this paragraph that can establish each of the following by a preponderance of the evidence:

"(A) DISPOSAL PRIOR TO ACQUISITION.—All active disposal of hazardous substances at the facility occurred before the person acquired the facility.

"(B) INQUIRY.—

"(i) IN GENERAL.—The person made all appropriate inquiry into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices.

"(ii) STANDARDS.—The standards and practices referred to in clause (ii) of paragraph (35)(B) or those issued or designated by the Administrator under that clause shall satisfy the requirements of this subparagraph.

"(iii) RESIDENTIAL PROPERTY.—In the case of property in residential or other similar use at the time of purchase by a nongovernmental or noncommercial entity, a site inspection and title search that reveal no basis for further investigation shall satisfy the requirements of this subparagraph.

"(C) NOTICES.—The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

"(D) CARE.—The person exercised appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

"(i) stop ongoing releases;

"(ii) prevent threatened future releases of hazardous substances; and

"(iii) prevent or limit human, environmental, or natural resource exposure to hazardous substances previously released into the environment.

"(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person—

"(i) provides full cooperation, assistance, and access to the persons that are authorized to conduct the response and restoration actions at the facility, including the cooperation and access necessary for the assessment of contamination, installation, preservation of integrity, operation, and maintenance of any complete or partial response action at the facility; and

"(ii) has fully complied and is in full compliance with any land use or activity restrictions on the property established or relied on in connection with a response action at the facility, including informing any other party that the person allows to occupy or use the property of the restrictions and taking prompt action to correct any noncompliance by the party.

"(F) Relationship.—

"(i) In general.—The person is not liable or affiliated with any other person that is potentially liable for response costs at the facility through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or financed.

"(ii) Reorganization.—An entity that results from the reorganization of a business entity that is potentially liable does not qualify as a bona fide prospective purchaser with respect to a purchase or transfer of property directly or indirectly from the potentially liable entity.".

SEC. 102. FINALITY FOR OWNERS AND SELLERS.

(a) Knowledge of Inquiry Requirement for Innocent Landowners.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A), by striking ", unless" and inserting ". An owner or operator of a facility may only assert under section 107(b)(3) that an act or omission of a previous owner or operator of that facility did not occur in connection with a contractual relationship if"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) Knowledge of inquiry requirement.—

"(i) Definition of contamination.—In this subparagraph, the term 'contamination' means an existing release, a past release, or the threat of a release of a hazardous substance.

"(ii) Requirement.—

"(I) Inquiry.—To establish that the defendant had no reason to know (under subparagraph (A)(i)), the defendant must have made, at the time of the acquisition, all appropriate inquiry (as well as comply with clause (vii)) into the previous ownership and uses of the facility, consistent with good commercial or customary practice in an effort to minimize liability.

"(II) Considerations.—For the purpose of subclause (I) and until the President issues or designates standards as provided in clause (iv), the court shall take into account—

"(aa) any specialized knowledge or experience on the part of the defendant;

"(bb) the relationship of the purchase price to the value of the property if uncontaminated;

"(cc) commonly known or reasonably ascertainable information about the property;

"(dd) the obviousness of the presence or likely presence of contamination at the property; and

"(ee) the ability to detect the contamination by appropriate investigation.

"(iii) Conduct of site assessment.—A person who has acquired real property shall be considered to have made all appropriate inquiry within the meaning of clause (ii)(I) if—

"(I) the person establishes that, not later than 180 days before the date of acquisition, a site assessment of the real property was conducted that meets the requirements of clause (iv); and

"(II) the person complies with clause (vii).

"(iv) Site assessment standards.—

"(I) In general.—A site assessment meets the requirements of this clause if the assessment is conducted in accordance with the standards set forth in the American Society for Testing and Materials (ASTM) Standard E1527–94, entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process' or with any alternative standards issued by regulation by the President or issued or developed by other entities and designated by regulation by the President.

"(II) Study of practices.—Before issuing or designating alternative standards under subclause (I), the President shall conduct a study of commercial and industrial practices concerning site assessments in the transfer of real property in the United States.

"(v) Considerations in issuing standards.—In issuing or designating any standards under clause (iv), the President shall consider requirements governing each of the following:

"(I) Conduct of an inquiry by an environmental professional.

"(II) Interviews of each owner, operator, and occupant of the property to determine information regarding the potential for contamination.

"(III) Review of historical sources as necessary to determine each previous use and occupancy of the property since the property was first developed. In this subclause, the term 'historical sources' means any of the following, if reasonably ascertainable: each recorded chain of title document regarding the real property, including each deed, easement, lease, restriction, and covenant, any aerial photograph, fire insurance map, property tax file, United States Geological Survey 7.5 minutes topographic map, local street directory, building department record, and zoning/land use record, and any other source that identifies a past use or occupancy of the property.

"(IV) Determination of the existence of any recorded environmental cleanup lien against the real property that has arisen under any Federal, State, or local law.

"(V) Review of reasonably ascertainable Federal, State, and local government records of any facility that is likely to cause or contribute to contamination at the real property, including, as appropriate—

"(aa) any investigation report for the facility;

"(bb) any record of activities likely to cause or contribute to contamination at the real property, including any landfill or other disposal location record, underground storage tank record, hazardous waste handler and generator record, and spill reporting record; and

"(cc) any other reasonably ascertainable Federal, State, and local government environmental record that could reflect an incident or activity that is likely to cause or contribute to contamination at the real property.

"(VI) A visual site inspection of the real property and each facility and improvement on the real property and a visual site inspection of each immediately adjacent property, including an investigation of any hazardous substance use, storage, treatment, or disposal practice on the property.

"(VII) Any specialized knowledge or experience on the part of the person that acquired the property.

"(VIII) The relationship of the purchase price to the value of the property if uncontaminated.

"(IX) Commonly known or reasonably ascertainable information about the property.

"(X) The obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

"(vi) Reasonably ascertainable.—A record shall be considered to be reasonably ascertainable for purposes of clause (v) if a copy or reasonable facsimile of the record is publicly available by request (within reasonable time and cost constraints) and the record is practicably reviewable.

"(vii) Appropriate inquiry.—A person shall not be treated as having made all appropriate inquiry under clause (ii)(I) unless—

"(I) the person has maintained a compilation of the information reviewed and gathered in the course of any site assessment;

"(II) with respect to hazardous substances found at the facility, the person, at a minimum, takes reasonable steps to—

"(aa) stop ongoing releases of hazardous substances;

"(bb) prevent threatened future releases of hazardous substances; and

"(cc) prevent or limit human, environmental, or natural resource exposure to hazardous substances previously released into the environment;

"(III) the person provides full cooperation, assistance, and facility access to such persons as are authorized to conduct response actions at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility; and

"(IV) the person has fully complied with and is in full compliance with any land use or activity restrictions on the property established or relied on in connection with a response action at the facility, including informing any other party that the person allows to occupy or use the property of such restrictions and taking prompt action to correct any noncompliance by such parties.

"(viii) Site inspection and title search.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a site inspection and title search that reveal no basis for further investigation shall satisfy the requirements of clause (ii).".

(b) Limitation on Liability for Contiguous Property Owners.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 101(b)) is amended by adding at the end the following:

"(q) Contiguous Properties.—

"(1) In general.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to other real property that is not owned or operated by that person and that is or may be contaminated by a release or threatened release of a hazardous substance from the other real property shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if such person establishes by a preponderance of the evidence that—

"(A) the person did not cause, contribute, or consent to the release or threatened release;

"(B) the person is not affiliated with any other person that is liable or potentially liable for any response costs at the facility;

"(C) with respect to hazardous substances on or under the person's property, the person, at a minimum, takes reasonable steps to—

"(i) stop ongoing releases;

"(ii) prevent threatened future releases of hazardous substances; and

"(iii) prevent or limit human, environmental, or natural resource exposure to hazardous substances previously released into the environment;

"(D) the person provides full cooperation, assistance, and access to the persons that are authorized to conduct the response and restoration actions at the facility, including the cooperation and access necessary for the assessment of contamination, or installation, preservation of integrity, operation, and maintenance of any complete or partial response action at the facility;

"(E) the person has fully complied and is in full compliance with any land use or activity restrictions on the property established or relied on in connection with a response action at the facility, including informing any other party that the person allows to occupy or use the property of the restrictions and taking prompt action to correct any noncompliance by the party;

"(F) the person provided all legally required notices with respect to the discovery of the release; and

"(G) at the time the person acquired the property, the person—

"(i) conducted all appropriate inquiry within the meaning of subparagraph (B) of section 101(35); and

"(ii) did not know or have reason to know that the property was or could be contaminated by a release or threatened release of hazardous substances from other real property not owned or operated by that person.

"(2) Assurances.—The President may issue an assurance that no enforcement action under this Act shall be initiated against a person described in paragraph (1).

"(3) Groundwater.—With respect to hazardous substances in groundwater beneath the person's property solely as a result of subsurface migration in an aquifer from a source or sources outside the property, paragraph (1)(C) shall not require that the person conduct groundwater investigations or install groundwater remediation systems, except in accordance with the policy of the Environmental Protection Agency on owners of property containing contaminated aquifers, dated May 24, 1995.

"(4) Bona fide prospective purchaser.—Any person that does not qualify as a person described in paragraph (1) because the person had the knowledge specified paragraph (1)(G) at the time of acquisition of the real property may qualify as a bona fide prospective purchaser under section 101(39) if the person is otherwise described in that section.

"(5) No limitation on defenses.—Nothing in this subsection—

"(A) limits defenses to liability that otherwise may be available to persons described in this subsection; or

"(B) imposes liability not otherwise imposed by section 107(a) on such persons.".

SEC. 103. REGULATORY AUTHORITY.

(a) In General.—The Administrator may—

(1) issue such regulations as the Administrator considers necessary to carry out the amendments made by this title; and

(2) assign any duties or powers imposed on or assigned to the Administrator by the amendments made by this title.

(b) Authority to Clarify and Implement.—The authority under subsection (a) includes authority to clarify or interpret all terms, including the terms used in this title, and to implement any provision of the amendments made by this title.

TITLE II—SMALL BUSINESS LIABILITY RELIEF

SEC. 201. LIABILITY EXEMPTIONS.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 102(b)) is amended by adding at the end the following:

"(r) De Micromis Exemption.—

"(1) In general.—Notwithstanding paragraphs (1) through (4) of subsection (a), and except as provided in paragraph (2), a person shall not be liable under this Act to the United States or any other person (including liability for contribution) for any response costs incurred with respect to a facility if—

"(A) liability is based solely on paragraph (3) or (4) of subsection (a);

"(B) the total of materials containing a hazardous substance that the person arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, at the facility, was less than 110 gallons of liquid materials or less than 200 pounds of solid material, or such greater quantity as the Administrator may determine by regulation; and

"(C) the acts on which liability is based took place before May 1, 1999.

"(2) Exception.—Paragraph (1) shall not apply in a case in which the Administrator determines that—

"(A) the material containing a hazardous substance referred to in paragraph (1) contributed or could contribute significantly, individually or in the aggregate, to the cost of the response action with respect to the facility; or

"(B) the person has failed to comply with any request for information or administrative subpoena issued by the President under this Act or has impeded or is impeding the performance of a response action with respect to the facility.

"(s) Municipal solid waste exemption.—

"(1) In general.—Notwithstanding paragraphs (1) through (4) of subsection (a), and except as provided in paragraph (2), a person shall not be liable under this Act to the United States or any other person (including liability for contribution) for response costs incurred with respect to a facility to the extent that—

"(A) liability is based on paragraph (3) or (4) of subsection (a);

"(B) liability is based on an arrangement for disposal or treatment of, an arrangement with a transporter for transport for disposal or treatment of, or an acceptance for transport for disposal or treatment at a facility of, municipal solid waste; and

"(C) the person is—

"(i) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated with respect to the facility;

"(ii) a business entity (including any parent, subsidiary, or other affiliate of the entity) that, during the taxable year preceding the date of transmittal of written notification that the business is potentially liable, employed not more than 100 individuals, and from which was generated all of the entity's municipal solid waste with respect to the facility; or

"(iii) a small nonprofit organization that, during the taxable year preceding the date of transmittal of written notification that the organization is potentially liable, employed not more than 100 individuals, if the particular chapter, office, or department employing fewer than 100 individuals was the location from which was generated all of the municipal solid waste attributable to the organization with respect to the facility.

"(2) Exception.—Paragraph (1) shall not apply in a case in which the President determines that the person has failed to comply with any request for information or administrative subpoena issued by the President under this Act or has impeded or is impeding the performance of a response action with respect to the facility.".

SEC. 202. EXPEDITED SETTLEMENT FOR DE MINIMIS CONTRIBUTIONS AND LIMITED ABILITY TO PAY.

(a) Parties Eligible.—Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) in paragraph (1), by redesignating subparagraph (B) as subparagraph (E);

(2) by striking "(g)" and all that follows through the end of paragraph (1)(A) and inserting the following:

"(g) Expedited Final Settlement.—

"(1) Parties eligible.—

"(A) In general.—The President shall, as expeditiously as practicable, notify of eligibility for a settlement, and offer to reach a final administrative or judicial settlement with, each potentially responsible party that, in the judgment of the President, meets 1 or more of the conditions stated in subparagraphs (B), (C), (F), and (G).

"(B) De minimis contribution.—The condition stated in this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of subsection (a) and the potentially responsible party's contribution of hazardous substances at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party's contribution shall be considered to be de minimis only if the President determines that both of the following criteria are met:

"(i) The quantity of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total quantity of material containing hazardous substances at the facility. The quantity of a potentially responsible party's contribution shall be presumed to be minimal if the quantity is 1 percent or less of the total quantity of materials containing hazardous substances at the facility, unless the Administrator identifies a different threshold based on site-specific factors.

"(ii) The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing hazardous substances at the facility.

"(C) Reduction in settlement amount based on limited ability to pay.—

"(i) In general.—The conditions stated in this subparagraph are that the potentially responsible party—

"(I) is—

"(aa) a natural person; or

"(bb) a small business; and

"(II) demonstrates to the President an inability or a limited ability to pay response costs.

"(ii) Small businesses.—

"(I) Definition of small business.—In this subparagraph, the term 'small business' means a business entity that, together with its parents, subsidiaries, and other affiliates, had an average of not more than 75 full-time equivalent employees and an average of not more than $3,000,000 in annual gross revenues, as reported to the Internal Revenue

Service, during the 3 years preceding the date on which the business entity first received notice from the President of its potential liability under this Act.

"(II) OTHER BUSINESSES.—A business shall be eligible for a settlement under this subparagraph if the business—

"(aa) has an average of not more than 75 employees or an average of not more than $3,000,000 in annual gross revenue; and

"(bb) meets all other requirements for a settlement under this subparagraph.

"(III) CONSIDERATIONS.—At the request of a small business, the President shall take into consideration the ability of the small business to pay response costs and still maintain its basic business operations, including consideration of the overall financial condition of the small business and demonstrable constraints on the ability of the small business to raise revenues.

"(IV) INFORMATION.—A small business requesting settlement under this paragraph shall promptly provide the President with all relevant information needed to determine the ability of the small business to pay response costs.

"(V) DETERMINATION.—To be eligible to be covered by this subparagraph, the business shall demonstrate to the President the inability of the small business to pay response costs. If the small business employs fewer than 25 full-time equivalent employees and has average gross income revenues of less than $2,000,000, the President shall, on request, perform any analysis that the President determines may assist in demonstrating the impact of a settlement on the small business' ability to maintain its basic operations. The President may perform such analysis for any other party or request such other party to perform the analysis.

"(VI) ALTERNATIVE PAYMENT METHODS.—If the President determines that a small business is unable to pay its total settlement quantity immediately, the President shall consider such alternative payment methods as may be necessary or appropriate.

"(D) ADDITIONAL CONDITIONS FOR EXPEDITED SETTLEMENTS.—

"(i) WAIVER OF CLAIMS.—The President shall require, as a condition of settlement under this paragraph, that a potentially responsible party waive some or all of the claims (including a claim for contribution under section 113) that the party may have against other potentially responsible parties for response costs incurred with respect to the facility, unless the President determines that requiring a waiver would be unjust.

"(ii) EXCEPTION.—The President may decline to offer a settlement to a potentially responsible party under this paragraph if the President determines that the potentially responsible party has failed to comply with any request for access or information or an administrative subpoena issued by the President under this Act or has impeded or is impeding the performance of a response action with respect to the facility.

"(iii) RESPONSIBILITY TO PROVIDE INFORMATION AND ACCESS.—A potentially responsible party that enters into a settlement under this paragraph shall not be relieved of the responsibility to provide any information or access requested by the President in accordance with subsection (e)(3)(B) or section 104(e).

"(iv) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.

"(v) NO JUDICIAL REVIEW.—A determination by the President under this paragraph shall not be subject to judicial review."; and

(3) in subparagraph (E) of paragraph (1) (as redesignated by paragraph (1))—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and adjusting the margins appropriately;

(B) by striking "(E) The potentially responsible party" and inserting the following:

"(E) OWNERS OF REAL PROPERTY.—

"(i) IN GENERAL.—The condition stated in this subparagraph is that the potentially responsible party"; and

(C) by striking "This subparagraph (B)" and inserting the following:

"(ii) APPLICABILITY.—Clause (i)".

(b) SETTLEMENT OFFERS.—Section 122(g) of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by redesignating paragraph (6) as paragraph (9); and

(2) by inserting after paragraph (5) the following:

"(6) SETTLEMENT OFFERS.—

"(A) NOTIFICATION.—As soon as practicable after receipt of sufficient information to make a determination, the Administrator shall notify any person that the Administrator determines is eligible under paragraph (1) of the person's eligibility for the expedited final settlement.

"(B) OFFERS.—As soon as practicable after receipt of sufficient information, the Administrator shall submit a written settlement offer to each person that the Administrator determines, based on information available to the Administrator at the time at which the determination is made, to be eligible for a settlement under paragraph (1).

"(C) INFORMATION.—At the time at which the Administrator submits an offer under paragraph (1), the Administrator shall, at the request of the recipient of the offer, make available to the recipient any information available under section 552 of title 5, United States Code, on which the Administrator bases the settlement offer, and if the settlement offer is based in whole or in part on information not available under that section, so inform the recipient.

"(7) LITIGATION MORATORIUM.—

"(A) IN GENERAL.—No person that has received notification from the Administrator under paragraph (6) that the person is eligible for an expedited settlement under paragraph (1) shall be named as a defendant in any action under this Act for recovery of response costs (including an action for contribution) during the period—

"(i) beginning on the date on which the person receives from the President written notice of the person's potential liability and notice that the person is a party that may qualify for an expedited settlement; and

"(ii) ending on the earlier of—

"(I) the date that is 90 days after the date on which the President tenders a written settlement offer to the person; or

"(II) the date that is 1 year after receipt of notice from the President that the person may qualify for an expedited settlement.

"(B) SUSPENSION OF PERIOD OF LIMITATION.—The period of limitation under section 113(g) applicable to a claim against a person described in subparagraph (A) for response costs, natural resource damages, or contribution shall be suspended during the period described in subparagraph (A).

"(8) NOTICE OF SETTLEMENT.—After a settlement under this subsection becomes final with respect to a facility, the President shall promptly notify potentially responsible parties at the facility that have not resolved their liability to the United States of the settlement.".

SEC. 203. SMALL BUSINESS OMBUDSMAN.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) is amended by adding at the end the following:

"(f) SMALL BUSINESS OMBUDSMAN.—

"(1) ESTABLISHMENT.—The Administrator shall establish a small business Superfund assistance section within the small business ombudsman office of the Environmental Protection Agency.

"(2) FUNCTIONS.—The small business Superfund assistance section shall—

"(A) act as a clearinghouse for the provision to small businesses of information, in a form that is comprehensible to a layperson, regarding this Act, including information regarding—

"(i) requirements and procedures for expedited settlements under section 122(g); and

"(ii) ability-to-pay procedures under section 122(g);

"(B) provide general advice and assistance to small businesses regarding questions and problems concerning the settlement processes (not including legal advice as to liability or any other legal representation); and

"(C) develop proposals and make recommendations for changes in policies and activities of the Environmental Protection Agency that would better fulfill the goals of this title and the amendments made by this title in ensuring equitable, simplified, and expedited settlements for small businesses.".

TITLE III—SETTLEMENTS FOR MUNICIPALITIES AND CONTRIBUTORS OF MUNICIPAL WASTE

SEC. 301. MUNICIPAL OWNERS AND OPERATORS.

Section 107 of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

"(t) MUNICIPAL OWNERS AND OPERATORS.—

"(1) IN GENERAL.—A municipality that is liable for response costs under paragraph (1) or (2) of subsection (a) on the basis of ownership or operation of a municipal landfill that was listed on the National Priority List on or before May 1, 1999, shall be eligible for a settlement of that liability.

"(2) SETTLEMENT AMOUNT.—

"(A) MUNICIPALITIES WITH A POPULATION OF 100,000 OR MORE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the President shall offer a settlement to a municipality with a population of 100,000 (as measured by the 1990 census) or more with respect to liability described in paragraph (1) on the basis of a payment or other obligation equivalent in value to not more than 20 percent of the total response costs incurred with respect to a facility.

"(ii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) with respect to a municipality to not less than 10 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

"(iii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 35 percent if the President determines that—

"(I) the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility; or

"(II) the municipality, during the period of ownership or operation of the facility, received operating revenues substantially in excess of the sum of the waste system operating costs plus 20 percent of total estimated response costs incurred with respect to the facility.

"(B) MUNICIPALITIES WITH A POPULATION OF LESS THAN 100,000.—The President shall offer a settlement to a municipality with a population of less than 100,000 (as measured by the 1990 census) with respect to liability described in paragraph (1) in an amount that does not exceed 10 percent of the total response costs incurred with respect to the facility.

"(3) PERFORMANCE OF RESPONSE ACTIONS.—As a condition of a settlement with a municipality under this subsection, the President may require that the municipality perform or participate in the performance of the response actions at the facility.

"(4) OWNERSHIP OR OPERATION BY 2 OR MORE MUNICIPALITIES.—A combination of 2 or more municipalities that jointly own or operate (or owned or operated) a facility at the same time or during continuous operations under municipal control shall be considered to be a single owner or operator for the purpose of calculating a settlement offer under this subsection.

"(5) WAIVER OF CLAIMS.—The President shall require, as a condition of a settlement under this subsection, that a municipality or combination of 2 or more municipalities waive some or all of the claims (including a claim for contribution under section 113) that the party may have against other potentially responsible parties for response costs incurred with respect to the facility, unless the President determines that requiring a waiver would be unjust.

"(6) EXCEPTIONS.—The President may decline to offer a settlement under this subsection with respect to a facility if the President determines that the municipal owner or operator has failed to comply with any request for information or administrative subpoena issued by the United States under this Act, has failed to provide facility access to persons authorized to conduct response actions at the facility, or has impeded or is impeding the performance of a response action with respect to the facility.".

SEC. 302. EXPEDITED SETTLEMENTS WITH CONTRIBUTORS OF MUNICIPAL WASTE.

Section 122(g)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(g)(1)) (as amended by section 202(a)) is amended by adding at the end the following:

"(F) CONTRIBUTION OF MUNICIPAL SOLID WASTE AND MUNICIPAL SEWAGE SLUDGE.—

"(i) IN GENERAL.—The condition stated in this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of section 107(a) and the potentially responsible party arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, at a facility listed on the National Priorities List—

"(I) municipal solid waste; or

"(II) municipal sewage sludge.

"(ii) SETTLEMENT AMOUNT.—

"(I) IN GENERAL.—The President shall offer a settlement to a party referred to in clause (i) with respect to liability under paragraph (3) or (4) of section 107(a) on the basis of a payment of $5.30 per ton of municipal solid waste or municipal sewage sludge that the President estimates is attributable to the party.

"(II) REVISION.—

"(aa) IN GENERAL.—The President, after consulting with local government officials, may revise the per-ton rate by regulation.

"(bb) BASIS.—A revised settlement amount under item (aa) shall reflect the estimated per-ton cost of closure and post-closure activities at a representative facility containing only municipal solid waste or municipal sewage sludge.

"(iii) ADJUSTMENT FOR INFLATION.—The Administrator may by guidance periodically adjust the settlement amounts under clause (ii) to reflect changes in the Consumer Price Index (or other appropriate index, as determined by the Administrator).

"(iv) OTHER MATERIAL.—

"(I) IN GENERAL.—Notwithstanding clause (i), a potentially responsible party that arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, municipal solid waste or municipal sewage sludge and other material containing hazardous substances shall be eligible for the per-ton settlement rate provided in this subparagraph as to the municipal solid waste or municipal sewage sludge only, if the potentially responsible party demonstrates to the President's satisfaction the quantity of the municipal solid waste and municipal sewage sludge contributed by the party and the quantity and composition of the other material containing hazardous substances contributed by the party.

"(II) PARTIES ELIGIBLE FOR DE MICROMIS EXEMPTION.—If a potentially responsible party demonstrates to the President's satisfaction that, with respect to the material other than municipal solid waste or municipal sewage sludge contributed by the party, the party qualifies for the de micromis exemption under section 107(r), the party shall qualify for the per-ton settlement rate under clause (ii) with respect to its municipal solid waste and municipal sewage sludge in an expedited settlement under this paragraph.

"(III) PARTIES ELIGIBLE FOR EXPEDITED DE MINIMIS SETTLEMENT.—If a potentially responsible party demonstrates to the satisfaction of the President that, with respect to the material other than a municipal solid waste or municipal sewage sludge contributed by the party, the party qualifies for a de minimis settlement under subparagraph (B), the party shall qualify for the per-ton settlement rate under clause (ii) with respect to its municipal solid waste and municipal sewage sludge at the time that the party agrees to an expedited settlement under this paragraph with respect to its de minimis contribution of other material containing hazardous substances.

"(IV) OTHER PARTIES.—If a party does not make the demonstration under subclauses (II) and (III), the President shall offer to resolve the party's liability with respect to the municipal solid waste or municipal sewage sludge at the per-ton settlement rate under clause (ii) at such time as the party agrees to a settlement with respect to other material containing hazardous substances on terms and conditions acceptable to the President.

"(G) MUNICIPALITY WITH LIMITED ABILITY TO PAY.—

"(i) IN GENERAL.—The conditions stated in this subparagraph are that the potentially responsible party is a municipality and demonstrates to the President an inability or a limited ability to pay response costs.

"(ii) FACTORS.—The President shall consider the inability or limited ability to pay of a municipality to the extent that the municipality provides necessary information with respect to—

"(I) the general obligation bond rating and information about the most recent bond issue for which the rating was prepared;

"(II) the amount of total available funds (other than dedicated funds or State assistance payments for remediation of inactive hazardous waste sites);

"(III) the amount of total operating revenues (other than obligated or encumbered revenues);

"(IV) the amount of total expenses;

"(V) the amount of total debt and debt service;

"(VI) per capita income and cost of living;

"(VII) real property values;

"(VIII) unemployment information; and

"(IX) population information.

"(iii) EVALUATION OF IMPACT.—A municipality may also submit for consideration by the President an evaluation of the potential impact of the settlement on the provision of municipal services and the feasibility of making delayed payments or payments over a certain period of time.

"(iv) RISK OF DEFAULT OR VIOLATION.—A municipality may establish an inability to pay for purposes of this subparagraph through an affirmative showing that payment of its liability under this Act would—

"(I) create a substantial demonstrable risk that the municipality would default on debt obligations existing as of the time of the showing, be forced into bankruptcy, be forced to dissolve, or be forced to make budgetary cutbacks that would substantially reduce the level of protection of public health and safety; or

"(II) necessitate a violation of legal requirements or limitations of general applicability concerning the assumption and maintenance of fiscal municipal obligations.

"(v) OTHER FACTORS RELEVANT TO SETTLEMENTS WITH MUNICIPALITIES.—In determining an appropriate settlement amount with a municipality under this subparagraph, the President may consider other relevant factors, including the fair market value of any in-kind services that the municipality may provide to support the response action at the facility.

"(H) APPLICABILITY OF EXPEDITED SETTLEMENT REQUIREMENTS.—

"(i) IN GENERAL.—The requirements set forth in subparagraph (D) shall apply to settlements described in subparagraphs (F) and (G).

"(ii) OTHER REQUIREMENTS.—The requirements set forth in subparagraph (B)(ii) shall apply to settlements described in subparagraph (F)(i)(II).".

TITLE IV—CLARIFICATION OF LIABILITY FOR RECYCLING TRANSACTIONS

SEC. 401. RECYCLING TRANSACTIONS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 127. RECYCLING TRANSACTIONS.

"(a) LIABILITY CLARIFICATION.—A person who arranged for recycling of recyclable material in accordance with this section shall not be liable under paragraph (3) or (4) of section 107(a) with respect to the material.

"(b) DEFINITION OF RECYCLABLE MATERIAL.—

"(1) IN GENERAL.—In this section, the term 'recyclable material' means scrap paper, scrap plastic, scrap glass, scrap textile, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent battery, as well as minor quantities of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap.

“(2) Exclusions.—The term ‘recyclable material’ does not include shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substances that form an integral part of the container) contained in or adhering to the containers.

“(c) Transactions Involving Scrap Paper, Plastic, Glass, Textiles, or Rubber.—A transaction involving scrap paper, scrap plastic, scrap glass, scrap textile, or scrap rubber (other than whole tires) shall be considered to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) demonstrates by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

“(1) The recyclable material met a commercial specification grade.

“(2) A market existed for the recyclable material.

“(3) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

“(4) The recyclable material is a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material is a replacement or substitute for a product made, in whole or in part, from a virgin raw material.

“(5) In the case of a transaction occurring 90 days or more after the date of enactment of this section, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (referred to in this section as a ‘consuming facility’) was in compliance with substantive provisions of any Federal, State, or local environmental law (including a regulation, compliance order, or decree issued pursuant to the law) applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

“(6) For purposes of this subsection, reasonable care shall be determined using criteria that include the following:

“(A) The price paid in the recycling transaction.

“(B) The ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material.

“(C) The result of inquiries made to appropriate Federal, State, or local environmental agencies regarding the consuming facility's past and current compliance with substantive provisions of any Federal, State, or local environmental law (including a regulation, compliance order, or decree issued pursuant to the law) applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this paragraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be considered to be a substantive provision.

“(d) Transactions Involving Scrap Metal.—

“(1) In general.—A transaction involving scrap metal shall be considered to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) demonstrates by a preponderance of the evidence that (at the time of the transaction) the person—

“(A) met the criteria set forth in subsection (c) with respect to the scrap metal;

“(B) was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) subsequent to the date of enactment of this section and with regard to transactions occurring after the effective date of the regulations or standards; and

“(C) did not melt the scrap metal prior to the transaction.

“(2) Thermal separation.—For purposes of paragraph (1)(C), melting of scrap metal does not include the thermal separation of 2 or more materials due to differences in their melting points.

“(3) Definition of scrap metal.—In this subsection, the term ‘scrap metal’ means bits and pieces of a metal part (such as a bar, a turning, a rod, a sheet, and a wire) or a metal piece that may be combined together with bolts or soldering (resulting in items such as a radiator, scrap automobile, or railroad box car), which when worn or superfluous can be recycled, other than scrap metals that the Administrator excludes from this paragraph by regulation.

“(e) Transactions Involving Batteries.—A transaction involving a spent lead-acid battery, a spent nickel-cadmium battery, or other spent battery shall be considered to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) demonstrates by a preponderance of the evidence that at the time of the transaction—

“(1) the person met the criteria set forth in subsection (c) with respect to the spent lead-acid battery, spent nickel-cadmium battery, or other spent battery, but the person did not recover the valuable components of such battery; and

“(2)(A) with respect to a transaction involving a lead-acid battery, the person was in compliance with applicable Federal environmental law (including regulations and standards), regarding the storage, transport, management, or other activities associated with the recycling of the battery;

“(B) with respect to a transaction involving a nickel-cadmium battery, the person was in compliance with applicable Federal environmental law (including regulations and standards) regarding the storage, transport, management, or other activities associated with the recycling of the battery; or

“(C) with respect to a transaction involving any other spent battery, the person was in compliance with applicable Federal environmental law (including regulations and standards) regarding the storage, transport, management, or other activities associated with the recycling of the battery.

“(f) Exclusions.—

“(1) In general.—The exemptions set forth in subsections (c), (d), and (e) shall not apply if—

“(A) the person had an objectively reasonable basis to believe at the time of the recycling transaction that—

“(i) the recyclable material would not be recycled;

“(ii) the recyclable material would be burned as fuel, or for energy recovery or incineration; or

“(iii) for a transaction occurring before the date that is 90 days after the date of the enactment of this section, the consuming facility was not in compliance with a substantive provision of any Federal, State, or local environmental law (including a regulation, compliance order, or decree issued pursuant to the law), applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

“(B) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling;

“(C) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances); or

“(D) with respect to any item of a recyclable material, the item contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal law.

“(2) Objectively reasonable basis.—For purposes of this subsection, an objectively reasonable basis for belief shall be determined using criteria that include—

“(A) the size of the person's business;

“(B) customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances);

“(C) the price paid in the recycling transaction; and

“(D) the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

“(3) Permit.—For purposes of this subsection, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be considered to be a substantive provision.

“(g) Effect on Other Liability.—Nothing in this section affects the liability of a person with respect to materials that are not recyclable materials (as defined in subsection (b)) under paragraph (1), (2), (3), or (4).

“(h) Regulations.—The Administrator has the authority, under section 115, to promulgate additional regulations concerning this section.

“(i) Effect on Pending or Concluded Actions.—The exemptions provided under this section shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to the date of enactment of this section.

“(j) Liability for Attorney's Fees for Certain Actions.—Any person who commences an action in contribution against a person who is not liable by operation of this section shall be liable to that person for all reasonable costs of defending that action, including all reasonable attorneys and expert witness fees.

“(k) Relationship to Liability Under Other Laws.—Nothing in this section affects—

“(1) liability under any other Federal, State, or local law (including a regulation), including any requirements promulgated by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

"(2) the ability of the Administrator to promulgate regulations under any other law, including the Solid Waste Disposal Act.".

TITLE V—BROWNFIELDS CLEANUP

SEC. 501. BROWNFIELDS FUNDING.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 128. BROWNFIELDS FUNDING FOR STATE AND LOCAL GOVERNMENTS.

"(a) Brownfields Inventory and Assessment Grant Program.—

"(1) Establishment.—The Administrator shall establish a program to award grants to States or local governments to inventory brownfield sites and to conduct site assessments of brownfield sites.

"(2) Scope of program.—

"(A) Grant awards.—To carry out this subsection, the Administrator may, on approval of an application, provide financial assistance to a State or local government.

"(B) Grant application procedure.—

"(i) In general.—The Administrator shall establish a grant application procedure for this section.

"(ii) National contingency plan.—The Administrator may include in the procedure established under clause (i) requirements of the National Contingency Plan, to the extent that those requirements are relevant and appropriate to the program under this subsection.

"(C) Grant application.—An application for a grant under this subsection shall include, to the extent practicable, each of the following:

"(i) An identification of the brownfield sites for which assistance is sought and a description of the effect of the brownfield sites on the community, including a description of the nature and extent of any known or suspected environmental contamination within the areas in which eligible brownfield sites are situated.

"(ii) A description of the need of the applicant for financial assistance to inventory brownfield sites and conduct site assessments.

"(iii) A demonstration of the potential of the grant assistance to stimulate economic development, including the extent to which the assistance would stimulate the availability of other funds for site assessment, site identification, or environmental remediation and subsequent redevelopment of the areas in which eligible brownfield sites are situated.

"(iv) A description of the local commitment as of the date of the application, which shall include a community involvement plan that demonstrates meaningful community involvement.

"(v) A plan that demonstrates how the site assessment, site identification, or environmental remediation and subsequent development will be implemented, including—

"(I) an environmental plan that ensures the use of sound environmental procedures;

"(II) an explanation of the appropriate government authority and support for the project as in existence on the date of the application;

"(III) proposed funding mechanisms for any additional work; and

"(IV) a proposed land ownership plan.

"(vi) A statement describing the long-term benefits and the sustainability of the proposed project that includes—

"(I) the ability of the project to be replicated nationally and measures of success of the project; and

"(II) to the extent known, the potential of the plan for each area in which an eligible brownfield site is situated to stimulate economic development of the area on completion of the environmental remediation.

"(vii) Such other factors as the Administrator considers relevant to carry out this title.

"(D) Approval of application.—

"(i) In general.—In making a decision on whether to approve an application under subparagraph (A), the Administrator shall—

"(I) consider the need of the State or local government for financial assistance to carry out this subsection;

"(II) consider the ability of the applicant to carry out an inventory and site assessment under this subsection;

"(III) ensure a fair distribution of grant funds between urban and nonurban areas; and

"(IV) consider such other factors as the Administrator considers relevant to carry out this subsection.

"(ii) Grant conditions.—As a condition of awarding a grant under this subsection, the Administrator may, on the basis of the criteria considered under clause (i), attach such conditions to the grant as the Administrator determines appropriate.

"(E) Grant amount.—Subject to subparagraph (E), the amount of a grant awarded to any State or local government under this subsection for inventory and site assessment of 1 or more brownfield sites shall not exceed $200,000.

"(F) Waiver.—The Administrator may waive the limitation on the amount of a grant under subparagraph (E) on the basis of the anticipated level of contamination, size, status of ownership, number of brownfield sites, or any other factor relating to the facility that the Administrator considers appropriate, taking into consideration the impact of the increase on the Administrator's ability to provide grants at other facilities.

"(G) Termination of grants.—If the Administrator determines that a State or local government that receives a grant under this subsection is in violation of a condition of a grant referred to in subparagraph (D)(ii), the Administrator may terminate the grant made to the State or local government and require full or partial repayment of the grant.

"(b) Grants and Loans for Cleanup of Brownfield Sites.—

"(1) Establishment.—The Administrator shall establish a program to award grants to—

"(A) State or local governments to capitalize revolving loan funds for the cleanup of brownfield sites; and

"(B) local governments that are not liable under section 107, in accordance with paragraph (3), for the purpose of cleaning up brownfield sites.

"(2) Loans.—The loans may be provided by the State or local government to finance cleanups of brownfield sites by the State or local government, or by an owner or operator or a prospective purchaser of a brownfield site (including a local government) at which a cleanup is being conducted or is proposed to be conducted.

"(3) Determination.—In determining whether to award a grant under paragraph (1)(B), the Administrator shall consider, in addition to other requirements of this subsection—

"(A) the demonstrated financial need of the applicant for a grant, including whether the applicant would be financially able to repay a loan;

"(B) the extent to which the funds from the grant would be used for the creation or preservation of undeveloped space or for other nonprofit purposes; and

"(C) the benefits of a revolving loan program described in paragraph (1)(A) in promoting the long-term availability of funding for brownfields cleanups.

"(4) Scope of program.—

"(A) In general.—

"(i) Grants.—In carrying out this subsection, the Administrator may award a grant to a State or local government that submits an application to the Administrator that is approved by the Administrator.

"(ii) Use of grant.—The grant shall be used—

"(I) by the State or local government to capitalize a revolving loan fund to be used for cleanup of 1 or more brownfield sites; or

"(II) in the case of a grant under paragraph (1)(B), by the local government for cleanup of brownfield sites.

"(B) Grant application procedure.—

"(i) In general.—The Administrator shall establish a grant application procedure for this subsection.

"(ii) Inclusions.—The procedure established under clause (i)—

"(I) shall include criteria for grants under paragraph (1)(B); and

"(II) may include requirements of the National Contingency Plan, to the extent that those requirements are relevant and appropriate to the program under this subsection.

"(C) Grant application for revolving loan funds.—An application for a grant under this subsection to establish a revolving loan fund, shall be in such form as the Administrator determines appropriate, and shall include, at a minimum, the following:

"(i) Evidence that the grant applicant has the financial controls and resources to administer a revolving loan fund in accordance with this subsection.

"(ii) Provisions that—

"(I) ensure that the grant applicant has the ability to monitor the use of funds provided to loan recipients under this subsection; and

"(II) ensure that any cleanup conducted by the applicant is protective of human health and the environment.

"(iii) Identification of the criteria to be used by the State or local government in providing for loans under the program. The criteria shall include the financial standing of the applicants for the loans, the use to which the loans will be put, the provisions to be used to ensure repayment of the loan funds.

"(iv) A complete description of the financial standing of the applicant that includes a description of the assets, cash flow, and liabilities of the applicant.

"(v) A written statement that attests that the cleanup of the site would not occur without access to the revolving loan fund.

"(vi) The proposed method, and anticipated period of time required, to clean up the environmental contamination at the brownfield site.

"(vii) An estimate of the proposed total cost of the cleanup to be conducted at the brownfield site.

"(viii) An analysis that demonstrates the potential of the brownfield site for stimulating economic development or other beneficial use on completion of the cleanup of the brownfield site.

"(5) GRANT APPROVAL.—In determining whether to award a grant under this subsection, the Administrator shall consider, as applicable—

"(A) the need of the State or local government for financial assistance to clean up brownfield sites that are the subject of the application, taking into consideration the financial resources available to the State or local government;

"(B) the ability of the State or local government to ensure that the applicants repay the loans in a timely manner;

"(C) the extent to which the cleanup of the brownfield site or sites would reduce health and environmental risks caused by the release of contaminants at, or from, the brownfield site or sites;

"(D) the demonstrable potential of the brownfield site or sites for stimulating economic development on completion of the cleanup;

"(E) the demonstrated ability of the State or local government to administer such a loan program;

"(F) the demonstrated experience of the State or local government regarding brownfield sites and the reuse of contaminated land, including whether the government has received any grant under this Act to assess brownfield sites, except that applicants who have not previously received such a grant may be considered for awards under this subsection;

"(G) the efficiency of having the loan administered by the level of government represented by the applicant entity;

"(H) the experience of administering any loan programs by the entity, including the loan repayment rates;

"(I) the demonstrations made regarding the ability of the State or local government to ensure a fair distribution of grant funds among brownfield sites within the jurisdiction of the State or local government; and

"(J) such other factors as the Administrator considers relevant to carry out this subsection.

"(6) GRANT AMOUNT TO CAPITALIZE REVOLVING LOAN FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the amount of a grant to capitalize a revolving loan fund made to a State or local applicant under this subsection shall not exceed $500,000.

"(B) WAIVER.—The Administrator may waive the limitation on the amount of a grant under subparagraph (A) on the basis of the anticipated level of contamination, size, status of ownership, number of brownfield sites, or any other factor relating to the facility that the Administrator considers appropriate, taking into consideration the impact of the increase on the Administrator's ability to provide grants at other facilities.

"(7) CLEANUP GRANT AMOUNT.—The amount of a grant made to a local applicant under paragraph (1)(B) shall not exceed $200,000.

"(8) GRANT APPROVAL.—Each application for a grant to capitalize a revolving loan fund under this subsection shall, as a condition of approval by the Administrator, include a written statement by the State or local government that cleanups to be funded under this subsection shall be conducted under the auspices of, and in compliance with—

"(A) the State voluntary cleanup program;

"(B) the State Superfund program; or

"(C) Federal law.

"(9) GRANT AGREEMENTS.—Each grant under this subsection shall be made under a grant agreement that shall include, at a minimum, provisions that ensure the following:

"(A) COMPLIANCE WITH LAW.—The grant recipient shall include in all loan agreements a requirement that the loan recipient shall comply with all laws applicable to the cleanup and shall ensure that the cleanup is protective of human health and the environment.

"(B) REPAYMENT.—For grants made under paragraph (1)(A), the State or local government shall require repayment of the loan consistent with this subsection.

"(C) USE OF FUNDS.—

"(i) REVOLVING GRANTS.—For grants made under paragraph (1)(A), the State or local government shall use the funds, including repayment of the principal and interest, solely for purposes of establishing and capitalizing a loan program in accordance with this subsection and of cleaning up the environmental contamination at the brownfield site or sites.

"(ii) CLEANUP GRANTS.—For grants made under paragraph (1)(B), the local government shall use the funds solely for the purpose of cleaning up the environmental contamination at the brownfield site or sites.

"(D) REPAYMENT OF FUNDS.—For grants made under paragraph (1)(A), the State or local government shall require in each loan agreement, and take necessary steps to ensure, that the loan recipient shall use the loan funds solely for the purposes stated in subparagraph (C), and shall require the return of any excess funds immediately on a determination by the appropriate State or local official that the cleanup has been completed.

"(E) NONTRANSFERABILITY.—For grants under paragraph (1)(A) or (1)(B), the loan funds shall not be transferable, unless the Administrator agrees to the transfer in writing.

"(F) LIENS.—

"(i) DEFINITIONS.—In this subparagraph, the terms 'security interest' and 'purchaser' have the meanings given the terms in section 6323(h) of the Internal Revenue Code of 1986.

"(ii) LIENS.—A lien in favor of the grant recipient shall arise on the contaminated property subject to a loan under this subsection.

"(iii) COVERAGE.—The lien shall cover all real property included in the legal description of the property at the time the loan agreement provided for in this subsection is signed, and all rights to the property, and shall continue until the terms and conditions of the loan agreement have been fully satisfied.

"(iv) TIMING.—The lien shall—

"(I) arise at the time a security interest is appropriately recorded in the real property records of the appropriate office of the State, county, or other governmental subdivision, as designated by State law, in which the real property subject to the lien is located; and

"(II) be subject to the rights of any purchaser, holder of a security interest, or judgment lien creditor whose interest is or has been perfected under applicable State law before the notice has been filed in the appropriate office of the State, county, or other governmental subdivision, as designated by State law, in which the real property subject to the lien is located.

"(G) OTHER CONDITIONS.—The State or local government shall comply with such other terms and conditions as the Administrator determines are necessary to protect the financial interests of the United States and to protect human health and the environment.

"(c) REPORTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not later than January 31 of each of the 3 calendar years thereafter, the Administrator shall prepare and submit a report describing the results of each program established under this title to—

"(A) the Committee on Environment and Public Works of the Senate; and

"(B) the Committee on Commerce of the House of Representatives.

"(2) CONTENTS OF REPORT.—Each report shall, with respect to each of the programs established under this title, include a description of—

"(A) the number of applications received by the Administrator during the preceding calendar year;

"(B) the number of applications approved by the Administrator during the preceding calendar year; and

"(C) the allocation of assistance under subsections (a) and (b) among the States and local governments.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) EXCLUDED FACILITIES.—A grant for site inventory and assessment under subsection (a) or to capitalize a revolving loan fund or conduct a cleanup under subsection (b) may not be used for any activity involving—

"(A) a facility that is the subject of a planned or an ongoing response action under this Act, except for a facility for which a preliminary assessment, site investigation, or removal action has been completed and with respect to which the Administrator has decided not to take further response action, including cost recovery action;

"(B) a facility included, or proposed for inclusion, on the National Priorities List maintained by the Administrator under this Act;

"(C) a facility with respect to which a record of decision, other than a no-action record of decision, has been issued by the President under section 104 with respect to the facility;

"(D) a facility that is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

"(E) any land disposal unit with respect to which a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted and closure requirements have been specified in a closure plan or permit;

"(F) a facility at which there has been a release of a polychlorinated biphenyl and that is subject to the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(G) a facility with respect to which an administrative or judicial order or a consent decree requiring cleanup has been issued or entered into by the President and is in effect under—

"(i) this Act;

"(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(iv) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(v) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(H) a facility at which assistance for response activities may be obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986; and

"(I) a facility owned or operated by a department, agency, or instrumentality of the

United States, except for land held in trust by the United States for an Indian tribe.

"(2) FACILITY GRANTS.—Notwithstanding paragraph (1), the President may, on a facility-by-facility basis, allow a grant under subsection (a) or (b) to be used for an activity involving any facility or portion of a facility listed in subparagraph (D), (E), (F), (G)(ii), (G)(iii), (G)(iv), (G)(v), or (H) of paragraph (1).

"(3) FINES AND COST-SHARING.—A grant made under this title may not be used to pay any fine or penalty owed to a State or the Federal Government, or to meet any Federal cost-sharing requirement.

"(4) OTHER LIMITATIONS.—

"(A) IN GENERAL.—Funds made available to a State or local government under the grant programs established under subsections (a) and (b) shall be used only to inventory and assess brownfield sites as authorized by this title and for capitalizing a revolving loan fund or cleanup of a brownfield site as authorized by this title, respectively.

"(B) RESPONSIBILITY FOR CLEANUP ACTION.—Funds made available under this title may not be used to relieve a local government or State of the commitment or responsibilities of the local government or State under State law to assist or carry out cleanup actions at brownfield sites.

"(e) REGULATIONS.—

"(1) IN GENERAL.—The Administrator may issue such regulations as are necessary to carry out this section.

"(2) PROCEDURES AND STANDARDS.—The regulations shall include such procedures and standards as the Administrator considers necessary, including procedures and standards for evaluating an application for a grant or loan submitted under this section.

"(f) EFFECT ON OTHER LAWS.—Nothing in this title affects the liability or response authorities for environmental contamination under any other law (including any regulation), including—

"(1) this Act;

"(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

"(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).".

SEC. 502. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING.

(a) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING.—Section 311 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660) is amended by striking subsection (c) and inserting the following:

"(c) HAZARDOUS SUBSTANCE RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING.—

"(1) IN GENERAL.—The Administrator may conduct and, through grants, cooperative agreements, contracts, and the provision of technical assistance, may support, research, development, demonstration, and training relating to the detection, assessment, remediation, and evaluation of the effects on and risks to human health and the environment from hazardous substances.

"(2) ELIGIBILITY.—The Administrator may award grants and cooperative agreements, or contracts or provide technical assistance under this subsection to a State, Indian tribe, consortium of Indian tribes, interstate agency, political subdivision of a State, educational institution, or other agency or organization for the development and implementation of training, technology transfer, and information dissemination programs to strengthen environmental response activities, including enforcement, at the Federal, State, tribal and local levels.

"(3) REQUIREMENTS.—The Administrator may establish such requirements for grants and cooperative agreements under this subsection as the Administrator considers to be appropriate.".

(b) TRAINING AND TECHNICAL ASSISTANCE.—Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 203) is amended by adding at the end the following:

"(g) FINANCIAL ASSISTANCE FOR TRAINING.—The Administrator may provide training and technical assistance to individuals and organizations, as appropriate to—

"(1) inventory and conduct assessments and cleanups of brownfield sites; and

"(2) conduct response actions under this Act.".

SEC. 503. STATE VOLUNTARY CLEANUP PROGRAMS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 501) is amended by adding at the end the following:

"SEC. 129. SUPPORT FOR STATE VOLUNTARY CLEANUP PROGRAMS.

"(a) EPA ASSISTANCE FOR STATES FOR STATE VOLUNTARY RESPONSE PROGRAMS.—The Administrator shall assist States to establish and administer State voluntary response programs that provide—

"(1) voluntary response actions that ensure adequate site assessment and are protective of human health and the environment;

"(2) opportunities for technical assistance (including grants) for voluntary response actions;

"(3) meaningful opportunities for public participation on issues that affect the community, which shall include prior notice and opportunity for comment in the selection of response actions and which may include involvement of State and local health officials during site assessment;

"(4) streamlined procedures to ensure expeditious voluntary response actions;

"(5) adequate oversight, enforcement authorities, resources, and practices to—

"(A) ensure that voluntary response actions are protective of human health and the environment, as provided in paragraph (1), and are conducted in a timely manner in accordance with a State-approved response action plan; and

"(B) ensure completion of response actions if the person conducting the response action fails or refuses to complete the necessary response activities that are protective of human health and the environment, including operation and maintenance or long-term monitoring activities;

"(6) mechanisms for the approval of a response action plan; and

"(7) mechanisms for a certification or similar documentation to the person that conducted the response action indicating that the response is complete.

"(b) GRANTS FOR DEVELOPMENT AND ENHANCEMENT OF STATE VOLUNTARY RESPONSE PROGRAMS AND REPORTING REQUIREMENT.—

"(1) GRANTS TO STATES.—The Administrator shall provide grants to States to develop or enhance State voluntary response programs described in subsection (a).

"(2) PUBLIC RECORD.—To assist the Administrator in determining the needs of States for assistance under this section, the Administrator shall encourage the States to maintain a public record of facilities, by name and location, that have been or are planned to be addressed under a State voluntary response program.

"(3) REPORTING REQUIREMENT.—Not later than the end of the first calendar year after the date of enactment of this section, and annually thereafter, each State that receives financial assistance under this section shall submit to the Administrator a report describing the progress of the voluntary response program of the State, including information, with respect to that calendar year, on—

"(A) the number of sites, if any, undergoing voluntary cleanup, including a separate description of the number of sites in each stage of voluntary cleanup;

"(B) the number of sites, if any, entering voluntary cleanup; and

"(C) the number of sites, if any, that received a certification from the State indicating that a response action is complete.".

SEC. 504. AUDITS.

Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611) is amended by adding at the end the following:

"(q) AUDITS.—

"(1) IN GENERAL.—The Inspector General of the Environmental Protection Agency shall audit a portion of the grants awarded under section 129 to ensure that all funds are used in a manner that is consistent with that section.

"(2) FUTURE GRANTS.—The result of the audit shall be taken into account in awarding any future grants to the State or local government under that section.".

TITLE VI—SETTLEMENT INCENTIVES

SEC. 601. FAIRNESS IN SETTLEMENTS.

Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622) is amended by adding at the end the following:

"(n) FAIRNESS IN SETTLEMENTS.—

"(1) ASSISTANCE FOR CLEANUP SETTLEMENTS.—An agreement under subsection (a) may, in the discretion of the President, provide for payment of sums appropriated under section 111(s) to pay a portion of the response costs at a facility in accordance with section 122(b) where the President determines there are parties that are insolvent, defunct, or otherwise have a limited ability to pay, or based on other equitable considerations.

"(2) APPLICATION TOWARD CLEANUP SETTLEMENT OF SUMS RECOVERED IN OTHER SETTLEMENTS.—The President may enter into settlements under paragraphs (3), subparagraphs (B), (C), (F), and (G) of section 122(g)(1), and section 107(t) that include terms providing for the disposition of the proceeds of the settlements in a manner that is fair and reasonable, including, as appropriate, the placement of settlement proceeds in interest-bearing accounts to conduct or enable other persons to conduct response actions at the facility.

"(3) ADDITIONAL SETTLEMENTS BASED ON ABILITY TO PAY.—The President shall have the authority to evaluate the ability to pay of any potentially responsible party, and to enter into a settlement with the party based on that party's ability to pay.".

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 111(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(a)) is amended in the first sentence by striking "$8,500,000,000 for the 5-year period beginning on the date of enactment of the Superfund Amendments and Reauthorization Act of 1986, and not more than $5,100,000,000 for the period commencing October 1, 1991, and ending September 30, 1994" and inserting "$7,500,000,000 for the period beginning October 1, 1999, and ending September 30, 2004".

SEC. 702. FUNDING FOR CLEANUP SETTLEMENTS.

Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611) is amended—

(1) in subsection (a), by inserting after paragraph (6) the following:

"(7) FUNDING FOR CLEANUP SETTLEMENTS.—Payments toward cleanup settlements under subsection (r) and section 122(n)(1)."; and

(2) by adding at the end the following:

"(r) MANDATORY FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (4), for the purpose of contributing under section 122(n)(1) to a cleanup settlement, there is made available for obligation from amounts in the Hazardous Substance Superfund for each of fiscal years 2000 through 2004, $200,000,000, to remain available until expended

"(2) EFFECT ON AUTHORITY.—Nothing in this paragraph affects the authority of the Administrator to forego recovery of past costs.

"(3) FISCAL YEAR FUNDS.—Except in fiscal year 2000, if the amounts made available under paragraph (1) available for a fiscal year have been obligated, up to ½ of the amounts made available under paragraph (1) for the next fiscal year may be obligated.

"(4) CONDITION ON AVAILABILITY.—An amount under paragraph (1) may be made available for obligation for a fiscal year only if the total amount appropriated for the fiscal year under section 111(a) equals or exceeds $1,500,000,000.".

SEC. 703. AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611) is amended by striking subsection (m) and inserting the following:

"(m) AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.—There shall be directly available to the Agency for Toxic Substances and Disease Registry to be used for the purpose of carrying out activities described in subsection (c)(4) and section 104(i) not less than $75,000,000 for each of fiscal years 2000 through 2004.".

SEC. 704. BROWNFIELDS.

Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611) (as amended by section 702) is amended by adding at the end the following:

"(s) AUTHORIZATION OF APPROPRIATIONS.—

"(1) INVENTORY AND ASSESSMENT PROGRAM.—There is authorized to be appropriated to carry out section 128(a) $35,000,000 for each of fiscal years 2000 through 2004.

"(2) GRANTS FOR CLEANUP.—There is authorized to be appropriated to carry out section 128(b) $60,000,000 for each of fiscal years 2000 through 2004.

"(3) VOLUNTARY RESPONSE PROGRAMS.—There is authorized to be appropriated for assistance to States for voluntary response programs under section 129(b) $15,000,000 for each of the first 5 fiscal years beginning after the date of enactment of this section.

"(4) AVAILABILITY OF FUNDS.—The amounts appropriated under this subsection shall remain available until expended.".

SEC. 705. AUTHORIZATION OF APPROPRIATIONS FROM GENERAL REVENUES.

Section 111(p) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(p)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Hazardous Substance Superfund, $250,000,000 for each of fiscal years 2000 through 2004.

"(B) APPROPRIATION IN SUBSEQUENT YEARS.—In addition to funds appropriated under subparagraph (A), there is authorized to be appropriated to the Hazardous Substance Superfund for each fiscal year described in subparagraph (A) an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraph (A) as has not been appropriated for any previous fiscal year.".

SEC. 706. WORKER TRAINING AND EDUCATION GRANTS.

Section 111(c)(12) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(c)(12)) is amended—

(1) by striking "$10,000,000" and inserting "$40,000,000"; and

(2) by striking "each of fiscal years 1987," and all that follows through "1994" and inserting "each of fiscal years 2000 through 2004".

TITLE VIII—DEFINITIONS

SEC. 801. DEFINITIONS.

Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(c)) is amended by adding at the end the following:

"(40) BROWNFIELD SITE.—The term 'brownfield site' means a facility that has or is suspected of having environmental contamination that—

"(A) could prevent the timely use, development, reuse, or redevelopment of the facility; and

"(B) is relatively limited in scope or severity and can be comprehensively assessed and readily analyzed.

"(41) CONTAMINANT.—The term "contaminant", for purposes of section 128 and paragraph (44), includes any hazardous substance.

"(42) GRANT.—The term "grant" includes a cooperative agreement.

"(43) LOCAL GOVERNMENT.—The term "local government" has the meaning given the term "unit of general local government" in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)), except that the term includes an Indian tribe.

"(44) SITE ASSESSMENT.—

"(A) IN GENERAL.—The term "site assessment", for purposes of sections 128 and 129 and paragraph (35) means an investigation that determines the nature and extent of a release or potential release of a hazardous substance at a brownfield site and meets the requirements of subparagraph (B).

"(B) INVESTIGATION.—For the purposes of this paragraph, an investigation that meets the requirements of this subparagraph—

"(i) shall include—

"(I) an onsite evaluation; and

"(II) sufficient testing, sampling, and other field-data-gathering activities to accurately determine whether the brownfield site is contaminated and the threats to human health and the environment posed by the release of contaminants at the brownfield site; and

"(ii) may include—

"(I) review of such information regarding the brownfield site and previous uses as is available at the time of the review; and

"(II) an offsite evaluation, if appropriate.

"(45) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means—

"(i) waste material generated by a household (including a single or multifamily residence); and

"(ii) waste material generated by a commercial, institutional, or industrial source, to the extent that the waste material—

"(I) is essentially the same as waste normally generated by a household; or

"(II) is collected and disposed of with other municipal solid waste or municipal sewage sludge as part of normal municipal solid waste collection services, and, with respect to each source from which the waste material is collected, qualifies for a de micromis exemption under section 107(r).

"(B) EXAMPLES.—Examples of municipal solid waste under subparagraph (A) include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

"(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

"(i) combustion ash generated by resource recovery facilities or municipal incinerators; or

"(ii) waste material from manufacturing or processing (including pollution control) operations that is not essentially the same as waste normally generated by households.

"(46) MUNICIPALITY.—

"(A) IN GENERAL.—The term 'municipality' means a political subdivision of a State.

"(B) INCLUSIONS.—The term 'municipality' includes—

"(i) a city, county, village, town, township, borough, parish, school, school district, sanitation district, water district, or other public entity performing local governmental functions; and

"(ii) a natural person acting in the capacity of an official, employee, or agent of a political subdivision of a State or an entity described in clause (i) in the performance of governmental functions.

"(47) OWNER, OPERATOR, OR LESSEE OF RESIDENTIAL PROPERTY.—

"(A) IN GENERAL.—The term 'owner, operator, or lessee of residential property' means a person that—

"(i) owns, operates, manages, or leases residential property; and

"(ii) uses or allows the use of the residential property exclusively for residential purposes.

"(B) RESIDENTIAL PROPERTY.—For the purposes of subparagraph (A) the term 'residential property' means a single or multifamily residence (including incidental accessory land, buildings, or improvements) that is used exclusively for residential purposes.

"(48) SMALL NONPROFIT ORGANIZATION.—The term 'small nonprofit organization' means an organization that, at the time of disposal—

"(A) did not distribute any part of its income or profit to its members, directors, or officers;

"(B) employed not more than 100 paid individuals at the chapter, office, or department disposing of the waste; and

"(C) was an organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

"(49) AFFILIATE; AFFILIATED.—The terms 'affiliate' and 'affiliated' have the meanings that those terms have in section 121.103 of title 13, Code of Federal Regulations (or any successor regulation).

"(50) MUNICIPAL SEWAGE SLUDGE.—The term 'municipal sewage sludge' means solid, semisolid, or liquid residue removed during the treatment of municipal wastewater, domestic sewage, or other wastewater at or by publicly owned or federally owned treatment works.".

S. 1105—SUMMARY

1. BROWNFIELDS LIABILITY RELIEF

Finality for Buyers (limitation on liability for prospective purchasers).

Finality for Owners and Sellers (liability relief for innocent landowners and contiguous property owners).

2. BROWNFIELDS FUNDING

Grants to municipalities, states and tribes to assess conditions at brownfields sites.

Grants to municipalities, states and tribes to capitalize revolving loan funds for cleanup of brownfields sites.

Grants to states to develop and enhance state voluntary cleanup programs.

3. SMALL BUSINESS LIABILITY RELIEF

Liability exemptions:

De micromis (generators and transporters that send less than 110 gallons of liquid material or less than 200 pounds of solid material, or different amount determined by the Administrator on a site-specific basis).

Generators and transporters of municipal solid waste who are small businesses, residential homeowners or small non-profits.

Expedited settlement:

De Minimis (presumed to be 1% or less of waste at site).

Limited ability to pay.

4. CLARIFICATION OF LIABILITY FOR RECYCLING TRANSACTIONS

Exemption for generators and transporters of recyclable material, as provided in the Lott/Daschle bill in the 105th, and endorsed buy ISRI, environmental groups, the Administration and others.

5. RELIEF FOR GENERATORS AND TRANSPORTERS OF MUNICIPAL WASTE AND FOR MUNICIPAL OWNERS OF LANDFILLS

Cap on liability of generators and transporters of municipal solid waste and sewage sludge, and of municipalities that own or operate municipal landfills on the NPL, per EPA 1998 policy that was negotiated with and has the support of several municipal representatives (including National Association of Counties, National League of Cities): expedited settlement based on dollar per ton limits, for generators and transporters; percentage of total costs cap for owners and operators.

6. FUNDING

Authorization levels consistent with recent years and, consistent with past, majority of funding from the Superfund trust fund, with $250 million from general revenues.

EPA continue to provide orphan funding as incentive for parties to enter into cleanup settlements.

By Mr. TORRICELLI (for himself and Ms. SNOWE):

S. 1106. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Health, Education, Labor, and Pensions.

EARLY DETECTION AND PREVENTION OF OSTEOPOROSIS AND RELATED BONE DISEASES ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce the Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1999 along with my colleague from Maine, Senator SNOWE.

Osteoporosis and other related bone diseases pose a major public health threat. More than 28 million Americans, 80 percent of whom are women, suffer from, or are at risk for, osteoporosis. Between three and four million Americans suffer from related bone diseases like Paget's disease or osteogenesis imperfecta. Today, in the United States, 10 million individuals already have osteoporosis and 18 million more have low bone mass, placing them at increased risk.

Osteoporosis is often called the "silent disease" because bone loss occurs without symptoms. People often do not know they have osteoporosis until their bones become so weak that a sudden bump or fall causes a fracture or a vertebra to collapse. Every year, there are 1.5 million bone fractures caused by osteoporosis. Half of all women, and one-eighth of all men, age 50 or older, will suffer a bone fracture due to osteoporosis.

Osteoporosis is a progressive condition that has no known cure; thus, prevention and treatment are key. The Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1999 seeks to combat osteoporosis, and related bone diseases like Paget's disease by requiring private health plans to cover bone mass measurement tests for qualified individuals who are at risk for developing osteoporosis.

Bone mass measurement is the only reliable method of detecting osteoporosis in its early stages. The test is non-invasive and painless and is as predictive of future fractures as high cholesterol or high blood pressure is of heart disease or stroke. This provision is similar to a provision in the Balanced Budget Act of 1997 that requires Medicare coverage of bone mass measurements.

Medical experts agree that osteoporosis is preventable. Thus, if the toll of osteoporosis and other related bone diseases is to be reduced, the commitment to prevention and treatment must be significantly increased.

Last year, Congress reauthorized the Women's Health Research and Prevention Act. This legislation authorized $3 million for a national resource center to increase public knowledge and awareness of osteoporosis, and $40 million for osteoporosis research at the National Institutes of Health (NIH). This was an important first step in the fight against osteoporosis. Congress must now maintain its commitment to prevention by ensuring women have access to bone mass measurement tests.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1999".

(b) FINDINGS.—Congress makes the following findings:

(1) NATURE OF OSTEOPOROSIS.—

(A) Osteoporosis is a disease characterized by low bone mass and structural deterioration of bone tissue leading to bone fragility and increased susceptibility to fractures of the hip, spine, and wrist.

(B) Osteoporosis has no symptoms and typically remains undiagnosed until a fracture occurs.

(C) Once a fracture occurs, the condition has usually advanced to the stage where the likelihood is high that another fracture will occur.

(D) There is no cure for osteoporosis, but drug therapy has been shown to reduce new hip and spine fractures by 50 percent and other treatments, such as nutrition therapy, have also proven effective.

(2) INCIDENCE OF OSTEOPOROSIS AND RELATED BONE DISEASES.—

(A) 28 million Americans have (or are at risk for) osteoporosis, 80 percent of which are women.

(B) Osteoporosis is responsible for 1.5 million bone fractures annually, including more than 300,000 hip fractures, 700,000 vertebral fractures and 200,000 fractures of the wrists.

(C) Half of all women, and one-eighth of all men, age 50 or older will have a bone fracture due to osteoporosis.

(D) Between 3 and 4 million Americans have Paget's disease, osteogenesis imperfecta, hyperparathyroidism, and other related metabolic bone diseases.

(3) IMPACT OF OSTEOPOROSIS.—The cost of treating osteoporosis is significant:

(A) The annual cost of osteoporosis in the United States is $13.8 billion and is expected to increase precipitously because the proportion of the population comprised of older persons is expanding and each generation of older persons tends to have a higher incidence of osteoporosis than preceding generations.

(B) The average cost in the United States of repairing a hip fracture due to osteoporosis is $32,000.

(C) Fractures due to osteoporosis frequently result in disability and institutionalization of individuals.

(D) Because osteoporosis is a progressive condition causing fractures primarily in aging individuals, preventing fractures, particularly for post menopausal women before they become eligible for medicare, has a significant potential of reducing osteoporosis-related costs under the medicare program.

(4) USE OF BONE MASS MEASUREMENT.—

(A) Bone mass measurement is the only reliable method of detecting osteoporosis at an early stage.

(B) Low bone mass is as predictive of future fractures as is high cholesterol or high blood pressure of heart disease or stroke.

(C) Bone mass measurement is a noninvasive, painless, and reliable way to diagnose osteoporosis before costly fractures occur.

(D) Under section 4106 of the Balanced Budget Act of 1997, Medicare provides coverage, effective July 1, 1999, for bone mass measurement for qualified individuals who are at risk of developing osteoporosis.

(5) RESEARCH ON OSTEOPOROSIS AND RELATED BONE DISEASES.—

(A) Technology now exists, and new technology is developing, that will permit the early diagnosis and prevention of osteoporosis and related bone diseases as well as management of these conditions once they develop.

(B) Funding for research on osteoporosis and related bone diseases is severely constrained at key research institutes, including the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetics and Digestive and Kidney Diseases, the National Institute of Dental Research, and the National Institute of Child Health and Human Development.

(C) Further research is needed to improve medical knowledge concerning—

(i) cellular mechanisms related to the processes of bone resorption and bone formation, and the effect of different agents on bone remodeling;

(ii) risk factors for osteoporosis, including newly discovered risk factors, risk factors related to groups not ordinarily studied (such as men and minorities), risk factors related to genes that help to control skeletal metabolism, and risk factors relating to the relationship of aging processes to the development of osteoporosis;

(iii) bone mass measurement technology, including more widespread and cost-effective techniques for making more precise measurements and for interpreting measurements;

(iv) calcium (including bioavailability, intake requirements, and the role of calcium in building heavier and denser skeletons), and vitamin D and its role as an essential vitamin in adults;

(v) prevention and treatment, including the efficacy of current therapies, alternative drug therapies for prevention and treatment, and the role of exercise; and

(vi) rehabilitation.

(D) Further educational efforts are needed to increase public and professional knowledge of the causes of, methods for avoiding, and treatment of osteoporosis.

SEC. 2. REQUIRING COVERAGE OF BONE MASS MEASUREMENT UNDER HEALTH PLANS.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4) is amended by adding at the end the following new section:

"SEC. 2707. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries and participants who are qualified individuals.

"(b) DEFINITIONS RELATING TO COVERAGE.—In this section:

"(1) BONE MASS MEASUREMENT.—The term 'bone mass measurement' means a radiologic or radioisotopic procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician's interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

"(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means an individual who—

"(A) is an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) has vertebral abnormalities;

"(C) is receiving chemotherapy or long-term gluococorticoid (steroid) therapy;

"(D) has primary hyperparathyroidism, hyperthyroidism, or excess thyroid replacement;

"(E) is being monitored to assess the response to or efficacy of approved osteoporosis drug therapy;

"(F) is a man with a low trauma fracture; or

"(G) the Secretary determines is eligible.

"(c) LIMITATION ON FREQUENCY REQUIRED.—Taking into account the standards established under section 1861(rr)(3) of the Social Security Act, the Secretary shall establish standards regarding the frequency with which a qualified individual shall be eligible to be provided benefits for bone mass measurement under this section. The Secretary may vary such standards based on the clinical and risk-related characteristics of qualified individuals.

"(d) RESTRICTIONS ON COST-SHARING.—

"(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to bone mass measurement under the plan (or health insurance coverage offered in connection with a plan).

"(2) LIMITATION.—Deductibles, coinsurance, and other cost-sharing or other limitations for bone mass measurement may not be imposed under paragraph (1) to the extent they exceed the deductibles, coinsurance, and limitations that are applied to similar services under the group health plan or health insurance coverage.

"(e) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide incentives (monetary or otherwise) to individuals to encourage such individuals not to be provided bone mass measurements to which they are entitled under this section or to providers to induce such providers not to provide such measurements to qualified individuals;

"(3) prohibit a provider from discussing with a patient osteoporosis preventive techniques or medical treatment options relating to this section; or

"(4) penalize or otherwise reduce or limit the reimbursement of a provider because such provider provided bone mass measurements to a qualified individual in accordance with this section.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

"(g) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(g) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(h) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(i) PREEMPTION.—

"(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

"(2) CONSTRUCTION.—Section 2723(a)(1) shall not be construed as superseding a State law described in paragraph (1).".

(B) CONFORMING AMENDMENT.—Section 2723(c) of such Act (42 U.S.C. 300gg–23(c)) is amended by striking "section 2704" and inserting "sections 2704 and 2707".

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries and participants who are qualified individuals.

"(b) DEFINITIONS RELATING TO COVERAGE.—In this section:

"(1) BONE MASS MEASUREMENT.—The term 'bone mass measurement' means a radiologic or radioisotopic procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician's interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

"(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means an individual who—

"(A) is an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) has vertebral abnormalities;

"(C) is receiving chemotherapy or long-term gluococorticoid (steroid) therapy;

"(D) has primary hyperparathyroidism, hyperthyroidism, or excess thyroid replacement;

"(E) is being monitored to assess the response to or efficacy of approved osteoporosis drug therapy;

"(F) is a man with a low trauma fracture; or

"(G) the Secretary determines is eligible.

"(c) Limitation on Frequency Required.—The standards established under section 2707(c) of the Public Health Service Act shall apply to benefits provided under this section in the same manner as they apply to benefits provided under section 2707 of such Act.

"(d) Restrictions on Cost-Sharing.—

"(1) In general.—Subject to paragraph (2), nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to bone mass measurement under the plan (or health insurance coverage offered in connection with a plan).

"(2) Limitation.—Deductibles, coinsurance, and other cost-sharing or other limitations for bone mass measurement may not be imposed under paragraph (1) to the extent they exceed the deductibles, coinsurance, and limitations that are applied to similar services under the group health plan or health insurance coverage.

"(e) Prohibitions.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide incentives (monetary or otherwise) to individuals to encourage such individuals not to be provided bone mass measurements to which they are entitled under this section or to providers to induce such providers not to provide such measurements to qualified individuals;

"(3) prohibit a provider from discussing with a patient osteoporosis preventive techniques or medical treatment options relating to this section; or

"(4) penalize or otherwise reduce or limit the reimbursement of a provider because such provider provided bone mass measurements to a qualified individual in accordance with this section.

"(f) Rule of Construction.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

"(g) Notice Under Group Health Plan.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(h) Preemption.—

"(1) In general.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

"(2) Construction.—Section 731(a)(1) shall not be construed as superseding a State law described in paragraph (1).".

(B) Conforming amendments.—

(i) Section 731(c) of such Act (29 U.S.C. 1191(c)), as amended by section 603(b)(1) of Public Law 104–204, is amended by striking "section 711" and inserting "sections 711 and 714".

(ii) Section 732(a) of such Act (29 U.S.C. 1191a(a)), as amended by section 603(b)(2) of Public Law 104–204, is amended by striking "section 711" and inserting "sections 711 and 714".

(iii) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Standards relating to benefits for bone mass measurement.

(b) Individual Health Insurance.—

(1) In general.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 (42 U.S.C. 300gg-52) the following new section:

"SEC. 27530. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) In General.—The provisions of section 2707 (other than subsection (g)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) Notice.—A health insurance issuer under this part shall comply with the notice requirement under section 714(g) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

"(c) Preemption.—

"(1) In general.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

"(2) Construction.—Section 2762(a) shall not be construed as superseding a State law described in paragraph (1).".

(2) Conforming amendments.—Section 2762(b)(2) of such Act (42 U.S.C. 300gg-62(b)(2)), as added by section 605(b)(3)(B) of Public Law 104–204, is amended by striking "section 2751" and inserting "sections 2751 and 2753".

(c) Effective Dates.—

(1) Group health plans.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) Individual market.—The amendments made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

By Mr. WARNER:

S. 1107. A bill to reform the conduct of Federal elections; to the Committee on Rules and Administration.

CONSTITUTIONAL AND EFFECTIVE REFORM OF CAMPAIGNS ACT OF 1999

Mr. WARNER. Mr. President, today I introduce the Constitutional and Effective Reform of Campaigns Act, or "CERCA", which I first introduced during the 105th Congress. This legislation is the product of two years of hearings during my Chairmanship of the Rules Committee, discussions with numerous experts, party officials, and candidates, and nearly two decades of participating in campaigns and campaign finance debates in the Senate. Many of the proposals in this bill have been made in some form by several of my Senate colleagues and by Members of the House, and I readily acknowledge drawing on their expertise. The important discussions last Congress during the meetings of a task force headed by Senator NICKLES, at the request of Majority Leader LOTT, were invaluable.

This legislation offers an opportunity for bipartisan support. It is a good faith effort to strike middle ground between those who believe public financing of campaigns is the solution, and those who believe the solution is to remove current regulations. It offers a package of proposals which realistically can be achieved with bipartisan support and meet the desire of the majority of Americans who believe that our present system can be reformed. In my judgment, we will not succeed with any measure of campaign reform in this complicated field without a bipartisan consensus.

In drafting this legislation, I began with four premises. First, all provisions had to be consistent with the First Amendment: Congress would be acting in bad faith to adopt provisions which have a likelihood of being struck down by the federal courts. Second, I oppose public financing and mandating "free" or reduced-cost media time which in my mind is neither free nor a good policy idea. Why should seekers of federal office get free time, while candidates for state office or local office—from governors to local sheriffs—do not receive comparable free benefits? Such an inequity and imbalance will breed friction between federal and state office seekers. Third, I believe we should try to increase the role of citizens and the political parties. Fourth, any framework of campaign reform legislation must respect and protect the constitutional right of individuals, groups, and organizations to participate in advocacy concerning political issues.

This bill is designed to be a "bilateral disarmament" on the tough issues of soft money and union dues: each side must give up equivalent ground. The Republicans should give ground by placing a cap on soft money which has tended to favor our side. And Democrats should give ground by allowing union members to decide voluntarily for themselves whether to contribute the portion of dues which goes to political contributions or activities.

Specifically, on the issue of soft money, no reform can be considered true reform without placing limits on the corporate and union donations to the national political parties. This bill places a $100,000 cap on such donations. While this provision addresses the public's legitimate concern over the propriety of these large donations, it allows the political parties sufficient funds to maintain their headquarters and conduct their grassroots efforts. In addition, the current limits on "hard" contributions must be updated. The ability of citizens to contribute voluntarily to a wide range of candidates and to their parties is fundamental.

At the same time, the practice of mandatory union dues going to partisan politics without union members' consent must end: it is counter to all the political freedoms that make America a true democracy. The concept of "paycheck protection" must be included in any campaign finance reform, so that these deductions are voluntary, whether these dues fund direct contributions to candidates or parties, or pay for undisclosed spending on phone banks, get-out-the-vote efforts, literature, and television ads.

Under this legislation, unions would be required to obtain advance, written consent before deducting money for political activities from union members' paychecks. The present state of the law requires most union workers to give up their rights to participate in the union if they seek refunds of that portion of dues going to politics. In addition, this section would strengthen the reporting requirements for unions engaged in political activities and enhance an aggrieved union member's right to challenge a union's determination of the portion of dues going to political activities.

In the Senate debates thus far, there has been much discussion about whether corporations should be required to obtain shareholder approval to make political contributions. This is an issue which warrants consideration. My proposal not only limits these corporate and union contributions to $100,000, it also includes a requirement that companies disclose their donations to federal political parties in their annual reports. And under current policies of the Securities and Exchange Commission, shareholders have the same rights to make recommendations to boards of directors on the propriety of political donations as they do on any business issue related to the company.

In addition, the SEC is in the process of making it easier for shareholders to raise questions related to social policy matters at annual meetings. I am monitoring how these changes are implemented: if they are insufficient to guarantee adequate rights to shareholders, I will consider amending my bill to protect these rights.

As an aside, I reject the notion that the status of union members is similar to those who belong to groups such as the National Rifle Association or the Sierra Club. Nobody is compelled to join these types of organizations, and those that do, know or should know that their dues are going in part to political causes.

Furthermore, I considered including in this bill a narrowly-tailored disclosure requirement for individuals and groups spending large sums on public advertising affecting the public image of candidates during election seasons. However, in keeping with my first basic premise that reforms must pass the federal court test of constitutionality, I concluded that such a provision, in view of a long line of Supreme Court cases, likely would be declared unconstitutional, and thus I did not include the provision.

The McCain-FEINGOLD bill was thoroughly debated in the Senate, and any objective observer of the Senate would agree that we are genuinely deadlocked. This body needs to move beyond the debate of McCain-Feingold. I hope that all Members will review my bill as an objective and pragmatic approach to current problems with our campaign system. I encourage other Members to come forward, as I have, with proposals which objectively represent pragmatic approaches to what can be achieved. I do not claim to have the only solution: those with other ideas should come forward.

In addition to the issues of soft money and union dues discussed above, nine other fundamental problems—all of which can be solved in a constitutional manner—are the most pressing. Here are these problems, in no particular order, and my proposed solutions:

Problem 1: Politicians spend too much time fundraising, at the expense of their legislative duties for incumbents, and, for both incumbents and challengers, at the expense of debating the issues with voters.

Solution: The current individual contribution limit of $1,000 has not been raised, or even indexed for inflation, for over 20 years. This fact requires that candidates must spend more and more time seeking more and more donors. The limit should be doubled, as well as indexed for inflation.

Problem 2: The influence of voters on campaigns has been diminished by the activities of political action committees and interest groups.

Solutions: I propose a $100 tax credit for contributions made by citizens, with incomes under specified levels, to Senate and House candidates in their states: this credit should spark an influx of small dollar contributions to balance the greater ability of citizens with higher incomes to participate.

In addition, the increased individual contribution limit should balance the activities of political action committees.

Problem 3: The influence of voters on campaigns has been diminished by contributions from those not eligible to vote.

Solution: If you are not eligible to vote, you should not contribute to campaigns. My bill would prohibit contributions by those ineligible to vote, including non-citizens, children, and persons under felony convictions. It also codifies current regulations concerning political donations by domestic subsidiaries of foreign companies.

Problem 4: Compared to incumbents, challengers face greater difficulties raising funds and communicating with voters, particularly at the outset of a campaign.

Solutions: This legislation will allow candidates to receive "seed money" contributions of up to $10,000 from individuals and political action committees. This provision should help get candidacies off the ground. The total amount of these "seed money" contributions could not exceed $100,000 for House candidates or $300,000 for Senate candidates. To meet the constitutional test, this provision would apply to both challengers and incumbents alike, but in the case of an incumbent with money carried over from a prior cycle, those funds would count against the seed money limit.

Second, Senate incumbents would be barred from using the franking privilege to send out mass mailings during the election year, rather than the sixty day ban in current law.

Problem 5: Candidates with personal wealth have a distinct advantage through their constitutional right to spend their own funds.

Solution: If a candidate spends more than $25,000 of his or her own money, the individual contribution limits would be raised to $10,000 so that candidates could raise money to counter that personal spending. Again, to meet constitutional review, this provision would apply to all candidates.

Problem 6: Current laws prohibiting fundraising activities on federal property are weak and insufficient.

Solution: The current ban on fundraising on federal property was written before the law created such terms as "hard" and "soft" money. This bill updates this law to require that no fundraising take place on federal property.

Problem 7: Reporting requirements and public access to disclosure statements are weak and inadequate.

Solutions: Under this proposal, the FEC would be required to post reports on the Internet for all to see, and to require that candidates, and groups making independent expenditures, make faster and more complete reports. In addition, registered lobbyists would be required to report their campaign contributions and those of their employer on their lobbyist disclosure reports.

Problem 8: The Federal Election Commission is in need of procedural and substantive reform.

Solutions: This legislation contains a number of procedural and substantive reforms of the FEC, including term limits for commissioners, and increases in penalties for serious violations.

Problem 9: The safeguards designed to protect the integrity of our elections are compromised by weak aspects of federal laws regulating voter registration and voting.

Solutions: The investigations of contested elections in Louisiana and California have shown significant weaknesses in federal laws designed to safeguard the registration and voting processes. The requirement that states allow registration by mail has undermined confidence that only qualified voters are registering to vote and only registering once: states should be allowed to decide whether to allow mail-in registrations. In addition, states should be allowed to require proof of citizenship when registering and proof of identification when voting: we require a photo ID to buy beer or cigarettes and can certainly allow states to protect the voting process by requiring a photo ID.

Lastly, this bill would allow states to purge inactive voters and to allow state law to govern whether voters who move without reregistering should be allowed to vote.

These are the problems which I believe can be solved in a bipartisan fashion. Attached to this statement is a section by section review of the legislation. I look forward to working with my colleagues to enact meaningful campaign reform, by looking at reform beyond the usual sound bites and addressing the real problems with our present campaign system.

Mr. President, I ask unanimous consent that the text of the bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL AND EFFECTIVE REFORM OF CAMPAIGNS ACT—SECTION-BY-SECTION

TITLE I—ENHANCEMENT OF CITIZEN INVOLVEMENT

Section 101: Prohibits those ineligible to vote (non-citizens, minors, felons) from making contributions ('hard money') or donations ('soft money'). Also bans foreign aliens making independent expenditures and codifies FEC regulations on foreign control of domestic donations.

Section 102: Updates maximum individual contribution limit to $2000 per election (primary and general) and indexes both individual and PAC limits in the future.

Section 103: Provides a tax credit up to $100 for contributions to in-state candidates for Senate and House for incomes up to $60,000 ($200 for joint filers up to $120,000).

TITLE II—LEVELING THE PLAYING FIELD FOR CANDIDATES

Section 201: Seed money provision: Senate candidates may collect $300,000 and House candidates $100,000 (minus any funds carried over from a prior cycle) in contributions up to $10,000 from individuals and PAC's.

Section 202: 'Anti-millionaires' provision: when one candidate spends over $25,000 of personal funds, a candidate may accept contributions up to $10,000 from individuals and PAC's up to the amount of personal spending minus a candidate's funds carried over from a prior cycle and own use of personal funds.

Section 203: Bans use of Senate frank for mass mailings from January 1 to election day for incumbents seeking reelection.

TITLE III—VOLUNTARINESS OF POLITICAL CONTRIBUTIONS

Section 301: Union dues provision: Labor organizations must obtain prior, written authorization for portion of dues or fees not to be used for representation: Establishes civil action for aggrieved employee. Requires employers to post notice of rights. Amends reporting statute to require better disclosure of expenses unrelated to representation.

Section 302: Corporations must disclose soft money donations in annual reports.

TITLE IV—ELIMINATION OF CAMPAIGN EXCESSES

Section 410: Adds soft money donations to present ban on fundraising on federal property and to other criminal statutes.

Section 402: Hard money contributions or soft money donations over $500 which a political committee intends to return because of illegality must be transferred to the FEC and may be given to the Treasury as part of a civil or criminal action.

Section 403: 'Soft' and 'hard' money provisions. Soft money cap: no national party, congressional committee or senatorial committee shall accept donations from any source exceeding $100,000 per year. Hard money increases: limit raised from $25,000 to $50,000 per individual per year with no sublimit to party committees.

Section 404: Codifies FEC regulations banning conversion of campaign funds to personal use.

TITLE V—ENHANCED DISCLOSURE

Section 501: Additional reporting requirements for candidates: weekly reports for last month of general election, 24-hour disclosure of large contributions extended to 90 days before election, and end of 'best efforts' waiver for failure to obtain occupation of contributors over $200.

Section 502: FEC shall make reports filed available on the Internet.

Section 503: 24-hour disclosure of independent expenditures over $1,000 in last 20 days before election, and of those over $10,000 made anytime.

Section 504: Registered lobbyists shall include their own contributions and soft money donations and those of their employers and the employers' coordinated PAC's on lobbyist disclosure forms.

TITLE VI—FEDERAL ELECTION COMMISSION REFORM

Section 601: FEC shall develop and provide, at no cost, software to file reports, and shall issue regulations mandating electronic filing and allowing for filing by fax.

Section 602: Limits commissioners to one term of eight years.

Section 603: Increases penalties for knowing and willful violations to greater of $15,000 or 300 percent of the contribution or expenditure.

Section 604: Requires that FEC create a schedule of penalties for minor reporting violations.

Section 605: Establishes availability of oral arguments at FEC when requested and two commissioners agree. Also requires that FEC create index of Commission actions.

Section 606: Changes reporting cycle for committees to election cycle rather than calendar year.

Section 607: Classifies FEC general counsel and executive director as presidential appointments requiring Senate confirmation.

TITLE VII—IMPROVEMENTS TO NATIONAL VOTER REGISTRATION ACT

Section 701: Repeals requirement that states allow registration by mail.

Section 702: Requires that registrants for federal elections provide social security number and proof of citizenship.

Section 703: Provides states the option of removing registrants from eligible list of federal voters who have not voted in two federal elections and did not respond to postcard.

Section 704: Allows states to require photo ID at the polls.

Section 705: Repeals requirement that states allow people to change their registration at the polls and still vote.

By Mr. COCHRAN (for himself, Mrs. LINCOLN, Mr. COVERDELL, Mr. SESSIONS, Mr. CLELAND, Mr. HOLLINGS, Mr. SHELBY, Mr. ROBB, and Mr. HUTCHINSON):

S. 1108. A bill to amend the Federal Crop Insurance Act to improve crop insurance coverage and administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CROP INSURANCE EQUITY ACT OF 1999

Mr. COCHRAN. Mr. President, I am pleased to be joined today by my colleague from Arkansas, Mrs. Lincoln, in introducing the Crop Insurance Equity Act of 1999 to reform the federal crop insurance program. The other cosponsors of the bill are: Mr. COVERDELL, Mr. SESSIONS, MR. CLELAND, Mr. HOLLINGS, Mr. SHELBY, Mr. ROBB, and Mr. HUTCHINSON.

The Crop Insurance Equity Act of 1999 is based on several principles. First, we do not believe that the crop insurance program should be the next iteration of a farm bill. Therefore, this bill maintains the current policy with regard to federal subsidy for revenue insurance products.

We developed this bill with the intent of addressing the reasons farmers in our states have found crop insurance to be impractical. We believe that farmers from Washington to Florida and Maine to California will find this bill worthy of their support.

Our bill establishes a process under which the current rates and rating methods and procedures will be re-evaluated by USDA to examine factors not currently considered. This may lower crop insurance rates for some commodities. However, because all current rating methodologies are actuarially sound, if the re-evaluation would result in an increased rate, the current method must remain in place.

This bill also establishes a fixed percentage as the federal contribution to a farmer's crop insurance premium. Current law provides higher contributions for lower levels of coverage. This bill would treat all farmers fairly.

We believe that one of the simplest ways to make crop insurance more attractive is to make it operate more like other common forms of insurance, such as homeowners or auto insurance. This bill establishes a process of discounts and a menu of policy options from which farmers can choose. These include discounts for coverage of larger, less risky units of production, employment of technologically advanced agricultural management practices, and the reinstatement of good experience discounts. In addition, farmers will be able to choose whether to purchase specific coverages for prevented planting, quality losses, and cost of production coverage.

Mr. President, this bill raises the basic coverage level for the lowest crop insurance unit—catastrophic coverage—so that all farmers will benefit from this legislation. For the same minimal fee as established in current law, this bill will provide catastrophic coverage for sixty percent of a farmer's historical production at seventy percent of the market price.

Our bill also makes other important changes to the program. It protects new farmers or those who rent new land or produce new crops by ensuring they are assigned a fair yield until they generate adequate actual production data.

The legislation improves the management and oversight of the crop insurance program by establishing the Farm Service Agency as the sole agency for acreage and yield record keeping within USDA. It restructures the board of directors of the Federal Crop Insurance Corporation to include more farmers, and establishes a new office to work with private sector companies who develop new crop insurance products.

One of the major complaints that I have heard about crop insurance is the abuse and fraud that exists in the current program. To address this complaint, our bill also improves the monitoring of agents and adjusters to combat fraud, and strengthens the penalties available to USDA for companies, agents, and producers who engage in fraudulent activities.

I believe that we have developed a sound proposal which Senators will find good reason to support.

Mr. President, I ask unanimous consent that the bill and a summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Crop Insurance Equity Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CROP INSURANCE COVERAGE

Sec. 101. Prevented planting.
Sec. 102. Alternative rating methodologies.
Sec. 103. Quality adjustment.
Sec. 104. Low-risk producer pilot program.
Sec. 105. Catastrophic risk protection.
Sec. 106. Loss adjustment.
Sec. 107. Cost of production plans of insurance.
Sec. 108. Discounts.
Sec. 109. Adjustments to subsidy levels.
Sec. 110. Sales closing dates.
Sec. 111. Assigned yields.
Sec. 112. Actual production history adjustment for disasters.
Sec. 113. Payment of portion of premium.
Sec. 114. Limitation on premiums included in underwriting gains.

TITLE II—ADMINISTRATION

Sec. 201. Board of Directors of Corporation.
Sec. 202. Office of Risk Management.
Sec. 203. Office of Private Sector Partnership.
Sec. 204. Penalties for false information.
Sec. 205. Regulations.
Sec. 206. Program compliance.
Sec. 207. Payments by cooperative associations.
Sec. 208. Limitation on double insurance.
Sec. 209. Consultation with State committees of Farm Service Agency.
Sec. 210. Records and reporting.
Sec. 211. Fees for plans of insurance.
Sec. 212. Flexible subsidy pilot program.
Sec. 213. Reinsurance agreements.
Sec. 214. Funding.

TITLE I—CROP INSURANCE COVERAGE

SEC. 101. PREVENTED PLANTING.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

"(7) PREVENTED PLANTING.—

"(A) IN GENERAL.—The Corporation shall offer coverage for prevented planting of an agricultural commodity only as an endorsement to a policy.

"(B) EQUAL COVERAGE.—For each agricultural commodity for which prevented planting coverage is available, the Corporation shall offer an equal level of prevented planting coverage.

"(C) PLANTING OF SUBSTITUTE AGRICULTURAL COMMODITIES.—In the case of prevented planting coverage that is offered under this paragraph, the Corporation shall allow producers that have the coverage, and that are eligible to receive a prevented planting indemnity, to plant an agricultural commodity, other than the commodity covered by the prevented planting coverage, on the acreage that the producer has been prevented from planting to the original agricultural commodity.

"(D) INELIGIBILITY FOR COVERAGE.—A substitute agricultural commodity described in subparagraph (C) shall not be eligible for coverage under a plan of insurance under this title.".

SEC. 102. ALTERNATIVE RATING METHODOLOGIES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 101) is amended by adding at the end the following:

"(8) ALTERNATIVE RATING METHODOLOGIES.—

"(A) IN GENERAL.—Not later than September 30, 2000, the Corporation shall develop and implement alternative methodologies for rating plans of insurance under subsections (b) and (c), and rates for the plans of insurance, that take into account—

"(i) producers that elect not to participate in the Federal crop insurance program established under this title; and

"(ii) producers that elect only to obtain catastrophic risk protection under subsection (b).

"(B) REVIEW AND ADJUSTMENT.—Effective for the 2001 and subsequent crop years, the Corporation shall review and make any necessary adjustments to methodologies and rates established under this paragraph, based on (as determined by the Corporation)—

"(i) expected future losses, with appropriate adjustment of any historical data used in rating to remove—

"(I) the impact of adverse selection; and

"(II) data that no longer reflects the productive capacity of the area;

"(ii) program errors; and

"(iii) any other factor that can cause errors in methodologies and rates.

"(C) IMPLEMENTATION.—In developing, implementing, and adjusting rating methodologies and rates under this paragraph, the Corporation shall—

"(i) use methodologies for rating plans of insurance under subsections (b) and (c) that result in the lowest premiums payable by producers of an agricultural commodity in a geographic area, as determined by the Corporation; and

"(ii) update the manner in which rates are applied at the individual producer level, as determined by the Corporation.

"(D) PRIORITY.—In developing, implementing, and adjusting alternative methodologies for rating plans of insurance under subsections (b) and (c) for agricultural commodities, the Corporation shall provide the highest priority to agricultural commodities with (as determined by the Corporation)—

"(i) the largest average acreage; and

"(ii) the lowest percentage of producers that purchased coverage under subsection (c).".

SEC. 103. QUALITY ADJUSTMENT.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 102) is amended by adding at the end the following:

"(9) QUALITY ADJUSTMENT POLICIES.—The Corporation shall offer, only as an endorsement to a policy, coverage that permits a reduction in the quantity of production of an agricultural commodity produced during a crop year, or any similar adjustment, that results from the agricultural commodity not meeting the quality standards established in the policy.".

SEC. 104. LOW-RISK PRODUCER PILOT PROGRAM.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 103) is amended by adding at the end the following:

"(10) LOW-RISK PRODUCER PILOT PROGRAM.—

"(A) IN GENERAL.—For each of the 2000 through 2003 crop years, the Corporation shall carry out a pilot program that is designed to encourage participation in the Federal crop insurance program established under this title by producers who rarely suffer insurable losses.

"(B) SCOPE.—The Corporation shall carry out the pilot program in at least 40 counties that are determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for a low-risk producer program.

"(C) PREMIUM REFUND.—Notwithstanding section 506(o) and subsection (d)(1), if a producer participating in the pilot program incurs a yield loss in any crop year that is more than 10 percent but not more than 35 percent of the yield determined under subsection (g), the Corporation shall—

"(i) refund all or part, as determined by the Corporation, of the premium that was paid by the producer for a plan of insurance for the crop that incurred the qualifying loss; or

"(ii) apply the amount to be refunded under clause (i) against the premium payable by the producer for equivalent coverage for the subsequent crop year.

"(D) REGULATIONS.—The Corporation shall promulgate such regulations as are necessary to carry out the pilot program.".

SEC. 105. CATASTROPHIC RISK PROTECTION.

Section 508(b)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "each of the 1999 and subsequent crop years" and inserting "the 1999 crop year"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) in the case of each of the 2000 and subsequent crop years, catastrophic risk protection shall offer a producer coverage for a 60 percent loss in yield, on an individual yield or area yield basis, indemnified at 70 percent of the expected market price, or a comparable coverage (as determined by the Corporation).".

SEC. 106. LOSS ADJUSTMENT.

Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking "11 percent" and all that follows through the end of the paragraph and inserting "$50 for each claim that is adjusted under this subsection.".

SEC. 107. COST OF PRODUCTION PLANS OF INSURANCE.

(a) IN GENERAL.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (5) and inserting the following:

"(5) EXPECTED MARKET PRICE.—

"(A) IN GENERAL.—For the purposes of this title, the Corporation shall establish or approve the price level (referred to in this title as the 'expected market price') of each agricultural commodity for which insurance is offered.

"(B) AMOUNT.—The expected market price of an agricultural commodity—

"(i) except as otherwise provided in this subparagraph, shall be not less than the projected market price of the agricultural commodity, as determined by the Corporation;

"(ii) may be based on the actual market price of the agricultural commodity at the time of harvest, as determined by the Corporation; or

"(iii) in the case of cost of production or similar plans of insurance, shall be the projected cost of producing the agricultural commodity, as determined by the Corporation.".

(b) CONFORMING AMENDMENTS.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraph (10) as paragraph (9).

SEC. 108. DISCOUNTS.

Section 508(d) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)) is amended by adding at the end the following:

"(3) DISCOUNTS.—

"(A) IN GENERAL.—Notwithstanding section 506(o) and paragraph (1), the Corporation shall provide a discount in the premium payable by the producer for a plan of insurance under subsections (b) and (c) for an agricultural commodity in a county if the producer—

"(i) during each of the preceding 5 consecutive crop years—

"(I) has obtained insurance under this title for the agricultural commodity; and

"(II) has not filed any claim under the insurance;

"(ii) if offered by the Corporation, elects to have unit coverage that reduces the risk of loss below the risk of loss that is expected for a unit comprised of all insurable acreage of the agricultural commodity in the county; or

"(iii) implements innovative farming management practices that reduce the risk of insurable loss, as determined by the Corporation.

"(B) AMOUNT.—

"(i) IN GENERAL.—Subject to clause (ii), the amount of the discount provided to a producer for a crop year under subparagraph (A) shall be determined by the Corporation.

"(ii) NO CLAIM DISCOUNT.—The amount of the discount provided to a producer for a crop year under subparagraph (A)(i) shall increase for each additional consecutive crop year for which the producer is eligible for a discount under subparagraph (A)(i).".

SEC. 109. ADJUSTMENTS TO SUBSIDY LEVELS.

(a) IN GENERAL.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) In the case of additional coverage below 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 50 percent of the amount of the premium established under subsection (d)(2)(B)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(B)(ii).

"(C) In the case of additional coverage equal to or greater than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 50 percent of the amount of the premium established under subsection (d)(2)(C)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(C)(ii).".

(b) APPLICATION.—The amendment made by subsection (a) applies beginning with the 2000 crop year.

SEC. 110. SALES CLOSING DATES.

Section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) is amended by striking the last sentence.

SEC. 111. ASSIGNED YIELDS.

Section 508(g)(2)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)(B)) is amended—

(1) by striking "assigned a yield" and inserting "assigned—

"(i) a yield";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(ii) a yield determined by the Corporation, in the case of—

"(I) a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary;

"(II) a producer that produces an agricultural commodity on land that has not been farmed by the producer; and

"(III) a producer that rotates a crop produced on a farm to a crop that has not been produced on the farm.".

SEC. 112. ACTUAL PRODUCTION HISTORY ADJUSTMENT FOR DISASTERS.

Section 508(g)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)) is amended by adding at the end the following:

"(E) SUBSTITUTION OF TRANSITIONAL YIELD.—Effective beginning with the 2000 crop year, if the producer's yield of an agricultural commodity in any crop year is less than 85 percent of the transitional yield established by the Corporation for the agricultural commodity, the Corporation shall, at the option of the producer, consider the producer's yield for the crop year to be 85 percent of the transitional yield for the purpose of calculating the actual production history for a crop of an agricultural commodity under subparagraph (A).

"(F) CORPORATION'S SHARE OF COSTS.—In the case of any yield substitution under subparagraph (E), in addition to any other authority to pay any portion of the premium and indemnity, the Corporation shall pay—

"(i) the portion of the premium or indemnity that represents the increase in premium associated with the substitution of the transitional yield under subparagraph (E);

"(ii) all additional indemnities associated with the substitution; and

"(iii) any amounts that result from the difference in the administrative and operating expenses owed to an approved insurance provider as the result of the substitution.".

SEC. 113. PAYMENT OF PORTION OF PREMIUM.

Section 508(h)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(2)) is amended in the second sentence by inserting before the period at the end the following: ", except that the Corporation shall not pay any portion of the premium for any plan of insurance that offers coverage for losses associated with a change in price".

SEC. 114. LIMITATION ON PREMIUMS INCLUDED IN UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

"(8) LIMITATION ON PREMIUMS INCLUDED IN UNDERWRITING GAINS.—Notwithstanding any other provision of law, the reinsurance agreements of the Corporation shall require that not more than 50 percent of any premium for catastrophic risk protection under subsection (b) be included in the calculation of gains or losses of an approved insurance provider unless the loss ratio for catastrophic risk protection exceeds 1.0.".

TITLE II—ADMINISTRATION

SEC. 201. BOARD OF DIRECTORS OF CORPORATION.

Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by striking subsection (a) and inserting the following:

"(a) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The management of the Corporation shall be vested in a Board subject to the general supervision of the Secretary.

"(2) COMPOSITION.—The Board shall consist of—

"(A) 4 members who are active agricultural producers with or without crop insurance, with 1 member appointed from each of the 4 regions of the United States (as determined by the Secretary);

"(B) 1 member who is active in the crop insurance business;

"(C) 1 member who is active in the reinsurance business;

"(D) the Under Secretary for Farm and Foreign Agricultural Services;

"(E) the Under Secretary for Rural Development; and

"(F) the Chief Economist of the Department of Agriculture.

"(3) APPOINTMENT AND TERMS OF PRIVATE SECTOR MEMBERS.—The members of the Board described in subparagraphs (A), (B), and (C) of paragraph (2)—

"(A) shall be appointed by, and hold office at the pleasure of, the Secretary;

"(B) shall not be otherwise employed by the Federal Government;

"(C) shall be appointed to staggered 4-year terms, as determined by the Secretary; and

"(D) shall serve not more than 2 consecutive terms.

"(4) CHAIRPERSON.—The Board shall select a member of the Board described in subparagraph (A), (B), or (C) of paragraph (2) to serve as Chairperson of the Board.

"(5) STAFF.—The Board shall employ or contract with 1 or more individuals who are knowledgeable and experienced in quantitative mathematics and actuarial rating to assist the Board in reviewing and approving policies and materials with respect to plans of insurance authorized or submitted under section 508.".

SEC. 202. OFFICE OF RISK MANAGEMENT.

(a) Establishment.—Section 226A(a) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933(a)) is amended by striking "independent Office of Risk Management" and inserting "Office of Risk Management, which shall be under the direction of the Board of Directors of the Federal Crop Insurance Corporation".

(b) Functions.—Section 226A(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933(b)) is amended by striking paragraph (1) and inserting the following:

"(1) Assistance to the Board in developing, reviewing, and recommending plans of insurance under section 508(a)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(7)) to ensure that each agricultural commodity (including each new or speciality crop) is adequately served by plans of insurance.".

SEC. 203. OFFICE OF PRIVATE SECTOR PARTNERSHIP.

The Federal Crop Insurance Act is amended by inserting after section 507 (7 U.S.C. 1507) the following:

"SEC. 507A. OFFICE OF PRIVATE SECTOR PARTNERSHIP.

"(a) Establishment.—The Secretary shall establish and maintain in the Department an Office of Private Sector Partnership, which shall be under the direction of the Board.

"(b) Functions.—The Office shall—

"(1) provide at least monthly reports to the Board on crop insurance issues, which shall be based on comments received from producers, approved insurance providers, and other sources that the Office considers appropriate;

"(2)(A) review policies and materials with respect to—

"(i) subsidized plans of insurance authorized under section 508; and

"(ii) unsubsidized plans of insurance submitted to the Board under section 508(h); and

"(B) make recommendations to the Board with respect to approval of the policies and materials;

"(3) administer the reinsurance functions described in section 508(k) on behalf of the Corporation;

"(4) review and make recommendations to the Board with respect to methodologies for rating plans of insurance under this title; and

"(5) perform such other functions as the Board considers appropriate.

"(c) Administrator.—The Office shall be headed by an Administrator who shall be appointed by the Secretary.

"(d) Staff.—The Administrator shall appoint such employees pursuant to title 5, United States Code, as are necessary for the administration of the Office, including employees who have commercial reinsurance and actuarial experience.".

SEC. 204. PENALTIES FOR FALSE INFORMATION.

Section 506(n)(1) of the Federal Crop Insurance Act (7 U.S.C. 1506(n)(1)) is amended—

(1) in subparagraph (A), by inserting "for each claim" after "$10,000"; and

(2) in subparagraph (B), by striking "noninsured assistance" and inserting "any loan, payment, or benefit described in section 1211 of the Food Security Act of 1985 (16 U.S.C. 3811)".

SEC. 205. REGULATIONS.

Section 506(p) of the Federal Crop Insurance Act (7 U.S.C. 1506(p)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(2) by adding at the end the following:

"(2) Terms of insurance.—

"(A) In general.—Regulations issued by the Secretary and the Corporation specifying the terms of insurance under section 508 shall be issued without regard to—

"(i) the notice and comment provisions of section 553 of title 5, United States Code;

"(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

"(iii) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act').

"(B) Congressional review of agency rulemaking.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.".

SEC. 206. PROGRAM COMPLIANCE.

Section 506(q) of the Federal Crop Insurance Act (7 U.S.C. 1506(q)) is amended—

(1) by redesignating paragraph (2) as paragraph (6); and

(2) by striking paragraph (1) and inserting the following:

"(1) In general.—Not later than 180 days after the date of enactment of the Crop Insurance Equity Act of 1999, the Corporation shall establish a program for monitoring compliance with this title by all Federal crop insurance participants, including producers, agents, adjusters, and approved insurance providers.

"(2) Consultation.—The Corporation shall consult with approved insurance providers in developing the compliance program.

"(3) Oversight of loss adjustment.—As part of the compliance program, the Corporation shall provide for a mechanism to independently review the performance of loss adjusters.

"(4) Program review.—Not later than 90 days after the date of enactment of the Crop Insurance Equity Act of 1999, the Corporation shall submit to the Board and the Office of Private Sector Partnership for their review the proposed compliance program under this subsection.

"(5) Annual reports.—Beginning with fiscal year 2001, the Corporation shall submit an annual report to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Board, and the Office of Private Sector Partnership concerning the compliance program established under this subsection, including any recommendations for legislative or administrative changes that could further improve program compliance.".

SEC. 207. PAYMENTS BY COOPERATIVE ASSOCIATIONS.

Section 507(e) of the Federal Crop Insurance Act (7 U.S.C. 1507(e)) is amended—

(1) by striking "(e) In" and inserting the following:

"(e) Cooperative Associations.—

"(1) In general.—In"; and

(2) by adding at the end the following:

"(2) Payments.—A cooperative association described in paragraph (1) that is licensed and acts as an agent or approved insurance provider with respect to any plan of insurance offered under this title may provide to the members of the association all or part of any funds received from the Corporation under this title.".

SEC. 208. LIMITATION ON DOUBLE INSURANCE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 104) is amended by adding at the end the following:

"(11) Limitation on double insurance.—The Corporation may offer plans of insurance or reinsurance for only 1 agricultural commodity on specific acreage during a crop year, unless—

"(A) there is an established practice of double-cropping in an area, as determined by the Corporation;

"(B) the additional plan of insurance is offered with respect to an agricultural commodity that is customarily double-cropped in the area; and

"(C) the producer has a history of double cropping or the acreage has historically been double-cropped.".

SEC. 209. CONSULTATION WITH STATE COMMITTEES OF FARM SERVICE AGENCY.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 208) is amended by adding at the end the following:

"(12) Consultation with State committees of Farm Service Agency.—The Corporation shall establish a mechanism under which State committees of the Farm Service Agency are consulted concerning policies of insurance offered in a State under this title.".

SEC. 210. RECORDS AND REPORTING.

(a) Catastrophic Risk Protection.—Section 508(f)(3)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(3)(A)) is amended by striking "provide, to the extent required by the Corporation," and inserting "to the extent required by the Corporation, provide to the Secretary, acting through the Farm Service Agency,".

(b) Noninsured Crop Disaster Assistance Program.—Section 196(b) of the Agricultural Market Transition Act (7 U.S.C. 7333(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) Records.—To be eligible for assistance under this section, a producer shall provide annually to the Secretary, acting through the Farm Service Agency, records of crop acreage, acreage yields, and production for each eligible crop."; and

(2) in paragraph (3), by inserting "annual" after "shall provide".

SEC. 211. FEES FOR PLANS OF INSURANCE.

Section 508(h)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(5))) is amended—

(1) by striking "Any policy" and inserting the following:

"(A) In general.—Any policy"; and

(2) by adding at the end the following:

"(B) Fees for new plans of insurance.—

"(i) In general.—If an approved insurance provider elects to sell a plan of insurance that was developed by another approved insurance provider after the date of enactment of this subparagraph and the plan of insurance offered coverage that was not available for any crop at the time the plan of insurance was approved by the Board (as determined by the Corporation), the approved insurance provider that developed the plan of insurance shall have the right to receive a fee from the approved insurance provider that elects to sell the plan of insurance.

"(ii) Amount.—

"(I) In general.—Subject to subclause (II), the amount of the fee that is payable by an approved insurance provider for a plan of insurance under clause (i) shall be an amount that is—

"(aa) determined by the approved insurance provider that developed the plan; and

"(bb) approved by the Board.

"(II) Approval.—The Board shall not approve the amount of a fee under clause (i) if the amount of the fee unnecessarily inhibits the use of the plan of insurance, as determined by the Board.

"(C) Payments.—The Corporation shall annually—

"(i) collect from an approved insurance provider the amount of any fees that are payable by the approved insurance provider under subparagraph (B); and

"(ii) credit any fees that are payable to an approved insurance provider under subparagraph (B).".

SEC. 212. FLEXIBLE SUBSIDY PILOT PROGRAM.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

"(11) FLEXIBLE SUBSIDY PILOT PROGRAM.—For each of the 2000 through 2002 crop years, the Corporation shall carry out a pilot program under which flexible subsidies are provided under this title to encourage private sector innovation through exclusive marketing rights and premium rate competition.".

SEC. 213. REINSURANCE AGREEMENTS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (3) and inserting the following:

"(3) REINSURANCE AGREEMENTS.—

"(A) SHARE OF RISK.—Each reinsurance agreement of the Corporation with a reinsured company shall require the reinsured company to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the financial condition of the reinsured company and the availability of private reinsurance.

"(B) COMPLIANCE.—To promote program compliance and integrity, the Corporation, after notice and an opportunity for a hearing on the record—

"(i)(I) shall assess civil fines in an amount not to exceed $10,000 per violation against agents, loss adjusters, and approved insurance providers that are determined by the Corporation to have recurring compliance problems; and

"(II) may deposit any civil fines collected under subclause (I) in the insurance fund established under section 516(c); and

"(ii) shall disqualify the agents, loss adjusters, and approved insurance providers described in clause (i)(I) from participation in the Federal crop insurance program for a period not to exceed 5 years.

"(C) REVIEW OF AGREEMENTS.—As soon as practicable after the date of enactment of this subparagraph and regularly thereafter, in consultation with the Office of Private Sector Partnership, the Corporation shall review the Standard Reinsurance Agreement issued by the Corporation to ensure that the allocation of risk between the Corporation and the reinsured companies is equitable, as determined by the Corporation.".

SEC. 214. FUNDING.

Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) salaries and expenses of the Office of Private Sector Partnership.";

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking "; and" and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) salaries and expenses of the Office of Private Sector Partnership, but not to exceed $5,000,000 for each fiscal year;

"(E) administrative expenses of collecting information under section 508(f)(3); and

"(F) payment of fees in accordance with section 508(h)(5)(B)."; and

(3) in subsection (c)(1), by inserting ", fees under section 508(h)(5)(B), civil fines under section 508(k)(3)(B)(i)(II)," after "premium income".

CROP INSURANCE EQUITY ACT OF 1999—SUMMARY

Sec. 101—Prevented Planting. Ensures that producers have the ability to reduce premium cost by giving them the option whether to choose prevented planting coverage for a commodity. Ensures that prevented planting coverage offered under the crop insurance program is equivalent among all commodities. Also eliminates current "black dirt" requirement by allowing producers who are prevented from planting their insured commodity to receive the prevented planting indemnity but still plant another, uninsured crop on the same acreage without penalty. Amendment ensures that productive crop land is not idled because of crop insurance requirement.

Sec. 102—Alternative Rating Methodologies. The preliminary conclusions from a review of current rating methodologies indicates that many of FCIC's rates and rating procedures need to be changed. The bill directs FCIC to develop and implement alternative methodologies for rating insurance plans by September 30, 2000, that takes into account (1) producers that elect not to participate in the Federal crop insurance program, and (2) producers that elect only to obtain catastrophic coverage. FCIC is also directed to review and make adjustments to methodologies and rates by the 2001 crop year, based on expected future losses (adjusted to correct for adverse selection and old data), program errors and other factors that can cause errors in methodologies and rates. The bill requires FCIC to implement the rating methodologies in a manner that results in the lowest premium payable by producers of a commodity in a particular geographic area. Priority will be given to those commodities with the lowest level of participation in buy-up coverage plans.

Sec. 103—Quality Adjustment. Ensures that quality adjustment coverage is offered as optional coverage.

Sec. 104—Low-risk producer pilot program. Establishes a pilot program designed to encourage participation in crop insurance by producers who rarely suffer insurable losses. Participating producers would receive a reduction in their payable premium if they incur a yield loss greater than 10%, but not great enough to trigger an indemnity.

Sec. 105—Catastrophic risk protection. Increases the coverage level for catastrophic coverage to 60% of APH at 70% of the price. Other parts of the bill address excessive underwriting gains and unearned loss adjustment expenses being generated as a result of CAT coverages.

Sec. 106—Loss adjustment. Reduces the fees for loss adjustments with respect to catastrophic coverage.

Sec. 107—Cost of production plans of insurance. Provides permanent authority for the Federal Crop Insurance Corporation to provide cost of production and revenue insurance coverage.

Sec. 108—Discounts. The bill requires FCIC to reinstate good experience discounts and to provide discounts for production practices that reduce the risk of loss and for insurance that is issued on larger, more cost-effective insurable units.

Sec. 109—Adjustment to Subsidy Levels. The bill provides for 50% subsidization of all levels of buy-up coverage.

Sec. 110—Sales Closing Dates. The bill restores flexibility to FCIC in determining sales closing dates.

Sec. 111—Assigned Yields. Ensures that beginning farmers or farmers who rent new land or produce new crops will be assigned a fair yield.

Sec. 112—Actual production history adjustment for disasters. Requires FCIC to adjust APH yields for producers who suffer multiyear disasters by directing FCIC to assign a yield equal to 85% of the county transition yield for any year in which a producer's yield falls below that 85% level.

Sec. 113—Payment of Portion of Premium. Prohibits FCIC from subsidizing revenue or price insurance policies.

Sec. 114—Limitation on Underwriting Gains. The bill limits the amount of underwriting gains companies can make on catastrophic policies to 50 percent of the premium.

TITLE II

Sec. 201—Board of Directors of Corporation. Expands the board to include 4 producers from 4 regions of the United States, 1 person engaged in the crop insurance business, 1 person engaged in reinsurance, the Undersecretary for Farm and Foreign Agricultural Services, the Under Secretary for Rural Development and the Chief Economist of the Department of Agriculture.

Sec. 202—Office of Risk Management. Clarifies that the FCIC board of directors shall have direct oversight of RMA.

Sec. 203—Office of Private Sector Partnership. Establishes the Office of Private Sector Partnership, reporting directly to the FCIC board. The OPSP will have the authority to review and make recommendations on both privately and RMA-developed policies. It will also have the authority to approve reinsurance and review and make recommendations concerning subsidy for new crop policies and, with board concurrence, approve new rating structures.

Sec. 204—Penalities for false information. Allows anyone convicted of providing false information in connection with any crop insurance claim to be disbarred from all USDA programs.

Sec. 205—Regulations. Allows certain RMA rulemaking activities to be exempted from the Administrative Procedures Act and other federal statutes.

Sec. 206—Program Compliance. The bill enhances the compliance authority of FCIC by 1) requiring FCIC to develop and implement an effective program for monitoring program compliance by all crop insurance participants; and 2) requiring regular oversight of loss adjusters.

Sec. 207—Payment of rebates to cooperative associations. Allows the payment of rebates to cooperatives who engage in the sale of crop insurance.

Sec. 208—Limitation on Double Insurance. Prohibits purchasing insurance for two crops for the same acreage in a year, except where there is an established practice of double-cropping.

Sec. 209—Consultation with state committees of farm service agency. Requires FCIC to consult with state FSA committees on the feasibility of polices of insurance being offered in their state.

Sec. 210—Records and reporting. The bill strengthens requirements for accurate recordkeeping and reporting of crop production by participants and non-participants in crop insurance.

Sec. 211—Fees for plans of insurance. Establishes a system of payment for the sale of policies developed by other companies.

Sec. 212—Flexible subsidy pilot program. Allows for the creation of a flexible subsidy pilot program for the 2000–2002 crop years.

Sec. 213—Reinsurance Agreements. Provides tougher sanctions for agents and reinsured companies that have recurring compliance difficulties, and requires a regular review of the Standard Reinsurance Agreement.

Sec. 214—Funding. Makes necessary adjustments in funding provisions to take into account the establishment of the Office of Private Sector Partnership.

Mrs. LINCOLN. Mr. President, I am pleased to be here today with my colleague from Mississippi, Senator COCHRAN, to introduce the Crop Insurance Equity Act of 1999. We believe this bill makes fundamental changes to the existing Federal Crop Insurance Program that are necessary to make crop insurance more workable and affordable for producers across the country.

As we all know, the government's role in farm programs has changed. The 1996 Farm Bill phased out traditional support for our farmers, and current farm programs require producers to assume more risk than ever before. Due to the Ag economic crisis, there has been much discussion lately on the issue of the "safety net" for our nation's producers. On that point I would like to be perfectly clear. Crop insurance is a risk management tool to help producers guard against yield loss. It was not created and was never intended to be the end all be all solution for the income needs of our nation's producers. As the crop insurance reform debate proceeds, I am hopeful that my colleagues will be cognizant of the various needs in the agriculture community and recognize that while crop insurance is an important part of the "safety net," it is not and should not be the only income guard for our nation's farmers.

Congress has been attempting to eliminate the ad hoc disaster program for years because it is not the most efficient way of helping our farmers who suffer yield losses. Senator Cochran and I have been working over the last few months with individuals involved in crop insurance delivery, major commodity organizations, and most importantly, farmers, to craft a comprehensive bill that addresses the various reform needs of the crop insurance program. We feel that this legislation takes a significant step toward providing a crop insurance program that is equitable, affordable, and effective.

In response to the outcry we have heard from producers in Arkansas, Mississippi, and across the nation, we have attempted to make the crop insurance program more cost effective for our farmers. In Arkansas, the last estimates I heard indicated that 1% of our cotton producers were participating in the buy-up program this year. Buy-up coverage for all commodities in Akansas historically is around 12%. That tells me that producers at home don't think that crop insurance is currently providing the kind of help they need. Our bill establishes a process for re-evaluating crop insurance rates for all crops and for lowering those rates if warranted. By making the crop insurance program more affordable, additional producers will be encouraged to participate in the program and protect themselves against the unforeseeable factors that will be working against them once they put a crop into the ground.

This legislation directs USDA to establish "good experience" premium discounts for producers who have not filed claims in the last years. This simply makes sense. If you have car insurance and you haven't had a wreck or a ticket over a significant period of time, then your premium is reduced. Crop insurance should not be any different.

The bill also provides for a more equitable subsidy method by setting the subsidy for crop insurance premiums at a flat rate, regardless of the level of coverage a producer purchases. Current law provides higher levels of federal subsidy to producers who purchase the lowest levels of coverage.

In an attempt to improve the record keeping process within USDA, this legislation establishes the Farm Service Agency (FSA) as the central repository for all acreage and yield record keeping. Current USDA record keeping, split between FSA and RMA, is redundant and insufficient. By including both crop insurance program participants and non-program participants in the process, we hope to enhance the agricultural data held by the agency and make acreage and yield reporting less of a hassle for already overburdened producers.

In addition, this bill establishes a role for consultation with state FSA committees in the introduction of new coverage to a state. The need for this provision was made abundantly clear to Arkansas' rice producers this spring. A private insurance policy was offered to farmers at one rate, only to have the company reduce the rate once the amount of potential exposure was realized. In my discussions with various executives from the company on this issue it became apparent that their knowledge of the rice industry was fairly minimal. Had they consulted with local FSA committees who had a working knowledge of the rice industry before introduction of the policy, the train wreck that occurred might have been stopped in its tracks.

Many of the problems associated with the crop insurance program have been addressed in previous reform measures, however, fraud and abuses are still present to some degree. This bill strengthens the monitoring of agents and adjusters to combat fraud and enhances the penalties available to USDA for companies, agents and producers who engage in fraudulent activities. There is simply no room for bad actors that recklessly cost the taxpayers money.

While this bill was crafted with the input of producers from Arkansas and Mississippi, there is no preferential treatment toward any commodity or geographic region. We have attempted to include provisions that will make the crop insurance program more effective across the nation. We hope that we have achieved this goal and look forward to working with our colleagues to address any measures that will make the crop insurance reform effort more effective.

Mr. President, I ask unanimous consent that letters of support for this bill be included in the RECORD from the following commodity organizations: The National Cotton Council, USA Rice Federation, American Sugar Cane League, the Southern Peanut Farmers Federation, and the Alabama Farmers Federation.

These organizations have been very helpful in the crafting of this bill and we certainly appreciate the input they have provided.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN SUGAR CANE LEAGUE
OF THE U.S.A., INC.
Thibodaux, La, May 19, 1999.

Hon. THAD COCHRAN,
Russell Senate Office Building,
Washington, DC
Hon. BLANCHE LINCOLN,
Hart Senate Office Building,
Washington, DC

DEAR SENATORS COCHRAN AND LINCOLN: On behalf of the American Sugar Cane League of the U.S.A., Inc., which represents the entire sugar producing and processing industry in the state of Louisiana, I offer to you our full support of your efforts to improve crop insurance with the introduction of the Crop Insurance Equity Act of 1999. Agriculture in this great country has been in a crisis mode for the last several years and the federal crop insurance program, as it is presently structured, is of limited or no utility to our growers.

In particular, we are pleased with the language which directs the Federal Crop Insurance Corporation (FCIC) to review the rating methodologies, giving high priority to those commodities with the lowest level of participation. Due to the inherent problems with the program, as presently structured, sugarcane growers in Louisiana have not considered crop insurance an affordable or viable management tool. Again, it is with great enthusiasm that we support this bill which we hope will benefit the entire agricultural community and our industry, and allow us the opportunity to have available to us a viable risk management tool that is affordable.

We appreciate tremendously your initiative with this bill language which seeks to make crop insurance more useful for southern commodities. The Louisiana sugarcane industry will continue to review the reasons that crop insurance has not worked thus far and would like to reserve the option to make additional suggestions to you as the process moves forward. Thanks again for taking on a challenge that stands to give American agriculture what the rest of the manufacturing and business community of this country has always had, a viable and affordable risk management tool.

Sincerely,

CHARLES J. MELANCON,
President and General Manager.

NATIONAL COTTON COUNCIL OF AMERICA,
May 18, 1999.

Hon. THAD COCHRAN,
Hon. BLANCHE LINCOLN,
U.S. Senate, Washington, DC.

DEAR SENATORS COCHRAN and LINCOLN: On behalf of the National Cotton Council, I would like to convey our sincere appreciation and strong support for your efforts to improve the Federal crop insurance program. The legislation that you are about to introduce, The Crop Insurance Equity Act of 1999, makes many needed changes to the program, improves compliance, and should increase participation as well.

The profitability crisis we are experiencing in American agriculture and the policy direction we have chosen on farm programs has greatly increased the cotton industry's interest in more sound risk management tools to help weather the tough times. Your legislation takes a very comprehensive approach towards improving the current system. We are especially pleased with your provisions that will result in a reformed rating process, significantly improved record keeping requirements through the Farm Service Agency, equitable prevented planting coverage for all crops, and a streamlined private product approval process.

Finally, we appreciate the efforts of Hunt Shipman and Ben Noble on your staffs who worked tirelessly with the cotton industry to include provisions that would make the program more equitable for all commodities. They are both an asset to your offices.

Thank you again for your efforts and all you do to help the cotton industry. We look forward to working with you any way we can to insure passage of your bill.

Sincerely,

RON RAYER,
President, National Cotton Council,
ALLEN HELMS,
Chairman, American Cotton Producers Association.

USA RICE FEDERATION,
May 19, 1999

Hon. BLANCHE LAMBERT LINCOLN,
U.S. Senate, Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the USA Rice Federation, which represents producers of over 80 percent of America's rice crop and virtually all U.S. rice millers, I would like to express our appreciation for the leadership that you and Senator Cochran have provided on the issue of reforming Federal crop insurance. Specifically, we want to express our strong support for the Crop Insurance Equity Act of 1999 which represents a positive step towards addressing the concerns that U.S. rice producers have had with the existing crop insurance program.

As you probably are aware, most rice producers have traditionally not participated in the Federal crop insurance program because premiums have been viewed as too high relative to the minimal coverage the program offers. For example, during the 1998 crop year, only 43 percent of 3 million acres planted to rice was covered by catastrophic policies while only another 20 percent of the acreage was covered by buy-up policies. In general, the low level of participation by U.S. rice farmers has occurred because: CAT coverage offers farmers minimal coverage and buy-up policies are too expensive; serious problems exist with the actuarial data used to calculate premiums and coverage; and rice farmers, who traditionally experience relatively low levels of yield variability, want price/revenue protection versus traditional yield coverage. We believe that the Crop Insurance Equity Act begins to seriously address each of these three major issues.

Again, Senator Lincoln, we want to thank you and your staff for working so closely with the USA Rice Federation during the development of this important bill. We are proud to support this bill and look forward to working with you to enact the legislation in 1999.

Sincerely,

A. ELLEN TERPSTRA,
President and Chief Executive Officer.

THE REDDING FIRM,
313 MASSACHUSETTS AVENUE, N.E.,
WASHINGTON, DC

We are very appreciative of Senators Cochran and Lincoln taking the lead on reforming the Federal Crop Insurance Program. Growers in the Southeast want sound product options at a reasonable price. The Cochran-Lincoln bill moves crop insurance in this direction. Disaster bills do not adequately address the problems growers face in a bad crop year. Crop insurance has to be reformed where growers can plan and address difficult financial times.

SOUTHERN PEANUT FARMERS FEDERATION.

ALFA FARMERS,
May 18, 1999.

Senator BLANCHE LINCOLN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LINCOLN: On behalf of over 398,000 members of the Alabama Farmers Federation, I am writing in support of this bill which you and Senator Cochran are introducing titled the Crop Insurance Equity Act of 1999. This crop insurance reform bill goes a long way toward addressing the inequities southern producers face under the current federal crop insurance program. While producers do not want the government to guarantee them a profit, real crop insurance reform is needed to ensure farmers have adequate risk management tools for years when a disaster does occur.

We are pleased that the Crop Insurance Equity Act addresses the so-called "ratings" issue in which southern producers are unfairly penalized by a flawed rating system. As you know, the current 20-year historical actuarial database being used to determine probability of loss and establish premium levels does not accurately reflect real risk (particularly in the Southeast).

In addition, Alabama farmers want increased emphasis on oversight by the federal government and private insurers to prevent fraud. The Federation is pleased that the oversight provisions were included in your bill by making crop insurance more affordable for good farmers and eliminating abuses by those who would take advantage of it, thereby increasing producer participation.

The Federation is also pleased to note that your bill restores the provision in law that enables producers with good experience to receive premium discounts, as well as eliminating "black dirt" and replant provisions which have unfairly penalized cotton growers in the current federal crop insurance program.

Furthermore, it is important to note that premium subsidies are shifted to the higher levels of coverage in your bill, as well as recognizing that your provision concerning the multiple year disasters remedies the problem that producers who experience multiple years of disaster currently face. These provisions should make higher coverage more affordable, as well as encourage greater producer participation.

Again, we thank you and Senator Cochran for your leadership for southern agriculture, and we look forward to working toward a reasonable crop insurance program that is truly a risk management tool for producers of all areas of the country.

Sincerely,

G. KEITH GRAY, *Director, National Affairs.*

By Mr. MCCONNELL (for himself, Mr. SMITH of New Hampshire, Mr. KOHL, Mr. FRIST, Mr. GREGG, Mr. JOHNSON, Mr. WARNER, Mr. CLELAND, Mr. SCHUMER, Mr. ALLARD, Mr. JEFFORDS, Mr. AKAKA, Mrs. FEINSTEIN, Mr. ENZI, Mr. ROBB, Mr. GRAMS, Mrs. BOXER, Mr. LUGAR, Ms. LANDRIEU, Mr. COCHRAN, Mrs. MURRAY, Mr. INHOFE, Mr. MACK, Mr. TORRICELLI, Mr. BINGAMAN, Mr. THOMAS, Mr. LEAHY, Mr. CAMPBELL, Mr. KENNEDY, Mr. HELMS, Mr. DURBIN, Mr. SANTORUM, Mr. LAUTENBERG, Mr. BUNNING, Mr. MOYNIHAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM, Mr. REID, Mr. LEVIN, and Mr. LIEBERMAN):

S. 1109. A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes; to the Committee on Environment and Public Works.

THE BEAR PROTECTION ACT

Mr. MCCONNELL. Mr. President, I rise today to introduce the Bear Protection Act. This legislation, which I sponsored in the 105th Congress, is aimed at eliminating the poaching of America's bears for profit. As you may know, bear parts, such as gall bladders and bile, which are commonly referred to as "viscera," have traditionally been used in myriad Asian medicines—for everything from diabetes to heart disease to hangovers, and in luxury shampoos and cosmetics. Due to the popularity of these products containing bear viscera, Asian bear populations have been decimated, causing poachers to run to American bears to meet the increasing demand.

Mr. President, the practice of poaching bears for viscera is both a national and international problem. Asian and American bear populations are threatened by high demand for and low supply of bear parts and by the black market trade in exotic and traditional medicine cures. The problem is compounded by the fact that the poaching of bears for their viscera is a very profitable enterprise, and one in which at least 18 Asian countries are known to participate. In fact, bear gall bladders in South Korea, for instance, are worth more than their weight in gold, fetching a price of about $10,000 a piece.

Mr. President, each year, nearly 40,000 black bears are legally hunted in 36 States and Canada. Unfortunately, it has been estimated that roughly the same number is illegally poached every year, according to a former chief law enforcement officer with the U.S. Fish and Wildlife Service. While I am pleased to report that for the most part, U.S. bear populations have remained stable or are increasing, I continue to remain concerned about the threat posed by unchecked poaching.

Since 1981, State and Federal wildlife agents have conducted many successful undercover operations to aimed at exposing the illegal slaughter of American bears. As recently as this past February, a group of State and Federal officers arrested 25 people in Virginia and charged them with 112 wildlife violations including bear poaching as part of Operations SOUP, or "Special Operation to Uncover Poaching." Operation SOUP is a major undercover investigation, which has been ongoing for three years and is aimed at the trafficking of gall bladders and other bear parts from black bears in Virginia and Shenandoah National Park.

Mr. President, I have with me two press releases from the Virginia Department of Game and Inland Fishing, as well as an article from the Washington Post which I would like to have placed in the RECORD.

Mr. President, as these and other news reports will attest, this problem with poaching and trading bear parts must be addressed. Although many States and the U.S. Fish and Wildlife Service are making efforts to combat this problem, these agencies have neither the funds nor the resources to adequately solve the problem. Moreover, there are loopholes created by a patchwork of State laws that allow these illegal practices to flourish. There are fourteen States in which the sale of bear gall bladders is legal—eight of those States limit the sale to viscera taken from bears in other States, and there are five States that have no law in this regard. This patchwork of State laws enables poachers to "launder" the gall through the States that permit the sale of gall bladders. As long as a few States allow this action to go on, poaching for profit will continue.

Mr. President, as I mentioned earlier, this is both a national and international problem—and it is a growing problem. The Convention on International Trade in Endangered Species (CITES), to which the United States is a party, has recognized the issue of bear conservation as a global issue. In fact, CITES has noted that "the continued illegal trade is bear parts and derivatives of bear parts undermines the effectiveness of the Convention and that if CITES parties . . . do not take action to eliminate such trade, poaching may cause declines of wild bears that could lead to the extirpation of certain populations or even species." The Convention goes on to say that in order to achieve this goal, "submitted and measurable action" must be taken—this includes adopting national legislation.

I would like to point out that members of the U.S. delegation to the CITES Convention contributed to the drafting of that resolution, and in doing so, made a strong statement about the need to strengthen our national commitment to eradicating the poaching of bears. Recently, the Secretariat pointed out that bear poaching is most likely to flourish in countries that have inconsistent internal trade, import, and export controls. In such instances where there are differences in national, Federal, and State laws, the Secretariat asserts that confusion and enforcement difficulties arise which will contribute to the availability of bear viscera that can become available for international trade.

Mr. President, in order to halt the poaching of America's bears, we need to effectuate legislation that not only prohibits the import and export of bear viscera, but we need to close the loopholes in State laws that encourage poachers to evade the law. To effectively reduce the laundering of bear viscera through the United States, all states must have a minimum level of protection. We must also stop the import and export of bear viscera, so that we can shut off the international trade before America's bear populations suffer the same fate as Asian bear populations.

The Bear Protection Act will do just that. It will establish national guidelines for trade in bear parts, but will not weaken any existing state laws that have been instituted to deal with this issue. The outright ban on the trade, sale or barter of bear viscera, including items that claim to contain bear parts, will close the existing loopholes and will allow State and Federal wildlife officials to focus their limited resources on much needed conservation efforts.

Mr. President, let me underscore that my bill would in no way infringe on the rights of hunters to legally hunt bears. These sportsmen would still be allowed to keep trophies and furs of bears killed during legal hunts.

The Bear Protection Act will also bolster America's efforts to curtail the international bear trade by directing the Secretaries of the Interior and State, as well as the United States Trade Representative to establish a dialogue with the counties that share our interest in conserving bear species. This, too, is an important element of the legislation because I believe efforts to both reduce the demand for bear parts in Asia and encourage the increased usage of synthetic and other natural products as an alternative to beargall should be made a priority.

Mr. President, it is important that we act now to protect the American bear population. The United States must take a stand and be an example to the rest of the world by prohibiting the illegal taking and smuggling of American bears. If we act now, we can stop the poaching of bears, which left unchecked, will lead us down a path toward these magnificent creatures' extinction. That is why I urge my colleagues to join me in support of this worthwhile legislation.

Mr. President, I ask that the full text of my legislation and additional material to be printed in the RECORD.

There being no objection, the material was ordered to the printed in the RECORD, as follows:

S. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bear Protection Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) all 8 extant species of bear—Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear—are listed on Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249) (referred to in this section as "CITES");

(2) Article XIV of CITES provides that Parties to CITES may adopt stricter domestic measures regarding the conditions for trade, taking, possession, or transport of species on Appendix I or II, and the Parties to CITES adopted a resolution (Conf. 10.8) urging Parties to take immediate action to demonstrably reduce the illegal trade in bear parts and derivatives;

(3) the Asian bear populations have declined significantly in recent years, as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(4) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(5) while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(6) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the interstate trade, of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

SEC. 3. PURPOSES.

The purpose of this Act is to ensure the long-term viability of the world's 8 bear species by—

(1) prohibiting international trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera;

(2) encouraging bilateral and multilateral efforts to eliminate such trade; and

(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

SEC. 4. DEFINITIONS.

In this Act:

(1) Bear viscera.—The term "bear viscera" means the body fluids or internal organs, including the gallbladder and its contents but not including blood or brains, of a species of bear.

(2) Import.—The term "import" means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(3) Person.—The term "person" means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State, municipality, or political subdivision of a State; or

(iii) any foreign government;

(C) a State, municipality, or political subdivision of a State; and

(D) any other entity subject to the jurisdiction of the United States.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) State.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(6) Transport.—The term "transport" means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

SEC. 5. PROHIBITED ACTS.

(a) In General.—Except as provided in subsection (b), a person shall not—

(1) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(2) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(b) Exception for Wildlife Law Enforcement Purposes.—A person described in subparagraph (B) or (C) of section 4(3) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(1) is solely for wildlife law enforcement purposes; and

(2) is authorized by a valid permit issued under Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249), in any case in which such a permit is required under the Convention.

SEC. 6. PENALTIES AND ENFORCEMENT.

(a) Criminal Penalties.—A person that knowingly violates section 5 shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(b) Civil Penalties.—

(1) Amount.—A person that knowingly violates section 5 may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(2) Manner of assessment and collection.—A civil penalty under this subsection shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(c) Products, Items, and Substances.—Any bear viscera, or any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section (including any regulation issued under this section) shall be seized and forfeited to the United States.

(d) Regulations.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this section.

(e) Enforcement.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(f) Use of Penalty Amounts.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

SEC. 7. DISCUSSIONS CONCERNING TRADE PRACTICES.

The Secretary and the Secretary of State shall discuss issues involving trade in bear viscera with the appropriate representatives of countries trading with the United States that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or consumers of bear viscera, and attempt to establish coordinated efforts with the countries to protect bears.

SEC. 8. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with appropriate State agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report detailing the progress of efforts to end the illegal trade in bear viscera.

[From the Virginia Department of Game and Inland Fisheries, Jan. 18, 1999]

Joint Effort Tackles Poachers, Illegal Bear Trade

Luray, Virginia.—Earlier today, nearly 100 state and federal officers arrested almost three dozen defendants charged with more than 150 state wildlife violations. Officers executed approximately a dozen search warrants to further the investigation into the illegal trade of bear parts. The action is part of the continuing investigation Operation SOUP, or Special Operation to Uncover Poaching. The operation is expected to yield one of the largest prosecutions in the nation's history for crimes relating to bear poaching and illegal trade in bear parts. Operation SOUP is a joint effort of the Virginia Department of Game and Inland Fisheries (VDGIF), the National Park Service, and the U.S. Fish & Wildlife Service.

Operation SOUP's three-year undercover investigation involves a three-pronged approach targeting the commercialization of bear parts used in the jewelry trade; bear gall bladder and paw trafficking; and poaching by individuals associated with specific groups suspected of supplying bear parts. In addition to the arrests made today, more misdemeanor and felony indictments may follow in the weeks and months ahead as this joint effort identifies other individuals involved in poaching and commercial trafficking of bear parts. By working together, these government agencies have been able to increase their manpower and resources to combat the illegal sale of bear parts.

A major aspect of the investigation focuses on the bear gall bladder trade. This worldwide market is driven by the demand for its use in traditional Asian medicine. Since the substantial decline of the Asian bear populations, the American black bear has been targeted for this trade. One bear gall bladder may sell overseas at auction for thousands of dollars. Dried and ground to a fine powder it is sold by the gram at a street value greater than cocaine.

Details of Operation SOUP will be announced at a press conference to be held tomorrow, Tuesday, January 19, at 1 PM, at the Shenandoah National Park administrative headquarters on U.S. Route 211 east of Luray, Virginia and west of the Skyline Drive.

[From the Virginia Department of Game and Island Fisheries, Jan. 19, 1999]

Successful Joint Effort Tackles Poachers, Illegal Bear Trade

Luray Virginia.—On Monday, January 18, 1999, nearly 110 state and federal officers arrested 25 defendants charged with 112 wildlife violations, and executed 14 search warrants as part of Operation SOUP, or "Special Operation to Uncover Poaching". Operation SOUP is a major, on-going, undercover investigation into illegal hunting and commercialization of American black bears in Virginia and in Shenandoah National Park. This three-year investigation has been a joint operation of the Virginia Department of Game and Inland Fisheries, the National Park Service, and the U.S. Fish & Wildlife Service. Much of the investigation has been concentrated in the Blue Ridge region of Virginia. Upon its completion, Operation SOUP is expected to yield one of the largest prosecutions in the nation's history for crimes relating to bear poaching and illegal trade in bear parts.

Operation SOUP utilizes a three-pronged approach to combat this criminal activity. The first has targeted the sale of bear parts, mostly claws and teeth, for use in the jewelry trade. Sales of intact bear paws used to make ashtrays and other trinkets also fall into this category. This investigation has confirmed that in Virginia there is active trade in bear parts used for jewelry. Independent of yesterday's arrests, over the last eight months 12 individuals have been arrested and charged with 94 counts of buying or selling bear parts in violation of state law.

The second prong of Operation SOUP has targeted trafficking of gall bladders and frozen bear paws. This aspect of the investigation has confirmed that significant trade in gall bladders and bear paws out of Virginia exists, including from bears within and around Shenandoah National Park.

To further this portion of the investigation, 11 federal search warrants were executed in Madison and Rappanhannock Counties in Virginia, and near Petersburg, West

Virginia. They were issued on a combination of homes, businesses and vehicles. Seized were five vehicles, several freezers, and an assortment of bear parts, firearms, and cash. Federal felony indictments may be forthcoming in the weeks and months ahead. Three arrests made on Monday have connections with trafficking of bear parts. Additional details will be released as they become available.

The third prong of Operation SOUP has targeted the poachers themselves. These individuals are associated with specific groups that are suspected of being a source of bear parts for commercial trade. On Monday, 22 individuals were arrested and charged with a total of 107 state wildlife violations. Although bear may be legally taken in Virginia by legitimate sportsmen, these individuals are accused of using illegal hunting practices to harvest bears. Undercover investigations in this portion of the operation indicated that some of these individuals may also have engaged in bear poaching within Shenandoah National Park where it is unlawful to hunt. This is still under investigation and may result in federal indictments for illegal hunting within the park being passed down in the weeks or months ahead.

At the heart of Operation SOUP are concerns about an international problem that has a toehold in Virginia. The bear gall bladder trade is a worldwide industry driven by the demand for its use in traditional Asian medicine. Many people from Asian cultures believe bear parts, particularly the gall bladder, have medicinal value for treating and preventing a variety of ailments. A single gall bladder can be sold at auction overseas for thousands of dollars. Dried, ground and sold by the gram, bear gall bladders have a street value greater than cocaine. In this operation, 300 gall bladders were purchased or seized with an estimated U.S. value of $75,000 and an international value of more than $3 million dollars. Bear paws also have high commercial value. Bear paws are purchased as an ingredient in Bear Paw Soup, considered a delicacy in some ethnic Asian restaurants. A single bowl of this soup can sell for hundreds of dollars overseas. The serious decline in the Asian black bear population has lead to the American black bear being targeted for this trade. The government agencies behind Operation SOUP are deeply concerned about these activities and will continue to investigate illegal bear poaching and trafficking of bear parts.

[From the Washington Post, Feb. 16, 1999]

BEAR POACHING ON RISE ON SHENANDOAH REGION

(By Maria Glod and Leef Smith)

It was early January when the call came in on Jeffrey Pascale's unlisted phone line: The goods were available. Was he interested?

A date was set, and Pascale agreed to meet James Presgraves at a roadside dinner in Stanley, Va. The deal was completed several miles away at Presgrave's home, where he allegedly removed an assortment of bear gallbladders from the freezer and Pascale, an undercover U.S. Park Ranger, paid him $925 for six of the golf ball-size organs.

The purchase of the bear organs was documented last month in affidavits filed in U.S. District Court in Roanoke in support of search warrants and signaled to the close of a three-year state and federal investigation into what authorities said was a highly profitable loosely organized bear-poaching ring operating in Virginia's Blue Ridge mountains. Instead of killing the bears just for their meat and fur, officials said, poachers were harvesting the animals for their paws and gallbladders, which can sell for hundreds of dollars in this country and thousands of dollars in Asia.

No charges have been filed against Presgraves.

As bear populations dwindle in other parts of the world—victims of excessive hunting and disappearing habitats—poaching has become increasingly lucrative in North America, where an estimated 400,000 bears live. Each year, hundreds of bear carcasses turn up, intact except for missing gallbladders, paws and claws, according to testimony given to Congress.

Gallbladders and the green bile they store are prized in Asia, where they are used in medicine to treat a variety of ailments, including heart disease and hangovers. Bear paw soup is considered a delicacy in some Asian cultures and is sold—off the menu—in some restaurants for as much as $60 a bowl, investigators say.

"People are willing to pay any amount of money [for a bear product] if they want it really bad," said Andrea Gaski of the World Wildlife Fund, which monitors bear poaching.

While bear hunting is legal in Virginia, it is illegal, as in most states, to sell the animal's body parts—including gallbladders, heads, hides, claws or teeth. Bear hunting is not permitted in Maryland. Last year, Congress considered, but did not pass, legislation aimed at halting the trade in bear organs.

In Virginia, hunters legally kill 600 to 900 bears each hunting season. Officials say it is unclear how many more of the population of about 4,000 bears are taken by poachers. In the most recent investigation, law enforcement officials seized about 300 gallbladders and arrested 25 people. They have been charged with offenses ranging from illegally buying wildlife parts, a felony, to misdemeanor hunting violations. Authorities said that some of the charges stem from selling jewelry made with bear claws or teeth, while others target alleged traffickers in the bear organs. Officials say that some of the parts sold in Virginia are hunted legally. The federal investigation is continuing.

The state and federal investigation in Virginia began in 1996 when investigators began receiving tips from hunters about poaching in and around Shenandoah National Park, officials said.

Agents ultimately infiltrated the local ring, accompanying poachers on hunts and posed as middlemen.

"Some of those people were blatant enough that if you left a business card saying, "I want to buy gallbladders,' at a hunting lodge, they would call you back," said Don Patterson, a supervisor with the U.S. Fish and Wildlife Service who helped lead the investigation.

According to documents filed in U.S. District Court in Roanoke, Pascale met six times during 1997 and 1998 with Bonnie Sue and Danny Ray Baldwin at their home in Sperryville, Va., to purchase bear gallbladders and paws.

During the course of his investigation, according to the affidavit filed in support of a search warrant application, the Baldwins told Pascale they had been in business for 13 years, selling about 300 gallbladders annually to customers in Maryland, New York and the District.

According to court records, the Baldwins said they obtained their bear parts from several sources including hunt clubs, farmers and orchards, as well as from the bears that Danny Baldwin bagged by hunting or trapping.

No charges have been filed against the Baldwins.

Investigators compare the illegal trade in bear parts to drug trafficking, saying the poachers typically work through a middleman who delivers the gallbladders and paws to either local or overseas Asian markets.

Nationwide, federal authorities have intercepted 70 shipments of bear parts headed to Asian markets in the past five years, according to U.S. Fish and Wildlife officials.

"If you don't watch this situation and keep your fingers on the pulse, you can quickly look at it and say, 'Where did [the bears] all go?' " said William Woodfin, director of the Virginia Department of Game and Inland Fisheries. "We have an obligation to future generations to make sure the black bear will be there for them to enjoy."

CONF. 10.8—CONSERVATION OF AND TRADE IN BEARS

Aware that all populations of bear species are included either in Appendix I or Appendix II of the Convention;

Recognizing that bears are native to Asia, Europe, North America and South America and, therefore, the issue of bear conservation is a global one;

Noting that the continued illegal trade in parts and derivatives of bear species undermines the effectiveness of the Convention and that if CITES Parties and States not-party do not take action to eliminate such trade, poaching may cause declines of wild bears that could lead to the extirpation of certain populations or even species;

Recognizing that long-term solutions for the protection and conservation of bears require the adoption of substantive and measurable actions;

The Conference of the Parties to the Convention urges all Parties, particularly bear range and consuming countries, to take immediate action in order to demonstrably reduce the illegal trade in bear parts and derivatives by the 11th meeting of the Conference of the Parties, by:

(a) confirming, adopting or improving their national legislation to control the import and export of bear parts and derivatives, ensuring that the penalties for violations are sufficient to deter illegal trade;

(b) increasing CITES enforcement by providing additional resources, nationally and internationally, for wildlife trade controls;

(c) strengthening measures to control illegal export as well as import of bear parts and derivatives;

(d) initiating or encouraging new national efforts in key producers and consumer countries to identify, target and eliminate illegal markets;

(e) developing international training programmes on enforcement of wildlife laws for field personnel, with a specific focus on bear parts and derivatives, and exchanging field techniques and intelligence; and

(f) developing bilateral and regional agreements for conservation and law enforcement efforts;

Recommends that all Parties review and strengthen measures, where necessary, to enforce the provisions of the Convention relating to specimens of species included in Appendices I and II, where bear parts and derivatives are concerned;

Recommends further that Parties and States not-party, as a matter of urgency, address the issues of illegal trade in bear parts and derivatives by:

(a) strengthening dialogue between government agencies, industry, consumer groups and conservation organizations to ensure that legal trade does not provide a conduit for illegal trade in parts and derivatives of Appendix-I bears and to increase public awareness of CITES trade controls;

(b) encouraging bear range and consumer countries that are not party to CITES to accede to the Convention as a matter of urgency;

(c) providing funds for research on the status of endangered bears, especially Asian species;

(d) working with traditional-medicine communities to reduce demand for bear parts and derivatives, including the active promotion of research on and use of alternatives and substitutes that do not endanger other wild species; and

(e) developing programmes in co-operation with traditional-medicine communities and conservation organizations to increase public awareness and industry knowledge about the conservation concerns associated with the trade in bear specimens and the need for stronger domestic trade controls and conservation measures; and

Calls upon all governments and intergovernmental organizations, international aid agencies and non-governmental organizations to provide, as a matter of urgency, funds and other assistance to stop the illegal trade in bear parts and derivatives and to ensure the survival of all bear species.

By Mr. LOTT:

S. 1110. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND ENGINEERING ESTABLISHMENT ACT

Mr. LOTT. Mr. President, I am pleased to introduce today the National Institute of Biomedical Imaging and Engineering Establishment Act. The bill would create a concentrated focus at the National Institutes of Health (NIH) on biomedical imaging and bioengineering.

Imaging has been on the forefront of many of our advances in early diagnosis and treatment of disease. Innovative technologies have greatly reduced the need for invasive surgery and provided a remarkable tool for early detection of disease. Breakthroughs in imaging research have direct application to advances in molecular biology and molecular genetics, accelerating the development of new gene therapies and genetic screening.

Despite the revolutionary influence of imaging on both research and treatment, the NIH traditionally has not concentrated basic research efforts on the imaging sciences. The bill I am introducing today ensures that research is not only focused in this important field, but that its applications are disseminated across disease fields. The bill also encourages information sharing among federal agencies. Many agencies, such as NASA, do basic imaging research. We should be committed to ensuring that all advances that have applications in our fight against disease are shared with our medical community.

I am proud of the commitment that this Congress has made to the National Institutes of Health. We have demonstrated our determination to provide increased federal resources in the fight against disease. I believe that the establishment of a National Institute of Biomedical Imaging and Engineering will compliment those efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Institute of Biomedical Imaging and Engineering Establishment Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Basic research in imaging, bioengineering, computer science, informatics, and related fields is critical to improving health care but is fundamentally different from the research in molecular biology on which the current national research institutes at the National Institutes of Health (referred to in this section as the "NIH") are based. To ensure the development of new techniques and technologies for the 21st century, these disciplines therefore require an identity and research home at the NIH that is independent of the existing institute structure.

(2) Advances based on medical research promise new, more effective treatments for a wide variety of diseases, but the development of new, noninvasive imaging techniques for earlier detection and diagnosis of disease is essential to take full advantage of such new treatments and to promote the general improvement of health care.

(3) The development of advanced genetic and molecular imaging techniques is necessary to continue the current rapid pace of discovery in molecular biology.

(4) Advances in telemedicine, and teleradiology in particular, are increasingly important in the delivery of high quality, reliable medical care to rural citizens and other underserved populations. To fulfill the promise of telemedicine and related technologies fully, a structure is needed at the NIH to support basic research focused on the acquisition, transmission, processing, and optimal display of images.

(5) A number of Federal departments and agencies support imaging and engineering research with potential medical applications, but a central coordinating body, preferably housed at the NIH, is needed to coordinate these disparate efforts and facilitate the transfer of technologies with medical applications.

(6) Several breakthrough imaging technologies, including magnetic resonance imaging (MRI) and computed tomography (CT), have been developed primarily abroad, in large part because of the absence of a home at the NIH for basic research in imaging and related fields. The establishment of a central focus for imaging and bioengineering research at the NIH would promote both scientific advance and U.S. economic development.

(7) At a time when a consensus exists to add significant resources to the NIH in coming years, it is appropriate to modernize the structure of the NIH to ensure that research dollars are expended more effectively and efficiently and that the fields of medical science that have contributed the most to the detection, diagnosis, and treatment of disease in recent years receive appropriate emphasis.

(8) The establishment of a National Institute of Biomedical Imaging and Engineering at the NIH would accelerate the development of new technologies with clinical and research applications, improve coordination and efficiency at the NIH and throughout the Federal Government, reduce duplication and waste, lay the foundation for a new medical information age, promote economic development, and provide a structure to train the young researchers who will make the pathbreaking discoveries of the next century.

SEC. 3. ESTABLISHMENT OF NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND ENGINEERING.

(a) IN GENERAL.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"Subpart 18—National Institute of Biomedical Imaging and Engineering

"SEC. 464Z. PURPOSE OF THE INSTITUTE.

"(a) IN GENERAL.—The general purpose of the National Institute of Biomedical Imaging and Engineering (in this section referred to as the 'Institute') is the conduct and support of research, training, the dissemination of health information, and other programs with respect to biomedical imaging, biomedical engineering, and associated technologies and modalities with biomedical applications (in this section referred to as 'biomedical imaging and engineering').

"(b) NATIONAL BIOMEDICAL IMAGING AND ENGINEERING PROGRAM.—

"(1) ESTABLISHMENT.—The Director of the Institute, with the advice of the Institute's advisory council, shall establish a National Biomedical Imaging and Engineering Program (in this section referred to as the 'Program').

"(2) ACTIVITIES.—Activities under the Program shall include the following with respect to biomedical imaging and engineering:

"(A) Research into the development of new techniques and devices.

"(B) Related research in physics, engineering, mathematics, computer science, and other disciplines.

"(C) Technology assessments and outcomes studies to evaluate the effectiveness of biologics, materials, processes, devices, procedures, and informatics.

"(D) Research in screening for diseases and disorders.

"(E) The advancement of existing imaging and engineering modalities, including imaging, biomaterials, and informatics.

"(F) The development of target-specific agents to enhance images and to identify and delineate disease.

"(G) The development of advanced engineering and imaging technologies and techniques for research from the molecular and genetic to the whole organ and body levels.

"(H) The development of new techniques and devices for more effective interventional procedures (such as image-guided interventions).

"(3) PLAN.—

"(A) IN GENERAL.—With respect to the Program, the Director of the Institute shall prepare and transmit to the Secretary and the Director of NIH a plan to initiate, expand, intensify, and coordinate activities of the Institute with respect to biomedical imaging and engineering. The plan shall include such comments and recommendations as the Director of the Institute determines appropriate. The Director of the Institute shall periodically review and revise the plan and shall transmit any revisions of the plan to the Secretary and the Director of NIH.

"(B) RECOMMENDATIONS.—The plan under subparagraph (A) shall include the recommendations of the Director of the Institute with respect to the following:

"(i) Where appropriate, the consolidation of programs of the National Institutes of Health for the express purpose of enhancing support of activities regarding basic biomedical imaging and engineering research.

"(ii) The coordination of the activities of the Institute with related activities of the other agencies of the National Institutes of Health and with related activities of other Federal agencies.

"(c) ADVISORY COUNCIL.—The establishment under section 406 of an advisory council for the Institute is subject to the following:

"(1) The number of members appointed by the Secretary shall be 12.

"(2) Of such members—

"(A) 6 members shall be scientists, engineers, physicians, and other health professionals who represent disciplines in biomedical imaging and engineering and who are not officers or employees of the United States; and

"(B) 6 members shall be scientists, engineers, physicians, and other health professionals who represent other disciplines and are knowledgeable about the applications of biomedical imaging and engineering in medicine, and who are not officers or employees of the United States.

"(3) EX OFFICIO MEMBERS.—In addition to the ex officio members specified in section 406(b)(2), the ex officio members of the advisory council shall include the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology (or the designees of such officers).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out this section:

"(A) For fiscal year 2000, there is authorized to be appropriated an amount equal to the amount obligated by the National Institutes of Health during fiscal year 1999 for biomedical imaging and engineering, except that such amount shall be adjusted to offset any inflation occurring after October 1, 1998.

"(B) For each of the fiscal years 2001 and 2002, there is authorized to be appropriated an amount equal to the amount appropriated under subparagraph (A) for fiscal year 2000, except that such amount shall be adjusted for the fiscal year involved to offset any inflation occurring after October 1, 1999.

"(2) REDUCTION.—The authorization of appropriations for a fiscal year under paragraph (1) is hereby reduced by the amount of any appropriation made for such year for the conduct or support by any other national research institute of any program with respect to biomedical imaging and engineering.".

(b) USE OF EXISTING RESOURCES.—In providing for the establishment of the National Institute of Biomedical Imaging and Engineering pursuant to the amendment made by subsection (a), the Director of the National Institutes of Health (referred to in this subsection as the "NIH")—

(1) may transfer to the National Institute of Biomedical Imaging and Engineering such personnel of the NIH as the Director determines to be appropriate;

(2) may, for quarters for such Institute, utilize such facilities of the NIH as the Director determines to be appropriate; and

(3) may obtain administrative support for the Institute from the other agencies of the NIH, including the other national research institutes.

(c) CONSTRUCTION OF FACILITIES.—None of the provisions of this Act or the amendments made by the Act may be construed as authorizing the construction of facilities, or the acquisition of land, for purposes of the establishment or operation of the National Institute of Biomedical Imaging and Engineering.

(d) DATE CERTAIN FOR ESTABLISHMENT OF ADVISORY COUNCIL.—Not later than 90 days after the effective date of this Act, the Secretary of Health and Human Services shall complete the establishment of an advisory council for the National Institute of Biomedical Imaging and Engineering in accordance with section 406 of the Public Health Service Act and in accordance with section 464Z of such Act (as added by subsection (a) of this section).

(e) CONFORMING AMENDMENT.—Section 401(b)(1) of the Public Health Service Act (42 U.S.C. 281(b)(1)) is amended by adding at the end the following:

"(R) The National Institute of Biomedical Imaging and Engineering.".

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on October 1, 1999, or upon the date of the enactment of this Act, whichever occurs later.

By Mr. BOND:

S. 1111. A bill to provide continuing authorization for a National Conference on Small Business, and for other purposes; to the Committee on Small Business.

NATIONAL CONFERENCE ON SMALL BUSINESS ACT

Mr. BOND. Mr. President, it is with great pleasure that I am introducing the "National Conference on Small Business Act." This bill is designed to create a permanent independent commission that will carry-on the extraordinary work that has been accomplished by three White House Conferences on Small Business.

For the past 15 years, small businesses have been the fastest growing sector of the U.S. economy. When large businesses were restructuring and laying off significant numbers of workers, small businesses not only filled the gap, but their growth actually caused a net increase in new jobs. Today, small businesses employ 55% of all workers in the United States and they generate 50% of the gross domestic product. Were it not for small businesses, our country could not have experienced the sustained economic upsurge that has been ongoing since 1992.

Because small businesses play such a significant role in our economy, in both rural towns and bustling inner cities, I believe it is important that the Federal government sponsor a national conference every four years to highlight the successes of small businesses and to focus national attention on the problems that may be hindering the ability of small businesses to start up and grow.

Small business ownership is, has been, and will continue to be the dream of millions of Americans. Countries from all over the world send delegations to the United States to study why our system of small business ownership is so successful, all the while looking for a way to duplicate our success in their countries. Because we see and experience the successes of small businesses on a daily basis, it is easy to lose sight of the very special thing we have going for us in the United States—where each of us can have the opportunity to own and run our own business.

The "National Conference on Small Business Act" is designed to capture and focus our attention on small business every four years. In this way, we will take the opportunity to study what is happening throughout the United States to small businesses. In one sense, the bill is designed to put small business on a pinnacle so we can appreciate what they have accomplished. At the same time, and just as important, every four years we will have an opportunity to learn from small businesses in each state what is not going well for them—such as, actions by the Federal government that hinder small business growth or state and local regulations that are a deterrent to starting a business.

My bill creates an independent, bipartisan National Commission on Small Business, which will be made up of 8 small business advocates and the Small Business Administration's Chief Counsel for Advocacy. Every four years, during the first year following a presidential election, the President will name two National Commissioners. In the U.S. Senate and the House of Representatives, the Majority Leader of each body will name two National Commissioners and the Minority Leaders will each name one.

Widespread participation from small businesses in each state will contribute to the work leading up to the National Conference. Under the bill, the National Conference will take place one year after the National Commissioners are appointed. The first act of the Commissioners will be to request that each Governor and each U.S. Senator name a small business delegate and alternate delegate from their respective states to the National Convention. Each U.S. Representative will name a small business delegate and alternative from his or her Congressional district. And the President will name a delegate and alternate from each state.

The small business delegates will play a major role leading up to the National Conference on Small Business. There will be at least one meeting of the delegates at their respective State Conferences. We will be looking to the small business delegates to develop and highlight issues of critical concern to small businesses. The work at the state level by the small business delegates will need to be thorough and thoughtful to make the National Conference a success.

My goal will be for the small business delegates to think broadly, that is, to think "out of the box." Their attention should include but not be restricted to the traditional issues associated with small business concerns, such as access to capital, tax reform and regulatory reform. In my role as Chairman of the Committee on Small Business, I will urge the delegates to focus on a wide array of issues that impact significantly on small businesses, including the importance of a solid education and the need for skilled, trained workers.

Once the small business delegates are selected, the National Commission on Small Business will serve as a resource to the delegates for issue development and for planning the State Conferences. The National Commission will have a modest staff, including an Executive Director, that will work full time to make the State and National Conferences successes. A major resource to the National Commission and its staff will be the Chief Counsel for Advocacy from SBA. The Chief Counsel and the Office of Advocacy will serve as a major resource to the National Commission, and in turn, to the small business delegates, by providing them with both substantive background information and other administrative materials in support of the State and National Conferences.

Mr. President, small businesses generally do not have the resources to maintain full time representatives to lobby our Federal government. They are too busy running their businesses to devote much attention to educating government officials as to what is going well, what is going poorly, and what needs improvement for the small business community. The National Conference on Small Business will give small businesses an opportunity every four years to make its mark on the Congress and the Executive Branch. I urge each of my colleagues to review this proposal, and I hope they will agree to join me as cosponsors of the "National Conference on Small Business Act."

I ask unanimous consent that the full text of the bill and the section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Conference on Small Business Act".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "Chief Counsel" means the Chief Counsel for Advocacy of the Small Business Administration;

(3) the term "National Commission" means the National Commission on Small Business established under section 6;

(4) the term "National Conference"—

(A) means the National Conference on Small Business conducted under section 3(a); and

(B) includes the last White House Conference on Small Business occurring before 2002;

(5) the term "small business" has the meaning given the term "small business concern" under section 3 of the Small Business Act;

(6) the term "State" means any of the 50 States of the United States; and

(7) the term "State Conference" means a State Conference on Small Business conducted under section 3(b).

SEC. 3. NATIONAL AND STATE CONFERENCES ON SMALL BUSINESS.

(a) NATIONAL CONFERENCES.—There shall be a National Conference on Small Business once every 4 years, to be held during the second year following each Presidential election, to carry out the purposes specified in section 4.

(b) STATE CONFERENCES.—Each National Conference referred to in subsection (a) shall be preceded by a State Conference on Small Business, with not fewer than 1 such conference held in each State, and with not fewer than 2 such conferences held in any State having a population of more than 10,000,000.

SEC. 4. PURPOSES OF NATIONAL CONFERENCES.

The purposes of each National Conference shall be—

(1) to increase public awareness of the contribution of small business to the Nation's economy;

(2) to identify the problems of small business;

(3) to examine the status of minorities and women as small business owners;

(4) to assist small business in carrying out its role as the Nation's job creator;

(5) to assemble small businesses to develop such specific and comprehensive recommendations for legislative and regulatory action as may be appropriate for maintaining and encouraging the economic viability of small business and thereby, the Nation; and

(6) to review the status of recommendations adopted at the immediately preceding National Conference on Small Business.

SEC. 5. CONFERENCE PARTICIPANTS.

(a) IN GENERAL.—To carry out the purposes specified in section 4, the National Commission shall conduct National and State Conferences to bring together individuals concerned with issues relating to small business.

(b) CONFERENCE DELEGATES.—

(1) APPOINTMENTS.—Only individuals who are owners or officers of a small business shall be eligible for appointment as delegates (or alternates) to the National and State Conferences pursuant to this subsection, and such appointments shall consist of—

(A) 1 delegate (and 1 alternate) appointed by each Governor of each State;

(B) 1 delegate (and 1 alternate) appointed by each Member of the House of Representatives, from the congressional district of that Member;

(C) 1 delegate (and 1 alternate) appointed by each Member of the Senate from the home State of that Member; and

(D) 50 delegates (and 50 alternates) appointed by the President, 1 from each State.

(2) POWERS AND DUTIES.—Delegates to each National Conference—

(A) shall attend the State conferences in his or her respective State;

(B) shall conduct meetings and other activities at the State level before the date of the National Conference, subject to the approval of the National Commission; and

(C) shall direct such State level conferences, meetings, and activities toward the consideration of the purposes of the National Conference specified in section 4, in order to prepare for the next National Conference.

(3) ALTERNATES.—Alternates shall serve during the absence or unavailability of the delegate.

(c) ROLE OF THE CHIEF COUNSEL.—The Chief Counsel for Advocacy of the Small Business Administration shall, after consultation and in coordination with the National Commission, assist in carrying out the National and State Conferences required by this Act by—

(1) preparing and providing background information and administrative materials for use by participants in the conferences;

(2) distributing issue information and administrative communications, electronically where possible through an Internet web site and e-mail, and in printed form if requested; and

(3) maintaining an Internet site and regular e-mail communications after each National Conference to inform delegates and the public of the status of recommendations and related governmental activity.

(d) EXPENSES.—Each delegate (and alternate) to each National and State Conference shall be responsible for his or her expenses related to attending the conferences, and shall not be reimbursed either from funds appropriated pursuant to this section or the Small Business Act.

(e) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The National Commission shall appoint a Conference Advisory Committee consisting of 10 individuals who were participants at the last preceding National Conference.

(2) PREFERENCE.—Preference for appointment under this subsection shall be given to those who have been active participants in the implementation process following the prior National Conference.

(f) PUBLIC PARTICIPATION.—National and State Conferences shall be open to the public, and no fee or charge may be imposed on such attendee, other than an amount necessary to cover the cost of any meal provided, plus a registration fee to defray the expense of meeting rooms and materials of not to exceed $15 per person.

SEC. 6. NATIONAL COMMISSION ON SMALL BUSINESS.

(a) ESTABLISHMENT.—There is established the National Commission on Small Business.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The National Commission shall be composed of 9 members, including—

(A) the Chief Counsel for Advocacy of the Small Business Administration;

(B) 2 members appointed by the President;

(C) 2 members appointed by the majority leader of the Senate;

(D) 1 member appointed by the minority leader of the Senate;

(E) 2 members appointed by the majority leader of the House of Representatives; and

(F) 1 member appointed by the minority leader of the House of Representatives.

(2) SELECTION.—Members of the National Commission shall be selected among distinguished individuals noted for their knowledge and experience in fields relevant to the

issue of small business and the purposes of this Act.

(3) TIME OF APPOINTMENT.—The appointments required by paragraph (1) shall be made 1 year before the opening date of each National Conference, and shall expire 9 months after the date on which each National Conference is convened.

(c) ELECTION OF CHAIRPERSON.—At the first meeting of each National Commission, a majority of the members of the National Commission present and voting shall elect the Chairperson of the National Commission.

(d) POWERS AND DUTIES OF COMMISSION.—The National Commission—

(1) may enter into contracts with public agencies, private organizations, and academic institutions to carry out this Act;

(2) shall consult, coordinate, and contract with an independent, nonpartisan organization that—

(A) has both substantive and logistical experience in developing and organizing conferences and forums throughout the Nation with elected officials and other government and business leaders;

(B) has experience in generating private resource from multiple States in the form of event sponsorships; and

(C) can demonstrate evidence of a working relationship with Members of Congress from the majority and minority parties, and at least 1 Federal agency; and

(3) shall prescribe such financial controls and accounting procedures as needed for the handling of funds from fees and charges and the payment of authorized meal, facility, travel, and other related expenses.

(e) PLANNING AND ADMINISTRATION OF CONFERENCES.—In carrying out the National and State Conferences required by this Act, the National Commission shall consult with the Office of Advocacy of the Small Business Administration, the Congress, and such other Federal agencies as it deems appropriate.

(f) REPORTS REQUIRED.—Not later than 6 months after the date on which each National Conference is convened, the National Commission shall submit to the President and to the chairpersons and ranking minority Members of the Committees on Small Business of the Senate and the House of Representatives a final report, which shall—

(1) include the findings and recommendations of the National Conference and any proposals for legislative action necessary to implement those recommendations; and

(2) be made available to the public.

(g) QUORUM.—4 voting members of the National Commission shall constitute a quorum for purposes of transacting business.

(h) MEETINGS.—The National Commission shall meet not later than 20 calendar days after the appointment of all members, and at least every 30 calendar days thereafter.

(i) VACANCIES.—Any vacancy of the National Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(j) EXECUTIVE DIRECTOR AND STAFF.—The National Commission may appoint and compensate an Executive Director and such other personnel to conduct the National and State Conferences as it may deem advisable, without regard to title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(k) FUNDING.—Members of the National Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Commission.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out each National and State Conference required by this Act, $5,000,000, which shall remain available until expended. New spending authority or authority to enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

(b) SPECIFIC EARMARK.—No amount made available to the Small Business Administration may be made available to carry out this Act, other than amounts made available specifically for the purpose of conducting the National Conferences.

NATIONAL CONFERENCE ON SMALL BUSINESS ACT—SECTION-BY-SECTION

Section 1. Short Title.

The name of the Act will be the "National Conference on Small Business Act."

Section 2. Definitions.

This section defines key words and terms included in the bill.

Section 3. National And State Conferences on Small Business.

This section states that a National Conference on Small Business will occur every four years during the second year after a presidential election. Prior to the National Conference, there will be State Conferences for the delegates in each state.

Section 4. Purposes of National Conferences.

This section sets forth the reasons for having a National Conference on Small Business.

Section 5. Conference Participants.

Subsection (a) directs the National Commission to conduct National and State Conferences to bring together individuals interested in issues affecting small businesses.

Subsection (b) sets forth the procedures for selecting delegates to the State and National Conferences. A delegates must be an owner or officer of a small business. The Governors and U.S. Senators will each appoint a delegate and alternative delegate from their respective states. U.S. Representatives will each appoint a delegate and alternate from their respective congressional districts, and the President will appoint a delegate and alternate from each state. The delegates will be able to conduct meetings and will attend a State Conference in their respective states before the National Conference is held.

Subsection (c) describes the role of SBA's Chief Counsel for Advocacy.

Subsection (d) explains that the delegates will be responsible for their own expenses and will not be reimbursed from appropriated funds.

Subsection (e) directs the National Commission to appoint an Advisory Committee of 10 persons who were participants at the last preceding National Conference.

Subsection (f) states that all State and National Conferences will be open to the public and no fee greater than $15 can be charged to people who wish to attend a conference.

Section 6. National Commission on Small Business.

Subsection (a) authorizes the establishment of a National Commission on Small Business.

Subsection (b) defines the membership of the National Commission. It will include the SBA Chief Counsel for Advocacy, 2 members appointed by the President, 3 members from the Senate (2 majority, 1 minority), and 3 members from the House of Representatives (2 majority, 1 minority). The appointments will be made 1 year before the opening date of the National Conference and will expire 9 months after the National Conference has concluded.

Subsection (c) sets forth the election of a Chairperson.

Subsection (d) permits the National Commission to enter into contracts with public agencies, private organizations, academic institutions, and independent, nonpartisan organizations to carry out the State and National Conferences.

Subsection (e) directs the National Commission to consult with the Office of Advocacy at SBA, Congress, and Federal agencies in carrying out the State and National Conferences.

Subsection (f) requires that the National Commission submit a report to the Chairmen and Ranking minority Members of the Senate and House Committees on Small Business within 6 months after the conclusion of the National Conference.

Subsection (g) establishes a quorum of 4 members of the National Commission for purposes of transacting business.

Subsection (h) requires the National Commission to hold its first meeting within 20 days after the appointment of all members and at least every 30 days thereafter.

Subsection (i) states that vacancies on the National Commission will be filled in the same manner as the original appointments were made.

Subsection (j) authorizes the National Commission to hire an Executive Director and the staff necessary to conduct the State and National Conferences.

Subsection (k) authorizes the National Commission to reimburse its members for travel expenses, including per diem.

Section 7. Authorization of Appropriations; Availability of Funds.

This section authorizes $5 million to cover all expense incurred under this Act. It states that funds from SBA may not support the Act unless specifically earmarked for that purpose. •

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 1112. A bill to protect children and other vulnerable subpopulations from exposure to environmental pollutants, to protect children from exposure to pesticides in schools, and to provide parents with information concerning toxic chemicals that pose risks to children, and for other purposes; to the Committee on Environment and Public Works.

CHILDREN'S ENVIRONMENTAL PROTECTION ACT

Mrs. BOXER. Mr. President, today I am pleased to introduce a bill to protect children from the dangers posed by pollution and toxic chemicals in our environment. My Children's Environmental Protection Act (CEPA) is based on the understanding that children are more vulnerable to those dangers than adults, and require special protection.

In fact, we know that the physiology of children and their exposure patterns to toxic and harmful substances differ from that of adults, and make them more susceptible to the dangers posed by those substances than adults. Children face greater exposure to such substances because they eat more food, drink more water, and breathe more air as a percentage of their body weight than adults. Children are also rapidly growing, and therefore physiologically more vulnerable to such substances than adults.

How is this understanding that children suffer higher risks from the dangers posed by toxic and harmful substances than adults taken into account in our environmental and public health standards? Do we gather and consider data that specifically evaluates how those substances affect children?

If that data is lacking, do we apply extra caution when we determine the amount of toxics that can be released into the air and water, the level of harmful contaminants that may be present in our drinking water, or the amount of pesticides that may be present in our food?

In most cases, the answer to all of these questions is "no."

In fact, most of these standards are designed to protect adults rather than children. In most cases, we don't even have the data that would allow us to measure how those substances specifically affect children. And, finally, in the face of that uncertainty, we generally assume that what we don't know about the dangers toxic and harmful substances pose to our children won't hurt them.

We generally don't apply extra caution to take account of that uncertainty.

CEPA would change the answers to those questions from "no" to "yes." It would childproof our environmental laws. CEPA is based on the premise that what we don't know about the dangers toxic and harmful substances pose to our children may very well hurt them.

CEPA would require the Environmental Protection Agency (EPA) to set environmental and public health standards to protect children. It would specifically require EPA to explicitly consider the dangers that toxic and harmful substances pose to children when setting those standards. Finally, if EPA discovers that it does not have specific data that would allow it to measure those dangers, EPA would be required to apply an additional safety factor—an additional measure of caution—to account for that lack of information.

As work would move forward under CEPA to childproof our environmental standards, CEPA would provide parents and teachers with a number of tools to immediately protect their children from toxic and harmful substances.

First, CEPA would require EPA to provide all schools and day care centers that receive federal funding a copy of EPA's guide to help schools adopt a least toxic pest management policy. CEPA would also prohibit the use of dangerous pesticides—those containing known or probable carcinogens, reproductive toxins, acute nerve toxins and endocrine disrupters—in those areas. Under CEPA, parents would also receive advance notification before pesticides are applied on school or day care center grounds.

Second, CEPA would expand the federal Toxics Release Inventory (TRI) to require the reporting of toxic chemical releases that may pose special risks to children. In particular, CEPA provides that releases of small amounts of lead, mercury, dioxin, cadmium and chromium be reported under TRI. These chemicals are either highly toxic, persist in the environment or can accumulate in the human body over many years—all features which render them particularly dangerous to children.

Lead, for example, will seriously affect a child's development, but is still released into the environment through lead smelting and waste incineration. CEPA would then require EPA to identify other toxic chemicals that may present special risks to children, and to provide that releases of those chemicals be reported under TRI.

Finally, CEPA would direct EPA to create a list of recommended safer-for-children products that minimize potential risks to children. CEPA would also require EPA to create a family right-to-know information kit that would include practical suggestions to help parents reduce their children's exposure to toxic and harmful substances in the environment.

My CEPA bill is based on the premise that what we don't know about the dangers toxic and harmful substances pose to our children may very well hurt them. It would require EPA to apply caution in the face of that uncertainty. And, ultimately, it would childproof our environmental laws to ensure that those laws protect the most vulnerable among us—our children.

I am hopeful that my House and Senate colleagues can act quickly to ensure the passage of my legislation.

I ask unanimous consent that the full text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Environmental Protection Act."

SEC. 2. ENVIRONMENTAL PROTECTION FOR CHILDREN AND OTHER VULNERABLE SUBPOPULATIONS.

The Toxic Substances Control Act (15 U.S.C. 2601 et. seq.) is amended by adding at the end the following:

"TITLE V—ENVIRONMENTAL PROTECTION FOR CHILDREN AND OTHER VULNERABLE SUBPOPULATIONS

"SEC. 501. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) the protection of public health and safety depends on individuals and government officials being aware of the pollution dangers that exist in their homes, schools, and communities, and whether those dangers present special threats to the health of children and other vulnerable subpopulations;

"(2) children spend much of their young lives in schools and day care centers, and may face significant exposure to pesticides and other environmental pollutants in those locations;

"(3) the metabolism, physiology, and diet of children, and exposure patterns of children to environmental pollutants differ from those of adults and can make children more susceptible than adults to the harmful effects of environmental pollutants;

"(4) a study conducted by the National Academy of Sciences that particularly considered the effects of pesticides on children concluded that current approaches to assessing pesticide risks typically do not consider risks to children and, as a result, current standards and tolerances often fail to adequately protect children;

"(5) there are often insufficient data to enable the Administrator, when establishing a environmental and public health standard for an environmental pollutant, to evaluate the special susceptibility or exposure of children to environmental pollutants;

"(6) when data are lacking to evaluate the special susceptibility or exposure of children to an environmental pollutant, the Administrator generally does not presume that the environmental pollutant presents a special risk to children and generally does not apply a special or additional margin of safety to protect the health of children in establishing an environmental or public health standard for that pollutant; and

"(7) safeguarding children from environmental pollutants requires the systematic collection of data concerning the special susceptibility and exposure of children to those pollutants, and the adoption of an additional safety factor of at least 10-fold in the establishment of environmental and public health standards where reliable data are not available.

"(b) POLICY.—It is the policy of the United States that—

"(1) the public has the right to be informed about the pollution dangers to which children are being exposed in their homes, schools and communities, and how those dangers may present special health threats to children and other vulnerable subpopulations;

"(2) each environmental and public health standard for an environmental pollutant established by the Administrator must, with an adequate margin of safety, protect children and other vulnerable subpopulations;

"(3) where data sufficient to evaluate the special susceptibility and exposure of children (including exposure in utero) to an environmental pollutant are lacking, the Administrator should presume that the environmental pollutant poses a special risk to children and should apply an appropriate additional margin of safety of at least 10-fold in establishing an environmental or public health standard for that environmental pollutant;

"(4) since it is difficult to identify all conceivable risks and address all uncertainties associated with pesticide use, the use of dangerous pesticides in schools and day care centers should be eliminated; and

“(5) the Environmental Protection Agency, the Department of Health and Human Services (including the National Institute of Environmental Health Sciences and the Agency for Toxic Substances and Disease Registry), the National Institutes of Health, and other Federal agencies should support research on the short-term and long-term health effects of cumulative and synergistic exposures of children and other vulnerable subpopulations to environmental pollutants.

“SEC. 502. DEFINITIONS.

“In this title:

“(1) Child.—The term ‘child’ means an individual 18 years of age or younger.

“(2) Day care center.—The term ‘day care center’ means a center-based child care provider that is licensed, regulated, or registered under applicable State or local law.

“(3) Environmental pollutant.—The term ‘environmental pollutant’ includes a hazardous substance subject to regulation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), a drinking water contaminant subject to regulation under the Safe Drinking Water Act (42 U.S.C. 300f et seq), an air pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), a water pollutant subject to regulation under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and a pesticide subject to regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

“(4) Pesticide.—The term ‘pesticide’ has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

“(5) School.—The term ‘school’ means an elementary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a secondary school (as defined in section 14101 of that Act), a kindergarten, or a nursery school that is public or receives Federal funding.

“(6) Vulnerable subpopulation.—The term ‘vulnerable subpopulation’ means children, pregnant women, the elderly, individuals with a history of serious illness, and other subpopulations identified by the Administrator as being likely to experience special health risks from environmental pollutants.

“SEC. 503. SAFEGUARDING CHILDREN AND OTHER VULNERABLE SUBPOPULATIONS.

“(a) In General.—The Administrator shall—

“(1) ensure that each environmental and public health standard for an environmental pollutant protects children and other vulnerable subpopulations with an adequate margin of safety;

“(2) explicitly evaluate data concerning the special susceptibility and exposure of children to any environmental pollutant for which an environmental or public health standard is established; and

“(3) adopt an additional margin of safety of at least 10-fold in the establishment of an environmental or public health standard for an environmental pollutant in the absence of reliable data on toxicity and exposure of the child to an environmental pollutant or if there is a lack of reliable data on the susceptibility of the child to an environmental pollutant for which the environmental and public health standard is being established.

“(b) Establishing, Modifying, or Reevaluating Environmental and Public Health Standards.—

“(1) In general.—In establishing, modifying, or reevaluating any environmental or public health standard for an environmental pollutant under any law administered by the Administrator, the Administrator shall take into consideration available information concerning—

“(A) all routes of children's exposure to that environmental pollutant;

“(B) the special susceptibility of children to the environmental pollutant, including neurological differences between children and adults, the effect of in utero exposure to that environmental pollutant, and the cumulative effect on a child of exposure to that environmental pollutant and other substances having a common mechanism of toxicity.

“(2) Additional safety margin.—If any of the data described in paragraph (1) are not available, the Administrator shall, in completing a risk assessment, risk characterization, or other assessment of risk underlying an environmental or public health standard, adopt an additional margin of safety of at least 10-fold to take into account potential pre-natal and post-natal toxicity of an environmental pollutant, and the completeness of data concerning the exposure and toxicity of an environmental pollutant to children.

“(c) Identification and Revision of Current Environmental and Public Health Standards That Present Special Risks to Children.—

“(1) In general.—Not later than 1 year after the date of enactment of this title and annually thereafter, based on the recommendations of the Children's Environmental Health Protection Advisory Committee established under section 507, the Administrator shall—

“(A) repromulgate, in accordance with this section, at least 3 of the environmental and public health standards identified by the Children's Environmental Health Protection Advisory Committee as posing a special risk to children; or

“(B) publish a finding in the Federal Register that provides the Administrator's basis for declining to repromulgate at least 3 of the environmental and public health standards identified by the Children's Environmental Health Protection Advisory Committee as posing a special risk to children.

“(2) Determination by administrator.—If the Administrator makes the finding described in paragraph (1)(B), the Administrator shall repromulgate in accordance with this section at least 3 environmental and public health standards determined to pose a greater risk to children's health than the environmental and public health standards identified by the Children's Environmental Health Protection Advisory Committee.

“(3) Report.—Not later than 1 year after the date of enactment of this title and annually thereafter, the Administrator shall submit a report to Congress describing the progress made by the Administrator in carrying out this subsection.

“SEC. 504. PROTECTING CHILDREN FROM EXPOSURE TO PESTICIDES IN SCHOOLS.

“(a) In General.—Each school and day care center that receives Federal funding shall—

“(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

“(2) provide parents with advance notification of any pesticide application on school grounds in accordance with subsection (b).

“(b) Least Toxic Pest Control Strategy.—

“(1) In general.—The Administrator shall distribute to each school and day care center the current manual of the Environmental Protection Agency that guides schools and day care centers in the establishment of a least toxic pest control strategy.

“(2) List.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall provide each school and day care center with a list of pesticides that contain a substance that the Administrator has identified as a known or probable carcinogen, a developmental or reproductive toxin, a category I or II acute nerve toxin, or a known or suspected endocrine disrupter as identified by the endocrine disrupter screening program of the Environmental Protection Agency.

“(3) Prohibition of pesticide application.—Effective beginning on the date that is 2 years after the date of enactment of this Act, any school or day care center that receives Federal funding shall not apply any pesticide described in paragraph (2), either indoors or outdoors.

“(4) Emergency exemption.—

“(A) In general.—An administrator of a school or day care center may suspend the prohibition under paragraph (3) for a period of not more than 14 days if the administrator determines that a pest control emergency poses an imminent threat to the health and safety of the school or day care center community.

“(B) Notice.—

“(i) In general.—Prior to exercising the authority under this paragraph, an administrator shall give notice to the board of the school or day care center of the reasons for finding that a pest control emergency exists.

“(ii) Action taken.—An administrator that exercises the authority under subparagraph (A) shall report any action taken by personnel or outside contractors in response to the pest control emergency to the board of the school or day care center at the next scheduled meeting of the board.

“(c) Parental notice prior to any pesticide application.—

“(1) In general.—An administrator of the school or day care center shall provide written notice to parents not later than 72 hours before any indoor or outdoor pesticide application on the grounds of the school or day care center.

“(2) Contents of notice.—A notice under this subsection shall include a description of the intended area of application and the name of each pesticide to be applied.

“(3) Form.—A pesticide notice under this subsection may be incorporated into any notice that is being sent to parents at the time the pesticide notice is required to be sent.

“(4) Warning sign.—

“(A) In general.—An administrator of a school or day care center shall post at any area in the area of the school or day care center where a pesticide is to be applied a warning sign that is consistent with the label of the pesticide and prominently displays the term ‘warning’, ‘danger’, or ‘poison’.

“(B) Period of display.—During the period that begins not less than 24 hours before the application of a pesticide and ends not less than 72 hours after the application, a sign under this subparagraph shall be displayed in a location where it is visible to all individuals entering the area.

“SEC. 505. SAFER ENVIRONMENT FOR CHILDREN.

“(a) In General.—Not later than 1 year after the date of enactment of this title, the Administrator shall—

"(1) identify environmental pollutants commonly used or found in areas that are reasonably accessible to children;

"(2) create a scientifically peer reviewed list of substances identified under paragraph (1) with known, likely, or suspected health risks to children;

"(3) create a scientifically peer reviewed list of safer-for-children substances and products recommended by the Administrator for use in areas that are reasonably accessible to children that, when applied as recommended by the manufacturer, will minimize potential risks to children from exposure to environmental pollutants;

"(4) establish guidelines to help reduce and eliminate exposure of children to environmental pollutants in areas reasonably accessible to children, including advice on how to establish an integrated pest management program;

"(5) create a family right-to-know information kit that includes a summary of helpful information and guidance to families, such as the information created under paragraph (3), the guidelines established under paragraph (4), information on the potential health effects of environmental pollutants, practical suggestions on how parents may reduce their children's exposure to environmental pollutants, and other relevant information, as determined by the Administrator in cooperation with the Director of the Centers for Disease Control and Prevention;

"(6) make all information created pursuant to this subsection available to Federal and State agencies, the public, and on the Internet; and

"(7) review and update the lists created under paragraphs (2) and (3) at least once each year.".

SEC. 3. ADDITIONAL REPORTING OF TOXIC CHEMICAL RELEASES THAT AFFECT CHILDREN.

Section 313(f)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(f)(1)) is amended by adding at the end the following:

"(C) CHILDREN'S HEALTH.—

"(i) IN GENERAL.—With respect to each of the toxic chemicals described in clause (ii) that are released from a facility, the amount described in clause (iii).

"(ii) CHEMICALS.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator shall identify each toxic chemical that the Administrator determines may present a significant risk to children's health or the environment due to the potential of that chemical to bioaccumulate, disrupt endocrine systems, remain in the environment, or other characteristics, including—

"(I) any chemical or group of chemicals that persists in any environmental medium for at least 60 days (as defined by half life) or that have bioaccumulation or bioconcentration factors greater than 1,000;

"(II) any chemical or group of chemicals that, despite a failure to meet the specific persistence or bioaccumulation measuring criteria described in subclause (I), can be reasonably expected to degrade into a substance meeting those criteria; and

"(III) lead, mercury, dioxin, cadmium, and chromium and pollutants that are bioaccumulative chemicals of concern listed in subparagraph (A) of table 6 of the tables to part 132 of title 40, Code of Federal Regulations.

"(iii) THRESHOLD.—The Administrator shall establish a threshold for each toxic chemical described in clause (ii) at a level that shall ensure reporting for at least 80 percent of the aggregate of all releases of the chemical from facilities that—

"(I) have 10 or more full-time employees; and

"(II) are in Standard Industrial Classification Codes 20 through 39 or in the Standard Industrial Classification Codes under subsection (b)(1)(B).

"(iv) ADDITIONAL FACILITIES.—If the Administrator determines that a facility other than a facility described in clause (iii) contributes substantially to total releases of toxic chemicals described in clause (ii), the Administrator shall require that facility to comply with clause (iii).".

SEC. 4. RESEARCH TO IMPROVE INFORMATION ON THE EFFECTS OF ENVIRONMENTAL POLLUTANTS ON CHILDREN.

The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) (as amended by section 2) is amended by adding at the end the following:

"SEC. 506. RESEARCH TO IMPROVE INFORMATION ON THE EFFECTS OF ENVIRONMENTAL POLLUTANTS ON CHILDREN.

"(a) EXPOSURE AND TOXICITY DATA.—The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall coordinate and support the development and implementation of basic and applied research initiatives to examine the health effects and toxicity of pesticides (including active and inert ingredients) and other environmental pollutants on children and other vulnerable subpopulations, and the exposure of children and vulnerable subpopulations to environmental pollutants.

"(b) BIENNIAL REPORTS.—The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall submit biennial reports to Congress describing actions taken to carry out this section.".

SEC. 5. CHILDREN'S ENVIRONMENTAL HEALTH PROTECTION ADVISORY COMMITTEE.

The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) (as amended by section 4) is amended by adding at the end the following:

"SEC. 507. CHILDREN'S ENVIRONMENTAL HEALTH PROTECTION ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—The Administrator shall establish a Children's Environmental Health Protection Advisory Committee to assist the Administrator in carrying out this title.

"(b) COMPOSITION.—The Committee shall be comprised of medical professionals specializing in pediatric health, educators, representatives of community groups, representatives of environmental and public health nonprofit organizations, industry representatives, and State environmental and public health department representatives.

"(c) DUTIES.—Not later than 2 years after the date of enactment of this title and annually thereafter, the Committee shall develop a list of standards that merit reevaluation by the Administrator in order to better protect children's health.

"(d) TERMINATION.—The Committee shall terminate not later than 15 years after the date on which the Committee is established.

"SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.".

ADDITIONAL COSPONSORS

S. 285

At the request of Mr. McCAIN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 299

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 299, a bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 511

At the request of Mr. McCAIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 511, a bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes.

S. 512

At the request of Mr. GORTON, the names of the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. KERRY), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Colorado

(Mr. CAMPBELL) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 573

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care- related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 676

At the request of Mr. CAMPBELL, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 680

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 693

At the request of Mr. HELMS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 749

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 749, a bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes.

S. 800

At the request of Mr. BURNS, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 800, a bill to promote and enhance public safety through the use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 834

At the request of Mr. CAMPBELL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 834, a bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes.

S. 836

At the request of Mr. SPECTER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 836, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services.

S. 848

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 848, a bill to designate a portion of the Otay Mountain region of California as wilderness.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Alabama (Mr. SHELBY), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 895

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 895, a bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes.

S. 924

At the request of Mr. NICKLES, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 924, a bill entitled the "Federal Royalty Certainty Act."

S. 1022

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1022, a bill to authorize the appropriation of an additional $1,700,000,000 for fiscal year 2000 for health care for veterans.

S. 1033

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1033, a bill to amend title IV of the Social Security Act to coordinate the penalty for the failure of a State to operate a State child support disbursement unit with the alternative penalty procedure for failures to meet data processing requirements.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1063, a bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies.

S. 1070

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1077

At the request of Mr. SCHUMER, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1077, a bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 84

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of Senate Resolution 84, a resolution to designate the month of May, 1999, as "National Alpha 1 Awareness Month."

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of Senate Resolution 95, a resolution designating August 16, 1999, as "National Airborne Day."

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate

Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE RESOLUTION 105—EXPRESSING THE SENSE OF THE SENATE RELATING TO CONSIDERATION OF SLOBODAN MILOSEVIC AS A WAR CRIMINAL

Mr. DORGAN (for himself, Mrs. FEINSTEIN, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 105

Whereas the International Criminal Tribunal for the former Yugoslavia (in this resolution referred to as the "International Criminal Tribunal") has not sought indictment of Serbian President Slobodan Milosevic for war crimes committed by Yugoslav and Serbian military and paramilitary forces in Bosnia;

Whereas Serbian military and paramilitary forces have undertaken a massive ethnic cleansing campaign that has displaced more than one million Kosovar Albanians;

Whereas Serbian military and paramilitary forces have conducted a systematic effort to strip Kosovar Albanians of their identity by confiscating passports, birth certificates, employment records, driver's licenses, and other documents of identification;

Whereas the International Criminal Tribunal has collected evidence of summary executions, mass detentions, torture, rape, beatings, and other war crimes;

Whereas in 1992, the then-Secretary of State Lawrence Eagleburger identified Slobodan Milosevic as a war criminal;

Whereas the statute governing the International Criminal Tribunal requires that the office of the prosecutor need only determine that a prima facie case exists in order to seek indictment;

Whereas the House of Representatives and the Senate have previously passed resolutions condemning Serbian police actions in Kosovo and calling for Yugoslav leader Slobodan Milosevic to be indicted for war crimes;

Whereas the Administration has made no public attempt to urge the International Criminal Tribunal to seek an indictment against Slobodan Milosevic, despite the necessity of NATO air strikes to respond to his campaign of genocide: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF SENATE.

It is the sense of the Senate that the President should—

(1) publicly declare, as a matter of United States policy, that the United States considers Slobodan Milosevic to be a war criminal; and

(2) urge the chief prosecutor of the International Criminal Tribunal to seek immediately an indictment of Slobodan Milosevic for war crimes and to prosecute him to the fullest extent of international law.

Mr. DORGAN. Mr. President, I am today submitting a resolution that will express the sense of the Senate that Slobodan Milosevic should be tried as a war criminal. My colleague, Senator SPECTER, and others, have also talked about this at some length on the floor of the Senate in recent months.

It is important, given where we are with the airstrikes in Kosovo, to think through this question about Slobodan Milosevic and why we are involved in an air campaign in that part of the world.

These are gruesome pictures, and I will only put one of these photos on the easel. But all of these people have names and have lives and have the human suffering that is visited upon them by Slobodan Milosevic. One million to 1.5 million people have been evicted from their homes and communities. Homes have been burned, and innocent civilians have been raped and beaten. Thousands have been massacred, and thousands more have been packed into train cars, reminiscent of the Jews who were hauled to the ovens by the Nazis in the 1940s.

This country and our allies decided we do not want history to record us as saying it doesn't matter. There is a moral imperative for us, where we can, when we can to take steps to stop ethnic cleansing, to stop the genocide, to stop someone like Slobodan Milosevic. So we commenced the airstrikes.

The very purpose of those airstrikes is underlined by the understanding that Mr. Milosevic is committing horrible war crimes against these ethnic Albanians. They have been driven from their homeland and subjected to rape, torture, and genocide at the hands of the troops commanded by Mr. Milosevic.

The question for these children and these innocent victims is: Shall we, as a country, push to have Mr. Milosevic tried in the International Criminal Tribunal for the former Yugoslavia?

The Tribunal exists for a very specific purpose. Should this country not be pressing very aggressively to have this leader, Mr. Milosevic, indicted and convicted of war crimes?

We made a mistake, in my judgment, with respect to Iraq. Saddam Hussein was never tried for war crimes. He committed many. He is one of the few leaders in the world who has murdered people in his own homeland with weapons of mass destruction, but we did not press for his conviction in an international tribunal. So now, instead of being a convicted war criminal, Saddam Hussein is still in power.

I understand that perhaps we would not have been able to arrest him, but at least in absentia evidence could be presented to say that this is a war criminal.

This monster, Slobodan Milosevic, and the despicable acts committed in his name by his troops, ought to persuade our country to support his indictment and conviction in the International Tribunal, which exists for that purpose.

Why would we not do that? I am told that, at some point there has to be a settlement to end this war, and those who are involved in the settlement do not want to be negotiating with a convicted war criminal. That doesn't make any sense to me. The very reason for launching the airstrikes was that this person and the troops under his leadership was committing unspeakable horrors against the ethnic Albanians, which, in my judgment, brands him a war criminal.

In fact, former Secretary of State Lawrence Eagleburger, who has a long and distinguished career, said in 1992 that Mr. Milosevic was a war criminal. And it is now 1999. Thousands have lost their lives; a million to a million and a half people have been driven from their homes; and the human misery visited on innocent men, women, and children by this leader, Slobodan Milosevic, ought to persuade this country immediately to press for his indictment and conviction—immediately—not tomorrow, not next week, now.

This country has an obligation to do that with our NATO allies.

I am submitting another resolution today, and the resolution is very simple.

It says:

> It is the sense of the Senate that the President should publicly declare as a matter of United States policy that the United States considers Slobodan Milosevic to be a war criminal. And we urge the chief prosecutor of the International Criminal Tribunal to seek immediately an indictment of Slobodan Milosevic for war crimes and to prosecute him to the fullest extent of international law.

We have a responsibility to do this. The failure to do this, and a resulting negotiated settlement at some point down the line that would leave Slobodan Milosevic in power, would be, in my judgment, a tragic mistake. In or out of power, this leader ought to be branded a war criminal. Whether we apprehend him or not, he ought to be indicted and tried, in absentia, if necessary, with all of the evidence, including the graphic pictorial evidence and all of the statements that have been made by the folks who are pouring into these refugee camps.

I am not going to describe those statements, but last Wednesday the State Department released a tape verifying many of those statements. It brings tears to your eyes instantly to understand the unspeakable horrors that have been visited upon these people.

SENATE RESOLUTION 106—TO EXPRESS THE SENSE OF THE SENATE REGARDING ENGLISH PLUS OTHER LANGUAGES

Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. MCCAIN, Mr. HATCH, Mrs. HUTCHISON, Mr. DEWINE, Mr. CHAFEE, Mr. LUGAR, Mr. ABRAHAM, Mr. SANTORUM, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 106

Whereas English is the most widely used language in the areas of finance, trade, technology, diplomacy, and entertainment, and is the living library of the last 100 years of scientific and technological advance;

Whereas there are more speakers of English as a second language in the world than there are native English speakers, and the large number of English language schools around the world demonstrates that English is as close as any language has been to becoming the world's common language;

Whereas Spanish exploration in the New World began in 1512 when Ponce de Leon explored the Florida peninsula, and included the expeditions of Francisco Coronado throughout California to Kansas and across Arizona, New Mexico, Texas, and Oklahoma from 1540 to 1542;

Whereas in 1998 the Nation commemorated the 400th anniversary of the first Spanish Settlement of the Southwest (Ohkay Yunge at San Juan Pueblo, New Mexico) with official visits from Spain, parades, fiestas, masses, and other celebrations to emphasize the importance of the first encounters with American Indian cultures and the subsequent importance of encounters with other European cultures;

Whereas El Paso, Texas, the first gateway for Spanish explorers in the Southwest, also celebrated its Quadricentennial commemorating the 400th anniversary of the colonization expedition of Don Juan Onate in New Mexico and Texas along the Camino Real;

Whereas Hispanic culture, customs, and the Spanish language are a vital source of familial and individual strength;

Whereas the Bureau of the Census estimates that 1 in 5 Americans will be of Hispanic descent by the year 2030, and the future cultural, political, and economic strengths of this country are clearly dependent upon our Nation's ability to harness the talents and skills of this large and growing segment of the American population;

Whereas one of the common bonds of Hispanic people is the Spanish language, and promoting the use of Spanish at home and in cultural affairs will benefit not only the growing Hispanic population of the United States but also the economic interests of the entire Nation;

Whereas English is the common language of the United States, is important to American life and individual success, and 94 percent of United States residents speak English according to the 1990 decennial census;

Whereas immigrants to the United States have powerful incentives to learn English in order to fully participate in American society and the Nation's economy, and 90 percent of all immigrant families become fluent in English within the second generation;

Whereas a common language promotes unity among citizens, and fosters greater communication;

Whereas there is a renaissance in cultural assertiveness around the world, noting that the more interdependent nations become economically, the more interested the nations are in preserving and sharing cultural identity;

Whereas the reality of a global economy is an ever-present international development that is fostered by international trade and the creation of regional trading blocs, such as the European Union, Mercosur, the North American Free Trade Agreement and the Association of Southeast Asian Nations;

Whereas knowledge of English, Spanish, French, Italian, Russian, German, Japanese, Chinese, Arabic, Korean, Vietnamese, African languages, Farsi, sign language, and the many other languages of the world, enhances competitiveness and tremendous growth in world trade;

Whereas the United States is well postured for the global economy and international development with the United States' diverse population and rich heritage of languages from all around the world;

Whereas many American Indian languages are indigenous to the United States, and should be preserved, encouraged, and utilized, as the languages were used during World War II when the Navajo Code Talkers created a code that could not be broken by the Japanese or the Germans;

Whereas it is clearly in the interest of the United States to encourage educational opportunity for and the human potential of all citizens, and to take steps to realize the opportunity and potential;

Whereas a skilled labor force is crucial to the competitiveness of the Nation in today's global economy, foreign language skills are a tremendous resource to the United States, and such foreign language skill enhances American competitiveness in global markets by permitting improved communication and understanding; and

Whereas knowledge of other languages and other cultures is known to enhance the United States diplomatic efforts by fostering greater communication and understanding between nations, and can promote greater understanding between different ethnic and racial groups within the United States: Now, therefore, be it

Resolved, That the United States Government should pursue policies that—

(1) support and encourage Americans to master the English language plus other languages of the world, with special emphasis on the growing importance of the Spanish language for our Nation's economic and cultural relationships with Mexico, Central America, and South America;

(2) recognize the value of the Spanish language to millions of Americans of Hispanic descent, who will be the Nation's largest minority by the year 2005, and will constitute one of every four Americans by the year 2030;

(3) recognize the importance of English as the unifying language of the United States, and the importance of English fluency for individuals who want to succeed in American society;

(4) recognize that command of the English language is a critical component of the success and productivity of our Nation's children, and should be encouraged at every age;

(5) recognize that a skilled labor force is crucial to United States competitiveness in a global economy, and the ability to speak 1 or more languages in addition to English is a significant skill;

(6) support literacy programs, including programs designed to teach English, as well as those dedicated to helping Americans learn and maintain other languages in addition to English; and

(7) develop our Nation's linguistic resources by encouraging citizens of the United States to learn and maintain Spanish, French, German, Japanese, Chinese, Russian, Arabic, Italian, Korean, Vietnamese, Farsi, African languages, sign language, and the many other languages of the world, in addition to English.

Mr. DOMENICI. Mr. President, today I am pleased to be joined by Senators KENNEDY, MCCAIN, HATCH, HUTCHISON, DEWINE, CHAFEE, LUGAR, ABRAHAM, SANTORUM, and WARNER in submitting our Senate Resolution on "English-Plus." With this resolution, we are affirming the importance of mastering the English language plus other languages of the world, such as Spanish, Italian, German, Japanese, Chinese, Vietnamese, and many, many more.

English is the most widely used language in the world in the areas of finance, trade, technology, diplomacy, and entertainment. English is also the world's living library of the last 100 years of scientific and technological advances. There is no doubt that English is as close as any language in history to becoming the world's dominant language.

As Americans, we have always valued our "melting pot" ideal. The business of this country is conducted in English, and there is much pride in the ability to speak English as well as to read and write in one's native language. Those who know English and have mastered another language or two have a distinct advantage in a more competitive world.

As the son of an Italian immigrant, I can personally testify to the importance of the concept of English Plus. My father did not read or write in English, yet he insisted that I learn English first and do my best at speaking and writing Italian. My parents both spoke Spanish—a skill which they found very useful in establishing a wholesale grocery business in Albuquerque.

Tens of thousands of New Mexico families still speak Spanish at home. Spanish remains a strong tie to their culture, music, history, and folklore. After decades of being taught to learn English first, many thousands of New Mexico's Hispanic families also speak Spanish fluently.

In New Mexico, 1998 marked the 400th anniversary of the first permanent Spanish settlement near San Juan Pueblo in the Espanola Valley. Many celebrations and educational events marked this important anniversary. Hispanic culture, customs, and language received much attention throughout New Mexico. More than a third of New Mexico's population is Hispanic, and the Spanish language and culture have a special place in our state's distinctive blend of Spanish, Anglo, and Indian cultures.

New Mexico is the only state in the United States that has a constitutional requirement to use both English and Spanish in election materials and ballots.

In New Mexico, 37 percent of the people are Spanish-Americans or Mexican-Americans. The term "Hispanic Americans" is used in our country to describe Americans whose roots are in Spain, Mexico, Puerto Rico, Cuba, Central America, and South America. As U.S. News reported in the May 11, 1998, issue, "the label Hispanic obscures the enormous diversity among people who come (or whose forebears came) from two dozen countries and whose ancestry ranges from pure Spanish to mixtures of Spanish blood with Native American, African, German, and Italian, to name a few hybrids."

U.S. News also reported that "The number of Hispanics is increasing almost four times as fast as the rest of the population, and they are expected to surpass African-Americans as the largest minority group by 2005." In the October 21, 1996, issue, U.S. News reported that "Nearly 28 million people—1 American in 10—consider themselves of Hispanic origin." By 2050, projections are that 1 in every 4 Americans will be Hispanic.

An article in The Economist of April 21, 1998, stresses the value of the Spanish language to America's fastest growing minority group. "America's Latinos are rapidly becoming one of its most useful resources."

In the western hemisphere, Spanish is clearly a prominent language. With established and emerging markets in Mexico, Central America, and South America, the Spanish language is a key to foreign competition in our own hemisphere.

As the world economy moves into the next century, it has become clear the "domestic-only market planning" has been replaced by the era of international trade agreements and the creation of regional trading blocs. In 1996, the total volume of trade with Mexico was estimated at $130 billion. Our trade with the rest of Latin America that same year was $101 billion.

Spanish is clearly a growing cultural and economic force in our hemisphere. It is also the common language of hundreds of millions of people. Recent economic trends of this decade show Latin America as the most promising future market for American goods and services.

With Latin America as the next great market partner of the United States, those Americans who know both English and Spanish will have many new grand opportunities. Mexico's recently hired and celebrated its one-millioneth maquiladora worker in international manufacturing plants along our border. This milestone event unquestionably shows the value of knowing two languages as manufacturing expands among the hundreds of Fortune 500 companies now manufacturing in Mexico.

Mr. President, I have long believed that New Mexico and other border states are uniquely poised to create the focal point of North American trade with South America. I agree with The Economist observation that "America's Latinos are rapidly becoming one of its most useful resources." I predict that English Plus Spanish will be one of the major marketable skills for the next century.

In conclusion, I would like my colleagues to see the value of "English Plus" Spanish in our own hemisphere. "English Plus" and other European languages has long been a shared value, and "English Plus" African and Asian languages have become very important also. In every corner of the world, foreign languages matter to us for cultural, economic, and security reasons.

Worldwide, we see a renaissance in cultural assertiveness where countries take greater interest in preserving and sharing their own cultural identities. As nations grow more interdependent economically, there is a parallel interest in maintaining their own cultural integrity, with language as a key linchpin of cultural identity.

Mr. President, our nation's potential markets in Mexico, Central America, and South America alone spell a vital future for "English Plus" Spanish. If we want to continue to expand our nations's cultural and economic American influence in the world, then we urge the adoption of "English Plus" as our national policy. We believe this approach will lead to a more prosperous and secure world.

We believe we should not isolate America to English only and to do that would be a big mistake. The Senate resolution I am speaking of supports and encourages Americans to master English first and English plus other languages. We believe we should add to that, but not English only. We see English plus other languages as a more sensible statement of our national policy. Our Nation is rich in resources. We want to encourage American citizens to learn other prominent languages that the world uses and that we must use in the world and that many in our country use as part of their cultural background.

Mr. President, I ask unanimous consent that our resolution regarding English plus other languages be printed in the RECORD.

SENATE RESOLUTION 107—TO ESTABLISH A SELECT COMMITTEE ON CHINESE ESPIONAGE

Mr. SMITH (of New Hampshire) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 107

Resolved,

SECTION 1. ESTABLISHMENT OF THE SELECT COMMITTEE.

(a) IN GENERAL.—There is established a temporary Select Committee on Chinese Espionage (hereafter in this resolution referred to as the "select committee") which shall consist of 12 members, 6 to be appointed by the President pro tempore of the Senate upon recommendations of the Majority Leader from among members of the majority party, and 6 to be appointed by the President pro tempore of the Senate upon recommendations of the Minority Leader from among members of the minority party.

(b) CHAIRMAN.—The Majority Leader shall select the chairman of the select committee.

(c) VICE CHAIRMAN.—The Minority Leader shall select the vice chairman of the select committee.

(d) SERVICE OF A SENATOR.—The service of a Senator as a member or chairman on the select committee shall not count for purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate.

(e) RULES AND PROCEDURES.—A majority of the members of the select committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee shall adopt rules of procedure not inconsistent with this resolution and the rules of the Senate governing standing committees of the Senate.

(f) VACANCIES.—Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

SEC. 2. JURISDICTION.

(a) IN GENERAL.—There shall be referred to the select committee, concurrently with referral to any other committee of the Senate with jurisdiction, all messages, petitions, memorials, and other matters relating to United States-China national security relations.

(b) EFFECT ON OTHER COMMITTEES JURISDICTION.—Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee of the Senate or as amending, limiting, or otherwise changing the authority of any standing committee of the Senate.

SEC. 3. REPORTS.

The select committee may, for the purposes of accountability to the Senate, make such reports to the Senate with respect to matters within its jurisdiction as it shall deem advisable which shall be referred to the appropriate committee. In making such reports, the select committee shall proceed in a manner consistent with the requirements of national security.

SEC. 4. POWERS OF THE SELECT COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the select committee is authorized at its discretion—

(1) to make investigations into any matter within its jurisdiction;

(2) to hold hearings;

(3) to sit and act at any time or place during the sessions (subject to paragraph 5 of rule XXVI of the Standing Rules of the Senate), recesses, and adjourned periods of the Senate;

(4) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(5) to make expenditures from the contingent fund of the Senate to carry out its functions and to employ personnel, subject to procedures of paragraph 9 of rule XXVI of the Standing Rules of the Senate; and

(6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis the services of personnel of any such department or agency.

(b) OATHS.—The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by a majority of the select committee shall be issued over the signature of the chairman and may be served by any person designated by the chairman.

SEC. 5. TREATMENT OF CLASSIFIED INFORMATION.

(a) EMPLOYEES.—

(1) IN GENERAL.—No employee of the select committee or person engaged to perform services for or at the request of such committee unless such employee or person has—

(A) agreed in writing and under oath to be bound by the rules of the Senate and of such committee as to the security of such information during and after the period of his employment or relationship with such committee; and

(B) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence.

(2) CLEARANCE.—The type of security clearance to be required in the case of any employee or person under paragraph (1) shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

(b) SECURITY OFFICER.—The select committee shall designate a security officer qualified to administer appropriate security procedures to ensure the protection of confidential and classified information in the possession of the select committee and shall make suitable arrangements, in consultation with the Office of Senate Security, for the physical protection and storage of classified information in its possession.

SEC. 6. TREATMENT OF PRIVATE INFORMATION.

(a) RULES AND PROCEDURES.—The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons.

(b) DISCLOSURE.—Nothing in this resolution shall be construed to prevent the select committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 7. PRESIDENTIAL REPRESENTATIVE.

The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 8. TERMINATION OF SELECT COMMITTEE.

Unless specifically reauthorized, the select committee shall terminate at the end of the 106th Congress. Upon termination of the select committee, all records, files, documents, and other materials in the possession, custody, or control of the select committee, under appropriate conditions established by the select committee, shall be transferred to the Secretary of the Senate.

Mr. SMITH of New Hampshire. Mr. President, I rise today just as the Cox report is about to enter the public domain. This report—a bipartisan report by Congressman CHRIS COX of California and Congressman NORMAN DICKS of Washington—will go to an issue of great importance to the United States; it is the issue of Chinese espionage in the United States.

I am rising on the Senate floor today to introduce legislation—which I will do at the conclusion of my remarks—establishing a bipartisan select committee to examine Chinese espionage against United States national security interests, responding to what is increasingly being viewed as the greatest security breach against the United States in our history—the loss to China of our most sensitive nuclear warhead data over many years from the Los Alamos National Lab, and from other national security facilities and programs.

Through no one's fault, and with the best of intentions, congressional efforts to examine this matter have been disjointed and inconsistent. I respect every Senator on both sides of the aisle who has been working and doing their best to try to get to the bottom of this, especially the chairmen of those committees with some claim to jurisdiction over the Labs and over this whole issue of Chinese espionage.

Unfortunately, that is the problem. There are too many individuals conducting too many independent investigations, if you will, and too many committees going down the same path. The result has been a duplication of witnesses, many of whom have come back and testified four or five times before the Senate. I don't think this makes a lot of sense.

I think my colleagues on these respective committees—and I chair a subcommittee on the Armed Services Committee with direct jurisdiction over this matter, so I say that as one who would be involved in such an investigation—will agree that there is too much duplication. We need to streamline this effort and we need to put the full weight of the Senate behind it. That means an investigation, a true investigation, the power to call witnesses and administer oaths, and a unified focus of our shared bipartisan concern.

I have had the privilege to serve on two such bipartisan committees. One, the Senate Ethics Committee, is a nonpartisan committee, really, of three members from each party. We look at all the matters before us in a truly nonpartisan way. That is exactly what needs to be done here.

I also served on the Senate Select Committee on POWs and MIAs a few years ago, where Senator JOHN KERRY was the chairman and I was vice chairman. It was a bipartisan effort. That is what it is going to take in the Senate, just as the House has been well-served by its committee chaired by Congressman COX of California and Congressman DICKS of Washington. It was a bipartisan effort and it has come to a bipartisan—and unanimous—conclusion.

We need to do this in the Senate. We need to take what was in that report, review it carefully, find out where it leads, and take appropriate action. But I do not think we are going to accomplish that if we are going to have all of these witnesses called in five, six, seven, or eight times before all these different committees, and not have one consistent message. It will waste a lot of money and time. I think it is better to consolidate, which is why I am calling for a select committee.

I am not interested in scoring partisan points here. This is concerns the national security of the United States of America. No partisan points were scored in the classified presentation I attended the other day with Congressman Dicks and Congressman Cox. It was presented in a way that I felt was truly bipartisan. Members of both parties were there. It is a lot bigger than that. The national security of the United States is a lot more important than any of the partisan attacks. We all want answers. We deserve answers, and we deserve to put these witnesses under oath, under threat of perjury, and to speak before the Senate—together, not as five or six different committees of jurisdiction.

The Cox committee did heroic work in the House—much of it despite obstacles put in their path by the administration. They had to dig and claw to get the information, and the report that will be released tomorrow has been blocked for several months by the administration.

It is time for the Senate now to do its part, to focus its collective concern about these matters into a coherent and effective committee. I believe a select committee with a specific intent, with the opportunity to call witnesses, to put people under oath, and to have investigators look into this is the correct approach. Otherwise, it is going to be defused all over the Government and we are going to have all kinds of stories popping up from this committee and that committee, this subcommittee and that subcommittee, and this Senator and that Senator, and it will all be disconnected.

So I urge colleagues to support this legislation. I urge our leaders to support it as well. I think it is a good idea. It has worked in the past when we have had serious issues like this. And our effort here is to gain the truth, to get the facts. I believe this select committee will get the job done.

I want to review briefly what has happened, and why I think it is so important to have a select committee.

About 5 months ago, a special congressional committee investigating security problems with China questioned whether the Department of Energy had adequate safeguards to protect its nuclear secrets. On February 1, 1999, President Clinton responded, saying safeguards were "adequate" and getting better.

That was the statement of the President on February 1. With all due respect, and being as nice about it as I can, that was not true then. It is not true now.

One week later, on February 8, Mr. Lee failed a polygraph test. More than a month later, the FBI finally searched his computer. This is not something one can take lightly. When the President says that safeguards were "adequate" and getting better, that simply was not true.

Between the time the Justice Department refused the FBI's request for a court order to search Lee's computer and Lee's firing, there were more than 300 break-ins involving the computer network on which Lee had allegedly transferred nuclear secrets.

When Ho Lee was hired by Los Alamos National Laboratories in 1978, he first came under suspicion in 1982 when he made a telephone call to a scientist from Lawrence Livermore Lab who had been fired as a result of an investigation into evidence that a spy had passed neutron bomb secrets to China.

In 1989, when Lee's 5-year security renewal was up for review, Energy Department officials learned of the FBI's inquiry into Mr. Lee. But a file put together on Lee that was sent to DOE headquarters for security review was "lost." And it was not until 1992 that the Department hired an outside contractor to reconstruct the "lost" file.

In 1994, a Los Alamos employee reported to security officials that Lee was "embraced" by a Chinese intelligence officer during a delegation visit, and that Lee had discussed with the Chinese the nuclear weapons code similar to the ones he is now suspected of stealing.

In 1995, the Energy Department and the CIA began to learn the record of China's alleged espionage.

In early 1995, scientists at the Los Alamos Nuclear Lab had told Mr. Notra Trulock, then intelligence director at the Energy Department, of their fears that China had achieved a remarkable breakthrough in its nuclear tests. About that same time those fears were raised, U.S. intelligence files showed that a Chinese agent had handed over a secret document to American officials containing evidence that China had stolen design data on American nuclear warheads and missiles.

In 1996, the CIA concluded American secrets had been stolen. Lee emerged in early 1996 as the FBI's "prime suspect" at the Laboratories.

In 1996, Mr. Trulock tried to raise warnings about espionage at the Laboratories but was thwarted by his superiors at the Energy Department. Trulock said he finally talked to administration officials as early as April of 1996. He said he met with Sandy Berger. He said Mr. Berger had said subsequently that he briefed Mr. Clinton and took steps to address the problem.

We are in 1996 now—3 years ago. President Clinton denied that. But I will get to that in a minute.

Like all employees, Lee had signed a waiver permitting his e-mail and personal computer to be reviewed without his knowledge. Despite the waiver, the Justice Department, in 1996, decided that a court warrant would be needed before his computer could be searched, and denied the request.

Coincidentally—or not—in 1996, President Clinton relaxed all controls on sales of advanced computers to countries like China. The next year, his administration resisted congressional efforts to retighten those controls. The Cox committee reportedly concluded that some of the computers sold to China went to organizations involved in military activities, and they might have been used for military purposes—like upgrading nuclear weapons or developing more accurate missiles.

When something goes to China, it does not just go to private industry. It goes to the military too. Let's make sure we understand that.

The relaxation of export controls on technology is something I have been hammering away at in my subcommittee—the Strategic Forces Subcommittee—in the Armed Services Committee for seven years. I have watched these controls relax in this administration. I have watched the State Department and the Defense Department and the Justice Department lose the fight time after time after time to the Commerce Department.

In 1996, President Bill Clinton shifted licensing responsibility for some commercial satellite sales from the security-oriented State Department to the business-friendly Commerce Department.

I do not know what most Americans think about all of this, but I am going to say what I think about it. I think this is the worst breach of national security in the history of the United States of America. It is not just about Los Alamos, as we are going to find out tomorrow when this report is declassified when we can talk about it in more detail. Unfortunately, I cannot talk about some of it today. But I urge everyone to get a copy of it and you will see what I am talking about. The Rosenbergs in 1953 were executed, in my view, for less than what has happened here.

I have seen, time after time, witness after witness from this administration come before the Armed Services Committee—either taking the fifth amendment, refusing to come, or fleeing the country, or lying under oath, or being unable to remember. That is one thing during some financial inquiry about who gave how much money to some candidate. But I am going to tell you one thing. I am not going to stand for people coming before the Senate—when the security of the United States of America is at stake, when nuclear weapons have been transmitted to a foreign nation who is an enemy of the United States—I am not going to stand for people coming before this Senate and not telling the truth.

I will say it on the record: somebody is going to be held accountable for what has happened. Somebody is going to be held accountable. Every nuclear weapon in the United States arsenal has been compromised—every one of them, every warhead. I am not going to stand by and take no for an answer. I am not going to stand for this being obfuscated all over the Senate and all over the country with defused, mixed messages. We will get to the bottom of this. Nobody in this Senate should have any objection to that. Whoever did this, whoever is responsible for this, wherever it leads, needs to be held accountable, period.

In 1996, the American intelligence community concluded that China had stolen the secret design information about the neutron bomb. In April 1997, the FBI recommended measures to tighten security at the Labs.

No action was taken; no action.

In July 1997, Mr. Trulock, concerned about lack of progress, went back to the White House to ask for assistance. He gave National Security Adviser Sandy Berger a fuller briefing. Berger briefed the President of the United States as early as July 1997. Twice in 1997 the Justice Department rejected a request by FBI counterintelligence officials to seek a search warrant authorizing more aggressive investigative techniques, including a wiretap and clandestine searches of homes, offices, and computers. The request for a wiretap was turned down by a political appointee, Frances Townsend. A request for a wiretap was turned down.

The numbers of wiretaps authorized each year is classified, but we know there are hundreds in any given year. We also know that seldom are more than two or three in a given year denied. Put yourself in Frances Townsend's place at the Justice Department for a moment. Somebody comes in from the FBI and says, we have a problem. Somebody stole all the nuclear weapon secrets from the United States of America and sent them to China. We have a suspect. We need to wiretap him. And your answer is, no.

Now, I am not going to accept some feeble explanation about why that happened. Somebody is going to answer that question in my presence in this Senate before I leave here; I state that right now.

In August of 1997, FBI Director Louis Freeh recommended Mr. Lee's access to classified information be cut off immediately. What happens? Lee is still granted access to top secret warhead data despite the recommendation. What is going on? This kind of thing does not happen unless somebody makes it happen and wants it to happen.

When the FBI Director says no, the answer is no. But somebody decided that Mr. Freeh was not going to have the last word here. They decided that Mr. Lee was going to continue to have access to top secret warhead data.

During the 1998 congressional investigation into satellite export controls, Trulock has said, acting Energy Secretary Elizabeth Moler ordered him—I emphasize the word "ordered," because I heard him say it in my presence—ordered him not to disclose the Chinese espionage in testimony before the U.S. Congress. A political appointee in the Energy Department ordered Mr. Trulock, a subordinate, not to tell the Congress.

Now she denies it. Clearly, we need these two witnesses to come forth in public session before this select committee. Let the public decide who is lying and who isn't.

Mr. Lee retained access to classified information after he came under suspicion of spying, from October 1997 to October 1998.

On April 28, 1999, the Clinton administration finally admitted that secret nuclear weapons data had been compromised. They finally admitted it when Bill Richardson, the new Secretary of Energy, to his everlasting credit pushed this issue and refused to stand for it anymore.

Wen Ho Lee was fired on March 8. His computer was not searched until the following week. They found he had transferred legacy codes covering many U.S. nuclear weapons from the classified to an unclassified computer system where they could be vulnerable to outsiders. In a computer search, more than 1,000 top secret weapons files had been deleted after being improperly transferred from a highly secure computer system.

Those are the facts as I can outline them without going into classified materials. I point out in the framework of the last 4 or 5 months, this information has been withheld from the public. Certain Senators and Congressmen, if they took it upon themselves, could get a briefing on the Cox report, but it was not allowed to be released.

What happened? What did the President know and when did he know it? That sounds familiar.

March 19, 1999, at a press conference, the President assured the public, "There has been no espionage at the Labs since I've been President." Let me repeat that: "There has been no espionage at the Labs since I've been President."

And, "No one reported to me that they suspect that such a thing has occurred."

The President, in March of this year, March 19, says, "There has been no espionage at the Labs since I've been President," and, "No one reported to me that they suspect that such a thing has occurred."

Mr. Berger told the Cox Committee he didn't speak with the President about Chinese spying for at least a year, but he did say he did it in early 1998. Berger's aides now say he remembers informing Clinton in July of 1997.

Mr. President, this is serious business. When atomic secrets in 1953 were passed to the Russians, a man and a woman—a husband and a wife—were executed. We have got to get to the bottom of this. Any Senator worth his or her salt, regardless of political party, ought to be ready to go on this with no nonsense.

We are not going to accept ridiculous "I don't remember" answers anymore. I do not want to hear any of this. And I do not want to be bound by some committee rule where I have 5 minutes to ask a question, and the witness answers for 4½ minutes, and I cannot ask any more. I want the time to ask my questions. I want the time for every Senator to ask these questions on behalf of the American people.

I have never in my life seen anything like the witnesses they have paraded before the committees of this Congress that I have been a party to—Government Affairs Committee investigations, the Armed Services Committee—time and time and time again, saying "I don't remember, I can't recall."

That is not good enough. That does not cut it. And it does not cut it on the part of the President of the United States, either. He should have been up here testifying during his impeachment trial. By golly, if we have to have him come up here and testify on this, then bring him up here. This is the national security of the United States we are talking about. This is classified, nuclear, codeword-level information that has been passed, and the President needs to tell us what he knows, if he knows anything.

According to the New York Times, what counterintelligence experts told senior Clinton administration officials in November of 1998 is that China poses an acute intelligence threat to the weapons labs—an acute intelligence threat to the weapons labs. We now know the President had been briefed in November of 1998 about FBI and CIA suspicions, and in January had even received the secret Cox report detailing those security lapses during the Clinton watch.

What is going on here? All right, so he does not tell us the truth about Monica Lewinsky. But this is national security. According to Mr. Berger, his own National Security Adviser, President Clinton was told about the problems at the weapons labs in July of 1997 or February of 1998.

On May 9, 1999, Tim Russert, on "Meet The Press," extracted from Energy Secretary Bill Richardson the acknowledgment that President Clinton was "fully, fully briefed," an admission for which, news reports say, Richardson was savaged by Clinton aides.

Here is the explanation. Clinton put in "at the labs" and "against the labs" because we technically don't know if the stolen info came from the labs or somewhere else. Richardson also said, "there have been damaging security leaks. The Chinese have obtained damaging information during past administrations and the current administration."

Perhaps this spying started in previous administrations, but this administration knew it was going on and did not respond to it. That just does not cut it. This is not about "what is is." This is about the security of the United States of America.

On May 23, 1999, the deputy intelligence director at the Department of Energy suggested the White House was informed about China's theft of United States nuclear secrets much sooner than it has acknowledged.

The inaction from this administration did not come in a vacuum. It came in the thick of a 1996 reelection effort that we now know included campaign contributions from those with ties to the Chinese Government, ties to the military, and ties to the intelligence organization. Mr. Berger first briefed in April of 1996, and not until 2 years later does the White House move to tighten security after receiving more detailed evidence in 1997. NSC sought a narrowly focused CIA report to cast doubt on Energy Department claims.

At the same time the FBI and CIA were investigating the source of the Los Alamos leak, Vice President AL GORE was passing the hat among wealthy Buddhist nuns, the President was serving coffee at the White House to PLA arms dealer Wang Jun, and the administration responded favorably to a request from the man who would be the Democratic Party's largest single donor in 1996, Loral chairman Bernard Schwartz, to transfer authority over licensing of satellite technology from the State Department to the Commerce Department. Two years later, Loral would be granted a Presidential waiver to export its technology to China, even though it was under criminal investigation by the Justice Department for previous technology transfers.

Wake up, America. Wake up. What is going on here? Who knows what? Officials from those two companies, I have news for you. You are coming in here, and you are going to answer some questions as well.

In April of 1996, Energy Department officials informed Mr. Berger that Trulock had uncovered evidence which showed that China had learned how to miniaturize nuclear bombs and it appeared the Chinese had gained that knowledge through the efforts of a spy at the Los Alamos Labs. Berger was told the spy might still be there.

What action did the White House take? Absolutely nothing. But the warning came at an awkward time, the verge of the 1997 Strategic Partnership Summit with Beijing. The administration was also facing the congressional investigations into charges that the

P.R.C. had illegally funneled money into their 1996 Clinton-Gore reelection campaign. I do not know where these dots connect or if they connect, but there were a lot of dots. Mr. Berger assigned an NSC staffer to look into things and asked the CIA to investigate. The CIA's report comes back that the Trulock analysis was an unsupported worst case scenario. That is not what he told us in private.

Finally, in February of 1998, President Clinton formally ordered the reforms into effect. But, curiously, Energy Secretary Federico Peña never followed the order and soon after left the Cabinet.

Reforms were not instituted until Bill Richardson did so in October of 1998, 30 months after Trulock's first warning, 9 months after the President's directive. In the meantime, Assistant Secretary Moler orders Trulock not to tell Congress because it could be used against President Clinton's China policy.

Do not tell Congress? If this Senate tolerates that kind of action, we deserve all the criticism we get and 10 times more. We have oversight responsibility. This area, the labs and the security of those labs and those weapons, is directly under this Senator's supervision and oversight responsibility as the chairman of the Strategic Forces Subcommittee. I am going to tell you something; I do not accept that answer. I am not going to accept that answer. Someone is going to talk, and whoever is accountable, in my view, if they did these things, they are going to go to jail, because that is where they belong. We are going to find out where this path leads, if it is the last thing I do.

Political contributions poured in and United States technology flowed out to China day after day, week after week, month after month, year after year—flowed out to China, made possible by the easing of export controls to this strategic partner of the President's.

We are going to hear that this is China bashing. This is not China bashing. This is the national security of the United States. I hope when the American people read the Cox report, they will understand that the Chinese gained vital information on every nuclear warhead in our arsenal. They now have the missile to fire it, the warhead to put on it, and the targeting information to direct it at any city in the United States of America—all thanks to the relaxation of export controls, and to the fact we left a spy in our labs.

When are we going to wake up? All through March and April of 1999, the White House fought over the release and declassification of this report. No wonder they do not want it released. The Cox report believes China is still spying. I believe they are too. This has to be investigated.

In conclusion, we need a bipartisan select committee to find out where this trail leads, wherever it leads.

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF CONGRESS REGARDING THE NEED FOR VIGOROUS PROSECUTION OF WAR CRIMES, GENOCIDE, AND CRIMES AGAINST HUMANITY IN THE FORMER REPUBLIC OF YUGOSLAVIA

Ms. LANDRIEU (for herself and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 33

Expressing the sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

Whereas the United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this concurrent resolution referred to as the "ICTY") by resolution on May 25, 1993;

Whereas, although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

Whereas the ICTY has jurisdiction to investigate: grave breaches of the 1949 Geneva Conventions (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5);

Whereas the Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established";

Whereas reports from Kosovar Alabanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

Whereas in furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

Whereas these reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

Whereas any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

Whereas the indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

Whereas the ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

Whereas vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

Whereas investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

Ms. LANDRIEU. Mr. President, this resolution, from the Senator from Pennsylvania and me, attempts to address the serious issue of war crimes. It calls for the Senate to make its voice clear on the issue of war crimes and the prosecution of those guilty of such crimes.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

KERREY AMENDMENT NO. 376

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

ROBERTS (AND OTHERS) AMENDMENT NO. 377

Mr. ROBERTS (for himself, Mr. WARNER, and Ms. SNOWE) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF SENATE REGARDING LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) not later than 30 days after the date of enactment of this Act, the President should determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States; and

(2) if the President certifies under paragraph (1) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

(b) DEFINITION.—For the purposes of this section, the term "new Strategic Concept of NATO" means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C., on April 23 and 24, 1999.

(c) EFFECTIVE DATE.—This section shall take effect on the day after the date of enactment of this Act.

WARNER AMENDMENT NO. 378

Mr. WARNER proposed an amendment to amendment No. 377 proposed by Mr. ROBERTS to the bill, S. 1059, supra; as follows:

At the end of the amendment, add the following:

(c) REPORT.—Together with the certification under subsection (a)(1), the President should submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation or several member nations where the commitment of NATO forces will be "out of area", or beyond the borders of NATO member nations.

GRAMS AMENDMENT NO. 379

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill S. 1059, supra; as follows:

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

WELLSTONE AMENDMENTS NOS. 380–382

Mr. WELLSTONE proposed three amendments to the bill, S. 1059, supra; as follows:

AMENDMENT NO. 380

On page 387, below line 24, add the following:

SEC. 1061. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Colon cancer.

"(R) Tumors of the brain and central nervous system.".

AMENDMENT NO. 381

On page 83, between lines 7 and 8, insert the following:

SEC. 329. PROVISION OF INFORMATION AND TECHNICAL GUIDANCE TO CERTAIN FOREIGN NATIONS REGARDING ENVIRONMENTAL CONTAMINATION AT UNITED STATES MILITARY INSTALLATIONS CLOSED OR BEING CLOSED IN SUCH NATIONS.

(a) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall provide to each foreign nation that is a strategic partner of the United States the following:

(1) Such information meeting the standards and practices of the United States environmental industry as is necessary to assist the foreign nation in determining the nature and extent of environmental contamination at—

(A) each United States military installation located in the foreign nation that is being closed; and

(B) each site in the foreign nation of a United States military installation that has been closed.

(2) Such technical guidance and other cooperation as is necessary to permit the foreign nation to utilize the information provided under paragraph (1) for purposes of environmental baseline studies.

(b) LIMITATION.—The requirement to provide information and technical guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any installation or site referred to in paragraph (1) of that subsection.

(c) DEFINITION.—In this section, the term "foreign nation that is a strategic partner of the United States" means any nation which cooperates with the United States on military matters, whether by treaty alliance or informal arrangement.

AMENDMENT NO. 382

At the appropriate place, insert the following:

SEC. . EVALUATION OF THE OUTCOME OF WELFARE REFORM.

Section 411(b) of the Social Security Act (42 U.S.C. 611(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) for each State program funded under this part, data regarding the rate of employment, job retention, earnings characteristics, health insurance status, and child care access and cost for former recipients of assistance under the State program during, with respect to each such recipient, the first 24 months occurring after the date that the recipient ceases to receive such assistance.".

SPECTER AMENDMENT NO. 383

Mr. SPECTER proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place add the following new section:

SEC. . Directing the President, pursuant to the United States Constitution and the War Powers Resolution, to seek approval from Congress prior to the introduction of ground troops from the United States Armed Forces in connection with the present operations against the Federal Republic of Yugoslavia or funding for that operation will not be authorized.

None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops from the United States Armed Forces in Kosovo, except for peacekeeping personnel, unless authorized by a declaration of war or a joint resolution authorizing the use of military force.

LANDRIEU (AND OTHERS) AMENDMENT NO. 384

Mr. SPECTER (for Ms. LANDRIEU (for herself, Mr. SPECTER, Mr. LEVIN, Mr. DORGAN, and Mrs. FEINSTEIN)) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title 10 add the following:

The Senate finds that:

The United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this concurrent resolution referred to as the "ICTY") by resolution on May 25, 1993;

Although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

The ICTY has jurisdiction to investigate: grave breaches of the 1949 Geneva Conventions (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5);

The Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established";

Reports from Kosovar Albanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

In furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

These reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

Any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

The indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

The ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

Vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

Investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

SEC. 2. It is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

THOMAS (AND ENZI) AMENDMENT NO. 385

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

"SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(A) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, was memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad."

SARBANES AMENDMENTS NOS. 386–387

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 1059, supra; as follows:

AMENDMENT NO. 386

At the end of subtitle E of title XXVIII, add the following:

SEC.—. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—Notwithstanding any other provision of law, the Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting facility (NRTF) towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting facility towers described in this subsection are the three southeastern most naval radio transmitting facility towers located at Naval Station, Annapolis, Maryland, that are scheduled for demolition as of the date of the enactment of this Act.

(c) TRANSFER OF TOWERS.—the Secretary shall transfer to the State of Maryland, or to Anne Arundel County, Maryland, all right, title, and interest of the United States in and out the towers described in subsection (b) if the State of Maryland or Anne Arundel County Maryland, as the case may be, agrees to accept such right, title, and interest from the United States during the one-year period referred to in subsection (a).

AMENDMENT NO. 387

On page 459, between lines 17 and 18, insert the following:

SEC. 2844. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.

Section 1 of Public Law 99–596 (100 Stat. 3349) is amended—

(1) in subsection (a), by striking "subsections (b) through (f)" and inserting "subsections (b) through (e)";

(2) by striking subsection (b) and inserting the following new subsection (b):

"(b) CONSIDERATION.—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be with consideration or without consideration from the State of Maryland, at the election of the Secretary.

"(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the historic buildings on the property. The total amount of the reduction of consideration under this paragraph may not exceed $500,000.";

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

ROTH (AND OTHERS) AMENDMENT NO. 388

Mr. ROTH (for himself, Mr. BIDEN, Mr. THURMOND, and Mr. KENNEDY) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle F, add the following:

SEC. 582, POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The late Rear Admiral (retired) Husband E. Kimmel, formerly serving in the grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor.

(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6–7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report

maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor";

(B) criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation"; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T.C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war";

(B) detailed information and intelligence about Japanese intentions and war plans were available in "abundance", but were not shared with Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this".

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J.L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that the late Major General (retired) Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list".

(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (By then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.

(15) Although the Dorn Report, a report on the result of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared".

(16) The Dorn Report found—

(A) that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war";

(B) that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels"; and

(C) that "together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered".

(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from then Admiral Kimmel and Lieutenant General Short.

(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.

(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968, without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—

(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short,

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 26, 1999, at 9:30 a.m. to conduct a hearing on American Indian Youth Activities and Initiatives. The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Monday, May 24, 1999, at 3 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "Bureau of Prisons Oversight: The Importance of Federal Prison Industries."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REMEMBERING THE NAVAJO CODE TALKERS ON MEMORIAL DAY

• Mr. BIDEN. Mr. President, as our nation gratefully remembers the deceased men and women of our military, I have a special commemoration for this Memorial Day, 1999. This year, as brave American patriots willingly put themselves in "harm's way" to defend the values and national interests of all Americans in places like the Balkans and the Persian Gulf, I rise to remind my colleagues here in the United States Senate and the American people of one distinguished group of patriots who gave so unselfishly at a time when their rights of citizenship were restricted—the Navajo Code Talkers of World War II. I want to let everyone know how honored we Delawareans are to welcome to my state one of these Native American patriots and World War II veterans this Memorial Day weekend.

The Clarence Vinson-John Chason Post #3238 of the Veterans of Foreign Wars, in Camden, Delaware will have the distinct privilege of hosting Mr. Samuel Billison. Mr. Billison was one of the Navajo Code Talkers who helped the United States of America defeat the Axis Powers in the Pacific during World War II. Mr. Billison is traveling from Window Rock, Arizona to be the featured speaker at the May 31st Memorial Day observances being conducted by VFW Post #3238 at the Ceasar Rodney High School auditorium.

My state—the First State, the State that started our nation—has a long and proud history of celebrating the culture and accomplishments of Native Americans. It is only fitting, therefore, that Post Commander Mark Newman and Memorial Day Program Director Thomas E. Weyant sought out Mr. Samuel Billison, once one of the select Navajo Code Talkers.

Each Navajo Code Talker made an invaluable personal contribution to the success of our nation's effort in World War II to preserve freedom and democracy. What is most astonishing about this is that they were willing to take on the responsibilities of democracy at a time when they were not allowed to enjoy the full blessings and rights of democracy here at home.

Their communications contribution to World War II began in 1942 with a small group of 29 Navajos who shared their unique and unwritten language with the United States Marine Corps. Together they developed an unbreakable verbal code. By 1943, nearly 200 Navajo Code Talkers were dispersed to three combat divisions of the U.S. Marine Corps. As part of Marine Corps signal units, they participated through 1944 in the Pacific battles whose names bear witness to the honor and bravery of America's Marines—Bouganville, Tarawa, Cape Gloucester, the Marshall Islands, Saipan, Guam, and Peleliu.

As 1945 unfolded, all six divisions of the Marine Corps in the Pacific theater were using the distinctive skills and loyal services of approximately 400 Navajo Code Talkers. These brave Native Americans joined other courageous Marines to recapture Iwo Jima and Okinawa. In the first two days of the battle for Iwo Jima, Navajo Code Talkers flawlessly translated over 800 messages. At the end of that month-long blood bath, it was Navajo Code Talkers who spelled out "Mt. Suribachi" as the flag was raised. By late 1945, the Navajo Code Talkers were serving with the occupation forces in Japan and China.

The historical accomplishments and story of the Navajo Code Talkers must be preserved and retold for future generations. These Native American communications experts used their native tongue to thwart the enemy; to expedite military operations for critical territory; and to save countless lives in combat. Learning their story and repeating it is more than a matter of historical accuracy and completeness, or even a matter of just recognition and gratitude. As my friend Tom Weyant pointed out—speaking, I believe, for all Delawareans—it is also critical that Americans enter the New Millennium understanding the community ethos and deep patriotism of the Navajos who fought in World War II. The Navajos saw that "pulling together" was a matter of national survival. They gave unselfishly to defend ideals that even today, all we Americans still have not fully realized here in the United States, because the Navajos had faith that America would always continue to move toward the realization and fulfillment of those ideals.

Mr. President, we in Delaware salute the Navajo Code Talkers of World War II. They are unsung heroes who played a vital role in our ultimate success in the Pacific by providing a code which the Japanese never could decipher. While many knew that Native Americans faithfully served in the war, including Navajos, it was not until 1968 that the existence of this top-secret code was finally declassified and made public. Our entire country is indebted to Mr. Billison, to all the Navajo Code Talkers, and to the thousands of Native Americans from various tribes who served so loyally and selflessly in both the Pacific and European theaters of World War II. We must never forget the ultimate sacrifice these Native Americans were willing to make at a time when they and their families were not even allowed to vote or participate in the full fruits of American citizenship in several states.

Mr. Samuel Billison, the Navajo legacy of patriotism, the Navajo contribution of their unique skills, the Navajo heritage of heroism, and the Navajo example of love for America must be carried forward by us all. Your story embodies all that we Americans look for in our heroes today and that we revere in the rich tradition of our United States Marine Corps. To you and to all who served, I thank you.•

SECTION 201 PETITION FOR THE LAMB INDUSTRY

• Mr. BURNS. Mr. President, I rise today to bring to everyone's attention the issue of lamb imports. These imports are being sold well below the price of identical domestic products and have created a slow motion, chain reaction collapse of the lamb market that continues through this day.

This nation's lamb industry suffers not only from the unprecedented surge of imports that have flooded the domestic marketplace. It suffers not only from the skyrocketing, record-setting levels that now dominate one-third of all lamb consumed in the United States.

This industry also suffers from severe and consistent price undercutting by importers.

Evidence of the price disparity can be found in the report prepared by the U.S. International Trade Commission. The Commission made dozens of product-to-product comparisons. In 8 out of 10 comparisons, the Commission found imports undercutting domestic products by margins of 20 percent to 40 percent.

Other comparisons have found disparities reaching as high as 70 percent. This gulf is directly related to global economic conditions. In Asia, the widespread economic crash left traditional buyers unable to pay for new shipments of lamb meat from Australia and New Zealand—those products had to go somewhere.

It couldn't go to the European market. The European Union has absolute quotas in place to govern the amount of lamb imports into that market.

Instead, it came here, to the United States market. It came to a market that stands open and unprotected. To a market where the government has done nothing, absolutely nothing, to protect its own domestic industries from devastating surges of imports.

That surge began what amounts to a slow-motion crash of the domestic lamb market in the fall on 1997. Packers and processors with lamb to sell suddenly lost account after account to the cheaper imports. Losing money by the day, they had none to pay to their own suppliers and the lamb feeder level.

And so it went, with domestic producers hoping the surge would slow of its own accord. Hoping the importers would realize the devastation they'd wrought. Hoping they could stay in business long enough to finish upgrading equipment, or solidifying alliances—to become more competitive.

But the onslaught from imports was relentless. From the processors and packers to the feeders, the domestic market crash now reaches all the way to farms and ranches that have stood for generations—an entire industry teeters on the edge of financial ruin.

Last fall, some producers with sheep to sell couldn't find a single buyer. For the second Easter/Passover season in a row, the market's traditional high point and the largest holiday marketing period of the year—live lambs were selling in the 60-cent per pound range. Few producers in the country can remain in business at those prices.

Let me add my voice to those urging the President to fashion strong, effective import relief for the U.S. lamb industry. This relief must do two things, curb this unprecedented surge of imports and level the playing field.●

RECOGNITION OF EDGAR LEE NEWTON

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a remarkable person from my home state of Michigan, Mr. Edgar Lee Newton. On May 23, 1999, Mr. Newton will be honored upon his retirement after 18 years as the president of the Bay City branch of the NAACP.

As president of the Bay City NAACP, Edgar Newton has fought many difficult battles for equality and civil rights. Although his tireless efforts on behalf of the NAACP are worthy of recognition in their own right, Mr. Newton has not confined his community service to the NAACP. He has also served with distinction in leadership roles with organizations like the American Red Cross, the United Way, Habitat for Humanity and the Kiwanis Club.

Edgar Newton's departure from the NAACP will mark a new chapter in his life. I can only hope it is as successful as his civil rights career. Though I am sure he will remain active in the Bay City community, he will enjoy spending more time with his wife Shirley and his two children and grandchild. I am pleased to join his colleagues, friends and family in offering my thanks for all he has done.

Mr. President, Edgar Newton can take pride in the many important achievements of his tenure with the NAACP. He has truly exhibited a dedication to justice and equality for all people. I know my colleagues will join me in saluting his commitment to civil rights and in wishing him well in his retirement.●

MELISSA YORK, WINNER OF JAMES MADISON MEMORIAL FOUNDATION FELLOWSHIP

● Mr. GORTON. Today, I would like to recognize Melissa York, a teacher from Tyee High School in Seatac. She has won Washington State's 1999 James Madison Memorial Foundation Fellowship which will pay for her graduate school program.

James Madison was perhaps the hardest working and most widely respected man of his day. Commonly hailed as the Father of our Constitution, Madison had more to do with its conception than any other man. He was the driving force in organizing the convention and in establishing the tone and ironing out each obstacle that threatened the success of the Constitution.

Because of Madison's tremendous contributions to the creation of the Constitution, Congress decided to establish the Memorial Foundation Fellowship to recognize Americans who teach American history and the Constitution to our young people.

Each day Melissa teaches eleventh and twelfth graders about the Constitution and how it is used in everyday life and how it is reflected in our society. The future of our country depends on today's students and on their knowledge and comprehension of our Constitution and government.

She not only gives her students greater understanding of our country, but she also inspires her students to achieve more through her example. By continuing her own education, Melissa is showing her students that the educational process should never end.

I applaud Melissa for her hard work and dedication to her profession and for her commitment to her students and to learning.●

SALUTE TO ALEX XUE

● Mr. LEAHY. Mr. President, on Friday May 14th, MATHCOUNTS held its national competition in Washington, D.C.—the culmination of local and State competitions involving 350,000 students. It gives me great pleasure to inform my colleagues that Alex Xue, a resident of Essex Junction, VT finished second in this competition and received a $6,000 college scholarship.

In a day and age where we are bombarded by reports of failing school systems and apathetic young people, I believe it is extremely important to recognize Alex's tremendous accomplishment. His success is a tribute not only to his own intelligence and hard work, but also to his family, his teachers and his school community.

In addition to meeting with Alex and his MATHCOUNTS teammates on the Senate steps prior to the competition, by coincidence, I was on Alex's flight back to Vermont on the Sunday following his competition. I had a chance to talk with Alex and compliment him on his tremendous achievement. He was holding the trophy he had received and when I admired it, although it was clear that he was happy with it, he was especially pleased with the college scholarship. I praised him as any Vermonter would, but I was impressed with his modesty and his pride in his family and school. This is a young man who will do remarkably well in life and we Vermonters should be proud that he is one of us.

I ask that the editorial detailing Alex's achievement, which appeared in the Burlington Free Press, be printed in the RECORD.

The article follows:

[From the Burlington Free Press, May 19, 1999]

WHAT ALEX KNOWS

Imagine a 13-year-old boy who finished second in the nation in an athletic event.

Vermont would know exactly how to celebrate: His parents and coaches would be praised, he would be held up as a role model for other kids, his community would be proud.

Alex Xue of Essex Junction deserves the same response, for scoring second in a nationwide math contest last week.

This remarkable performance is a tribute to his school, though schools are rarely praised these days. This success requires effective instruction year upon year.

His award is an accolade that also belongs to his parents, who support his studies. Would that more parents lavished as much time on their children's academics as they do on their sports.

The high finish is also a sign that he is a smart kid, very smart, and that is worth a great deal in the life Alex and his classmates have ahead of them.

Of course, schools cannot fix their attention solely on top students, because they must serve everyone who enters their doors. But they can recognize talent and reward performance, because it motivates other students, and because it serves as a reminder of what school is for: to learn, to strive, to fail at times and gain by the experience, and to achieve.

For his knowledge of math, statistics, geometry and more, Alex receives a $6,000 college scholarship—a fitting prize. Learning offers rewards for every student, though, not just the smartest, and education level is the clearest indicator of a person's later wages.

Won't it be fun to see what becomes of Alex and his abilities? Wouldn't it be something if society thought of every child's potential that way?●

"FRIENDS OF ROMAN LEE HRUSKA"

● Mr. HAGEL. Mr. President, I ask that the attached comments made by the Honorable Charles Thone at the memorial service for former Senator Roman Lee Hruska, be printed in the RECORD for Monday, April 26, 1999, immediately following my remarks entitled, "Tribute to U.S. Senator Roman L. Hruska."

The comments follow:

FRIENDS OF ROMAN LEE HRUSKA

Friends all:

First, let me, and all of you here today, recognize two special people, Millie and Carl Curtis. Sen. Curtis served all 22 years with Roman, and Senator Hruska always acknowledged that no U.S. Senator ever had a more caring, a better and more cooperative colleague anywhere—anytime. Thank you, Senator Curtis.

INTRODUCTIONS

It seems only fitting to also recognize all public officials present. It is from thence, that Roman sprung. He epitomized public service at its best. He lived it! He loved it! He honored it!

He would have been pleased to know that, at the outset here, all Judges, current & past, all Federal, State and County officials, current and past, are asked to stand for a brief silent recognition. I also want to especially recognize Governor Mike Johanns; Former Governor Kay Orr and Bill; Former Governor Ben Nelson, Former Governor and U.S. Senator Jim Exon and Pat; former Congressman John Y. McCollister and Nan; Nebraska Supreme Court Chief Justice John Hendry; Congressman Doug Bereuter and Louise; and Congressman Lee Terry. Also, a special salute to former chair of the Lancaster County Board and the lifelong Douglas Theatre skilled business partner of Roman, Russell Brehm of Lincoln and his charming wife Louise Brehm. Also, Attorney General Don Stenberg, a former Hruska staff member.

It was the British iconoclast, George B. Shaw who once wisely opined, "No remarks from a former Governor are all that bad"—if they are short enough. Good stuff, but, in remembering Roman, I'm inclined to want to cover everything, filibuster a bit, if you please, and exhaust both your goodwill and patience, so I'll condense best I can! He was so special to me and many of you, too.

HIS WORK ETHIC

Roman's work was always his total recreation—Oh, occasionally he would superficially fish, hunt and in later years, cheer the mighty Cornhuskers on to victory! Early on, I must concede, he would have easily accepted the specious thought that "a quarterback was a refund on the ticket."

Many here will remember genial Dean Pohlenz, the Senator's long time and wonderful AA. He and I once seriously conspired against Roman and another very studious and important top aide to Roman, Bob Kutak. (Kutak and Harold Rock later organized Kutak-Rock, a very successful national law firm with which Roman proudly associated after leaving the Senate.) Kutak's interest and knowledge of sports made Roman look like the legendary Grantland Rice. So, Dean and I decided to reserve a table for four in the Senate Dining Room for Roman and Kutak, and then have two New York baseball stalwarts, Casey Stengel and Yogi Berra join them for lunch, ostensibly for Berra and Stengel to advise on finalizing a professional sports anti-trust bill. It didn't happen, but we figured that a recording of that awkward luncheon conversation would have gone down in history as a sports classic—of sorts.

Just a few Hruska vignettes:

DEBATE COMRADES

At Commerce High School, Roman was a star debater. His team should go down as a Hall of Famer. The team was Harry Cohen, a brilliant lawyer who was later President of the Nebraska Bar Association; Dick Robinson, another very successful lawyer, and a beloved Federal District Judge; Jerry Kutak, business tycoon, President of Guarantee Life of Hammond, Ind; and Roman. They stayed life-long friends and confidants and what a joy it was just to see the four together visiting and reminiscing.

OMAHA ROOTS

Roman loved Omaha, and he effectively promoted his town throughout his career—he was the Senate architect of its Interstate System. S.A.C. and his friend, Curtis LeMay, were also tremendous beneficiaries of his Senate Appropriation skills. Chuck Durham, Ed Owen, Morrie Jacobs, Art Storz, Don Ross, John McCollister, Peter Kiewit, Cliff and Ann Batchelder were notables as his early Omaha Betterment Co-Conspirators.

WORLD-HERALD RESPECT

He always thought the Omaha World-Herald was easily the country's best newspaper and frequently checked in with then publisher, Walt Christensen and editor, Fred Ware—and, there was also a brilliant, hard working Statehouse and Douglas County Court House Reporter named Harold Andersen, whom he respected very much. World-Herald-wise, we wonder what ever happened to Harold.

FAMILY LOVE

Family was most important to Roman. His wife and life-long partner, Victoria Kuncl Hruska was simply the best. A special wife and mother—and a political associate in a very effective low-key way—no flim-flam, no nonsense, just herself—beautiful Victoria. We last visited with able and vivacious daughter, Jana at the David City Library Dedication Ceremony. She has been suffering terribly with dreaded Lou Gehrig's disease. Her devoted husband, Charlie Fagan, is here from Maryland. Son Quentin came home several years ago and carefully cared so well for his parents. You met the "Big Guy", eldest son, Roman Jr., earlier on this program—his wife is the former MaryAnn Behlen of Columbus. Many grandchildren, nieces and nephews are also here today. Ultimately, family was first for Roman—as it is with all of us.

THE CAMPAIGNER

Roman was never happier nor better showcased than when he was on those early day political campaigns. Ruth and I were visiting the other day about a particular stump speech he once made—with a partially eaten kolache in his left hand—on a Main Street corner at Schuyler during the Nebraska Republican caravan. It was indeed a powerful speech, spliced with Czech phrases and when he finished his remarks, the audience acknowledged him as if he were truly the "second coming." The same result happened a couple of weeks later in a Hotel Ballroom in Broken Bow where the usually very reserved Sandhills crowd gave his at least a five minute standing ovation on his inspiring message and brilliant delivery. Oh, he could be a spell-binder deluxe, given the proper occasion.

A NEAR MISS

In the late 50's, a national search was on for a new leader of the Republican Party. The conservative kingmakers didn't publicize it, of course, but the short list came down to the two U.S. Senators with safe seats, Roman Hruska and Barry M. Goldwater of Arizona. Goldwater was ultimately designated somewhat on geography, but mostly because they determined that the TV cameras showcased Goldwater better. The rest, as they say, is history.

HE HONORED THE LAW

Most importantly, Roman Hruska's entire life revolved around the law. He lived by this creed once enunciated by Patrick Henry, "Always honor the law because the law has honored you."

Roman spent his first two law years studying at the University of Chicago Law School. Then he attended the Creighton Law School from which he graduated in 1929, just before the great depression hit with all its fury. He then, in the next 20 or so years, built up a substantial law practice, and from there was appointed to the Douglas County Board. He became its energetic, successful Chairman, known for his integrity and ability. He was always a prodigious worker. Even his political adversaries conceded that he achieved a lot the old fashioned way. He earned it.

Then to Congress for most of one term, then 22 years in the U.S. Senate. In the Senate, he was Minority Leader Everett M. Dirksen's right hand bower on the floor of the Senate. Dirksen—"The billion here, and a billion there guy"—called Roman his floor lawyer. Often, on major legislation, Dirksen would tell his senate colleagues if they had amendments, objections, or whatever—"Clear it with Roman." Roman became a skilled practitioner of the "art of the possible" and he closed many legislative deals for Dirksen.

EXTRAORDINARY SERVICE

It was as the "Minority Leader" of the Senate Judiciary Committee for almost 20 years, that Senator Hruska formally and extraordinarily honored the law.

He worked awfully hard and most effectively, to not only give fairness but structure and design to the law so it would be more effective and easier to use by Federal Judges, the Federal Court System and lawyers.

For the improvement of the rule of law, he co-sponsored the Criminal Code Reform Act of 1975 and the Criminal Justice Codification Revision and Reform Act of '73. For you lawyers here, this was a very substantial overhaul of the entire title 18 of the U.S. Code. His was the Bankruptcy Reform Act of 1978.

He, John McClelland, John Stennis, and Jim Eastland, Senior Democrat on the Committee, bonded and his working relationship with the Majority Party was always just something else, and highly unusual. For example, when he left the Senate, he had presided or co-presided over the confirmation hearings of all nine members of the U.S. Supreme Court—unprecedented in history—and that was an era of "civility" that seems to escape such modern day confirmation hearings. He was the principal architect of both the Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970. In 1972 and the years following, he served as Chairman of the Federal Commission on the Revision of the Federal Court Appellate System of the U.S. and I could go on; suffice it to say that for several years, no Justice Department initiative, no Federal Judgeship, no major legislation moved out of the Senate Judiciary Committee until it had received his careful scrutiny and approval. Throughout, he honored the law, and he honored the Senate as an Institution. Roman's fingerprints, literally, were all over everything processed by Judiciary during these years.

ROMAN WAS SPECIAL

Let me say in closing, that we are not here for Roman, we are here for us. We need this—he doesn't! Whatever comes to us after the moment of our earthly death is beyond our understanding.

So, we remain here alive, confused and disconcerted. Above all, let's remember this about him:

Grace was in his soul, a smile and kind word were on his lips and friendship was in his heart always.

First, last, and always, he was a gentleman.

These words are so true for Roman, and perhaps, just perhaps, they alone might be a fitting eulogy. And, as a very recent World-

Herald editorial writer noted: "The standards for integrity and service that Sen. Hruska set for himself, will long stand as his most fitting memorial".

A quick postscript paraphrasing beautiful Ecclasiastes, Chapter III, "to everything there is a season and a time for every purpose under heaven . . . A time to plant, and a time to harvest, a time to be born and a time to die."

Roman, you had a long and superlative life, and we're all a little better because you cared and touched us.

In Czech—Nas Dar—Good Bye—Dear Roman . . .

RETIREMENT OF MAJOR GENERAL DAVID W. GAY

• Mr. LIEBERMAN. Mr. President, I rise today to bring to the attention of Senators the retirement of Major General David W. Gay, Adjutant General of the Connecticut National Guard, after a military career that has spanned more than 40 years.

The recipient of many military awards and honors, including the Army Distinguished Service Medal, the Legion of Merit Award, and the National Guard Bureau's Eagle Award, General Gay has been a valuable friend to me and all the people of Connecticut. His experience and dedication have helped make the Connecticut National Guard the exemplary organization that it is today.

General Gay's contributions to the state go far beyond his command of both the Army and Air National Guard. His record of community service equals his record of military service and his participation in such activities as the Nutmeg State Games and the Character Counts State Advisory Board demonstrate his love for the community he calls home.

Even in retirement, General Gay will continue to work for the people of Connecticut as the state's Year 2000 Coordinator. I am happy to extend my thanks to General Gay for his years of distinguished service and offer my best wishes in his retirement.•

SUPPORT FOR S. RES. 99

• Mr. REID. Mr. President, I ask that the attached letter of support from the American Psychological Association be printed in the RECORD in support of S. Res. 99.

The letter follows:

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, May 10, 1999.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the 159,000 members and affiliates of the American Psychological Association (APA), I want to express support for your proposed Senate Resolution that would designate November 20, 1999, as "National Survivors for Prevention of Suicide Day."

The APA is concerned that suicide rates among young adolescents, African American males, American Indians/Alaskan Natives, and the elderly have increased dramatically in recent years. Since the 1950's, suicide rates among youth have nearly tripled. Between 1980 and 1990, the suicide rate increased by 30 percent in the 10- to 19-year-old age group. Suicide is the second leading cause of death for 15- to 24-year-old American Indians and Alaskan Natives. For Americans age 65 and older, the suicide rate increased by nine percent between 1980 and 1992 Elderly Americans comprise about 13 percent of the country's population but account for about 20 percent of all suicides.

Suicide is the eighth leading cause of death in the United States—our country is in dire need of a national effort to prevent suicide. In response to that need, the Surgeon General has been working with mental health advocates to develop a National Strategy for the Prevention of Suicide and is expected to publish a final version of the coordinated strategy later this year.

Your proposed Senate resolution would serve to further the intent of S. Res. 84, which you successfully introduced in the last Congress, to recognize suicide as a national problem and declare suicide prevention as a national priority. The proposed resolution would acknowledge the trauma of those who have suffered the loss of a loved one from suicide (suicide survivors) and the support they derive from one another. Their active involvement individually and through organizations has been instrumental in efforts to reduce suicide through research, education, and treatment programs.

In closing, the APA lends its support to you and other members of Congress in securing passage of this resolution. We also look forward to learning more about the administration's initiatives at the upcoming hearing on the National Strategy for the Prevention of Suicide before the Appropriations Subcommittee on Labor-Health and Human Services-and Education.

With best regards,
RAYMOND D. FOWLER, Ph.D.,
Executive Vice President and
Chief Executive Officer.•

SMALL BUSINESS ADMINISTRATION'S PERSON OF THE YEAR: MR. GREGORY SULLIVAN

• Mr. ASHCROFT. Mr. President, it is with great pride that I stand before this body today to congratulate a truly remarkable Missourian, Mr. Gregory Sullivan—the Small Business Administration's Person of the Year. Mr. Sullivan founded G.A. Sullivan in 1982 with just $300 in start-up capital. Today, it is one of the fastest growing technology companies in the nation. This custom software company has appeared on Inc. Magazine's 500 list of fastest growing companies for the past two years. G.A. Sullivan also is leader in the St. Louis community—ranking among the top seven fastest growing technology companies in St. Louis for the past three consecutive years.

In reading Greg's story, I was intrigued by his biggest challenge. To me it shows the remarkable risks taken by America's entrepreneurs. Ten years after starting the company—after paying his dues programming computers and building the foundation of the business—he knew that there would be a huge growth in information technology industry. At that point, he had to decide on his business' future. In December 1992, he decided to go forward with an aggressive business expansion program. He engaged an advertising agency, developed a business plan, designed a logo, hired a marketing consultant to build a sales staff and started aggressively recruiting technical talent. Since that time, sales have grown over 1,400 percent and he now employs nearly 175 people—his clear vision paid off.

While Greg's custom software development services company provides leading edge information technology in the business arena—he personally is a leader in the community. He was recently appointed Vice Chairman of Science and Technology for the St. Louis Regional Commerce and Growth Association. I understand that he personally conducts workshops on résumé writing skills, interviewing and networking to help students be competitive in the after-graduation job market. He also has established the G.A. Sullivan Scholarship fund.

Mr. Sullivan is the 36th recipient of this annual entrepreneurial award. He was selected from a field of 53 state small business persons of the year winners representing the 50 states, the District of Columbia, Puerto Rico and Guam. The national entrepreneur award is the highlight of the Small Business Administration's national Small Business Week celebration. Small Business Week honors contributions of the nation's small business owners who are the backbone of this great nation. The SBA selects winners on their record of stability, growth in employment and sales, sound financial status, innovation, and the company's response to adversity and community service.

It honors me to stand before you today to congratulate Mr. Sullivan as the Small Business Administration's Person of the Year. Mr. Sullivan exemplifies the "American Dream," and is living proof that with hard work and dedication any one individual can succeed.•

SALUTE TO LOIS BODOKY

• Mr. LEAHY. Mr. President, I salute a longtime Vermont businesswoman, and a fixture on Burlington's Church Street Marketplace, Mrs. Lois Bodoky.

Lois is affectionately known in Burlington as the "Hot Dog Lady", for she recently celebrated the 25th anniversary of her business running a hot dog cart in downtown Burlington.

Lois went into the hot dog business not long after her hair salon was lost in a fire, and at the same time I was running my first campaign for U.S. Senator. Back then, Church Street was a typical Vermont downtown, and Lois operated her cart on the sidewalk as cars and buses passed on the street. Now, her cart is in a prime spot on Church Street Marketplace, which became a pedestrian mall in the early 1980's, and is one of Vermont's prime shopping areas.

Since Lois went into business, downtown Burlington has seen many changes, but the "Hot Dog Lady's" cart has remained a fixture, even in some of Vermont's coldest months. She is truly a Burlington institution and is most reliable to members of the downtown crowd who cannot let a lunch hour pass without a lunch from Lois.•

WESTPORT VOLUNTEER EMERGENCY SERVICES

• Mr. LIEBERMAN. Mr. President, I rise today to formally congratulate Westport Volunteer Emergency Services on its 20th Anniversary. The fine men and women who founded, operate, and support this organization have distinguished themselves as one the pillars on which the principles of community service rest.

The EMS team has truly been an asset to the town of Westport and has had a profound impact on the individuals and families who have benefited from its experience and training. Its quick service and professional response has made it one of the state's most well-respected EMS corps. We have all been taught that we have an obligation to help our neighbors in need, but this organization has truly taken this credo to heart and has earned commendation for the lives it has saved, the families it has assisted, and the time it has contributed to improving the entire community.

I give special congratulations to the 23 original members and staff of WVEMS who are still active today. They should be very proud of the positive impact of this organization, and I am certain that they appreciate more than anyone the growth and development of this outstanding EMS corps.

Westport EMS provides immediate, front-line assistance that is so valuable to our neighbors in needs and does so on a volunteer basis. Its efforts have made a difference to children and adults alike over these last two decades and done more than its part to improve the Town of Westport. I an confident that Westport Volunteer Emergency Medical Services will continue its sterling record of service far into the future.•

SATELLITE HOME VIEWERS IMPROVEMENT ACT

On May 20, 1999, the Senate amended and passed H.R. 1554, the Satellite Home Viewers Improvement Act, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1554) entitled "An Act to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—SATELLITE HOME VIEWERS IMPROVEMENTS ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Satellite Home Viewers Improvements Act".

SEC. 102. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

(a) In General.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

"§ 122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets

"(a) Secondary Transmissions of Television Broadcast Stations by Satellite Carriers.—A secondary transmission of a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(1) the secondary transmission is made by a satellite carrier to the public;

"(2) the secondary transmission is permissible under the rules, regulations, or authorizations of the Federal Communications Commission; and

"(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(A) each subscriber receiving the secondary transmission; or

"(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(b) Reporting Requirements.—

"(1) Initial lists.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and street address, including county and zip code) all subscribers to which the satellite carrier currently makes secondary transmissions of that primary transmission.

"(2) Subsequent lists.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the network a list identifying (by name and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

"(3) Use of subscriber information.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

"(4) Requirements of stations.—The submission requirements of this subsection shall apply to a satellite carrier only if the network to whom the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register shall maintain for public inspection a file of all such documents.

"(c) No Royalty Fee Required.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

"(d) Noncompliance With Reporting Requirements.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b).

"(e) Willful Alterations.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

"(f) Violation of Territorial Restrictions on Statutory License for Television Broadcast Stations.—

"(1) Individual violations.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a television broadcast station and embodying a performance or display of a work to a subscriber who does not reside in that station's local market, and is not subject to statutory licensing under section 119, is actionable as an act of infringement under section 501 and is fully subject to the remedies provided by sections 502 through 506 and 509, except that—

"(A) no damages shall be awarded for such act of infringement if the satellite carrier took corrective action by promptly withdrawing service from the ineligible subscriber; and

"(B) any statutory damages shall not exceed $5 for such subscriber for each month during which the violation occurred.

"(2) Pattern of violations.—If a satellite carrier engages in a willful or repeated pattern or practice of secondarily transmitting to the public a primary transmission made by a television broadcast station and embodying a performance or display of a work to subscribers who do not reside in that station's local market, and are not subject to statutory licensing under section 119, then in addition to the remedies under paragraph (1)—

"(A) if the pattern or practice has been carried out on a substantially nationwide basis, the court shall order a permanent injunction barring the secondary transmission by the satellite carrier of the primary transmissions of that television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), and the court may order statutory damages not exceeding $250,000 for each 6-month period during which the pattern or practice was carried out; and

"(B) if the pattern or practice has been carried out on a local or regional basis with respect to more than one television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), the court shall order a permanent injunction barring the secondary transmission in that locality or region by the satellite carrier of the primary transmissions of any television broadcast station, and

the court may order statutory damages not exceeding $250,000 for each 6-month period during which the pattern or practice was carried out.

"(g) BURDEN OF PROOF.—In any action brought under subsection (d), (e), or (f), the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a television broadcast station is made only to subscribers located within that station's local market.

"(h) GEOGRAPHIC LIMITATIONS ON SECONDARY TRANSMISSIONS.—The statutory license created by this section shall apply to secondary transmissions to locations in the United States, and any commonwealth, territory, or possession of the United States.

"(i) EXCLUSIVITY WITH RESPECT TO SECONDARY TRANSMISSIONS OF BROADCAST STATIONS BY SATELLITE TO MEMBERS OF THE PUBLIC.—No provision of section 111 or any other law (other than this section and section 119) shall be construed to contain any authorization, exemption, or license through which secondary transmissions by satellite carriers of programming contained in a primary transmission made by a television broadcast station may be made without obtaining the consent of the copyright owner.

"(j) DEFINITIONS.—In this section—

"(1) The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

"(2) The term 'local market' for a television broadcast station has the meaning given that term under rules, regulations, and authorizations of the Federal Communications Commission relating to carriage of television broadcast signals by satellite carriers.

"(3) The terms 'network station', 'satellite carrier' and 'secondary transmission' have the meaning given such terms under section 119(d).

"(4) The term 'subscriber' means an entity that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

"(5) The term 'television broadcast station' means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 121 the following:

"122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local market.".

SEC. 103. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103–369; 108 Stat. 3481) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 104. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS.

Section 119(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

"(4) REDUCTION.—

"(A) SUPERSTATION.—The rate of the royalty fee in effect on January 1, 1998 payable in each case under subsection (b)(1)(B)(i) shall be reduced by 30 percent.

"(B) NETWORK.—The rate of the royalty fee in effect on January 1, 1998 payable under subsection (b)(1)(B)(ii) shall be reduced by 45 percent.

"(5) PUBLIC BROADCASTING SERVICE AS AGENT.—For purposes of section 802, with respect to royalty fees paid by satellite carriers for retransmitting the Public Broadcasting Service satellite feed, the Public Broadcasting Service shall be the agent for all public television copyright claimants and all Public Broadcasting Service member stations.".

SEC. 105. DEFINITIONS.

Section 119(d) of title 17, United States Code, is amended by striking paragraph (10) and inserting the following:

"(10) UNSERVED HOUSEHOLD.—The term 'unserved household', with respect to a particular television network, means a household that cannot receive, through the use of a conventional outdoor rooftop receiving antenna, an over-the-air signal of grade B intensity (as defined by the Federal Communications Commission) of a primary network station affiliated with that network or is not otherwise eligible to receive directly from a satellite carrier a signal of that television network (other than a signal provided under section 122) in accordance with section 338 of the Communications Act of 1934.".

SEC. 106. PUBLIC BROADCASTING SERVICE SATELLITE FEED.

(a) SECONDARY TRANSMISSIONS.—Section 119(a)(1) of title 17, United States Code, is amended—

(1) by striking the paragraph heading and inserting "(1) SUPERSTATIONS AND PBS SATELLITE FEED.—";

(2) by inserting "or by the Public Broadcasting Service satellite feed" after "superstation"; and

(3) by adding at the end the following: "In the case of the Public Broadcasting Service satellite feed, the compulsory license shall be effective until January 1, 2002.".

(b) DEFINITIONS.—Section 119(d) of title 17, United States Code, is amended—

(1) by amending paragraph (9) to read as follows:

"(9) SUPERSTATION.—The term 'superstation'—

"(A) means a television broadcast station, other than a network station, licensed by the Federal Communications Commission that is secondarily transmitted by a satellite carrier; and

"(B) includes the Public Broadcasting Service satellite feed."; and

(2) by adding at the end the following:

"(12) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term 'Public Broadcasting Service satellite feed' means the national satellite feed distributed by the Public Broadcasting Service consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.".

SEC. 107. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting "is permissible under the rules, regulations, and authorizations of the Federal Communications Commission," after "satellite carrier to the public for private home viewing,";

(2) in paragraph (2), by inserting "is permissible under the rules, regulations, and authorizations of the Federal Communications Commission," after "satellite carrier to the public for private home viewing,"; and

(3) by adding at the end the following:

"(11) STATUTORY LICENSE CONTINGENT ON COMPLIANCE WITH FCC RULES AND REMEDIAL STEPS.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a broadcast station licensed by the Federal Communications Commission is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if, at the time of such transmission, the satellite carrier is not in compliance with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast station signals.".

SEC. 108. TELEVISION BROADCAST STATION STANDING.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

"(f) With respect to any secondary transmission that is made by a satellite carrier of a primary transmission embodying the performance or display of a work and is actionable as an act of infringement under section 122, a television broadcast station holding a copyright or other license to transmit or perform the same version of that work shall, for purposes of subsection (b) of this section, be treated as a legal or beneficial owner if such secondary transmission occurs within the local market of that station.".

SEC. 109. MORATORIUM ON COPYRIGHT LIABILITY.

Until December 31, 1999, no subscriber, as defined under section 119(d)(8) of title 17, United States Code, located within the predicted Grade B contour of a local network television broadcast station shall have satellite service of a distant network signal affiliated with the same network terminated, if that subscriber received satellite service of such network signal before July 11, 1998, as a result of section 119 of title 17, United States Code.

SEC. 110. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on January 1, 1999, except the amendments made by section 104 shall take effect on July 1, 1999.

TITLE II—SATELLITE TELEVISION ACT OF 1999

SEC. 201. SHORT TITLE.

This title may be cited as the "Satellite Television Act of 1999".

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting competition in cable services and making available to the public a diversity of views and information through cable television and other video media.

(2) In the Telecommunications Act of 1996, Congress stated its policy of securing lower prices and higher quality service for American telecommunications consumers and encouraging the rapid deployment of new telecommunications technologies.

(3) In most places throughout America, cable television system operators still do not face effective competition from other providers of multichannel video service.

(4) Absent effective competition, the market power exercised by cable television operators enables them to raise the price of cable service to consumers, and to control the price and availability of cable programming services to other multichannel video service providers. Current Federal Communications Commission rules have been inadequate in constraining cable price increases.

(5) Direct-to-home satellite service has over 8 million subscribers and constitutes the most significant competitive alternative to cable television service.

(6) Direct-to-home satellite service currently suffers from a number of statutory, regulatory, and technical barriers that keep it from being

an effective competitor to cable television in the provision of multichannel video services.

(7) The most prominent of these barriers is the inability to provide subscribers with local television broadcast signals by satellite.

(8) Permitting providers of direct-to-home satellite service to retransmit local television signals to their subscribers would greatly enhance the ability of direct-to-home satellite service providers to compete more effectively in the provision of multichannel video services.

(9) Due to capacity limitations and in the interest of providing service in as many markets as possible, providers of direct-to-home satellite service, unlike cable television systems, cannot at this time carry all local television broadcast signals in all the local television markets they seek to serve.

(10) It would be in the public interest for providers of direct-to-home satellite service to fully comply with the mandatory signal carriage rules at the earliest possible date. In the interim, requiring full compliance with the mandatory signal carriage rules would substantially limit the ability of direct-to-home satellite service providers to compete in the provision of multichannel video services and would not serve the public interest.

(11) Maintaining the viability of free, local, over-the-air television service is a matter of preeminent public interest.

(12) All subscribers to multichannel video services should be able to receive the signal of at least one station affiliated with each of the major broadcast television networks.

(13) Millions of subscribers to direct-to-home satellite service currently receive the signals of network-affiliated stations not located in these subscribers' local television markets. Where conventional rooftop antennas cannot provide satisfactory reception of local stations, distant network signals may be these subscribers' only source of network television service.

(14) The widespread carriage of distant network stations in local network affiliates' markets could harm the local stations' ability to serve their local community.

(15) Abrupt termination of satellite carriers' provision of distant network signals could have a negative impact on the ability of direct-to-home satellite service to compete effectively in the provision of multichannel video services.

(16) The public interest would be served by permitting direct-to-home satellite service providers to continue existing carriage of a distant network affiliate station's signal where—

(A) there is no local network affiliate;

(B) the local network affiliate cannot be adequately received off-air; or

(C) continued carriage would not harm the local network station.

SEC. 203. PURPOSE.

The purpose of this title is to promote competition in the provision of multichannel video services while protecting the availability of free, local, over-the-air television, particularly for the 22 percent of American television households that do not subscribe to any multichannel video programming service.

SEC. 204. MUST-CARRY FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following:

"SEC. 338. CARRIAGE OF LOCAL TELEVISION STATIONS BY SATELLITE CARRIERS.

"(a) APPLICATION OF MANDATORY CARRIAGE TO SATELLITE CARRIERS.—The mandatory carriage provisions of sections 614 and 615 of this Act will apply in a local market no later than January 1, 2002, to satellite carriers retransmitting any television broadcast station in that local market pursuant to the compulsory license provided by section 122 of title 17, United States Code.

"(b) GOOD SIGNAL REQUIRED.—

"(1) COSTS.—A television broadcast station eligible for carriage under subsection (a) may be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier. The selection of a local receive facility by a satellite carrier shall not be made in a manner that frustrates the purposes of this Act. The Commission shall implement the requirements of this section without imposing any undue economic burden on any party.

"(2) RULEMAKING REQUIRED.—The Commission shall adopt rules implementing paragraph (1) within 180 days after the date of enactment of the Satellite Television Act of 1999.

"(c) CABLE TELEVISION SYSTEM DIGITAL SIGNAL CARRIAGE NOT COVERED.—Nothing in this section applies to the carriage of the digital signals of television broadcast stations by cable television systems.

"(d) DEFINITIONS.—In this section:

"(1) TELEVISION BROADCAST STATION.—The term 'television broadcast station' means a full power local television broadcast station, but does not include a low-power or translator television broadcast station.

"(2) NETWORK STATION.—The term 'network station' means a television broadcast station that is owned or operated by, or affiliated with, a broadcasting network.

"(3) BROADCASTING NETWORK.—The term 'broadcasting network' means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

"(4) DISTANT TELEVISION STATION.—The term 'distant television station' means any television broadcast station that is not licensed and operating on a channel regularly assigned to the local television market in which a subscriber to a direct-to-home satellite service is located.

"(5) LOCAL MARKET.—The term 'local market' means the designated market area in which a station is located. For a noncommercial educational television broadcast station, the local market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

"(6) SATELLITE CARRIER.—The term 'satellite carrier' has the meaning given it by section 119(d) of title 17, United States Code.

"SEC. 339. CARRIAGE OF DISTANT TELEVISION STATIONS BY SATELLITE CARRIERS.

"(a) PROVISIONS RELATING TO NEW SUBSCRIBERS.—

"(1) IN GENERAL.—Except as provided in subsection (d), direct-to-home satellite service providers shall be permitted to provide the signals of 1 affiliate of each television network to any household that initially subscribed to direct-to-home satellite service on or after July 10, 1998.

"(2) ELIGIBILITY DETERMINATION.—The determination of a new subscriber's eligibility to receive the signals of one or more distant network stations as a component of the service provided pursuant to paragraph (a) shall be made by ascertaining whether the subscriber resides within the predicted Grade B service area of a local network station. The Individual Location Longley-Rice methodology described by the Commission in Docket 98-201 shall be used to make this determination. A direct-to-home satellite service provider may provide the signal of a distant network station to any subscriber determined by this method to be unserved by a local station affiliated with that network.

"(3) RULEMAKING REQUIRED.—

"(A) Within 90 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall adopt procedures that shall be used by any direct-to-home satellite service subscriber requesting a waiver to receive one or more distant network signals. The waiver procedures adopted by the Commission shall—

"(i) impose no unnecessary burden on the subscriber seeking the waiver;

"(ii) allocate responsibilities fairly between direct-to-home satellite service providers and local stations;

"(iii) prescribe mandatory time limits within which direct-to-home satellite service providers and local stations shall carry out the obligations imposed upon them; and

"(iv) prescribe that all costs of conducting any measurement or testing shall be borne by the direct-to-home satellite service provider, if the local station's signal meets the prescribed minimum standards, or by the local station, if its signal fails to meet the prescribed minimum standards.

"(4) PENALTY FOR VIOLATION.—Any direct-to-home satellite service provider that knowingly and willfully provides the signals of 1 or more distant television stations to subscribers in violation of this section shall be liable for forfeiture in the amount of $50,000 per day per violation.

"(b) PROVISIONS RELATING TO EXISTING SUBSCRIBERS.—

"(1) MORATORIUM ON TERMINATION.—Until December 31, 1999, any direct-to-home satellite service may continue to provide the signals of distant television stations to any subscriber located within predicted Grade A and Grade B contours of a local network station who received those distant network signals before July 11, 1998.

"(2) CONTINUED CARRIAGE.—Direct-to-home satellite service providers may continue to provide the signals of distant television stations to subscribers located between the outside limits of the predicted Grade A contour and the predicted Grade B contour of the corresponding local network stations after December 31, 1999, subject to any limitations adopted by the Commission under paragraph (3).

"(3) RULEMAKING REQUIRED.—

"(A) Within 180 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall conclude a single rulemaking, compliant with subchapter II of chapter 5 of title 5, United States Code, to examine the extent to which any existing program exclusivity rules should be imposed on distant network stations provided to subscribers under paragraph (2).

"(B) The Commission shall not impose any program exclusivity rules on direct-to-home satellite service providers pursuant to subparagraph (A) unless it finds that it would be both technically and economically feasible and otherwise in the public interest to do so.

"(c) WAIVERS NOT PRECLUDED.—Notwithstanding any other provision in this section, nothing shall preclude any network stations from authorizing the continued provision of distant network signals in unaltered form to any direct-to-home satellite service subscriber currently receiving them.

"(d) CERTAIN SIGNALS.—Providers of direct-to-home satellite service may continue to carry the signals of distant network stations without regard to subsections (a) and (b) in any situation in which—

"(1) a subscriber is unserved by the local station affiliated with that network;

"(2) a waiver is otherwise granted by the local station under subsection (c); or

"(3) if the carriage would otherwise be consistent with rules adopted by the Commission in CS Docket 98-201.

"(e) REPORT REQUIRED.—Within 180 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall report

to Congress on methods of facilitating the delivery of local signals in local markets, especially smaller markets.''.

SEC. 205. RETRANSMISSION CONSENT.

(a) AMENDMENT OF SECTION 325(b).—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended by striking the subsection designation and paragraphs (1) and (2) and inserting the following:

''(b)(1) No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

''(A) with the express authority of the station; or

''(B) pursuant to section 614 or section 615, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under that section.

''(2) The provisions of this subsection shall not apply to—

''(A) retransmission of the signal of a television broadcast station outside the station's local market by a satellite carrier directly to subscribers if—

''(i) that station was a superstation on May 1, 1991;

''(ii) as of July 1, 1998, such station's signal was transmitted under the compulsory license of section 119 of title 17, United States Code, by satellite carriers directly to at least 250,000 subscribers; and

''(iii) the satellite carrier complies with any program exclusivity rules that may be adopted by the Federal Communications Commission pursuant to section 338.

''(B) retransmission of the distant signal of a broadcasting station that is owned or operated by, or affiliated with, a broadcasting network directly to a home satellite antenna, if the subscriber resides in an unserved household; or

''(C) retransmission by a cable operator or other multichannel video programming distributor (other than by a satellite carrier direct to its subscribers) of the signal of a television broadcast station outside the station's local market, if that signal was obtained from a satellite carrier and—

''(i) the originating station was a superstation on May 1, 1991; and

''(ii) the originating station was a network station on December 31, 1997, and its signal was retransmitted by a satellite carrier directly to subscribers.

''(3) Any term used in this subsection that is defined in section 337(d) of this Act has the meaning given to it by that section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 1999.

SEC. 206. DESIGNATED MARKET AREAS.

Nothing in this title, or in the amendments made by this title, prevents the Federal Communications Commission from revising the listing of designated market areas or reassigning those areas if the revision or reassignment is done in the same manner and to the same extent as the Commission's cable television mandatory carriage rules provide.

SEC. 207. SEVERABILITY.

If any provision of this title or section 325(b) or 337 of the Communications Act of 1934 (47 U.S.C. 325(b) or 337, respectively), or the application of that provision to any person or circumstance, is held by a court of competent jurisdiction to violate any provision of the Constitution of the United States, then the other provisions of that section, and the application of that provision to other persons and circumstances, shall not be affected.

SEC. 208. DEFINITIONS.

In this title:

(1) TERMS DEFINED IN COMMUNICATIONS ACT OF 1934.—Any term used in this title that is defined in section 337(d) of the Communications Act of 1934, as added by section 204 of this title, has the meaning given to it by that section.

(2) DESIGNATED MARKET AREA.—The term ''designated market area'' means a designated market area, as determined by Nielsen Media Research and published in the DMA Market and Demographic Report.

ORDERS FOR MAY 25, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 on Tuesday, May 25. I further ask consent that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of S. 1059 as under that order.

I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that no additional amendments be in order, other than the amendments agreed to in the previous consent, prior to the votes at 2:15 p.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will resume consideration of the Defense Authorization bill tomorrow. Under the order, the Senate will debate several amendments, with the votes on those amendments occurring in a stacked sequence beginning at 2:15 p.m. Tuesday afternoon. All Senators should, therefore, expect at least three votes occurring at 2:15. It is the intention of the majority leader to complete action on this bill as early as possible this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Tuesday, May 25, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1999:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PAUL STEVEN MILLER, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2004. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM J. BEGERT, 2790

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES R. HOLLAND, 4055

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MAXWELL C. BAILEY, 0835

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, Chaplain Corps

COL. DAVID H. HICKS, 1012

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. THOMAS B. FARGO, 9953

WITHDRAWAL

Executive message transmitted by the President to the Senate on May 24, 1999, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF STATE

J. BRIAN ATWOOD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRAZIL, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 1999.

EXTENSIONS OF REMARKS

TAIWAN RELATIONS ACT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. HINCHEY. Mr. Speaker, on the occasion of the twentieth anniversary of the Taiwan Relations Act, I wish to take this opportunity to congratulate the Republic of China on Taiwan and its people on the progress they have made since that time. Taiwan has established itself as a stable political presence in Asia, an important economic power, and proof that democracy can work in Asia. At the time of its enactment, there were some who believed that this new foundation for relations between our countries would not work, that our friendship would dissipate, and that Taiwan would be weakened.

But that has not been the case. If anything, I believe our friendship and understanding has strengthened since that time. Taiwan's determination not just to set its own course, but to develop and mature as a nation has grown. Its economic achievements in that time are especially impressive: no other Asian nation was as successful in withstanding the recent economic crisis on that continent. But I continue to believe that its most impressive achievement has been the development of a multiparty democracy, and its readiness to share power among its democratic parties.

I wish to extend my congratulations to President Lee Teng-hu—who once resided in my congressional district—on his achievements in office, and also to Representative Stephen S. F. Chen on the capable job he has done as Taiwan's representative here under the Taiwan Relations Act.

TRIBUTE TO THE CHURCH OF SAINT ROSE OF LIMA

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Church of Saint Rose of Lima on the occasion of its Eighth Annual Dinner Dance.

The members of the Church of Saint Rose of Lima have long been known for their commitment to community service and to enhancing the quality of life for all New York residents.

This year's Dinner Dance is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others. This year's honorees truly represent the best of what our community has to offer.

Mario Russo and his wife, Diana, met in the Rockaways and were married at Saint Rose of Lima Church on November 30, 1941, by Rev. James Galvin. A carpenter by trade, Mario has worked on many of the Rockaway projects such as Hammels Houses, Arvene, Nordeck, Dayton and Surfside. Mario Russo has routinely worked on improving the quality of life of his friends and neighbors in the Rockaways. He has served as the head of the Somerville-Arvene Civic Association, President of the Arvene Civic Council and been a member of Community Board 14 for the last thirty years. In addition, Mario Russo, has been an active member of the American Legion, the Rockaway Civic Association, and his local Chamber of Commerce. For the last thirty-five years, Mario Russo has conducted a yearly campaign for Earth Day and Plant Up for Trees.

Jo Ann Francis Celeste Mullaney Shapiro, has been an active member of the Rockaway community for over fifteen years. Her involvement spans from graffiti removal projects, increasing our police protection, improving our children's education, to fighting for our senior citizens. Jo Ann Shapiro is the Past President of the Rockaway Kiwanis Club and an active member of the Rockaway Beach Civic Association. She is a founding member of the Far Rockaway High School based Health Clinic and past Chairperson of its advisory board. She is an active member of the Business and Professional Women Club and the Peninsula Regular Democratic Club. Jo Ann has worked for the New York City Board of Education in Community School District 27 and served as her school's U.F.T. Chapter Chairperson. She is an active member of the Saint Rose of Lima Parish and serves as Assemblywoman Audrey I. Pheffer's Chief of Staff where she makes Rockaway's issues, her issues.

Each of today's honorees has long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Church of Saint Rose of Lima.

RECOGNITION OF OSSABAW ISLAND FOUNDATION AND IMPORTANCE OF WORKING TO PRESERVE NATURAL HABITATS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. KINGSTON. Mr. Speaker, I rise today to recognize the Ossabaw Island Foundation and the Georgia Commissioner of Natural Resources for their efforts to preserve Ossabaw Island, Georgia's first Heritage Preserve.

Georgia's high rate of population and economic growth have created statewide expansion into previously uninhabited areas. Efforts to preserve and protect endangered natural areas is vital to the well-being of Georgia's environment.

Ossabaw Island is one of the few remaining barrier islands on the Atlantic Coast to remain in an undeveloped state. The fragile ecosystems of the island should be preserved so that natural areas along the coast will work to protect estuaries, wildlife, marshes, and coastal shorelines. If Ossabaw Island remains in its natural state, it will provide needed protection for the mainland from Atlantic storms, permit the functioning of marshes which provide water and air purification essential to habitation of Georgia's mainland, and provide conditions not tainted by human intervention for environmental research.

I would like to commend the Ossabaw Island Foundation, a public/private partner with the State of Georgia's Department of Natural Resources, for diligently serving as a voice for the preservation of the island. The Foundation has worked to incorporate educational and cultural programs in the island's historical buildings and to provide appropriate access and utilization of the Ossabaw Heritage Preserve.

Through the efforts of the Board of Trustees of the Foundation, Ossabaw Island was included on the National Trust for Historic Preservation's Eleven Most Endangered Properties List of 1995. The island was also listed on the National Register of Historic Places by the United States Department of the Interior in 1996.

The importance of preserving natural habitats is a common belief among the members of the House of Representatives. We must not allow the natural beauty and resourcefulness of our nation to be sacrificed for lesser purposes. The benefits of protecting and preserving areas of natural habitat range from aesthetic to practical and must not be ignored.

Mr. Speaker, I ask that you and my colleagues join me in recognizing the partnership and hard work of the Georgia Commissioner of Natural Resources and the Board of Trustees of the Ossabaw Island Foundation. Their combined efforts have protected and will continue to protect and ensure a healthy environment on Georgia's Ossabaw Island for many years to come.

A TRIBUTE TO CALVIN BELLAMY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend one of Northwest Indiana's most distinguished citizens, Mr. Calvin Bellamy, of Munster, Indiana. On May 23, 1999, Mr. Bellamy will be honored for his exemplary and dedicated service to Northwest

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Indiana. His praiseworthy efforts will be recognized at Purdue University Calumet's Commencement Exercise as he will be receiving an honorary doctor of humane letters degree.

Calvin Bellamy, a longtime resident of Northwest Indiana, has dedicated his life to public service. In 1964, Mr. Bellamy graduated from Indiana University and continued his education at the University of Michigan where he received his Juris Doctor cum laude and Order of the Coif in 1967. He has continued his scholarly work in law and has been nationally recognized for his writing on constitutional questions. Mr. Bellamy currently serves as the chairman and chief executive office of Bank Calumet, with which he began his affiliation in 1975.

While Calvin Bellamy has dedicated considerable time and energy to his work at the bank, he has always made an extra effort to give to the community. Some of the organizations for which he serves as the director of include: the Lake County Community Development Committee, the Northwest Indiana World Trade Council, and the Northwest Indiana Local Initiatives Support Corporation. Additionally, he has served as president and director of the Hammond Public Library, Lake Area United Way, and the Legal Aid Society of Greater Hammond. He has also been active with the Hammond Historical Society, the Lake County Bar Association, Northern Indiana Arts Association, and the Indiana Bankers Association.

Although his work and community service put extraordinary demands on his time, Calvin Bellamy has never limited the time he gives to his most important interest, his family, especially his lovely wife, Cathy.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Calvin Bellamy for his lifetime of dedication, service, and leadership in Northwest Indiana. His large circle of family and friends can be proud of the significant contributions this prominent individual has made. Our community has certainly been rewarded by the true service and uncompromising dedication displayed by Mr. Calvin Bellamy.

93RD ANNUAL MEETING OF THE AMERICAN JEWISH COMMITTEE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I recently had the pleasure of attending a forum on "The Upsurge of Anti-Semitism in Russia" sponsored by the American Jewish Committee at its 93rd annual meeting. This forum was attended by several Members of Congress and provided a useful opportunity for representatives of the AJC and Members of Congress to exchange their thoughts on the rise of anti-Semitism in Russia and the response of Congress.

In this connection, I distributed a statement regarding the March 23 passage of H. Con. Res. 37, a resolution that condemned the anti-Semitic statements made by certain members of the Russian State Duma, as well as commending fair-minded members of the Duma for their efforts to condemn such statements. This resolution passed the House of Representatives unanimously. As Chairman of the Helsinki Commission, I was proud to have introduced this resolution in the House, along with every member of the Helsinki Commission. A companion resolution in the Senate, S. Con. Res. 19, has been introduced by Commission Co-chairman Senator BEN NIGHTHORSE CAMPBELL and Ranking Commissioner Senator FRANK LAUTENBERG.

Mr. Speaker, at this time, I submit this statement for the RECORD.

STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH

Good morning, ladies and gentlemen. It's a pleasure to meet with you today, at this 93rd annual meeting of the American Jewish Committee and the forum on "Confronting the New Upsurge of Anti-Semitism in Russia."

With the fall of the Soviet Union, many of the "hidden" ills of that society that had been "frozen" by a totalitarian regime devoted to superficial "order" re-emerged. One of these was open anti-Semitism. Freedom of the press has given rise to countless anti-Semitic publications and leaflets. As you know, two suspicious explosions took place in Moscow recently near the Maria Roshcha and Chorale synagogues. These are only the most recent instances of arson or suspected arson against these two synagogues. Other synagogues and Jewish cemeteries in the former Soviet Union and Russia have been hit as well.

In post-Soviet Russia, the residue of official anti-Semitic propaganda of the Soviet era—disguised by Moscow as "anti-Zionism"—was bound to find a certain reception among certain less-discriminating elements. These attitudes, freed from the constraints of the Iron Curtain and now aided by the Internet and an unrestrained press, and then reinforced and cross-pollinated by neo-Nazis and racists throughout the world. In their fervent anti-communism, some extreme nationalists have attempted to present a distorted picture of Jews as allies of communists destroying Russia during the Soviet period. In Russia today the communists blame Jews for being allies of capitalists destroying Russia. Finally, the economic malaise experienced in Russia has engendered hatred intolerance against not only Jews, but toward many ethnic minorities, especially the so-called "dark people" from the Caucasus.

It is deplorable when vandals and hatemongers attempt to spread bigotry in any society, but we must admit that such unfortunate incidents do not take place only in Russia. And, I have yet to meet any member of the Russian Jewish community who wants to return to the Soviet period. But I—and I know I can speak for other Members of the House of Representatives—have been outraged by the antics and attitudes that have been exhibited by some members of the Russian Duma, especially in the ranks of the Communist Party.

In December of last year, Mr. Viktor Ilyukhin, a Communist Party member and chairman of the Duma security committee, stated that Yeltsin's "Jewish entourage" is responsible for alleged genocide against the Russian people. Another Communist Party member, retired General Albert Makashov, speaking at public rallies, referred to "the Yids" and other "reformers and democrats" as responsible for Russia's problems and threatened to make up a list of targets and "send them to the other world."

Incidentally, I have seen films of Mr. Makashov's performance. It is quite sobering. I can only say, "Heaven help the Russian people and the world," if he and his ilk ever do triumph.

In fairness to the many conscientious Russians inside and outside of the government, these anti-Semitic statements were widely condemned in Russia. In response to the public outcry, both in Russia and abroad, Communist Party chairman Zyuganov explained that the Party had nothing against "Jews," just "Zionism." When fair-minded members of the Duma attempted to pass a resolution condemning Makashov's statement, it was voted down by the communist majority.

The U.S. Congress, though, has reacted much differently. On March 23 of this year, the House of Representatives passed unanimously, 421–0, House Concurrent Resolution 37, condemning anti-Semitic statements made by members of the Russian Duma and commending actions taken by fair-minded members of the Duma to censure the purveyors of anti-Semitism within their ranks. I was proud to have introduced this resolution in the House, along with every member of the Helsinki Commission as original cosponsors. A companion resolution in the Senate, Senate Concurrent Resolution 19, has been introduced by Commission Co-Chairman Senator Ben Nighthorse Campbell and Ranking Commissioner Senator Frank Lautenberg.

In addition, several members of the Helsinki Commission and I have written to Mr. Zyuganov to express our dismay at his role and the role of his party in tolerating anti-Semitism in a participating State of the Organization for Security and Cooperation in Europe. In that letter, among other points, we urged Zyuganov to take every appropriate step to disassociate the Communist Party from racist and anti-Semitic positions and to reject individuals who hold those positions.

I would add that our Embassy and the State Department have performed commendably in expressing to Russian officials our deep concern about the rise of anti-Semitism in Russia.

I am informed by the State Department that in recent days at least, there have been no more anti-Semitic statements emanating from Duma members. However, as Elena Bonner remarked earlier this year at Helsinki Commission hearings, the parliamentary elections in December of this year will be an important indicator of Russia's direction for the future. Will Russia return to the democratic path of the early 1990s or will it turn backward in reaction? We hope that the lesson of ethnic intolerance, taken to its extreme conclusion now in the Balkans, should be clear.

In any event, let me assure you that as Chairman of the Helsinki Commission and as Chairman of the Subcommittee on International Operations and Human Rights of the House International Relations Committee, I will use every appropriate opportunity to combat anti-Semitism and intolerance in Russia.

TRIBUTE TO EDWARD A. KOZIARZ

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Edward A. Koziarz on the occasion of his being honored for his twenty-five years of service to the members of Plumbers Local Union No. 1, U.A.

The members of the Plumbers Local Union No. 1 have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This gathering is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a man who has dedicated his life to helping others. Edward A. Koziarz, truly represents the best of what our community has to offer.

Edward A. Koziarz was born on November 13, 1936 in Ozone Park, New York. He and his loving wife, Annette, have three wonderful children and have taken great pride and joy in the successes of their four grandchildren.

Edward A. Koziarz was initiated into Plumbers Local #1 and appointed as a United Association Organizer in June of 1974. Since his election on July 1, 1978, Edward A. Koziarz has served as Local #1's Business Agent, a post he holds to this very day. Edward A. Koziarz has also served his brothers in Local #1 by serving as a delegate to United Association Conventions in 1976, 1981, 1986, 1991 and 1996.

Edward A. Koziarz has been among the pre-eminent labor leaders of New York City Civil Service Skilled Tradesman since 1974 and is one of the Founding Fathers of the New York City Comptroller's Prevailing Wage Council.

Edward A. Koziarz has long been known as an innovator and beacon of good will to all those with whom he has come into contact. Through his dedicated efforts, he has helped to improve my constituents' quality of life. In recognition of his many accomplishments on behalf of my constituents, I offer my congratulations on his being honored by Plumbers Local Union No. 1, U.A. in recognition of his twenty-five years of service to the Union as an Organizer and Business Agent.

MONTELLO STUDENTS SPACE SEED PROJECT ON SPACE SHUTTLE DISCOVERY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. PETRI. Mr. Speaker, this past year, students from Montello, Wisconsin worked on a project that entailed an international experiment which was included on last fall's historic Discovery space shuttle flight.

The experiment involved vials of lettuce seeds from Wisconsin and chicory seeds from Italy being subjected to micro gravity, extreme heat and cold during the NASA flight. While in space, the project was tended by astronaut John Glenn. The seeds are being studied to determine the effects of space travel. Early results indicated that the space seeds did as well as the control seeds despite not being fertilized. This unexpected finding could have far-reaching implications for the environment.

The school-wide project included students of different ages and the central theme allowed all types of classes to be involved, such as English, history, and agriculture. The seed project, "Growing Montello Transglobally" is a joint effort with students from the Il Montello region of Italy. The students communicated over the Internet using an Italian translator program.

During a visit to Montello High in January, I had the opportunity to discuss the project with the students and was impressed by their interests and abilities. I toured classes where students had participated in computer portions of the project, from sharing and tracking information with their sister school in Montello, Italy, to downloading and sending digital photographs. I was also impressed by a video documentary of the project and related activities that was made in conjunction with the Experimental Aircraft Association (EAA).

The Wisconsin students were able to go to Florida to view the Discovery launch in October. They raised their own money for the trip through a variety of fund-raisers which included selling cookies and T-shirts and hosting a spaghetti dinner.

Seventh and eighth grade students in the Montello School system are co-authoring a children's picture book. The students developed their own ideas for the characters, plot, settings, and illustrations featuring children from Montello, Italy and Montello, Wisconsin. The book will feature NASA projects as seen from the children's perspective. They will be submitting the book to a professional publisher. A literacy quilt was created to highlight the success of the NASA Project.

Catherine Ellenbecker, teacher, has been asked to have the students do a multimedia presentation on the seed project at the Naval Academy in Annapolis in September.

The time and effort the students of Montello, Wisconsin and Il Montello of Italy put into this project was phenomenal and their achievements and successes should be recognized. I believe these students deserve a full measure of praise for all they have accomplished.

A TRIBUTE TO DR. MICHAEL G. WEISS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding contributions of Dr. Michael G. Weiss. Congregation Emanu El of San Bernardino, CA, will honor Dr. Weiss on June 5 as this year's recipient of the Rabbi Norman F. Feldheym Award for distinguished service to the congregation and community. He will be recognized at a dinner dance which will also commemorate the 108th anniversary of the chartering of the congregation.

The Norman F. Feldheym Award was established to pay tribute to those members of Congregation Emanu El who have, in their own lives, reflected Rabbi Feldheym's qualities of love for and loyalty to the synagogue, service to the community, as well as evidencing personal traits of humility, loving kindness, care, and love. Dr. Weiss has been a particularly devoted leader of Congregation Emanu El through his 10-year service as a member of the board of directors as well as treasurer, vice president, and, from 1996-98, president of the congregation. Over the years, Dr. Weiss has been a tremendous inspiration to others through his love for Judaism and his commitment and devotion to the synagogue.

Dr. Weiss is also a widely recognized and highly respected member of the faculty of the Department of Psychology at California State University at San Bernardino. He is a psychotherapist in private practice as well as a consultant to numerous mental health facilities throughout the Inland Empire. A prolific author, Dr. Weiss has conducted research and written extensively on parenting, sexual awareness, and foster parenting.

Dr. Weiss has also given generously of his time to numerous civic and community-based organizations including Mothers Against Sexual Abuse, San Bernardino Child Advocacy Program, the Children's Network of San Bernardino County, and the Center for Counseling and Parenting. In addition, he has been particularly active as an educator before numerous civic, religious, and professional groups at the local and national level.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the tremendous contributions of Dr. Michael Weiss as he is presented with the Rabbi Norman F. Feldheyman Award. Dr. Weiss, along with his wife, Ellen, and children, Emily and Zachary, provide an outstanding example of faith and family. It is especially appropriate that this honor is being bestowed at a ceremony also marking the 108th anniversary of the founding of Congregation Emnau El.

CONGRATULATIONS TO W. KEN MASSENGILL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding citizen of Indiana's First Congressional District, W. Ken Massengill. On Saturday, June 5, 1999, Mr. Massengill, along with his friends and family, will celebrate his retirement from United Steelworkers of America (USWA), District 7. The celebration will take place at St. Elijah Serbian-American Hall in Merrillville, Indiana.

Ken Massengill has dedicated a substantial portion of his life to the betterment of union members and the community of Northwest Indiana, as well as the entire state.

Mr. Massengill's distinguished career in the labor movement has made his community, state, and nation a better place in which to live and work. For more than twenty-five years, Mr. Massengill has served as an important figure as a member of the United Steel Workers of America. He has held several positions throughout his tenure, but none as important as Assistant Director of District 7, USWA, a position from which he retired in February of 1999.

As a union representative, Ken Massengill has held a variety of offices, ranging from union steward to Sub-District Director. In addition to his service to the union, he has devoted much of his time to community initiatives. Some of the activities Mr. Massengill has been involved with include: board member for both the Porter County and Michigan City United Way, Chairman of the Lake Area United Way Board of Trustees, member of the Indiana University Labor Studies Advisory Board, and President of the Indiana Unemployment Insurance Board. Additionally, he serves as the Indiana Steelworkers PEC Legislative Director, PAC Coordinator, and in 1994 was appointed by Former Governor Evan Bayh to the Indiana Port Commission where he currently served as the Chairman of the Port Commission.

On this special day, I offer my heartfelt congratulations to Ken Massengill. His large circle of family and friends can be proud of the contributions this prominent individual has made. His work in the labor movement provided union workers in Northwest Indiana opportunities they might not have otherwise had. Mr. Massengill's leadership kept the region's labor force strong and helped keep America working. Those in the movement will surely miss Mr. Massengill's dedication and sincerity. I sincerely wish Ken Massengill a long, happy, and productive retirement.

CONGRATULATIONS TO MICHAEL R. NELSON, CHIEF DEPUTY U.S. MARSHAL FOR EASTERN DISTRICT OF CALIFORNIA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. MATSUI. Mr. Speaker, I am honored to rise today in tribute to Michael R. Nelson, Chief Deputy U.S. Marshal for the Eastern District of California. As he celebrates his retirement, I ask all of my colleagues to join with me in saluting his outstanding public service career.

Mr. Nelson has been the Chief Deputy U.S. Marshal for the Eastern District of California for the past 10 years. He has overall responsibility for all operations and administrative programs within this major judicial district.

With almost 30 years of experience within the Marshals Service, Mr. Nelson has brought a vast range of knowledge, experience, and management skills to his current position as chief deputy.

His tenure in this position has been highlighted by his proactive approach to negotiating with local law enforcement agencies and jails. He has worked hard to eliminate most federal prisoner housing shortfalls within the Eastern District.

Mr. Nelson has always been concerned first and foremost with the safety of his deputy U.S. Marshals. He has initiated several programs within the district to ensure that all personnel are properly trained and given the tools necessary to survive in a hostile confrontation or critical incident.

He has worked hard to implement policies which provide for greater survival, firearms, and simulation training for the deputy U.S. Marshals in his district. Mr. Nelson also created an award winning Special Response Team in the district. This team, with all of its special training, has won numerous competitions against other local, state, and federal agencies.

The district's Critical Response Team is another example of Chief Deputy Nelson's extraordinary management capabilities. This team works closely with the Marshals Human Resources Division and Employee Assistance Program to ensure that the needs of Marshals personnel are met following any critical incident.

In 1989, Mr. Nelson received the Marshals Service Director's Award for Outstanding Manager based on his innovative approach and great management skills. He has always been highly regarded by the local law enforcement community, the federal judiciary, and fellow employees alike.

I especially commend Mr. Nelson for his outstanding handling of the difficult logistics associated with the Unabomber Trial in Sacramento. U.S. Marshal Jerry Enomoto and Chief Deputy Nelson managed complex security arrangements with exceptional professionalism during this period.

While the new Federal Courthouse was being constructed in Sacramento, Mr. Nelson took an active role in making sure that the special requirements of the Marshals Service were included throughout the building. His thorough knowledge of the relevant security needs and on-site weekly inspections proved invaluable to the overall construction process.

Since taking over as Chief Deputy in 1990, Mr. Nelson has proved to be an excellent manager and budget officer. His prudent approach to budgeting limited resources is especially noteworthy.

Mr. Speaker, Chief Deputy U.S. Marshal Michael Nelson has been a great public servant in the Eastern District of California. I ask all of my colleagues to join with me in thanking him for his exceptional service and wishing him every success in all of his future endeavors.

TRIBUTE TO CHACELLA NEWTON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. BONIOR. Mr. Speaker, today I would like to congratulate Ms. Chacella Newton upon her retirement from her position as Food Service Director for the Macomb Intermediate School District. Her friends and colleagues will honor her with a retirement party at the Macomb Intermediate School District on May 26, 1999.

Chacella Newton has dedicated her career to health and good nutrition. For nearly 40 years, Chacella has worked in the field of Dietetics. In 1960, she accepted her first position as the Director of Dietetics at Detroit's St. John Hospital. In 1967, Chacella took the position of Director of Dietetics at Alexander Blain Memorial Hospital. She worked there until 1978, when she accepted her current position as Food Services Director for the Macomb ISD.

Through her position with the Macomb Intermediate School District, Chacella has become known for her commitment to children's health. She has led a number of state and national programs to improve services offered in school lunch rooms. Chacella has also provided her valuable advice to others. Personally, I have relied on Chacella many times for her trustworthy opinions. Similarly, the food safety manual, when she wrote, has been sold in 16 states and used by the U.S. Department of Agriculture.

Chacella Newton is also a person dedicated to her community. She currently serves on the boards of the Macomb Essential Transport Services, the Comprehensive Youth Services and the Mount Clemens Public Library. In addition, Chacella was the first African American woman to take a seat on the Mount Clemens School Board. She has also served as the President of the Michigan School Food Service Association.

It is my honor and my privilege to congratulate Chacella Newton on her retirement from the Macomb Intermediate School District, and wish her the best of luck for the future.

TRIBUTE TO TEMPLE BETH AHAVATH SHOLOM

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the members of Temple Beth Ahavath Sholom on the occasion of its Annual Journal Luncheon.

The members of Temple Beth Ahavath Sholom have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This year's luncheon is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others. This year's honorees truly represent the best of what our community has to offer.

Fran Arnowitz and her husband Manny have continuously surrounded themselves and their children in the warmth of Judaism through their involvement with Beth Sholom People's Temple and Temple Beth Ahavath Sholom. Following Beth Shalom People's Temple's consolidation with Temple Ahavath Sholom, Fran Arnowitz became the Temple's Treasurer, a post she still holds. Fran is widely regarded as a hard worker who has dedicated herself to addressing the needs of the Temple and its members.

Myron Klein, a long time member of Temple Ahavath Sholom prior to the consolidation, is a man who has distinguished himself through his service to the Temple that he loves. Mryon

Klein has long been an active member of Temple Beth Ahavath Sholom's Brotherhood and serves as its Treasurer. In addition, Myron has taken a leading role in the Temple's fundraising efforts and serves as the Chairman of the Goods and Services Auction which has raised thousands of dollars for the Temple.

Each of today's honorees has long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by Temple Beth Ahavath Sholom.

STEPHEN M. BARROUK HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a distinguished community leader and my good friend, Mr. Stephen M. Barrouk. In June, Leadership Wilkes-Barre will honor Steve with the group's 1999 Distinguished Leadership Award. I am pleased and proud to have been asked to participate in this richly-deserved tribute.

A native of Wilkes-Barre, Steve graduated from E.L. Meyers High School. He earned a B.A. degree in Urban Studies/Economics and a Master's Degree in Public Administration from the University of Pittsburgh. Steve went on to serve in the Department of City Development in Pittsburgh and later as the Deputy Director of the Allegheny County Department of Development. He also served as Executive Director of the Allegheny County Industrial, Hospital and Higher Education Authorities.

Steve returned to Northeastern Pennsylvania to become the President/CEO of the Greater Wilkes-Barre Chamber of Business and Industry and its affiliates, the Greater Wilkes-Barre Industrial Fund and the Greater Wilke-Barre Chamber of Commerce. He is also a member of the Luzerne County Convention Center Authority, the Pennsylvania Economic Development Association, the American Chamber of Commerce Executives, and the Industrial Development Research Council.

Steve serves on the board of the Economic Development Council of Northeastern Pennsylvania, the United Way of Wyoming Valley, the Ethics Institute, Blue Cross of Northeastern Pennsylvania, and the Downtown Task Force of Wilkes-Barre. Steve also serves on the board of the Earth Conservancy, a nonprofit, charitable organization that is restoring, preserving, and developing more than 17,000 acres of land throughout Luzerne County previously owned by a bankrupt coal company. He also played an important role in helping to win an American Heritage River designation for the Upper Susquehanna-Lackawanna Watershed.

I have worked closely with Steve on countless projects to improve the quality of life for Northeastern Pennsylvania. Despite the enormity of the challenges he has faced on complex projects such as restoring the former Pomeroy's building in downtown Wilkes-Barre, creating a new sports area/convention center, and the day-to-day work of attracting new industries to our area, Steve has always shown the utmost devotion to the community. He leads his organization with the highest level of professionalism.

Over the past several years, I have enjoyed working with Steve Barrouk to promote economic development in Northeastern Pennsylvania. Steve's efforts have literally helped create thousands of jobs in the Wyoming Valley. I am pleased to join Leadership Wilkes-Barre in thanking Steve Barrouk for his efforts. Luzerne County will undoubtedly benefit from his further labors in the years ahead.

ANIMAL CRUELTY LEGISLATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. GALLEGLY. Mr. Speaker, criminals should not profit from illegal acts. That is why I introduced H.R. 1887 last week that will ban illegal, disgusting acts that are occurring nationwide.

People around the country are making "crush videos." These videos feature women crushing small animals with their feet while wearing spiked heals. The videos are sold nationwide to people who enjoy this type of so-called "foot fetish." and sellers of the video are making millions of dollars.

The acts of animals cruelty featured in the video are illegal under state law. However, according to District Attorney Michael Bradbury of Ventura County, California, it is difficult to prosecute these acts under state animal cruelty laws. First, a District Attorney must identify the individual in the video. This is a difficult task given the fact that most of the time, only the actress' legs are shown. Second, it is difficult to prove that the act featured in the video occurred with in the statue of limitations. Third, local animal cruelty laws do not prohibit the production, sale, or possession of the video. There are also no federal laws that could be used to prosecute the individuals.

Sick criminals are taking advantage of the loopholes in the local law and the lack of federal law on animal cruelty videos. This is a serious problem. Thousands of these videos are being sold. Thousands of dollars are being made. By not closing these loopholes and allowing this sick behavior, we are encouraging people to profit from violating the state animal cruelty laws. This must be stopped!

H.R. 1887 will put a stop to this offensive behavior. This legislation is narrowly tailored to prohibit the creation, sale or possession of a depiction of animal cruelty in interstate commerce for commercial gain. H.R. 1887 does not preempt state laws on animal cruelty. Rather, it incorporates the animal cruelty law of the state where the offense occurs.

I urge all of my colleagues to join me in pursuing this legislation which will put an end to profiting from these disgusting criminal acts. Please contact Wendy Wiseman of my staff at 5–5811 to cosponsor H.R. 1887.

WOMEN'S DEMOCRATIC CLUB OF MONMOUTH COUNTY PAYS TRIBUTE TO CHAIRMAN VICTOR V. SCUDIERY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. PALLONE. Mr. Speaker, on Sunday, May 23, the Women's Democratic Club of Monmouth County, NJ, will pay tribute to Mr. Victor V. Scudiery, who for the past 10 years has served as the Monmouth County Democratic Chairman.

A native of Newark, NJ, Mr. Scudiery graduated from Seton Hall University. He served his country in the U.S. Army in both active and reserve duty. Since then, he has achieved the status of one of our most prominent citizens in the worlds of business and politics and in the civic life of our community. He is the president of Interstate Electronics in Hazlet and also oversees several other business ventures in New Jersey and Florida. But it is probably in his capacity as the Monmouth County Democratic Chairman that Vic Scudiery is best know.

As if his chairmanship didn't keep him busy enough, Vic Scudiery devotes considerable time to many worthwhile causes. He serves on the boards of seven community organizations, and his energy, devotion and sincere commitment to giving something back to his community is felt in all of the endeavors that he is involved with. He is the chairman of the Bayshore Senior Day Center Board of Advisors, a lifeline to many area senior citizens, providing meals, companionship and daily activities. As chairman of the Buck Smith Memorial Foundation, he has overseen the granting of scholarships to deserving students. The Bayshore Hospital Health Care Center selected Mr. Scudiery as chairman of the Board of Trustees, where he is responsible for land acquisition and construction of facilities.

In recognition of all his hard work and generosity—and in spite of his natural sense of modesty—Vic Scudiery has received countless honors from civic and charitable organizations throughout New Jersey, including the Bayshore Senior Center, Brookdale College, Knights of Columbus, Society of St. Anthony of Padua, the NAACP, and various municipal and Democratic organizations.

On this occasion, Mr. Speaker, I am honored to join with the Women's Democratic Club of Monmouth County, and the many friends of Victor Scudiery, in paying tribute to a great chairman and one of our most distinguished citizens.

COMMEMORATING THE LEADERSHIP OF EAST SIDE SCOUTMASTER DAN NELSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. VENTO. Mr. Speaker, we must recognize outstanding efforts by individuals that are continuing to set aside private lands for the general welfare of today's youth and future generations.

Dan K. Nelson of St. Paul, a neighbor of mine back home, was recently awarded the Boy Scouts of America's "William T. Hornaday Gold Medal" award. The award is surely a positive recognition, but I know that Dan Nelson's real joy is the knowledge that this special landscape along the St. Croix River will be a legacy for future-generations.

Thanks Dan and congratulations on your good work. Mr. Speaker, I would like to submit for the RECORD an article from the May 17, 1999 East Side Review outlining Dan Nelson's life long vocation and profession which has been inspired by experiences and lessons learned as a Boy Scout.

[From the East Side Review, May 17, 1999]

EAST SIDE BOY SCOUT LEADER WINS NATIONAL AWARD

(By Scott Nichols)

The developer in possession of the 1,100 acres adjacent to the St. Croix River wanted to turn the property into a golf course community boasting more than 200 homes.

Through the persistence of East Side trial lawyer, resident and assistant Scoutmaster Dan Nelson, the developer never got his chance.

Nelson joined in the neighborhood push for the sale of the property. Together the group was successful, eventually, in coming up with the developer's price tag of $1.1 million, through private donations and appeals for funds to the Wisconsin Department of Natural Resources.

It's for continued effort like that that the Boy Scouts of America Indianhead Council announced April 12 that Nelson has been awarded what is perhaps the most prestigious award in all of scouting, the William T. Hornaday Gold Medal.

"Rare is not an appropriate term (for the award). They are very, very extremely rare," says Ron Phillippo, chief executive of the Indianhead Council.

The award is given out to adult Scouters who render a distinctive and unusual service to natural resources conservation over an extended period.

According to Phillippo, less than 100 of these awards have been given out nationally since 1910, the birth of scouting.

"I've been in this business for 41 plus years, and I only recall in my entire career three or four ever given out," says Phillippo, noting that he's served the Boy Scouts organization in various locations all over the country. "It's a very prestigious award. It takes a good deal of character in terms of project."

Nelson's project saved the 1,100 acres just 34 miles northeast of the Twin Cities from being developed. Much of the reason he was greatly interested in maintaining the land in an undeveloped state was that the property was adjacent to the nonprofit Beaver Valley Camp used largely by scouting groups.

Nelson, 51, attended the camp as a child, and was part of the troop whose previous members had formed the camp years before. "That's where they implanted the curiosity."

The curiosity that Nelson talks about is what helped to drive him both into adult scouting and the legal profession. When he was a political science and international undergraduate at the University of Minnesota, the camp had legal problems associated with the land. Those legal problems were severe enough that Nelson says his camp bought one piece of land three times (and, he says, "under my watch the third and final time.")

Boundary disputes and bogus deeds were par for the course, for years, according to Nelson, noting that the legal disputes over the land helped to push his interests into the legal arena, which led to his attending Hamline Law School for his law degree.

All through that time, he never got tired of spending time at Beaver Valley Camp. For the last 23 years, Nelson has spent anywhere from five to 20 hours a week volunteering at the camp, teaching inner-city kids activities such as soil conservation, trout pond repair and tree planting, the same things that he learned about when he went to the camp as an East Side youth.

Nelson, as he says, was "born, raised, and baptized on the East Side." He grew up on Stillwater Avenue, and since then has moved only three miles, to his current home close to Lake Phalen, which he shares with his wife Sandy and three of his four children.

"He's had many people recognized with our top award, the Eagle Scout award," says Phillippo. For the kids to progress that far, he says, Scout leaders such as Nelson need to provide a "hugh number of opportunities" for them to work through the roughly 800 requirements necessary to get the badge.

Nelson's love of teaching doesn't stop at conservation practices. He's a Big Brother, a Sunday school teacher, and a meet director for the local YMCA swim team. He's also taught trial advocacy and been a Moot Court judge for Hamline and the Minnesota Bar Association.

While Nelson's past accomplishments include being listed in the Hamline Law School's Hall of Fame and four different Who's Who books, and winning roughly a dozen scouting awards since 1990, he's quite elated at having won the Hornaday Gold Medal.

"The Hornaday Gold Medal is awarded because of the regional or national impact," he says. "I never thought I would get it, and I'm really delighted and surprised that I did get it."

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. PACKARD. Mr. Speaker, I strongly support H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999. Saving and strengthening Social Security is one of the highest priorities for me. After people work hard their entire life they should feel confident that they will receive their Social Security benefits.

The way I see it, we have to get Washington's hands out of Social Security once and for all. We need legislation that will permanently prevent Washington from raiding the Social Security surpluses for wasteful spending programs. The simple truth is that the Social Security Trust Fund will go into the red in 14 years unless we act now to strengthen it. Under H.R. 1259, Washington would never be able to touch Social Security dollars again, as 100 percent will be saved for Social Security.

The Social Security and Medicare Safe Deposit Box Act of 1999 will help us guard against attempts to raid the Social Security surpluses for more government spending by toughening budget procedures. This legislation will change the way the budget is presented so Social Security funds cannot be used for other purposes, including how we measure our Federal surplus.

Mr. Speaker, having paid into Social Security myself for over 40 years, I will never support hasty reforms that threaten the financial futures of those who have committed a lifetime of earnings to the system. As a father and a grandfather, I strongly believe it is time we take action to ensure Social Security will be available for generations to come.

I urge my colleagues to support H.R. 1259 and protect Social Security.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. DEMINT. Mr. Speaker, on May 20th, I missed rollcall vote No. 144 due to my daughter's graduation. Had I been present, I would have voted "yes" on agreeing to the Senate amendments to H.R. 4.

INTRODUCTION OF THE PESTICIDE REGISTRATION HARMONIZATION ACT OF 1999

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. POMEROY. Mr. Speaker, I rise today to introduced the Pesticide Registration Harmonization Act of 1999. I am pleased to have Representative RICK HILL of Montana and Representative JOHN BALDACCI of Maine as original cosponsors on this very important legislation for American farmers and ranchers.

The premise of this legislation is quite simple. As a Member of Congress representing a border-state with Canada, I believe that it is essential for American farmers to be on the same level "playing field" as their international counterparts. I am hopeful that the Pesticide Harmonization Act of 1999 will begin a much needed dialogue between the United States and Canada on chemical harmonization as we head into the 21st Century.

The Pesticide Harmonization Act of 1999 is designed to establish a process under which the Environmental Protection Agency (EPA) could be requested to review registration requests for certain pesticide products. The types of pesticides that would be reviewed are registered for use on a specific crop in Canada and are also registered in the United States but not for use on that specific crop. In addition, the chemical must be needed to respond to critical pest control needs of United States growers which are not otherwise being met, and supported for registration by their manufacturers. If the chemical meets these criteria then the EPA review process would be expedited. The EPA would have 180 days after receiving a request from the registrant for a specific product to either agree to accept the registration package approved by the Canadian Pest Management Regulatory Agency (PMRA) or to explain their reasons for not approving the request.

Clearly, there is an inequity in pesticide registrations, particularly for canola, wheat, and barley, between the United States and Canada. In the case of canola, Canada has about 40 pesticides registered while the United States has only seven. American farmers ought to have access to the same, environmentally safe pest control tools that are available to their Canadian counterparts.

Mr. Speaker, American farmers are facing 50 year low commodity prices, at the same time costs of production are continuing to rise. The Pesticide Registration Harmonization Act of 1999 is a step in the right direction of leveling the playing field for American producers.

HONORING THE KIWANIS CLUB OF MERRICK ON THEIR 50TH ANNIVERSARY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. KING. Mr. Speaker, I rise today to honor and recognize the 50th anniversary of the Kiwanis Club of Merrick which occurred on Sunday, May 23, 1999.

Known as "The Club With a Heart," the work of the Kiwanis Club of Merrick has benefitted children, senior citizens, teachers, students, disabled youth, needy families and Merrick residents in general. By engaging in activities of fundamental importance to our community, the club has consistently shown itself to be a leader in civic service.

Whether it is the distribution of food baskets to needy families during the holidays, awarding scholarship funds to deserving high school graduates, picnicking with disabled youth or sponsoring geriatric home visits and sing-along's, the dedicated members of the Merrick Kiwanis Club have played a crucial role in bettering the lives of countless members of New York's third district since the club's foundation in 1949.

Most recently, the club has undertaken efforts to donate pediatric trauma kits and portable emergency generators to local fire departments and distribute bicycle safety helmets free to all second and third graders in local elementary schools among many other laudible ventures.

As we prepare to enter the 21st century we must recognize those who have brought us to where we are today. For members of the Merrick extended community, the Kiwanis Club and its contributions on such a broad spectrum of initiatives has played an important role in the past half century and on behalf of the third district, I would add, that it is our sincere hope that their important work continues well into the next millenium.

PERSONAL EXPLANATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Ms. DUNN. Mr. Speaker, on May 18, 1999, the House considered the conference report for H.R. 1141, the fiscal year 1999 emergency supplemental bill. I was not recorded on final passage of the conference report (rollcall 133), but wish the RECORD to reflect that I was supportive of the measure.

TRIBUTE TO NAT ROSS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a great civil rights and women's rights leader, an outstanding individual who has devoted his life to his family and to serving the community, Mr. Nat Ross. For the past 60 years, he has played a major role in virtually every significant movement for civil rights, empowerment, and social and economic justice. Mr. Ross will turn 95 on June 25.

Born to immigrant parents who labored as garment workers, Nat Ross started on his path to the American Dream when he was awarded a 4-year scholarship to Columbia University. There he was deeply influenced by a faculty that included John Dewey, who would become Franklin Roosevelt's "Brain Trust". Nat dedicated himself to education and to two emerging social issues, civil rights and women's rights. He graduated Phi Beta Kappa in 1927.

Nat began his career as a printing salesman with Lincoln Graphic Arts, becoming an expert in direct mail marketing. In the 1930's he served in the civil rights movement, volunteering in Alabama in the midst of the infamous "Scottsboro Boys Case". There he would meet Johnnie West, who served as a war correspondent during World War II. They were married for 55 years until her passing.

Mr. Speaker, Nat's second career started in 1967 when he started teaching Direct Marketing at New York University. Under his leadership, the New York University Center for Direct Marketing was born and is now considered the prominent program in this field. Nat also founded the Direct Marketing Idea Exchange, a discussion club including the most prestigious talents in the business. In 1984 he was named to the Direct Marketing Association's Hall of Fame.

Mr. Speaker, I ask my colleagues to join me in wishing a happy 95th birthday to Nat Ross.

IN TRIBUTE TO HOLLY CAUDILL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to notify my colleagues of the death on Friday, May 21st, of Holly Caudill, of San Diego, California, a vigorous and tireless advocate for persons with disabilities to have a fighting chance to achieve the American Dream.

Ms. Caudill was a young lawyer, a native of the State of Washington, and an Assistant U.S. Attorney in San Diego. And she was a quadriplegic, the result of a motor vehicle accident at age 14. Her experience, and the inspiration of her late father Paul Caudill, taught this determined woman several things—most importantly that there was little that she could not do, given a chance.

I met Ms. Caudill some years ago in a meeting where she gave me the benefit of her experience. Notwithstanding the fact that she was eager and qualified to work, the existing system of medical benefits, disability coverage, and other government programs made productive work almost impossible. A job with greater pay meant a severe reduction in benefits payments, providing a powerful disincentive against paid work for her and for other Americans with severe disabilities.

Her knowledge of the system, and her determination to succeed, together with support from others that she inspired, helped Ms. Caudill to continue to work and be a tax-paying citizen. When it came to this basic principle—that people who work for pay should not have the government arrayed against them—Holly Caudill was second to none as a vigorous, determined, effective and inspirational advocate.

I recall most vividly that in the 105th Congress, at her request, I helped her to meet with House Speaker Newt Gingrich. He was the sponsor of H.R. 2020, the Medicaid Community Attendant Services Act, which would have made a greater amount of attendant services benefits payable under the Medicaid program. She had a long and wide-ranging discussion with the Speaker and his staff—about her life, about the Speaker's bill, and, most importantly, about how important it was to stop government programs from being such a barrier to work and dignity for persons with disabilities. The Speaker himself remarked to me on several occasions about Ms. Caudill's vigor and determination, and what an inspiration she was.

With her advice, I was privileged to add my name as a cosponsor to H.R. 2020, which had 76 cosponsors at the close of the 105th Congress. And in this Congress, I am honored to be one of 163 cosponsors of a similar measure introduced by the gentleman from New York, Mr. LAZIO, which is H.R. 1180, the Work Incentives Improvement Act. I hope that we can enact this legislation.

San Diego Union-Tribune columnist Peter Rowe was the preeminent chronicler of Holly Caudill's life and her advocacy the past couple of years. I would like to quote from his column of March 23, 1999, in describing why Ms. Caudill worked as hard and fought as vigorously as she did.

> "Caudill's situation is distressingly common.
>
> "There are thousands of people—there may be tens of thousands of people—just like her," said Cyndi Jones, director of the Accessible Society Action Project (ASAP), a San Diego-based organization that lobbies on behalf of the disabled. "These people want to

> go back to work, but they are caught in a Catch-22.
>
> "Here's the catch:
>
> "If you are disabled and Washington—via Social Security or Medicare—pays some of your health bills, you cannot work. Without a job, there's a good chance you'll end up on welfare.
>
> "You want to work? Fine. You lose your benefits. Without benefits, there's an outstanding chance you won't make enough money to afford treatment.
>
> "Today, roughly 9 million disabled Americans receive federal disability benefits. While many cannot work, others retain the ability and the desire."

Mr. Speaker, Holly Caudill had the ability. She had the desire. She found the whole system aligned against her iron will to work. Yet she did work. She helped to make our system of justice work as an Assistant U.S. Attorney, while she so vigorously advocated for justice and dignity in work for persons with disabilities.

Before she reached her goal, of an American where people with disabilities could work and enjoy the fruits of their labors, our Heavenly Father brought her home. There are no wheelchairs there, Mr. Speaker.

Let the permanent RECORD of the Congress of the United States today note that Ms. Holly Caudill, Assistant U.S. Attorney in San Diego, California, was an inspiration to me and to many others, and a friend of America. May God rest her soul, and give peace to her family, friends, co-workers, and to so many others that she touched. And may we remember well her life's purpose.

INTRODUCTION OF THE E—MAIL USER PROTECTION ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. GREEN of Texas. Mr. Speaker, the internet is a communications medium that has significantly impacted our day-to-day lives. With the click of a button you can do just about anything. You can write to your family and friends. You can purchase clothes and groceries. You can even listen to music and watch videos. There is no doubt that the internet has become one of our civilizations most important innovations.

Unfortunately with these advancements come problems. One of the largest problems to face the internet is unsolicited bulk e-mail or spam. Today, I am introducing the E-Mail User Protection Act. Spam is a problem. It takes both time and money to wade through and delete these unsolicited messages. It is a problem which everyone agrees needs to be addressed immediately. This legislation attacks the problem by making the tools used fraudulently by spammers.

First, my legislation makes it illegal to falsify any identifying information such as e-mail addresses or routing information. Second, this bill makes it illegal for a spammer to misappropriate or take over an unsuspecting person's e-mail account to spam others by subjecting the spammer to either a stiff financial penalty and/or possible jail time. Third, the legislation also requires spammers, upon the request of an individual, to remove them from their spam. Fourth, my bill makes it illegal to create, use, or distribute software that is primarily designed to falsify e-mail identifying information. Fifth, any violations of these provisions incurs a fine of either $50 per violating message or up to $10,000 a day the violation continues.

This is an excellent solution to the spam problem. The E-Mail User Protection Act of 1999 will start to weed out fraudulent spam and eliminate any hassle to internet users. By this, we will help to continue the growth, prosperity, and innovation of the internet.

AN ISSUE OF FUNDAMENTAL FAIRNESS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to report to my colleagues the actions of the House Armed Services Committee. I regret the Committee's failure to follow the recommendations of the Military Personnel Subcommittee to repeal the statutory prohibition on abortions in overseas military hospitals and restore the law to what it was for many years. If enacted, women stationed overseas would be permitted to use their own funds to obtain abortion services. No federal funds would have been used and health care professionals who are opposed to performing abortions as a matter of conscience or moral principle would not be required to do so.

This is an issue of fundamental fairness. Servicewomen and military dependents stationed abroad do not expect special treatment, only the right to receive the same legally protected medical services that women in the United States receive. We had the opportunity to finally put a stop to the misguided law that has endangered our servicewomen's lives for far too long. It is unfortunate that the full committee did not follow the subcommittee's direction.

The Department of Defense, the American Public Health Association, the American Medical Women's Association, the American College of Obstetricians and Gynecologists, and the Planned Parenthood Federation of America have all indicated their support for the subcommittee's decision.

If we are to attract the best and brightest of our nation's young people to our Armed Forces we must act to restore this fundamental right. We cannot expect to attain our readiness and recruitment goals when potential soldiers know they will not have the same right to access to health care when they are stationed overseas.

It is our responsibility to restore the right of freedom of choice to women serving overseas in our nation's Armed Forces. Members of the military and their families already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health or their basic constitutional rights because of a policy with no valid military purpose.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 25, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 26

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the live stock industry, including mandatory pricing and country of origin labeling; and to hold a business meeting to consider S. 566, to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture; S. 604, to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company; and the nomination of Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission.

SH–216

9:30 a.m.

Indian Affairs

To hold oversight hearings on Native American Youth Activities and Initiatives.

SR–485

Health, Education, Labor, and Pensions

Employment, Safety and Training Subcommittee

To hold hearings to examine mine safety and health issues.

SD–628

Environment and Public Works

To hold hearings on S. 1090, to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980.

SD–406

10 a.m.

Judiciary

Immigration Subcommittee

To hold hearings to examine immigrant contributions to the United States Armed Forces.

SD–226

Finance

To resume hearings on Medicare reform issues, focusing on the work of the National Bipartisan Commission on the Future of Medicare.

SD–215

Banking, Housing, and Urban Affairs
Securities Subcommittee

To hold hearings to examine the private sector's voluntary corporate bond price transparency initiative coordinated by the Bond Market Association (Corporate Trades 1).

SD–538

Foreign Relations

To hold hearings to examine a protocol to reconstitute the Anti-Ballistic Missile (ABM) Treaty with four new partners.

SD–562

2 p.m.

Commerce, Science, and Transportation

To hold oversight hearings on activities of the Federal Communications Commission.

SR–253

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee

To hold hearings on the report of the House Select Committee on United States National Security and Military/Commercial concerns with the People's Republic of China.

SD–342

Judiciary
Constitution, Federalism, and Property Rights Subcommittee

Business meeting to consider pending calendar business.

SD–226

2:30 p.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee

To hold hearings on S. 510, to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

SD–366

MAY 27

9:30 a.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for fiscal year 2000 for Energy and Water Development programs, and to markup proposed legislation making appropriations for fiscal year 2000 for the Department of Transportation and related agencies.

SD–106

Agriculture, Nutrition, and Forestry

To hold hearings on S. 935, to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products.

SR–328A

10 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 761, to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces.

SR–253

Finance

To resume hearings on Medicare reform issues, focusing on the work of the National Bipartisan Commission on the Future of Medicare.

SD–215

Energy and Natural Resources

To hold hearings on the nomination of David L. Goldwyn, of the District of Columbia to be an Assistant Secretary of Energy (International Affairs); and the nomination of James B. Lewis, of New Mexico, to be Director of the Office of Minority Economic Impact, Department of Energy.

SD–366

Judiciary

Business meeting to markup S. 467, to restate and improve section 7A of the Clayton Act; and S. 606, for the relief of Global Exploration and Development Corporation, Kerr-Mcgee Corporation, and Ker-Mcgee Chemical, LLC (successor to Kerr-McGee Chemical Corporation).

SD–226

Foreign Relations
East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the Chinese Embassy bombing and its effects on United States-China relations.

SD–562

Health, Education, Labor, and Pensions

To hold hearings on proposed legislation authorizing funds for the National Endowment for the Arts.

SD–628

10:30 a.m.

Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on S. 1100, to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species.

SD–406

2 p.m.

Foreign Relations

To hold hearings on the nomination of David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; and the nomination of Lawrence Harrington, of Tennessee, to be United States Executive Director of the Inter-American Development Bank.

SD–562

Energy and Natural Resources
Water and Power Subcommittee

To hold hearings on S. 623, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat; S. 244, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system; S. 769, to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam; S. 1027, to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy; and H.R. 459, to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

SD–366

2:30 p.m.

Health, Education, Labor, and Pensions
Aging Subcommittee

To resume hearings on issues relating to the Older Americans Act.

SD–628

JUNE 8

9:30 a.m.

Armed Services

To hold hearings on the nominations of General Eric K. Shinseki, USA, for reappointment to the grade and for appointment as Chief of Staff, United States Army, and Lieutenant General James L.

Jones, Jr., USMC, to be general and for appointment as Commandant of the Marine Corps.

SR–222

JUNE 9

9:30 a.m.

Environment and Public Works
Transportation and Infrastructure Subcommittee

To resume hearings on the implementation of the Transportation Equity Act for the 21st century.

SD–406

Indian Affairs

To hold hearings on S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; and S. 944, to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

SR–485

2 p.m.

Energy and Natural Resources
Water and Power Subcommittee

To hold oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.

SD–366

JUNE 10

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the report of the National Recreation Lakes Study Commission.

SD–366

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on mergers and consolidations in the communications industry.

SR–253

Environment and Public Works

To hold hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.

SD–406

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

SENATE—*Tuesday, May 25, 1999*

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio.

The PRESIDING OFFICER. This morning we are privileged to have with us a guest Chaplain, Dr. Ronnie W. Floyd, of the First Baptist Church, Springdale, AR.

Pastor Floyd.

PRAYER

The guest Chaplain, Dr. Ronnie W. Floyd, First Baptist Church, Springdale, AR, offered the following prayer:

Let us pray together.

Holy God, I thank You that Your Word says in Romans 13:1, "For there is no authority except from God, and those which exist are established by God." I am thankful the authority granted to these Senators today has not been granted simply by their constituencies but, most of all, that authority is given by You.

Therefore, O God, the responsibility is so great upon these men and women today. Every decision that is made has such a great impact all across the world.

So Lord, I ask for the Holy Spirit of God to empower these leaders in their decisionmaking today. May the Word of God be their source of authority. May the Lord Jesus Christ be the only One they desire to please. May the people they represent in this country, whether rich or poor, male or female, or whatever race they may represent, be the beneficiaries of godly, holy, decisionmaking today.

O Father, America needs spiritual revival, reformation, and awakening. So God, in the name of Your son, Jesus Christ, we close this prayer, asking You and believing in You to send a spiritual revival to our Nation that would change lives, renew churches, restore and refresh family relationships, provide hope to every American and, most of all, give You glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 1999.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. VOINOVICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield to the distinguished Senator from Arkansas.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the Senator for yielding.

DR. RONNIE W. FLOYD, GUEST CHAPLAIN

Mr. HUTCHINSON. Mr. President, I take a moment to express my appreciation to our guest Chaplain, Pastor Ronnie Floyd, Pastor of the First Baptist Church, Springdale, AR, who led the Senate in our opening prayer today. Chaplain Ogilvie was gracious enough to allow Pastor Floyd to lead us in prayer.

Pastor Floyd has been a dear friend of mine for many years; he has had a tremendous impact upon my family and my children. I have a son and daughter-in-law who today still worship in his church and have been greatly impacted by his ministry. Pastor Floyd has a national television ministry and has touched lives all across this country. It is a great privilege today to have him in our Nation's Capitol ministering to us in the Senate.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

SCHEDULE

Mr. SMITH of New Hampshire. Mr. President, the leader has asked me to make a couple of announcements this morning.

The Senate, of course, will resume consideration of the defense authorization bill, and under the previous order the Senate will debate several amendments with the votes on those amendments occurring in a stacked sequence beginning at 2:15 today. Therefore, Senators can expect at least three votes occurring at 2:15 this afternoon. It is the intention of the majority leader to complete action on this bill as early as possible this week, and therefore Senators can expect busy sessions each day and evening.

I thank my colleagues for their attention to this matter.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Roberts/Warner amendment No. 377, to express the sense of the Senate regarding the legal effect of the new Strategic Concept of NATO (the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C., on April 23 and 24, 1999).

Warner amendment No. 378 (to Amendment No. 377), to require the President to submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation or several member nations where the commitment of NATO forces will be "out of area", or beyond the borders of NATO member nations.

Wellstone amendment No. 380, to expand the list of diseases presumed to be service-connected for radiation-exposed veterans.

Wellstone amendment No. 381, to require the Secretary of Defense to provide information and technical guidance to certain foreign nations regarding environmental contamination at United States military installations closed or being closed in such nations.

Wellstone amendment No. 382, to require the Secretary of Health and Human Services to provide Congress with information to evaluate the outcome of welfare reform.

Specter amendment No. 383, to direct the President, pursuant to the United

States Constitution and the War Powers Resolution, to seek approval from Congress prior to the introduction of ground troops from the United States Armed Forces in connection with the present operations against the Federal Republic of Yugoslavia or funding for that operation will not be authorized.

Roth amendment No. 388, to request the President to advance the late Rear Adm. (retired) Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Maj. Gen. (retired) Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Maj. Clint Crosier, an Air Force fellow in my office, be granted floor privileges throughout the proceedings on the fiscal year 2000 authorization and appropriations bills.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. SMITH of New Hampshire pertaining to the submission of S.J. Res. 25 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 388

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes of debate, equally divided, with an additional 10 minutes under the control of the Senator from Texas, Senator GRAMM, relative to the Roth amendment No. 388.

Mr. ROTH. I yield 5 minutes to the distinguished Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which will at long last restore the reputations of two distinguished military officers who were unfairly scapegoated for the surprise attack on Pearl Harbor by Japan at the beginning of World War II—Admiral Husband E. Kimmel of the United States Navy and General Walter C. Short of the United States Army.

This amendment gives us an opportunity to correct a serious wrong in the history of that war. Admiral Kimmel and General Short were the Navy and Army commanders at Pearl Harbor during the attack on December 7, 1941. Despite their loyal and distinguished service, Admiral Kimmel and General Short were unfairly singled out for blame for the nation's lack of preparation for that attack and the catastrophe that took place.

Justice for these men is long overdue. Wartime investigations of the attack on Pearl Harbor concluded that our fleet in Hawaii under the command of Admiral Kimmel and our land forces under the command of General Short had been properly positioned, given the information they had received, and that their superior officers had not given them vital intelligence that could have made a difference, perhaps all the difference, in America's preparedness for the attack. These conclusions of the wartime investigations were kept secret, in order to protect the war effort. Clearly, there is no longer any justification for ignoring these facts.

I first became interested in this issue when I received a letter last fall from a good friend in Boston who for many years has been one of the pre-eminent lawyers in America, Edward B. Hanify. As a young Navy lawyer and Lieutenant J.G. in 1944, Mr. Hanify was assigned as counsel to Admiral Kimmel.

As Mr. Hanify told me, he is probably one of the few surviving people that heard Kimmel's testimony before the Naval Court of Inquiry. He accompanied Admiral Kimmel when he testified before the Army Board of Investigation, and he later heard substantially all the testimony in the lengthy Congressional investigation of Pearl Harbor that followed by the Roberts Commission. In the 50 years since then, Mr. Hanify has carefully followed all subsequent developments on the Pearl Harbor catastrophe and the allocation of responsibility for that disaster.

I would like to quote a few brief paragraphs from Mr. Hanify's letter of last September, because it eloquently summarizes the overwhelming case for long undue justice for Admiral Kimmel. Mr Hanify writes:

> The odious charge of "dereliction of duty" made by the Roberts Commission was the cause of almost irreparable damage to the reputation of Admiral Kimmel, despite the fact that the finding was later repudiated and found groundless.
>
> I am satisfied that Admiral Kimmel was subject to callous and cruel treatment by his superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6th and morning of December 7th in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled for December 7th, and that intercepted intelligence indicated that Pearl Harbor was a most probable point of attack. Washington had this intelligence and knew that the Navy and Army in Hawaii did not have it, or any means of obtaining it.
>
> Subsequent investigation by both services repudiated the "dereliction of duty" charge. In the case of Admiral Kimmel, the Naval Court of Inquiry found that his plans and dispositions were adequate and competent in light of the information which he had from Washington—adequate and competent in the light of the information he had from Washington.

Mr. Hanify concludes:

> The proposed legislation provides some measure of remedial Justice to a conscientious officer who for years unjustly bore the odium and disgrace associated with the Pearl Harbor catastrophe.

I have also heard from the surviving son of Admiral Kimmel. He and others in his family have fought for over half a century to restore their father's honor and reputation. As Edward Kimmel wrote:

> Justice for my father and Major General Short is long overdue. It has been a long hard struggle by the Kimmel and Short families to get to this point.

No public action can ever fully atone for the injustice suffered by these two officers. But the Senate can do its part by acting now to correct the historical record, and restore the distinguished reputations of Admiral Kimmel and General Short.

I commend Senator BIDEN and Senator ROTH for their leadership on this amendment, and I urge the Senate to support it, and I ask unanimous consent that Mr. Hanify's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I am advised that a Resolution known as the Roth/Biden Resolution has been introduced in the Senate and that it has presently the support of the following Senators: Roth; Biden; Helms; Thurmond; Inouye; Stevens; Specter; Hollings; Faircloth; Cochran and McCain. The substance of the Resolution is to request the President to advance the late Rear Admiral Husband E. Kimmel to the grade of Admiral on the retired list of the Navy and to advance the late Major General Walter C. Short to the grade of Lieutenant General on the retired list of the Army.

Admiral Kimmel at the time of Pearl Harbor was Commander in Chief of the Pacific Fleet then based in Pearl Harbor and General Short was the Commanding General of the Hawaiian Department of the Army.

The reason for my interest in this Resolution is as follows: In early 1944 when I was a Lieutenant j.g. (U.S.N.R.) the Navy Department gave me orders which assigned me as one of counsel to the defense of Admiral Kimmel in the event of his promised court martial. As a consequence, I am probably one of the few living persons who heard the testimony before the Naval Court of Inquiry, accompanied Admiral Kimmel when he testified before the Army Board of Investigation and later heard substantially all the testimony before the members of Congress who carried on the lengthy Congressional investigation of Pearl Harbor. In the intervening fifty years I have followed very carefully all subsequent developments dealing with the Pearl Harbor catastrophe and the allocation of responsibility for that disaster.

On the basis of this experience and further studies over a fifty year period I feel strongly:

(1) That the odious charge of "dereliction of duty" made by the Roberts Commission was the cause of almost irreparable damage to the reputation of Admiral Kimmel despite the fact that the finding was later repudiated and found groundless;

(2) I am satisfied that Admiral Kimmel was subject to callous and cruel treatment by his superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6th and morning of December 7th in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled for December 7th at 1:00 p.m. Washington time (dawn at Pearl Harbor) and that intercepted intelligence indicated that Pearl Harbor was a most probable point of attack; (Washington had this intelligence and knew that the Navy and Army in Hawaii did not have it or any means of obtaining it).

(3) Subsequent investigations by both services repudiated the "dereliction of duty" charge and in the case of Admiral Kimmel the Naval Court of Inquiry found that his plans and dispositions were adequate and competent in light of the information which he had from Washington.

The proposed legislation provides some measure of remedial Justice to a conscientious officer who for years unjustly bore the odium and disgrace associated with the Pearl Harbor catastrophe. You may be interested to know that a Senator from Massachusetts, Honorable David I. Walsh then Chairman of the Naval Affairs Committee, was most effective in securing legislation by Congress which ordered the Army and Navy Departments to investigate the Pearl harbor disaster—an investigation conducted with all the "due process" safeguards for all interested parties not observed in other investigations or inquiries.

I sincerely hope that you will support the Roth/Biden Resolution.

Sincerely,

EDWARD B. HANIFY.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LEVIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

On December 7, 1941, when Pearl Harbor was attacked by Japan, the commanders on the ground were Rear Admiral Kimmel and Major General Short. Rear Admiral Kimmel was serving in the grade of admiral as commander in chief of the U.S. Fleet and commander in chief, U.S. Pacific Fleet. Major General Short was serving in the grade of lieutenant general as commander of the U.S. Army Hawaiian Department. Based on their performance at Pearl Harbor, both officers were relieved of their commands and were returned to their permanent ranks of rear admiral and major general on December 16, 1941.

The duty performance of Rear Admiral Kimmel and Major General Short has been the subject of numerous military, governmental, and congressional inquiries since that time. The most recent examination was by Under Secretary of Defense Edwin Dorn in 1995.

The Defense Department, after reviewing all of these inquiries, has concluded that posthumous advancement in rank is not appropriate. In short, in this 1995 review, the Department of Defense concluded that Admiral Kimmel and General Short, as commanders on the scene, were responsible and accountable for the actions of their commands. Accountability as commanders is a core value in our Armed Forces.

Rear Admiral Kimmel's and Major General Short's superiors at the time determined that their service was not satisfactory and relieved them of their commands and returned them to their permanent grades. We should not, in my judgment, some 57 years later, substitute the judgment of a political body—the Congress—for what was essentially a military decision by the appropriate chain of command at the time.

Those who were in the best position to characterize their service have done so. Their superiors concluded that Rear Admiral Kimmel and Major General Short did not demonstrate the judgment required of people who serve at the three- and four-star level. I do not believe that this political body should now attempt to reverse that decision made by the chains of command in our military service. So I join the chairman of the Armed Services Committee in opposing this amendment.

I also note the letter from the Secretary of Defense to the then chairman of our committee, STROM THURMOND, saying the following:

While Under Secretary of Defense for Personnel and Readiness, Mr. Edwin Dorn, conducted a thorough review of this issue in 1995. He carefully considered the information contained in nine previous formal investigations, visited Pearl Harbor and personally met with the Kimmel and Short families. His conclusion was that responsibility for the Pearl Harbor disaster must be broadly shared, but that the record does not show that advancement of Admiral Kimmel and General Short on the retired list is warranted.

I appreciate the fact that the overwhelming consensus of the organizations and personnel mentioned in your letter recommend exoneration of Admiral Kimmel and General Short. Absent significant new information, however, I do not believe it appropriate to order another review of this matter.

Ed Dorn and I both agree that responsibility for this tragic event in American history must be broadly shared, yet I remain confident in the findings that Admiral Kimmel and General Short remain accountable in their positions as leaders.

To highlight very briefly the findings of the Under Secretary of Defense in the Dorn report, referred to by the Secretary of Defense, I will quote three or four of the findings.

Finding 1:

Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared.

Finding 2:

To say that responsibility is broadly shared is not to absolve Admiral Kimmel and General Short of accountability.

Military command is unique. A commander has plenary responsibility for the welfare of the people under his or her command, and is directly accountable for everything the unit does or fails to do. . . . Command at the three- and four-star level involves daunting responsibilities. Military officers at that level operate with a great deal of independence. They must have extraordinary skill, foresight and judgment, and a willingness to be accountable for things about which they could not possibly have personal knowledge. . . .

It was appropriate that Admiral Kimmel and General Short be relieved.

Then he goes into the information that he had.

I yield myself just 1 additional minute.

The PRESIDING OFFICER (Mr. ALLARD). The Senator may continue.

Mr. LEVIN. Mr. President, finally in finding 3, the Dorn report says:

The official treatment of Admiral Kimmel and General Short was substantively temperate and procedurally proper.

Then finally:

There is not a compelling basis for advancing either officer to a higher grade.

Their superiors concluded that Admiral Kimmel and General Short did not demonstrate the judgment required of people who serve at the three- and four-star level.

* * * * *

In sum, I cannot conclude that Admiral Kimmel and General Short were victims of unfair official actions and thus I cannot conclude that the official remedy of advancement on the retired list [is] in order.

Mr. President, I ask unanimous consent that portions of the Dorn report and the Secretary of Defense letter in opposition to the advancement of these two gentlemen be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Memorandum for the Deputy Secretary of Defense]

ADVANCEMENT OF REAR ADMIRAL KIMMEL AND MAJOR GENERAL SHORT

1. Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared.

2. To say that responsibility is broadly shared is not to absolve Admiral Kimmel and General Short of accountability.

3. The official treatment of Admiral Kimmel and General Short was substantively temperate and procedurally proper.

There is not a compelling basis for advancing either officer to a higher grade.

His nomination is subject to the advice and consent of the Senate. A nominee's errors and indiscretions must be reported to the Senate as adverse information.

In sum, I cannot conclude that Admiral Kimmel and General Short were victims of unfair official actions and thus I cannot conclude that the official remedy of advancement to the retired list in order. Admiral Kimmel and General Short did not have all the resources they felt necessary. Had they been provided more intelligence and clearer guidance, they might have understood their situation more clearly and behaved differently. Thus, responsibility for the magnitude of the Pearl Harbor disaster must be shared. But this is not a basis for contradicting the conclusion, drawn consistently over several investigations, that Admiral Kimmel and General Short committed errors of judgment. As commanders, they were accountable.

THE SECRETARY OF DEFENSE,
Washington, DC, November 18, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your interest in exonerating the names of Admiral Kimmel and General Short. In the years since the fateful events at Pearl Harbor there have been numerous formal investigations of the events leading up to the attack, including sharp debate over our state of readiness at the time.

While Under Secretary of Defense for Personnel and Readiness, Mr. Edwin Dorn conducted a thorough review of this issue in 1995. He carefully considered the information contained in nine previous formal investigations, visited Pearl Harbor and personally met with the Kimmel and Short families. His conclusion was that responsibility for the Pearl Harbor disaster must be broadly shared, but that the record does not show that advancement of Admiral Kimmel and General Short on the retired list is warranted.

I appreciate the fact that the overwhelming consensus of the organizations and personnel mentioned in your letter recommend exoneration of Admiral Kimmel and General Short. Absent significant new information, however, I do not believe it appropriate to order another review of this matter.

Ed Dorn and I both agree that responsibility for this tragic event in American history must be broadly shared, yet I remain confident in the findings that Admiral Kimmel and General Short remain accountable in their positions as leaders.

Sincerely,

BILL COHEN.

Mr. ROTH. Mr. President, I yield myself 4 minutes.

I rise to address the Kimmel-Short resolution which I and Senators BIDEN, THURMOND, and KENNEDY introduced to redress a grave injustice that haunts us from World War II.

That injustice was the scapegoating of Admiral Kimmel and General Short for the success of the disastrous Pearl Harbor attack. This unjust scapegoating was given unjust permanence when these two officers were not advanced on the retirement list to their highest ranks of wartime command, an honor that was given to every other senior commander who served in wartime positions above his regular grade.

Our amendment is almost an exact rewrite of Senate Joint Resolution 19, that benefits from the support of 23 cosponsors. It calls for the advancement on the retirement lists of Kimmel and Short to the grades of their highest wartime commands—as was done for every other officer eligible under the Officer Personnel Act of 1947.

Such a statement by the Senate would do much to remove the stigma of blame that so unfairly burdens the reputation of these two officers. It is a correction consistent with our military tradition of honor.

Allow me to review some key facts about this issue.

First, it is a fact that Kimmel and Short were the only two World War II officers eligible under the Officer Personnel Act of 1947 for advancement on the retired list who were not granted such advancement. No other officer or official paid a price for their role in the Pearl Harbor disaster. That fact alone unfairly perpetuates the scapegoating they endured for the remainder of their lives.

Second, there have been no less than nine official investigations on this matter over the last five decades. They include the 1944 Naval Court of Inquiry which completely exonerated Admiral Kimmel and the 1944 Army Pearl Harbor Board who found considerable fault in the War Department—General Short's superiors. These investigations include that conducted by a 1991 Board for the Correction of Military Records which recommended General Short's advancement on the retired list.

I can think of few issues of this nature that have been as extensively investigated and studied as the Pearl Harbor matter. Nor can I think of a series of studies conducted over five decades where conclusions have been so remarkably consistent.

They include, first, the Hawaiian commanders were not provided vital intelligence they needed and that was available in Washington prior to the attack on Pearl Harbor.

Second, the disposition of forces in Hawaii were proper and consistent with the information made available to Admiral Kimmel and General Short.

Third, these investigations found that the handling of intelligence and command responsibilities in Washington were characterized by ineptitude, limited coordination, ambiguous language, and lack of clarification followup.

Fourth, these investigations found that these failures and shortcomings of the senior authorities in Washington contributed significantly, if not predominantly, to the success of the surprise attack on Pearl Harbor.

The PRESIDING OFFICER. The 4 minutes have expired.

Mr. ROTH. Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I understand under the previous order I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAMM. Mr. President, I have the highest regard for Senator ROTH, our distinguished chairman of the Finance Committee. One can tell by looking at all the books on his desk that he has done considerable research in this area. I have not done similar research in this area. But this is an issue that I have followed for my period of service in Congress, and I have followed it in part because of an interest in it, and in part because of my interest in the efforts of Dr. Samuel Mudd to exonerate his name from the role that he is alleged to have played and in fact was convicted of playing in the post-assassination activities related to President Lincoln.

But I have come to the floor today to oppose this amendment because I strongly object to Congress getting into the business of rewriting history.

This is an old issue. There has been a lot of talk over the years about Admiral Kimmel and about General Short, and about the facts in the wake of the greatest military disaster in American history at Pearl Harbor. And there is no question about the fact that we were asleep on December 7th of 1941. There is no question about the fact that Kimmel and Short had a great shortcoming in that they did not talk to each other and put together the information they had. But there is probably no question about the fact that in the wake of that disaster, there was an effort to put the blame on someone. It is also true that subsequent studies have concluded there was broad culpability.

But here is the point I want to make. We have a Board for the Correction of Military Records. We have an on-going process within the Department of Defense to reevaluate decisions that have been made. This decision about Kimmel and Short bubbled all the way up to President Bush, who as you know, was the youngest naval aviator in American history in World War II.

President Bush decided to let contemporaries be the judge of historical events, and so he made the decision not to override the decision of military leaders at the time of Pearl Harbor.

We had another review that ended on December 15th of 1995. That review was headed by Under Secretary of Defense for Personnel and Readiness, Edwin S. Dorn. Dorn concluded that, while it was clear that there was broad culpability, there was not sufficient evidence available now to override the previous decision, which did not include court-martial of these two military leaders; it simply included retiring them at their permanent rank rather than their temporary rank.

Some of you will remember this issue because we went through it with a four-star admiral when there were questions about the abuse of women on his watch in the Navy. Some of you will remember that we actually had to cast a vote in that case. The issue was whether he should retire at his permanent rank, which was a two-star admiral, or as a four-star admiral. We had a very close vote on the decision to allow him to retire with his four-star rank, which he held on the day he left the military.

It is true that normally, military flag officers are allowed to retire above their permanent rank to the higher temporary rank held on the day they are severed from the military. But that is not always the case, and it is normally done as an indication that they have provided excellent service.

It was not an extraordinary thing in the wake of Pearl Harbor to, No. 1, retire the two officers in charge and, No. 2, retire them at their permanent rank rather than elevating their rank upon retirement.

I urge my colleagues, with all due respect to Senator ROTH, to let history be the judge of what happened at Pearl Harbor. We have a process within the Defense Department where recommendations can be made, where facts can be gathered on an objective basis, where the review can come up to the level of the Secretary of Defense and then come to the President, if necessary, to make a final decision. President Bush refused to override the judgment of history. The Clinton administration, through Under Secretary Dorn, has refused to override the judgment of history.

Now, there is no doubt about the fact that Senator ROTH believes he is sufficiently knowledgeable about this case to override the judgment of history here. But I ask the other 99 Members of the Senate, are we sufficiently informed? Do we want to set a precedent here or build on precedents, bad precedents in my opinion, that have been set in the past, of trying to write history on the floor of the Senate? I think we need to leave it to the official process. We need to leave it to historians to make these judgments.

I have been personally involved now for several years with the Dr. Mudd case. What has happened in that case is that Dr. Mudd has many influential heirs and they have set a goal of exonerating him. We now have gone through this extraordinary process where we literally are on the verge of making a decision, where the Federal courts have gotten involved, not on the issue of whether Dr. Mudd was guilty. Having met John Wilkes Booth three times, being a physician whose job it was to recognize traits in people, he supposedly treated John Wilkes Booth and never recognized him. Contemporaries at the time said no. As a result, they sent him to prison. He was later pardoned due to some of the good work he did in prison. Never again in his lifetime did he challenge the judgment. But yet now we are on the verge of having, because of the political influence of that family, a decision in the Defense Department to override history.

I think we make a mistake by doing that. In this case, we have had a judgment by President Bush, a naval aviator, a hero of the very war where this decision was made, who decided not to rewrite history.

I think we should not decide to rewrite history here today. I think this amendment is well intended and based on tremendous research and on a great deal of fact. The point is, we are not the body that should be making this judgment. There is a process underway. That process has come to the level of the President once; it has come to the level of the Under Secretary of Defense once; and in both cases, they have said they would allow the judgment of history to stand.

It is not as if these two military leaders were court-martialed. They were simply retired, something that happens every day in the military. And they were retired at their permanent rank, which is not ordinary but it is certainly not extraordinary.

What should be extraordinary is that retirement at temporary rank ought to be a reward for conspicuous service. And while each of us can make our judgment about history that occurred in 1941, almost 58 years ago, I do not believe we have the ability, nor do I believe we have the moral authority as a political body, to go back and rewrite history. I ask my colleagues to oppose this amendment.

I yield back the remainder of my time.

Mr. ROTH. Mr. President, I yield myself 2 minutes.

We are not rewriting history. We are merely correcting the record. Just let me point out that the Dorn report, which has been mentioned time and again by those in opposition, specifically concluded that responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared. Let me emphasize that: It should be broadly shared. In other words, there were others responsible, primarily in Washington. To place the blame on these two gentlemen, who had distinguished military careers, is wrong and is unfair. I believe we have a responsibility, a duty, to recommend to the President action that corrects this unfortunate misdeed.

In making this decision, let me point out that a number of endorsements of my resolution have been received from senior retired officers of the highest rank. For example, Arleigh Burke sent a letter in which he concluded that:

> It is my considered judgment that when all the circumstances are considered that you should approve this posthumous promotion and recommend it to the President.
>
> The record is clear that important information, available to the Chief of Naval Operations in Washington, was never made available to Admiral Kimmel in Hawaii.
>
> Lastly, the Naval Court of Inquiry, which exonerated Admiral Kimmel, concluded that his military decisions were proper based on the information available to him.

Let me now refer to a letter we received from several distinguished members of the Navy: Thomas Moorer, Admiral, U.S. Navy; former Chairman, Joint Chiefs of Staff, William J. Crowe, Admiral, U.S. Navy; J.L. Holloway, Admiral, U.S. Navy; Elmo Zumwalt, Admiral, U.S. Navy. They wrote:

> We ask that the honor and reputations of two fine officers who dedicated themselves to the service of their country be restored. Admiral Husband Kimmel and General Walter Short were singularly scapegoated as responsible for the success of the Japanese attack on Pearl Harbor December 7, 1941. The time is long overdue to reverse this inequity and treat Admiral Kimmel and [G]eneral Short fairly and justly. The appropriate vehicle for that is the current Roth-Biden Resolution.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, last night the distinguished Senator ROTH and I had an extensive debate on this issue, and we are basically covering much of the same ground this morning. I repeat, I just got off the phone with the Secretary of Defense Bill Cohen, his predecessor, Bill Perry.

The Dorn report went through this whole case very carefully.

I recited the list of some nine tribunals, including the Congress of the United States, that reviewed this matter, and certainly did not reach any conclusion that the action to which my good friend and colleague, the Senator from Delaware, asks the Senate to do today.

I associate myself with the remarks of our colleague from Texas.

But it is interesting. This is very extensive research performed by our colleague. I took the liberty of taking the book last night and going home to read it, which is a summary of the congressional hearings. What I find interesting is that the Congress absolutely put forward some of the most distinguished Members of the House and the Senate to form the Joint Committee on the Investigation of the Pearl Harbor Attack: Alben Barkley, Senator from Kentucky was the chairman; Jere Cooper, Representative from Tennessee, was the Vice Chairman. On the Senate side, just look at the names of the individuals. Based on my own not personal knowledge but study of their careers in the Senate, they certainly were viewed as among the giants of the Senate during that critical period in history of World War II: Walter F. George, Senator from Georgia; Scott Lucas, Senator from Illinois; Owen Brewster, Senator from Maine; Homer Ferguson, Senator from Michigan. They were the elderly statesmen, the leaders of the Senate.

In their report, this is what the Committee on the Investigation of the Pearl Harbor Attack found. I refer to page 252. It says:

"Specifically, the Hawaiian commands failed" to do the following. By "the Hawaiian commands," of course, they are referring to the Naval command under Admiral Kimmel and the Army command under General Short:

> (a) To discharge their responsibilities in the light of the warnings received from Washington, other information possessed by them, and the principle of command by mutual cooperation.

The record astonishingly shows that these two senior officers, located on the principal islands of Hawaii, just did not collaborate together and share information and ideas as to how best to plan for the defense of the men and women of the Armed Forces, our interest in the islands at that time, and the critical assets; namely, Naval ships and aircraft that were located at that forward deployed area.

> (b) To integrate and coordinate the facilities for defense and to alert properly the Army and Navy establishments in Hawaii, particularly in the light of the warnings and intelligence available to them during the period November 27 to December 7, 1941.
>
> (c) To effect liaison on a basis designed to acquaint each of them with the operations of the other, which was necessary to their joint security, and to exchange fully all significant intelligence.

I am going to repeat that—failure to exchange between the two of them and with their subordinant significant intelligence.

> (d) To maintain a more effective reconnaissance within the limits of their equipment.
>
> (e) To effect a state of readiness throughout the Army and Navy establishments designed to meet all possible attacks.
>
> (f) To employ the facilities, materiel, and personnel at their command, which were adequate at least to have greatly minimized the effects of the attack, in repelling the Japanese raiders.
>
> (g) To appreciate the significance of intelligence and other information available to them.

In fairness, I will read another finding, and that is:

> The errors made by the Hawaiian commands were errors of judgment and not derelictions of duty.

Had there been dereliction of duty, these two men would have been court-martialed. But that was the decision made by the President of the United States, two successive Presidents—Roosevelt and Truman—not to do that. But they found them guilty of errors of judgment.

What we are asked to do is to put this body on notice that we are reversing the findings of the distinguished bipartisan panel of Senators and Members of the House of Representatives after taking all of this factual evidence into consideration. Look at the voluminous factual situation.

I asked my good friend last night: Are there any new facts on which the Senate could have as a predicate the changing of this decision of the joint congressional committee? And, quite candidly, my colleague from Delaware said no.

Just to bring to the attention of the Senate one other part in this report, it states on page 556:

> The commanding officers in Hawaii had a particular responsibility for the defense of the Pacific Fleet and the Hawaiian coastal frontier. This responsibility they failed to discharge.

I repeat, Mr. President, "This responsibility they failed to discharge."

> The failure of the Washington authorities to perform their responsibility provides extenuating circumstances for the failures of these commanders in the field.

This committee took into consideration that there were other failures but there were extenuating circumstances to bring the judgment of this panel to the conclusion that a court-martial was not to be held. But they were to be retired in the grades which they were in at permanent rank.

In this record is a request by these two officers to be retired, and the decision was made not to advance them at the time of retirement to the higher grade. That decision was made by individuals who had fresh of mind the facts of this case.

For us at this date and time to try to reverse that, in my judgment, would be to say to all of the tribunals that looked at this case—I will recite them again—the Knox investigation of December 1941; the Roberts Commission of January 1941; the Hart investigation of June 1944; Army Pearl Harbor Board, October of 1944; Navy Court of Inquiry, October of 1944; Clark investigation, September of 1944; Hewitt inquiry, July of 1945——

The PRESIDING OFFICER (Mr. SANTORUM). The time of the Senator from Virginia has expired.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Virginia be given an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The Clausen investigation, September 12, 1945; and, the joint congressional committee of May of 1945. It is the joint congressional committee record—to now, after these many 50-plus years, go back and reverse the decisions of all of this work done by individuals, as the Senator from Texas pointed out, with the authority to render such judgments would be to say to them: All of you are in error for not having done what the Senator from Delaware requested the Senate do these 50-plus years later.

I just think that is a very unwise decision. I think the Senator from Delaware has put an awful lot of hard work into this. I respect him for it. But I simply cannot support the Senator, nor can the current Secretary of Defense, and, indeed, the previous Secretary of Defense, and others who have looked at this set of documents previously.

I yield the floor.

Mr. ROTH. Mr. President, I yield 4 minutes to the distinguished senior Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 4 minutes.

Mr. BIDEN. Mr. President, let me begin by thanking my senior colleague, Senator ROTH, for carrying the load on this.

As we look forward to Memorial Day observances this weekend, most of us will take time to reflect on the honorable and noble traditions of our military. The amendment sponsored by myself and my good friends Senator ROTH, THURMOND, and KENNEDY is an effort to make sure Congress does its part to uphold those noble traditions.

Just to highlight two or three points: First of all, my friend from Virginia talks about the historical record. The historical record was made at that time when history was least likely to be served in the immediate aftermath of a national tragedy, and a need for an explanation that the country yearned and desired. I am not suggesting those who conducted the original investigation had any benevolent intent. I am suggesting that history is best viewed with a little bit of distance. There was not any distance. I just ask everyone to think about what would happen if something, God forbid, similarly happened today and this Senate, this body, and the administration decided they needed to investigate something immediately. My overwhelming instinct tells me there would be a need to find specific individuals who were responsible in order to satisfy our collective need for an answer.

I respectfully suggest that that is what happened here, and I respectfully suggest, as well, that we should not be fearful of the truth and we should not be fearful of going back in this open society of ours and not rewriting history, but setting the facts straight.

Ultimately, it is the President who must take action, but it is important that we in the Senate send the message that the historical truth matters and that it is never too late to acknowledge that the government did not treat the two commanding officers at Pearl Harbor on December 7, 1941, fairly.

Here's how I see it. Admiral Husband E. Kimmel and General Walter Short were publicly vilified and never given a chance to clear their names.

If we lived in a closed society, fearful of the truth, then there would be no need for the President to take action. But we don't. We live in an open society. Eventually, we are able to declassify documents and evaluate our past based on at least a good portion of the whole story. I believe sincerely that one of our greatest strengths as a nation comes from our ability to honor truth and learn the lessons from our past.

If we perpetuate the myth that Admiral Kimmel and General Short bear all of the blame for Pearl Harbor then we miss the real story. We fail to look at the readiness shortfalls they were facing—the lack of adequate reconnaissance planes, pilots, spare parts, and maintenance crews. We fail to look at the flawed intelligence model that was used—the disconnect between what was obtained and what got to the commanders in the field.

I mention these things in particular because there are some striking parallels to the problems facing today's military. Today's problems are of a different scope and scale, but it is important to see the parallels so that we can accurately judge our progress and our endemic problems.

The historic record is not flattering to our government in the case of the two commanding officers at Pearl Harbor and that is why it is our government's responsibility to acknowledge its mistake. I want to emphasize that point, because it is important.

In last night's debate over this amendment, both those for and against it agreed on most of the facts. Where there was disagreement, it seems to me, was in what to do about the facts. I believe we should urge the President to take action, because government action in the past shrouded the truth and scapegoated Kimmel and Short.

I know Senator ROTH and Senator THURMOND discussed some of the history last night, so I will just briefly review some of the critical parts.

In 1941, after lifetimes of honorable service defending this nation and its values, Admiral Kimmel and General Short were denied the most basic form of justice—a hearing by their peers. Instead of a proper court-martial, their ordeal began on December 18th with the Roberts Commission. A mere 11 days after the devastating attack at Pearl Harbor, this Commission was established to determine the facts.

In this highly charged atmosphere, the Commission conducted a speedy investigation, lasting little over a month. In the process, they denied both commanders counsel and assured both that they would not be passing judgement on their performance. That assurance was worthless. Instead, the Commission delivered highly judgmental findings and then immediately publicized those findings. The Roberts Commission is the only investigative body to find these two officers derelict in their duty and it was this government that decided to publicize that false conclusion. As one might expect, the two commanders were vilified by a nation at war.

Every succeeding investigation was clear in finding that there was no dereliction of duty. The first of these were the 1944 Army Board and Navy Court reviews. Again, it was government action that prevented a truthful record from reaching the public—a decision by the President. The findings of both of these bodies that placed blame on others than Kimmel and Short were sequestered and classified.

Fifty-seven years later, such falsehoods and treatment can no longer be justified by the necessities of war. Rear Admiral Husband E. Kimmel and Major General Walter Short were not singularly to blame for the disastrous events of Pearl Harbor in 1941. In fact, every investigation of Admiral Kimmel and General Short's conduct highlights significant failings by their superiors.

This amendment does not involve any costs, nor does it seek any special honor or award for these two officers. It does not even seek to exonerate them from all responsibility. Instead, it seeks simple fairness and their equal treatment. They are the only two eligible officers from World War II denied advancement on the retirement lists to their highest held wartime ranks.

I know my colleague from Virginia is concerned that there may be a long list of junior officers who can make similar claims. It is my understanding that there was a list of officers from World War II eligible for advancement under the Officer Personnel Act of 1947. Admiral Kimmel and General Short were the only officers on that list that were denied advancement on the retirement list.

I want to stress again for all my colleagues that this amendment simply sets the record straight—responsibility for Pearl Harbor must be broadly shared. It cannot be broadly shared if we fail to acknowledge the government's historic role in clouding the truth, nor if we continue to perpetuate the myth that Kimmel and Short bear singular responsibility for the tragic losses at Pearl Harbor.

These two officers were unjustly stigmatized by our nation's failure to treat them in the same manner with which we treated their peers. To reverse this wrong would be consistent with this nation's sense of military honor and basic fairness.

As we honor those who have given their lives to preserve American ideals and national interests this coming Memorial Day, we must not forget two brave officers whose true story remains shrouded and singularly tarnished by official neglect of the truth.

We introduced this amendment as S.J. Res. 19 earlier this year and it now has 23 co-sponsors. As I know Senator ROTH indicated last night, it has the support of numerous veterans organizations and retired Navy flag officers. These knowledgeable people and about a quarter of the Senate have already spoken up on behalf of justice and fairness.

I urge the rest of my colleagues to join us and support this amendment.

Mr. WARNER addressed the Chair

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I cannot accept the basic premise on which the distinguished Senator from Delaware addresses his case; that is, that there was a disposition among good and honest men not to accord fairness, equity, and justice to these two individuals. They were the subject of repeated inquiries. As a matter of fact, the Roberts Commission was headed by a Supreme Court Justice. Throughout the whole judicial history, in the common law of England, which we incorporated in our judicial history, speedy trial is the essence of our justice. The appellate procedure has to thereafter proceed with some expedition. You cannot wait 50-some-plus years to address an issue such as this. What do you say to the congressional committee? Do you dispute the findings of this committee?

Mr. BIDEN. Yes.

Mr. WARNER. We gave the names of some of the most revered elder statesmen of this body who presided, such as Alben Barkley. And, indeed, President Truman had to address, in 1947, as Senator ROTH and I covered last night, the tombstone promotions, which were given to officers of this category, and deny them. Truman himself had to make that decision. So I say to my good friend, many fair-minded individuals have reviewed this case and have come up with the determination that they were not the only ones who had culpability, but certainly, as I read it, this commission of the Congress of the United States found a serious basis for holding the action and making the decision that they did.

Mr. LEVIN. Mr. President, will the Senator yield a minute?

Mr. WARNER. I yield such time as the Senator from Michigan needs.

Mr. LEVIN. Mr. President, let me just add to what the Senator from Virginia just said in response to our good friend from Delaware. What I really fear, perhaps the most, is the substitution of the judgment of a political body for the judgment and findings of the appropriate chain of command. We are a political body. The chain of command at the time, which has been reviewed by the Defense Department, repeatedly made findings and held these two officers accountable. For us now to substitute our judgment more than five decades later for that of the chain of command, it seems to me, is a very, very bad precedent in terms of holding officers accountable for events.

Mr. President, the Department of Defense recently reviewed this entire matter—the so-called Dorn report—and I have quoted these findings before, but I will pick out two of them, which seems to me go to the heart of the matter.

This is a quote:

> To say that responsibility is broadly shared is not to absolve Admiral Kimmel and General Short of accountability.

Of course, accountability should be broadly shared, and maybe it wasn't as broadly shared as it should have been, but the issue is whether or not this accountability, 57 years ago, is going to be set aside by a political body 57 years later.

Mr. BIDEN. Will the Senator yield?

Mr. LEVIN. My time is over, but I will be happy to yield.

Mr. BIDEN. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Mr. President, this is a rhetorical question. The report suggested that Generals Marshall and Stark were also partially responsible. My point is that the idea that the entirety of the blame, that the children and the children of the children of these two men will live forever thinking that they were the only two people responsible for this, is a historical inaccuracy, unfair, and a blemish that is not warranted to be carried by the two proud families whose names are associated with them. It is as simple as that.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, what we are talking about today is a matter of justice and fairness, a matter that goes to the core of our military tradition and our Nation's sense of military honor. Just let me point out once again the Dorn report says:

> Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short. It should be broadly shared.

Unfortunately, it was not broadly shared. The only two people who were singled out for punishment, or not to be promoted to their wartime rank, were Admiral Kimmel and General Short. They were held singularly responsible for what happened in Pearl Harbor. That is not fair. That is not just. Just let me point out that we have had the essence of the tremendous number of endorsements we have received from senior retired officers of the highest rank. Once again, I point out that admiral after admiral—Burke, Zumwalt, Moorer and Crowe—have asked that this be corrected. All we seek today is justice and fairness to two officers who served their Nation with excellence.

The PRESIDING OFFICER. All time has expired.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia.

Mr. WARNER. Mr. President, the admirals the Senator enumerated were ones I had the pleasure of knowing, serving with several, and for whom I have a great deal of respect. But I note the absence of any similar number of Army generals coming forward on behalf of General Short. Perhaps the Senator has something in the RECORD. But I think that silence speaks to authenticate the position that this Senator and others have taken.

To the very strong, forceful statement of my colleague who said it is implicit that all responsibility for this tragedy is assigned to these two individuals, that is not correct. The Dorn report said it is to be shared. In fact, General Marshall stepped forward with courage and accepted publicly, at the very time this was being examined, his share of responsibility.

So I say others, indeed, General Marshall and others, stepped forward.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. May I just make a 15-second statement?

Mr. WARNER. The Chair has ordered the yeas and nays?

The PRESIDING OFFICER. Yes.

Mr. WARNER. I say, as a courtesy to my good friend and others who have sponsored this, we will not, of course, move to table.

Mr. ROTH. I point out the Army Board for Correction of Military Records, in 1991, recommended that General Short be restored to his full wartime rank.

AMENDMENT NO. 377

The PRESIDING OFFICER. All time has expired. The question now is on the Roberts amendment. There is an hour equally divided.

Mr. ROBERTS. Mr. President, I have had the privilege this year to serve as the first chairman of the Senate Armed Services Committee's Subcommittee on Emerging Threats and Capabilities. I would like to recognize Senator WARNER, the chairman of the Armed Services Committee, for his vision and foresight in creating this subcommittee to deal with the nontraditional threats to U.S. national security.

The Subcommittee on Emerging Threats and Capabilities was established to provide oversight for the Department of Defense's efforts to counter new and emerging challenges to vital United States interests. Through a series of hearings and detailed oversight of budget accounts, the subcommittee highlighted: the proliferation of weapons of mass destruction; terrorism directed at U.S. targets both at home and abroad; information warfare and the protection of our defense information infrastructure; and trafficking of illegal drugs. The subcommittee sought to identify the technology, operational concepts and capabilities we need to deter—and, if necessary—combat these perils.

I would like to briefly highlight the initiatives included in this bill to address the emerging threats to our national security:

Protection of our homeland and our critical information infrastructure are two of the most serious challenges facing our Nation today. In the area of counterterrorism, the bill before the Senate includes full funding for the five Rapid Assessment and Initial Detection (RAID) teams requested by the administration, and an increase of $107 million to provide a total of 17 additional RAID teams in fiscal year 2000. We have further required the Department to establish a central transfer account for the Department's programs to combat terrorism to provide better visibility and accounting for this important effort.

We have included an Information Assurance Initiative to strengthen the Department's critical information infrastructure, enhance oversight and improve organizational structure. As a part of this initiative, we added $120 million above the President's budget request for programs to enhance our ability to combat cyber-attacks. In addition, this initiative will provide for a test to plan and conduct simulations, exercises and experiments against information warfare threats, and allow the Department to interact with civil and commmercial organizations in this important effort. The provision encourages the Secretary of Defense to strike an appropriate balance in addressing threats to the defense information infrastructure while at the same time recognizing that Department of Defense has a role to play in helping to protect critical infrastructure outside the DOD.

We have included a legislative package to strengthen the science and technology program. This legislation will ensure that since the science and technology program is threat-based and that investments are tied to future warfighting needs. The legislation is also aimed at promoting innovation in laboratories and improving the efficiency of RDT&E operations. The bill also includes a $170 million increase to the science and technology budget request.

And finally, in the area of nonproliferation, we have authorized over $718 million for programs to assist Russia and other states of the former Soviet Union destroy or control their weapons of mass destruction. However, it is important to note, this is an increase of $29.6 million over the fiscal year 1999 funding level. I would like to take a moment to share my thoughts on this issue.

I am very concerned about the findings of the recently released GAO report that the U.S. cost of funding the nuclear material storage facility in Mayak, Russia has increased from an original estimate of $275 million to $413 million. This Cooperative Threat Reduction (CTR) project may eventually have a price tag of $1 billion. These increased costs to the U.S. have occurred because Russia has failed to fund its share of the costs of this project. I also understand that the chemical weapons destruction facility will not be open until 2006, in part due to Russia's failure to provide the needed information about the chemical weapons to be destroyed.

The CTR program is becoming more and more one-sided. This program is also in the interest of the Russians. Matter of fact, much of the destruction of the Russian inventory, funded by the CTR program, enables Russia to meet its obligations under existing arms control treaties.

In addition, I am concerned with the daily press reports that the Russians are enhancing their military capabilities. For example:

Earlier this month, President Yeltsin reportedly ordered the Russian military to draw up plans for the development and use of tactical nuclear forces.

On May 4, The Russian Defense Minister threatened to reconsider Russian support for the revision of the Conventional Forces in Europe (CFE) Treaty.

On April 16, the Duma unanimously adopted a resolution calling for increased defense budgets.

Although I have serious concerns about this program, we included an authorization for CTR at the budget request of $475.5 million, an increase of $35 million over the FY 99 level. However, before FY 2000 funds may be obligated we require the President to recertify that the Russians are foregoing any military modernization that exceeds legitimate defense requirements and are complying with relevant arms control agreements. The most recent certification by the Administration was completed before these numerous statements by Yeltsi and other Russian officials.

I am also concerned with the deficiencies in the management and oversight of the DOE programs in Russia—in particular, the Initiative for Proliferation Prevention (IPP) and the Nuclear Cities Initiative (NCI). If these programs are to succeed, we need to get past the implementation problems pointed out in the GAO report, in press reports, by our House colleagues, and by the Russians. In addition, the Russian economic crisis and lack of infrastructure are making these programs more difficult to manage. I am afraid if we do not exercise strong oversight now we are in danger of losing these programs.

I have proposed a number of initiatives that I believe will go a long way towards correcting the deficiencies in the management of the IPP program, establishing a framework for effective implementation and oversight of both programs, and ensuring that sufficient accountability exists. Further, I believe the U.S. nonproliferation goals and U.S. national security will be better served by these improvements.

Finally, I believe DoE should spend FY 2000 tightening up the implementation of IPP and NCI rather than broadening the program. Therefore, the committee authorized the IPP and NCI below the administration's request of $30 million for each program. The bill includes an authorization of $15 million for NCI and an authorization of $25 million for IPP, an increase of $2.5 million for each program over FY 99 levels. These are the only programs in the entire DoE nonproliferation budget that the committee authorized below the budget request. Overall, we authorized $266.8 million for DoE nonproliferation programs in the former Soviet Union countries—an increase of $13.4 million over FY 99.

I believe the bill before you takes significant steps to focus the Department of Defense's efforts to counter new and emerging threats to vital national security interests. I urge my colleagues to support this bill.

Once again, Mr. President, I am asking the support of my colleagues for a simple sense of the Senate that calls also for complete transparency on the part of the President and Senate consideration regarding the de facto editing of the original North Atlantic Treaty.

My sense of the Senate asks the President to certify whether the new Strategic Concept of NATO, the one adopted at the 50th anniversary of NATO in Washington about a month ago—this formalization of new and complicated United States responsibilities in Europe, as evidenced by the war in Kosovo and the possibility of future Kosovos around the world—is in fact a document that obligates the United States in any way, shape, or form.

If so, my sense of the Senate affirms that this body be given the opportunity to debate, to accept or to reject, the new blueprint for future NATO operations, these actions which will undoubtedly include substantial components of our own Armed Forces engaged completely outside the province of the original treaty.

Yesterday the distinguished Senator from Michigan, my colleague and my friend, Senator LEVIN, asked where the Congress was in 1990, in regard to the last Strategic Concept adoption. The Senator has rightly pointed out there were changes made in the Concept at that particular time. Without question that should have been an alarm bell of things to come. But there are key differences, I tell my friend, in the world today as opposed to the world in 1990.

Second, and just as important, there are significant differences regarding the Strategic Concept adopted in April of 1999, just a month ago, which is the document that I hope is still on the desk of all Senators, and the Concept that was adopted in 1990 as referenced by the Senator.

First of all, Bosnia had not occurred and, more especially, Kosovo was not the proof of the direction that NATO intended to go. That direction is an offensive direction. That is not meant to be a pun.

The crafting of language in the new Strategic Concept was carefully done. Look, my colleagues, if you will, at the removal of the following wording of paragraph 35 of the 1991 Concept. I will repeat it:

> The alliance is purely defensive in purpose. None of its weapons will ever be used except in self defense.

That was removed. That removal was not an oversight. The current Strategic Concept sets in motion a new NATO that is inconsistent with article 1 of the 1990 treaty or concept. The North Atlantic Treaty, article 1:

> The parties undertake as set forth in the Charter of the United Nations to settle any international dispute which they may be involved in by peaceful means, in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purpose of the United Nations.

That was in 1990, the reference to the United Nations, to settle any international dispute by peaceful means, not by military means.

The original wording and intent of article 4 of the North Atlantic Treaty is straightforward. The North Atlantic Treaty, article 4:

> The parties will consult together when in the opinion of any of them the territorial integrity—

All the debate about whether we are conducting a military campaign and crossing borders of a sovereign state, I say it again:

> The parties will consult together when in the opinion of any of them the territorial integrity or political independence or the security of any of the parties is threatened.

However, paragraph 24 of the new Concept significantly alters article 4 of the NATO treaty in the following way:

> Arrangements exist within the alliance for consultation among the allies under article 4 of the Washington Treaty—

My colleagues, pay attention to this—

> and, where appropriate, the coordination of their efforts including the responses to such risks.

The portion that includes "the coordination of their efforts including their responses to such risk," it is new, and strongly suggests offensive action, i.e., Kosovo. It is a possible response to a threat, and that is a radical shift for NATO—not from 1949 but also from 1990.

The new Concept has significantly expanded the global coverage of NATO. For example, paragraphs 20, 21, and 22 clearly indicate a global reach for NATO.

Paragraph 20 states:

> The resulting tensions could lead to crises affecting Euro-Atlantic stability, to human suffering and to armed conflicts. Such conflicts could affect the security of the conference by spilling over to neighboring countries including NATO countries or in other ways, and could also affect the security of neighboring states.

The point is that NATO justifies action well beyond the original boundaries of NATO and now includes threats to member states anywhere in the world. Is that what we want the NATO of the future to be?

I say to my friend from Michigan, he is right that Congress was asleep at the switch when the Strategic Concept of 1990 was adopted. But there is no reason for Congress to remain asleep in 1999. In fairness to my colleagues, no one envisioned that in less than 9 years the purely defensive alliance of NATO would have conducted offensive action out of area, against a sovereign nation, albeit a terribly oppressive nation, in an action that was not in our vital national interests.

Let me share some comments I have gleaned from the Foreign Media Reaction Daily Digest which all Members receive from the U.S. Information Agency. This is from the leading press around the world, as they view, in terms of their commentary, what this Strategic Concept means to them.

I know some critics, myself included, will say their views, some of the views, are unimportant or biased or that they are from state-run presses. I know that. But I think they are a valuable tool to understand how we and NATO are being perceived by non-NATO members—and some NATO members as well. Here is the summary—early May:

> The Alliance's adoption of a "new strategic concept". . . has swung to the negative [in regard to the comments by the foreign press]. Criticism of the Alliance's vision of a "new world order". . . . many underscored the problems with NATO's expanded purview and questioned the feasibility of trying to promote and impose—beyond European borders and "by force if necessary"—a "consistent" standard on human rights. The vast majority of media outside of Europe remained harshly critical of NATO's [read the U.S.'s] new blueprint, with most reiterating their concerns that NATO is "transforming itself into a global police force, ignoring the role of the U.N." . . . NATO is being enlarged—both spatially and doctrinally—in order to ensure U.S. military and political dominance over Europe, Russia and the rest of the world.

I don't buy that, but it is important to understand that other countries certainly think that.

It goes on to say:

> The idea that a part of the world, formed by the most "civilized" nations, can be responsible for the respect of human rights in the whole world—resorting, if necessary, to the use of force . . . is neither viable nor fair.

They are asking:

> . . . whether Kosovo is an exception or a rule in NATO's new strategy, and whether the Allies will be equally firm, but also consistent, when its comes to the Kurds . . . Tibetans, Palestinians, Tutsis, Hutus [or] Native Americans. Ethnic cleansing in Chechnya, Turkey, Colombia, Indonesia show that NATO is now punishing randomly, that is only enemies and only those countries that don't have any nuclear weapons.

Mr. President, several headlines—and I do not agree with all of these headlines—in May should be brought to the attention of my colleagues.

The newspaper Reforma in Mexico:

> What is the reason for the desire to impose a solution in defense of the Albanians in Yugoslavia while at the same time three ethnic groups that hate each other are forced to co-exist in Bosnia? What could happen in Mexico in the future? Within several months, NATO members [have now agreed] to intervene anywhere they see fit without the need to consult with the U.N. and to run the risk of a veto from Russia or China. This will be a two century jump backwards.

That is from Mexico. I am not saying it speaks for the entire country of Mexico, although President Zedillo said much the same thing.

Ethnos, a paper in Greece:

> What occurred in Washington was the U.N.'s complete weakening. It is now a mere onlooker of NATO's decisions and initiatives. What has taken place is the complete overthrow of the legal system.

A newspaper called Folha de S. Paulo in Brazil:

> NATO celebrates its 50th anniversary and in practice formalizes the end of the U.N. As it has become clear this past month, the world's power is, in fact, in NATO, meaning in the hands of the United States. And, almost no Government dares to protest against it.

The Economist in Great Britain, a respected newspaper:

> Limping home from Kosovo would certainly oblige NATO to rethink its post-Cold War aims of intervention, not just for member's defense, but also for broader interest in humanitarian and international order. NATO might go into terminal decline. The Alliance needs to persist in explaining to other countries the principles that guided NATO's decision to intervene in Kosovo. This necessity is not so much to prove that this was a just cause but to reassure a suspicious world that NATO has not given itself the right to attack sovereign nations at whim.

Il Sole 24–Ore. of Italy:

> We cannot say what emerged from the weird birthday-summit war council in Washington is a strategic concept. Indeed, NATO should have been more precise about its future. The war in Kosovo forces us to revise international law as we have known it.

This is from a newspaper in a country that is a NATO ally:

> The concept suggests laying the foundation of an "ethical foreign policy." A democratic West which tolerates ethnic and religious diversities, which is stable and economically free, can even fight to give these values to other people. It is a very nice picture, but to impose freedom is a contradiction in terms.

Another headline: Al-Dustur in Jordan, the new King of which just paid a visit to this country:

> The Anglo-American alliance imposed on NATO during the summit in Washington is a new orientation marked by imperialist arrogance and disregard for the rest of the world.

Those are pretty strong words.

> This is a serious danger that faces the world, and to overcome it all non-NATO countries should cooperate and seek to develop weapons of mass destruction.

Is that what the new Strategic Concept is leading to in the minds of some of the critics in foreign countries?

Al Watan in Kuwait, the country we freed in regard to Desert Storm:

> NATO does not have a strategy for the next 50 years, except America will remain the master, Europe the subordinate, Russia a marginalized state and the rest of the world secondary actors.

That is pretty tough criticism.

Asahi newspaper in Japan:

> One such lesson is that members of an alliance often resort to their own military activities, paying scant attention to the trend of the U.N. Security Council, or international opinion. Another lesson is that the United States, the only superpower, often acts in accordance with its own logic or interests rather than acting as supporter for its allies.

This newspaper sums it up:

> This has relevance to the U.S.-Japanese military alliance.

The newspaper Hankyoreh Shinmun of South Korea, an ally:

> The summit decision to give the Alliance an enlarged role in the future is a dangerous one in that it may serve in the long term to merely prop up America's hegemonic endeavors. The talk of NATO's expanded role confuses everyone and even threatens global peace. NATO's new role could unify countries like Russia and China that oppose U.S. dominance, provoking a new global conflagration between them and the West.

In Taiwan, The China Times:

> NATO's new order requires different agents to act on the U.S.'s behalf in different regions and to share the peace-keeping responsibility for the peace of greater America. In the Kosovo crisis, NATO on one hand tries to stop the Yugoslav government's slaughter. On the other hand, to show respect for Yugoslav sovereignty it also opposes Kosovar independence. This means that a country cannot justify human rights violations by claiming national sovereignty. By the same token, calls for independence in a high tension area are forbidden since they would naturally lead to war. These two principles have now become the pillars of the NATO strategic concept. Both sides of the Taiwan Strait have also repeatedly received similar signals: Beijing should not use force against Taiwan, and Taiwan should not declare independence.

There is a parallel.

Finally, in India, the newspaper Telegraph:

> NATO will definitely try to make things difficult for nations like India which are planning to join the nuclear league. Though Russia, and now China, are seeking India's cooperation and active participation to build a multi-polar world order against the United States, Deli appears to be reluctant to play. This reluctance stems from the fear that the West, with help from Pakistan, might turn Kashmir into another Kosovo, highlighting human rights violations in the valley and Kashmir then might become a fit case for NATO intervention.

I do not buy that. I do not think we are going to do that. Some of the warnings, some of the descriptions that I have just read to my colleagues, I do not buy, but it shows you the attitude, it shows you how other people feel about the new Strategic Concept.

We have the same kind of commentaries from Argentina, from Canada, from Mexico again.

La Jornada, a newspaper in Mexico:

> The decision by NATO leaders to turn that organization from a defensive into an offensive entity and to carry out military actions regardless of the U.N. is a defeat of civilized mechanisms that were so painfully put in place after World War II. If the Alliance really wanted to impose democratic values by force, it should start by attacking some of its own members, like Turkey, which carries out systematic ethnic cleansing campaigns against the Kurds.

Tough words.

My point remains that this new Strategic Concept, a concept that radically alters the focus and direction of NATO, has been adopted without the consultation of the Senate. Are we willing, as Senators, to stand by and not debate, discuss, or give consent to a document that fundamentally alters the most successful alliance in history? What we discussed, what we ratified in regard to expansion is totally different than the new Strategic Concept. It has had no debate, it has had no discussion and, yet, it is a blueprint for our involvement in the future of NATO.

It is a document that fundamentally alters the most successful alliance in history and one that may cost the blood of our men and women and billions of dollars from our Treasury. We should at least debate it.

I urge my colleagues to support my sense-of-the-Senate amendment. I reserve the remainder of my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I will be voting for this amendment because it is worded very differently from earlier versions. This version of the amendment simply requires the President to certify whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

In 1991, we had major changes in the alliance's Strategic Concept. These were huge changes. Section 9 of the alliance's new Strategic Concept in 1991, for instance, said:

> Risks to allied security are less likely to result from calculated aggression against the territory of the allies but rather from the adverse consequences of instabilities that may arise from serious economic, social and political difficulties, including ethnic rivalries and territorial disputes which are faced by many countries in Central and Eastern Europe. They could lead to crises inimical to European stability and even to armed conflicts which could involve outside powers or spill over into NATO countries.

Then in paragraph 12, it says:

> Alliance security must—

This is 1991—not this new one, but the Strategic Concept that was adopted in 1991.

> Alliance security must take into account the global context. Alliance security interests can be affected by other risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources, and actions of terrorism and sabotage.

The reason that this 1991 Strategic Concept was not sent over to the Senate for ratification was very straightforward, very simple, in my judgment; and that is that the Strategic Concept then did not contain new commitments or obligations for the United States. This is a strategic concept; this is not a legally binding document. This is not a treaty-specific document which contains obligations and commitments on the part of the parties. This is a strategic concept document, both in 1991 and in 1999.

So when my good friend from Kansas says that I said the Congress was asleep in 1991, the Congress was not asleep in 1991. The Congress was exactly right in 1991. When this Strategic Concept was adopted in 1991, there were no new obligations or commitments that required the Senate to ratify this document. And there are no new obligations or commitments now.

The President has already told us that. He has already sent a letter to Senator WARNER. The President has sent a letter to Senator WARNER dated April 14, 1999, that says:

> The Strategic Concept will not contain new commitments or obligations for the United States.

So the certification, which is required in this amendment—and rightfully so, by the way, in my judgment—has already been made. I see no reason it would not be made again.

So I do not believe that the Congress was sleeping in 1991, and it surely is not sleeping now. Senator ROBERTS is, as far as I am concerned, very appropriately saying to the administration, if this contains new commitments or obligations—if it contains new obligations and commitments—then you should send this to us as a treaty amendment.

Of course, I happen to think that is correct. This amendment does not find that there are new obligations and commitments. An earlier version of this amendment, by the way, did. This amendment does not do that. This amendment says to the President: Tell the Congress whether or not the new Strategic Concept—those are the precise words of this amendment—constitutes, involves, contains, new obligations or commitments.

Mr. WARNER. Would the Senator yield?

Mr. LEVIN. I would be happy to.

Mr. WARNER. The Senator points out that the letter was sent to me—correct—in response to a letter that I forwarded to the President. That is in last night's RECORD.

First, we welcome the Senator's support on this. But I think he would agree with me that that letter was written at the time when the language was still being worked, and of course it predates the final language as adopted by the 50th anniversary summit. That language is the object of this, I think, very credible inquiry by Mr. ROBERTS, myself, and others.

Mr. LEVIN. It is very appropriate.

Mr. WARNER. It is very well that the Senate may forward a letter that puts this matter to rest and, most importantly, clarifies in the minds of our other allies, the other 18 nations, exactly what this document is intended to say from the standpoint of America, which, I point out time and time again, contributes 25 percent of the cost to the NATO operations.

Mr. LEVIN. I think that is correct. The timing of the letter is exactly as the chairman says it is. But the statement of the President is that "the Strategic Concept will not contain new commitments or obligations for the United States."

The caption of the amendment by the Senator from Kansas is "Relating to the legal effect of [this] new Strategic Concept." I think it is quite clear from our conversations with the State Department that the President can, indeed, and will, indeed, make this certification, and should—and should. I think it is an important certification.

I commend the Senator from Kansas. I think we need clarity on this subject. If there is a legally binding commitment on the United States in this new Strategic Concept, it ought to be sent to the Senate for ratification. But if this 1999 Strategic Concept is like the 1991 Strategic Concept—not a legally binding document but a planning document, a document setting out concepts, not legal obligations—that is a very different thing.

NATO has adopted strategic concepts continually during its existence. By the way, again, let me suggest there is nothing much broader than section 12 of the 1991 Strategic Concept which said: "Alliance security must take into account the global context." Does that represent a binding commitment on the United States? It surely did not, in my judgment, and need not have been submitted to the Senate for ratification. I believe that the current Concept, which has been adopted, does not contain legally binding commitments.

Mr. WARNER. If the Senator will yield, the amendment, as carefully crafted, does not have the word "legal" in it. It imposes any "new commitment." Indeed, there are political commitments that give rise to actions from time to time. So I recognize the Senator's focus on "legal," but it does not limit the certification solely to legal. It embraces any new commitment or obligation of the United States.

Mr. LEVIN. Mr. Chairman, I think it clearly means the legal effect of this. But let us, rather than arguing over what is in or not in this amendment—I understand that there was going to be an effort made here to clarify language on the certification. If there is going to be such an effort, I would ask that be made now and that we then ask for the yeas and nays so we are not shooting at a moving target here. Really, I think it would be useful, if in fact that change relative to the certification requirement is going to be sent to the desk, it be sent to the desk at this point; and then I am going to ask for the yeas and nays.

Mr. ROBERTS. If the Senator will yield?

Mr. LEVIN. I do yield.

AMENDMENT NO. 377, AS MODIFIED

(Purpose: Relating to the legal effect of the new Strategic Concept of NATO)

Mr. ROBERTS. I do have that clarification in the form of an amendment, which I send to the desk, and I ask unanimous consent that in title X, at the end of subtitle D, that this amendment would be added.

Mr. BIDEN. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. There is objection. I would like to reserve the right to object, if you let me explain; otherwise, I will just simply object.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I reserve the right to object because if, in fact, the Senator wishes to change his amendment, I ask that we consider on line 7 adding the word "legal," because failure to do so rewrites constitutional history here. Presidents make commitments all the time. Commitments and obligations do not a treaty make and do not require a supermajority vote under the Constitution by the Senate to ratify those commitments. I, at least for the time being, object and hope that after we finish this debate, before we vote, my colleague and I can have a few minutes in the well to see whether he will consider amending it to add the word "legal" on line 7 of his amendment. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield the floor in just 2 minutes. I read this document quite clearly as meaning any new commitment or obligation, because it uses the word "impose." I know no other way to impose an obligation or a commitment other than legal. When you use the word "impose," it seems to me it is quite clear that that means it is imposed. So that is the way I read this language. If others want to read the language in a different way, they may. But I think that the certification requirement, which the Senator from Kansas wants to move into the front of this amendment instead of in the sense-of-the-Senate part of it, is simply a clarification of what was always the clear intent, which is that there be such a certification. And I think that that is more of a technical change than anything.

I have no objection to an amendment which moves the certification requirement to the front of the amendment before the sense-of-the-Senate language and imposes that as a certification requirement—not sense of the Congress but as a requirement on the President. In my judgment, there is no doubt but that it is only if there is a legally binding commitment or obligation that this would require a referral to the U.S. Senate, because no other requirement or obligation other than one that is legally binding on us would rise to the dignity of a treaty.

I hope the Senator will have a chance to move the certification requirement to an earlier position in his amendment. If I could just ask one question of my friend from Kansas, as I understand, that is what the modification does provide and nothing more; is that correct?

Mr. ROBERTS. I say to the Senator, I am not sure. I had thought we had an agreement that there would not be an objection to the amendment by unanimous consent. That obviously is not the case. We are going to have to consider this. Let us work on this.

I will be happy to visit here on the floor with the Senator from Delaware and my good friend from Michigan. I am not entirely clear, after listening to the Senator, that his description of this amendment is the one that I have. Let us work it out, and if push comes to shove, although I think it is entirely reasonable for a Senator to be allowed to amend his own amendment, if this has caused some concern on the part of both Senators, we can always bring this up as a separate amendment, which may be the best case. If, in fact, you say "legal," you put the word "legal" in there, obviously I do not think the President is going to have any obligation to report on anything. In terms of obligation, if I might say so, if the Senator will continue to yield, if Kosovo is not an obligation, I am not standing here on the floor of the Senate. That is my response.

Why don't we visit about this if we can, and then, if necessary, we will just introduce an amendment at a later time as a separate amendment.

Mr. BIDEN. Mr. President, will the Senator from Michigan yield me 1 minute?

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Just 1 minute and then afterwards I see others will seek recognition to speak.

I want to make it clear, I do not know where the Senator got the impression that there would be no objection. I did not agree to that. What I suggested was that when he asked me whether or not I objected, I asked him to withhold until after I made my talk and asked some questions. Then I would not object. We are getting the "cart before the horse" here. I want to make it clear, I may not ultimately object. I just want to have an opportunity to speak to this before he sends his amendment to the desk.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that Senator SMITH of New Hampshire be added as an original cosponsor of Roberts amendment No. 377.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

I thank the Senator from Kansas for pursuing this, because I do think it is a very important amendment. I think it is very important that we ask the President to come forward and tell us if this new Strategic Concept we have all been reading imposes a new commitment or obligation on the United States.

The original NATO treaty, the whole treaty, is very clear. It is a defensive alliance. That has never been questioned until what is happening today in Kosovo, which is clearly not defensive. It is offensive. NATO has started airstrikes on a sovereign nation that is not a member of NATO. So I think it is, before our eyes, evolving into a new Strategic Concept for NATO, and I think we most certainly must have the right to approve it. It is an addition to a treaty obligation that was made 40-plus years ago.

Now, I am not necessarily against NATO having an offensive part of a treaty obligation, but I am absolutely certain that the Senate must approve this kind of added obligation and that we not walk away from the very important concept that a treaty sets out certain obligations and it is required to be ratified by Congress. And most certainly, we must ratify the changing of a treaty obligation from a defensive alliance to an offensive alliance.

There is no question that the founders of our country chose to make it difficult to declare war. They chose to make it difficult to declare war by giving the right to Congress. They could have given it to the President, but they were going away from the English system, where the King declared war and implemented the same war. They wanted a division of responsibility, and they wanted it to be difficult to put our troops in harm's way. Indeed, every President we have had has said that it should be difficult to put our troops in harm's way; perhaps until this President, that is.

So it is important that we pass this amendment and that the President certify that we either do have a new obligation or we do not. I think we do, and I think we need to debate it.

As I said, I am not against NATO having some offensive responsibilities. I do question that they have in our NATO treaty the right to do what they are doing right now. I think we need to debate it, and I think we need to clarify exactly what would be in a new offensive strategy that would be a part of a NATO treaty obligation of the United States of America.

I can see a role for NATO that would declare that we have security interests that are common and that we would be able to determine what those common security interests are and that we would fight them together, stronger than any of us could fight independently. I do not know that Kosovo meets that test, but I think others certainly do believe that. I do believe that a Desert Storm does meet the test or Kim Jong-Il, with nuclear capabilities, does meet that test.

Mr. President, I support the amendment, and I ask unanimous consent to be added as a cosponsor of the amendment. I think it is incumbent on the Senate to stand up for our constitutional responsibility and that is what this amendment does.

I thank the Chair.

Mr. ROBERTS. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. ROBERTS. I do not know if the Senator from Delaware would like to speak at this moment.

Mr. BIDEN. Mr. President, I would, if I may.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. The distinguished Senator from Michigan indicated that I could yield myself such time as he has remaining.

Mr. President, I say to my friend from Kansas, I have no objection, after talking to him, if he wishes to send his amendment to the desk now. I will yield the floor.

Mr. ROBERTS. Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 377), as modified, is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the President shall determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, if the President certifies under subsection (a) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

(c) REPORT.—Together with the certification made under subsection (a), the President shall submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation, or several member nations, where the commitment of NATO forces will be "out of area" or beyond the borders of NATO member nations.

(d) DEFINITION.—For the purpose of this section, the term "new Strategic Concept of NATO" means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C., on April 23 and 24, 1999.

Mr. ROBERTS. Mr. President, I ask unanimous consent that "In title X at the end of subtitle D" be added to my original amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, one of the things that we sometimes confuse here—I know I do—is what is a political obligation and what is a constitutional obligation. I respectfully suggest that there is no constitutional requirement for the President of the United States—this President or any future President—to submit to the Senate for ratification, as if it were an amendment to a treaty, a Strategic Concept that is a political document. We use the words interchangeably on this floor. A new commitment or obligation, as I said, does not a treaty make.

Our Strategic Concept has always been a political, not legal document. Before last month's summit, NATO had revised the Strategic Concept five times in the past and never once had required the Senate's advice and consent. Doing so now would gravely undermine NATO's alliance and our efforts, as well as being a significant overreach in terms of our constitutional authority.

Let's not be fooled by the fact that the Roberts-Warner amendment only expresses the sense of the Senate. My concern is that unless we know exactly its dimension, it will be read in other NATO capitals as much more than it is. Just as my friend from Kansas quoted from the headlines and editorials of other newspapers—I might note that they were not governments, but other newspapers—I point out that people in other countries can misread actions taken by a country or group of countries. My concern is that in NATO capitals our actions will be misread.

The amendment sets out political criteria in point 1; and then in point 2 transforms them into legally binding ones that would require the Senate's advice and consent. This is a clever use of a non sequitur.

NATO's Strategic Concept has always given political guidance to the alliance's members. To that extent, this sixth revision of the Strategic Concept imposes commitments. But contrary to the assertions made by my distinguished friend from Kansas, it in no way changes the fundamental purpose of the North Atlantic Treaty of 1949.

We should oppose this amendment for four reasons, but if we are not going to oppose it now that it has been changed from its original amendment, we should at least recognize four important points:

One, to suggest that—if it were to be suggested—the Strategic Concept should be treated as an amendment to the treaty would set a terrible precedent and send a horrible signal at a time when we are striving to maintain alliance unity.

It would signal our NATO allies that the United States will not implement the new Strategic Concept without formal Senate advice and consent.

If we pass this amendment, couldn't the British, French, or Germans say tomorrow that they are going to disregard NATO's operating procedures? Couldn't they say tomorrow that they are no longer going to be bound by their commitment to beef up their military capacity as they committed to in 1991?

Given that NATO's decisions require unanimity, and that all 19 NATO member parliaments might then assert that they would have to ratify each and every future change in an operating procedure, we would be building in chaos to the alliance. How could we operate under those circumstances?

The second point I want to make is that we should remember that there have been many other changes in the Strategic Concept, as my friend from Michigan has pointed out, and they were never considered the equivalent of a new international treaty.

As I mentioned, before this year, NATO's original 1949 Strategic Concept had been revised five other times. Included among those were three fundamental transformations.

In 1957, the alliance adopted a new strategy, which would have shocked my friend from Kansas. It was called Massive Retaliation. Talk about a commitment—a commitment that was, I might add, totally consistent with the provisions of the treaty. It was an operating procedure.

In 1967, NATO abandoned the doctrine of Massive Retaliation in favor of the doctrine of Flexible Response. And then, in 1991, to continue to make the treaty relevant operationally, NATO recognized that after the end of the Soviet threat, NATO would nonetheless be confronted by a series of new threats to the alliance's security, such as ethnic rivalries and territorial disputes. It altered the Strategic Concept accordingly.

These were dramatic changes to alliance strategy, yet not once did the Senate, notwithstanding the fact it was not asleep, believe it had to provide its advice and consent.

There was a great deal of discussion about the 1991 Strategic Concept. I participated in it, others participated in it, and it revolved around what was the purpose of NATO and how we were operationally going to function now that the worry was no longer having 50 Soviet divisions coming through the Fulda Gap in Germany—a recognition that the territorial integrity of member states was still threatened, and instead of Soviet divisions rolling through the Fulda Gap with Warsaw Pact allies, there was a different threat, nonetheless real, nonetheless warranting this mutual commitment made to defend the territorial integrity of member states.

We discussed it. We debated it. There were those who thought it didn't go far enough. There are those who thought it went too far. But it wasn't that we were asleep and didn't pay attention. In fact, maybe it was because—and I am not being facetious—my friend was in the House where they don't deal with treaties, where it is not their constitutional obligation, and where foreign policy is not the thing they spend the bulk of their time on. But we weren't asleep over here. In fact, the current 1999 version of the Strategic Concept is much more similar to its 1991 predecessor than the 1991 document was to any of its predecessors.

My third point is simple. The revised Strategic Concept does not require advice and consent because it is not a treaty.

The rules under U.S. law on what constitutes a binding international agreement are set forth in the Restatement of Foreign Relations Law of the United States, as well as in the State Department regulations implementing the Case-Zablocki Act.

Under the Restatement, the key criterion as to whether an international agreement is legally binding is if the parties intend that it be legally binding and governed by international law. (Restatement, Sec. 301(1)).

Similarly, the State Department regulations state that the "parties must intend their undertaking to be legally binding and not merely of political or personal effect." (22 Code of Federal Regulations §181.2(a)(1)).

Thus, many agreements that are not binding are essentially political statements. There is a moral and political obligation to comply in such cases, but not a legal one.

The most well-known example of such a political statement is the Helsinki Final Act of 1975, negotiated under the Ford administration and credited by most of us as the beginning of the end of the Soviet Union, the most significant political act that began to tear the Berlin Wall down. That was a political statement—commitments we made, but not of treaty scope requiring the advice and consent of the Senate.

The second key criterion is whether an international agreement contains language that clearly and specifically describe the obligations that are to be undertaken.

An international agreement must have objective criteria for determining the enforceability of the agreement. (22 C.F.R. §181.2(a)(3)).

Another criterion is the form of the agreement. That is, a formal document labeled "Agreement" with final clauses about the procedures for entry into force is probably a binding agreement. This is not a central requirement, but it does provide another indication that an agreement is binding. (22 C.F.R. §181.2(a)(5)).

A reading of the Strategic Concept clearly indicates that it is not a binding instrument of which treaties are made.

Rather, the Strategic Concept is merely a political statement with which my colleague from Kansas and others disagree. I respect that. I respect their disagreement with the political commitment that was made. But their political disagreement with a political commitment does not cause it to rise to the level of a binding treaty obligation requiring the advice and consent of the Senate, no matter how important each of them may be, no matter how relevant their objectives may be, no matter how enlightened their foreign policy may be.

Rather, the Strategic Concept is merely a political statement that outlines NATO's military and political strategy for carrying out the obligations of the North Atlantic Treaty.

Nowhere in the Strategic Concept can you find binding obligations upon the members of NATO.

For, if that were the case, all of our European allies as of a year ago, with the exception of Great Britain, would have been in violation of their treaty obligations—would have been in violation of their treaty obligations because of the commitments they made to build up—I will not bore the Senate with the details—their military capacity. Yet no one here on the floor has risen to suggest over the past several years, even though we have decried their failure to meet their obligations, that they have violated their treaty obligations.

Instead, the language of the Strategic Concept contains general statements about how NATO will carry out its mission.

The most important question, as I stated, is the intent of the parties. As the President wrote to the Chairman of the Committee on Armed Services on April 14, "the Strategic Concept will not contain new commitments or obligations for the United States."

Of course, the Strategic Concept creates a political commitment. And we take our political commitments seriously.

All member states, the United States included, assume political obligations when they take part in the alliance's integrated military planning.

That is what target force goals are all about. And, Mr. President, that lies at the heart of burden-sharing, whose importance several of us continually stress to our NATO allies.

The 1999 Strategic Concept creates a planning framework for NATO to act collectively to meet new threats if they arise.

So I would summarize the key point in this way: the Strategic Concept imposes political obligations to create military capabilities, but it does not impose legal obligations to use those capabilities.

My fourth point is that I understand the concern that NATO's core mission—alliance defense—not be altered. It has not been.

Our negotiators at last month's NATO summit did exactly what the vast majority of Senators wanted.

They consciously incorporated the Senate's concerns that NATO remain a defensive alliance when they negotiated the revised Strategic Concept.

The revised Strategic Concept duplicates much of the language contained in the Kyl amendment to the Resolution of Ratification on NATO Enlargement.

You all remember the Kyl amendment. We were not asleep at the switch. We were not failing to pay attention. We debated at length—my friend from Virginia, and I, and others—NATO enlargement. It is one of the few areas on which we have disagreed.

We debated at length the Kyl amendment. Let me remind my colleagues that the amendment was adopted by the Senate in April of 1998 by a 90–9 vote.

Rather than reviewing the specifics of the document, because time does not permit, nor do I think memories have to be refreshed that clearly, because everyone remembers, I ask unanimous consent that I be allowed to enter into the RECORD a document provided by the Clinton administration that reviews paragraph by paragraph the similarities between the Kyl amendment and the 1999 Strategic Concept.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE KYL AMENDMENT AND THE STRATEGIC CONCEPT OF NATO

(Document drafted for Assistant Secretary of the State Marc Grossman on April 29, 1999 and handed out by Secretary Grossman to Members of the Senate on May 5, 1999)

Assistant Secretary for European Affairs Marc Grossman in SFRC testimony on April 21: "During the NATO enlargement debate some 90 Senators led by Senator Kyl passed an amendment laying out clear criteria for NATO's updated Strategic Concept. We heard your message and made the criteria established by Senator Kyl our own."

Language from the Kyl Amendment: "The Senate understands that the policy of the United States is that the core concepts contained in the 1991 Strategic Concept of NATO, which adapted NATO's strategy to the post-Cold War environment, remain valid today, and that the upcoming revision of that document will reflect the following principles:"

I. FIRST AND FOREMOST, A MILITARY ALLIANCE

Strategic Concept Paragraph 6: ". . . safeguard freedom and security . . . by political and military means."

SC Para 25: ". . . a broad approach to security which recognizes the importance of political, economic, social and environmental factors in addition to the indispensable defense dimension."

II. PRINCIPAL FOUNDATION FOR DEFENSE OF SECURITY INTERESTS

SC Para 4: ". . . must safeguard common security interests in an environment of further, often unpredictable change."

SC Para 8: ". . . the Alliance enables them through collective effort to realize their essential national security objectives."

SC Para 25: "NATO remains the essential forum for consultation . . . and agreement on policies bearing on security and defense commitments . . ."

III. STRONG U.S. LEADERSHIP PROMOTES/ PROTECTS U.S. VITAL SECURITY INTERESTS

SC Para 27: ". . . a strong and dynamic partnership between Europe and North America . . ."

IV. U.S. LEADERSHIP ROLE THROUGH STATIONING FORCES IN EUROPE, KEY COMMANDERS

SC Para 42: "presence of US conventional and nuclear forces in Europe remains vital . . ."

SC Para 62: ". . . supreme guarantee of the security of Allies is provided by the strategic nuclear forces of the Alliance, particularly those of U.S."

V. COMMON THREATS

a. potential re-emergence of hegemonic power.

SC Para 20: ". . . large-scale conventional threat is highly unlikely, but the possibility of such a threat emerging exists."

b. rogue states and non-state actors with WMD.

SC Para 22: ". . . can pose a direct military threat to Allies' populations, territory, and forces."

c. wider nature, including disruption of flow of vital resources, other transnational threats.

SC Para 24: ". . . of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources."

d. conflict stemming from ethnic and religious enmity, historic disputes, undemocratic leaders.

SC Para 20: "Ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states . . ."

VI. CORE MISSION IS COLLECTIVE DEFENSE

SC Para 27: ". . . Alliance's commitment to the indispensable transatlantic link and the collective defense of its members is fundamental to its credibility and to the security and stability of the Euro-Atlantic area."

SC Para 28: "The maintenance of an adequate military capability and clear preparedness to act collectively in the common defense remain central to the Alliance's security objectives."

VII. CAPACITY TO RESPOND TO COMMON THREATS

SC Para 52: "The size, readiness, availability and deployment of the Alliances military forces will reflect its commitment to collective defense and to conduct crisis response operations, sometimes at short notice, distance from home stations . . ."

SC Para 52: "They must be interoperable and . . . must be held at the required readiness and deployability, and be capable of . . . complex joint and combined operations, which may also include Partners and other non-NATO nations."

VIII. INTEGRATED MILITARY STRUCTURE: COOPERATIVE DEFENSE PLANNING

SC Para 43: ". . . practical arrangements . . . based on . . . an integrated military structure . . . include collective force planning, common funding, common operational planning . . ."

IX. NUCLEAR POSTURE: AN ESSENTIAL CONTRIBUTION TO DETER AGGRESSION; U.S. NUCLEAR FORCES IN EUROPE; ESSENTIAL LINK BETWEEN EUROPE AND NORTH AMERICA ENSURE UNCERTAINTY IN MIND OF AGGRESSOR

SC Para 42: "presence of U.S. conventional and nuclear forces in Europe remains vital to the security of Europe, which is inseparably linked to that of North America."

SC Para 46: ". . . remain essential to preserve peace."

SC Para 62: ". . . fulfill an essential role by ensuring uncertainty in the mind of any aggressor . . ."

X. BURDENSHARING: SHARED RESPONSIBILITY FOR FINANCING AND DEFENDING

SC Para 30: ". . . Allies have taken decisions to enable them to assume greater responsibilities . . .;" will enable all European Allies to make a more coherent and effective contribution to the missions . . . of the Alliance;" ". . . will assist the European Allies to act by themselves as required."

SC Para 42: "The achievement of Alliance's aims depends critically on the equitable sharing of the roles, risks and responsibilities . . . of common defense."

Mr. BIDEN. Mr. President, let me also remind my colleagues that NATO's decisions require unanimity. I know we all know that. We got that unanimity at a recent Washington summit after long and tough negotiations.

By appearing to withhold U.S. support for the revised Strategic Concept—and perhaps eventually even blocking its implementation—this amendment, if misread, would put the alliance in great jeopardy.

And that could lead to the collapse of NATO, which I am sure is not the goal of my colleague from Kansas.

One final comment. I know that my friend from Kansas is strongly opposed to the conduct of the current war in Yugoslavia, and, while disagreeing with him, I respect his views.

But, I would remind him and the rest of my colleagues that the 1999 revision of the Strategic Concept is neither the justification for, nor the driving force behind, NATO's bombing campaign or actions in Kosovo.

NATO's bombing campaign began a full month before the newest revision of the Strategic Concept was approved at the Washington Summit.

To sum up, there are no compelling political or legal arguments for the Roberts amendment, in terms of making this concept subject to treaty amendment.

I urge my colleagues to join me in voting against this amendment.

I yield the floor. I thank my colleagues.

Mr. ROBERTS. Mr. President, might I inquire of the distinguished acting Presiding Officer how much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. ROBERTS. I thank the Presiding Officer.

Mr. President, I ask unanimous consent that the Senator from Oklahoma, Mr. INHOFE, be added as an original cosponsor of the Roberts amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I yield to the distinguished Senator from Colorado, my friend and colleague, 3 minutes of the remaining time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. ALLARD. I thank the Senator from Kansas for yielding.

I ask unanimous consent that I be made a cosponsor of the Roberts amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Doug Flanders of my staff have floor privileges during the entire debate on the National Defense Authorization Act for fiscal year 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I rise in strong support of the Roberts amendment. The reason I do that is I think that the North Atlantic Treaty Organization, which we refer to as NATO in this debate, is suffering from mission creep. I look at what has happened with the Strategic Concept in 1991. I look at the passing of the 1999 new Strategic Concept, and I think it becomes clear how mission creep is moving in.

In 1991, NATO established a new Strategic Concept which altered the concept dramatically from the original treaty. It allowed for more flexibility in the ability to get into a wide range of military operations. However, I add that it did maintain in part 4, under Guidelines for Defense, entitled "Principle of Alliance Strategy"—I want to quote specifically from that Strategic Concept.

> The alliance strategy will continue to reflect a number of fundamental principles. The alliance—

And this is underlined—

> The alliance is purely defensive in purpose. None of its weapons will ever be used except in self defense. And it does not consider itself to be anyone's adversary.

Then, if we look at the 1999 new Strategic Concept, it still says that their core purpose is the collective defense of NATO members. It adds that NATO:

> . . . should contribute to peace and stability in the region.

But, while a lot of the debate here on the floor has been about what does the Concept say, the important point I want to make here is what is important is what it does not say. In the 1999 new Strategic Concept, there is no mention that the alliance will never use its weapons except in self-defense. So, in 1991 the new Strategic Concept said the alliance was purely defensive in purpose. In 1999, there is no mention that the alliance will never use its weapons other than in self-defense.

I think that is a real important distinction. That is why I think it is so important we have a debate on the mission of NATO.

The PRESIDING OFFICER. The Senator's time has expired. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Kansas for this amendment. I know there are additional speakers—on this side, at least—who desire to speak on it, so I ask unanimous consent both sides have an additional 8 minutes to speak on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, will my colleague yield 3 minutes?

Mr. ROBERTS. I am delighted to yield my distinguished colleague and friend 3 minutes.

Mr. NICKLES. Mr. President, I thank the Senator for this amendment. I think this is a very important amendment. I wish we would debate it at much greater length, because I am afraid, from some of the things I have read, from comments made by the President of the United States, that he is expanding NATO's role, commitment, obligation, frankly, far beyond the treaty we have signed, which has been so successful, the 50th anniversary of which we commemorated this year.

I look at the President's statement he made on May 27, 1997. He did this in concert with French President Chirac and Russian President Yeltsin in France. He stated:

> In turn, we are building a new NATO. It will remain the strongest alliance in history, with smaller, more flexible forces, prepared to provide for our defense, but also trained for peacekeeping.

He goes on, and I will just read the last sentence:

> It will be an alliance directed no longer against a hostile bloc of nations, but instead designed to advance the security of every democracy in Europe—NATO's old members, new members, and non-members alike.

A couple of days later he made a speech at the United States Military Academy, a commencement speech at West Point, May 31, 1997:

> To build and secure a new Europe, peaceful, democratic and undivided at last, there must be a new NATO, with new missions, new members and new partners. We have been building that kind of NATO for the last three years with new partners in the Partnership for Peace and NATO's first out-of-area mission in Bosnia. In Paris last week, we took another giant stride forward when Russia entered a new partnership with NATO, choosing cooperation over confrontation, as both sides affirmed that the world is different now. European security is no longer a zero-sum contest between Russia and NATO; but a cherished, common goal.

Clearly, President Clinton is trying to redefine NATO's mission far beyond a defensive alliance, as our colleague from Kansas pointed out. The purpose in the charter of NATO under article 5 was a defensive alliance. Now he is expanding it to include nonmembers. He is including out-of-area conflicts. He includes ethnic conflicts or trying to resolve ethnic conflicts. I think, clearly, if he is going to do so, he needs to rewrite the NATO charter and submit that as a treaty to the Senate for its ratification.

So I compliment my colleague for this amendment. I think it is one of the most important amendments we will consider on this bill. I urge my colleagues to vote in favor of the Roberts amendment, and I thank him for his leadership.

Mr. ROBERTS. Mr. President, how much time do we have remaining now?

The PRESIDING OFFICER. The Senator controls 7 minutes.

Mr. ROBERTS. Mr. President, I ask unanimous consent that Senator SESSIONS be added as an original cosponsor of the Roberts amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I yield the distinguished Senator 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Kansas for bringing forward a very critical amendment. I spent 17 years as a U.S. attorney or assistant U.S. attorney, representing the United States in court. I am looking at the legal implications of this amendment as a lawyer for the United States.

What we are doing here is very, very historic. This Congress has ratified a defensive treaty. We are moving into a new world. We are looking at an entirely different approach to life, and the President is unilaterally expanding the commitments of this Nation under the guise of a new NATO that is involved in new missions, as the Senator from Oklahoma has just noted; committing us solemnly with the same depth of commitment that we put our lives, our fortunes, and our honor to preserve the integrity of democracy against totalitarian communism for all of these years.

That is what is being asked here. To have that done without full debate and full approval of this Congress is astounding and would represent a major legal erosion of the powers of the Senate and the Congress, particularly the Senate, to review these matters. So I cannot express too strongly how important it is this Senate reassert its historic responsibility to advise and consent to involvement in these kind of foreign policies.

Once the President commits us, we pay for it. Right now this action in Kosovo amounts to 19 NATO nations meeting and deciding how to deploy the U.S. Air Force. We are paying for this war in their own backyard, and they are voting on how to conduct it. We simply have to get a better grip on it.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. SESSIONS. I thank the Senator from Kansas.

Mr. ROBERTS. I yield 2 minutes to the Senator from Oklahoma.

Mr. WELLSTONE. I ask my colleague whether I could have 10 seconds to have some fellows granted the privilege of the floor? They have been waiting outside. May I do that without taking anybody's time?

Mr. ROBERTS. Certainly.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ben Highton, Rachel Gragg, John Bradshaw, and Michelle Vidovic, who are fellows, be granted the privilege of the floor for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know the Senator from Delaware, the Senator from Alabama, and others have been talking about the legal ramifications of what this amendment is all about. You can study the sections and subsections and sub-subsections and quote all of these things, but I think we all know this was an alliance that was set up to be a defensive alliance. Now we are getting into something that is far more than that.

But I would put out two things that have not been said. First of all, I just came back from the Canada-United States interparliamentarian meeting up there. It is very clear to me they are involved in this, with a very modest contribution, only because we are in there. I wonder how many other of these countries are getting involved because we are providing that leadership.

No. 2, my concern about this is not a legalistic concern. It is what effect is this having on our state of readiness. I happen to be chairman of the Readiness Subcommittee. This is what is very frightening. We can remember in this Chamber in 1994, in 1995, talking about Bosnia; we were going to be sending people over to Bosnia. What was the main argument used? We have to protect the integrity of NATO. Then we have the same thing coming up on Kosovo. It has come up in other places, too.

These are areas where we do not have national strategic interests. What it has done is to put us in a position where we cannot carry out the minimum expectations of the American people or our national military strategy, which is to defend America on two fronts.

I want to tell you how proud I was of General Hawley the other day, Air Combat Command, who came out and said we, right now, are not in a position to respond if we should be called upon to respond in areas where we do have a national strategic interest such as North Korea or the Persian Gulf.

It is very, very important that we get to the bottom of this and we make a determination as to what our future commitments are going to be as far as NATO is concerned.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I believe this debate is taking on excellent participation. I think we can allocate another 10 minutes to both sides—10 minutes under the control of the Senator from Kansas and 10 minutes under the control of my distinguished colleague from Michigan.

Mr. LEVIN. Reserving the right to object, and I do not plan to object, I wonder if the Chair can inform us as to how much time is remaining on both sides under the previous extension.

The PRESIDING OFFICER. Almost 3 minutes on this side and 8 minutes on the side of the Senator from Michigan.

Mr. LEVIN. I want to protect the rights of the Senator from Minnesota who has been waiting.

Mr. WELLSTONE. Mr. President, I say to my colleague, this is an important debate. I agree with both of the managers. We should go on with the debate. I ask the question whether or not I may bring this amendment up after the caucuses or speak for a while but then have some time later.

Mr. WARNER. Mr. President, I can address that and make a suggestion. On this side, we are prepared to accept the third amendment. I suggest perhaps at the hour of 12:25, the distinguished ranking member and I and Mr. WELLSTONE can address the three amendments and conclude them before the caucus. Will that be convenient?

Mr. WELLSTONE. I say to my colleague, I thank him for two of the amendments. I am committed to having a rollcall vote on the welfare tracking amendment, so that would not work out for me. I am pleased to go on with this debate, and I will come back later.

Mr. ROBERTS. Will the distinguished Senator yield?

Mr. WARNER. Mr. President, this is the first time we have known of the Senator's desire to have a rollcall vote on the third amendment. We are prepared to accept it.

Mr. WELLSTONE. Mr. President, I say to my colleague from Virginia, I appreciate working with him on the other amendments. I have been down this path before with voice votes and then it is out in conference. I am committed to having a debate and vote on this. I am sorry my colleague is surprised by this. I am more than willing to wait. I think this debate is very important. I will come back later and do this.

Mr. WARNER. Mr. President, I want the opportunity to consult with the chairman of the committee that has jurisdiction over the subject matter of the third amendment and with the majority leader and presumably the minority leader, and set a time for the rollcall vote, which the Senator is entitled to have. For the moment, we are prepared to accept the two amendments and then allow the debate——

The PRESIDING OFFICER. Under the previous order, the time is set for the Wellstone amendment.

Mr. WARNER. On the two amendments from Senator WELLSTONE.

Mr. LEVIN. Mr. President, if the chairman will yield, may I make a suggestion that after we conclude the debate on the pending amendment, we immediately proceed to the first of the two Wellstone amendments, accept those before lunch, and then determine at that time whether to conclude the debate on the third. In any event, the rollcall vote on the third amendment will have to come after lunch under the existing unanimous consent agreement.

Mr. ROBERTS. If the Senator will yield, basically how much additional time to the time we have left has the Senator asked for? I am not sure there are any more Members who want to speak on the minority side. I can wrap up in 5 minutes or less. I am adding cosponsors every minute, so I am happy to stay here for a while.

Mr. WARNER. Mr. President, for the purpose of the party caucuses, we hope to complete all debate on the underlying amendment circa 12:30, which is roughly a half hour. I wish to speak a few more minutes on the amendment offered by the Senator from Kansas, as does the ranking member.

My suggestion is, if possible, while Senator WELLSTONE is on the floor, do the voice voting of his two amendments, reserving, of course, scheduling the third, and then we can continue with this debate. It will not take but a minute on the two voice votes on the two Wellstone amendments.

Mr. ROBERTS. I have no problem.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. We have not put it in the form of a unanimous consent request.

Mr. WELLSTONE. Mr. President, I apologize. I was in a discussion with the staff on the majority side. What are we talking about here?

Mr. LEVIN. Mr. President, the suggestion was we immediately take up the two Wellstone amendments that we are going to voice vote, then go back to the Roberts amendment, and then come back to the third amendment afterwards.

Mr. WELLSTONE. That will be fine with me.

AMENDMENT NO. 381, AS MODIFIED

Mr. WELLSTONE. Mr. President, first, on amendment No. 381, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 83, between lines 7 and 8, insert the following:

SEC. 329. PROVISION OF INFORMATION AND GUIDANCE TO THE PUBLIC REGARDING ENVIRONMENTAL CONTAMINATION AT U.S. MILITARY INSTALLATIONS FORMERLY OPERATED BY THE UNITED STATES THAT HAVE BEEN CLOSED.

(a)(1) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall publicly disclose existing, available information relevant to a foreign nation's determination of the nature and extent of environmental contamination, if any, at a site in that foreign nation where the United States operated a military base, installation, and facility that has been closed as of the date of enactment of this Act.

(2) CONGRESSIONAL LIST.—Not later than September 30, 2000, the Secretary of Defense shall provide Congress a list of information made public pursuant to paragraph (1).

(b) LIMITATION.—The requirement to provide information and guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any site referred to in subsection (a).

(c) NATIONAL SECURITY.—Information the Secretary of Defense believes could adversely affect U.S. National Security shall not be released pursuant to this provision.

Mr. WELLSTONE. Mr. President, I will take a very brief period of time on each amendment. Basically what this amendment says is:

> The Secretary of Defense shall publicly disclose existing, available information relative to a foreign nation's determination of

the nature and extent of environmental contamination, if any, at a site in that foreign nation where the United States operated a military base, installation, and facility that has been closed as of the date of the enactment of this Act.

I thank both colleagues, and I really hope these amendments will be supported in conference committee.

To make a long story short, when we leave a country, close our base, quite often what happens is that there is some environmental contamination. We want to make sure those countries have access to information as to the extent of what chemicals or substances are there which might pose a danger to their citizens.

It is a very reasonable amendment. It is important for our foreign relations with these countries. I believe it has strong bipartisan support. I thank Senator LEVIN and Senator WARNER for their support and make the request—I think both Senators will do this—that this be kept in conference committee. That is why I do not need a recorded vote.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. May I seek clarification of our colleague from Minnesota, on his third amendment: What number does he designate this being? He just mentioned he wanted to send an amendment—

Mr. WELLSTONE. I thought we were going to do two amendments right now: One is on environmental impact when we close bases, and the second amendment is on atomic vets, both of which the Senator is prepared to accept.

Mr. WARNER. Correct.

Mr. WELLSTONE. The third amendment, No. 382, deals with tracking, reporting on what is actually happening in the country right now with welfare reform.

Mr. WARNER. Mr. President, I am familiar with that, and the Senator first wishes to amend the text of No. 382?

Mr. WELLSTONE. No; I just did—

Mr. WARNER. You just did it.

Mr. WELLSTONE. I modified amendment No. 381.

Mr. WARNER. Addressing No. 382, what amount of time will the Senator require for debate on No. 382?

Mr. WELLSTONE. The UC provides for an hour equally divided.

Mr. WARNER. And does the Senator wish to adhere to that previous order?

Mr. WELLSTONE. I say to my colleague, yes, I have been trying to get this amendment on the floor for some time. I am talking to a good friend, my friend from Virginia, as I make my case. I believe my friend from Virginia will agree that this is well worth the focus on the part of the Senate.

Mr. WARNER. I am only addressing procedure.

Mr. WELLSTONE. One hour equally divided is the UC.

Mr. WARNER. We would like to complete that amendment by 1 o'clock. Will the Senator reduce his amount of time? In all likelihood, we will yield back the half hour reserved for us, because there is not likely to be any opposition.

Mr. WELLSTONE. Mr. President, I am delighted if there is not any opposition. If the Senator is going to yield back his time, clearly—I do need to go to the caucus, but I would rather not yield back time. I will try to shorten my presentation. If there is not a response, so be it; we will get a strong vote.

Mr. WARNER. For the convenience of the Senate, does the Senator think he can give us any estimate as to how he can shorten it from a half hour down to, say, 10 or 12 minutes?

Mr. WELLSTONE. Mr. President, I am not going to shorten this amendment to 10 or 12 minutes in any way, shape or form, because it is too important to have a chance to talk about what is happening to these women and children and make sure that we track what is happening.

Mr. WARNER. I am just seeking to try to accommodate the Senate.

Mr. WELLSTONE. We should stay with the UC agreement.

Mr. WARNER. Beg your pardon?

I have to address the Chair. There is a UC requirement of the expenditure of that time prior to the normal weekly recess today at 12:30?

The PRESIDING OFFICER. There is.

Mr. WARNER. This is the dilemma that the Senator from Virginia, the manager of the bill has, in that, as drawn, the UC of last night requires it to be completed prior to 12:30. So now let's figure out how we accommodate the Senate. Perhaps we can move your amendment to some point this afternoon, that is, amendment No. 3, when the Senator could avail himself of the full 30 minutes, if he so desires.

Mr. WELLSTONE. Mr. President, I would be more than willing —if several of my colleagues want to speak on the very important amendment that Senator ROBERTS has offered, I would be willing to bring my amendment up right after the caucuses and go to it right then.

Mr. WARNER. If I may say, Mr. President, right after our caucuses are votes on other amendments, including Senator ROBERTS' amendment.

Mr. WELLSTONE. After we have those votes then I would bring the amendment up.

Mr. WARNER. I will need to check other commitments we made with regard to time. I will work on it and come back in a minute or two and clarify this.

In the meantime, if we can proceed with the Roberts amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

AMENDMENT NO. 377, AS MODIFIED

Mr. ROBERTS. Mr. President, I inquire, after all that, how much time do we have remaining on either side?

The PRESIDING OFFICER. Three minutes on the Senator's side; 8 minutes on the other side.

Mr. ROBERTS. But was there a request by unanimous consent that either party wanted some additional time? The minority has 8 minutes remaining; is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. ROBERTS. Does the chairman want to speak on this? Is that correct? You wish to speak on the Roberts amendment?

Mr. WARNER. The Senator is correct, for about 3 minutes, in support.

Mr. ROBERTS. I can get my remarks done in 5, so I ask unanimous consent that we add 8 minutes, along with the other 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent that Senator BINGAMAN of New Mexico be added as a cosponsor of the Roberts amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I yield the distinguished chairman—what was the request, Mr. Chairman, 3 minutes, 5 minutes?

Mr. WARNER. I would suggest that we try to conclude the Roberts amendment in 5 or 10 minutes. Then we will proceed to the Wellstone amendment, and then we can adhere to the time agreements.

Mr. ROBERTS. I ask the distinguished chairman, how much time would the distinguished chairman like?

Mr. WARNER. Just 2 minutes.

Mr. ROBERTS. I yield the distinguished Senator 2 minutes.

Mr. WARNER. Mr. President, I want to address the document that was submitted to the Senate by the Senator from Delaware entitled: The Kyl Amendment and the Strategic Concept of NATO. I went back and asked the Senator from Delaware to clarify the date, time, group, and when it was prepared and submitted to the Senate. He is doing that.

But I just wish to draw the attention to the Senate, as I read this document—and I have seen it before—it simply refers to those portions in the Kyl amendment that were incorporated into the final draft of the Strategic Concept. But it does not, on its face, nor do I believe it was intended to, say that it covered everything by the new Strategic Concept.

Indeed, I agree with the Senator from Kansas this document in no way is intended to represent that it encompasses all of the new Strategic Concept. The Senator from Kansas is quite properly pointing out there are those of us—the Senator from Kansas, myself, and others—who feel the Strategic Concept went beyond the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. ROBERTS. Might I inquire of my distinguished friend from Michigan if he, the minority, seeks any additional time?

Mr. LEVIN. We are just using about 3 of our 8 minutes.

Mr. ROBERTS. I would be happy if the Senator would like to proceed at this time. I would like to close, if that is all right.

Mr. LEVIN. Sure.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I support this amendment for the reasons previously given. It does not reach any conclusion as to whether there are any additional obligations upon the United States. Unlike earlier versions, it simply asks the President to certify whether or not there are additional obligations imposed on the United States.

I have read from what was called then the new Strategic Concept of NATO in 1991. At the heading of that Concept, it was stated that:

> The alliance recognizes that developments taking place in Europe would have a far-reaching impact on the way in which its aims would be met in the future.

And, indeed, adopted language such as:

> Alliance security must also take into account the global context. Alliance security interests can be affected by other risks of a wider nature, including proliferation of weapons of mass destruction, disruption of flow of vital resources, actions of terrorism and sabotage.

That did not impose any new obligations. It is very broad language.

Listen to some of this language in this 1991 alliance new Strategic Concept:

> The primary role of the alliance military forces to guarantee security and territorial integrity of member states remains unchanged [we said in 1991]. But this role must take account of the new strategic environment in which a single massive and global threat has given way to diverse and multidirectional risks. Allied forces have different functions to perform in peace, crises, and war.

That is section 40 in 1991.

How about this one, section 41:

> Allies could be called upon to contribute to global stability and peace by providing forces for United Nations missions.

How about that for a mission in 1991? Did that impose an obligation on us, legal obligation on this body, or on this Nation? Boy, I hope not. Not in my book it did not.

> Allies could be called upon to contribute to global stability and peace by providing forces for United Nations missions.

This was adopted in 1991 as a new Strategic Concept. That did not impose a thing on us. It was a new Strategic Concept adopted by NATO, not a legally binding commitment on the alliance.

It was not submitted to us then as a treaty change because it was not a treaty change, nor is this new Strategic Concept of 1999 legally binding upon us any more than the 1991 Strategic Concept was.

So I think we ought to adopt this amendment. It is something which is highly appropriate to ask the President whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the key word there to me being "imposes."

I ask, Mr. President, before I yield the floor, that the yeas and nays be ordered on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following Pearson Fellow on the staff of the Foreign Relations Committee, Joan Wadelton, during the pendency of the Department of Defense Authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

Again, I will be supporting this amendment.

Mr. ROBERTS. With the debate we have had on the floor, although there is support—and the better part of judgment would be for me to simply yield the floor—we will try to split the shingle one more time. The debate is centered around whether or not the new Strategic Concept adopted at the 50th anniversary of NATO is legally binding, a treaty, or different from the 1991 Concept, let alone the 1949 Concept.

Let me just say that the 1991 document really stressed that—as a matter of fact, it assured—no NATO weaponry will ever be used offensively. We are sure doing that now in regard to Kosovo. In addition, in terms of the 19 parties who met in Washington, I am sure that each one of them certainly thought it was binding. And if the men and women in the uniform of all our allies do not think it is binding, I think they had better look for a new definition.

I believe any document that contains even tacit commitment by the United States and other nations to engage in new types of NATO missions—and let me simply say that these missions are now described as problems with drugs, problems with social progress, with reform, with ethnic strife; about the only thing that is not in there is don't put gum in the water fountain—outside the domain of the original treaty, as well as a commitment to structure military forces accordingly, can be considered an international agreement.

I refer again to the U.S. Department of State Circular 175, the Procedure on Treaties, that sets forth eight considerations available for determining whether or not an agreement or an accord should be submitted to the Senate for ratification. Four of them I will repeat again: The extent to which the agreement involves commitments or risks affecting the Nation as a whole—if Kosovo is not a risk, I do not know what is—whether the agreement can be given effect without the enactment of subsequent legislation by the Congress; past U.S. practices as to similar agreements; the preference of Congress as to a particular type of agreement.

It seems to me, if I recall the debate and the two copies of the original 1949 document, and then the Strategic Concept document, No. 1, they said no offensive weapons. No. 2, they said we are going to stay within our borders and we will meet with you before we go outside the borders and go wandering in the territory of a sovereign nation. Then lastly, we are going to consult with the U.N. It is going to be in cooperation with the U.N. All that is different.

I think to say that it is not different in regard to 1991 is simply not accurate.

I don't know. I suppose per se, legally—I am not a lawyer—that this Strategic Concept is not a treaty. But it sure walks like a treaty duck and it quacks like a treaty duck and it is wandering into different areas like a treaty duck. In the quacking and the walking, it is causing a lot of problems.

I simply say, in closing, I do respect the Senator from Michigan and his support and the Senator from Delaware for his accommodating my amendment. It is true that the Senator from Delaware said that I was in the House of Representatives, the other body, what Senator BYRD refers to as the lower body. In 1990 we were not asleep. We were not asleep at all. We admired the Senator from Delaware from afar. We were spellbound, as a matter of fact, by his oratorical skills, his sartorial splendor, and his ability to be heard above all in the Senate, regardless of whether the acoustical system was working or not. So I thank the Senator from Delaware for his comments.

I urge Senators to support this amendment and send a strong message that we are adhering to our constitutional right when we change an agreement that in effect directly affects the lives of our American men and women and our national security, that the Senate stepped up to the plate.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. Under the previous order, the Roberts-Warner amendment No. 377 will be temporarily laid aside.

Mr. WARNER. And the vote will occur, Mr. President, if you continue to read the order.

The PRESIDING OFFICER. The vote will occur after the Roth amendment at 2:15.

Mr. WARNER. I thank the Chair.

Now, Mr. President, we are ready to receive the comments under the standing order for the day from our distinguished colleague from Minnesota. These comments will be relative to what I call the third amendment, No. 382. Perhaps we could take this time to vote the first two by voice.

Mr. WELLSTONE. Mr. President, besides the environmental assessment amendment, the second amendment we are taking deals with atomic vets—is that correct—compensation for atomic vets? I am pleased to do so, and I thank both my colleagues for their help and comments.

Mr. WARNER. We are happy to be of accommodation. Would the Senator urge the adoption of the two amendments?

Mr. WELLSTONE. I urge the adoption of the two amendments.

The PRESIDING OFFICER. Without objection, the two amendments are agreed to.

Mr. WELLSTONE. These are amendments Nos. 380 and 383?

The PRESIDING OFFICER. Amendments 380 and 381.

Mr. WELLSTONE. I am sorry, 380 and 381.

Mr. LEVIN. As modified.

The PRESIDING OFFICER. As modified.

The amendments (No. 380 and No. 381), as modified, were agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 380

Mr. WELLSTONE. Mr. President, I rise today to speak on an amendment I offered that would remove some of the frustrating and infuriating obstacles that have too often kept veterans who were exposed to radiation during military service from getting the disability compensation they deserve. This amendment would add three radiogenic conditions to the list of presumptively service-connected diseases for which atomic veterans may receive VA compensation, specifically: lung cancer; colon cancer; and tumors of the brain and central nervous system. It is based on a bill I introduced during the last Congress, S. 1385, the Justice for Atomic Veterans Act.

At the outset, let me say that this amendment was accepted and adopted by the Senate just a few months ago as a part of S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999. Because that bill appears to be dead on arrival in the House, I am offering it on the Defense Authorization bill. I think this amendment was relevant to S. 4 and it is certainly relevant to this bill. But I mention the history of this amendment to my colleagues in the belief that what was acceptable to the Senate three months ago will be acceptable today.

I want to explain why this amendment is topical to the Defense Authorization bill. I believe that the way we treat our veterans does send an important message to young people considering service in the military. When veterans of the Persian Gulf War don't get the kind of treatment they deserve, when the VA health care budget loses out year after year to other budget priorities, when veterans benefits claims take years and years to resolve, what is the message we are sending to future recruits?

How can we attract and retain young people in the service when our government fails to honor its obligation to provide just compensation and health care for those injured during service?

One of the most outrageous examples of our government's failure to honor its obligations to veterans involves "atomic veterans," patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at atmospheric nuclear tests.

For more than 50 years, many of them have been denied compensation for diseases that the VA recognizes as being linked to their exposure to radiation—diseases known as radiogenic diseases. Many of these diseases are lethal forms of cancers.

I received my first introduction to the plight of atomic veterans from some first-rate mentors, the members of the Forgotten 216th. The Forgotten 216th was the 216th Chemical Service Company of the U.S. Army, which participated in Operation Tumbler Snapper. Operation Tumbler Snapper was a series of eight atmospheric nuclear weapons tests in the Nevada desert in 1952.

About half of the members of the 216th were Minnesotans. What I've learned from them, from other atomic veterans, and from their survivors has shaped my views on this issue.

Five years ago, the Forgotten 216th contacted me after then-Secretary of Energy O'Leary announced that the U.S. Government had conducted radiation experiments on its own citizens. For the first time in public, they revealed what went on during the Nevada tests and the tragedies and trauma that they, their families, and their former buddies had experienced since then.

Because their experiences and problems typify those of atomic veterans nationwide, I'd like to tell my colleagues a little more about the Forgotten 216th. When you hear their story, I think you have to agree that the Forgotten 216th and other veterans like them must never be forgotten again.

Members of the 216th were sent to measure fallout at or near ground zero immediately after a nuclear blast. They were exposed to so much radiation that their Geiger counters went off the scale while they inhaled and ingested radioactive particles. They were given minimal or no protection. They frequently had no film badges to measure radiation exposure. They were given no information on the perils they faced.

Then they were sworn to secrecy about their participation in nuclear tests. They were often denied access to their own service medical records. And they were provided no medical followup.

For decades, atomic veterans have been America's most neglected veterans. They have been deceived and treated shabbily by the government they served so selflessly and unquestioningly.

If the U.S. Government can't be counted on to honor its obligation to these deserving veterans, how can young people interested in military service have any confidence that their government will do any better by them?

I believe the neglect of atomic veterans should stop here and now. Our government has a long overdue debt to these patriotic Americans, a debt that we in the Senate must help to repay. I urge my colleagues on both sides of the aisle to help repay this debt by supporting this amendment.

My legislation and this amendment have enjoyed the strong support of veterans service organizations. Recently, the Independent Budget for FY 2000, which is a budget recommendation issued by AMVETS, Disabled American Veterans (DAV), Paralyzed Veterans of America (PVA), and the Veterans of Foreign Wars (VFW), endorsed adding these radiogenic diseases to VA's presumptive service-connected list.

Let me briefly describe the problem that my amendment is intended to address. When atomic veterans try to claim VA compensation for their illnesses, VA almost invariably denies their claims. VA tells these veterans that their radiation doses were too low—below 5 rems.

But the fact is, we don't really know that and, even if we did, that's no excuse for denying these claims. The result of this unrealistic standard is that it is almost impossible for these atomic veterans to prove their case. The only solution is to add these conditions to the VA presumptive service-connected list, and that's what my amendment does.

First of all, trying to go back and determine the precise dosage each of these veterans was exposed to is a futile undertaking. Scientists agree that the dose reconstruction performed for the VA is notoriously unreliable.

GAO itself has noted the inherent uncertainties of dose reconstruction. Even VA scientific personnel have conceded its unreliability. In a memo to VA Secretary Togo West, Under Secretary for Health Kenneth Kizer has recommended that the VA reconsider its opposition to S. 1385 based, in part, on the unreliability of dose reconstruction.

Mr. President, I ask unanimous consent that the text of Dr. Kizer's memo be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. WELLSTONE. In addition, none of the scientific experts who testified at a Senate Veterans' Affairs Committee hearing on S. 1385 on April 21, 1998, supported the use of dose reconstruction to determine eligibility for VA benefits.

Let me explain why dose reconstruction is so difficult. Dr. Marty Gensler on my staff has researched this issue for over five years, and this is what he has found.

Many atomic veterans were sent to ground zero immediately after a nuclear test with no protection, no information on the known dangers they faced, no badges or other monitoring equipment, and no medical followup.

As early as 1946, ranking military and civilian personnel responsible for nuclear testing anticipated claims for service-connected disability and sought to ensure that "no successful suits could be brought on account of radiological hazards." That quotation comes from documents declassified by the President's Advisory Committee on Human Radiation Experiments.

The VA, during this period, maintained classified records "essential" to evaluating atomic veterans' claims, but these records were unavailable to veterans themselves.

Atomic veterans were sworn to secrecy and were denied access to their own service and medical records for many years, effectively barring pursuit of compensation claims.

It's partly as a result of these missing or incomplete records that so many people have doubts abut the validity of dose reconstructions for atomic veterans, some of which are performed more than fifty years after exposure.

Even if these veterans' exposure was less than 5 rems, which is the standard used by VA, this standard is not based on uncontested science. In 1994, for example, GAO stated: "A low level dose has been estimated to be somewhere below 10 rems [but] it is not known for certain whether doses below this level are detrimental to public health."

Despite persistent doubts about VA's and DoD's dose reconstruction, and despite doubts about the science on which VA's 5 rem standard is based, these dose reconstructions are used to bar veterans from compensation for disabling radiogenic conditions.

The effects of this standard have been devastating. A little over two years ago the VA estimated that less than 50 claims for non-presumptive diseases had been approved out of over 18,000 radiation claims filed.

Atomic veterans might as well not even bother. Their chances of obtaining compensation are negligible.

It is impossible for many atomic veterans and their survivors to be given "the benefit of the doubt" by the VA while their claims hinge on the dubious accuracy and reliability of dose reconstruction and the health effects of exposure to low-level ionizing radiation remain uncertain.

This problem can be fixed. The reason atomic veterans have to go through this reconstruction at all is that the diseases listed in my amendment are not presumed to be service-connected. That's the real problem.

VA already has a list of service-connected diseases that are presumed service-connected, but these are not on it.

This makes no sense. Scientists agree that there is at least as strong a link between radiation exposure and these diseases as there is to the other diseases on that VA list.

You might ask why I've included these three diseases in particular—lung cancer; colon cancer; and tumors of the brain and central nervous system—in my amendment. The reason is very simple. The best, most current, scientific evidence available justifies their inclusion. A paper entitled "Risk Estimates for Radiation Exposure" by John D. Boice, Jr., of the National Cancer Institute, published in 1996 as part of a larger work called Health Effects of Exposure to Low-Level Ionizing Radiation, includes a table which rates human cancers by the strength of the evidence linking them to exposure to low levels of ionizing radiation. According to this study, the evidence of a link for lung cancer is "very strong"—the highest level of confidence—and the evidence of a link for colon and brain and central nervous system cancers is "convincing"—the next highest level of confidence. So I believe I can say with a great deal of certainty, Mr. President, that science is on the side of this amendment. And I ask unanimous consent that a copy of the table I just mentioned be printed in the RECORD at the conclusion of my remarks.

Last year, the Senate Veterans Affairs Committee reported out a version of S. 1385, the Justice for Atomic Veterans Act, which included three diseases to be added to the VAs presumptive list. Two of those diseases, lung cancer and brain and central nervous system cancer, I have included in my amendment. The third disease included in the reported bill was ovarian cancer. Mr. President, I'd like to explain why I substituted colon cancer for ovarian cancer. It is true that the 1996 study I just cited states that the evidence of a linkage for ovarian cancer to low level ionizing radiation is "convincing," just as it is for colon cancer. But Mr. President, there are no female atomic veterans. The effect of creating a presumption of service connection for ovarian cancer is basically no effect—because no one could take advantage of it. However, the impact of adding colon cancer as a presumption for atomic veterans is significant; atomic veterans will be able to take advantage of that presumption.

The President's Advisory Committee on Human Radiation Experiments agreed in 1995 that VA's current list should be expanded. The Committee cited concerns that "the listing of diseases for which relief is automatically provided—the presumptive diseases provided for by the 1988 law—is incomplete and inadequate" and that "the standard of proof for those without presumptive disease is impossible to meet and, given the questionable condition of the exposure records retained by the government, inappropriate." The President's Advisory Committee urged Congress to address the concerns of atomic veterans and their families "promptly."

The unfair treatment of atomic veterans becomes especially clear when compared to both Agent Orange and Persian Gulf veterans. In recommending that the Administration support S. 1385, Under Secretary for Health Kenneth Kizer cited the indefensibility of denying presumptive service connection for atomic veterans in light of the presumption for Persian Gulf War veterans and Agent Orange veterans.

In 1993, the VA decided to make lung cancer presumptively service-connected for Agent Orange veterans. That decision was based on a National Academy of Sciences study that had found a link only where Agent Orange exposures were "high and prolonged," but pointed out there was only a "limited" capability to determine individual exposures.

For atomic veterans, however, lung cancer continues to be non-presumptive. In short, the issue of exposure levels poses an almost insurmountable obstacle to approval of claims by atomic veterans, while the same problem is ignored for Agent orange veterans.

Persian Gulf War veterans can receive compensation for symptoms or illnesses that may be linked to their service in the Persian Gulf, at least until scientists reach definitive conclusions about the etiology of their health problems. Unfortunately, atomic veterans aren't given the same consideration or benefit of the doubt.

I believe this state of affairs is outrageous and unjust. The struggle of atomic veterans for justice has been long, hard, and frustrating. But these patriotic, dedicated and deserving veterans have persevered. My amendment would finally provide them the justice that they so much deserve.

Let me say this in closing. As I have worked with veterans and military personnel during my time in the Senate, I have seen a troubling erosion of the Federal Government's credibility with current and former service members. No salary is high enough, no pension big enough to compensate our troops for the dangers they endure while defending our country. Such heroism stems from love for America's sacred ideals of freedom and democracy and the belief that the nation's gratitude is not limited by fiscal convenience but reflects a debt of honor.

This is one of those issues which test our faith in our government. But the Senate can take an important step in righting this injustice. I urge my colleagues from both sides of the aisle to join me in helping atomic veterans win their struggle by supporting my amendment.

EXHIBIT 1

DEPARTMENT OF VETERANS AFFAIRS,
April 21, 1998.

From: Under Secretary for Health (10).
Subject: Request for Reconsideration of the Department's Position on S. 1385 (Wellstone).
To: Secretary (00).

1. I request that you reconsider the Department's position on S. 1385 (Wellstone), which would add a number of conditions as presumptive service-connected conditions for atomic veterans to those already prescribed by law. I only learned that the Department was opposing this measure last night on reading the Department's prepared testimony for today's hearing; I had no input into that testimony. Indeed, my views on this bill have not been obtained. I would strongly support this bill as a matter of equity and fairness.

2. I do not think the Department's current opposition to S. 1385 is defensible in view of the Administration's position on presumed service-connection for Gulf War veterans, as well as its position on Agency Orange and Vietnam veterans.

3. While the scientific methodology that is the basis for adjudicating radiation exposure cases may be sound, the problem is that the exposure cannot be reliably determined for many individuals, and it never will be able to be determined in my judgment. Thus, no matter how good the method is, if the input is not valid then the determination will be suspect.

4. I ask that we formally reconsider and change the Department's position on S. 1385. I feel the proper and prudent position for the Department is to support S. 1385.

KENNETH W. KIZER, M.D., M.P.H.

Table 8.4—Strength of evidence that certain human cancers are induced following exposure to low levels of ionizing radiation.

Evidence	Cancer
Very strong	Leukemia, Female breast, Thyroid, Lung.
Convincing	Stomach, Colon, Bladder, Ovary, Brain/CNS, Skin.
Weak, inconsistent	Liver, Salivary glands, Esophagus, Multiple myeloma, Non-Hodgkin lymphoma, Kidney.
Not convincing	CLL, Male breast, Hodgkin's disease, Cervix, Prostate, Testes, Pancreas, Small intestine, Pharynx, hypopharynx, larynx, Certain childhood cancers, Skeleton support tissues.
Only at very high doses.	Bone, Connective tissue, Rectum, Uterus/Vagina.
High-Let exposures: Thorotrast (TH-232), Radium, Radon.	Liver, Leukemia, Bone, Lung.

AMENDMENT NO. 381

Mr. WELLSTONE. Mr. President, my amendment, amendment 381, entitled "Provision of Information and Guidance to the Public Regarding Environmental Contamination at U.S. Military Installations Formerly Operated by the United States that Have Been Closed," is a simple, straightforward amendment, but one which can potentially go a long way toward ensuring that the United States leaves a positive environmental legacy behind when we withdraw from military bases overseas. As we have withdrawn from our bases around the world, the U.S. military has taken some steps to clean-up contamination at those bases before leaving. But there are still many convincing reports that contamination has been left behind. As the New York Times noted last December in an editorial, "Fuels, lubricants, cleaning fluids and other chemicals are leaching into groundwater, and unexploded shells linger on testing grounds long after American soldiers leave." This is especially true in the Philippines, where we withdrew from Subic Bay and Clark Air Base, in 1992. And it will soon apply to Panama where will finish our withdrawal at the end of 1999.

I understand very well that the Pentagon has no legal obligations under our treaties with these countries to pay for a clean-up of environmental contamination. And I am not calling for any funding for such a clean-up. What this amendment requires the Pentagon to do is simply to provide as much information as possible and to cooperate in interpreting that information so that nations such as the Philippines can complete environmental studies to tell them exactly what has been left behind.

So far the Pentagon has turned over substantial information to the Philippine government, but it has done so slowly and grudgingly. We need to be more forthcoming to help the Filipinos deal with this issue before the contamination in the Subic and Clark areas causes further health problems.

This amendment is intended to protect the legacy of the U.S. in those countries where we maintained bases. It does not look at the environmental issue as a legal issue but as a moral one. At a time when anti-Americanism may be growing in certain parts of the world we need to ensure that in those countries that are our longtime allies, we do what we can to promote a positive image of the U.S. even after we leave our bases.

We will continue to have close military and political relations with countries such as the Philippines and Panama and we should not let this environmental issue fester and become an impediment to good relations.

The amendment as modified applies only to bases already closed. Initially I had intended to extend it to bases which would be closing in the future, which would include our facilities in Panama. However, since I understand that sensitive negotiations are underway on this very issue between the U.S. and Panama and I did not want this amendment to in any way interfere with the successful conclusion of those negotiations. But I want the record to show that I believe that we should be very forthcoming in releasing information on environmental conditions at our facilities in Panama as we close them. I would like to see the Pentagon avoid the long delays in providing information which we have seen in the Philippine case by following the spirit of this amendment. Of course, if we see a similar problem in the case of Panama we may have to revisit this issue next year and propose a similar provision to require the Department of Defense to make information available publicly.

If we assist our strategic partners in their efforts to complete environmental baseline studies, it is quite likely that any clean-up which occurs down the road will be done by American companies, who are the leaders in this field. Without the information and the necessary studies these countries are unable to identify the scope of the problem and begin to move toward some type of amelioration. Once the studies are in hand they may be able to approach international lenders, such as the World Bank, for funding and subsequently some clean-up contracts may go to U.S. companies.

Mr. President, when we close our bases and leave behind environmental contamination, the people who suffer from the contamination are almost always people already living in poverty and already struggling to maintain good health. They do not also need to contend with a toxic legacy left by the U.S. military. Just to highlight one of the most disturbing cases, I want to discuss the situation in the Philippines and especially at the site of the former Clark Air Base.

According to a recent report in the Philippine Star Newspaper, a forensic expert at the Commission of Human Rights (CHR) identified 29 persons who were living at volcano evacuation centers who were found to be suffering from various ailments attributed to mercury and nitrate elements left by the Americans when they abandoned their air base at Clark in 1991.

"The clinical manifestation exhibited by the patients were consistent with chemical exposure," the report said. It noted that 13 children aged one to seven "manifested signs and symptoms of birth defects and neurological disorders," adding that "four females suffered spontaneous abortions and still births."

"These can be attributed to mercury exposure," the report said. It also reported "central nervous system disorders, Kidney disorder and cyanosis" among the persons at evacuation center at Clark, ailments he said can be traced to nitrates exposure."

Earlier, the CHR forensic office staff collected water samples from the deep wells at the evacuation center in Clark and the Madapdap resettlement site for volcano victims in Mabalacat, Pampanga.

The samples were later brought to the metals lab of the Environmental Management Bureau (EMB) for analysis. In a report dated April 16, the EMB found 200 milligrams of mercury per liter of water and from 386 to 27 mg of nitrate per liter of water in the Clark area.

"These two chemicals, together with coliform for bacteria were found to be present in water in values exceeding the standard set by the WHO," the report said.

The report recommended the immediate removal of the residents at Clark, and the thorough diagnosis and treatment of the patients."

Among the victims identified in the report were Edmarie Rose Escoto, 5; Kelvin, 7; Martha Rose Pabalan, 4; 8-month-old Alexander; Sara Tolentino, and Abraham Taruc, who all had deformities to their lower limbs and cannot walk.

Rowell Borja, 5, and Sheila Pineda, 3, both had congenital heart ailments. Skin disorders were also found prevalent in other children, while cysts and kidney disorders were observed in adults.

The People's Task Force for Bases Cleanup (PTFBC) has pointed out that "there is more than enough preliminary evidence of the toxic waste problem at the former U.S. bases in the Philippines."

Among the documents that have confirmed the presence of toxic wastes at the former bases are pamphlets from the U.S. Department of Defense entitled "Environmental Review of the Drawdown Activities at Clark Airbase" (September 1991) and "Potential Restoration sites on Board the U.S. Facility, Subic Bay." (October 1992).

The PTFBC also cited 2 reports of the U.S. Government Accounting Office titled "Military Base Closure, U.S. Financial Obligations at the Philippines" (Oct. 1992) as well as an independent report of the WHO on May 9, 1992.

Mr. President, I recently received a letter from the Philippine Study Group of Minnesota expressing their concerns about the environmental contamination left by the U.S. military at the former Clark Air Base. They reported the results of a trip to the Philippines by two young Filipina-American women, Christina Leano and Amy Toledo, who have been working with the affected populations near Clark field and have been meeting with my staff in Minnesota and here in Washington.

When these two young women returned from the Philippines, they communicated the concern of the Filipino people about the problems of toxic waste remaining at both Clark and Subic. The problems are of sufficient concern to municipal governments near Clark that they tried to develop systems to deliver alternative water sources to the affected populations. However, they do not have the necessary resources. They said that the concerns of the people near Clark have been front page news in the Philippines. and Philippine Senator Loren Legarda will soon hold hearings in this issue. The Philippine Study Group of Minnesota wrote to me, and I quote:

> These bases . . . have severe problems that demand immediate attention. It is very unfortunate that the U.S. Department of Defense will not admit that they left polluted sites when they vacated the bases. Contrary to statements made by Secretary of State Albright, when she was in the Philippines last summer, the Department of Defense will not even release important documents needed by Philippine Development authorities.

We need at a minimum to see that all relevant documents are turned over to Philippine authorities. This includes key documents such as information on the construction of the wells and water supply system at Clark and hydrologic surveys for Clark which should be released to the Clark Development Corporation (CDC). Currently, the CDC does not have drawings or data on the water system and they are trying to improve the water delivery system without the data they need. The Philippine Study Group of Minnesota say they "are incredulous that the Defense Department will not even release those non-military technical documents that would be of great help to Philippine authorities."

This amendment would require the Defense Department to do that. It is a simple, reasonable step toward improving the environmental situation for the people of the Philippines. It is a step in the direction of assuring our allies that when the U.S. closes a military base, it leaves behind a legacy of friendship, cooperation, and sensitivity to environmental justice—not a toxic legacy.

Mr. President, we have a long history with the Philippines. From the turn of the century until 1991, except for the period of Japanese occupation during WWII, U.S. military forces used lands in Central Luzon and around Subic Bay in the Philippines as military bases which grew to be among the largest U.S. overseas bases in the world. The main purpose of Subic Bay Naval Base was to service the U.S. Navy Seventh Fleet. Forested lands were also used for training exercises. Clark Air Base served as a major operations and support facility during the Korean and Vietnam conflicts.

In 1991, more than 7,000 military personnel were stationed at Clark in addition to dependents and civilian support. Operations carried out on the bases included, but were not limited to: fuel loading, storage, distribution, and dispensing; ship servicing, repair, and overhaul; ammunition transfer, assembly, destruction, and storage; aircraft servicing, cleaning, repair, and storage; base vehicle fleet servicing, cleaning, repair, overhaul, and operation; power generation; electricity transformation and distribution; steam generation; water treatment and distribution; sewage collection and treatment; hazardous waste storage and disposal; bitumen production; electroplating; corrosion protection; and weed and pest control.

These activities, for many years not conducted in a manner protective of the environment, lead to substantial contamination of the air, soil, groundwater, sediments, and coastal waters of the bases and their surroundings. This was not unique to the Philippines. Military and industrial activities in the U.S. and around the world have had similar effects. Contaminants include, but are not limited to, petroleum hydrocarbons, aromatic hydrocarbons, chlorinated hydrocarbons, pesticides, PCB's metals, asbestos, acids, explosives and munitions. Whether or not radioactive wastes are present is uncertain.

The Philippine Senate voted in 1991 not to renew the bases agreement between the two countries. In June of that same year, Mt. Pinatubo erupted hastening U.S. withdrawal from Clark Air Base. U.S. forces left Subic Naval Base in 1992, ending almost a century of occupation of these vast areas of Luzon. Notwithstanding initial Department of Defense protestations to the contrary, substantial amounts of hazardous materials and wastes were left behind at the time of the U.S. departure both on the surface and in various environmental media. According to a GAO report issued in 1992,

> If the United States unilaterally decided to clean up these bases in accordance with U.S. standards, the costs for environmental cleanup and restoration could approach Superfund proportions.

Environmental officers at both Subic Bay Naval Facility and Clark Air Base have proposed a variety of projects to correct environmental hazards and remedy situations that pose serious health and safety threats." None of these projects was undertaken prior to U.S. departure from the baselands. A study commissioned by the WHO in

1993, in order to assess potential environmental risks at Subic Bay, identified a number of contaminated and potentially contaminated sites and recommended a complete environmental assessment.

Two study teams visited the sites in 1994, under the sponsorship of the Unitarian Universalist Service Committee, and not only found evidence of environmental contamination but carefully documented the lack of existing capacity in the Philippines, whether in government, university, or private sectors, to assess and remediate this complex problem.

The health and safety issues are not theoretical or contingent on future development of the bases. At the present time rusting and bulging barrels of hazardous materials are sitting uncovered at Clark. There are reports of exposed asbestos insulation in buildings vacated by departing U.S. personnel. For years waste materials from the ship repair facility were dumped or discharged directly into Subic Bay, contaminating sediments, and now residents from surrounding communities eat fish and shellfish harvested from this area. Thousands of evacuees displaced from homes destroyed by the eruption of Mt. Pinatubo and lava flows which followed have been temporarily housed in tents and makeshift wooden structure on Clark Air Base at a site previously occupied by a motorpool. They obtain drinking and bathing water from groundwater wells.

Just beyond the Dau gate, about 300 yards from this evacuation center, is the permanent community of Dau where many thousands of residents routinely use groundwater for drinking, cooking, and bathing. Because of complaints of gross contamination of water from some of the wells in the evacuation area, including visible oily sheen, foul taste, and gastrointestinal illness, one sample was tested at the laboratories of the University of the Philippines in early 1994 and found to contain oil and grease. Limited by laboratory capability, the analysis did not include the wide range of volatile and semi-volatile organic compounds, fuels, fuel additives, and other compounds which commonly contaminate groundwater in the U.S. and in other countries where similar military and industrial activities have taken place.

Many of these substances have important health effects when present even in extremely small amounts—health effects which may take years to become apparent—including cancer, birth and developmental abnormalities, and neurological or immunological damage. Moreover, there are numerous instances in the U.S. where contaminated groundwater at military bases has migrated off-base, sometimes for a distance of several miles, entering the drinking water of surrounding communities and posing a threat to public health. This is not only possible but likely at Clark Air Base, only one of numerous sites of concern at both bases, and one which is beyond existing Philippine capacity to assess let alone to remediate.

When President Clinton visited the Philippines in November 1994 both he and President Ramos acknowledged that the issue of base contamination would need to be further investigated. However, President Clinton stated that, "We have no reason to believe at this time that there is a big problem that we left untended. We clearly are not mandated under treaty obligations to do more." He went on to say ". . .we decided we should focus on finding the facts now, and when we find them, deal then with the facts as they are."

Though there may be no treaty obligation to address this issue, there are obvious moral and public health arguments which should compel the U.S. to accept responsibility for environmental assessment and remediation of the former bases in the Philippines. There are other overseas bases in, for example, Canada, Germany, Italy and Japan, where in response to host-country discovery and complaints of environmental contamination, the U.S. has provided assessment and clean-up. After nearly a century of occupation of these Philippine baselands, the obligation is no less. Meanwhile, as the political resolution of this issue unfolds, thousands of Filipinos, many of whom are living in marginal refugee conditions, and drinking and bathing in water which may be contaminated with hazardous substances resulting from U.S. military activities.

If these circumstances were to exist in the U.S. the groundwater would already have been comprehensively tested for a broad spectrum of substances and the public's health protected, while resulting plumes of contamination were being mapped and remediation strategies executed. Until we can answer with certainty whether or not this water is safe for consumption, an answer which neither Philippine government, public health officials, nor academicians are able to provide without assistance, and eliminate any identified hazardous exposures, the U.S. may be viewed as bearing responsibility for any resulting health effects.

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Mr. WARNER. Having done that, we will now proceed to amendment No. 382, on which the Senator will address the Senate pursuant to the standing order, and then at a time later we will schedule the vote.

Mr. WELLSTONE. Mr. President, I will be ready to go, if I could have just 30 seconds to also say on the floor of Senate, when I say "we," I don't mean as in me. I mean the collective us. This is for both Senator LEVIN and Senator WARNER. You also, in a bipartisan way, through your efforts, were able to put an amendment into this bill that deals with family violence. I thank you. I think this is an extremely important amendment.

The problem was that all too often, when a spouse usually a woman—would report violence, there was no real right of guarantee of confidentiality, which we needed. In other words, a woman could go to a doctor and then her report to a doctor could get out publicly. This really will enable women who are the victims of this violence to be able to go to someone and receive some support and help. It is extremely important. Both of you have supported this. I think there is similar language over in the House side. I thank the two of you. This is an amendment I am really proud of. I thank you.

Mr. WARNER. Once again, Mr. President, I am advised that the vote on No. 382, the amendment the Senator is about to debate in the Senate under the standing agreement, can be voted as the third vote in sequence this afternoon.

Mr. WELLSTONE. That is correct.

Mr. WARNER. All right.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. WARNER. Have the yeas and nays been ordered on that amendment?

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if it would be in order, if there would be any objection, to ask unanimous consent that no further business be held between now and the recess so that people know there is not going to be any additional——

Mr. WARNER. Mr. President, I am not objecting, but I think we should just simply say that at 1, at which time the 30 minutes expires, the Senate will stand in recess until the first vote, which is scheduled for 2:15.

Mr. LEVIN. But for some of us who planned to actually leave here at 12:30, I think it is important, if there is an understanding to this effect, that there be no further amendments offered or any other business carried on between now and the time that we recess for the luncheons. Is that agreeable?

Mr. WARNER. Mr. President, I have no agreement, but let's make it very clear that we will now begin to address amendment No. 382. As soon as that debate is concluded, the Senate will stand in recess until the hour of 2:15, when the first vote is to take place, and there would be no intervening business transacted.

Mr. ALLARD. Mr. President, just to clarify, I don't have any objection to that unanimous consent request, but I want to make some general remarks in regard to the total bill. I just wanted to try——

Mr. WARNER. I am prepared to accommodate the Senator. What about the hour of 4 today? You have 30 minutes.

Mr. ALLARD. That would be fine. I appreciate that. I think if we set aside 20 minutes, that would be fine. I appreciate that.

Mr. WARNER. We would be glad to do that and make it a part of the unanimous consent request which we are jointly propounding, Mr. LEVIN and myself. Is that agreeable?

Mr. LEVIN. I apologize.

Mr. WARNER. We just added, 4 to 4:20, this colleague may speak on the bill.

Mr. President, I am happy to restate it, but I think the Chair is——

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this amendment speaks to the priorities of the Senate or lack of priorities of the Senate.

We have here a bill that really talks about authorization, leading to appropriation of hundreds of billions of dollars for defense, for the Pentagon.

I will talk about the priorities of some low-income families in our country. Their priorities are how to keep a roof over their children's heads. Their priorities are how to get food in their children's stomachs. Their priorities are how to earn a wage that pays their bills.

And their priorities are how to obtain medical assistance when they are sick or when their children are sick.

Mr. President, 2 years ago we passed a welfare bill, and as we start to see more and more families slide deeper and deeper into poverty, and as we see around the country some of these families losing their benefits, I have not heard so much as a whisper of concern, let alone a shout of outrage, from the Senate.

So I rise to propose an amendment. It is an amendment that I hope will receive the support of every Senator, Democrat and Republican alike. It is simple and it is straightforward.

Current law requires the Secretary of Health and Human Services to provide an annual report to Congress. My amendment requires the Secretary to include information about families who have moved off the welfare rolls. What kind of jobs do they have? What is their employment status? What kind of wages are they making? Is it a living wage? What is the child care situation with their children? Have they been dropped from medical assistance? Do they have any health insurance coverage at all?

Mr. President, like my colleagues, I had hoped that the welfare reform bill—though I voted against it because I had real reservations about how it would really take shape and form throughout the country—would work. But I have my doubts. On the basis of some of the evidence I present here today, I believe we need to find out with certainty what is happening to families, mainly women and children, when they no longer receive welfare assistance in our country.

Since August of 1996, 1.3 million families have left welfare. They are no longer receiving welfare assistance. That is 4.5 million recipients, and they are mainly women and children. The vast majority of these 4.5 million citizens are children. On the basis of these numbers, too many people have deemed welfare reform a success.

But to see the welfare rolls reduced dramatically does not mean necessarily that we have reduced poverty in this country. It doesn't mean these families have moved from welfare to self-sufficiency. It doesn't mean these families have moved from welfare to economic self-sufficiency. These statistics, the drop in the welfare caseload, which has been so loudly talked about as evidence of success by Republicans, Democrats, and by this Democratic administration, doesn't tell us what is really happening. It doesn't tell us anything about how these women and children are doing. It doesn't tell us whether or not these families are better off now that they are no longer receiving welfare assistance, or whether they have fallen further into poverty. It doesn't tell us if the mothers can find work. It doesn't tell us if they are making enough of an income to lift themselves and their children out of poverty. It doesn't tell us whether these mothers have adequate access to affordable child care, and it doesn't tell us whether or not these mothers and these children have any health care coverage at all.

No one seems to know what has happened to these families. Yet, we keep trumpeting the "victory" of welfare reform. The declining caseloads tell us nothing at all about how families are faring once they no longer receive assistance. I am worried that they are just disappearing and this amendment is all about a new class of citizens in our country. I call them The Disappeared.

Let me give you some examples. We are hearing a lot about the plunge in food stamp participation. Over the last 4 years, the number of people using food stamps dropped by almost one-third—from 28 million to 19 million people. Some people want to interpret this as evidence of diminished need. But just like the decline in the welfare rolls, there are important questions left unanswered. I hope this drop in food stamp assistance means that fewer people are going hungry, but I have my doubts. If people are no longer needy, then how can we account for the fact that 78 percent of the cities surveyed by the U.S. Conference of Mayors for its "Report on Hunger" reported increases in requests for emergency food in 1998? This January, a survey conducted by Catholic Charities U.S.A. reported that 73 percent of the diocese had an increase by as much as 145 percent in requests for emergency food assistance from the year before.

How can we account for such findings without questioning whether or not the reformers' claim of success are premature?

What is going on here? What is happening to these women and children? Should we not know? The esteemed Gunnar Myrdal said, "Ignorance is never random." Sometimes we don't know what we don't want to know.

This amendment says we ought to do an honest evaluation and have the Secretary of Health and Human Services provide a report to us as to exactly what is happening with these women and children.

A story Friday from the New York Times suggests one explanation. One welfare recipient was told incorrectly that she could not get food stamps without welfare. Though she is scraping by, raising a family of five children and sometimes goes hungry, she has not applied for food stamps. "They referred me to the food pantry," she said. "They don't tell you what you really need to know; they tell you what they want you to know."

The truth of the matter is that there is an information vacuum at the national level with regard to welfare reform. What has happened to the mothers and children who no longer receive any assistance? In a moment, I am going to talk about some findings from NETWORK, a national Catholic social justice organization—findings that should disturb each and every Senator. At the outset, let me read a brief excerpt from the report that outlines the problem:

> Even though government officials are quick to point out that national welfare caseloads are at their lowest point in 30 years, they are unable to tell us for the most part what is happening to people after they leave the welfare rolls—and what is happening to people living in poverty who never received assistance in the first place.

I am especially concerned because the evidence we do have suggests that the goals of welfare reform are not being achieved. People are continuing to suffer and continuing to struggle to meet their basic needs, and I am talking primarily about women and children. I challenge the Senate today with this amendment. At the very minimum, we should call on the Secretary of Health and Human Services to give us a report on the status of those women and those children who no longer receive any welfare assistance.

Should we not at least know what is happening to these families?

I have already mentioned the dramatic decline in welfare caseloads. We must recognize that it is naive to assume that all of the 1.3 million of these families have found jobs and are moving toward a life of economic self-sufficiency. After all, the caseload decline has not been matched by a similar decline in poverty indicators. Moreover, since 1995, colleagues, what we have seen is an increase among the severest and harshest poverty. This is when income is less than one-half of what the official definition of poverty is. We have found an increase of 400,000 children living among the ranks of the poorest of poor families in America. Could this have something to do with these families being cut off welfare assistance? We ought to at least know.

I have already mentioned the NETWORK report. What this group did was collect data on people who visited Catholic social services facilities in 10 States with large numbers of people eligible for aid, and I will summarize these very dramatic findings.

Nearly half of the respondents report that their health is only fair or poor; 43 percent eat fewer meals or less food per meal because of the cost; they can't afford it. And 52 percent of soup kitchen patrons are unable to provide sufficient food for their children, and even the working poor are suffering as 41 percent of those with jobs experience hunger. The people who are working work almost 52 weeks a year, 40 hours a week, and they are still so poor that they can't afford to buy the food for their children. I am presenting this evidence today because I want us to have the evidence.

In another study, seven local agencies and community welfare monitoring coalitions in six States compared people currently receiving welfare to those who stopped getting welfare in the last few months.

The data show that people who stopped getting welfare were less likely to get food stamps, less likely to get Medicaid, more likely to go without food for a day or more, more likely to move because they couldn't pay rent, more likely to have a child who lived away or was in foster care, more likely to have difficulty paying for and getting child care, more likely to say "my life is worse" compared to 6 months ago.

Is that what we intended with this welfare reform bill?

The National Conference of State Legislatures did its own assessment of 14 studies with good information about families leaving welfare. It found that:

> Most of the jobs [that former recipients get] pay between $5.50 and $7 an hour, higher than minimum wage but not enough to raise a family out of poverty. So far, few families who leave welfare have been able to escape poverty.

Just this month, Families USA released a very troubling study. It finds that:

> Over two-thirds of a million low-income people—approximately 675,000—lost Medicaid coverage and became uninsured as of 1997 due to welfare reform. The majority (62 percent) of those who became uninsured due to welfare reform were children, and most of those children were, in all likelihood, still eligible for coverage under Medicaid. Moreover, the number of people who lose health coverage due to welfare reform is certain to grow rather substantially in the years ahead.

Let me just translate this into personal terms.

Here is the story of one family that one of the sisters in the NETWORK study worked with:

> Martha and her seven-year-old child, David, live in Chicago. She recently began working, but her 37-hour a week job pays only $6.00 an hour. In order to work, Martha must have childcare for David.

That is the name of my oldest son, David.

> Since he goes to school, she found a sitter who would receive him at 7 a.m. and take him to school. This sitter provided after school care as well. When Sister Joan sat down with Martha to talk about her finances, they discovered that her salary does not even cover the sitter's costs.

By the way, as long as we are talking about afterschool care, let me just mention to you that I remember a poignant conversation I had in East L.A. I was at a Head Start center, and I was talking to a mother. She was telling me that she was working. She didn't make much by way of wages, but she was off welfare, and she wanted to work. As we were talking and she was talking about working, all of a sudden she started to cry. I was puzzled. I felt like maybe I had said something that had upset her. I said: Can I ask you why you are crying?

She said: I am crying because one of the things that has happened is that my first grader—I used to, when I was at home, take her to school, and I also could pick her up after school.

She lived in a housing project. It is a pretty dangerous neighborhood.

She said: Now, every day when my daughter, my first grader, finishes up in school, I am terrified. I don't know what is going to happen to her. There is no care for her, and she goes home, and I tell her to lock the door and take no phone calls.

Colleagues, this amendment asks us to do a study of what is going on with these children. How many children don't play outside even when the weather is nice because there is nobody there to take care of them?

Let me talk about an even scarier situation—families that neither receive government assistance nor have a parent with a job. We don't know for certain how large this population is, but in the NETWORK study 79 percent of the people were unemployed and not receiving welfare benefits. Of course this study was focused on the hardest hit.

Let me just say that in some of the earlier State studies, what we are seeing is that as many as 50 percent of the families who lost welfare benefits do not have jobs.

Can I repeat that?

Close to 50 percent perhaps—that is what we want to study—of the families who have been cut off welfare assistance do not have jobs, much less the number of families where the parents—usually a woman—has a job, but it is $6 an hour and she can't afford child care and her children don't have the necessary child care. Now her medical assistance is gone and she is worse off and her children are worse off. They are plunged into deeper poverty than before we passed this bill.

Don't we want to know what is happening in the country?

How are these families surviving? I am deeply concerned and worried about them. They are no longer receiving assistance. And they don't have jobs. They are literally falling between the cracks and they are disappearing. I want us to focus on the disappeared Americans.

What do we do about this? I want to have bipartisan support.

I was a political science teacher before becoming a Senator. In public policy classes, I used to talk about evaluation all the time. That is one of the key ingredients of good public policy. That is what I am saying today. We want to have some really good, thorough evaluation. We have some States that are doing some studies. But the problem is there are different methodologies and different studies that are not comprehensive.

Before we passed this bill, when we were giving States waivers—Minnesota was one example—43 of 50 States have been granted waivers. They were all required to hire an outside contractor to evaluate the impact of the program.

After this legislation passed, we didn't require this any longer of States. Now we are only getting very fragmentary evidence. As a result, we do not really know what is happening to these women. We don't know what is happening to these children. The money that we have earmarked is Labor-HHS appropriations, for Health and Human Services—$15 million to provide some money for some careful evaluation. That is what we need, policy evaluation. But the money has been rescinded.

What I am saying—I am skipping over some of the data—is at the very least, what we want to do is to make sure that we do some decent tracking and that we know in fact what is really going on here.

Let me just give you some examples that I think would be important just to consider as I go along. Let me read from some work that has been done by the Children's Defense Fund.

Alabama: Applying for cash assistance has become difficult in many places. In one Alabama county, a professor found workers gave public assistance applications to only 6 out of 27 undergraduate students who requested them despite State policy that says anyone who asks for an application should get one.

In other words, I know what was going on. This professor was saying to students, go out there as welfare mothers and apply and see what happens. They did. What they found out is that very few of them were even given applications.

Arizona: 60 percent of former recipients were taken off welfare because they did not appear for a welfare interview.

We are talking about sanctions.

After holding fairly steady from 1990 to 1993, the number of meals distributed to Arizona statewide, Food Charity Networks, has since risen to 30 percent, and a 1997 study found that 41 percent of Networks' families had at least one person with a job.

Quite often what happens is the people who are off the rolls aren't off the rolls because they found a job, but because they have been sanctioned. The question is, Why have they been sanctioned? The question is, What happened to them? What has happened to their children?

California: Tens of thousands of welfare beneficiaries in California and Illinois are dropped each month as punishment. In total, half of those leaving welfare in these States are doing so because they did not follow the rules.

This was from an AP 50-State survey. It was also cited in the Salvation Army Fourth Interim Report.

In an L.A. family shelter, 12 percent of homeless families said they had experienced benefit reductions or cuts that led directly to their homelessness.

One of the questions, colleagues, is this rise of homelessness and this rise of the use of food pantry shelves. Does it have something to do with the fact that many of these women have found jobs but they don't pay a living wage, or they haven't found work but the families have been cut off assistance?

Florida: More than 15,000 families left welfare during a typical month last year. About 3,600 reported finding work, but nearly 4,200 left because they were punished. The State does not know what happened to almost 7,500 others.

Iowa: 47 percent of those who left welfare did so because they did not comply with requirements such as going to job interviews or providing paperwork.

Kentucky: 58 percent of the people who leave welfare are removed for not following the rules.

Minnesota: In Minnesota, case managers found that penalized families were twice as likely to have serious mental health problems, three times as likely to have low intellectual ability, and five times more likely to have family violence problems compared with other recipients.

Mississippi Delta region: Workfare recipients gather at 4 a.m. to travel by bus for 2 hours to their assigned workplaces, work their full days, and then return another 2 hours home each night. They are having trouble finding child care during these nontraditional hours and for such extended days.

I could give other reports of other States. Let me just say to every single Senator here, Democrat and Republican alike, you may have a different sense of what is going on with the welfare bill. That is fine. But what I am saying here is if you look at the NETWORK study, if you look at the Conference of Mayors study, if you look at the Conference of State Legislatures study, if you look at the Children's Defense Fund study, and if you just travel —I am likely to do quite a bit of travel in the country over the next couple of years to really take a look at what is happening—but if you just travel and talk to people, you have reason to be concerned. Right now we do not know and we cannot remain deliberately ignorant. We cannot do that.

Policy evaluation is important. So I challenge each and every Senator to please support this amendment which calls for nothing more than this, that every year when we get a report from the Secretary of Health and Human Services we get a report on what has happened to these women and children—that is mainly the population we are talking about—who no longer receive welfare assistance. Where are they? What kind of jobs do they have? Are they living-wage jobs? Is there decent child care for the children? Do they have health care coverage? That is what we want to know.

I remember in the conference committee last year, and I will not use names because no one is here to debate me, I remember in a conference committee meeting last year we got into a debate. I wanted mothers to at least have 2 years of higher education and have that not counted against them. I was pushing that amendment. I remember, it was quite dramatic. In this committee, there were any number of different Representatives from the House, and some Senators, who said: You are trying to reopen the whole welfare reform debate and you are trying to change welfare policy. This has been hallmark legislation, the most important legislation we passed since Franklin Delano Roosevelt's legislation.

I said to them: Let me ask you a question. Can any of you give me any data from your States? I know the rolls have been cut substantially.

I hear my own President, President Clinton, talking about this. But, President Clinton, you have not provided one bit of evidence that reducing the welfare rolls has led to reduction of poverty. The real question is not whether or not people are off the rolls; the real question is, Are they better off? I thought the point of welfare reform was to move families, mainly women and children, from welfare to economic self-sufficiency, from welfare to a better life. I thought all Senators think it is important that people work, but if they work, they ought not to be poor in America.

We can no longer turn our gaze away from at least being willing to do an honest evaluation of what is happening. This amendment calls for that. I cannot see how any Senator will vote against this. I tried to bring this amendment to the juvenile justice bill. It would have been a good thing to do, because, frankly, there is a very strong correlation between poverty and kids getting into trouble and which kids get incarcerated. I think this piece of legislation is creating a whole new class of people—disappeared Americans. Many of them are children. That is my own view.

But as that bill went along, I agreed I would not do it if I could introduce this amendment to the next piece of legislation, which is the DOD legislation right now. I hope there will be an up-or-down vote. I hope there will be strong support for it.

If colleagues want to vote against it—I do not know how you can. We ought to be willing to do an honest evaluation. I tell my colleagues, if you travel the country, you are going to see some pretty harsh circumstances. You are going to see some real harsh circumstances. I do not remember exactly, and I need to say it this way because if I am wrong I will have to correct the record, but I think in some States like Wisconsin that have been touted as great welfare reform States, and I talked to my colleague, Senator FEINGOLD, about this, and there is low unemployment so it should work well—I think, roughly speaking, two-thirds of the mothers and children now have less income than they did before the welfare bill was passed. That is not success. That is not success.

Do you all know that in every single State all across the country—and it depends upon which year, it is up to the State—there is a drop-dead date certain where families are going to be eliminated from all assistance? Shouldn't we know, before we do that, before we just toss people over the cliff—shouldn't we know what is going on? Shouldn't we have some understanding of whether or not these mothers are able to find jobs? Shouldn't we know what is going on with their children? Shouldn't we know whether there are problems with substance abuse or violence in the homes? Shouldn't we make sure we do that before we eliminate all assistance and create a new class of the disappeared, of the poorest of the poor—of the poor who are mainly children?

I have brought this amendment to the floor before, but this time around I do not want a voice vote. I want a recorded vote. If Senators are going to vote against this, I want that on the record. If they are going to vote for it, I will thank each and every one of them. Then, if there is an effort to drop this in conference committee because it is on the DOD bill, do you know what. Here is what I say: At least the Senate has gone on the record saying we are going to be intellectually honest and have an honest policy evaluation. That is all I want. That is all I want to see happen. If it gets dropped, I will be back with the amendment again, and again, and again and again—until we have this study. Until we are honest about being willing—I am sorry—until we are willing to be honest about what is now happening in the country and at least collect the data so we can then know.

I feel very strongly about this, colleagues, very strongly about this. I am going to speak on the floor of the Senate about this. I am going to do some traveling in the country. I am going to try to focus on what I consider to be really some very harsh conditions and some very harsh things that are happening to too many women and to too many children.

I also speak with some indignation. I can do this in a bipartisan way. I want us to have this evaluation. I say to the White House, to the administration—I ask unanimous consent I have 1 more minute. I actually started at 12:30, so I do not know how I could be out of time. I had a half hour.

The PRESIDING OFFICER. The official clock up here shows time expired, but without objection, 1 minute.

Mr. WELLSTONE. I thank the Chair. I don't want to get into a big argument with the Chair. I can do it in 1 minute.

I think I have heard the administration, Democratic administration, I have heard the President and Vice President talk about how we have dramatically reduced the welfare rolls with huge success. Has the dramatic reduction in the welfare rolls led to a dramatic reduction in poverty? Are these women and children more economically self-sufficient? Are they better off or are they worse off? That is what I want to know. I say that to Democrats. I say that to Republicans. We ought to have the courage to call upon the Secretary of Health and Human Services to provide us with this data. As policymakers, we need this information.

Please, Senators, support this amendment.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that Daniel J. Stewart, a fellow in my office, be granted the privilege of the floor during the debate on the defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15, at which time there will be three stacked votes.

Thereupon, at 1 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The Senate continued with the consideration of the bill.

AMENDMENT NO. 388

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided on the Roth amendment. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, for 58 years, two distinguished commanders, Admiral Kimmel and General Short, have been unjustly scapegoated for the Japanese attack on Pearl Harbor. Numerous studies have made it unambiguously clear that Short and Kimmel were denied vital intelligence that was available in Washington. Investigations by military boards found Kimmel and Short had properly disposed their forces in light of the intelligence and resources they had available.

Investigations found the failure of their superiors to properly manage intelligence and to fulfill command responsibilities contributed significantly, if not predominantly, to the disaster. Yet, they alone remain singled out for responsibility. This amendment calls upon the President to correct this injustice by advancing them on the retired list, as was done for all their peers.

This initiative has received support from veterans, including Bob Dole, countless military leaders, including Admirals Moorer, Crowe, Halloway, Zumwalt, and Trost, as well as the VFW.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the managers of this bill, we vigorously oppose this amendment. Right here on this desk is perhaps the most dramatic reason not to grant the request. This represents a hearing held by a joint committee of the Senate and House of the Congress of the United States in 1946. They had before them live witnesses, all of the documents, and it is clear from this and their findings that these two officers were then and remain today accused of serious errors in judgment which contributed to perhaps the greatest disaster in this century against the people of the United States of America.

There are absolutely no new facts beyond those deduced in this record brought out by my distinguished good friend, the senior Senator from Delaware. For that reason, we oppose it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 388. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—52

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bunning
Campbell
Cleland
Cochran
Collins
Daschle
DeWine
Domenici
Durbin
Edwards
Enzi
Feinstein
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Inouye
Johnson
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Lincoln
Lott
McConnell
Mikulski
Murkowski
Rockefeller
Roth
Sarbanes
Schumer
Shelby
Smith (NH)
Thomas
Thurmond
Torricelli
Voinovich
Wellstone
Wyden

NAYS—47

Allard
Ashcroft
Bond
Brownback
Bryan
Burns
Byrd
Chafee
Conrad
Coverdell
Craig
Crapo
Dodd
Dorgan
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Gregg
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kohl
Levin
Lieberman
Lugar
Mack
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Santorum
Sessions
Smith (OR)
Snowe
Specter
Stevens
Thompson
Warner

NOT VOTING—1

McCain

The amendment (No. 388) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 377

Mr. WARNER. Is the Senator from Virginia correct that the next vote will be on the amendment by the Senator from Kansas?

The PRESIDING OFFICER. Yes, amendment No. 377 by the Senator from Kansas.

Mr. WARNER. And the Senator from Kansas and I understand, also, that our colleague, the ranking member of the committee, likewise supports the amendment.

The PRESIDING OFFICER. There are 2 minutes of debate.

Mr. WARNER. Mr. President, noting the presence of the Senator from Kansas, the amendment by the Senator from Kansas raises a very good point; that is, at the 50th anniversary of the NATO summit, those in attendance, the 19 nations, the heads of state and government, adopted a new Strategic Concept.

The purpose of this amendment is to ensure that that Concept does not go beyond the confines of the 1949 Washington Treaty and such actions that took place in 1991 when a new Strategic Concept was drawn.

A number of us are concerned, if we read through the language, that it opens up new vistas for NATO. If that be the case, then the Senate should have that treaty before it for consideration. This is a sense of the Senate, but despite that technicality, it is a very important amendment; it is one to which the President will respond.

I understand from my distinguished colleague and ranking member, in all probability, we will receive the assurance from the President that it does not go beyond the foundations and objectives sought in the 1949 Washington Treaty.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support this amendment. It says that the President should say to us whether or not the new Strategic Concept imposes new commitments or obligations upon us. It does not find that there are such new obligations or commitments. The President has already written to us in a letter to Senator WARNER that the Strategic Concept will not contain new commitments or obligations.

In 1991, the new Strategic Concept, which came with much new language and many new missions, was not submitted to the Senate. Indeed, much of the language is very similar in 1991 as in 1999.

In my judgment, there are no new commitments or obligations imposed by the 1999 Strategic Concept. The President could very readily certify what is required that he certify by this amendment, and I support it.

Mr. WARNER. Mr. President, I ask unanimous consent that this vote be limited to 10 minutes and the next vote following it to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

Mr. KYL. Mr. President, I believe that under the order 1 minute was reserved for anybody in opposition, is that correct?

The PRESIDING OFFICER. Two minutes equally divided.

Mr. KYL. I don't think the Senator from Michigan spoke in opposition to the amendment, as I understand it. Therefore, would it not be in order for someone in opposition to take a minute?

The PRESIDING OFFICER. Yes. The Senator from Arizona is recognized for 1 minute.

Mr. KYL. Might I inquire of the Senator from Delaware—I am prepared to speak for 30 seconds or a minute.

Mr. BIDEN. If he can reserve 20 seconds for me, I would appreciate it.

Mr. KYL. I will take 30 seconds.

Mr. WARNER. Mr. President, I ask unanimous consent that both Senators be given 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I say to my colleagues that, as Senator LEVIN just pointed out, this is a totally unnecessary amendment, because the administration has already expressed a view that it has not gone beyond the Concepts this Senate voted for 90 to 9 when the new states were added to NATO. Those are the Strategic Concepts.

One might argue whether or not they are being applied correctly in the case of the war in Kosovo. That is another debate. But in terms of the Strategic Concepts themselves, this body voted on them, and I would hate for this body now to suggest to the other 18 countries in NATO that perhaps they should resubmit the Strategic Concepts to their legislative bodies as in the nature of a treaty so that the entire NATO agreement on Strategic Concepts would be subject to 19 separate votes of our parliamentary bodies. I don't think that would be a good idea given the fact that, as Senator LEVIN already noted, the President has already said the Strategic Concepts do not go beyond what the Senate voted for 90 to 9.

This an unnecessary amendment. I suggest my colleagues vote no.

Mr. BIDEN. Mr. President, the Strategic Concept does not rise to the level of a treaty amendment, and the Senator from Michigan has pointed that out. Therefore, it is a benign amendment, we are told, and in all probability it is. But it is unnecessary. It does mischief. It sends the wrong message. It is a bad idea, notwithstanding the fact that it has been cleaned up to the point that it is clear it does not rise to the level of a treaty requiring a treaty vote on the Strategic Concept.

But I agree with the Senator from Arizona. He painstakingly on this floor laid out in the Kyl amendment during the expansion of NATO debate exactly what we asked the President to consider in the Strategic Concept that was being negotiated with our allies. They did that. We voted 90 to 9.

This is a bad idea.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—87

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—12

Biden
Boxer
Durbin
Hagel
Inouye
Kyl
Lautenberg
Moynihan
Robb
Roth
Smith (OR)
Specter

NOT VOTING—1

McCain

The amendment (No. 377), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 382

Mr. WARNER. Mr. President, the next amendment is in the jurisdiction of the Finance Committee. Therefore, I have consulted with Chairman ROTH.

Does Senator ROTH have any comments on this?

Mr. ROTH. No comments.

Mr. WARNER. We yield back such time as we may have.

The PRESIDING OFFICER. There are 2 minutes equally divided on the amendment.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

I have been trying to get this amendment on the floor. This is simple and straightforward. This requires the Department of Health and Human Services to provide us with a report on the status of women and children who are no longer on welfare. There are 4.5 million fewer recipients. We want to know what kinds of jobs, at what wages, do people have health care coverage. This is based on disturbing reports by Family U.S.A., Catholic Organization Network, Children's Defense Fund, Conference of Mayors and, in addition, National Conference of State Legislatures.

Good public policy is good evaluation, and we ought to know what is going on in the country right now on this terribly important question that dramatically affects the lives of women and children, albeit low-income women and children. I hope to get a strong bipartisan vote. It will be a good message.

Mr. KENNEDY. Mr. President, I strongly support Senator WELLSTONE's amendment to require states to collect data on the employment, jobs, earnings, health insurance, and child care arrangements of former welfare recipients.

This information is essential. The most important indicator of welfare reform's success is not just declining welfare caseloads. It is the well-being of these low-income parents and their children after they leave the welfare system. We do not know enough about how they have fared, and states should be required to collect this information. Millions of families have left the welfare rolls, and we need to know how they are doing now. We need information on their earnings, their health care, and other vital data. The obvious question is whether former welfare recipients are doing well, or barely surviving, worse off than before.

The data we do have about former welfare recipients is not encouraging. According to a study by the Children's Defense Fund and the National Coalition on the Homeless, most former welfare recipients earn below poverty wages after leaving the welfare system. Their financial hardship is compounded by the fact that many former welfare recipients do not receive the essential services that would enable them to hold jobs and care for their children. The cost of child care can be a crushing expense to low-income families, consuming over one-quarter of their income. Yet, the Department of Health and Human Services estimates that only one in ten eligible low-income families gets the child care assistance they need.

Health insurance trends are also troubling. As of 1997, 675,000 low-income people had lost Medicaid coverage due to welfare reform. Children comprise 62 percent of this figure, and many of them were still eligible for Medicaid. We need to improve outreach to get more eligible children enrolled in Medicaid. We also need to increase enrollment in the State Children's Health Insurance Program, which offers states incentives to expand health coverage for children with family income up to 200 percent of poverty. It is estimated that 4 million uninsured children are eligible for this assistance.

In addition to problems related to child care and health care, many low-income families are not receiving Food Stamp assistance. Over the last 4 years, participation in the Food Stamp Program has dropped by one-third, from serving nearly 28 million participants to serving fewer than 19 million. But this does not mean children and families are no longer hungry. Hunger and undernutrition continue to be urgent problems. According to a Department of Agriculture study, 1 in 8 Americans—or more than 34 million people—are at risk of hunger.

The need for food assistance is underscored by he phenomenon of increasing reliance on food banks and emergency food services. Many food banks are now overwhelmed by the growing number of requests they receive for assistance. The Western Massachusetts Food Bank reports a dramatic increase in demand for emergency food services. In 1997, it assisted 75,000 people. In 1998, the number they served rose to 85,000. Massachusetts is not alone. According to a recent U.S. Conference of Mayors report, 78 percent of the 30 cities surveyed reported an increase in requests for emergency food in 1998. Sixty-one percent of the people seeking this assistance were children or their parents; 31 percent were employed.

These statistics clearly demonstrate that hunger is a major problem. Yet fewer families are now receiving Food Stamps. One of the unintended consequences of welfare reform is that low-income, working families are dropping off the Food Stamps rolls. Often, these families are going hungry or turning to food banks because they don't have adequate information about Food Stamp eligibility.

A Massachusetts study found that most people leaving welfare are not getting Food Stamp benefits, even though many are still eligible. Three months after leaving welfare, only 18 percent were receiving Food Stamps. After one year, the percentage drops to 6.5 percent. It is clear that too many eligible families are not getting the assistance they need and are entitled to.

Every state should be required to collect this kind of data. We need better information about how low-income families are faring after they leave welfare. Adequate data will enable the states to build on their successes and address their weaknesses. Ultimately, the long-term success of welfare reform will be measured state by state, person by person with this data.

I urge my colleagues to support this amendment. Ignorance is not bliss. We can't afford to ignore the need that may exist.

The PRESIDING OFFICER. The Senator's time has expired.

Is there any Senator who wishes to speak in opposition?

Mr. WARNER. Mr. President, we yield back our time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 382. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

NAYS—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

McCain

The amendment (No. 382) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

I have a colleague who is ready to go, Senator SPECTER, so I will not take much time. But I just want to make it clear to colleagues that on this vote I agreed to a time limit. I brought this amendment out to the floor. There could have been debate on the other side. Somebody could have come out here and debated me openly in public about this amendment.

I am talking about exactly what is happening with this welfare bill. I am talking about good public policy evaluation. Shouldn't we at least have the information about where these women are? Where these children are? What kind of jobs? What kind of wages? Are there adequate child care arrangements?

The Swedish sociologist Gunnar Myrdal once said: "Ignorance is never random." Sometimes we don't know what we don't want to know.

I say to colleagues, given this vote, I am going to bring this amendment out on the next bill I get a chance to bring it out on. I am not going to agree to a time limit. I am going to force people to come out here on the majority side and debate me on this question, and we will have a full-fledged, substantive debate. We are talking about the lives of women and children, albeit they are poor, albeit they don't have the lobbyists, albeit they are not well connected. I am telling you, I am outraged that there wasn't the willingness and the courage to debate me on this amendment. We will have the debate with no time limits next bill that comes out here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I tried to accommodate the Senator early on on this matter. To be perfectly candid, it was a jurisdictional issue with this committee. It was not a subject with which this Senator had a great deal of familiarity. I did what I could to keep our bill moving and at the same time to accommodate my colleague. The various persons who have jurisdiction over it were notified, and that is as much as I can say.

Now, Mr. President, I ask unanimous consent that there be 90 minutes equally divided in the usual form prior to a motion to table with respect to amendment 383 and no amendments be in order prior to that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask that following that vote, provided it is tabled, that Senator GRAMM of Texas be recognized to make a motion to strike and there be 2 hours equally divided in the usual form prior to a motion to table and no amendments be in order to that language proposed to be stricken prior to that vote.

Mr. LEVIN. Mr. President, reserving the right to object, the only question I have is that on the second half here, which is the one that is before us, I suggest that it read "prior to a motion to table or a motion on adoption" so that there is an option as to whether there is a motion to table or a vote on the amendment itself.

Mr. WARNER. Mr. President, we find no objection to that. I so amend the request.

The PRESIDING OFFICER. Is there objection to the request as amended? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I see the Senator from Pennsylvania, and I yield the floor.

AMENDMENT NO. 383

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, this amendment provides that:

> None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops from the United States Armed Forces in Kosovo, except for peacekeeping personnel, unless authorized by declaration of war or a joint resolution authorizing the use of military force.

The purpose of this amendment, obvious on its face, is to avoid having the United States drawn into a full-fledged war without authorization of the Congress. This authorization is required by the constitutional provision which states that only the Congress of the United States has the authority to declare war, and the implicit consequence from that constitutional provision that only the Congress of the United States has the authority to involve the United States in a war. The Founding Fathers entrusted that grave responsibility to the Congress because of the obvious factor that a war could not be successfully prosecuted unless it was backed by the American people. The first line of determination in a representative democracy, in a republic, is to have that determination made by the Congress of the United States.

We have seen the bitter lesson of Vietnam where a war could not be successfully prosecuted by the United States, where the public was not behind the war.

This amendment is being pressed today because there has been such a consistent erosion of the congressional authority to declare war. Korea was a war without congressional declaration. Vietnam was a war without a congressional declaration. There was the Gulf of Tonkin Resolution, which some said justified the involvement of the United States in Vietnam—military involvement, the waging of a war. But on its face, the Gulf of Tonkin Resolution was not really sufficient.

The Gulf War, authorized by a resolution of both Houses of Congress, broke that chain of the erosion of congressional authority. In January of 1991, the Senate and the House of Representatives took up the issue on the use of force. After a spirited debate on this floor, characterized by the media as historic, in a 52–47 vote, the Senate authorized the use of force. Similarly, the House of Representatives authorized the use of force so that we had the appropriate congressional declaration on that important matter.

We have seen the erosion of congressional authority on many, many instances. I shall comment this afternoon on only a few.

We have seen the missile strikes at Iraq really being acts of war. In February of 1998, I argued on the floor of the Senate that there ought not to be missile strikes without authorization by the Congress of the United States. There may be justification for the President to exercise his authority as Commander in Chief, if there is an emergency situation, but where there is time for deliberation and debate and congressional action, that ought to be undertaken.

As the circumstances worked out, missile strikes did not occur in early 1998, after the indication that the President might authorize or undertake those missile strikes.

When that again became an apparent likelihood in November of 1998, I once more urged on the Senate floor that the President not undertake acts of war with missile strikes because there was ample time for consideration. There had been considerable talk about it, and that really should have been a congressional declaration. The President then did order missile strikes in December of 1998.

As we have seen with the events in Kosovo, the President of the United States made it plain in mid-March, at a news conference which he held on March 19 and at a meeting earlier that day with Members of Congress, that he intended to proceed with airstrikes. At a meeting with Members of Congress on March 23, the President was asked by a number of Members to come to Congress, and he did. The President sent a letter to Senator DASCHLE asking for authorization by the Senate. In a context where it was apparent that the airstrikes were going to be pursued with or without congressional authorization, and with the prestige of NATO on the line and with the prestige of the United States on the line, the Senate did authorize airstrikes, specifically excluding any use of ground troops. That authorization was by a vote of 58 to 41.

The House of Representatives had, on a prior vote, authorized U.S. forces as peacekeepers, but that was not really relevant to the issue of the airstrikes. Subsequently, the House of Representatives took up the issue of airstrikes, and by a tie vote of 213–213, the House of Representatives declined to authorize the airstrikes. That was at a time when the airstrikes were already underway.

I supported the Senate vote for the authorization of airstrikes. I talked to General Wesley Clark, the Supreme NATO Commander. One of the points which he made, which was telling on this Senator, was the morale of the troops. The airstrikes were an inevitability, as the President had determined, and it seemed to me that in that context we ought to give the authorization, again, as I say, expressly reserving the issue not to have ground forces used.

So on this state of the record, with the vote by the Senate and with the tie vote by the House of Representatives, you have airstrikes which may well, under international law, be concluded to be at variance with the Constitution of the United States, to put it politely and not to articulate any doctrine of illegality, at a time when my country is involved in those airstrikes. But when we come to the issue of ground troops, which would be a major expansion and would constitute, beyond any question, the involvement of the United States in a war—although my own view is that the United States is conducting acts of war at the present time—the President ought to come to the Congress.

When the President met with a large group of Members on Wednesday, April 28, the issue of ground forces came up and the President made a commitment to those in attendance—and I was present—that he would not order ground troops into Kosovo without prior congressional authorization. He said he would honor that congressional authorization, reserving his prerogative as President to say that he didn't feel it indispensable constitutionally that he do so. However, he said that he would make that commitment, and he did make that commitment to a large number of Members of the House and Senate on April 28 of this year. He said, as a matter of good faith, that he would come to the Congress before authorizing the use of ground troops.

So, in a sense, it could be said that this amendment is duplicative. But I do believe, as a matter of adherence to the rule of law, that the commitment the President made ought to be memorialized in this defense authorization bill. I have, therefore, offered this amendment.

It is a complicated question as to the use of ground forces, whether they will ever be requested, because unanimity has to be obtained under the rules that govern NATO. Germany has already said they are opposed to the use of ground forces. But this is a matter that really ought to come back to the Congress. I am prepared—speaking for myself—to consider a Presidential request for authorization for the use of ground forces. However, before I would vote on the matter, or give my consent or vote in the affirmative, there are a great many questions I will want to have answered—questions that go to intelligence, questions that go to the specialty of the military planners. I would want to know what the likely resistance would be from the army of the former Yugoslavia. How much have our airstrikes degraded the capability of the Serbian army to defend? How many U.S. troops would be involved? I would like to know, to the extent possible, what the assessment of risk is.

When we talked about invading Japan before the dropping of the atomic bomb on Hiroshima and Nagasaki, we had estimates as to how many would be wounded and how many fatalities there would be. So while not easy to pass judgment on something that could be at least estimated or approximated, I would want to know, very importantly, how many ground troops would be supplied by others in NATO. I would want to know what the projection was for the duration of the military engagement, and what the projection was after the military engagement was over.

These are only some of the questions that ought to be addressed. In 16 minutes, at 4 o'clock, members of the administration, the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff are scheduled to give another congressional briefing. Before we have a vote on a matter of this importance and this magnitude, those are some of the questions I think ought to be answered. That, in a very brief statement, constitutes the essence of the reasons why I have offered this amendment.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SPECTER. Yes.

Mr. DURBIN. I thank the Senator. He and I are of the same mind in terms of the authority and responsibility of Congress when it comes to a declaration of war. It is interesting to note that last year when a similar amendment was called on the defense appropriation bill, offered by a gentleman in the House, David Skaggs, only 15 Members of the Senate voted in favor of it, including the Senator from Pennsylvania, the Senator from Delaware, myself, and a handful of others. It will be interesting to see this debate now in the context of a real conflict.

I have seen a copy of this amendment, and I want to understand the full clarity and intention of the Senator. As I understand it, there are two paragraphs offered as part of this amendment. They use different language in each paragraph. I wish the Senator would clarify.

Mr. SPECTER. If I may respond to the Senator, I would be glad to respond to the questions. I thank him for his leadership in offering a similar amendment in the past. When I undertook to send this amendment to the desk, I had called the Senator from Illinois and talked to him this morning and will consider this a joint venture if he is prepared to accept that characterization.

Mr. DURBIN. Depending on the responses, I may very well be prepared to do so.

Would the Senator be kind enough to enlighten me? The first paragraph refers to the introduction of ground troops. The second paragraph refers to the deployment of ground troops. Could the Senator tell me, is there a difference in his mind in the use of those two different terms?

Mr. SPECTER. Responding directly to the question, I think there would be no difference. But I am not sure the Senator from Illinois has the precise amendment I have introduced, which has only one paragraph. I can read it quickly:

> None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for deployment of ground troops from the United States Armed Forces in Kosovo, except for peacekeeping personnel, unless authorized by a declaration of war or a joint resolution authorizing the use of military force.

Mr. DURBIN. The version I have——

Mr. WARNER. If the Senator will yield, I am holding this draft amendment. You are referring to two paragraphs, and it appears to me that the first paragraph is the title; am I correct? I find that inconsistent with what I believe was paragraph 2. The first paragraph is the title, and there is really only one paragraph in the body of the amendment.

Mr. DURBIN. I thank the Senator from Virginia. If the Senator from Pennsylvania will yield, I will confine myself to the nature of the amendment. Could the Senator tell me why reference is only made to the deployment of grounds troops from U.S. Armed Forces in Kosovo and not in Yugoslavia?

Mr. SPECTER. The amendment was drafted in its narrowest form. Perhaps it would be appropriate to modify the amendment.

Mr. DURBIN. I think it might be. I ask the Senator a second question. Would he not want to make an exception, as well, for the rescue of the NATO forces in Yugoslavia if we would perhaps have a downed flier and ground troops could be sent in for rescue, and that would not require congressional authorization. I think that would be consistent with the Senator's earlier statements about the emergency authority of the President as Commander in Chief.

Mr. SPECTER. I would be prepared to accept that exception.

Mr. DURBIN. The final question is procedural. The Senator from Pennsylvania has been here——

Mr. WARNER. Mr. President, to amend it for a downed flier—we just witnessed ground troops being caught, and they have now been released. I would be careful in the redrafting and not just to stick to a downed flier. That is just helpful advice.

Mr. SPECTER. I thank the Senator.

Mr. DURBIN. A rescue of NATO forces in Yugoslavia was the question. Last, I will ask the Senator from Pennsylvania, if this requires a joint resolution, under the rules of the Senate, Members in a filibuster, a minority, say, 41 Senators, could stop us from ever taking action on this measure. How would the Senator from Pennsylvania respond to that? Does that, in effect, give to a minority the authority to stop the debate and a vote by the Senate and thereby tie the President's hands when it comes to committing ground troops, should we ever reach the point where that is necessary?

Mr. SPECTER. I respond to my colleague from Illinois by saying that with a declaration of war where the Senate has to join under the Constitution and there could be a filibuster requiring 60 votes, the same rule applies. To get that authorization, either by declaration of war or resolution for the use of force, we have to comply with the rules to get an affirmative vote out of the Senate. Under those rules, if somebody filibusters, it requires 60 votes. So be it. That is the rule of the Senate and that is the way you have to proceed to get the authorization from the Senate.

Mr. DURBIN. I know I am speaking on the Senator's time. I thank him for responding to those questions. I have reservations, as he does, about committing ground troops. I certainly believe, as he does, that the Congress should make that decision and not the President unilaterally. He has promised to come to us for that decision to be made. I hope Mr. Milosevic and those who follow this debate don't take any comfort in this. We are speaking only to the question of the authority of Congress, not as to any actual decision of whether we will ever commit to ground troops. I think that is the sense of the Senator from Pennsylvania. I thank him for offering the amendment, and I support this important amendment.

Mr. WARNER. Mr. President, I will speak in opposition to the amendment. But I don't wish to interfere with the presentation of the Senator. At such time, perhaps, when I could start by propounding a few questions to my colleague and friend, would he indicate when he feels he has finished his presentation of the amendment?

Mr. SPECTER. It would suit me to have the questions right now.

Mr. WARNER. I remind the Senator of the parliamentary situation. While I have given him some suggestions, if he is going to amend it, it would take unanimous consent to amend the amendment.

Mr. SPECTER. To modify the amendment?

Mr. WARNER. That is correct.

Mr. SPECTER. The yeas and nays have not been ordered.

Mr. WARNER. The time agreement has been presented under the rules. I will address the question to the Chair. I think that would be best.

The PRESIDING OFFICER. It would take unanimous consent to modify the amendment.

Mr. WARNER. Just as a friendly gesture, I advise my colleague of that.

Mr. SPECTER. Mr. President, I thank the Senator from Virginia for his friendly gesture.

Mr. WARNER. As the Senator reads the title and then the text, I have trouble following the continuity of the two. For example, first it is directing the President of the United States pursuant to the Constitution and the War Powers Resolution. I have been here 21 years. I think the Senator from Pennsylvania is just a year or two shy of that. This War Powers Resolution has never been accepted by any President, Republican or Democrat or otherwise. Am I not correct in that respect?

Mr. SPECTER. The Senator is correct.

Mr. WARNER. Therefore, we would not be precipitating in another one of those endless debates which would consume hours and hours of the time of this body if we are acting on the predicate that this President is now going to acknowledge that he, as President of the United States, is bound by what is law? I readily admit it is the law. But we have witnessed, over these 20-plus years that I have been here and over the years the Senator from Pennsylvania has been here, that no President will acknowledge that he is subservient to this act of Congress because he feels that it is unconstitutional; that the Constitution has said he is Commander in Chief and he has the right to make decisions with respect to the Armed Forces of the United States on a minute's notice. Really, this is what concerns me about this amendment, among other things.

Mr. SPECTER. If the Senator will yield so I can respond to the question.

Mr. WARNER. All right.

Mr. SPECTER. If it took hours and hours, I think those hours and hours would be well spent, at least by comparison to what the Senate does on so many matters. And we might convene a little earlier. We might adjourn a little later. We might work on Mondays and Fridays and maybe even on Saturdays. I would not be concerned about the hours which we would spend.

I think this Senator, after the 18 years and 5 months that I have been here, has given proper attention to the constitutional authority of the Congress to declare and/or involve the United States in war, or to the War Powers Act. This is a matter which first came to my attention in 1983 on the Lebanon matter when Senator Percy was chairman of the Foreign Relations Committee and I had a debate, a colloquy, about whether Korea was a war, and Senator Percy said it was. Vietnam was a war.

At that time, I undertook to draft a complex complaint trying to get the acquiescence of the President—President Reagan was in the White House at that time—which Senator Baker undertook to see if we could have a judicial determination as to the constitutionality of the War Powers Act.

It is true, as the Senator from Virginia says, that Presidents have always denied it. They have denied it in complying with it. They send over the notice called for under the act, and then they put in a disclaimer.

But I think the War Powers Act has had a profoundly beneficial effect, because Presidents have complied with it even while denying it.

But I think it is high time that Congress stood up on its hind legs and said we are not going to be involved in wars unless Congress authorizes them.

Mr. WARNER. Mr. President, perhaps when I said hours and hours, it could be days and days. But we would come out with the same result. Presidents haven't complied with the act. They have "complied with the spirit of the act." I believe that is how they have acknowledged it in the correspondence with the Congress.

Mr. SPECTER. If I may respond, I think "complied with the act"—the act requires certain notification, certain statements of the President. They make the statements which the act calls for, and then they add an addendum, "but we do not believe we are obligated to do so."

Mr. WARNER. Mr. President, let me ask another question of my colleague. We will soon be receiving a briefing from the Secretaries of State, Defense and the National Security Adviser and the Chairman of the Joint Chiefs. I will absent myself during that period, and the Senator from Pennsylvania will have the opportunity to control the floor. I hope there would be no unanimous consent requests in my absence. I hope that would be agreeable with my good friend, because I have asked for this meeting.

Mr. SPECTER. The Senator may be assured there will be no unanimous consent requests for any effort to do anything but to play by the Marquis of Queensberry rules.

Mr. WARNER. That is fine. I asked for this meeting and have arranged it for the Senate. So I have to go upstairs. But I point out: Suppose we were to adopt this, and supposing that during the month of August when the Senate would be in recess the President had to make a decision with regard to ground troops. Then he would have to, practically speaking, bring the Congress back to town. Would that not be correct?

Mr. SPECTER. That would be correct. That is exactly what he ought to do. Before we involve ground troops, the Congress of the United States could interrupt the recess and come back and decide this important issue.

Mr. WARNER. But the reason for introducing ground troops, whatever it may be, might require a decision of less than an hour to make on behalf of the Chief Executive, the Commander in Chief, and he would be then shackled with the necessary time of, say, maybe 48 hours in which to bring the Members of Congress back from various places throughout the United States and throughout the world. To me, that imposes on the President something that was never envisioned by the Founding

Fathers. And that is why he is given the power of Commander in Chief. Our power is the power of the purse, to which I again direct the Senator's attention in the text of the amendment. But it seems to me I find the title in conflict with the text of the amendment.

Mr. SPECTER. As I said during the course of my presentation, Mr. President, I think the Commander in Chief does have authority to act in an emergency. I made a clear-cut delineation as I presented the argument that when there is time for deliberation, as, for example, on the missile strikes in Iraq, or as, for example, on the gulf war resolution, it ought to be considered, debated and decided by the Congress.

Mr. WARNER. How do we define "emergency?" Where the President can act without approval by the Congress, and in other situations where he must get the approval, who makes that decision?

Mr. SPECTER. I think that our English language is capable of structuring a definition of what constitutes an emergency.

Mr. WARNER. Where is it found in this amendment?

Mr. SPECTER. I think the President has the authority to act as Commander in Chief without that kind of specification, and it is not now on the face of this amendment. However, it may be advisable to take the extra precaution, with modification offered and agreed to by unanimous consent in the presence of the Senator from Virginia, to spell that out as well, although I think unnecessarily so.

Mr. WARNER. Mr. President, I must depart and go upstairs to this meeting. But I will return as quickly as I can. I thank the Senator for his courtesy of protecting the floor in the interests of the manager of the bill.

Mr. SPECTER. I thank the Senator from Virginia.

Mr. WARNER. The Senator is aware that the Senator from Virginia will at an appropriate time move to table, and in all probability I will reserve the right to object to this amendment until the Senator from Pennsylvania seeks to amend the amendment.

The PRESIDING OFFICER. The Chair will advise the Members of the Senate that under the previous order Senator ALLARD is to be recognized for 20 minutes.

Mr. WARNER. Perhaps the Senator from Pennsylvania and the Senator from Colorado will work that out between them. I hope they can reach an accommodation.

Mr. SPECTER. Mr. President, if I may, I understand that the Senator from Virginia has articulated his views about a unanimous consent, and that is fine. Those are his rights. But it may be that there will be an additional amendment which I will file taking into account any modifications which I might want to make which might be objected to. So we can work it out in due course.

Parliamentary inquiry: Does the Senator from Colorado have the floor?

The PRESIDING OFFICER. The Senator from Colorado is to have 20 minutes at 4 o'clock under the previous order. The 20 minutes is on the amendment, not on the bill.

Mr. WARNER. Mr. President, if I might clarify the situation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Before the Senator from Pennsylvania specifically advised me he was going to assert his rights, which he has since his amendment was the pending business of the Senate following the three votes, I put in place a modest time slot for our colleague from Colorado, such that he could address the Senate on the general provisions of the underlying bill. But then we reached a subsequent time agreement to accommodate the Senator from Pennsylvania.

It is my request, in the course of this debate, if the Senator could, within the parameters of the two unanimous consents, work out a situation where he could have about 15 minutes and then we could return to your debate?

Mr. SPECTER. Mr. President, I do not understand that. If you are asking me to give time——

Mr. WARNER. Not from your time agreement. It would be totally separate. In other words, your 90 minutes, now the subject of the second unanimous consent agreement, would be preserved. That is as it was written. But can the Senator accommodate sliding that to some point in time to allow the Senator from Colorado to have 15 minutes?

Mr. ALLARD. What is the regular order?

The PRESIDING OFFICER. The regular order is the Senator from Colorado has the floor for 20 minutes.

Mr. SPECTER. I would be delighted to accommodate the Senator from Colorado one way or the other. He can speak now and then we can go back to our time agreement on the pending amendment.

Mr. ALLARD. I have been waiting. I was here most of the morning and then waiting this afternoon for 3 hours to have an opportunity to make some general comments on this bill. I do not anticipate taking much longer. My agreement is 20 minutes, if I remember correctly.

The PRESIDING OFFICER. That is correct.

Mr. ALLARD. Maybe there would be an opportunity—I would like to get in on this meeting Senator WARNER is attending at some point in time—probably the last part of it. But I would like to have the opportunity to address this bill.

What is it the Senator from Pennsylvania is seeking, as far as the privilege of the floor?

Mr. SPECTER. Mr. President, if I may respond, I am delighted to have the Senator from Colorado use his 20 minutes, which is ordered at this time.

Mr. WARNER. With no subtraction whatsoever from the unanimous consent in place for the Senator.

Mr. SPECTER. That is the understanding the Senator had spoken to earlier.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. At this point in time, the Senator from Colorado has the floor for 20 minutes. The Senator is advised, with regard to the amendment of the Senator from Pennsylvania, 25 minutes remains for the Senator from Pennsylvania and 38½ minutes, approximately, remains for the opposition.

The Senator from Colorado is recognized for 20 minutes.

Mr. ALLARD. Mr. President, today I rise in strong support of S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

As the Personnel Subcommittee chairman, I take great pleasure in which Senator CLELAND, the ranking member, and the other members of the subcommittee were able to provide for our men and women in uniform. Every leader in the military tells me the same thing, without the people the tools are useless. We must take care of our people and the personnel provisions in this bill were developed in a bipartisan manner.

This bill is responsive to the manpower readiness needs of the military services; supports numerous quality of life improvements for our service men and women, their families, and the retiree community; and reflects the budget realities that we face today and will face in the future.

First, military manpower strength levels. The bill adds 92 Marine personnel over the administration's request for an active duty end strength of 1,384,889. It also recommends a reserve end strength of 874,043—745 more than the administration requested.

The bill also modifies but maintains the end-strength floors. While I do not believe that end-strength floors are a practical force management tool, I am personally concerned that the strength levels of the active and reserve forces are too low and that the Department of Defense is paying other bills by reducing personnel. Therefore, it is necessary to send a message to the administration that they cannot permit personnel levels to drop below the minimums established by the Congress.

On military personnel policy, there are a number of provisions intended to support the recruiting and retention and personnel management of the services. Among the most noteworthy, are the several provisions that permit the services to offer 2-year enlistments with bonuses and other incentives. This is a pilot program in which students in college or vocational or technical schools could enlist and remain in school for 2 years before they actually go on active duty.

Many Senators have expressed their concerns about the operational tempo of the military. That is why this bill attempts to address this problem by requiring the services to closely manage the Personnel and Deployment Tempo of military personnel. We would require a general or flag officer to approve deployments over 180 days in a year; a four-star general or admiral to approve deployments over 200 days and would authorize a $100 per diem pay for each day a service member is deployed over 220 days. The briefings and hearings in the personnel subcommittee have found that the single most cited reason for separation is time away from home and families. At the same time, the services have not been effective in managing the Personnel and Deployment Tempo for their personnel. I am confident that the provision will focus the necessary attention on the management of this problem.

Another important provision is the expansion of Junior ROTC or JROTC programs. A number of members and the service Chiefs and personnel Chiefs told me that they believed Junior ROTC is an important program and that an expansion was not only warranted but needed. Thus we have added $39 million to expand the JROTC programs. These funds will permit the Army to add 114 new schools; the Navy to add 63 new schools; the Air Force to add 63 new schools; and the Marine Corps to exhaust their waiting list to 32 schools. This is a total of 272 new JROTC programs in our school districts across the country. I am proud to be able to support these important programs that teach responsibility, leadership, ethics, and assist in military recruiting.

In military compensation, our major recommendations are extracted from S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. First, this bill authorizes a 4.8-percent pay raise effective January 1, 2000 and a restructuring of the pay tables effective July 1, 2000.

Another provision includes a Thrift Savings Plan for active forces and the ready reserves and a plan to offer service members who entered the service on or after August 1, 1986, the option to receive a $30,000 bonus and remain under the "Redux" retirement or to change to the "High-three" retirement system. In order to assist the active and reserve military forces in recruiting, there are a series of bonuses and new authorities to support the ability of our recruiters to attract qualified young men and women to serve in the armed forces. There are also several new bonuses and special pays to incentivize aviators, surface warfare officers, special warfare officers, air crewmen among others to remain on active duty. Two additional provisions from S. 4 are in this bill. A special retention initiative would permit a service secretary to match the thrift savings contribution of service members in critical specialties in return for an extended service commitment. Also, thanks to the hard work of Senator McCAIN and Senator ROBERTS, another provision authorizes a special subsistence allowance for junior enlisted personnel who qualify for food stamps.

In health care, there are several key recommendations. There is a provision that would require the Secretary of Defense to implement a number of initiatives to improve delivery of health care under TriCare. Another provision would require each Lead Agent to establish a patient advocate to assist beneficiaries in resolving problems they may encounter with TriCare.

Finally there are a number of general provisions including one to enforce the reductions in management headquarters personnel Congress directed several years ago and several to assist the Department of Defense Dependents School System to provide quality education for the children of military personnel overseas.

Before I close, as a first time Senator subcommittee chair, I express my appreciation to Senator CLELAND for his leadership and assistance throughout this year as we worked in a bipartisan manner to develop programs which enhance personnel readiness and quality of life programs. I also thank the members of the subcommittee, Senator THURMOND, Senator McCAIN, Senator SNOWE, Senator KENNEDY, and Senator REED, and their staffs. Their hard work made our work better and helped me focus on those issues which have the greatest impact on soldiers, sailors, airmen and marines.

Mr. President, I finish by thanking Chairman WARNER for the opportunity to point out some of the highlights in the bill which the Personnel Subcommittee has oversight and to congratulate him and Senator LEVIN on the bipartisan way this bill was accomplished and ask that all Senators strongly support S. 1059.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time is under control. If neither side yields time, time will simply run equally.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair. The Senator from Delaware is here and I will be happy to yield—how much time do the opponents have?

The PRESIDING OFFICER. The opponents of the amendment have 38 minutes and approximately 10 seconds.

Mr. LEVIN. Is that divided in some way or under the control of Senator WARNER and myself? How is that?

The PRESIDING OFFICER. The manager of the bill is designated to be in charge of the opposition.

Mr. LEVIN. I am happy to yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BIDEN. Mr. President, I will be necessarily brief.

It is not often I disagree with my friend from Pennsylvania, Senator SPECTER. I think he is right in the fundamental sense that if the President is going to send American ground forces into a war, it needs congressional authority.

Very honestly, this amendment is, in my view, flawed. First of all, it is clear that the President has to come to Congress to use ground forces and that the President has already stated—I will ask unanimous consent to print in the RECORD a copy of his letter dated April 28, 1999, to the Speaker of the House in which he says in part:

> Indeed, without regard to our differing constitutional views on the use of force, I would ask for Congressional support before introducing U.S. ground forces into Kosovo into a non-permissive environment.

I ask unanimous consent that the President's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 28, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I appreciate the opportunity to continue to consult closely with the Congress regarding events in Kosovo.

The unprecedented unity of the NATO Members is reflected in our agreement at the recent summit to continue and intensify the air campaign. Milosevic must not doubt the resolve of the NATO alliance to prevail. I am confident we will do so through use of air power.

However, were I to change my policy with regard to the introduction of ground forces, I can assure you that I would fully consult with the Congress. Indeed, without regard to our differing constitutional views on the use of force, I would ask for Congressional support before introducing U.S. ground forces into Kosovo into a non-permissive environment. Milosevic can have no doubt about the resolve of the United States to address the security threat to the Balkans and the humanitarian crisis in Kosovo. The refugees must be allowed to go home to a safe and secure environment.

Sincerely,

BILL CLINTON.

Mr. BIDEN. Mr. President, not only must the President, but he said he would.

This amendment is flawed in two respects. First, as a constitutional matter, I believe it is unnecessary. The Constitution already bars offensive military action by the President unless it is congressionally authorized or under his emergency powers.

The Senate resolution we adopted only authorizes the use of airpower. If Congress adopts this amendment, it seems to me we will imply the President has carte blanche to take offensive action, and anywhere else unless the Congress makes a specific statement to the contrary in advance. In short, I think it will tender an invitation to Presidents in the future to use force whenever they want unless Congress provides a specific ban in advance.

Putting that aside, however, the amendment is flawed because its exceptions are much too narrowly drawn. The amendment purports to bar the use of Armed Forces in response to an attack against Armed Forces.

For example, we have thousands of soldiers now in Albania and Macedonia. Let's suppose the Yugoslav forces launch an attack against U.S. forces in Albania or in Macedonia. This amendment would bar the use of ground forces to respond by going into Kosovo.

The power to respond against such an attack is clearly within the power of the Commander in Chief. So, too, does the President have the power to launch a preemptive strike against an imminent attack. The U.S. forces do not have to wait until they take the first punch.

The second point I will make in this brief amount of time I am taking is that the amendment does not appear to permit the use of U.S. forces in the evacuation of Americans. Most constitutional scholars concede the President has the power to use force in emergency circumstances to protect American citizens facing an imminent and direct threat to their lives.

In sum, notwithstanding the fact that my colleague from Pennsylvania is going to amend his own amendment, it does not, in my view, appear to be necessary and it unconstitutionally restricts recognized powers of the President.

This comes from a guy—namely me—who has spent the bulk of the last 25 years arguing that the President has to have congressional authority to use force in circumstances such as this, and he does. But to bar funds in advance, before a President even attempts to use ground forces, in the face of him saying he will not use them and in the face of a letter in which he says he will not send them without seeking Congress' authority, seems to me to not only be constitutionally unnecessary but sends an absolutely devastating signal to Mr. Milosevic and others.

For example, I, for one, have been encouraging the Secretary of Defense, our National Security Adviser, and the President of the United States to get about the business of prepositioning right now the 50,000 forces they say will be needed in a permissive environment. That is an environment where there is a peace agreement. If tomorrow peace broke out in Yugoslavia, if Mr. Milosevic yielded to the demands of NATO, there would be chaos in Kosovo because there would be no force to put in place in order to ensure the agreement.

I worry that an amendment at this moment not only is unnecessary but would send a signal to suggest that we should not even be prepositioning American forces for deployment in a peaceful environment. I think it is unnecessary.

I thank the Chair for his indulgence and my colleague for the time. I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Pennsylvania.

Mr. SPECTER. Before the distinguished Senator from Delaware leaves the floor, if I may have his attention. I say to Senator BIDEN, may I have your attention?

Mr. BIDEN. Surely.

Mr. SPECTER. The arguments which you have made stem from your stated position that the President really ought to have congressional authorization to use force. If the legislative approach is not to require him to come to Congress before the use of force, but to await his using force, then are we not really in a situation where we face the impossible predicament of seeking to cut off funds from the middle of a military operation which is untenable? Or to articulate the question more precisely: What would you suggest as a way to accomplish the constitutional principle you agree with, that only the Congress has the authority to authorize the use of force, with the current circumstances?

Mr. BIDEN. Mr. President, if I may respond, I think that is a fair question. I think I, quite frankly and bluntly, accomplished that. The way I did that—the Senator was in that same meeting. We were in the same meeting. I think it was the 28th, you said. I do not remember the exact date.

Mr. SPECTER. It was.

Mr. BIDEN. He may recall that I am the one who stood up and said: Mr. President, you do not have the authority to send in ground troops without congressional authorization. Since you have said, Mr. President, you have no intention of doing that, why don't you affirmatively send a letter to the Speaker of the House of Representatives committing that you will not do that without their authority? He said: I will. And he did. I think we accomplished that.

To now say that we are going to add to that the requirement to cut off funds, that we will cut off funds, is a very direct way of saying: We don't trust you, Mr. President. You gave your word; you put it in writing; you put your signature on it; and we still don't trust you.

I am not prepared to vote for that.

Mr. SPECTER. Mr. President, I would disagree with the statement of my colleague from Delaware that we say, "we do not trust you, Mr. President," by noting that the President might change his mind. He has been known to do that. Other Presidents have, and even the Senator from Delaware and the Senator from Pennsylvania have been known to change their minds.

The other concern is that if you have it on a personal basis, in a letter, it really does not have the force of law. And we are consistently moving in the Congress to where there has been an executive order, which is a good bit more formal than the letter that the Senator from Delaware refers to, to make sure that it is governed by law as opposed to a personal commitment or what might be said.

But let me articulate a question in a different context.

Aside, hypothetically, absent a letter, what would the legislative approach be to limit a President from exercising his powers as Commander in Chief short of cutting off funds once he has already done so? It seems to me that we have a choice. We can either say in advance: You may not do it unless you have our prior approval; or say nothing once the President uses force, and then cut off the funds, which appears to me to be untenable.

Is there a third alternative?

Mr. BIDEN. Yes, Mr. President. I think there is. If I may respond.

There are several. There is a third and a fourth alternative. One of the alternatives would be, were the resolution merely to say: Mr. President, by concurrent resolution, we believe you do not have the authority to put ground troops in place without our authorization; we expected that you would request of us that authorization before you did, that would create an incredibly difficult political barrier for any President to overcome. It would not be an advance cutoff of funds.

I do not recall where we have in advance—in advance of a President taking an action—told him that we would limit the availability of funds for an action he says he has not contemplated undertaking in advance. I think it is a bad way to conduct foreign policy. I think it complicates the circumstance. It sends, at a minimum, a conflicting message. At a minimum, it sends the message to Europe, for example, and our allies, that we, the U.S. Congress, think the President is about to send American forces in when he has not said he wishes to do that.

Secondly, it says in advance, to our enemies, that the President cannot send in ground forces unless he undoes an action already taken, giving an overwhelming prejudice to the point of view that the President could never get the support to use ground forces.

I understand my friend from Pennsylvania—and I have said this before, and I mean it sincerely, there is no one in this body I respect more than him, but he has indicated that he would be amenable to a consideration of the use of ground forces, if asked. But I suspect that is not how this will be interpreted in not only Belgrade but other parts of the world. I think it will be interpreted as the Senate saying they do not want ground troops to be put in under any circumstances. That is not what he is saying. But that is, I believe, how it will be interpreted.

So let me sum up my response to the Senator's question: A, we could, in fact, say to the President: Mr. President, if you are going to use ground forces, come and ask us, with no funds cut off in terms of a resolution.

Secondly, we could say to the President: Mr. President, we have your letter in hand. We take you at your word and expect that that is what you would do, memorializing the political context in which this decision was made, which Presidents are loath to attempt to overcome.

The bottom line is, the President of the United States can in fact go ahead and disregard this as easily as he could disregard the provisions of the Constitution. If a President were going to decide that he would disregard the constitutional requirement of seeking our authority to use ground forces, I respectfully suggest he would not be at all hesitant to overcome a prohibition in an authorization bill saying no funds authorized here could be used.

He could argue that funds that have already been authorized have put force in place, with bullets in their guns, gasoline in their tanks, fuel in their aircraft; that he has the authority to move notwithstanding this prohibition.

I understand the intention of my friend from Pennsylvania. I applaud it. I think it is unnecessary in a very complex circumstance and situation in which the President of the United States has indicated he does not intend to do it anyway. And I just think it sends all the wrong messages and is unnecessary and is overly restrictive.

Mr. SPECTER. The Senator from Delaware has mentioned a third option to the two I suggested.

The third option is for us to send a resolution saying don't do it unless we authorize it, but not binding him. Saying that would certainly impose a political restraint on the President—not doing it, in the face of our requesting him not to without our prior authorization. I understand his third alternative, but I do not draw much solace from it, just as a matter of my own response.

Mr. BIDEN. If the Senator would yield, I am not suggesting——

Mr. SPECTER. My time is running out. Let me finish my statement. Then you have quite a bit of time left. Let me just finish the thought.

I do not think it goes far enough to say: We request that you not do it unless we give you prior authorization. Because that kind of a gentle suggestion—and I can understand the gentility of my colleague from Delaware—would not go very far, I think, with this President or might not go very far with the Senator from Delaware or would not predetermine what the Senator from Pennsylvania would do.

When the Senator from Delaware talks about the President flying in the face of a cutoff of funds, I think that the President would be loath to do that. I think there he might really get into the Boland amendment or challenging the Congress on the power of the purse.

The Presidents have gotten away with disregarding the congressional mandate that only Congress can declare war. They have gotten away with it for a long time. It has been eroded. Presidents feel comfortable in doing that. But if the Congress said: No funds may be used, as this amendment does—maybe it needs to be a little tighter here or there—I think the President would proceed at his peril to violate that expressed constitutional authority in Congress to control the power of the purse. I am very much interested in my colleague's response, but I hope it will be on his time.

Mr. BIDEN. Mr. President, will the Senator from Michigan yield me 2 minutes?

Mr. LEVIN. I would be happy to yield. May I inquire of the Chair how much time the opponents have?

The PRESIDING OFFICER. Thirty-two minutes 11 seconds.

Mr. LEVIN. I am happy to yield to the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. The Senator from Arizona, Mr. MCCAIN, and I had an amendment to attempt to preauthorize the use of ground forces. The Congress debated, as the Parliamentarian can tell us, in the context of the War Powers Act, having been triggered by a letter sent by the President to the Congress.

We have already spoken. We have already spoken as a Congress. We have made it clear to the President of the United States, unfortunately, in my view, that under the War Powers Act, we believe he should not at this moment be introducing ground forces because the McCain-Biden amendment was defeated, which was an affirmative attempt to give him authority in advance to use ground forces. So we have already debated this issue of ground forces in the context of the War Powers Act, which was one of the two documents cited by the Senator from Pennsylvania, the other being the U.S. Constitution. I argue we have done that.

Second, I point out that I can't imagine a modern-day President, in the face of an overwhelming or even majority congressional decision, saying you should not use force and having the political will or courage to go ahead and use it anyway. I do not think such a circumstance exists. If you think this President is likely to do that, then you have a view of his willingness to take on the Congress that exceeds that of almost anyone I know.

The idea that this President, in this context, having said so many times that he would not and does not want to use ground forces, would fly in the face of a majority of the Members of the Congress saying he should not do it without coming here, in what everyone would acknowledge would be a difficult political decision to make in any instance and difficult military decision to make, and then if, in fact, he is not immediately successful, I believe everyone in this Chamber would acknowledge that it would probably effectively bring this Presidency down. I just can't imagine that being the matter.

Let me conclude by saying, Professor Corwin is credited with having said that the Constitution merely issues an invitation to the President and the Senate does battle over who controls the foreign policy. Seldom will Presidents take action that is totally contrary to the expressed views of the Congress which risk American lives and clearly would result in American body bags coming home.

I wish he had a view different than the one I am asserting, because I think we need to have that option open and real. I am not sure it is. I am almost positive there is no reasonable prospect this President, or for that matter the last President, would have moved in the face of the Congress having already stated its views that it was not willing to give him that power in advance, which is another way of saying: Mr. President, if you want this power, come and ask us.

So I think it is unnecessary. I think it is redundant. I think it has already been spoken to as it relates to the War Powers Act. I think it is a well-intended, mistaken notion as to how we should be limiting this President's use of ground forces.

I thank the Senator from Michigan for yielding me that time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Delaware for those comments. I think it all boils down to whether the President would feel compelled by a political situation, a statement by Congress, to not send in ground troops.

I acknowledged in my opening comments that he had made that commitment, which I heard and spoke about, on April 28. But I believe we ought to be bound by the rule of law, not be dependent upon a change of mind by the

President, and memorialize it in this statute. Congress ought to assert its authority to declare war and have the United States engaged in war and to do it with the force of law with this kind of an amendment, perhaps somewhat modified.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the amendment. It would send the worst possible signal, I believe, to Milosevic at this time. A kind of "don't worry" signal, if you weather the storm, no matter how weakened your military is, the President isn't going to be able to go in even in a semipermissive environment in order to return the refugees, because Congress has tied his hands, tied the purse to say that only if Congress affirmatively approves the expenditure of funds, then and only then could ground forces go in, even in a semipermissive environment.

Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. Twenty-seven and a half minutes.

Mr. LEVIN. I yield myself 6 minutes.

I can't think of a worse signal to send to Milosevic in the middle of a conflict than this amendment would send to him. Congressional gridlock is not unheard of around here. We have plenty of examples of Congress being unable to act. We had a recent example in the House where the House could not even agree to support an air campaign that is presently going on, a tie vote.

Under this funding cutoff approach, that air campaign presumably would not be able to continue under a comparable resolution applying to the use of military forces.

I know this only applies to ground forces and not to an air campaign, but that vote in the House of Representatives is a wonderful example of how Milosevic, when he looked at this resolution, would say, well, gee, this would require Congress to affirmatively act, and since the House can't even get a majority to act to support an ongoing operation, I could comfortably rely, he would say to himself, on the fact that they would never authorize in advance a ground campaign, even in a semipermissive environment.

The President has been criticized for taking the possibility of ground troops off the table. The argument is that Milosevic doesn't have to worry as much about that possibility, given the position of the administration. I think we ought to want Milosevic to worry and to worry more, not less. This is a "worry less" amendment, not a "worry more" amendment. This says Congress would have to affirmatively approve ground forces in advance, even in a semipermissive environment, and it seems to me Milosevic could quite comfortably say to himself that is not a very strong likelihood.

There are a lot of practical problems with the wording of this amendment. For instance, what happens if U.S. intelligence discovered that American forces in Albania or in Macedonia were about to be attacked by Yugoslav army forces and it was determined to be necessary for U.S. ground forces to conduct a preemptive attack into Kosovo in self-defense? We are just about ready to be attacked; can we hit the attacker? Not under this amendment. You have to come to Congress first.

Our military would be told, whoops, you are about to be attacked in Albania or Macedonia, but Congress passed a law saying they have to authorize the use of ground forces. Do we want to tie the hands of our commanders that way in the middle of a conflict, to tell our commanders that even in circumstances where they think they are about to be hit that they cannot preemptively go after the attackers in Kosovo with ground forces? They have to then just take it on the chin?

And what if U.S. forces in Albania or Macedonia were attacked by Yugoslav army forces, actually attacked in Macedonia or Albania. Would counterattacking U.S. forces have to stop at the Kosovo border, thereby giving the Yugoslav army a haven from which they could conduct ground attacks across the border but not be pursued by American ground forces? The commander would have to stop at the border and come to Congress? So it is the worst kind of signal we could give in the middle of a conflict to Mr. Milosevic, and it creates burdens on our commanders that are intolerable in the middle of a conflict.

We have been advised by the Department of Defense on this amendment that "it is so restrictive of U.S. operations and so injurious to our role in the alliance that the President's senior advisers would strongly recommend that the final bill be vetoed if this language is included in the bill." That is information we have just received from the Department of Defense.

Gridlock. Fifty votes in the House. Now, under this amendment, we have to affirmatively approve something. What happens if a majority of us want to approve it but we are filibustered? The Senator from Pennsylvania said, well, those are the rules.

Those are the rules. But under his amendment, it would mean that even if a majority of the Senate wanted to give approval to ground forces, a minority in the Senate could thwart that action.

I think this is the kind of tying of our hands in the middle of a conflict that would tell Milosevic this country is not serious about the NATO mission. This NATO mission is so critical in terms of the future of Europe; it is so critical in terms of the stability not only of Europe but of the North Atlantic community that for us to adopt language that in advance says you can't do something without Congress acting, knowing, as we do, how difficult it is to get Congress to act even in the middle of a conflict, would be simply a terrible result for the success of our mission.

Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator may continue.

Mr. LEVIN. Mr. President, we want, I hope, to do two things. One is to tell the President, as we have, how important it is that there be consultation and that he seek support from the Congress, and he has committed to do so. But that is a very different thing from what this amendment provides. This is an advance funding cutoff, unless something happens that can be thwarted by gridlock.

We should not ever forget the likelihood of gridlock in this Congress. Even if a majority wanted to support the use of ground forces in a nonpermissive environment, a minority of the Senate could thwart that majority view. I believe the signal to Milosevic that he will be the beneficiary of gridlock, and only if gridlock can be overcome would he then have to fear the possibility of the use of ground forces, is a signal that would undermine the current mission in a very significant way.

Again, reading from the information paper the Department of Defense has shared with us this afternoon:

> The Department strongly opposes this amendment because it would unacceptably put at risk the lives of U.S. and NATO military personnel, jeopardize the success of Operation Allied Force, and inappropriately restrict the President's options as Commander in Chief.

These are now the words of the information paper shared with us by the Department:

> . . . effectively give Milosevic advance notice of ground action by NATO forces, should NATO commanders request consideration of this option.

While we have made no decision to use ground forces in a nonpermissive environment, it would be a mistake to hamstring this option with a legislative requirement for prior congressional approval. The Department says:

> This would be construed to prohibit certain intelligence or reconnaissance operations essential to a successful prosecution of Operation Allied Force. It would prohibit any preemptive attack by U.S. forces based on advance warning or suspicion of an impending attack by the Yugoslav forces. It would prohibit U.S. ground personnel from pursuing those forces, conducting hit and run, or similar attacks across international boundaries.

But the words that we should pay the most heed to in this memorandum from the Department of Defense—the words that I hope this Senate will think very carefully about before we consider adopting this amendment—are that the Department strongly opposes amendment No. 383 because it would "unacceptably put at risk the lives of U.S. and NATO military personnel and jeopardize the success of Operation Allied Force."

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in listening to the comments of the Senator from Michigan, every single objection and argument he has raised applies equally to the President's commitment by letter to come to the Congress before he would use ground forces.

When he says it would be the worst signal to Milosevic, the President gave that signal personally when he said it gives Milosevic advance notice. That is exactly what the President would be doing in coming to Congress. When he says there could be no intelligence or reconnaissance, that is exactly what would happen by the President's commitment. When he says it would preclude a preemptive strike, that is exactly what the President has done. When he says it puts at risk U.S. military personnel, that is precisely what the President has done.

When they talk about a veto, it is the same old threat—senior advisers threatening to veto. I think this may be a better amendment than I had originally contemplated.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, the opponents have how much time left?

The PRESIDING OFFICER. The opponents have 16 minutes 44 seconds. The proponents have 11 minutes.

Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair, and I thank the Senator.

Mr. President, I commend the Senator from Pennsylvania for what he is trying to do with his amendment, to protect the prerogatives of the Senate and the requirements of the War Powers Resolution with respect to the actions of our armed services abroad. Although I understand it may be modified, I think I will be able to support this amendment. I share the Senator's commitment to protecting the war powers granted to the Congress by the Founding Fathers and reaffirmed in the War Powers Resolution.

That said, I hope that, should this amendment be adopted, the conferees will make an effort to better define the term "peacekeeping," for which the Senator has made an exception in his amendment. I believe that all military deployments, subject to the exceptions laid out in the War Powers Resolution including peacekeeping operations, should receive authorization of the Congress. And, since there currently is no peace to keep in Kosovo—and in fact NATO continues air strikes to this day—I hope that the Congress will define the parameters of such an exception more specifically.

Mr. President, today is May 25, 1999, and in the context of the Senator's amendment I want to take the opportunity to remind the Senate of the significance of today's date.

Exactly 62 days ago, U.S. forces, as part of a NATO force, began air strikes against the Federal Republic of Yugoslavia.

Today marks the expiration of the 60-day time period after which the President—under the provisions of the War Powers Resolution—is required to withdraw our Armed Forces from their participation in the air strikes against the Federal Republic of Yugoslavia.

Exactly 60 days ago—48 hours after the air strikes began—the President was required under section 4(a)(1) of the War Powers Resolution to submit a detailed report to the Congress regarding the actions he ordered our troops to take.

No such report has been submitted. Rather, the Congress was notified of the U.S. participation in the NATO air strikes by a letter from the President that he says is—"consistent"—with the War Powers Resolution."

"Consistent" or not, I do not believe that the President's letter satisfies the requirements of the War Powers Resolution. Nevertheless, in my view, the War Powers Resolution stands as the law of the land, and the President should comply with it. So it follows, then, that if the President fails to withdraw our troops by midnight tonight—and of course it is clear that they will remain in the region long after the clock strikes twelve—the President will be in violation of the provisions of the War Powers Resolution.

I find it disturbing that this important date of May 25 will come and go with no action to remove our troops from the region. Indeed, I am afraid that this Congress is ignoring the significance of this date completely. In fact, I am not sure that the significance of this date has been noted by any of my colleagues during debate on this Specter amendment.

The War Powers Resolution provides that the President shall terminate the use of our Armed Forces for the purpose outlined in the report required under section 4(a)(1) of the Act after 60 days unless one of the three things has happened:

The Congress has declared war or has enacted a specific authorization for the use of the military; the Congress has extended by law the 60-day time period; or the President is not able to withdraw the forces because of an armed attack against the United States.

In addition, the President may extend this time period by 30-days if he certifies in writing to the Congress that it is unsafe to withdraw the forces at the end of the 60 days.

Sixty days have come and gone, Mr. President, and none of these things has happened.

The Congress has not declared war, nor has it authorized this action.

The Congress has not extended the 60-day time period.

The United States has not been attacked.

The President has not certified in writing to the Congress that an additional 30 days are necessary to ensure the safe withdrawal of our troops.

As my colleagues know, I voted against the ongoing NATO air strikes against the FRY, and I am deeply troubled that U.S. participation in them continues despite the fact that Congress was divided on whether to authorize them. In addition, the resolution which this body adopted and on which the other body deadlocked was not a joint resolution that would have authorized the military action, by law.

No, Mr. President, S. Con. Res. 21 is a sense-of-the-Congress resolution that does not carry the force of law.

The Senate also considered a joint resolution offered by the Senator from Arizona [Mr. MCCAIN] which, if adopted by both Houses of Congress, would have given the President the specific statutory authorization required under the War Powers Resolution to continue the use of our Armed Forces in the action against the FRY. In fact, Mr. President, that sweeping resolution would have allowed the President to expand this participation as he saw fit. While I opposed this resolution, I am pleased that the Senate debated it and voted on it as we unequivocally were obliged to do under the War Powers Resolution.

I am afraid that the debate and votes on the participation of the United States in Kosovo both here in the Senate, as well as in the other body, reflect the fact that there is no consensus in the Congress or in the country with regard to what we have already done in Kosovo, let alone a consensus on whether to expand the U.S. mission there.

Sixty days have come and gone since the President failed to submit the required report regarding U.S. participation in the air strikes against the FRY. Despite this regrettable inaction, the War Powers Resolution clock began to tick 48 hours after the first bombs fell—the date on which the President's report under section 4(a)(1) of the Act was required to have been submitted. That's right, Mr. President, the clock begins to tick whether the President fulfills his obligation to submit the report or not. The vitality of the War Powers Resolution is unmistakable because that law states that the troops must be removed ". . . within 60 calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1). . . .'' unless one of the actions I mentioned earlier has occurred.

As the clock draws closer to midnight today, the sixtieth day, our troops are performing admirably under hostile conditions. But time has almost run out on the President to fulfil this legal obligations under the War Powers Resolution.

Despite the fact that many in Congress oppose the current air campaign, and despite the fact that our troops will soon be participating in this campaign in violation of the War Power Resolution, members of this body last week adopted a massive spending package in support of a military action that many of them oppose. I support fully our efforts to give our men and women in the field everything they need to maximize their chances of success and to minimize the risks they face.

Still, I voted against that package, both because of my continuing concern over our unauthorized military involvement in the FRY and because of the non-emergency spending that was jammed into the so-called emergency bill.

So we are not at a critical juncture, Mr. President. The Congress has voted to fund a military mission that it has not authorized, and the President has signed this bill even though he knows, as we know, that the continued participation of our troops in this mission is in violation of the War Powers Resolution.

One way or the other, consistent with the safety of our troops, it is time for the President to comply with the War Powers Resolution by seeking—and gaining—the legal authorization of Congress to continue this war, or by withdrawing our forces.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have not had an opportunity to read the letter from the President to the Speaker. It goes far short of the kind of commitment that has been represented—honestly represented. But the letter says in pertinent part: "I can assure you that I will fully consult with the Congress", which doesn't amount to a whole lot. And then another line, "I would ask for congressional support before introducing U.S. ground forces into Kosovo into a nonpermissive environment".

The language of support here again goes far short of committing to congressional authorization such as is contained in this amendment.

I yield the floor.

I ask how much time I have left.

The PRESIDING OFFICER. Thirty-five minutes 30 seconds.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on that point, we have been conducting a meeting for almost an hour in S–407, attended by the Secretary of State, the Secretary of Defense, and the National Security Adviser to the President, Mr. Berger, and the Chairman of the Joint Chiefs. In the course of their presentations to some 40-plus Senators, in response to questions and in direct presentation, they reiterated that the President will formally come before the Congress and ask for any changes he deems necessary involving ground troops before he would implement or agree to implement with other NATO nations such a plan. That has just been stated on two occasions up in S–407. There was no equivocation. It was very clear in their declaration on behalf of the President. I acquainted them with the amendment which is now being debated on the floor of the Senate.

Earlier indications from the Secretary of Defense to me today were that should this amendment as drawn now appear in a conference report, it would be the recommendation of the Secretaries of State and Defense to veto.

I am pointing out to the Senate that again we revisit many, many times this whole war powers concept. We acknowledge that both Republican Presidents and Democrat Presidents have absolutely steadfastly refused to comply with the letter of the law, but they have complied with the spirit of the law.

In this instance, the President has indicated to the Senate in that letter—and just now in the briefings by his principal Cabinet officers—that he would formally—I use the word "formal" to clarify—come to the Congress and request their concurrence for any departure from his preposition. That preposition was just moments ago restated by Secretaries Cohen and Albright in response to my question, which was, question No. 1, to allow me to return to the floor with regard to any nonpermissive force being put in place, which I favor, by the way, to send a signal. They said that would not be done. The President has no intention of doing it, nor do the NATO allies. And should the President decide at some later date, for whatever reason, to begin to preposition such forces, then he would come before the Congress prior thereto and get legislative approval.

I believe very strongly that this amendment would put this bill in severe jeopardy in terms of getting it signed, and that the President and his principal advisers have in the past and again today advised the Congress that the President is prepared to deal with the spirit of this amendment and to come before the Congress and seek its formal concurrence by legislative action should he and other NATO allies in the future make a decision to depart from the present policy.

I have just been handed a modification. It is one that the Senator from Pennsylvania and I have discussed. I don't know if my colleague has had an opportunity to see it.

If there are other Senators who wish to speak, I need time within which to consider this modification. Unless other Senators seek recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WARNER. Mr. President, I yield to the Senator 3 or 4 minutes.

Mr. ROBB. I thank my distinguished senior colleague. One minute will be sufficient because I know the chairman of the committee is about to make a unanimous consent request.

I state to my good friend from Pennsylvania, I am very much opposed to this amendment. I cannot imagine a modification of this amendment that would cause me to be supportive. We have already debated this essential question twice.

Congress has the power to declare war. If we are concerned about consultation with the executive branch, as we speak consultation is taking place up in S–407 in a classified briefing where the Secretary of Defense, the Secretary of State, the National Security Adviser and the Chairman of the Joint Chiefs of Staff have been briefing all Senators on what is taking place, what has taken place, what will take place and have again reaffirmed the intention of the President to consult with the Congress before any change, particularly with respect to the implementation of any particular plan that might involve the commitment of ground troops, takes place.

With that, Mr. President, I ask our colleagues to look very seriously at the long-term implications. Think of the kind of message this sends to Milosevic. Think of the kind of message this sends to our 18 alliance partners, if we were to continue to try to take this type of action on the floor of the Senate.

Mr. President, I urge a rejection of this particular amendment and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for that strong statement. I am certainly of the same view.

Mr. President, I ask unanimous consent that when all time is used on the pending Specter amendment, the amendment be temporarily set aside with a vote occurring on or in relation to the amendment—there will be a tabling motion.

Mr. SPECTER. Reserving the right to object, will the Senator repeat that?

Mr. WARNER. Let me repeat it in its entirety. I have not asked unanimous consent.

I ask unanimous consent that when all time is used on the pending Specter amendment, the amendment be temporarily set aside with a vote occurring on or in relation to the amendment following the debate on the Gramm amendment.

That is the time sequence. As I have indicated, I will move to table the Senator's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. For the information of all Senators, the Gramm amendment will be presented with a 1½-hour time agreement. Following that debate, the Senate will proceed to two stacked votes, first on the Specter amendment—and we have to reserve in here the amending of that amendment, which could be amended—to be followed by a vote on the Gramm amendment.

So we just have the sequencing of the debate, sequencing of the votes. And we will momentarily, Senator LEVIN and I—I am prepared to accept the amendment as amended. The Senator is waiting for just one Senator to get concurrence.

So we have the unanimous consent in place. I have given information to the Senate with respect to the sequencing of the Gramm amendment.

Mr. SPECTER. Reserving the right to object, I ask my colleague from Virginia to insert 2 minutes on each side to argue in advance of the vote.

Mr. WARNER. I have certainly no objection to that.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection to the request as modified? Without objection, it is so ordered.

The PRESIDING OFFICER. Do Senators yield back their time on the pending amendment? Who yields time on the pending amendment?

Mr. WARNER. Mr. President, does Senator SPECTER want to reserve his time, and I will reserve my time, and then we can proceed to the Gramm amendment and come back to Senator SPECTER's amendment? I am sure he will allow that.

Mr. SPECTER. That is agreeable. We will take up the Gramm amendment now and then come back with the time I have reserved at that time.

Mr. WARNER. And the time under the control of the Senator from Virginia, jointly shared with Senator LEVIN.

Mr. SPECTER. May the Record show I have made a request for a modification of the amendment and I will send a copy of the requested modification to the desk. I have already provided it to the Senator from Virginia and the Senator from Michigan.

The PRESIDING OFFICER. Is there objection to the modification of the time?

Mr. LEVIN. Reserving the right to object and we will have to object——

The PRESIDING OFFICER. Modifying the time?

Mr. LEVIN. The Chair just asked if there is objection to the modification.

The PRESIDING OFFICER. Modification of the time. Is there objection to the modification? Without objection, it is so ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, just so everybody can figure out when we are likely to vote, how much time remains on the Specter amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 5½ minutes, and the Senator from Virginia has 3 minutes 20 seconds.

Mr. GRAMM. Mr. President, hopefully, we can beat this 90-minute time limit and have this debate more quickly.

AMENDMENT NO. 392

(Purpose: To delete language which the Department of Justice has stated would ". . . seriously undermine the safety and security of America's federal prisons")

Mr. GRAMM. Mr. President, I send an amendment to the desk for myself, Senator HATCH, and Senator THURMOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> The Senator from Texas (Mr. GRAMM), for himself, Mr. HATCH, and Mr. THURMOND, proposes an amendment numbered 392.

Mr. GRAMM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 284, strike all on line 7 through line 14 on page 286.

Mr. GRAMM. Mr. President, Senator LEVIN and I every year or two have this debate. It is well known. We have debated it before. People have voted before. In fact, 61 Members of the Senate voted with me 2 years ago to substitute a study for the Levin amendment.

Let me add, the amendment is a little different than it was then. The thrust of it is basically the same. Two years ago, the Levin amendment applied to all procurement related to the prison industry system. This year, it applies to only defense procurement. But while its focus has narrowed, its impact on the work system within our prisons remains very broad.

I remind my colleagues that we took up this issue on July 10 of 1997. There was a vote at that time, and 62 Members—61 of whom are still Members of the Senate—voted on this issue on a different day in a slightly different version. But the thrust of the issue, in terms of procurement from the Federal prison industry system, is and was basically the same.

Let me set out what I want to do in my opening statement. I want to try to explain the problem in historical context, and I want to begin with Alexis de Tocqueville. Then I want to come to the Depression, which was really fork in the road with regard to prison labor in America. I want to talk about the fork we took, the wrong fork in my opinion. I want to talk about how the Levin amendment fits into the system which has evolved since then. I want to talk about why this provision by Senator LEVIN, which Senator HATCH and Senator THURMOND and I hope to strike from the bill, is so devastating to the prison industry system in America and why that, in turn, is harmful to every taxpayer, to every victim of crime, to everyone who wants prisoners rehabilitated when they go back out on the street. In fact, there is no good argument, it seems to me, when you fully understand this issue, for the Levin amendment. I then want to talk in some detail about each of these items and then, obviously, at that point we will begin the debate.

Let me start with de Tocqueville. As many of my colleagues will remember, de Tocqueville came to America in the 1830s. He wrote a book that has become the greatest critique of America ever written—"Democracy in America." We forget that de Tocqueville came to America not to study democracy but to study prisons. In fact, he wrote a book on prisons, together with a fellow named Beaumont. We have forgotten Beaumont, but we remember de Tocqueville.

In his analysis of American prisons, which were very much studied in the 1830s because they were part of the most enlightened prison system in the world, de Tocqueville praised at great length the fact that we required American prisoners to work. In that period, prison labor of 12 hours a day, 6 days a week was the norm. De Tocqueville says in his analysis on American prisons:

> It would be inaccurate to say that in the Philadelphia penitentiary labor is imposed. We may say with more justice that the favor of labor is granted. When we visit this penitentiary, we successively conversed with all its inmates. There was not a single one among them who did not speak of labor with a kind of gratitude and who did not express the idea that without the relief of constant occupation, life would be insufferable.

The principal characteristic of the American prison system in the age that Alexis de Tocqueville wrote that remark was that prisoners worked and they worked hard. They helped pay for the cost of incarceration by working, and they produced things. Those products were sold on the open market in many cases. So the first obligation for feeding prisoners and incarcerating prisoners was borne not by the taxpayer but by the prisoner and, as de Tocqueville argues, I think quite impressively in the book and in the quote I used, prisoners actually benefited from labor because of the extreme boredom of being incarcerated with nothing to do. This was the norm in America from the 1830s, when Alexis de Tocqueville wrote, for 100 years, until the 1930s.

What happened in the 1930s was that we passed a series of laws driven by special interests, principally labor and business, and you cannot get bigger special interests than that. These laws consisted basically of the following laws: the Hawes-Cooper Act which authorized States to ban commerce in prison-made goods within their borders; the Sumners-Ashurst Act which made it a Federal crime to transport prison-made goods across State lines; and then another provision that said not only can you not sell what prisoners produce, not only can you not transport it for sale, but if you do force prisoners to work, you have to pay them the union scale set by the local union.

Guess what the result of those three laws was. The result of those three laws was that we destroyed the greatest prison industry system that the world had ever known. We destroyed that prison system by eliminating our ability to force people in prison to work; and in doing so, force them to pay for part of the cost of their incarceration; and we eliminated our ability to collect from them part of what they would earn working in prison or what would be earned by their work to pay for restitution to victims of crime.

What was left after we destroyed the ability of American prisons to force prisoners to work was the ability of prisoners to produce things that were used by Government. As a result, we now find ourselves in a situation where we have 1,100,000 Americans in prison. They are almost all male. They are almost all of prime working age. We spend $22,000 a year keeping people in prison, which is nearly the cost of sending somebody to the University of Chicago or to Harvard, and the cost of keeping Americans in prison costs the average American taxpayer $200 a year in taxes—just to keep people in prison.

The impact of the Levin amendment—I am sure he is going to gild this lily with lots of gold around the edges—but the impact of his amendment is to take another major step in destroying prison labor in America. What his bill would do is, for all practical purposes, take away about 60 percent of the work that Federal prisoners do now.

There are, obviously, two sides to these arguments. You can argue that when people are working in prison that there is someone else who might benefit from getting the job if the prisoner were not working. It is hard to make that argument in America today when we have the lowest unemployment rate in 30 years and when, in towns like my hometown of College Station, college students go out and relax after classes and impressment gangs come and virtually knock them in the head and drag them off to a factory. So if there ever was an argument here that we needed to take away prison work to protect American jobs, it is very hard to make that argument in May of 1999.

But here is the system we have now. We have a system called Federal Prison Industries where the Federal Government has work programs for prisoners. It pays them a very small incentive payment. It withholds about 20 percent of that payment as restitution to victims of the crimes they have committed. It produces component parts for various things used by the Government. It produces furniture, it produces some electronic components. Through this system, we have about 20,000 Federal prisoners who work.

Under this amendment, about 60 percent of that work would be taken away. Not only do I oppose this amendment, but the administration, in its Statement of Administration Policy on this defense bill, on page 3, "Federal Prison Industries Mandatory Source Exemption," opposes the Levin amendment.

I have a letter here from the Attorney General. Among other things, she says:

> I am extremely concerned about this legislation because it could have a negative impact on [the Federal Prison Industries], which is the Bureau of Prisons most important, efficient, and cost-effective tool for managing inmates and for preparing them to be productive, law abiding citizens upon release from prison.

I also have a letter from the National Center for Victims of Crime. And they say, among other things:

> Dollars that go to the crime victims through the [Federal Prison Industries] program are coming out of criminal offenders' pockets—the notion that the offender must be held accountable and pay for the harm caused by crimes he [or] she committed is at the heart of jurisprudence. Crime victims often tell us that the amount of restitution an offender pays is far less important to them than the fact that their offender is paying restitution. Financial assistance from offenders has a tremendous healing and restorative power for criminal victims.

No. 1, the administration opposes the Levin amendment, supports our effort to knock it out of the bill. The Attorney General, the Director of Federal Prisons, and the National Center for Victims of Crime all oppose this amendment. They all oppose it basically for the same reason; and that is, it will end up raising the cost of incarceration. It will end up lowering the amount of restitution going to victims. It will idle prisoners, and you do not get rehabilitated sitting around in air-conditioning watching color television.

If there is anything we know about the Federal prison work system, and about the work system in States, it is that working is an important part of rehabilitation. I personally would support proposals that would force every able prisoner in America to work. I would like them to work 10 hours a day, 6 days a week, and go to school at night. But I know with the vested interest that is built up against that, that we cannot succeed in changing it today. I hope we will someday. But I do not want to destroy what we have now.

Let me talk about recidivism.

In South Carolina—and you are going to hear from the distinguished former chairman of the Armed Services Committee, Senator THURMOND, a very active member of the Judiciary Committee. In South Carolina, the probability that a person who serves in a penitentiary in South Carolina, when they will be released, will ever come back into a State or Federal penitentiary again is 17 times higher for those who did not work while they were in prison than it is for those who did work in prison. Part of the reason is that people acquire skills in working that allow them to go out into the private sector and get a job when they get out of prison.

In Florida, the probability that a person in prison, when they are released, will ever come back to prison is three times as high for people who did not work while they were in the penitentiary in Florida as it is for those who did work while they were in the penitentiary in Florida.

For Wisconsin, it is twice as high; for Kentucky, it is almost twice as high.

In the Federal system, the recidivism rate, the chances that someone will come back to Federal prison, after having been released, is 24 percent lower for those who participate in work programs. We have estimates that a 10-percent reduction in recidivism rates would lower the overall social cost of crime and incarceration by $6.1 billion.

So another strong argument against the Levin amendment is that we have hard data, not just from the Federal Government, but from many States, that indicate conclusively if people work when they are in prison, the probability that they will go out and commit another crime that will get them sent back to prison is substantially, markedly lower if they work than if they do not work.

You are going to hear Senator LEVIN argue that, well, this is not price competition. And it is not. Let's make it clear, this is not a competitive issue. I would defy anyone to pick up this defense authorization bill and hold it out as a paragon of virtue in terms of defense procurement efficiency. The defense procurement system is full of protectionism and special interests, where we give all kinds of special deals to all kinds of producers in selling things to the Defense Department.

I say competition in procurement is a good thing. I swear by it. I support it. But when you have page after page of acquisition rules that say we pay inflated prices to buy things domestically rather than buying them on the world market, it is hard to suddenly be concerned about competition in prices with regard to prison-made goods.

This is not about competition. This is about using a resource we have with 1.1 million people in prison.

Now, having said that, the GAO recently did a study of the Federal Prison Industries of 20 different products that were bought by the Defense Department. What the GAO concluded was the Federal Prison Industries prices were within the market range for virtually every product that was bought by the Defense Department. So it is true that in the strictest terms, we don't have competitive bidding on goods produced in prison, but we have market surveys. We have negotiations between the Defense Department and the prison, and we have a simulation of what the market system would look like if you had a competitive bidding system.

Also, the Department of Defense Inspector General recently completed a study of the Federal Prison Industries prices and concluded that DOD could have saved millions of dollars by buying more items from the Federal Prison Industries if it had bought more items from them rather than buying them in the open market.

Now, let me remind my colleagues—I know Senator THURMOND is here and is very busy; I want to give him an opportunity to speak—that 2 years ago, when we debated this same issue in a slightly different form with the thrust identical, I offered a substitute amendment that mandated a study be done by the Department of Defense and by the Federal Prison Industries and Department of Justice. That study has just been completed, and it was reported to the Armed Services Committee and then to Members of the Senate. I draw my colleagues' attention to page 4 of the executive summary to the conclusions that were reached in the study.

The question was what recommendations did they have as to changes we might make in current law with regard to the Defense Department buying things produced in Federal prisons. They concluded, the recommendations can be made within existing statutory authority and will not require legislative action. Department of Defense and Federal Prison Industries say they believe that implementing the recommendations will improve the efficiency and reduce the cost of procurement transactions between the two agencies. Implementation of the administrative actions should facilitate and enhance the working relationship between the two agencies.

So in short, 2 years ago when we debated this issue and we decided to study the problem that was raised by Senator LEVIN, we had that study completed jointly by the Defense Department and the Department of Justice, the Federal Bureau of Prisons, and they have concluded that they should undertake a modernization system, but they do not need any legislative authority to do it.

I urge my colleagues to remember, if we adopt this amendment and we kill off 60 percent of the remaining prison labor in America, we are going to spend more money to incarcerate prisoners. We are going to have less money go to victims. We are going to have a higher recidivism rate as people come out of prison and commit crimes again. And the net result will be that we will have taken work that was being done in prison, and we will have put it into the private sector. But in a period when we have an acute labor shortage and in a period when we have 1.1 million people in prison, 1 percent of the labor force, it makes absolutely no sense, it is destructive of our criminal justice system to destroy the remnants of prison labor.

I remind my colleagues that when you bring Senator THURMOND, Senator HATCH and myself into an alliance with the administration, into an alliance with Janet Reno, the Attorney General, and then you have the support of victims' rights groups all over the country, that is a pretty broad coalition. What each and every one of these entities is saying is, do not kill off prison labor.

When we have 130 million Americans who go to work every day and struggle to make ends meet, I do not understand what is wrong with forcing prisoners to work. I want prisoners to work. It is good for them. It is good for the taxpayer. It is good policy, and we should not allow that system to be destroyed.

I reserve the remainder of my time, but I yield whatever time he might need to our distinguished colleague, Senator THURMOND, who today was recognized for the 75th anniversary of being commissioned an officer and a gentleman in the U.S. Army. For 75 years, three quarters of a century, Senator THURMOND has borne that commission to uphold, protect and defend the Constitution against all enemies, foreign and domestic, and whether it was on D-Day in Normandy or whether it was on the Supreme Court of South Carolina or whether it was Governor or whether it is our most distinguished Member of the Senate, STROM THURMOND is truly a man to hold against the mountain and the sky.

I yield whatever time he might need to Senator THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the able Senator from Texas, Mr. GRAMM, for the magnificent remarks he made on this important subject and also thank him for the kind remarks he made about me.

I rise in strong support of the amendment to strike section 806 of S. 1059, the Defense Authorization Act, which was added in Committee by Senator LEVIN. This provision could endanger Federal Prison Industries or UNICOR, which is the most important inmate program in the Federal Bureau of Prisons.

To protect our citizens, America is placing more and more dangerous and violent criminals in prison. Indeed, one of the main reasons crime rates in America are going down is because the number of criminals we are putting behind bars is increasing. The Bureau of Prisons has an extremely important and complex task in housing and, to the extent possible, rehabilitating these inmates. FPI is critical to this task.

Prisoners must work. Idleness and boredom in prison leads to mischief and violence. FPI keeps inmates productively occupied, which helps maintain the safety and security for staff, other inmates, and the law-abiding public outside.

Moreover, prisoners who work in FPI develop job skills and learn a work ethic. As a result, they adjust better in prison and are better prepared to become productive members of society when they leave.

Mr. President, the program works. Studies show that inmates who worked in Prison Industries are 24 percent more likely to find and hold jobs and remain crime-free after they are released. Inmates in FPI are more likely to become responsible, productive citizens.

I am very concerned that section 806, the Levin provision, could threaten this essential program. FPI may sell its products only to Federal agencies, and the Department of Defense represents almost 60 percent of its sales. Yet, the Levin provision would make it much easier for Defense purchasers not to use FPI based on a very vague and nuclear standard. Further, this provision would eliminate entirely the mandatory source preference for any Defense order under $2,500. Purchases under this amount account for 78 percent of FPI orders. Also, the amendment would exempt Defense purchases in a wide range of telecommunications or information systems under the broad name of national security. This could be very harmful to FPI's production of electronic products.

Drastic changes of this nature are not warranted, as even the Department of Defense recognizes. The DoD and BoP have just completed a joint study that we ordered in a previous Defense Authorization Bill. In a survey taken as part of the study, DoD customers generally rated FPI in the good to excellent or average ranges in all categories, including price, quality, delivery, and service. As the report states, the working relationship between FPI and DoD remains strong and vital.

The study concludes that no legislative changes are warranted in Defense purchases from FPI. It made some recommendations for improvements that are currently being implemented. We should give the study time to work.

Indeed, the Administration strongly opposes the Levin provision. The Statement of Administration Policy on S. 1059 explains that this provision "would essentially eliminate the Federal Prison Industries mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons."

FPI does not have an advantage over the private sector. Although inmates make less money than other workers, FPI must deal with many hidden costs and constraints that do not apply to the private sector.

Working inmates must be closely supervised, adding to labor costs, and extensive time-consuming security procedures must be followed. For example, when inmates go to work, they must pass through a metal detector and check their tools in and out, even if they just leave for lunch.

While the private sector often specializes in certain products, FPI by law must diversity its product lines to lessen its impact on any one industry. Also, the private sector tries to keep labor costs low, while FPI intentionally keeps its factories as labor-intensive as possible. Moreover, inmate workers generally have little education and training and often have never held a steady job. Indeed, the productivity rate of an employee with the background of an average inmate has been estimated at one-fourth that of a civilian worker.

FPI is not used for every Federal purchase. In fact, it only constitutes a small minority. If a customer does not feel that FPI can meet its delivery, price, or technical requirements, then the customer can request a waiver of the mandatory source. Last year, 90 percent of waiver requests were approved, generally within four days.

Moreover, some private businesses depend on FPI for their existence. FPI purchased over $418 million in raw materials and component parts from private industry in 1998. Contracts for such purchases are awarded in nearly every state, and more than half go to small businesses.

Further, Prison Industries helps crime victims recover the money they are due. The program requires that 50 percent of all inmate wages be used for victim restitution, fines, child support, or other court-ordered payments. Last year, FPI collected nearly $2 million for this purpose.

The Levin provision falls within the jurisdiction of the Judiciary Committee and should be evaluated there. Indeed, my Judiciary Subcommittee on Criminal Justice Oversight held a hearing yesterday on Prison Industries. We discussed in detail the importance of the program and how damaging the changes we are considering in this bill could be.

FPI is a correctional program that is essential to the safe and efficient operation of our increasingly overcrowded Federal prisons. While we are putting more and more criminals in prison, we must maintain the program that keeps them occupied and working.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am authorized by Senator LEVIN to speak at this time. But I am going to ask Mr. GRAMM if he will yield me some time.

Mr. GRAMM. Mr. President, I yield 10 minutes to the distinguished Senator from West Virginia.

Mr. BYRD. I thank the Senator.

Mr. President, the distinguished ranking member, Mr. LEVIN, knew my position on this matter, but he accommodated me by suggesting that I might proceed at this time while he is away from his chair. I thank the distinguished Senator from Texas for yielding time to me.

I am strongly opposed to the inclusion of section 806 in the fiscal year 2000 Defense authorization bill. This section would substantially undermine Federal Prison Industries—the Bureau of Prisons' most important skill-developing program for inmates.

I believe that this matter should not be included in the defense authorization bill. It is a matter that is being considered by the Senate Judiciary Committee. I am advised that the Criminal Justice Oversight Subcommittee of the Senate Judiciary Committee, chaired by the senior Senator from South Carolina, Mr. THURMOND, conducted an oversight hearing on this matter on May 24—yesterday.

The Attorney General of the United States, in a letter addressed to the chairman of the Senate Judiciary Committee, has indicated that she is concerned about this legislative provision. The Attorney General's letter asserts that the legislative provision would have a negative impact on Federal Prison Industries,

> . . . which is the Bureau of Prisons' most important, efficient, and cost-effective tool for managing inmates and for preparing them to be productive, law-abiding citizens upon release from prison.

I am also advised that the administration has taken a strong position in opposition to section 806 because of the harm it would do to the FPI program, which is fundamental to the security in Federal prisons. The administration believes that to ensure Federal inmates are employed in sufficient numbers, the current mandatory source requirement should not be altered until an effective alternative program is designed and put into place.

Mr. President, in the State of West Virginia there are three Federal prisons—the Federal prison at Alderson, the Robert C. Byrd Federal Correctional Institution at Beckley, and the Robert F. Kennedy Prison at Morgantown. And each of these has an FPI operation. At these three Federal prisons alone, the Bureau of Prisons is able to keep more than 500 inmates productively occupied, and employ nearly 40 staff at no cost to the taxpayer. How about that! That sounds like a good deal to me.

Mr. President, a somewhat similar amendment was offered to the Defense Authorization Bill for Fiscal Year 1998. The Senate instead adopted a substitute amendment offered by the distinguished senior Senator from Texas (Mr. GRAMM), which required a joint study by the Department of Defense and FPI on this matter. That study has recently been completed and transmitted to the Senate Armed Services Committee. The joint study made several recommendations that could be accomplished within existing authority, without requiring legislative action.

In summary, I am opposed to section 806 to the Defense authorization bill because it is unwarranted, and not only is it unwarranted, but it would have a debilitating effect on Federal Prisons Industries. This is a matter within the jurisdiction of the Senate Judiciary Committee and should not be included in this bill.

Mr. President, I ask unanimous consent that the Statement of Administration Position on Section 806 of the Defense authorization bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POSITION ON SECTION 806 OF THE DEFENSE AUTHORIZATION BILL (S. 1059)

FEDERAL PRISON INDUSTRIES MANDATORY SOURCE EXEMPTION

The Administration opposes Section 806 which would essentially eliminate the Federal Prison Industries (FPI) mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons. In principle, the Administration believes that the Government should support competition for the provision of goods and services to Federal agencies. However, to ensure that Federal inmates are employed in sufficient numbers, the current mandatory source requirement should not be altered until an alternative program is designed and put in place. Finally, this provision would only address mandatory sourcing for the Defense Department, without regard to the rest of federal government.

Mr. BYRD. Mr. President, I again thank the distinguished Senator from Texas, Mr. GRAMM, and I likewise express my appreciation to the distinguished Senator from Michigan, Mr. LEVIN, for his leadership overall on this bill. He is very dedicated, very able, and he works very hard. I am proud to serve with him on the Armed Services Committee. But in this case, I regret that I have to oppose his position.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield the remainder of my 10 minutes that was yielded to me from that side to Mr. HATCH, if I may ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank the President and I thank the Senator.

The PRESIDING OFFICER. The Senator has 4 minutes 20 seconds.

Mr. HATCH. Mr. President, I rise to speak in support of this amendment, which I am pleased to cosponsor. I congratulate Senators GRAMM, THURMOND, and BYRD for their excellent statements on this matter, and for their leadership on this issue.

This amendment strikes section 806 of the bill, a provision that would effectively eliminate the Department of Defense purchasing preference for products supplied by Federal Prison Industries (FPI), also known by its trade name of UNICOR.

FPI is the federal corporation charged by Congress with the mission of training and employing federal prison inmates.

For more than 60 years, this correctional program has provided inmates with the opportunity to learn practical work habits and skills. It has enjoyed broad, bipartisan support in Congress and from each Republican and Democrat administration. An important part of this support has been the cooperative relationship between FPI and the Department of Defense—a relationship that has helped supply our armed forces in every war since 1934.

FPI is an irreplaceable corrections program. FPI and its training programs at federal prisons across the nation have been credited with helping to lower recidivism and ensuring better job-related success for prisoners upon their release—a result that all of us applaud.

Finally, FPI is an essential tool for ensuring a safe and secure correctional environment for staff, guards, and inmates in the federal prison system. Simply put, FPI keeps inmates productively occupied. And since the limited number of FPI jobs are coveted by inmates, getting and keeping these jobs are important incentives for good behavior by inmates.

These are important considerations as the federal inmate population continues to rise. In the last ten years, the federal inmate population has more than doubled, from 51,153 in 1989 to 108,207 in 1998. As Philip Glover, President of the Council of Prison Locals, AFGE, testified before the Judiciary Committee yesterday, "We cannot afford to simply warehouse inmates."

Any corrections officer will tell you that the most dangerous inmate is the idle inmate. Idleness breeds frustration, and provides ample time to plan mischief—a volatile combination. Yet, despite the references to the costs imposed by FPI by my colleagues who oppose this amendment, I have heard no one suggest how the taxpayers will pay for the new prison programs and the additional prison guards that might be needed if FPI factories are forced to close.

Section 806 of this bill, which our amendment strikes, puts the FPI program at substantial risk, and would certainly result in the shuttering of some FPI factories. Section 806 exempts from the FPI mandatory source requirement products priced below $2,500, products integral to or embedded in another product not made by FPI, or products which are components of a larger product used for military intelligence or weaponry. Together, these categories make up over 80 percent of DoD's purchases from FPI. FPI, in turn, depends on sales to the Pentagon for nearly 60 percent of its business.

Some may reasonably ask, why should there be a government procurement preference for FPI goods? The answer is simply this: when FPI was established, in perhaps an unnecessary effort ensure the program did not affect private sector jobs, FPI was barred from selling its products in the commercial market. This is still the law. Thus, under current law, FPI may sell its products and services only to the federal government. Section 806 does not alter this sales restriction, and I do not understand the Senator from Michigan to be supporting such a change.

To ensure that FPI has adequate work to keep inmates occupied, congress created a special FPI "procurement preference," under which federal agencies are required to make their purchases from FPI instead of other vendors, as long as FPI can meet price, quality, and delivery requirements.

Section 806 would remove this procurement preference, as it relates to the vast majority of sales to the Department of Defense. Without this preference, FPI could be crippled. Again, FPI is not permitted to compete for sales in the private market. It may *only* sell to the federal government, and then *only* if it can meet price, quality, and delivery requirements. And even then, waivers are available.

Nothing short of the viability of Federal Prison Industries is at issue here. Under full competition for federal contracts, combined with market restrictions, FPI could not survive.

My colleagues should remember that the primary mission of FPI is not profit. The primary mission of FPI is the safe and effective incarceration and rehabilitation of federal prisoners. Needless to say, FPI operates under constraints on its efficiency no private sector manufacturer must operate under. For example:

Most private sector companies invest in the latest, most efficient technology and equipment to increase productivity and reduce labor costs. Because of its different mission, FPI frequently must make its manufacturing processes as labor-intensive as possible—in order to keep as many inmates as possible occupied.

The secure correctional environment FPI in which FPI operates requires additional inefficiencies. Tools must be carefully checked in and out before and after each shift, and at every break. Inmate workers frequently must be searched before returning to their cells. And FPI factories must shut down whenever inmate unrest or institutional disturbances occur. No private sector business operates under these competitive disadvantages.

The average federal inmate is 37 years old, has only an 8th grade education, and has never held a steady legal job. Some studies have estimated that the productivity of a worker with this profile is about one-quarter of that of the average worker in the private sector. This is another disadvantage that, by and large, private companies do not have to operate under.

Finally, FPI is required to diversify its product line to minimize the impact on any one industry. Moreover, FPI can only enter new lines of business, or expand existing lines, after an exhaustive review has been undertaken to the impact on the private sector. Again, this is a restraint that most other businesses do not have imposed on them.

All of us share the goal of ensuring that FPI does not adversely impact private business. FPI has made considerable efforts to minimize any adverse impact on the private sector. Over the past few years, it has transferred factory operations from multiple factory locations to new prisons, in order to create necessary inmate jobs without increasing FPI sales. FPI has also begun operations such as a mattress recycling factory, a laundry, a computer repair factory, and a mail bag repair factory, among others, to diversify its operations and minimize its impact on the private sector, while providing essential prison jobs.

Furthermore, there is substantial evidence that FPI actually creates a substantial number of private sector jobs. In FY 1998, thousands of vendors nationwide registered with FPI, and supplied nearly $419 million in purchases to FPI. And at the same time

FPI trained and employed 20,200 federal inmates at no expense to the taxpayer in FY 1998, it also directly supported 4,600 jobs outside prison walls.

Every dollar FPI receives in revenue is recycled into the private sector. Out of each dollar, 76 cents goes to the purchase of raw materials, equipment, services, and overhead, all supplied by the private sector; 18 cents goes to salaries of FPI staff; and 6 cents goes to inmate pay, which in turn if passed along to pay victim restitution, child support, alimony, and fines. Incidentally, FPI inmates are required to apply 50 percent of their earnings to these costs.

Thus, while I have some sympathy for the intent of Senator LEVIN, who sponsored this provision in the bill, I must join Senator GRAMM in offering this amendment to strike Section 806. I would like to remind my colleagues that the Senate has addressed this matter before. Two years ago, Senator LEVIN offered a similar amendment. Mr. President, 62 members of the Senate voted instead for an amendment offered by Senator GRAMM and myself, requiring the Departments of Defense and Justice to undertake a joint study of the procurement and purchase processes governing FPI sales to the Department of Defense.

Just last month, this study was delivered to Congress. Interestingly, the report does not support the action proposed by section 806. To the contrary, the Departments of Defense and Justice jointly concluded that the report's "recommendations can be made within existing statutory authority, and will not require legislative action."

In fact, neither of the Departments affected by section 806 support its inclusion in this bill. The Administration's official Statement of Administration policy is equally clear, stating that "the Administration opposes Section 806."

In summary, either we want Federal inmates to work, or we do not. I believe that we do want inmates to work, and therefore I must oppose section 806. I say to my colleagues, if you believe in maintaining good order and discipline in prisons, or if you believe in the rehabilitation of inmates when possible, you should support this amendment.

I agree with those of my colleagues who believe that we must address the issues raised by prison industries nationwide. As we continue, appropriately, to incarcerate more serious criminals in both Federal and State prisons, productive work must be found for them. At the same time, we must ensure that jobs are not taken from law-abiding workers. Under the leadership of Senator THURMOND, the Judiciary Committee's Subcommittee on Criminal Justice Oversight yesterday held a hearing on this issue. Witnesses at that hearing urged Congress not to gut FPI without addressing the broader need for productive prison work.

FPI is a proven correctional program. It enhances the security of federal prisons, helps ensure that federal inmates work, furthers inmate rehabilitation when possible, and provides restitution to victims. Section 806 would do immense harm to this highly successful program, and I urge my colleagues to support our amendment to strike it.

I also ask unanimous consent a letter to me from the Office of the Attorney General be printed in the RECORD with the accompanying documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 25, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Fiscal Year 2000 Defense Authorization bill that was recently reported out of the Armed Services Committee includes a provision regarding Department of Defense (DoD) purchases from Federal Prison Industries (FPI). We believe that the statutory changes required by this provision are premature in light of the recommendations of the congressionally mandated two-year study recently completed by the Department of Defense and FPI that explored the procurement relationship between these two agencies. For the reasons stated in the Deputy Attorney General's letter (copy attached), I am extremely concerned about this legislation because it could have a negative impact on FPI, which is the Bureau of Prisons most important, efficient, and cost-effective tool for managing inmates and for preparing them to be productive, law abiding citizens upon release from prison.

Federal Prison Industries is first and foremost a correctional program intended to train the Federal inmate population and minimize adverse impact on the private sector business community. As such, it adheres to several statutorily mandated principles, including diversifying its product line to avoid hurting any particular industry and remaining as labor intensive as possible. These practices render FPI less competitive than private sector manufacturers. The mandatory source status (which would be effectively eliminated as a result of provision) helps ameliorate these circumstances by achieving customer contact which reduces competitive advertising costs. It also assists FPI in its efforts to partner with private sector manufacturers who are attracted to the steady work flow provided by this preference. These partnerships are essential to FPI since it cannot, on its own, produce many complicated products such as systems furniture.

This provision would alter the requirement that the Department of Defense purchase products from FPI, and it could require FPI to compete with the private sector for sales of products that are components of products not produced by FPI, are part of a national security system, or the total cost of which is less than $2,500. Even with respect to other products, DoD is no longer required to purchase from FPI, rather the Secretary of Defense must "conduct market research" to determine whether the FPI product is "comparable in price, quality, and time of delivery" to products available from the private sector before making purchases. If the Secretary concludes that the FPI product is not comparable, the purchase may be made from any source.

Purchases by the Department of Defense account for almost 60% of FPI's sales. Moreover, 78 percent of the DoD orders are for small purchases of less than $2,500, and much of the remaining 22 percent is made up of products or components of products made by other manufacturers and products used in national security systems. Accordingly, if this provision is enacted into law, the continued existence of FPI will depend in large part on its ability to compete with the private sector for the limited Department of Defense market.

A recently completed report conducted by the Department of Defense and FPI concluded that no legislative changes were warranted by the investigation of procurement transactions between these two entities. Rather, while the study, entitled "A Study of the Procurement, Procedures, Regulations and Statutes that Govern Procurement Transactions between the Department of Defense and Federal Prison Industries,"[1] made a number of recommendations for facilitating and enhancing the working relationship between the two agencies that could be accomplished within existing statutory authority, the study recommends the FPI and DoD create a pilot program at eight DoD locations to test the effectiveness of administrative waivers for purchases of less than $2,500 where expedited delivery is required. Additionally, FPI will continue to monitor and evaluate delivery performance.

Issues surrounding FPI, such as the mandatory source status affect all agencies, not just the Department of Defense. Therefore, this issue should be reviewed in the broader context.

If you should have any questions or if we may provide further information about FPI, please feel free to contact the Department. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

JANET RENO.

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, May 11, 1999.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington DC.

DEAR MR. CHAIRMAN: We anticipate that an amendment will be offered to the Defense Authorization bill that would eliminate mandatory source status for Federal Prison Industries (FPI). We believe that the amendment would have a devastating impact upon FPI, a program that is critical to the safe and orderly operations of federal prisons.

FPI is the Bureau of Prisons most important, efficient, and cost-effective tool for managing inmates. It keeps inmates productively occupied and reduces inmate idleness and the violence and disruptive behavior associated with it. Thus, it is essential to the security of the Federal Prison System, its staff, inmates, and the communities in which they are located. By eliminating FPI's mandatory source status, the amendment would dramatically reduce the number of inmates FPI would be able to employ. The inmate idleness this would create would seriously undermine the safety and security of America's federal prisons.

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[1] This study was mandated by Section 855 of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105-85), and was released to the Senate and House Armed Services Committee several weeks ago.

In addition to being a tool for managing the growing inmate population,[1] FPI programs provide inmates with training and experience that develop job skills and a strong work ethic. Bureau of Prisons' research has confirmed the value of FPI as a correctional program. Findings demonstrate that inmates who work in FPI, compared to similar inmates who do not have FPI experience, have better institutional adjustment. Moreover, after release, they are more likely to be employed and significantly less likely to commit another crime. A long-term post-release employment study by the Bureau of Prisons has found that inmates who were released as long as 8 to 12 years ago and who participated in industries work or vocational training programs were 24 percent less likely to be recommitted to federal prisons than a comparison group of inmates who had no such training. Clearly, the FPI program contributes to public safety by enhancing the eventual reintegration of offenders into the community after release.

Opponents of FPI have asserted that FPI is an unfair competitor and that it is damaging the private sector. This is not accurate. Throughout its history, FPI has followed a number of practices deliberately designed to reduce its impact on the private sector, such as diversifying its product line to avoid hurting any particular industry and remaining as labor intensive as possible. Further, far from taking jobs from the private sector, FPI actually creates jobs in the private sector by purchasing over $418 million annually in supplies from the private sector.

It is important to explain why FPI's status as a mandatory source is critical to FPI's viability. The mandatory source status was established as a means of creating a steady flow of work for the employment of inmates. FPI views the mandatory source status as a method of not only maintaining this work flow but also achieving customer contact which reduces competitive advertising costs.

FPI does not abuse its mandatory source status. If a customer feels that FPI cannot meet its delivery, price, or technical requirements, the customer may request a waiver of the mandatory source. These waivers are processed quickly (an average of 4 days) and, in 1998, FPI approved over 80 percent of the requests from federal agencies for waivers.

FPI does not have the capability to produce many sophisticated products, such as systems furniture, independently. It relies on the private sector to provide space planning, design, engineering, installation and customer service. By entering into partnerships with private companies through the use of federal acquisition procedures, FPI vertically integrates the manufacturing of a company's product using inmate labor. In order to attract a private sector partner, there must be some incentive. That incentive is the mandatory source. Without the mandatory source status, FPI would be unable to attract the private sector partners necessary for it to diversify its product offerings and to offer products which are contemporary and attractive to its federal customers.

Last week, the report of a congressionally mandated study conducted by the Department of Defense (DoD) and FPI concluded that no legislative changes were warranted by the investigation of procurement transactions between these two entities. The study, entitled "A Study of the Procurement, Procedures, Regulations and Statutes that Govern Procurement Transactions between the Department of Defense and Federal Prison Industries," was mandated by Section 855 of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85), and was released to the Senate and House Armed Services Committee last week. The report noted that some steps could be taken to improve the procurement relationship between DoD and FPI, but such steps are most appropriately accomplished within the executive branch.

FPI is a law enforcement issue more than a government supply issue because it is essential to the management of federal prisons and because FPI is operated as a correctional program, not as a for-profit business. As a result, we continue to develop pilot programs that will make FPI a more efficient and cost competitive source. We believe that the amendment would benefit from consideration by the Judiciary Committee to consider the mandatory source issue in the context of the full FPI program. Simply considering the amendment as affecting a source of goods for the federal sector would completely overlook the law enforcement significance of FPI and threaten a program that is fundamental to public safety.

We are enclosing a copy of the study report conducted by DoD and FPI for your review. If you should have any questions or if we may provide further information about FPI, please feel free to contact the Department.

Sincerely,

ERIC H. HOLDER, JR.,
Deputy Attorney General.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
WASHINGTON, DC, MAY 11, 1999.

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Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

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FPI is a law enforcement issue more than a government supply issue because it is essential to the management of federal prisons and because FPI is operated as a correctional program, not as a for-profit business. As a result, we continue to develop pilot programs that will make FPI a more efficient and cost competitive source. We believe that the amendment would benefit from consideration by the Judiciary Committee to consider the mandatory source issue in the context of the full FPI program. Simply considering the amendment as affecting a source of goods for the federal sector would completely overlook the law enforcement significance of FPI and threaten a program that is fundamental to public safety.

We are enclosing a copy of the study report conducted by DoD and FPI for your review. If you should have any questions or if we may provide further information about FPI, please feel free to contact the Department.

Sincerely,

ERIC H. HOLDER, Jr.,
Deputy Attorney General.

Statement of Administration Position on Section 806 of the Defense Authorization Bill (S. 1059)

FEDERAL PRISON INDUSTRIES MANDATORY SOURCE EXEMPTION

The Administration opposes Section 806 which would essentially eliminate the Federal Prison Industries (FPI) mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons. In principle, the Administration believes that the Government should support competition for the provisions goods and services to Federal agencies. However, to ensure that Federal inmates are employed in sufficient numbers, the current mandatory source requirement should not be altered until an alternative program is designed and put in place. Finally, this provision would only address mandatory sourcing for the Defense Department, without regard to the rest of federal government.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Michigan controls the remaining time.

Mr. LEVIN. Mr. President, section 806 of the defense authorization bill which is before the Senate is a commonsense provision. It was adopted by the Armed Services Committee. Basically, it says the private sector ought to be allowed to bid on items that the Department of Defense is buying, if the Department of Defense declares that it is necessary that the private sector be allowed to bid.

That may sound so obvious that people may be scratching their heads saying, well, obviously the private sector ought to be allowed to bid if the Department of Defense believes the product which is offered by the private sector is what is needed by the Department of Defense. But that is not the way it is now. The way it is now is that Federal Prison Industries can make a unilateral decision that it is going to supply the Department of Defense with a product, and the private business people out there who want to just simply compete for a product can be prohibited from doing so. That, it seems to me, is the height of unfairness in a society which has a private sector, has private businesses, has labor that is working in those private businesses, and where a Government agency says that product, produced by that private company, is a product that we want because it is a better product than FPI can give us or it is a product that can be given to us more cheaply than the prisons can give it to us.

What an extraordinary way it is to run a Government, that we have agencies in this Government that want to buy a product, be it textiles or furniture or what have you, that are told they cannot compete that product with the private sector competing; they have to buy it from Federal Prison Industries even though it costs the agency more or it is of lower quality. What an extraordinary way to be inefficient, to waste taxpayers' money, and to force agencies that are supposed to be protecting taxpayers' money to spend it on lesser quality items or on more expensive items—just because Federal Prison Industries unilaterally has decided it is going to supply the Department of Defense. That is not fair. That is not fair and we have to eliminate it.

Section 806 simply says that the Department of Defense—not Federal Prison Industries—should determine whether or not a product manufactured by Federal Prison Industries meets the needs of the Department of Defense.

The approach that is taken by Section 806 is consistent with the basic tenet of how our whole procurement system works, which is the people who buy and use products should be the ones who decide whether the quality, price, and delivery of those products meet their needs. Yet amazingly enough, the FPI, Federal Prison Industries' current rules prohibit Federal agencies from even looking at private sector products to determine whether they might be superior to what Federal Prison Industries has.

The regulations of Federal Prison Industries say:

> A contracting activity should not solicit bids, proposals, quotations or otherwise test the market for the purpose of seeking alternative sources to the Federal Prison Industries.

If that is not absolutely extraordinary, that Federal Prison Industries is telling the Department of Defense, when they go and buy textiles or shoes or whatever they are buying, that they may not even test the market, seeking alternative sources to Federal Prison Industries.

They may not solicit bids, proposals, quotations, or test the market for the purpose of seeking alternative sources to Federal Prison Industries.

What kind of an upside-down situation is this? What kind of a topsy-turvy situation is it that the Department of Defense cannot even solicit a quote from somebody to supply a product if Federal Prison Industries says they may not do so? Unilaterally, the seller is telling the buyer: You can't even go out and seek other quotes or seek competition.

Boy, that sure turns the purchasing process of the Department of Defense and our other agencies right on its head.

What the Department of Defense is required to do, instead of doing what ordinary buyers do, which is to seek the best product at the best price, is to accept Federal Prison Industries' determination. Federal Prison Industries is the sole arbiter of whether its products meet the requirements of the Department of Defense.

Section 8104 of the Federal Acquisition Streamlining Act requires the Department of Defense and other agencies to conduct market research before soliciting bids or proposals for products that may be available in the commercial marketplace. They are supposed to solicit bids, but they do not do that. They are not allowed to do that. Under the FPI rules, they have to buy it from Federal Prison Industries if the Industries on their own, unilaterally, decide they are going to force the Department of Defense to buy a product.

All that the provision does is to reverse the rule which prohibits the Department of Defense from conducting market research and permits the Department of Defense to look at what private sector companies have to offer, as it would do in the case of any other procurement.

If Federal Prison Industries offers a product that is comparable in price, quality, and time of delivery to products available from the private sector, the Department would still be required to purchase that product on a sole-source basis from Federal Prison Industries. But if the DOD determines that Federal Prison Industries' product was not competitive, then it would be permitted to conduct a competition and go to another source.

That seems to me to be the least that we can do to protect the taxpayers from the misuse of Federal funds on products that fail to meet the needs of the Department of Defense.

Federal Prison Industries has repeatedly claimed that it provides quality products at a price that is competitive with current market prices. The statute, indeed, is intended to do exactly that, provided Federal Prison Industries will provide the Federal agencies products that meet their requirements and prices that do not exceed current market prices. But the FPI is unwilling to permit agencies to compare their products at prices with those available in the private sector.

Under Federal Prison Industries' current interpretation of the law, it need not offer the best product at the best price. It is sufficient for it to offer an adequate product at an adequate price and insist on its right to make the sale. When Federal Prison Industries sets the price, it then seeks to charge what it calls a market price, which means that at least some vendors in the private sector charge a higher price, and the FPI's proposed regulation specifies that the determination of what constitutes the current market price, the methodology employed to determine the current market price and the conclusion that a product of Federal Prison Industries does not exceed that price is—you got it—the sole responsibility of Federal Prison Industries.

That is the situation. They are supposed to buy at market price, but they make a determination as to whether or not, in fact, what they are forcing an agency to buy is being set at a market price.

The General Accounting Office reported in August of 1998:

> The only limit the law imposes on Federal Prison Industries' price is that it may not exceed the upper end—

Upper end—

> of the current market price range.

Moreover, the manner in which Federal Prison Industries seeks to establish the current market price range appears calculated to result in a price far higher than the Department of Defense would pay under any other circumstances. According to the proposed regulation codifying FPI's pricing policies, "a review of commercial catalog prices will be used to establish a 'range' for current market price."

The contrast is very sharp because when the Department of Defense buys from commercial vendors, it seeks to negotiate, and generally obtains, a steep discount from catalog prices.

FPI appears to have difficulty even matching the undiscounted catalog prices. Last August, the General Accounting Office compared Federal Prison Industries' prices for 20 representative products to private vendors' catalog prices for the same or comparable products and found that for four of these products, FPI's price was higher than the price offered by any private vendor. That is 4 out of 20. In 4 out of 20 cases, GAO found that the price FPI charged was higher than the price offered by any private vendor. For five of the remaining products, the FPI price was at the "high end of the range." Those are the words of the General Accounting Office. FPI's price was at the "high end of the range" of prices offered by private vendors—ranking sixth, seventh, seventh, eighth, and ninth of the 10 vendors reviewed. In other words, for almost half of the FPI products reviewed, the FPI approach appeared to be to charge the highest price possible rather than the lowest price possible to the Federal consumer.

We have complaint after complaint from frustrated private sector vendors asking us: Why can't we compete? Why are we in the private sector precluded from bidding on an item?

Here is one vendor's letter:

> Federal Prison Industries bid on this item, and simply because Federal Prison Industries did, it had to be given to Federal Prison Industries. FPI won the bid at $45 per unit. My company bid $22 per unit. The way I see it, the Government just overspent my tax dollars to the tune of $1,978. Do you seriously believe that this type of procurement is cost-effective? I lost business, my tax dollars were misused because of unfair procurement practices mandated by Federal regulations. This is a prime example, and I'm certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition with the full support of Federal regulations and the seeming approval of Congress.
>
> far past time . . . to require [FPI] to be competitive for the benefit of all taxpayers.

A third frustrated vendor, who had been driven out of business by FPI, told a House committee:

> Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country . . . therefore effectively destroying and bankrupting that . . . business which the Veterans' Administration suggested he enter?

There is a very fundamental unfairness which exists in this system. It is one that we need to correct. The Department of Defense took a survey recently of DOD customers for Federal Prison Industries' products. The results are eye-opening. The survey provided DOD customers five categories in which to rate Federal Prison Industries' products: excellent, good, average, fair, or poor.

According to the data reported jointly by the Department of Defense and the Federal Prison Industries in April, a majority of Department of Defense customers rated FPI as average, fair, or poor in price, delivery, and as an overall supplier.

On price: 54 percent of the Department of Defense's electronics customers, 70 percent of DOD clothing and textile customers, 46 percent of DOD dorm and quarters furniture customers, 53 percent of DOD office case goods customers, 57 percent of DOD systems furniture customers rated FPI prices as average, fair, or poor.

On delivery, the same kind of figures: 50 percent of DOD electronics customers rated FPI delivery as averaged, fair, or poor; 62 percent of DOD clothing and textile customers rated FPI delivery as average, fair, or poor. That did not make any difference. FPI said it was going to sell, and once FPI made that determination, the Department had no alternative. It does not make any difference whether the delivery is lousy, whether the price is too high, whether the overall performance is poor. It makes no difference. Forget competition. FPI said: We are going to sell. Forget fairness to a business with workers in that business. FPI said: Tough. You have to buy from us.

So the bottom line is that fully 35 percent of the Department of Defense customers indicated they have had a problem with an FPI product delivered in the last 12 months. The reason they are having problems is because there is a lack of competition.

We think, given the fact that such a small amount of money is paid to prisoners for their labor, that Federal Prison Industries could supply these products much more cheaply than the private sector. But that is not the case. The case is that the private sector very often can supply these products to our agencies more cheaply than can the prison industries. But if the Federal Prison Industries decides in its unilateral, sole, exclusive judgment that it is going to supply the Department of Defense, that is it. That is it. This is an injustice to the people who have worked hard to put together a business. It is an injustice to the people who work for those businesses.

This is one of those weird cases where you have business and labor coming together before us on the same side of an issue. The American Federation of Labor, AFL–CIO, urges that this section remain in the bill. We have the alert from the Chamber of Commerce as well. Members of the Senate, business and labor—our good friend from Texas calls those special interests, business and labor. People who have worked hard to put together a business and people who work in those businesses are not being allowed to compete. Sorry. Federal Prison Industries says you are going to buy that product. That is what they tell the DOD. You are going to buy it. You may not like the price, you may not like the delivery, you may not like the quality, but we are not going to let anybody else compete for that sale.

So that is the fundamental unfairness that this language would correct. It does not tell the Department of Defense they cannot buy it from Federal Prison Industries. It simply says that if the Department of Defense determines on price or quality that the private sector can do as well, then it—not the FPI; the Department of Defense—may compete and determine whether or not they can save the taxpayers any money.

I am going to close and then turn this over to my friend and my colleague from Michigan for his comments. But I just want to read one additional quote from the Master Chief Petty Officer of the Navy before the National Security Committee of the House a couple years ago. He said that the FPI monopoly on Government furniture contracts has undermined the Navy's ability to improve living conditions for its sailors.

Master Chief Petty Officer John Hagan said:

> Speaking frankly, the [FPI] product is inferior, costs more, and takes longer to procure. [The Federal Prison Industries] has, in my opinion, exploited their special status instead of making changes which would make

> them more efficient and competitive. The Navy and other Services need your support to change the law and have FPI compete with [private sector] furniture manufacturers. Without this change, we will not be serving Sailors or taxpayers in the most effective and efficient way.

Mr. President, I yield the floor. I am happy to yield time to my distinguished colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan has 24 minutes 48 seconds.

Mr. LEVIN. How much time would the Senator wish?

Mr. ABRAHAM. No more than 10 minutes.

Mr. LEVIN. I am happy to yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Mr. ABRAHAM. Thank you, Mr. President.

I suspect I will not use all of the time that I have been allotted, but I do want to speak here today in opposition to the amendment before us offered by the Senator from Texas.

Especially in light of the grave concerns that all of us share about the readiness of our Armed Forces and the significant steps that Congress took in the supplemental appropriations bill to address this problem, as well as in the budget which we passed earlier this year, I strongly believe that section 806 of the defense reauthorization bill should be retained.

This is not because I think that having Federal prisoners working is not important. To the contrary, I think it is very important. I firmly believe that the development through work, self-discipline and other virtues that enable people to lead productive lives is probably the single greatest hope for rehabilitation in a prison setting. Indeed, it is disappointing that, according to the May 20 Wall Street Journal, only 17 percent of Federal prisoners work under the current Federal Prison Industries program.

But providing for national defense is the Federal Government's paramount responsibility. Given the very serious problems we are facing with respect to our military readiness, we need to take every possible step to rectify these problems as quickly and as effectively as possible.

There is no question in my mind that the requirement that the Department of Defense contract with FPI for certain products, and giving FPI a veto over the Defense Department's going elsewhere, is an obstacle to our efforts to fix these problems. The routine, significant failure by FPI to provide goods that the Defense Department has contracted for on a timely basis—almost half of the time in 1995, and over a third of the time in 1996—is simply unacceptable. To have the Defense Department depend on FPI for over 300 different products under these circumstances is also simply unacceptable.

Finally, in this era of tight budgets, to be spending precious defense resources on FPI goods that we could be obtaining at lower prices from the private sector is also unacceptable.

We should obviously address these problems by allowing the Department of Defense to go elsewhere and to do so without getting advance permission from FPI. I am glad the Armed Services Committee, at the prompting of my colleague, the senior Senator from Michigan, Senator LEVIN, has so provided in the reauthorization bill that recently passed out of committee.

I would add that the provision adopted by the Armed Services Committee still requires the Department of Defense to give FPI the opportunity to compete for contracts for almost all products and only permits the Department of Defense to go elsewhere if it determines that the product being offered by FPI is not comparable in price, quality, and time of delivery to products available from the private sector.

The only exceptions are for national security systems, products integral to or embedded in a product not available from FPI, or products that cost less than $2,500. In those instances, under section 806, the Department of Defense does not have to seek a bid from FPI, but in all other instances DOD would continue to be required to do so.

It will be argued that we cannot follow this course without jeopardizing another important Federal policy, that of putting Federal inmates to work. But if that were really our only option, we would be facing a much harder choice, since we would arguably be having to choose between pursuing a course critical to securing tranquility abroad and a course important to securing domestic tranquility. I do not believe we are really faced with that dilemma.

Rather, I am convinced that the limits this legislation imposes on the FPI monopoly can plainly be offset by expanding other opportunities for prisoners to work. This could be done, for example, by having the FPI focus on products that we do not produce domestically and that we are now importing from abroad. Or it could be done by putting prisoners to work on functions that are currently being assigned to government entities such as recycling.

It will be argued that we should come up with the new opportunities first and then consider proposals along the lines of section 806 if the other options prove workable. I disagree. I believe we should put the needs of our national defense ahead of the needs of prisoners. I have no real question that if we do so, we will discover that in fact we are able to devise policies that adequately address both sets of needs.

I will just close by restating what I said last year in a similar debate. None of us who are advocating a change in policy here are advocating the elimination of work requirements for Federal prisoners. But when Federal prisoners in the work they do are taking jobs away from law-abiding Americans who have never committed a crime, then I think we have to reexamine our policy.

To me, it makes sense to devise a prison work policy that does not injure law-abiding citizens. I believe that requiring the FPI to be competitive in its bidding process and not granting it a monopoly are the right way to achieve this end. That way the taxpayers are protected from paying excessively for furniture or other items that are produced by the Prison Industries, and those individuals working in the private sector in competition with the Prison Industries have a legitimate opportunity to secure government contracts. To me, that is the American way, the competitive process.

To me, if the Federal Prison Industries can't be competitive in that setting, where it has so much of a subsidy advantage to begin with, then it seems to me that the system isn't working the way it should be.

I hope that we will vote to retain in place section 806 and that, at least in the specific context of the Department of Defense, we will follow the lead that has already been laid out by Senator LEVIN in the authorization bill as it comes to the floor.

To me, that is a sensible course for us to pursue. It strikes the right balance. It by no means eliminates the work requirement for prisoners, but it does provide people who are law-abiding citizens, companies that are law-abiding companies, a chance to do business with the government in a very vital and sensitive area, specifically that of national security. To me, that is a sensible middle ground. Therefore, I hope that our colleagues will vote in opposition to this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia.

Mr. WARNER. This is a matter which the Armed Services Committee considered with some care and considerable debate. It is not as if we just accepted it. There was discussion, and our former chairman spoke very strongly on behalf of the other side of the issue.

I am just astonished that we cannot seem to convince the prison group that competition would be good. It would raise the quality. That is what concerns so many of us on the committee. It would provide incentives for the Federal Prison Industries to deliver quality goods in a timely fashion and at a reasonable price. That is what this whole country is predicated on.

This is interesting. The Department of the Air Force gets 2 million plus in launchers, guided-missile launchers, fiber optic cable assemblies. People think they are doing little, simple things, crafts and so forth, but there is a lot of high-tech equipment at the Department of Defense.

Here is the Army, another guided-missile remote control; the Army, launchers, rocket and pyrotech; the Army, fiber rope, cordage; the Army, radio and TV communications equipment; the Army, antennas, wave guides and related; the Army, fiber optic cable assemblies.

I mean, these are hardly simple matters. These are very complicated systems. We simply have to have quality for the Department of Defense. This is what concerns me.

I could go on into some of the Navy engine electrical systems, all kinds of high-tech stuff listed in here. You see the office furniture, the office supplies. Here is one for some armor. In other words, we are talking about serious business for the Department of Defense. It is very serious business. We cannot be giving the strong disadvantage in the competitive world to the prisons and have them supply inferior equipment. I strongly urge Senators to vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have a unanimous consent request. I had the good fortune of having Senator BYRD, Senator HATCH and Senator THURMOND speak on behalf of my amendment, and those are riches you don't turn down. But there have been many points made that I have not had an opportunity to respond to. If the Senator is not going to use the rest of his time, I would like about 4 minutes to respond. I ask unanimous consent that I might have it.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, I am sorry. I was discussing something with the chairman. I know that he is conscience of the time. I am wondering whether he might repeat the unanimous consent request so that we could both hear it.

Mr. GRAMM. I am sorry. I didn't hear.

Mr. LEVIN. I apologize. I was discussing something with the chairman. We didn't hear the unanimous consent request relative to time, at least I didn't.

Mr. GRAMM. I do not want to throw off the vote, but I made an opening statement. I had several other of my colleagues speak on behalf of my amendment more articulately than I was able to, and I am grateful, but I would like to have 4 minutes to sort of answer some of the points that have been made. It just turned out, because people that were for the amendment came to the floor, that they all spoke before any of those that were opposed to it had the opportunity to speak. So if it doesn't mess up our timetable, I would like to have 4 minutes to respond to some of the issues that have been raised.

Mr. WARNER. We certainly can accede to that. It is a perfectly reasonable request. I think my colleague and I will be just about ready to yield back the balance of our time. Then we will turn to the amendment by the distinguished Senator from Pennsylvania. The first order of business will be for him to amend the amendment that is at the desk. Then we will complete the debate on that, and we should meet the target of about 7:00 to have two stacked votes.

Mr. LEVIN. Reserving the right to object, how much time is left to the opponents of Senator GRAMM's amendment?

The PRESIDING OFFICER. The opponents have 12 minutes 30 seconds. The proponents' time has been exhausted.

Mr. LEVIN. How many seconds?

The PRESIDING OFFICER. Thirty seconds, 12 minutes 30 seconds.

The Senator from Texas is recognized for 4 minutes.

Mr. GRAMM. Mr. President, first of all, let me make it clear, the Defense Department does not support this amendment. The Defense Department issued a joint report with the Department of Prisons, the Federal Bureau of Prisons, outlining ways of improving the system that required no legislation. The administration, on behalf of the Defense Department and the Department of Justice, opposes the Levin provision and supports the amendment that we have offered to strike it.

The Attorney General supports our motion to strike the Levin amendment, as do many groups such as the National Center for Victims of Crime.

It is obviously a very strong argument with me to talk about, "why not competition?" The problem is, you have to understand the history that competition was the rule prior to the Depression. Prior to the Depression, virtually everyone in prison in America worked on average 12 hours a day, 6 days a week. But during the Depression, we passed three pieces of legislation, all of them driven by special interests, triggered by the Depression, which made it illegal for prisoners to work to sell goods in the market. There had been previous provisions so that they didn't glut the market in one area, but the problem is, now it is criminal for prisoners to work to produce anything to sell in America.

When my colleagues say why not have competition, my answer is, yes, let's have it. But you cannot have it without letting prison labor compete, and now that is prohibited all over America. The only thing left for prisoners today is to produce things that the Government uses. That is the only thing that we have not prohibited by law. As a result, we have 1.1 million prisoners and about 900,000 of them have no work to do.

If the amendment of Senator LEVIN passed, 60 percent of the prison labor at the Federal level in America would be eliminated because there would be no work for these people to do. So this is an argument about competition that sounds great until you understand that Government, driven by the same groups that support this amendment, eliminated the ability to use prison labor to produce and sell anything.

When you are talking about the taxpayer, it sounds great. But what about the taxpayer that is spending $22,000 a year to keep somebody in prison and we are not allowing them to work? If taxpayers are working, why are they better than taxpayers? Why should they not have to work? Why can't we find things in the private sector for them to produce? If we can do that, I would support this amendment. I know that many of the people who support it would never do that.

The Defense Department is not for this amendment. They are not for the Levin amendment. They are not objecting to the provisions. In fact, they just put out a joint report saying the Defense Department supports the program with these reforms, which they can undertake without legislation.

So, basically, I believe that the system is not perfect, but it is basically a good system where prices are negotiated and the Defense Department gets 90 percent of the waivers that they seek. If they don't think the quality is right or the price is right or the delivery is right, they can ask for a waiver. In 90 percent of the cases, they get the waiver.

This is basically an amendment, I am sad to say, that would idle 60 percent of Federal prisoners. It would allow private companies to come in and take the business. But the point is, when we have full employment in America and we have a million prisoners idle, how does it make sense to prohibit them from working? I thank my colleague for giving me this time.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the language in the bill that the Senator from Texas seeks to strike makes it possible for the private sector to compete. That sounds so fundamental in our country that maybe it comes as a shock that I would even suggest that you need to have language in a bill to permit the private sector to do this. But we do.

We just want to make it legal for the private sector to offer a product to its Government, our Government, and not to have Federal Prison Industries say: Sorry, you cannot bid. It is almost bizarre to me that we would have to pass any kind of legislation for that to come about, but we do because under the current law and regulations, Federal Prison Industries has the sole, exclusive determining voice. If it says that its product is within a range in the market—maybe at the high end of that range, and they may be wrong—but once FPI says that, that is it; private business cannot compete.

In a hearing before the Senate Judiciary Committee earlier this week, the Deputy Under Secretary of Defense for Acquisition, David Oliver, described the results of the survey we referred to.

He said the following:

> I think if you looked at the study, you would see that people were generally not satisfied with Federal Prison Industries as a provider. Essentially, with regard to efficiency, timeliness, and best value, they found that Federal Prison Industries was worse than the other people they bought from.

Now, we know that the administration has decided to oppose this change, to prohibit the private sector from bidding on things that Federal Prison Industries says it wants to supply exclusively. So we understand what the Department of Defense's official position is. But I also understand what the testimony of their acquisition people is. The study shows that people were generally not satisfied with Federal Prison Industries as a provider with regard to efficiency, timeliness, and best value. They found that Federal Prison Industries was worse than the other people they bought from.

I don't believe for one minute that Federal Prison Industries is going to be able to sell anything to the Department of Defense just because they are going to have to compete. They have such a huge advantage in terms of cost and price of labor that they are going to be able to sell a huge amount. But they are going to have to compete.

If a private company can outbid them or provide the same product at a cheaper price, then the private company is going to get it. But for the Senator from Texas to say, suddenly, that wipes out all of the sales to the Department of Defense, that is a terrible indictment about what Federal Prison Industries is now doing. That would mean they can't compete on anything they are selling to the Department of Defense. That is a huge exaggeration. It is not the case.

But it is the case that now they don't have to compete when they decide that the Department of Defense must buy that missile part. If Federal Prison Industries says the Department of Defense must buy that missile part Senator WARNER referred to, that has to happen—even though a private contractor can sell a better quality at a better price. Once FPI, in its unilateral judgment, says we can supply it within a price range of what the private sector can do, that is it, no competition. DOD can't bid it out—the opposite of what we should be doing in this free enterprise society of ours.

Mr. President, I hope the language in the Senate bill will be retained and that the amendment of the Senator from Texas to strike that language will be defeated.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I join my colleague. Again, it was carefully considered by the committee. It has very fundamental objectives: competition, fairness, and to get quality.

Mr. President, I am anxious to complete this amendment. I believe the Senator from Texas has finished his presentation?

Mr. GRAMM. Yes, I have.

Mr. LEVIN. I yield back our time.

Mr. WARNER. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

AMENDMENT NO. 383

The PRESIDING OFFICER. The Senate returns to the amendment of the Senator from Pennsylvania. The Senator from Pennsylvania controls 5 minutes 30 seconds, and the Senator from Virginia controls 3 minutes 20 seconds.

Mr. WARNER. Mr. President, I note that will bring us very close, if not precisely, to the hour of 7 o'clock, at which time the managers represented to the leadership and other Senators that two back-to-back votes would commence.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment provides, simply stated, that there shall be no funds expended for ground forces in Yugoslavia, in Kosovo, unless specifically authorized by the Congress.

This amendment is designed to uphold the Constitution of the United States, which grants the exclusive authority to declare war to the Congress of the United States. Regrettably, there has been a significant erosion of this constitutional authority, as Presidents have taken over this power without having the Congress stand up. The one place where the Congress clearly has authority to determine military action is by controlling the purse strings. This amendment goes to the heart of that issue by prohibiting that spending.

It has been a lively and spirited debate. Now we will have an opportunity to say whether the Senate will seek to uphold the Constitution and whether the Senate will seek to uphold its own institutional authority—the institutional authority of the Congress to determine whether the United States should be involved in war.

A few of the problems which have been raised have been clarified. The amendment has been modified, and I ask that it formally be approved with the concurrence of the managers.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, there is no objection to the Senator sending to the desk the amendment as modified.

Mr. SPECTER. I thank the general counsel of the committee for helping me on the modification that we have worked out so that the restriction will not apply to intelligence operations, to rescue operations, or to military emergencies.

Mr. LEVIN. Mr. President, there is no objection on this side.

Mr. THURMOND. Will the Senator from Pennsylvania add me as a cosponsor?

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator THURMOND be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Senator from South Carolina.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 383), as modified, is as follows:

At the appropriate place in title X, insert the following:

SEC. . LIMITATION ON DEPLOYMENT OF GROUND TROOPS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops of the United States Armed Forces in the Federal Republic of Yugoslavia, except for peacekeeping personnel, unless authorized by a declaration of war or a joint resolution authorizing the use of military force.

(b) The prohibition in subsection (a) shall not apply to intelligence operations, or to missions to rescue United States military personnel or citizens of the United States, or otherwise meet military emergencies, in the Federal Republic of Yugoslavia.

Mr. SPECTER. Mr. President, the main argument against this amendment has been that the President has said that he would come to Congress in advance of deploying ground troops. He made that commitment in a meeting at the White House on April 28. Then he sent a letter, which is substantially equivocal, saying that he will fully consult with the Congress, and that he would ask for congressional support before introducing U.S. ground forces into Kosovo, into a nonpermissive environment.

That doesn't go far enough.

The distinguished chairman has reported that the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff have confirmed that there would be congressional authorization.

That doesn't go far enough.

We are a government of laws—not a government of men. And minds may be changed. We ought to be sure we have this nailed down.

This amendment is entirely consistent with what the Senate has heretofore done—58 to 41 to authorize air strikes but no ground forces. Seventy-seven Senators voted not to grant the President authority to use whatever force he chose. To remain consistent, those 77 Senators would have to say, we are not going to allow you to use ground forces unless you come to us for approval, just as we said we will not allow you to use whatever force you choose, in effect, without coming to us for prior approval. Consistency may be the hobgoblin of small minds, but consistency and the institutional prerogatives of the Congress and the Senate call for an affirmative vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, how much time remains for me?

The PRESIDING OFFICER. The Senator from Pennsylvania has 50 seconds.

Mr. SPECTER. I reserve the remainder of my time.

Mr. WARNER. Mr. President, the Senator from Michigan wishes to address the amendment. We are together on it in the strongest possible opposition.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, this amendment would send the worst possible signal to Milosevic, which is don't worry, weather the storm—that even though there is going to be gridlock in the Congress, you will be the beneficiary of any gridlock and any effort that authorizes in advance the use of ground forces. This is not the message which we should be sending to Milosevic—that he would be the beneficiary of the congressional gridlock, which would almost certainly occur before any such resolutions could be passed.

I hope we will not send that signal to Milosevic. I think our troops deserve better. Our commanders deserve better.

The administration believes so strongly in this that a veto would almost certainly occur, if this provision were in, and understandably so, because the hands of our commanders in the field would be tied by this resolution. They would have to come to Congress to see whether or not the terms were met. That is not the way to fight either a war or to engage in combat.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in the course of the afternoon, as I said to my good friend and colleague, some 40 Senators have received the benefit of a full debate with the Secretaries of State and Defense, and the President's National Security Adviser, Mr. Berger, and with the Chairman of the Joint Chiefs. Three times—twice by this Senator, one by another Senator—this very issue was posed to the national security team. They said without any equivocation whatsoever that the President would formally come to the Congress and seek legislation, not unlike what is described in this amendment prior to any change. In other words, the President of the United States is presently unchanged in the course of action that he is recommending to other leaders of the NATO nations, and the matter remains and will not be changed with reference to ground troops unless the President comes up and seeks from the Congress of the United States formal legislative action.

I say to my good friend that I think we have achieved, in essence, what he seeks. As I pointed out in my first comments this morning and, indeed, in the title to the first amendment prior to the amending by the Senator from Pennsylvania, he referred to the War Powers Act, this is precisely what this debate is—a debate over the War Powers Act. That debate has not in my 21 years in this body ever been resolved, and I doubt it is going to be resolved on this vote.

I yield the floor and yield back the time.

Mr. SPECTER. Mr. President, I reject the argument of the Senator from Virginia who wants to rely on assurances. This is a government of laws, and not men, and you get it done by this amendment.

I reject the argument of the Senator from Michigan who says it is a bad signal to Milosevic. Whatever signal goes to Milosevic from this amendment has already been sent by the assurances of the President.

It is a bad signal to America to tell the Country that the Congress is delegating its authority to involve this Nation in war to the President. We don't have the authority to delegate our constitutional authority. Our job is to analyze the facts and let the President come to us to state a case for the use of ground forces. I am prepared to listen. But, on this record, we ought to maintain the institutional authority of Congress and uphold the Constitution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. Mr. President, does any time remain on our side?

The PRESIDING OFFICER. Yes, 10 seconds.

Mr. LEVIN. Could I use the 10 seconds?

Mr. WARNER. The Senator from Michigan can use 5, and I will use 5. Take 5.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the Department of Defense strongly opposes the amendment because it would unacceptably put at risk the lives of U.S. military personnel.

Mr. WARNER. Mr. President, a vote against this amendment is consistent with the provisions of the Constitution of the United States.

I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 383, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Chafee
Cochran
Daschle
DeWine
Dodd
Edwards
Feinstein
Graham
Hagel
Harkin
Hatch
Inouye
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Warner
Wyden

NAYS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Byrd
Campbell
Cleland
Collins
Conrad
Coverdell
Craig
Crapo
Domenici
Dorgan
Durbin
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Murkowski
Nickles
Roberts
Santorum
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Wellstone

The motion was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 392

Mr. WARNER. Mr. President, we yield back time on both sides.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 392. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—49

Ashcroft
Bennett
Biden
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Durbin
Feinstein
Fitzgerald
Gorton
Graham
Grams
Gregg
Harkin
Hatch
Hollings
Hutchison
Jeffords
Kerrey
Kohl
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Thompson
Thurmond
Voinovich

NAYS—51

Abraham
Akaka
Allard
Baucus
Bayh
Bingaman
Boxer
Breaux
Bryan
Bunning
Cleland
Collins
Conrad
Daschle
Dodd
Edwards
Enzi
Feingold
Frist
Gramm
Grassley
Hagel
Helms
Hutchinson
Inhofe
Inouye
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Sarbanes
Schumer
Smith (NH)
Smith (OR)
Thomas
Torricelli
Warner
Wellstone
Wyden

The amendment (No. 392) was rejected.

Mr. GRAMM. Mr. President, I have a motion to reconsider. I enter a motion to reconsider the vote, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative assistant proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, to advise the Senate with regard to the important business remaining to be performed tonight, I ask unanimous consent that the Senate now proceed to an amendment to be offered by Senators McCAIN and LEVIN re: BRAC and that there be 3½ hours of debate equally divided between the proponents and opponents.

I further ask consent that all debate time be consumed during Tuesday, May 25, except for 2 hours, to be equally divided, and to resume at 11:45 a.m. on Wednesday.

I further ask consent that the vote occur on or in relation to the BRAC amendment on Wednesday at 1:45 p.m. and no amendments be in order to the amendment prior to the 1:45 p.m. vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Now, Mr. President, in light of this agreement, there will be no reinstitution of a vote tonight. It is not the leader's desire; I wish to make that clear.

Mr. GRAMM. My intention would be to try to have the reconsideration tomorrow.

Mr. WARNER. I thank the Senator.

Mr. LEVIN. Mr. President, I wonder whether or not we might be able to schedule an amendment earlier in the morning for Senator KERREY.

Mr. WARNER. We are working on that.

Mr. LEVIN. At 10:30; is that the effort?

Mr. WARNER. That is correct. Let me just finish this and then I think it will be clear.

Now, Mr. President, if I may continue, in light of this agreement, there will be no further votes this evening. Senators interested in the BRAC debate should remain this evening. The Senate will resume the DOD bill at 9:30 a.m. on Wednesday, and two amendments are expected to be offered prior to the 11:45 a.m. resumption of the BRAC debate. Therefore, at least one vote, if not more votes, will occur beginning at 1:45 p.m. on Wednesday.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if I could inquire of the chairman as to the two amendments he is referring to.

Mr. WARNER. One under consideration is Senator BROWNBACK's, and it relates to India and Pakistan and the current sanctions.

Mr. LEVIN. What was the other amendment?

Mr. WARNER. Senator ROBERT KERREY on strategic nuclear delivery systems.

Mr. LEVIN. And it is the hope of the chairman that both of those be debated in the morning?

Mr. WARNER. I would hope so, together with the remainder of BRAC.

Mr. LEVIN. I hope that during this evening we will be able to try to schedule timing for those amendments, if possible.

Mr. WARNER. I would be happy to——

Mr. LEVIN. I do not know the status, particularly, of the first one, but I would like to work on that this evening.

Mr. WARNER. I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 393

Mr. McCAIN. Mr. President, on behalf of myself and Senator LEVIN, Senator BRYAN, Senator LEAHY, Senator KOHL, Senator LIEBERMAN, Senator ROBB, Senator KYL, Senator HAGEL, and Senator CHAFEE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. LEVIN, Mr. BRYAN, Mr. LEAHY, Mr. KOHL, Mr. LIEBERMAN, Mr. ROBB, Mr. KYL, Mr. HAGEL, and Mr. CHAFEE, proposes an amendment numbered 393.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 450, below line 25, add the following:

SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND COMMENCING IN 2001.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (b)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; and"; and

(iii) by adding at the end the following new clause (iv):

"(iv) by no later than May 1, 2001, in the case of members of the Commission whose terms will expire on September 30, 2002."; and

(B) in subparagraph (C), by striking "or for 1995 in clause (iii) of such subparagraph" and inserting ", for 1995 in clause (iii) of that subparagraph, or for 2001 in clause (iv) of that subparagraph".

(2) MEETINGS.—Subsection (e) of that section is amended by striking "and 1995" and inserting "1995, and 2001, and in 2002 during the period ending on September 30 of that year".

(3) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

"(4) If no funds are appropriated to the Commission by the end of the second session of the 106th Congress for the activities of the Commission that commence in 2001, the Secretary may transfer to the Commission for purposes of its activities under this part that commence in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.".

(5) TERMINATION.—Subsection (1) of that section is amended by striking "December 31, 1995" and inserting "September 30, 2002".

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by adding at the end the following: "The Secretary shall also submit to Congress a force-structure plan for fiscal year 2002 that meets the requirements of the preceding sentence not later than March 30, 2001.".

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting "and by no later than March 1, 2001, for purposes of activities of the Commission under this part that commence in 2001," after "December 31, 1990,"; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting "and by no later than April 15, 2001, for purposes of activities of the Commission under this part that commence in 2001," after "February 15, 1991,"; and

(ii) in the second sentence, by inserting ", or enacted on or before May 15, 2001, in the case of criteria published and transmitted under the preceding sentence in 2001" after "March 15, 1991".

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking "and March 1, 1995," and inserting "March 1, 1995, and September 1, 2001,";

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In making recommendations to the Commission under this subsection in 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

"(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

"(C) The recommendations made by the Secretary under this subsection in 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result."; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking "paragraph (5)(B)" and inserting "paragraph (6)(B)"; and

(ii) in the second sentence, by striking "24 hours" and inserting "48 hours".

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting "or by no later than February 1, 2002, in the case of recommendations in 2001," after "pursuant to subsection (e),";

(B) in paragraph (4), by inserting "or after February 1, 2002, in the case of recommendations in 2001," after "under this subsection.";

and

(C) in paragraph (5)(B), by inserting "or by no later than October 15 in the case of such recommendations in 2001," after "such recommendations,".

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting "or by no later than February 15, 2002, in the case of recommendations in 2001," after "under subsection (d),";

(B) in the second sentence of paragraph (3), by inserting "or by no later than March 15, 2002, in the case of 2001," after "the year concerned,"; and

(C) in paragraph (5), by inserting "or by April 1, 2002, in the case of recommendations in 2001," after "under this part,";

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in a report in 2002 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in the report and is determined to be the most cost effective method of implementation of the recommendation;".

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking "December 31, 1995," and inserting "September 30, 2002,".

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking "that date" and inserting "the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)".

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting "or realignment" after "closure" each place it appears in the following provisions:

(i) Section 2905(b)(3).

(ii) Section 2905(b)(4)(B)(ii).

(iii) Section 2905(b)(5).

(iv) Section 2905(b)(7)(B)(iv).

(v) Section 2905(b)(7)(N).

(vi) Section 2910(10)(B)

(B) That Act is further amended by inserting "or realigned" after "closed" each place it appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).

(ii) Section 2905(b)(3)(D).

(iii) Section 2905(b)(3)(E).

(iv) Section 2905(b)(4)(A).

(v) Section 2905(b)(5)(A).

(vi) Section 3910(9).

(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting ", or realigned or to be realigned," after "closed or to be closed'.

Mr. McCAIN. Mr. President, this amendment authorizes a single round of U.S. military installation realignment and base closures to occur in the year 2001.

It is an argument and a debate that we have had several times in the past few years, but obviously the argument deserves to be ventilated again. I am reminded, in considering this amendment, of a comment made by my old dear and beloved friend, Morris Udall, of my home State of Arizona, who once said after a long discussion of an issue that had been fairly well ventilated:

> Everything that could possibly be said on this issue has been said, only not everyone has said it.

I think that, again, will be the case with this base closing amendment, because we have been around this track on several occasions. But I do have to credit the imagination and inventiveness of the opponents of the base closing round because they continue to invent new reasons to oppose a round of base closings. They are charming ideas. One of them you will probably hear is that base closings don't save money. That is a very interesting and entertaining argument. I wish we had held to that argument after World War II was over, because we would still have some 150 bases in my State of Arizona, which I am sure would be a significant benefit to our economy.

Another aspect of this debate you will hear is that the issue of base closings has been politicized and, therefore, we can't have one. I think my friend, the distinguished chairman, has come up with a new and entertaining argument that every time we go through a base closing, every town, city, and State goes through a very difficult period of time. I agree with him. I certainly agree with him as he will pose that argument. But that doesn't in the slightest change the requirement that we need to close some bases.

I have to tell my friend, the chairman, it doesn't ring true to stand and lament the state of the military, our declining readiness, our lack of modernization of the force, all of the evils, the recruitment problems, and the failure to fund much-needed programs, and then not support what is clearly most needed, according to the Chairman of the Joint Chiefs of Staff and according to the Secretary of Defense—and according, really, to every objective observer of our military establishment.

Why is it that it took us a month to get Apache helicopters from Germany to Albania? Why is it that we are now hearing if we decided tomorrow to prepare for ground troops—an idea which was soundly rejected by this body—but if finally the recognition came about that we are really not winning this conflict, that Mr. Milosevic is achieving all of his objectives, and we continue to hear great reports about how we have destroyed so much of their capability, yet, the ethnic cleansing is nearing completion and Mr. Milosevic has more troops now than less, why is it that it would take many, many weeks, if not months, to get a force in place in order to move into Kosovo to help right the atrocities that have been committed there? It is because we have not restructured our military establishment. It is that simple.

The military establishment in the cold war, very correctly, was structured for a massive conventional tank war on the plains of Europe, the central plains of Europe. That was what our military was all about, and that was the major threat to our security. And now we have a military, which we have failed to restructure, we have failed to make mobile, we have failed to become capable to move anyplace in the world—in this case rather a short distance, from Germany to Albania—and, once there, decisively impact the battlefield equation. There are many reasons for this.

There was a great article in the Wall Street Journal a few weeks ago about how the Army had plans to restructure; yet, at the end of the day, they failed to do so for various reasons—by the way, the lesson being that the military will not restructure itself. It has to be done with an active role by the Congress.

But to sit here, as we are today, with all these shortages, where all of us are lamenting the incredible problems we have; yet, we then support a base structure which cannot be justified for any logical reason, is something that I think causes us great credibility problems—first, with people who pay attention to these kinds of things, and, second, at the end of the day with the American people.

I say this with full realization and appreciation that there are bases in my home State that may be in danger of being closed. There was a base closed in the round of base closings before the last one, which, by the way, is now generating more revenue for the State of Arizona than it did while it was a functioning military base. But setting that aside, when the base was closed, of course, there was great trauma. There was great dislocation among many civilians who worked out at Williams Air Force Base. But the fact is that we have to reduce the size of our base structures or we will continue to not be able to fund the much-needed improvements that are absolutely vital to us being able to conduct a conflict or war.

Our former colleague, Secretary Cohen, says.

> Nevertheless, no other reform even comes close to offering the potential savings afforded by even a single round of BRAC. There simply is no substitute for base closure and realignment.
>
> The two additional rounds under consideration will ultimately save $20 billion and generate $3.6 billion annually,
>
> Moreover, the Department continues to streamline the process, making it even easier for communities to dispose of base property and to create new jobs in the future.

The Chairman of the Joint Chiefs of Staff wrote:

> We are writing to you to express our strong and unified support for authorization for additional rounds of base closures . . . .
>
> * * * * *
>
> The importance of BRAC goes beyond savings, however. BRAC is the single most effective tool available to the Services to realign their infrastructure to meet the needs of changing organizations and to respond to new ways of doing business. No other initiative can substitute for BRAC in terms of ability to reduce and reshape our infrastructure. Simply stated, our military judgment is that further base closures are absolutely necessary.

Signed by all of the members of the Joint Chiefs of Staff.

I ask unanimous consent that the letter from Secretary Cohen and the letter from the Joint Chiefs of Staff be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
1000 DEFENSE PENTAGON,
Washington, DC, May 11, 1999.

Hon. CARL LEVIN,
Ranking Member, Armed Services Committee,
Washington, DC.

DEAR CARL: As I have on many occasions, I want to convey my strong support for approval of additional rounds of Base Realignment and Closure (BRAC) authority as part of the FY 2000 Department of Defense Authorization Bill, which the Senate Armed Services Committee is marking up this week.

As you are aware, the first three rounds of BRAC have already yielded some $3.9 billion net savings in FY 1999 and will generate more than $25 billion by the year 2003. These savings have proven absolutely critical to sustaining ongoing operations and current levels of military readiness, modernization and the quality of life of our men and women in uniform. Even still, the General Accounting Office (GAO) points out that the Department of Defense continues to retain excess infrastructure, which we estimate at roughly 23 percent beyond our needs.

As you know, we are aggressively reforming the Department's business operations and support infrastructure to realize savings wherever possible. Nevertheless, no other reform even comes close to offering the potential savings afforded by even a single round of BRAC. There simply is no substitute for base closure and realignment.

The two additional rounds under consideration by the Committee will ultimately save $20 billion and generate $3.6 billion dollars annually. Both the Congressional Budget Office and the GAO affirm the reasonableness and credibility of our estimates for savings from BRAC. In exchange for property that we neither want nor need, we can direct $3.6 billion on an annual basis into weapons that give our troops a life-saving edge, into training that keeps our forces the finest in the world, and into the quality of life of military families.

I well appreciate both the difficult decision you and your colleagues now face, as well as the legitimate concerns of bases and communities potentially affected by additional rounds of BRAC. At the same time, many success stories across the nation prove that base closure and realignment can actually lead to increased economic growth. In fact, the GAO recently noted that in most post-BRAC communities incomes are actually rising faster and unemployment rates are lower than the national average. Moreover, the Department continues to streamline the process, making it even easier for communities to dispose of base property and to create new jobs in the future.

The Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinge in great measure on realizing the critical savings that only BRAC can provide. As such, the Chairman and Joint Chiefs are unanimous in their support of our legislative proposals, and I most strongly solicit your support and that of your colleagues.

BILL COHEN.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 10, 1999.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: We are writing to you to express our strong and unified support for authorization for additional rounds of base closures when the Senate Armed Services Committee marks up the FY 2000 Department of Defense Authorization Bill next week.

Previous BRAC rounds are already producing savings—$3.9 billion net in 1999 and $25 billion thorugh 2003. We believe that two additional rounds of BRAC will produce even more savings—an additional $3.6 billion each year after implementation. This translates directly into the programs, forces, and budgets that support our national military strategy. Without BRAC, we will not have the maximum possible resources to field and operate future forces while protecting quality of life for our military members. We will also be less able to provide future forces with the modern equipment that is central to the plans and vision we have for transforming the force.

The Department's April 1998 report to Congress demonstrates that 23 percent excess capacity exists. The Congressional Budget Office agrees that our approach to estimating excess capacity yields a credible estimate. The General Accounting Office also agrees that DOD continues to retain excess capacity.

The importance of BRAC goes beyond savings, however. BRAC is the single most effective tool available to the Services to realign their infrastructure to meet the needs of changing organizations and to respond to new ways of doing business. No other initiative can substitute for BRAC in terms of ability to reduce and reshape infrastructure. Simply stated, our military judgment is that further base closures are absolutely necessary.

BRAC will enable us to better shape the quality of the forces protecting America in the 21st century. As you consider the 2000 budget, we ask you to support this proposal.

GENERAL HENRY H. SHELTON, USA,
Chairman, Joint Chiefs of Staff.
GENERAL DENNIS J. REIMER, USA,
Chief of Staff, US Army.
GENERAL MICHAEL E. RYAN, USAF,
Chief of Staff, US Air Force.
GENERAL JOSEPH W. RALSTON, USAF,
Vice Chairman, Joint Chiefs of Staff.
ADMIRAL JAY L. JOHNSON, USN,
Chief of Naval Operations.
GENERAL CHARLES C. KRULAK, USMC
Commandant of the Marine Corps.

Mr. McCAIN. Mr. President, as I said at the beginning of my remarks, we have been over this many, many times. The annual net savings from previous BRAC rounds will grow from almost $4 billion this year to $5.67 billion per year by 2001. The savings are real. They are coming sooner and are greater than anticipated.

GAO recently noted that in most communities where bases were closed incomes are actually rising faster and unemployment rates are lower than the national average. Additionally, a provision in the bill allows for the no-cost transfer of property from the military to the community in areas that are affected by the closures.

Our Armed Services are carrying the burden of managing and paying for an estimated 23 percent of excess infrastructure that will cost $3.6 billion this year alone, $3.6 billion that could be spent in efforts to retrain our pilots who are getting out faster than we can train them. It could be spent on recruiting qualified men and women of which there are significant shortfalls, especially in the U.S. Navy. It could be spent on retaining the highly qualified men and women who are leaving the Armed Forces in droves. There are so many things we can do with an additional $3.6 billion. But it will probably not happen.

I want to tell my colleagues that occasionally we lose credibility around here because of some of the things we do—the pork barrel spending, for example, that seems to be on the rise rather than decreasing, if you had the chance to examine the supplemental emergency bill we just passed. That, of course, is not pleasant for me to contemplate.

But when we are fooling around with national security, when we are fooling around with our Nation's ability to defend our vital national interests in these very unsettling times, then I would argue that we bear a heavy responsibility.

This is a simple amendment—one round, year 2001. The Commission is not appointed until May 2001. So this President does not have any hand in the appointment of a base closing commission. We really need two rounds. But this is at the request of the Senator from Michigan. It will only be one round.

Savings over the next 4 years are conservatively estimated to reach $25 billion. We probably won't do it. We probably won't do it. We couldn't do it in the Armed Services Committee, the committee that is supposed to have the most knowledgeable people on national defense.

Again, there are really some of the most interesting arguments I have ever heard. We save money by not closing bases. That is an interesting argument. Again, I wish we had never closed a base after World War II, using that logic. Or perhaps we should build more bases. The fact is that this causes discomfort to towns, communities, and States around the country when a base closing commission is appointed. I agree with that. I am sorry that happens. I stack that discomfort up against the fact that we still have 11,000 enlisted men and women on food stamps.

I hope we will have the American people at least weigh in on this issue, because they understand. They get it. They get what is going on here. They get why we are not having a base closing round when we need it. They know why it is being done. It will not pass but for one simple reason; that is, strictly parochial concerns that somehow there may be some political backlash associated with the closure of a base. I find that disgraceful.

I appeal again to the better angels of our nature, and recognize that every military expert within the military establishment, both within the Government and without, says that we need to close bases. We need to have a base closing round, and we do not have to make it political.

We have put in every possible constraint to prevent there being so many. We need to do it soon. Otherwise, we will continue to suffer in our capability. We will continue to suffer in our readiness. We will continue to suffer in our modernization. But most of all, these brave young men and women who serve our country will be shortchanged because we will not have adequate funds.

I know a lot of these young people do not vote. I know a lot of them don't even get absentee ballots. Many of them are stationed far away. But I think perhaps we ought to have concern about them in how these funds can improve their lives and keep many of them in the military and keep our Nation ready to defend itself.

I yield the floor.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, will the Senator from Arizona yield 10 minutes?

Mr. McCAIN. Mr. President, I yield such time as he may consume to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Arizona.

Mr. President, I rise in support of this amendment that would authorize a single round of base closures during the year 2001. I commend both the Senator from Arizona and the Senator from Michigan for presenting this amendment to the Senate today.

I am well aware that we all recognize this is a very sensitive issue, because it potentially impacts the constituents of each and every one of the Members of the Senator.

My home State of Rhode Island is no exception to this. We are the proud home to a significant presence of the U.S. Navy, both at the Naval War College and the Naval Undersea Warfare Center in Newport.

We have a tradition of Naval service in Rhode Island. As in every other State, we are sensitive to the potential vulnerabilities of another round of base closures. But I, for one, recognize the imperative nature of doing this, for many of the reasons that were so well outlined by the Senator from Arizona.

We have already in the past in Rhode Island—and I suspect in other places around the country—suffered from cutbacks. In fact, before the base closing process was established back in the early 1970s, one of our major bases, Quonset Point Air Station, was closed and, indeed, we lost effectively all of the surface ships that used to regularly be stationed in Newport. The result was traumatic to my home State.

Rhode Island is the smallest State in the country. Every family in Rhode Island either had some connection to Quonset Point Air Station or knew someone who worked there. Whole families had to leave the State. Many moved down to Wilmington, NC, where there was another naval aviation center. It caused great trauma and it set our economy back tremendously. In fact, we are still trying to reestablish and regenerate that site.

But despite all of that—despite the real costs to individuals, the real costs to families—we have to do this in order to maintain a national defense that will truly be efficient and effective.

It is difficult to talk about this issue and to tell constituents that there might be another round of base closings, but it is absolutely necessary. We are maintaining a cold war military structure in terms of bases. Yet, we know we need to reform and to reorganize. We will face new threats in the century beyond with a cold war military structure.

As the Senator from Arizona said, we organized so much of our military to support a huge landforce that was designed to counterattack a threat from the former Soviet Union. That has mercifully evaporated with the demise of the Soviet Union. The new threats to our national security are different. Yet, we still have the same cold war base infrastructure which we must reform, and the only practical way to do that is to organize another round of base closings.

It is a difficult decision, but it is a decision that we must make.

The numbers speak for themselves. This is almost a mathematical equation in terms of what we must do. We are maintaining approximately 23 percent extra capacity in the Department of Defense in terms of our bases. If you look at our force structure, the troops in the field, the men and women who are actually the war-fighters who defend the Nation every day, we have reduced those numbers by 36 percent since 1989. Yet, we have only been able to reduce our infrastructure by 21 percent. There is an imbalance. We have a smaller force structure. Yet we still have much of the old real estate that we accumulated from World War II all the way through the cold war.

We already embarked on limited base reductions in previous base closing rounds. We have saved approximately $3.9 billion to date. It is estimated that the base closing process that has already taken place will yield $25 billion by the year 2003.

Those are the significant savings. Yet, we hear lots of folks disputing the savings. I think everyone in America recognizes that when you close unnecessary bases, you save money. That is what corporate America has been doing now for the last 10 years. That is, in fact, one of the reasons why American productivity and American corporate profits are soaring and Wall Street is reflecting those results. It is because American businesses have the flexibility to close unwanted facilities, many times painfully so, to small communities.

But in the military establishment, we have denied our managers—the Secretary of Defense and the Chairman of the Joint Chiefs and his colleagues—that same type of flexibility. We have done it in a way which has retarded our ability to save billions of dollars which we need for other priorities in the Department of Defense.

Another charge was raised in this discussion about why base closings shouldn't be pursued at this moment. It said that there is no effective audit of these savings. In many respects, what we have saved, if you will, are costs that would have been incurred. They are foregone. They won't be incurred. It is difficult to audit some things you won't spend money on, but those savings are equally real.

We have a situation where we know we have saved money in previous base closing rounds—billions of dollars. And we know through estimates that we will save in this round additional money if we authorize an additional round of base closings. This is an estimate that has been agreed to by both the Congressional Budget Office and the General Accounting Office. They estimated there is excess capacity, that we can save money by another round of base closings.

There is another argument that has been raised to try to defeat the notion of a new round of base closings: That the environmental cleanup costs associated with closing bases eats up all the savings.

The reality, legally, is that the Department of Defense is responsible for these cleanup costs regardless of whether they keep the bases open or they close them. The only difference is an accounting difference. When you close a base, there is much more of an accelerated cleanup so the property can be turned over to civilian authority. In terms of the dollar responsibility, the contingent liabilities out there for cleanup of military bases remain the same, regardless of whether we have a base closing round or we just simply let these excess bases continue to operate. That, too, is not a reason to defeat the notion of a base closing round today.

As the Senator from Arizona pointed out, this is the top priority of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Service Secretaries, the uniformed heads of our military services. They all know that they need additional dollars for higher priority items than some of these bases.

Last September, the Service Chiefs came to the Senate Armed Services Committee and said they needed more resources to do the job. We were quite forthcoming. In fact, we authorized $8.3 billion over the President's budget request. Yet, when they say they equally need the closing of excess bases, we ignore their plea—equally fervent, equally important, equally necessary for the success of the Department of Defense, yet we ignore this plea.

Some of this has been a result of claims that the last base closing round was politicized. This proposal is that the process be conducted in the year 2001, which is beyond the term of this administration. I think the argument of politicization is false because whatever confidence or lack of confidence you have in this current administration, this proposal, this amendment, would carry it beyond this administration into the next administration.

Mr. WARNER. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator.

Mr. WARNER. That is the problem that troubles the Senator from Virginia the most—the California and Texas experiences.

As I listened to my good friend from Arizona, he made rational positions and I agree with him; the Senator from New Jersey made rational positions.

However, the practical thing that will happen if the Congress of the United States were to enact a base closure bill—this bill—the day after the signature is affixed by the President, the work begins in the Department of Defense down at the level of the services to work up the list of communities which, in the judgment of the Army, the Navy, the Air Force and certain DOD facilities is to be boarded up, and eventually it goes to the BRAC Commission.

True, the next President would appoint that BRAC Commission. But the staff work would have been done.

The communities all across America, as my good friend from Arizona pointed out in repeating my statement, become suddenly on full alert that it could be their base. They have a long tradition in this country of embracing that base. It is not just because of economic reasons and jobs. It is also, as the Senator well knows, because of the tradition in the community.

Does the Senator realize I was the Secretary of the Navy who closed the largest naval base and destroyer base in your State? Your predecessor, Senator Pastore, brought this humble public servant, the Secretary of the Navy, down to the caucus room of the Senate of the Russell Building before more cameras than I have ever seen and grilled me for hour after hour after hour, together with the Chief of Naval Operations. That convinced me that we had to have a process called BRAC.

I say with humility I was the coauthor of the first BRAC statute, coauthor of the second BRAC statute. Then I lost confidence in BRAC because of what the Senator just said—the politicization of the process as it related to decisions in California and Texas. If we were to pass this all over America, these communities would suddenly begin to wonder: Will politics play as the bureaucrats in the Department of Defense begin their assigned task to work up those lists that slowly go to the top and eventually to the BRAC Commission?

Mr. President, that is the problem. That is a problem shared by so many of our colleagues. That was the problem that was shared by the majority of our committee, the Armed Services Committee, on which we all serve with great pride. In two instances, that committee turned down the proposal which the Senators bring before the Senate tonight. That is the process.

Mr. McCAIN. Will the Senator yield?

Mr. REED. I yield.

Mr. McCAIN. If the Senator doesn't like the fact that it upsets the communities but believes that we need to close bases, does the Senator have another solution?

Mr. WARNER. Yes, the solution, regrettably, I say to my good friend, is that we have to wait until the next President determines whether or not in his judgment we should have a BRAC Commission and he comes before the Congress and he requests it.

I will commit right now, no matter who wins the office of the Presidency, including, if I may say with great respect, yourself, I would be the first to sponsor a BRAC Commission under the McCain administration and I will work relentlessly to get it through the Senate.

But that would be the moment that the bureaucracy begins to work up the list of the communities.

Mr. McCAIN. May I just say with all due respect, if I may, the amendment calls for a base closing commission to be appointed in May of 2001. The election takes place in November of the year 2000, as I seem to recollect; some 5 or 6 months later is when the commission is appointed.

The logic of the Senator from Virginia, in all due respect to my chairman, escapes me. There will be a new President of the United States, there will be a new Secretary of Defense. Obviously, the chairman doesn't trust or have confidence in the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, both of whom sent over compelling statements and letters. So if it is a new President that you want, there will be a new President.

If I get this right, what the distinguished chairman is saying is that we will just put everything on hold for a year or two until we get a new President, then we can start a process?

This amendment says there will be a new President, there will be a new Secretary of Defense, there will be a new Chairman of the Joint Chiefs of Staff, as a matter of fact, and that is what this amendment contemplates.

Mr. WARNER. Mr. President, I reply to both friends, this is a very interesting colloquy.

First, I hope my good friend would amend it that the Secretary of Defense—perhaps he could stay on and I would join at that point; I have the highest confidence in the Secretary of Defense.

Mr. McCAIN. The Senator has a strange way of displaying that confidence if you don't agree with his primary and most important recommendation.

Mr. WARNER. But, I say to my good friend, it is not the Secretary. The work begins literally down in the bowels of that building, in which I was privileged to remain for 5½ years, down at the low level of the staff beginning to work up those lists. And that political problem that arose in California and Texas could begin to creep into those basement and lower areas in the Pentagon, begin to influence those decisions which would gravitate to the top.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. REED. If I can retain my time.

Mr. McCAIN. In all due respect to my friend from Virginia, he knows where that California and Texas thing came from. It didn't come from the bowels of the Pentagon; it came from the White House. That is why, as he knows, we are saying this Commission should only convene after there is a new President of the United States.

Mr. WARNER. I agree with that. That is precisely why I object, because that same White House could begin to communicate down with those good, honest, hard-working GS–14 employees of the Department of Defense. That is where it could start.

Mr. LEVIN. If the Senator will yield, the Senator from Virginia said how much confidence he has in the Secretary of Defense. Is the Senator suggesting that the Secretary of Defense is going to stand by while some political person from somewhere reaches around him into the bowels of the Pentagon to give a signal that some base should not be considered?

It is because our good friend from Virginia did not want there to be any possibility of any political involvement by anybody that we delayed the date for the Secretary of Defense to transmit the base closure recommendations to September 1, 2002.

The new President and the new Secretary of Defense—or the current one, if he is continued—will have until September 1 to transmit the base closure recommendation. We delayed it 6 months because the Senator, in committee, said he was concerned that the preliminary work could be done now and somehow or other, unbeknownst to an honest Secretary of Defense—who I think our good friend would concede is an honest one——

Mr. WARNER. Mr. President, I do.

Mr. LEVIN. This work would begin and somehow or other it would take hold.

So we delayed the transmittal to September 1 of the year after the new President is elected, 6 months—more than that, 8 months after the new President is in office.

It seems to me at this point that the argument about politicization is now being used as an excuse not to act. We have done everything we possibly can to eliminate any possibility of that. The new President is not required to transmit names for a base closure commission. As the good Senator from Virginia knows, if the new President does not want a base closing round, he or she need not have it. That is the law. All the new President has to do is not nominate anybody.

So you have total control in the new President. You have 9 months to submit the recommendations. At this point, the politicization argument, it seems to me—talking about reaching down? I think the good Senator, my good friend, is reaching back.

Mr. McCAIN. Could I ask my friend from Virginia, would he agree to an amendment which had the base closing round begin in the year 2002?

Mr. WARNER. Mr. President, the answer is very simple: No. Because the moment the ink is dry and this becomes law—would the Senator not agree with me that the staff work begins on this the day it becomes law? The decisions begin to be made. The communities all across America go on full alert. The communities begin to hire expensive consultants to help them in the process, to prepare their case so that community is not struck. Am I not correct? Does any one of the three wish to dispute that the work begins at the bureaucratic level, by honest, conscientious individuals——

Mr. McCAIN. I ask my friend——

The PRESIDING OFFICER. The Chair reminds the Members of the Senate, the Senator from Rhode Island controls the time.

Mr. McCAIN. I ask unanimous consent that we continue this colloquy and maybe, to make the sides even, the Senator from Maine would like to engage us as well.

Mr. WARNER. I would welcome the Senator from Maine. That resonant voice will reverberate through this Chamber with a reasonable approach to this.

Mr. LEVIN. May I suggest, if the Senator will yield, that the Senator needs the support and help of the Senator from Maine. But before that suggestion resonates through this Chamber, I will say just one other thing. Would the Senator accept an amendment that says no staff work can begin until January 21 of the year 2000? If we added that language in the bowels of the Pentagon, nobody——

Mr. WARNER. Or at any level.

Mr. McCAIN. There would be no movement.

Mr. LEVIN. I want the record to be clear, that comment came from the prime sponsor of this legislation.

That there would not be a computer keyboard touched in the bowels or any level of the Pentagon prior to January 21 of next year—would the Senator accept that amendment?

Mr. WARNER. Mr. President, in the course of the deliberation in the Armed Services Committee I came up with a phrase. I said there was no way to write into law the word "trust." Therefore, my answer to my good friend is: No.

The PRESIDING OFFICER. The Senator from Rhode Island controls the time.

Mr. REED. Briefly, because I know my colleagues are eager to continue in colloquy, but in response to the chairman, most of what I think was the initiative, if you will, involved in the last base closing, came after the particular bases were identified for closing by the Commission. It was not a question where political decisions were made to close bases. I think, rather, political decisions were made to try to avoid and go around the work of the Commission. So the Commission process is, I think we would all agree, as unpolitical as you can get. The research in the bowels of the Pentagon is, I think, similarly nonpolitical. If it is not, then we have more worries than a base closing commission, if we have GS–14s doing political deeds for anyone rather than looking rationally and logically at the needs of the service and the infrastructure to support those needs.

If the administration was guilty of politicization, then shame on them. But we are running the risk of, ourselves, politicizing this process. We are running the risk of rejecting the logic.

The overwhelming conclusion I think any rational person could draw is that we have to start closing bases. The base closing mechanism is the best way to do that, and we are in a situation where, if we resist this, if we cannot find a formulation, we are going to politicize it worse than anything that is purported to have been done by the administration.

I strongly support the measure offered by the Senator from Arizona and the Senator from Michigan. We have an opportunity to align our force structure and our base structure to give resources to the Department of Defense, to support the really pressing needs of our troops, to retain them, to train them, to provide them a quality of life they deserve.

When you go out to visit troops—I know everyone here on this floor today does that frequently—what those young troops are worried about is: Do they have the best training, best equipment, and are their families well taken care of? They do not worry about whether we have a base in Oregon or a base in Texas or a base in Rhode Island. They worry about their training, their readiness for the mission, their weapons, and whether their families are taken care of. If we listen to them, we will support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Rhode Island for the very strong and, I think, thoughtful statement. He is a much valued member of the committee. I appreciate his efforts in this area.

I do not like to belabor my old and dear friend, the former Secretary of the Navy and chairman of the committee. Our respect and friendship is mutual. It has been there for many, many years.

Mr. WARNER. Mr. President, if I may say, it will be there for an eternity.

Mr. MCCAIN. I thank my friend from Virginia.

I do have to mention one other aspect of this issue that is important, and then I know the Senator from Maine has been patiently waiting.

We do have a credibility problem here. We are asking these young people to do without. Some of them right now are in harm's way. We ask them to spend time in the middle of the desert and the middle of Bosnia under very difficult, sometimes nearly intolerable conditions. We have an Air Force that is half the size of what it was at the time of Desert Storm, and it has four times the commitments. We simply do not have a military that we can sustain under the present conditions.

If we are not willing to make a sacrifice of the possibility of a base closure in our home State, how in the world can we ask these young people to risk their lives? This is an issue of credibility. If we are going to make the kind of changes necessary to restructure the military, there are going to have to be some very tough decisions made. Base closing is just one of them. But if we cannot even make a decision to have a base closing commission, on the recommendation of every expert inside and outside the defense establishment of the United States of America, then I do not think we have any credibility in other decisions that the committee or the Senate will make.

I realize that bases are at risk. I realize there can be economic dislocation. I recommend and I recognize all those aspects of a base closing commission. But for us to tell these young men and women, whom we are asking to sacrifice and take risks, that we will not take the political risk of approving the base of the base closing commission that would convene under the tenure of the next President of the United States under the most fair and objective process that we know how to shape, then, Mr. President, we deserve neither our credibility with them nor their trust.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I rise in opposition to the amendment that has been offered by Senator MCCAIN and Senator LEVIN concerning the establishment of another Base Closing Commission process in the year 2001.

It is not a matter of when it is established. It is not a matter by whom it is appointed. I think the question is whether or not the Department of Defense and this administration has answered the questions that have been raised time and time again in the committee and on the floor of this Senate with respect to a number of issues that justify having another base closing round. Having been involved in the four previous rounds, I can tell you it raises a number of issues with respect to the efficiency and the effectiveness of base closings.

We are seeing already with our commitment in Kosovo the Defense Department cannot continue to decide which installations to downsize or close by making arbitrary comparisons to personnel reductions. Just since the hostilities began in March, we have seen the Pentagon divert a carrier battle group to the Adriatic leaving the western Pacific without a carrier for the first time in decades.

It has contributed more than 400 aircraft to the NATO campaign against Yugoslavia.

It has nearly depleted the Nation's air-launched precision missile stocks, exhausted our tanker fleet, and called up 33,000 reservists.

Now we have a situation where we are conducting a campaign regarding Kosovo and it has been revealed that the air and sea bridges required to "swing" forces into one major theater war to support a second conflict makes the risk of prevailing in the latter engagement too high because of the operational strains on personnel, weapons, and maintenance schedules. Yet, the Pentagon persists with the position that we must close more bases. But who is really making these assumptions about the volatile and complex nature of warfare as we approach the 21st century?

The standard the administration is putting forth is personnel reductions; that closing 36 percent of our bases is absolutely essential, if 36 percent of all our people have left the military since the peak of the cold war. But the standard must remain if we are to be truly honest about what kinds of assumptions and determinations we must make. We should be making a decision of adapting our infrastructure to the mix of security threats that we anticipate into the 21st century. I do not think that we have to project that far out to recognize what we can expect for the types of conflicts that we will be facing in the future.

As it did last year and in 1997, the administration rests its argument for more base closings primarily on the claim that facility cuts have lagged behind personnel reductions by more than 15 percent. I do not happen to think that a simple percentage can answer the types of questions that we need to determine the future of our military bases.

What systems, what airfields, and what ports do we need to sustain in light of our engagement in the Balkans and considering the fact that the Pentagon planners thought that the Nation's two simultaneous conflicts would likely occur in Asia and the Persian Gulf?

What depots can provide competition for the private sector?

What shipyards can provide the Navy with a diversified industrial base to sustain the next generation of submarines that will maneuver in our waters?

What airbases must stay active to support long-range power projection capabilities we now have with the diminished forward presence overseas?

What configuration of domestic bases does the country require to project a smaller force over long distances that we now lack because we have a diminished presence in Asia and Europe?

This fact means at a minimum the country has to stabilize a number of domestic facilities to prepare forces once deployed abroad for long-range projections from this country. How has DOD calculated the vulnerability of political uncertainties of gaining access to our Middle Eastern military assets in the event of another regional crisis?

These are the unanswered questions. These are the questions that need answers, not some isolated percentages that should determine the size and the shape of our basing network. These are the answers that we do not have.

We have discrepancies in the numbers that have been provided to us by the Department of Defense. We do not have the assessments. We do not have the matching infrastructure to the security threat. We have not made a determination with respect to the assets, and even the national defense plan indicated in its own report that it was necessary to make that determination based on a report. In fact, the panel said it strongly urges Congress and the Department to look at these issues.

They talked about if there is going to be a next round, it might be preceded by an independent, comprehensive inventory of all facilities and installations located in the United States. This review would provide the basis for a long-term installation master plan that aligns infrastructure assets with future military requirements and provides a framework for investment and reuse strategies.

We raised this issue time and time again in the committee and in the Senate over the last 2 years to those individuals who are propounding this amendment and raising the fact that we should have another base closing round. Yet, how can we make those decisions and on what basis are we making those decisions? Are they going to be arbitrary determinations? Are they going to be politicized?

I know people argue: Oh, this is a depoliticized process in the Base Closing Commission procedure. I argue to the contrary. Having been through this procedure on four different occasions since 1988, I can tell you we just moved politics from one venue to another.

I think we have to very carefully consider whether or not we want to initiate another base closing round for the future, absent the kinds of decisions and determinations that need to be made in order to make a reasonable decision.

Even in the Department's own report in April of 1998, it exposed the apparent base closure savings as a frustrating mystery rather than a confirmed fact. To its credit, the Department actually admitted in its own study that there was no audit trail for tracking the end use of each dollar saved through the BRAC process. They admitted in their own report that they did not have a procedure for determining the actual savings that they projected from the base closing rounds and how they were used, so that we could not correlate the savings and whether or not they were used for any purpose or, in fact, were there any savings.

So now the Department of Defense has said: Yes, there are savings from the four previous base closing rounds; and, yes, we are using them for readiness and modernization; and that is what we will do in the future. But they never established a process that we could document those savings that ostensibly occurred in the four previous rounds, and that they were invested in modernization and in the readiness accounts. The fact is, it never happened.

The General Accounting Office, in fact, recommended, in their 1997 report, and, in fact, documented what the DOD report said, that there is no process by which to track the savings which the Department of Defense claims occurred as a result of the base closings over the last 10 years. So we have no way of knowing if, in fact, we have realized real savings.

The Department claims that over the last four rounds there were savings of $21 billion, $22 billion. Yet, in their 1999 report, they admitted that the cost of closing bases was $22.5 billion. Their savings, in their 1999 report, from the four previous rounds is $21 billion. So they have $1.5 billion more than the estimated savings through 2015. So that is what we are talking about here. The Department of Defense is spending more to close these bases than they are actually saving. They have had more costs as a result of environmental remediation. In fact, they project to spend $3 billion more.

They said they would realize $3 billion from the first base closing round, to give you an example, from the sale of the property to the private sector, when in fact they only realized $65 million. That gives you an idea of the discrepancy that has occurred from their projected savings to the actual revenue that was realized through their sale process.

So that is the problem we have. We have been given promises by the Department of Defense that we will have the savings, and yet these savings have not really materialized. So we do not have a picture of what we need for the future in terms of domestic bases because we have closed so many abroad as well as at home.

Because we do not have the presence in other countries, it is all the more important that we have the necessary domestic bases to do the kinds of things we have to do, as we have seen in Kosovo.

It is interesting that back in 1991, when we went through a base closing round, we had Loring Air Force Base up in northern Maine. It was a B–52 base. We were told at the time B–52s were going to go out. They were old. They were aging. They were going to be rapidly removed from the defense program.

What are we seeing? B–52s are being used in Kosovo. No, we do not have the base in northern Maine that is closest to Europe, to the Middle East, to the former Soviet Union, to Africa. We are having to launch those B–52s from other bases that are not as close to Europe. So that is the problem we are seeing, because of the miscalculations and the underestimation of what we might need for the future. It has not been the kind of documentation that I happen to think is necessary.

In fact, it was interesting to hear—when talking about B–52s—what a former Air Force Secretary said a few weeks ago, that the current crises are proving the enormous value of the Nation's long-range bomber force of B–52s. That is what it is all about.

So what we were told in 1991: No; they are going to be out of commission because they are simply too old, we find is not the case.

So I think we have to be very circumspect about how we want to proceed. That is why I think we have to be reticent about initiating any base closing process for the future until we get the kinds of answers that are necessary to justify proceeding with any additional base closing rounds.

We have had the miscalculations of the costs in the Balkans. In fact, that is why there is such great pressure within the Pentagon to try to find additional savings, because we have spent so much money in Bosnia. When we were only supposed to spend $2 billion, we are now beyond $10 billion. We will probably spend $10 billion in Kosovo by the end of this fiscal year. That has placed granted, inordinate pressures on the defense budget.

But as QDR said, and even the Pentagon has admitted, there are many ways, in which to achieve their savings. They could follow up on the management reforms that have been proposed by the Department of Defense through technology upgrades. They could obviously require the services to determine their budget priorities. We can obviously look even at the deployment in Bosnia, which has far exceeded the original estimates, as I said earlier.

So those are the kinds of challenges we face in the future. I think we have to be very, very cautious about suggesting that somehow we should close more bases—subject to another arbitrary process, subject to more arbitrary percentages—without the kind of analysis that I think is necessary to make those kinds of decisions.

We have to be very selective. We have to make decisions for the future in terms of what interests are at stake, what we can anticipate for the future, because it seems that we are going to have more contingency operations like the ones we are confronting now in the Balkans. Therefore, we will have to look at what we have currently within the continental United States. It is important to be able to launch these missions, simply because we cannot depend on a presence in foreign countries.

So I hope Members of the Senate will vote against the amendment which has been offered by the Senator from Arizona about initiating another base closing round, because we have raised these questions before. We have asked the Department: Please document what bases you are talking about. What bases do you need? What bases don't you need? Why don't you need them? How does that comport with the anticipated security threats for the future?

Of course, finally, the Department claims that they have made enormous savings from the previous base closing rounds, but now we find that the cost of closing those bases—of which more than 152 were either realigned or closed—was greater than the savings that have been realized to date and into the future.

So I think we have an obligation and, indeed, a responsibility to evaluate what has happened. I think it is also interesting that the Department of Defense has not responded to the General Accounting Office or to the National Defense Plan in terms of coming up with an analysis of what is actually necessary for our domestic military infrastructure, and then, secondly, setting up a mechanism by which we can evaluate whether or not savings have, indeed, been realized as a result of the four previous base closing rounds, because on the basis of what we have currently from the Pentagon, they cannot suggest in any way that they have made any savings. If anything, it has cost them more money.

Then when you look at what we are facing in Kosovo, what we can project in the future for additional asymmetric threats, we may want to be very careful about closing down any more bases in this country without knowing whether or not they are going to be necessary for the future, because once you lose that infrastructure, it is very difficult to recoup.

So I hope the Senate will reject this amendment.

I yield the floor.

POSITION ON LANDRIEU-SPECTER AMENDMENT NO. 384

Mr. FEINGOLD. Mr. President, had I been present for the vote on the Landrieu-Specter amendment No. 384 to the FY 2000 Defense Authorization, S. 1059, bill regarding the need for vigorous prosecution of war crimes and crimes against humanity in the former Yugoslavia, I would have voted in favor of the amendment. My vote would not have changed the outcome of the vote on the amendment which passed by a vote of 90–0.

I was unable to reach the Capitol in time for the vote because of air travel delays due to weather conditions. I am disappointed that, though I and other Members notified the Senate leadership about our travel difficulties hours before the vote began, they were unwilling to reschedule the time of the vote.

AVAILABILITY OF CLASSIFIED ANNEX

Mr. SHELBY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the Honorable TRENT LOTT dated May 17, 1999, signed by myself and Senator KERREY.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 17, 1999.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR: The Select Committee on Intelligence has reported a bill (S. 1009) authorizing appropriations for U.S. intelligence activities for fiscal year 2000. The Committee cannot disclose the details of its budgetary recommendations in its public report (Senate Report 106–48), because our intelligence activities are classified. The Committee has prepared, however, a classified annex to the report which describes the full scope and intent of the Committee's actions.

In accordance with the provisions of Section 8(c)(2) of Senate Resolution 400 of the 94th Congress, the classified annex is available to any member of the Senate and can be reviewed in room SH–211. If you wish to do so, please have your staff contact the Committee's Director of Security, Mr. James Wolfe, at 224–1751 to arrange a time for such review.

Sincerely,
RICHARD C. SHELBY,
Chairman.
J. ROBERT KERREY,
Vice Chairman.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 24, 1999, the federal debt stood at $5,597,942,875,397.10 (Five trillion, five hundred ninety-seven billion, nine hundred forty-two million, eight hundred seventy-five thousand, three hundred ninety-seven dollars and ten cents).

Five years ago, May 24, 1994, the federal debt stood at $4,591,881,000,000 (Four trillion, five hundred ninety-one billion, eight hundred eighty-one million).

Ten years ago, May 24, 1989, the federal debt stood at $2,781,133,000,000 (Two trillion, seven hundred eighty-one billion, one hundred thirty-three million).

Fifteen years ago, May 24, 1984, the federal debt stood at $1,489,236,000,000 (One trillion, four hundred eighty-nine billion, two hundred thirty-six million).

Twenty-five years ago, May 24, 1974, the federal debt stood at $471,902,000,000 (Four hundred seventy-one billion, nine hundred two million) which reflects a debt increase of more than $5 trillion—$5,126,040,875,397.10 (Five trillion, one hundred twenty-six billion, forty million, eight hundred seventy-five thousand, three hundred ninety-seven dollars and ten cents) during the past 25 years.

HONORING ROBERT SUTTER

Mr. BIDEN. Mr. President, I want to take this opportunity today to salute a distinguished servant of the legislative branch of the U.S. Congress in the field of foreign affairs. In June 1999, Dr. Robert Sutter will leave the Congressional Research Service after 22 highly productive years as a source of expertise on China and the Asia-Pacific region. Dr. Sutter is resigning from his current position as a Senior Specialist in Asia and International Politics in the Foreign Affairs, Defense, and Trade Division of CRS to become the National Intelligence Officer for East Asia, a critical intelligence community assignment.

Since 1977, when he first came to work at CRS as a China specialist, Dr. Sutter has provided Members of Congress and their staffs with authoritative, in-depth analysis and policy options covering a broad range of foreign policy issues involving China, East Asia, and the Pacific. It should be a matter of pride to this body to know that Dr. Sutter is well known both here and in the Asia-Pacific region as one of the most authoritative and productive American Asia hands.

In his government career to date of over 30 years, Dr. Sutter has held a variety of analytical and supervisory positions including service with the Foreign Broadcast Information Service and temporary details with the Senate Foreign Relations Committee, the Central Intelligence Agency, and the Department of State. It is in service to Congress, however, specifically with the Congressional Research Service, that Dr. Sutter has spent most of his distinguished career. I want to make a few comments that illustrate the strengths and great contributions of both the institution and the man himself.

The first point to make concerns one of the great institutional strengths that CRS offers to the congressional clients it serves, and which Dr. Sutter's tenure and contributions here epitomize perfectly: institutional memory. Dr. Sutter's first published report at CRS was entitled U.S.-PRC Normalization Arguments and Alternatives. Published first as a CRS Report for general congressional use, on August 3, 1977, it soon became a Committee Print of the House International Relations Committee's Subcommittee on Asian and Pacific Affairs. The report and subsequent Committee Print addressed a number of highly controversial issues arising out of President Carter's decision to normalize relations with China. Congressional concern about the consequences of derecognition of the Republic of China, and dissatisfaction with the terms of the agreement negotiated with the People's Republic of China, directly led to the landmark Taiwan Relations Act, which still governs our policy decisions today, and which continues in 1999 to be a factor in debates in this very chamber.

Besides Bob Sutter, only 48 Members of Congress serving today, in the 106th Congress, were here in 1977 and 1978 to witness these initial steps of U.S.-China relations. In the more than 20 years since then, both U.S.-China relations and the U.S. Congress itself have undergone tremendous change, both for the better and for worse. Bob Sutter has been an active participant in congressional deliberations on China policy, and in the U.S. national debate over these issues, from normalization of relations, to the Tiananmen Square crackdown, to the recent tragic bombing of the Chinese Embassy in Belgrade. Dr. Sutter's two decades of service spanned the tenures for four U.S. presidents and some ten Congresses. Despite several shifts of party control in the Senate, and one in the House, Dr. Sutter continued to deliver timely, accurate, objective, and non-partisan analysis. The institutional memory represented by CRS analysts, which Dr. Sutter so perfectly exemplifies, is of incalculable value to the work of the Congress.

The second point I want to make concerns Dr. Sutter himself. He has, for one thing, consistently demonstrated an astonishing capacity for work. In 1974 Dr. Sutter received his Ph.D. in History and East Asian Languages from Harvard University, writing his Ph.D. thesis while maintaining a full-time job. Routinely, he has been one of—perhaps the most in terms of sheer output of written work—productive analysts in CRS. In the last 5 years alone, Dr. Sutter has been called on for advice from Members of Congress and their staffs nearly 6,000 times—an average of 1,140 times each year. He has regularly maintained six or more ongoing, continually updated products, and his output of CRS written reports for Congress totals at least 90 since late 1987 alone. As is evident in these products, he excels at providing accurate, succinct, and well-organized analysis of congressional policy choices and their likely consequences. His work always reflects up to date knowledge of issues, usually based on personal research in East Asia and/or close contact with the U.S. private and official community of Asian analysts and scholars.

Even more to the point, Dr. Sutter has always understood the powers and special needs of Congress, including its legislative and oversight responsibilities, and our obligation to represent the interests of our constituents. In his research and writing, Dr. Sutter never forgets the unique role of Congress and the importance of reflecting the full range of competing viewpoints.

Reflecting his commitment to service and cheerful willingness to assume responsibility, Dr. Sutter has fulfilled a number of roles in the CRS. He has served as Chief of the Foreign Affairs Division in CRS, as well as Chief of the Government Division in CRS, in both cases maintaining a full research work load for Congress in the midst of significant management duties. He has frequently conceived, coordinated, and moderated Asia policy seminars and workshops for Members of Congress and their staffs. He routinely serves on special advisory groups in CRS and the Library of Congress. As a well-known and respected analyst, he has been a sought-after speaker at dozens of foreign policy seminars, panels, and conferences in Washington and around the world.

In recent years, he has maintained this outstanding record of productivity for the Congress while managing in his spare time to teach several college courses per year at Washington area universities. He has also found time to write more than a dozen books on foreign policy issues during his tenure at CRS.

Finally, Dr. Sutter's simple decency, modesty, engaging manner, and professionalism set a high standard for others and make it a great pleasure to work with him. He cheerfully volunteers for onerous tasks. He is pleasant and good-humored. Moreover, in the midst of the pressured environment of Washington and Capitol Hill, he has always found time to serve as a mentor, counselor, and friend to others, whether they be his own students, younger colleagues, or new congressional staff. And, a fact known only to close friends, he has a record of community service, including Church work and teaching of English to native Spanish speakers, that is nearly as impressive as his professional contribution.

Dr. Sutter will be greatly missed, but the loss of his service to the Congress will be partly compensated for by bringing to the Executive branch his knowledge of the Congress and its special role in the making and oversight of U.S. foreign policy. When he comes back to Capitol Hill for one-on-one meetings, briefings, and testimony, he will bring with him a high degree of credibility and a special awareness of congressional needs for information and analysis.

VOTE ON AMENDMENT 384

Mr. LIEBERMAN. Mr. President, I wanted to indicate to the Senate why I was unavoidably absent, as was recorded in yesterday's RECORD, at the time of the vote on amendment 384 to S. 1059. I was in Connecticut yesterday. Because of serious thunderstorm and wind conditions my flight from Connecticut to Washington was delayed for several hours, causing me to miss the vote on the amendment.

As yesterday's RECORD indicates, had I been able to return to vote, I would have voted for the amendment, which passed 90 to 0.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3254. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances (FRL# 6348-2)", received May 18, 1999; to the Committee on Environment and Public Works.

EC-3255. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting (FRL# 6345-8)", received May 18, 1999; to the Committee on Environment and Public Works.

EC-3256. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry (FRL# 6347-2)", received May 18, 1999; to the Committee on Environment and Public Works.

EC-3257. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing Industry (FRL# 6345-3)", received May 18, 1999; to the Committee on Environment and Public Works.

EC-3258. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Oil and Natural Gas Production and National Emissions Standards for Hazardous Air Pollutants: Natural Gas Transmission and Storage (FRL# 6346-8)", received May 18, 1999; to the Committee on Environment and Public Works.

EC-3259. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants (FRL# 6344-5)", received May 18, 1999; to the Committee on Environment and Public Works.

EC-3260. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Promulgation of National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pesticide Active Ingredient Production (FRL# 6345-4)", received May 18, 1999; to the Committee on Environment and Public Works.

EC-3261. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes; Docket No. 99-NM-38-AD; Amendment 39-11107; AD 99-08-03" (RIN2120-AA64), received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3262. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 97-NM-326-AD; Amendment 39-11105; AD 99-08-01" (RIN2120-AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3263. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Beech Models

1900, 1900C, and 1900D Airplanes; Docket No. 96–CE–60–AD" (RIN2120–AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3264. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Puritan-Bennett Aero Systems Company C351–2000 Series Passenger Oxygen Masks and Portable Oxygen Masks; Docket No. 98–CE–29–AD" (RIN2120–AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3265. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes; Docket No. 97–NM–04–AD; Amendment 39–11109; AD 99–08–04" (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3266. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Eurocopter France Model SA. 3160, SA. 316B, SA. 31C, and SA 319B Helicopters; Docket No. 98–SW–58–AD" (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3267. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Bell Helicopter Textron Canada Model 222, 222B, and 222U Helicopters; Docket No. 98–SW–49–AD" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3268. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10 and MD–11 Series Airplanes, and KC–10 (Military) Series Airplanes; Docket No. 98–NM–55–AD; Amendment 39–11072; AD 99–06–08" (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3269. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9 and C–9 [Military) Series Airplanes; Docket No. 98–NM–110–AD; Amendment 39–11110; AD 99–08–05" (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3270. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10 (Military) Airplanes; Docket No. 98–NM–197–AD; Amendment 39–11131; AD 99–08–22" (RIN2120–AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3271. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–42–AD; Amendment 39–11133; AD 99–09–01" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3272. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 99–ANE–45–AD; Amendment 39–11123; AD 99–08–17 Directives; General Electric Company GE90 Series Turbofan Engines", received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3273. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 98–ANE–41–AD; Amendment 39–11124; AD 99–08–18 General Electric Company CF6–6, CF6–45, and CF6–50 Series Turbofan Engines", received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3274. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 98–ANE–49–AD; Amendment 39–11119; AD 99–08–13 General Electric Company CF6–80A, CF6–80C2 and CF6–80E1 Series Turbofan Engines", received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3275. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 98–ANE–39–AD; Amendment 39–11123; AD 99–08–17 General Electric Company GE90 Series Turbofan Engines", received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3276. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 98–ANE–66–AD; Amendment 39–11121; AD 99–08–15 Pratt and Whitney PW4000 Series Turbofan Engines", received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3277. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 98–ANE–47–AD; Amendment 39–11118; AD 99–08–12 Pratt and Whitney JT9D Series Turbofan Engines", received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3278. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 99–ANE–61–AD; Amendment 39–11120; AD 99–08–14 Pratt and Whitney PW2000 Series Turbofan Engines", received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3279. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 98–ANE–38–AD; Amendment 39–11122; AD 99–08–16 CFM International (CFMI) CFM56–2, –2A, –2B, –3, –3B, and –3C Series Turbofan Engines", received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3280. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 99–ANE–08–AD; Amendment 39–11103; AD 99–07–19 Allied Signal Inc. TFE731–40R–200G Turbofan Engines", received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3281. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to shrimp harvested with technology; to the Committee on Commerce, Science, and Transportation.

EC–3282. A communication from the Director, Office of Congressional Affairs, Office of Enforcement, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Federal Register Publication of Change to NRC Enforcement Policy by Adding Examples of Violations Involving the Compromise of an Application, Test, or Examination Required by 10 CFR Part 55", received May 20, 1999; to the Committee on Environment and Public Works.

EC–3283. A communication from the Administrator, General Services Administration, transmitting, a report relative to alterations to 1724 F Street, NW, Washington, DC; to the Committee on Environment and Public Works.

EC–3284. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Generic Letter 98–01, Supplement 1, 'Year 2000 Readiness of Computer Systems at Nuclear Power Plants'", received May 20, 1999; to the Committee on Environment and Public Works.

EC–3285. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of New Mexico and County of Bernalillos, New Mexico; State Boards (FRL # 6350–1)", received May 24, 1999; to the Committee on Environment and Public Works.

EC–3286. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri (FRL # 6350–3)", received May 24, 1999; to the Committee on Environment and Public Works.

EC–3287. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas (FRL # 6350-4)", received May 24, 1999; to the Committee on Environment and Public Works.

EC-3288. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin (FRL # 6336-8)", received May 24, 1999; to the Committee on Environment and Public Works.

EC-3289. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Revised Format for Materials Being Incorporated by Reference (FRL # 6343-3)", received May 24, 1999; to the Committee on Environment and Public Works.

EC-3290. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit Required State Implementation Plans for Ozone; Texas; Dallas/Fort Worth Ozone Nonattainment Area (FRL # 6349-3)", received May 24, 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-134. A concurrent resolution adopted by the Legislature of the State of Arizona relative to Medicare reimbursement rates; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL 1001

Whereas, access to affordable health care services has been greatly reduced for Medicare health maintenance organization recipients in thirty states due to cutbacks in Medicare reimbursement by the federal government; and

Whereas, because of recent changes by the federal government, the Medicare reimbursement rates in rural areas are lower than those in urban areas. This results in HMOs reimbursing physicians at the lower rates, which in turn causes the physician networks to disintegrate and many HMOs to stop offering service in those areas; and

Whereas, although health insurance will remain available to seniors in rural areas through traditional Medicare coverage, the cutbacks will significantly restrict their options for health care coverage, the number of services covered and the affordability of those services in general; and

Whereas, two major HMOs have withdrawn service altogether in six rural Arizona counties, leaving nearly ten thousand elderly individuals with only one or two HMOs from which to choose; and

Whereas, individuals who previously were covered under HMOs received greater benefits not covered by Medicare, including additional services and lower copayments that offered seniors thorough and comprehensive services at more affordable rates. Now that many will be left with the more expensive Medicare system as their primary health insurance option, low-income and disabled seniors may be forced to pay more out-of-pocket costs for their health care services or may forego receiving these services because they are unable to afford the higher payments; and

Whereas, the financial and health problems that many rural seniors around the country are likely to face as a result of the Medicare reimbursement cuts are directly attributable to the Medicare reimbursement rates differential between rural and urban areas.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States take steps to address the problem of the Medicare reimbursement rates differential between urban and rural areas and attempt to establish a reimbursement system that will result in more equitable health care coverage for seniors in rural areas of the country.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of Congress from the State of Arizona.

POM-135. A concurrent resolution adopted by the Legislature of the State of Arizona relative to the 2000 census; to the Committee on Governmental Affairs.

HOUSE CONCURRENT MEMORIAL 2003

Whereas, the Constitution of the United States requires an enumeration of the population every ten years and entrusts the Congress with overseeing all aspects of each decennial census, and

Whereas, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

Whereas, an accurate and legal decennial census is necessary to properly apportion the United States House seats among the fifty states and to create legislative districts within the states; and

Whereas, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas, to ensure an accurate count and to minimize the potential for political manipulation, article I, section 2 of the United States Constitution mandates an "actual enumeration" of the population, which requires a physical head count of the population and prohibits statistical guessing or estimates of the population; and

Whereas, consistent with this constitutional mandate, title 13, section 195 of the United States Code expressly prohibits the use of statistical sampling to enumerate the United States population for the purpose of reapportioning the United States House; and

Whereas, legislative redistricting that is conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

Whereas, in Department of Commerce, et al. v. United States Representatives, et al., No. 98-404, and in Clinton, President of the United States, et al. v. Glavin, et al., No. 98-564, the United States Supreme Court ruled on January 25, 1999 that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

Whereas, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating the legal guarantees of "one person, one vote"; and

Whereas, consistent with this ruling and the constitutional and legal relationship between legislative redistricting by the states and the apportionment of the United States House, the use of adjusted census data woud raise serious questions of vote dilution and would violate "one person, one vote"; legal protections, and would expose the State of Arizona to protracted litigation over legislative redistricting plans at great cost to the taxpayers of this state and would likely result in a court ruling that invalidates any legislative redistricting plan that uses census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to or from the census counts based solely on statistical inference; and

Whereas, consistent with these principles, no person enumerated in the census should ever be deleted from the census enumeration; and

Whereas, consistent with this ruling, every reasonable and practicable effort should be made to obtain the fullest and most accurate possible count of the population, including appropriate funding for state and local census outreach and education programs as well as provisions for post-census local review; and

Whereas, the members of the Forty-fourth Legislative oppose census numbers for state legislative redistricting that have been determined in whole or in part by the use of random sampling techniques of other statistical methodologies that and or subtract persons to the census counts based solely on statistical inference.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Bureau of the Census conduct the 2000 census consistent with the United States Supreme Court's ruling and establish constitutional and legal mandates, which require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

2. That Public Law 94-171 data not be used for state legislative redistricting if it is based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to or from the census counts.

3. That it receive Public Law 94-171 data for legislative redistricting that is identifical to the census tabulation data used to apportion the seats in the United States House consistent with the United States Supreme Court ruling and constitutional mandates that require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

4. That the Congress of the United States, as the branch of government assigned with the responsibility of overseeing the decennial census, take any steps necessary to ensure that the 2000 census is conducted fairly and legally.

5. That the Secretary of the State of Arizona transmit a copy of this Memorial to the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of the United

States Bureau of the Census and each Member of Congress from the State of Arizona.

POM-136. A joint resolution adopted by the Legislature of the State of Arizona relative to the Endangered Species Act of 1973; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 2001

Whereas, the endangered species act of 1973 (P.L. 93-205; 87 Stat. 884; 16 United States Code sections 1531 et seq.), as amended, was enacted for the purpose of the conservation and recovery of endangered and threatened species by protecting and conserving habitat and related ecosystems; and

Whereas, in pursuing that policy, the endangered species act provides for no consideration or accommodation of human activities, requirements or interests; and

Whereas, the United States fish and wildlife service of the department of the interior has shown little regard or willingness to make administrative adjustments to accommodate human activities, requirements or interests in administering and enforcing the endangered species act; and

Whereas, much of the enforcement pursuant to the endangered species act is based on dubious scientific research and outcome-oriented analysis; and

Whereas, the Arizona game and fish department is charged with managing the fish and wildlife resources of this state in the best interests of the present and future generations of Arizonans; and

Whereas, the Arizona game and fish department has recommended against the listing of several species of animals as threatened or endangered based on sound biological information, only to have their recommendation ignored by the United States fish and wildlife service and the secretary of the interior; and

Whereas, the endangered species act allows the courts no discretion in imposing the requirements of the act over all human activity that may remotely affect the species; and

Whereas, the result of the implementation and enforcement of the endangered species act is to threaten and endanger the economy and way of life throughout the west; and

Whereas, the industries that depend on harvesting, extracting or otherwise using natural resources are particularly endangered; and

Whereas, harvesting trees for timber and pulp wood is threatened throughout the western states and has been all but eliminated in Arizona, except on Indian reservations, thereby eliminating much needed rural employment and causing a dangerous buildup of wildfire fuel; and

Whereas, livestock ranching is endangered by massive reductions in federal grazing allotments leaving ranches and ranch families near bankruptcy with no option but that of selling their private land for development thereby losing the traditional responsible stewardship for the land and other resources; and

Whereas, the mining industry is endangered to the brink of extinction and the loss of quality employment for thousands of mine workers and the collapse of an important component of the economy of the state of Arizona and other western states; and

Whereas, certain single issue special interest groups are able to abuse the endangered species act to achieve their narrow personal agenda by litigating against productive economic activities, as well as hunting, fishing and other recreational activities, all to the detriment of our heritage, our culture and our society; therefore be it

Resolved by the Legislature of the State of Arizona:

1. That the policy of the State of Arizona, its governor and the legislature is to preserve and protect our way of life, our heritage and our culture, including the economic base of the rural areas of this state.

2. That the endangered species act must be modified to: (a) Recognize, protect and conserve human interests at the same time and on the same priority level as environmental interests. (b) Provide for a more flexible and accommodating administration and enforcement system, based on sound scientific analysis and research, so that the United States fish and wildlife service and other federal agencies work with, rather than impose on, the people of this state. (c) Allow the courts flexibility to issue rulings that protect human interests as well as environmental interests.

3. That the Secretary of State transmit copies of this Resolution to the President of the United States, the Secretary of the United States Department of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Arizona Congressional delegation.

POM-137. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to the Appalachian Development Highway System; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, The construction of the Coalfields Expressway in Southern West Virginia is due to begin in 1999; and

Whereas, The Coalfields Expressway needs approximately 1.5 billion dollars for completion; and

Whereas, Motorists in West Virginia pay into the Highway Trust Fund at the rate of 18.4 cents tax for each gallon of gasoline purchased and 24.4 cents tax on each gallon of diesel fuel purchased; and

Whereas, The Appalachian Development Highway system was conceived by the United States Congress with the intention of aiding the economy of the entire Appalachian Region and is now funded directly though the Highway Trust Fund; and

Whereas, A recent study on the Appalachian Development Highway System has concluded that upon completion, this system would provide 42,000 new jobs, 84,000 new residents, 2.9 billion dollars in new wages and 6.9 billion dollars in value-added business in the region served by the system; and

Whereas, The Coalfields Expressway, when completed, would traverse the counties of Raleigh, Wyoming and McDowell, and would greatly benefit these counties in the form of increased employment opportunities and economic growth; and

Whereas, Two of these three counties, Wyoming and McDowell, consistently place near the top of state and national unemployment lists; and

Whereas, The Coalfields Expressway is not a part of the Appalachian Development Highway System, instead receiving funding through special appropriations from the United States Congress at irregular intervals; and

Whereas, The funding received by the Coalfields Expressway has thus far consisted of a single appropriation of 50 million dollars in 1991 and a single appropriation of 22.7 million dollars in 1998; and

Whereas, Incorporation of the Coalfields Expressway into the Appalachian Development Highway System would allow for additional funding to complete the Coalfields Expressway from the Highway Trust Fund; therefore, be it

Resolved by the Legislature of West Virginia:

That the members of the West Virginia delegation to the United States Congress are hereby requested to make all possible efforts to support and assist the incorporation of the Coalfields Expressway into the Appalachian Development Highway System; and, be it

Further Resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to all members of the West Virignia delegation to the United States Congress, to the Clerk of the United States House of Representatives, to the Clerk of the United States Senate and to the Executive Director of the Coalfields Expressway.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000" (Rept. No. 106-52).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1122: A original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106-53).

By Mr. STEVENS, from the Committee on Appropriations, with amendments and an amendment to the title:

H.R. 1664: A bill making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER, for the Committee on Armed Services:

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 1999.

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2005. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul V. Hester, 2071

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Roger A. Brady, 6581

IN THE ARMY

The following named officer for appointment as the Vice Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general

Lt. Gen. John M. Keane, 9856

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert A. Harding, 6107

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert R. Blackman, Jr., 0141
Brig. Gen. William G. Bowdon, III, 2940
Brig. Gen. James T. Conway, 2270
Brig. Gen. Arnold Fields, 0640
Brig. Gen. Jan C. Huly, 6184
Brig. Gen. Jerry D. Humble, 2378
Brig. Gen. Paul M. Lee, Jr., 3948
Brig. Gen. Harold Mashburn, Jr., 6435
Brig. Gen. Gregory S. Newbold, 6783
Brig. Gen. Clifford L. Stanley, 4000

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. Joseph Composto, 3413

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Thomas J. Nicholson, 4342
Col. Douglas V. Odell, Jr., 0212
Col. Cornell A. Wilson, Jr., 9123

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond P. Ayres, Jr., 5986

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Earl B. Hailston, 8306

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Frank Libutti, 7426

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Craig R. Quigley, 1769

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John B. Cotton, 2052
Rear Adm. (lh) Vernon P. Harrison, 2188
Rear Adm. (lh) Robert C. Marlay, 9681
Rear Adm. (lh) Steven R. Morgan, 1542
Rear Adm. (lh) Clifford J. Sturek, 3187

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John F. Brunelli, 8026
Rear Adm. (lh) John N. Costas, 6461
Rear Adm. (lh) Joseph C. Hare, 2723
Rear Adm. (lh) Daniel L. Kloeppel, 8985

Mr. WARNER. Mr. President, for the Committee on Armed Services, I also report favorably nomination lists which were printed in full in the RECORDS of March 18, 1999 and May 12, 1999, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

In the Navy nomination of Don A. Frasier, which was received by the Senate and appeared in the Congressional Record of March 18, 1999.

In the Air Force nomination of Donna R. Shay, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Joseph B. Hines, and ending *Peter J. Molik, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nomination of Timothy P. Edinger, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nomination of Chris A. Phillips, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Robert B. Heathcock, and ending James B. Mills, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Paul B. Little, Jr., and ending John M. Shepherd, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Bryan D. Baugh, and ending Jack A. Woodford, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Marine Corps nominations beginning Dale A. Crabtree, Jr, and ending Kevin P. Toomey, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Marine Corps nominations beginning James C. Addington, and ending David J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Marine Corps nominations beginning James C. Andrus, and ending Philip A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Navy nomination of Norberto G. Jimenez, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Navy nominations beginning Neil R. Bourassa, and ending Steven D. Tate, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Navy nominations beginning Basilio D. Bena, and ending Harold T. Workman, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ASHCROFT:

S. 1113. A bill to amend title XXIV of the Revised Statutes, relating to civil rights, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of the assistance, to allow the organizations to accept the funds to provide the assistance to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ENZI:

S. 1114. A bill to amend the Federal Mine Safety and Health Act of 1977 to establish a more cooperative and effective method for rulemaking that takes into account the special needs and concerns of smaller miners; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1115. A bill to require the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pittsburgh, Pennsylvania, area; to the Committee on Veterans Affairs.

By Mr. NICKLES:

S. 1116. A bill to amend the Internal Revenue Code of 1986 to exclude income from the transportation of oil and gas by pipeline from subpart F income; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. ROBB, and Mr. JEFFORDS):

S. 1117. A bill to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. GREGG, Mr. SANTORUM, and Mr. MOYNIHAN):

S. 1118. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX:

S. 1119. A bill to amend the Act of August 9, 1950, to continue funding of the Coastal Wetlands Planning, Protection and Restoration Act; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself, Mr. REED, Mr. LAUTENBERG, Mr. BRYAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DODD, Mr. ROCKEFELLER, Mr. BIDEN, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. KERRY):

S. 1120 A bill to ensure that children enrolled in medicaid and other Federal means-tested programs at highest risk for lead poisoning are identified and treated, and for other purposes; to the committee on Finance.

Mr. LEAHY:

S. 1121. A bill to amend the Clayton Act to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1122. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. COLLINS (for herself, Mr. FRIST, Mr. ABRAHAM, Ms. SNOWE, Mr. JEFFORDS, and Mr. COVERDELL):

S. 1123. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS):

S.J. Res. 25. A joint resolution expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*; to the Committee on Armed Services.

By Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr.. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, Mr. EDWARDS, Mrs. BOXER, and Mr. INOUYE):

S.J. Res. 26. A joint resolution expressing the sense of Congress with respect to the courtmartial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis;* read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Con. Res. 34. A concurrent resolution relating to the observance of "In Memory" Day; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT:

S. 1113. A bill to amend title XXIV of the Revised Statutes, relating to civil rights, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of the assistance, to allow the organizations to accept the funds to provide the assistance to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals, and for other purposes; to the Committee on Governmental Affairs.

CHARITABLE CHOICE EXPANSION ACT OF 1999

Mr. ASHCROFT. Mr. President, America's best ideas for helping the poor have come from grassroots communities and private organizations of people who know and care about their neighbors. These groups see people and their life experiences, not theories or statistics. We have known for years that government solutions have failed miserably in moving people from dependency and despair to responsibility and independence. For years America's churches and charities have been leading the way in helping the poor achieve dignity and self-sufficiency. This is why I have been advocating that government should find ways to help these organizations unleash the cultural remedy our society so desperately needs.

Therefore, it was with great interest that I heard about Vice President GORE's statements Monday in Atlanta expressing his support for Charitable Choice. The Vice President's interest in Charitable Choice is welcome news. Governor Bush is in the forefront of Charitable Choice solutions. Truly, where once there was contention and debate, there now is swelling bipartisan agreement on the promise of Charitable Choice.

Congress has been in the forefront of encouraging the type of faith-based solutions that the Vice President was promoting yesterday in Atlanta. The 1996 welfare reform law contains the Charitable Choice provision I authored, which encourages states to partner with faith-based organizations to serve welfare recipients with federal dollars.

Last fall, we expanded Charitable Choice to cover services provided under the Community Services Block Grant program, which provides funds to local agencies to alleviate poverty in their communities. And just last week, the Senate approved a juvenile justice bill containing Charitable Choice for services provided to at-risk juveniles, such as counseling for troubled youth.

The Charitable Choice provision in the 1996 welfare reform law was one way to achieve the goal of inviting the greater participation of charitable and faith-based organizations in providing services to the poor. The provision allows charitable and faith-based organizations to compete for contracts and voucher programs on an equal basis with all other non-governmental providers when the state or local government chooses to use private sector providers for delivering welfare services to the poor under the Temporary Assistance for Needy Families (TANF) program.

In the past three years, we have begun to hear about how Charitable Choice is opening doors for the government and communities of faith to work together to help our nation's poor and needy gain hope and self-sufficiency. For example, shortly after passage of the federal welfare law, Governor George Bush of Texas signed an executive order directing "all pertinent executive branch agencies to take all necessary steps to implement the 'charitable choice' provision of the federal welfare law." Cookman United Methodist Church, a 100 member parish in Philadelphia, received a state contract to run its "Transitional Journey Ministry," which provides life and job skills to welfare mothers and places them into jobs with benefits. In less than a year, the church placed 22 welfare recipients into jobs. Payne Memorial Outreach Center, an affiliate of a Baltimore church, has helped over 450 welfare recipients find jobs under a state contract.

In light of these success stories around the nation, more and more states and counties are beginning to see what a critical role the faith-based community can play in helping people move off of welfare. They are eager to put the Charitable Choice concept into action in their communities.

We have always known that Charitable Choice is truly bipartisan in nature, and has the support of over 35 organizations that span a wide political and social spectrum. Members from both sides of the aisle here in the Senate have voted in support of this provision. And now, with the Vice President's support for Charitable Choice, I am reintroducing legislation that I introduced in the 105th Congress, the "Charitable Choice Expansion Act," which would expand the Charitable Choice concept across all federally funded social service programs.

The substance of the Charitable Choice Expansion Act is virtually identical to that of the original Charitable Choice provision of the welfare reform law. The only real difference between the two provisions is that the new bill covers many more federal programs than the original provision.

While the original Charitable Choice provision applies mainly to the new welfare reform block grant program, the Charitable Choice Expansion Act applies to all federal government programs in which the government is authorized to use nongovernmental organizations to provide federally funded services to beneficiaries. Some of the programs that would be covered under this legislation include housing, substance abuse prevention and treatment, seniors services, the Social Services Block Grant, abstinence education and child welfare services.

With this recent expression of bipartisan support for Charitable Choice from the Vice President, now is the time for Congress to move quickly to pass the Charitable Choice Expansion Act, so that we can empower the organizations that are best equipped to instill hope and transform lives to expand their good work across the nation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS ORGANIZATIONS.

Title XXIV of the Revised Statutes is amended by inserting after section 1990 (42 U.S.C. 1994) the following:

"SEC. 1994A. CHARITABLE CHOICE.

"(a) SHORT TITLE.—This section may be cited as the 'Charitable Choice Expansion Act of 1999'.

"(b) PURPOSE.—The purposes of this section are—

"(1) to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and distribution of the assistance, under government programs described in subsection (c); and

"(2) to allow the organizations to accept the funds to provide the assistance to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals.

"(c) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government with Federal funds, in which the Federal, State, or local government is authorized to use nongovernmental organizations, through contracts, grants, certificates, vouchers, or other forms of disbursement, to provide assistance to beneficiaries under the program, the government shall consider, in the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under such program shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program, on the basis that the organization has a religious character.

"(d) EXCLUSIONS.—As used in subsection (c), the term 'program' does not include activities carried out under—

"(1) Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) (except for activities to assist students in obtaining the recognized equivalents of secondary school diplomas);

"(2) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

"(3) the Head Start Act (42 U.S.C. 9831 et seq.); or

"(4) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

"(e) RELIGIOUS CHARACTER AND INDEPENDENCE.—

"(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (c) shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

"(A) to alter its form of internal governance; or

"(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (c).

"(f) EMPLOYMENT PRACTICES.—

"(1) TENETS AND TEACHINGS.—A religious organization that provides assistance under a program described in subsection (c) may require that its employees providing assistance under such program adhere to the religious tenets and teachings of such organization, and such organization may require that those employees adhere to rules forbidding the use of drugs or alcohol.

"(2) TITLE VII EXEMPTION.—The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the religious organization's provision of assistance under, or receipt of funds from, a program described in subsection (c).

"(g) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

"(1) IN GENERAL.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—

"(A) is from an alternative organization that is accessible to the individual; and

"(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

"(2) NOTICE.—The appropriate Federal, State, or local governmental entity shall ensure that notice is provided to individuals described in paragraph (3) of the rights of such individuals under this section.

"(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c).

"(h) NONDISCRIMINATION AGAINST BENEFICIARIES.—

"(1) GRANTS AND CONTRACTS.—A religious organization providing assistance through a grant or contract under a program described in subsection (c) shall not discriminate, in carrying out the program, against an individual described in subsection (g)(3) on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

"(2) INDIRECT FORMS OF DISBURSEMENT.—A religious organization providing assistance through a voucher certificate, or other form of indirect disbursement under a program described in subsection (c) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

"(i) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (c) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

"(j) COMPLIANCE.—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action pursuant to section 1979 against the official or government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for appropriate relief in an appropriate Federal district court against the official or government agency that has allegedly committed such violation.

"(k) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided through a grant or contract to a religious organization to provide assistance under any program described in subsection (c) shall be expended for sectarian worship, instruction, or proselytization.

"(l) EFFECT ON STATE AND LOCAL FUNDS.—If a State or local government contributes State or local funds to carry out a program described in subsection (c), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

"(m) TREATMENT OF INTERMEDIATE CONTRACTORS.—If a nongovernmental organization (referred to in this subsection as an 'intermediate organization'), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select non-governmental organizations to provide assistance under the programs described in subsection (c), the intermediate organization shall have the same duties under this section as the government but shall retain all other rights of a nongovernmental organization under this section.".

By Mr. ENZI:

S. 1114. A bill to amend the Federal Mine Safety and Health Act of 1977 to establish a more cooperative and effective method for rulemaking that takes into account the special needs and concerns of smaller miners; to the Committee on Health, Education, Labor, and Pensions.

THE SMALL MINE ADVOCACY REVIEW PANEL ACT

Mr. ENZI. Mr. President, I rise to introduce the Small Mine Advocacy Review Panel Act, or "Small Mine," Act of 1999.

Achieving mine safety starts with cooperation. Cooperation is at the heart of the safest workplaces, where employers and employees strive to establish open lines of communication on safety, to provide and wear the right protective equipment, and to give and follow effective training. But cooperation can't stop there. To have safe work sites, there must also be an understanding of what safety rules mean, how they are to be implemented, and what results should be expected. This is the cooperation that should exist between operators and the Mine Safety and Health Administration, or MSHA, and it cannot be ignored or undervalued.

The bill I am introducing today inserts a new level of cooperation into MSHA's rulemaking. Called the Small Mine Advocacy Review Panel Act, or "Small Mine" Act, this bill would mandate that MSHA and panels of small operators discuss newly proposed rules and their potential impact early in the regulatory process. This practice is currently employed by OSHA and EPA and has been of great benefit both for the smaller employers and the agency because it forces both parties to comment and respond in an open forum. I have always believed that the simple act of talking about safety actually leads to safety, and I embrace any approach that forces those who write the rules and those who must comply with them to sit down together and find solutions.

The Subcommittee on Employment, Safety and Training has a strong interest in MSHA's rulemaking procedure as it relates to small operators. In addition, I am well aware that the Senate Committee on Governmental Affairs shares this interest as it relates to the Administrative Procedure Act and the Regulatory Flexibility Act. In light of this, as this bill is centered on MSHA's responsiveness to smaller operators on matters of safety and health, Chairman THOMPSON has agreed to allow this bill to be referred to the Health, Education, Labor and Pensions Committee.

MSHA has had great success when its rulemakings have been cooperative with operators and miners. MSHA's draft Part 46 Training rule was developed in collaboration with over fifteen industry representatives, the Teamsters, the Boilermakers, and the Laborers Health & Safety Fund of North America. By working together, the coalition came up with a draft that everyone agreed on and that was completed by MSHA's internal deadline. A true rulemaking success story.

But other MSHA rules, such as MSHA's proposed Noise Rule, have abandoned cooperative partnerships with smaller operators and instead embraced the old "big brother" style of regulation. It is in such rulemakings that the Small Miner bill would make a world of difference. The Noise Rule would have so severe an impact on smaller mine operators that it is seriously questionable whether those who wrote this rule have ever actually been to a small mine. The bottom line is that this rule prohibits small operators from supplying miners with personal protective equipment, such as ear plugs, until after they have tried to lower the noise level by buying new and "quieter" machines at incredible cost, tinkering with old machines, rotating employees around to different stations, and implementing all other "feasible" engineering and administrative controls. All this despite the fact that many routinely-used machines can never be made to run as quietly as MSHA mandates no matter how much money is spent, and that miners will have to be rotated outside their areas of training and expertise.

This proposed rule is in strict opposition to both MSHA's and OSHA's current rules which allow miners to wear ear plugs in the first instance. It also totally abandons logic. It's like proposing a rule outlawing employees from using steel-toed shoes and instead regulating that nothing may ever fall on a worker's foot. It just doesn't make any sense.

By discussing this rule with small operators early in the rulemaking process, cooperative approaches could have been flushed out and solutions achieved which satisfy both MSHA's regulatory objectives and minimize the burden on small operators. As evidenced by this proposed rule, it is clearly insufficient to have a one time "comment period" or even hold public hearings, because the small operator's perspective is so noticeably absent from the rulemaking process. It is not enough to claim that safety is paramount while simultaneously operating in a vacuum to pump out regulations that no one can understand or implement. Compliance must be based on an effective working relationship where the goals set by the regulators are understood and achievable by the industry being regulated. If operators are responsible for complying with MSHA's regulations, then there is no excuse for failing to include them in the process from Day One. By passing the "Small Mine" bill, operators and MSHA would be responsible for working together to craft rules that will actually improve safety.

Mr. President. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Mine Advocacy Review Panel Act".

SEC. 2. PURPOSE.

The purpose of this Act is to establish a more cooperative and effective method for rulemaking with respect to mandatory health or safety standards that takes into account the special needs and concerns of small mine operators.

SEC. 3 AMENDMENT TO FEDERAL MINE SAFETY AND HEALTH ACT OF 1997.

(a) IN GENERAL.—Section 101(a)(2) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811(a)(2)) is amended by inserting before the last sentence the following: "The procedures for gathering comments from small entities as described in section 609 of title 5, United States Code, shall apply under this section and small mine operators shall be considered to be small entities for purposes of such section. For purposes of the preceding sentence, the term 'small mine operator' has the meaning given the term 'small business concern' under section 3 of the Small Business Act (including any rules promulgated by the Small Business Administration) as such term relates to a mining operation.".

(b) CONFORMING AMENDMENT.—Section 609(d) of title 5, United States Code, is amended by striking "Agency and" and inserting "Agency, the Mine Safety and Health Administration and".

By Mr. SPECTER:

S. 1115. A bill to require the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pittsburgh, Pennsylvania, area; to the Committee on Veterans' Affairs.

NATIONAL CEMETERY IN WESTERN PENNSYLVANIA

Mr. SPECTER. Mr. President, today I introduce legislation which will direct the Secretary of Veterans Affairs (VA) to establish a national cemetery in the Pittsburgh area of Western Pennsylvania.

As chairman of the Committee on Veterans' affairs, I make it my responsibility to see that our nation's veterans are cared for after serving honorably in the Armed Forces. Part of this care involves honoring the memory of their service upon death. Our nation's veterans are an aging population. At present, 46% of the area's veterans population is over age 65. The General Accounting Office (GAO) has estimated that by the year 2008, the number of veterans' deaths will peak and remain at a high level for years afterward. To anticipate the increased demand for burial space and to accommodate family and friends wanting nearby cemeteries at which to honor and remember their loved ones, the Congress and VA must act now.

The legislation that I introduce today will alleviate the long overdue wait for a national cemetery which the veterans in the western Pennsylvania area have had to endure. Such a cemetery is necessary due to the over 750,000 veterans who reside in the area, including veterans in parts of the neighboring states of Ohio, Maryland, and West Virginia. I should also point out that Pennsylvania, a state with the fifth highest veteran population in the country, has only one national cemetery within its borders open for new burials. This cemetery, at Indiantown Gap, serves veterans in the eastern portion of the Commonwealth and is more than 225 miles from Pittsburgh.

In 1987, VA ranked the Pittsburgh-area among the top ten population centers most in need of a national cemetery. In 1991, VA began the process of cemetery site-selection and Congress appropriated $250,000 for an Environmental Impact Statement. Four potential sites were identified in the Pittsburgh area. Despite this headway, construction on a national cemetery never commenced.

The high veteran population of this region has waited far too long to see the creation of this national cemetery. Our nation's veterans, having given so much for us, deserve a proper burial site in the proximity of their homes. Veterans elsewhere around this country take for granted the availability of a nearby national cemetery. If passed, this legislation will ensure that what began over a decade ago will now become reality.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Pittsburgh, Pennsylvania, area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with appropriate officials of the State of Pennsylvania and local officials of the Pittsburgh, Pennsylvania, area.

(c) REPORT.—As soon as practicable after the date of the enactment of this act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for the establishment of the cemetery and an estimate of the costs associated with the establishment of the cemetery.

By Mr. NICKLES:

S. 1116. A bill to amend the Internal Revenue Code of 1986 to exclude income from the transportation of oil and gas by pipeline from subpart F income; to the Committee on Finance.

THE FOREIGN PIPELINE TRANSPORTATION INCOME ACT

Mr. NICKLES. Mr. President, I rise today to introduce legislation which will right a wrong that has been in the tax code for too long. This legislation will clarify the U.S. tax treatment of foreign pipeline transportation income. This legislation is needed because current tax law causes active foreign pipeline transportation income to be unintentionally trapped within the anti-abuse tax rules of Subpart F. These anti-abuse rules were originally established to prevent companies from avoiding payment of U.S. tax on easily movable and passive income. Pipeline transportation income, however, is neither passive nor easily movable. Pipes are located where the natural resources and energy needs are—they cannot be placed just anywhere. Further, one a pipe is in the ground, it is tough to move.

Referring to the legislative history, we find that Congress did not intend these anti-abuse rules to target foreign pipeline transportation income. Rather, these rules were intended to reach the significant revenues derived by highly profitable oil related activities that were sourced to a low-tax country as opposed to the country in which the oil or gas was extracted or ultimately consumed. Furthermore, it is important to note that when these anti-abuse rules were being considered and then put into place, pipeline companies were not engaged in international development activities, rather they were focused solely on domestic infrastructure development.

Today, pipeline companies are continuing to actively pursue all development opportunities domestically, yet they are somewhat limited. The real growth for U.S. pipeline companies, however, is in the international arena. These new opportunities have arisen from fairly recent efforts by foreign countries to privatize their energy sectors.

Enabling U.S. pipeline companies to engage in energy infrastructure projects abroad will result in tremendous benefits back home. For example, more U.S. employees will be needed to craft and close deals, to build the plants and pipelines, and to operate the facilities. New investment overseas also will bring new demands for U.S. equipment. Yet before any of these benefits can be realized, U.S. companies must be able to defeat their foreign competitors and win projects. Unfortunately, current U.S. tax laws significantly hinder the ability of U.S. companies to win such projects.

We must act now if we are to ensure that U.S. companies remain competitive players in the international marketplace. There are incremental, low cost, reforms that we can and must make. My legislation—to clarify that U.S. tax treatment of foreign pipeline transportation income—is one such low-cost reform.

I urge my colleagues to join me in this effort to bring current U.S. tax law in line with good tax policy. It is up to us to do all we can to keep America competitive in the global economy.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. ROBB, and Mr. JEFFORDS):

S. 1117. A bill to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

CORINTH BATTLEFIELD PRESERVATION ACT OF 1999

Mr. LOTT. Mr. President, 137 years ago today, Major General Henry W. Halleck and his 120,000 man strong Union Army commenced the siege of Corinth, Mississippi. The ensuing six month battle between General Halleck's federal troops and General P. G. T. Beauregard's 53,000 Confederate defenders marked a turning point in the war between the states. It was a fierce engagement over a mere 16 square feet parcel. This small piece of real estate was of critical strategic importance to both the North and the South.

It was in Corinth, Mississippi that the Memphis and Charleston and Mobile and Ohio Railroads crossed paths. This vital east-west and north-south railroad junction served as a passageway for troops and supplies moving from Illinois to Alabama and from Tennessee to points further east such as South Carolina and Virginia.

Ed Bearss, Chief Historian Emeritus of the National Park Service, stated that "during the Spring of 1862, Corinth was the most important city in the Confederacy and almost the length of the War . . . because of the railroads." In fact, because of its status as a vital rail hub, the town was occupied by either Confederate or Union forces from 1861 to 1865. It also served as a springboard for the careers of over 200 leading Confederate and Federal generals who were stationed in Corinth at one time or another. A figure matched by few other locations.

Corinth is a city that exemplifies the trials and tribulations experienced by soldiers and civilians throughout the Civil War. A town whose railways lied at the center of a grand military chess match. An area, like many others north and south of the Mason-Dixon line, racked by the ravages of war.

Even with its new status as a National Historic Landmark, Corinth is still considered a "Civil War Landmark At Risk." The Civil War Sites Advisory Commission, chartered by Congress to assess threats to America's premier historic sites, identified Corinth as a priority one battlefield in critical need of coordinated nationwide action by the year 2000. Local, state, and national preservation groups agree. And, so do I.

Mr. President, today, I am proud and honored to introduce the Corinth Battlefield Preservation Act of 1999. This much needed legislation would provide further protection for one of America's most important Civil War sites by establishing Corinth as a unit of the Shiloh National Military Park.

The 106th Congress needs to add the Corinth Battlefield and its surrounding sites to the National Park System given the area's pivotal role in American history. It is also appropriate for Congress to establish Corinth as a unit of the Shiloh National Military Park as these two sites were indelibly linked during the Civil War. The 1862 battle of Shiloh was actually the first strike in the Union force's overall Corinth Campaign. It was in April 1862, that federal and southern forces competing for control over Corinth first struggled in the Battle of Shiloh/Pittsburg Landing. The battle for Corinth also had international implications. As a result of the Union's victory, the British government chose not to officially recognize the Confederacy.

The conflict in and around Corinth eventually included the Battles of Iuka, Tupelo, and Brices' Crossroads, as well as engagements in Booneville, Rienzi, Ripley, and numerous skirmishes in southwest Tennessee and northeast Alabama.

In 1862, Union General Halleck said "Richmond and Corinth . . . are the greatest strategic points of the war, and our success at these points should be insured at all hazards." Halleck's subordinate, General Ulysses S. Grant, regarded Corinth as "the great strategic position in the west between the Tennessee and Mississippi Rivers and between Nashville and Vicksburg." In arguing for the defense of Corinth, Confederate General Beauregard stated to General Samual Cooper, Adjutant and Inspector General of the Confederate States Army that, "if defeated here [in Corinth,] we lose the Mississippi Valley and probably our cause, whereas we could even afford to lose for a while Charleston and Savannah for the purpose of defeating Buell's army, which would not only insure us the valley of the Mississippi, but our independence." Corinth's strategic importance to both armies led to some of the bloodiest battles in the Western Theater. Tens of thousands of soldiers were killed or wounded in this bitter offensive.

It was also here that thousands of war refugees, mostly African-Americans from Mississippi, Tennessee, and Alabama, sought shelter with the Union Army in Corinth. After President Lincoln's Emancipation Proclamation, the federal army created a model "Contraband Camp." By the Spring of 1863, the camp housed around 4,000 freedmen. Almost half of these freedmen joined the "First Alabama Infantry of African Descent" which later became the "55th Colored Infantry."

Corinth is also one of the few existing Civil War sites that boasts extraordinary earthworks and fortifications—many of which remain in pristine condition. A National Park Service studying authority stated that, "today the surviving [Corinth] earthworks are one of the largest and best preserved groups of field fortifications, dating to 1862 in the United States." Unfortunately, many of these historic resources, undisturbed for over 130 years, are now threatened. For example, a 500-yard section of earthworks was specifically sold for development. These earthworks are important to our national heritage because they helped shape the face of war from the 1860's to today. In fact, trench warfare evolved from the battle for Corinth. These earthworks and fortifications are symbolic reminders of the epic struggle that ensued between friends and neighbors and the Civil War's lasting impact on modern warfare.

Although, the Battle of Shiloh has been etched into American history as part of the Shiloh National Military Park, a number of important historic sites and resources relating to the pre-battle and the rest of the Corinth Campaign have not been adequately protected or interpreted. Establishing the Shiloh Nationally Military Park as the nation's second Military Park back in 1894 was a good start. Now it is time for the 106th Congress to complete the preservation effort. Congress needs to give a lasting presence to the Corinth Battlefield, a key component of the historic Shiloh-Corinth Corridor.

Corinth remains a central transportation gateway. It serves as a junction intersecting Highways 72, running east and west, and Highway 45, which runs north and south. It is also a mecca for dedicated history buffs given the town's close proximity to Shiloh and other Civil War sites and its connection to the Corinth Campaign.

I am sure that my colleagues will agree that the sixteen Corinth Civil War sites designated as National Historic Landmarks are far too important to be relegated solely to review in history books or by professional historians. Americans need to see it.

The 106th Congress can and must highlight the importance of the Siege and Battle of Corinth for the millions of adults and children, both American and foreign, interested in learning about an essential facet of Americana.

For over one hundred years, the United States Congress has advanced the notion that our national interest is best served by preserving America's historic treasures. Not only by ensuring the proper interpretation of important historic events, but also the places—the properties where pivotal military milestones occurred.

As Ed Bearss proclaimed, "the Battle of Corinth was the bloodiest battle in the State of Mississippi. Troops were brought from New Orleans, Mobile, Texas and Arkansas because Corinth was such an important place. With the fall of Corinth, Perryville, Kentucky, and Antietam, Maryland the Confederacy was lost." We owe it to our ancestors and to future generations to protect Corinth and the wealth of Civil War history that exudes from this small town.

Mr. President, the measure offered today is vital to the successful interpretation and preservation of Corinth. It builds upon previous efforts and gives Corinth its proper status as one of America's most significant Civil War sites.

Mr. President, I ask my colleagues to join with me in support of the Corinth Battlefield Preservation Act of 1999. A bipartisan measure which is widely supported by local, state, regional, national, and international preservation organizations.

Along with the strong local support shown by the residents and local officials of Corinth and Alcorn County as well as assistance from several Civil War preservation groups, I would also like to take a moment to thank Rosemary Williams of Corinth, Woody Harrel, Superintendent of the Shiloh Military Park, and Anne Thompson, Manager of the Interim Corinth Civil War Interpretive Center. They were instrumental in assisting with the preparation of this important historic preservation legislation.

Mr. President, I also want to thank my colleagues, Senator COCHRAN, Senator ROBB, and Senator JEFFORDS, for their formal support of this pro-parks, pro-history measure.

I hope that the rest of my colleagues will join with me in taking this necessary step to protect our heritage so that our children and grandchildren can gain an understanding of the struggles of this great nation. Struggles that have help shaped our American democracy and transformed our diverse states and peoples into a cohesive and prosperous union better prepared to meet the challenges and opportunities of the next millennium. Corinth has a story to tell Americans today and in the future. Corinth merits inclusion in the Shiloh National Military Park.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Corinth Battlefield Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;

(ii) private organizations; and

(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for

coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and

(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi;

(B) the State of Tennessee;

(C) the city of Corinth, Mississippi;

(D) other public entities; and

(E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;

(B) meet the criteria for designation as a unit of the National Park System; and

(C) are considered appropriate for including in the Unit.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term "Map" means the map entitled "Corinth Unit", numbered 304/80,007, and dated October 1998.

(2) PARK.—The term "Park" means the Shiloh National Military Park.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UNIT.—The term "Unit" means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as "Park Boundary" on the Map, and containing—

(A) the Battery Robinett; and

(B) the site of the interpretive center authorized under section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5); and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) The State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as "Friends of the Siege and Battle of Corinth".

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) TECHNICAL ASSISTANCE.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) RESOURCES OUTSIDE THE UNIT.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7 AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including $3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–59d)).

By Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. GREGG, Mr. SANTORUM, and Mr. MOYNIHAN):

S. 1118. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

SUGAR PROGRAM PHASE OUT LEGISLATION

Mr. SCHUMER. Mr. President, today I join with my colleagues Senators Feinstein, Chafee, Gregg, and Santorum to introduce legislation that phases out the federal sugar program. Remember that old story, if you believe this, I've got some swampland to sell you in Florida? Boy, I wish I bought some of that swampland and became a sugar grower.

It is a can't miss, can't lose proposition where all of the risk is absorbed by the federal government and all of the reward goes to the sugar barons. It is one of the last vestiges of a centralized, subsidized U.S. farm sector which has mostly gone by the wayside.

Ten years after the collapse of the Berlin Wall, Odessa on the Okeechobee with its generous price supports somehow still survives. This is a special interest program that benefits a handful of sugar barons at the expense of every man, woman and child in America.

Several years ago, the GAO estimated that consumers paid $1.4 billion more at the cash register because of the sugar price support. Today, because the world price for sugar is lower and the price paid in the U.S. is higher, the cost to consumers could be twice as high.

And let's not forget. It has already cost America thousands of refinery jobs. And it has already cost the Everglades hundreds of acres of pristine wilderness. In Brooklyn and in Yonkers, we have lost one-third of our refinery jobs in the last decade. Why? Because the sugar program is such a bitter deal, refiners cannot get enough raw cane sugar to remain open.

Four years ago, when we came within five votes in the House of terminating the sugar program, the world market price for sugar was about ten cents and the U.S. price about 20 cents. Today the world price is less than a nickel and the U.S. price is almost a quarter. In other words, the gulf between the free market and the sugar program is getting wider.

Under any reasonable and rational measure the sugar program should be repealed. If the issue is jobs, the environment or the consumer—then we have no choice but to repeal. At all ends of the political spectrum the answer is the same—it's time to repeal the sugar program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOURSE LOANS FOR PROCESSORS OF SUGARCANE AND SUGAR BEETS AND REDUCTION IN LOAN RATES.

(a) Gradual Reduction in Loan Rates.—

(1) Sugarcane processor loans.—Section 156(a) of the Agricultural Market Transition Act (7 U.S.C. 7272(a)) is amended by striking "equal to 18 cents per pound for raw cane sugar." and inserting the following: ", per pound for raw cane sugar, equal to the following:

"(1) In the case of raw cane sugar processed from the 1996, 1997, or 1998 crop, $0.18.

"(2) In the case of raw cane sugar processed from the 1999 crop, $0.17.

"(3) In the case of raw cane sugar processed from the 2000 crop, $0.16.

"(4) In the case of raw cane sugar processed from the 2001 crop, $0.15.

"(5) In the case of raw cane sugar processed from the 2002 crop, $0.14.".

(2) Sugar beet processor loans.—Section 156(b) of the Agricultural Market Transition Act (7 U.S.C. 7272(b)) is amended by striking "equal to 22.9 cents per pound for refined beet sugar." and inserting the following: ", per pound of refined beet sugar, that reflects—

"(1) an amount that bears the same relation to the loan rate in effect under subsection (a) for a crop as the weighted average of producer returns for sugar beets bears to the weighted average of producer returns for sugarcane, expressed on a cents per pound basis for refined beet sugar and raw cane sugar, for the most recent 5-year period for which data are available; and

"(2) an amount that covers sugar beet processor fixed marketing expenses.".

(b) Conversion to Recourse Loans.—Section 156(e) of the Agricultural Market Transition Act (7 U.S.C. 7272(e)) is amended—

(1) in paragraph (1), by inserting "only" after "this section"; and

(2) by striking paragraphs (2) and (3) and inserting the following:

"(2) National loan rates.—Recourse loans under this section shall be made available at all locations nationally at the rates specified in this section, without adjustment to provide regional differentials.".

(c) Conversion to Private Sector Financing.—Section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

"(i) Conversion to Private Sector Financing.—Notwithstanding any other provision of law—

"(1) no processor of any of the 2003 or subsequent crops of sugarcane or sugar beets shall be eligible for a loan under this section with respect to the crops; and

"(2) the Secretary may not make price support available, whether in the form of loans, payments, purchases, or other operations, for any of the 2003 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary."; and

(3) in subsection (j) (as redesignated by paragraph (1)) by striking "subsection (f)" and inserting "subsections (f) and (i)".

(d) Termination of Marketing Quotas and Allotments.—

(1) Termination.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) Conforming amendment.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking "sugar cane for sugar, sugar beets for sugar,".

(e) Other Conforming Amendments.—

(1) Price support for nonbasic agricultural commodities.—

(A) Designated nonbasic agricultural commodities.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking "milk, sugar beets, and sugarcane" and inserting ", and milk".

(B) Other nonbasic agricultural commodities.—Section 301 of the Agricultural Act of 1949 (7 U.S.C. 1447) is amended by inserting "(other than sugarcane and sugar beets)" after "title II".

(2) Powers of commodity credit corporation.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting "(except for the 2003 and subsequent crops of sugarcane and sugar beets)" after "agricultural commodities".

(3) Section 32 activities.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph by inserting "(other than sugarcane and sugar beets)" after "commodity" the last place it appears.

(f) Assurance of Adequate Supplies of Sugar.—Section 902 of the Food Security Act of 1985 (7 U.S.C. 1446g note; Public Law 99–198) is amended by striking subsection (a) and inserting the following:

"(a) In General.—Beginning with the quota year for sugar imports that begins after the 1998/1999 quota year, the President shall use all authorities available to the President as may be necessary to enable the Secretary of Agriculture to ensure that adequate supplies of raw cane sugar are made available to the United States market at prices that are not greater than the higher of—

"(1) the world sugar price (adjusted to a delivered basis); or

"(2) the raw cane sugar loan rate in effect under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272), plus interest.".

Mrs. FEINSTEIN. Mr. President, I rise in support of legislation sponsored by Senator Schumer to phase out the antiquated sugar subsidy. The sugar program is nothing than a system of import restrictions, subsidized loans, and price supports that benefit a limited number of sugar growers.

I find it incredible that the federal government continues to support a subsidy program that is driving the domestic refinery industry out of existence and costing thousands of good jobs. The US Department of Agriculture restricts the amount of sugar available to domestic refineries. Without sugar, a sugar refinery cannot operate and that is the result of this misguided program.

It is clear that the U.S. sugar policy has served to strangle this country's sugar refining industry. By limiting the amount of raw cane sugar available for production, there has been a 40 percent decline in jobs in the sugar-cane refining industry. Since 1982, nine out of twenty one cane sugar refineries in the U.S. have been forced out of business. Those that have remained open are struggling to survive under onerous import restrictions.

I first became involved with this issue in 1994 when David Koncelik, the President and CEO of the California and Hawaiian Sugar Company, informed me that his refinery was forced to temporarily cease operations because it had no sugar.

This 93 year old refinery is the Nation's largest refinery and the only such facility on the West Coast. C&H refines about 15 percent of the total cane sugar consumed in the U.S.

C&H is capable of producing and selling 700,000 tons of refined sugar annually. Therefore, the company requires in excess of 700,000 tons of raw cane sugar to meet its sales demand.

Hawaii is C&H's sole source for its domestic raw cane sugar needs, but Hawaii's cane sugar industry has been in decline for over 10 years. This has meant that C&H is forced to cover over half its annual consumption through imports from other countries.

The highly restrictive sugar import system forces C&H to pay an inflated price for raw sugar from both domestic and foreign suppliers. Even more devastating, however, the quota system limits the amount of sugar available to the refinery. Simply put, C&H has been unable to get enough sugar to refine and it has been forced to close it doors on several occasions.

The reduced production capacity has resulted in a severe downsizing of the workforce. As recently as 1987, C&H employed over 1,400 people. These are not minimum wage jobs we are talking about: the average employee in the cane refining industry earns nearly $43,000 a year. In 1995, C&H had to eliminate 30 percent of its workforce just to remain viable under the quota system mandated by the sugar program.

C&H now employees just over 500 people. These jobs and many others around the nation are at risk if reforms are not made to the sugar program.

The overly restrictive manner that the USDA administers the sugar program has a number of other flaws. The sugar program's existing quota system was put in place in 1982, using trading patterns dating as far back as 1975. The system has remained largely unchanged over the past 17 years despite major alterations in the international sugar market. As a result, the current import quota system assigns export rights to countries that don't grow enough sugar to export or, in some cases, are net importers themselves.

For example, the Philippines are granted one of the largest export privileges under the sugar import quota system. It, however, does not even grow enough sugar to meet it own domestics needs. What this means is that the Philippines sell their homegrown sugar crop to the United States at about 22 cents a pound. It then buys raw sugar on the world market at around 5 cents a pound. This is ridiculous. We are in effect giving money to foreign countries and forcing domestic consumers to pay the price.

Beginning in September of 1994, I have asked the Administration on eight separate occasions to reform the sugar program, Simply increasing the amount of sugar available through the import program would provide immediate relief to C&H and the other domestic refineries. To date, no such permanent reform of the program has been made.

In addition to choking off the refineries' access to sugar, the US sugar policy also has an adverse impact on US consumers. The General Accounting Office has found that the program costs sugar users an average of $1.4 billion annually. That equates to $3.8 million a day in hidden sugar taxes.

The report found that "Although the sugar program is considered a no-net-cost program because the government does not make payments directly to producers, it places the cost of the price supports on sweetener users—consumers and manufacturers of sweetener-containing products—who pay higher sugar and sweetener prices."

What this means is that unlike traditional subsidy programs, the funds do not come directly from the Treasury. Instead, the sugar program places the cost consumers by restricting the supply of available sugar which causes higher domestic market prices.

The legislation we are introducing will eliminate the sugar subsidy program by 2002. This is a simple, straight-forward, and fair way to end a program that has not worked for U.S. consumers or workers.

Congress has had opportunities in the past to kill this program and we have not taken them. As a result, workers have lost jobs and consumers have lost money. I am pleased to join my colleagues in saying that enough is enough. It is time to end the sugar subsidy program once and for all.

By Mr. TORRICELLI (for himself, Mr. Reed, Mr. Lautenberg, Mr. Bryan, Mrs. Boxer, Mrs. Feinstein, Mr. Dodd, Mr. Rockefeller, Mr. Biden, Mr. Schumer, Mrs. Murray, Mr. Durbin, and Mr. Kerry):

S. 1120. A bill to ensure that children enrolled in medicaid and other Federal means-tested programs at highest risk for lead poisoning are identified and treated, and for other purposes; to the Committee on Finance.

CHILDREN'S LEAD SAFE ACT

• Mr. TORRICELLI. Mr. President, today I rise with Senator Reed to introduce legislation that will ensure that children enrolled in federal health care programs receive screening and appropriate care for lead poisoning. Our bill, the "Children's Lead SAFE Act of 1999" would go a long way to eliminate childhood lead poisoning.

We know lead exposure is one of the most dangerous health hazards for young children because their nervous systems are still developing. Lead poisoning in children causes damage to the brain and nervous systems, which leads to IQ loss, impaired physical development and behavioral problems. High levels of exposure can cause comas, convulsions, and even death.

Despite our success over the past twenty years to reduce lead poisoning in the U.S., it continues to be the number one environmental health threat to children, with nearly one million preschoolers affected. Poor and minority children are most at-risk because of diet and exposure to environmental hazards such as old housing. These children frequently live in older housing which contains cracked or chipped lead paint, where children primarily contract lead poisoning by ingesting paint chips or lead dust.

Mr. President, 75 percent of At-Risk children are enrolled in federal health care programs. Kids in these programs are five times more likely to have high blood levels. In 1992, Congress instructed Health Care Financing Adm. (HCFA) to require States to lead screen Medicaid children under the age of two. Despite this, the GAO report shows that mandatory screening isn't happening. Two-thirds of Medicaid children have never been screened (as required). And only 20 percent of all children in federal programs have been screened.

In fact, only half the States have screening policies consistent with federal law. In my own state of New Jersey, the GAO report showed that only 39 percent of Medicaid children have been screened. Despite federal requirements, for whatever reason—insufficient outreach, lax government oversight or parental ignorance, too many kids are not getting screened.

The Children's Lead SAFE Act would address this problem by establishing clear and consistent standards for screening and treatment and by involving all relevant federal health programs in this battle. Our legislation is modeled on the recommendations made by the GAO.

It requires all federal programs serving at-risk kids to be involved in screening. It requires State Medicaid contracts to explicitly require providers (HMO's) to follow federal rules for screening and treatment. It expands Medicaid coverage to include treatment services and environmental investigations to determine the source of the poisoning. WIC centers (with 12 percent of the at-risk population) will be required to assess whether a child has been screened and if they have not to provide the necessary referral and follow-up to ensure that screening occurs. Head Start facilities would similarly have the responsibility for ensuring that their children are screened.

In addition, our legislation would improve data so we can identify problems and use that information to educate providers about the extent of the problem. CDC would develop information-sharing guidelines for State and local health departments, the labs that perform the test and federal programs. It would also require each State to report on the percent of the Medicaid population they are screening.

Finally, our legislation would make sure agencies have sufficient resources to do screening by reimbursing WIC and Head Start for costs they incur in screening. The legislation would also create a bonus program whereby a state will receive a per child bonus for every child it screens above 65 percent of its Medicaid population.

Mr. President, the health and safety of our children would be greatly enhanced with the passage of this important legislation. Childhood lead poisoning is easily preventable, and there is no excuse for not properly screening and providing care to our kids. Our bill would accomplish this and ensure adequate care. I ask my colleagues to join me in recognizing this problem and supporting its solution.●

Mr. REED. Mr. President, I rise today to introduce legislation with Senator TORRICELLI that would ensure that children enrolled in federal health care programs receive screening and appropriate follow-up care for lead poisoning. Our bill, the "Children's Lead SAFE Act of 1999" is an effort to eliminate a disease that continues to wreak irreversible damage upon our nation's children.

Despite our success over the past twenty years to reduce lead poisoning in the U.S., it continues to be the number one environmental health threat to children, with nearly one million preschoolers affected. This problem is particularly severe among African American children who are at five times higher risk than white children and low-income children are at eight times higher risk than children from well-to-do families.

Minorities and low-income children are disproportionately affected by lead poisoning because they frequently live in older housing which contains cracked or chipped lead paint, where children primarily contract lead poisoning by ingesting paint chips or lead dust.

If undetected, lead poisoning can cause brain and nervous system damage, behavior and learning problems and possibly death.

Research shows that children with elevated blood-lead levels are seven times more likely to drop out of high school and six times more likely to have reading disabilities. It costs an average of $10,000 more a year to educate a lead-poisoned child. We will continue to pay for our failure to eradicate this preventable tragedy through costs to our education and health care system, and losses in lifetime earnings, unless we act now to protect our children.

As I mentioned, this disease is entirely preventable, making its prevalence among children all the more frustrating. We do have solutions—parents who are aware, housing that is safe, and effective screening and treatment for children who are at risk—to name a few.

Unfortunately, our current system is not adequately protecting our children. In January 1999, the General Accounting Office reported that children in federally funded health care programs such as Medicaid, Women Infant and Child (WIC) and the Health Centers program, are five times more likely to have elevated blood lead levels. The report also found that despite long-standing federal requirements, two-thirds of the children in these programs—more than 400,000—have never been screen and, consequently, remain untreated.

Early detection of lead poisoning is critical to ensure that a child is removed from the source of exposure and to determine whether other children, such as siblings or friends, have also been exposed. Screening is also important to determine whether a child's lead poisoning is so severe as to require medical management to mitigate the long-term health and developmental effects of lead.

Mr. President, our comprehensive legislation is designed to make sure no child falls through the cracks, by establishing clear and consistent standards for screening and treatment and by holding accountable those who are responsible for carrying out the requirements. The legislation supports improved management information systems to provide state- and community-level information about the extent to which children have elevated blood lead levels. It also expands and coordinates lead screening and treatment activities through other federal programs serving at-risk children such as WIC, Early Head Start, and the Maternal and Child Health Block Grant programs. Finally, the bill ties incentives for screening to additional federal funding for cleaning up lead-contaminated houses.

Mr. President, we propose this legislation in an effort to rid children of the detrimental effects of lead poisoning. Every child has a right to screening and follow-up care. This bill will significantly increase the number of poisoned children who are screened and treated and help communities, parents, and physicians to take advantage of every opportunity that they have to detect and treat lead poisoning before its irreversible effects set in.

I ask by unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

The bill was not available for printing. It will appear in a future issue of the RECORD.

By Mr. LEAHY:

S 1121. A bill to amend the Clayton Act to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

ANTITRUST IMPROVEMENTS ACT OF 1999

Mr. LEAHY. Mr. President, we are living in a time of mega-mergers, and they are coming from all directions. Chrysler and Daimler-Benz automobile companies finalized their merger last year. In the computer world, AOL completed its purchase of Netscape just a few months ago. And in the largest corporate merger ever, Exxon Corporation announced its plan to acquire Mobil at a price tag of over $75 billion, thus creating the world's biggest private oil company, Exxon Mobil Corporation.

While these mega-mergers have cut a swath across a number of industries, the consolidations that continue to raise the most questions in my mind are those that involve incumbent monopolies. For example, the mergers among Regional Bell Operating Companies, which continue to have a virtual stranglehold on the local telephone loop, pose a great threat to healthy competition in the telecommunications industry.

Indeed, incumbent telephone companies still control more than 99% of the local residential telephone markets.

As I said last Congress, and it is still the case today, at my farm in Middlesex and at my home here in Virginia, I have only one choice for dial-tone and local telephone service. That "choice" is the Bell operating company or no service at all.

The Telecommunications Act of 1996 passed with the promise of bringing competition to benefit American consumers. However, this promise has yet to materialize.

Since passage of the Telecommunications Act, Southwestern Bell has merged with PacTel into SBC Corporation, Bell Atlantic has merged into NYNEX, and AT&T has acquired IBM's Global Network, just to name a few. Just last week it was reported that U.S. West reached an agreement to merge with the telecommunications company Global Crossing.

The U.S. Justice Department didn't spend years dividing up Ma Bell just to see it grow back together again under the guise of the 1996 Telecommunications Act.

I am very concerned that the concentration of ownership in the telecommunications industry is proceeding faster than the growth of competition. Old monopolies are simply regrouping and getting bigger and bigger.

Before all the pieces of Ma Bell are put together again, Congress should revisit the Telecommunications Act. To ensure competition between Bell Operating Companies and long distance and other companies, as contemplated by passage of this law, we need clearer guidelines and better incentives. Specifically, we should ensure that Bell Operating Companies do not gain more concentrated control over huge percentages of the telephone access lines of this country through mergers, but only through robust competition.

Today I am reintroducing antitrust legislation that will bar future mergers between Bell Operating Companies or GTE, unless the federal requirements for opening the local loop to competition have been satisfied in at least half of the access lines in each State.

The bill provides that a "large local telephone company" may not merge with another large local telephone company unless the Attorney General finds that the merger will promote competition for telephone exchange services and exchange access services. Also, before a merger can take place, the Federal Communications Commission must find that each large local telephone company has for at least one-half of the access lines in each State served by such carrier, of which as least one-half are residential access lines, fully implemented the requirements of sections 251 and 252 of the Communications Act of 1934.

The bill requires that each large local telephone company that wishes to merge with another must file an application with the Attorney General and the FCC. A review of these applications will be subject to the same time limits set under the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

The bill also provides that nothing in this Act shall be construed to modify, impair, or supersede the applicability of the antitrust laws of the United States, or any authority of the Federal Communications Commission, or any authority of the States with respect to mergers and acquisitions of large local telephone companies.

The bill is effective on enactment and has no retroactive effect. It is enforceable by the Attorney General in federal district courts.

This bill has the potential to make the 1996 Telecommunications Act finally live up to some of its promises.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antitrust Improvements Act of 1999".

SEC. 2. PURPOSE

The purpose of this Act is to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition in the telecommunications industry in any case in which certain Federal requirements that would enhance competition are not met.

SEC. 3. RESTRAINT OF TRADE.

The Clayton Act (15 U.S.C. 12 et seq.) is amended—

(1) by redesignating section 27 (as designated by section 2 of Public Law 96-493) as section 29; and

(2) by inserting after section 27 (as added by the Curt Flood Act of 1998 (Public Law 105-297)) the following new section:

"SEC. 28. (a) In this section, the term 'large local telephone company' means a local telephone company that, as of the date of a proposed merger or acquisition covered by this section, serves more than 5 percent of the telephone access lines in the United States.

"(b) Notwithstanding any other provision of law, a large local telephone company, including any affiliate of such a company, shall not merge with or acquire a controlling interest in another large local telephone company unless—

"(1) the Attorney General finds that the proposed merger or acquisition will promote competition for telephone exchange services and exchange access services; and

"(2) The Federal Communication Commission finds that each large local telephone company that is a party to the proposed merger or acquisition, with respect to at least ½ of the access lines in each State served by that company, of which at least ½ are residential access lines, has fully implemented the requirements of sections 251 and 252 of the Communications Act of 1934 (47 U.S.C. 251, 252), including the regulations of the Commission and of the States that implemented those requirements.

"(c) Not later than 10 days after the Attorney General makes a finding described in subsection (b)(1), the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the finding, including an analysis of the effect of the merger or acquisition on competition in the United States telecommunications industry.

"(d)(1) Each large local telephone company or affiliate of a large local telephone company proposing the merge with or acquire a controlling interest in another large local telephone company shall file an application under this section with respect to the merger or acquisition with both the Attorney General and the Federal Communication Commission on the same day.

"(2) The Attorney General and the Federal Communication Commission shall issue a decision regarding the application within the time period applicable to review of mergers under section 7A.

"(e)(1) The district courts of the United States are vested with jurisdiction to prevent and restrain any mergers or acquisitions described in subsection (d) that are inconsistent with a finding under paragraph (1) or (2) of subsection (b).

"(2) The Attorney General may institute proceedings in any district court of the United States in the district in which the defendant resides or is found or has an agent and that court shall order such injunctive, and other relief, as may be appropriate if—

"(A) the Attorney General makes a finding that a proposed merger or acquisition covered by an application under subsection (d) does not meet the condition specified in subsection (b)(1); or

"(B) The Federal Communications Commission makes a finding that 1 or more of the parties to the proposed merger or acquisition do not meet the requirements specified in subsection (b)(2).".

SEC. 4 PRESERVATION OF EXISTING AUTHORITIES.

(1) IN GENERAL.—Nothing in this Act or the amendment made by section 3(2) shall be construed to modify, impair, or supersede the applicability of the antitrust laws, or any authority of the Federal Communication Commission under the Communication Act of 1934 (47 U.S.C. 151 et. seq.), with respect to mergers, acquisitions, and affiliations of large local exchange carriers.

(b) ANTITRUST LAWS DEFINED.—In this section, the term "antitrust laws" has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

SEC 5. APPLICABILITY

This Act and the amendment made by section 3(2) shall apply to a merger or acquisition of a controlling interest of a large local telephone company (as that term is defined in section 27 of the Clayton Act, as added by such section 3(2)), occurring on or after the date of the enactment of this Act.

By Ms. COLLINS (for herself, Mr. FRIST, Mr. ABRAHAM, Ms. SNOWE, Mr. JEFFORDS, and Mr. COVERDELL):

S. 1123. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED FOOD SAFETY IMPROVEMENT ACT

• Ms. COLLINS. Mr. President, food safety is a serious and growing public health concern. According to the General Accounting Office (GAO), as many as 81 million cases of foodborne illness and 9,000 related deaths occur in the U.S. every year. Most at risk are the very old, the very young, and the very ill. While these statistics refer to all cases of foodborne illness, recent outbreaks demonstrate that tainted imported foods have increased the incidence of illness and have exposed American consumers to new pathogens.

The volume of imported foods continues to grow, yet our current food import system is riddled with holes which allow unsafe food to penetrate our borders. Contaminated food imports have caused illnesses rarely seen in the United States and can be extremely difficult, if not impossible, for consumers to detect.

I first became interested in this issue when I learned that fruit from Mexico and Guatemala was associated with three multi-state outbreaks of foodborne illesses—one of hepatitis A and two of Cyclospora infection—that sickened thousands of Americans. These outbreaks included victims in my home State of Maine.

In my State's grocery stores, as in any typical American grocery store, the fresh fruit and vegetables that are available during the winter months come from many other countries. In many ways, imported food is a blessing for American consumers. Fruit and vegetables that would normally be unavailable in our local grocery stores during the winter months are now available all year long, making it easier and more enjoyable to eat the five servings of fruit and vegetables a day the National Cancer Institute recommends. But, it's only a blessing if the food is safe. Even one serving of tainted food can cause sickness and even death.

The Food and Drug Administration (FDA) reports that the increasing importation of produce is a trend that is expected to continue. In 1996, the U.S. imported $7.2 billion worth of fruit and vegetables from at least 90 different countries, a dramatic increase from the 1990 level of $4.8 billion. Total food imports have increased from 1.1 million shipments in 1992 to 2.7 million in 1997. And, of all the fish and shellfish consumed in the U.S., more than half is imported.

Yet, the FDA annually inspects less than 2 percent of the 2.7 million shipments of food that arrive in the U.S. And of the small number of shipments that are inspected, only about a third are tested for some of the most significant pathogens. What's more, even when the FDA does catch contaminated food, the system often fails to dispose of it adequately. Indeed, according to one survey conducted by the Customs Service in 1997, as many as 70 percent of the imported food shipments the FDA ordered re-exported or destroyed may have ended up in U.S. commerce any way. Unscrupulous food importers can easily circumvent the inspection system.

Mr. President, to respond to these problems, I am introducing the Imported Food Safety Improvement Act, with Senator FRIST, Senator ABRAHAM, Senator COVERDELL, Senator JEFFORDS, and Senator SNOWE as original cosponsors.

Our legislation is an effort designed to strengthen the existing food import system to help ensure that unsafe food does not enter the United States. Our goal is to reduce the incidence of foodborne illnesses and to ensure that American families can enjoy a variety of foods year-round without the risk of illness when they sit down to the dinner table.

This legislation is the product of an extensive investigation by the Permanent Subcommittee on Investigations, which I chair. During the 105th Congress, the Subcommittee undertook a 16-month, in-depth investigation into the safety of food imports. During five days of Subcommittee hearings, we heard testimony from 29 witnesses, including scientists, industry and consumer representatives, government officials, the General Accounting Office, and two persons with first-hand knowledge of the seamier side of the imported food industry, a convicted Customs broker and a convicted former FDA inspector. As a result of the compelling testimony that we heard, I have worked with my colleagues in drafting the legislation we introduce today—the Imported Food Safety Improvement Act—to address a broad array of problems uncovered during the Subcommittee's investigation.

My Subcommittee's investigation has revealed much about the food we import into this country and the government's flawed food safety net. Let me briefly recount some of our findings which make it clear why this legislation is so urgently needed:

In the worlds of the GAO, "federal efforts to ensure the safety of imported food are inconsistent and unreliable." Federal agencies have not effectively targeted their resources on imported foods posing the greatest risks;

Weaknesses in FDA import controls, specifically the ability of importers to control the food shipments from the port to the point of distribution, makes the system vulnerable to fraud and deception;

The bonds required to be posted by importers who violate food safety laws are so low that they are considered by some unscrupulous importers at the cost of doing business;

Maintaining the food safety net for imported food is an increasingly complex task, made more complicated by previously unknown foodborne pathogens, like Cyclospora, that are difficult to detect;

Because some imported food can be contaminated by organisms that cannot be detected by visual inspection or laboratory tests, placing additional federal inspectors at ports-of-entry alone will not protect Americans from unsafe food imports; and

Since contamination of imported food can occur at many different places from the farm to the table, the ability to trace-back outbreaks of foodborne illnesses to the source of contamination is a complex process that requires a more coordinated effort among the federal, state, and local agencies as well as improved education for health care providers so that they can better recognize and treat foodborne illnesses.

The testimony that I heard during my Subcommittee's hearings was troubling. The United States Customs Service told us of one particularly egregious situation that I would like to share. It involves contaminated fish and illustrates the challenges facing federal regulators who are charged with ensuring the safety of our nation's food supply.

In 1996, federal inspectors along our border with Mexico opened a shipment of seafood destined for sales to restaurants in Los Angeles. The shipment was dangerously tainted with life-threatening contaminants, including botulism, Salmonella, and just plain filth. Much to the surprise of the inspectors, this shipment of frozen fish had been inspected before by federal authorities. Alarmingly, in fact, it had arrived at our border two years before, and had been rejected by the FDA as unfit for consumption. Its importers then held this rotten shipment for two years before attempting to bring it into the country again, by a different route.

The inspectors only narrowly prevented this poisoned fish from reaching American plates. And what happened to the importer who tried to sell this deadly food to American consumers? In effect, nothing. He was placed on probation and asked to perform 50 hours of community service.

I suppose we shculd be thankful that the perpetrators were caught and held responsible. After all, the unsafe food might have escaped detection and reached our tables. But it worries me that the importer essentially received a slap on the wrist. I believe that forfeiting the small amount of money currently required for the Custom's bond, which importers now consider no more than a "cost of doing business," does little to deter unscrupulous importers from trying to slip tainted fish that is two years old past overworked Customs agents.

All too often, unscrupulous importers are never discovered. The General Accounting Office testified about a special operation known as Operation Bad Apple, conducted by Customs at the Port of San Francisco in 1997, identified 23 weaknesses in the controls over FDA-regulated imported food. For example, under current law, importers retain custody of their shipments from the time they arrive at the border. The importers must also put up a bond and agree to "redeliver" the shipment to Customs, for reexport or destruction, if ordered to do so or forfeit the bond. However, Operation Bad Apple revealed a very disturbing fact. Of the shipments found to violate U.S. standards, thereby requiring redelivery to Customs for destruction or re-export, a full 40 percent were never returned. The Customs Service believes an additional 30 percent of shipments that the FDA required to be returned contained good products that the importers had substituted for the original bad products. Customs further believes that the violative products were on their way to the marketplace. This means that a total of 70 percent of products ordered returned, because they were unsafe, presumably entered into U.S. commerce.

Weak import controls make our system all too easy to circumvent. After all, FDA only physically inspects about 17 of every 1,000 food shipments and, of the food inspected, only about a third is actually tested. That is why we have worked with the FDA, the Customs Service, and the Centers for Disease

Control (CDC) to ensure that our legislation addresses many of the issues explored over the course of the Subcommittee's investigation and hearings. Let me describe what this bill is designed to accomplish.

Our legislation will fill the existing gaps in the food import system and provide the FDA with certain stronger authority to protect American consumers against tainted food imports. First and foremost, this bill gives the FDA the authority to stop such food from entering our country. This authority allows the FDA to deny the entry of imported food that has caused repeated outbreaks of foodborne illnesses, presents a reasonable probability of causing serious adverse health consequences, and is likely without systemic changes to cause disease again.

Second, this legislation includes the authority for the FDA to require secure storage of shipments offered by repeat offenders prior to their release into commerce, to prohibit the practice of "port-shopping," and to mark boxes containing violative foods as "U.S.—Refused Entry." This latter authority, which would allow the FDA to clearly mark boxes containing contaminated foods, is currently used with success by the U.S. Department of Agriculture, and has been requested specifically by the FDA. Our bill also will require the destruction of certain imported foods that cannot be adequately reconditioned to ensure safety. Third, the legislation directs the FDA to develop criteria for use by private laboratories used to collect and analyze samples of food offered for import. This will ensure the integrity of the testing process.

Fourth, the bill will give "teeth" to the current food import system by establishing two strong deterrents—the threats of high bonds and of debarment—for unscrupulous importers who repeatedly violate U.S. law. No longer will the industry's "bad actors" be able to profit from endangering the health of American consumers.

Finally, our bill will authorize the CDC to award grants to state and local public health agencies to strengthen the public health infrastructure by updating essential items such as laboratory and electronic-reporting equipment. Grants will also be available for universities to develop new and improved tests to detect pathogens and for professional schools and professional societies to develop programs to increase the awareness of foodborne illness among healthcare providers and the public.

We believe the measures provided for in this legislation will help to curtail the risks that unsafe food imports currently pose to our citizens, particularly our elderly, our children and our sick. I appreciate the advice and input we have received from scientists, industry and consumer groups, and the FDA, the CDC and the U.S. Customs Service in drafting this legislation.

We are truly fortunate that the American food supply is one of the safest in the world. But, our system for safeguarding our people from tainted food imports is flawed and poses needless risks of serious foodborne illnesses. I believe it is the responsibility of Congress to provide our federal agencies with the direction, authority, and resources necessary to keep unsafe food out of the United States and off American dinner tables.●

By Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS).

S.J. Res. S. 25. A joint resolution expressing the sense of Congress with respect to the court-marital conviction of the late Rear Admiral Charles Butler McVay III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*; to the Committee on Armed Services.

Mr. SMITH of New Hampshire. Mr. President, I rise today to share with my colleagues a brief story from the closing days of World War II, the war in the Pacific.

It is a harrowing story, with many elements. Bad timing, bad weather. Heroism and fortitude. Negligence and shame. Bad luck. Above all, it is the story of some very special men whose will to survive shines like a beacon decades later.

I should point out that it is because of the efforts of a 13 year old boy in Florida that I introduce this bill today. Hunter Scott, working for nearly two years on what started as a history project, compiled a mountain of clippings, letters, and interviews that ultimately led Congressman JOE SCARBOROUGH to introduce this bill in the House, and for me to do so in the Senate. Hunter, on behalf of the survivors of the U.S.S. *Indianapolis*, the family of Captain McVay, and your country, I thank you for your courageous efforts.

Mr. President, we have the opportunity to redeem the reputation of a wronged man, and salute the indomitable will of a courageous crew. I had the distinct honor and priviledge of hosting two distinguished members of that courageous crew just this morning; Richard Paroubek, of Williamsburg, VA, who was a Yeoman 1st Class, and Woodie James of Salt Lake City, UT, who was a Coxswain. The bill I introduce today will honor these two men, and their fellow shipmates of the U.S.S. *Indianapolis*, and redeem their Captain, Charles McVay.

A 1920 graduate of the U.S. Naval Academy, Charles Butler McVay III was a career naval officer with an exemplary record, including participation in the landings in North Africa and award of the Silver Star for courage under fire earned during the Soloman Islands campaign. Before taking command of the *Indianapolis* in November 1944, Captain McVay was chairman of the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington, the Allies' highest intelligence unit.

Captain McVay led the ship through the invasion of Iwo Jima, then the bombardment of Okinawa in the spring of 1945 during which *Indianapolis*' antiaircraft guns shot down seven enemy planes before the ship was severely damaged. McVay returned the ship safely to Mare Island in California for repairs.

In 1945, the *Indianapolis* delivered the world's first operational atomic bomb to the island of Tinian, which would later be dropped on Hiroshima by the *Enola Gay* on August 6. After delivering its fateful cargo, the *Indianapolis* then reported to the naval station at Guam for further orders. She was ordered to join the battleship U.S.S. *Idaho* in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the *Indianapolis* began to unfold. Hostilities in this part of the Pacific had long since ceased. The Japanese surface fleet was no longer considered a likely threat, and attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland. These conditions led to a relaxed state of alert on the part of those who decided to send the *Indianapolis* across the Philippine Sea unescorted, and consequently, Captain McVay's orders to "zigzag at his discretion." Zigzagging is a naval maneuver used to avoid torpedo attack, generally considered most effective once the torpedoes have been launched.

The *Indianapolis*, unescorted, departed Guam for the Philippines on July 28. Just after midnight on 30 July 1945, midway between Guam and the Leyte Gulf, she was hit by two torpedoes fired by the "I-58," a Japanese submarine. The first blew away the bow, the second struck near mid-ship on the starboard side adjacent to a fuel tank and a powder magazine. The resulting explosion split the ship in two.

Of the 1,196 men aboard, about 900 escaped the sinking ship and made it into the water in the twelve minutes before she sank. Few life rafts were released. Shark attacks began at sunrise on the first day, and continued until the men were physically removed from the water, almost five days later.

Shortly after 11:00 A.M. of the fourth day, the survivors were accidentally discovered by an American bomber on routine antisubmarine patrol. A patrolling seaplane was dispatched to lend assistance and report. En route to the scene the pilot overflew the destroyer U.S.S. *Cecil Doyle* (DD-368), and alerted her captain to the emergency. The captain of the *Doyle*, on his own authority, decided to divert to the scene.

Arriving hours ahead of the *Doyle*, the seaplane's crew began dropping rubber rafts and supplies. While doing so, they observed men being attacked by sharks. Disregarding standing orders not to land at sea, the plane landed and began taxiing to pick up the stragglers and lone swimmers who were at greatest risk of shark attack.

As darkness fell, the crew of the seaplane waited for help to arrive, all the while continuing to seek out and pull nearly dead men from the water. When the plane's fuselage was full, survivors were tied to the wing with parachute cord. The plane's crew rescued 56 men that day.

The *Cecil Doyle* was the first vessel on the scene, and began taking survivors aboard. Disregarding the safety of his own vessel, the *Doyle*'s captain pointed his largest searchlight into the night sky to serve as a beacon for other rescue vessels. This beacon was the first indication to the survivors that their prayers had been answered. Help had at last arrived.

Of the 900 who made it into the water only 317 remained alive. After almost five days of constant shark attacks, starvation, terrible thirst, and suffering from exposure and their wounds, the men of the *Indianapolis* were at last rescued from the sea.

Curiously, the Navy withheld the news of the sunken ship from the American people for two weeks, until the day the Japanese surrendered on August 15, 1945, thus insuring minimum press coverage for the story of the *Indianapolis'* loss.

Also suspicious, conceding that they were "starting the proceedings without having available all the necessary data," less than two weeks after the sinking of the *Indianapolis*, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay and his actions. The board recommended a general court-martial for McVay.

Admiral Nimitz, Commander in Chief of Pacific Command, did not agree—he wrote the Navy's Judge Advocate General that at worst McVay was guilty of an error in judgment, but not gross negligence worthy of court-martial. Nimitz recommended a letter of reprimand.

Overriding both Nimitz and Admiral Raymond Spruance who commanded the Fifth Fleet, Secretary of the Navy James Forrestal and Admiral Ernest King, Chief of Naval Operations, directed that court-martial proceedings against Captain McVay proceed.

Captain McVay was notified of the pending court-martial, but not told what specific charges would be brought against him. The reason was simple. The Navy had not yet decided what to charge him with. Four days before the trial began they did decide on two charges: the first, failing to issue orders to abandon ship in a timely fashion; and the second, hazarding his vessel by failing to zigzag during good visibility.

It's difficult to understand why the Navy brought the first charge against McVay. Explosions from the torpedo attacks had knocked out the ship's communications system, making it impossible to give an abandon ship order to the crew except by word of mouth, which McVay had done. He was ultimately found not guilty on this count.

That left the second charge of failing to zigzag. Perhaps the most egregious aspect however, was in the phrasing of the charge itself. The phrase was "during good visibility." According to all accounts of the survivors, including written accounts only recently declassified and not made available to McVay's defense at the trial, the visibility that night was severely limited with heavy cloud cover. This is pertinent for two reasons. First, no Navy directives in force at that time or since recommended, much less ordered, zigzagging at night in poor visibility. Secondly, as Admiral Nimitz pointed out, the rule requiring zigzagging would not have applied in any event, since McVay's orders gave him discretion on that matter and thus took precedence over all other orders. Thus, when he stopped zigzagging, he was simply exercising his command authority in accordance with Navy directives. Unbelievably, this point was never made by McVay's defense counsel during the subsequent court-martial.

Captain McVay was ultimately found guilty on the charge of failing to zigzag, and was discharged from the Navy with a ruined career. In 1946, at the specific request of Admiral Nimitz who had become Chief of Naval Operations, Secretary Forrestal, in a partial admission of injustice, remitted McVay's sentence and restored him to duty. But, Captain McVay's court-martial, and personal culpability for the sinking of the *Indianapolis* continued to stain his Navy records. The stigma of his conviction remained with him always, and he ultimately took his own life in 1968. To this day Captain McVay is recorded in history as negligent in the deaths of 870 sailors.

We need to restore the reputation of this honorable officer. In the decades since World War II, the crew of the *Indianapolis* has worked tirelessly in defending their Captain, and trying to ensure that his memory is properly honored. It is at the specific request of the survivors of the *U.S.S. Indianapolis* that I introduce this resolution.

Since McVay's court-martial, a number of factors, including once classified documents not made available to McVay's defense, have surfaced raising significant questions about the justice of the conviction.

Although naval authorities at Guam knew that on July 24, four days before the *Indianapolis* departed for Leyte, the destroyer escort U.S.S. *Underhill* had been sunk by a Japanese submarine within range of the *Indianapolis'* path, McVay was not told.

Although a code-breaking system called ULTRA had alerted naval intelligence that a Japanese submarine (the I-58, which ultimately sank the *Indianapolis*) was operating in his path, McVay was not told. Classified as top secret until the early 1990s, this intelligence—and the fact it was withheld from McVay before he sailed from Guam—was suppressed during his court-martial.

Although the routing officer at Guam was aware of the ULTRA intelligence report, he said a destroyer escort for the *Indianapolis* was "not necessary" and, unbelievably, testified at McVay's court-martial that the risk of submarine attack along the *Indianapolis'* route "was very slight".

Although McVay was told of "submarine sightings" along his path, he was told none had been confirmed. Such sightings were commonplace throughout the war and were generally ignored by Navy commanders unless confirmed. Thus, the *Indianapolis* set sail for Leyte on July 26, 1945, sent into harm's way with its captain unaware of dangers which shore-based naval personnel know were in his path.

The U.S.S. *Indianapolis* was not equipped with submarine detection equipment, and therefore Captain McVay requested a destroyer escort. Although no capital ship without submarine detection devices had sailed between Guam and the Philippines without a destroyer escort throughout all of World War II, McVay's request for such an escort was denied.

The Navy failed to notice when the ship did not show up in port in the Philippines. U.S. authorities intercepted a message from the I-58 to its headquarters in Japan informing them that it had sunk the U.S.S. *Indianapolis*. This message was ignored and the Navy did not initiate a search. The *Indianapolis* transmitted three distress calls before it sank, and one was received at the naval base in the Philippines. Again, no search was initiated and no effort was made to locate any survivors. It was not until four days after the ship had sunk, when a bomber inadvertently spotted sailors being eaten by sharks in the water below, that a search party was dispatched.

Although 700 navy ships were lost in combat in World War II, McVay was the only captain to be court-martialed as the result of a sunken ship.

Captain McVay was denied both his first choice of defense counsel and a delay to develop his defense. His counsel, a line officer with no trial experience, had only four days to prepare his case.

Incredibly, the Navy brought Mochitura Hashimoto, the commander of the Japanese I-58 submarine that sunk the *Indianapolis* to testify at the court-martial. Hashimoto testified that just after midnight the clouds cleared long enough to see and fire upon the *Indianapolis*. He also implied in pretrial statements that zigzagging would not have saved the *Indianapolis* because of his clear view, but this point was not raised by McVay's defense during the trial itself.

Another witness in the trial, veteran Navy submariner Glynn Donaho, a four-time Navy Cross winner was asked by McVay's defense counsel whether "it would have been more or less difficult for you to attain the proper firing position" if the *Indianapolis* had been zigzagging under the conditions which existed that night. His answer was, "No, not as long as I could see the target." This testimony was either deliberately ignored by, or passed over the heads of, the court-martial board, and it was not pursued further by McVay's defense.

Many of the survivors of the *Indianapolis* believe that a decision to convict McVay was made before his court-martial began. They are convinced McVay was made a scapegoat to hide the mistakes of others. McVay was court-martialed and convicted of "hazarding his ship by failing to zigzag" despite overwhelming evidence that the Navy itself had placed the ship in harm's way, despite testimony from the Japanese submarine commander that zigzagging would have made no difference, despite the fact that although 700 Navy ships were lost in combat in World War II McVay was the only captain to be court-martialed, and despite the fact the Navy did not notice when the *Indianapolis* failed to arrive on schedule, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States Navy.

The resolution I am introducing corrects a 54 year old injustice, restores the honorable name of a decorated Navy combat veteran, and honors the wishes of his loyal and faithful crew. It will also honor the crew of the *Indianapolis* for their courage in surviving this awful tragedy.

I urge my colleagues to support this resolution and I am proud to offer it on behalf of Captain McVay and the wonderful and honorable men of the U.S.S. *Indianapolis*, two of whom are sitting with us in the gallery today, Mr. President.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SMITH of New Hampshire. I will certainly yield to the Senator from Illinois.

Mr. DURBIN. I would like to first commend the Senator from New Hampshire. I was visited in my office by a gentleman named Michael Kuryla, Jr., of Poplar Grove, IL, one of the survivors of the U.S.S. *Indianapolis*. He recounted to me in detail what happened when that ship went down. As he talked about being in the ocean for days, not knowing whether they would be rescued, watching his shipmates who were literally dying around him and being devoured by sharks, wondering if they would ever be rescued, tears came to his eyes. More than 50 years after, tears came to his eyes. He said it wasn't fair, what they did to Captain McVay; to court-martial him was wrong. He asked me for my help, if I would join the Senator from New Hampshire on this resolution, and I am happy to do so.

I think justice cries out that we agree to this resolution; that Captain McVay, who was singled out, out of all the captains of the fleet, to be court-martialed under these circumstances is just unfair. The men who served under him, those whose lives were under his care and those who survived this worst sea disaster in U.S. naval history—they have come forward. They have asked us to make sure that history properly records the contribution Captain McVay made to his country.

I am happy to join in this resolution. I hope other Members of the Senate, hearing this debate and reading this resolution, will cosponsor it as well and that we can close the right way this chapter in American naval history.

Mr. SMITH of New Hampshire. I thank the Senator from Illinois.

I ask unanimous consent that the roster of the final crew of the U.S.S. *Indianapolis* be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

THE FINAL CREW OF THE U.S.S. "INDIANAPOLIS" (CA-35)

CREW AND OFFICERS

ABBOTT, George S., S1. ACOSTA, Charles M., MM3. ADAMS, Leo H., S1*. ADAMS, Pat L., S2. ADORANTE, Dante W. S2. AKINES, William R., S2*. ALBRIGHT, Charles E., Jr., Cox. ALLARD, Vincent J., QM3*. ALLEN, Paul F., S1. ALLMARAS, Harold D., F2. ALTSCHULER, Allan H., S2*. ALVEY, Edward W., Jr., AerM2. AMICK, Homer I., S2. ANDERSEN, Lawrence J., SK2. ANDERSON, Erick T., S2*. ANDERSON, Leonard O., MM3. ANDERSON, Sam G., S2. ANDERSON, Vincent U., BMI. ANDERSON, Richard L., F2. ANDREWS, William R., S2*. ANNIS, James B. Jr., CEMA. ANTHONY, Harold R., PHM3. ANTONIE, Charles J., F2. ANUNTI, John M., M2*. ARMENTA, Lorenzo, SC2. ARMISTEAD, John H., S2*. ARNOLD, Carl L., AMM3. ASHFORD, Chester W., WT2. ASHFORD, John T. Jr., RT3*. ATKINSON, J.P., COX. AULL, Joseph H., S2. AULT, William F., S2*. AYOTT'E, Lester J., S2. BACKUS, Thomas H., LT. (jg). BAKER, Daniel A., S2. BAKER, Frederick H., S2. BAKER, William M. Jr., EM1. BALDRIDGE, Clovis R. EM2*. BALL, Emmet E., S2. BALLARD, Courtney J., SSM3. BARENTHIN, Leonard W. S2. BARKER, Robert C. Jr., RT1. BARKSDALE, Thomas L., FC3. BARNES, Paul C., F2. BARNES, Willard M., MM1. BARRA, Raymond J., CGMA. BARRETT, James B., S2. BARRY, Charles., LT. (jg). BARTO, Lloyd P., S1*. BARTON, George S., Y3. BATEMAN, Bernard B., F2*. BATENHORST, Wilfred J., MM3. BATSON, Eugene C., S2. BATTEN, Robert E., S1. BATTS, Edward D., STM1. BEANE, James A., F2*. BEATY, Donald L., S1*. BECKER, Myron M., WT2. BEDDINGTON, Charles E., S1. BEDSTED, Leo A., F1. BEISTER, Richard J., WT3. BELCHER, James R., S1*. BELL, Maurice G., S1*. BENNETT, Dean R., HA1. BENNETT, Ernest F., B3. BENNETT, Toney W., ST3. BENNING, Harry, S1. BENTON, Clarence U., CFCP*. BERNACIL, Concepcion P. FC3*. BERRY, Joseph, Jr., STM1. BERRY, William H., ST3. BEUKEMA, Kenneth J., S2. BEUSCHLEIN, Joseph C., S2. BIDDISON, Charles L., S1.

BILLINGS, Robert B., ENS. BILLINOSLEY, Robert F., GM3*. BILZ, Robert E., S2. BISHOP, Arthur, Jr., S2. BITONTI, Louis P., S1*. BLACKWELL, Fermon M. SSML3. BLANTHORN, Bryan, S1*. BLUM, Donald J., ENS. BOEGE, Raymond R., S2. BOGAN, Jack R., RM1. BOLLINGER, Richard H., S1. BOOTH, Sherman C., S1*. BORTON, Herheit E., SC2. BOSS, Norbert G., S2. BOTT, Wilbur M., S2. BOWLES, Eldridge W. S1. BOWMAN, Charles E., CTC. BOYD, Troy H., GM3. BRADLEY, William H., S2. BRAKE, John Jr., S2. BRANDT, Russell L., F2*. BRAUN, Neal F., S2. BRAY, Harold J. Jr., S2*. BRICE, R.V., S2. BRIDGE, Wayne A., S2. BRIGHT, Chester L., S2. BRILEY, Harold V., MAM3. BROOKS, Ulysess R., CWTA. BROPHY, Thomas D'Arcy Jr., ENS. BROWN, Edward A., WT3. BROWN, Edward J., S1*. BRUCE, Russell W., S2. BRULE, Maurice J., S2. BRUNDIGE, Robert H., S1*. BRUNEAU, Charles A., GM3. BUCKETT, Victor R., Y2*. BUDISH, David, S2. BULLARD, John K., S1*. BUNAI, Robert P., SM1*. BUNN, Horace G., S2. BURDORF, Wilbert J., COX*. BURKHARTSMEIER, Anton T., S1. BURKHOLTZ, Frank Jr., EM3.

BURLESON, Martin L., S1. BURRS, John W., S1. BURT, William George A., QM3. BURTON, Curtis H., S1*. BUSHONG, John R., GM3. CADWALLADER, John J., RT3. CAIN, Alfred B., RT3. CAIRO, William G., BUG1. CALL, James E., RM3. CAMERON, John W, GM2. CAMP, Garrison, STM2. CAMPANA, Paul, RDM3. CAMPBELL, Hamer E. Jr., GM3*. CAMPBELL, Louis D., AOM3*. CAMPBELL, Wayland D., SF3. CANDALINO, Paul L., LT.(jg). CANTRELL, Billy G., F2. CARNELL, Lois W., S2. CARPENTER, Willard A., SM3. CARR, Harry L., S2. CARROLL, Gregory K., S1. CARROLL, Rachel W., COX. CARSON, Clifford, F1. CARSTENSEN, Richard, S2. CARTER, Grover C., S1*. CARTER, Lindsey L., S2*. CARTER, Lloyd G., COX*. CARVER, Grover C., S1*. CASSIDY, John C., S1*. CASTALDO, Patrick P., GM2. CASTIAUX, Ray V., S2. CASTO, William H., S1. CAVIL, Robert R., MM2. CAVITT, Clinton C., WT3. CELAYA, Adolfo V., F2*. CENTAZZO, Frank J., SM3*. CHAMNESS, John D., S2*. CHANDLER, Lloyd N., S2. CHART, Joseph, EM3. CHRISTIAN, Lewis E. Jr., WO. CLARK, Eugene, CK3. CLARK, Orsen N., S2*. CLEMENTS, Harold P., S2. CLINTON, George W., S1*. CLINTON, Leland J., LT. (jg). COBB, William L., MOMM3. COLE, Walter H., CRMA. COLEMAN, Cedric F., LCFR. COLEMAN, Robert E., F2*. COLLIER, Charles R., RM2*. COLLINS, James, STM1. COLVIN, Frankie

L., SSMT2. CONDON, Barna T., RDM1. CONNELLY, David F., ENS. CONRAD, James P., EM3. CONSER, Donald L., SC2. CONSIGLIO, Joseph W., FC2. CONWAY, Thomas M., Rev., LT. COOK, Floyd E., SF3. COOPER, Dale, Jr., F2. COPELAND, Willard J., S2. COSTNER, Homer J., COX*. COUNTRYMAN, Robert E., S2. COWEN, Donald R., FC3*. COX, Alford E., GM3. COX, Loel Dene, S2*. CRABB, Donald C., RM2. CRANE, Granville S. Jr., MM2*. CREWS, Hugh C., LT. (jg). CRITES, Orval D., WT1. CROUCH, Edwin M., CAPT. (Passenger). CRUM, Charles J., S2. CRUZ, Jose S., CCKA. CURTIS, Erwin E., CTCP. DAGENBART, Charles R. Jr., PHM2. DALE, Elwood R., F1. DANIEL, Harold W., CBMA*. DANIELLO, Anthony G., S1. DAVIS, James C. RM3. DAVIS, Kenneth G., F1. DAVIS, Stanley G., LT. (jg). DAVIS, Thomas E., SM2. DAY, Richard R. Jr., S2. DEAN, John T. Jr., S2. DeBERNARDI, Louie, BMI*.

DeFOOR, Walton, RDM3. DeMARS, Edgar J., CBMA. DeMENT, Dayle P., S1. DENNY, Lloyd, Jr., S2. DEWING, Ralph O., FC3*. DIMOND, John N., S2. DIZELSKE, William B., MM2*. DOLLINS, Paul, RM2. DONALD, Lyle H., EM1. DONEY, William Junior, F2. DONNER, Clarence W., RT3*. DORMAN, William B., S1. DORNETTO, Frank P, WT1. DOSS, James M., S2. DOUCETTE, Ronald O., S2. DOUGLAS, Gene D., F2*. DOVE, Bassil R., SKD2. DOWDY, Lowell S., CWO. DRANE, James A., GM2. DRAYTON, William H., EM2*. DRISCOLL, David L., LT. (jg). DRONET, Joseph E.J., S2*. DRUMMOND, James J., F2. DRURY, Richard E., S2. DRYDEN, William H., MM1*. DUFRAINE, Delbert E., S1. DUNBAR, Jess L., F2. DURAND, Ralph J., Jr., S2. DYCUS, Donald, S2. EAKINS, Morris B., F2. EAMES, Paul H. Jr., ENS. EASTMAN, Chester S., S2. ECK, Harold A., S2*. EDDINGER, John W, S1. EDDY, Richard L., RM3. EDWARDS, Alwyn C., F2. EDWARDS, Roland J., BM1. E'GOLF, Harold W., S2. ELLIOTT, Kenneth A., S1. ELLIOTT, Harry W., S2. EMERY, William F., S1*. EMSLEY, William J., S1. ENGELSMAN, Ralph, S2*. EPPERSON, Ewell, S2*.

EPPERSON, George L., S1. ERICKSON, Theodore M., S2*. ERNST, Robert C., F2. ERWIN, Louis H., COX*. ETHIER, Eugene E., EM3*. EUBANKS, James H., S1. EVANS, Arthur J., PHM2. EVANS, Claudus, GM3*. EVERETT, Charles N., EM2. EVERS, Lawrence L., CMMA. EYET, Donald A., S1. FANTASIA, Frank A., F2. FARBER, Sheldon L., S2. FARLEY, James W., S1. FARMER, Archie C., Cox*. FARRIS, Eugene F., S1*. FAST HORSE, Vincent, S2. FEAKES, Fred A., AOMI*. FEDORSKI, Nicholas W., S1*. FEENEY, Paul R., S2. FELTS, Donald J., BMI*. FERGUSON, Albert E., CMMA*. FERGUSON, Russel M., RT3. FIGGINS, Harley D., WT2. FIRESTONE, Kenneth F., FC2. FIRMIN, John A. H., S2. FITTING, Johnny W., GM1*. FLATEN, Harold J., WT2*. FELISCHAUER, Donald W., S1. FLESHMAN, Vern L., S2. FLYNN, James M., Jr., S1. FLYNN, Joseph A., CDR. FOELL, Cecil D., ENS. FORTIN, Verlin L., WT3*. FOSTER, Verne E., F2*. FOX, William H. Jr., F2*. FRANCOIS, Norbert E., F1*. FRANK, Rudolph A., S2. FRANKLIN, Jack R., RDM3. FREEZE, Howard B., LT. (jg). FRENCH, Douglas O., FC3. FRENCH, Jimmy Junior, QM3. FRITZ, Leonard A., MM3.

FRONTINO, Vincent F., MOMM3. FRORATH, Donald H., S2. FUCHS, Herman F., CWO. FULLER, Arnold A., F2. FULTON, William C., CRMA. FUNKHOUSER, Rober M., ART2*. GABRILLO, Juan, S2*. GAITHER, Forest M., FC2. GALANTE, Angelo., S2*. GALBRAITH, Norman S., MM2*. GARDNER, Roscoe W., F2*. GARDNER, Russel T., F2. GARNER, Glenn R., MM2. GAUSE, Robert P., QM1*. GAUSE, Rubin C., Jr., ENS. GEMZA, Rudolph A., FC3*. GEORGE, Gabriel V., MM3*. GERNGROSS, Frederick J., Jr., ENS. GETTLEMAN, Robert A., S2*. GIBSON, Buck W., GM3*. GIBSON, Curtis W., S2. GIBSON, Ganola F., MM3. GILBERT, Warner, Jr. S1. GILCREASE, James, S2*. GILL, Paul E., WT2. GILMORE, Wilbur A., S2. GISMONDI, Michael V., S1. GLADD, Millard, Jr., MM2*. GLAUB, Francis A., GM2. GLENN, Jay R., AMM3*. GLOVKA, Erwin S., S2. GODFREY, Marlo R., RM3. GOECKEL, Ernest S., LT. (jg). GOFF, Thomas G., SF3*. GOLDEN, Curry., STM1. GOLDEN, James L., S1. GONZALES, Ray A., S2. GOOCH, William L., F2*. GOOD, Robert K., MM3. GOODWIN, Oliver A., CRTA. GORE, Leonard F., S2. GORECKI, Joseph W., SK3. GOTTMAN, Paul J., S2.

GOVE, Carroll L., S2. GRAY, Willis L., S1*. GREATHOUSE, Bud R., S1. GREEN, Robert U., S2.

GREEN, Tolbert, Jr., S1*. GREENE, Samuel G., S1. GREENLEE, Charles I., S2*. GREER, Bob E., S2. GREGORY, Garland G., F1. GREIF, Matthias D., WT3. GRIES, Richard C., F2. GRIEST, Frank D., GM3. GRIFFIN, Jackie D., S1. GRIFFITH, Robert S., S1*. GRIFFITHS, Leonard S., S2. GRIGGS, Donald R., F1. GRIMES, David E., S2. GRIMES, James F., S2. GROCE, Floyd V., RDM2. GROCH, John T., MM3. GUENTHER, Morgan E., EM3. GUERRERO, John G., S1. GUILLOT, Murphy U., F1. GUYE, Ralph L., Jr., QM3. GUYON, Harold L., F1. HABERMAN, Bernard, S2. HADUCH, John M., S1. HALE, Robert B., LT. HALE, William F., S2. HALL, Pressie, F1. HALLORAN, Edward G., MM3. HAM, Saul A., S1. HAMBO, William P., PHM3. HAMMEN, Robert, PHOM3. HAMRICK, James J., S2. HANCOCK, William A., GM3. HANKINSON, Clarence W., F2. HANSEN, Henry, S2. HANSON, Harley C., WO.* HARLAND, George A., S2. HARP, Charlie H., S1. HARPER, Vasco, STM1. HARRIS, James D., F2. HARRIS, Willard E., F2.

HARRISON, Cecil M., CWO.*. HARRISON, Frederick E., S2. HARRISON, James M., S1. HART, Fred Jr., RT2*. HARTRICK, Willis B., MM1. HATFIELD, Willie N., S2*. HAUBRICH, Cloud D., S2. HAUSER, Jack I., SK2. HAVENER, Harlan C., F2*. HAVINS, Otha A., Y3*. HAYES, Charles D., LCDR. HAYLES, Fleix, CK3. HAYNES, Lewis L., MC., LCDR.*. HANYES, Robert A., LT. HAYNES, William A., S1. HEERDT, Raymound E., F2. HEGGIE, William A., RDM3. HEINZ, Richard A., HA1. HELLER, John, S2*. HELLER, Robert J. Jr., S2. HELSCHER, Ralph J., S1. HELT, Jack E., F2. HENDERSON, Ralph L., S1. HENDRON, James R. Jr., F2. HENRY, Earl O., DC, LCDR. HENSCH, Erwin F., LT.*. HENLSEY, Clifford, SSMB2. HERBERT, Jack E., BM1. HERNDON, Duane, S2. HERSHBERGER, Clarence L., S1*. HERSTINE, James F., ENS. HICKEY, Harry T., RM3. HICKS, Clarence, S1. HIEBERT, Lloyd H., GM1. HILL, Clarence M., CWTP. HILL, Joe W., STM1. Hill, Nelson P. Jr., LT. HILL, Richard N., ENS. HIND, Lyle L., S2*. HINES, Lionel G., WT1. HINKEN, John R., Jr., F2*. HOBBS, Melvin D., S1. HODGE, Howard H., RM2.

HODGINS, Lester B., S2. HODSHIRE, John W., S2. HOERES, George J., S2. HOLDEN, Punciano A., ST1. HOLLINGSWORTH, Jimmie L., STM2. HOLLOWAY, Andrew J., S2. HOLLOWAY, Ralph H., COX. HOODERWERF, John Jr., F1. HOOPES, Gordon H., S2*. HOPPER, Prentice W., S1. HOPPER, Roy L., AMM1. HORNER, Durward R., WO.*. HORR, Wesley A., F2. HORRIGAN, John G., F1. HORVATH, George J., F1*. HOSKINS, William O., Y3*. HOUCK, Richard E., EM3*. HOUSTON, Robert G., F1. HOUSTON, William H., PHM2. HOV, Donald A., S1. HOWISON, John D., ENS.*. HUBELI, Joseph F., S2*. HUEBNER, Harry J. S1. HUGHES, Lawrence E., F2. HUGHES, Robert A., FC3. HUGHES, William E., SSML2. HUMPHREY, Maynard L., S2. HUNTER, Arthur R. Jr., QM1. HUNTLEY, Virgil C., CWO. HUPKA, Clarence E., BKR1*. HURLEY, Woodrow, GM2*. HURST, Robert H., LT. HURT, James E., S2. HUTCHISON, Merle B., S2. IGOU, Floyd, Jr., RM2. IZOR, Walter E., F1. JACKSON, Henry, STML. JACQUEMOT, Joseph A., S2*. JADLOSKI, George K., S2. JAKUBISIN, Joseph S., S2. JAMES, Woodie E., COX*. JANNEY, Johns Hopkins, CDR. JARVIS, James K., AM3*.

JEFFERS, Wallace M., COX. JENNEY, Charles I., LT. JENSEN, Chris A., S2. JENSEN, Eugene W., S2*. JEWELL, Floyd R., SK1. JOHNSON, Bernard J., S2. JOHNSON, Elwood W., S2. JOHNSON, George G., S2. JOHNSON, Harold B., S1. JOHNSON, Sidney B., S1. JOHNSON, Walter M. Jr., S1. JOHNSON, William A., S1*. JOHNSTON, Earl R., BM2. JOHNSTON, Lewis E., S1. JOHNSTON, Ray F., MM1. JOHNSTON, Scott A., F2. JONES, Clinton L., COX*. JONES, George E., S2. JONES, Jim, S2. JONES, Kenneth M., F1 MoMM. JONES, Sidney, S1*. JONES, Stanley F., S2. JORDAN, Henry, STM2. JORDON, Thomas H., S2. JOSEY, Clifford O., S2. JUMP, David A., ENS. JURGENSMEYER, Alfred J., S2. JURKIEWICZ, Raymond S., S1*. JUSTICE, Robert E., S2*. KARPEL, Dan L., BM1. KARTER, Leo C. Jr., S2. KASTEN, Stanley O., HA1. KAWA, Raymond P., SK3. KAY, Gust C., S1*. KAZMIERSKI, Walter, S1*. KEENEY, Robert A., ENS. KEES, Shalous E., EM2*. KEITH, Everette E., EM2. KELLY, Albert R., S2. KEMP, David P. Jr., SC3*. KENLY, Oliver W., RdM3*. KENNEDY, Andrew J. Jr., S2. KENNEDY, Robert A., S1. KENNY, Francis J.P., S2.

KEPHART, Paul, S1. KERBY, Deo E., S1*. KERN, Harry G., S1. KEY, S.T., EM2. KEYES, Edward H., COX*. KIGHT, Audy C., S1. KILGORE, Archie C., F2. KILLMAN, Robert E., GM3. KINARD, Nolan D., S1. KINCAID, Joseph E., FC2. KING, A.C., S1*. KING, Clarence Jr., STM2. KING, James T., S1. KING, Richard E., S2. KING, Robert H., S2. KINN▲MAN, Robert L., S2. KINZLE, Raymond A., BKR2*. KIRBY, Harry, S1. KIRK, James R., SC3. KIRKLAND, Marvin F., S1*. KIRKMAN, Walter W., SF1. KISELICA, Joseph F., AMM2*. KITTOE, James W., F2*. KLAPPA, Ralph D., S2*. KLAUS, Joseph F., S1*. KLEIN, Raymond J., S1. KLEIN, Theil J., SK3. KNERNSCHIELD, Andrew N., S1. KNOLL, Paul E., COX. KNOTT, Elbern L., S1. KNUDTSON, Raymond A., S1. KNUPKE, Richard R., MM3. KOCH, Edward C., EM3*. KOEGLER, Albert, S1. KOEGLER, William, 5C3. KOLAKOWSKI, Ceslaus, SM3. KOLLINGER, Robert E., S1. KONESNY, John M., S1. KOOPMAN, Walter F., F2. KOPPANG, Raymond I., LT (jg). KOUSKI, Fred, GM3. KOVALICK, George R., S2. KOZIARA, George, S2*.

KOZIK, Raymond., S1. KRAWYVZ, Henry J., MM3. KREIS, Clifford E., S1*. KRON, Herman E. Jr., GM3. KRONENBERGER, Wm. M., GM3. KRUEGER, Dale F., F2*. KRUEGER, Norman F., S2*. KRUSE, Darwin G., S2. KRZYZEWSKI, John M., S2. KUHN, Clair J., S1. KULOVITZ, Raymond J., S2. KURLICH, George R., FC3*. KURYLA, Michael N. Jr., COX*. KUSIAK, Alfred M., S2. KWIATKOWSKI, Marion J., S2. LABUDA, Arthur A., QM3. LaFONTAINE, Paul S., S1. LAKATOS, Emil J., MM3. LAKE, Murl C., S1. LAMB, Robert D., EM3. LAMBERT, Leonard F., S1. LANDON, William W. Jr., FC2. LANE, Ralph, CMMA*. LANTER, Kenley M., S1*. LaPAGLIA, Carlos, GM2*. LaPARL, Lawrence E. Jr., S2. LAPCZYNSKI, Edward W., S1. LARSEN, Melvin R., S2. LATIGUE, Jackson, STM1. LATIMER, Billy F., S1. LATZER, Solomon, S2. LAUGHLIN, Fain H., SK3. LAWS George E., S1*. LEATHERS, Williams B., MM3. LeBARON, Robert W., S2. LeBOW, Cleatus A., FC03*. LEENERMAN, Arthur L., RDM3*. LELUIKA, Paul P., S2. LESTINA, Francis J., S1. LETIZIA, Vincencio, S2. LETZ, Wilbert J., SK1. LeVALLEY, William D., EM2. LEVENTON, Mevin C., MM2. LeVIEUX, John J., F2. LEWELLEN, Thomas E., S2. LEWIS, James R., F2. LEWIS, John R., GM3. LINDEN, Charles G., WT2. LINDSAY, Norman L., SF3. LINK, George C., S1. LINN, Roy, S1. LINVILLE, Cecil H., SF2. LINVILLE, Harry J., S1. LIPPERT, Robert G., S1. LIPSKI, Stanley W., CDR. LITTLE, Frank E., MM2. LIVERMORE, Raymond I., S2. LOCH, Edwin P, S1. LOCKWOOD, Thomas H., S2*. LOEFFLER, Paul E. Jr., S2. LOFTIS, James B. Jr., S1*. LOFTUS, Ralph D., F2. LOHR, Leo W., S1. LOMBARDI, Ralph, S1. LONG, Joseph W., S1. LONGWELL, Donald J., S1. LOPEZ, Daniel B., F2*. LOPEZ, Sam, S1*. LORENC, Edward R., S2. LOYD, John F., WT2. LUCAS, Robert A., S2. LUCCA, Frank J., F2*. LUHMAN, Emerson D., MM3. LUNDGREN, Albert D., S1. Luttrull, Claud A., COX. LUTZ, Charles H., S1. MAAS, Melvin A., S1*. MABEE, Kenneth C., F2. MACE, Harold A., S2*. MacFARLAND, Keith I., LT (jg). MACHADO, Clarence J., WT2. MACK, Donald F., Bugler 1*. MADAY, Anthony F., AMM1*. MADIGAN, Harry F, BM2. MAGDICS, Steve Jr., F2. MAGRAY, Dwain F., S. MAKAROFF, Chester J., GM3*.

MAKOWSKI, Robert T., CWTA. MALDONADO, Salvador, BKR3*. MALENA, Joseph J. Jr., GM2*. MALONE, Cecil E., S2. MALONE, Elvin C., S1. MALONE, Michael L. Jr., LT (jg). MALSKI, Joseph J., S1*. MANESS, Charles F., F2. MANKIN, Howard J., GM3. MANN, Clifford E., S1. MANSKER, LaVoice, S2. MANTZ, Keith H., S1. MARCIULAITIS, Charles, S1. MARKMANN, Frederick H., WT1. MARPLE, Paul T., ENS. MARSHALL, John L., WT2. MARSHALL, Robert W., S2. MARTIN, Albert, S2. MARTIN, Everett G., S1. MASSIER, George A., S1. MASTRECOLA, Michael M., S2. MATHESON, Richard R., PHM3. MATRULLA, John, S1. MAUNTEL, Paul J., S2. MAXWELL, Farrell J., S1*. McBRIDE, Ronald G. S1. McBRYDE, Frank E., S2. McCALL, Donald C., S2*. McCLAIN, Raymond B., BM2*. McCLARY, Lester E., S2. McCLURE, David L., EM2. McCOMB, Everett A., F1. McCORD, Edward Franklin Jr., EM3. McCORKLE, Ray R., S1. McCORMICK, Earl W., MOMM2. McCOSKEY, Paul F., S1. McCOY, John S., Jr., M2. McCRORY, Millard V. Jr., WT2*. McDANIEL, Johnny A., S1. McDONALD, Franklin G. Jr., F2. McDONNER, David P. Jr., F1. McDOWELL, Robert E., S1. McELROY, Clarence E., S1*.

McFALL, Walter E., S2*. McFEE, Carl S., Sd. McGINNIS, Paul W., SM3*. McGINTY, John M., S1. McGUIGGAN, Robert M., S1*. McGUIRE, Denis, S2. McGUIRK, Philip A., LT (jg). McHENRY, Loren C. Jr., S1*. McHONE, Ollie, F1. McKEE, George E. Jr., S1. McKENNA, Michael J., S1. McKENZIE, Ernest E., S1*. McKINNON, Francis M., Y3. McKISSICK, Charles B., LT (jg)*. McKLIN, Henry T., S1*. McLAIN, Patrick J., S2*. McLEAN, Douglas B., EM3. McNABB, Thomas, Jr., F2. McNICKLE, Arthur S., F1. McQUITTY, Roy E., COX. McVAY, Charles Butler, III, CAPT.*. McVAY, Richard C., Y3*. MEADE, Sidney H., S1. MEHLBAUM, Raymond A., S1. MEIER, Harold E., S2. MELICHAR, Charles H., EM3. MELVIN, Carl L., F1. MENCHEFF, Manual A., S2. MEREDITH, Charles E., S1*. MERGLER, Charles M., RDM2. MESTAS, Nestor A., WT2*. METCALF, David W., GM3. MEYER, Charles T., S2*. MICHAEL, Bertrand F., BKR3. MICHAEL, Elmer O., S1. MICHNO, Arthur R., S2. MIKESKA, Willie W., S2. MIKOLAYEK, Joseph, COX*. MILBRODT, Glen L. S2*. MILES, Theodore K., LT. MILLER, Artie R., GM2. MILLER, George E., F1. MILLER, Glenn E., S2. MILLER, Samuel George Jr., FC3.

MILLER, Walter R., S2. MILLER, Walter W., B1. MILLER, Wilbur H., CMM. MILLS, William H., EM3. MINER, Herbert J. II, RT2*. MINOR, Richard L., S1. MINOR, Robert W., S2. MIRES, Carl E., S2. MIRICH, Wally M., S1. MISKOWIEC, Theodore F., S1. MITCHELL, James E., S2*. MITCHELL, James H. Jr., SK1. MITCHELL, Kenneth E., S1*. MITCHELL, Norval Jerry Jr., S1*. MITCHELL, Paul B., FC3. MICHELL, Winston C., S1. MITTLER, Peter John Jr., GM3. MIXON, Malcom L., GM2. MLADY, Clarence C., S1*. MODESITT, Carl E., S2*. MODISHER, Melvin W., MC, LTQ (jg)*. MONCRIEF, Mack D., S2. MONKS, Robert B., GM3. MONTOYA, Frank E., S1. MOORE, Donald G., S2. MOORE, Elbert, S2. MOORE, Harley E., S1. MOORE, Kyle C., LCDR. MOORE, Wyatt P., BKR1. MORAN, Joseph J., RM1*. MORGAN, Eugene S., BM2*. MORGAN, Glenn G., BGM3*. MORGAN, Lewis E., S2. MORGAN, Telford F., ENS. MORRIS, Albert O., S1*. MORSE, Kendall H., LT (jg). MORTON, Charles W., S2. MORTON, Marion E., SK2. MOSELEY, Morgan M., SC1*. MOULTON, Charles C., S2. MOWREY, Ted E., SK3*. MOYNELO, Harold C. Jr., ENS. MROSZAK, Frank A., S2.

MULDOON, John J., MM1*. MULVEY, William R., BM1*. MURILLO, Sammy, S2. MURPHY, Allen, S2. MURPHY, Paul J., FC3*. MUSARRA, Joseph, S1. MYERS, Charles Lee Jr., S2. MYERS, Glen A., MM2. MYERS, H.B., F1*. NABERS, Neal A., S2. NASPINI, Joseph A., F2*. NEAL, Charles K., S2. NEAL, George M., S2. NEALE, Harlan B., S2. NELSEN, Edward J., GM1*. NELSON, Frank H., S2*. NEU, Hugh H., S2. NEUBAUER, Richard, S2. NEUMAN, Jerome C., F1. NEVILLE, Bobby G., S2. NEWCOMER, Lewis W., MM3. NEWELL, James T., EM1. NEWHALL, James F., S1*. NICHOLS, James C., S2*. NICHOLS, Joseph L., BM2. NICHOLS, Paul V., MM3. NIELSEN, Carl Aage Chor Jr., F1. NIETO, Baltazar P, GM3. NIGHTINGALE, William O., MM1*. NISKANEN, John H., F2. NIXON, Daniel M., S2*. NORBERG, James A., CBMP*. NORMAN, Theodore R., GM2. NOWAK, George J., F2. NUGENT, William G., S2. NUNLEY, James P, F1. NUNLEY, Troy A., S2*. NUTT, Raymond A., S2. NUTTALL, Alexander C., S1*. OBLEDO, Mike G., S1*. O'BRIEN, Arthur J., S2. O'CALLAGHAN, Del R., WT2. OCHOA, Ernest, FC3.

O'DONNELL, James E., WT3*. OLDERON, Bernhard G., S1. OLIJAR, John, S1*. O'NEIL, Eugene E., S1. ORR, Homer L., HAI. ORR, John Irwin, Jr., LT. ORSBURN, Frank H., SSML2*. ORTIZ, Orlando R., Y3. OSBURN, Charles W., S2. OTT, Theodore G., Y1. OUTLAND, Felton J., S1*. OVERMAN, Thurman D., S2*. OWEN, Keith N., SC3*. OWENS, Robert Sheldon, Jr., QM3. OWENSBY, Clifford C., F2. PACE, Curtis, S2*. PACHECO, Jose C., S2*. PAGITT, Eldon E., F2. PAIT, Robert E., BM2. PALMITER, Adelore A., S2*. PANE, Francis W., S2. PARHAM, Fred, ST2. PARK, David E., ENS. PAROUBEK, Richard A., Y1*. PASKET, Lyle M., S2*. PATTERSON, Alfred T., S2. PATTERSON, Kenneth G., S1. PATZER, Herman L., EM1. PAULK, Luther D., S2*. PAYNE, Edward G., S2*. PAYNE, George D., S2. PENA, Santos A., S1*. PENDER, Welburn M., F2. PEREZ, Basilio, S2*. PERKINS, Edward C., F2*. PERRY, Robert J., S2. PESSOLANO, Michael R., LT. PETERS, Earl J., S2. PETERSON, Avery C., S2*. PETERSON, DARREL E., S1. PETERSON, Frederick A., MAM3. PETERSON, Glenn H., S1. PETERSON, Ralph R., S2. PETRINCIC, John Nicholas, Jr., FC3. PEYTON, Robert C., STM1. PHILLIPS, Aulton N. Sr., F2. PHILLIPS, Huie H., S2*. PIERCE, Clyde A., CWTA. PIERCE, Robert W., S2. PIPERATA, Alfred J., MM1. PITMAN, Robert F., S2. PITTMAN, Almire, Jr., ST3. PLEISS, Roger D., F2. PODISH, Paul, S2*. PODSCHUN, Clifford A., S2*. POGUE, Herman C., S2*. POHL, Theodore, F2. POKRYFKA, Donald M., S2. POOR, Gerald M., S2*. POORE, Albert F., S2. POTRYKUS, Frank P., F2. POTTS, Dale F., S2*. POWELL, Howard W., F1. POWERS, R. C. Ottis, S2. Poynter, Raymond L., S2. PRAAY, William T., S2. PRATHER, Clarence J., CMMA. PRATT, George R., F1. PRICE, James D., S1*. PRIESTLE, Ralph A., S2. PRIOR, Walter M., S2. PUCKETT, William C., S2. PUPUIS, John A., S1. PURCEL, Franklin W., S2. PURSEL, Forest V., WT2. PYRON, Freddie H., S1. QUEALY, William C. Jr., PR2*. RABB, John R., SC1. RAGSDALE, Jean O., S1. RAHN, Alvin W., SK3. RAINES, Clifford Junior, S2. RAINS, Rufus B., S1. RAMIREZ, Ricardo, S1*. RAMSEYER, Raymond C., RT3. RANDOLPH, Clco, STM1. RATHBONE, Wilson, S2*. RATHMAN, Frank Junior, S1.

RAWDON, John H., EM3*. REALING, Lyle O., FC2. REDMAYNE, Richard B., LT.*. REED, Thomas W., EM3. REEMTS, Alvan T., S1. REESE, Jesse E., S2. REEVES, Chester O. B., S1*. REEVES, Robert A., F2. REGALADO, Robert H., S1. REHNER, Herbert A., S1*. REID, Curtis F., S2*. REID, James E., BM2*. REID, John, LCDR*. REID, Tommy L., RDM38*. REILLY, James F., Y1. REINERT, Leroy, F1. REMONDET, Edward J. Jr., S2. REYNOLDS, Alford, GM28*. REYNOLDS, Andrew E., S1. REYNOLDS, Carleton C., F1. RHEA, Clifford, F2. RHODES, Vernon L., F1. RHOTEN, Roy E., F2. RICE, Albert, STM1. RICH, Garland L., S1. RICHARDSON, John R., S2. RICHARDSON, Joseph G., S2. RIDER, Francis A., RDM3. RILEY, Junior Thomas, BM2. RINEAY, Francis Henry, Jr., S28*. ROBERTS, Benjamin E., WT1. ROBERTS, Norman H., MM1*. ROBERTS, Charles, S1. ROBISON, Gerald E., RT3. ROBISON, John D., COX*. ROBISON, Marzie J., S2. ROCHE, Joseph M., LT. ROCKENBACH, Earl A., SC2. ROESBERRY, Jack R., S1. ROGELL, Henry T., F1. ROGERS, Ralph G., RDM3*. ROGERS, Ross, Jr., ENS*. ROLAND, Jack A., PHM1.

ROLLINS, Willard E., RM3. ROMANI, Frank J., HAI. ROOF, Charles W, S2. ROSE, Berson H., GM2. ROSS, Glen E., F2. ROTHMAN, Aaron, RDM3. ROWDEN, Joseph G., F1. ROZZANO, John, Jr., S2. RUDOMANSKI, Eugene W., RT2. RUE, William G., MM1. RUSSELL, Robert A., S2. RUSSELL, Virgil M., COX*. RUST, Edwin L., S1. RUTHERFORD, Robert A., RM2. RYDZESKI, Frank W., F1. SAATHOFF, Don W., S2*. SAENZ, Jose A., SC3. SAIN, Albert F., S1. SALINAS, Alfredo A., S1. SAMANO, Nuraldo, S2. SAMPSON, Joseph R., S2. SAMS, Robert C., STM2. SANCHEZ, Alejandro V., S2. SANCHEZ, Fernando S., SC3*. SAND, Cyrus H., BM1. SANDERS, Everett R., MOMM1.

SASSMAN, Gordon W., COX. SCANLAN, Osceola C., S2*. SCARBROUGH, Fred R., COX. SCHAAP, Marion J., QM1. SCHAEFER, Harry W., S2. SCHAFFER, Edward J., S1. SCHARTON, Elmer D., S1. SCHECHTERLE, Harold J., RDM3*. SCHEIB, Albert E., F2. SCHEWE, Alfred P., S1. SCHLATTER, Robert L., AOM3. SCHLOTTER, James R., RDM3. SCHMUECK, John A., CPHMP*. SCHNAPPAUF, Harold J., SK3. SCHOOLEY, Dillard A., COX. SCHUMACHER, Arthur J., Jr., CEMA. SCOGGINS, Millard, SM2.

SCOTT, Burl D., STM2. SCOTT, Curtis M., S1. SCOTT, Hilliard, STM 1. SEABERT, Clarke W., S2*. SEBASTIAN, Clifford H., RM2. SEDIVI, Alfred J., PHOM2. SELBACH, Walter H., WT2. SELL, Ernest F., EM2. SELLERS, Leonard E., SF3. SELMAN, Amos, S2. SETCHFIELD, Arthur L., COX*. SEWELL, Loris E., S2. SHAFFER, Robert P., GM3*. SHAND, Kenneth W., WT2. SHARP, William H., S2*. SHAW, Calvin P., GM2. SHEARER, Harold J., S2*. SHELTON, William E. Jr., SM2. SHIELDS, Cecil N., SM2. SHIPMAN, Robert L., GM3. SHOWN, Donald H., CFC*. SHOWS, Audie B., COX*. SIKES, Theodore A., ENS. SILCOX, Burnice R., S1. SILVA, Phillip G., S1. SIMCOX, Gordon, W., EM3. SIMCOX, John A., F1. SIMPSON, William E., BM2,*. SIMS, Clarence, CK2. SINCLAIR, J. Ray, S2*. SINGERMAN, David, SM2. SIPES, John L., S1. SITEK, Henry J., S2*. SITZLAR, William C., F1. SLADEK, Wayne L, BM1*. SLANKARD, Jack C., S1*. SMALLEY, Howard E., S1. SMELTZER, Charles H., S2*. SMERAGLIA, Michael, RM3. SMITH, Carl M., SM2. SMITH, Charles A., S1. SMITH, Cozell Lee, Jr., COX*. SMITH, Edwin L., S2. SMITH, Eugene G., BM2.

SMITH, Frederick C., F2*. SMITH, George R., S1. SMITH, Guy N., FC2. SMITH, Henry A., F1. SMITH, Homer L., F2. SMITH, James W., S2*. SMITH, Kenneth D., S2. SMITH, Olen E., CM3. SNYDER, John N., SF2. SNYDER, Richard R., S1. SOLOMON, William, Jr., S2. SORDIA, Ralph, S2. SOSPIZIO, Andre, EM3*. SPARKS, Charles B., COX. SPEER, Lowell E., RT3. SPENCER, Daniel F., S1*. SPENCER, James D., LT. SPENCER, Roger, S1*. SPECNER, Sidney A., WO. SPINDLE, Orval A., S1. SPINELLI, John A., SC2*. SPOMER, Elmer 3., SF2. St. PIERRE, Leslie R., MM2. STADLER, Robert H., WT3. STAMM, Florian M., S2*. STANFORTH, David E., F2. STANKOWSKI, Archie J., S2. STANTURF, Frederick R., MM2. STEIGERWALD, Fred, GM2. STEPHENS, Richard P., S2*. STEVENS, George G., WT2*. STEVENS, Wayne A., MM2. STEWART, Glenn W., CFCP*. STEWART, Thomas A., SK2. STICKLEY, Charles B. GM3. STIER, William G., S1. STIMSON, David, ENS. STONE, Dale E., S2. STONE, Homer B., Y1. STOUT, Kenneth I., LCDR. STRAIN, Joseph M., S2. STREICH, Allen C., RM2*. STICKLAND, George T., S2.

STRIETER, Robert C., S2. STRIPE, William S., S2. STROM, Donald A., S2. STROMKO, Joseph A., F2. STRYFFELER, Virgil L., F2. STUECKLE, Robert L., S2. STURTEVANT, Elwyn L., RM2*. SUDANO, Angelo A., SSML3. SUHR, Jerome R., S2. SULLIVAN, James P., S2. SULLIVAN, William D., PTR2. SUTER, Frnak E., S1*. SWANSON, Robert H., MM2. SWART, Robert L., LT (jg). SWINDELL, Jerome H., F2. TAGGART, Thomas H., S1. TALLEY, Dewell E., RM2. TAWATER, Charles H., F1*. TEERLINK, David S., CWO. TELFORD, Arno J., RT3. TERRY, Robert W., S1. THELEN, Richard P., S2*. THIELSCHER, Robert T., CRTP. THOMAS, Ivan M., S1*. THOMPSON, David A., EM3*. THORPE, Everett N., WT3. THURKETTLE, William C., S2*. TIDWELL, James F., S2. TISTHAMMER, Bernard E., CGMA. TOCE, Nicolo, S2. TODD, Harold O., CM3. TORRETTA, John Mickey, F1*. TOSH, Bill H., RDM3. TRIEMER, Ernst A., ENS. TROTTER, Arthur C., RM2. TRUDEAU, Edmond A., LT. TRUE, Roger O., S2. TRUITT, Robert E., RM2. TRYON, Frederick B., BUG2. TULL, James A., S1. TURNER, Charles M., S2*. TURNER, William C., MM2. TURNER, William H., Jr., ACMMA. TWIBLE, Harlan M., ENS.*.

ULIBARRI, Antonio D., S2. ULLMANN, Paul E., LT (jg). UMENHOFFER, Lyle E., S1*. UNDERWOOD, Carey L., S1. UNDERWOOD, Ralph E., S1*. VAN METER, Joseph W., WT3*. WAKEFIELD, James N., S1. WALKER, A.W., STM1. WALKER, Jack E., RM2. WALKER, Verner B., F2*. WALLACE, Earl J., RDM3. WALLACE, John, RDM3. WALTERS, Donald H., F1. WARREN, William R., RT3. WATERS, Jack L., CYA. WATSON, Winston H., F2. WELLS, Charles O., S1*. WELLS, Gerald Lloyd, EM3. WENNERHOLM, Wayne L, COX. WENZEL, Ray G., RT3. WHALEN, Stuart D., GM2. WHALLON, Louis E, Jr., LT (jg). WHITE, Earl C., TC1. WHITE, Howard M., CWTP. WHITING, George A., F2*. WHITMAN, Robert T., LT. WILCOX, Lindsey Z., WT2* WILEMAN, Roy W., PHM3. WILLARD, Merrirnan D., PHM2. WILLIAMS, Billie J., MM2. WILLIAMS, Magellan, STM1. WILLIAMS, Robert L., WO. WILSON, Frank, F2. WILSON, Thomas B., S1. WISNIEWSKI, Stanley, F2*. WITMER, Milton R., EM2. WITZIG, Robert M., FC3*. WOJCIECHOWSKI, Maryian J., GM2. WOLFE, Floyd R., GM3. WOODS, Leonard T., CWO. WOOLSTON, John, ENS.*. YEAPLE, Jack T., Y3. ZINK, Charles W., EM2*. ZOBAL, Francis J., S2.

MARINE DETACHMENT

BRINKER, David A., PFC. BROWN, Orlo N., PFC. BUSH, John R., PVT. CROMLING, Charles J., Jr., PLTSGT. DAVIS, William H., PFC. DUPECK, Albert Jr., PFC. GREENWALD, Jacob, 1st SGT*. GRIMM, Loren E., PFC. HANCOCK, Thomas A., PFC. HARRELL, Edgar A., CPL*. HOLLAND, John F. Jr., PFC. HUBBARD, Gordon R., PFC. HUBBRD, Leland R., PFC. HUGHES, Max M., PFC*. JACOB, Melvin C., PFC* KENWORTHY, Glenn W, CPL. KIRCHNER, John H., PVT. LARSEN, Harlan D., PFC. LEES, Henry W., PFC. MARTTILA, Howard W., PVT. McCOY, Giles G., PFC*. MESSENGER, Leonard J., PFC. MUNSON, Bryan C., PFC. MURPHY, Charles T., PFC. NEAL, William F., PFC. PARKE, Edward L., CAPT. REDD, Robert F., PVT. REINOLD, George, H., PFC. RICH, Raymond A., RIGGINS, Earl, PVT*. ROSE, Francis E., PFC. SPINO, Frank J., PFC. SPOONER, Miles L., PVT*. STAUFFER, Edward H., 1st LT. STRAUGHN, Howard V. Jr., CPL. THOMSEN, Arthur A., PFC. TRACY, Richard I. Jr., SGT. UFFELMAN, Paul R. PFC*. WYCH, Robert A. PFC.

*Indicates a survivor.

ADDITIONAL COSPONSORS

S. 42

At the request of Mr. HELMS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 171

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 242

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 327

At the request of Mr. HAGEL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 455

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 455, a bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 495

At the request of Mr. BOND, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 495, a bill to amend the Clean Air Act to repeal the highway sanctions.

S. 506

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 506, a bill to amend the Internal Revenue Code of 1986 to permanently extend the provisions which allow nonrefundable personal credits to be fully allowed against regular tax liability.

S. 512

At the request of Mr. GORTON, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 635

At the request of Mr. MACK, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 684

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 684, a bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United States Code, permanent.

S. 693

At the request of Mr. HELMS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 718

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 718, a bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

S. 800

At the request of Mr. BURNS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 800, a bill to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 870

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 870, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes.

S. 879

At the request of Mr. CONRAD, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

S. 881

At the request of Mr. BENNETT, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 881, a bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes.

S. 908

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 908, a bill to establish a comprehensive program to ensure the safety of food products intended for human consumption that are regulated by the Food and Drug Administration, and for other purposes.

S. 1017

At the request of Mr. MACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1025

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1025, a bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program.

S. 1053

At the request of Mr. BOND, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1057

At the request of Mr. MACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1057, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1070

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Montana (Mr. BURNS), the Senator from Mississippi (Mr. LOTT), the Senator from Tennessee (Mr. THOMPSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. FRIST), the Senator from West Virginia (Mr. BYRD), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 103

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 103, a resolution concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China.

AMENDMENT NO. 377

At the request of Mr. ROBERTS, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 377 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 383

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 383 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 34—RELATING TO THE OBSERVANCE OF "IN MEMORY" DAY

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 34

Whereas many of the individuals who served in the Armed Forces and in civilian roles in Vietnam during the Vietnam War have since died, in part as the result of illnesses and conditions associated with service in Vietnam during that war;

Whereas these men and women, whose ultimate health conditions had a basis in their service in Vietnam during the Vietnam War, sacrificed their lives for their country in a very real sense;

Whereas under criteria established by the Department of Defense, the deaths of these men and women do not qualify as Vietnam War deaths;

Whereas under Department guidelines, these men and women also do not meet the criteria for eligibility to have their names inscribed on the Memorial Wall of the Vietnam Veterans Memorial in the District of Columbia;

Whereas "In Memory" Day was established several years ago in order to honor the Americans who gave their lives in service to their country as a result of service in Vietnam but had not otherwise been honored for doing so;

Whereas "In Memory" Day is now a project of the Vietnam Veterans Memorial Fund;

Whereas to date 633 Americans have met the criteria for eligibility to be honored by the "In Memory" Program; and

Whereas the Americans who have been named by the "In Memory" Program are honored each year during a ceremony at the Vietnam Veterans Memorial: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that "In Memory" Day should be observed on the third Monday in April each year, the day on which Patriots Day is also observed, in honor of the men and women of the United States whose deaths had a basis in their service in Vietnam during the Vietnam War and who are thereby true examples to the Nation of patriotism and sacrifice.

Mr. SPECTER. Mr. President, today I submit a concurrent resolution which would express the Sense of the Congress that the third Monday in April be designated "In Memory Day." In Memory Day will be a time for family and friends to gather and commemorate the supreme sacrifice made by their loved ones as their names are read from the In Memory Honor Roll at the Vietnam Veterans Memorial, as was done most recently on April 19, 1999. I feel this to be a small yet fitting tribute to those whose lives were ultimately claimed by the war in Vietnam.

The Vietnam Veterans Memorial is a solemn reminder that the defense of liberty is not without loss. The 58,214 servicemembers who gave their lives in Vietnam will forever be memorialized in a most fitting manner. Their names, inscribed in granite walls, symbolize the reality that our nation's military personnel protects America behind walls built with the blood of patriots. We must keep them in our memory always.

Not all of those who died, however, are commemorated on the Vietnam Veterans Memorial. Unaccounted for are those succumbed to the ravages of psychological wounds upon their return home. Unaccounted for are all those who died after war's end, yet whose deaths were intrinsically linked to wartime service. Their family members and loved ones have no wall to go to; no names to touch; no memorial to share.

The Vietnam Veterans Memorial Fund (VVMF) runs an "In Memory Program" to honor these silent fallen. As part of this program, the VVMF keeps an "In Memory Honor Roll" to commemorate those who served and died prematurely, but whose deaths do not fit the parameters for inclusion upon the Wall. It it time for Congress to do its part in honoring these brave soldiers and their families.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

HUTCHISON AMENDMENT NO. 389

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames;"

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements;

(3) The United States has 120,000 troops permanently assigned to those theaters;

(4) The United States has an additional 70,000 troops assigned to non-NATO/non-Pacific threat foreign countries;

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment;

(6) The United States has diverted permanently assigned resources from other theaters to support operations in the Balkans;

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including missions in Haiti and the Western Sahara, and some missions that have continued for decades;

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent;

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in FY98, 28,000 U.S. Army soldiers were deployed to more than 70 countries for over 300 separate missions;

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq;

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force;

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service;

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) SENSE OF CONGRESS:

(1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

(B) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) REPORT REQUIREMENT.—

(1) Not later than July 30, 1999, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report:

(I) a proposal for shifting resources from low priority missions in support of higher priority missions;

(II) a proposal for consolidating or reducing U.S. troop commitments where possible;

(III) a proposal to reduce U.S. troop commitments worldwide;

(IV) a proposal for ending low priority missions.

FRIST AMENDMENT NO. 390

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 254, between lines 3 and 4, insert the following:

SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

"§ 3018d. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

"(a) Notwithstanding any other provision of law, an individual who—

"(1) either—

"(A) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of such date;

"(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on such date;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty after the date on which the individual makes the election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

"(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

"(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic education assistance under this chapter—

"(A) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

"(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which shall be paid into the Treasury of the United States as miscellaneous receipts,

"(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

"(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

"(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity to enroll: certain VEAF participants; active duty personnel not previously enrolled.".

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking "or 3018C" and inserting "3018C, or 3018D".

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

(d) TERMINATION OF TRIANA PROGRAM OF NASA.—(1) The Administrator of the National Aeronautics and Space Administration shall terminate the Triana program.

(2) Notwithstanding any other provision of law, no funds authorized to be appropriated for the National Aeronautics and Space Administration fiscal year 2000 may be obligated or expended for the Triana program, except $2,500,000 which shall be available for obligation and expenditure in that fiscal year only for the costs of termination of the program.

THURMOND (AND OTHERS) AMENDMENT NO. 391

(Ordered to lie on the table.)

Mr. THURMOND (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. HUTCHINSON, Mr. CLELAND, Mr. COCHRAN, Mr. BURNS, Mr. LOTT, Mr. MACK, and Ms. SNOWE) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle D, add the following:

SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.".

(2) Subsection (a)(2)(B(i)(I) of such section is amended by Striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.".

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

GRAMM (AND OTHERS) AMENDMENT NO. 392

Mr. GRAMM (for himself, Mr. HATCH, and Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 284, strike all on line 7 through line 14 on page 286.

McCAIN (AND OTHERS) AMENDMENT NO. 393

Mr. McCAIN (for himself, Mr. LEVIN, Mr. BRYAN, Mr. LEAHY, Mr. KOHL, Mr. LIEBERMAN, Mr. ROBB, Mr. KYL, Mr. HAGEL, and Mr. CHAFEE) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 450, below line 25, add the following:

SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND COMMENCING IN 2001.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; and"; and

(iii) by adding at the end the following new clause (iv):

"(iv) by no later than May 1, 2001, in the case of members of the Commission whose terms will expire on September 30, 2002."; and

(B) in subparagraph (C), by striking "or for 1995 in clause (iii) of such subparagraph" and inserting ", for 1995 in clause (iii) of that subparagraph, or for 2001 in clause (iv) of that subparagraph".

(2) MEETINGS.—Subsection (e) of that section is amended by striking "and 1995" and inserting "1995, and 2001, and in 2002 during the period ending on September 30 of that year".

(3) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

"(4) If no funds are appropriated to the Commission by the end of the second session of the 106th Congress for the activities of the Commission that commence in 2001, the Secretary may transfer to the Commission for purposes of its activities under this part that commence in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.".

(5) TERMINATION.—Subsection (l) of that section is amended by striking "December 31, 1995" and inserting "September 30, 2002".

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by adding at the end the following: "The Secretary shall also submit to Congress a force-structure plan for fiscal year 2002 that meets the requirements of the preceding sentence not later than March 30, 2001.".

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting "and by no later than March 1, 2001, for purposes of activities of the Commission under this part that commence in 2001," after "December 31, 1990,"; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting "and by no later than April 15, 2001, for purposes of activities of the Commission under this part that commence in 2001," after "February 15, 1991,"; and

(ii) in the second sentence, by inserting ", or enacted on or before May 15, 2001, in the case of criteria published and transmitted under the preceding sentence in 2001" after "March 15, 1991".

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking "and March 1, 1995," and inserting "March 1, 1995, and September 1, 2001,";

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In making recommendations to the Commission under this subsection in 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

"(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

"(C) The recommendations made by the Secretary under this subsection in 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result."; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking "paragraph (5)(B)" and inserting "paragraph (6)(B)"; and

(ii) in the second sentence, by striking "24 hours" and inserting "48 hours".

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting "or by no later than February 1, 2002, in the case of recommendations in 2001," after "pursuant to subsection (c),";

(B) in paragraph (4), by inserting "or after February 1, 2002, in the case of recommendations in 2001," after "under this subsection.";

and

(C) in paragraph (5)(B), by inserting "or by no later than October 15 in the case of such recommendations in 2001," after "such recommendations,".

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting "or by no later than February 15, 2002, in the case of recommendations in 2001," after "under subsection (d),";

(B) in the second sentence of paragraph (3), by inserting "or by no later than March 15, 2002, in the case of 2001," after "the year concerned,"; and

(C) in paragraph (5), by inserting "or by April 1, 2002, in the case of recommendations in 2001," after "under this part,".

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in a report in 2002 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in the report and is determined to be the most-cost effective method of implementation of the recommendation;".

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking "December 31, 1995," and inserting "September 30, 2002,".

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking "that date" and inserting "the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)".

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting "or realignment" after "closure" each place it appears in the following provisions:

(i) Section 2905(b)(3).

(ii) Section 2905(b)(4)(B)(ii).

(iii) Section 2905(b)(5).

(iv) Section 2905(b)(7)(B)(iv).

(v) Section 2905(b)(7)(N).

(vi) Section 2910(10)(B).

(B) That Act is further amended by inserting "or realigned" after "closed" each place in appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).
(ii) Section 2905(b)(3)(D).
(iii) Section 2905(b)(3)(E).
(iv) Section 2905(b)(4)(A).
(v) Section 2905(b)(5)(A).
(vi) Section 2910(9).
(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting ", or realigned or to be realigned," after "closed or to be closed".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 10, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the report of the National Recreation Lakes Study Commission.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson at (202) 224–4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 25, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to receive testimony on State Progress in Retail Electricity Competition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on reauthorization of the Comprehensive Environmental Response, Liability and Compensation Act of 1980, Tuesday, May 25, 10 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, May 25, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 25, 1999 at 2:15 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 25, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Copyright Office Report on Distance Education in the Digital Environment."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:15 p.m. The purpose of this hearing is to receive testimony on S. 140, a bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System, and for other purposes; S. 734, the National Discovery Trails Act of 1999; S. 762, a bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle Biscayne National Park; S. 938, a bill to eliminate restrictions on the acquisitions of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes; S. 939, a bill to correct spelling errors in the statutory designations of Hawaiian National Parks; S. 946, a bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; and S. 955, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Tuesday, May 25, 1999 at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL MISSING CHILDREN'S DAY

Mr. GRAMS. Mr. President, I rise today to promote awareness of missing children and honor those who selflessly work to search and rescue the thousands of children who disappear each year. As my colleagues may know, today is recognized as "National Missing Children's Day."

According to a recent U.S. Department of Justice study, annually there are over 114,000 attempted abductions of children by nonfamily members, 4,500 child abductions reported to police, and 438,200 children who are lost, injured, or otherwise missing. These numbers are truly cause for concern by all Americans.

As a parent, I believe local communities, schools, faith-based organizations and law enforcement should be encouraged to work together to protect the most vulnerable members of our society—children. From a federal perspective, I am proud to be a cosponsor of legislation to reauthorize the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Program through the next five years. The National Center for Missing and Exploited Children operates under a Congressional mandate and works in conjunction with the U.S. Department of Justice's Office of Juvenile Justice on Delinquency Prevention. I know my colleagues would agree that the Center has an outstanding record of safely recovering missing children across the country, and most recently achieved a 91 percent recovery rate.

Mr. President, as we remember the many missing children across the nation today, I want to especially recognize the relentless work and effort to protect our nation's children by Minnesota's Jacob Wetterling Foundation. The Foundation was established by Jerry and Patty Wetterling after their son, Jacob, was abducted by a masked man at gunpoint near the Wetterling home in St. Joseph, Minnesota. Today, the Jacob Wetterling Foundation is a national, non-profit foundation committed to preventing the exploitation of children through educating, raising awareness and responding to families who are victims of abduction.

Mr. President, our children represent our future and we must continue our work to keep them safe. Again, I commend the numerous volunteers, organizations, and government agencies who all work on a daily basis to find missing children and prevent others from disappearing.

TRIBUTE TO RUTH A. GELLER

• Mr. LIEBERMAN. Mr. President I rise today to pay a well-deserved tribute to Ruth A. Geller, MSW on the occasion of her retirement from the Connecticut Mental Health Center after 25 years of service as a psychiatric social worker supervisor.

Ruth has demonstrated exceptional compassion, dedication, and professionalism in caring for the severely, chronically mentally impaired of Connecticut. As a mentor and teacher, Ruth has trained a generation of mental health professionals with the same devotion she has brought to her clinical work. As a result, Ruth has instilled in them the ability to become respectful, empathetic mental health providers.

I am proud to stand before the Senate to congratulate Ruth Geller upon her retirement and thank her for an outstanding career which has enhanced the lives of so many. I wish her continued success in the years ahead.•

TRIBUTE TO IRENE AUBERLIN

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the late Irene Auberlin, the "Mother Teresa" of Detroit.

Mrs. Auberlin is the founder of World Medical Relief (WMR), an organization which, to date, has distributed more than $500 million worth of medical goods both in Detroit area, where she lived, and abroad.

Mrs. Auberlin was a quiet homemaker until she saw a television program about orphans in Korea in 1953. She provided supplies to the nuns who ran the orphanage, thus beginning over 46 years of service to the poor. Since then, WMR has sent food, medical equipment, and supplies throughout the United States and to over 120 countries. In 1966, WMR began a monthly prescription program that still exists today, providing medicine to elderly poor in the Detroit area.

Mrs. Auberlin received over 60 awards and commendations, including The President's Volunteer Action Award and Silver Medal, presented to her by President Reagan.

On behalf of the residents of Michigan, the United States, and elsewhere, I want to thank Irene for all that she did to help those in need.•

NATIONAL BLUE RIBBON SCHOOLS IN MARYLAND

• Mr. SARBANES. Mr. President, I am pleased to announce that ten elementary schools throughout Maryland have been named Blue Ribbon School Award winners by the United States Department of Education. These schools are among only 266 elementary schools nationwide to be honored with this award, the most prestigious national school recognition for public and private schools.

The designation as a Blue Ribbon School is a ringing endorsement of the successful techniques which enable the students of these schools to succeed and achieve. Over the past few years, I have made a commitment to visit the Blue Ribbon Schools and have always been delighted to see first hand the interaction between parents, teachers, and the community, which strongly contributed to the success of the school. I look forward to visiting each of these ten schools and congratulating the students, teachers and staff personally for this exceptional accomplishment.

According to the Department of Education, Blue Ribbon Schools have been judged to be particularly effective in meeting local, state and national goals. These schools also display the qualities of excellence that are necessary to prepare our young people for the challenges of the next century. Blue Ribbon status is awarded to schools which have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to family involvement; evidence that the school helps all students achieve high standards; and a commitment to share the best practices with other schools.

After a screening process by each State Department of Education, the Department of Defense Dependent Schools, the Bureau of Indian Affairs, and the Council for American Private Education, the Blue Ribbon School nominations were forwarded to the U.S. Department of Education. A panel of outstanding educators from around the country then reviewed the nominations, selected schools for site visits, and made recommendations to Secretary of Education Richard Riley.

The ten winning Maryland elementary schools are as follows:

Ashburton Elementary School, located in Bethesda, is home to 515 students and 64 staff members which provide for a richly diverse school community with an exemplary record of student achievement and an outstanding academic program. This award also credits the SHINE Program—Successful, Helpful, Imaginative, Neighborly, and Enthusiastic—with recognizing students who participate positively in the school community.

Brook Grove Elementary School, located in Olney, not only has a commendable academic strategy, but also is recognized as a school that encourages excellence in the arts and in athletics, and values individuality and diversity as critical to the well-being of the student body.

Our Lady of Mercy School is a coeducational Catholic school in Potomac that combines traditions of academic excellence, intellectual curiosity and fundamental moral and religious values in a successful program that has almost half of its 283 students meeting the criteria of giftedness set by the Institute for the Academic Advancement of Youth.

Oak Hill Elementary School, the most culturally and economically diverse school in the Severna Park area, prioritizes parental involvement in the successful pursuit of quality education for its students. The concept of the "Oak Hill School Family" aims to provide a safe and nurturing school environment, a strong academic program and a philosophy that encourages community involvement.

Salem Avenue Elementary School, located in Hagerstown, has made great strides in the last decade and, as a leader in Washington County, is a school of many "firsts," including being the first Title 1 school to receive a satisfactory or excellent rating in all areas of the Maryland School Performance Assessment Program (MSPAP); the first elementary school to be named a Blue Ribbon School; the first to create and appoint the position of Curriculum Coordinator; and the first to be named a National Distinguished School.

Templeton Elementary School, located in Riverdale, is an award winning Prince George's County school which has made dramatic gains on the Maryland School Performance Assessment Program (MSPAP). Templeton's mission is to provide its diverse student body with the knowledge and skills to be productive members of society.

Vienna Elementary School, located in Vienna, is a small, rural school which draws from a large geographical area and is an integral part of the community. With virtually no staff turnover and a strong School Improvement Team, students, staff and parents form a close-knit community and serve as a model in the district for student achievement, staff commitment and participatory leadership, including development of character and ethical judgment.

West Annapolis Elementary School, situated in downtown Annapolis, was used as an example by the Maryland State Department of Education for two videotapes highlighting outstanding teachers. This award also credits West Annapolis' belief in the importance of a united school community as evident in its concept of TEAM/excellence which works to improve the teaching and learning environment in which students can excel.

The Summit School is a non-profit school that was created 10 years ago to promote literacy and school success among children with unique educational needs, namely bright students that are disabled readers. Summit, located in Edgewater, enables students to come to understand their own unique learning styles by identifying their strengths and weaknesses through a variety of individualized strategies.

The Trinity School, located in Ellicott City is an independent, co-ed Catholic school that was designated as an Exemplary School by the U.S. Department of Education in 1990. Trinity offers a challenging curriculum while also offering a variety of community outreach programs to involve students and their families in extracurricular activities.

These ten elementary schools in the State of Maryland represent a model for schools across the nation. Their hard work and dedication has resulted in a tremendous achievement for the students, teachers, parents and community. This committed partnership proves that a concerned community can produce excellent results.●

VIRGINIA CHAMBER OF COMMERCE CONGRESSIONAL DINNER

Mr. ROBB. Mr. President, Richard D. Fairbank, Chairman and Chief Executive Officer of Capital One Financial Corporation, delivered remarks at the Virginia Chamber of Commerce Congressional Dinner last month. Capital One, headquartered in Falls Church, Virginia, is one of the fastest growing private employers in my state. Mr. Fairbank's remarks offered invaluable insight into the challenges and opportunities the technology revolution is producing in both the private and public sectors, and I ask that they be printed in the RECORD.

The remarks follow:

REMARKS BY RICHARD D. FAIRBANK, VIRGINIA CHAMBER OF COMMERCE CONGRESSIONAL DINNER, APRIL 29, 1999

Members of Congress, distinguished guests, ladies and gentlemen. Let me first take the opportunity to thank the Virginia Chamber for supporting Virginia's business community. It is an honor to join you this evening to share a bit of the Capital One story and give you my thoughts about the challenges facing the Virginia business community as we move into the 21st Century.

First, a comment about Virginia. What a wonderful state we live in! I am reminded of that everyday. The irony is, Virginia was not where I was supposed to live. I grew up in California, and thought I would always live in California. When I graduated from business school, I applied only to California firms, except for one company in D.C., and only because they were just about to start a San Francisco office. When my wife and I came out here, we fell in love with Virginia, and never went to that San Francisco office. So now we've been Virginians for 18 years, and we're here to stay. My wife and I and our four children live right here in Fairfax County.

And our larger family—our COF family—now numbers 8,000 associates in Virginia—in Richmond, Chesterfield, Fredericksburg and Northern Virginia. Virginians have a wonderful blend of Southern charm and tradition mixed with a very positive spirit that believes in possibility. It's a magical combination. It's made Virginia a great home for COF. Capital One's growth has at times surpassed our capacity to hire here in Virginia, so we have expanded into Florida, Texas, Washington State, Massachusetts and the UK. But our first choice is always to grow as much as we can right here at home. Just last year, we added 3,500 new jobs here in Virginia. This year we've announced we're adding another 3,000 new jobs in Virginia, but truth be told, we'll probably exceed that number significantly.

Tonight I've been asked to talk about how the business world is changing, using Capital One as an example. I think the story of Capital One is a story of what happens when a band of believers fixates on a vision of how the world is changing, and pours everything they have into getting there. Today, Capital One is one of the fastest growing companies in the country. But it wasn't always that way. In fact if you had asked anyone 12 years ago to bet even one dime on Nigel Morris and myself and the dream we had, you wouldn't have found many takers. I know that for a fact. Because we were out there asking. And they weren't taking.

Our dream was this. We believed information technology could revolutionize the way marketing is done. The most basic truth of marketing is that every person has unique needs and wants. Yet from the beginning, companies have tended to respond to those needs with a one-size fits-all approach, because they can't accommodate the unique needs of thousands or millions of customers. But we saw the possibility to change all that. To use technology and scientific testing to deliver the right product to the right customer at the right time and at the right price—a strategy we call mass customization. And we saw the credit card as a perfect candidate for this strategy. Ten years ago, virtually every credit card in the U.S. was priced at 19.8 percent interest rate with a $20 fee. Yet people varied widely in their default risk, their financial circumstances and their needs.

Our dream was to build a high-tech information-based marketing company to change all that. The problem was we had no money and no experience in the credit card business. We needed a sponsor. So, Nigel and I embarked on a national journey to every financial institution that would talk to us. The good news is that we got audiences with the top management of 20 of the top 25 banks in America. The bad news is that every one of them rejected it. But finally, a year into our journey, we found a sponsor right here in our backyard. Signet Bank in Richmond.

And so Capital One was born. For years we worked to build the business, to build the technology and operations to customize decision-making at the individual account level. Four years into it, we still had no success. Yet Signet never lost faith, despite nearly going under themselves with real estate loan problems. Finally, we cracked the code of mass customizing credit cards. And in 1992 we launched credit cards at dramatically lower prices for consumers with good credit. And we've never looked back.

Today we have thousands of product variations for our customers. Including products like our Miles One card that gives mileage credit on any airline, with no blackout period, and with a 9.9 percent fixed interest rate. We can price this low because we use technology and information to make sure that our low-risk customers don't have to subsidize high-risk customers. By 1994, we had grown to 6 million customers. Signet Bank spun off Capital One, and we became a fully independent company.

But our dream was just beginning. Because we never defined ourselves as a credit card company. We're a technology-based marketing company. So, we have taken this very same strategy and expanded into other financial products like deposits, installment loans and auto loans. We've also taken our strategy internationally to the UK and Canada so far. And, we even entered the telecommunications industry, creating a company called America One, where we are marketing wireless phones. While everyone else markets wireless phones through stores, we are selling direct, tailoring each offer to our customers' needs. The strategy appears to be working. We are now in 41 states. And America One is now the largest direct marketer of wireless phones in the U.S. Our next frontier at Capital One is the Internet, which is a perfect medium for our strategy of information-based mass customization. We are mobilizing a major effort to be a big player in the Internet. So from credit cards to wireless phones, from the U.S. to the UK, and from the mailbox to the Internet, we've been able to keep the growth going at Capital One. We now have 18 million customers, and are growing by 15,000 customers a day.

Capital One's success in many ways has come simply from understanding and embracing the inexorable implications of the technology revolution. First, that marketing will be revolutionized. And second, that technology is changing the leverage of the human mind. This insight has massive implications for human resources. One hundred years ago, in factories and farms, the smartest or most educated workers were not necessarily the most productive. But the computer and the Internet can take the human mind to a quantum new level. In the technology age, the key asset in a company is its knowledge capital.

And to us, this meant that our greatest imperative is recruiting and developing incredibly talented workers. If there's one thing that is talked about the most and delivered upon the least, it is this—recruiting the best people. At Capital One, we have made it the number one corporate imperative. In fact, I believe that the single biggest reason for Capital One's success is a totally fanatical commitment to recruiting. It is the most important job for every executive and manager in the company. The average executive at Capital One spends about one full day a week recruiting. It's an incredible commitment. Our future depends on it.

So that's the Capital One story. I believe that many of the things I've said about Capital One have direct relevance to Virginia and its challenges. Like Capital One, Virginia is enjoying exceptional growth, fueled significantly by being a leader in technology. The good news is that the entire Commonwealth is benefiting from the booming economy. It seems that economic expansions are announced every week in Virginia. But Virginia cannot rest on its laurels. While Virginia has done a good job at attracting high quality, high salaried jobs providing unprecedented opportunities for all Virginians, we continue to face many challenges that need attention from both our political and business leaders. Let me mention just a few . . .

The greatest challenge for Virginia's rapidly growing companies is to attract and retain the most talented employees who have the technical skills to lead our businesses into the 21st century. There are nearly 25,000 unfilled technology related jobs in Northern

Virginia alone and the Department of Commerce predicts that nearly every new job created from now on will require some level of technology expertise. This poses the greatest threat to Virginia's economic growth.

We must start with quality education. Virginia already has world-class institutions of higher learning, and I am pleased that Capital One is tapped into this talent. Many companies, such as ours, are partnering with our university system to help design curriculum and training for a multitude of jobs. We also offer a full tuition reimbursement plan to every one of our 11,000 associates to encourage them to seek continuing education. Also, to help address our acute shortage of technology workers, we offer our nontechnical associates the opportunity to be retrained and shifted into one of our many unfilled technology jobs. I am pleased that many of our associates have taken us up on these opportunities.

But Capital One can't get there from here simply by training and developing our associates. It certainly will not meet our long-term needs. We need to recruit on a massive scale. Simply put, Virginia's universities are not producing enough technology graduates to meet the demands of companies like Capital One. This forces companies to look elsewhere to meet their needs for technology workers. And elsewhere includes overseas. Nations like India and China are producing many more engineering and technology degrees than the United States. Many of the leading technology companies are building massive programming shops in those countries, sending the programming specifications from the US. We need to reverse that trend and work with our universities to produce more technology graduates here at home.

However, this will not happen overnight. In the interim, in order to meet our current needs, our immigration policies must be flexible. Congress provided a small measure of help last year by raising the cap on H1-B visas thereby allowing more high tech workers from outside the United States to come into the country. Clearly, this is a step in the right direction. But, much more must be done if we are going to meet the needs of Virginia's growing high-tech industry.

Growing up in the San Francisco mid-peninsula, I witnessed firsthand the development of Silicon Valley—now the technology capital of the world. The same thing can happen here. We are well underway. In fact, the Internet revolution has its roots in Virginia. Virginia is already the home to more than 2,500 technology businesses that employ more than 250,000 people. It includes AOL, UUNET, and P-S-I Net. With more than half the Internet traffic flowing through Virginia, we must continue to expand on our reputation as a technology center and the Internet hub of the United States. Let's build upon our fast start.

While Virginia owns the infrastructure of the Internet, with the exception of AOL and a few others, we do not have a major presence in marketing e-commerce. That means more dot/com companies. YAHOO!, Amazon.com, EBAY, Charles Schwab and most other leading e-commerce firms are not located here in Virginia. These businesses are redefining retail channels—and we must make certain that Virginia cultivates and attracts these types of companies. We need to be more than the infrastructure backbone of the Internet. The growth of e-commerce is just beginning. And already, it is affecting everyone, everywhere, everyday. Business will never be the same again.

And new economic realities lead to new political realities. Our public policies must give this new technology and way of doing business time to develop. For example, as the Internet revolution is exploding, some have suggested that we create taxes on Internet transactions. I believe that would be a big mistake. I know that Governor Gilmore is currently leading a Commission studying Internet taxation issues on the national level. Their decisions can have a lot of impact on a rapidly growing industry still in its infancy. With sound legislation, such as the Internet Tax Freedom Act, companies are better positioned to grow and attract consumers into this new business channel.

All these new technologies also bring a need to act responsibly with our customers' information. Information is the lifeblood of companies like Capital One, who use it to tailor products for the individual consumer at the best possible price. It's why we have been able to help bring down the cost of credit cards and other products—and simplify the process of obtaining them. The same is true for the Richmond-based grocery store UKROPS, Geico, EBAY and thousands of other companies. We must find a balance between the clear economic benefits that derive from access to information and the responsibility we all owe to our customers to safeguard their personal information. Companies need to lead the way. Like many companies, Capital One has developed a comprehensive privacy policy to ensure that our customers' personal information is used appropriately with very clear limitations. While we must be vigilant about consumers' privacy, I believe that restrictive legislation in this area would turn back the clock and actually hurt consumers.

We also must be prepared to meet the basic day-to-day demands that a fast-growing economy will place on Virginia and its communities. While technology and e-commerce are making the world a smaller place, the reality is that people will still need to get to work. With a booming national economy and low unemployment, our workers have choices. If they cannot get to and from their places of employment, these highly skilled individuals will relocate. You can read the survey results or simply talk to your employees: transportation is most often cited as the number one quality-of-life issue by most working people, especially here in Northern Virginia. Thanks to the hard work of the Virginia Delegation more Federal dollars are flowing to Virginia than ever before for transportation. We must continue to work together to address this issue.

So those are a few of my thoughts of the biggest challenges and opportunities we face as we move into the 21st century. The world is changing so fast, it's hard to make sense of it all, and to know where we all fit in. We can't predict the future. But, I believe that one can identify a few trends that are absolutely inexorable. The story of Capital One is an example of doing that. The key for Capital One has been to see a few of those inexorable trends and try to get there first. No matter what it took. Whether or not we had the skills or market portion to make it happen. Because we had destiny on our side.

Many people and many companies and many politicians don't think this way. They tend to think incrementally. That's a risky cause of action in a world that's changing so fast. Virginia is in a great position to the lead the way into the 21st century. Let's make sure we think big and do what it takes to get there. Thanks.●

MEASURE READ THE FIRST TIME—S.J. RES. 26

Ms. SNOWE. Mr. President, I understand that S.J. Res. 26, introduced earlier by Senator SMITH of New Hampshire, is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 26) expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

Ms. SNOWE. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The joint resolution will be read for the second time on the next legislative day.

FASTENER QUALITY ACT AMENDMENTS ACT OF 1999

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 1183, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1183) to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. SNOWE. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1183) was read the third time and passed.

ORDERS FOR MAY 26, 1999

Ms. SNOWE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 26. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then resume the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. SNOWE. Mr. President, for the information of all Senators, the Senate will resume consideration of the Department of Defense authorization bill at 9:30 a.m. and expect to debate an amendment by Senator BROWNBACK regarding Pakistan, to be followed by an amendment by Senator KERREY of Nebraska regarding the strategic nuclear development system. Under a previous consent, at 11:45 a.m., the Senate will resume consideration of the BRAC amendment. At least one vote will occur in relation to the BRAC amendment at 1:45 p.m. Therefore, Senators should expect the next vote to occur at 1:45 p.m. on Wednesday. Senators who have amendments are urged to notify the two managers. It is the intention of the leadership to complete action on this bill prior to the scheduled Memorial Day recess.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. SNOWE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:52 p.m., adjourned until Wednesday, May 26, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, May 25, 1999*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate be continued beyond 9:50 a.m.

THE JUVENILE JUSTICE BILL

The SPEAKER pro tempore (Mr. CHABOT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. HASTERT) is recognized during morning hour debates for 5 minutes.

Mr. HASTERT. On behalf of the elected entire Republican leadership, I rise today to talk about the efforts of the House to respond to the national crisis surrounding violence in our schools.

Last week's shooting in Conyers, Georgia, only reinforced the fears of many parents about the safety of the schools which their children attend. Studies show that our Nation's schools on average are safer than ever, but average means nothing to the mothers and fathers who send their children to school every day. They want more from us, and we will provide more.

Last week the other body passed legislation that responded in part to the situation in our schools. Part of that legislative response included gun control legislation.

We support commonsense legislation that keeps guns out of the hands of unsupervised children. We support tightening laws to bring uniformity between gun shows and gun shops. We support instant background checks at gun shows.

We intend to bring these measures to the floor of the House, and I believe they will pass, but passing these measures is only part of the solution.

As I said on this floor last week, our children need to learn the differences between right and wrong. They need moral instruction, and they need a culture that reinforces positive values that help create a safer and more secure society.

What happened in Littleton, Colorado, and Conyers, Georgia, are genuine national tragedies. It is natural that they should spur us to action, but it is wrong for anyone to simply try to score political points as a result of these tragedies.

I take a back seat to no one in this Congress when it comes to a desire to make our schools safer. I specifically spoke about safer schools from this well in my first speech as Speaker.

I taught high school for 16 years before entering public life. My two boys graduated from public high school not that long ago. My wife goes to work every day in a public school, just as she has for the last 33 years. I want her and the children she teaches to be safe.

Last week, in consultation with the minority leadership, we developed a timetable for consideration of a juvenile justice bill that would help make our schools safer. It was a very constructive meeting. I thought we had mapped out a very responsible, straightforward approach to handling this issue by prompt action of the authorizing committee, not riders on unrelated appropriation bills.

Unfortunately, it appears that despite the best efforts at the leadership level, more partisan elements are continuing to press for quicker, ill-considered action this week. We continue to believe, just as we proposed last week, that we should consider this bill in a timely yet responsible way.

In order to responsibly expedite matters, I asked the Committee on the Judiciary to move up its hearing on this issue by 3 weeks. They agreed, and will start hearings this Thursday.

I asked the gentleman from Illinois (Mr. HYDE) to be prepared to mark up legislation the first week we get back from the Memorial Day district work period so it could be ready for the floor the next week. Again, this was much faster than originally proposed. He has agreed to do so.

Later today he and the chairman of the Subcommittee on Crime, the gentleman from Florida (Mr. MCCOLLUM) will announce an outline of our youth violence legislation.

This legislation will focus on making our schools and our streets safer by prosecuting those who break the current gun laws. It will keep lawbreakers in jail longer. It will enact a zero tolerance policy for children who bring guns to school, and it will make sure that dangerous juveniles will not be able to buy guns lawfully when they become adults, and that we have open and complete juvenile records to help us keep guns out of their hands.

When we consider this legislation, the House will be able to work its will regarding certain provisions from the Senate package, just as I had assured the minority leader last week.

The House will vote on trigger locks, background checks at gun shows, and closing the gun purchasing loophole. We will expedite this legislation, but we will not force it through the system without the proper consideration of the Committee on the Judiciary.

Some of my colleagues, sensing an advantage, may try to go outside of the rules of the House and attach ill-considered riders to legislation not relevant to the juvenile justice issue. That would be a mistake. I know emotions are running high, but let us be honest about this. Even if we did pass legislation this week, it would still be the middle of June at the earliest before we could send a bill to the White House.

Pretending otherwise, and promising the victims of these terrible tragedies something else, does a tremendous disservice not only to us and to our institution, but to the very people we are trying to protect.

Our Nation's schoolchildren deserve to attend the safest, most secure schools that we can provide, and the parents of our children should rest secure in the knowledge that everything is being done within our powers, both as citizens and legislators, to create precisely that environment.

This is not the time to play on the fears of our most vulnerable. This is the time for aggressive yet responsible leadership, one in which we can think carefully and examine all of the issues before we go off half-informed, searching for the snappiest sound bite rather than working together to develop the best legislation that we can.

This is one of those rare times when the national consensus demands that we act, but it does not require us to rush to judgment, to risk compounding the situation by stampeding toward what sounds like the best way to score points against each other. We can do better than that, and I am determined to see that we will.

By cooperating, we can get a bill to the White House promptly, while making sure that the policies are ready to be enforced when schools reopen in September. The Nation's eyes have turned towards us, looking for responsible leadership. We must resist the temptation to score political points at the expense of the lives and families of our Nation's children.

Demagoguery for the sake of partisan advantage will not serve the country well, nor will it produce the best legislative solution possible. We have the opportunity to rise above partisanship and do ourselves and our Nation proud. I appeal to all the Members not to let this opportunity slip away.

We have responsible legislation and it is ready to go. It can be made better. Rushing it to the floor this week will not result in a better product in the long run. Let us come together, move forward, and develop the best legislation we can so that all Americans can take pride in how we respond.

THE FUTURE AMERICAN FLAG WILL HAVE 51 STARS

The SPEAKER pro tempore (Mrs. MYRICK). Under the Speaker's announced policy of January 19, 1999, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Madam Speaker, when the House of Representatives debated legislation on Puerto Rico's self-determination, opponents argued that Puerto Ricans had a different culture, too alien from the rest of the Nation to become a partner.

But they were wrong. The ones that are not mainstream are those that subscribe to a nativist mindset. Have they listened to the radio? Have they watched a ballgame? Have they checked out who is doing art for the Treasury Department, or have they read Time Magazine lately?

Last week's cover of Time featured Puerto Rican pop star Ricky Martin, who boasts the number one song in America. The same article highlighted two other Puerto Rican pop culture success stories, vocalists Mark Anthony and actress-singer Jennifer Lopez.

Last year, baseball's American League recognized Puerto Rican Juan "Igor" Gonzalez of the Texas Rangers as its most valuable player, and 11-year-old Laura Hernandez from Puerto Rico is this year's First Place National Winner of the United States Savings Bond Poster Contest.

Right here next to Washington, D.C., in the Goddard Space Center, there are over 40 engineers and scientists who have come from Puerto Rico. They graduated from MIT; not Massachusetts Institute of Technology, but the Mayaguez Institute of Technology.

Time's May 24th cover story states, "We have seen the future. It looks like Ricky Martin. It sings like Mark Anthony. It dances like Jennifer Lopez. Que bueno." I, too, have seen the future, and I saw our flag with 51 stars. Que bueno.

THE FUTURE OF SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I rise today to talk about an important issue for everyone in this country. It is social security. Everybody that is now receiving social security is concerned when Congress starts talking about changes in social security, because the fact is that one-third of the individuals that are now receiving social security depend on that social security check for 90 percent or more of their retirement income, a huge dependency. So it is easy to understand why seniors get nervous.

Everybody that is near retirement age is concerned, because they have planned their retirement and the fact is that social security is running out of money. Those individuals under 55 years of age are the generation most at risk, because they may be asked to spend a lot more paying for the retirement benefits of those that retired before them.

This week we are going to discuss what has been called a lockbox for social security. It does not fix social security, but it provides that Congress promises not to spend the social security trust fund surpluses for other government programs. It is a good start, but make no mistake, it does nothing to change the fundamentals of the programs and fix social security in the long run.

Briefly, let me describe, what the problems of social security are. When we started the social security program in 1934, it was developed as a pay-as-you-go program, where existing current workers paid in their social security tax for the benefits of existing current retirees, so essentially no savings. The social security taxes went in one week, and by the end of the week they were sent out in benefits to retirees.

The system worked very well in the early stages because there were 42 people working for every 1 retiree receiving those tax benefits. By 1950, the number of people working went down to 17 people working, sending in their social security taxes for every one retiree. Today it is 3 people working, sending in their social security taxes, for every retiree.

The estimate is that by 2030, there are only going to be 2 people working. So what we are asking those 2 people to do, without changes in the social security structure, without changes in the system, we are asking those two workers to try to earn and produce enough for their families plus one retiree: almost impossible.

The Federal Government, since it continues to raise taxes, and it has raised social security taxes 36 times since 1976, more often than once a year. Today 75 percent of our workers pay more in the social security tax than they do in income tax.

But as government raised those taxes on workers, they took the extra money coming in above and beyond what was needed for benefit payments for retirees and the families and the disabled and they spent the money on other government programs.

□ 0915

What that has done is dig us a $700 billion IOU to future retirees that government, that Congress, that the President has no idea how to pay back.

I plead with my colleagues and, Madam Speaker, I plead with the American people to look at Social Security, look at how it is going to affect their lives and the future if Congress and the President is not willing to step up to the plate and deal with the serious problems of Social Security.

I have a proposal that I will be introducing in the next week that, provided we start slowing down some of the benefits for those high-income retirees and use some of that money for private investment accounts, to put that money into individual accounts so those individuals own that money, instead of Congress spending it on other programs.

Let me just finish by saying what tremendously complicates and should concern all of us in terms of how we deal with Social Security is a Supreme Court decision. In fact, two Supreme Court decisions. The Supreme Court has said there is no entitlement for Social Security benefits; that there is no relationship between the taxes we pay in and our right to receive any Social Security check when we retire. That means that the young generations, those under 55 years old, are completely dependent on future politicians deciding how much they might cut their benefits.

And just one last word, Madam Speaker. The longer we put this off, the more drastic the solution. Let us do it, let us get at it, and let us deal with it.

CONGRESS OWES AMERICAN PUBLIC LEGISLATION ON GUN SAFETY PRIOR TO MEMORIAL DAY RECESS

The SPEAKER pro tempore (Mrs. MYRICK). Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Connecticut (Ms. DELAURO) is recognized during morning hour debates for 5 minutes.

Ms. DELAURO. Madam Speaker, I listened to the Speaker of the House this morning tell us that we cannot pass gun safety legislation in this body before we leave for the Memorial Day break for vacation. We owe it to the American people, to American families, to move on this legislation before we go home. We need to work on the people's timetable and not on the congressional timetable.

To delay this issue is politics. That is what this is about.

We have 13 children in the United States who die every single day because of gun violence. If this is not an emergency, I do not know what is an emergency. This House of Representatives has risen to occasions where there have been crises in this country. We can move on a dime. We can pass legislation in 24 hours or less if we have the will to do it.

The juvenile justice bill has been sitting in committee for the last 3 to 4 weeks. It is a bipartisan piece of legislation. It can be passed in a heartbeat if we have the will to do it. We have to pass gun safety legislation in our country if we are going to meet the pleas and the cries of American families today.

I saw a grandmother yesterday in my district in Connecticut. She lives in Connecticut, her family is in Indiana. And she said to me, "Ms. DELAURO, when you go back, please pass gun safety legislation. My two grandchildren were evacuated from their schools just last week." And I am not the only one who is hearing the plea of the American public. Let us do what is responsible, let us respond to American families.

Last week the other Chamber did the right thing. They passed common-sense gun safety legislation. The House of Representatives this week has that opportunity. Let us take up this legislation and pass fair and sensible measures that we, in fact, know will save lives.

There are some who want to wait until mid-June. I say we have waited too long. We have done nothing despite repeated tragedies in our schools, and we sit idly by while, as I said, 13 children are killed by guns every single day.

Youth violence is a complex problem. It requires several answers. We need parental involvement, safe schools, guidance counselors, mental health services, and less violence in our media. But gun safety laws that protect children are part of a sensible response to a crisis that is killing our kids in the United States.

I call upon the Republican leadership, I call upon the Speaker of the House, to schedule that vote this week. Like the other Chamber, we must ensure that firearms are sold with child safety locks, that we have background checks at gun shows, and that a person is 21 years old before he or she buys a gun.

Let us take these steps. Our families, our children are relying on us, those of us who have been sent here to do the people's business. Let us take the people's House and let us be responsive to the American public this week, when they are in need of knowing that, in fact, we can represent them and their families and their children in this body. That is what our responsibility is this week.

My God, I hope that we are up to the task in this body.

HOUSE SHOULD VOTE ON THREE ELEMENTS OF SENATE GUN SAFETY LEGISLATION PRIOR TO MEMORIAL DAY RECESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, I too rise out of a note of optimism and, frankly, a little sadness, having listened to the Speaker's comments on the floor of this House.

I have been in Congress only 3 years, but over the course of those 3 years we have been attempting repeatedly to have the Republican leadership allow us the opportunity to vote on simple, common-sense approaches that will make a difference for the epidemic of gun violence in this country. We, in fact, know that it will make a difference.

There are about six times that I have taken to the well of this Chamber after tragic shootings, not to try to take advantage of them, but thinking that for a moment there might be an opportunity that this would touch the conscience of the people who control what the Members of this body will be able to vote upon.

Nine times since I have been in Congress there have been multiple shooting deaths on school campuses around this country. One of them, tragically, was in my State of Oregon. I do not know how anybody who looks in the eyes of the families who have suffered this tragedy, who have looked in their souls to realize that we have taken steps in this Congress to deal with things like auto safety, yet we will not take the same simple approach to try and make a difference to reduce the carnage from gun violence for young people.

The concept of a livable community, from where I sit, is what the Federal Government is about. It ought to be a partnership with State governments, local governments, with the local communities, school districts, to try to make sure that when children go out the door in the morning that they are safe, that the family is economically secure and they are healthy.

Gun violence has a wrenching impact on all three of those factors. The economic costs are staggering, costing billions of dollars each year for the thousands who are dead and maimed, victimized directly and indirectly. It has a significant impact in terms of public safety and crime, and it certainly makes a difference in terms of people's sense of security.

In the last Congress we pleaded just to act on the child access protection legislation. Give us a chance to vote on it. Fifteen States have enacted it, including the State of Florida, the home State of the Chair of the Subcommittee on Violence, and it has made a difference in terms of making children safer.

I would think that, at a minimum, the Members of this body ought to come forward and demand that we vote at least on the three elements that are in the Senate legislation, pass those things out today, make that progress real; then we can come back after the recess and deal with the Speaker's more deliberative approach on a longer-range term.

We have legislation introduced by the gentlewoman from New York (Mrs. MCCARTHY) that a number of people on both sides of the aisle, Republicans and Democrats, people of conscience, have signed that could be the vehicle that would deal comprehensively with these concerns.

I have legislation that I will be advancing that deals with making sure that the Product Safety Commission spends as much attention with real guns as it does with toy guns; that we would extend the prohibition against criminals having access to weapons under the Brady bill to others who have demonstrated a consistent pattern of violent behavior. This is overwhelmingly supported by the American public.

And last, but not least, that the Federal Government become a leader in personalizing guns to make sure that, for example, they cannot be used, the law enforcement service revolvers cannot be used against that man or woman in uniform. The Federal Government has a chance to make a huge difference in advancing this technology.

I find it a little ironic that the Speaker takes to the well of this Chamber urging caution and arguing against extraneous riders when we just passed an absolute abomination of a spending bill that was supposedly for the defense of our troops in Kosovo and, instead, included everything from reindeer to mining regulations. When it comes to special interests, we are willing to make exceptions, but not when it comes to our children.

I think our children ought to be the special interests. We ought to come forward with comprehensive legislation and we ought to do it now.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 27 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SUNUNU) at 10 a.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 147.

"Praise the Lord!
"How good it is to sing praises to our God; for He is gracious, and a song of praise is fitting.
"The Lord builds up Jerusalem; He gathers the outcasts of Israel.
"He heals the brokenhearted, and binds up their wounds.
"He determines the numbers of the stars; He gives to all of them their names.
"Great is our Lord, and abundant in power; his understanding is beyond measure.
"The Lord lifts up the downtrodden; He casts the wicked to the ground.
"The Lord takes pleasure in those who fear him, in those who hope in his steadfast love." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute speeches on each side.

NUCLEAR SECRETS STOLEN UNDER OUR NOSES WHILE ADMINISTRATION DOES NOTHING

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today we will release the Cox report on Chinese spying activities and the impact on national security. But I say today, rather than blame the Chinese, we should reflect on our own lax standards and security.

Do the initials "CIA" ring a bell? We spend billions on similar activities around the world, but we should be more concerned with protecting our own vital national security.

If I were the White House today reading some of the headlines, "China Stole Nuclear Secrets for Bombs, White House Seeks to Minimize that Type of Problem," then I would want to change the subject, too. I would want to talk about campaign finance reform. I would want to talk about gun control in America. I would want to do anything to change the tone and tenor of what has occurred in the United States under this administration.

We have given up valuable secrets, valuable technology, right under our noses. We were informed about it. Yet, the President denied anybody even told him anything relative to these secrets being stolen. Wake up, America. Fool me once, shame on you. Fool me twice, shame on me.

BRING JUVENILE JUSTICE BILL TO THE FLOOR NOW

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, sending one's child to school should not take an act of courage. When children have died, when students have been shot sitting in class or studying at the library, when schools and communities have been torn apart, and when every American parent now worries when they send their children off to school, it is time for us to act. Not tomorrow. Not next week. Not next month. Now. Today.

There is a juvenile justice bill ready for us to consider that at least begins to address the school violence issue. Why will the Speaker not take up this bill? Is it because the NRA does not want him to? Is it because the far right in his party will not let him?

Whatever the reason, Mr. Speaker, it is not good enough. With 13 children dying each day from guns and with that gun violence spilling into our schools, his reasons are not good enough.

Let us protect our children and bring up the juvenile justice bill today. Not tomorrow. Not next month. Not another day. Not another life. But today.

SUPPORT MISSING, EXPLOITED AND RUNAWAY CHILDREN'S ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in this National Missing Children's Week, I urge my colleagues to support S. 249, the Missing, Exploited and Runaway Children's Act.

In my own district, Jimmy Ryce and Shannon Melendi were preyed upon by monsters.

Jimmy was abducted, raped, killed, and dismembered as he walked home from his school bus stop. Jimmy's parents channeled their grief into the establishment of the Jimmy Ryce Center.

Shannon disappeared from a softball field and was never seen again. Shannon's parents have taken their daughter's case to the public, pushing for stronger laws to keep sexual predators off the streets.

Shannon's father, Luis, said, "What happened to us cannot be changed, but because of what happened to us, changes can be made."

Passage of this bill will help protect our children from the predators who prey on our most innocent victims.

AMERICANS INSIST ON PEACEFUL NEGOTIATIONS, NOT CONTINUED BOMBING

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, NATO's deliberate bombing and knocking out of electric systems and water systems throughout Serbia takes the war to a new low.

NATO is assigning collective guilt to the entire population of Serbia. NATO is then exacting retribution against that civilian population. Violence cannot be redemptive.

NATO, whoever NATO is, does not represent this Congress, which voted against the bombing. The American people are opposed to this bombing. People want to know what they can do.

On Sunday night in Cleveland, 400 people marched in a driving rain along the city's largest bridge, a mile and a half procession for peace, to protest the bombing, to protest the ethnic cleansing, and to make a strong statement that we believe that the only way to resolve this is through peaceful negotiations. I say it is time to continue to insist that that is the way that we resolve this war.

COX REPORT RELEASED; IT IS ABOUT TIME

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, "The Phantom Menace" is the title to the new popular Star Wars movie. But it might also be an apt description of the Chinese espionage efforts against the United States as outlined in the Cox Report.

Unlike this popular movie, however, this Chinese espionage is not fiction.

and it may have far-reaching national security consequences long into the future.

It has taken nearly 5 months of struggle and arguing with the Clinton administration to release the Cox Report. Mr. Speaker, for myself and the many concerned Nevadans that I represent, all I can say is, it is about time.

It is about time that the American people found out if China's nuclear arsenal was built from the genius of the American people, on the backs of the American taxpayer.

It is about time that the Americans learn if the U.S. nuclear weapons labs will meet even minimum security standards some time next year.

But it is ultimately about time that this administration accepts responsibility for its years of inaction in this unfortunate situation, and has the intestinal fortitude to make the appropriate changes.

I yield back this Chinese spy menace, Mr. Speaker, and hopefully today the phantoms will be revealed. It is about time.

CALLING FOR RESIGNATION OF SANDY BERGER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the fact is Sandy Berger is our national security advisor. The fact is Sandy Berger was once China's chief lobbyist in America. The fact is now there is a hole in our national security so big we could throw Berger and all our secrets all the way to China nonstop. Beam me up.

I am not accusing Sandy Berger of any wrongdoing. But for the good of America, Sandy Berger should resign as our national security advisor. Sandy Berger is very close to China. In Washington, perception becomes reality.

Mr. Speaker, I yield back any secrets we have left.

MORE QUESTIONS ARISE ABOUT WHO KNEW WHAT WHEN REGARDING CHINESE ESPIONAGE

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, the long-awaited Cox Report on Chinese espionage becomes public today, and we already know many of the stunning details about the loss of our most sensitive nuclear secrets.

The President's press secretary says this goes back 20 years and there is no Democrat or Republican face on it. He is using the "everybody does it" defense. The Energy Secretary has cautioned us not to overreact.

But how should we react to the worst spy case in American history? It is clear that Clinton-Gore administration did not react at all after this was discovered in 1995. Why wasn't the President briefed on this in 1995, in 1996, 1997, 1998 or 1999? If he was, why was nothing done?

Attorney General Janet Reno is being set up to be the scapegoat in this scandal, but there are a lot more questions which the Clinton administration must answer about who knew it and when they knew it.

NATIONAL MISSING CHILDREN'S DAY

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, there is an old saying about there being a special God for children. Certainly we would like to think that someone is watching over our young people, protecting them from harm. But, tragically, we know this is not the case.

Our community in the central coast of California lost a beautiful 13-year-old girl last year. That forever changed the lives of the Williams family and the thousands of local volunteers who donated thousands of hours searching for us.

As innocently as many of our children do every day, Christina took the family dog for a walk on June 2, 1998. Seven months later, her parents' worst nightmare came true when her body was discovered January 12, 1999 three miles from the Williams home. The day Christina Williams' body was found was one of the darkest days I have seen on the central coast of California.

Her family and friends said good-bye and vowed never to forget their daughter, sister, and friend. We had to learn to turn our anger and pain into a mission to make our community a safer place to raise our children. From our effort can hopefully come a larger recognition/realization that if we lose one of our children to violence, our society is morally weaker, for we can only imagine the potential that a child had to offer that society.

I wear this ribbon as we observe National Missing Children's Day.

I am wearing this white ribbon as a symbol as we observe National Missing Children's Day. I extend my heartfelt condolences to the family of Christina Williams and to each and every parent and family who has lost a child and pledge my efforts to be a protector of our nation's children.

CHINESE THEFT OF NUCLEAR TECHNOLOGY HAS ADVANCED THREAT BY A GENERATION

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the Rosenbergs were executed for giving the former Soviet Union secret information which allowed them to advance their atomic weapons program by 5 years.

The Chinese theft of nuclear weapons technology which has recently occurred under this administration has advanced the threat to our Nation by a generation.

This administration loves to say we have to do this, we have to do that for the children. Think of how much American children's lives have been endangered by this administration because of its lax security measures.

Campaign contributions from the head of the Chinese military intelligence to the Clinton administration; and this administration's response, we need campaign finance reform. They do not even follow the laws in the books that we have now.

Now the Clinton administration screams for gun control. Yet, they invite Chinese arms dealers to coffees at the White House, yes, for campaign donations. Unbelievable.

SUPPORT SAFE PARKS ACT OF 1999

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today to introduce an important bill, the Safe Parks Act of 1999.

Mr. Speaker, our national parks are not as safe as we would expect them to be. In 1997, there were over 550 reported sex offenses in our national parks. Even more disturbing, 1997 saw 33 forceful rapes and 11 attempted rapes in those same national parks. That is a rape or attempted rape about every 8 days on Federal lands that are supposed to be safe havens for our families.

That is why I am introducing the Safe Parks Act today. It is a simple bill, barring any convicted sex offender from entering our U.S. parks.

Mr. Speaker, in honor of National Missing Children's Day, please join me in supporting this measure to help defend the sanctity of our Federal parks for our kids.

NATIONAL SMALL BUSINESS WEEK

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, this week is National Small Business Week. I rise in recognition of the important role that small businesses play in our Nation. Small businesses are vital to our economy and our communities. Just listen to some of these facts.

□ 1015

They account for 99.7 percent of the employers in our Nation; they employ 53 percent of the private work force and are responsible for 50 percent of the private gross domestic product in America.

Despite these enormous contributions, small businesses have to struggle under the weight of excessive taxation and unnecessary regulation handed down by the Federal Government. Clearly, I believe the time has come for Congress and the President to provide some relief to small business owners by cutting taxes and reining in overzealous regulators.

Mr. Speaker, I stand to work with both sides, all my colleagues, to promote an agenda that strengthens small business and creates new economic opportunities for the American people.

SCORE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, I am pleased that my colleague who just spoke is emphasizing Small Business Week. This is Small Business Week. It is a time to celebrate the entrepreneurs that make the Nation's engine run. I want to take this opportunity to recognize a group of people that serve as that engine's mechanics, the Service Corps of Retired Executives, known as SCORE, which is celebrating their 35th anniversary this year.

SCORE is made up of a group of retired business executives. They volunteer their time and business expertise to counsel and advise our Nation's small business and entrepreneurs-to-be. With well over 50 percent of all new businesses failing within the first 6 years, counseling early on can make a difference between success and failure of a new business. SCORE's free counseling service does that job and it does it well.

In particular, I want to recognize the 166 SCORE volunteers in Colorado. Colorado SCORE counselors worked nearly 15,000 hours last year in support of the Colorado business community. Their support for Colorado's businesses are appreciated, and I encourage them to keep up the good work.

MILK PRICES IN MINNESOTA SHOULD BE SET BY MARKET

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, shortly after the hammer and sickle came down for the last time over the Kremlin, a business publication ran a column entitled, "Markets Are More Powerful Than Armies" and the 75-year experiment with government-fixed prices came to an end.

But, Mr. Speaker, for 60 years we have had a convoluted milk marketing order system whereby a farmer's milk is priced based on how far they are from Eau Claire, Wisconsin. The closer they are, the less they get. It makes no economic sense. Prices are fixed based on what the milk goes into and where it comes from.

Mr. Speaker, if the Russians are willing to let the market set the price of milk in Moscow, maybe we should try it in Minnesota.

WILL CHINESE ESPIONAGE SCANDAL BE DISMISSED?

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, on March 19th of this year, the President stated, in response to a question, "To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the labs, during my presidency."

Sorry, to have to ask this, but is that true? Chinese espionage was discovered in 1995.

Was the President not briefed on this in 1995?

Did no one tell him in 1996?

Was the President not told about this in 1997?

During all of 1998, did no one brief the President about these extremely grave matters?

Did the President not read the November 1998 report on Chinese espionage at the Energy Department labs?

Did the President not see the Cox report delivered to him in January of this year?

Did he forget that, in fact, he had been briefed about the most serious espionage case since the Rosenbergs many, many times?

Why the denial?

Will the other side simply dismiss this scandal too, saying, "Hey, everybody lies about national security"?

INTRODUCTION OF SCHOOL SAFETY HOTLINE ACT OF 1999

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, I rise today not to talk about the horrible tragedies of the Columbine shootings, though they linger in all of our minds. Rather I would like to speak of the good that has come from the ashes of this horrid event.

All around my home community of Littleton, Colorado, we have seen a spirit of coming together. In Littleton our churches have been crowded to the walls with those turning to their faith for answers. Across my district, people of all colors, classes and backgrounds have embraced in the comfort of a mutual loss.

Unfortunately, many children still do not feel safe to go to school. As the school year ends, attendance rates across the district are still horribly low. Students and parents feel helpless in controlling the safety of their learning environment.

In Denver, on Friday, we announced another coming together. We brought together leaders from business, State and local governments into a partnership to create the School Safety Hotline, an anonymous hotline for students, parents and teachers to report violent or threatening behavior to authorities.

It is my sincere hope that this initiative will give our students a sense they can control the safety of their environment by calling in to report threatening behavior. For that reason, I would like to offer the School Safety Hotline Act of 1999.

This bill will allow state and local agencies all across the country to apply for federal grants to help create and maintain public-private partnership hotlines similar to ours in Colorado. Furthermore, Mr. Speaker, I would like to encourage all of my colleagues from both sides of the aisle to support this modest, but important, legislation. I ask my colleagues to use this legislation as the first step to reach out to your own community and business leaders, so that we may give back to our young students the feeling that they can do something to ensure a safe and healthy learning environment.

WHY IS ADMINISTRATION DENYING KNOWLEDGE OF NUCLEAR ESPIONAGE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I am very disturbed today. If we go back to, I guess, the 1976 presidential debates between President Ford and President Carter, one of the questions asked of Jimmy Carter was what he thought was the biggest issue, at which point he quoted his daughter, Amy, and said, "nuclear war."

Well, I am here to say Amy Carter was right, nuclear war is, because we are giving nuclear warheads and secrets to China, which has not exactly been our staunchest ally over the years.

The W–88, which is one of the most powerful nuclear warheads in history, is now in the hands of the Chinese Communists despite the fact that the Deputy Intelligence Security Officer at the Department of Energy, as long as 3 years ago, warned the administration this was going on.

Sandy Berger, National Security Adviser, was told in April 1996. The President was informed July 1997. The President was informed again in November 1998, and then in January this year. And yet, as late as March, he was denying it and saying nothing happened on his watch.

There are two big issues here: Number one, what happened? Which should scare the death out of any American. And number two is, why did the administration deny this? This is not a partisan debate. This is a scary debate. And I was glad when Democrat liberal Senator TORRICELLI called for the resignation of Janet Reno.

It is time for bipartisan support, and I hope the Democrats will join us on this one because America and America's children depend on it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the provisions of clause 8, rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken later today.

MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 249) to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes, as amended.

The Clerk read as follows:

S. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing, Exploited, and Runaway Children Protection Act".

SEC. 2. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the Center and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2003".

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GRANTS FOR CENTERS AND SERVICES.—

"(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking "PURPOSE AND";

(2) in subsection (a), by striking "(a)"; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

"SEC. 341. COORDINATION.

"With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

"(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) Study.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

"SEC. 345. STUDY

"The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

"(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

"(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section."

(j) Assistance to Potential Grantees.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) Reports.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) In General.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) Contents of Reports.—The Secretary shall include in each report submitted under subsection (a), summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

(l) Evaluation.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"SEC. 386. EVALUATION AND INFORMATION.

"(a) In General.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 384; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) Cooperation.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

(m) Authorization of Appropriations.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—

"(1) Authorization.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

"(2) Allocation.—

"(A) Parts A and B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) Part B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) Parts C and D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

"(b) Separate Identification Required.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(n) Sexual Abuse Prevention Program.—

(1) Authority for program.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) In General.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

"(b) Priority.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(2) Authorization of appropriations.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

"(4) Part E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.".

(o) Consolidated Review of Applications.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

"SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

"With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

(p) Definitions.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (*l*) of this section, the following:

"SEC. 387. DEFINITIONS.

"In this title:

"(1) Drug abuse education and prevention services.—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) Home-based services.—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) Homeless youth.—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) Street-based services.—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this Act, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

SEC. 4. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, families, communities, school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, $2.1 million shall be made available to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Missing, Exploited and Runaway Children's Protection Act. This legislation authorizes the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. It provides an authorization for the National Center for Missing and Exploited Children and it directs the National Academy of Sciences to conduct a study of the cultural influences on youth violence.

Mr. Speaker, this is National Missing Children's Day, and obviously, we have had a great number of hardships in America in recent weeks that all of us want to address. Hopefully, what we are going to do today will in some small part start to address these problems.

This legislation authorizes the Runaway and Homeless Youth Act to provide services for the 0.5 million to 1.5 million youth estimated to run away annually. The legislation continues the runaway and homeless youth programs found in current law, including the basic center grants and the transitional living grants.

These effective programs protect youth by keeping them off the streets, away from criminal activities and out of desperate circumstances. These programs provide assistance to homeless and other youth who are without adult support so they learn to live independently and become productive adults.

This legislation also provides for the continuation of services under the Missing Children's Assistance Act. For instance, this act authorizes grants for research, demonstration projects and service programs in areas such as abduction prevention education.

The provision of this bill that I particularly want to focus my colleagues' attention on is its authorization of an appropriation for the National Center for Missing and Exploited Children. The National Center for Missing and Exploited Children helps families who have a missing child locate that child. Since 1984, the Center has worked with law enforcement on the cases of 67,173 missing children, resulting in the recovery of 46,031 children. In 1998 alone, it assisted in finding 5,835 missing children.

The Center works with the families of 80 missing children in my own State of Delaware. The Center services, including its National Missing Child Hotline, are essential to all families of missing children.

Recognizing the Center's substantial success rate in recovering missing children and its annual designation as the national clearinghouse for information on missing children, the legislation authorizes a $10 million yearly appropriation for fiscal years 2000 through 2003 for the Center. This authorization ensures that for the next 4 years the Center can focus on providing assistance to families without interruption.

Some of my colleagues may remember that I have been working to get this legislation passed since the 105th Congress. I am pleased we are one step closer to completing this effort. The Runaway and Homeless Youth Act, the Missing Children's Assistance Act and the National Center for Missing and Exploited Youth provide much needed services for missing and runaway youth.

Finally, I would like to mention an important study contained in this legislation. As Members may know, my subcommittee has held hearings on the issue of school violence in response to the tragic shootings that have traumatized our Nation's schools. The gentleman from Pennsylvania (Mr. GREENWOOD), an active member of the subcommittee, has crafted legislation to help us obtain information on why students commit such violent acts.

A great deal of blame has been spread around, and I believe it is important that we really understand the causal factors that place youth at risk for school violence.

Before I conclude, I would like to thank several Members for their assistance on this legislation. I would like to thank the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING). I would also like to thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Michigan (Mr. KILDEE), who will be managing the bill on the opposite side of the aisle, as well as the gentleman from Virginia (Mr. SCOTT), for their hard work on the school violence study.

Mr. Speaker, this is good legislation and it deserves the support of the House of Representatives. The Senate has already passed comparable legislation. We would like to pass our legislation and proceed to conference as quickly as possible. It has been far too long that these important programs have been without an authorization.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 249, the Missing, Exploited and Runaway Children Protection Act makes vital improvements to the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act and deserves the strong support of all the Members here today.

This legislation will streamline and refocus the existing basic Center grants, the transitional living grants and the drug education program into one reauthorization, while maintaining the distinct nature of each program. I believe this is an essential improvement that will strengthen the ability of localities to provide services to the vulnerable populations of runaway and homeless children.

Mr. Speaker, S. 249 also requires a National Academy of Sciences study to examine which factors contribute to violence around and in our schools. This study will better enable us to understand what leads our young people to commit such tragic acts as those in Littleton, Colorado, and other places that have shared the unfortunate experience of having school violence touch its teachers, parents, students and communities.

This study, which has been a cooperative effort between the gentleman from Delaware (Mr. CASTLE), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Virginia (Mr. SCOTT), the gentleman from Pennsylvania (Mr. GOODLING), and myself is necessary so we can gain a better understanding of the profile of those most likely to commit violence and provide them with appropriate interventions and supportive services.

It is my hope we can constructively use the results of this study to lessen the violence which presently is troubling our schools.

Mr. Speaker, I believe this legislation is worthy of Members' support, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce.

□ 1045

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me the time.

I, too, rise in support of the Missing, Exploited and Runaway Children's Protection Act. The programs and activities under this legislation aim to improve the well-being of our Nation's runaway, homeless, and missing children. This legislation authorizes the Runaway and Homeless Youth Act. And one program under this Act is the Transitional Living Project for ages 16 to 21, children who cannot safely live at home.

I share the enthusiasm of the gentleman from Delaware (Mr. CASTLE) for the National Center for Missing and Exploited Children. The Center has trained at least 42 law enforcement officers in Pennsylvania on how best to handle missing children's cases, a service available to law enforcement officers across the country.

Additionally, on its web site and through other avenues, the Center provides actual photographs of missing children along with age progression computerized images of the missing children. Currently, the Center's web site includes a photograph and computerized image of 51 missing children from Pennsylvania. I must commend the Center on its extraordinary success rate in finding missing children.

Another key provision of the legislation will address an issue that has weighed heavily on our minds over the past few months. In a hearing held by the Subcommittee on Early Childhood, Youth and Families last week, we heard firsthand testimony from students who have been the victims of violent acts in their schools. We heard loud and clear the fear in their voices and their concerns about future violence in their schools.

But we still have no clear answers to the core casual factors of school violence. This legislation includes a study to be performed by the National Academy of Science which will explore the causes of school violence. Information gathered through this study will help us to improve the effectiveness of our current violence prevention efforts.

I would like to thank members of the committee for their hard work and their staffs, particularly the gentleman from Delaware (Mr. CASTLE) for his leadership. Also, I would like to thank the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Michigan (Mr. KILDEE) and the gentleman from Virginia (Mr. SCOTT) for their guidance on the School Science Study. The result is a quality piece of legislation.

I encourage my colleagues to support the legislation.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the House amendments to the Missing, Exploited and Runaway Children's Protection Act. I want to thank the chairman and ranking member of the Committee on Education and the Workforce for their bipartisan work on this legislation.

I also want to thank the gentleman from Delaware (Mr. CASTLE) for his excellent work as a sponsor of this legislation and the gentleman from Michigan (Mr. KILDEE), my dear colleague.

The bill before us today provides the resources for families to deal with the terrible issue of missing, exploited and runaway children. The National Center for Missing, Exploited and Runaway Children operates a National Resource Center and a toll-free hot line to provide assistance to state and local governments in finding missing children and preventing the exploitation of children.

I believe this is important, Mr. Speaker. This legislation utilizes all of our law enforcement and child services tools once a child is missing, but the legislation also is designed to prevent the terrible occurrence of a missing, exploited or runaway child. I am glad that we are addressing this bill today.

In the last 6 weeks, I have had a personal experience. I got a call late one Saturday night and it was my girlfriend of over 30 years. She said, "Carolyn, I do not know what I am going to do. My daughter's two children have been kidnapped."

With that, I gave her the information, only because I have learned about this through Congress. I gave her the phone numbers to call. And within hours, the photos of the missing children were put out across this country. I am happy to say that one child has been recovered. The other one is still missing. But with all the resources coming together, I am grateful that we, hopefully, will find the other child.

Also, since being in Congress, one of the provisions of this bill is also helping with children that have nowhere else to go. I have been privileged to meet and work with a number of groups on Long Island; and I have to tell my colleagues, I was shocked on how many homeless children we have just on Long Island.

We have found that we can give them shelter. We have found that we can give them training. We have found that they turn their lives around and become productive citizens. This is something that really helps our children across this Nation. It is something that we should be working on more and more. It shows, when we work together, we can make a difference here in Congress.

I am glad that we are addressing this bill today, and I urge my colleagues to support this important bill. I thank the Committee on Education and the Workforce for their bipartisan work.

I believe the true measure of our Government's efficiency can be found in the way we treat our children, the extent to which we protect our children. The legislation before us today demonstrates there is an important role in protecting our children and saving our children's lives. I thank everyone for the work that they have done, and may we continue to do this.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), another distinguished gentleman from the Commonwealth of Pennsylvania who has worked hard in the Congress of the United States on the issues of children.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I also rise in support of the Missing, Exploited and Runaway Children's Protection Act; and I do so with a deep sense of gratitude. As a former caseworker who worked with abused and neglected children, I understand the importance of this legislation.

I would like to focus my remarks on that part that I worked on, and that is the study that we are asking the National Academy of Science to conduct with regard to school violence.

Mr. Speaker, the Nation has been horrified and people have been saddened and perplexed and to some extent we have been divided over the issues of these school shootings. America asks the question, "Why? Why would children take firearms to their schools and shoot their classmates and shoot their teachers?" America then quickly responds with the command, "Do something. Somebody do something." And, as policymakers, that is part of our responsibility.

Mr. Speaker, I think, for the most part, the short-term efforts to prevent school violence must be community based and they must be school based and they must be home based. But there are some things that the Congress can do and there are things that we need to do in terms of a long-run strategy.

This legislation will direct the National Academy of Sciences to do a study on the antecedents of school violence. Researchers, the best social scientists and child psychologists that we can gather in this country, will literally travel to Pearl, Mississippi, to Paducah, Kentucky, to Jonesboro, Arkansas, to Springfield, Oregon, to Edinboro, Pennsylvania, to Fayetteville, Tennessee, indeed to Littleton, Colorado; and, regretfully, most recently we have had to amend this language to include Conyers, Georgia.

The scientists will interview, when they can, the perpetrators, the actual shooters. They will interview their parents, their siblings, their neighbors, their classmates, their teachers, their guidance counselors, any professionals that have dealt with these young people, to try to find out what were the early childhood experiences of these kids, what were their school experiences, what were the relationships between the perpetrators and the victims, how did the perpetrators gain access to firearms, and what were the impact of cultural influences and exposure to the media, video games and the Internet.

They will report back to America about their findings. And, hopefully, in a sober and thoughtful and disciplined way, America will understand how some of our communities impacted some of our children in ways that made them so inexplicably violent.

Mr. Speaker, it is my experience that the left-most of our political spectrum tends to look at this issue and turn immediately and almost exclusively to guns and the right-most of our political spectrum tends to look exclusively at the cultural impacts.

It is my belief that we need to look at the children. We need to understand how our children are affected by experiences in their home, in their schools and in their communities and how we as a society can value our children more than we do so that all of our children are uplifted by our actions.

I would like to thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING), for his help and cooperation with this. I would like to thank the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), the gentleman from Michigan (Mr. KILDEE), the gentleman from Virginia (Mr. SCOTT) and the Speaker for his condolences, his help as well.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, I think a lot of good work has been done on this bill; and I would like to laud Members on both sides of the aisle for this work.

The National Center for Missing and Exploited Children is a private, non-Federal corporation that was founded back in 1984; and they have helped over the last 15 years to recover over 40,000 missing children. I first worked with them back in 1985. They were one year in existence at that time. And I was a news reporter working back in Pennsylvania.

One afternoon after getting off the school bus near the town of Cabot, Pennsylvania, 8-year-old Cherrie Mahan disappeared, never to be seen or heard from again. There was a police bulletin which went out, went all over the Nation, looking for a van with a ski scene on the side. That is what they believed the people were driving who they thought abducted Cherrie.

That was never proven. The van was never found. But a very quiet, rural community was upended. The family was upended. This 8-year-old girl had just gotten off the bus on her way home, never to be seen, never to be heard from again. Where do they look? Where do they turn to?

And finally, the people from that community found the National Center for Missing and Exploited Children. People in the community worked together. They searched. They looked for clues. They put out every kind of feeler they could trying to find out who knew about this young girl's abduction. And they collected money for a reward. All told, they collected from their hard-earned dollars $58,000.

Last October, when it was determined that Cherrie was not going to come back and she was declared legally dead, that $58,000 was presented by me along with those people, the friends and neighbors of Cherrie Mahan, a $58,000 check, to the National Center for Missing and Exploited Children so that that money could be used as a resource to help establish computer networks across this country to find runaway kids, to find kids who have been abducted, and to help fight against violence in our schools.

In return, the National Center for Missing and Exploited Children gave an $8,000 TRAC system, called Technology to Recover Abducted Kids, back to the Butler State Police Barracks in Butler, Pennsylvania. And they hoped that if they ever have to see another sad situation like the tragic disappearance of Cherrie Mahan, that the community will be better prepared, that they will be better armed with this new technology, and that we in the Federal Government can be a partner in that, making sure that the resources are there so that the sadness that the Mahan family has had to live with will never be felt by other families across this Nation.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this measure, S. 249, focuses on the terrible problem confronting all too many American families: missing, exploited and runaway children. I commend the sponsors of the House and Senate resolution, the gentleman from Delaware (Mr. CASTLE) and the distinguished senator from Utah (Mr. HATCH), for their diligence in bringing it to the Congress.

As a parent, few things can be more painful than the uncertainty and anxiety that arises when a child becomes missing. The void of not having a loved one present, plus the fear and anxiety of what that loved one may be undergoing, are cruel hardships that no one should ever have to endure.

Although this measure focuses primarily upon the domestic aspect of this problem and improves the way our Government addresses the problems that may be associated with missing or exploited children, I want to highlight an issue that I have become increasingly involved with, the problem of internationally abducted children.

In an interdependent world, we are finding American citizens often marrying and having children with foreign nationals and a corresponding increase in the number of children that are taken to or illegally retained in another country.

This measure highlights the excellent work of our National Center for Missing and Exploited Children. I join in commending that organization and add my voice to those who feel that the role of NCMEC should be straightened in the cases of international parental abductions. Our citizens deserve an able advocate for their rights as parents, and I am confident that NCMEC is the appropriate organization to serve this vital function.

There are efforts underway in some parts of our Government to curtail NCMEC's role in assisting our citizens recover their illegally abducted or wrongfully retained children from other countries. I urge that all supporters of this measure exercise their vigilance to make certain that does not occur. Our citizens who are victims of child abduction deserve to have an organization such as the NCMEC to support them.

I thank the gentleman from Delaware (Mr. CASTLE) for his courtesy in yielding, and I urge our colleagues to fully approve S. 249 on behalf of our missing, exploited and runaway children.

□ 1045

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

First, I would like to associate my remarks with those of the gentleman from New York (Mr. GILMAN) regarding his work with the international effort to return children who are taken from our country, and I look forward to working with the gentleman from New York on that issue.

I rise today to encourage all of my colleagues to cast their votes in favor of S. 249, the Missing, Exploited, and Runaway Children Protection Act. Two years ago when I first joined all of you in Congress, I wanted to address all of the problems that we face here, education, Social Security and health care. But unfortunately in April, right after my first swearing-in, all of my plans drastically changed when a 12-year-old little girl, Laura Kate Smither from Friendswood, Texas, was abducted and savagely murdered. After seeing the faces of the Smither family and the outpouring of support from the community of Friendswood, I knew that I wanted to work on behalf of our children and their families.

After meeting Ernie Allen, the President of the National Center for Missing and Exploited Children, and his dedicated staff, I decided to work diligently to establish the first-ever Congressional Missing and Exploited Children's Caucus with my colleagues the gentleman from Alabama (Mr. CRAMER) and the gentleman from New Jersey (Mr. FRANKS) to provide a unified and loud voice for missing and exploited children here in Congress.

I am pleased to report, as of today, this bipartisan caucus now has 126 members. We work on legislation to impose tougher penalties on those who commit sexual offenses against children and to make sure our communities are notified when convicted sex offenders move into their neighborhoods.

The caucus would not be nearly as effective in producing innovative legislation and helpful district safety workshops without the advice and programs offered at the National Center. The Center's outreach programs help chiefs of police and sheriffs to develop fast response plans through the Jimmy Ryce Law Enforcement Training Program, to comb neighborhoods and streets for our children who have been reported as missing. The Center also focuses its educational outreach programs toward children who can learn how to protect themselves from the dangers that they face in today's world. I am proud to have helped the Center unveil a nationwide program called "Know the Rules." It was a public service campaign that was started here in Washington just a couple of years ago.

"Know the Rules" is a set of simple rules all children, but especially teenage girls between the ages of 12 and 17, should use in their everyday lives to build self-esteem and to help them escape potentially dangerous situations.

I have two daughters and will become a grandfather for the first time in November. I am convinced that funding the National Center is as good an investment of taxpayer dollars as can be made to ensure the safety of our Nation's children.

Mr. Speaker, I ask all of our colleagues from Oregon to Ohio and California to Connecticut to support the National Center for Missing and Exploited Children on this National Missing Children's Day by voting for S. 249.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. TANCREDO) who is not only from Colorado, but has been through a difficult 5 weeks living in the shadow of Columbine High School.

Mr. TANCREDO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this bill, the Missing, Exploited, and Runaway Children's Act, but more specifically in support of the school violence study that has been referred to here several times.

Mr. Speaker, it is a fact that we have now had to deal with for quite some time, but it has been brought home to us more dramatically in the last few weeks than perhaps anytime in the recent past. That fact is that we are a violent country.

The character of the American people, unfortunately, we have a violent character. The history of this Nation is replete with violence. It is not a good thing that I say but it is unfortunately a true thing.

What is completely unusual, what is not at all to be explained by our history, however, is the violence we see now in schools and with children. Because although we have always had a violent society, the fact is we have never in the history of this country had a situation where children were participants to the extent that they are today in that violent nature.

So something has happened. Something has changed. This is one thing we know for sure, that this is a brand new phenomenon. We have to figure out why this is occurring.

There was a recent study that was a fascinating study I commend to my colleagues. It was done by an individual who works for the armed forces. His task really is to desensitize members of the armed forces to the actual act of killing another human being because, as he says, this is a very difficult thing. People do not do it naturally.

Taking the life of another member of your own species is not natural and you have to work at it. When we do it in the armed forces under controlled circumstances, you use technology to desensitize members of the armed forces to actually taking a life. But that is in a very controlled environment.

What has happened is that some of the same technology that is used by the armed forces, in particular a computerized game called Doom, is a game that is now available to everyone, to youngsters in our society, over the Internet. As a matter of fact, the two shooters in Colorado, Mr. Klebold and Mr. Harris, were compulsive about this game, Doom, were into it to a very great extent.

I do not know whether or not that one thing had everything to do with what happened in Columbine. I do not know how much of an impact it had on what they decided to do. All I do know is this, that something has changed in our society, and we are turning children into killers. We are turning children into individuals without a conscience.

This is new, Mr. Speaker, and this is frightening. We have to find out why this is happening. Therefore, I commend my colleagues on the committee for this bill and specifically for the study on school violence, which I hope will bring to our attention the cause of this new phenomenon.

Mr. KILDEE. Mr. Speaker, I would like to commend the bipartisan spirit in which this bill has been written from beginning to end. I think we have a very good bill here. I urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, it is a parent's worst nightmare when you come in from work and you call out your child's name and she does not answer, and you begin to look for her and you cannot find her; and as you begin to search, your apprehension turns to panic and then your concern turns to pure terror.

Unfortunately, that happens in literally thousands of homes in America today. In fact, if you are the parent of an 11-year-old girl, you will be sad to know that that group is the most at risk for murder and abduction in this country today.

Unfortunately, there are so many of the colleagues that could speak today who will name the name of a child who is missing in their community. In my case, her name is Opal Jennings. She is a darling little girl who is missing from our community. Unfortunately, a number have been missing from our community. That is what we are talking about today.

The Missing, Exploited, and Runaway Children Protection Act would do something to help those parents. It would authorize $10 million a year for a period of 5 years for the National Center for Missing and Exploited Children. Among other things, this money would help operate a 24-hour toll free telephone line to report those children and public and private programs to locate, recover and hopefully reunite them with their family. This is something that needs to be done, it should have wonderful bipartisan support in this Congress, and it is the least we can do for our children.

Mr. CASTLE. Mr. Speaker, I yield myself the balance of my time.

I would just point out a couple of things. One, we have spoken to various parts of this legislation, but I think we all in the House of Representatives need to understand the importance and the components of what we are dealing with here. It first authorizes, as I said in my opening, the Runaway and Homeless Youth Act and Missing Children's Assistance Act. It also provides an authorization, which we heard about very eloquently from several speakers for the National Center for Missing and Exploited Children; and it does, as we also heard from the gentleman from Pennsylvania (Mr. GREENWOOD) and others, direct the National Academy of Sciences to conduct a study of the cultural influences on youth violence.

These things, in and of themselves, may not prevent all the problems of youth in this country, it will not; but it may in some small way start the mending process which we consider to be so important.

I would just like to thank all of those who took the time to come to the floor to speak to this today and all the Members of the House, who I believe will be supportive of what we consider to be very significant legislation to help with these problems.

Mr. PAUL. Mr. Speaker, organizations like the Center for Missing and Exploited Children should be commended and supported for their work on this critical issue. However, I must oppose this legislation as it is outside the proper Constitutional role for the federal government to spend money in this way; such spending is more appropriate coming from the states and private donations. As always, I am amazed that Members of Congress are so willing to be generous with their constituent's tax dollars, yet do not seem willing to support such causes out of their own pockets.

This legislation would spend more than $268 million on issues that are simply outside the constitutional jurisdiction of the federal government. In addition, legislation like this blurs the lines between public and private funds, and opens good organizations to needless regulatory control for Congress. The legislation even opens the door to public money being used to support sectarian organizations, in direct violation of the First Amendment.

The moral decay of our nation is a serious issue that must be addressed. However, after some forty years of federal meddling in education and other social issues, it is clear politicians on Capitol Hill have made matters worse for our children, not better.

Mr. PACKARD. Mr. Speaker, today is National Missing Children's Day. Fitting enough, today we will also be voting on legislation to help locate missing, exploited and runaway children in our society.

Congress first established Missing Children's Day in 1982 to increase public awareness regarding the thousands of children who disappear each year. Through the hard work of organizations such as the National Center for Missing and Exploited Children, I am proud to say that within the past 13 years, more than 35,000 children have been located, many having been saved from child abductions, molestations and sexual exploitation.

Mr. Speaker, it is only fitting that today we will vote on S. 249, The Missing, Exploited and Runaway Children Protection Act. This legislation will provide funds for the National Center for Missing and Exploited Children to meet several of our nation's needs as they work to reunite missing and exploited children and their families.

For parents who have missing children, every day is a struggle. I urge my colleagues to help families stricken with this awful tragedy by supporting S. 249.

Ms. WOOLSEY. Mr. Speaker, this legislation is very important, and it is particularly significant to me due to the tragic murder of Polly Klaas that occurred in my home town of Petaluma in 1993.

Polly Klaas was taken from her home at knife point during a slumber party while her mother slept in the next room. Richard Allen Davis, the brutal kidnapper, was later stopped by police in a nearby community. The officers did not know that there was a suspect being sought at that moment, so unfortunately they let him go. Could Polly have been saved if a more sophisticated computer system had been in place allowing different police jurisdictions to communicate? We'll never know.

What I do know is that—thanks to a COPS grant recently awarded to the Sonoma County Police Consortium—such a computer system will soon be in place. This $6.2 million grant will permit the agencies in my district to upgrade dispatch systems, connect mobile police units, and increase the efficiency in filing incident reports. This is just one important step in improving our safely net for children.

I am forever heartbroken that we were not able to save Polly, but I know that the best way we can honor Polly and other missing children is by doing our utmost to prevent such atrocities from happening to another child, another family, another community.

This bill today, the Missing, Exploited, and Runaway Children Protection Act, will allow such vital assistance programs as the Center for Missing and Exploited Children and the national toll-free hotline to continue. Without such resources, it is nearly impossible to conduct a responsive, nationwide search that could be the key to the missing child's survival.

I am also proud to be a Member of the Missing and Exploited Children's Caucus in Congress, because it heightens awareness that we must continue to make progress in protecting our children. We cannot let our guard down. Saving the lives of the most vulnerable in our population should be our most important priority. Children are 25% of our population, but they are 100% of our future.

Mr. DEUTSCH. Mr. Speaker, I rise to encourage all my colleagues to support the Missing, Exploited, and Runaway Children Protection Act. Today I would like to focus on one specific facet of this Act, the authorization of Congressional support for the National Center for Missing and Exploited Children. Since 1984, the Center has proven to be an invaluable resource for state and local governments who struggle each day to recover missing children and to prevent the exploitation of children.

Through its toll-free hotline, its training programs for state and local professionals, and its coordination of recovery programs, the Center is a focal point mobilizing citizens and communities in the pursuit of safety for all of America's children. The convergence of public and private resources in pursuit of this common goal has resulted in the recovery of more than 40,000 children—40,000 children who could have been lost without the contributions of the National Center for Missing and Exploited Children.

The Center is particularly important to South Florida because one of its affiliated programs, the Jimmy Ryce Law Enforcement Training Center, was established by Congress in 1996 in memory of my constituent, Jimmy Ryce, the son of Don and Claudine Ryce. In 1995, at 9 years of age, Jimmy was abducted and brutally murdered while walking home from school. The Ryce Center, a joint project of the Center for Missing and Exploited Children and the Justice Department's Office of Juvenile Justice and Delinquency Prevention, trains Chiefs of Police and Sheriffs in the most up-to-date methods of searching for missing children. The Ryce Center promotes swift, effective investigative response to missing and exploited children cases, provides comprehensive training in case investigations, ensures the consistent and meaningful use of reporting systems, and promotes the use of important national resources to assist in these cases.

The Ryce Center is an invaluable resource to law enforcement officials throughout the country, and in just a few short years has made enormous strides in changing the way America deals with cases of missing and exploited children. In the face of a problem which none of us should have to face, Don and Claudine have turned their personal tragedy in to a positive effort to help ensure the safety of millions of American children just like Jimmy. I urge all of my colleagues to support the passage of this bill.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 249.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the Senate bill, S. 249, as amended.

The question was taken.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TRADE AGENCY AUTHORIZATIONS, DRUG FREE BORDERS, AND PREVENTION OF ON-LINE CHILD PORNOGRAPHY ACT OF 1999

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1833) to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Agency Authorizations, Drug Free Borders, and Prevention of On-Line Child Pornography Act of 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 102. Illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 103. Peak hours and investigative resource enhancement for the United States-Mexico and United States-Canada borders.
Sec. 104. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Personnel Provisions

CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

Sec. 121. Correction relating to fiscal year cap.
Sec. 122. Correction relating to overtime pay.
Sec. 123. Correction relating to premium pay.
Sec. 124. Use of savings from payment of overtime and premium pay for additional overtime enforcement activities of the Customs Service.
Sec. 125. Effective date.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 131. Study and report relating to personnel practices of the Customs Service.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $999,563,000 for fiscal year 2000."; and

(2) in subparagraph (B) to read as follows:

"(B) $996,464,000 for fiscal year 2001.".

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,154,359,000 for fiscal year 2000."; and

(B) in clause (ii) to read as follows:

"(ii) $1,194,534,000 for fiscal year 2001.".

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the automated commercial environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreements Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $109,413,000 for fiscal year 2000."; and

(2) in subparagraph (B) to read as follows:

"(B) $113,789,000 for fiscal year 2001.".

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 102. ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV).

(D) $7,200,000 for 8 1-MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $8,924,500 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO AND UNITED STATES-CANADA BORDERS.

Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, $127,644,584 for fiscal year 2000 and $184,110,928 for fiscal year 2001 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border.

(3) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(4) A net increase of 300 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations.

(5) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(6) The costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 104. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2000 and 2001 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of the Customs Service shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 111 and 112 of this Act.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2000 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Personnel Provisions

CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

SEC. 121. CORRECTION RELATING TO FISCAL YEAR CAP.

Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended to read as follows:

"(1) FISCAL YEAR CAP.—The aggregate of overtime pay under subsection (a) (including commuting compensation under subsection (a)(2)(B)) that a customs officer may be paid in any fiscal year may not exceed $30,000, except that—

"(A) the Commissioner of Customs or his or her designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Customs Service; and

"(B) upon certification by the Commissioner of Customs to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that the Customs Service has in operation a system that provides accurate and reliable data on a daily basis on overtime and premium pay that is being paid to customs officers, the Commissioner is authorized to pay any customs officer for one work assignment that would result in the overtime pay of that officer exceeding the $30,000 limitation imposed by this paragraph, in addition to any overtime pay that may be received pursuant to a waiver under subparagraph (A).''.

SEC. 122. CORRECTION RELATING TO OVERTIME PAY.

Section 5(a)(1) of the Act of February 13, 1911 (19 U.S.C. 267(a)(1)), is amended by inserting after the first sentence the following new sentences: "Overtime pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such overtime pay. The preceding sentence shall not apply with respect to the payment of an award or settlement to a customs officer who was unable to perform overtime work as a result of a personnel action in violation of section 5596 of title 5, United States Code, section 6(d) of the Fair Labor Standards Act of 1938, or title VII of the Civil Rights Act of 1964.''.

SEC. 123. CORRECTION RELATING TO PREMIUM PAY.

(a) IN GENERAL.—Section 5(b)(4) of the Act of February 13, 1911 (19 U.S.C. 267(b)(4)), is amended by adding after the first sentence the following new sentences: "Premium pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such premium pay. The preceding sentence shall not apply with respect to the payment of an award or settlement to a customs officer who was unable to perform work during the time described in the preceding sentence as a result of a personnel action in violation of section 5596 of title 5, United States Code, section 6(d) of the Fair Labor Standards Act of 1938, or title VII of the Civil Rights Act of 1964.''.

(b) CORRECTIONS RELATING TO NIGHT WORK DIFFERENTIAL PAY.—Section 5(b)(1) of such Act (19 U.S.C. 267(b)(1)) is amended to read as follows:

"(1) NIGHT WORK DIFFERENTIAL.—

"(A) 6 P.M. TO MIDNIGHT.—If any hours of regularly scheduled work of a customs officer occur during the hours of 6 p.m. and 12 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 15 percent of that basic rate.

"(B) MIDNIGHT TO 6 A.M.—If any hours of regularly scheduled work of a customs officer occur during the hours of 12 a.m. and 6 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate.

"(C) MIDNIGHT TO 8 A.M.—If the regularly scheduled work of a customs officer is 12 a.m. to 8:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate.''.

SEC. 124. USE OF SAVINGS FROM PAYMENT OF OVERTIME AND PREMIUM PAY FOR ADDITIONAL OVERTIME ENFORCEMENT ACTIVITIES OF THE CUSTOMS SERVICE.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) USE OF SAVINGS FROM PAYMENT OF OVERTIME AND PREMIUM PAY FOR ADDITIONAL OVERTIME ENFORCEMENT ACTIVITIES.—

"(1) USE OF AMOUNTS.—For fiscal year 1999 and each subsequent fiscal year, the Secretary of the Treasury—

"(A) shall determine under paragraph (2) the amount of savings from the payment of overtime and premium pay to customs officers; and

"(B) shall use an amount from the Customs User Fee Account equal to such amount determined under paragraph (2) for additional overtime enforcement activities of the Customs Service.

"(2) DETERMINATION OF SAVINGS AMOUNT.—For each fiscal year, the Secretary shall calculate an amount equal to the difference between—

"(A) the estimated cost for overtime and premium pay that would have been incurred during that fiscal year if this section, as in effect on the day before the date of the enactment of sections 122 and 123 of the Trade Agency Authorization, Drug Free Borders, and Prevention of On-Line Child Pornography Act of 1999, had governed such costs; and

"(B) the actual cost for overtime and premium pay that is incurred during that fiscal year under this section, as amended by sections 122 and 123 of the Trade Agency Authorization, Drug Free Borders, and Prevention of On-Line Child Pornography Act of 1999.''.

SEC. 125. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to pay periods beginning on or after 15 days after the date of the enactment of this Act.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 131. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "not to exceed the following" and inserting "as follows";

(B) in clause (i) to read as follows:

"(i) $26,501,000 for fiscal year 2000.''; and

(C) in clause (ii) to read as follows:

"(ii) $26,501,000 for fiscal year 2001.''; and

(2) in subparagraph (B)—

(A) in clause (i), by adding "and" at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

"(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.''.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

"(i) $47,200,000 for fiscal year 2000.''; and

(2) in clause (ii) to read as follows:

"(ii) $49,750,000 for fiscal year 2001.''.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

"(4) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1833.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1833, the Trade Agency Authorizations, Drug Free Borders, and Prevention of On-Line Child Pornography Act of 1999 contains budget authorizations for the United States Customs Service, the Office of the United States Trade Representative and the International Trade Commission. H.R. 1833 also reforms Customs inspectors overtime and shift differential pay.

H.R. 1833 passed the committee unanimously by a vote of 36–0.

H.R. 1833 authorizes the President's budget request for USTR and the ITC, but goes beyond the President's request for the Customs Service in order to provide more funding for drug interdiction, child pornography prevention initiatives and Customs automation.

Illegal drugs are killing our youths. Sex predators stalk our children on the Internet. We must protect our children from the scourge of illegal drugs and on-line sex predators. H.R. 1833 aims to do just that.

Today is Missing Child Day. It is tragic that we need to recognize such a day. H.R. 1833 would authorize $10 million for the Customs Cyber-smuggling Center so that customs can step up protection of our children from on-line predators and pedophiles. Part of this authorization would go to the National Center for Missing and Exploited Children's cyber tipline that handles calls and on-line reports of sexual exploitation of children.

While I am on this portion of the bill, I would like to pay tribute to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON) because she was the one that was in the vanguard of incorporating these provisions dealing with trying to monitor pornography on the Internet. She deserves the overwhelming credit of one and all on a bipartisan basis for her work. She will elaborate more fully later.

H.R. 1833 also includes more than $400 million over the President's budget request for drug interdiction in fiscal year 2000 and fiscal year 2001. This funding would allow Customs to purchase drug detection equipment and hire additional inspectors to keep illegal drugs from crossing our borders into our children's hands.

Customs must also keep our trade moving smoothly. Customs current Automated Commercial System, ACS, is 16 years old and on the brink of continual brownouts and shutdowns. This costs the American taxpayer millions of dollars. Customs has begun building a new system, Automated Commercial Environment, ACE, but the President did not see fit to request funding for ACE for fiscal year 2000. Instead, the President requested a fee that the administration did not justify. The American public cannot wait for the President, so Congress must take action. H.R. 1833 does just that. It authorizes $150 million for ACE in fiscal year 2000 and fiscal year 2001.

H.R. 1833 also makes common-sense changes to Customs officers overtime pay and nighttime pay. The legislation maintains, and even increases, some benefits to Customs inspectors in recognition of their hard work and the valuable services they perform.

□ 1100

The revisions also correct some anomalies in Customs officers' overtime and differential pay. Under H.R. 1833, officers would be paid overtime only for overtime hours worked. Also, officers would be paid shift differential only for night work instead of daytime work under the present system. This saves the American taxpayer money.

In short, this legislation will help prevent illegal drugs from crossing our borders, prevent on-line child pornography, prevent waste of taxpayers' dollars and prevent delays in moving our trade.

Finally, I note that at the request of the chairman of the Committee on Government Reform and Oversight we had to drop a provision in the bill that would put the Commissioner of Customs at the same pay level as other Treasury Department bureau heads. That provision is the only provision within the jurisdiction of that committee.

In conclusion, Mr. Speaker, I urge my colleagues to support this package and pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this suspension procedure that we use in the House is supposed to be reserved for bills that are not controversial. Where there is controversy in the committee or subcommittee, members of the minority and the majority should have an opportunity to at least discuss those issues and vote on those issues.

Today we see a violation, a real violation, of that principle, because here we find a good bill, a bill there that is supposed to support the United States Trade Represenative's Office, the International Trade Commission, a bill that the gentlewoman from Connecticut (Mrs. JOHNSON) worked so hard on to prevent child pornography, which all of us find repugnant to everything that we believe in as Americans, as human beings, and we find a real attack against drug trafficking by providing sophisticated equipment for those men and women who have dedicated themselves to protect our borders against these drugs coming into the United States.

Why in God's name then, Mr. Speaker, do we find on the suspension calendar, incorporated in this bill, that which prevents us from debating, prevents us from voting for it, a provision that nobody wants except one or two people in the majority on the committee? Where did it come from? Where did it start? Where were the hearings? Where was the reports? Where is the evidence that indicated that Customs inspectors were overpaid?

It certainly did not come from hearings which we had on this issue before we voted on this, and even when we were marking up the bill, the only evidence we had was a staff member from the majority giving us information that was not available through any official report. Here we have Customs officials that put their lives on the line each and every day protecting our borders; three were killed in the line of duty. They fight every day, they struggle every day, and the commissioner and the unions were never discussed on this issue, but somebody knew better than them on the committee and revised it because they did not like the wording of it in the regulation.

It is not fair, Mr. Speaker, and it comes almost close to being illegal, to fold something like that, a controversial subject like that, into a bill that no one politically is prepared to vote against on the suspension calendar for fear that we would be supporting child pornography, that we would be supporting drug trafficking, that we would not support the USTR and the ITC.

There is no excuse for this being included in this bill. It divided our committee, it divides our subcommittee, and it is things like this that cause divisions in the House of Representatives.

We knew why these people were paid overtime pay, we know the reasons they were done, and it is because, unlike other federal law enforcement officers, the Customs do not give and we did not provide the same type of benefits that law enforcement officials get. They do not get the 20-year pension retirement, they do not get a whole lot of perks that law enforcement officials get, and this was folded into their pay in order to compensate for the fact that some do law enforcement work and they do not get paid law enforcement salaries.

Was it controversial? Ask anybody on the majority whether it was controversial. So, why should it be included in this suspension calendar in a bill that certainly is without controversy? I suspect it is because they once again want to deny us the opportunity to reconsider the amendment that was offered in committee and deny us the opportunity to be able to vote on this issue singularly, like it should be.

I know that the Committee on Ways and Means has traditionally enjoyed closed rules when it comes to the House, but this is not a tax issue, and this is not an issue that is coming to the House in regular form. It comes to us as a suspension bill, and I am really disappointed that my committee would see fit to fold a controversial subject into a suspension bill and deny us the opportunity once again to debate it.

I would just like to say Ray Kelly is the Commissioner of Customs; he opposes it. The union opposes it, the Secretary of Treasury opposes it, the administration opposed it, and almost half of the members of the Committee on Ways and Means opposed it, but we will not get an opportunity to vote on that issue.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume, and in response to some of the concerns registered, and I can certainly sympathize with our distinguished colleague, but I do think that we have put together here a good bill, and it is one that in committee the total package enjoyed the support of both sides of the aisle overwhelmingly. But we are, I think, making some common sense changes, and at the same time we are maintaining and even increasing some benefits as Customs inspectors or to Customs inspectors in recognition of their hard work and the valuable services they perform. These revisions are identical to those that this committee and the full House passed overwhelmingly last year.

The night pay reform still keeps Customs officers in a better position than other federal employees, and the bill does not change some of the other special benefits that Customs officers receive. For example, Customs officers receive twice the hourly rate for overtime while FEPA employees receive only one and a half times the hourly rate. The night pay reform is not meant to penalize our hard-working Customs officers. Instead, it is designed to advance common sense.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. WELLER), our colleague who serves on the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I rise in support of this important legislation today, and first, let me begin by commending my friend and colleague from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade, putting forward a good bill, a bill which was endorsed by unanimous bipartisan vote, the Committee on Ways and Means just this past week. I rise in support of this legislation, the Trade Agency Authorizations, Drug-free Borders, Prevention of On-line Pornography Act of 1999. It is important legislation designed to protect children from drugs and child pornographers. Amongst the most important provisions of H.R. 1833, the bill authorizes $10 million for the Child Cyber Smuggling Center to provide the U.S. Customs Service with the necessary tools to prevent child pornography and child sexual exploitation initiated over the Internet. I also want to commend my friend and colleague, the gentlewoman from Connecticut (Mrs. JOHNSON) for her leadership on this issue as she authored the original legislation that was included in this bill today.

Protecting children from Internet predators is an issue that is important to the folks back home in the south suburbs of Chicago. This last year I received a phone call from a mother asking for help in responding to a situation affecting her 9-year-old daughter. An Internet predator posted her child's name on several pornographic Internet sites and in chat rooms and advertised for certain favors. To protect their daughter, their family was forced to move from their home and to hide from those they feared would contact them as a result of this Internet advertising. When they sought the help of local police, they were told there is no law preventing predators from doing this to young children. I am proud that legislation I authored, which became law last year, the Protecting Children From Internet Predators Act which made it illegal to use the Internet to target an individual under the age of 16 for sexually explicit messages or contacts, is now law, and I want to thank this House for the bipartisan support.

Let me explain very clearly with some startling facts and statistics why this legislation is so important and deserves bipartisan support, because we should all care about kids, and we should all care about child pornography and its impact on children. It is estimated that by the year 2002 more than 45 million children will be on-line with access to the Internet. The number of child pornography and pedophilia sites is impossible to determine, but the Center for Missing Children estimates that are 10,000 web sites maintained by pedophiles while the CyberAngles organization estimates 17,000 pedophile web sites available via the Internet. The United States alone law enforcement has confiscated more than 500,000 indecent images, photos of children, some as young as 2 years of age, and since January 1 of 1998 federal law enforcement has arrested over 460 adults for Internet-related child sexual exploitation offenses.

Mr. Speaker, we need to do more to protect kids from child pornography, to protect children from being exploited by those who would prey on them via the Internet. This legislation gives the United States Customs Service the tools they need. It deserves bipartisan support. Let us protect the kids from pornographers.

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I strongly support the objective of H.R. 1833 to provide the U.S. Customs Service with the resource it needs to safeguard our borders and to put a stop to the spread of child pornography on-line. The men and women of the U.S. Customs Service perform vital functions with respect both to law enforcement and preserving the integrity of U.S. trade with foreign nations there on the front line.

Much of this bill is devoted to authorizing the appropriation of funds for the acquisition of sophisticated narcotics detection equipment by the Customs Service. Ironically, however, Section 123 (b) would cut the pay of some of the very people who will be operating that equipment. The current pay structure for Customs inspectors and officers was put into place in 1993. It was designed to reflect the unusual demands of inspectors' and officers' jobs, the odd hours, the unpredictability of schedules, the physical safety risk. Under this system, if a majority of the hours in an inspector officer's shift falls within the window from 3 p.m. to 8 a.m., the inspector officer is paid at a premium rate for the shift. 1833 would change it. Let me just give my colleagues an example.

For example, take the Customs inspector who regularly works the 3 a.m. to 11 a.m. shift. Assuming that that inspector earns $19.25 per hour as base pay, his or her premium pay under the current system is $154 per week. Under H.R. 1833, the premium pay would be reduced by $96.25 per week, and assuming that shift would work throughout the year, it would amount to a reduction in pay of $5,000 a year.

Why this provision? It was introduced without adequate consideration of the adverse impact it would have on actual Customs inspectors and officers. The sponsors of this provision relied on a report by the Inspector General that did nothing more than calculate the absolute increase in night pay differential over a 3-year period since enactment of the current arrangement.

□ 1115

The report did not study the cause of that increase, nor did it purport to find that that increase was unjustified. It was simply an accounting of the size of the increase.

So what happens? The majority decides to bring this bill under suspension, with no ability for us to present an amendment. This is a distortion of the suspension process. The chair of the subcommittee and others have said this passed unanimously. True, after an amendment was introduced to strike it, it was debated. We lost it on a straight party vote, but we had a chance to raise it.

What the majority is doing here is putting forth a bill that is good in almost all of its provisions and tying in a provision that is not justified and, I think, is not justifiable. They essentially trapped the minority, saying if you want to vote against a bill that is generally good because of one provision and it is a serious one, go ahead and do it.

Mr. Speaker, bipartisanship should have some meaning in this place. There is no excuse whatsoever for this procedure. It was tried last session, the same trick was tried, and what happened? The bill died in the Senate because of provisions that are not related to the important work of the Customs force and had nothing to do with child pornography, which we obviously must be very concerned about.

This is not a tax bill. There is no reason to have this bill brought on suspension or in any other way that prevents an amendment.

Mr. Speaker, we talk about common sense. Common sense and common decency in a legislative body mean giving people a chance to present an amendment and debating it. This is not a defensible procedure.

I suggest that we vote "aye," because the bill, in all but one of its major provisions, is a strong bill that we should pass. But I just want the majority here to understand that we resent this procedure. There is no reason for it. It undermines the bipartisanship that the majority sometimes says it believes in. We will do what happened last time. We will march over to the Senate and ask it to extricate this House from an unfair procedure.

My colleagues may think they are being politically clever, but they are going to pay for it in terms of feelings between the majority and the minority.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Last year in committee we considered identical provisions on reforming pay, and my colleagues across the aisle did not move to strike. I find it difficult now for them to say that we are being unfair today.

The irony of the current system is that one can receive night pay for the entire noon-to-8-p.m. shift, but one would receive no night pay for working a 4-a.m.-to-noon shift, even for those brutal hours between 4 a.m. and 6 a.m., and that makes no sense. This bill would fix this problem.

Our goal is not to penalize Customs officers, but to correct an anomaly in the law.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I do not think there is any controversy about the facts between the majority and the minority. It was opposed last year by the Democrats; it was opposed by the Commission of Customs, it was opposed by the union, it was opposed by the employees, and it is still being opposed, and it has no place in this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, there is much good in this bill. As the gentleman from Michigan (Mr. LEVIN) has pointed out, there are a lot of provisions in here that are extremely important to the Customs Service. H.R. 1833 provides additional resources needed for the U.S. Customs Service to combat illegal drug activities across our border; it will provide additional equipment with the latest technology for the antidrug enforcement provisions. It provides additional funds for the Child Cyber-Smuggling Center to assist in our efforts to prevent child pornography.

So there is a lot of good in this bill. We are going to support it. I think it is going to get a large vote.

But there is bad in this bill. There are provisions that should not be in here. It amends existing laws concerning the payment of night-shift pay for our Customs officers.

Let me talk a little bit about what this Congress did before, why we put shift pay differential in the law. Congress found that these odd hour shifts that Customs officials are assigned, they do not volunteer, are assigned as part of their work, have an adverse impact on the quality of life of Customs officials who are required to work regularly scheduled shifts at night, on Sundays or holidays. We found, as a body, that the shift differential compensation levels are substantially greater than applied generally to other Federal employees for such regularly scheduled work. So what this legislation is doing is altering the balance that we took in 1993, and that is just wrong.

U.S. Customs Service performs vital functions of both law enforcement and preserving the integrity of U.S. trade laws with foreign nations. The current compensation structure was designed to take account of the unusual stresses of their job, both on-job safety risks and irregular work hours. We should honor that, and I agree with the gentleman from Michigan (Mr. LEVIN), the process should provide us an opportunity as a body to express our will on the subject. But the process that has been used by the majority will deny that opportunity today.

Yes, we will support the bill because of the important provisions in it, but the provision concerning pay differential is wrong; it should be removed from the bill.

This bill alters the balanced approached crafted in 1993 in two ways. First, the provision restricts the hours that qualify for the night shift differential to hours between 6 p.m. and 6 a.m. Second, the provision compensates Customs officers at the differential rate only for those hours that occur between 6 p.m. and 6 a.m. (with one limited exception), and not the entire shirt. Effectively, these changes will mean that a Customs officer who works a shift starting at 3 a.m. and ending at 11 a.m. will receive the shift differential for only 3 hours of that shift.

To offset some of the loss in pay likely to occur, section 121 of the bill adjusts the overtime cap that, under current law, restricts the amount of overtime pay a Customs officer may earn in one year. In effect, this adjustment would allow Customs officers to work more overtime to compensate for lost wages, or put another way, Customs officers will have to work more to get the same pay. Such a result seems unfair, given that no one (including Customs) has alleged that Customs officers are overcompensated. Moreover, only a small percentage of officers currently reach the overtime cap, and therefore would even benefit from the new provision.

A single report, done in 1996 by the Office of Inspector General (OIG), has been offered to support this change to night shift differential pay. That report purportedly reviews the operation of the night pay differential and the overtime cap since COPRA. The report, which concludes that the COPRA resulted in an increase in overall premium night shift differential payments, is, however, seriously flawed.

First, the OIG report merely calculated the absolute increase in night differential pay over a three year period. The report did not investigate the cause of the increase. The OIG's report did not investigate whether the increase was due to an overall increase in the number of hours being worked, whether there was an increase in the number of late shifts being worked due to increased trade, or whether the increase in cost was attributable to an increase in base wages. Rather, the OIG report merely concludes that the increase was due to COPRA without investigating, entertaining or otherwise considering any other possible reasons for the increase.

Second, the OIG report did not assess the impact on Customs employees' salaries. As discussed above, the 1993 changes to the methods of calculating premium night shift differential payments was part of a comprehensive package of reforms intended to ensure that Customs officers would receive pay adequate compensation for the hard and, often dangerous, work they perform. Altering the carefully crafted package Congress created in 1993 without assessing the impact on Customs officers' overall pay is irresponsible, and could result in an unwarranted pay cut for many of these officers. Such a result seems unfair, given that no one, including OIG and Customs, has alleged that Customs employees are overpaid. Third, OIG did not find any evidence of abuse in this system. In fact, to the contrary, the OIG report specifically states that Customs management did not change work schedules to allow employees to earn more shift differential pay. Rather, Customs management continued to schedule shifts to fit customer's demand.

We are not opposed to considering amendments to Customs officers pay, if a credible study evaluates and recommends that legislative changes be made. However, we are opposed to cutting someone's wages based on report that shows nothing. The men and women of the U.S. Customs Service perform vital functions with respect to both law enforcement—keeping drugs and other contraband from crossing our borders—and preserving the integrity of U.S. trade with foreign nations. Their current compensation structure was designed to take account of the unusual stresses of their job—both the on-the-job safety risks and the irregular hours. We do not believe that there is clear evidence that those aspects of a Customs officer's job have changed in a way that would justify reducing their pay, which is precisely what H.R. 1833 will do.

It's too bad, Mr. Speaker. We have a good bill here. We found a flaw and I believe there would have been a way to address this issue that would have made both sides of this Congress happy and would have been supported by the men and women who will actually be affected by our vote today. I am sorry we missed an opportunity.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

There is good news, obviously, and some bad news in regard to H.R. 1833. The good news, as we have heard, is that this bill contains authorizations for funds which are desperately needed for drug interdiction, to combat child pornography, and to help the Customs Department automate its very antiquated computer system.

By the way, with regard to that computer system, which is about 15 years old, it has browned out on several occasions. That means it has come close to actually blacking out completely. The 6-hour lapse of that brown-out caused the Customs caseload to increase not 6 hours, but by 2 weeks. Businesses across the country were thrown off their schedule for months.

We are desperately in need of updating our computer system at the Customs Department because of the constantly growing load of import and export product coming into this country and leaving this country.

Mr. Speaker, there is also bad news with H.R. 1833, and that is that it contains a provision that has nothing to do with Customs running its shop well, nothing to do with treating its employees well; and has no place in this bill, and should not come up through this suspension process for a vote. Unfortunately, this is a heavy-handed approach to try to get something done that was not approved by either the employees of the Customs Department or the Customs Department itself.

Management and labor do not agree with this provision, yet it is in here. That is a heavy-handed approach to try to impose upon both the agency and its employees something that they do not believe in. It is unfortunate that we have to micromanage at this stage a bill that, for the most part, does great good for the Customs Department.

That agency is in need of our support. Its workload is growing constantly with regard to trying to interdict drugs. We know the issue of child pornography and trying to stop it from coming into this country. Why we would clutter a good bill with a bad provision makes no sense. But because of the procedural mess we find ourselves in, unfortunately, we have very little choice. Do we oppose a bill that for the most part is very good, to make a point, or do we vote for a bill, understanding that we are providing for legislation the possibility of enacting a law that would change the rules of the game for employees who have no say as to their work hours?

It is unfortunate that we are there; it is unfortunate that employees at Customs find themselves in this situation, not because management at Customs wants to do this, but because Congress, in its wisdom to micromanage, has decided to include a provision which they do not want.

If we extract this, this bill would fly without any no votes, I would suspect. But with this, unfortunately, there are a number of people who have to pause. Pause because while we want to do good, we do not want to do bad at the same time. Unfortunately for Customs employees, it looks like they are going to have to swallow some bad to politically take the good. That is unfortunate, and it should never happen.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I know this bill is to reauthorize the Customs Service, and I know the Customs Service has a difficult job. One of the jobs I wanted to just mention to my colleagues as we are debating this bill involves a company in my State that imports lots of items that are under the classification of festive items, Christmas items. Those items have a different tariff duty than other items do, and just so the House is aware, recently one of their items, an item that was an inexpensive music box that played Silent Night, the Customs folks would not classify that a "festive item" because, they said, it was a music box and because, they said, it played Silent Night instead of Jingle Bells, I am not sure which. But the code is specific. It tries to set aside that type of item.

Mr. Speaker, I am wondering if we could not ask the Customs Service to be more reasonable in applying those laws. This is not an expensive thing; it is not a musical instrument. It is a one-time-a-year use that happens to play a religious Christmas-type of song.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume to reassure my colleague that we will look into it. This is the first I have heard of it, and it does sound a little bizarre, and I hope it is just a parochial, isolated case and not universal.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I appreciate the gentleman being willing to look into it, and I appreciate the time of the Members here today.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

While the distinguished subcommittee chairman is looking into the controversy of Jingle Bells and Silent Night, I hope he might take some time to read the letter from the Commissioner of Customs, Raymond Kelly, who indicated on May 25 that he is opposed to this subtitle C, sections 122, 123 and 124 of the bill that is before us today, and a bill that apparently we are unable to do anything about.

Mr. Speaker, I would like to yield to the subcommittee chairman and ask him whether or not he would consider reconsidering this provision since it is a good bill and a lot of people worked hard on this bill. It helps prevent drugs, it helps prevent the spread of child pornography, it supports the administration for things that they have been waiting for, and we want to be able to go over to the Senate and say it is a good bill and that this provision should be reconsidered.

I hope the majority might consider excluding this provision or reconsidering this provision in conference, because it is a good piece of legislation.

Mr. Speaker, I know how difficult it is for the majority to rule with just six votes in the majority, but I think that is the reason why now more than ever we should try to work together on those things that we agree on, because that is what the American people want.

□ 1130

They do not want to see us coming down here each and every day fighting each other over things that deal with procedure while they are working for substantive issues to be passed.

There is no need for us to have had to discuss this provision today, Mr. Speaker, because it had no place in this bill. If certain Republicans wanted it that badly, they should have brought it to the floor and had debate on it. It is just wrong to fold this into the suspension calendar, which says that it is not a controversial position.

We can hear what we want from the other side, we can examine the RECORD, but no one challenges that the employees did not want this, the union did not want this, the Commissioner of Customs did not want this, the President of the United States and his administration did not want this.

There is not one scintilla of evidence that substantiates the need for changing this except somebody on the other side of the aisle, somebody whose name is not in the record, wanted this change, and waited until the middle of the night on the suspension calendar to fold it into basically a good bill. It is wrong to do this, and I hope it does not happen again.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Department of the Treasury Inspector General issued a very rigorous recommendation to end the night pay anomaly back in 1996. The Inspector General went further and asked for a 10 percent pay differential. Our bill does not go so far and preserves a 15 to 20 percent differential, better than any other Federal employee, in recognition of the hard work by our Customs employees.

Mr. Speaker, I include for the RECORD the recommendation of the Inspector General, since my colleague on the other side of the aisle thinks this came from us.

He said, "The Assistant Secretary (Enforcement) should direct Customs to seek legislation that would lessen the number of hours available for Customs officers to earn night differential and reduce the night work differentials to a 10 percent premium on base pay." As I said, that is in contrast to our 15 to 20 percent.

"The change to the COPRA should create a night differential payment package that would more accurately reimburse Customs officers for hours actually worked at night, as was done previously under the FEPA. We believe guidance similar to the FEPA would accomplish this purpose."

So this is not new. That was 1996 when that recommendation was made.

Mr. Speaker, I just want to quickly recite some other facts of the Customs bill that deals with trying to curb the abuses by pedophiles on the Internet.

In the United States alone, law enforcement has confiscated more than 500,000 indecent images of children, some as young as 2 years old. Since January 1 of last year, Federal law enforcement has arrested over 460 adults for Internet-related child sexual exploitation offenses, and according to some police estimates, as many as 80,000 child pornography files are traded online every week.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Connecticut (Mrs. JOHNSON), our distinguished colleague who is responsible for that precious component of this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation and its many provisions to improve the effectiveness of the Customs Office, but I will focus my comments on the provisions of this bill that strengthen Custom's ability to combat cyber predators.

The Internet has revolutionized the way we learn, communicate, and even shop. It is making a reality of equal opportunity by providing truly equal access to information and the power that knowledge confers. But there is a dark side to the Internet that we must confront. Parents need to know that just as there are dangerous areas in every city, there are dangerous sites on the Internet. We need to do a better job of protecting our children from entering a website or chatroom that could lead them to harm.

The old question of "Do you know where your child is" has a whole new meaning in the age of cyperspace. Most people are not aware that the Internet is now the number one choice, the number one choice, of predators as a means of preying on children and trafficking in child pornography.

There are an estimated 10,000 websites maintained by pedophiles. Trading in images of child pornography on the Internet takes place 24 hours a day, 7 days a week. Let us make no mistake about it, these people are out there lurking in cyberspace, and any child on the Internet could fall prey to these pedophiles.

Roughly 12 million children use the Internet every day, spending an average of 8 hours a week in chatrooms where they can come into contact with online pedophiles. The danger of these chatrooms is that they provide sex predators with a forum to prey on unsuspecting kids who cannot see who is behind the screen on the other end of the line.

When I go into fifth grade classrooms, I ask those kids, what does your mom tell you about talking to strangers? And they all know the answer. What do your folks tell you about getting into the cars of strangers? And their little faces just light up, because they know they should not do that and they will not do that, and that I can count on them, that they will not do that.

It is a new world. We have to understand the new rules, and just as our kids will not talk to a stranger or get in the car of a stranger, we have to teach them not to go into the chatrooms, where everyone is a stranger.

These cyber predators use their anonymity to lure our children out of their homes to meet people solely for the purpose of sexual assault. Sexual predators used to lurk around the schoolyard. Now they lurk in our living rooms, they lurk in our children's bedrooms, they lurk wherever we have our computer terminal.

Listen to the Hartford Current of February 18, 1999: "A 31-year-old Enfield man was arrested Wednesday on charges that he sexually assaulted a 12-year-old East Hartford girl he met on America Online chatroom.

She told the police, and I am skipping forward, she told them that she had met Ed in the chatroom on America Online, and that they had graphic sexual discussions over the Internet. She identified herself to him as Veronica, which was not her real name. They would talk for hours at night while the girl's mother was at work and she was babysitting for her younger sister.

On February 4, they arranged to meet in the parking lot of the East Hartford apartment complex so her mother would not know.

Kids think this is a game, like so many other games they play on television. This did not turn out to be a game for this kid. This turned out to be a terrible experience.

These cyber predators use their anonymity to lure our children out of our homes for the sole purpose of sexual assault. This legislation will help the Customs Service expand their work in combatting cyber predators and purveyors of child pornography.

They have done a phenomenal job. They have gotten a conviction of every single arrest. But they need better funding, they need more people, and they need more authority. This Congress is working on all three of those fronts.

This bill authorizes better funding of the child pornography and child sexual exploitation program that is designed to capture online pedophiles, and it would also better fund the operation of the child pornography cyber tip line run by the National Center for Missing and Exploited Children that helps identify and locate online predators.

As more kids go online every day, we need to ensure their safety. It is time to let online pedophiles know that they can no longer hide behind our computer screens. I urge support of this legislation, and full funding of the needed $10 million in the appropriations process.

I thank the chairman of the subcommittee for his long work on this and for his leadership.

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent to speak for 1½ minutes in support of this bill.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to each side being granted an additional 1 minute for debate?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. LAMPSON) is recognized to control 1 minute.

Mr. LAMPSON. Mr. Speaker, I rise for 2 reasons: First, to applaud the gentlewoman from Connecticut (Mrs. JOHNSON) for her efforts to help the U.S. Customs Service battle against child exploitation on the Internet, and second, to support the provisions of her legislation included in H.R. 1838.

Child pornography was a worldwide industry that was all but eradicated in the 1980s, but the explosive growth of computer technology via e-mail, chatrooms, and news groups have created a bigger demand for pornographic pictures of our children on the information superhighway.

Congress must step up to the plate and take some action to stem the growing tide of child exploitation on the Internet. In February, I introduced a bill to authorize $5 million to appropriate each year for the next 4 fiscal years to fund the Cyber Smuggling Center.

Until that bill reaches the floor, I would ask Members' complete support for H.R. 1838, which contains provisions championed by the gentlewoman from Connecticut (Mrs. JOHNSON), including the addition of $100,000 for the Cyber Smuggling Center for fiscal year 2000.

I urge all of the Members, on this National Missing Children's Day, to support the Customs Service's fight against child pornography on the Internet by voting in favor of H.R. 1833.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. CRANE) is recognized for 1 minute in closing.

Mr. CRANE. Mr. Speaker, I yield my final 1 minute to my distinguished colleague, the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. I thank the chairman for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise in support of this commonsense legislation. It is about time that we have the opportunity here today on this floor to move legislation that will, as my colleague, the gentlewoman from Connecticut (Mrs. JOHNSON) said, begin the process of patrolling what is happening with pornography, of being able to work on drugs coming into this country, being able to do what every one of our constituents back in our districts at town meetings across this country have told us, that we need to do a better job at our borders.

We finally have the opportunity to pass this commonsense reform today. Yet, for some strange reason there seems to be some lingering technicality out there with regard to this legislation which is making it very difficult for all of the very positive reasons for maybe some of the Democrats to not support this legislation.

I would implore those who are listening in their offices and getting ready to come over to consider voting for this that it is time that they put their word and deeds where the actions of our constituents have requested us to, and that is to pass this commonsense reform for our Customs Service.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to commend my colleague from Illinois, Representative CRANE, for his hard work in bringing this important legislation forward early on in this Congress. H.R. 1833 will provide the U.S. Customs Service with additional tools to prevent illegal drugs from entering our nation. This is a vital bill that will go a long way in winning the war on drugs but the most valuable asset of any agency is its workforce.

Unfortunately, H.R. 1833 also contains a provision which I believe will seriously harm the morale of our Customs agents and impede our ability to recruit qualified individuals. H.R. 1833 contains a provision that restricts the hours during which customs agents can earn night shift differential pay to between the hours of 6 p.m. and 6 a.m. Currently, Customs agents earn night shift differential pay between the hours of 3 p.m. and 8 a.m. The Customs Agency is the only federal agency where employees work a constantly changing shift. For example, employees work days for two weeks, then evenings, then nights. Night shift differential pay is a standard law enforcement benefit and one of the few federal law enforcement benefits extended to Customs agents.

If this bill passes the House, we will reduce the amount of pay at Customs agent earns by an average of $96.00 a week or $5000.00 a year. A Customs agent making $40,000 a year will face a reduction in pay of nearly 12%. Do we really want to tell Customs agents that we are only willing to spend more money on desperately needed equipment to fight the war on drugs if they give up a portion of their yearly salary? I think not, this provision sends entirely the wrong message to these brave men and women.

Moreover, I have serious concerns that this provision says to Customs agents that they can make up for the lost night shift differential pay due to enhancements in overtime benefits. But in order to earn back lost pay, an individual would be required to work more than forty hours a week. This is simply wrong. We would be telling these federal workers that they must spend greater and greater amounts of time away from their family just to meet their current needs. Again, this is backwards and contrary to the family values we should be promoting. This provision sends the wrong message to the indvidiuals who play a significant role in protecting our border and our entire nation from shipments of illegal drugs.

During the week of May 10th, a Customs Agent was shot on his way home from work by an individual who had targeted him as a law enforcement official. The Federal Government does not extend most law enforcement officer benefits to Customs Agents. This bill would limit one of the few law enforcement benefits that Customs Agents receive.

I am greatly disappointed that H.R. 1833 is on the Suspension Calendar today, and that we do not have the opportunity to even offer an amendment that would have removed section 123(b), the new night shift differential pay provisions. I think that Members of this House deserve the opportunity to support this important bill while also supporting our U.S. Customs Agents.

Mr. Speaker, again, I would like to thank my colleague, Representative CRANE for all of his work in bringing H.R. 1833 forward and express my profound disappointment in the currently included night shift differential pay provisions. I believe we need to strengthen the Customs Agency if we are going to stop illegal drugs from entering our Country and we must do all that we can to protect our children. However, we must not say to Customs Agents that their tireless efforts are insufficient, and that equipment counts more than the personnel. I firmly hope that we can work our differences out when this bill goes to Conference with the Senate.

Mr. FILNER. Mr. Speaker, here we go again. We all oppose child pornography. We all want to fight drugs. But why include provisions to cut our Customs officers' pay in this important bill?

This does not make sense! How can you ask Customs employees—who enforce more laws than any other federal officers—to be more effective when you open the door to cutting some of their pay up to $96 a week? Giving employees $5,000 less pay in a year is an incentive to help them do their jobs better?

The bill undermines the partnership that has flourished between Customs personnel and their managers in the successful drug interdiction efforts. How does cutting Customs employees pay for working their regular night shifts help bolster our War on Drugs?

I support the provisions of H.R. 1833 that would increase the number of Customs Service employees along the border and provide Customs with state-of-the-art drug detection equipment. I support the $10 million to prevent the imports of on-line child pornography. But I reject the provisions that cut Customs hazardous pay for essential nighttime shifts.

H.R. 1833 gives us tools to fight the War on Drugs, but puts those who will use the tools in straitjackets. We will lose the War on Drugs and waste taxpayers' money if we spend money on expensive, cutting-edge equipment at the same time we undermine employee morale and labor standards.

I support the frontline soldiers in the War on Drugs—our Customs personnel—and urge support for legislation that enhances, rather than detracts, from their good work.

Mr. MILLER of Florida. Mr. Speaker, I take this opportunity to rise in support of H.R. 1833. This bill reauthorizes the U.S. Trade Representative and Custom offices as well as increase efforts to patrol our borders and protect the Internet from online predators.

H.R. 1833 affects agricultural trade with its authorization of the United States Trade Representative. I support this bill and I believe this bill is an opportunity to urge the Ways and Means Committee to work with me to reform our sugar subsidy problem. I have introduced with Congressman GEORGE MILLER (D–CA) H.R. 1850, the Sugar Program Reform Act. The Miller-Miller bill would phase out the sugar program by the end of 2002.

The sugar program is the "sugar daddy" of corporate welfare. Why? Because most of the benefits of this program go to huge corporate sugar producers, not the typical family farmer.

The sugar program's sole purpose is to prop up the price of sugar in the United States through a complex system of low-interest, nonrecourse loans and tight import restrictions. In fact, the price of sugar in the United States today is roughly four times as high as the price of sugar world wide.

As a result, the sugar program imposes a "sugar tax" on consumers, forcing them to more than $1 billion in higher prices for food and sugar every year.

It devastates the environment, particularly the fragile Everglades in my home State of Florida. Higher prices for sugar have encouraged more and more sugar production in the Everglades Agricultural Area, leading to high levels of phosphorus-laden agricultural runoff flowing into the Everglades, which has damaged the ecosystem.

It has cost many Americans their jobs because it has restricted the supply of sugar that is available on the American market, resulting in the closure of a dozen sugar refineries across the country.

Finally, it hampers our ability to expand trade opportunities for America's farmers. It is hypocritical for the United States to protect domestic sugar production while urging other countries to open their agricultural markets. America loses leverage in trade negotiations as a result.

I am not here to talk about my bill, but to raise the issues of trade in H.R. 1833. This bill reauthorizes funding for the United States Trade Representative. The USTR is charged with helping to enforce trade laws and to break down barriers around the world. As a matter of fact, there will be important trade talks in Seattle later this year to discuss eliminating trade barriers. However, the USTR will head into Seattle with little credibility as long as the U.S. sugar program is in existence.

At Seattle, our USTR will try to have foreign nations lower their subsidies claiming that subsidies are unfair to consumers, taxpayers and trading nations. At the same time, the U.S. will greatly impair the ability of foreign sugar to come into this huge market because of our crazy sugar policy. This double standard will greatly affect our ability to argue the benefits of no trade barriers. All countries will try to protect their favorite subsidy or tariff as long as the United States maintains its indefensible defense of the sugar barons. I am hopeful that passage of this legislation will give the USTR the resources necessary to break down foreign barriers while educating all policy makers on the importance of lowering our own barriers on sugar.

The sugar program is an archaic, unnecessary government handout to corporate sugar producers at the expense of consumers, workers, and the environment. It is truly deserving of reform. I hope the USTR will work to eliminate the double standard of the sugar program.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 1833.

While this bill contains many worthy provisions, there are a number of provisions contained in H.R. 1833 of particular importance to my constituents in South Florida. For example, the bill directs the following additional resources to Florida and Gulf Coast ports: $4.5 million for 6 vehicle and container inspection systems; $11.8 million for 5 mobile truck x-rays; $7.2 million for 8 1-MeV pallet x-rays; $0.25 million for portable contraband detectors; and $0.3 million for 25 contraband detection kits.

The bill also authorizes a net increase of 40 inspectors at southeastern Florida seaports (Port of Miami, Port Everglades, and Port of Palm Beach) to process and screen cargo.

In sum, this bill renews Congress' commitment to interdict drugs in Florida. For too long, Customs resources have been diverted to the southwestern border and Puerto Rico while drugs have poured into Florida. This bill begins to rectify that situation.

Mr. Speaker, H.R. 1833 is an excellent bill, and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 1833, as amended.

The question was taken.

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONCERNING TENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 178) concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China.

The Clerk read as follows:

H. RES. 178

Whereas the United States was founded on the democratic principle that all men and women are created equal and entitled to the exercise of their basic human rights;

Whereas freedom of expression and assembly are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the death of the former General Secretary of the Communist Party of the People's Republic of China, Hu Yaobang, on April 15, 1989, gave rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of prodemocracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, until Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas nonofficial sources, a Chinese Red Cross report from June 7, 1989, and the State Department Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, but agreed that hundreds, if not thousands, of people were killed and thousands more were wounded;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reportedly tortured;

Whereas human rights groups such as Human Rights Watch, Human Rights in China, and Amnesty International have documented that hundreds of those arrested remain in prison;

Whereas the Government of the People's Republic of China continues to suppress dissent by imprisoning prodemocracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner; and

Whereas June 4, 1999, is the tenth anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sympathy to the families of those killed as a result of their participation in the democracy protests of 1989, as well as to the families of those who have been killed and to those who have suffered for their efforts to keep that struggle alive during the past decade;

(2) commends all citizens of the People's Republic of China who are peacefully advocating for democracy and human rights; and

(3) condemns the ongoing and egregious human rights abuses by the Government of the People's Republic of China and calls on that government to—

(A) reevaluate the official verdict on the June 4, 1989, Tiananmen prodemocracy activities and order relevant procuratorial organs to open formal investigations on the June fourth event with the goal of bringing those responsible to justice;

(B) establish a June Fourth Investigation Committee, the proceedings and findings of which should be accessible to the public, to make a just and independent inquiry into all matters related to June 4, 1989;

(C) release all prisoners of conscience, including those still in prison as a result of their participation in the peaceful prodemocracy protests of May and June 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in the People's Republic of China;

(D) put an immediate end to harassment, detention, and imprisonment of Chinese citizens exercising their legitimate rights to the freedom of expression, freedom of association, and freedom of religion; and

(E) demonstrate its willingness to respect the rights of all Chinese citizens by proceeding quickly to ratify and implement the International Covenant on Civil and Political Rights which it signed on October 5, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentlewoman from California (Ms. PELOSI) and the gentleman from Virginia (Mr. WOLF) for drafting this important legislation. I thank the gentleman from California (Mr. LANTOS) for his support of the legislation.

I strongly support House Resolution 178, a resolution concerning the 10th anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China. Our government's policy concerning the People's Republic of China has failed to promote human rights in China.

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It has failed to promote our national security and failed to ensure a modicum of trade fairness.

The arrest, the executions, the torture and imprisonment of prodemocracy activists in China, occupied Tibet and East Turkestan continue unabated. The government in Beijing is just as determined as ever to distort the truth and prevent that truth from getting out.

Just yesterday the Washington Post reported that, in an effort to ensure that there are no demonstrations regarding the anniversary of the massacre, they arrested Yang Tao, a student leader of the 1989 demonstrations.

One campaigner who has led the effort to give compensation for and urged a government apology to the families of the victims of the massacre has been under virtual house arrest since May 4.

An AP report mentioned that Beijing is trying to stop internet news in China regarding the massacre in Tiananmen Square.

But coming to grips with reality is not just a problem facing Beijing. For too long, we have failed to respond adequately to the challenge of the People's Republic of China represents.

We hope that with the release of the Cox Report today, our Nation will begin to address this serious issue. Accordingly, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me at the outset commend the gentlewoman from San Francisco, California (Ms. PELOSI) for her leadership on this issue, as well as the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH), the gentleman from Illinois (Mr. PORTER), and many others.

Mr. Speaker, it is important to take a moment to remember Tiananmen Square. Ten years ago on the 4th of June, thousands and thousands of democratically inclined students and citizens of China demonstrated peacefully. On that fateful day, the full force of the Chinese military and security apparatus came down on them with brutality and ferocity of incredible proportions.

Thousands were killed. Tens of thousands were injured. Thousands were imprisoned. There came a dark night in China for all who were hoping for some measure of human rights.

When we introduced this legislation to commemorate the 10th anniversary of this outrage against all standards of civilized conduct, we merely wanted to do just that, to call attention to the fact that 10 years ago, this outrage occurred.

But there is an additional outrage that occurred just a few weeks ago which I believe is highly relevant to this resolution. When the United States, by mistake, bombed the Embassy of China in Belgrade, the Chinese Government engaged in a degree of cynical and hypocritical manipulation of both its own public opinion and global public opinion.

They never told the Chinese people that NATO's air strikes were in response to the killing and mass rape and expulsion of over a million and a half ethnic Albanians. When this mistake occurred, for which the United States apologized at the highest levels, they claimed that the hit on the Embassy of China in Belgrade was not a mistake but a deliberate act of atrocity.

This, Mr. Speaker, underscores the obvious fact. This Communist totalitarian dictatorship has not changed since that fateful day on June 4, 1989. It continues to lie, to fabricate to its own people and to the rest of the world.

By this attempt, it tries to equate morally the deliberate killing of thousands of democracy-loving Chinese citizens at Tiananmen Square with the inadvertent killing of three innocent journalists at the embassy in Belgrade. The civilized world will not allow this attempt at moral equivalence to succeed.

The Chinese Communist government stands self-condemned before the court of global public opinion, both for what it did at Tiananmen Square 10 years ago and what it has been doing the last few weeks, attempting to destroy the functioning Embassy of the United States in Beijing, encouraging mobs of Chinese to attack the embassy, to keep its staff and our ambassador captive, and to engage in the most cynical manipulation of its media and the media of the world.

We are here to commemorate the fallen heroes of Tiananmen Square. When my colleagues come to my office, Mr. Speaker, in the entry hall there is that forever to be remembered poster of a single unarmed Chinese student facing down a column of tanks, the most poignant reminder of human courage and dignity against overwhelming odds.

While that student may have been killed, as were thousands of others, the cause of freedom has not been extinguished in China. The future belongs to the students and citizens of China who, even under these impossible conditions, are insisting on freedom of speech, freedom of press, freedom of religion, the right to make their own decisions about their own future.

I strongly urge my colleagues to vote for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am particularly delighted to yield as much time as she may consume to the gentlewoman from California (Ms. PELOSI), who has been a leader on this issue for many years in the Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from California for yielding me this time and for his very generous comments. They are reciprocated by me in terms of his leadership on this issue for the past 10 years, really for his whole life, as a champion of human rights throughout the world.

I want to also thank the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, for his steadfastness.

Ten years have gone by, and we have been working on this issue a very, very long time. I wish the outcome, this 10 years later, would be a better one to report on human rights in China. But I thank the gentleman from New York (Mr. GILMAN) for his leadership over the years and in the recent days in moving this legislation out of the committee. I appreciate that very much.

Mr. GILMAN. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I am pleased to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, we cannot thank the gentlewoman from California (Ms. PELOSI) enough for her continued, diligent effort in reminding the entire Congress of the violations of human rights in China, particularly when we discussed most favored nation with China. I hope our colleagues will be reminded of that in our next debate on most favored nation for China.

Ms. PELOSI. Mr. Speaker, reclaiming my time, one of the most enduring images of the 20th Century is the picture of the lone man before the tank in Tiananmen Square. The distinguished gentleman from San Francisco, California (Mr. LANTOS) mentioned it as an icon that is in the entrance of his office.

It is a constant reminder to all of us of the courage of the young people in Tiananmen Square, and of course of the sadness that the human rights situation has not improved in China yea these many years.

In fact, the policy of our country which was to provide trickle down liberty. If economics goes well and trade goes well, then the political freedom will follow. That simply has not happened. In fact, for all of our concessions to the Chinese, our trade deficit has gone from, $2 million when we started this debate, to this year when it will be well over $60 billion with China.

The proliferation of weapons of mass destruction by China still continues, no matter what anyone tells us. Of course we are witnessing the abuse of the good nature of our President with the violations by the Chinese on proliferation, trade, and the continuing violations of the human rights of people there.

As a tribute to the brave dissidents who gave their lives, risked their personal security, and continue to do so in China, and in commemoration of the 10-year anniversary of the Tiananmen Square massacre, I was pleased to join my colleagues, some of who are present here, the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. GILMAN), the gentleman from Illinois (Mr. PORTER), the gentleman from Missouri (Mr. GEPHARDT), the gentleman from California (Mr. COX), the gentleman from Michigan (Mr. BONIOR), the gentleman from

Connecticut (Mr. GEJDENSON), and others who, being lead sponsors on this resolution. A resolution that is not about economics, it is not about politics, it is about remembering.

It is about remembering the challenge that these young people undertook in the spring of 1989. Millions of Chinese students and workers across China demonstrated peacefully for freedom of expression and the elimination of corruption by government officials.

On June 3, the Chinese regime responded to these peaceful demonstrations by ordering the People's Liberation Army to use lethal force on the protesters around Tiananmen Square. Hundreds, if not thousands, we do not know the number because the Chinese Government will not give us access to that, were slaughtered in that night of horror. Thousands more were injured, and over 20,000 prisoners of conscience were arrested and sentenced without trial, to prison, to labor camps, and to years of torture.

Prisoners of conscience tell us that one of the most extricating painful forms of torture occurs when the perpetrators of their torture tell them that no one even knows about them, cares about them, or cares about the cause for which they are in prison.

The purpose of our legislation, which has strong bipartisan support in the House, I am pleased to cosponsor the legislation with my colleague whom I respect so much, the gentleman from Virginia (Mr. WOLF), has strong bipartisan support in the House and in the United States Senate. The purpose of this legislation is to tell the prisoners and their torturers and the Chinese regime and the world that the American people remember.

We remember the brave students who modeled their Goddess of Democracy after our own Statue of Liberty. We remember how the brave students echoed the words of our Founding Fathers in their courageous appeals to the regime. We remember the regime's responding with guns and tanks to crush the peaceful demonstrations. We remember today the many political prisoners who still languish these 10 years later in Chinese prisons.

Our legislation parallels the petition being circulated by the Tiananmen leader Wang Dan and the global campaign for the anniversary of June 4. The petition calls on the Chinese Government to reverse the verdict of Tiananmen Square, to free the prisoners, to allow them and all Chinese to speak freely, and to allow for the return of the Chinese exiles.

The petition has been endorsed by Human Rights Watch, Amnesty International, and International Pen, to name a few organizations.

On the day we introduced our Tiananmen resolution, the Chinese Government arrested dissidents for planning to distribute leaflets seeking redress for the massacre. The location of these pro-democratic activists is still unknown. That same day, a member of the banned China Democratic Party was beaten and stripped of his clothes by the police for merely speaking about democracy in a public park.

At the same time, the regime, speaking through a signed editorial in the People's Daily, the official Chinese newspaper, claimed that overseas dissidents, exiles, and escapees are "crowing" at the "murder" of their compatriots who died in the NATO bombing of the Chinese Embassy in Belgrade.

What a pathetic commentary on the Beijing regime, that it feels threatened by dissidents in China and abroad!

□ 1200

The regime has the power of their military and security forces at home and they have their economic partners abroad and supporters, including the U.S. Government, bowing to their every whim, and yet they are still frightened.

And speaking of the U.S. Government, while we have bowed to their every whim, sad to say, the Chinese have not returned any friendship to the Clinton administration.

As the gentleman from California (Mr. LANTOS) pointed out, when the stupid mistake of bombing the embassy occurred, the President apologized and apologized and apologized and apologized, but his friends in the regime whom he visited and gave great face to last year, would not even let the Chinese people know that the President had apologized. And they participated in the orchestration of rocks being thrown at our embassy for 3 days, one of our consulates being set on fire, and the ambassador, in his own words, being a hostage in the embassy. This, after we have, as a government, catered to their every whim.

And I might say that the President's apology was exceptional, because we usually do not apologize when we do not do something intentional. This was a mistake; it was not intentional.

It might be of interest to our colleagues to know that when 20 Europeans were killed in a ski lift accident, which occurred in Italy, the United States of America expressed regret. And when we had the problem in Iran, when we mistakenly killed Iranian civilians, President Reagan expressed regret. So an apology is an intensified response to this accidental and mistaken bombing. The Chinese Government would not even accept what the President of the United States was stooping to in this case.

I certainly think the Chinese people deserve to be apologized to or have our regrets extended to them. We should make reparations, we should investigate how the bombing took place, but we should not extend any favors to them on the economic front like premature entry into the WTO unless under commercially viable terms, and we should not ignore their continued violations of human rights in China.

Our President went to China last year. He went to the extreme step of leading the People's Liberation Army band with a baton. He gave face to the regime and came back with a message that this was going to help improve democratic freedoms in China. It has not. It has not.

On the heels of the President's visit, people who supported the China Democracy Party felt emboldened, spoke out, and they are now in prison.

I know I have taken a great deal of time, but with the Chairman's indulgence, I would like to read some of the names of the people still in prison right now. Xu Wenli, for example, a leader of the China Democracy Party was arrested immediately upon speaking out. In addition we are remembering about people who are still in prison 10 years later for their activities at the time of the 1989 Tiananmen Square massacre. Cao Yingyuan, Chang Jingqiang, Chang Yongjie, Chen Dongxiang, Chen Qiulong, Chen Yanbin. And it is a long, long, long list, Mr. Speaker, and I am going to submit it for the RECORD. It is a list compiled by Human Rights in China, an organization dedicated to freeing the prisoners arrested at that time.

HUMAN RIGHTS IN CHINA

BEIJING CITIZENS STILL IN PRISON IN CONNECTION WITH 1989 JUNE FOURTH CRACKDOWN

Ten years after the Beijing Massacre and subsequent crackdown, hundreds remain in prison for their role in the 1989 protests. The list below contains the names of 144 individuals from Beijing alone who are serving lengthy prison sentences for their participation in the 1989 democracy movement.

This information was primarily compiled by Li Hai, 44, a former Beijing student who was arrested in 1995 for making the list public. He was subsequently sentenced to a nine-year prison term for "prying into and gathering" "state secrets."

The individuals listed below include a wide variety of Beijing residents—from peasants, security guards and factory workers to engineers and cadres in the State Planning Commission. At the time of their arrest, they ranged in age from 17 to 71. In the official propaganda, these demonstrators were called "rioters," and were charged with "arson," "hooliganism," "disturbing social order," and other criminal offenses. For the most part they are people who were seen on television screens around the world in May 1989, marching in the streets, blocking the path of the troops entering the city with improvised barricades, running through the streets on the night of June 3–4, and throwing rocks and paving stones at tanks and armed personnel carriers. Many are thought to have been detained merely because they were out on the streets. In general, these people were brought to trial more quickly and received more severe sentences than did the prominent students and intellectuals who were arrested. The average sentence of those not given life terms is approximately thirteen years.

Li Hai, the persons on this list, and the many other "namesless" individuals jailed throughout China in connection with the 1989 crackdown might not be as internationally well-known as some dissidents, but their lives and liberty are equally significant.

Human Rights in China submits the following list to President Clinton for presentation to Prime Minister Zhu Rongji during his visit.

Human Rights in China urges the Chinese government to demonstrate its commitment to making genuine improvements in the human rights situation by releasing all of the prisoners on this list, as well as the thousands of other political and religious detainees throughout China.

LIST OF BEIJING CITIZENS STILL IN PRISON IN CONNECTION WITH 1989 TIANANMEN SQUARE CRACKDOWN

Beijing No. 2 Prison: Name, Age—Sentence, Charge (see key below for charge name).

Cao Yingyuan, 40—10 years, #6; Chang Jingqiang—25, Life, #4, 5; Chang Yongjie, 31—Susp. death #4, 6, 9; Chen Dongxiang, 57—14 years #3; Chen Qiulong, 38—13 years, #3; Chen Yanbin, 23—15 years, #7; Liang Zhaohui, 26, worker—13 years, #4; Liang Zhenyun, 32, auto-mechanic—12 years, #11; Liang Zhixiang, 25, worker—10.5 years, #4; Liu Changqing, 34—15 years, #4; Liu Chunlong, 26—12 years, #4; Liu Huaidong, 31, cadre—13 years, #10; Liu Jianwen, 29, worker—20 years, #11, #10; Liu Kunlun, 43, cadre—13 years, #4; Liu Quann, 44—15 years, #4, #13; Liu Xu, 28, worker—15 years, #4; Liu Zhenting, 36, worker in Beijing No. 2 auto plant—17 years, #9; Lu Xiaojun, 36, worker—13 years, #9, #10; Ma Guochun, 35—11 years, #9, #10.

Ma Lianxi, 44—15 years, #11; Ma Shimin, 26—11 years, #4; Meng Fanjun, 29, worker—13 years, #11; Mi Yuping, 39, worker—13 years, #4; Niu Shuliang, 26, worker—12 years, #4; Niu Zhanping, 43, worker—12 years, #4, #12; Peng Xingguo, 41—15 years, #4; Qiao Hongqi, 38, worker—12 years, #11; Shan Hui, 28, worker—14 years, #9; Shi Xuezhi, 58—Life, #4; Song Shihui, 24, worker—11 years, #9, #10; Su Gang, 28, teacher—15 years, #4; Sun Chuanheng, 28—Life, reduced to 20 years, #2; Sun Hong, 27, worker—Susp. death, #4; Sun Yancai, 32—Life, #9; Sun Yanru, 27—13 years, #9; Sun Zhengang, 33, worker—14 years, #4; Wang Jian, 30, worker—13 years, #9; Wang Lianhui, 31—Life, #9; Wang Lianxi, 43, worker—Life, #4; Wang Xian, 30, worker—Life, #4.

Wang Yonglu, 30, worker—11 years, #11; Wang Yueming, 32—13 years, #4; Wang Chunmo, 34—11 years, #9; Wang Dongming, 37, worker—13 years, #4; Wu Ruijiang, 28, cadre—13 years, #9, #10; Xi Haoliang, 27, worker—Susp. death, #4, #5; Xu Ning, 26, worker—12 years (reduced by 2 years), #4; Yan Jianxin, 30, worker—11 years, #9, #10; Yang Guanghui, 25—12 years, #4; Yang Jianhua, 38, worker—14 years, #9, #12; Yang Pu, 34—Susp. death, #4; Yang Yupu, 33—15 years, #4; Yu Wen, 29, worker—12 years, #10; Zhang Baojun, 27—13 years, #4, #9; Zhang Baoku, 29, worker—12 years, #4; Zhang Baoqun, 32—Life, #4; Zhang Fukun, 39—Life, #4; Zhang Guodong, 27—Life, #4; Zhang Kun, 28, worker—11 years, #4; Zhang Maosheng, 30—Susp. death, #4; Zhang Qijie, 32, worker—Susp. death, #9, #10, concealing a weapon; Zhang Qun, 27, worker—Life, #4.

#7—Organizing a counterrevolutionary group

#8—Conspiring to subvert the government

Common criminal charges: #9—Robbery; #10—Hooliganism; #11—Stealing or seizing gun or ammunition; #12—Disturbing social order; #13—Disrupting traffic.

Notes: (1) Some of the ages of prisoners in Qinghe Farm No. 3 Branch are age at date of arrest; (2) Sentences marked with an asterisk * could have been subject to reduction or supplementation; (3) "Susp. death" means a death sentence with a two-year reprieve. This means that if the prisoner has behaved well during the two-year period, the sentence is normally commuted to life.

I want to call the attention of my colleagues to the Global Petition Campaign for the 10th anniversary of the June 4th massacre. It is an open letter to the Government of the People's Republic of China calling upon the regime to reverse the verdict of Tiananmen Square. So we are associating ourselves in the Congress today with the aspirations of those brave people, including Wang Dan who was imprisoned for his political beliefs and his participation at the time of Tiananmen and after; and we are also associating ourselves with those many people who are still imprisoned.

Free the prisoners. It is 10 years later. What do you have to be afraid of?

And then in closing, Mr. Speaker, I want to say that were it not for this Congress, we really would not be having much to talk about today. But year in and year out we keep this on the front burner. There is no story written about China that doesn't talk about the disagreement we have between at least the Congress of the United States and the Chinese regime about promoting democratic freedoms.

We do not in this body subscribe to the principle of trickle-down liberty. We subscribe to what our Founding Fathers established this country on. Those words of our Founding Fathers were echoed by the young people in Tiananmen Square. For that, they were crushed by tanks, and for that, they will be remembered by us in this resolution remembering Tiananmen.

Mr. Speaker, I yield back the balance of my time and I thank the gentleman for his indulgence in affording me the opportunity to speak at this length on the floor.

Mr. Speaker, I include for the RECORD the material I referred to above.

I want to call to the attention of my colleagues the Chinese activists detained in recent crackdown around June 4.

Yang Tao—Detained May 5, 1999; Present situation unknown. Mr. Yang, 29, is a former student leader of the 1989 Democracy Movement. In 1989, Yang was listed as #11 on the central governments most wanted list of 21 leaders of the democracy demonstrations. Now based in Guangzhou city, Guangdong Province, Yang previously served a one-year sentence for "instigating a counter-revolutionary rebellion" for his 1989 activities. Human rights monitors in Hong Kong reported Yang had been formally arrested on May 24 and faces criminal prosecution for his recent activism.

Jiang Qisheng—Detained May 19, 1999; Present situation unknown. Mr. Jiang, 51, is a former graduate student leader of the 1989 Democracy Movement. Jiang was elected by People's University classmates as a representative on the "Dialogue Delegation" that conveyed student communications with central government representatives in May 1989. He served a 17-month sentence for his 1989 activities. Since his release, Jiang worked closely with Prof. Ding Zilin, the mother of one of the demonstrators killed on June 4, 1989, and participated in numerous petition campaigns.

Liu Xianli—Sentenced to four years for inciting to overthrow state power on May 9, 1999. Mr. Liu was arrested in March 1998 while putting together a book of interviews with many Chinese democracy and human rights movement. His secret trial was held in November 1998, but his sentence was only recently released to his family.

The following are the names of the Chinese worker prisoners still imprisoned for 1989 democracy activities.

Yu Zhijian—life sentence for counter-revolutionary sabotage. Yu Zhijian, 31, is a former primary-school teacher from Hunan Province. Yu gave speeches in Hunan during the early spring in support of the 1989 democratic movement. He traveled to Beijing in May 1989 to join the demonstrations there. On May 23, Yu and two friends threw ink- and paint-filled eggs at the portrait of Mao Zedong in Tiananmen Square. Yu was sentenced to life in prison in August 1989. According to a 1996 Human Rights Watch report, he was believed to be serving in solitary confinement at the Lingling Prison in Hunan Province.

Yu Dongyue—20 years for counter-revolutionary sabotage. Yu Dongyue is a former fine arts editor of the Liuyang News, a city paper of Liuyang city, Hunan Province. He traveled to Beijing in May 1989 to join the demonstrations there. On May 23, Yu and two friends threw ink- and paint-filled eggs at the portrait of Mao Zedong in Tiananmen Square. Yu was sentenced to twenty years imprisonment in August 1989. He reportedly served at least two years in solitary confinement. He is said to be serving in Hunan Province Yuanjiang No. 1 Prison. Recent news articles report Yu "was suffering severe mental illness."

Lu Decheng—16 years for counter-revolutionary sabotage. Lu Decheng is a former worker at the Liuyang (Hunan Province) Public Motors Company. He traveled to Beijing in May 1989 to join the demonstrations there. On May 23, Lu and two friends threw ink- and paint-filled eggs at the portrait of Mao Zedong in Tiananmen Square. Yu was scentenced so sixteen years imprsonment in August 1989. He reportedly served at least two years in solitary confinement. He is said to have been moved from his original prison in 1992, but no updated informaiton is available.

Chen Zhixiang—10 years for counter-revolutionary propaganda and incitement. Chen Zhixiang, 33, is a former instructor at the Guangzhou (Guangdong Province) Maritime Transport Academy. Chen was involved in the Guangzhou city-wide 1989 democratic protest and arrested in late 1989. He was convicted of "counter-revolutionary propaganda and incitement" in January 1990 and received a ten year sentenced. He is reportedly held in the Shaoguan Laogai Detachment in Guangdong Province.

Li Wei—13 years for taking part in a counterrevolutionary group. Li, a worker at the

Changchun (Jilin Province) No. 1 Motor Works, joined a 'workers' forum' in 1987 and 1988. In Spring 1989, he joined a number of marches led by workers at the Changchun No. 1 Motor Works in support of the democratic movement. Li was detained in June 1989 and convicted of actively taking part in a counterrevolutionary group" in November 1990. He was sentenced to 13 years imprisonment. Chinese authorities confirmed Li's sentence to the US government in November 1991. He is reportedly being held in the Liaoning Province Lingyuan No. 2 Laogai Detachment.

Wang Changhuai—13 years for subversion. Wang was the Chairman of the Hunan Workers Autonomous Federation prior to the crackdown on the democratic protests of Spring 1989. Formerly a worker at the Changsha Automobile Engine Factory, Wang turned himself in to authorities in late June 1989. Wang was sentenced to 13 years improsonment for 'subversion'. He is reportedly being held in Hunan Province Yuanjiang No. 1 Prison.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. WOLF), who has been indefatigable in his attempts to promote human rights not just in China but around the world.

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Res. 178, a resolution concerning the massacre at Tiananmen Square on June 3 and June 4 of 1989. Next week marks the 10th anniversary of that historic tragic event, and so the Chinese Government ought to know we are not going to forget about it. But more importantly, we want the men and women who are still in jail to know.

And I thank the gentleman from New Jersey (Mr. SMITH). He and I visited Beijing Prison Number One, where we saw 40 Tiananmen Square prisoners working on socks to export to the United States.

Also, by us doing this and the Congress voting this way, it sends a message the same way we did to Sharansky. When Sharansky was in Perm Camp 35, he told us he knew every time the United States Congress spoke out on behalf of him and other Soviet dissidents. It encouraged them and emboldened them and let them know that the West cared and was going to stand with them no matter what.

So it has been a decade since the crackdown, but we are not going to forget.

Also, Mr. Speaker, it is important to know that the persecution of the church and the persecution in Tibet still continues unabated in China. They have Catholic priests in jail, Catholic bishops in jail; they have plundered Tibet, they are persecuting the Buddhist monks, they are persecuting the Muslims in the northwest portion of the country. So in addition to commemorating the 10th anniversary, to letting the Tiananmen Square demonstrators know we stand in solidarity, it also sends a message that this government has not changed.

I am convinced that the Chinese Government cannot last much longer. I am convinced they will go the way of the Ceausescu administration. In fact, they must have found Ceausescu's playbook because everything Ceausescu did against the church they are doing against the church. Everything Ceausescu did against the demonstrators in Tiananmen Square in Bucharest, they are doing.

And so this government and all of us here, all of us in this body, will live to see the day that they fall. And one day in China, in the not too distant future, the good people of China, and they are good people, will be free, able to choose their leaders in democracy and free elections and they will free the press and have freedom of worship.

Until then, we applaud all those fighting inside China to keep the struggle for human rights and democracy alive. We call on the Chinese Government to show its respect for human rights by releasing all of the prisoners of conscience. If we were to wake up tomorrow or in celebration of the anniversary and were to see they were to release all of the prisoners of conscience, that may make a big difference in this country. But until they do that, we will remember.

Lastly, for the administration and Members of Congress on both sides of the aisle to talk about giving this country Most Favored Nation trading status is absolutely crazy. And after the Cox report, released today, if we have a vote on MFN, it ought to go down overwhelmingly. And, quite frankly, the administration ought not even send anything up.

But more importantly, back to the brave young men and women and their families, we will remember and stand with them in solidarity and will celebrate in victory in Tiananmen Square when freedom comes to China.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself strongly with the remarks of all the previous speakers, the gentleman from Virginia (Mr. WOLF), the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. GILMAN), and the gentlewoman from California (Ms. PELOSI). And I want to thank the gentlewoman for her leadership in drafting this legislation. I am very proud to be a cosponsor of it.

Mr. Speaker, I urge a "yes" vote on H. Res. 178, which many of us want to see passed unanimously today. Ten years ago, Mr. Speaker, the ground at Tiananmen Square was hallowed by the blood of thousands of peaceful democracy advocates. Those Chinese patriots were slaughtered by a Communist regime that remains defiantly unapologetic for its actions and that continues to deny the very truth of what happened.

I was gravely disappointed last year when the President of the United States and our country, which more than any other in the world ought to bear the standard of freedom and democracy and do so very, very diligently, met at that very site with the dictators who continued to lie about the murders committed less than a decade ago. In December of 1996, Mr. Speaker, General Chi Haotian, the Defense Minister of the People's Republic of China and the operational commander of the forces that attacked the pro-democracy demonstrators, we call him the "Butcher of Beijing," was invited to the United States by the Clinton administration.

During his visit he was given full military honors, a 19-gun salute, visits to several military bases and a tour of Sandia Nuclear Laboratory. And I would just say parenthetically, the Cox report suggests that that visit probably was not needed. He even had a personal meeting, Mr. Speaker, with the President of the United States at the White House.

He also stated in what he called a responsible and serious manner, and I quote this, "Not a single person lost his life in Tiananmen Square." He claimed that on June 4th, 1989, the People's Liberation Army did nothing more violent than pushing. General Chi Haotian said the only thing they did in Tiananmen Square was push people that he called hooligans. General Chi's remarkable "big lie" statement about Tiananmen Square helped the American people and the world to understand what he and his government are really like.

Mr. Speaker, my Subcommittee on International Operations and Human Rights of the Committee on International Relations has had more than a dozen hearings on China and its repressive human rights regime, and during one of those, when we heard those outrageous remarks, we very quickly put together a hearing with people who were there on the ground—students—and we also had a man that was a journalist from the People's Daily, who was actually arrested for his honest reporting as to what had occurred, a Time magazine correspondent, and, like I said, some of the students. But we also invited General Chi.

The gentleman from California (Mr. LANTOS) and I, then the ranking member, wanted to give the Chinese an opportunity to give an account for Tiananmen Square. The General was mouthing off to audiences here in the United States that nobody died. We offered that he come without delay before the people's body and give an account, because we happened to have evidence that would prove contrary. General Chi didn't make it. He didn't show up.

We offered it to a representative of his government and we also invited Ambassador Lee for a roundtable discussion, and at the very last minute, he opted out. C–SPAN, everybody was there to cover it and there was another empty chair because they do not want to be held accountable for the atrocities.

Perhaps General Chi, perhaps the ambassador, perhaps any representative of the government could tell us that there are no persecuted Christians in China. Perhaps they could tell us there is no ethnic and religious persecution in Tibet or Xinjiang. Perhaps they could tell us there is no forced abortions or forced sterilization, no dying rooms for unwanted children, usually baby girls and usually handicapped children.

They also perhaps could tell us there is no political suppression or dissent and no torture. Of course, we would know that is a lie, but it is about time we held them to account.

At one of our hearings recently, Mr. Speaker, Amnesty International issued a report card and on every one of the items they came to the conclusion that there was a total failure by the dictatorship. For example, release of all Tiananmen Square prisoners and other prisoners of conscience. Amnesty's response, total failure. Not one Tiananmen Square prisoner has been released since President Clinton's visit. Review all counterrevolutionary prison terms, about 2,000 of them; total failure. Not one counterrevolutionary prison sentence has been reviewed.

There has been no indication by Chinese authorities that they will undertake a systematic review of such cases; according to Amnesty. Allow religious freedom; continued strong repression, says Amnesty.

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There has been no indication of improvement since the President's visit. On the gross violation of coercive family planning and the harvesting of organs, again, Amnesty International reports no progress whatsoever. Those are crimes against humanity.

The information concerning the practice of coercive population control is "unequivocal". And the Chinese authorities have announced no steps to stop it.

Review of the system and reeducation through labor; total failure says Amnesty. Chinese authorities have made no changes in the system, nor have they announced any plans to do so.

End police and prison brutality. Amnesty reports total failure in these two areas as well. Chinese authorities continue to use torture and beatings.

Mr. Speaker, as I indicated, General Chi did not respond to our invitation. Nor has the ambassador. And we reissue it again to them. Come and speak before the House, through our subcommittee or any other forum, because we think that there is much to be held accountable for.

What really happened on Tiananmen Square? I think Ms. PELOSI put it so well. There were people there on the ground who reported. Let us not forget the very images we saw. It was captured on videotape. And yet, they still lie right through their teeth.

Nicholas Kristoff of the New York Times, who was in the Square on that night, reports, and this is his reporting, "The troops began shooting. Some people fell to the ground wounded or dead. Each time the soldiers fired again and more people fell to the ground."

When he went to the Xiehe Hospital, the nearest to the Square, "It was a bloody mess with hundreds of injured lying on the floors. I saw bullet holes in the ambulances."

Jan Wong of The Toronto Globe and Mail, looking down from a balcony in Beijing, "watched in horror as the army shot directly into the crowds. People fell with gaping wounds."

Later she reported, "The soldiers strafed ambulances and shot medical workers trying to rescue the wounded." "In all," she reported, "I recorded eight long murderous volleys. Dozens died before my eyes."

General Chi said this was just pushing. What an outrageous big lie, reminiscent of what the Nazis did during their terrible reign of terror.

This is what Tiananmen Square means to the people of China, Mr. Speaker, and to the world. We should mark the tenth anniversary of that tragedy by remembering those who lost their lives in Tiananmen Square and by publicly committing ourselves to the cause for which they died, freedom for the people of China.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. The Congress is always at its best when we speak with a bipartisan voice. There is no issue on which we speak with a stronger, clearer, more articulate bipartisan voice than the issue of human rights violations in China and in Tibet.

All of my colleagues who have spoken and all who will vote for this resolution express our determination that we shall not rest until China becomes a free and open and democratic society. The Chinese people deserve no less, one of the most talented people with an incredible record in science, literature, music, art, in every aspect of human endeavor, who are suffering under the yoke of an unspeakable totalitarian communistic dictatorship. The day of the Chinese people will come.

I call on all my colleagues to vote for this resolution.

Mr. BEREUTER. Mr. Speaker, following the death of Mao and the end of the chaotic Cultural Revolution in 1976, China embarked down the path of significant economic and political reform, comparatively speaking. With Deng Xiaoping's Reform and Opening Policy, trade and foreign investment expanded and rigid communist economic policies were relaxed. As a result, the Chinese people were exposed to new standards of living, access to information and commercial freedoms never before realized. These progressive economic reforms stimulated the desire for increased political freedom and democratization, especially among students in China.

Unfortunately, while the Chinese Communist Party leadership acknowledged that economic reform was necessary and encouraged it, these leaders fearfully viewed even modest political liberalization as a serious threat to the Communist Party's monopoly on power. Thus, when Chinese students peacefully demonstrated for democratic change, hard-line Communist leaders responded with tanks, bullets and mass arrests. The most visible and brutal incidents occurred on June 3rd and 4th in Tiananmen Square. Many people were killed by the People's Liberation Army and other security forces. A great many more were wounded. It is reported at over 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or labor camps. Hundreds of these individuals remain incarcerated today.

As the Chairman of the House International Relations Subcommittee on Asia and the Pacific, this Member follows developments in China as closely as possible and believes that it is certainly in America's national security interests to integrate China into the international community. Yet, it is clear that Sino-American relations are complex and comprehensive, and have become increasingly problematic. Our concerns continue to multiply in scope and seriousness: espionage, illegal campaign contributions, weapons proliferation, abortion, Tibet, Taiwan, unfair trade and human rights. Each of these issues needs to be addressed by the appropriate means in the appropriate fora.

In some cases we will find ourselves in concert with the views or policies of China. For example, we have a shared interest in supporting a sustainable recovery from the Asian financial crisis. In other matters, such as to what constitutes a respect and proper actions on matters relating to human rights, we strongly disagree. Responsible engagement does not equate to appeasement. It is a comprehensive approach focusing on both areas of agreement and disagreement.

Freedom and democracy are the very foundation of the United States and are principles the American people cherish. Americans were outraged watching Chinese students whose only apparent crime was asking for more political freedom being crushed by PLA tanks and shot in the back as they tried to flee Tiananmen Square. Our consciences will not allow us to quietly ignore this tragic misconduct of a government towards its people. While Tiananmen Square may have been cleared of protesters ten years ago, the aftermath of that violence remains.

Over the past decade since the tragic incident in Tiananmen Square, the human rights situation in China gradually began to improve, relatively speaking. Unfortunately, that encouraging progress was reversed six months ago when hundreds of prodemocracy activists, journalists, labor union leaders, religious believers, and others labeled by the Communist Party as dissidents began to be exiled, imprisoned or harassed.

Therefore, as part of our policy of responsible engagement, this Member supports H. Res. 178, the resolution before the House concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China. This is an appropriate and measured way to send a message to the Communist leadership in Beijing and to the Chinese people at large that Americans are understandably and as a matter of principle and conscience very much concerned about human rights and democratic reform in China.

If China is to be integrated and welcomed into the international community as a responsible member and positive force, China ultimately must respect the rule of law. H. Res. 178 serves as a strong reminder that, in the opinion of the House of Representatives, very significant actions still need to be taken by Beijing to achieve that standard.

Mr. Speaker, with the 10th anniversary of the Tiananmen Square massacre just a week away, this Member urges his colleagues to join him in supporting H. Res. 178.

Mr. PORTER. Mr. Speaker, I rise today to commemorate a group of courageous individuals and their commitment to freedom and democracy—the thousands of Chinese students and activists who took part in the Tiananmen Square demonstration in May and June of 1989.

I want to thank the chairman of the Congressional Working Group on China, the gentleman from Virginia (Mr. WOLF) and the gentle lady from California (Ms. PELOSI) for bringing this resolution to the floor of the House so quickly and in such a timely fashion.

Days after the June 4th massacre, the Congressional Human Rights Caucus, held a briefing on this event. The pictures we saw, and the stories we heard are some of the most disturbing pictures of brutality and barbarity I have ever been exposed to.

And yet, ten years later the perpetrators of this massacre have not been brought to justice. Hundreds of people are still held in prison for their involvement. Thousands more have been jailed since for similar reasons. Far too much time has passed for these cries of democracy to go unheard.

The Chinese leadership remains unapologetic about the events of June 4, 1989, they continue to vilify, imprison and exile these and other brave democracy activists. As recently as the beginning of this month, Yang Tao, a student leader of Tiananmen Square, was picked up from his house and arrested for calling on the government to "re-evaluate" its position on the events of June 1989. Other leaders have been put under house arrest for calling on the government to apologize for the murders and compensate the victims' families. Radio Free Asia reports in the days following the bombing of the Chinese Embassy, over half of the callers to their talk show were critical of the Chinese Government.

The time has come for the Chinese government to take a close look at what happened ten years ago and to apologize to its people. The government cannot continue its harassment and imprisonment of its citizens who exercise their rights of freedom of speech, expression and religion. The hope and desire for democracy is still alive. We must do all we can to support it. I stand in strong support of H. Res. 178.

Mr. GEPHARDT. Mr. Speaker, today, I honor the hundreds, if not thousands of Chinese students that were brutally slain on June 4, 1989, by the Communist Chinese authorities. On that fateful day ten years ago, the best and brighest of a generation perished needlessly and the lives of countless Chinese families were disrupted forever.

I commend my colleague NANCY PELOSI for her continuing leadership on China issues and for introducing H. Res. 178, to commemorate the Tenth Anniversary of the Tiananmen Square massacre. Her efforts insure that the U.S. House of Representatives and the American people will never forget.

To all the activists in China fighting today for the freedom of their country, I vow never to forget Tiananmen Square. I remind you that your allies across the globe continue to fight for your universal cause; to attain freedom, democracy and human rights for the Chinese people.

The Chinese leaders say that they want to bring China into the modern world economy. I say to the Chinese leaders, you can't have capitalism without democracy and human rights. Capitalism and democracy go hand in hand, you can't have one without the other.

The democratic rights advocated by these slain students ten years ago are universal, not uniquely western values as the Chinese leadership would have us believe. Indeed the blooming of full democracy in Taiwan, Korea, South Africa, Eastern Europe, Russia and many other countries since 1989 proves the universality of democracy and human rights.

Ultimately, the values of the Universal Declaration of Human Rights will prevail. As that document states, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." Until that day I will join NANCY PELOSI, many of my colleagues here in the House, and countless others around the world in fighting for this just cause.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I too yield back the balance of my time, and I urge a "yes" vote on the resolution.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 178.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JENNIFER'S LAW

(Mr. LAZIO asked and was given permission to address the House for 1 minute.)

Mr. LAZIO. Mr. Speaker, I just wanted to announce, this being National Missing Children's Day, that an important piece of legislation which will be known as Jennifer's Law, an effort to ensure that States have the resources to create a database including DNA and fingerprints and other important information through identified persons, that will be matched with a missing persons list that is created through a database throughout our Nation, that that important legislation will be on the floor, will be available for suspension vote right after we return from the Memorial Day recess.

I speak on behalf of the gentleman from Texas (Mr. ARMEY), the majority leader, as the assistant majority leader today; and I speak on behalf of a young lady from my district, 21-year-old Jennifer, who in 1993 moved from her parents' suburban home in New York to California.

She was in pursuit of her dream. Her mom was lonely for her and sent her a ticket to come home, but she never picked up that ticket. She was never seen again. And this is for Jennifer and for the many tens of thousands of families that need to bring closure and peace of mind. This important bill, Jennifer's Law, will help States and the Federal Government partner together to do just that.

So I just wanted to announce to the House that that will be introduced today, will be available, and will be brought to the floor of this House as soon as we return from the Memorial Day recess.

PROVIDING FOR CONSIDERATION OF H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 185 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 185

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII or section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 185 is an open rule, providing for the consideration of H.R. 1906, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for Fiscal Year 2000.

The rule waives clause 4(a) of rule 13, requiring a 3-day layover of the committee report, and Section 306 of the Congressional Budget Act, prohibiting consideration of legislation within the Committee on the Budget's jurisdiction, unless reported by the Committee on the Budget, against consideration of the bill. Further, the rule waives clause 2 of rule XXI, prohibiting unauthorized and legislative provisions in an appropriations bill, against provisions in the bill.

As has become standard practice since the 104th Congress, Mr. Speaker, the rule provides Members who have preprinted their amendments in the RECORD prior to their consideration priority in recognition to offer their amendments.

The Chairman of the Committee of the Whole may postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

I would like to urge my colleagues to support this open rule on our first appropriations measure to come to the floor in the 106th Congress, Agriculture Appropriations.

I commend the subcommittee chairman, the gentleman from New Mexico (Mr. SKEEN), and the ranking member, the gentlewoman from Ohio (Ms. Kaptur), for their hard work in producing this year's bill, which provides significant assistance for agriculture. I know that spending levels are extremely tight, and I believe they did a good job of working within their limits.

The Agriculture Appropriations bill funds programs that help benefit each of us every single day. From improving nutrition to helping ensure safe and nutritious food to put on America's tables, the funds in this bill make it possible for less than 2 percent of the American population to provide food that is safe, nutritious, and affordable for all 272 million people in the United States of America, as well as others throughout the world.

I have consistently been an admirer and supporter of American agriculture, and I commend the hard work and efficiency of the American farmer. I am pleased to support both this open rule providing the means to bring forth this legislation today and the underlying bill. I urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time.

This is an open rule on the Agriculture Appropriations bill. As my colleague has described, this rule provides for one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. Members on both sides of the aisle will have the opportunity to offer amendments which are germane and which follow the rules for appropriations bills.

The Agriculture Appropriations bill is one of the most important measures that we consider. It funds programs that feed hungry people in the United States and around the world. It supports the American farmers, who are so important to the U.S. economy.

This bill represents a compromise. I wish that some of the funding levels could be higher. However, I recognize that appropriators were working under restraints and they faced many difficult decisions. Overall, this is a worthwhile bill.

I appreciate the efforts of the Appropriations subcommittee chairman, the gentleman from New Mexico (Mr. SKEEN), and especially the gentlewoman from Ohio (Ms. KAPTUR), ranking minority member, in crafting the bill. They did a good job. They had to work under difficult constraints, but they did a very, very good job and funded some very important programs.

The committee restored $50 million cut by the administration for Title 2 of the P.L. 480 "Food for Peace" program. This program donates crops grown by American farmers to hungry people in impoverished and war-torn countries. This is the cornerstone of America's humanitarian assistance around the world.

The bill provides $4 billion for the WIC program, which provides nutrition to women, infants, and children. This is $81 million more than the current level of funding but $100 million less than the administration's request. According to the Center on Budget and Policy Priorities, this level is not adequate to maintain the current participation level of 7.4 million recipients.

Mr. Speaker, I note that once again the Committee on Rules has been forced to waive the 3-day layover for committee reports. This rule guarantees that all Members have at least 3 days to examine a bill before the committee files a report with the House. By waiving this rule, the House risks that some Members will not have enough time to study a bill before it is considered on the House floor.

This is the 13th time this year the Committee on Rules had to waive this rule. But it is an important bill and we need to act quickly, so I will support the rule and the bill. I think it is vital, important, and we need it.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 7 minutes to the gentleman from Oklahoma (Mr. COBURN).

□ 1230

Mr. COBURN. Mr. Speaker, I come to the floor today to talk about where we are going in this country. This rule is symptomatic of the problem that we face. There are two Members of the House who honestly agreed that we would not be able to live within the 1997 budget agreement with the President. Those two Members voted for a budget that would actually spend Social Security money. Everybody else that is a Member of this House voted for one budget or another that would preserve 100 percent of the Social Security surplus this year. This bill is the first among many bills that will do exactly the opposite of that. The Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies states that this bill is a cut. That is an untruthful statement. This bill actually increases spending around $250 million. That money will come from the Social Security surplus.

There will be those today in the debate on this bill that will deny that. They will say there is no way you can know that this money will be coming from Social Security because we have not considered the other bills. To me that is intellectually dishonest, because we realize that this is the first bill of 13 appropriations bills under which we will consider over the next several months. We have said with the budget that passed this House that we would preserve 100 percent of the Social Security surplus. My question to my colleagues is if we really do not intend to do that, it is time for us to be very, very honest with the American people. I put my colleagues on notice that I will vote for no appropriations bill and no rule that is intended to spend the first penny of Social Security surplus. The issue really is not Social Security. The issue really is are we going to regenerate faith of the American people in this body? We cannot in good conscience for our country, for our children and for our grandchildren do anything but be fully honest about what our intentions are.

On my side of the aisle, there is a great debate on how best to accomplish this. We are faced with an ag appropriations bill because of process time. We must get a bill to the floor. We must start passing appropriations bills. Consequently, we are going to put forth a bill today and a rule. There is no question in my mind it will pass. There is no question in my mind that this bill also will probably pass. But if it does in its present form, $250 million above last year, then what we are saying to the American people is we do not really mean what we say when we passed both a Democrat budget, which did not pass but when we voted on it, or the Republican budget which did pass and we voted on, that we really do not mean what we say about protecting Social Security money. That lies at the heart of the problems of our body. For America to thrive, for America to turn around from the tragedies that are facing us today, the same principles have to be beheld in this body, and that is a principle of truth.

If in fact this body intends to protect Social Security, if it intends to do that, if we are true with our votes about what we meant on the various budgets, then there is no way this rule should pass and there is no way if this rule passes that this bill should pass.

I come from an agricultural district. My district is farmers. It is rural. Everything in my district has lots to do with the appropriations coming from the Agricultural Department. But we can do better. We must do better. Because it is not about spending Social Security money. It is not about being true to our word. It is about the foundational structure of our country and whether or not we are going to operate on the principles that we want our children to have, that we are going to reinforce the positive aspects of honor, of commitment to your word. Are we going to set an example for our children in high school that we are going to do what we said we were going to do? Are we going to be true to the founding principles of this country?

I am in my last term, and I must say that I am very much discouraged as a Member of this body whether or not we have a great future when in fact we say one thing and mean another. I hope that you will check your heart, not just your mind, especially not your political mind, but that you will check your heart. Do we really mean it when we say we are going to protect Social Security, or do we not? I believe we do not mean it.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of this rule, and I congratulate the chairman and the ranking member for their work. I think there are a lot of very positive aspects to this bill.

I wanted to highlight, though, at this moment two amendments that I will be offering with support from different members from both political parties. Mr. Speaker, it is important to note that in the United States of America today, at a time when we are far and away the wealthiest country in the history of the world, hunger, h-u-n-g-e-r, remains a very serious problem for senior citizens and for children in this Nation. At a time when this Nation possesses so much wealth, there is absolutely no excuse, none at all, that one American citizen is hungry. And yet hospital administrators tell us that many of the senior citizens who come into their hospitals are suffering, if you can believe this, from malnutrition. Malnutrition. That is not what should be going on in the United States. I along with Democrats and Republicans will be offering an amendment to increase by $10 million funding for the Commodities Supplemental Food Program which comes close, therefore, to the level that the President had requested. This amendment will be offset by cutting the Agricultural Research Service which received a $50 million increase this year, bringing it up to $830 million. So they received a $50 million increase up to $830 million when we have large numbers of senior citizens in this country going hungry. And while agriculture research is important and there is much in that bill that is important, we should not be increasing funds to develop red snapper aquaculture when senior citizens and children in America are going hungry.

The second amendment that I will be introducing will be a very small amount of money which would go to help develop agritourism in the United States. It is no secret that all over this country, family farmers, whether it is dairy, whether it is in other commodities, are fighting for their lives, and there are States such as New Mexico and Massachusetts with an agritourism program, a program by which tourists could come visit family farms, perhaps to bed-and-breakfast or other types of activities and get cash into the pockets of family farms who are struggling. There are some very good programs all over this country that have been established in New Mexico, established in Massachusetts. I think it is important for a small sum of money to be appropriated at the Federal level to allow innovative programs to be developed throughout this country. I would hope that for those of us who are concerned about preserving the family farm, we support that amendment as well.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I would simply request support for this rule. It is an open rule. Any concerns or opposition that Members may have with regard to the underlying legislation can be dealt with through amendments. If there are colleagues who believe there is too much spending, they can propose amendments to cut spending. All of that is permitted under a totally open rule. And so I would ask all of my colleagues to support this rule so that the process can go on and so precisely debate on the legislation, including any disagreements, may also go on and take place in this House today.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair announces that proceedings will resume immediately following this first 15-minute vote on the three postponed suspension motions and that each of those will be 5-minute votes.

The vote was taken by electronic device, and there were—yeas 402, nays 10, not voting 21, as follows:

[Roll No. 147]

YEAS—402

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—10

Bishop
Coburn
Edwards
Hilliard
Hostettler
McIntosh
McKinney
Miller, George
Sanford
Wu

NOT VOTING—21

Boucher
Brown (CA)
Buyer
Cox
Ewing
Graham
Hinojosa
Jackson-Lee (TX)
John
Kasich
Lucas (KY)
Millender-McDonald
Napolitano
Ortiz
Packard
Peterson (MN)
Reyes
Smith (TX)
Waxman
Whitfield
Young (AK)

□ 1301

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 249, by the yeas and nays;

H.R. 1833, by the yeas and nays; and

House Resolution 178, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each vote in this series.

MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 249, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the Senate bill, S. 241, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 18, as follows:

[Roll No. 148]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)

King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—18

Bachus
Boucher
Brown (CA)
Buyer
Davis (FL)
Ewing
Graham
Hinojosa
Jackson-Lee (TX)
Kasich
Lucas (KY)
Lucas (OK)
Millender-McDonald
Napolitano
Ortiz
Reyes
Smith (TX)
Waxman

□ 1310

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRADE AGENCY AUTHORIZATIONS, DRUG-FREE BORDERS, AND PREVENTION OF ON-LINE CHILD PORNOGRAPHY ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1833, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 1833, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 21, as follows:

[Roll No. 149]

YEAS—410

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istcok
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

McHugh
Paul

NOT VOTING—21

Bereuter
Bilbray
Boucher
Brown (CA)
Buyer
Ewing
Gekas
Graham
Herger
Hinojosa
Jackson-Lee (TX)
Kasich
Lucas (OK)
Millender-McDonald
Moakley
Napolitano
Ortiz
Reyes
Sherwood
Smith (TX)
Woolsey

□ 1320

Mr. DAVIS of Virginia changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, on rollcall Nos. 147, 148, and 149, I was unavoidably detained. Had I been present, I would have voted "Yes" on each vote.

CONCERNING TENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 178.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 178, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 150]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Boucher
Brown (CA)
Buyer
Ewing
Gekas
Graham
Hinojosa
Jackson-Lee (TX)
Kasich
Martinez
McCarthy (NY)
Millender-McDonald
Ortiz
Reyes
Smith (TX)

☐ 1329

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON SMALL BUSINESS

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 188) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 188

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

Committee on Small Business: Ms. BERKLEY of Nevada; Mr. UDALL of Colorado

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. LATOURETTE) laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 25, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Title 44 of the U.S.C. 2702, I hereby appoint the following individual to the Advisory Committee on The Records of Congress:

Dr. Joseph Cooper of Baltimore, MD.

Yours Very Truly,
RICHARD A. GEPHARDT.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous materials on the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 185 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1906.

☐ 1333

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I have the honor to present to the House the fiscal year 2000 bill appropriating funds for Agriculture, Rural Development, Food and Drug Administration and Related Agencies. The bill we are taking up today has a total discretionary budget authority of almost $13.99 billion. This is $296 million above the current level and $531 million below the request.

In mandatory spending, this bill has $47 billion for fiscal year 2000, about $4.8 billion over current levels and $890 million below the request. Almost two-thirds of the mandatory spending in this bill is for food stamps, child nutrition, and most of the rest goes to support basic farm programs. This bill is within the allocations required by the Committee on Appropriations.

This bill is truly a bipartisan product, Mr. Chairman, constructed from hearings that began on February 10 and ended on March 18. The Committee on Appropriations has produced seven volumes of hearing records containing thousands of pages of information on the hearings, the detailed budget requests, and the answers to questions asked by Members and the public as well.

The Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies and the Committee on Appropriations held markups on May 13 and May 19 respectively, and these were public meetings with which the Members participated actively in shaping the bill.

Many Members would like to spend more than is in the bill, and so would I. We have about 250 letters to date, many of them with multiple requests, but only a handful ask for reduced spending.

Once again this year the administration proposed to pay for requested increases, more than $780 million, with user fees that require legislation. Once again the administration has favored budget gimmicks over reality because the main component of this legislation, user fees on meat and poultry inspection, has been strongly opposed by consumer groups, industry, and the authorizing committee for several years.

This bill does a lot of good in many areas. Farm Service Agency salaries and expenses are increased by $80 million to improve delivery of farm programs; agricultural credit programs are increased by more than $700 million; and funds to protect our Nation's soils are increased by $13 million. Rural housing programs are increased over last year's level and rural telephone and electric loans are increased or held at last year's levels.

Once again, the Food Safety and Inspection Service gets the full request, a $36 million increase. FDA has an increase of $115 million. Funding for the Food Safety Initiative is provided throughout the bill.

Child nutrition programs have been increased by $370 million and WIC by $81 million. P.L. 480, Titles I and II, the two main food aid titles, are restored to last year's levels, and the full request is provided for the Foreign Agricultural Service.

I would also like to say to my colleagues that the bill so far does not have any significant provisions that would bring objections from authorizing committees, and I would strongly urge that we keep it that way.

Mr. Chairman, I want to thank the gentleman from Florida (Chairman Young) and the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations, and the gentlewoman from Ohio (Ms. Kaptur), our even more distinguished ranking member on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, for their help in putting this bill together.

I would also like to recognize the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from New York (Mr. HINCHEY), the gentleman from California (Mr. FARR), and the gentleman from Florida (Mr. BOYD), our new subcommittee members who have brought a great deal of enthusiasm and creativity to this bill. I look forward to their participation on the floor today and in the conference.

Mr. Chairman, I say to all my colleagues that this is a bill that will benefit every one of our constituents every day of their lives, no matter where they live in this great country.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to acknowledge the hard work of the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, members of our subcommittee, as well as the staff for their leadership, including our new staff director, Hank Moore, who has worked so hard this year.

This bill makes a reasonable effort to apportion the limited resources available to our subcommittee to keep our Nation at the leading edge for food, fiber, new fuels, and forest production, as well as the counts relating to research, trade and food safety.

May I begin by reminding my colleagues that food is not produced at the local grocery store. There is no question that agriculture and food processing are America's leading industries. Our farmers and our agricultural sector remain the most productive on the face of the Earth. They well understand, as we do, how difficult it is to maintain our Nation's commitment to excellence in agriculture in tight budgetary times.

While on balance this bill seems like a reasonable effort to stretch a limited sum of money as far as possible, and I would encourage my colleagues to vote for this bill, we simply disagree on the levels of support needed for priority programs, including the Women, Infants and Children feeding program; the Natural Resource Conservation Service, the primary conservation operation in this country; and other programs like farmland protection which were not able to be funded at all in this bill, nor was the school breakfast pilot program that the administration requested.

We must also keep in mind that this bill simply does not do enough to address the Depression-level conditions affecting many sectors of rural America from coast to coast, whether we are talking about the Salinas Valley, cattle country in Florida, hog producing country in the Midwest, cotton fields in Texas, the list goes on and on.

This bill simply is an exceedingly limited response to an extremely serious situation afflicting many sectors of the farm economy across our Nation. As we consider this bill today, I would urge my colleagues to think about what is going on in rural America, as farmers continue to experience significant decreases in commodity prices. It started with wheat and with cattle, and it spread to the feed grains, to oil seeds, to cotton, to pork, and even now the dairy sectors.

At the same time, the costs of production are not decreasing. In fact, they are increasing. Total farm debt has risen now to over $170 billion at the end of last year, up nearly 9 percent over the last 2 years.

That means people are borrowing against their accumulated equity to make up for their lack of ability to receive a price for their product in the market. In fact, farmland values began declining in 1998, not a good sign.

We know that USDA, the Department of Agriculture predicts the greatest strain this year will be on field crops. We know that wheat, corn, soybean, upland cotton, and rice crops experienced about a 17 percent drop last year; and they project that this year, 27 percent, there will be a 27 percent drop in prices from prior year averages.

So we have a real tender situation here, which frankly this bill does not address. This bill puts blinders onto what is happening in rural America and basically says, well, we really do not have the money, so let us just continue like it was in years past, which will not solve the real situation out there.

Overall, this bill does a number of useful things, but it can hardly be considered adequate. It is moving in the right direction but falls far short of the mark. All I can say is that our Nation has a responsibility beyond this bill to help a sector of our economy so vital to our national security.

What is really happening in our country, as more bankruptcies occur in rural America, is the average age of farmers has now risen to 55. People are making live decisions out there about whether or not they are going to hold on to the farm or sell it off for another suburban development. This is not a good sign for America in the 21st Century. People really should not be selling off their seed corn for the future.

Let me just mention that in the discretionary appropriations, which in this bill total $13.9 billion for the next fiscal year, if we just take a look at the Farm Credit and the Farm Service Agency people, the people doing the work, administering the programs in our Farm Service Agency offices, and the loans and so forth that are being made, there is an increase of less than one-fifth of 1 percent over the prior year.

If we really take a look at what it is taking to hold agricultural America together today in this severely depressed economy in the rural countryside, we will find that the amounts in this bill are one-third below what was spent during this fiscal year and the last fiscal year as we attempted to prop up the disasters going on out there with the emergency bills that we were forced to pass outside the regular budget process.

So this a very lean bill that truly will not meet the needs of rural America. We may be forced again into one of these extra budgetary sessions to try to figure out how we are going to prop up rural America in the months ahead.

Let me also mention that the bill does try to meet the administration's request for the Food and Drug Administration to process additional drug approvals and to increase the safety of our food supply, with all the additional imports that are coming in here as well as pathogens found in food.

We increased funding for the Food Safety and Inspection Service, very important to the health of the American people, and to some rural housing and rural development accounts, as well as for agricultural research and pest and disease control through the Animal and Plant Health Inspection Service as well as the Natural Resources Conservation Service.

But, more importantly, on the minus side there is no provision in this bill for any of the emergency assistance provided to rural America during this fiscal year. We do not continue any support for market support, nor any of the subsidies for the crop insurance premiums or the extra funds we provided to the Secretary of Agriculture to lift surplus commodities off the marketplace to try to get prices to rise in this country.

So the situation facing our farmers in this bill is that, well, we really do not take care of them. We sort of continue things the way they were, and we may be forced to come back later in the year in order to deal with the hemorrhage that is occurring across this country.

Let me also mention that in this bill we will probably be forced to reduce county office staff by another 650 staff positions. I think this is truly tragic, because we have got backlogs around the country of farmers waiting to receive payments after months and months because of disasters that have occurred from coast to coast.

□ 1345

So reducing these staffing levels really does not make much sense, and yet it is the truth that is buried inside this bill.

Further, the bill reduces funding for food aid programs, which are so important to support people around the world who live at the edge of hunger, but also to aid rural America. In fact, we lift surplus during this year that was sent to Russia; we have tried to assist the Kosovo refugees in the emergency supplemental that just passed, but there is nothing in this bill that continues that kind of additional surplus purchase. In fact, it will be reduced.

So the gentleman from New Mexico (Mr. SKEEN) and our subcommittee have certainly tried to do what was best under the hand that we were dealt, but the bill falls far short of what is needed to address the urgent problems facing farmers across America.

One thing is certain, no matter what forum or legislative vehicle is chosen, it is essential that Congress act today at least to move this bill forward and to move the first appropriation bill through this session of Congress. We are now approaching Memorial Day.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I want to take a moment to express my appreciation to the gentleman from New Mexico (Mr. SKEEN) for the hard work he has done in putting together this piece of legislation before us today.

Given the tight budget constraints that we face, the chairman has had to make difficult decisions and balance a lot of different needs. He knows, and I think all our subcommittee members know, that this bill will not, as the gentlewoman from Ohio (Ms. KAPTUR) said, address all of the many urgent needs that are there out on the farm right now. Funds are desperately needed for farm programs because of the low prices and tough market conditions for farmers and ranchers all over the country.

However, I think the gentleman from New Mexico has worked with the numbers that he was given and done a tremendous job and the best job possible to meet the many needs of farmers and ranchers, and I just want to thank him for the outstanding job he has done.

Let me just take a minute too to highlight some of the aspects of this bill that are critically important to agriculture. Total dollars for agriculture research are up by $61 million. The bill rejects the cuts in Hatch Act and extension research funding that were proposed by the administration. Export programs, such as P.L. 480, Titles I and II, are funded at or near last year's levels, again rejecting large cuts by the administration.

Many farm State Members of Congress have expressed a concern, as I have, about increased concentration in agriculture markets, and I am pleased this bill includes a $636,000 increase for packer competition and industry concentration, as well as $750,000 strictly for poultry compliance activities. There is much needed oversight and enforcement money to ensure our beef, pork and poultry producers are treated fairly.

Now, I personally believe that we should do more and have mandatory price reporting for livestock, but this is a function of the authorizing committee, not the Committee on Appropriations, and I will look forward to working with my colleague from Ohio (Ms. KAPTUR) on this legislation later on this year.

Our bill also increases farm loan accounts, such as farm ownership, farm operating, and emergency loans from $2.3 billion to $3 billion. Not enough, and we will probably need more later, but because there is an increasing demand for these loans due to the hardships in the farm economy, we need the money now and, as I said, we will need more later.

For soybean producers in Missouri and around the country there is continued funding needed to fight the cyst nematode pest. Continued research will help develop soybean varieties that are resistant to the yield and profit endangering pest.

I would simply add this is an extremely tough time for our farmers and ranchers. As the gentlewoman from Ohio noted, this is an issue of national security. My farmers tell me that it is as bad as it has been in decades. Not years ago, but decades. And while this bill does not address all of the problems in the farm economy, particularly as it relates to the staffing in the Farm Services Agency and the National Resource Conservation Service, it is a positive step in the right direction and I would urge a strong "yes" on the bill.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, today I am disappointed and I am outraged. I am almost at a loss for words.

I am angry because this bill does not include the school breakfast pilot program. The school breakfast pilot program tests the benefits of making breakfast available at school to all children in early grades. It was authorized in the William F. Goodling Nutrition Reauthorization Act, and it is included in the President's budget.

As this Nation searches for ways to make our schools safer, surely, surely we want to consider all reasonable ways to improve students' behavior. Well, two studies have already shown that kids who eat breakfast improve both their grades and their behavior at school. So why are some of my colleagues opposed to an official study to evaluate what happens in a school when all the students start the day with a good breakfast?

I plan to fight this and I plan to keep working with the committee, but I want to talk about the whys on this. The answer may be because we already know that school breakfast should be offered by schools as a learning tool, just like a book, just like a computer. It may be that some of my colleagues are too concerned with keeping our schools just the way they have always been, so they fight against any proposals for change. Or it may be that children just do not count enough.

Mr. Chairman, as this Nation, as this body searches for ways to make our schools safer and better for our children, surely we want to consider all reasonable ways to improve students' behavior. The school breakfast program would help us with that, so I will continue to fight, I will continue to work with my colleagues in support of the school breakfast program on the appropriations committee.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I wanted to thank the gentlewoman for fighting so hard for this school breakfast program and to say that with her leadership the members of the subcommittee and the full committee have attempted to do what was necessary.

Unfortunately, the administration did not provide us with some of the information that we were expecting. The gentlewoman from Connecticut (Ms. DELAURO) worked with us at the subcommittee and full committee levels, and it is our firm intention to try to take this issue into conference to see if we cannot do something to move this pilot project forward.

But I just want to say to the gentlewoman that without her interest and research and the deep dedication that she has shown, we would not be this far. I know we are not where the gentlewoman wants us to be yet, but without her leadership we would not be anywhere. We hope that as we move towards conference we might be able to accommodate some of this.

Ms. WOOLSEY. I thank the gentlewoman.

Mr. SKEEN. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I stand in support of the agriculture appropriations bill. I serve on the subcommittee and can say on a firsthand basis that the staff, on a bipartisan basis, went through this legislation thoroughly to be sure that we have balanced the needs of the American farm, agricultural community, and the American grocery consuming public.

Last year's bill was $61.7 billion. This year the legislation is down to $60.8 billion. A lot of this goes back, Mr. Chairman, to the 1997 bipartisan budget agreement, which was pushed by Democrat and Republican leaders alike with the full support of the President. And to get back to that budget agreement, it had some good and it had some bad, as my colleagues can imagine in any huge piece of legislation which Democrats and Republicans come together on.

Now, unfortunately, we are seeing from both sides of the aisle people who are peeling away from the agreement, people who voted for the budget agreement that are now lamenting the fact that it actually does call for some belt tightening here and there and they are beginning to walk away from it.

But the staff on this subcommittee, and again on a bipartisan basis, tried to put together the actual requests of 280 Members asking for specific projects in their districts or of national scope. And it was quite a balancing act, because we do have a certain amount of institutional schizophrenia. We have, on one hand, people who say I want to cut the budget and I want it cut now, but oh, no, not in my district, not in the district that I happen to represent. And, by the way, I want to fund this particular project, which of course is not pork, it is just that it is economic development when it is in my district. So this bill, like all appropriation bills, is a balancing act.

Now, Mr. Chairman, the American farmer is facing probably unprecedented challenges. They have challenges getting credit. Businesses in America, small businesses to Fortune 500 companies, have to have credit. They have to borrow both short- and long-term money. Yet for farmers, they cannot get long-term money any more. Banks, and rightfully so, facing the realities of making a profit on the farm, they will not lend them money any more. So the farmers are scrambling, and that is one of the huge challenges that is facing farmers today.

A second challenge is international competition. I represent Milen, Georgia, little Jenkins County, Georgia, and farmers there can grow oats and do it very inexpensively and very efficiently. And yet at the end of the season, they can still go down to Brunswick, Georgia, and buy imported oats cheaper than they can grow it in America. And that is just one commodity.

That is the story with so many of our imports now. And one reason is that our foreign competitors are heavily, heavily subsidized in comparison to the American farmers, where we have about $3.9 billion of this $60 billion bill that is spent on actual commodity-type programs.

People say, oh, let us cut out the farm "subsidies", yet most of these are not true subsidies. But even so, it is impossible to compete against foreign competitors, even with the modern technology and all the farming techniques we know.

A third challenge that our farmers are facing is that simply of the weather. We do not get the rain that we need in every growing season. Last year Screven County, Georgia, town seat of Sylvania, lost $17 million because of the drought; $17 million in farm losses. Now, that is not much for a big country like America, but tell that to somebody in Sylvania, Georgia, and tell that to a third generation farmer who is going to lose his farm because of that drought.

Unfortunately, in Georgia this year, we are facing possibly another bad season because of the lack of rain. We need to help our farmers on all these challenges, Mr. Chairman, and this bill tries to do that. It is not going to do it all the way. It will not do it as well as we would like, but it takes a step in the right direction.

There are a lot of things in this bill, though. There is some money for water projects, there is money for conservation projects. One thing not in the bill, that I want to try to work with the minority and the majority representatives on, is giving some tax credit for precision agriculture. Because if we can move our farmers towards obtaining precision agriculture equipment, then they would know exactly how much fertilizer to apply, exactly how much water to use, and exactly what their profits are per acre so that they can make Ag production as absolutely efficient as possible.

I would also like to see more tax credits for farmers in other areas. I would like to see them taxed more on the use of their land rather than on the potential use of their land. I represent Coastal Georgia, it is a huge growth area. Bulloch County last year, 17 percent; Effingham County, 42 percent; Bryan County, 52 percent. All these are traditionally agricultural counties and now they are becoming urban or suburban counties. There are few family farms left, but they are being taxed out of existence.

□ 1400

I would like to see some tax help for farmers in that direction. I would like to see land taxed on its actual use and not its percentage use. And I of course, Mr. Chairman, would love to see some estate tax or death tax relief so that family farms can be passed from one generation or the other.

This is not going to happen in this bill but this bill takes us in the right direction. Right now, Mr. Chairman, less than 2 percent of the American population is feeding 100 percent of the American population and a substantial portion of the world. Does our ag policy work? I would say yes, it does. Americans spend about 11 cents on the dollar earned on food and groceries. We spend more than that on entertainment, jet skis, CDs, movies, vacations. We are spending more on recreation than we do on food and groceries.

So the ag policy is working. It has a lot of good potential in it for improvements. We are going to continue to work on that on a bipartisan basis. I urge my Members to support the bill.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), a distinguished member of the subcommittee who has put in long hours on this bill.

Mr. HINCHEY. Mr. Chairman, I want to express my appreciation to the gentleman from New Mexico (Mr. SKEEN), the chairman of our subcommittee, for the care and craftsmanship with which he worked to put this bill together. It has been a pleasure to work with him as a member of the Subcommittee on Agriculture.

Unfortunately, the constraints within which we have had to operate, constraints imposed by the leadership here in the Congress and traceable directly back to the agriculture bill of 1996, the so-called Freedom to Farm bill, have made it impossible to put together an agriculture appropriations bill here that meets the needs of the agriculture community, the needs of our farmers and the needs of our consumers across the country.

As I said, this is directly attributable to the constraints that flow from the so-called Freedom to Farm bill, which is not in fact a Freedom to Farm bill, but in many cases it has been a freedom to fail bill, almost a guarantee of failure. Farm prices in the farm belts all across our country are at near-Depression prices. Farmers are finding themselves in situations that verge on the desperate and in many cases they are in fact desperate. Farmers are being forced out of business because they cannot sell their crops at a price that is higher than the cost that they had to incur for putting those crops in the ground. It is an absolutely impossible situation.

We cannot have an agriculture that is sustained in a global economy where other countries are subsidizing their agriculture and making certain creating circumstances within which agricultural people are going to prosper. We have failed to do that. In fact, we have taken all the safeguards that our agricultural community has had away from them. We did so in that Freedom to Farm bill in 1996. We need to go back and correct those mistakes, and we need to do so soon. The longer we wait, the more desperate the circumstances will become.

Are we committed to family farms, or do we want farms that are corporate in nature exclusively across this country? Do we want farmers to make a living, or do we want it all to be processors? Do we want to have an agricultural community that is healthy and strong and providing the food and fiber that our people need domestically here to sustain their lives?

These are the basic questions that are before us. And, unfortunately, this bill, not through any fault of the chairman or members of the subcommittee, but only because of the constraints imposed upon the subcommittee and constraints in the Freedom to Farm bill have made it impossible to meet these needs this year. We need to go back and meet them and we need to do so soon, intelligently, and thoroughly.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I would wish to engage in a colloquy with my good friend from New Mexico (Mr. SKEEN).

Mr. SKEEN, I appreciate your willingness to discuss the Department of Agriculture Plant Protection Center located in Niles, Michigan. I know that you share my belief that this center has a very important mission, finding natural means to combat pests. The role of this facility among plant protection centers is important to American agriculture and is of enormous value to the agriculture industry throughout the Midwest.

The work the employees do in Niles is particularly important in light of the probable loss of pesticides as a result of the implementation of the Food Quality Protection Act. In fact, just this past year the Michigan Department of Agriculture and Michigan State University have formed partnerships with the laboratory at Niles aimed at promoting biological control options. This is a prime example of partnering and cost-sharing between State and Federal agriculture interests using the best strengths of both partners to benefit agriculture.

I am greatly troubled that within the past 2 years the budget of this facility has been cut by 26 percent, the staff reduced from 45 to 19 employees. Especially troubling is the fact that this facility receives its funding through the biocontrol line item, which tends to receive increased funding and is scheduled to get a 22 percent increase in fiscal year 2000. I firmly believe that any further reductions in the budget at this Niles facility would be a serious error and would jeopardize the strength of agriculture throughout the Midwest.

Mr. Chairman, I yield to my friend the gentleman from New Mexico (Mr. SKEEN) for a response.

Mr. SKEEN. Mr. Chairman, I share the gentleman's concern for the future of the critical work that is being done at the Niles Protection Center.

As I understand it, the USDA has not made a final decision. And, of course, we have a long way to go before we produce a conference report with a final number for APHIS. We have provided the account in question with a significant increase for fiscal year 2000 at a time of a very tight budget, and I hope the USDA will take note of our efforts and our concerns for the Niles facility.

Mr. Chairman, I thank the gentleman for his efforts, and I promise to continue working with him in conference on this matter.

Mr. SKEEN. Mr. Chairman, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I want to say to the chairman of our subcommittee, and to the gentleman from Michigan (Mr. UPTON) that we so much support the efforts that he is making for this Niles Center, also on behalf of the gentleman from Indiana (Mr. ROEMER). We have that special situation where Michigan, Indiana, and Ohio all meet. And the services provided through the Center serve the entire country certainly, especially the Midwest. And I want to compliment the gentleman for drawing our attention to it and placing it in the debate today.

Ms. KAPTUR. Mr. Chairman, I yield 3½ minutes to the gentleman from Salinas Valley, California (Mr. FARR), another member of our committee who represents the area that really feeds America, a hard working and dedicated member of our subcommittee.

Mr. FARR of California. Mr. Chairman, I thank the gentlewoman for yielding me the time.

I rise as a new member of the Committee on Appropriations and of the Subcommittee of Agriculture, first of all to tell them how much I appreciated the leadership that was given in this markup by the chairman, the gentleman from New Mexico (Mr. SKEEN) and also by our ranking member, the gentlewoman from Ohio (Ms. KAPTUR).

I represent a productive part of our country. We produce about 84 crops, which no other State in the United States produces that many as are produced in my district, about $2.5 billion in agricultural sales. And most of it does not receive any help from the Federal Government. But they are interested in research and they are interested in sort of cutting-edge issues.

I would just like to point out, for those that are interested in these budgetary issues, that this markup is about a 1.8 percent increase over last year's discretionary money. Now, remember, last year we had a lot of agricultural debate on the floor because we were putting money into supplementals, into emergency aid. If we take the total amount that was spent last year on agriculture and we look at the amount that was spent this year, we are $6.4 billion below what Congress spent last year, or about a 31 percent cut. So this is a very, very, very tight budget.

And I might add, as tight as it is, it still ranks number four of all the appropriation committees in the amount of spending it does. Why? Because in America we created the Department of Agriculture when President Lincoln was here, and he indicated that we needed a department that essentially had a little bit for everybody in America, kind of a consumers department.

So the department has all the rural America issues, which are as true today as they were a hundred years ago. Rural America always needs more help. We have all the commodities programs. We have all the foreign sales programs, whether we are going to have commodities abroad. And I know there will be Members up here attacking the fact we put taxpayers' money into foreign sales.

But my colleagues, wake up and smell the coffee. Every day we have Juan Valdez telling us to drink Colombian coffee, and we do. Why? Because that country puts money in advertising in America and Americans buy it. So we do a little quid pro quo in the same way. We take money here and we take products and try to get them to sell abroad. Why? Because we export four times more than we import. Our balance of trade is in the plus in agriculture. We produce more agriculture in America than Americans can consume, so we need to export it, and people want it. And we ought to be proud of it, because it is a labor-intensive industry that is the heart of our country, and it has been the number one production in America historically and today more than ever.

So, with this tough budget that we have adopted, we also left many programs on the table, the conservation program, farm land protection. There is no money in here. We have got to get that before this is over. Also left on the table, we cut wetlands reserves. We left on the table environmental quality initiatives. We left on the table, more importantly, about $120 million to fully fund all the nutritional programs we need in America.

This is a very tight appropriation, too tight for many people and not tight enough for others. But I do not think we will ever find an appropriation that has had more bipartisan support than this one does, and I think that is attributable to both the leadership on the other side of the aisle and on our own side.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I want to say from the outset, I come from a farm district of rural northeastern Oklahoma that has a great deal of farmers. And I believe, overall, that the appropriators have done a good job on this bill. But they have not done good enough.

We passed two supplemental emergency bills for farmers in this last Congress, almost $12 billion, and I am not objecting to the fact that we did that. What I am objecting to is the fact that that money was paid for out of Social Security receipts. There is no question about it. And what I want to focus on is, where is the money going to come for the increase in this year over the true baseline last year? It is going to come from Social Security.

I want to spend a minute just showing everybody the kind of problems we have. Most young people under 35 believe in UFOs before they believe they are going to get their Social Security money. And do my colleagues know what? They are probably right. This is the Social Security 1999 Trust Report. And what we see in black is the amount of money that is coming into the government in excess of what is being paid out, and my colleagues will note as of 2014 that starts to turn red.

Last year we spent approximately $29 billion of that money. The Congress appropriated $29 billion of excess Social Security money for appropriation bills. Twenty-nine billion was taken out of the money that was coming in supposedly dedicated for Social Security.

The other thing that I would like to discuss is we do not have a real surplus. What we have is a Washington surplus, because if we exclude Social Security money, last year we ran a $29 billion deficit. The debt to our children and our grandchildren is rising at the rate, as we speak, of $275 million a day. So it is not about whether we should do the right things for our farmers. We should, and probably we should spend more money on our farmers than what we are spending. The question is, how do we spend that money?

If we look at what is about to happen this year, the surplus for the year 2000, as estimated by the Social Security Administration, is $141 billion. Based on the plans that we see, it is a conservative estimate that $45 billion of that will be spent. That is Social Security money that people are working every day putting into that, with the trust to think that that money is going to be there for them when they retire. And that does not come close to addressing the issue, can they live on their Social Security payment now?

In my practice in Muskogee, Oklahoma, when I see seniors, I have seniors who are totally dependent on Social Security. And do my colleagues know what they do? They do not buy their medicine because they do not have enough money. They buy food before they buy medicine.

□ 1415

So not only do we have a problem in taking the money that is supposed to be for Social Security, the benefit that we have out there in many instances is not enough for our seniors to live on, let alone live healthily on.

Finally, the point I would make is that we have 102,000 Agricultural Department employees. We have another 87,000 contract employees for the Department of Agriculture. That comes to 189,000 employees in the United States. If we take 260 million people, it is pretty quick you can come up, for every 1,500 people in the United States, we have at least one Agricultural Department employee. Do we need all those employees? What we have said is we cannot cut the number of employees in the Agriculture Department, we cannot have less employees, and we cannot get more money directly to the farmer, because we are chewing up a vast majority of the money trying to give them the money. It is not about not taking care of our farmers. If we expect to protect Social Security money, which on both sides of the aisle, save two Members of this body, voted for budgets that said they would protect 100 percent of Social Security, then we have to bring this bill back to the level of spending last year. What that requires is about $260 million worth of trimming amendments to be able to do that. I propose to offer offsetting amendments that will bring us down to last year's level. When we are at that level, then I will stop offering amendments. Until we get to that level, I plan on continuing to offer amendments. This is not done in any precocious fashion. My intention is to help us all do what we all voted, save two Members, to do, and, that is, to preserve Social Security. The best way I know of doing that is the first appropriation bill, to make a first start on that.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason we have a 1-year appropriations bill is so that the Congress can look at the spending each year and adjust accordingly as the Constitution requires. We do not rubber stamp the administration's request and we do not automatically approve last year's level of spending. This bill has a modest increase in spending over fiscal year 1999, and it is about 30 percent of the increase requested by the administration. I have heard several hundred requests for more spending by my colleagues, both Republicans and Democrats. Frankly this bill does not come near to paying for all those requests. But we did the best we could and I certainly hope that no one who wrote us asking for spending will support this amendment.

In this bill, there is additional money for food safety, for conservation, for rural housing and for a lot of programs that benefit all our constituents. Our bill funds about 130 accounts with many more subaccounts and individual projects. It is always possible to find fault with individual items in the bill, but this bill is a cooperative effort. I believe it reflects the kind of legislation that a majority of our Members want to see for their constituents.

Mr. Chairman, I would like to remind all my colleagues that although we refer to this as the agricultural appropriations bill, the majority of funding goes to nonproduction agricultural programs. This bill pays for badly needed housing, water and sewer, and economic development in rural America. It pays for human nutrition programs for children and the elderly. It pays for conservation programs that benefit watersheds in urban and rural areas. It pays for food safety and medical device inspection programs that are literally life and death matters. That is why I oppose this amendment and why I ask my colleagues to do the same.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume. I also wanted to make a couple of comments about the prior gentleman's remarks. No department percentagewise inside this government of the United States has been cut more than the U.S. Department of Agriculture. In 1993, there were 129,500 employees. Today the request of the department would fund 107,700. This is a reduction of over 21,800 positions. I would like any other department of the United States based on the amount of funds that it receives through the taxpayers to take this kind of cut. There have been over 35,000 positions cut in the U.S. Forest Service, battling forest fires. Look what has happened across this country over the last several years. In meat inspection, so vital to the health of this country, over 9,700 meat inspectors have been cut. I would say to the gentleman, we have had over a 30 percent cut in the staffing levels at the U.S. Department of Agriculture. So if you are looking for cuts, believe me, this agency is hemorrhaging. Part of the damage being caused in Oklahoma and other places in this country is because we are not paying attention to the production side of the equation inside the United States in rural America, and that is a true tragedy.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM), a very respected member of the authorizing committee.

Mr. STENHOLM. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in support of this bill. I commend the chairman and the ranking member for the hard work they have done under some very difficult circumstances.

We come here today with a situation in agriculture that is worse than it was a year ago. Farm income stress is only intensifying from last year. To those that are worried about the spending level on agriculture, let me make this point. In 1990, net farm income was $44.7 billion. In 1999 it is projected to be $43.6 billion, which includes all of the $12 billion in subsidies that have been written. At the same time look at what has happened to the Dow Jones average. It has gone up 230 percent. My colleague from Oklahoma that spoke, I want to commend him for his honesty and his forthrightness and his persistence. He voted for the Blue Dog budget. Had the Blue Dog budget passed, we would have been talking about increased funding for agriculture today. We would have been talking about meeting the needs of the cotton step-2 program, meeting the additional needs of research in agriculture, paying the $100 million the WIC program needs in order to meet all of the human need. The gentleman from Oklahoma voted for it of which I deeply appreciate. A majority of my colleagues on this side of the aisle voted for it. If we had only gotten a majority on both sides, we could have been doing a much more adequate job of meeting the true needs of agriculture.

Now, we have got a lot of problems that need to be solved. They should not be attempted to be solved on this bill. It needs to be done in the House Committee on Agriculture. We have got work to do on crop insurance, opening world markets. We are going to get an opportunity to do that. Coordinated policies, working together with USDA in this Congress. We really cannot afford to wait much longer. I hope and expect that this year under the leadership of the gentleman from Texas (Mr. COMBEST), the chairman of the House Committee on Agriculture and those on both sides of the aisle that we will be able to take up in an orderly fashion those things that need to be done in order to make sure that agriculture will continue to be for all of America what it is today.

Mr. Chairman, I submit the following correspondence for printing in the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 12, 1999.

Hon. DAN GLICKMAN,
Secretary, U.S. Department of Agriculture,
Washington, DC.

DEAR MR. SECRETARY: We are writing to urge you to give careful consideration to the development of new programs to enhance the competitiveness of U.S. wheat exports by improving the cleanliness and uniformity of grain delivered to foreign buyers.

Over the past decade, competition in the wheat export trade has intensified. The domestic wheat industry believes that cleaner US wheat will be more competitive in foreign markets. We are writing to urge you to develop a program that would provide assistance to export elevators for the financing of high speed cleaning equipment.

In recent months, we have had some very strong reminders of just how important exports are to US agriculture, along with the recognition that we need to make our products as competitive as possible. We believe that improvement of the domestic cleaning infrastructure is a worthwhile investment that will help US wheat gain market share in the years to come. Capital investments made now will ensure the future competitiveness of the US grain industry.

Thank you for your consideration of this proposal, and we look forward to working with you in developing and implementing a program that will enhance US grain competitiveness in world markets.

Sincerely,

CHARLES W. STENHOLM.
JERRY MORAN.

Ms. KAPTUR. Mr. Chairman, I yield 2½ minutes to the esteemed gentlewoman from Connecticut (Ms. DELAURO) who has spent so many hours and weeks working on this bill.

Ms. DELAURO. Mr. Chairman, let me thank the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for their hard work in what has been a difficult feat to balance the important priorities of this bill given the budget constraints that the subcommittee faces. I am concerned that we could not do more to support vital programs, however, that improve the day-to-day lives of hardworking American families; providing a safety net for farmers in crisis, reducing smoking among young people, ensuring high quality nutrition for parents and their children. These are issues not receiving enough attention. First there is a crisis facing our farmers today. From low grocery store food prices to safe food on the dinner table, the benefits of U.S. agriculture are immeasurable to each and every American family. Farmers across this country are begging Congress to do something and, by God, we must do something.

This bill does not do enough to address the depression level prices our farmers face. A serious issue before this Nation is tobacco use among America's youth. Each day an astounding 3,000 teenagers take up the smoking habit. The loss to America equals 420,000 lives. This year the President requested a $30 million increase to expand the partnership between the FDA and States to enforce the laws prohibiting tobacco sales to minors. The additional funding would have enlarged this successful and business-friendly program that would have been expanded to 50 States. Sadly, this bill does not provide this important investment, made even more essential because States like Connecticut, my own State, are not investing their money from the tobacco settlement into educating the public about the dangers of smoking. I am concerned about the little over $4 billion allocated for the WIC program in that it may not be able to cover all of its participants. WIC guarantees that 7.4 million women and their children receive solid nutrition and health advice, preventing future illness and serious health problems. I am disappointed that funds could not be found to take the first steps toward a study of the benefits and the costs of a universal school breakfast program, a study that has already been authorized by the Goodling Act. Regional studies have linked school breakfast programs with higher test scores, better behavior and improved attendance. But a truly rigorous and a comprehensive study is necessary to nail down and to solidify the proof of that relationship.

This is an unfunded mandate. If the Congress is going to require this study, it must provide the funding. I again applaud my colleagues for facing these restrictions. These issues deserve our highest commitment.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I want to thank the gentleman from New Mexico (Mr. SKEEN) for yielding me this time and for his leadership in putting this appropriations bill together, and also to the gentlewoman from Ohio (Ms. KAPTUR) for her leadership with the gentleman from New Mexico.

As many of my colleagues know, Mr. Chairman, I have spent all of my productive life in agriculture and have followed these proceedings in Congress for many, many years as related to a national agricultural policy. In 1996, this Congress decided to write a new farm bill which my people back home called Freedom to Fail. Prior to that time, many of us came to Washington and asked the Congress to take a long, hard look before it changed national ag policy. We had a policy in this country that worked. Obviously there was a consolidation of farming over the years like there has been in every industry that weeded out some of the less efficient operators. But certainly if you were efficient and a good operator, under the policy that existed, you could make a living in agriculture. It established and kept a strong agricultural economy for our Nation. I stand today speaking in support of the bill that is brought to this floor by the gentleman from New Mexico and the gentlewoman from Ohio. They are working within the confines of the Balanced Budget Agreement that we put in place in 1997. Actually I think we were treated very well in these allocations, given the confines of the budget that we are working under. As the gentleman from Texas (Mr. STENHOLM) said earlier, had we passed the Blue Dog budget which many of the folks on both sides of the aisle voted for, we would have a few more bucks to play with here. But I think really the debate today is not about whether this appropriations bill is good or bad, because it is absolutely the best that we can do under the circumstances that we have been presented with. But it has to do with a larger picture, and, that is, what is the national agricultural policy of this Nation?

I just want to throw out a couple of things for Members' consideration. Number one is, in 1996 when that farm bill was written, the farmers were promised if they would give up their safety net, they were promised in exchange a loosening of regulations and, secondly, opening of world markets. Well, they gave up the safety net, but in both cases they did not get what they were promised. They did not get a loosening of regulations and they certainly have not gotten an opening of the world markets.

□ 1430

Now many people want to blame the administration. I do not think the administration is to be blamed here. It was the Congress that wrote this piece of legislation, and it is the Congress that ought to go revisit it.

I think, Mr. Chairman, that I would like to strongly encourage the Members to support this piece of legislation, and I want to thank the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for their work.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY), the hard-working member of the authorizing committee.

Mr. BERRY. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding this time to me, and I want to thank the chairman and the ranking member of this committee for the hard work that they have done.

Mr. Chairman, America is the greatest Nation that has ever been today because of our ability to domestically produce safe, affordable and abundant agriculture commodities. The American farmer is the most productive ever anywhere in the world. The American farmer only asks for a chance. If we will just give him a chance, he will do the rest.

A combination of factors have contributed to historically low commodity prices that are being received by our American farmers today. We have got a crisis in rural America, and we need to face that crisis. This bill is a good effort to begin that. It a shame that we do not have more money in this bill for America's farmers, but I know that it is the best that the appropriators could do with what they had to work with.

Congress has an obligation to protect the food and fiber security of America. Current budget restrictions and resulting appropriations for agriculture do not allow for adequate devotion of financial resources to properly address the crisis that American agriculture faces today. We need to commit to America's farmers to protect the food and fiber security that our country has historically provided.

I firmly believe, Mr. Chairman, that the further we get from our rural agrarian roots that Thomas Jefferson envisioned, the more social problems we have, and it is something that is of great concern to me. But this is just another reason why we should do the best we can to fund the Department of Agriculture and support America's farmers.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, as a member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, I rise in support of this bill and, first of all, would like to thank the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for their very hard work. The subcommittee enjoys a bipartisan cooperation, and I have really enjoyed working with all the colleagues to get this bill on the floor today.

This bill feeds our schoolchildren, ensures the safety of prescription drugs and medical devices, protects our environment to water and soil conservation, restores Congress' commitment to agricultural research and rejects the President's desire to cut ongoing science. It helps expand our increasingly important export markets, and most importantly, it protects the taxpayer.

Just as importantly, this bill does not include some of the President's proposals. Probably the most egregious is the fact that in the President's budget he had a $504 million new increase in fees on struggling livestock producers. These are the folks who have undergone some of the worst prices in history, and again, another increase in fee for grain farmers to the tune of $20 million that the President wanted to put on those farmers.

I would like to engage the gentleman from New Mexico in a colloquy, if I may.

Mr. Chairman, my intention is to clarify the committee to provide not less than $27,656,000 for the National Plant Germplasm System for Fiscal Year 2000. With this funding, our best and brightest scientists working throughout the Nation will continue to help farmers provide abundant, safe, nutritious and affordable supplies of food fiber.

Mr. Chairman, is it the committee's intention to name that funding level in the conference report?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I would like to tell the gentleman that the committee will work hard to meet that funding level.

Mr. LATHAM. I thank the gentleman, Mr. Chairman.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON) from the authorizing committee, who has worked with us every step of the way on this bill.

Mrs. CLAYTON. Mr. Chairman, I thank the gentlewoman from Ohio for the time, and I want to rise in support of this appropriation bill, and I want to commend both the gentleman from New Mexico (Mr. SKEEN) and the ranking member of the subcommittee agriculture appropriations.

I rise in support of the bill because there are many things in this bill that is very much needed in agriculture. It provides obviously the money of more than $60 billion in agriculture programs including moneys for research, including moneys for farm service administration, including moneys for rural housing, including money for WIC and nutrition programs, agricultural research; so many parts of this program are essential for the infrastructure and ongoing agriculture and research program.

However I also raise issues that are deficits. There are still lack of funding of recognition in these program. One in particular I think, the ranking member from agriculture raised the issue about Cotton Step 2. Obviously that is very, very important to my district in terms of having the opportunity to market in that area. I am sensitive to the cooperative research is $14.2 million below the request, and I know all the land grant schools throughout the United States are indeed in need of those monies, and the conservation program again is underfunded, and yet there are more requirements in requiring them to implement the programs. They do not have the resources to do that, and I just say to our colleagues that if they expect for a full implementation, they have to have the resources.

Again, the whole issue of disadvantaged farmers I know will be addressed, and I am appreciative of that, but I want to say now to both the gentleman from New Mexico (Mr. SKEEN) and to the ranking member I will be glad to support that amendment. There are issues that I think we can still revisit, hopefully, from the amendment process, but I want to commend both of them and say to my colleagues who think that we are spending too much money that I think we have the unique position of being first out of the box and being most conservative so we get to be kind of whipping boy, whipping girl, and I think that is unfair to rural America, I think it is certainly unfair to the farmers that feed us and provide fiber for us.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to congratulate him and the ranking member on this subcommittee, a subcommittee on which I am proud to serve, for their good work in trying to craft a bill that stays within the budget caps.

Agriculture has some very difficult challenges this year and next, and what I hope this bill will do is provide adequate resources for our farmers, not only in the area of agriculture research, but in other areas in which we think the free market system has a better chance to work.

One of the things I am disappointed that the bill does not contain, I am going to introduce an amendment later about it, is the issue of sanctions relief. I feel we need to be in a position to open world markets that are currently shut off from our farmers, and this may not be the vehicle, but we have to open those markets.

So open markets, adequate funding of agriculture research, and there will be some challenges to that today, but I think we have to resist those challenges to government-funded research. It is critically important to our farmers.

So, I urge support of this bill. I appreciate the good work of the gentleman from Mexico and the people of our subcommittee, and I urge its passage.

Ms. KAPTUR. Mr. Chairman, may I inquire about my remaining time?

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) has 2 minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 30 seconds remaining.

Ms. KAPTUR. Mr. Chairman, I yield our remaining time to the distinguished gentleman from Vermont (Mr. SANDERS) who has fought for agriculture not only in Vermont, but throughout our country.

The CHAIRMAN. The gentleman from Vermont is recognized for 2 minutes.

Mr. SANDERS. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and I want to congratulate the chairman and the ranking member for the outstanding work they have done on this bill. I think, however, there is no disagreement that the committee is forced to operate under very severe budget constraints. There is no debate about that, and I would simply want to remind every Member of the U.S. House of Representatives that in this great country, in this country which is wealthier than any other country in the history of the world, today there are millions and millions of Americans who are hungry, who are hungry, and what does it say about our national priorities that we see a proliferation of millionaires and billionaires, that we see a situation when some want to provide over a trillion dollars in tax breaks over the next 15 years, and yet hospital administrators tell us that when senior citizens go to the hospital, they are finding many seniors who are suffering from malnutrition? What does it say about our country when school administrators tell us that when kids get to school in the morning many of these children come from families which do not have enough money to provide them with adequate breakfast or adequate lunches, that these kids are unable to do the school work that they otherwise would be able to do? They fall off the wagon, and they get into trouble.

Is that what America is about? I think not.

Now I understand the limitations that there are in this bill because of the overall budget, but I would hope that every Member of Congress understands that the day has got to come and come soon when this country wipes out the disgrace of having hungry people within our wonderful Nation.

Second of all, Mr. Chairman, within that context we must be aware of the plight that family farmers in rural America are suffering from one end of this country to the other. Other people have made this point, and I want to repeat it. If we do not stand up and protect the small family farmer, we are going to lose that important aspect of what makes this country great.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds, my last one-half minute, to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I would like to commend the chairman and ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies for facing a very difficult task head on and doing the absolute best they could in dealing with our agriculture needs this year. With the falling commodity prices and drought, it was a very difficult task that we faced, and the gentleman from New Mexico has taken care of research activities, conservation funding, distance learning and tele-medicine programs, FSIS programs, and it is amazing actually that we were able to get through this as efficiently as possible and deal with these important problems.

I just hope that every Member of this body understands how important it is to support this bill as it is.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 1906, the Agriculture Appropriations bill for fiscal year 2000.

This Member would like to commend the distinguished gentleman from New Mexico (Mr. SKEEN), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee for their hard work in bringing this bill to the Floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the State of Nebraska.

First, this Member is pleased that H.R. 1906 provides $423,000 for the Midwest Advanced Food Manufacturing Alliance. The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The Alliance awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. During its fifth year of competition, the Alliance received 23 proposals requesting $892,374 but it was limited to funding 9 proposals for a total of $350,000. Matching funds from industry partners totaled $475,549 with an additional $82,000 from in-kind contributions. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that this bill includes $200,000 to fund a drought mitigation project at the Agricultural Meteorology Department at the University of Nebraska-Lincoln. This level of funding will greatly assist in the further development of a national drought mitigation center. Such a center is important to Nebraska and all arid and semi-arid states. Although drought is one of the most complex and least understood of all natural disasters, no centralized source of information currently exists on drought assessment, mitigation, response, and planning efforts. A national drought mitigation center would develop a comprehensive program designed to reduce vulnerability to drought by promoting the development and implementation of appropriate mitigation technologies.

Another important project funded by this bill is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the legislation has agreed to fund the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center	$42,000
Non-food agricultural products	64,000
Sustainable agricultural systems	59,000
Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri)	644,000

Also, this Member is pleased that H.R. 1906 includes $100 million for the Section 538, the rural rental multi-family housing loan guarantee program. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100% Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Chairman, this Member appreciates the Subcommittee's support for the Department of Agriculture's 502 Unsubsidized Loan Guarantee Program. The program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30-year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Chairman, in conclusion, this Member supports H.R. 1906 and urges his colleagues to approve it.

Mr. UDALL of Colorado. Mr. Chairman, I rise today in support of H.R. 1906, Agriculture Appropriations for FY 2000. In particular, I wish to draw my colleague's attention to the valuable work being done by the Ultraviolet-B (UV–B) Monitoring Program at Colorado State University.

This program provides information on the geographical distribution and temporal trends of UVB radiation in the United States. This information is critical to the assessment of the potential impacts of increasing ultraviolet radiation levels on agricultural crops and forests. Specifically, it provides information to the agricultural community and others about the climatological and geographical distribution of UVB irradiance.

In a broader sense, the monitoring program supports research that increases our understanding of the factors controlling surface UVB irradiance and provides the data necessary for assessing the impact of UVB radiation on human health, ecosystems and materials.

Beginning in 1992, Congress appropriated two million dollars per year in support of this research effort. At that level of funding, the program was able to get underway and to carry forward some money each year. Recently, appropriations have been at $1,000,000 annually, which, with the carry over amounts have been adequate. As of FY 1999, the carry-over funds have been exhausted. The President's budget calls for $1,750,000 to simply continue this program at current funding levels. H.R. 1906 appropriates $1,000,000 for this program, but I remain hopeful that the goal of $1,750,000 can be accommodated during the upcoming conference committee with the other body.

Mr. Chairman, since the discovery of the Antarctic ozone hole in 1985, I have been personally very concerned about the impact of UVB radiation on all of earth's living systems. This program is surely a step toward understanding and monitoring this significant threat to all of our ecosystems.

Mr. BISHOP. Mr. Chairman, after experiencing one weather-related disaster after another, the future of production agriculture and family farming in middle and south Georgia faces a threat of almost unprecedented proportions.

This is not a sudden, overnight crisis. Farmers, bankers, and communities dependent on production agriculture have been in a crisis mode for some time.

Our farmers have faced a threatening situation that has now become even more severe.

I have visited farms to meet with farmers all across the Second District and to see firsthand the destruction that has been wrought by the droughts and other disasters which have struck our area. Indeed, the University of Georgia has estimated farmgate value lost during the past crop year at over $767 million.

The bill contains many of the crucial programs which are needed to restore a vibrant farm economy.

It provides $2.3 billion for direct and guaranteed farm operating loans, $647 million more than the current fiscal year.

It contains $559 million for direct and guaranteed farm ownership loans, $49 million more than the current year.

Research is the backbone of ag production, and it would be irresponsible for the federal government to abdicate its role in this area. This is why we need to leave all this partisan bickering behind and get on with the business of providing the $836 million for the Agricultural Research Service that is in this bill.

For the extension service that is so important to our farmers, this bill has $916 million for Cooperative State Research, Education and Extension Service activities.

There is $71 million for USDA's Risk Management Agency, which manages the federal crop insurance program. How else will the Congress ensure that insurance products that can effectively protect against risk of loss are developed? How will we ever get to the point where farmers can adequately recover their costs of production following a disaster and pay premiums that are affordable?

The bill will fund the $654 million needed for operation of USDA's Natural Resource Conservation Service. This agency helps farmers conserve, improve, and sustain the soil and water on their land for future generations.

This bill includes a $300,000 allocation to expand research into ways to protect the few consumers who are allergic to peanuts, and thereby to prevent misguided efforts to ban or reduce peanut consumption.

Prices for southeast timber are at a record low, and it would be financially damaging to force growers facing thinning-out deadlines to sell their harvested timber on the current market. This is why this good bill includes language giving farmers an extension until January 1, 2003 for thinning out and selling their timber under the Conservation Reserve Program.

I ask my colleagues to let this House do the work expected of us by our farmers.

Mr. BLILEY. Mr. Chairman, I rise to address some language contained in the Committee report on the FY 2000 Agriculture Appropriations bill. The language "directs" that the FDA not proceed with a highly controversial rulemaking on ephedrine-containing products. The inclusion of this report language is an attempt to subvert regular order. The proper course for the proponents of the language to address this issue is to contact the Commerce Committee, which exercises primary jurisdiction over FDA matters. I therefore urge the House-Senate conferees to drop the language in conference. Further, I intend to closely monitor the regulatory proceeding at issue to ensure that FDA meets all of its legal obligations.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: *Provided*, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

Mr. MORAN of Kansas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to commend the chairman and the ranking member for their efforts in appropriations in this appropriation bill related to agriculture. Obviously a Member of Congress who comes from the district I come from is very concerned about the agriculture economy, and the impact of this appropriation bill upon my State is significant, and I commend the committee for its efforts.

□ 1445

I do want to raise a topic that is of great concern to me and to the many small businesses that I represent within the agribusiness community of Kansas. I have an amendment to be offered later today that would allow small meat processors with sales under $2.5 million and less than 10 employees to have an additional year before their compliance with USDA's HACCP, the Hazard Analysis and Critical Control Points Inspection System would take effect and impact them.

This amendment would apply only to the smallest local meat processors and would in no way change the inspection system in our large nationwide plants.

There are significant problems out there. In fact, the U.S. Small Business Administration has concluded in its letter to USDA that something must be done. Their conclusion in their letter to USDA, dated July 5 of 1995, says, "The Office of Advocacy at the SBA remains deeply troubled by the failure of FSIS to analyze properly the impact of HACCP on small businesses." Requires, among other things, that an agency tailor its regulations to impose the least burden on businesses of differing sizes.

There are many alternatives which USDA could pursue which have been either rejected or overlooked by FSIS and which would reduce the compliance burden on our smallest businesses.

This is Sam's Locker across the country in the smallest communities of our Nation, and many of them are going out of business, really on a weekly basis. I pick up the paper and the local locker plant in one of my communities across Kansas is closing its doors because of the cost and burden of compliance with this rule which will take effect January 1 of the year 2000.

The Small Business Administration says that the smallest firms face the greatest burden in both absolute and per-unit costs and suggests that there are a number of alternatives which USDA has not explored. So I intend later today to offer an amendment that would delay the implementation for approximately 9 months of this last phase of HACCP regulations.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Kansas. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for his concern and his remarks. It is good to know that someone is looking out for the small businessperson.

As it happens, the committee has commissioned a GAO study of the HACCP process, and if possible, I will try to include the gentleman's concern in that study, or work with him during the conference on the issues that he has just raised.

Mr. MORAN of Kansas. Mr. Chairman, reclaiming my time, I appreciate the comments from the gentleman and I look forward to working with the gentleman from New Mexico on this issue. It is a significant one.

Mr. SKEEN. As they say in our country, igualmente, equally.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,620,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,583,000.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Coburn:

Page 3, line 23, after dollar amount insert "(reduced by $463,000)".

Ms. KAPTUR. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentlewoman reserves a point of order.

Ms. KAPTUR. We do not have the amendment on this side and have not seen it.

The CHAIRMAN. The Clerk will distribute copies of the amendment.

Mr. COBURN. Mr. Chairman, the purpose of this amendment is that the $463,000 represents over a 7 percent increase for this department, Office of Budget and Program Analysis. Again, I will restate the obvious.

I believe that the money that we spend on agricultural programs ought to be going to our farmers, and I object to the fact that we are increasing overhead and bureaucratic expense, and that this money is not available to the farmers in my district. This money is not available to put the FSA offices back close to the farmers instead of having it 90 miles away from my farmers.

So what we have done by this increase over the baseline from last year is spend money in Washington and not spend money on our farmers.

The purpose of this amendment is to bring us back to last year.

I again want to go back. Any dollar that is spent that should not be spent is a dollar of Social Security money stolen from our seniors and our grandchildren. The Social Security Administration estimates that in the year 2020 to 2022, to stay even with Social Security, despite no other changes, that we will have an effective FICA tax rate, a Social Security tax rate of somewhere between 22 and 24 percent, somewhere double where we are today. So if we continue to have this kind of spending, which we know, if it is not absolutely necessary, will be taking money from our grandchildren, our grandchildren will repay this money. Any money that is spent in this bill for a service that is not absolutely necessary is a dollar stolen from our Social Security.

What does that mean? That means, number one, that the Social Security surplus is less. Number two, that means the debt, external debt that we hold today will not decrease by that amount, and that is what we have been doing with the excess Social Security money; we have been paying off bankers and foreign governments who own our Treasury notes and Treasury bills and putting an IOU in the Social Security system. So that also is a lost opportunity for savings on external debt.

Number three, it pretends to be a situation that rationalizes that in hard times, like we are in today spending money on a war in Yugoslavia, we can afford to have a 7-plus percent increase in bureaucratic overhead.

It is my feeling that the people in my district are best represented when the money that is spent for agriculture goes to our farmers, not to the bureaucratic administration of that aid to our farmers.

So, therefore, Mr. Chairman, I would make the point again that we are going to have close to $149 billion in excess Social Security payments in the year 2000, and that this one small area, this one small amount of $463,000 is enough to supply Social Security in the future for several of our grandchildren, especially if it is not spent and compounded and earned.

Mr. Chairman, one of our colleagues, the gentleman from South Carolina (Mr. SANFORD) took 6 years, the years from 1944 to 1950, and took the amount of money that was put into Social Security. Had that money been saved and not spent and invested at a rate of 6 percent return, there would be $3 trillion from those 6 years in Social Security today. So by spending money, rather than saving money as it was initially intended, what we are doing is losing opportunity for our children.

Mr. Chairman, I plan on offering this amendment. I am in hopes that people will support the fact that we do not need to have this much of an increase to be able to accomplish this as the purpose of this budgetary office. It is my hope that we can have an acceptance of this amendment, that the chairman will look favorably on this amendment, knowing that the dollars to pay for this will come not only from the seniors who have trouble getting by today, will come from the commitment that we made not to touch one penny of Social Security.

The CHAIRMAN. Does the gentlewoman insist on her point of order?

Ms. KAPTUR. Mr. Chairman, we have been provided now with copies of this amendment, so I withdraw my point of order.

Mrs. MYRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Coburn amendment because I just believe it is time to keep our promise, and this is one place we have to start. We have told the American people that we balanced the budget, and I really believe that now we need to stick to our word, because otherwise we are not being true to them.

I understand and sympathize with the American farmers; I understand the committee's concerns and problems. In fact, we just passed a supplemental bill that added additional dollars for farmers.

But since this year's budget resolution calls for $10 billion in discretionary spending cuts, we have to make the cuts to stick to the balanced budget agreement and protect and preserve Social Security, and the time to start is now.

There is never a good time. That is the difficult thing about this place, because it is always hard not to spend money in a culture that is set up to spend, spend, spend. That is what Washington does and does well.

It is always easy to stick pork in bills to spend more money; it happens every day. I think that is wrong.

Mr. Chairman, we have to stand up for our principles of lowering taxes and protecting 100 percent of Social Security for our children and our grandchildren. They are depending on that. They look to us to be responsible, and as we do our bills, as this whole appropriations process goes forward, we have to be really conscious of that.

It is time to put the good of the country ahead of personal ambition and tighten our belts. Without cuts now, and this is a relatively noncontroversial bill, if we cannot do it here, how in the world are we going to reduce spending in the other 12 appropriations bills?

Mr. Chairman, for years, Congress has raided Social Security and funded pork barrel spending, and I believe it needs to stop; and today is a good time to stop it. I support the Coburn amendment, and I support fiscal responsibility.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to the provisions of clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

PARLIAMENTARY INQUIRY

Mr. COBURN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN: The gentleman will state it.

Mr. COBURN. Mr. Chairman, is there a planned quorum call at this time? Can the Chair advise as to the planned quorum call?

The CHAIRMAN. There is a quorum call at the point of order request of the gentleman from Oklahoma.

Mr. COBURN. And will that be granted?

The CHAIRMAN. It will be. It has been.

The call was taken by electronic device.

The following members responded to their names:

[Roll No. 151]

ANSWERED "PRESENT"—399

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

☐ 1515

The CHAIRMAN. Three hundred and ninety-nine Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Oklahoma (Mr. COBURN) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 133, noes 285, not voting 15, as follows:

[Roll No. 152]

AYES—133

Aderholt
Archer
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Blunt
Boehner
Brady (TX)
Bryant
Burr
Burton
Buyer
Camp
Campbell
Cannon
Castle
Chabot
Chenoweth
Coble
Coburn
Collins
Cox
Crane
Cubin
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Ehrlich
English
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Ganske
Gibbons
Goode
Goodlatte
Goodling
Goss
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Inslee
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Lazio
Leach
Linder
Lofgren
Luther
Maloney (CT)
Manzullo
Martinez
McCollum
McInnis
McIntosh
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Myrick
Northup
Norwood
Paul
Pease
Petri
Pitts
Pombo
Portman
Ramstad
Riley
Rogan
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Smith (MI)
Smith (WA)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Upton
Walden
Wamp
Watts (OK)
Weldon (FL)
Weller

NOES—285

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Jackson (IL)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard

Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Baker
Brown (CA)
Graham
Granger
Hinojosa
Jackson-Lee (TX)
Kasich
Largent
Millender-McDonald
Nadler
Ortiz
Reyes
Rothman
Smith (TX)
Whitfield

□ 1523

Mr. EHRLICH and Mr. SESSIONS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Coburn:

Page 3, line 23, after the dollar amount insert "(reduced by $231,000)".

Mr. COBURN. Mr. Chairman, it is obvious that the House did not concur with the last amendment to hold the Office of Budget and Program Analysis at last year's level.

The above-intended amendment is designed to cut the increase in that office in half. Instead of having an almost 8 percent increase, this will offer the employees and administrators in that office a 4 percent increase.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Chairman, I have a parliamentary inquiry regarding the amendment of the gentleman from Oklahoma (Mr. COBURN).

The CHAIRMAN. Does the gentleman from Oklahoma yield for an inquiry?

Mr. COBURN. Yes, I am happy to yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, is this a new amendment that the gentleman from Oklahoma is proposing?

Mr. COBURN. Mr. Chairman, this is an amendment under the same section at the same line item to cut the rate of increase in one-half of what the committee has recommended for the Office of Budget and Program Analysis within the Department of Agriculture.

□ 1530

Ms. KAPTUR. Mr. Chairman, may I ask the gentleman if we have a copy of this amendment?

Mr. COBURN. It is my understanding that this amendment was given to the Chair, and I will be happy to supply the gentlewoman with a copy of it at this time.

The CHAIRMAN. The Clerk will distribute copies of the amendment.

Ms. KAPTUR. I thank the gentleman.

The CHAIRMAN. The gentleman from Oklahoma may proceed.

Mr. COBURN. So the purpose of this amendment, Mr. Chairman, having the House, with 137 Members, I believe, agree that we should freeze this spending, given the fact that the increase in spending is going to be above this last year's fiscal year and will come from Social Security surpluses, the purpose of this amendment is to decrease by one-half the amount of increase in the Department at this level.

I have before me a sample of what most seniors probably think is going on right now, a check from the Social Security Trust Fund for $231,000. This still gives that department in that area an increase two-and-a-half times the rate of inflation. Very few people within our districts and within the private sector are seeing increases in their operating and overhead or their expense or their salaries going up at two-and-a-half times the rate of inflation.

It is estimated by the Congressional Budget Office and the Office of Management and Budget that the Social Security surplus this year will be $149 billion. On track, the first appropriation bill to meet this House, has an increase over last year. The budget agreement that we agreed to with the President in terms of meeting the targeted spending in 1997, the budget that passed this House, the minority-sponsored budget, all had provisions to protect Social Security 100 percent. The purpose of this amendment is to try to keep us at our word, to protect Social Security dollars. It is my feeling and my conviction that we do that best by, with the first bill, setting an example on how we are going to spend money.

I recently had a Member come up and say that I was a good reason to vote against term limits, because I was offering amendments to decrease the spending in Washington and that I felt we should not spend any money that comes from Social Security. Well, I would portend just the opposite of that. I think that is a good reason to vote for people with term limits.

The fact is that we are spending $260 million more in this appropriation bill than we did last year. The purpose of this amendment is to trim some of that. It is not to inhibit what we do with our farmers, it is to make sure that the money that we put into the Department of Agriculture gets to the very people that we want it to. By having an 8 percent increase in this office, a portion of that money could be saved, could be preserved in Social Security, could be used to lower the FICA taxes that our children and grandchildren are going to have to pay so they will be able to have Social Security.

It is not anything but incumbent on Members of this body to try to spend the taxpayers' money in the way that they believe is in the best interest of the country and in the best interest of the long-term security for this Nation. I want to be measured by how I left our country. I want to be measured when my grandchildren, who are now 3 and 1, look at their income tax statements and look at their payroll slips and know that we were not responsible for raising the FICA payments from 12 percent to 25 percent. And that is the estimate from the Social Security Administration that is going to be required by the year 2022.

We can change what happens in Washington. We do not have to spend more money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 267, not voting 20, as follows:

[Roll No. 153]

AYES—146

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Biggert
Bilirakis
Blunt
Boehner
Brady (TX)
Bryant
Burr
Burton
Buyer
Camp
Campbell
Cannon
Castle
Chabot
Chenoweth
Coble
Coburn
Collins
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Ganske
Gibbons
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Klink
Largent
Lazio
Leach
Linder
Lofgren
Luther
Maloney (CT)
Manzullo
McCollum
McInnis
McIntosh
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Moran (VA)
Myrick
Northup
Norwood
Ose
Paul
Pease
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Smith (MI)
Smith (WA)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Upton
Walden
Wamp
Watts (OK)
Weldon (FL)
Weller

NOES—267

Abercrombie
Ackerman
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Andrews
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Brady (PA)
Brown (OH)
Callahan
Calvert
Canady
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Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
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Deutsch
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Dooley
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Evans
Everett
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Farr
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Filner
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Ford
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gillmor
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Gonzalez
Gordon
Green (TX)
Hall (OH)
Hansen
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
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Holden
Holt
Hooley
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Houghton
Hoyer
Hulshof
Inslee
Isakson
Jackson (IL)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Mascara
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McCarthy (MO)
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McCrery
McDermott
McGovern
McHugh
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Meek (FL)
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Menendez
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Moore
Moran (KS)
Morella
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Napolitano
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Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pascrell
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Payne
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Pickett
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Price (NC)
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Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Talent
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Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—20

Brown (CA)
Brown (FL)
Dixon
Fletcher
Gekas
Graham
Gutierrez
Hinojosa
Jackson-Lee (TX)
Kasich
Martinez
Millender-McDonald
Nadler
Ortiz
Portman
Reyes
Riley
Rothman
Smith (TX)
Young (AK)

□ 1558

Mr. COOK and Mr. JOHN changed their vote from "aye" to "no."

Messrs. GEORGE MILLER of California, MORAN of Virginia, DAVIS of Virginia, and KLINK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PORTMAN. Mr. Chairman, because of a previously scheduled commitment, I missed rollcall vote No. 153 during consideration of H.R. 1906, the Fiscal Year Agriculture Appropriations Act.

Had I been present, I would have voted "yea".

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $6,051,000.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 4, line 3, after the dollar amount insert "(reduced by $500,000)".

Mr. COBURN. Mr. Chairman, the purpose of this amendment is to address the increase that was given to the Office of the Chief Information Officer. What we have heard through the general debate on this bill is that this is a fairly tight bill, and I agree that it is a fairly tight bill. I also agree that there is also an area where if we spend a certain amount, $61 billion, that we ought to make sure that that money that is allocated, that belongs to the taxpayers, actually gets to the end people that we want it to get to, i.e., the farmers, i.e., the people that are going to be dependent on it.

The Office of the Chief Information Officer under this appropriation request received a 9 percent increase. Now, of that $500,000 increase, what we will see, if we are honest about where the money is going to come, is it is all going to come from Social Security. We are going to take surplus Social Security money and we are going to spend it to give a 9 percent increase. For us to keep the agreement not to spend Social Security money, to keep the agreement that the President and the Congress signed off on in 1997, that we have to cut spending $10 billion, not increase it a quarter of a billion as this bill does, we have to make some trims back in these appropriation bills.

Mr. POMEROY. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding.

I am informed that the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies has brought this bill to the floor within their 302(b) allocation and therefore am of the opinion that it is funded by general fund revenues and has nothing to do with the Social Security funds the gentleman is speaking to.

Mr. COBURN. Mr. Chairman, reclaiming my time, that is a literal statement that in fact at the end of the day will not be true. Because by saying that this is within the 302(b) means that you also would agree that Labor HHS could be cut $4.9 billion which is also in the 302(b) for Labor HHS. I assure you that neither you nor I would vote for an appropriation bill at that level. So what I would tell the gentleman is that the 302(b)s really are not applicable to the process that we are seeing going on right now because the end game is we are going to spend Social Security money and we are not going to be below the $10 billion. I understand how that works, you understand how that works, and although technically this committee is within the 302(b) allocation, the 302(b) allocations are designed so that in the long run we will spend Social Security money.

Mr. POMEROY. If the gentleman will yield further, this House passed a budget. These are the early appropriation bills coming to the floor under that budget. Much was made by the majority in consideration of the budget that it was protecting Social Security. Here we have the chairman of the Subcommittee on Agriculture bringing his bill up within the allocation he had.

Mr. COBURN. Reclaiming my time, if the gentleman would agree to vote for this bill under its 302(b) and agree to vote for the Labor HHS bill under its 302(b), I will be happy to buy his discussion of this argument. But I would portray that I will not vote for a Labor HHS bill that is cut by $4.9 billion and I would surmise that he probably would not do that under the same argument. The fact is that the 302(b)s are not an accurate reflection of where we are going with the budget process this year. They are in terms of total dollars, and I would agree with the gentleman in terms of total dollars, but what they are is front-end-loaded and at the tail end is the very things that most people are going to need besides our farmers, those that are most dependent on us, the veterans, those that do not have housing, those that are needy in terms of Medicaid, Medicare and the supplemental things that we do to help those people, those dollars are not going to be available. So what we are going to do is we are either going to pass a bill that cuts those severely, which neither of us I would surmise would vote for, or we are going to go into a negotiation again with the President and bust the budget caps and in fact spend Social Security money. So I will stick with my argument that this bill, because it is above last year and is not below last year, will in the end ultimately spend seniors' money.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want us to look very closely at what is going on here. This is an appropriations bill brought up pursuant to the budget plan passed by this House. The chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies was given a 302(b) allocation and he has brought his bill forward under that allocation. This is not about emergency spending. This is not about extra allocation spending. This is a chairman that has done everything right, operating under the 302(b) allocation the Committee on Appropriations received under the budget plan passed by the majority. So I simply do not believe that it is rooted in fact that we need to look at this for other than it is, spending for agriculture.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I guess if we were to ask the seniors who are on Social Security in Oklahoma and those from your State if they believe it is appropriate that this office get a 9 percent increase this year and what did they get in terms of their Social Security increase, I think most of them would object to the fact that we cannot be more efficient. That is the point I am making.

Mr. POMEROY. Reclaiming my time, I was respectful to the gentleman in his 5 minutes and I want to make a couple of points. The farmers of this country are in a world of hurt. I have lived all my life in North Dakota and I have never seen it as bad as it is today. We have prices that do not cover the cost of production. This body made a decision that we were not going to protect farmers when prices collapsed and prices have collapsed below the cost of production. As a result, we have got farmers going bankrupt all over the country. We have got auction sales in North Dakota that do not quit. Now, this Congress because we have got a farm bill that is not working has tried to do a lot of things. Members will remember last year, we passed increasing the AMTA payments, we passed accelerating the AMTA payments, more money to farmers to somehow tide them through this situation. We passed a disaster bill that has proven to be the most confusing disaster bill ever passed and the U.S. Department of Agriculture did not even get it all fully available until June of this year. Now, through this all, the farmer understands one thing. He is losing money, and he is about out of time. He does not understand all these relief measures that we are trying to pass because they are confusing, they are haphazard, they have been passed in a happenstance way and in an ad hoc way. The Public Information Office of the U.S. Department of Agriculture has never been more important. And if you think everyone gets it in terms of what is available for them, you just call one of your farmers right this afternoon and ask them. It is chaos out there and confusion. They do not know what is available. The U.S. Department of Agriculture needs to do a better job. Secondly, it needs the resources so that it can do the job we expect them to do. We have changed the farm program. We have ended the price support that has been part of farm policy for four decades. We are now operating under ad hoc, give them some money here, get them some money there, build a program, try to tide us through, and all of that is very confusing. This public information function is vital. When we pass a response to farmers, that just does not mean that money appears in the bank account. You have got to run the program. That means have the people understand it, have them come in, have it administered in the field offices and get the checks out. This is an essential part of that bargain. This is under the absolute legitimate function of the Appropriations Subcommittee on Agriculture operating under their allocation bringing this money to the floor.

I notice that all of the Republican leadership voted for the last Coburn amendment. Does the Republican leadership not understand the crisis that we have in farm country? We have an absolutely deadly threat to our farmers. We are going to lose family farming as we know it today without responding. And so I do not want this to be a Republican or Democrat majority-minority thing. This is a bill for farmers at a time when they have never ever needed it more. So let us save those arguments about these unrelated matters, make them in special orders, make them another time, but let us today, this afternoon, stand for our farmers. They desperately need the help.

Mr. SALMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to compliment the gentleman from Oklahoma. While I know that the debate, as we go forward, might get just a little bit convoluted, we might begin that old discussion of apples and oranges, the fact is, the gentleman from Oklahoma recognizes this, that last year we made a solid, ironclad promise to the seniors in this country; and that was that we, as a Congress, would do everything within our power in a bipartisan way, both Republicans and Democrats, to protect the solvency of Social Security.

The fact is, the gentleman from Oklahoma has recognized, I think, as many of us do, that within this total budgetary process, he sees that train wreck coming. The fact is, at the end of the day, after it is all done, if we fund government, if we fund the bureaucracies at the level that all of these proposals are coming in at, we will end up having to rob Social Security to cover up the difference. Frankly, I am not going to be a party to that.

I know the gentleman has risked a lot to put forth, what, close to 100 amendments today because he believes so strongly in the sanctity, the sacredness of making that promise to the seniors in our country, the seniors in this land. Every amendment that he offers, you are going to hear arguments why the bureaucracy that they are defending is more important than the promise and the commitment, the sacred commitment, that we made to our senior citizens. Frankly, I am going to side with the gentleman from Oklahoma on this one.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

I have listened to well-meaning people here today. The sponsor of the amendment certainly is, and the last speaker certainly was; my friend from North Dakota certainly is. But let us make sure we understand what we are really talking about here.

All this discussion about senior citizens being hurt by something that we might or might not do relative to emergency spending or busting the budget caps or whatever the spending argument might be is just false. Nobody is going to hurt any senior citizens. Senior citizens are not going to be touched in this debate on Social Security.

It is my generation that is going to be hurt. And the younger people who are baby boomers are going to have to face this Social Security issue. It is not going to affect senior citizens. We are not going to cut Social Security that affects their lives. We are talking about out to 2032, for goodness sakes. So I think that is a false argument as we talk about agriculture.

My friend from North Dakota, as a strong advocate of agriculture and rural agriculture, like I am because I come from a district that depends on it, is mistaken relative to the farm bill of 1996 somehow causing the low prices around the world. That is nonsense in my judgment.

What is happening is, we are in a world market economy that has some price depressions. It is not the farm bill that has caused problems for our farmers; it is the fact that we do not have markets, for crying out loud.

My argument is, we ought to be lifting sanctions on those countries which we have previously traded with that have been good customers of our farmers, in a free market system, not more government control or more government regulation or more command and control farming for the government in our system. This free market system is a good one.

□ 1615

Ask farmers. I have asked them, and they have told me: We like the system, but we have to have freedom to market our products overseas, and we do not have it right now, and we need less regulation at the Federal level, at the USDA level. That is what is going to save and help our farmers.

So I am all in favor of making cuts wherever we can, but as my colleagues know, the chairman here has worked hard within our budget allocation to do what is right for agriculture. Most of this money in this ag budget goes for food stamps, WIC programs, as my colleagues know, food safety and other social sides of spending relative to agriculture. It is not the farmers that are getting some great windfall. The farmers are hurting. So the biggest part of this budget goes to the social spending side of agriculture which is lumped into the ag appropriations bill.

So we are not going to hurt senior citizens in this process where certainly our farmers are needing help, but I think it can be done better in the market economy rather than in more government control. As my colleagues know, more regulations and rules at the Federal level are going to hurt our farmers and restrict them even more.

So, Mr. Chairman, let us make sure we understand what we are talking here, and I understand the motivation of my friend from Oklahoma. He has got good motivation, but this bill is within our budget targets, and we are trying to do all we can for farmers as well as the WIC program and food safety and all the rest that is lumped into this very difficult challenge of trying to make the ag budget work and be balanced.

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I do not have much time, but I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I appreciate the gentleman's discussion.

One question that the gentleman from North Dakota (Mr. Pomeroy) really refused to answer was whether he would be able to support the later appropriation bills with as much as $3 to $5 billion in reductions so that we could stay within the overall cap and stop using the Social Security surplus. I know the gentleman has worked with us in the past to make sure that we could do that, but I just wanted to ask for the record, would he anticipate being able to support those types of bills with the lower spending in the later part of the process?

Mr. NETHERCUTT. Mr. Chairman, I think that is what we have to do one at a time. I think we have to make that judgment based on what we have before us. I have got an interest, a strong interest, in biomedical research, which is part of the Labor-HHS bill. That is extremely important to me. But I think we have to make tough choices, and so we are trying to make tough choices. The chairman has in this ag bill in staying within our caps, but as my colleagues know, we have got to get them passed, too.

Mr. Chairman, we cannot just not pass something. This, as my colleagues know, we can fight this bill until the cows come home, but we got to get something passed, and that is the chairman's motivation, the chairman of the big committee, the full Committee on Appropriations' motivation, and as my colleagues know, we can look downstream and figure out what we are going to have to face. But let us face it, but let us pass these bills or else we are going to have nothing to pass until the end of the day.

Mr. BOSWELL. Mr. Chairman, I move to strike the requisite number of words.

It has been an interesting discussion going on here, and it does not take really a rocket scientist to figure out what is going on when we see this many amendments on this particular bill, and if we want to do something about Social Security, let us bring it out here and get on with it. But if we are going to talk about agriculture, let us say it like it really is.

Agriculture is in a world of hurt. The last speaker, the previous speaker, and I just met in the Rayburn Room with some of my bankers from rural Iowa, and they are talking about the foreclosures that are starting to take place. It is really happening, it is really happening; reflections for me, having come out of the State legislature, of what went on in the 1980s, and it is not a very pretty sight and it is not good for our country.

Now we might ought to reflect on this a little bit. As my colleagues know, we are pretty unusual in the world of things at 14, 15 percent, Mr. Chairman, of disposable income spent on food compared to anywhere else in the world, modern countries, wherever, 25 or whatever, to undeveloped countries that take everything, and we have got the most plentiful, safest food and the least expensive. Now we do not feel that way when we go to the grocery store, but the truth of it is it is that way. Now we are messing with our machinery, if my colleagues will, with our factory, if my colleagues will, that produces this food and fiber.

Now some of these things said need to be expanded on a little bit. The secretary told us in our Committee on Agriculture here 3 months ago, something like that, unprecedented, unprecedented worldwide, that we have got overproduction. So when we go somewhere else to make a trade or to want to sell, they say: "Excuse me. We want to sell to you."

So, Mr. Chairman, we got a tough situation, and to get the word out and to make sure that, as my colleagues know, those of them that are aware of what is going on in the Farm Service Agency offices and so on, to be able to get the word out as to what is there for them, we need this to be done. We probably need it more than what we are appropriating.

And I want to compliment the chairman, too, and I want to compliment the ranking member for the work they have done within these targets that were established. Pretty tough. I know they have had a tough assignment, but they worked hard and put the hours in, and we thank them for it, and we appreciate it. But we need to pass an ag bill. We need to tell the farmers out there that provide the food and fiber for all of us that we know what is going on and that we want to help them and we want to pass this bill.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take the time first to compliment my friend and colleague from Oklahoma (Mr. COBURN) for speaking out so strongly for those who rely on Social Security, because I have the great privilege of representing more Social Security recipients than almost every Member of this House of Representatives, and so I really appreciate the strong work and the strong message, and I am glad that Congress recognizes that it is important to keep our commitment to those on Social Security. And to do that we did adopt a budget resolution that provided the appropriators with a certain amount of money for discretionary spending.

Now in that amount of money, we suballocated that money based on what we refer to as section 302(b) suballocations. Now this is the first of the 13 regular appropriation bills to come before the House. We have already done two supplemental bills, one conference report on the supplemental bills, and now this is the fourth appropriations vehicle that we have seen for the year. It is within the section 302(b) suballocation, and the section 302(b) suballocations are within the budget numbers set by the budget resolution and also within the budget caps established in 1997.

As a matter of fact, during the work of the full committee there were numerous amendments that were offered to dramatically increase the amount of money in this bill, and the Committee on Appropriations, determined to stay within the suballocation, the budget ceiling number, resisted those amendments.

So, Mr. Chairman, we bring to our colleagues a bill that has been looked at extremely closely by both sides of the House, both parties, and we came to a workable bill that will meet the requirements of America's farmers for this fiscal year, and as has been pointed out, that is important. It is important that America's farmers stay alive and stay well because while we do import some food, 75 percent of our nutrition comes from what the American farmer produces.

So again, Mr. Chairman, to my colleagues I would say this bill is within the section 302(b) suballocations, which are within the budget resolution number, which are within the 1997 budget caps that all of the leaders of both political parties in the House, both political parties in the Senate and the President in the White House have all said we are going to live within. This bill lives within those budget caps and within its section 302(b) suballocation, and I would hope that we could resist these amendments and get on to passing this bill, and get to conference with the other body and get the funding to the agriculture community where it is really needed.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I have the utmost respect for the gentleman. I believe his heart is right.

As my colleagues know, when 1997 was agreed to, we did not have a war in Bosnia, we did not have $13 billion that we are going to spend on an action over there. Where are we going to get the money to pay for that? Where did that money come from? That money comes from Social Security.

So the debate really is, is the climate in Washington going to change? Are we going to talk to the President? Are we going to bring things down and say: We are spending this $13 billion because we got to fight a war, and there is probably going to be more where that comes from. We want to plus up defense. I agree with that, but are we going to live within those budget caps as we do that?

Mr. YOUNG of Florida. Mr. Chairman, I would respond to the gentleman that that is a decision that neither he nor I will make. That is a decision that will be made by the leadership of the House and the leadership of the Senate. Then the Congress will work its will and decide if they want to agree or disagree with the decision made by the leadership.

But I would also respond to the gentleman that for the last 4 years I had the privilege of chairing the Subcommittee on Defense of the Committee on Appropriations. Now last year alone, from the time that I submitted the bill to the subcommittee to the time that it came to the floor and to the time it went to conference with the Senate, I had my section 302(b) suballocation, it was section 602(b) back then, but now it is section 302(b), I had my suballocation changed three times during that process.

So it is certainly possible that, as we go through the consideration of the 13 appropriations bills, we will re-look at adjustments under the section 302(b)s. But the section 302(b) suballocations that we have before us today are the best job that we could do based on where we are and what the budget resolution provides for and what moneys are available and identifying those important items that need to be identified.

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has expired.

(On request of MR. MCINTOSH, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I want to say I also appreciate the chairman's hard work in this area. It cannot be emphasized enough how difficult the task is.

I think the real question that the gentleman from Oklahoma (Mr. COBURN) was asking and I would be interested in knowing and I think frames this debate is: "Do you think, as chairman of the committee, when we are finished with all 134 bills we will have met the overall cap, the 132(a), and not have had to go above that?"

Mr. YOUNG of Florida. I would respond to the gentleman that we will probably spend every nickel and every dime that is provided for in that budget resolution because, as the gentleman knows because I have told him this many, many times, if we just froze every account at last year's level we would be $17 billion over those '97 budget caps, and that tragedy that we experienced last year, the end of the year so-called omnibus appropriations bill, if we did everything that that bill committed us to do, we would be $30 billion over those budget caps that the gentleman is talking about.

But let me close out this conversation on this subject because Social Security was Mr. Coburn's original discussion. No one will fail to receive their Social Security check if this bill passes. No one Social Security check will be late unless the Y2K problem does not get solved, and that is something else that we have to worry about.

And I have heard these arguments in this Congress for many years in an attempt to, whatever the attempt was, and I will not suggest what the attempt was, to frighten people into thinking that if we did not do this or did not do that, their Social Security check would not be coming. That did not happen. The Social Security checks go out, they go on time, they are deposited electronically on time, and this bill's passage is not going to affect the outcome of anyone's Social Security check 1 hour, 1 minute or 1 second or $1.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had difficulty figuring out where I am today. When I came over here, I thought that I was attending a session of the House of Representatives. I did not know that I was really attending a session of the Republican Caucus.

☐ 1630

It has been very interesting. I am not quite sure what to say about it. Let me simply suggest that the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations has, on three occasions, tried to produce legislation which would meet with bipartisan approval in this House. Each time, it is interesting to note that he has run into a roadblock.

That roadblock has not been constructed by members of our party, the minority; that roadblock has been placed in his way by members of the majority party, the Committee on Appropriations chairman's own party.

I think all of us know that the gentleman from Florida (Mr. YOUNG) is trying to do the right thing both for his party and for this institution, and for this country. And I, for one, make no apology, and I do not think he does either, for the level at which this bill is funded.

I know of no group in the country that has suffered a larger erosion of income over the past decade or two decades than have American farmers. I know that we hear a lot about urban poverty, but the fact is, I can take my colleagues into communities where poverty is just as excruciating in rural areas. It is just a little bit more anonymous and it is a little bit further away from the television reporters who are located in the urban centers of this country.

So I think, given that fact and given the fact that American farmers are now being exposed to the crunch of world markets as never before, I do not think we have to apologize for the high funding level in this bill. This bill, if we compare it to what we appropriated last year, out of all spigots including emergency appropriations and the famous Omnibus Appropriations bill, this bill represents a 31 percent cut from last year.

Now, I would simply say this: We have tried on this side of the aisle. I did not vote for the budget 2 years ago.

I thought that it was ill-conceived for this Congress to pass it; I thought it was ill-conceived for this President to sign it.

There are a lot of things that this Congress and this President have done that I think are ill-conceived. That was the most spectacular, in my view. But nonetheless, even though I have disagreed with that budget, I tried to cooperate with the committee, because that is our institutional responsibility. But sooner or later, we are going to have to face the fact that we either make some compromises or nothing further will get done this year.

This is, as I say, the third time that we have seen a different play called after the committee brought its legislation, or tried to bring its legislation, out of subcommittee.

On the last vote, I understand virtually all of the Republican leadership voted for the amendment that eliminated the funds contained in the original committee bill. I make no apology for supporting this bill, but I want to say this to those on my side of the aisle. I do not believe that we have any greater obligation to stick to the committee product than does the majority party. And if the leadership of the majority party is going to vote for amendments which are admitted by the author to be part of a tactical filibuster, then I would say the leadership of the House on the Republican side is cooperating in the destruction of its own ability to produce any progress on appropriation bills for the rest of the year.

Now, if they want to do that, that is up to them, but I do not think that is going to be healthy for the House or, in the end, healthy for their record come October.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to tell the gentleman from Wisconsin just my perspective on roadblocks by one member or another member. My perspective is that we do not have roadblocks, we do not have partisan politics. Basically, we have differences of opinions. We come here as Members of Congress to exchange information, for the most part, have a sense of tolerance for somebody else's opinion, and then we vote. And what I see here from the gentleman from Oklahoma and those who support his position, they have a strongly held conviction that we need to reduce various budget items for the purpose of saving Social Security, all of which we would agree with.

I would also say that this is not the Republican Caucus on the House floor right now; this is the Congress, and we are speaking to various issues. I know the gentleman from Massachusetts is going to strike some very humorous comment about that, and I am going to wait around to listen, because I would appreciate it.

What I do want to say, however, is that I strongly disagree with the gentleman from Oklahoma on this issue; and what I would like to do is to read part of the committee bill and then give my opinion on the need to enhance and preserve and save agriculture and not talk about agriculture like it is General Motors and we are producing cars out there, or Westinghouse producing light bulbs.

This is an industry that produces life-needed food for this country, and we are, for the most part, the warehouse for foodstuffs for the world. They are doing this on less and less land.

This is what the committee bill says. This bill "provides funding for research to strengthen our Nation's food supply to make American exports competitive in world markets, to improve human nutrition, and to help ensure food safety. Funds in this bill make it possible for less than 2 percent of the population to provide a wide variety of safe, nutritious and affordable food for more than 272 million Americans and many more people overseas."

What we are seeing in agriculture is, we are losing 1 million acres of ag land a year. That is not a million acres of ag land 10 years ago or over the decade, that is every single year we lose 1 million acres or more of agricultural land for a variety of reasons, but we are losing it.

So that means, because the population continues to increase, we need to produce more poultry on less land. We need to produce more milk on less land. We need to produce more vegetables and more agricultural products on less land with fewer farmers, and in order to do that, we need the best technology.

There is all kinds of technology out there, but not all of it is the best, and not all of it is environmentally safe. Not all of it is going to work within the confines of what we understand to be the mechanics of natural processes.

One might be able to create genetically safe corn from the southern boll weevil, but what other forms of life are going to be damaged in the process? This is an intricate, very complex, scientific undertaking that we are doing here today.

Now, I would say that Social Security is safe. This has nothing to do with Social Security. We are going to preserve Social Security not only for seniors today, but for future generations.

This bill is about how we, as people, will understand how we are going to provide food for a growing population on less land; and I would urge my colleagues to vote for the bill of the gentleman from New Mexico (Mr. SKEEN). It is a good one.

Also for the bill of the gentlewoman from Ohio (Ms. KAPTUR).

In conclusion, on the House floor, we have various differences of opinions. We do not see these arguments in Cuba or North Korea or Iraq. This is the way we do business in this country. We come down here, sometimes in a very volatile atmosphere, but we discuss, debate, argue, disagree. We have a sense of tolerance of someone else's opinion, and then we vote. And that is the final say.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

That is the hope, Mr. Chairman, that we will have a chance to vote.

Mr. Chairman, I serve on the Committee on the Budget, and as I recall, the Committee on the Budget set certain limits, and my understanding is that agriculture being the first out is under its 302(b) allocation. So the issue about spending more monies than allocated that are out of compliance of the budget resolution is not directed at appropriations of agriculture. It is only directed because it is a convenient model to discuss this issue.

So although this may be a worthy issue to talk about, saving Social Security, not spending it, and I would entertain the gentleman's argument that it is a worthy issue, it is misdirected. It should not be directed here. We should not make agriculture the scapegoat for the gentleman's worthy discussion. I think it is misplaced.

I do not know what the issue is with agriculture. The gentleman says he is from an agriculture community. Oklahoma, the last time I heard, has a lot of issues that are equally as pressing as Social Security. This agriculture bill takes no more from Social Security than if it had not passed. It will take a lot from Oklahoma farmers, however, if it does not pass.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, we just heard the chairman of the Committee on Appropriations say that if we come through with last year's spending, just if we came through with last year's spending, we would bust the caps from 1997 by $17 billion.

Mrs. CLAYTON. Mr. Chairman, reclaiming my time, that is my point, if we came through the whole process.

We are just starting this process, and the gentleman is attacking the beginning of the process as if we were the culprit in making that happen. We are not. So why not apply this theory to the whole?

It is inappropriate to say, if we go through 13 appropriations bills, the likelihood is that we will bust the caps, that may happen. That is not the case; it is inappropriate.

So I would just urge my colleagues, and I know the gentleman's strategy is indeed to prolong this. If, indeed, he wants to have this discussion, this discussion is an appropriate discussion, but it is ill-placed directed at the agriculture appropriation.

In fact, I would suggest that it may be better when we talk about the lockbox. We are going to have that opportunity. I do not see the gentleman planning to do that.

We are talking about the subject of Social Security. Here the gentleman is applying Social Security safety on an agriculture appropriation as if they are in conflict with each other, and they are not. The gentleman is making the conflict. The gentleman is placing it as if the appropriation for agriculture is breaking the caps. It is not doing that. The whole process may do that, but why make us the scapegoat for what the gentleman thinks may be an eventuality in that process.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had understood that the leadership on the other side had brought this bill up because this was the easy appropriations bill. I know we are not supposed to address the audience watching this on television, but my guess is that some of them may be eagerly anticipating the fun they will have watching the hard appropriations bills if this is what we do with the easy one. Were it possible to sell tickets to this circus, we could probably do something about the revenues, but of course we cannot.

But what I want to talk about is what I think is, in fact, the real issue here. The real issue is that one of the signal achievements of the Republican Party, the 1997 Balanced Budget Act, is an unmitigated disaster. Now, there are efforts going on to mitigate it. But let us be very clear. That is the unspoken premise of this whole debate.

What a terrible mistake this House made with the acquiescence of the other body and the President in 1997. Everybody gets up and says, oh, those budget caps, what a terrible thing they were, sort of. Some people are saying, we are going to hold you to them, and the suggestion that we are being held to them is considered to be an unfortunate one.

But everybody acts as if the budget caps fell down from the heavens like the rains or the hail. People have forgotten. Those budget caps are not a force of nature. They were the vote of this House, and they were, as I understand it, one of the great achievements of the Republican Party.

I also agree, by the way, that Social Security is not at risk here. What is at risk is Medicare. Because that same wonderful 1997 Balanced Budget Act, which is the greatest orphan in history since it does not appear to have any parent left, that 1997 Budget Act cut Medicare very substantially. It cut home health care, it cut prescription drugs in my State; it has cut hospital reimbursements.

And what do we have now? Surprise, surprise, the 1997 budget caps which said spending would be the same in 2002 as in 1997. People are shocked that it is inadequate.

□ 1645

People are shocked at having voted to cut $115 billion out of Medicare to pay for a capital gains tax cut, and Medicare is suffering. What is all the shock coming from? Were Members in a coma when they voted for the 1997 budget act? Did people not think that voting to keep spending at the exact level 5 years later was going to cause problems? Did people think cutting $115 billion out of Medicare would have meant there would be a shortage of monopoly money the next time they sat down at the game?

Never in the history of humanity have so many people professed surprise at the foreseeable consequences of their own actions. Members ran for office on this budget in 1998. They bragged about it. Now they are acting as if it was some terrible act of God that we have to live with.

Everybody in here is Job; Oh, look what has happened to us, and we will have to live with it.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I disagree that that is what the issue is. I believe the issue is, did the Congress speak and say something, and are they willing to have the American people believe that they are going to do what they told them they would do.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I will respond to the gentleman, when the gentleman says "do what they say they were going to do," that is what we said we were going to do in 1997, is that correct? The issue is whether we are going to live up to the Act of 1997.

I would ask the gentleman, is that right?

Mr. COBURN. I will answer when I have my own time, because I am not sure I am going to get to answer the way I want to.

Mr. FRANK of Massachusetts. Yes, the gentleman can. I just wanted to make sure I understood it.

Mr. COBURN. Wonderful.

Mr. Chairman, what the American people are looking for from this body is honesty, integrity, and truthfulness about what our situation is. We can have wonderful debates about where our priorities should be, but the fact is that we did have an agreement. I did not happen to vote for the 1997 budget agreement, but we did have an agreement with this President, with the Congress of the United States, that said we are going to live within this agreement.

What the American people are wondering is are we really going to do it, or is Washington going to continue to do what it has done the last 40 years, to say one thing and do something completely other, and at the same time spend their pension money?

Mr. FRANK of Massachusetts. Mr. Chairman, I will take back my time.

I would only make one edit. When the gentleman said "Washington," read for that, "The Republican Congress." That is what he means by "Washington," because the Republicans control the House and control the Senate.

So my friend, the gentleman from Oklahoma, says the issue is, is this Republican-controlled Congress going to live up to this Republican accomplishment of 1997. And I think the answer is, they are looking for a way not to. He may not like the implications of what he said, but that is what he said.

He said, here is the issue, is this Republican Congress willing to live up to this Republican 1997 budget act. And I think here is the problem with the American people.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. SMITH of Michigan. I object, Mr. Chairman.

Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I have been here too long to be proud. I will accept second chances.

Mr. Chairman, I would just say I think the issue is in fact, and I am not as sure as the gentleman as to what the American people think, but I think the American people may be conflicted.

I think they may have a preference, on the one hand, for a low level of overall spending, and on the other hand, for particular spending programs that add up to more than the overall level. That is, I think the American people may be in a position where they favor a whole that is smaller than the sum of the parts they favor, and that is what we have to grapple with.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I would just like to make a comment about the first Republican President, Abraham Lincoln, and this is with regard to the caps, and I say this with all sincerity.

Mr. FRANK of Massachusetts. I knew Lincoln was a pretty smart fellow, but if the guy that was around in 1865 has made a comment about 1997, he was even smarter than I thought. But go ahead.

Mr. GILCHREST. Mr. Chairman, here is what I think he would say, that he would restate his comment that the foolish and the dead alone never change their minds.

Mr. FRANK of Massachusetts. I guess he would say that, but I do not know why.

If the gentleman is saying, "change your mind," okay, but let us be clear what "change your mind" means. If it means he admits that this great accomplishment of 1997, this Balanced Budget Act that has been the basis for so much that they have taken credit for, they are really ready to throw it over the side, I do not blame the Members. I never liked it in the first place.

The one thing the Members are not entitled to do is to express surprise at the entirely foreseeable consequences of their action. They are not entitled, having done it in 1997 and taken credit for it in the 1998 election, to throw it over the side and say, what do you guys think this is, term limits, a promise one makes and then forgets about?

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, agriculture is very important to me. I am a farmer. Agriculture has been shortchanged. We need to pay attention to agriculture and the survival of the family farm as other countries protect and subsidize their farmers.

But I think that is one reason that this is the first of the appropriation bills where we are faced with the decision of overspending. Are we going to start inching our way into a situation where we have to break our word on keeping our commitment on the caps that we set in 1997.

Just to make it clear, synonymous with sticking to the caps under the current CBO projections is whether or not we spend the social security trust fund surpluses to accommodate that extra spending.

For most every year in the last 40 years, we have used the social security surpluses to mask the deficit; in other words, we have spent the social security surpluses for other government programs. A lot of people here say, well, do not worry about it, somehow social security is going to take care of itself.

I disagree. The easy step, the easiest possible thing that we can do, is say that we are going to stop spending the social security surpluses for other government programs. That is a baby step. That is so easy compared to the program changes that are going to have to be implemented to change social security so it can stay solvent.

So when we are faced with a situation that we inch our way into overspending and using Social Security surpluses on this important Agricultural budget, which is so difficult for so many of us to vote against, we set the pattern. Then the next budget that is also important, we are faced with more overspending. Then a situation at the end is that we cannot possibly stay within our caps and not spend the social security surpluses.

Look, if the spending is so important, have the guts, the fortitude, to say, we are going to increase taxes to accommodate this kind of spending. Do not say, we are simply going to reach under the table, take the social security surpluses that are coming in because current workers are being overtaxed, and use that money, because few will notice the abuse. Nobody is going to see it or realize it until it runs out of money.

We have ground this country into a $5.5 trillion debt. We are increasing that debt on a daily basis. Sometime we are going to have to face up to the fact that we are transferring our shortsighted desire for more overspending to our kids and our grandkids and future generations.

Not only will they be asked to come up with additional income taxes but also social security taxes to pay for our overindulgence. I just give the Members a couple of situations. Germany did not pay attention to this early on, and now they are spending almost 50 percent of their wages in taxes to accommodate their senior retirement program.

I am very concerned that we are going down, if you will, the primrose path of thinking all of these expenditures are necessary and important.

I would just like to encourage my colleagues to face up to the consequences. If spending is so important, let us increase taxes to accommodate that spending. Let us reduce other expenditures to accommodate that spending. But let us keep our promise and not spend social security surpluses.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to remind my colleagues that we are actually debating an amendment. Now, we have heard speeches here on social security, we have gotten into Abraham Lincoln's life, and everything else. But I become increasingly angered as I see the irresponsibility of the majority party inside this institution.

I am a loyal Member of this House, and I am rarely as partisan as some of my colleagues on this side of the aisle. But I am going to get partisan now, because a bill that I have major responsibility for is being held up on this floor because of disarray inside the Republican Party. Who it is hurting is the farmers across this country.

Mr. Chairman, I will not yield until I finish my statement to any Member on the other side of the aisle, since they are the reason for the continuing delay here today.

I have served in this Congress now for 9 terms and I have the highest respect for the chairman of our subcommittee, the gentleman from New Mexico (Mr. SKEEN), who has worked under enormous pressures of various types as we have moved this bill to the floor, the first appropriation bill to arrive on the floor, and rightly so for rural America, because no sector of this country is hurting more than rural America today.

But as I look at the record of the Republican Congress during my tenure over the last several years, last year they could not clear a bill to assist rural America. We had to end up with that omnibus atrocity at the end of the year where we threw in some help for rural America, because they could not deal with their appropriation bills on time.

And then just last week, 6 months late, they appropriated more money under an emergency basis to try to help rural America, as well as defense and Kosovo and Hurricane Mitch victims and all of the rest. They did not do it under regular order. The only part of the bill that they required to be offset for budget purposes was the agriculture piece, the part that affected citizens of the United States of America who have paid taxes.

Now today I come down here, and what do I see? I see delay by a Member who is not up for reelection, let us put the cards right on the table; who has, according to what we have been told, between 100 and 200 amendments to an agriculture bill which is very important to rural America. So what I see today are delay tactics.

I do not understand what is going on on the Republican side of the aisle. They can check my whole career, I probably have not used the word "Republican" in speeches on the floor 10 times in 17 years, but I am sick of it and what they are doing on agriculture. They are holding up our bill.

I would just beg of the leadership, I will say to the leadership of their side of the aisle who voted with the gentleman from Oklahoma (Mr. COBURN), if this is any indication of what is about to happen over the next several days as we string this agony out and they make rural America wait again, I would just say, why do they not go back into their own little caucus and figure out what they are really for, because we have worked very hard for several months to produce this bill, and the people of America, particularly rural America, are waiting, and they are continuing to delay.

I will specifically say to their leadership, the gentleman from Texas (Mr. ARMEY), the gentleman from Texas (Mr. DELAY), those who voted with the gentleman from Oklahoma (Mr. COBURN), why are they doing this? There are over 100 to 200 more amendments yet to come, and they are going to delay this bill?

If these Members want a vote on social security, bring up a social security bill. They are in the majority. They can do anything they want. But why do they continue to take it out of the hide of rural America?

I have a real problem here. I would just beg of the leadership to treat their committee chairs with respect, bring their bills to the floor in regular order, and do not nitpick us to death.

Thank God we are not the other body. We are not supposed to have filibusters here. We are supposed to move the people's business. I am here to do that as a Democrat, and I wish they were here to do that as Republicans.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded that their remarks are to be directed to the Chair, not to other persons.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

I would like to say that I have tremendous respect for the gentlewoman from Ohio (Ms. KAPTUR) who just spoke. I would like to think that later she will regret some of the intensity that she feels, because this is the first day of a debate on the agriculture appropriations bill.

We have a right, even in the majority, to amend majority bills, just as the minority has a right to offer amendments to these bills. That is what we are doing, and the gentleman from Oklahoma (Mr. COBURN) in my judgment, is showing a lot of courage and integrity.

I was sitting in my office and I was thinking, he is speaking the truth. We all need to have this dialogue, and if Members disagree with it, they disagree with it.

The fact is, when we set the 302(b) allocations, we decided to give more to agriculture; we decided to give a lot more to defense; and, obviously, we decided to give less to Labor and Health and Human Services. These departments are going to receive a $10.7 billion cut. We also decided to give less to HUD. That department is also going to receive a significant cut.

What we are saying is that when we increase agriculture spending, the only way we can do this is by cutting other departments. And we do not want that.

What I am saying is that I will vote for appropriations bills that do not increase spending and that stay within the caps.

□ 1700

I understand that the chairman can say we are staying within the cap, because we could triple the agriculture budget. It is the first budget, and we could spend all the 302(b) allocation on agriculture and still not be above the cap.

But we have to recognize that this budget is going to affect all the other budgets that follow. That is why I am on the floor to say I will vote against this budget, not because I dislike farmers, but because I do not like the bureaucracy in the Agriculture Department.

I have a hard time understanding why we need over 95,000 employees in the Agriculture Department and less than 10,000 in HUD. I have a hard time understanding why we have over 85,000 contract employees working in the Agriculture Department.

I do not think they help farmers as much as some of the other things we do. We have a gigantic department that, in my judgment, makes HUD look efficient.

As a Member of Congress, I think I have a right to come here, speak on the amendment that the gentleman from Oklahoma (Mr. COBURN) has offered, and vote for it with pride.

I would gladly take credit for the balanced budget agreement, but I cannot take credit because a lot of people share in that credit. That agreement is one of the reasons why I think our country is doing as well as it is today.

Our challenge is we have a gigantic surplus, and we simply do not know how to deal with the surplus, so we want to spend it and make government bigger and bigger and bigger.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentleman from California for yielding to me.

Everybody said what my intention was, but they never asked me exactly what my intention was. The reason for the number of amendments that have been offered is because the real debate is about what we are going to do with all this money that we are spending.

As a Member of this body, I think, and I think the gentlewoman from Ohio (Ms. KAPTUR) will agree, that I was just as obstructive in my desire to not spend wasteful money last year and the year before and the year before and the year before. I have not changed at all. I have been this independent ever since I have been up here, because I believe that we have an obligation to not spend one additional dollar that we do not have to.

What I hear throughout the whole body is that we cannot. We cannot be better. We cannot get better. We cannot be more efficient. That the product of the appropriation process is the best that it can be.

We all have an equal vote in here in terms of what we think and how we get a vote on certain issues. I, quite frankly, think that there are a lot of areas in this appropriation bill that we can trim spending, that will help us have money for Labor-HHS, Commerce, Justice and State, that will not have one effect on our farmers. Do my colleagues know what? Most of my farmers think so, too.

So it is not a matter of just obstructing the process, it is a matter of reestablishing confidence within this body with the American people that we said we were going to hold spending down, that we were not going to waste money, and that in fact it is really true that, if we spend $1 that we do not need to, we are stealing the future from our children.

So the debate is about Social Security because the money that we are going to end up spending is going to come from the Social Security surplus that, guess what, our children are going to have to pay back.

Mr. LARGENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to, if I could, see if we cannot back out of the trees and look at the forest a little bit. I appreciate the comments earlier by the gentleman from Massachusetts, and I think that he had it exactly right.

One of my favorite movies is "Indiana Jones." In the movie, his father is killed, and they are drinking from the silver chalice. If Indiana Jones picks the right chalice to drink from, his father will live. If he picks the wrong one, he will die.

In one of the moving lines of the movie, the bad guy says to Indiana Jones, "Indiana Jones, it is time for you to decide what you believe."

I think what the gentleman from Oklahoma (Mr. COBURN) is trying to do is to force that question on this party, the Republicans, to decide what we believe. The gentleman from Massachusetts had it exactly right.

I will tell my colleagues that, as one Republican, I am not ashamed of what we did in the 1997 balanced budget agreement. It is the best thing we have done since I have been here, and I am proud of that and will gladly defend it to my dying day. But are we all willing to do that?

What we have really is a logjam of ideals that are coming together in this first appropriation bill. The ideals are saving Social Security and the surplus, balancing the budget, and spending more money.

I would have bet my last dollar that several years ago, had my colleagues asked me a question, if we had a logjam of those three ideals, which one would win, I would have bet my last dollar that Social Security would trump all the others. But what we are finding evident in this process is that is not true. Spending trumps everything else in this body. Big spending trumps everything, including Social Security.

Again, let us back out of the woods and look at the forest. What we have here is the first of 13 bills, checks that the Congress writes to fund all the discretionary spending in the budget, about $600 billion. It may be a little bit more than that. This is the first one.

What the gentleman from Oklahoma (Mr. COBURN) has had the nerve and the courage to do is take the high ground and try to see if we can figure out where the end of this road is going to be.

I will tell my colleagues where the end of the road is. It is a box canyon. It is a dead end. That is where we are headed.

An old Chinese proverb says, "The longest journey begins with the first step." This is the first step, and it is a step in the wrong direction. If we continue down this path, we will end up with another disaster like we had at the end of the last Congress.

So what the gentleman from Oklahoma (Mr. COBURN) is doing, he is not railing against agriculture, he is railing against this process. Sure, my colleagues are right, this is a problem within the Republican conference; and leadership is what is needed.

We need to talk about what is the end game, not agriculture. What is the end game? Where are we going? Are we going to end up with the same disaster that we had last year, where we end up spending billions of dollars above the budget caps, $17 billion if we freeze all spending right now? That is the point that the gentleman from Oklahoma (Mr. COBURN) is trying to make.

I was always taught, say what you mean and mean what you say. Now say what you mean is a communication issue; and I hear that wherever I go, speaking across the country on behalf of the Republican Party: What is the problem with your communication?

One of the problems is we do not say what we mean. We are trying to do a better job of that. Do my colleagues know what we are saying? We are the party that wants to save Social Security first, not 62 percent of the surplus, as the President said from that lectern not long ago, but 100 percent.

Mean what you say is an integrity issue. That is what this issue is about. It is an integrity issue of this party. Because if my colleagues are going to ask me to go around the country and hail the Republican Party and say we are the party that is to save Social Security first, then my colleagues better mean what they say, because I want to mean what I say. If we do not mean what we say, then I am going to quit saying it.

That is the issue, are we going to mean what we say when we say we are going to save Social Security first? This bill is the first test on that issue.

Again, the gentleman from Oklahoma (Mr. COBURN) has had the foresight and the courage to take the high ground and look ahead and say, if we continue down this path, we have a disaster coming in the form of VA-HUD and Labor-HHS that none of my colleagues will vote for under the 302(b) allocations. Not one of my colleagues will vote for a $4 billion cut in VA-HUD and $5 billion cut in Labor-HHS. Not one of my colleagues will vote for it, not one.

So that is the problem. It is a leadership issue. I agree with the gentlewoman from Ohio (Ms. KAPTUR). It is a leadership issue that we need to deal with. I will tell my colleagues that this was our last resort, was to come to the House floor, because we hit dead end after dead end in trying to carry on this family discussion inside our own house.

Mr. ETHERIDGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not planned to come and speak on this bill today. As I was over in my office and watching it, I was thinking I am sure my farmers are out in the field this afternoon, and I hope they are, working, and not seeing what was going on that would have such a dramatic impact on their lives.

We are here in an air conditioned building and, as my friend the gentleman from Oklahoma (Mr. LARGENT) said who just spoke from the majority side, we are in an air-conditioned building, well-lighted and comfortable; and they are out in hot fields, their lives on the line. As he said, and he put it correctly, we are having a family fight.

I am not going to get in the middle of this family fight. I am going to let my colleagues all fight it out. But I hope my colleagues will settle it, because this bill has a significant impact on the farmers in my State and the farmers all across this country.

Yes, there are other bills to come that will affect the children. But this bill does, too, because it affects the quality of family life.

I am proud to be a Member of the United States Congress. I am not proud when we bring our dirty laundry to the floor. There is nothing wrong with offering amendments. I have no problem with that. I will stay here all night and tomorrow morning, all day tomorrow. But we ought to know where we want to get to. It ought to be about getting to a destination. It ought to be about making it better rather than just to stop the process, to make a point. That is not what legislation is all about.

I am only in my second term in Congress. I served 10 years in the General Assembly in my State. I understood stalling tactics, but it ought not to be about that. It ought to be about making it better and providing a better opportunity for people in America and specifically about our family farmers, because they are hurting.

Our small farmers are going out of business. They are going broke. I have had farmers tell me, and I met with bankers, I met with someone earlier today and they said to me, "If you do not have crop insurance, I will not make a loan. If you do not get a program in place, we are going to quit lending money."

If that should happen, I pray to God it does not, but if that should happen, it will not happen with my vote. I trust the majority party will come to their senses and make sure it does not happen with their vote either, because we have been fortunate in America, we have been blessed, as no other country in the world, to have a bountiful food supply.

Oh, sure, there are children that do not have as much food as they should have; but over the years we have tried to do a good job. We have not done as much as we should to make sure that they are fed with the child nutrition program and other programs like that.

But, Mr. Chairman, we have a job to do. We are paid to do it. So let us get on and pass this bill and get on to the other appropriations bills and get the people's business done.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wrote down a few different thoughts here that we have all heard. Rome was not built in a day. The first step is the hardest step. The gentleman from Oklahoma (Mr. LARGENT) just mentioned the Chinese proverb, which was the longest journey begins with the first step. Do not do tomorrow what you can do today. To me, this is what the amendment of the gentleman from Oklahoma (Mr. COBURN) is all about.

As has already been stated numerous times on the House floor, we have a train wreck coming unless we go out and basically reroute this little train. So it is a family fight. It is an internal discussion. But it is a conversation that really has to take place now because the gentlewoman from Ohio (Ms. KAPTUR) mentioned the 302(b) numbers. There is no way we are going to cut $3 billion from VA-HUD. There is no way we are going to cut $5 billion from Labor-HHS. If we are going to get ahead of this curve, we have simply got to do it now.

So I would just commend the gentleman from Oklahoma (Mr. COBURN). I would say that farmers that I talk to are the most straightforward people in the world. What we are dealing with, again, goes back to what the gentleman from Oklahoma (Mr. LARGENT) was talking about in terms of the word "integrity". What we have is a budget plan that cannot work.

When we talk about this idea of a surplus, last year we borrowed $100 billion from Social Security to give us a surplus of about $70 billion. Most folks I talk to say basically we are still $30 billion in the hole if that is the math.

A family, if one had to go out and borrow against one's retirement reserves to put gas in the car and food on the table, one would say that family was not running a surplus. In the business world, if one borrowed against one's pension fund assets to pay for the current operation of the company, one would go to jail. That is how we are getting to this surplus.

So we are building on very shaky ground. That is what the gentleman from Oklahoma (Mr. COBURN) is trying to get us away from with this particular amendment.

□ 1715

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I want to go back and make a couple of points. This amendment is about cutting a 9 percent increase in an office that is full of computers for an Office of Public Information for the Department of Agriculture. And here we have people saying that we have to have 9 percent when every other aspect of our economy is not seeing any kind of increases near that.

It is sacrosanct because of what has to continue; the way we used to do it, we always have to do it that way in the future. It is a process that needs to be shaken up.

I would love to have been in a room with our Founding Fathers, because while we talk about majority-minority parties, I am sure they did not talk about majority-minority parties. They talked about doing what was best for this country regardless of what an individual's party says.

It should be what is best for our districts, not what is good for our party. The Founding Fathers never once rationalized getting in power and having control so they could stay in power. What they said was, we are going to put this Union together and we are going to make it work because the people are going to have the integrity to do what is best for their constituents and they are going to have the vision to make sure that they do not make a short-run choice that sacrifices the long-run choice.

These amendments are about sacrificing the short run so we secure a future for our children in the long run. It is not about which party controls. It is a matter of living up to our responsibility to secure a future for our children. And, quite frankly, I am not sure this body is up to it, because I think the body is more interested in power politics than principle. I find that evident as we have had the debate today.

So I would yield back to the gentleman and thank him for the additional time, and I would reemphasize that this is a debate about cutting a 9 percent increase out of the Office of Information for the Department of Agriculture, and that will not impact one farmer.

I would rather see this same money moved and go to our farmers.

It is not about not having enough money for our farmers; it is about having way too much bureaucracy and not having the guts to change it.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

First off, I think it is important that we know just exactly what the proposed increased spending is for. And I have great respect for the gentleman from Oklahoma, I do not believe he intends to misspeak, but this is an attempt to do something that many of us have been attempting to do since 1992, and that is bring the USDA into the next century technologically. And that is what these computers are all about. It is to allow our farmers to be served better by less people.

And that is what the cuts that are being proposed are all about, and that is why some of us have opposed these cuts.

But let me make a couple of other observations. If we want to save Social Security, let us bring a Social Security bill to the floor of the House from the Committee on Ways and Means.

Now, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Washington (Mr. SMITH), on this side of the aisle, the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) have brought bills and ideals but not to the floor. This is the wrong time for us to be picking on an agricultural bill, particularly making cuts that do just the opposite of what the gentleman from Oklahoma wants to do, in my opinion.

But the gentleman is correct in many of the observations that he makes with his amendments today. We have no appropriations strategy, "we" meaning this body, unless those who voted for the majority's budget are prepared to cut $6 billion from the Veterans Administration and HUD, unless they are willing to cut $11 billion in Labor HHS, unless they are willing to cut 8 percent in Commerce, State, Justice, and the energy and water bills, and unless they are willing to cut 20 percent from the Interior and Foreign Operations.

Now, I did not vote for that budget, because I am not willing to make those kinds of cuts in those areas, because I believe it would be counterproductive, and I am perfectly willing to say what I mean. But I did vote for the Blue Dog budget, and the gentleman from Oklahoma (Mr. COBURN) did also, which suggested that in the areas of agriculture, defense, education, health and veterans we might need to spend a little bit more on those areas, subject to the scrutiny of this body, which is perfectly okay for any Member in this body to challenge the Committee on Appropriations at any time on anything we are doing, and I do not begrudge the gentleman for doing that.

We also, in our amendment, saved Social Security, and I would submit we did it really, and the gentleman agrees because he voted for it. We also provided for a 25 percent tax cut, or using 25 percent of the on-budget for cutting taxes. But we also recognized there was going to be a need for additional spending, and we are proving it today. And this is an area in which when I say "we," the leadership of this House needs to look at the train wreck that they are leading us down by the proposed 302(b) allocations.

The gentleman from New Mexico and the gentlewoman from Ohio are doing what they were told to do. They were given a mark in the budget. This budget passed by a majority vote of this body. Therefore, that means a majority must support it.

Well, if it means a majority do not wish to spend that which has been designated for agriculture, vote against it. Cut the agriculture bill. Vote to adopt the amendment of the gentleman from Oklahoma, in which he will cut the very technology that we need in order to make the efficiencies to do more work with less people. That is what this is all about.

I know the gentleman has not looked into it. I have spent since 1992. I was the chairman of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry that started us down the road of USDA reorganization, and I have been fought every step of the way by the bureaucracy. We have made some substantial improvements and changes, and one of the things that we must do now is provide our people with the technology that they need in order that they might do that which they are criticized every day for doing.

Secretary Glickman has been criticized day after day after day because he has not been able to deliver that which our farmers expect. Part of the reason he has been criticized is we have not given him the tools to use. So before we start blindly making amendments and trying to make points, let me just say this agricultural function is within the budget that passed by a majority of this House.

It does not meet the criteria of the Blue Dogs. Those who supported us, which was a majority on my side of the aisle and 26 on that side of the aisle, said, no, we cannot do that, we have some other needs, and we are willing to stand up and be counted for those needs in a very responsible way.

But if we truly want to save Social Security, let us bring a Social Security bill to this floor and do it tomorrow. Then we will have an honest debate about how we can best do it, not on an agricultural bill.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I will not take the full 5 minutes. I would just like to make two points.

One is that for those who have mentioned in the debate that the farmers are waiting in the fields for us to resolve this issue, I would remind them that this bill does not become law for at least 4 months, regardless of how long this debate goes on. So no one is going to be harmed by this debate except perhaps the patience of the Members who are participating in it or whose constituents are listening to it back home.

So this is not going to cause any breakdown in USDA or in the delivery of services or anything else. This is next year's appropriations bill.

The second thing is, the gentleman from Oklahoma has every right to offer these amendments, but that does not mean we have to debate every one of them. This could go on for a long, long time. Why do we not just agree that he has his right to bring the amendments and let us vote them down?

The committee, the subcommittee, went through the process according to Hoyle. We did the right thing. Let us just vote these amendments down. If we debate every amendment, it could be 4 months before we complete.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but I think it is wonderful that we can be in this position. When I was running for Congress in 1996, the major theme was that the Congress ought to live within its own means, it ought not to spend more money than it takes in. And I am proud of the U.S. Congress for what they have done in the past few years to get us there.

I know the gentleman from Oklahoma played an integral role in that, and I respect his right to bring these amendments. But I want to tell the gentleman that we have to live within these budget caps that we have imposed upon ourselves, or we are going to have a train wreck.

Now, I did not happen to vote for the budget that we are operating under right now. Like the gentleman from Texas, I voted for the Blue Dog budget, as did the gentleman from Oklahoma. And I think the major difference between the two was that we recognized, as Blue Dogs, that we could not do the cuts quite as deeply as were shown in the budget that came out of the majority of this House.

So, obviously, that Blue Dog budget went down, and now we are living within the constraints of the one that we have. And as my colleagues know, the main difference in those was the depth of the tax cuts.

So I just wanted to remind the gentleman from Oklahoma that, as I have listened to this discussion today, much of it has focused on senior citizens and the issue of Social Security. What has not been mentioned today is the fact that much of this bill that we are debating right now is of direct benefit to senior citizens. Actually, only 12 or 13 billion goes directly into the farm programs, the balance goes into WIC and some other programs that are directed at senior citizens.

Our rural housing programs, particularly the multifamily housing and rental assistance programs are heavily oriented towards seniors. We have housing repair loans and grants that help senior citizens fix their homes and rentals and repair handicapped access. Our community facility loans and grants build community centers that are used by all age groups in rural America.

A significant part of our research in this bill has gone for the elderly nutrition. This bill supports several feeding programs for senior citizens in urban and rural areas. This bill also supports people, the computers, the buildings and all other things necessary to make these programs work.

Now, I have spent most of my life in agriculture, and I go in and out of the FSA office regularly; and we have cut the staff in those offices, we have consolidated those offices to the point where we are doing a disservice to our farmers now all across this Nation. And the only way for us to be able to continue to sustain that is with technology. I am embarrassed when I go in and see some of the computers that they are using.

So I strongly urge the defeat of this amendment, and I certainly am thankful to the gentleman from Oklahoma for continuing this debate.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thought one of the most interesting talks was given by the gentleman from Oklahoma (Mr. LARGENT). This is not about agriculture today, as far as what the gentleman is doing. It is about spending and it is about the future and, in the long run, farmers are going to be better.

I grew up in a little town called Shelbina, Missouri, which had a population of 2,113 folk, and I want to tell my colleagues that most of my friends were farmers, and most of them are having to have second and third jobs just to hang on to their farms. And I understand that. But when I look at this body and the argument, not just with our party, but with the other party as well, on total spending for the future, it is important.

Most of us could live within the budget caps, even national security. We could live under the budget caps set with national security if we did not have the Somalia extension, which cost billions; Haiti cost billions; Bosnia has cost $16 billion so far, and that is not even next year; Kosovo has already cost $15 billion; going to Iraq four times cost billions of dollars.

And all of this money, every penny of this, we could put in farms, we could put in Social Security, and we could do all the other things we want to. But this White House has got us in folly all over this planet, costing billions of dollars. So there is spending there.

I also look at the different things that we fight, and not just agriculture. Take a look at the balanced budget process. If I had my way I would do away with the budget process, and I think the gentleman from Massachusetts (Mr. FRANK) would too, and I would just go with an appropriations bill.

I would get rid of the authorization, and I would reduce the entire size of government so that we do not have to tax farmers so much, so that neither a State nor local nor Federal tax means more than 25 percent. That would help farmers.

□ 1730

Look at the Endangered Species Act. Look at how that hurts farmers. Increased taxes hurt farmers. All of these things that we talk about on this floor on almost all the bills, whether it is defense or environment or other things, affect farmers negatively.

The supplemental we passed, we passed a pretty good bill out of the House. It was clean but it went to the other body and it was a disaster coming back here. And that took money out from the things that we are trying to do in medical research and all the other things.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the gentleman from Texas talked about this office and this amendment. I want to get back to it for a minute.

I just want the American people to know, in 1964 there were 3.2 million farms in this country and there were 108,000 agricultural employees working for the U.S. Government. In 1997 there were 40 percent fewer farms, 1.9 million, and there were 107,000 Department of Agriculture employees plus 82,000 contract employees that did not exist in 1964.

So the question that I am wanting to raise, the philosophical question is why can we not get the government smaller if we have fewer farmers, they are more efficient, they are doing better, and send more of the money that we have for agriculture to the farmers? How is it that we cannot do that? We can do that. It is that we choose not to do it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

I appreciate focusing, as the gentleman did, on the fundamental issue here. And I think we do have a question as to the adequacy of the caps. The gentleman from California said we could live under the cap, even for national security, and he said if it were not for Somalia, Haiti, Bosnia, Kosovo and Iraq.

My point to the gentleman is this: Kosovo came after, but the other military efforts he mentioned all preceded the cap. The cap was 1997. So if the gentleman says we could have lived under the cap except for Haiti, Somalia, Bosnia and Iraq, then he must be saying, seriously, that the cap was too low. Because those four items which he said make it impossible to live under the cap, four of the five predate the cap.

So I ask the gentleman, does he still say the cap was adequate in 1997?

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, what I would say to the gentleman is this. The Joint Chiefs, for example, in defense said that we need $150 billion, that is an additional $22 billion a year just to pay for defense, and that is because of all of those deployments that have happened.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would continue, I understand that. But my point to the gentleman is we can differ about that, although I hope we can work together to reduce some of these excessive commitments. But I would say to the gentleman this: Most of those things happened before my colleagues voted for the cap. So I am simply saying it is impossible logically to say both that these interventions make the cap unrealistic and to have voted for the cap, because the cap came after most of those interventions.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I think the gentleman is missing the point. Even though the cap came afterwards, those other events preceded it and all of those bills were carried on down the line.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would continue to yield, yes. Then why did my colleague vote for the cap? I agree that because the events preceded it, the cap came after it. That I agree to.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, again it is about spending. And I would say, look at www.dsausa.org. That is the Democrat Socialists of America. And under that are 58 of the members in this body.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would continue to yield, would he tell me what that remotely has to do with anything?

Mr. CUNNINGHAM. They want increased spending. They want increased government control. They want increased taxes. They want to cut defense by 50 percent. And every single one of those hurts farmers.

So this is about spending. And they in the minority want to increase spending. They want to increase taxes. They want to increase government control. All of those things hurt farmers.

So this bill and this debate is good, because it is not about agriculture. It is about a principle of spending and taxes and whether Congress is putting us in the hole for future generations or not.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded that they are to refrain from characterizing the actions of the other body.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last Sunday afternoon I spent 3 hours at the Emmanuel American Lutheran Church in rural Fulda in Minnesota. The Fulda Ministerium had organized a service to minister to the anguish of the farm community. The local Catholic priest and several ministers participated.

Farm families are struggling to decide if they can continue to farm. Business families are wondering if their businesses will survive. Churches are wondering if they will survive. Teachers are wondering if their schools will stay open in the small communities in rural America.

As I sat in the service, I looked up at the wall in the front of the sanctuary and I noticed that the Ten Commandments were there. The Seventh Commandment states, "Thou shalt not steal." The Seventh Commandment, which states, "Thou shalt not steal," had a very strange and eerie relevance to the meeting that afternoon.

What is happening is this country has a cheap food policy and we have been stealing from America's farm families for decades. We are driving, by our national cheap food policy, thousands of families from the farms of America every year.

This year we are struggling with the first appropriations bill, Agriculture Appropriations. It is a humble bill. From my reading of the approach that we are taking, there is no real policy in this bill. We are not making progress. And I fear that the American farmers are getting rolled again in fiscal 2000. Their bill comes up first, and there is all this debate about whether their bill is too high.

Well, I can assure my friend from Oklahoma that we are not investing enough in agriculture. It is far from the truth. And the 100,000 employees he is talking about at the U.S. Department of Agriculture, they are not dealing with our agricultural programs. Almost all of them are dealing with nutrition and Forest Service and other programs. It is not agriculture.

Let us quit treating our farmers like dirt. We expect them to farm in the dirt, but they deserve to be treated with dignity. I do not see any progress in this series of amendments. We are squandering hours of floor time on a frivolous debate over these amendments.

What we need to do, Mr. Chairman, we need to recognize the fact that, as we move through this appropriations process, one appropriations bill after another is going to exceed the caps. The Agriculture Appropriations bill is probably the one that is considered easiest to pass without protracted debate over whether we should not be spending more.

Tragically, when the end of the year comes and we have the new CBO budget baseline and the pressure is there for other programs, we will start to find ways to explode the caps. I think all of us know that. But for agriculture, no, there is no new program. There is no crop insurance reform for fiscal year 2000. We are not increasing the loan rates for fiscal 2000. We are not providing additional money for new and beginning farmers in fiscal 2000. We are not investing in our rural communities for fiscal 2000 to a greater degree.

We have a static program. We are regressing for America's rural communities in fiscal 2000. And I think to blame the White House, to blame this and to blame that, is absolutely wrong. It is asinine. We need to look at ourselves and blame ourselves for the fact we are not doing justice to America's farm families.

I urge that we defeat this amendment and that we move on to consider the substance of this bill so that we no longer are insulting rural America.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 177, answered "present" 3, not voting 14, as follows:

[Roll No. 154]

AYES—239

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldwin
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Borski
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Capuano
Cardin
Castle
Chabot
Chenoweth
Clement
Coble
Coburn
Collins
Conyers
Cook
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
DeMint
Deutsch
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Eshoo
Evans
Fattah
Filner
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Goode
Goodlatte
Goodling

Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoeffel
Hoekstra
Holt
Hostettler
Hutchinson
Inslee
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kind (WI)
Kleczka
Klink
LaHood
Lantos
Largent
Larson
Lazio
Leach
Lee
Levin
Linder
Lipinski
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntosh
McNulty
Meehan
Meeks (NY)
Metcalf
Mica
Miller, Gary
Miller, George
Mink
Moakley
Moore
Murtha
Myrick
Neal
Northup
Norwood
Pascrell
Pastor
Paul
Pease
Pelosi
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Rahall
Ramstad
Rangel
Reynolds
Riley
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanford
Sawyer
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Slaughter
Smith (MI)
Smith (NJ)
Snyder
Souder
Spratt
Stark
Stearns
Stump
Stupak
Sununu
Sweeney
Tancredo
Taylor (MS)
Terry
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Udall (NM)
Upton
Velázquez
Walden
Wamp
Waters
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Woolsey
Wu

NOES—177

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (NE)
Bateman
Berry
Bilirakis
Bishop
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brown (FL)
Callahan
Canady
Capps
Carson
Chambliss
Clayton
Clyburn
Combest
Condit
Cooksey
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Edwards
Emerson
Engel
Etheridge
Everett
Ewing
Farr
Fletcher
Forbes
Ford
Frelinghuysen
Frost
Gekas
Gilchrest
Gilman
Gonzalez
Hansen
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hobson
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Jackson (IL)
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Markey
Mascara
McCarthy (MO)
McCrery
McHugh
McIntyre
McKeon
McKinney
Meek (FL)
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Napolitano
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Payne
Peterson (MN)
Peterson (PA)
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Regula
Rodriguez
Roemer
Rogers
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Saxton
Schakowsky
Scott
Serrano
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (WA)
Spence
Stabenow
Stenholm
Strickland
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Traficant
Turner
Udall (CO)
Vento
Visclosky
Walsh
Watkins
Watt (NC)
Wexler
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Kaptur
Kucinich
Menendez

NOT VOTING—14

Brown (CA)
Clay
Graham
Hinojosa
Holden
Jackson-Lee (TX)
Kasich
Millender-McDonald
Nadler
Ortiz
Pallone
Reyes
Rothman
Smith (TX)

□ 1800

Mr. ROEMER and Mr. STRICKLAND changed their vote from "aye" to "no."

Ms. WOOLSEY, Mr. HOEFFEL, Mr. BAIRD, Ms. SANCHEZ, Ms. VELÁZQUEZ and Messrs. MOAKLEY, NEAL of Massachusetts, DEUTSCH and GREEN of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes.

Mr. Chairman, I had planned on offering an amendment that would have attempted to strike funding for the Office of the Secretary as well as other offices and programs within USDA in an attempt to provide some $40 million for onion and apple farmers in the State of New York that were severely struck by bad weather, a disaster-type of problem that they had last year.

We, our good Committee on Agriculture, adopted a $5.9 billion emergency relief measure. Our farmers still have yet to see one dollar of that, and I wanted to mention as we are considering this major agriculture measure, I wanted to make my colleagues aware of the poor manner in which the United States Department of Agriculture has addressed emergency relief for our farmers at a time when this Congress passed a $5.9 billion emergency relief measure last October, and yet very few of our farmers have received the kind of relief they are entitled to. Moreover, when they go to seek relief, they find that the crop insurance program leaves a lot to be desired.

Again, Mr. Chairman, I want to commend the Chairman of the Committee on Agriculture in the House and the Senate for taking a hard look at revising that program.

So again I just wanted to take this opportunity to remind our colleagues that while the USDA speaks highly of trying to do something for the farmers, their programs leave a lot to be desired.

Mr. Chairman, I had planned on offering an amendment that would have attempted to strike funding for the Office of the Secretary as well as other offices and programs within the USDA in an attempt to provide $40 million for onion and apple farmers from New York.

However, in observance of comity as well as in recognition that such amendment would not pass, I will not offer such an amendment.

Moreover, along with my colleague the gentleman from New York, Mr. WALSH, we attempted to add $30 million to the recently approved emergency supplemental for emergency assistance for our apple and onion producers, but we were denied such relief.

However, the manner in which the Secretary of Agriculture and the USDA has chosen to handle the current crisis which continues to plague our onion producers from my congressional district in Orange County, New York is wholly unsatisfactory.

One year ago this month, a devastating hail storm swept through the Orange County region causing severe damage to vegetable crops and adversely affected the production of our onion crops. When our farmers went to their Federal crop insurance for assistance, they encountered a system that hindered them, rather than helping them.

In the year that has followed since the last disaster, the United States Department of Agriculture has utterly failed to act within their mandate to secure and protect the interests of our nations farmers. Many of our farmers face bankruptcy as a result of multi-year losses and absolutely no assistance from USDA. In Orange County, our farmers began planting for the new season, despite receiving no indemnities on their claims. They could not afford to buy the seed and supplies needed to ensure a bountiful growing season and many are struggling to keep themselves afloat in the midst of the maelstrom that the Department has unleashed upon them. We called upon the Secretary of Agriculture, noting that unless the emergency funds so desperately needed were released immediately, a number of them may not be able to survive.

Despite numerous pleas from a number of us in the Congress, the Department has continued to follow a course of action that puts the best interests of our farmers at risk. This bureaucratic blockade of emergency funding stands in stark contract to the mission of the Department of Agriculture and has succeeded only in prolonging the suffering of our farmers, rather than assuaging it.

Once again, I renew my call to the Secretary to take every appropriate action to ensure that these emergency disaster funds that were appropriated by Congress back in October of last year are promptly disbursed and I urge the Secretary to take whatever steps are necessary to thoroughly revise the Federal Crop Insurance Program. We should not continue programs that provide no substantive relief to those who look to them for assistance. The time is now for the Secretary to begin such a revision process.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. KAPTUR. Mr. Chairman, I would like to perhaps have the gentleman from Florida on the other side talk about the schedule at this point, or the Chair, whomever knows what the schedule is for this evening. We understand that votes may be being rolled. If someone could clarify it for us, what is happening here now?

The CHAIRMAN. The gentlewoman from Ohio could move to strike the last word and yield to the gentleman from Florida.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word and would yield to the distinguished gentleman from Florida (Mr. YOUNG), chairman of our full committee.

Mr. YOUNG of Florida. Mr. Chairman, the plan is as follows:

The freshmen have a commitment between now and 8 o'clock at the Holocaust Museum, and we will continue the debate, but we will roll the votes that occur between now and 8 o'clock. Then at 8 o'clock we will take the votes that have been postponed, and then after we have completed that, a decision will be made whether to proceed further into the evening and take votes or to proceed further into the evening and roll the votes until tomorrow or to rise.

Mr. Chairman, one of those three options will be announced after the votes at 8 o'clock.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman.

So, there will be no votes between now and approximately 8 p.m., but debate will continue.

Mr. YOUNG of Florida. That is correct.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for the clarification.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,283,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, $140,364,000: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $26,000,000, to remain available until expended; making a total appropriation of $166,364,000.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sanford:

Page 4, line 25, after the dollar amount insert "(reduced by $21,695,000)".

Mr. SANFORD. Mr. Chairman, this amendment is a very slight and modest change within the whole of the $13-plus billion that will go to agriculture. It deals specifically with the agricultural buildings and facilities rental payments section, and what it does is it deceases by a little over $21 million the specific agricultural buildings and facilities rental payment section.

Now what this really gets at is, there is what they call the space plan within the Department of Agriculture, and there are numerous Department of Agriculture buildings throughout the country, and what we do not have in schools across this country where we have actually students in trailers is this kind of money being spent.

So this is to take out $21 million which seems to me to be a Washington phenomenon, to go simply on planning on where buildings may or may not be, where leases will or will not go next, and so this is a 420 percent increase in this one category of expenditure, and again it is something that we do not see in the private sector. We do not see somebody in the private sector spending $21 million planning on where they are going to lease or sublease next, we do not see $21 billion additional being spent on planning when it could go into real buildings.

One of the choices that we will be having later this year is do we spend this $21 million on planning, or do we put the money, for instance, into education? This could actually buy books for the classroom, it could actual buy computers for the classroom, it could actually take people out of trailers.

In South Carolina we see trailers that actually house students. It could take them out of those facilities and put them in a real facility.

There is, for instance, if the choice right now is between this $21 million and, for instance, VA-HUD, would we rather spend the $21 million on veterans or would we rather spend the money, the $21 million, deciding where we are going to put bureaucrats in and around Washington, D.C.?

That is all this amendment does. It is part of a much greater context, and that is the context of what comes next. If we do not get ahead of the curve on where Washington is spending money, we have a train wreck coming this fall. There is no way this institution will cut $5-plus billion out of Labor-HHS, there is no way this institution will cut $3-plus billion out of VA-HUD, and the simple question before us is:

Can we save this $21 million to go toward planning where bureaucrats will be housed in Washington, or would we rather save that for these greater purposes later on?

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if I might inquire of the gentleman?

My understanding of this is that last year we spent $5 million in this area and that we are increasing it to 21 million 600 and some odd thousand dollars, and I profess to not understand the rationale behind that, and I would like to know where this $16 million, how it is actually going to be spent. Is that a contract with some outside firm to help the Department of Agriculture better utilize its space or to give them a strategic plan? Where is the $16 million going to be spent over this next year, and how is it that we have a 420 percent increase?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I appreciate it.

The gentleman is talking about the wrong section of the bill, because it is not the building account his amendment goes after. His amendment goes after the repairs and the rental accounts. These are contracts that have been made by the Department of Agriculture in renovating some of the older buildings that they own.

Mr. COBURN. Mr. Chairman, I thank the gentleman from New Mexico for that explanation.

I would like to read from the committee print.

The Department's headquarters staff is presently housed in a four-building, government-owned complex in downtown Washington and in leased buildings in the metropolitan Washington area. In 1995, the USDA initiated a plan to improve the delivery of USDA programs to American people, including streamlining the USDA organization. A high priority goal in the Secretary's plan is to improve the operation and effectiveness of the USDA headquarters in Washington.

To implement this goal, a strategy for efficient reallocation of space to house the restructured headquarters agencies in modern and safe facilities has been proposed. This USDA strategic plan will correct serious problems which USDA has faced in its facility program, including inefficiencies of operating out of scattered lease facilities and serious safety hazards which exist in the huge Agriculture South Building.

During Fiscal 1998, the Beltsville office facility was completed. This facility was constructed with funds appropriated to the departments located on government-owned land in Beltsville, Maryland. Occupancy by USDA agencies began in 1998 and will be completed in 1999.

I guess my point is the same point that the gentleman from South Carolina (Mr. SANFORD) had, is we are going to be trading classrooms for children, we are going to be using Social Security money to facilitate new buildings, new headquarters and new facilities for the USDA, and that does not help farmers one bit that I can figure out. It does help the people who work for the Department of Agriculture, but it does not help the farmers, and it is my hope with this kind of increase that we could take a look at that and perhaps trim that down or eliminate it, or bring it down to something realistic because, in fact, we do have a war that is costing $15 billion thus far, and we are going to have to make some choices.

Mr. Chairman, would the gentleman like to respond to that?

Mr. SKEEN. Mr. Chairman, the gentleman is still in the wrong account. That is an operations and maintenance account that we are talking about for buildings that are in use by the Department of Agriculture, and it is not planning money at all.

Mr. COBURN. Mr. Chairman, I would again thank the gentleman for responding to that. Again, I would stand by what I just read in the committee print, which is how this money was labeled in terms of the strategic space plan, and I guess I will just have to be satisfied.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from New Mexico.

Mr. SKEEN. It is still the wrong number. We will be happy to show the gentleman where it is.

Mr. COBURN. Mr. Chairman, I will be happy to wait on the gentleman.

Mr. SKEEN. Mr. Chairman, I thank the gentleman. He should not hold his breath.

Mr. COBURN. Okay, again I would make the point.

The point is this: There is a significant increase in this section of the bill.

□ 1815

It is $21 million in a time when we are spending money on a war, where we have made a commitment not to spend Social Security dollars to run this government, and in an area that offers nothing for our farmers.

Now, there is no question that I want more dollars to go to our farmers. That is why we spent almost $12 billion in emergency supplemental dollars last year for our farmers. That is why we advanced the Freedom to Farm payment of $5 billion last year. That is why the baseline for the agricultural bill was up $5 billion over last year, because what was appropriated in the initial appropriations was $55 billion, almost $56 billion; and when we adjust that for the emergency spending that raises the baseline, we come to $61 billion.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would just ask the gentleman this question.

How would this strategic space plan in fact help a farmer?

Mr. COBURN. Mr. Chairman, that was the question I asked.

Mr. SANFORD. In other words, Mr. Chairman, I think it is a question that goes straight to the heart of the matter of do we really need to spend this additional $21 million.

Mr. SHADEGG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly in support of this amendment. My good friend from New Mexico, I know has worked very hard on this legislation, and I know him to be a talented Member who works very hard. He is from my neighboring State of New Mexico, and I applaud him for his efforts. Indeed, I applaud him for his efforts throughout this legislation because I think he does a good job for the agricultural community, and this is an important piece of legislation which we are considering here today.

I certainly support all of his efforts and all that he has done to support the ag community.

However, I must rise in support of the amendment itself because of the circumstances in which we find ourselves. It seems to me that there is a proper time in the course of events when one can look at, how could we improve the situation at the Department of Agriculture buildings; how can we ensure their proper maintenance, how can we indeed perhaps strategically plan their use of space; and there is a time in the course of events when one can afford to do those kinds of things.

But my belief is that at this particular moment, this particular allocation of $21 million, a little over $21.5 million, comes at a moment in time when we face some very, very difficult challenges, challenges having to do with the confrontation we face in the Balkans, the challenge we face in meeting our commitment to the American people in other spending priorities, and particularly with regard to our overall spending plan.

It seems to me what we have done is, we have placed individual subcommittee chairmen, individual cardinals such as my good friend, the gentleman from New Mexico (Mr. SKEEN) in a difficult position, because right now, what we have done is, we have come to the floor to debate one of the 13 appropriations bills which we need to debate and which I agree we must, in fact, pass as we move forward; and I think we must pass them as expeditiously and as quickly as possible because it is our obligation to fund the government and it is our obligation to do that in a timely fashion.

However, when we engage in that debate, we need to put it in a context in which we look at the entire spending pattern of the government.

I am now beginning to serve my fifth year in the Congress and to look at our spending priorities, and I know that when I look back at how we have handled the appropriations process in the last few years, the commitments we made to the American people when we came here and the way we have on, quite frankly, too many occasions allowed the process to spin out of control and gotten ourselves in a position where late in the game, late in the appropriations process, we cannot come to agreement, and we wind up breaking our commitment as to how much money we should spend to fund the government. We come back and we break our word to the American people about what we are going to do in terms of putting a tax burden on them.

I think we do not engage in this overall debate and have a plan and have each bill come with a measured response that will fit into an overall plan, and what we instead do, as it appears we are doing this year, is we bank on the future, bank on a windfall, bank on extra monies coming in and kind of put off to the side the financial commitments we have made to live within our means or to put off until a later date that debate; and all we do is create problems.

Mr. Chairman, I stood on this floor and watched us year after year get into a confrontation with the President where he demands higher spending and higher spending and higher spending, but we have put ourselves in a crunch at the end of the legislative process where we have, in the end, absolutely no choice but to agree with that. I, for one, am very reluctant to ever again come to this floor, vote for a spending bill which puts us in that position at the end of the year, and then I have to go home and look my constituents in the eye and say, yes, we did not live up to our word.

So I rise in reluctant support of the gentleman's amendment and in reluctant opposition to my good friend from New Mexico on the bill, because I think, on balance, he has done a good job on this bill. But the bill is a part of a larger mosaic, it is a part of a 13-piece puzzle.

Earlier in the day, I raised the question of how does this bill fit into our overall commitment to the American people, because I simply think we cannot break faith with the American people yet one more time, on spending.

Mr. Chairman, we have all kinds of rules back here. We live within these budget caps and we get to talking about caps and we get to talking about the 1997 Budget Act. Quite frankly, the people back home in my district say that discussion of budget caps is a lot of inside-the-Beltway gobbledegook that they quite frankly do not understand.

However, they understand one thing. They understand fundamental principles and they understand hypocrisy. And we have put out a commitment to the American people that we will not break our word and spend one penny of the Social Security surplus. We have laid that marker down.

Now, that is not some big notion of budget caps, that is not some law dictated by something we did 5 years ago; that is a very clearly enunciated principle that says, we will not this year, once again, raid Social Security. And yet I see us, because we have all 13 pieces of this puzzle put into place, risking that commitment.

So I rise in support of the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. SHADEGG) has expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. SHADEGG was allowed to proceed for 3 additional minutes.)

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I think one of the important things, and I have discovered, thanks to the chairman and his committee staff, that we do in fact have a drafting error on this amendment; and I am going to in a minute ask for unanimous consent for that drafting error to be changed. If it is not agreed to, then I will withdraw the amendment.

But I think the real question is, if we took a poll of farmers out there on whether or not we ought to have a 420 percent increase in this area, what would they say right now? They would not just say no; they would be screaming up and down, saying no, because they know not one penny of this money are they ever going to see, and they know it is going to be spent in Washington.

I mean, that is what the committee print talks about, about space needs and organizing the space for the bureaucracy that is in the Department of Agriculture. So I think it would be an interesting question as to what farmers who are actually out there struggling, what cattlemen would say about a 420 percent increase for this area in the Department of Agriculture.

It would be my hope that we would agree with what the farmers would say. I know what the farmers from my district would say and I know what the ranchers would say.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, on that very point, the back of the envelope, what we are really looking at here, if the gentleman figures he can get a good used tractor for about $20,000, we could just go out and buy 1,000 tractors for farmers across this country rather than spending the $20 million on space needs in Washington, D.C.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, I applaud the gentleman for being willing to withdraw the amendment if he cannot get permission to fix the drafting error.

Again, I want to make my point, and that is the subcommittee chairman, my colleague from New Mexico, my neighboring State, did do a good job of trying to craft this legislation. I think the bigger question is, how does it fit into a larger puzzle. That is the concern I wanted to raise.

I would agree with the gentleman that I think the cattlemen in Arizona and the farmers in Arizona, they are in dire shape and they do need help. The least thing they are concerned about is space planning in the Department of Agriculture, and they are more concerned about the dollars we can get to them that would help them very much.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to mention in regard to this amendment, which apparently has been withdrawn, it is just another example of misfeasance on the other side of the aisle trying to write legislation on the floor, not carefully thought through, never brought before the committee, account numbers even wrong on the amendment that is proposed.

Now, I think the gentleman in his heart probably is trying to do what is right for the country, but again, the people that suffer from these kinds of ill-advised amendments are the people in rural America; and if the gentleman is not running for office again, that means the gentleman is really not accountable to them for his actions here today. This is just another example where we have been subjected to using our time as we watch the gentleman try to rewrite and correct this amendment on the floor.

At the same time, we have had more bankruptcies today across this country. Some of the people that the gentleman really derides, that the gentleman says work in these buildings, they are the people that administer the programs that are trying to serve the farmers and the ranchers of this country, and I have great respect for them. A lot of them have given their lives over to the service of the American people. They are the finest, most educated, most dedicated employees anywhere in the world.

As I have traveled the world and I have looked at agriculture in other places, and I have seen the faces of hungry people, and I have watched nations unable to take the best information available to humankind and make it available to those in the field, I understand how important these people are to America. We not only feed our own country, we feed the world. That does not happen by accident.

Frankly, I do not want people to have to work in dilapidated circumstances with bad air-conditioning and bad heating systems and bad ventilation. I want the best for America. I want the best for our people to be able to serve the public, which is what we are here to do.

I really think that whoever advised the gentleman on this amendment obviously was not studying the legislation very carefully, and I wish the gentleman had come before our subcommittee. We have a fine chairman. We have never had a better subcommittee of the Committee on Appropriations than the Subcommittee on Agriculture. We would have been open. We would have worked with the gentleman. The gentleman never did that; the gentleman never made an appearance. I do not think he ever sent us a letter.

I just want to put that on the Record.

REQUEST FOR MODIFICATION OFFERED BY MR. COBURN TO THE AMENDMENT OFFERED BY MR. SANFORD

Mr. COBURN. Mr. Chairman, I ask unanimous consent that the Sanford amendment be changed from page 4, line 25, to page 5, line 11.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. COBURN to the amendment offered by Mr. SANFORD:

Change the page and line numbers from "Page 4, line 25" to "page 5, line 11".

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I do so to try to get an indication of how many amendments we might be considering here tonight. I have heard that there might be as many as 130 amendments offered just to filibuster this bill. If that is the case, we are just going to rise and move on to other business.

So I wonder if we can get an idea from any of the Members that are present if we are going to consider 130 amendments tonight, or whether we are going to consider 20. I would like to know where we are, because if we are going to have to go all night long, I am going to object to every opportunity that would slow down the process.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, it is my intention, as I stated during the general debate and during the rule, to do everything I can to bring this bill back in line with last year's spending and do it in such a way that will not affect farmers, but will affect the overhead costs that are oftentimes markedly inefficient.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, that does not respond to my question. Is the gentleman going to offer the 135 amendments that he advertised?

Mr. COBURN. Mr. Chairman, if the gentleman will continue to yield, we are $500,000 closer to that after the last amendment that the House agreed to in terms of trimming. That means we only have $249,500,000 to go. Some of those amendments are $60 and $70 million, some of them are $200,000. When we achieve last year's freeze level, then I will stop offering amendments.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentleman for reserving the right to object, and I wanted to state that to our knowledge, we have been given a minimum of 20 amendments by the Clerk. We have been told there are an additional 80 amendments that have been filed, and there may be more of which we are not aware.

As the gentleman may know, we have been on the floor this afternoon having to consider amendments we have never seen. In fact, on this current amendment, it is unclear to us whether line 12 of page 5 is included in the amendment or not.

So I would support the gentleman in his efforts to try to put some rational process in place here. I realize we are in the minority, but I think our Members have a right to be informed as to what is going on, because they are coming up to me, and I would prefer to have a more orderly process.

□ 1830

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, for the other gentleman who was talking about trying to bring us back to last year's budget, as we told him in the initial discussions, there have been $6.4 billion below what we spent in agriculture last year. This bill is way under. In fact, it is 31 percent less than what was spent on agriculture last year.

I think that we met the mark, and these amendments are essentially a filibuster tactic that are frivolous.

Mr. YOUNG of Florida. Mr. Chairman, let me say, I will not object to allowing the gentlemen to correct their error in drafting their amendment. However, I will object to any extensions of time or anything that would delay the process.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Ms. KAPTUR. Mr. Chairman, reserving the right to object, I just wanted to ask, in the way of a parliamentary inquiry, when the gentleman intends to amend his amendment, does he intend to also amend the $166,364,000 figure in line 12 on page 5? Is that part of his amendment?

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. That is not part of the amendment. It is intended that the conference could make that adjustment as a technical correction, and we amended exactly what we intended to amend in this change.

Ms. KAPTUR. Then, if I might just state for the RECORD, then the amendment is a frivolous amendment because it does not change the total amount of dollars in the account.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. POMEROY. Reserving the right to object, Mr. Chairman, I must say that I am profoundly surprised by what is occurring on the floor. I represent farmers, and these farmers are in a world of hurt.

A bill comes to the floor, the agriculture appropriations bill, prepared and reported out of the committee with a bipartisan vote within the appropriations allocation assigned to that committee, and we begin to see a slew of amendments, amendments that would eviscerate the help my farmers need.

Now we see, with the unanimous consent request before this body, just what haphazard nonsense these amendments are. They have not been printed, they have not been distributed. We have had no notice. They are not even accurate.

Now the Member seeks unanimous consent to correct his amendment on the floor as we meet as a Committee of the Whole, because he did not even go to the preparation of getting it in proper form before bringing it to us. We have also heard in the preceding discussion that we can expect more than 100 similar amendments to be offered from this Member.

Back in North Dakota, just like all across this country, farmers are trying to get their spring financing together. They are trying to get their crop in. They are trying to figure out how they are going to make it another year, in light of the financial trouble they are under.

Here in Congress, we cannot even get an agriculture appropriations bill out of this Chamber without having Members of this body attack this bill in this fashion. It is shameful.

The only thing that is more shameful than the amendments themselves is the fact that they have had the support of the majority leadership, leadership which we are led to believe gave no notice to the subcommittee chairman that his budget was going to come under attack in this fashion.

The gentleman from Texas (Mr. ARMEY), the majority leader, and the gentleman from Texas (Mr. DELAY) owe it to the farmers of this country to stop these amendments and get this bill out.

Mr. Chairman, I object to the Member trying to correct his amendment. If he wanted to have this amendment considered, he should have had it in proper form the first time.

The CHAIRMAN. Objection is heard. The unanimous consent request is not granted.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, and not on a specific amendment, but on this process that we are following under.

As I said earlier in the debate, I respect the gentleman's right to offer amendments. I respect the principle that he is trying to uphold by reducing the size of this budget. I do not think he is trying to gut the services and the programs that the U.S. Department of Agriculture provides to our constituents.

I would remind my colleagues that this bill does not become law for at least 4 months, so there is nothing wrong with debate. However, there is something wrong with dilatory tactics. That is exactly what this seems to be. But I am going to offer the gentleman from Oklahoma (Mr. COBURN) who is offering these amendments a chance to prove me wrong.

What I would ask him is, if the purpose of this is to reduce the bill to last year's level, or to get to the level that he would like to see us at with this bill, would the gentleman agree to take all these amendments, make them en bloc, and present them as one amendment so that we can deal with this issue right now, and get the work of this bill done?

Would the gentleman take all these amendments and roll them into one, offer them en bloc, $249 million, and give the body the opportunity to vote up or down? If that is the gentleman's point, then I would ask the gentleman to please respect the Congress, respect the House, respect this debate process, respect the chairman, certainly, who has worked endlessly on this, and give us the opportunity to vote on this up or down, one vote.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from South Carolina.

Mr. SANFORD. Not speaking for the gentleman from Oklahoma, Mr. Chairman, but it seems to me the problem in that strategy would be well witnessed by the last vote.

The last vote succeeded and saved the taxpayers a number of dollars. There are some things that clearly will work and some that will not, and therefore, the idea of going en bloc might guarantee a defeat of what the gentleman is trying to do, which is save money.

Mr. WALSH. Reclaiming my time, Mr. Chairman, and I would be happy to carry this on, the gentleman has already conceded that they cannot win all of these, so if there are some amendments that the Members think they can, why do not Members offer those en bloc and not offer the ones that they do not think will pass?

Let us try to be a little bit pragmatic here. If Members want to accomplish their goal, then work within the normal constraints of the body and give us an opportunity to move forward on the bill.

I would like to offer, again, the opportunity to the gentleman who has put these 100-some-odd amendments forward, the opportunity to enter into a colloquy to determine whether or not he is willing to end this what I perceive as a dilatory tactic, offer this en bloc, and give us one vote up or down.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, first of all, the reason I was hesitating responding to the gentleman is I do not think I can respond to the gentleman in the time that is remaining. I am going to ask for unanimous consent for additional time.

This is not about dilatory tactics, in spite of everything the gentleman hears. I do not say things I do not mean, and I mean exactly what I say. That is something different than what this body is known for, unfortunately, over the last 40 years, as we have confiscated and put $5.6 trillion on the books owing by our children.

My purpose is to reduce this and to have a discussion, as is my right in this body, so that the people of this country can hear the people's business.

I want to tell the Members, there are some farmers out there right now talking about the 420 percent increase. They had no idea the money was spent that way. I guarantee a lot of us will hear about it tomorrow in terms of strategic planning.

Mr. WALSH. Reclaiming my time, Mr. Chairman, I would again offer the gentleman the opportunity to, with the help of the Parliamentarian, roll all these amendments into one to accomplish his goal, which is, I think, an honest goal, something he believes in; roll them into one, give us an en bloc amendment, let us vote up or down on this, and then move forward on the really additionally important aspects of this bill, which is the agriculture policies and feeding policies of the Nation.

Mr. SANFORD. Mr. Chairman, if the gentleman will continue to yield, it would seem to me that the problem with that logic would be that that assumes that all things are equal within the Department of Agriculture funding, which I do not think are.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, it seems to me that the problem with that logic assumes that all things are equal within this category of expenditure. I do not think that to be the case, which is why I would think that the proposal of gentleman from Oklahoma (Mr. COBURN) does make sense, because some things we will like, some things we will not.

By going through the debate process amendment by amendment, we find where the good is and where the bad is.

Mr. YOUNG of Florida. Mr. Chairman, I listened with great interest to the gentleman from New York as he made his comment about dilatory tactics, and the comments that I have made earlier about an apparent filibuster.

I am looking at a Dear Republican Colleague letter here, I guess it was an e-mail, that was forwarded through several people and finally was sent to the Committee on Appropriations staff.

It says, "I just submitted 115 amendments to the Agriculture Appropriations bill. It is my intent to first oppose the Rule for the Agriculture Appropriations bill and should the rule be adopted, then proceed to filibuster the bill with amendments." The signature line is the gentleman from Oklahoma (Mr. COBURN).

So the fact of the matter is he has admitted this is a filibuster. We ought to get to the business of the House. We do not have filibuster rules in the House. They do in the other body. Here, we deal with important legislation that has merit and that has some substance.

The gentleman himself has admitted this is a filibuster. If the Members of the House want to go along with a filibuster, then we will stay here until the wee hours of the morning, but if they really are not pleased with sitting here just spinning our wheels on a filibuster, then we will proceed to vote these down, and we will not extend anybody's time limit.

Mr. SANFORD. Mr. Chairman, if the gentleman will continue to yield, it would seem to me that a lot of those farmers, whether in Oklahoma or Texas or in South Carolina, for that matter, a lot of them did not send in $500,000 worth of taxes. The gentleman's last amendment saved $500,000. I think that is the core of what he is getting at, not filibuster, but $500,000 that they would have had to send to Washington that now they do not.

Mr. YOUNG of Florida. If the gentleman would make substantial amendments to this bill, then I think we might remove the suspicion that this is simply a filibuster.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to my friend, the gentleman from Oklahoma, with whom I am normally on the same side of the issue.

Mr. COBURN. We are on the same side, we are just maybe talking past each other. Mr. Chairman, $500,000 in Florida, in South Carolina, and Oklahoma is substantial money. This last amendment was $15 million difference, bringing it back down. That is substantial money.

If we do that at $15 million a clip, it is not going to be long until we have the $250-some million that we are trying to get to get back down to last year's level.

Mr. YOUNG of Florida. The way the gentleman is proceeding, an inch at a time, is a filibuster. These amendments could have been put together. They could have been done en bloc. They could have been several major amendments that we could have had a substantial debate, and we have wasted a lot of time here talking about philosophy that should have been discussed on the budget bill, when the budget resolution was here. That is the time these arguments should have been made.

I would say to my friend that this bill and all of the other bills that we will present to this floor are under the freeze and are within the budget caps of 1997, and meet the section 302(b) suballocation as provided for by the budget resolution.

So try to cut the money if the gentleman wants, and believe me, I have been here to vote for a lot of amendments to cut a lot of money out of spending bills, but let us do it in a reasonable, responsible way. Let us combine the amendments so they have some substance to them, and so that we do not spend the next 3 or 4 or 5 days here going over 115 amendments that the introducer admits is a filibuster.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

□ 1845

Mr. Chairman, I just want to admonish everybody, first of all, that it is a violation of House rules to question the motives of other Members. I just want to make it clear, whether one agrees with these amendments or one disagrees with the amendments, clearly the gentleman from Oklahoma (Mr. COBURN) has every right to offer these amendments.

Also, I want to say something else. I have been listening to the debate and watching on C-SPAN back in my office. It bothers me a little bit right now. I represent a farm State, and my farmers are hurting, and that is the truth, and all of my colleagues should know that.

But I will tell my colleagues something else, my farmers do not want to steal from the Social Security Trust Fund either. Frankly, they feel a bit abused sometimes when people say things like, well, we have to do this because of the farmers. They do not want this huge bureaucracy that we have here in Washington.

I mean, this amendment, as far as I know, deals with $21 million for new buildings. I will tell my colleagues, on behalf of most of my farmers, if one asks them, "Do you think we ought to build $21 million worth of new buildings for more bureaucracy in Washington, and at the end of the day be forced to take that money out of Social Security Trust Funds or to borrow it from our grandchildren for one more generation," the answer to that question is no.

I mean, this idea that we have to patronize farmers, farmers are Americans, too, and they care about their future. They care about their kids' future. They care about the future of the Social Security Trust Fund. They care about these things, too. So I care about what is happening to farmers.

But I think the gentleman from Oklahoma (Mr. COBURN) is raising some very, very good points. For too long in this Congress, every year, we did what I call "manana" budgeting. We will make the tough decisions "manana". We will make the tough decisions next year. Well next year is here and we have got to make some of those tough decisions.

I supported that budget resolution. Frankly, a couple of weeks ago we had that vote on the emergency supplemental. I voted against it because I thought that was the first crack in the wall. We are going to see this happening on every single appropriation bill.

Let me just remind Members, the people of this country did not send us here to do what was easy. This is tough. Balancing this budget is not going to be easy this year. In fact, in some respects it is harder now because we, quote, have a surplus, and everybody, every group that I can imagine has been in my office saying "We just want a little bit of an increase here. If we could, just squeeze out a little more money for my program." Do my colleagues know what happens when we do that? We never balance the budget. We continue to steal from Social Security.

I care about my farmers. Let me tell my colleagues something. My farmers care about this budget. They care about the future of this country. They care about Social Security. I admire the gentleman for bringing this amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I am happy to yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, the gentleman's objective of trying to deal with the budget is a worthy objective. Can I ask the gentleman, since he is in the majority party and we, as the appropriators, and I particularly in the minority, have had to abide by the budget caps they gave us, and we have done that on this Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, why do my colleagues not go back and redo the budget rather than put our subcommittees through this agony on the floor? I am missing something here.

Mr. GUTKNECHT. Mr. Chairman, reclaiming my time, if my colleagues ask the average American, whether they are a farmer or a machinist, whether they live in Ohio or Minnesota, if my colleagues ask them, "Do you think the Federal Government can meet the legitimate needs of the people of this country, of the national defense, and of all the people who depend upon the Federal Government, do you believe that the Federal Government can live with spending only $1,700 billion, do my colleagues know what? If they ask that question, whether it is in Ohio or Minnesota or Oklahoma, if my colleagues ask people, "Do you think we can meet the legitimate needs of the United States of America, spending only $1,700 billion?" they will say, "You betcha." Seventeen hundred billion dollars is a lot of money.

That is what the spending cap is all about, saying that is all we are going to spend. We are going to have an argument and a fight about how much is going to go to defense, how much is going to go to agriculture, how much is going to go to transportation, all the other departments; but at the end of the day, we ought to live by these spending caps.

I believe in the spending caps. In fact, I have heard leadership on the other side, I have heard leadership in the Senate, I have even heard the President of the United States say we are going to live by the spending caps. Well, this is the first installment to find out if we really mean it.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I am happy to yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, but did the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies not abide by the caps that were given to us from the Committee on the Budget, the budget under the 302(b) allocation?

Mr. GUTKNECHT. Mr. Chairman, reclaiming my time, it is my understanding that, no, the subcommittee did not. The subcommittee overspent it by the smallest amount. Listen. According to what I have been told by my staff, this bill actually does overspend the budget allocation by two-tenths of 1 percent.

Admittedly, the gentleman from New Mexico (Chairman SKEEN) has done a fabulous job. I am not here to criticize the subcommittee. But when I hear people criticizing the gentleman from Oklahoma (Mr. COBURN) and criticizing his motives in this debate, I think that is wrong, and my colleagues have overstepped their bounds.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. COBURN. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Oklahoma may state his parliamentary inquiry.

Mr. COBURN. Mr. Chairman, if I am not incorrect, and I will be happy to be corrected on this, we still have the amendment before us that was rejected in terms of it; and if we have spoken, we can not speak again. I am not sure I recall whether the gentlewoman from Ohio (Ms. KAPTUR) has spoken or not.

The CHAIRMAN. As the gentleman will note, the Chair said, without objection, the gentlewoman is recognized for an additional 5 minutes.

Mr. COBURN. I do not object.

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, in terms of how the Members of our side of the aisle functioned, we accepted the budget numbers that were given us and we acted in good faith on our subcommittee.

We have produced a bill that meets the budget mark that we were given. So, therefore, to rip apart the bill because maybe my colleagues do not like some provision in the bill, they want to do something else with it, well, I think most Members come to the floor but they do not come with 150 or 200 amendments. We operated in good faith here.

I will tell my colleagues it is a little hard to maintain it as the hours go on here today, but the point is, if my colleagues do not like the budget, go back and redo the budget. Do not pick apart every appropriation bill that comes to the floor.

We have lived within our budget. Let our committee function. Frankly, my colleagues really risk great damage to this Republic, because we could end up where we were last year when the majority here rammed that big bill through here at the end of the year because we could not complete our appropriation bills on time and on schedule.

Here we are here in the Committee on Agriculture, because of the crisis in rural America, on time with our bill, within the allocation we are given; and now my colleagues are holding us up again. I fear that the very same mess that was created last year is going to repeat itself this year.

So if my colleagues have a problem with the allocation, go back to their budgeteers; work the problem out there. But when we have subcommittees acting in good faith and doing their job, do not disenfranchise them. I think that is the height of my colleagues' responsibility inside the Chamber.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am probably not going to take the full 5 minutes, but I heard the gentleman from Oklahoma (Mr. COBURN) a little while ago saying he did not want to do anything to hurt farmers. Well, I have to tell my colleagues I have the greatest respect for the gentleman, but the last amendment hurt farmers a lot.

When my colleagues look at the services that they are trying to provide to farmers in the FSA offices, NRCS offices, with the computer systems that today cannot work together, and the whole purpose of that funding is to finally get some coordination at USDA, now this is an area that I have worked in in the last 3 years trying to fix this problem so that we can actually deliver services to our farmers, and cutting this money out of that is wrong.

I did not enter into the debate before because I thought it was silly, but to make a statement like that simply is wrong. The gentleman should be aware that many Members who have voted for some of these amendments have actually come to us and asked for little research projects. Maybe the two-tenths of 1 percent that is overspent in this budget may be some of that that is going to different parts of the country for folk who today are voting to cut in this budget.

I mean, I have heard of rice studies, wild rice, things like that. There are projects that people have asked all over to be included in this bill and now are voting against this bill.

We are in the budget caps. If my colleagues do not think that this is going to hurt farmers, what they are doing, they are wrong. I will tell my colleagues directly, it may be fine to stand up and talk about protecting Social Security. The fact of the matter is we do not know what the budget surplus is going to be at the end of the year. We may in fact have surplus beyond what Social Security is this year. Then my colleagues' argument is not correct. Then we are not taking money out of Social Security.

The fact of the matter is, I agree with my colleagues, we have got to balance the budget, but the fact of the matter is my colleagues are hurting farmers. If this is some filibuster today just to take advantage of an opportunity from very well-meaning people here who have worked their tails off on a bill, trying to accomplish a bill that helps a lot of Members around here with very important research projects that having a lot of them put us over maybe slightly, if in fact that is the case, but to talk about how this is not hurting farmers here is simply wrong.

What we are doing here, it makes this House, it really is not the bright point of the day around here, let me just say that. Because in fact we have done the hard work of staying within the caps. We have done what we have been given as far as staying inside our allotments. But I just take very strong exception to the fact that we are not hurting farmers here today.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding to me. I take the gentleman's admonition. But I also would point out that in the last supplemental we gave $47 million to the Department of Agriculture for Y2K, if I would be allowed to continue, for Y2K just upgrades, just for that one segment.

I would point out that, in fact, by taking the whole assumption of the gentleman's argument is that this is the only way we can get there. My objection to being above what we spent last year is that it is not the only way. I am not saying my way is the best way, but I am wanting the people of this country to hear the debate on all of the areas.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I will tell the gentleman we have heard the debate this afternoon. But why does the gentleman not talk to somebody who has been involved in an issue like this for 3 years now, trying to get the chief information officer to straighten out the travesty that is going on at USDA, where we have got 29 agencies down there, smokestacks, which each have their own computer system, cannot talk to each other, they cannot even e-mail from the north building to the south building. We are trying to fix that.

Five hundred thousand dollars, maybe my colleagues do not think that is a big deal, but it is in a nonfunctional agency that is trying to straighten itself out. It will hurt our farmers, and I just want the gentleman from Oklahoma (Mr. COBURN) to know that. That amendment that passed hurts his farmers at home and hurts the services that USDA provides them as far as the FSA offices and NRC offices.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to first associate myself with the comments of the gentleman from Iowa (Mr. LATHAM) a moment ago. Indeed, that last amendment did hurt farmers.

If my colleagues had been following, as he has for the last 3 years and I have for the last 6 years, what we are trying to do at USDA, they would understand there was a little wisdom in the money that was proposed to be spent.

Let me speak specifically to the amendment the gentleman proposes to cut now, a $21 million increase, which the gentleman said a 420 percent increase, which sounds like a whole bunch of money, and it is a whole bunch of money, but this is to implement the strategic space plan, which includes the new USDA office facility on Federal land at Beltsville. The construction of the Beltsville office facility started in June 1996, was substantially completed in 1997, and we are completing the occupancy this year in 1999.

The 2 million gross square feet south building is over 60 years old, eligible for listing in the National Register. The required renovation work includes fire protection, abatement of hazardous materials, such as asbestos, PCB light fixtures, and lead paint, replacement of old, inefficient heating, ventilation, and all conducting air conditioning systems for improved energy conservation.

The construction contract for phase one of the modernization was awarded in July of 1998 but has been tied up in a legal suit, and is now being proposed to be funded. The fiscal 1999 appropriation of $5 million included funds necessary to continue the south building modernization.

One of the problems we have got with delivering services to our farmers, we have not kept up with the technology. We are doing it in our offices. Notice what happens when we improve the computer technology here, there is a lot of wires get run. We have to go back and do things. They are very expensive.

When we are trying to do that to our USDA headquarters so that we will be able to coordinate our services, it requires spending of some money. This was a plan that was proposed and is being implemented.

We can cut this money, very easily cut it. But then do not stand up and criticize USDA for not being able to deliver the services to our farmers and ranchers as we have been doing, many have been doing, blaming it all on the Secretary of Agriculture because the disaster payments were not delivered on time.

□ 1900

Part of that we are dealing with in this first few lines of the bill. It is what the gentleman from New Mexico and the gentlewoman from Ohio have been supporting and trying to do.

I know the gentleman's intentions are very honorable. I do not question those at all. And I am certainly one that would never stand up and suggest the gentleman does not have a right to do it. But it would be helpful if the gentleman's staff would spend a little bit of time talking specifically about what the gentleman is doing before he stands up and talks about how he is not doing harm to farmers, because the gentleman from Iowa stated it very, very accurately and succinctly.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oklahoma.

Mr. COBURN. The gentleman makes some good points. However, Mr. Chairman, there is one underlying point that I disagree with, and the underlying assumption with his statement is that the Department of Agriculture is efficient now and that the money used, and just let me finish my point, the money that is going to be appropriated above last year to accomplish these things, that there is no way it could be found anywhere else.

That is my objection. It is not what the gentleman is doing or how he is doing it, it is where the money comes from.

The fact is, we do not have the courage to say the Department of Agriculture has to do this and we are going to write it into the bill and they will find the money there and they will have to make sure it gets done because we will have the oversight to make sure that the Department does do it.

My objection is that this is an inefficient organization. That is not a slam on the employees, it is a slam on the organizational structure that we have piecemealed together through the last 40 years or so.

Mr. STENHOLM. Reclaiming my time, Mr. Chairman, I doubt any other Member has been more critical of the Department of Agriculture since 1992 in not doing what the gentleman is talking about. But I find it rather ironic that at the moment we are actually beginning to propose to put the money into doing what I have been criticizing them for, we are now going to cut it out and say we want them to do a better job without it. That is my problem.

And again, fundamentally, the chairman of the committee a moment ago stated the absolute fact: This bill is within the caps according to the budget that passed this House, period. So let us not keep talking about we are doing all of this to save Social Security.

If the gentleman wants to save Social Security, bring a Social Security bill to the floor and let us talk about Social Security. If he wants to make points on the agricultural bill, let us debate them. We can stay and debate them until the cows come home, but we will be talking specifically about what the gentleman is doing, and again, the gentleman is hurting farmers in these amendments when he passes them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

The Clerk will read.

The Clerk read as follows:

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961, $15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $36,117,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Coburn:

Page 6, line 3, after the dollar amount insert "(reduced by $3,049,000)".

Mr. COBURN. Mr. Chairman, the purpose of this amendment is to talk about the 12 percent increase in the Department of Agriculture administration budget. The increase is from the fiscal 1999 level of $32 million, increasing it by $3,949,000.

According to the committee print, departmental administration is comprised of activities that provide staff support to top policy officials and overall direction and coordination within the Department.

These activities include departmentwide programs for human resource management, I believe we have talked about that in a couple of the amendments; management improvement, we have talked about that; occupational safety and health management, we have talked about that; real and personal property management, we just talked about that in the previous amendment; procurement, contracting, motor vehicle and aircraft management, supply management, civil rights, equal opportunity and ethics, participation of small and disadvantaged businesses and socially disadvantaged farmers and ranchers in the departmental programs activities, et cetera, et cetera, et cetera.

Again, I would raise the point, I do not have an objection with any member of this committee. I know that they have done good work. I do not disagree that they have met the targeted caps.

What I am saying is, when was the last time an appropriation bill came to the floor that was below the caps? What a novel idea, if we are, in fact, going to not spend money that does not belong to us.

Now, I understand why other Members do not want to talk about the Social Security issue, and I agree with the members of the committee who say we have met our 302(b) allocation. I agree with that. They have. My purpose in offering the amendments is to drive efficiency in the Federal Government, to ask the question, why, when we spend a 12 percent increase in administrative overhead within a department. I would say that if this is truly the people's House, a debate on those issues ought to be heard by one and all.

The other thing that I would object to is the reference to this bill being the committee's bill. This bill is all of ours. It is not just the committee's bill, it is the House's bill. And to say that one of us has more priority over this bill than any others is wrong.

The other thing I want to do is to take a minute and perhaps defend my motives. And I am somewhat discouraged that the gentlewoman from Ohio has not recognized my persistence in the past 5 years. Because three times today she said that my motivation is based on the fact that I am not running for reelection.

I never was running for reelection when I came up here on this this year. And I would ask, if the gentlewoman were to look at my voting record and at my challenges in terms of the appropriations process, she would see that I did this same thing last year and the year before and the year before.

So this does not have anything to do with running for reelection, this has to do with questioning why we would have a 12 percent increase in administrative overhead. And if we have to do that, and that is the only way we can do it, and there is no waste in the other $32 million and it cannot be done better and it cannot be done more efficiently and the American people can be convinced of that and I can be convinced of that, I will be happy to withdraw this amendment.

But as I look at what I read in the committee print, and having been through five of these appropriation bills in the past, I do not believe that that is true. I think they can do better. And I believe that it is wrong for us not to ask the administration within the Department of Agriculture to do better.

Most of the Members of this body would like to see a 12 percent increase in their staff and their capability of running their offices, but the fact is, we are not going to pass that for ourselves, are we? But we are going to say that the Department of Agriculture is underfunded in terms of its administrative capability, does not have the dollars to do what it needs to do and must have a 12 percent increase, when the true cost of living associated with government-run programs in this area, and the area where the vast concentration of these employees are, rose by less than 1.7 percent last year.

So what we did in terms of the computers in the Office of Information was true, and we cannot take it out of this money, or not because it is not that there is not enough money. There is money running all over this bill. And I again would say, ask the farmers.

A $3,949,000 increase from $32 million; that is 12 percent. How many of them are going to see 12 percent handed to them? They are not. And how many of them want to see this money spent up here? They want to see it spent on them, not up here. And they want to make sure that we are supporting them with their ability to continue to feed us and that we give them a constant program.

So I do not object to what the committee has done. I said when we talked about the rule that this was a good bill and that it was probably going to pass. What I said was that I did not think it was good enough and it needed to get better.

Mrs. CLAYTON. Mr. Chairman, I rise in opposition to the amendment.

When the gentleman said that he really is looking for ways for efficiency, I think if he was an astute politician he would know that merely cutting is not necessarily the way to efficiency. Efficiency includes more than dollar amounts.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would say to the gentlewoman that we have not proposed a cut. What we have proposed is leaving it at last year's level.

Mrs. CLAYTON. Reclaiming my time, Mr. Chairman, the assumption is that the gentleman is looking for efficiency, and therefore, if we leave it at that level, meaning less expenditure, then by that definition, we would have more efficiency.

But let me tell the gentleman what these particular funds he proposes that are not needed will be used for: one, for the Office of Civil Rights. And that may not be important to the gentleman from Oklahoma, but I can tell him it is important to a large number of farmers who felt that this USDA, who the gentleman says is inefficient, had also not been fair, and in fact had to file a lawsuit as a result of their discriminatory actions.

This now allows them to more efficiently respond to those complaints rather than have the U.S. Government to pay out a large settlement because of the failure of their accountability and responsibility. $1.6 million of the $3.6 goes to the Office of Civil Rights.

Even more important to socially disadvantaged farmers is the $931 million that affords the opportunity for small farmers, not just necessarily minority farmers, but small, disadvantaged farmers who will have outreach and technical assistance. This may not be big to the gentleman from Oklahoma, but it is efficiency in their way of thinking to have the kinds of services explained to them, to have the technical assistance so they can more efficiently produce their products with the kind of expectation that they will be profitable in their livelihood.

So the $3.9 million which is being offered here already is insufficient to meet all of the needs.

If the gentleman's definition were applied, I think he actually would need to add to this, if the gentleman is truly about putting the money where it is most needed and making sure it is implemented. I would think by the gentleman's definition, and I disagree with the gentleman's premise, it would say this is insufficient.

If the gentleman understood what this is doing, he would say they should have been doing this. They should do it better. There should be more outreach programs, not less. The Office of Civil Rights should have been there before. These farmers should not have had to sue.

Now we are putting a structure there so that there can be the kind of investigation that needs to be there.

So I would think the gentleman would want to be on the side of, not anticivil rights, but the gentleman would want to be on the side of, there should be fairness and there should be a structure there to deal with this. And the gentleman's amendment, in his zeal for his fiscal philosophy denies the very premise of efficiency of this department serving the people who need it most.

So I would urge that this amendment on its merit, not on the philosophy, just on its merit, should be defeated.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

My colleagues, the Department of Agriculture has been dealing with serious civil rights issues for the last several years. Minority farmers and employees at USDA have filed discrimination litigation, and the increase provided in this account would go a long way towards addressing some of those civil rights issues.

I would like to have that entered in the discussion because I think the gentlewoman from North Carolina had a very pertinent point.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

My colleague is not on the floor at this time, the maker of the motion, the gentleman from Oklahoma (Mr. COBURN), but I was rising to appeal to him to allow at least some of us who have some expertise in this area to speak to him, as I would if he were discussing medical issues. I really do believe that he knows a lot more about that than I do.

Now he has dipped over into the legal arena, and I think I know a little bit more about that than he does.

With that in mind, I would offer to him that the status quo would create backlogs, and the creating of backlogs is what this particular 12 percent is intended to try to get rid of. When backlogs occur in any structural system, and it does not matter whether or not it is employment discrimination or if it is in the criminal arena or if it is in the civil arena, it impacts the whole process.

It is not just one thing that is impacted, it is not just this particular office of departmental administration, it is all of what they do in trying to clear up the number of cases that they have.

□ 1915

Over the years, there have been a number of legitimate complaints that have been brought and those people have to sit and wait. Let me see if I can get my colleague to understand the analogy.

In South Florida, at one time we had to try nothing but drug cases. By trying drug cases, we forced civil litigants to have to seek redress elsewhere, and people who needed remedies in the Federal court system were unable to get them because we were busying ourselves with one side of the system, which was mandated that we do.

We need to be very, very careful in expecting in every instance that people can do more with less. What they are asking for is 17 staff years, $1.6 million, and 11 staff dollars for 931 in the Office of Outreach which, incidentally, also deals with the National Commission on Small Farms, yet another area totally unrelated to anything having to do with civil rights per se, but an initiative that is important so that small farmers have a chance to survive in this system.

I do not know what it will take in order for us to understand this particular dynamic, but I will take it up with the maker of the motion so as he understands that it is not just going to, if his motion were to pass, impact this one arena, it would impact the whole.

And in this particular instance they have not been able to do the job efficiently and effectively with what they have, and there is no need to expect if they leave them in the status quo that they are going to be able to do more.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleagues, right over there is a dictionary; and if we look up the word "efficient," here is what it says: "ability to accomplish a job with a minimum expenditure of time and effort."

My colleagues, there is a lot of discussion about this amendment, but I think we ought to get back to what it really does. In fact, let us use a little bit of analogy. Let us take a major corporation, and my colleagues fill in the blank. They can say AT&T. They can say Chrysler. They can say IBM, whatever. And let us say this company thinks that they have had a problem with efficiency.

Now, this company has 107,000 employees. They have another 80,000 contract employees. In fact, it works out to about one employee or contract employee for every 10 customers. This is a mythical corporation. And we are the board of directors and we are sitting around saying what can we do to make this thing a little more efficient.

Now, how many of my colleagues think they would raise their hands and say, you know what we ought to do? We ought to increase administration by 12 percent. That is crazy. That would not happen at Chrysler. That would not happen at AT&T. That would not happen at IBM. But, my colleagues, that is what is happening in this bill. We have one employee or contract employee for every 10 farmers in this USDA.

Now, again, I come back, if we ask most farmers do they think that is an appropriate level, they would say that is ridiculous. And so would most voters. And so before we dismiss this amendment out of hand, this is not an anti-farmer amendment. This is about the board of directors saying we have a terribly inefficient administration right now in the USDA and throwing more money at it is not going to make it more efficient.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. First of all, let me say that if the offerors of the amendment want efficiency, then surely the bill that our subcommittee has brought to the floor is efficient.

In fact, the author of the amendment stated in his last comments on the floor that we were in fact within the budget allocation. So we have a very efficient bill, without question.

Now, this particular amendment is one that goes after one particular function at the U.S. Department of Agriculture, and the proponents claim that it is efficient. Let me say that overall, our bill is efficient. But in making decisions in the public realm, one has to not only be efficient, one has to be equitable, and I would oppose the gentleman's amendment on the basis that it is not equitable.

Why? What are these funds dedicated to? They are dedicated to redressing wrongs inside USDA and an inability, because of discrimination in past years, for that department to deal with all of America, all of America's farmers, regardless of color, regardless of creed, regardless of sex, whatever.

The funding that is provided, and even the Wall Street Journal has done front page stories on this, my colleagues do not have to listen to this Member, they just need to call it up on their web site, is to redress past wrongs.

The inability of this department in past years to serve all of America's farmers, to make sure that the credit programs were open to all farmers, to make sure that when people worked hard, just because they might have had low equity did not mean that their work did not have a value, and that in fact they perhaps should not have been ignored for decades and in fact perhaps for a century and a half.

And so I would say to those who offer this amendment, I would hope they would withdraw this. I think to try to cut funds, for example, for the Office of Outreach, and again our bill is within the budget allocation, means that they will continue the historic discrimination that has characterized so much of the behavior of our Government and our people in this century and the last.

This is the first time we have had a chance to do what is both efficient and equitable. And I would ask my colleagues and those who are offering this amendment to really seriously consider what they are about to do. I really do not think they want to do this. I think they want to do what is right for America, right for all of its people, and right for the future.

I would encourage my colleagues to vote a strong "no" on this Coburn amendment.

Mr. DICKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the concern of the gentleman from Oklahoma (Mr. COBURN). I think it is a concern for this bill as well as the other appropriations bill, and I join in that concern. And I know he had a concern about the supplemental, and I did too, about it running wild, about us missing the point as far as what "emergency" was and what "emergency" was not.

But I serve on this subcommittee, this Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, and I know the balance that we have to give, so I stand here sort of split and yet not split on this particular issue.

To bring this within the caps, I think the chairman from New Mexico (Mr. SKEEN) did a wonderful job. It has been easy over the years when we could just borrow money and say, well, the heck with it. We do not care about this or that. But we gave our word and we kept our word.

Now, what the problem is, is that I think that the position of the gentleman from Oklahoma (Mr. COBURN) is lessened somewhat about this accusation of filibuster. And I hope he can hear me and he will come and talk about it. But I know that we have had this before in past years. I would like for the gentleman from Oklahoma (Mr. COBURN), if he can, to come and defend that position of filibustering because I think it was his words, from what I understand, and it is going to undermine those elements, that we need to push down the expenses that we have in the appropriations bill.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to go to this notion that the gentleman from Oklahoma (Mr. COBURN) is somehow filibustering. Because just on the back of the envelope, I grabbed my calculator, and if my colleagues look at the amount of money that this particular amendment would save, it would save $3,900,000. Now, if we take people earning average income, it would take 1,974 taxpayers earning a whole year's worth of income to pay the taxes on $3,900,000.

So what we are really talking about is, again, 1,900 people paying taxes for a year. That seems to me to be anything but a filibuster but something very real, because what we are talking about are people's lives and where are they sending money.

Mr. DICKEY. Mr. Chairman, reclaiming my time, one thing I want to add is this applies to almost all the bills, the same type of thing. And what I would like to ask is for us to have a better way, and I am frustrated too, I would say to the gentleman from Oklahoma, a better way for us to express our frustration and to hope to bring constructive change than this way of doing things.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would disagree. I think that the American people benefit from seeing the debates on how we spend money; and the closer that we put the magnifying glass to it, the better we are as a country.

And I understand the pride of ownership of the Committee on Appropriations as they work hard to bring these bills up. And I am going to remind my colleagues again, when we talked about the rule, I said when we talked on the general debate hour that this was a good bill. I want to try to make it better, and I also want us to not be in a position where we are going to spend the first dollar of Social Security surplus.

Mr. DICKEY. Mr. Chairman, reclaiming my time, here is another question: Are we going to do this on each one of the appropriation bills? If we are, we are going to lessen the effect of the conservative concerns of my colleague about spending outside the caps.

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield, I have no intentions to do it on anything other than what I think will not lead us to the commitment that we have made to the American people.

The minority offered a budget and it had some good things in there, but the one common thing it had is they were going to take some of the money and make sure we did not spend any money of Social Security on anything except Social Security and Medicare.

The Blue Dogs had a budget. Same thing. The Republicans had a budget that ultimately passed the House. Everybody agrees, with the exception of two Members of this House who voted for President Clinton's budget which said I am going to spend 38 percent of Social Security money. At least he admitted it.

We either need to say we do not have the courage to trim the spending in the Federal Government and that we are going to take 38 percent, the seniors' money, or we need to say, the President was wrong, we do have the courage to spend less money up here.

I want to make the point again. The 302(b) allocations that my colleagues all have met, they have met the requirement of the budget numbers and the number that was given to them. I am not objecting to that. What I am objecting to is, number one, the 302(b)'s this year are not an adequate representation of what is going to happen. And there is not a person in this body that does not know that. And that is a sham to the American public to say this is one 302(b) but the rest of them are not.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. DICKEY) has expired.

Mr. COBURN. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas be given 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. YOUNG of Florida. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding.

To take the 302(b) allocations that we all know on the four big bills are not an accurate reflection of what is going to happen, and their claim to use that as a designation for why we should not trim this bill additionally is not fair to the American people.

I have no fight to pick with the appropriators on this committee, and I have no desire to harm farmers. I say that they can do it better. What we hear in this body all the time is it cannot be done, we cannot do it. Well, I come from a group of people that says we can do it. We can do better. We cannot spend all the money allocated to us. We can get efficiencies without adding money to the Department of Agriculture. We can demand innovation, insight, and new ideas. We can promote efficiency.

The VA Regional Office in Muskogee, Oklahoma, is a great example of that where they cut their costs like crazy and they did not spend any additional money. So if they can do it, why cannot the Department of Agriculture do it? Why cannot the administration and the Department of Agriculture do it? They can do it, but they are never going to do it until we make them do it. We have to demand that they do it.

Mr. DICKEY. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Arkansas.

Mr. DICKEY. Mr. Chairman, I ask the gentleman from Oklahoma, are we doing the right thing by doing it by filibustering? That is my question.

It seems to me that he has got a better argument than to use something that is indirect.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, "filibuster" is not my word. My word is let us bring it back to the freeze level of where we were last year and ask for efficiency, and I am willing to do that. And I have said here on this floor, as soon as we are back to the level in terms of cuts, I am through.

I am looking for dollars. The term to "filibuster," it is a filibuster in terms of taking time, but that is not my intention. My intention is to get us back down to where we were last year. My colleagues will see me walk right out of here as soon as we have done it. But to resist calls for efficiency, to resist debate on issues is not fair to the American public.

And to impugn my motivations. I want to tell my colleagues something. My motivations are pure. I think about my grandkids and I think about the grandkids of all of those patients that I take care of. Every baby, three babies this weekend, I spank the bottom of. I delivered three new babies into this world. Every one of them owes $21,000, and it is growing at $500 a year, what they owe.

□ 1930

They will never see the first penny of Social Security unless we have the courage to step up to the plate and demand change in Washington and demand it of ourselves. I am not talking about not having the right priorities. I do not want to punish our farmers. But I want us to create an environment of change that says we are not going to spend more, we can do better, we can spend less.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from California.

Mr. FARR of California. I would just like to ask the gentleman, did he charge for delivering those babies?

Mr. COBURN. I am a Member of Congress. I can make no money as a doctor.

Mr. FARR of California. I am glad to hear that.

I want to ask one question of the gentleman. I sit on the Committee on Appropriations. I have not sat on the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies before.

We had dozens and dozens of hearings. We asked Members to come before the committee. We debated these items because that is the way you put together a budget. To my recollection, the gentleman never came to one of the committee hearings. He never suggested in a letter to the committee that we cut any of these programs. This is the first instance of his litany of cuts that we are faced with.

Mr. MANZULLO. Mr. Chairman, I reclaim my time and yield to the gentleman from Oklahoma.

Mr. COBURN. The gentleman makes the point that I was not before his committee on the cuts. That is a valid criticism, but that does not deny me the right to raise the issue on this floor and to say that I do not have the right to raise the issue on this floor because I was not before his committee. Simply because of the way the House operates, as the gentleman well knows, you cannot be at all those at one time and fulfill the rest of your duties.

The point is, do you agree or do you not agree that we should trim some of the administrative overhead out of this budget? If you do not agree, then, fine, that is what our debate is all about. We are in the Committee of the Whole. That is what this is. That is why we are doing it in the Committee.

Mr. FARR of California. If the gentleman will yield further, there is a process here, and I think what is disturbing the House is that we try to honor that process. I do not think by bringing 114, as you have stated, amendments to the floor is a process that we use very often, if ever, and certainly I have been here a short while and I have never seen it used before.

Mr. MANZULLO. Reclaiming my time, one of the Coburn amendments saves the taxpayers $500,000.

Mr. HOSTETTLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, discussion has taken place with regard to the motives and the application of the process. I would just like to remind the Members and talk very briefly about an incident that happened on the floor just a couple of hours ago.

That was, I opposed the rule for the consideration of this bill because the bill spends more money than it did last year. The discretionary amount is more than what we passed out of this House last year.

I was asked why I would oppose an open rule, and I think that was a good question. I think that was a good question because the Committee on Rules, I believe, relinquishes a great deal of power whenever they decide to give an open rule, and it was a good question. The reason was not because we had the freedom of an open rule, but merely because the rule allowed for the deliberation on this floor of a bill that spent more money last year, the very first bill in the appropriations process that we deal with is going to spend more money than we spent on this bill before.

And so the reason that the gentleman is offering so many amendments is not for the sake of a filibuster, but for the simple fact that we have an open rule.

I was led to believe that an open rule would allow for free debate. Now we hear that the debate should in fact be reduced, should be cut off by the gentleman from Oklahoma. I think in fact if we are going to have an open rule and a gentleman will go to the hardship of having many of these amendments preprinted in the RECORD and offering them himself, we should at least recognize the Rules of the House.

Secondly, with regard to hurting America's farmers, I do not know, maybe southwest Indiana farmers are different from other farmers, but whenever I ask farmers in southwest Indiana what they would like to see coming from the Federal Government, the first thing they always tell me is tax relief. I tell them we can cut taxes, but if we continue to increase spending across the board, even in the Agriculture Department, somebody is going to have to pay for that.

And so when I say we can either give you tax relief or we can take more of your tax dollars to allow the various bureaucracies to spend that money in order to help you, they realize in fact that Washington, D.C. is probably not the best source of their help.

Secondly, they ask for regulatory relief. If individuals really want to help farmers, they will indeed support regulatory relief, and for a little bit of commercial activity, I will merely tout the virtues of H.R. 1578, my Protect American Agricultural Lands Act of 1999, which will allow for that land which has been in production 5 of the last 10 years to be exempt from clean water permitting, because in fact it has been used for farming.

Thirdly, the agriculture community wants open markets, places where they can sell their product. But they do not want open market agreements for the sake of merely signing an agreement. They want agreements that can be enforced, enforced by this administration which they see dreadfully lacking.

Finally, I will simply say that this is the opportunity that many of us that do not necessarily serve on the House Committee on Appropriations have to offer amendments in this fashion. When we look at all the various constituencies of all of these provisions, we realize that in fact there is the potential in the future to not cut $5 billion from the Labor, Health and Human Services and Education Department. There will not be the opportunity to cut almost $4 billion from the Veterans' Administration and the Housing and Urban Development bill that is going to come up later, that in fact if we are not diligent from the very outset of this whole appropriations process, that in fact it will whirl out of control; and when we get to the end of the appropriations season later this year, that we will in fact be busting the caps and having to reduce our commitment to cutting taxes, our commitment to stopping the raids on the Social Security trust fund; and we will in fact tell America that indeed Washington D.C. knows best, and if you simply give us more of your money, we will prove it to you.

Mr. Chairman, I rise in strong support of the gentleman's amendment and ask that the Committee do likewise.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Again, I think it is important that we focus on the process which we are discussing today. Again, I quarrel not with the motives of the gentleman from Oklahoma. He has every right, as others have said, to bring the amendments before this body that he has brought today; and I have opposed them because I disagree with them.

I think it is important, though, for everyone to understand the real quarrel apparently is with the leadership on the other side of the aisle. That is where the quarrel is. Because we are disagreeing with the numbers that have been given to the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. That was given as a leadership decision.

I happen to have supported a budget that protected Social Security, that paid off $88 billion more debt over the next 5 years than the budget we are talking about, provided a reasonable tax cut and improved the funding of five priority areas, one of which was agriculture of which I am prepared to say we are $450 million under what we need to be spending for American agriculture.

Why do I say that? Because I am proud of our American agricultural system, from our farmers on up and down. We have the most abundant food supply in this Nation, we have the best quality of food, we have the safest food supply to our consumers of any country in the world, and we do it at the lowest cost, including all of this, quote, "wasteful spending" we are talking about today.

Now, do I make this argument in saying that we cannot do better? Obviously we could do better. But we have ways of doing it better. It is called the House Committee on Agriculture and it is called the House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that spend the hours looking at these details and making those decisions. I put my trust in them, on the first part because I am one, but I do not quarrel at all with the gentleman who chooses to say that we have not done our jobs properly.

Let me read this letter:

> The American Farm Bureau Federation is aware of a long list of amendments to be offered to H.R. 1906. In addition to the letter sent this morning, we are deeply concerned about these amendments and the approach being taken against general agriculture programs.
>
> Specifically, we are opposed to amendments that would prohibit funding to promote the sale or export of tobacco, decrease spending for the APHIS Boll Weevil Program and effectively eliminate the Boll Weevil Eradication Program. We oppose any cut in

funding for agricultural research programs for wool, cotton, shrimp aquaculture, blueberries, specialty crops or precision agriculture. We oppose any attempts to decrease funding for agriculture market analysis, promotion and rural development.

Further, we oppose cuts in funding for conservation programs, the peanut price support loan rate and any reductions in research or other cuts to peanut support programs. We also oppose any attempts to effectively eliminate any international or domestic marketing programs.

Farm Bureau has worked closely with the Agriculture Appropriations Subcommittee and supports the bill as reported by the committee.

This is our largest farm organization that has looked at the work of the gentlewoman and the gentleman and others in saying, in their judgment, we cannot make these cuts without doing harm. Again, I specifically have objected to the previous two amendments and to this amendment for the reasons that were specified before, in pointing out that if we are going to be critical of inefficient operation in USDA, if we are going to be critical of those "who have not been able to do their job," quote-unquote, then how do we justify coming in and saying we are going to deny them the tools to bring them into the modern century of technology which is what the committee suggested be done?

That is the simple question. It deserves a simple "no" vote on the amendment.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oklahoma.

Mr. COBURN. Again, I want to be clear about what we are doing. We are cutting nothing. What we are saying is we are holding to last year's level.

I understand the Farm Bureau. I have worked with them a great amount. A large number of the people who supported me to come here are from that organization.

But I would also say that there probably would not be anything that they would probably say was a good idea to cut out of this bill, because that is not what they are set up to do. They are set up to make sure that their members are protected in this bill.

I just wanted to state, and I thank the gentleman for being so kind as to yield to me, there is not a cut in the bill. It is the old Medicare scam cut, hold spending or cut. What we are saying is, let us not increase the administrative overhead that has been proposed in the bill.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

I would follow up on the remarks of the gentleman from Texas, specifically the letter, because it seems to me, as the gentleman from Oklahoma just suggested, that naturally they are in the business of protecting the status quo.

What the gentleman from Oklahoma is trying to do is anything but the status quo, and that is, on a line-by-line basis, to walk through money, where it is going, where it is being spent and asking, is the taxpayer getting the best bang for his buck.

I would disagree with the letter on a whole number of fronts. I mean, for instance, the gentleman from Oklahoma's amendments, for instance, do not touch the sugar subsidy program. That letter has basically said the sugar subsidy is right.

I know we would disagree on this, but I have problems with any system wherein you have got the Fanjul family out of Palm Beach who are worth over $400 million, who get $60 million a year as a result of a program that is part of this bill. That is not even being challenged by what the gentleman from Oklahoma is doing. So I think I would have a number of objections to that letter.

But I want to go back to the original content of what he is getting at, which is, line by line, looking at where the money is being spent and simply asking, is the taxpayer getting a good return on his investment. I would say no, because going back to, I guess the comments of the gentleman from Minnesota (Mr. GUTKNECHT), if you had any corporation out there in America that had 100,000 employees, had 80,000 contract employees and said, how can we make it better, their solution would not be to increase administration by 12 percent. Yet that is what this does.

All this amendment would do would be to knock out that increase. That is worth doing, it seems to me, for a couple of reasons. If you took out this $3.9 million that we are talking about at $20,000 a pop, that would buy tractors for 200 farmers. I would rather put the money into tractors.

It would pay taxes for 2,600 farmers if you figured the taxes on a small farm were $1,500. It would take 1,900 farmers earning an average income to pay the money for this increase; or turned around a different way, it would take one farmer 1,900 years to pay for the increase that this amendment gets at.

□ 1945

It is a sensible amendment. It gets at where is the money going.

Most farmers I talk to, talk to somebody down at the stockyard or talk to somebody at FTX, these are reasonable, commonsense folks, and the idea of plussing up the administration, and in fact I saw one thing here in the administration portion, and I would have a question for the staff on this, talking about aircraft management.

I mean how many aircraft does the Department of Agriculture own?

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I just want to ask the gentleman one simple question.

He mentioned that there is nothing wrong with going over this line by line, dollar by dollar, and that is not bad.

Would the gentleman move now to abolish the committee system of the United States House of Representatives?

Why are we wasting our time with 13 committees?

They hold hearings, and they have all these experts coming together, and let me finish.

Mr. SANFORD. No. Reclaiming my time, of all people, the gentleman from Vermont has been consistently independent in the way he votes. To suggest that he takes anything lock-step from the committee as it comes, I mean the gentleman would be the furthest person from that. He is the one independent that is here.

Mr. SANDERS. True. But I have never offered 125 amendments, and as independent as I am, I think the committee process is a reasonable process. We have got 435 people. In all fairness, in all fairness, the gentleman does not think he knows all aspects of that bill.

The gentleman never sat on the committee, nor have I, and I think it is totally reasonable.

I have two amendments that I am offering. The gentleman may have some amendments. But basically really what he is saying is, "If you're supporting the concept of bringing 125 amendments up," what the gentleman is saying is, "Let's junk the committee."

Mr. SANFORD. Absolutely. Reclaiming my time, this is part of a much larger conversation, as the gentleman from Oklahoma has already suggested, and that is, as we all know, if we wait until the end when we run into Labor-HHS, when we run into VA-HUD, we are running into a train wreck, and so I mean unless we address this larger issue; which is, as my colleagues know, we can cherry pick the easy bills, supposedly ag was going to be one of those; do those first, and then wait for the really difficult bills later on. If so, we are in real trouble, and it means we will be taking the money from Social Security, which is why I go back to the simple point: would we rather spend money on this, as my colleague knows, administration here within the Department of Ag, or would we rather save it for Social Security?

I would rather save it for Social Security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,668,000: *Provided*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: *Provided further*, That not less than $2,241,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $65,128,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $29,194,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $940,000.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 9, line 3, after the dollar amount insert "(reduced by $400,000)".

Mr. COBURN. Mr. Chairman, this again is an area that has a 75 percent increase, and the first thing I would like to do with my time, if I may, is inquire of the committee the thinking behind this increase of 75 percent in this account so that we can have an understanding of it, and actually I would, if the gentleman from Texas knows the reason for that, I would even respond if he could give us the answer for that.

The fact is, this is a significant increase for just the Office of the Under Secretary. We are not talking about research, we are talking about the Office of the Under Secretary for Research, by increasing it by $400,000, and I just would like an explanation.

Mr. Chairman, it was $140,000, and it is going to be $540,000, and I believe that people would like to know why we are increasing that spending, and we ought to have a good explanation of why we are expending. If there is a great one and we should not be trimming this money out, then I will be happy to defer to the chairman, but to me it seems this 75 percent increase, from $400,000 to $540,000, is a significant increase.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The Clerk will read.

The Clerk read as follows:

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $70,266,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7. U.S.C. 2225).

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 9, line 8, after the dollar amount insert "(reduced by $4,509,000)".

Mr. COBURN. Mr. Chairman, again this is an increase of $4,509,000 on a budget. Last year was at $65,000. What we are seeing is a 6.8 percent increase, and the question that I would ask again is if we are going to increase this $4,509,000, and ultimately when it is all said and done the money is going to come out of the Social Security surplus, that we ought to have a great explanation.

If my colleagues read the committee print on this, and I will take the time to read it, there is not a valid explanation of what we are doing here, and again I would query the members of the committee. Maybe we are supposed to be doing this just to give us a good answer, and I will try to withdraw this amendment. But the fact is that we have silence on the issue.

Let me read what the committee print says.

"For the Economic Research Service the committee provides an appropriation of $70 million, an increase of $4,509,000 above 1999 and an increase of $14 million above the budget we have. The committee has provided $17,495,000, an increase of 300 above the budget request, for studies and evaluations of work under the Food and Nutrition Service."

Now I am for our elderly food nutrition programs, I am for our WIC programs, but I want to know how we are going to spend this money, and I want to know why we are spending it in the direction and the increase, if, in fact, the committee expects ERS to consult and work with the staff of the Food and Nutrition Service as well as other agencies to assure that all the studies and evaluations are meeting the needs of the department. Is there an area where we are not supplying that need with the $65 million that we had last year? Is there money that could go to our farmers that are out there starving? Could some of this $4,509,000 go directly to farmers?

As my colleagues know, we say we want to help farmers, and some gentlemen have said today that some of our amendments have hurt farmers. Well, if they have, help us take this and change this and move it to the farmers instead of spending it on bureaucracies.

Again, we are going to have a process by which at the end of the appropriation day this $4,509,000, whether we want to hear it or not, is going to be taken from the Social Security surplus. Most people in this room know that. It is apparent that that is what is going to happen, regardless of whether we have another omni-terrible bill or not. The money on increased spending is going to be taken from the Social Security surplus, and I believe that it is the honorable thing for us to do to stand up and admit that, and then say I believe we ought to take from the Social Security surplus an additional $4,509,000 to run this branch of the Department of Agriculture.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I oppose this amendment, and we have been hearing talk of efficiency, and this is one area where the committee strongly believes that we have been very efficient.

The funding in this account is made up of two parts. One is the base economic research program for USDA, and the other is in the studies and evaluation for the feeding programs in this bill. By consolidating the studies and evaluations funding in this account, we have found that the program can be managed more efficiently.

The increase to this account is made up by corresponding increases in the child nutrition, food stamp and WIC accounts, and if we cut this account there will be no way of determining whether or not the $36 billion that we are spending on feeding programs in this bill are meeting their goals.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma, and I just wish to state for the record that the Food and Nutrition Service, which is in another account, was conducting some of its own evaluations for a number of years, and the committee felt that a more objective set of evaluations could be done through the Economic Research Service. That is the reason that these funds are in this account, because essentially we have transferred responsibilities from the Food and Nutrition Service to the Economic Research Service.

This is a new function, in a sense, for the Economic Research Service, but we believe with their objectivity they could do a good job of evaluating the two-thirds to three-quarters, actually three-quarters of this budget that is in the mandatory programs, including our major food and nutrition programs.

So I think the gentleman expressed some concern that there were funds in here providing for research, but the point is they are not being provided in the Food and Nutrition Service any more. These responsibilities have been shifted to the Economic Research Service.

So I wanted to state that for the record and to state that we hope that the Economic Research Service will do their job well. We certainly have had waste, fraud and abuse in many of the food and nutrition programs, and we have been going after that through the Inspector General, I think who is doing a tremendous job at USDA in particular, and I would hope that the evaluations that would be done would continue to show progress.

So I would not support the gentleman's amendment because I think it is a rather arbitrary and ill-advised cut.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, so I understand what the gentlewoman has said, last year for these programs there was no money for ERS under Food and Nutrition, and all of the increase, this $4,509,000, all of that increase is only for this area?

Ms. KAPTUR. For the Economic Research Service, yes.

Mr. COBURN. Or associated with Food and Nutrition Services.

Ms. KAPTUR. That is correct.

Mr. COBURN. And the money that was being spent in the Food and Nutrition Services has been reduced by that amount and transferred to this committee.

Ms. KAPTUR. The Food and Nutrition Service will no longer be doing its own evaluations; that is correct.

Mr. COBURN. But that is different than the amount of money that they were spending on it being reduced from their budget and transferred to the ERS.

Ms. KAPTUR. The Food and Nutrition Service will no longer perform their own evaluative research; that is correct.

Mr. COBURN. But they will still have the money that they were using to do that, and those structures will be in place.

Ms. KAPTUR. They will not be doing research in this evaluative research. We changed it because we thought that perhaps they had too much of a vested interest in continuing programs the way they were, and the monitoring might not have been as objective as it should have been.

This may not work under ERS. We are not sure it will work, but we think it is a way of being more objective.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Oklahoma (Mr. COBURN) is withdrawn.

The Clerk will read.

The Clerk read as follows:

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $100,559,000, of which up to $16,490,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $836,381,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 10, line 14 (relating to the Agricultural Research Service), insert after the dollar amount the following: "(reduced by $13,000,000)".

Page 50, line 9 (relating to the commodity assistance program), insert after the dollar amount the following: "(increased by $10,000,000)".

□ 2000

Mr. SANDERS. Mr. Chairman, I want to assure my colleagues that I do not have 150 amendments, not even 50, only 2, and I believe the majority is going to accept one later. So this is it for me, and I would appreciate support for this amendment.

This amendment is cosponsored by the gentleman from Ohio (Mr. NEY), the gentlewoman from Georgia (Ms. MCKINNEY), the gentlewoman from California (Ms. LEE), and the gentleman from Ohio (Mr. HALL). This is a very similar amendment to the one that the gentleman from New Jersey (Mr. LOBIONDO) and I introduced last year, which won in the House by a strong vote. Unfortunately, the conference committee did not support the effort that we had made in the House.

The purpose of this amendment is to increase funding for a nutrition program of extreme importance to many low-income senior citizens, small children and pregnant women, and that program is the Commodity Supplemental Food Program.

This year, the President requested $155 million for the Commodity Assistance Program, which contains the Commodity Supplemental Food Program. However, the program was funded at $14 million less than the President's request. We are attempting now to add $10 million to the program, which would still be $4 million less than what the President had requested.

Mr. Chairman, it is no secret that malnutrition and hunger among senior citizens is a serious and tragic problem in the United States. Throughout our country, food shelters see more and more use, and hospital administrators tell us that thousands of senior citizens who enter hospitals in this country are suffering from malnutrition. We know that programs like Meals on Wheels have long waiting lists and that large numbers of seniors throughout this country are simply not getting the nutrition that they need.

The Commodity Supplemental Food Program is currently operating in 20 States. Other States are on the waiting list and still more are in the process of applying for the program. We have been told by the USDA that unless additional funds are given to this program, there simply cannot be an expansion, which would be a real tragedy not only for seniors, but for pregnant women and young children who also utilize this important program.

Mr. Chairman, the amendment is offset by cutting $13 million from the Agricultural Research Service. At a time of very, very tight and unreasonable, in my opinion, budget caps, this particular program received a $50 million increase this year, which brings the program up to just over $830 million.

I am not an opponent of the Agricultural Research Service. I think they do a lot of good. I come from an agricultural State, and they do important work. But it seems to me that we have to put our priorities in a little bit better place.

At a time of significant and growing hunger in the United States, it is frankly more important to be funding nutrition programs than adding $50 million to ag research in such programs as funding a geneticist plant breeder for lettuce to develop red snapper agriculture, aquaculture, to conduct golden nematode worm research and rainbow trout research.

I do not mean to make fun of those programs. I am sure that they make sense and are useful. But I think in terms of our priorities, when we have seniors who are hungry and small kids who are not getting the nutrition that they need, I think we should do better; and we can do better by supporting this nutrition program.

I want to thank the cosponsors of this amendment, one of whom is the gentleman from Ohio (Mr. NEY), and the schedule has been so thrown off today that I do not know if they are going to come and speak to this right now. But the gentlewoman from Georgia (Ms. MCKINNEY), the gentlewoman from California (Ms. LEE), the gentlewoman from California (Ms. WOOLSEY) are also cosponsors of this amendment, and I would ask for its passage.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hate to do this, but I rise in opposition to this amendment. All programs within the bill were put on the table as we began to make funding decisions under the tight allocation that we had received. No one can deny the importance of commodity assistance programs, but to use as an offset funds from the Agricultural Research Service to find ways to help farmers, who are less than 2 percent of the Nation's population, to feed this country and much of the world, is not acceptable.

In addition, Mr. Chairman, we provided about $6 million more in this account than the President requested for the Commodity Supplemental Food Program for fiscal year 2000 and maintained TFAP administrative funds at $45 million. These are the only two programs within the Commodity Assistance account.

Mr. Chairman, I oppose the amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders amendment, and this may be the only disagreement that the chairman of the subcommittee and I have on this bill.

I compliment the gentleman from Vermont (Mr. SANDERS) for bringing this amendment to us to get the full body's view on this when we vote very shortly, and I support the amendment for several reasons.

One is, around this country, the feeding kitchens of America are empty. We have an enormous need for additional food. Just the last two weekends ago the letter carriers across our country did a food drive and tried to replenish the supplies in these food banks, because this is not close to Christmas and they have been drawn down, and with all of the changes that have been made in welfare reform, for example, we do have lots of people who are hungry in America tonight, most of them women and children.

So I would say that there is great merit in the gentleman's proposal.

In addition to that, in this bill, we were unable to fund so many worthy programs that would bring food to people, including the Senior Nutrition Program where there had been a proposal to provide a small subsidy so that seniors would not have to pay so much for lunches when they go into some of their lunch programs. We were not able to include that in this bill.

Finally, I will support in this bill and in any subsequent bills any effort that would lift commodities off this market in order to try to help get prices up for our farmers. This bill itself, in the body of this bill, we were not able to provide the kind of surplus commodity assistance that we would have hoped for. We have done some, but we just have not done enough.

I would say to the author of the amendment, it is difficult for me to take money from the Agricultural Research Service. I would hope that as we move toward conference we might be able to find other ways to fund this very worthy proposal. I will vote for the gentleman's amendment when the time comes for all of the reasons that I have listed, but I would hope that we might be able to find other offsets, because truly we know that the future of American agriculture rests in research, and our bounty is directly related to the investments we make in so many crops.

Mr. SANDERS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I hope the gentleman from New Mexico (Mr. SKEEN) understands, I am not against ag research. I know that the gentleman has had a difficult time trying to fit in all of the needs. I do not disagree with the gentleman, and I do not disagree with the gentlewoman from Ohio (Ms. KAPTUR). I just think that when we have senior citizens going into the hospitals suffering from malnutrition, that is an issue that cannot be ignored.

I would raise that to a higher level and ask for the support of the body in the passage of this amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders amendment. I think that a $10 million increase for the Commodity Supplemental Food Program is warranted.

I represent a district in Cleveland, Ohio, and in my district there are many seniors who depend on programs like this for their sustenance.

There are those of us who have a prayer that we say that includes the words, "Give us this day our daily bread." This is a very humble and simple request that people have. In America, where there are so many people hungry, where there are so many people who hunger amidst so much plenty, what would it matter to give a mere $10 million to help our senior citizens have improved nutrition, to reduce the waiting lists for Meals on Wheels, to make it possible for those millions of Americans who rely on emergency food assistance to be able to get some help.

We in this country have a moral obligation to provide for those who are without. It is a work of mercy to feed the hungry, and we should with regard to the great power of this government, with the billions of dollars that are spent on so many things that are questionable, that we have an opportunity here to take $10 million and feed some people, give them an opportunity to be better fed so that they do not end up in the hospital from malnutrition.

I think the gentleman from Vermont (Mr. SANDERS) has come up with a wonderful amendment, and while I have the greatest respect for the committee which has created this bill, I have to say that the bill can be improved and it can be improved with the help of the gentleman's amendment.

Mr. Chairman, I would be happy to yield to the gentleman from Vermont, Mr. SANDERS, so that he can have a few more minutes to explain the importance of this amendment.

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Ohio for his strong support. I think the essence of the problem that we have as serious legislators is that we are confronting a budget which in many ways prevents us from doing the things that we have to do, and that is not the chairman's fault and it is not the ranking member's fault. But I think when we talk about priorities in the United States, in this great country, in this wealthy country, how can we not address the reality that there are senior citizens who are going to the hospital and the administrators and doctors there are telling us they are malnourished? We are wasting huge sums of money spending dollars on hospital care that could have been prevented if we would provide adequate nutrition to our senior citizens.

The same thing is true with low-income pregnant women who are giving birth to low-weight babies.

So again, I would not argue about ag research. That is important. But I think what we are asking for is taking $13 million out of an increase of $50 million to use $10 million for the expansion of this commodities program.

Mr. KUCINICH. Mr. Chairman, the Master said, "Feed my sheep." This is our challenge.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to stand tonight in support of this amendment. This year the President requested $155 million for the Commodity Assistance Program which contains the Commodity Supplemental Food Program. However, this program was funded at $14 million less than the President's request.

The Commodity Supplemental Food Program is currently operating in 20 States. Also, four States are on the waiting list, as are others, such as the State of Ohio; and we believe that all people should be able to participate in this. Too many seniors are suffering already because they live on such tiny incomes they cannot afford to buy food or else they are forced to choose between the life-saving prescription drugs they need and groceries.

The Commodity Supplemental Food Program is often a life-saving source of food for elderly constituents. The source of the money this is coming from is coming from a program that is receiving ample support, and I come from a State that has agriculture, and I do support obviously where the money is going. But the amount of money that is going to go into this program for the Sanders amendment is not going to hurt the existing appropriation, it is going to do an awful lot, really, to help our seniors. So I think it is a good amendment.

It is a senior program that makes good fiscal sense. Studies have shown that malnourished seniors stay in the hospital nearly twice as long as well-nourished seniors, costing thousands of dollars more per stay. So I think it is cost-effective.

It is a good amendment, it should receive good bipartisan support. I think it is the right thing to do, and I urge the support of my colleagues for this amendment.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, regrettably, in opposition to the gentleman's amendment, because I think he is attempting to do something that is proper and good, but I would point out to the gentleman that all of these funds are very competitive with each other. We have done our level best to fully fund the nutrition programs which make up the majority of this bill.

As the gentleman knows, and we have worked together on funding the Emergency Food Assistance Program, it is a very important program. We have raised the funding for that program, the mandatory programs, food stamps and WIC, and we have done our level best to fund those as close to full funding as we can.

The Commodity Supplemental Food Program, the program the gentleman wants to add an additional $10 million to, is funded above the President's budget request level.

So we have gone out of our way to try to find the discretionary funds to meet the needs of these programs. We just do not have enough money to meet everybody's priorities.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman from New York (Mr. WALSH) and I have worked together on a number of issues, and I appreciate where he is coming from, and we all understand the difficulty of coming up with the money.

However, I think the gentleman is not accurate in saying that we have funded the program higher than the President's request. I believe it is $14 million below the President's request, to the best of my knowledge.

Mr. WALSH. Mr. Chairman, reclaiming my time, I will check to verify which one of us is accurate here, but the fact of the matter is, these nonmandatory funds are heavily in demand by all of these programs.

□ 2015

To take the funds from the agriculture research budget and put them into nutrition programs may be penny wise and pound foolish, because the agriculture research, which again, is underfunded, we cannot do enough for the research that needs to be done, but that research, Mr. Chairman, has increased by multiples, geometric progression increases in our yields of crops.

If we neglect our agriculture research on things like the green revolution varieties of wheat and corn and rice that are now feeding the entire world, the disease resistance that we are breeding into our crops, the new varieties of fruits and vegetables that our agriculture research institutions produce for the consumption not only of our citizens but of the whole world, if we continue to neglect our research, we are not going to have nearly enough food to feed ourselves and the rest of the world.

I understand the gentleman's desires here. Perhaps at the end of the process, if there is a way to provide additional funds, we will try to do that. But for the sake of this amendment, I do urge that it be rejected and that we keep the funds in agriculture research where they belong.

Mr. HALL of Ohio. Mr. Chairman, I rise today in support of Mr. SANDERS' amendment, which will add needed resources for food banks. As you know, growing numbers of Americans are turning up at our nation's food banks—and too many of them are senior citizens.

The food banks from around the United States that I've surveyed during the past two years report many reasons for the increase—from the deep cuts in food stamp funding, to low-wage jobs, to an economy that is leaving too many of our fellow citizens behind. Since last year, 22 percent more people are turning up in their lines, the food banks say—and many of them are going home empty-handed.

The prospect of hunger in our rich nation is troubling no matter who it affects. Children who are poor often and rightly grab our attention, because hunger in the growing years scars them physically and mentally. Working people who are doing all they can to feed their families also disturb us. And hungry senior citizens, who have given so much for their entire lives to their families and our nation, are nothing short of an outrage.

I saw senior citizens at Ohio food banks last year, many of them too weak to stand and wait in long lines; all of them suffering the indignity of being unable to feed themselves;

and a surprising number of them there because our healthy system has left them no choice other than to pay for their medicine, or their food.

The Commodity Supplemental Food Program operates in only 18 states (plus one reservation). The WIC program we know so well grew out of this program, which now focuses on poor Americans aged 60 and older. It was cut by $10 million in FY '99; this amendment restores this funding and should enable the program to reach senior citizens in more states. My own state of Ohio is eager to participate, and will do so as soon as the needed funding is available.

No American should have to turn to food banks in the first place; and no one who has no other choice should be turned away empty-handed. This amendment will add needed funding for food banks that serve senior citizens. I commend Mr. SANDERS and Mr. NEY for their strong stand in support of hungry seniors, and urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote, followed by two five-minute votes.

The vote was taken by electronic device, and there were—ayes 143, noes 274, not voting 16, as follows:

[Roll No. 155]

AYES—143

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bass
Biggert
Bilirakis
Blagojevich
Blunt
Brown (OH)
Burr
Burton
Buyer
Campbell
Cannon
Capuano
Castle
Chabot
Chenoweth
Coble
Coburn
Collins
Cox
Crane
Cunningham
Deal
DeFazio
DeLay
DeMint
Doggett
Doolittle
Duncan
Dunn
Ehrlich
Eshoo
Fossella
Fowler
Frank (MA)
Franks (NJ)
Gibbons
Goode
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Istook
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kelly
Largent
Larson
Lazio
Linder
LoBiondo
Lofgren
Luther
Maloney (NY)
Manzullo
Markey
McCarthy (MO)
McCollum
McDermott
McInnis
McIntosh
McKinney
McNulty
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moore
Moran (VA)
Myrick
Napolitano
Northup
Norwood
Paul
Pease
Petri
Phelps
Pitts
Pombo
Portman
Pryce (OH)
Ramstad
Riley
Rivers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Salmon
Sanford
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shows
Smith (MI)
Smith (WA)
Spence
Stearns
Stump
Sununu
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Tiahrt
Toomey
Upton
Wamp
Watts (OK)
Weldon (FL)
Weller
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Snyder
Souder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—274

Abercrombie
Ackerman
Allen
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Rodriguez
Roemer
Rogan
Rogers
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shuster
Simpson

NOT VOTING—16

Brady (TX)
Brown (CA)
Graham
Granger
Hinojosa
Jackson-Lee (TX)
Kasich
Kleczka
Millender-McDonald
Morella
Oxley
Pallone
Reyes
Rothman
Smith (TX)
Stark

□ 2039

Messrs. LIPINSKI, GUTIERREZ, REYNOLDS, TIERNEY, RYUN of Kansas, TRAFICANT, and BECERRA and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

Messrs. MCNULTY, MARKEY, SHAW, DEFAZIO, and LARSON and Mrs. TAUSCHER and Ms. ESHOO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BRADY of Texas. Mr. Chairman, on rollcall No. 155, I was inadvertently detained and missed the vote. Had I been present, I would have voted "yes".

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceeding were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 289, not voting 15, as follows:

[Roll No. 156]

AYES—129

Aderholt
Andrews
Archer
Armey
Ballenger
Barr
Bartlett
Barton
Bass
Biggert
Boehner
Bryant
Burr
Burton
Buyer
Camp
Campbell
Cannon
Castle
Chabot
Chenoweth
Coble
Coburn
Collins
Condit
Cook
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich

English
Foley
Fossella
Fowler
Franks (NJ)
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hunter
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Largent
Lazio
Linder
LoBiondo
Luther
Manzullo
McCollum
McInnis
McIntosh
Mica
Miller (FL)
Miller, Gary
Myrick
Nadler
Northup
Paul
Pease
Petri
Pitts
Pombo
Portman
Pryce (OH)
Ramstad
Regula
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Smith (MI)
Smith (WA)
Souder
Stearns
Stump
Sununu
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Upton
Walden
Wamp
Watts (OK)
Weldon (FL)
Weller

NOES—289

Abercrombie
Ackerman
Allen
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Snyder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Blunt
Brown (CA)
Graham
Hinojosa
Jackson-Lee (TX)
Kasich
Millender-McDonald
Morella
Oxley
Pallone
Reyes
Rothman
Smith (TX)
Stark
Weldon (PA)

☐ 2049

Messrs. KLECZKA, COOKSEY and MALONEY of Connecticut changed their vote from "aye" to "no."

Mr. COOK changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 139, noes 278, not voting 16, as follows:

[Roll No. 157]

AYES—139

Andrews
Archer
Armey
Baird
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bass
Biggert
Boehner
Brady (TX)
Brown (OH)
Burr
Burton
Buyer
Campbell
Cannon
Capuano
Castle
Chabot
Chenoweth
Coble
Coburn
Collins
Conyers
Cook
Crane
Cunningham
Deal
DeFazio
Delahunt
DeLay
DeMint
Diaz-Balart
Doggett
Doolittle
Duncan
Dunn
Ehrlich
English
Eshoo
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Gibbons
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutknecht
Hall (TX)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hunter
Inslee
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kleczka
Lazio
Linder
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
McDermott
McInnis
McIntosh
McKinney
McNulty
Meehan
Metcalf
Mica
Miller, Gary
Miller, George
Mink
Myrick
Northup
Paul
Petri
Pitts
Pombo
Portman
Ramstad
Riley
Rivers
Rogan
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Shows
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Stearns
Stump
Sununu
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Tiahrt
Tierney
Toomey
Upton
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wu

NOES—278

Abercrombie
Ackerman
Aderholt
Allen
Bachus
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
Deutsch
Dickey
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Ehlers
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Green (WI)
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Isakson
Jackson (IL)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Miller (FL)

Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Snyder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Brown (CA)
Cox
Dicks
Graham
Hinojosa
Jackson-Lee (TX)
Kasich
Largent
McCollum
Millender-McDonald
Oxley
Pallone
Reyes
Rothman
Smith (TX)
Stark

☐ 2058

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHERWOOD) having assumed the chair, Mr. Pease, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 150, EDUCATION LAND GRANT ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–164) on the resolution (H. Res. 189) providing for consideration of the bill (H.R. 150) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, unfortunately, I missed rollcall votes number 147 and 148 on Monday, May 24, 1999, because I was attending a funeral of a dear friend.

Had I been present, I would have voted "yea" on both of these votes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Mr. DREIER (during special order of Mr. GREEN of Wisconsin), from the Committee on Rules, submitted a privileged report (Rept. No. 106–165) on the resolution (H. Res. 190) providing for the consideration of the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DAIRY PRICING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Wisconsin (Mr. GREEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. GREEN of Wisconsin. Mr. Speaker, I am here tonight to talk about an important issue of fairness, fairness to farmers, fairness to consumers, and fairness to taxpayers. I know that "fairness" is an overused term. But quite frankly, Mr. Speaker, it has never been more important or more true than it is on the issue that I want to talk about tonight, and that is the issue of dairy pricing.

For the last six decades, we have had a Government mandated system of dairy price supports. It began in the late 1930s because dairy producers had a difficult time getting their goods to consumers in a timely way. They had a difficult time because of technology in meeting consumption needs. We did not, quite frankly, have effective infrastructure or enough technology to transport our surplus to States that had deficit in production.

Those days are over, however. We have the refrigeration, we have the infrastructure to transport dairy products from States like Wisconsin anywhere in America overnight. As a result, the outdated dairy price system, the Federal order system, no longer makes sense.

Wisconsin dairy farmers and Wisconsin communities are being ravaged, they are being destroyed by the current Federal order system. In the last 8 years, Wisconsin has lost over 10,000 dairy farms. Wisconsin has lost 2,000 dairy farms in each of the last 2 years. We have lost more dairy farms in the last 8 years than most States ever have.

Now, I am here tonight to speak to my colleagues, quite frankly, not on behalf of dairy farmers. Dairy farmers are not looking for our sympathy. They are a tough bunch. This is a tough life-style. They know that. They have been fighting uphill all of their lives. They are not looking for sympathy. They are looking for fairness.

More importantly, quite frankly, I would think to the Members of this body is the fact that this unfair system not only hurts our dairy farmers, my family farmers in Wisconsin, of which there are 22,000 remaining, but it is also unfair to consumers.

Mr. Speaker, it is important to realize, it is important to know that the outdated Federal order system artificially inflates the price of milk. And as more farmers go out of business, and as I just said, we are losing farmers each and every year, the more farmers who go out of business, the higher that price will be.

The Citizens Against Government Waste, Americans for Tax Reform, a number of taxpayer groups, groups that do not necessarily have a natural stake in the fight over a dairy policy, they have reached an interesting conclusion. After looking at the Federal order system, they have concluded that the Federal order system that we have had in this country for six decades is little more than a tax on milk. It is a milk tax that consumers are paying all across this land. It is a milk tax to the tune of about $1 billion each and every year.

Now, the reason I come forward today is because of a battle that I believe is going to be on this floor tomorrow and, quite frankly and unfortunately, probably on this floor for weeks and months to come.

Some weeks ago, Secretary Dan Glickman proposed a final order on the Federal order system for dairies. And in that Federal order, Secretary Glickman proposed a very minor change to the Federal order system, a very minor, modest change. And it is true, it will benefit Wisconsin farmers, dairy farmers, but again in a very modest way.

☐ 2115

Now, it may be ironic to some of you that I come here today to support a proposal from a Democrat administration. But I come forward because this issue of the Federal order system of the milk tax is not about Republican versus Democrat, it is not about conservative versus liberal. It is about doing the right thing. And I come here tonight to argue that we need to support Secretary Glickman's plan. Modest as it is, it is a step in the right direction.

Now, the Federal order system for dairy is one of the most complicated systems that you can possibly imagine. It is full of acronyms, it is full of terminology that the average person cannot understand, let alone a Member of Congress who may serve on the Committee on Agriculture or who comes from a dairy State. If you tried to explain to your constituents that this system that we have in place creates a price on milk based not upon productivity, based not upon quality, based not upon efficiency, but instead based merely on the distance that a producer is from the city of Eau Claire, Wisconsin, your constituents would not believe you. They would think that you were making it up. The sad reality is that that is the truth.

We have a dairy system in this Nation for which government mandates prices for fluid milk again based merely upon geography. That is wrong. It is unfair to farmers, it is unfair to consumers, it inflates the price of milk and, quite frank,ly it is un-American because it is contrary to our free enterprise system.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT). I know that he shares many of the concerns that I bring forward tonight.

Mr. GUTKNECHT. I would like to thank the gentleman for yielding and especially thank him for requesting time for this special order tonight. I suspect there are an awful lot of Americans who may tune us in and certainly most of our colleagues who will be watching in their offices or are still here on the House floor who really do not understand this whole milk marketing order system. Frankly, having studied it now for about 5 years, I honestly cannot say that I completely understand it, either.

But I would correct the gentleman on one fact, and that is, he said it is priced purely on how far you are from Eau Claire, Wisconsin. That is partially right. It is the only commodity I think in the United States, maybe in the world, that is priced not only based on where it comes from, it is also priced on what it will go into. Milk that goes into cheese is of lower value than milk that goes into a bottling plant and is sold for fluid milk for drinking.

There are actually four classes of milk. Class one is milk that goes into liquid dairy products that are drinkable. Class two are spoonable; that would be things like yogurt. Class three is cheese, and class four is dry powdered milk. So we have four classes, and it is all priced based upon where it comes from. And the farther you are from Eau Claire, Wisconsin, the more the dairy farmer gets for their milk. The closer you are to Eau Claire, Wisconsin, the less you get.

And then if you are at an area that has cheese plants and most of the milk goes into cheese, you get a lower price still.

In my opinion, it is the most indefensible thing that the Federal Government ever created. It may have made sense back in 1934. In my opinion, it makes no economic sense today.

Let me just show in this chart that I have next to me, and it sort of illustrates the differentials we are talking about. These are the producer class one blended price benefits per hundred weight. That is the way milk is priced. Milk to dairy farmers, and we have got a former dairy farmer sitting here in the second row and maybe he can talk a little bit about it, maybe he does not even understand how his cream checks were calculated.

But if you lived, for example, in the northeastern part of the United States, your differential came to about $1.40. If you lived in the Appalachian region, that average price was $2.34. If you lived down in Florida, that worked out to $3.32. But if you live in the area that the gentleman from Wisconsin and myself come from, in the upper Midwest, you can see that over here it is only 27 cents. That is what we are talking about, ultimately.

We are not asking for special privilege, for special benefits; we are not even asking to receive equal pay for equal milk; but we would like to equalize it much more than it is today.

The second chart that I have I think illustrates it more geographically and what we are talking about. The country is divided up into all of these milk marketing order regions. For example, these are the average blended prices for current Federal milk marketing order areas. In the Pacific Northwest, that average price last month I believe was $14.75. If you are in the upper Midwest, that is, basically Wisconsin, Minnesota, parts of the Dakotas, you are talking $13.57.

Now, on the other hand, if you lived in eastern Colorado and produced milk, your average blended price last month was $15.16. And if you lived down here in Florida, that price is $16.82. If you look at this, at one time it may have made some sense because the area around Eau Claire, Wisconsin, was considered the dairy capital of the United States and in many respects the dairy capital of the world, and we are still privileged that in this region we produce about 30 percent of the milk in the United States.

But as I say, it may have made some sense back in 1934; that was before the days of refrigeration, that was before the days of the kind of transportation, the interstate highway system that we have, but today we can move milk 1,200 miles in 24 hours. So the whole idea that we need this regional balkanization of the United States as it relates to dairy production is just crazy.

Again, back to the point that my colleague from Wisconsin made about the basic unfairness of this: How can you say to dairy farmers in Glenville, Minnesota, that you are only entitled to $13.57 for your milk, but the same quality, the exact same quality of milk in the Southeast is worth $16.13. That is a difference of over $2. When you are talking about hundreds of thousands of pounds of milk per month, you are starting to talk real differences.

I see the chairman of the Committee on Rules is approaching the microphone and perhaps we should yield to him for a moment.

Mr. DREIER. I thank my very good friends for yielding.

Mr. Speaker, I would like to congratulate my friends for their very, very hard work and wish them well in their proceedings here.

Mr. GUTKNECHT. We would like to thank the chairman and we hope that he will drink more milk. June is Dairy Month, so enjoy as much as you can.

Mr. DREIER. I will tell my friend that I am a huge dairy consumer. Ice cream is my favorite.

Mr. GUTKNECHT. I would like to thank the chairman.

As I mentioned earlier, we have been pushing now for 60 years to get this whole milk marketing order system reformed. Finally, under the leadership of former Congressman Gunderson from Wisconsin, we finally got included in the ag bill a couple of years ago a requirement that the Secretary of Agriculture, Secretary Glickman, was forced to come up with a new plan to begin to bring some equity to this whole milk marketing order system. To his credit, he did come up with a plan that frankly some of us are not completely happy with.

I want to point out these colors if I could. I promise not to take too much time here, but this essentially reflects some of the changes that would occur under the plan that Secretary Glickman came out with. If you look at this, actually Minnesota and Wisconsin lose under the Glickman proposal.

And so we are not asking for completely equal pay for equal milk, but we are asking to level the playing field. The net practical effect of the Glickman plan is, it does eliminate some of the differences. Relative to some of the other areas of the State, if you just go by winners and losers, we lose less than some of the other States, but that is because they already are getting more than we are getting.

So we are prepared to accept what Secretary Glickman has proposed in a spirit of compromise, because at least in general it moves to a leveling of the way that the milk marketing orders are set up.

Before I yield back to my colleague from Wisconsin, I want to play a little visualization game with some of my colleagues. If you could, just close your eyes and think of all of the products that the pricing is based upon some geographic location. Just think about that. Well, the answer is, there is only one. Only milk.

I think we have got a cartoon from, I believe it is from the St. Paul Pioneer Press. Maybe the gentleman from Wisconsin wants to talk a little bit about it. Maybe it is easier for me to talk about it because I have got it right here.

But could we imagine a system where all computers would be price adjusted according to their distance from Seattle? We could not imagine that, could we? Could we imagine a system where all country music should be price adjusted according to how far it is away from Nashville, Tennessee? Where all oranges should be price adjusted according to their distance from Florida?

But we do have a system where all milk is priced based on how far away it is from Eau Claire, Wisconsin.

Now, the question at the bottom is, which of these is actual Federal policy. It is amazing when you stop to think about it. It is the only product where the price is based on some arbitrary geographic location.

Secondly, it is based on what that product is going to go into. In fact, up in northern Minnesota where we produce an awful lot of iron ore, they produce taconite pellets. These taconite pellets, no one could imagine that some Federal bureaucrat would sit up there in front of an iron mine and say, well, these taconite pellets are going to go into automobiles so they will be priced at this level, and these taconite pellets are going to go into steel lockers and therefore the price will be something else. That would be a crazy, absurd idea. But the truth of the matter is that is exactly what happens to milk. It is all done by bureaucrats here in Washington, D.C.

Once again, we are here on the floor of the House tonight arguing this case because farmers in the upper Midwest have been dealing with this antiquated, in fact Justice Anton Scalia has referred to this system as "Byzantine."

We have dealt with this Byzantine system for 60 years. Finally, Secretary Glickman has come out with a plan which is not perfect, actually in some respects it still punishes dairy farmers in the upper Midwest, but at least it levels the playing field, at least it is fairer for dairy farmers regardless of where they are than the system we have today. I congratulate him for it.

I am willing, in a spirit of bipartisanship, to move forward with the plan that the Secretary came up with.

I will yield back to the gentleman from Wisconsin and maybe we can talk a little more about this cartoon. As I say, it would be a whole lot funnier if it was not true.

Mr. GREEN of Wisconsin. I thank my friend and colleague from Minnesota. I think he has pointed out again just the absurdity of the system and that cartoon does show it.

Think about this. We are entering the year 2000, the next millennium, yet we have a system for the production and consumption and distribution of milk that is based upon economic realities around World War II. Think about how much technology has changed since then.

Beyond that, we are at a time in our history in which Members of this body from both sides of the aisle are emphasizing the need to open up borders, to break down barriers for trade all across this world. Yet here in America, in supposedly the bastion of entrepreneurial capitalism, we have a system that creates barriers, that blocks the flow, creates disincentives for the flow of dairy products across State lines and across regional lines. This is counter to everything that we stand for in America today.

Again, I want to come back and emphasize the point, this system is terrible for the dairy farmers in States like Minnesota and Wisconsin. Again, over the last 8 years, we have lost more dairy farmers than most States ever had.

But beyond that, this is bad for consumers. Under this system, we are driving up the price of milk. We are also encouraging large corporate farms, which are buying up the small family farmer.

□ 2130

If that trend continues, we are going to see dairy production in the hands of only a few, and then we will have a true monopoly on the supply of milk. Then we will see milk prices rise, and then milk will no longer be the cheap and wonderful fluid that it is, available to all today.

This is also, this system is bad for taxpayers. It drives up the cost on programs like the school meal program, it drives up the costs for families on food stamps, reduces the value of food stamps. This system, almost any way to look at it, is absurd, it is un-American, and it is wrong.

Now we are not going to change things overnight, we are not going to change things here tonight, but we do want to make our case to the American people. It is a long uphill battle, but it is certainly no longer and no more uphill than our dairy farmers are facing.

We want to start the process tonight, and as has been stated before, it is a long battle that we have ahead.

I yield my friend from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. I thank the gentleman from Wisconsin for yielding, and again I thank him for having this special order.

As my colleagues know, if this regional differentiation was not bad enough, and if the fact that we price milk to the producer based on not only how far they are from Eau Claire, Wisconsin, but what ultimately that milk is going to go into, if that were not bad enough, we have one other little wrinkle that has made things worse. It is called regional compacts.

Now this is the only area, again, that I can think of where we have allowed States literally to go together and hold out imports of dairy products from other parts of the country. In other words, they have created their own little fiefdoms.

As my colleagues know, at the very time, as was mentioned by the gentleman from Wisconsin, at the very time we are saying to Europe and we are saying to Asia and we are saying to our trading partners all around the world it is time to bring down those trade barriers, we need open markets and open trade, we have problems trading even with certain regions of the country.

Right now there is a Northeast Dairy Compact, and unfortunately some of our colleagues, even as we speak, are trying to work out new compacts to try and create even worse regional differentiations between the regions and to keep out imports from other parts of the country.

As my colleagues know, this seems, and the gentleman mentioned the word "un-American". At the very time that we are trying to break down trade barriers to China and to Asia, we are constructing trade barriers right here in the United States, and in my opinion it is just an outrage, and so the only thing we can do is come to the House floor, offer amendments, talk about this, talk about the fairness, and hopefully in the long light of history sooner or later these trade barriers are going to be knocked down. We are going to see open trade not only with Europe, but with the Northeast as well.

The problem with compacts in my opinion is they do violate, if not the letter, certainly the spirit of the Commerce Clause in the Constitution, and frankly, had they not been legislatively approved, there is a very good chance that the Supreme Court would have thrown them out. That debate is going to get very heated because, as I say, not only does the Northeast want to expand its dairy compact, they are talking about a regional compact in the Southeast, perhaps extending as far west as into Kansas.

And we joked with some of the supporters of those compacts. We would be happy to allow those compacts, if they would just allow the upper Midwest in. I mean, if we could be getting the same price, for example, that they are already getting in New York and New Jersey, and you see by this chart $13.57 for us, $15.40 in New York and New Jersey. The New England Compact States are getting $15.61. Now our dairy farmers would love to be in that compact if that meant that they got $15.61 for their milk.

That is the difference. Again, it is unfair, and if the system is already convoluted and complicated, the terrible tragedy is there are people here in the Congress today, well-intentioned Members, but they are trying to make the situation even worse, even more complicated, even more unfair.

Mr. GREEN of Wisconsin. Mr. Speaker, what my colleague, the gentleman from Minnesota (Mr. GUTKNECHT), points out is something important, and that is that there are really two different elements to this overall fight that we have on the dairy front.

There is, first of all, the problem of the Federal order system, which is what we began talking about tonight, and that is the differential system that does base the price of milk largely on the proximity to Eau Claire.

In fact, it was interesting. That is a fight that my predecessor has been fighting and so many men and women over the years have been fighting. The Agriculture Commissioner from your State, in Minnesota, pointed out that dairy farmers in Minnesota have become so frustrated with their inability to change that system that they actually think it might be easier to physically relocate the City of Eau Claire to the West Coast than actually making a reform to it. That is the Federal order system.

But the second part of this, and it is a problem, as you rightly pointed out, which is equally bad, it is the problem of the compacts because the compacts do serve to create trade barriers between States and between regions, and Citizens Against Government Waste have calculated that the compacts are a major tax on milk that will drive up the cost of milk for so many consumers in this country.

As my colleagues know, we are the most effective dairy producing region in the whole world in the upper Midwest, and yet because of the combination of the compacts, because of the combination of the compacts with the Federal order system, we are being punished for that very productivity which we have.

And as the gentleman pointed out also, the dairy farmers in Minnesota and Wisconsin are not asking for any favors. They do not want favors. They do not want sympathy. They just want the chance to compete. They know that if they are given that equal chance to compete, they will succeed. They will succeed vis-a-vis farmers in America, but also farmers all across the world.

That is all they are looking for, and in this land of opportunity it seems to be the least that we can do.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield, talking about what this really ultimately costs to consumers as well, the estimate that we have of the cost of the compact to New England consumers has been $47 million.

Now some people will say that milk is not a price-sensitive item and that, as my colleagues know, people, consumers will continue to drink about the same amount of milk regardless of the price. I am not sure I really believe that, and in fact I have had some of my friends at the Dairy Association try to tell me that. It seems to me that if you over-price milk in certain regions of the country, the net practical effect is you are going to drive down consumption, and what we desperately, and one of the real problems with what I call the Balkanization, and we are having this war going on in the Balkans right now where that term came from, but basically what we have is Balkanization of the United States as it relates to milk.

The real tragedy is the biggest war that is going on right now for the milk industry is this competition with the soft drink industry, and the soft drink industry is out there, and they are marketing and they are competing, and they are vicious on price and they are vicious on advertising, and they are constantly taking a bigger and bigger share of the beverage market, if my colleagues will, and at the very time, it seems to me, that the milk industry ought to be speaking with one voice and ought to be working together and figuring out how they can get a bigger market share relative to the soft drink industry, at that very time they should be working together. Unfortunately, we have all of these regions working against each other, and the net practical effect, of course, is that we continue to lose market share relative to CocaCola, Pepsi Cola, Mountain Dew and all of those other soft drinks that are out there competing particularly for the younger people's market.

And so there are so many things that need to be said positively about the milk industry, the dairy industry, and unfortunately we spend so much of our time here in Washington fighting with each other over this regionalization of the way pricing is structured. It is a terrible mistake, and it has cost the consumers.

Let me also add that, as my colleagues know, a lot of the argument for this system and even for the regional compacts has been that it will save small dairy farmers. Well, over the last 10 years we have lost something like 10,000 dairy farmers. As my colleagues know, if that is the definition of success, we cannot afford much more of that.

What we really ultimately need to do is work together to find fairness, to find common ground, to work together to expand markets for our dairy products, and we are not just talking about fluid milk either. I think there is a tremendous market worldwide for cheese products and other dairy products which we can produce so well, so efficiently, with great quality here in the United States. But unfortunately, as I say, we spend too much of our time from a national perspective not looking for additional markets for our dairy farmers both here in the United States and around the world, but fighting amongst ourselves over this antiquated, Byzantine, unfair milk marketing order system.

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to pick up on 2 points that the gentleman made.

It is ironic that at this point in our history where as Americans we are so health conscious, we keep talking about dietary changes and the things that we should be doing especially for young people in trying to encourage good health practices, at that very time when we should be encouraging the free flow of milk all around the Nation and keeping milk prices low, we are actually reinforcing a system that does just the opposite. We are making milk a healthy, wonderful product. We are making milk more expensive than its counterparts. We are actually encouraging people to shy away from milk and to go towards such products as soda, and no one is going to say that soda rivals milk for health value. That is a great irony.

Secondly, I know a lot of people out there listening tonight are saying to themselves, well, if the price of milk is going to go up, that is okay if it goes to help the family farm. Well, perhaps the greatest irony of all is that the compact system, the Federal order system, hurts the small farmer to the advantage of the corporate farmer. Every analysis I have seen shows that the lion's share of the value of any increase in the price of milk does not go to that small family farmer. Instead, it goes to the large corporate farm.

Nothing against the corporate farms, but they are pushing the small farmer out, and again, as we put more and more of the means of production for dairy products in the hands of those large corporate farmers, we are losing control, and then one day when we only have milk being produced by a few, then we will truly see milk prices go up. We will have a true monopoly.

So for those out there who are saying, "I am willing to pay more if it helps the family farm in Minnesota or in Wisconsin," the sad reality is it does not. Instead it pushes them out of business. We lost 2,000 dairy farms in Wisconsin last year, 2,000 dairy farms in Wisconsin the year before. We have lost 10,000 over the last 8 years. We have lost 50 percent of all dairy farms lost in the Nation over the last decade were lost in the upper Midwest in States like the gentleman's and mine.

So, people may be thinking that they are helping out dairy farmers with these higher prices. The sad reality is they are not. They are not. If anything, they are accelerating the decline of the family farm, and that is a great tragedy.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would yield, if you look at this purple section here, we are losing an average of three dairy farm families every single day, and as my colleagues know, as I said earlier, if the definition, if this program was designed to protect the small dairy farm, I mean by its very definition it has been an abysmal failure. We cannot afford to continue this policy much longer.

And the gentleman is also exactly right that ultimately, unfortunately, unless we have some real reform of this system and at least have some fairness, and we cannot guarantee that some of these smaller dairy farmers are not going to go out of business. And I will be honest, some of them go out of business just because of quality of life.

I mean there is nobody who works harder than that dairy farmer who gets up every morning at 5 o'clock to milk 60 cows and then has to repeat the process that afternoon. I mean it is one of the hardest lives that anybody can take on, but it should not be made unfair by a Federal milk marketing order system which penalizes someone just because they happen to be from the upper Midwest.

Now in this great debate, and my colleague is going to learn the longer he is here in this business and in this city, when you talk about, and I do not even particularly like the term leveling the playing field. Actually I just like to talk about fairness. All we want is fairness. But many people will use the term "leveling the playing field." The truth of the matter is, in any debate about leveling the playing field there is at least half of the people in that debate who do not want to level the playing field because they have an advantage, and they want to keep the status quo.

But even in some of those areas where they currently have a huge advantage, like the Southeast and down in Florida, even into Texas and over into New Mexico, the further away you get from Eau Claire, Wisconsin, I think even those people have to acknowledge that at the end of the day milk ought to be treated like almost everything else, and it ought to be priced more or less based on what the market will yield.

Now I am fully in favor of putting some kind of a minimum price under the floor of milk. In fact, I have introduced a bill this year to put a floor of at least 10.35.

□ 2145

I think there is a need to create some kind of a job absorber in case there are market aberrations which would drive the price of milk too low, but at the other end of the spectrum, part of the thing that happens with this also is in some respects, it keeps milk from going up. If one cannot expand markets, if one limits oneself in their ability to get into Asian markets with cheese and other dairy exports, ultimately one limits their ability to increase net farm income, and particularly farm income as it relates to dairy producers.

So this is a bad system, a bad system for dairy producers. It is bad because it causes conflict among the regions when we ought to be working together. It is a bad system because it ultimately costs consumers in some areas more than they should have to spend for the milk that they buy, and it really has done almost nothing to protect the small dairy farmer.

So from every perspective I think this has been an abysmal failure. The time has come, even though, as I said earlier, the plan that Secretary Glickman came up with is certainly not perfect; and frankly, on a net basis, we still lose under this plan, but we lose less than we are losing today.

So those of us in the upper Midwest, from Wisconsin, Minnesota, parts of the Dakotas, we are prepared to accept the Secretary's plan. We think it should be allowed to go into effect, and frankly, we think we should do what the Congress said 2 years ago and then again repeated last year, and that is to allow the compacts to expire.

They were designed originally only as an experiment which would last a year, and part of that experiment was to find out if they could curb the number of small dairy farms that were going out of business. The evidence is in, the evidence is clear; they have not done that. They have cost consumers more money. They have increased the number of corporate farms on every front; in my opinion, the compacts have been an abysmal failure.

We should allow them to do what the agreement originally was, which is just keep all ends of the bargain, move ahead with the dairy reform that Secretary Glickman has come out with, and end these crazy compacts and do not expand them to other States.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman. The gentleman has been fighting this fight a lot longer than I have, and I applaud his efforts.

I guess, just to wrap up and summarize, as the gentleman has pointed out, Secretary Glickman's order is not perfect; and for those of us in Minnesota and Wisconsin, we would argue it is far from it, and it is a very small, modest step. But at least it is a step in the right direction.

It recognizes that the long-standing system, standing since 1937, of Federal orders and compacts is bad for farmers, driving our family farms out of business; it is bad for consumers because it inflates the costs of milk, it adds a milk tax in so many ways; and finally, it is counter to free enterprise, free enterprise not just in the manufacturing sector, not just in the service sector, but even in the agricultural sector. It is the only agricultural product treated like this.

So it is bad on all counts. It is time to make a larger change, but at least to support Secretary Glickman's proposal, let that come on line, make a small but positive step and offer some hope to our farmers.

PROGRAMS THAT WORK FOR EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, this evening I want to spend some time with my colleagues talking about an issue that is important not only to me and my colleagues on the minority side, but I think to all Members of this Congress and certainly to the people of America.

The topic is education, an issue that we talk an awful lot about, but I want to talk this evening and share with my colleagues some examples of not only programs that work, but also people that are doing outstanding things for our children, certainly in my district and in my State.

I want to talk a little bit about an innovative program that I visited a couple of weeks ago in Greensboro. It was a program called Reading Together. One of the things that I learned before I came to Congress, and I think we have all known it for a long time, but certainly it was pointed out to me very vividly while I was superintendent of schools, if one can teach a child to read by the time they are in the third grade, one has accomplished a great deal as to what we need to do to help a child learn and do well, and certainly make it in school and in the world.

The Reading Together program is a program that is being piloted in a number of areas; I think it is in Pennsylvania, but also in Greensboro. What that program does is takes mentor students from the upper grades, and in this case they were fifth graders, and on a regular basis they are trained, they work with a trained teacher, and they come down and work with children who have difficulty reading in the earlier grades, normally in the first and second grade, and they become not only mentors, but they become tutors.

I watched them for over an hour, and in this process, as those children worked and worked with young people, they had been trained; and when they finished the reading, they debriefed the young person they were working with, and then when the second graders went back to their classes, the fifth graders met with their teacher. They then were debriefed, talked about what had happened, how each child had done, made notes, kept a journal.

These are things that very few adults do, and here we have young people doing them. I hear so many times people talk about our young people. They need to get out in the schools and see what is happening, the good things that they are doing, the outstanding jobs our teachers are doing. So I thought this was a good time to talk about these good things, as we are now all across America beginning to close down the school year.

In my State, some of the schools were out last Friday and others will finish up this Friday, and many Members like myself will be speaking at commencement exercises. I did last week and will again this week.

But I would like to share a program that really is working and making a difference. It is a pilot program that had been started really before I came to Congress, and it is working with some money through the U.S. Department of Education on a direct grant, and it is making a difference. The reading scores have improved dramatically.

Students really work their way out of these classes and into the regular class. So that is what it is all about. We give a child some help, and then they can help themselves.

Mr. Chairman, my friend from Maryland (Mr. (CUMMINGS) has been out in his schools working, and is a great leader for education and a leader in this Congress. He has some excellent examples, and I would like to yield to him so he may share those with us.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding and thank him for his leadership in the Congress in reminding all of us how important education is.

Mr. Speaker, I am a great believer in Dr. James Comer. Dr. Comer has a philosophy which I truly believe in, and he talks about the fact that a child can have the will, a child can have the genetic ability, but if a child does not have the opportunity, then that child is in trouble, he is going to have problems.

I look at my own life. I started it off in special education. I was told I would never be able to read or write. But because of opportunity, because there were teachers who stood by me and told me what I could be instead of telling me what I could not be, because of my parents who were involved, and I know we are going to be talking about parents tonight and how important that is; but I can remember, I say to the gentleman, that when my father, who worked at Davidson Chemical Company, he would come to our PTA meetings. And he used to work in the evenings and his boss would let him come to the PTA meetings in his overalls, all greasy, but he would come in there and talk to the teachers and participate in the PTA meetings, and he played a significant role in our lives, and the teachers expected him to be there.

But just going back to some of the things that the gentleman was saying a little while earlier, I too have been involved in these commencements and I have seen so many of our children who go through so much difficulty to get through high school and they make it, and it just makes one feel good to see those young people marching down that aisle and to know that they have truly accomplished something.

I think it is important for us as Members of Congress to do what the gentleman said that he does and I do and I am sure many of our other Members do, and that is to celebrate our children's lives, to celebrate their victories.

I think I was telling the gentleman a little bit earlier about a wonderful contest that we had in our State whereby our Department of Children, Youth and Family, the Governor's Department of Children, Youth and Family, sponsored a contest for the school that read the most books. Out of our 24 counties, I am very pleased to say, and out of our eight congressional districts, there was a school in my district that read the most books, an elementary school. The school is not located in the most affluent area, but these children made a decision that they were going to work hard; and they read these books and they had a way of making sure that they examined them, and they had to do little reports and whatever.

But I say to the gentleman, I am going to go by there when they have the awards to celebrate with them, to say, hey, you did a good job. I think that those are the kinds of things that are so important.

Again, I emphasize that I want to thank the gentleman, because as we watch the gentleman on this floor and all of the things that he does behind the scenes, his coming to this Congress has been very significant in that he has lighted the way we view education; and the gentleman has put it definitely out on the front burner and has made it something that is extremely significant, reminding us that if we support our children and work with them, we can make a difference.

So I am going to yield back to the gentleman, but I will be here for a while, so I look forward to just listening him.

Mr. ETHERIDGE. Mr. Speaker, the gentleman mentioned the reading program, and I want to share one with him, if I may. It was something that we started maybe 2 years ago, and I shared this with the gentleman earlier.

First, though, I want to tell a little story. We gave out an award we call the Golden Key Award for parent involvement, for the parents who got involved in the PTA, because I think this is the key to improving the quality of our schools and helping the teachers get the parents back in the schools.

So that led to the issue of how do we engage the parents with students and really help the reading, because I believe that is important.

When I came to Congress and was no longer superintendent, I wanted to keep that going. So we started what we call a Congressional Reading Program, for lack of a better word; I could not think of a better one. So what we do is, I have encouraged the students to read. I told them last year, if they would read 100 books, I would personally come and deliver a certificate.

Well, I figured there would be a few books read, and I had just an outstanding principal in Anderson Creek. We had a number of others involved. We had probably a half a dozen schools in our pilot, but we only do it for kindergarten, first and second graders. We did not want to go much higher than that, realizing how many it would be. So we kept about six schools involved. They did an outstanding job.

The reason I mention Anderson Creek is because they were one of our first pilots. They did it again last year. They must have had 300, and some children read 100 books, at least 100. Some of them read as many as 200 and 300. The significant thing was that when I went to give those awards a year ago, there were probably 400 parents, grandparents, aunts and uncles that filled up the gym.

So I will go back this year to give the awards again. This year, there were 481 children who read at least 100 books. Several of the children had read more than 500 books. I mean, we are talking about children reading two and three books a day. They were not very big. We did not tell them how thick the books had to be. But the interesting thing was the number of kindergartners in this school, a lot of them, they received an award.

Well, it is quite obvious to me that kindergartners, very few can read when they start, they do not read. But guess who read the books? The parents or the grandparents or the aunts or uncles, whoever. But what we do is, we get a significant adult involved with that child early and then we get the linkage to the school.

So this year I delivered 481 certificates. We had more parents in the gym than it would hold. They were standing outside. They stood in line, a lot of them stood up, because they did not have seats, for almost 2 hours because I stood up for 2 hours and handed out the certificates and shook the hand of every child in that school.

Mr. Speaker, I only tell that story because I think every Member can do something like that.

We ought to honor and encourage our children. It is not enough to stand on the floor of the House and point out the problems; there are plenty of problems in the world. But I think we need to go and honor and reward the good things that are happening.

I have always believed that if one rewards successes, one will get more. If you let people know you encourage good things, more good things will happen.

I was so pleased because I left there that day, and of course my back was sore from having to bend over to shake hands. When one is 6 feet, 6 inches and shaking hands with little folks, one gets sore, but I felt so good. I was late for the next school; I had to deliver more certificates.

We are now going to expand it.

But these are the kinds of things all of us can do. It is not very creative, and the cost of a little certificate is not much, but for some of those children it was so important. We could tell in talking with the children and watching their parents who came up to take the photographs.

The neat thing was the principal, a lady by the name of Alice Cobb, who is just an outstanding leader and a great educator, she was smart enough to understand how important it was to her children.

□ 2200

So she had a video camera going, digital video camera, through all of it so she could photograph every child in the video. Of course, as we know, one can print that out on paper. She sent me a whole stack of stuff she had done.

I know the type of person she was, that she had given every child a photograph when they got their certificate. There are some things that we do not think about sometimes. Those of us who are in public office appreciate being acknowledged. Just think what we will do for a plaque or certificate. So a child will do good things, and schools understand that.

I hear people sometimes belittle some of the good things teachers do and call it woman fusses. If you are a child and you need someone to say you look good today when you do not feel good, when you are not real sure you look good, someone to tell you you are a nice child or they love you when nobody at home may be telling you that, it may make the difference in that child's life. All of us can talk about things like that to make a difference.

We have to require the academics of every child, make them achieve the most they can do. We do that in North Carolina. We require it. We assess each child. We have a tough curriculum. But at the same time, all of us need to be loved, and every child needs that. If you do that, you encourage, you give them love and you give them tough love when you have to, you can get a lot.

That is what the gentleman is talking about with the program he was just sharing in his district. We can do a lot of those things.

Mr. CUMMINGS. Mr. Speaker, if the gentleman will yield, I agree with him. As the gentleman was talking, I was thinking to myself that we spend a lot of time on this floor and we spend a lot of time in committee, but the kind of things that the gentleman is talking about costs very little.

We are always worried about how much money we are spending, spending. We just allocated quite a bit of money for the war in Kosovo. But the fact is, is that taking some time, just taking some time and celebrating, that is what we are doing. First of all, we are encouraging our children to read. Then when they have done that, we take time to celebrate their victories.

I have often said to parents in my district that there is nothing greater that we can do as adults, nothing greater than creating positive memories in the minds of children.

One of the things that I have to always remind myself of is that children think differently than we do. Those certificates will last those children until they die. They will go with them. That is something that they can look back on and say that "I was recognized by one of 435 Members of the House of Representatives." Not a lot of children in our country can say that. That is very significant.

I have given certificates to children, and then parents will let me know, grandmothers let me know, "You know what? You presented a certificate to my child 7 years ago, and it is still up there on my child's wall. It is up there on that wall to remind my child that she was recognized or he was recognized at an early age."

That leads me to another point. I would like to really have the gentleman's comments on this. I had an opportunity to visit a school not very long ago where a teacher, the principal said "We really want you to see our best teacher." We had gone through several classrooms. My staff and I had gone through several classrooms.

When we got to this last classroom, it was a second grade class, and this was on a Monday. So the principal said, "Well, Ms. Jones, what are you teaching today?" She said, "Well, I am teaching the material that we tested on Friday, this past Friday." So the principal said, "Well, why are you doing that? I mean you already had the test."

The teacher said something that will stick in the DNA of every cell of my brain forever. She said, "Every child in my class should have an A, and not everybody got an A." That really touched me, because I mean she got it. She understood. She wanted all of her children to rise. She did not want some As, some Bs, some Cs and some Ds. She made it clear that "I am going to make sure that all of my children rise so that they can move on to the next level."

I think sometimes what happens is we are so busy trying to categorize our children that maybe, just maybe we do a disservice. One of the things that research has shown over and over again is that a lot of our children, the children that we talk about, the little kindergartners and the first graders, they have so much enthusiasm and they are so anxious to learn. Even when they are in that little 0 to 3, 2 and 3-year-old range, they are like little sponges and they are just grabbing information, and they are excited and jumping up and down.

But research has shown, as they get a little bit older, get to that fourth and fifth grade, a lot of times that enthusiasm for some reason goes down. I mean the gentleman from North Carolina having been an educator and the head of education for his State, I would just like to have his comments on that.

Mr. ETHERIDGE. Mr. Speaker, I think the gentleman from Maryland is absolutely correct. I have often said that children come to public schools across this country, and certainly in my State, from a number of backgrounds; and they do not all come.

This is where I get frustrated. I used to get frustrated at the State level, and I get frustrated here with some of my colleagues when they want to talk about and start criticizing the schools, because when they start doing that, they are criticizing our children.

My colleagues have to be careful because schools are children and the professionals that are trying to help them. They come from a variety of backgrounds, from a variety of experiences. But all of them do not come in top dollar for the same level of knowledge and experiences when they come to school. So they come, as the gentleman says, at different levels. That teacher understood it.

What the educators are talking about, when they say "I want them to all have As," they are talking about mastery, so they are mastering the subject. There is a difference in learning and mastering. Most of us can get a bit of knowledge on the computer. If we get training here, all of us have computers in our office, and we have staffs to have mastery. A lot of us just have cursory understanding so we can turn it on and retrieve a little bit of information. If we want to get a little bit further, we have to call and get help.

What those teachers were saying to the principal and to the gentleman, I want all my children to be able to have mastery on this computer. I want them to be able to use it, not just turn it on and call for help. They want to be able to go and get all the data that it has in it.

I have often said that not all of us learn at the same speed. We forget that sometimes. It takes longer for others, and they still get it. If one watches students, if one ever notices, there will be some who we say they are slow. The truth is they are not as interested in school as others. They may not bloom until they get to be sophomores or juniors in high school sometimes. Sometimes it happens even after they leave high school.

There are stories, and I am sure there are Members right here on the floor of this House who would say that they went into the military or went somewhere else and came back. Many times, those who came out of the military, they had 2 or 3 years to adjust. All of a sudden, they came home and realized, "I did not apply myself when I was in school. I really need to settle down and get focused."

Today with a lot of young people who go into youth service corps or something else and leave school, and all of a sudden they say, gosh, "I did not apply myself. I wish somebody would give me a quick kick in the slacks to understand what I needed." That is at that level.

But at the early years, where those youngsters are such sponges, and they really do want to learn. They come with bright eyes. If you watch those little ones, they all have bright eyes. They are ready to learn. They are ready to go.

There is something that we are learning more every day about the brain and how much children can learn and their capacities, and we are doing away with a lot of the myths we used to have, because all children can learn. Let me repeat that again. All children. It makes no difference what their economic, their ethnic, where they come from, or where they are going, all children can learn. They can learn at very high levels. They may have different learning styles.

Dr. Comer has a great program. We used him a number of times in North Carolina. We had a number of his projects in our State. I think he does just a wonderful job in showing that we need to bring the family nurturing the youngsters. Because if a youngster comes in in less than a nurturing background or comes to school hungry, and if someone tells us the child does not come, I can assure my colleagues they can go any place, most places in this country where they will see a child come in on Monday morning, and I am going to break the stereotype here because a lot of folks think when we are talking about youngsters, we are talking about children from economically deprived backgrounds. It may be children who just have not had a chance to eat, and it may be upper middle class neighborhoods many times, parents who have the resources. They do not take time to eat, and they grab something from school.

Certainly there are those who, after Friday afternoon, who get a regular meal during the week, and Friday is the last really regular warm meal they get until they show back up on Monday morning.

My wife works in the child nutrition program in my home county and has for a number of years. She said one can really tell it when school is out for the summer. A lot of the children are reluctant to leave because they know something is going to be missing. School is a safe haven for them, but it also provides for them a real nurturing environment.

We have had some problems recently in some of our schools. But, by and large, they are loving, caring, nurturing places for people who really make a difference.

We had a program, and I will come back to the question the gentleman raised again in a minute, that we started really in 1992, called Character Education. It was not unique with us. There is nothing really new under the sun. We borrowed a lot of things. We borrowed this from a professor at Vanderbilt and from a number of other folks. But Character Education is about teaching those things that we can all agree on that children ought to know. Rather than add it on as an add-on in the classroom, one really teaches it as an integrated part of the curriculum.

So in 1995 we got a grant, wrote a project, got a grant from the U.S. Department of Education, and it started in Wake, Cumberland and Mecklenburg Counties, our three larger counties. A lot of other counties, Nash County, Johnston County, Harnett and others picked it up.

But what we do in that process is the community goes through a meeting with parents, and the community says here is some of the basic issues; in this case, this two, four, six, eight, nine issues that they agreed on in Nash County. I think Wake is about the same. Trustworthiness. Most folks will not disagree with that. Respect, responsibility, caring, fairness, citizenship, perseverance, courage, self-discipline.

They teach this every single day in some part of the curriculum in every single school. My colleagues say, well, why is that important? When we get bogged down in arguments of whether or not we ought to have prayer in school and all these other issues, that tends to be divisive. This is not divisive. We can agree on these, on all those issues.

If we look at those issues, those really are the kinds of issues that build communities, that build respect, that make a school what it ought to be.

In the process of putting this in, what we have found in some of our schools, I visited a school down in Johnston County, in Selma. I went in and talked with a principal. He said, "Oh, yeah, it is working." He said, "Our dropouts went down like 48 percent. The number of suspensions were down, in half." But he said, "The significant thing was children have more respect for one another, for their teachers. And what we saw was our academic scores went up."

So why would that happen? Very simply. We look at those issues. We are building trustworthiness. Pretty soon we have respect one for another. Children get to talk about those things in the classroom as a part of math, as a part of algebra or science or whatever they are doing.

So all of those things start to fit. Pretty soon, we find out that we are back to some of the things we used to do years ago in our schools, that we sort of bumped out, and now it is catching on in other places.

But we will be talking about some of these and having an opportunity, as my colleagues well know, in the weeks to come we will talk about the education budget that will come up. There will be those that say we do not need the Department of Education. We do not need those monies over there.

I am here to tell my colleagues, having been a former superintendent of school at the State level, that was a grant, and every penny of the money went to local schools, and it made a difference.

Now after we have been a pilot, we are putting it in in all of our schools, and it will now be used across the country, and the Department has become a clearinghouse.

Those are the kind of things that really make a difference. We take those sponges and start feeding them good stuff like this, along with a rich curriculum, and encourage them and reward them, pretty soon we start seeing the pressure that used to build that is not there, but the learning environment goes up. But it takes a long time to make a change.

Some people want to, the gentleman from Maryland (Mr. CUMMINGS) and I understand this, that many times we want to pass legislation and have instant results. Last time I checked, about the only thing that is instant we can get is coffee and tea and those things we buy that are instant.

Children take a while to grow and to really make major changes in education. It really takes 8 to 10 years because it takes a child about 12 to 13 years to get through school.

□ 2215

Mr. CUMMINGS. I want to thank the gentleman for what he just talked about. When the gentleman presented that list, those are also the things that build character. That is what character is all about, when we look at that list, trustworthiness and respect.

But that leads me to something else also. We have, certainly in the last few weeks, this Congress and our Nation have become very, very upset about what happened in Littleton, Colorado, and what happened in Conyers, Georgia; and I think all of us have been searching for answers, as parents first and legislators second, trying to search our souls to try to figure out how can we bring a peace and a needed tranquility to our schools so that our children can learn and feel safe in school.

And one of the things that I guess has truly impressed me is a school in my district called Walbrook Senior High School. Walbrook is an inner city school and had had quite a few problems. They brought in a principal, a fellow named Andrey Bundley, Dr. Andrey Bundley; he is about 38 years old. And while other schools were putting up metal detectors, he was taking them down, and he did it with the very kind of things the gentleman just talked about.

What he said was, look, young people, let us create an environment of safety. This is before all of these events just happened or came about. But he said, I want to create an environment of safety, and he talked about the very things that the gentleman has there. He just said, we are going to be responsible for each other, we are going to respect each other, we are going to trust each other. He said, there is no such thing as a snitch because what we want to do is create an environment where we all feel safe.

So what I have done, taking a note from the gentleman's own notebook, I have created what I call the U-Turn Award. This is an award that we are presenting to schools that have been able to turn their schools around. And we are going to be presenting it on June 1 to Walbrook and to their principal, Dr. Bundley.

When I walk through that school, and the gentleman and I talked about this a little earlier, a person can walk through a school and in 30 seconds to a minute they can tell a lot about the principal. And when I walk through that school now, all the children are in their classes or they are moving peacefully through the halls. They are very respectful of each other.

Dr. Bundley, on my last visit, just stopped some students in the hall and he said, what kind of school do we have here, and they said we have a school where we respect each other. As Pollyanna-ish as it may sound, the fact is that is what it should be all about, reminding our young people.

And these kids are a little older now, because we are talking about high school, but reminding them that, as he says, if we all want a safe school, then we are all going to make sure we create an environment of safety and we are all part of that environment. The students have as much say as the principal has to say.

And then what he found was that a lot of these children, while their homes may not have been like that, when they got these lessons, acquired these lessons at school, he found them taking them into their homes. Because the parents would say, I am surprised, Johnny always talks about this trustworthiness and this responsibility.

What they discovered was that once they began to do that and they took down the metal detectors, they discovered that by having that type of responsibility, that trustworthiness, that looking out for each other, that that is sort of valuing the family, the family of the school, and it felt good. It felt good that they could sit in that classroom.

And the next thing that happened was, other people were recognizing it. And that is one of the most important things about this recognition that the gentleman talked about.

When I was in school, we felt so proud of our school. And one of the reasons we felt so proud was we always had people coming in, the Mayor would come in sometimes, the Congressmen would come in and would recognize what we did. So that creates a certain pride, and that is why when the gentleman talks about the awards that he gives, I think that is so special and so important. Because by coming in there and saying, look, gang, you are really doing a great job and I recognize you; and even tonight, the gentleman mentioning the schools that he has mentioned, and my mentioning the schools that I have mentioned, that word will get out. And I guarantee that somebody will be on a P.A. system tomorrow morning saying, guess what, in the Congress of the United States of America our school was mentioned or our school was highlighted.

But something else will happen, too, and that is that there will be other schools that will say, "Well, the next time I see Congressman ETHERIDGE standing up, I'm hoping that he will talk about what we did."

And something else will happen through this dialogue, and that is, other Members of Congress and other State and local officials will look at this and say, well, hey, maybe we can do some of these same things.

Because truly we all have to work together to make our schools work. So I take this moment to congratulate Walbrook Senior High School for what they have done. And, again, it is just so interesting that when the gentleman mentioned that list of items just a moment ago, it is the same list, almost identical to the very things that Dr. Bundley at Walbrook talked about.

I yield back to the gentleman.

Mr. ETHERIDGE. I thank the gentleman. And the truth is, like I said earlier, there is nothing really new. You sort of borrow ideas and you redo them, but this came from people that had worked somewhere else, so we put it in, expanded it and made it work.

The gentleman talked about his schools, and I talked about Anderson Creek, I have been to, and Broadway, and the other schools in Lee County and up in Wake, but we are going to get a chance in this Congress in the next few weeks to show what kind of mettle we are made of, too. Because as the gentleman knows, we introduced a bill last week to create 30,000 more counselors to put in our schools across this country, that are badly needed, and 10,000 more resource officers to be out there to assist and help these young people in these areas where it is needed.

Because certainly in our middle and high schools there are not enough counselors to meet with them and counsel and help them with all the assessments. The others that are out there are doing all the paperwork. That is just one little piece; it will not solve all the problems, but it will sure help.

I trust before this Congress adjourns that we will also have a chance to deal with the issue all across America that we are all facing, in rural and inner cities and certainly in our growing communities, and that is this issue of school construction, an issue we can do something about it. I have a bill on it, the gentleman from New York (Mr. Rangel) does, a number of others do, and I trust we will pass something on that.

There are great needs. There is no question about it. And as an example, in Wake County, one of the counties I represent, they have grown 29.9 percent since 1990. And every county that touches it has grown in double digits. A small rural county, 29.7, adjacent to it. They cannot run fast enough to keep up. They are passing bond issues and they still cannot keep up. And I think it is time, if we really believe what we say up here and we really believe education is important, I happen to believe it is one of the most important things beyond our national defense that we have to step up to the plate and take care of that issue.

We can do it on a one-time basis through the tax code to really help these States and localities meet the needs. Because as the gentleman well knows, over the next 10 years we will see some of the fastest growth at our high school levels in the history of this country, because we are going to see the "baby boom echo," as they are calling it. The baby boomers are having children, and that growth is going to come, and we have an obligation, I think, to help meet that need.

I would yield to the gentleman.

Mr. CUMMINGS. As the gentleman was talking about school construction, one of the things that we recently did in my district, we had to get new computers, and so we decided to take our old computers and give them to one of our public schools. And the amazing thing about this situation is, when we gave those computers, we did not know how bad off that school was.

The school had 1,600 students and they had 260 kindergartners. And the interesting thing, out of that 260 kindergarten children, they had one computer. One computer. And what the principal and the teachers would do, they were very innovative and they were able to rotate those 260 kids around one computer.

Now, what we did in our district is, just last week, we gave nine computers. And we were able to clean them up and get them to these kindergartners and these first graders. But I wish the gentleman could have seen how excited they were about those computers. And one of the things that we said during our press conference was that we were encouraging other businesses and other government agencies, before they just toss those computers away, to look at our schools.

When a school has a total of 1,600 kids and one computer in this day and age, that is not very good. I look at my office, and we do not even hire folks unless they are pretty efficient and effective with regard to using a computer. And I mention that only because I thought about the fact that my office had gotten EPA a few months ago to give some computers, but the school was so ill-equipped and so old that they did not even have the proper electrical circuits to use the computers.

So that goes back to what the gentleman was saying, and I yield back to the gentleman.

Mr. ETHERIDGE. That is absolutely true. And that is why when we talk about school construction and renovation, and I should have added renovation to it, and someone says, well, the building I went to was fine, they are not even being honest with themselves when they say that, because the truth is, if there is a building and it is not wired for computers, it has to be done.

Now, there is a program that we did in North Carolina, and a lot of States have done it, where the community actually goes in and helps rewire the buildings. And that is all well and good, but those computers need to be networked. They need stations in the classroom. And if we do not allow children that access, it makes no difference where they come from, whether the inner cities or rural areas, that becomes, in my mind, one of the real problems we have in this country.

There might be those who would say to that, we do not really need the computers, we need to teach them to read and write. Well, give students a computer, and they will learn to write. People tell me, we do not have computers; we cannot write. Today, with computers and sending e-mail, people are doing more writing today than they have ever done in their lives. There are fewer clerical positions and more managers are using that.

So my point is that for children, when we put the computers in a kindergarten classroom, the students just start to shine. They absolutely shine. And the point the gentleman made about donating his computers, I gave mine, we gave some of ours out of our office a couple of weeks ago, and I would encourage other Members of Congress to do so. All they have to do is get permission. They can do it when they buy new ones.

There are a lot of them out there. But I would hope they would turn them over pretty quickly so they can get good equipment and not get worn-out equipment. Because the last thing schools need is old, worn-out equipment. They all upgrade them.

I will share this story with the gentleman, because there is a program going on, and actually this Congress helped fund it last time, though I was not aware of it, but we have a couple of schools that actually take the computers, they get the internal parts from one of the, I am not sure which computer firm they get it from, and they actually rebuild the computers so they are up to date with the new standards and all the speed of the new computers. And they are letting the young people do it in school as part of their vocational classes.

So when that youngster comes out of school, not only can they operate a computer, they can help build one. And they have a job as a technician available to them just like that, and they make good money.

So there are things we can do to help if we will be creative and innovative.

And there is no question that if we have just one computer to even 25 children, that is not enough. We tried to put them in North Carolina, 1 to 50, and we realized that would not work. Then we upped it to 1 in 25. But really they should have five in a classroom, where there are no more than 25 students. Then when they start working in stations, there is tremendous results. The teacher can work in other areas while that child is working on computers.

The gentleman has been in classrooms, as I have, I am sure; and especially if there are enough computers, they are over there just working at it, going to it, just doing all those things. And the neat thing about a computer is, what the child is doing can be instantly assessed. They get instant feedback, and that is so important.

Mr. CUMMINGS. And they love it. They actually love it.

I assume we are beginning to run out of time here.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. TANCREDO). The gentleman has 18 minutes remaining.

Mr. CUMMINGS. As I was listening to the gentleman, I was thinking about how great this country is and how blessed we are to be here, and I could not help but think about all the things that the gentleman and I have talked about tonight. And the gentleman said something to me earlier that just really touched me.

□ 2230

My colleague said that what we need to do is make sure we talk about the positives. So often I think what happens is that we hear the negative stories and we do not hear the positives.

Right now probably tonight all over this country and for the next two or three weeks young people are going to be marching down aisles of auditoriums and some of them will have graduation in churches. And these young people have achieved a lot.

I look at some of the students in my district, the graduation I just attended. A young man had cancer throughout his last 3 years of high school, and he is graduating with honors. Then I think of a young lady whose mother had died of AIDS, and she took care of her brothers and sisters for 2 or 3 years and now is graduating with a very, very high average, over 92 average. I really think that, and that is why I say my colleague is absolutely right, we have to look at all the wonderful things that our children are doing.

As I have said to many audiences in my district, these are the children that come from our womb. They are the children that have our blood running through their veins. And if we do not lift up our children, who are we going to lift up, I mean if we really think about it? I think that we, as a Congress, have to continue to find innovative ways to lift our children up so that they can be the best that they can be.

Every time I see a group of children come here to the Capitol, and I saw my colleague talking to a group just in the last week or so, I look at those children and I ask myself, Where will they be 5 years from now? Where will they be 10 years from now? Will they be sitting in the Congress? Will they be teachers? Will they be lawyers? Will they be doctors? Or will they have dropped out?

And I know that we as adults have a tremendous responsibility to do everything in our power to make their lives the very best that they can be. Because when we really think about it, if it were not for adults that gave us the guidance, we would not be standing here right now. If it were not for the teachers that taught us to read and write and do arithmetic, we would not be here right now.

So I think we have to continue to say to ourselves, look, it is not enough to talk, but to go out there and do the kinds of things that my colleague and I have talked about this evening. And again, I applaud my colleague for all the wonderful things that he has done and I thank him for sharing this evening with me and sharing these ideas. Because I am going to take a lot of the ideas that my colleague just talked about now, and I have got to tell him, I might not give him the credit for them when I take them, but I am going to use them. But I want to thank him for his leadership.

Mr. ETHERIDGE. Mr. Speaker, I want to thank the gentleman for his help and for being here this evening.

Let me close and say to my colleagues that this thing of education is no one has a lock on all that needs to be done. We have thousands of teachers across this country who every day go into those classrooms and fight the battle of ignorance day after day. They do it without a great deal of pay, but they deserve forever our gratitude and our thanks.

The children who will soon be following us as doctors and lawyers and teachers and preachers and, as I told a group that graduated the other night, if they slip up, they might become politicians and become congressmen and governors, but the truth is they are great youngsters and we have an obligation to be better role models. We really do.

Because most of them, most of them, are great youngsters. We hear about those problems. And I think we have an obligation to make sure that we honor those who do well and encourage those who want to do better and challenge those that slip up. And I think if we will do that, they will do better, we will be prouder of them. And that means that we have an obligation here to make sure that we shepherd the resources we have, that we do fund the education budget to the extent that we can and stretch it a little bit when we have to. Because there are a lot of places in this country where, as my colleague has pointed out, there are not enough computers. We can help.

The school buildings are not as safe as they ought to be, 50- and 60-year-old buildings that are not air-conditioned, that are not wired well. We can do better. In our Nation, in having the boom time we are having today, if we cannot fix them today and provide those resources for a good environment for children to learn, if we tell a child school is important and then he rides by a $40- or $50-million prison to go to a $3-million school, he has already figured out what is important in that community.

We can do something about that. We can make that school an attractive, inviting place to go if it is well-lighted. And lighting is important if we are talking about learning.

So let me thank my colleague for joining me this evening in this special order.

DRUG CRISIS IN AMERICA

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker and my colleagues, again tonight I come to the floor to discuss this serious situation in our Nation relating to the problem of illegal narcotics.

I was pleased in January to assume responsibility to chair the House Subcommittee on Criminal Justice, Drug Policy, and Human Resources, which deals with formulating our national drug policy.

I know that on the front pages of tomorrow's newspapers the stories of China sabotage and I know that illegally obtained intelligence, the fundraising scandals, money that poured into our country through illegal foreign contributions, sabotage of our intelligence, information relating to missile technology are serious problems and will be splashed across the headlines tomorrow.

I know what the headlines have been for the past several weeks since Columbine and Atlanta that the Nation's attention, the Congress' attention, has been riveted on the question of school violence. And we all are saddened by these great tragedies.

But let me say tonight, and I have said it before, that for every instance of school violence, if we took all the instances of school violence and death in Paducah, Kentucky; Jonesboro, Arkansas; and Columbine and we added up all of those tragic deaths the last several years, we would still have a small figure of 30 or 40 individuals maybe maximum; and, unfortunately, I hate to use this analogy, but unfortunately, we have a Columbine times three or four every single day in the United States as a result of the use of illegal narcotics.

The effects of illegal narcotics on our society are dramatic and costly. They are indeed costly to over 1.8 million Americans, almost 2 million Americans who are behind bars. Estimates are that some 60 to 70 percent of those incarcerated in our prisons and jails and penitentiaries are there because of a drug-related offense.

I might say they are not there for casual use of drugs. They are there because they have committed a crime while under the influence of illegal narcotics, they are there because they have committed a felony, robbery, they have been trafficking and selling illegal narcotics. And they are the victims of illegal narcotics. But we have nearly 2 million Americans behind bars.

The cost that this Congress will be considering in a few more weeks to fund the anti-narcotics effort is probably in the range of $18 billion. That is the direct cost that we will look at funding because of, again, the problems created by illegal drugs.

That is only the tip of the iceberg. We spend somewhere in the neighborhood of a quarter of a trillion dollars a year in the tremendous cost of social, economic, welfare support, judicial systems, incarceration, all these costs to our society because of the illegal narcotics problem.

Again, the tragedy is just immense. And again, we have the equivalent of a Columbine times three or four every single day. The sad part about all this is that many of these tragic deaths are our young people. The sad part about this is that last year over 14,000 Americans lost their lives to drug-related deaths.

The tragedy is that, in the past 6 years, under the Clinton administration, going on 7, we in fact have lost almost a 100,000 people. That is the number of Americans killed in some of our wars and conflicts. That is the size of entire populations of cities. It is an incredible tragedy.

And somehow tomorrow in the newspapers it will not be publicized along with the China sabotage or the Columbine problem. But what will be publicized is back in the obituaries or on the local page or the State page is a list of human tragedies. And those tragedies will be recounted in heroin overdose deaths. They will be recounted if someone would have died at the hands of someone under the influence of narcotics, someone who is committing a felony, another murder, under the influence of illegal drugs. Those are the sad statistics of this tragedy that we are facing as a Nation.

I come again tonight to talk about this, Mr. Speaker, because I think it is the most important and critical social problem facing our Nation, long ignored, not talked about.

As chair of that subcommittee, human resources is one of our topics, in addition to criminal justice and drug policy. We conducted a hearing this past week of over 6 hours, hearing from various school officials and law enforcement officials, some district attorneys, and other people involved with schools, psychiatrists, psychologists. And they repeatedly told our panel that, in fact, illegal narcotics and drug use are at the root of most of our school violence problems.

Of course, we only see splashed across the front pages of our newspapers and on our television nightly screens one incident with a large number of casualties at one time. This is a slow and tragic death, again, thousands of them across the Nation, and an effect on our young people that is dramatic. Most of the victims of this tragedy are prime youth and are young people.

Let me also talk tonight about the history of the problem. And I try not to be partisan in nature, but I do want to be factual and state that part of the reason that we have this epidemic particularly of hard narcotics, heroin, cocaine, methamphetamines, in the United States and other dramatic increases in usage of illegal drugs is really the result of the policy of the Clinton administration.

If we look at the charts, and I have said this before, back in the 1980s we had an explosion of cocaine back in the Reagan administration. But we saw that the policies of President Reagan brought the statistics down, the usage down, of illegal narcotics and the deaths down from hard drugs.

□ 2245

That continued into the Bush administration, with tough policies, tough eradication at the source, tough interdiction, use of the military, the Coast Guard, every possible resource of the United States to bring down illegal narcotics trafficking and the supply of hard drugs into this country.

Unfortunately the new President in 1993 as one of his first policies adopted cuts in the Drug Czar's office, began the elimination of many of the personnel in the Drug Czar's office, and then adopted a policy which I think we are still seeing the results of today. That is cuts in the interdiction forces; that is, trying to stop drugs at their source. Cuts and elimination of the source country eradication programs; that is, stopping the growth and production of illegal narcotics at their source. Again the two most cost-effective ways of stopping illegal narcotics. And then we saw the cuts of the military, dramatic cuts of use of the United States military in the interdiction of drugs, a Federal responsibility of stopping the flow of illegal drugs before they came to the borders of the United States. And then we also saw dramatic cuts, almost 50 percent cut in some of the Coast Guard budgets that protected some of our areas and coastal regions, particularly around Puerto Rico, where we had a good barrier to stop illegal narcotics coming into the United States through Puerto Rico.

Then, to top off these cuts, the President appointed a Surgeon General and that Surgeon General sent a mixed message. Joycelyn Elders did probably as much damage as any public official in the history of the United States as far as bad health policy. She sent a mixed message that even our young people repeat today, of "Just say maybe" to casual drug use.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Georgia.

Mr. KINGSTON. As a Member of the Republican task force who served with the gentleman last year, I want to first say I commend his leadership on this because not only is he down here night after night speaking about the need for Congress to act quickly but he is doing that in committee and he is a consistent national leader on this. I am here also because I am a father of a 16-year-old, a 14-year-old and a 10 and an 8-year-old and much to my shock these children are already able to get drugs at their school, as almost all kids across America are able to get it in the school yard. The fact that he is saying, "Let's attack the source of these drugs, let's enforce the law when you are caught with it, and let's work with treatment," I think that is very important. I too as a parent when the President's appointee said the statement, you know, "Let's legalize marijuana," I was shocked and very concerned about that.

Mr. MICA. Our President sets the tone. I think that as a role model, as an individual who young people look up to, when you have the President appoint a Surgeon General that sends a mixed message, our young people pick that up. When you have a President that has said, "If I had it to do over again, I would inhale," our young people pick that up.

Now, the gentleman told me that he had teenagers. Could he tell me the ages of them again?

Mr. KINGSTON. Sixteen, 14, and one 10 turning 11.

Mr. MICA. The gentleman from Georgia, Mr. Speaker, might be interested in this National Household Survey on Drug Abuse, Substance Abuse and Mental Health Administration report dated August 21, 1998. I did not know the gentleman from Georgia was coming tonight to mention the ages of at least two of his children, but this is the report. For kids 12 to 17, first-time heroin use surged a whopping 875 percent from 1992 to 1996. That is an 875 percent increase in heroin use among our teenagers. So I believe that a policy has consequences, and the consequences of a bad policy of sending a mixed message and also of not having a policy in place that stops drugs at their source in a cost-effective manner results in an increased supply, a lowering of price, a tremendous availability of illegal narcotics at these sources and into the United States.

In my central Florida area, a banner headline in the Orlando Sentinel shouted out recently that in fact drug deaths exceeded homicides in central Florida. So this is the type of result we are seeing from a policy that was enacted some 6 years ago and again through repeated failures of this administration.

Mr. KINGSTON. If the gentleman will yield further, I want to make sure that in a nutshell what he is saying, as the usage has actually gone up, the number of arrests and enforcement has gone down?

Mr. MICA. The number of arrests, I believe, have gone up. The enforcement prosecution did go down with this administration. Now, we have hammered them some and there has been more prosecution. However, those statistics are dramatically impacted by New York City and several other tough Republican mayors. The statistics in New York City are so dramatic where you have had tough enforcement by Mayor Guiliani. For example, they had approximately 2,000 murders, 1,980 we will say, in the year he took office. Tough enforcement has resulted in a 70 percent drop, somewhere in the range of 600 murders in the entire population of New York City. So that type of tough enforcement, tough prosecution has actually skewed some of the national figures.

But if we look at the Department of Justice under this administration, they failed to go after drug dealers and hard core drug offenders in the numbers that they should have.

I also wanted to point out to my colleagues that according to the Drug Abuse Warning Network, which is called DAWN, the annual number of heroin-related emergency room admissions and incidents increased from 42,000 in 1989 to 76,000 in 1995, an 80 percent increase. This is from the National Narcotics Intelligence Consumer Committee report in November of 1998. The number of Americans who used heroin in the past month has increased steadily since 1992. The number of Americans who used heroin in the past month increased from 68,000 in 1993, the year this President took office, that was 68,000, to 325,000 in 1997. This is also according to the National Household Survey on Drug Abuse. This is the most recent data we have from 1997. Heroin users are becoming younger, they are becoming more diverse. And because the heroin that we are seeing come into the United States today has much higher purity levels, we are seeing dramatic increases in deaths, particularly among first-time users, particularly among young people who mix heroin with some other substance, alcohol, other drugs and do not know that the purity levels are absolutely deadly. So that is why we are seeing so many young people dropping like flies in Florida and in other areas of the United States.

Mr. KINGSTON. Where does the heroin primarily come from? Is this also Colombia?

Mr. MICA. I am glad the gentleman asked.

Mr. KINGSTON. The gentleman just happens to have a chart.

Mr. MICA. I brought back tonight one of my charts to show the flow of illegal narcotics. This is a pretty simple pattern. Before the President took office in 1993, Colombia was really more of a transit country and drug processing country. Now, since we have had such good results with President Fujimori of Peru who has also had a tough enforcement program and President Hugo Banzer in Bolivia, the production of cocaine and coca is down dramatically in those countries. In the past 2 years, the Republican majority has helped those two countries in stopping drugs at the source, cutting drug production through eradication policies and alternative crop policies.

Now, would you not know it, but in 1993, again there was almost no coca produced in Colombia. It was almost all produced in Bolivia and Peru. But this administration through its policy managed to make Colombia the largest producer of cocaine in the world. In 1993, there was almost no heroin produced in Colombia. Most of our heroin came in from Asia or through Afghanistan and Balkan routes. This administration managed through its policy of stopping aid and assistance to Colombia to make Colombia the source of 75 percent of the heroin. It is the largest heroin producer in the world today. They managed to do all this since 1993. The way this heroin and cocaine is now coming up, the Colombians have formed cartels with the Mexicans, and then some is coming up through and past Puerto Rico and into the United States through these routes. So the very direct policy, despite letters, despite pleas by the chairman of our Committee on International Relations, by the chairman of the Committee on Government Reform, by numerous Members of Congress to get helicopters, to get ammunition, to get assistance and resources to Colombia to stop this production and trafficking, Colombia now is the major producing area.

I will say that with some of those individuals I mentioned, the gentleman from New York (Mr. GILMAN), the gentleman from Indiana (Mr. BURTON), we participated in a dedication and contract signing of six helicopters which are on their way to Colombia, these are Black Hawk helicopters, to start in an eradication program.

Now, our other problem area, and this is Mexico, and despite this administration giving NAFTA approval, underwriting the finances of Mexico, Mexico is the largest source of illegal narcotics coming into the United States through these routes. Again, despite being a good ally, a good friend, Mexico has turned almost into a narcoterrorist state as a result of the amount of trafficking.

So this is the pattern of illegal narcotics. Heroin, cocaine and methamphetamine coming into the United States today. What is disturbing about this pattern is that in spite of all of the assistance this Congress and this administration has given to Mexico, Mexico has really slapped the United States in the face.

When both of my colleagues who are on the floor were with me 2 years ago in March, the House of Representatives passed a resolution asking Mexico to help in about five different areas. First of all, we asked Mexico to extradite a major drug trafficker or major drug traffickers, assist us in extraditing those who have been indicted in the United States, Mexican nationals, and send them to the United States. And what did we get in return? This past week, the New York Times, "Setback for Mexico in 2 Big Drug Cases." Major producer, again we have helped Mexico, we are a good friend and ally of Mexico. What did they do? Let me read this:

"Mexico City, May 19. Efforts to prosecute the Amezcua Contreras brothers whom the American authorities say rank among the world's largest producers of illegal methamphetamines appear to be collapsing."

They have in fact let these brothers who were part of this methamphetamine operation off the hook, dropped the charges against them. Two of them, I understand, are still held in detention. One has been set free. Even the Mexicans, who are corrupt from the bottom to the very top, and I can prove what I am saying with those remarks, are chagrined that even their judicial system has collapsed, even their judicial system is corrupt, and these decisions go as high as their Supreme Court in Mexico.

□ 2300

So, it is a very sad day when we have not one major Mexican drug dealer extradited to date. We have had one Mexican national, and that is only one, and that was a minor player, but not one major Mexican drug dealer has been extradited to the United States, and again, this is in spite of the assistance that this Congress has given that country, in spite of financial aid, NAFTA trade and other benefits that we have bestowed on Mexico.

And part of it is because of the failed policy of this administration. They made a charade out of the certification process, rather than decertifying Mexico and giving them a national interest waiver and holding them under the microscope of our law which says that we must certify whether a country is fully cooperating.

Now I ask you: Is Mexico fully cooperating when they let drug traffickers out? Is Mexico fully cooperating when last year these statistics were provided us?

Mexican drug seizures were down in 1998. Opium was down, the seizure of opium in Mexico, 56 percent. The seizure of cocaine was down in Mexico by 35 percent. The seizure of vehicles and vessels involved in narcotic trafficking was down.

To top it off, we held a hearing in our subcommittee to find out what was going on in Mexico, and I talked about corruption. This is a March 16 article from the New York Times. This should absolutely frighten every Member of Congress, every member and parliamentarian in any civilized legislative body, to know that one country could be so corrupt from the bottom to the top, and particularly one that is a close ally of the United States.

This article by Tim Golden details how our Customs agents penetrated Mexican military and other Mexican high officials' offices and discovered that the Mexicans, in this case a general and maybe as high as the Minister of Defense, were attempting to launder $1.15 billion. That is one individual was trying to launder $1.15 billion. That is how high the corruption has grown in this country, and that is how serious this problem is. And think about that. That is over a billion dollars that one individual was trying to launder in that country.

Mr. KINGSTON. If the gentleman will yield, what is the benefit to a country being certified, and why do we decertify it, and why has it become so political, because it does appear by the bipartisan findings of the gentleman's committee that Mexico is not cooperating in giving us the statistics that we need to fight drugs, but it seems to get politicized once the issue gets to the floor of the House.

Mr. MICA. Well, only in this administration has it so politicized. The law is a simple law. The law was passed in 1986. President Reagan and the Republican Senate passed the law that just tied foreign aid and foreign assistance to cooperation in eradicating drugs and trafficking, stopping trafficking in their drugs.

So the law is simple. It says that if a country is cooperating with the United States to stop illegal narcotics, then they get our finance benefits, they get our trade benefits, they get our foreign aid.

Now Mexico does not get a lot in the way of foreign aid, as some Third World countries may get from the United States, but what it gets is tremendous trade benefits, a trade benefit and now we have an incredible imbalance, that many more cheap Mexican goods are pouring into the United States. We have lost tens of thousands of jobs to Mexico.

We have provided most of the financing and underwriting for Mexico, including a bailout which basically saved their financial system. So in turn we ask for very little. We have asked for cooperation in going after these corrupt officials, we have asked for extradition.

This is what Tom Constantine, our DEA administrator, said on February 24, 1999. He said: In spite of existing United States warrants, government of Mexico indictments and actionable investigative leads provided to Mexico by U.S. enforcement, limited enforcement action has taken place within the last year.

This is Tom Constantine, and I might say that one of the saddest bits of news that I bring to the floor tonight is that

Tom Constantine, who has been a shining light in this scandal-ridden administration, who has been a tough spokesperson in restarting the War on Drugs, there was no War on Drugs under this administration except for what Tom Constantine has done, Tom Constantine has unfortunately announced that he will be leaving this summer, a tremendous blow to our efforts. He is the only one who has been speaking out, the only one who has repeatedly said that we have to restore the eradication programs, the interdiction programs, the use of the military, the Coast Guard, and that tough law enforcement does work, and he has proved it time and time again before our committee with statistics, with facts. So, it is a great loss to the Congress, it is a great loss to the American people, it is a tremendous loss to the war on drugs which we have restarted under this Republican Congress, and his departure is a sad note for us this evening.

I wanted to also talk tonight a little bit about some of the other things that Mexico was requested to do and has not done.

First, I mentioned extradition. Then I mentioned going after these corrupt officials in enforcing their laws, and they did not enforce their laws.

Even worse is we had an operation, another Customs operation in Mexico dealing with money laundering, and we found in this operation, which was called Operation Casablanca, that hundreds of millions of dollars were being money laundered, and when we discovered this, we informed the Mexicans. We know the Mexicans knew about this operation.

What did the Mexicans do rather than cooperate with the United States? They threatened to indict and go after our Customs officials. So, did we have cooperation? The answer has to be no based on, again, the extradition requests, based on the failure to go after these corrupt officials, based on their coming after our agents and threatening them.

So these are several areas, and I yield to the gentleman.

Mr. HAYWORTH. I thank my friend from Florida, and representing a border State, as I do in Arizona, I share my colleague's concern, Mr. Speaker, because as my friend from Florida has capably laid out for us this evening, the time has come for a reasonable, sober reassessment of our relationship with our ally, Mexico. That is something I do not say lightly, given the fact that the history of Arizona, indeed the history of this Congress of the United States has been one of cooperation with our neighbor to the south.

But part of being a good neighbor entails a reasonable interchange and expression and ability to achieve common goals. As my friend has pointed out, sadly Mexico has devolved into a leading distributor and source of illegal drugs in our society, and because of that we must have this reassessment.

It is especially vexing to a State like Arizona with a vast border area, with many problems that entail this situation in terms of border security, and let us not forget that it is our constitutional charge to protect the borders of the United States.

□ 2310

As compelling as the facts and figures are, I think both my friends from Florida and Georgia, Mr. Speaker, and indeed everyone in the House, knows there is a very real human equation at work that these threats come to Americans, and while this is not warfare in the traditional sense, still, it is an assault and an attack on the very fiber of our society. We talk about increasing drug usage. We talk about a cavalier attitude expressed, sadly, by this President in an appearance on MTV when asked by one of the young people in the audience, if you had it to do all over again, would you inhale, and the President said, yes, I would. To use that cavalier notion toward drug usage sets a pattern that is very difficult to break.

Now our friend tells us of the soon-to-be expected departure of Mr. Constantine from his role and indeed, one who has observed this administration and tried to work on common goals, those of us in the Congress cannot help but note that it is incredibly ironic that many of the capable, effective people in a variety of different posts leave, and those who should bear the responsibility for a number of misadventures and maladroit steps insist on staying on the job in a variety of different areas.

Indeed, I think we are not far afield at all when we point out that this is a threat to our families, to our citizenry; indeed, this is a threat to our national security. As much as we want to be a good neighbor, and I have participated in the U.S.-Mexico Interparliamentary Conference in the past, the State of Arizona has a very strong relationship with the Mexican State of Sonora first established by a former Governor of Arizona much earlier, now almost 30, maybe in excess of 30 years ago when we look at the panorama and the march of time, and yet the words of my colleague from Florida are compelling, because they insist that this House and this government reassess the relationship with Mexico, reassess our relationship with these States that export narcoterrorism, and that is something we do not say lightly. Because, as my colleague has pointed out, in the past Mexico has been a strong ally of the United States. As my colleagues have also pointed out, Mr. Speaker, the United States has been a good friend to Mexico.

I can recall in the first days when I arrived when the now departing Treasury Secretary, Robert Rubin, came to new Members of the 104th Congress, asked us to step up to the plate and essentially bail out the Mexican economy, prop up the currency there, and of course the President found almost what could be called an executive end run to provide those loan guarantees because they knew it would be very rough going in the Congress of the United States.

So I share my friend's concern. I salute his determination and his dedication to bringing this issue to light, and more than just bringing the issue to light, Mr. Speaker, my colleague from Florida, in his committee jurisdiction, has also worked, as we did in the 105th Congress on the Drug Task Force, to find credible solutions. For that, I salute him, and from a border State like Arizona, and indeed across the whole phalanx of the Southwestern border of the United States, this becomes a major concern.

Make no mistake, Mr. Speaker. Just as we see threats from around the world, threats as relevant as tomorrow's headlines in view of bipartisan work in other areas, so too do we confront a threat to our families, to our children and, sadly, directly in our hemisphere, and it is a threat that has gone unabated. It is a threat that has increased, and this House is compelled, I think, by the work of our colleague from Florida, to take a closer look to deal with the security of our homes, the security of our families; indeed, our national security in this very important area of rising drug abuse and a cavalier attitude that has been expressed.

Mr. MICA. Mr. Speaker, I thank the gentleman from Arizona for his leadership and coming out tonight to talk about this topic that is so important to American society.

I just want to continue along the line that I had been talking about, and that is the problems with Mexico. We have not had one major drug dealer extradited. Despite over 200 requests for extradition and requests specifically for over 40 major drug dealers, not one Mexican national has been extradited today as far as a major drug dealer.

In addition to that, we talked about the enforcement, lack of enforcement, the corruption at the highest level, not enforcing the laws that they have on the books. In addition, this Congress asked two years ago that the Mexicans install radar to the south. It is a simple request. If we look at where the drugs are coming in, they are coming in from the south. We asked that they install radar to the south, and still no radar to the south that was promised, and again when our President met with President Zedillo in the Yucatan Peninsula earlier this year. To date, still no maritime agreement signed; there is no agreement to go after drug traffickers in these waters, particularly Mexican nationals.

Finally, we had asked for protection of our drug DEA agents, our drug enforcement agents. We have a small number in that country. We had one of our agents just horribly tortured and murdered in the 1980s. We do not want to see that repeated. We want our agents to be able to defend themselves, and still we have been denied that ability for our law enforcement agents that are working in Mexico.

So Mexico, what do we get? This administration ruined the certification process, made a joke of it and still continues to certify a country as fully cooperating. They are not by any measure.

I might say tonight that we will have before this House in the not-too-distant future several measures that will deal with this that the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations; the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform; the gentleman from Florida (Mr. GOSS), our chairman of the Select Committee on Intelligence; and the gentleman from Florida (Mr. MCCOLLUM), our chairman of the Subcommittee on Criminal Justice of the Committee on the Judiciary, have been working on with the Members of Congress. So there still will be responsibility to the country of Mexico for their involvement in illegal narcotics. This new Congress will hold their feet to the fire.

I just want to talk again about another failed policy, international policy, and it is our responsibility to deal with these issues of where the drugs are coming from. It is tougher as these drugs get to the streets, but if we can stop them at their source, their transiting before they get here, it is much more cost-effective.

One of the stories we will not read on the front page of the paper tomorrow is about the bungled negotiations of this administration in Panama. Now, why is Panama important? Again, I can hold this up and if we look and see Colombia through Panama up to Mexico, that is where these narcotics transit. But Panama has been the center of all of our narcotics operations, all forward surveillance operations for the United States and the Caribbean area, the south and Central America. Of course we see where drugs are coming from, which is primarily from Colombia, one of the major sources that this administration has helped make a major source. And as of May 1, 1999, just a few weeks ago, we were basically kicked out of Panama. We had 15,000 flights from Panama last year, and there were zero as of May 1. This administration bungled the negotiations, and we were told months and months ago that negotiations were going forward. When we found out earlier this year that the State Department had dropped the ball, we asked what was going to be done. The administration has scurried the last few months and signed interim agreements with Curacao, Aruba, the Netherlands and also with Ecuador for temporary bases there.

We were told that on May 1 we would be ready to go. We were told on May 1 we would have flights continuing.

□ 2320

We were told that, at the very worst, maybe we would have a 50 percent reduction in flights after May 1 in testimony before our subcommittee. What have we found out that has taken place? From Ecuador, there are zero. There have been zero flights from Ecuador, zero flights. From Aruba and Curacao, just a few limited flights.

So basically this administration bungled the negotiations with Panama. We are turning over 5,600 buildings, $10 billion in assets. Already we have seen, in addition to closing down Howard Air Force Base, another scandal that should be on the front pages of the newspaper, that our two ports in Panama that we had operated out of had been given through corrupt vendors, and these are the words of our administration officials, through corrupt vendors to foreign countries; and one of them happens to be the Chinese.

In both instances, I believe the Chinese Liberation army owns or has a controlling interest in the stock and ownership of those activities. So we basically turned over the Panama Canal and one of the ports to the Red Chinese Army. The other one, again also through a corrupt vendor and through a Taiwan-Hong Kong front, that second port is gone.

Our major drug operation in that entire region we have been kicked out of as of May 1. The interim agreements are not signed. I believe the agreement in Ecuador is only for a few months. At the last hearing our subcommittee held, we were presented a bill for another $40 plus million for improvements in addition to $73 million which the Drug Czar put in the budget for relocating the forward surveillance operations of the United States.

So basically we are wide open for the hard drugs to come into this United States. Panama is a wide open area. Again we have lost our shirt and basically been kicked out. The $73 million originally requested plus the supplemental, $43 million, which has not been given yet, is only the tip of the iceberg. I am told we may be at a half a billion dollars to replace these operating facilities. We do not have a single permanent agreement in place.

I do not know how an administration can possibly bungle anything in a more inept manner than they have done with this Panama situation and basically closing down all of our forward drug surveillance operations.

These surveillance operations affect the operations, for example, in Peru, where we have gotten the cooperation of the Peruvian government to go in and eradicate narcotics fields, coca fields. Basically, that information stops because we do not have the operation going forward to identify those locations.

So these are some of the incredible problems that I wanted to detail tonight, both with the Mexico, with Colombia failed policy, stopping again the equipment from getting into Colombia.

I do not want to leave on a note that we are only here to criticize the administration. I must say that I am very proud of this new majority and what they have done. First of all, under the leadership of the gentleman from Illinois (Mr. HASTERT) who is now the Speaker of the House of Representatives, he came in several years ago and chaired the Subcommittee on National Security, International Affairs and Criminal Justice on which I serve. In that capacity, he helped put together the war on drugs.

We have to remember, from the day this President got elected, they dismantled the war on drugs. I have heard people say we do not have a war on drugs. Yes, Mr. Speaker, we have not had a war on drugs. It was dismantled in January of 1993 by this President.

From 1993, this President dismantled the war on drugs. The Congress, which was controlled by the Democrats in the House and the other body, by wide margins, dismantled systematically all of the programs that the Reagan and the Bush administration had put into placement and years and years of work.

Some of that was bipartisan. The gentleman from New York (Mr. RANGEL) and other Members on both sides of the aisle put together effective drug strategy. That was dismantled. There was no war on illegal drugs from 1993 to 1995.

In 1996, the Republicans, who gained control, did damage assessment and started restoring some of the funds for eradication programs for interdiction, restoring the military in this effort, and for also putting back the Coast Guard on watch and active in this antinarcotics effort. So that is some of what we have done.

We have, through the leadership of those that I have mentioned, again, including the current Speaker of the House, put back last year almost $1 billion in additional funding to support these efforts.

In addition to the programs that I have talked about, enforcement, interdiction, eradication, we also put $195 million in education, which is the first time that anything has been done on that scale, to start educating our young people.

If it has to be a paid message, if it is not a high message setting a role model from the office of the President of the United States, then we will pay for it. That $195 million is matched by donations, at least equal to that sum.

So hopefully we will, again, in restarting all of these efforts, and particularly in education, we can get out the message. The First Lady under President Reagan, Mrs. Reagan, had a simple message: "Just say no." It was repeated over and over and effective, and our young people heard that message.

But there has been a gap in this administration. No word, a mixed message, a mixed signal, no role model for young people to look up to. We have seen the results, and I described them here tonight. There is an 875 percent increase in heroin usage by our teenagers 12 to 17, dramatic figures that should shock every American and every Member of Congress.

So we have, again, put these programs back together that work. We are overseeing those programs. We will see if they are cost effective, if they are working, and will continue to expand them.

In the next few weeks when we return, we will be conducting a hearing on the question of legalization and decriminalization. I know the gentleman from Arizona (Mr. HAYWORTH) and his State has taken action on this issue. We do not know if they are headed in the right direction or the wrong direction. We do know that tough enforcement works.

The Guiliani in New York City method works. It cuts crime. It cuts murders. It cuts drug deaths. It cuts violence in our streets when one of our largest cities is one of our safest cities.

We see the alternative. Baltimore, which Tom Constantine, our DEA director, who is leaving, pointed out to us just a few years ago, Baltimore had 900,000 people and less than 1,000 heroin addicts. Through a liberal policy and a permissive policy Baltimore now has a population of 600,000. It has dropped 300,000 people. It has 39,000 heroin addicts.

The gentleman from Maryland (Mr. CUMMINGS), who is my former ranking member on the Subcommittee on Civil Service and on this subcommittee has told me privately that the estimate is probably in excess of 50,000 heroin addicts in Baltimore.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, is it not true that Baltimore also had a very aggressive, privately funded by very liberal philanthropists, a needle exchange program where addicts could have quick and easily available access to free needles? That was one of the misguided policies that led to such a dramatic increase in the number of addicts.

Mr. MICA. Mr. Speaker, it is true that Baltimore has had one of the most liberal policies and has now been devastated. When any city in this Nation has 39,000 heroin addicts, we have a major, major problem.

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And the crime, the social disruption, the human tragedy that that has caused in a liberal policy is very serious.

So I intend, as chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform to conduct hearings beginning in June, when we return, on this question. We will examine what is going on in Baltimore, what is going on in New York, in other countries.

And we hope to also look at Arizona, which has had a decriminalization program that they have touted. And we will see whether that is successful and whether it is something we should look at as a model; whether it is something that should have the support of this Congress or whether they are headed in the wrong direction and we should not support those efforts.

So I am pleased tonight to come and provide the House, Mr. Speaker, with an update on some of our activities in our subcommittee, some of my efforts to try to bring to light what I consider is the biggest social problem facing this Nation, I know in my lifetime, I know in a generation, and that is the problem of illegal narcotics.

Again, over 14,000 Americans lost their lives last year. Over 100,000 have died from illegal narcotics since this President took office.

It is a human tragedy that extends far beyond Columbine or Jonesboro or any of the other tragedies we have seen in this Nation. And as I said, it is repeated day after day in community after community, and we can read it in the obituaries.

I am not here just to complain about the cost to the Federal Government. I am here to complain about the loss in productive lives. Even in this city, which is our Nation's Capital, of which we should all be proud, each year that I have come here in the last 10 years they have lost between 400 and 500 young people, mostly black African-American males who have been slaughtered on the streets, most in tragedies, some by guns, some by knives, some by other violent death, but almost all related to illegal narcotics trafficking.

And that is the root of some of the problems in the streets of Washington, D.C., and across our country, when we have 60 to 70 percent of those behind bars there because of felonies committed under the influence of illegal narcotics or trafficking in illegal narcotics or committing felonies under the influence of illegal narcotics.

So we have a serious social problem. It is ignored by this administration, it has been ignored by this President, but it is not going to be ignored by this new majority. And if I only serve the remainder of this term in Congress, every week I will be here talking about this problem and its effects on the American people and what we intend to do as far as positive programs to resolve that. And we will do that. We will succeed.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my friend from Florida again for his leadership and for bringing this problem to the floor.

And again I would say that this is a question of security, personal security and the security of our families and our communities. Because, as my colleague pointed out very graphically and very tragically, the cost in human lives, with the incredible violence that accompanies illicit drug distribution and use, is ultimately a question of our national security and the security of our borders.

And, indeed, on the geopolitical stage, the consequence of those who would or who have traditionally been our friends is now sadly changing, if not to foes, then certainly not aiding us in the traditional sense as allies have in the past. And again, from the State of Arizona, from my constituents in the Sixth District, and indeed all across America, because this is a problem that transcends our borders, that transcends State lines, that sadly goes virtually into every community in the United States, it is a question we must address.

This is one of many vexing questions that now have come into our purview and that have gained the prominence and attention necessary, and again the gentleman is to be saluted for offering a clarion call to this House, to this government and, more importantly, to our people in terms of the tough choices that loom ahead for this House and for this Nation.

Mr. MICA. I thank the gentleman and yield finally to the gentleman from Georgia.

Mr. KINGSTON. Let me again say to the gentleman from Florida that we appreciate everything he is doing, the diligence that he is showing in taking this on. I wish him the best and thank him. And I want him to know that he has the support of the gentleman from Arizona (Mr. HAYWORTH) and myself, and we will be following up with the gentleman and working with him.

Mr. MICA. I thank the gentleman.

CHINESE ESPIONAGE

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. KINGSTON) is recognized until midnight.

Mr. KINGSTON. Mr. Speaker, I welcome the gentleman from Arizona (Mr. HAYWORTH), and also invite the gentleman from Florida (Mr. MICA) to join us. He is welcome to do so.

Mr. Speaker, the biggest and the scariest espionage in the history of our country has taken place, and many of the details were revealed today in the Cox report. Now, the Cox report was a bipartisan congressional investigation, and it raised many pertinent questions.

The Communist Chinese now have in their possession our top nuclear secrets. They have cut in half, certainly more than half, the years of research that it took the United States to construct such weapons. They stole this information. They saved many, many years and they saved millions, if not billions, of dollars.

And while this has gone on under a lot of different administrations and over a long period of time, it is obviously clear that the Clinton administration, the National Security Adviser Sandy Berger, knew about this at least in April of 1996. He briefed the President of the United States in July of 1997, again in November of 1998, and since January of 1999, the White House has been sitting on the completed Cox report.

And yet only in March of this year did they take steps to fire one potential suspected spy, Wen Ho Lee. Only then. And, actually, he is not arrested at this point. He is still only on administrative leave, I think. I do not know exactly what the term is.

But the two questions here are: How big is this thing; how much information do they have on our nuclear weapons in China? And why did the administration react the way it did?

I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. I thank my colleague from Georgia.

Mr. Speaker, our colleague from Florida amply pointed out just one threat to our national security. Mr. Speaker, I would go further in the realm of Chinese espionage to say to this House and to the American people that we face a clear and present danger.

Mr. Speaker, the report released today, available on the Internet, and I am sure many responsible publications across the United States will carry it in detail tomorrow, outlines a traumatic, devastating loss to this Nation in terms of national security, and that is why I describe it as a clear and present danger.

My colleague from Georgia pointed out the fact that this bipartisan report was drafted and really completed in January of this year, and only now, some 5, almost 6 months later, has this report at long last been released to the American people.

It has been a strength of our society that once we as a people recognize a threat, we deal with that threat in a responsible manner. And yet, Mr. Speaker, it is difficult to do so at this juncture in our history because of what has been called, in common parlance, "spin"; what some used to call in the past "smoke and mirrors." And while my colleague pointed out that espionage is nothing new, that different countries observe and conduct surveillance on one another, the fact is that the disturbing information is something that this House and this Nation must deal with and should deal with immediately.

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A point that should be addressed is the inevitable spin echoes from sympathetic pundits and indeed from the spin machine at the other end of Pennsylvania Avenue that, oh, this has happened before and previous Presidents are to blame.

Let me offer this simple analogy: Mr. Speaker, suppose you contemplate a vacation and you take reasonable precautions in your house. You will lock your doors. You lock your windows. If you have an alarm device, you activate it. And yet thieves are aware that you have left your home. They disable the alarm system. They gain entrance to your home. And they begin to take your property. Your belongings.

Now, that is one thing. But contrast it. If someone is sitting at home in the easy chair and these same thieves pull up and the person in the home says, "Well, come on in. And you might want to look in this area. And by the way, let me offer to show you where my wife keeps her jewelry. And here are our stocks and bonds. And let me help you take these and load up your van. And listen, we will just keep this between us because it would be very embarrassing to me if I allowed this information to get out, if I chose to stop this. So I will take minimum action to stop what has gone on." That analogy, however imperfect, essentially sums up what has transpired.

It is important to note, as my colleague from Georgia capably points out, that, sadly, our national security advisor, with the responsibility that that title in fact describes, has aided our national insecurity, compounding that, the curious actions of the Justice Department and our current attorney general.

My colleague from Georgia mentioned Wen Ho Lee, the suspected spy at one of our national labs, still not arrested. And indeed the Justice Department asked for wiretap authority when there was a preponderance of evidence and more than reasonable suspicion that it should be checked.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, actually it was the FBI that asked the Justice Department.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague for correcting the record. I misspoke. The FBI asked the Justice Department for the ability to wiretap this individual because of the threat to our national security. And in all the wiretaps issued following our constitutional procedures, this particular wiretap was denied. This special surveillance was denied.

Couple that with the curious case of a Chinese arms merchant suddenly gaining clearance for the import into this country of 100,000 weapons to be used on the streets of our inner cities where again the agency in charge looked the other way. Couple that with the disturbing reality of the fact that the communist Chinese through their business operations controlled by their so-called People's Liberation Army actually contributed to the Clinton-Gore effort in 1996 and, sadly, to the Democratic National Committee in that same year, and we have a compelling devastating case that should cause concern for every American.

Before I yield back to my friend from Georgia, just so we can clear this up, this is not a matter of partisanship. It is a question of patriotism. Because we confront a clear and present danger, we must avoid the temptation of engaging in personalities and instead deal with policies and change those policies.

But regrettably, to this date, this administration has been more interested in spin and preening and posturing and offering the clever retort or the by now familiar rejoinder that "everyone does it."

Mr. Speaker, I am here to tell my colleagues again that not everyone does it, but sadly all too many people within this administration have not fulfilled their responsibilities to the citizens of this country to maintain vigilance and to take actions against those who would steal our secrets.

Mr. Speaker, it is worth noting that the findings are chilling. In the overview, just to repeat from the Cox summary, China has stolen design information on the United States' most advanced thermonuclear weapons. The Select Committee on Intelligence, the bipartisan committee, judges that China's next generation of thermonuclear weapons currently under development will exploit elements of stolen U.S. design information and China's penetration of our national weapons laboratories spans at least the past several decades and almost certainly continues today.

Mr. KINGSTON. Mr. Speaker, if I can reclaim my time, I want to stop at that point for a minute. Because what is interesting is we hear these incessant defenders of this administration, regardless of what the administration does, they are automatically with them but forget the facts. They keep saying, well, it still does not matter because China has x number of nuclear warheads and America has x-number-plus nuclear warheads.

But they miss the whole point. This is not about our number of nuclear warheads versus their numbers. It is about the technology. And we have now given China the know-how to catch up should they choose to. And they also have these so-called legacy codes, which are the ones that actually predict what a nuclear explosion will do; and that seems to be the reason why they signed a nuclear test ban treaty because they had stolen information and the know-how from America. They did not have to test their weapons anymore.

My colleague went quickly, though, on the subject of Wen Ho Lee. Wen Ho Lee, the suspected spy at Los Alamos Lab, the weapons lab, when the FBI suspected him of spying, they went to the Justice Department to get a wiretap and they were turned down, which my colleague has pointed out.

What was not pointed out was there was 700 wiretaps that year and all but two were approved by the same Justice Department. So you have to ask yourself, was this Justice Department purposely protecting an international spy? We know this was the Justice Department who turned down a special prosecutor of the Chinese money scandal, even though the FBI recommended one.

But let us say, I want to give the Justice Department the benefit of the doubt and say, okay, out of the two that they turned down, 700 were approved, two were turned down, and one of them had to be the biggest spy in the history of the United States of America. Okay, you did it nobly. Well, then is it just plain old incompetence? How did you miss that one? What was it more that the FBI could have said?

And maybe it is not just the Justice Department's fault. Maybe it is the FBI did not describe the situation well enough to the Justice Department. I worry about what other decisions are being made or have been made along the way.

Mr. HAYWORTH. Mr. Speaker, I would point out and I would challenge my former colleagues in television at the various networks and the 24-hour cable news services to show the American people the videotapes of the communist Chinese business people in the Oval Office with the President of the United States now knowing in the fullness of time that those same communist Chinese business people contributed massive amounts of cash to a reelection effort.

There is a disturbing tendency in this country to succumb to the cult of celebrity. And if one has a clever enough rejoinder or simply returns to the school yard taunt that everybody does it and it is unfair to criticize one party or one administration for their actions, to do so is to willingly be blinded to what is staring us in the face.

Mr. Speaker, I made the comment to some of my constituents over the weekend that Washington today is wrapped up in what is an Alan Drury novel come to life. It is so mind boggling, it is so far afield to ever think that an administration would out of incompetence or blissful ignorance or for political advantage allow the transfer of technology, allow espionage from a foreign power to jeopardize the security of the United States of America.

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Mr. Speaker, the President of the United States came to this podium in one of his recent State of the Union messages and boasted that no longer were United States cities and citizens targeted by Russia. Well, of course, technically that was true, although the missiles could be reprogrammed in a matter of minutes.

But now we face a situation where the Chinese have the technology, they have made a quantum leap because of the stolen information, because of the aforementioned legacy codes and computer models. Because of their ill-gotten gains in terms of hundreds of supercomputers that can provide the simulations of nuclear explosions, now the Chinese have the same technology that we have.

Indeed in some areas, for example, the neutron bomb, often maligned and lampooned by late night comedians and pundits in this town as the weapon that kills people, but does not destroy property, the United States never went into production of a neutron bomb, and yet the Chinese are moving full tilt ahead.

They have acquired that technology, they have expounded upon the technological advancements of this society and our constitutional Republic, and our leaders of the time decided not to pursue that particular weapon, but the Chinese have it. And soon they will have small, more accurate thermonuclear warheads.

And make no mistake, Mr. Speaker, those warheads will be targeted at the United States. We say this not to inspire fear but instead, Mr. Speaker, to encourage the American people to check the facts available on the Internet.

Mr. KINGSTON. If the gentleman will go back to the great ad that Ronald Reagan had and a philosophical question that he asked the American people about, ally sometimes and enemy sometimes. The evil empire itself, Russia. In that ad he said, "There is a bear in the woods, but some Americans believe there's not a bear in the woods. Wouldn't it be nice to know that if there was a bear in the woods, that you would be protected from the bear?"

Now we are at the situation with China, we have a lot of people saying, oh, no, China they're our friend, everything's fine.

Well, let us go back. China, I hope, is our friend, but if they are not our friend, would it not be nice to know that in a country of 1.4 billion people, that we, with 260 million, are at least protected against aggression on their part? Would it not be nice to know that should they choose to become an aggressive adversary, that we are protected? Of course it would be nice to know that. Yet, thanks to this espionage, we are not.

The gentleman has pointed out, it has gone on a lot longer than the current administration. I hope that any previous administration that had knowledge of it reacted strongly. But we do know for a fact that when this particular spy in this particular scandal first came to light by the National Security Adviser in April 1996, that it was apparently ignored.

We also know, and the gentleman has not pointed this out, that when the Deputy Director of Intelligence, Notra Trulock, at the Department of Energy, 3 years ago said, there's spying going on, we know that he was ignored and he was later demoted from his job. Let us hope that is coincidence, but I would have a hard time believing it.

Mr. HAYWORTH. Fact is stranger than fiction as my colleague from Georgia is pointing out.

Another oddity, the aforementioned National Security Adviser, one Sandy Berger, when informed of the breach of security at Los Alamos National Laboratory by Notra Trulock, in that same month, the Vice President of the United States went to California for what was first described by his staff and by him personally, if I am not mistaken, as a community outreach event. Subsequently, it has been discovered that this was a fund-raiser where substantial amounts of foreign cash from China were pumped into the Clinton-Gore reelection effort.

Mr. Speaker, it is fair to ask the American people, what price victory? We take an oath of office here to uphold and defend the Constitution of the United States. It is this same Constitution that says in its remarkable preamble that one of the missions of our Federal Government as we the people have formed this union is to provide for the common defense. Yet Vice President Gore in meeting the press offered an endless chorus of justification for contribution irregularities. He said, now in an infamous line, "My legal counsel informs me there is no controlling legal authority."

How sad, how cynical, and ultimately how dangerous that those in whom the American people have placed their trust, in those who have taken the oath of office to uphold and defend the Constitution, of one who aspires to become our Commander in Chief would so callously disregard the safety of our constitutional republic, the national security of every family, every child, every citizen of this Nation, to win political advantage. Or to soft-pedal, to silence because of political implications. The design is there.

It is said that one of the criticisms of our society is that we have become cynical. Mr. Speaker, how could we not grow even more cynical with the revelations that have appeared, some that have come out in dribs and drabs with the delay of the release of this report, despite the fact that there are national security concerns, we do have our own counterintelligence efforts, it appears that in this city, politics is preeminent.

Again let me state this. I take no joy in this. It is mind-boggling, it is disturbing, but every American should ask themselves this question: Have our leaders in the administration been good custodians of the Constitution? Have they provided for the common defense; or, in boastful claims of reinventing government, claiming drawdown, a reduction in government employees, eviscerated our military to the tune of a quarter million personnel, put American lives at risk, and brought us to this? A question not of personal conduct in terms of relationships but of actions taken that jeopardize and threaten the security of every American. That is the juncture at which we find ourselves now.

No one takes joy in this but the strength of the American people is in understanding once a problem has been confronted through our constitutional processes, through the fact that we must all stand at the bar of public opinion and let the public render a judgment, that we can rectify the problem.

Jefferson spoke of it, that the vitality of this country would eventually overcome those who would follow mistaken policies, for whatever reason, and that is the challenge that we confront, not as Democrats or Republicans but as Americans, because nothing less than our national security and our national vitality in the next century is at stake. This is the stark reality that we confront.

That is why all of us who serve in this Chamber, Mr. Speaker, as constitutional officers to provide for the common defense, to provide for our national security, must have answers to these hard questions. And that is why, Mr. Speaker, the Attorney General of the United States should tender her resignation immediately, the National Security Adviser should tender his resignation immediately, and those who are elected officials will have the verdict of history decide but that history and history's judgment will not be a century away, it will be forthcoming and in short order.

Mr. KINGSTON. Let me just say this. I think the gentleman from Arizona is absolutely right, as certainly Jefferson was, about the vitality of the American people and may they use that strength quickly and decisively on this particular scandal. But we have got to protect our Nation and our national security interest.

That is one reason why this Congress is going to move ahead to make recommendations to get rid of the spies at Los Alamos and anywhere else. But one thing I want to emphasize is that this is a bipartisan effort. That report, the Cox report, passed unanimously from a bipartisan committee. This is not about getting onto the White House. This is about national security. I think that it is very important that we all keep in mind that the Democrats and Republicans on this one are scared to death.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. REYES (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. MCCOLLUM (at the request of Mr. ARMEY) for today after 8:00 p.m. and May 26 until 3:00 p.m. on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. UDALL of New Mexico) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:

Mr. DIAZ-BALART, for 5 minutes each day, today and on May 26.

Mr. FLETCHER, for 5 minutes, on May 27.

Mr. JONES of North Carolina, for 5 minutes, today.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 26, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2314. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Temporary Suspension of a Provision on Producer Continuance Referenda Under the Cranberry Marketing Order [Docket No. FV99–929–1 IFR] received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2315. A letter from the the Director, the Office of Management and Budget, transmitting cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106–71); to the Committee on Appropriations and ordered to be printed.

2316. A communication from the President of the United States, transmitting a request of transfers from the Information Technology Systems and Related Expenses account; (H. Doc. No. 106–70); to the Committee on Appropriations and ordered to be printed.

2317. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs [Docket No. FR–4428–1–01] (RIN: 2577–AB91) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2318. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Revised Restrictions on Assistance to Noncitizens [Docket No. FR–4154–F–03] (RIN: 2501–AC36) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2319. A letter from the President and Chairman, Export-Import Bank, transmitting a statement with respect to a transaction involving U.S. exports to Saudi Arabia; to the Committee on Banking and Financial Services.

2320. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

2321. A letter from the Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Service's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 98F–0342] received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2322. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Passenger Automobile Average Fuel Economy Standards [Docket No. NHTSA–98–4853] (RIN: 2127–AG95) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2323. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions Phase IV: Treatment Standards for Wood Preserving Wastes, Final Rule; and Land Disposal Restrictions Phase IV: Treatment Standards for Metal Wastes, Final Rule; and Zinc Micronutrient Fertilizers, Final Rule; and Carbamate Treatment

Standards, Final Rule; and K088 Treatment Standards, Final Rule [FRL–6335–7] (RIN: 2050–AE05) received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2324. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commisssion's final rule—Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices [CS Docket No. 97–80] received May 21,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2325. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (East Brewton, Alabama and Navarre, Florida) [MM Docket No. 97–233 RM–9162] received May 14,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2326. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Consolidated Guidance about Materials Licenses: Program-Specific Guidance about 10 CFR Part 36 Irradiator Licenses, dated January 1999—received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2327. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rulemaking for EDGAR System [Release Nos. 33–7684; 34–41410; IC–23843; File No. S7–9–99] (RIN: 3235–AH70) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2328. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4); (H. Doc. No. 106–69); to the Committee on International Relations and ordered to be printed.

2329. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to United Kingdom for defense articles and services (Transmittal No. 99–15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2330. A letter from the Chairman, International Fund for Ireland, transmitting the Fund's 1998 Annual Report; to the Committee on International Relations.

2331. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–64, "Solid Waste Facility Permit Amendment Act of 1999" received May 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2332. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–58, "Insurance Demutualization Amendment Act of 1999" received May 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2333. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–65, "Closing of Public Alleys in Square 51, S.O. 98–145, Act of 1999" received May 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2334. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–66, "Chief Technology Officer Year 2000 Remediation Procurement Authority Temporary Amendment Act of 1999" received May 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2335. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–59, "Petition Circulation Requirements Temporary Amendment Act of 1999" received May 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2336. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Thelypodium howellii ssp. spectabilis (Howell's spectacular thelypody) (RIN: 1018–AE52) received May 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2337. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Threatened Status for Johnson's Seagrass (RIN: 1018–AF62) received May 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2338. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 990304063–9063–01; I.D. 042799B] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2339. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 051299E] received May 20,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2340. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard [USCG–1998–3472] (RIN: 2115–AF59) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2341. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: 4th of July Celebration Fireworks Display, Great South Bay, Sayville, New York [CGD01–99–040] (RIN: 2115–AA97) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2342. A letter from the Chief, Regs and Admin Law, USGC, Department of Transportation, transmitting the Department's final rule—Safety Zone: Groton Long Point Yacht Club fireworks display, Main Beach, Groton Long Point, CT [CGD01–99–039] (RIN: 2115–AA97) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2343. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Hudson Valley Triathlon, Hudson River, Kingston, New York [CGD01–98–155] (RIN: 2115–AE46) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2344. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Lake Pontchartrain, LA [CGD08–99–032] (RIN: 2115–AE47) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2345. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; River Rouge (Short-Cut Canal), Michigan [CGD09–98–055] (RIN: 2115–AE47) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2346. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems (MDHS) Model 369E, 369FF, 500N, and 600N Helicopters [Docket No. 99–SW–11–AD; Amendment 39–11113; AD 99–08–07] (RIN: 2120–AA64) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2347. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Fleet's Albany Riverfest, Hudson River, New York [CGD01–98–163] (RIN: 2115–AE46) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2348. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Corporation Beech Models 65–90, 65–A90, 65–A90–1, 65–A90–2, 65–A90–3, 65–A90–4, B90, C90, C90A, E90, H90, and F90 Airplanes [Docket No. 90–CE–18–AD; Amendment 39–11171; AD 99–10–07] (RIN: 2120–AA64) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2349. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Uniform National Discharge Standards for Vessels of the Armed Forces [FRL–6335–5] (RIN: 2040–AC96) received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2350. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation that would make changes to the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974; jointly to the Committees on Commerce and Transportation and Infrastructure.

2351. A letter from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, transmitting an announcement concerning the Request for Proposals for the Ecology and Oceanography of Harmful Algal Blooms Project; jointly to the Committees on Resources, Commerce, Science, and Armed Services.

2352. A letter from the Secretary of Energy, transmitting a draft of proposed legislation which would provide a more competitive electric power industry; jointly to the Committees on Ways and Means, Commerce, Agriculture, Transportation and Infrastructure, Resources, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Report on Suballocation of Budget Allocations for Fiscal Year 2000 (Rept. 106–163). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 189. Resolution providing for consideration of the bill (H.R. 150) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes (Rept. 106–164). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 190. Resolution providing for the consideration of the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–165). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAZIO (for himself, Mr. KING, Mr. LAMPSON, Mr. CRAMER, Mr. FOLEY, Mr. LANTOS, Mr. CLEMENT, Mr. FARR of California, Mr. HASTINGS of Florida, Mr. CUNNINGHAM, Mr. ETHERIDGE, Mrs. MINK of Hawaii, Mr. ENGLISH, Mr. LUTHER, Ms. WOOLSEY, Mr. SWEENEY, Mr. RAMSTAD, Mr. ARMEY, and Mr. DELAY):

H.R. 1915. A bill to provide grants to the States to improve the reporting of unidentified and missing persons; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mr. FROST, Mr. PRICE of North Carolina, Mr. POMBO, Mr. PICKERING, Mr. SESSIONS, and Mr. SANDLIN):

H.R. 1916. A bill to amend the Internal Revenue Code of 1986 to reduce to 36 months the amortization period for reforestation expenditures and to increase to $25,000 the maximum annual amount of such expenditures which may be amortized; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. COBURN, Mr. WEYGAND, Mr. BARTON of Texas, Mr. MCINTOSH, Mr. RAHALL, Mr. HILLEARY, Ms. HOOLEY of Oregon, Mr. WAMP, and Mr. ACKERMAN):

H.R. 1917. A bill to direct the Secretary of Health and Human Services to make additional payments under the Medicare Program to certain home health agencies with high-cost patients, to provide for an interest-free grace period for the repayment of overpayments made by the Secretary to home health agencies, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. CLEMENT, Mr. CRANE, Mr. RAMSTAD, Ms. DUNN, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. FOLEY, and Mr. TANNER):

H.R. 1918. A bill to provide for implementation of prohibitions against payment of Social Security benefits to prisoners, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. CLEMENT, Mr. CRANE, Mr. RAMSTAD, Ms. DUNN, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, and Mr. FOLEY):

H.R. 1919. A bill to require the Commissioner of Soical Security to provide prisoner information obtained from the States to Federal and federally assisted benefit programs as a means of preventing the erroneous provision of benefits to prisoners; to the Committee on Ways and Means.

By Mr. BARRETT of Wisconsin (for himself and Mr. OBEY):

H.R. 1920. A bill to establish a program to provide grants to expand the availability of public health dentistry programs in medically underserved areas, health professional shortage areas, and other Federally-defined areas that lack primary dental services; to the Committee on Commerce.

By Mr. BILBRAY (for himself, Mr. MCKEON, Mr. CAMPBELL, Mr. COX, and Mr. EHRLICH):

H.R. 1921. A bill to provide that the provision of the Fair Labor Standards Act of 1938 on the accounting of tips in determining the wage of tipped employees shall preempt any State or local provision precluding a tip credit or requiring a tip credit less than the tip credit provided under such Act and to amend the Internal Revenue Code of 1986 to provide that tips received for certain services shall not be subject to income or employment taxes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE (for himself, Mr. DELAY, Mrs. CUBIN, Mr. SHADEGG, Mr. MCINTOSH, Mr. SAM JOHNSON of Texas, Mr. DICKEY, Mr. PAUL, Mrs. CHENOWETH, Mr. LARGENT, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. PETERSON of Pennsylvania, Mr. KNOLLENBERG, Mr. TIAHRT, Mr. SKEEN, Mr. BARR of Georgia, Mr. HANSEN, Mr. CRANE, Mr. ARMEY, Mr. CALVERT, Mr. CANNON, Mr. NETHERCUTT, Mr. LEWIS of California, Mr. MCINNIS, Mr. YOUNG of Alaska, Mr. LINDER, Mr. SPENCE, Mr. DREIER, Ms. PRYCE of Ohio, Mr. POMBO, Mr. RADANOVICH, Mr. LEWIS of Kentucky, Mr. TRAFICANT, Mrs. FOWLER, Mr. WICKER, Mr. CAMP, Mr. MCKEON, Mr. COLLINS, Mr. CUNNINGHAM, Mr. BAKER, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. COOK, Ms. DUNN, Mr. HUNTER, Mr. KING, Mr. NORWOOD, Mr. PACKARD, Mr. ROHRABACHER, Mr. TAUZIN, Mr. WHITFIELD, Mr. GARY MILLER of California, Mr. MCCRERY, Mr. MILLER of Florida, Mr. JONES of North Carolina, Mr. HALL of Texas, Mr. COBLE, Mr. BLILEY, Mr. SALMON, Mr. BALLENGER, Mr. MICA, Mr. WELDON of Florida, Mr. SWEENEY, Mr. ROGAN, Mr. SIMPSON, Mr. HAYES, Mr. HOEKSTRA, Mr. CALLAHAN, Mr. EVERETT, and Mr. HERGER):

H.R. 1922. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. FROST, Ms. SANCHEZ, and Mrs. THURMAN):

H.R. 1923. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for damage awards for emotional distress; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 1924. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial courts; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 1925. A bill to amend title 18, United States Code, to prohibit sex offenders from entering National Parks; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself, Mr. ROHRABACHER, Mrs. MCCARTHY of New York, Mr. SHOWS, Mr. HOLDEN, Mr. DIAZ-BALART, Mr. MCHUGH, Mr. ORTIZ, Mr. SCHAFFER, Mr. FOSSELLA, Mr. ENGLISH, Mr. GREEN of Texas, Mr. WHITFIELD, Ms. GRANGER, Mr. BURTON of Indiana, Mrs. KELLY, Mr. GUTIERREZ, Mr. DAVIS of Virginia, Mr. FLETCHER, Mr. FORBES, Mr. CUNNINGHAM, Mr. SHAYS, Mr. FILNER, Mr. MCCOLLUM, Mr. HILLEARY, Mr. LUCAS of Kentucky, Mr. MCGOVERN, Mr. KING, Mr. LEWIS of Kentucky, Mr. HUNTER, and Mr. HOSTETTLER):

H.R. 1926. A bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. LUCAS of Kentucky, and Mr. MOORE):

H.R. 1927. A bill to amend the Congressional Budget Act of 1974 to preserve all budget surpluses until legislation is enacted significantly extending the solvency of the Social Security and Medicare trust funds; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mrs. JOHNSON of Connecticut, and Mr. ENGLISH):

H.R. 1928. A bill to simplify certain provisions of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. CAPUANO, Mr. FILNER, Mr. HINCHEY, Mr. Hoeffel, Mr. Kanjorski, Ms. Lee, Mr. McDermott, Ms. Rivers, Mr. Sanders, Ms. Schakowsky, and Mr. Stark):

H.R. 1929. A bill to amend the Federal Deposit Insurance Act to control the disclosure by financial institutions of personal financial information of customers of the institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LOBIONDO:

H.R. 1930. A bill to amend the Communications Act of 1934 to require the operator of a World Wide Web site that offers to provide communication with any prisoner to disclose on the site the crime for which the prisoner is incarcerated and the release date for the prisoner; to the Committee on Commerce.

By Mr. McCOLLUM (for himself, Mr. Royce, Mr. Bachus, and Mrs. Roukema):

H.R. 1931. A bill to require agreements entered into between depository institutions and private parties relating to the Community Reinvestment Act of 1977 to be made available to the public and the appropriate Federal banking agency, to require each party to the agreement to regular report to such agency any amount received from other parties, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. ROEMER (for himself, Mr. King, Mr. Lewis of Georgia, Mr. Visclosky, Mr. Souder, Mrs. Northup, Mr. Bliley, Mr. Boehlert, Mr. Clay, Mr. Cummings, Ms. Danner, Mr. DeLay, Mr. Frost, Ms. Eddie Bernice Johnson of Texas, Mr. Holden, Ms. Kaptur, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. LaFalce, Mr. LaHood, Mr. Martinez, Mr. McInnis, Mr. Meeks of New York, Mr. Neal of Massachusetts, Mr. Pastor, Mr. Romero-Barcelo, Ms. Roybal-Allard, Mr. Quinn, Mr. Sandlin, Mr. Shimkus, Mr. Thompson of Mississippi, Mr. Underwood, Mr. Traficant, Mr. Walsh, Mr. Waxman, Mr. Hastings of Florida, Mr. Davis of Virginia, Mr. Pickering, Mr. Kind, Mr. Fossella, Mr. Isakson, Mr. Wamp, Mr. Gordon, Mr. Cunningham, Ms. Woolsey, Mr. Hill of Indiana, Mr. Wynn, Mr. Moore, Mr. Inslee, Mr. Pomeroy, Mr. DeFazio, Mr. Dooley of California, Mrs. Thurman, Mr. Cramer, Mr. Tanner, Mr. Costello, Mr. Green of Texas, Ms. Hooley of Oregon, Mr. Bonior, Mr. Snyder, Mr. Wu, Mr. Barrett of Wisconsin, Mr. Larson, Mr. Maloney of Connecticut, Mrs. Tauscher, Mr. Allen, Mr. Turner, Mr. Scott, Mrs. Clayton, Mr. Hilliard, Mr. Moran of Virginia, Mr. Abercrombie, Mr. Hoyer, Mr. Sisisky, Mr. Skelton, Mr. Stupak, Mr. Doyle, Mrs. Capps, Ms. Lofgren, Mr. Engel, Mr. Kucinich, Mr. Frank of Massachusetts, Mr. Chambliss, Mrs. McCarthy of New York, Mr. Gilman, and Mr. Mascara):

H.R. 1932. A bill to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community; to the Committee on Banking and Financial Services.

By Mr. SALMON (for himself and Mr. Tancredo):

H.R. 1933. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for parental notification and consent prior to enrollment of a child in a bilingual education program or a special alternative instructional program for limited English proficient students; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. Faleomavaega, and Mr. LoBiondo):

H.R. 1934. A bill to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program; to the Committee on Resources.

By Mr. STARK (for himself, Mr. McGovern, and Mr. Strickland):

H.R. 1935. A bill to amend title 10, United States Code, to strengthen the limitations on participation by the Armed Forces in overseas airshows and trade exhibitions involving military equipment; to the Committee on Armed Services.

By Mr. STARK:

H.R. 1936. A bill to amend title XVIII of the Social Security Act to prevent overpayment for hospital discharges to post-acute care services by eliminating the limitation on the number of diagnosis-related groups (DRGs) subject to the special transfer policy; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 1937. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and the Safe and Drug-Free Schools and Communities Act of 1994, to allow grants received under such Act to be used to establish and maintain school violence hotlines; to the Committee on Education and the Workforce.

By Mr. WEXLER:

H.R. 1938. A bill to amend title XVIII of the Social Security Act to require appropriate training and certification for suppliers of certain listed items of orthotics or prosthetics; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEYGAND (for himself, Mr. Stark, Ms. Norton, Mr. Gilchrest, Mr. Frank of Massachusetts, Mr. Allen, Mr. Frost, Mr. Weiner, Mr. Ramstad, Mr. Spratt, Mr. Costello, Mr. English, Mr. Shows, Mr. Foley, Mr. McNulty, Mr. Wolf, Mr. Hilliard, Mrs. Kelly, Ms. Kilpatrick, Mr. Phelps, Mrs. Emerson, Mr. Roemer, Mr. Snyder, Mr. Goode, Mrs. Myrick, Mr. Watt of North Carolina, Mr. Sisisky, Mr. Lewis of Georgia, Mr. LaHood, Mr. Jenkins, Mr. Berman, Mr. Mollohan, Mr. Sandlin, Ms. Hooley of Oregon, Mr. Davis of Florida, Mr. Bilirakis, Ms. Danner, Mr. Holden, Mrs. Capps, Mr. Kuykendall, Mr. Markey, and Mr. Smith of New Jersey):

H.R. 1939. A bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for Alzheimer's disease research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 1940. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of Settlement Trusts established pursuant to the Alaska Native Claims Settlement Act; to the Committee on Ways and Means.

By Mr. CONDIT (for himself, Mr. Waxman, Mr. Markey, Mr. Dingell, Mr. Brown of Ohio, Mr. Turner, Mr. Lantos, Mr. Cramer, Mr. Wise, Mr. Owens, Mrs. Tauscher, Mr. Towns, Mr. Shows, Mr. Kanjorski, Mrs. Mink of Hawaii, Mr. Sanders, Mrs. Maloney of New York, Ms. Norton, Mr. Fattah, Mr. Cummings, Mr. Kucinich, Mr. Blagojevich, Mr. Davis of Illinois, Mr. Tierney, Mr. Allen, Mr. Ford, Ms. Schakowsky, Mr. Romero-Barcelo, and Mr. Stupak):

H.R. 1941. A bill to protect the privacy of personally identifiable health information; to the Committee on Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUYKENDALL (for himself, Mr. Abercrombie, Mr. Bateman, Mr. Chambliss, Mrs. Fowler, Mr. Horn, Mr. Scarborough, and Mr. Taylor of Mississippi):

H. Con. Res. 112. A concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the S.S. LANE VICTORY; to the Committee on Government Reform.

By Mr. BERRY (for himself, Mr. Pomeroy, Mr. Ford, and Mr. Minge):

H. Con. Res. 113. A concurrent resolution expressing the commitment of Congress to address the emergency that currently exists in American agriculture; to the Committee on Agriculture.

By Mr. BOEHLERT:

H. Con. Res. 114. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder; to the Committee on Government Reform.

By Mr. FORBES:

H. Con. Res. 115. A concurrent resolution expressing the support of the Congress for activities to increase public awareness of the dangers of pediatric cancer; to the Committee on Commerce.

By Mr. FORD (for himself, Mr. George Miller of California, and Mr. Matsui):

H. Con. Res. 116. A concurrent resolution expressing congressional support for the International Labor Organization's Declaration on Fundamental Principles and Rights at Work; to the Committee on International Relations.

By Mr. ROTHMAN:

H. Con. Res. 117. A concurrent resolution concerning United Nations General Assembly Resolution ES–10/6; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. Pascrell, Mr. Gilman, Mr. Porter, Mr. Hoyer, Mr. Forbes, Mr. Cardin, Mr. Greenwood, Ms. Slaughter, Mr. King, Mr. Engel, Mrs. Kelly, Mr. McGovern, Mr. Hefley, Mrs. Maloney of New York, and Mr. Olver):

H. Con. Res. 118. A concurrent resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes; to the Committee on International Relations.

By Mrs. MALONEY of New York (for herself and Mr. ROHRABACHER):

H. Res. 187. A resolution expressing the sense of the House of Representatives that the United States should seek to prevent any Talibanled government in Afghanistan from obtaining a seat in the United Nations, and should refuse to recognize any Afghan government, while gross violations of human rights persist against women and girls there; to the Committee on International Relations.

By Mr. FROST:

H. Res. 188. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. BERMAN.

H.R. 85: Ms. NORTON and Mrs. MALONEY of New York.

H.R. 111: Mr. ENGEL Ms. LEE, and Mr. BROWN of California.

H.R. 151: Mr. MCINTOSH.

H.R. 165: Ms. WATERS and Mr. JEFFERSON.

H.R. 206: Mrs. TAUSCHER.

H.R. 218: Mrs. FOWLER, Mr. MASCARA, Mr. CRANE, Mr. BAKER, and Mr. ADERHOLT.

H.R. 263: Mr. WATKINS and Mr. JEFFERSON.

H.R. 264: Mr. YOUNG of Florida.

H.R. 274: Mrs. THURMAN, Mr. HORN, and Mr. WAXMAN.

H.R. 306: Mr. SHAYS and Mr. MCINTOSH.

H.R. 315: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WU, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, and Mr. SERRANO.

H.R. 347: Mr. JONES of North Carolina and Mr. SHOWS.

H.R. 353: Mr. RAMSTAD, Mr. GREENWOOD, Mr. COOK, Mr. HALL of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Florida, Mr. COSTELLO, Ms. NORTON, and Ms. SANCHEZ.

H.R. 354: Mr. BARRETT of Nebraska, Mr. PASTOR, Mr. LUTHER, and Mr. PEASE.

H.R. 355: Mr. JEFFERSON.

H.R. 358: Mr. KIND.

H.R. 363: Mr. BONILLA and Ms. HOOLEY of Oregon.

H.R. 382: Mr. BARRETT of Wisconsin.

H.R. 405: Mr. FRELINGHUYSEN and Mr. BOYD.

H.R. 424: Mr. CALVERT and Mr. MOLLOHAN.

H.R. 445: Mr. LUTHER.

H.R. 483: Mr. GOODLATTE.

H.R. 500: Mr. JEFFERSON and Mr. LUCAS of Kentucky.

H.R. 531: Mr. TIAHRT.

H.R. 544: Mr. JEFFERSON.

H.R. 583: Mr. HILLEARY and Mr. WISE.

H.R. 595: Mr. HOLDEN and Mr. HOEFFEL.

H.R. 599: Mr. TIERNEY, Mr. OLVER, and Ms. JACKSON-LEE of Texas.

H.R. 611: Mr. LUCAS of Oklahoma.

H.R. 612: Mrs. CLAYTON, Mr. HINCHEY, Mr. DOYLE, Mrs. MEEK of Florida, Mr. BLAGOJEVICH, Ms. DANNER, and Mr. CUMMINGS.

H.R. 700: Mr. FRANK of Massachusetts and Mr. LEWIS of Georgia.

H.R. 721: Mr. CALLAHAN and Mr. LATHAM.

H.R. 728: Mr. MOLLOHAN, Mr. ADERHOLT, Mr. RILEY, Mr. SHERWOOD, and Mr. POMBO.

H.R. 731: Mr. MOAKLEY and Ms. KILPATRICK.

H.R. 776: Mr. GREEN of Texas.

H.R. 777: Ms. KILPATRICK, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. JEFFERSON.

H.R. 804: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 815: Mr. TRAFICANT.

H.R. 828: Mr. MATSUI.

H.R. 844: Mr. HULSHOF, Mr. MORAN of Virginia, Mr. CRANE, Mr. MALONEY of Connecticut, Mr. SHERMAN, Mr. MATSUI, Mr. BAKER, Mr. HERGER, Mr. SOUDER, Mr. HALL of Ohio, Mr. GUTKNECHT, Mr. BLUMENAUER, and Mr. DOYLE.

H.R. 845: Mr. PASTOR and Mr. LAFALCE.

H.R. 846: Ms. HOOLEY of Oregon and Mr. HINCHEY.

H.R. 850: Mr. TALENT.

H.R. 853: Mr. ROYCE and Mr. HALL of Texas.

H.R. 859: Mr. CRANE and Mr. MCCRERY.

H.R. 860: Ms. RIVERS.

H.R. 865: Mrs. THURMAN, Mrs. WILSON, and Mr. MORAN of Virginia.

H.R. 896: Mr. WICKER.

H.R. 902: Ms. LEE, Ms. NORTON, and Mr. ENGEL.

H.R. 915: Mr. KASICH, Mr. BLILEY, and Mr. FORD.

H.R. 919: Mr. OLVER, Mr. KUCINICH, and Mr. MCDERMOTT.

H.R. 959: Mr. JEFFERSON.

H.R. 1000: Mr. PICKETT, Mr. CLAY, and Ms. LEE.

H.R. 1020: Mr. QUINN, Mr. RAHALL, Mr. OLVER, Mr. KUCINICH, and Ms. RIVERS.

H.R. 1055: Mr. HILLEARY and Mr. ARMEY.

H.R. 1057: Mr. HINCHEY, Ms. NORTON, Mr. WATT of North Carolina, Mr. BLAGOJEVICH, and Mr. TIERNEY.

H.R. 1063: Mr. GEORGE MILLER of California.

H.R. 1070: Mr. GILLMOR, Mr. NUSSLE, Mr. LIPINSKI, Mr. DEAL of Georgia, Mr. UDALL of Colorado, and Mr. WICKER.

H.R. 1071: Mr. LUCAS of Kentucky and Mrs. MCCARTHY of New York.

H.R. 1081: Mr. MORAN of Virginia.

H.R. 1168: Mr. HINCHEY, Mr. MARKEY, and Mr. EVANS.

H.R. 1172: Mr. SMITH of Texas, Mr. HILLIARD, Mr. KLINK, Mr. LUCAS of Kentucky, Ms. CARSON, Mr. WATKINS, Mr. KENNEDY of Rhode Island, Mr. REGULA, Ms. PELOSI, Mr. JACKSON of Illinois, Mr. WAMP, Mrs. CLAYTON, Mr. BURR of North Carolina, Ms. ROYBAL-ALLARD, Mr. MILLER of Florida, Mr. SOUDER, Mr. UDALL of Colorado, Ms. ROS-LEHTINEN, Mr. ENGLISH, and Mr. THOMPSON of Mississippi.

H.R. 1180: Mr. LUCAS of Kentucky, Mrs. LOWEY, Mr. TIERNEY, Mr. SPENCE, Mrs. CHRISTENSEN, and Mr. SHOWS.

H.R. 1193: Mr. BONILLA and Mr. COOKSEY.

H.R. 1194: Mr. MANZULLO.

H.R. 1208: Mr. ABERCROMBIE.

H.R. 1209: Mr. ABERCROMBIE.

H.R. 1248: Mrs. NORTHUP.

H.R. 1259: Mr. CONDIT, Mr. TAYLOR of Mississippi, Mr. PETERSON of Minnesota, Mr. HALL of Texas, Mr. CRAMER, Mr. THOMPSON of California, Mr. SHOWS, Mr. SENSENBRENNER, and Mr. MCINTOSH.

H.R. 1273: Mr. COX, Mr. BURR of North Carolina, Mr. SHIMKUS, Mr. LARGENT, Mr. FOSSELLA, Mr. STEARNS, Mrs. CUBIN, Mr. BARTON of Texas, Mr. ROGAN, Mr. NORWOOD, and Mr. WHITFIELD.

H.R. 1275: Mr. TIERNEY, Mr. DEFAZIO, Mr. PRICE of North Carolina, Mr. DAVIS of Illinois, Mr. BASS, Mr. BALDACCI, Mr. DOYLE, Mr. EWING, Mr. LEWIS of California, and Mr. COOK.

H.R. 1300: Mr. SHERMAN, Mr. PITTS, Mr. WISE, and Mr. GOODLING.

H.R. 1304: Mr. FORBES, Mr. OWENS, Mr. SMITH of New Jersey, Mr. BOEHLERT, Mr. COOK, Mr. MCNULTY, Ms. RIVERS, Mr. PETERSON of Minnesota, Mr. INSLEE, Mr. OSE, and Mr. GRAHAM.

H.R. 1317: Mr. DUNCAN and Mr. BISHOP.

H.R. 1330: Mr. SCHAFFER.

H.R. 1344: Mr. WHITFIELD.

H.R. 1354: Mr. HEFLEY, Mr. COOK, and Mr. NETHERCUTT.

H.R. 1434: Mr. MCKEON.

H.R. 1436: Mr. MCKEON.

H.R. 1437: Mr. MCKEON.

H.R. 1438: Mr. MCKEON.

H.R. 1439: Mr. MCKEON.

H.R. 1443: Ms. PELOSI.

H.R. 1448: Mrs. KELLY and Mr. FOSSELLA.

H.R. 1484: Mr. GUTIERREZ.

H.R. 1495: Mr. BARCIA, Mr. HINOJOSA, Mr. BONIOR, Mr. MCNULTY, Mr. CROWLEY, and Ms. LEE.

H.R. 1525: Mr. THOMPSON of Mississippi, Ms. KAPTUR, Ms. KILPATRICK, Mr. BLAGOJEVICH, and Mr. VENTO.

H.R. 1545: Mr. STRICKLAND, Ms. DEGETTE, Mr. BLUMENAUER, and Mr. GONZALEZ.

H.R. 1546: Mr. WHITFIELD, Mr. TALENT, Mr. WICKER, Mr. SAM JOHNSON of Texas, and Mrs. BONO.

H.R. 1578: Mr. LEWIS of Kentucky, Mr. BAKER, Mr. HAYWORTH, Mr. SOUDER, and Mr. HILLEARY.

H.R. 1590: Mr. FATTAH.

H.R. 1604: Mr. HILLIARD, Mr. ADERHOLT, Mr. GONZALEZ, Mr. WAMP, Mr. ROGERS, Mr. CARDIN, Mr. CUMMINGS, and Mr. FRELINGHUYSEN.

H.R. 1622: Mr. WU and Mr. COOK.

H.R. 1627: Mr. MCGOVERN.

H.R. 1634: Mr. OXLEY, Mr. BRYANT, and Mr. TAYLOR of North Carolina.

H.R. 1648: Mr. DAVIS of Illinois, Mr. HINCHEY, Ms. WATERS, Mr. JEFFERSON, and Mr. SISISKY.

H.R. 1673: Mr. GREEN of Texas.

H.R. 1689: Mrs. KELLY and Mr. FRANKS of New Jersey.

H.R. 1702: Mr. TOWNS and Mr. OWENS.

H.R. 1707: Mr. HEFLEY.

H.R. 1713: Mr. TALENT, Mr. GARY MILLER of California, and Mr. WATKINS.

H.R. 1717: Ms. NORTON.

H.R. 1748: Mr. STUPAK.

H.R. 1750: Mr. ALLEN, Mr. SHERMAN, Mr. BERMAN, and Mr. SANDERS.

H.R. 1768: Mr. FORD and Mr. LANTOS.

H.R. 1791: Mrs. MORELLA and Mr. BLUMENAUER.

H.R. 1794: Mr. GILMAN, Mr. DEUTSCH, Mr. ROHRABACHER, and Mr. WU.

H.R. 1795: Mr. GREENWOOD, Mr. BENTSEN, Mr. MCNULTY, and Mr. FROST.

H.R. 1841: Mr. PASTOR.

H.R. 1850: Mr. KASICH, Mr. GOODLING, Mr. PITTS, Mr. BARRETT of Wisconsin, and Mr. ALLEN.

H.R. 1857: Mr. BENTSEN.

H.R. 1861: Mr. HAYWORTH.

H.R. 1862: Mr. SHOWS and Mr. HASTINGS of Florida.

H.R. 1863: Mr. WATKINS and Mr. THOMPSON of California.

H.R. 1882: Mr. PASCRELL and Mr. HILL of Montana.

H.J. Res 33: Mr. BARTON of Texas and Mr. BLAGOJEVICH.

H.J. Res. 38: Mr. SHAYS.

H.J. Res. 46: Mr. HYDE and Ms. ROS-LEHTINEN.

H.J. Res. 47: Ms. DANNER.

H.J. Res. 55: Mr. SESSIONS.

H. Con. Res. 77: Mr. LUCAS of Kentucky and Mrs. MINK of Hawaii.

H. Con. Res. 107: Mr. BARRETT of Nebraska, Mr. LATHAM, Mr. HOEKSTRA, Mr. GARY MILLER of California, Mr. ADERHOLT, and Mr. GUTKNECHT.

H. Con. Res. 109: Mr. LAFALCE, Mr. FOSSELLA, and Mr. RANGEL.

H. Res. 34: Mr. WU.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1259

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Add at the end the following new section:

SEC. 6. BUDGETARY TREATMENT OF THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM AND THE HOSPITAL INSURANCE PROGRAM.

It is the sense of the Congress that—

(1) the moneys of the United States held for purposes of the old-age, survivors, and disability insurance program and the hospital insurance program maintained under the Social Security Act and related laws of the United States should always be held in separate and independent trust funds and should always be segregated from all other moneys of the United States,

(2) the receipts and disbursements of such programs (including revenues dedicated to such programs) should never be included in any budget totals set forth in the budget of the United States Government as prepared by the President or any budget prepared by the Congress,

(3) the Congress should never make any law authorizing the use of such trust funds for any purpose other than for providing for the prompt and effective payment of benefits, payment of administrative expenses, and payment of such amounts as may be necessary and appropriate to correct prior incorrect payments, and no agency or instrumentality of the United States, or any officer or employee thereof, should ever be authorized to use, or to authorize the use of, such trust funds for any such other purpose, and

(4) as soon as practicable after the date of the enactment of this Act, the Congress should consider for adoption a constitutional amendment which would establish the policies described in this section as the permanent law of the United States.

H.R. 1401

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 3: At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) WAIVER OF CHARGES.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for military officers and civilian officials of foreign nations of the Asia-Pacific region if the Secretary determines that attendance by such persons without reimbursement is in the national security interest of the United States.

(2) In this section, the term "Asia-Pacific Center" means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

(b) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to paragraph (2), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in paragraph (2).

(4) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

(5) If the total amount of funds accepted under paragraph (1) in any fiscal year exceeds $2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

(6) For purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

H.R. 1401

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 4: At the end of title X (page 305, after line 5), insert the following new section:

SEC. ___. REPORT ON EFFECT OF CONTINUED BALKAN OPERATIONS ON ABILITY OF UNITED STATES TO SUCCESSFULLY MEET OTHER REGIONAL CONTINGENCIES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the effect of continued operations by the Armed Forces in the Balkans region on the ability of the United States, through the period covered by the current Future-Years Defense Plan of the Department of Defense, to prosecute to a successful conclusion a major contingency in the Asia-Pacific region or to prosecute to a successful conclusion two nearly simultaneous major theater wars, in accordance with the most recent Quadrennial Defense Review.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall set forth the following:

(1) In light of continued Balkan operations, the capabilities and limitations of United States combat, combat support, and combat service support forces (at national, operational, and tactical levels and operating in a joint and coalition environment) to expeditiously respond to, prosecute, and achieve United States strategic objectives in the event of—

(A) a contingency on the Korean peninsula; or

(B) two nearly simultaneous major theater wars.

(2) The confidence level of the Secretary of Defense in United States military capabilities to successfully prosecute a Pacific contingency, and to successfully prosecute two nearly simultaneous major theater wars, while remaining engaged at current or greater force levels in the Balkans, together with the rationale and justification for each such confidence level.

(3) Identification of high-value platforms, systems, capabilities, and skills that—

(A) during a Pacific contingency, would be stressed or broken and at what point such stressing or breaking would occur; and

(B) during two nearly simultaneous major theater wars, would be stressed or broken and at what point such stressing or breaking would occur.

(4) During continued military operations in the Balkans, the effect on the "operations tempo", and on the "personnel tempo", of the Armed Forces—

(A) of a Pacific contingency; and

(B) of two nearly simultaneous major theater wars.

(5) During continued military operations in the Balkans, the required type and quantity of high-value platforms, systems, capabilities, and skills to prosecute successfully—

(A) a Pacific contingency; and

(B) two nearly simultaneous major theater wars.

(c) CONSULTATION.—In preparing the report under this section, the Secretary of Defense shall use the resources and expertise of the unified commands, the military departments, the combat support agencies, and the defense components of the intelligence community and shall consult with non-Department elements of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

H.R. 1401

OFFERED BY: MR. METCALF

AMENDMENT NO. 5: At the end of title VII (page 238, after line 22), insert the following new section:

SEC. ___. REVIEW OF RESULTS OF INDEPENDENT RESEARCH REGARDING GULF WAR ILLNESSES AND RESEARCH TO REPLICATE OR DISPUTE THE RESULTS.

(a) REQUIREMENT TO CONDUCT REVIEW.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review the independent research conducted regarding the presence and detection of squalene antibodies in the blood of veterans of the Persian Gulf War, as described in the report of the General Accounting Office numbered GAO/NSIAD–99–5, and the possible relationship between the presence of squalene antibodies and the complex of illnesses and symptoms known as Gulf War syndrome.

(b) REQUIREMENT TO CONDUCT ADDITIONAL RESEARCH.—The Secretary shall conduct research on the presence and detection of squalene antibodies in the blood of veterans of the Persian Gulf War designed to replicate or dispute the results of the independent research reviewed under subsection (a).

(c) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the results of the Secretary's review and research and submit to Congress a report evaluating the merits of the Secretary's review and research.

H.R. 1401

OFFERED BY: MR. ROEMER

AMENDMENT NO. 6: At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 31 . REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.

(a) In General.—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) Content of Report.—The report shall include, with respect to each national laboratory, the following:

(1) The number of full-time counterintelligence and security professionals employed.

(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the services provided by the employee assistance programs.

(5) A description of any requirement that an employee report the foreign travel of that employee (whether or not the travel was for official business).

(6) A description of any visit by the Secretary or by the Deputy Secretary of Energy, a purpose of which was to emphasize to employees the need for effective counterintelligence and security practices.

H.R. 1906

Offered By: Mr. Chabot

Amendment No. 17: Insert before the short title the following new section:

Sec. . (a) Limitation.—None of the funds appropriated or otherwise made available by this Act may be used to award any new allocations under the market access program or to pay the salaries of personnel to award such allocations.

H.R. 1906

Offered by: Ms. Kaptur

Amendment No. 18: In the third paragraph under the headings "RURAL HOUSING SERVICE" and "RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)", strike the period at the end of the paragraph and insert the following: ": *Provided*, That of this amount the Secretary of Agriculture may transfer up to $7,000,000 to the appropriation for 'Outreach for Socially Disadvantaged Farmers'.".

EXTENSIONS OF REMARKS

INTRODUCTION OF A BILL TO CLARIFY THE TAX TREATMENT OF SETTLEMENT TRUSTS ESTABLISHED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill to clarify the tax treatment of Settlement Trusts authorized by the Alaska Native Claims Settlement Act. This legislation is very similar to a bill that I introduced with my colleagues, Congressmen GEORGE MILLER and J.D. HAYWORTH, last Congress.

The bill has been further improved from last Congress and a companion measure was introduced in the Senate recently. The bill's introduction in the House before the Memorial Day recess is aimed at expediting consideration of it in Congress and within the executive branch. Once the recess has ended, I am expecting that the original cosponsors from last year as well as additional cosponsors will reintroduce the legislation for consideration in the House.

At the time the bill is reintroduced, those Members cosponsoring it and I will submit for our colleagues' information a detailed explanation of the bill along with background and history relating to it.

TRIBUTE TO THELMA BARRIOS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Thelma Barrios, who this year is receiving the 3rd annual Chief Dominick J. Rivetti Award from the San Fernando Police Advisory Council. Thelma is editor and publisher of the San Fernando Sun, a weekly publication that serves San Fernando and the surrounding area. In an age of media conglomerates, and 24-hour news channels, the Sun is an excellent reminder of the value of a good community newspaper. Thelma works hard to make sure that local politics, community news and interesting activities involving Northeast Valley residents receive extensive coverage in the pages of her newspaper. Over the years I have found the Sun a pleasure to read.

Thelma's accomplishments are all the more remarkable considering the trajectory of her career. She started working at the Sun nearly 40 years ago as a bill collector, answering an ad that asked "for a man to do collections." That minor detail didn't deter Thelma, who went in and applied for the job anyway. The owner of the Sun, L.A. Copeland, offered Thelma the job, telling her that results were more important than whether he hired a man or a woman.

Thelma flourished at the paper. She went from bill collector, to telephone operator, to member of the classified advertising department and, finally, editor and publisher. It was a perfect match. Thelma works tremendously hard putting out the Sun each week. At the same time, she is never too busy to take another press release or listen to another story idea.

Though it's hard to believe, Thelma is not a San Fernando native. Along with her family, she came to California from Ohio in the early 1940s. Not long after the move, she met her future husband, Joseph Barrios, when the two of them worked together at a movie theater near downtown Los Angeles. Thelma and her husband, who passed away a few years ago, made the move to San Fernando soon after the end of World War II.

The Barrios family has strong ties to the city; Joe was a member of the San Fernando Police Force for 32 years.

Thelma has won two separate national journalism contests sponsored by the University of Missouri, and is the recipient of several awards from the Valley Press Club. The Dominick J. Rivetti Award, named in honor of my dear friend and the Chief of Police in San Fernando, recognizes Thelma's extraordinary contributions to the city.

I ask my colleagues to join me in saluting Thelma Barrios, whose dedication to her craft and devotion to her community inspire us all.

A TRIBUTE TO ALLEN L. SAMSON

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to Allen L. Samson, president, Liberty Bank, who on June 15, 1999 will receive the Star of David Award given by the Israel Bonds organization, Milwaukee. This award recognizes Allen for his support of Israel's economic development, involvement in humanitarian causes and his distinguished service to the community.

Allan Samson received his undergraduate and law degrees from the University of Wisconsin-Madison. He served as deputy district attorney for Milwaukee County and was a founding partner in a local law firm. Allen changed careers in 1973 and concentrated his efforts on American Medical Services, a business founded by his father, which operated nursing homes and pharmacies. He served as the company's vice president for 10 years when he became the chief executive officer, as position he held until 1990. In 1994, Allen and a small group of investors purchased Liberty Bank, a community bank which specializes in servicing small businesses and individuals. Allen is currently president and chief executive officer of Liberty Bank.

Allen has been an active leader in the Jewish community where he has received numerous awards and accolades. His support for Israel Bonds, the Milwaukee Jewish Federation, the Milwaukee Jewish Home and Care Center is unprecedented. He has been active in the United Way of Greater Milwaukee, earing the prestigious Fleur de Lis Award in 1996 for Excellent Achievement. He is active in many leadership positions in the Milwaukee-area arts community including the symphony and the art museum.

A devoted husband to Vicki Boxer for 21 years, Allen is the proud father of Daniel, Rachel, David and Nancy. He is a loving and doting grandfather.

Congratulations, Allen. You are truly deserving of this year's Star of David Award.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. CAPUANO. Mr. Speaker, due to inclement weather I, along with several other Members of Congress, was unavoidably detained in Massachusetts on the afternoon of May 24, 1999, and was therefore unable to cast a vote on rollcall votes 145 and 146. Had I been present, I would have voted "yea" on rollcall 145, and "yea" on rollcall 146.

RECOGNITION OF HUMANITARIAN SIDNEY WEINER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize a significant milestone in the life of Sidney Weiner. On June 22, 1999, Sidney was presented the 17th annual Humanitarian Award by Congregation Kodimoh. Sidney Weiner has spent his life volunteering on behalf of many organizations in the community, and I would like to make note today of his many accomplishments.

Sidney was born in Worcester, MA, but moved to Springfield as a teenager. He attended Springfield public schools and eventually married Gert Levi at the old Kodimoh on Oakland St. in 1947. He operated many successful service stations and worked as an insurance agent before retiring in 1972.

Sidney's volunteer service, in his adult life, has been unparalleled. He was a volunteer for the Pioneer Valley Red Cross, through which he recruited countless blood donors. He has also practiced what he has preached, being a 10 gallon donor himself. Sidney is a 32d degree mason and has been Master of the Chicopee Lodge and District Deputy Grand Master of the Chicopee 18th Masonic District. Since joining the Melha Temple Shrine in 1959, Sidney has chaired their blood program. He has also brought smiles to countless children through his membership and participation in the Melha Clown Unit.

Sidney has been a volunteer at Baystate Medical Center for nearly 20 years. In 1990, he was elected the first male president of the Baystate Medical Center Auxiliary. Sidney has also been involved with the Ronald McDonald House. In fact, his involvement began even before the house was built almost 10 years ago. He has held many various titles there, and is currently the president of the board of directors. For the past 3 years, Sidney has been chairman of Parking for the Rays of Hope Walk, which raises funds each fall for breast cancer research. He and his wife, Gert, also spend every Sunday in July and August volunteering at Tanglewood. Sidney is a longtime member of Kodimoh and its Brotherhood, and is a regular minyanaire. He has also been a regular volunteer on various projects and committees with Kodimoh. Sidney and Gert's daughter, Nancy Squires, and her husband, Bill, and their three daughters, Maxine, Sarah, and Michelle, are also active members of Kodimoh.

Mr. Speaker, allow me to pay tribute to the service, commitment, and character of Sidney Weiner. He has proven himself to be an indispensable member of his community through his service and leadership. Sidney Weiner is truly a role model for community involvement and pride in his faith. Kodimoh, and the entire Western Massachusetts community, has been blessed to have been touched by Sidney Weiner's involvement and service.

ZONTA CLUB OF OAK PARK CELEBRATES ITS 65TH ANNIVERSARY

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. GUTIERREZ. Mr. Speaker, I rise to pay tribute to the Zonta Club of Oak Park, Illinois. The Zonta Club of Oak Park was organized in February 1934 and was chartered on May 26 that same year. It is the 127th chapter of Zonta International, a worldwide service organization of executives in business and the workforce that began in 1919 to advance the status of American women. The Zonta Club of Oak Park will be celebrating its 65th anniversary on May 26, 1999.

The Zonta Club of Oak Park has contributed time and money and has worked tirelessly for women's rights since it was organized. Throughout its history, the Zonta Club of Oak Park has supported many local organizations, such as the alliance for the Mentally Ill, Cook County Hospital, Literacy Volunteers of Western Cook County and the Rehabilitation Institute of Chicago. The Club also gives financial support to international service projects selected by Zonta International through the United Nations and has directly affected the fate of more than 700,000 women and girls through projects in countries such as Argentina, Bangladesh, Ghana, India, Jordan and Zimbabwe.

The Zonta Club of Oak Park has a strong dedication to women's higher education and has supported literacy projects. The Club supports the Young Women in Pubic Affairs scholarship program by recognizing and awarding scholarships to local high school seniors to encourage young women to enter careers or seek leadership positions in social policymaking, government and volunteer organizations. The Club also gives financial support to the Amelia Earhart fellowship award program, which was founded in 1938 to support women pursuing graduate degrees in aerospace-related sciences and engineering. The program has supported more than 500 women from forty-eight countries in more than 800 fellowships.

Mr. Speaker, I commend the work of the Zonta Club of Oak Park and their efforts to promote literacy, fight domestic violence and encourage students to participate in international service projects. I am pleased to congratulate them on their 65th anniversary.

RUSS MORGAN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to congratulate the Russ Morgan Orchestra as it celebrates more than sixty years in the entertainment business. I am pleased and proud to bring this worthy milestone to the attention of my colleagues.

Born in Scranton, Russ Morgan grew up in my hometown of Nanticoke. After working in the coal mines to earn money for his music education, he began playing the piano at a Scranton theater for extra money at the age of 14. Morgan went on to play trombone with a local band called the "Scranton Sirens," with notable colleagues like Tommy Dorsey, Jimmy Dorsey, and Billy Lustig. When he was 18, Russ left Pennsylvania for New York City to find his fortune in the music business. By the time he was 25, he was arranging music for John Phillip Sousa and Victor Herbert. After playing for Paul Specht and touring Europe with Specht's orchestra, Morgan went to Detroit to work with Jean Goldkette on forming a new band. There, he was reunited with the Dorsey brothers and some of his other associates from his early career. Eventually, Morgan became Musical Director of WXYZ in Detroit with his own very popular show. He also showcased his classical talent by arranging for the Detroit Symphony.

At about this time in his career, Morgan was sidelined by a serious automobile accident that forced him to spend months in the hospital. Upon his recovery, he returned to New York City to restart his career by arranging music for all the famous night clubs of the time and many Broadway shows. In 1934, he worked at Brunswick Records, where he met his wife and became friends with the famous Rudy Vallee. Morgan was encouraged to form his own orchestra and Vallee got him his first engagement at the famous Biltmore Hotel. Following an impressive 4 years at the Biltmore, Morgan played on television and at most of the famous hotels and resorts of the era. On one recording he made during that period, he used a quartet that would later become the famous Ames Brothers. In 1965, with sons Jack and David in the ensemble, Russ Morgan began a long engagement in Las Vegas that was cut short only by his death in 1969.

Mr. Speaker, the Russ Morgan Orchestra, now in the able hands of his son Jack, has been bringing us wonderful music for over six decades. The ensemble's founder never forgot his roots as a young coal miner in Northeastern Pennsylvania. I extend my best wishes for continued success to Jack and the Morgan family as they carry on the legacy of the great Russ Morgan on this milestone anniversary. What greater tribute could his beloved son pay him, than to carry on his music to new generations.

MILITARY INVOLVEMENT IN INTERNATIONAL AIR AND TRADE SHOWS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. STARK. Mr. Speaker, today I am introducing legislation to stop the use of taxpayer funds from subsidizing the U.S. defense industry at international air and trade shows.

Prior to 1991 the federal government avoided any direct military involvement in air shows and arms bazaars. For the first time, during the Bush administration, military personnel and equipment were permitted in foreign air shows and weapons exhibitions. The aircraft used, during these air shows and weapons exhibitions, is paid for with American taxpayer dollars. The fees involved include the cost of insurance, ramp fees, transportation to and from the show and payment for government personnel needed to attend and monitor the show. In June of 1991 the Secretaries of Defense and Commerce changed the practice that the Pentagon had previously followed of leasing U.S. aircraft to industry at air shows. The practice adopted allows for the loan of the Department of Defense (DoD) aircraft to defense contractors free of charge. This means that taxpayers pay for the cost of industry participation at air shows and arms bazaars. If taxpayers are not sharing in the profits made during the air shows and arms exhibitions, why should they share in the cost?

An example of this wasteful practice occurred in Singapore in 1992, during an air show intended to demonstrate new marine aviation technology. The Marine aircraft crashed and the American taxpayers were left with a bill of $18.9 million. In response to the crash Congressman HOWARD BERMAN sponsored an amendment to the FY93 Authorization bill which puts a limit on the government's ability to participate in air shows. The amendment requires the President to notify Congress 45 days prior to any participation in further air shows. It also requires that participation be in the interest of national security. In addition, the amendment requires a cost estimate to be submitted to Congress as well.

In order to side step the Berman amendment, DoD sends aircraft and personnel to air shows on so called "training missions." This fulfills the requirement that the air show be in the interest of national security.

It is important to look at the total cost of foreign air shows in order to realize the abuse by the federal government on the American taxpayer. A conservative calculation of the total cost of taxpayer subsidies for 1996 and 1997 was at least $68.4 million. That is an average of $34.2 million per year wasted at foreign airshows and arms bazaars. This figure is up over 31 percent over the period from 1994 to 1995.

The Clinton administration has been underreporting cost and involvement to the U.S. by excluding transportation costs to and from the foreign shows. The costs reported by the Pentagon to Congress are 15 to 20 times less than the actual costs, leaving the U.S. taxpayer to pick up the tab. An example of this practice is the transfer of a B–2 bomber from the United States to France for a demonstration at an air show in Paris in 1995. This flight to Paris involved at least a 24-hour round trip ticket. The cost to operate the plane for one hour is $14,166, for a cost of over $330,000. The total cost submitted to Congress by the Pentagon to cover the entire show was underestimated at $342,916.

The bill I am introducing today, the "Restrictions on Foreign Air Shows Act" bans any further direct participation of Defense personnel and equipment at air shows unless the defense industry pays for the advertising and use of the DoD wares. The bill prohibits sending planes, equipment, weapons, or any other related material to any overseas air show unless the contractor has paid for the expenses incurred by DoD. If a contractor decides to participate in the air show, he or she must lease the equipment, cover insurance costs, ramp fees, transportation fees, and any other costs associated with the air show. If a contractor is making a profit by showing the aircraft, they will also be required to pay for the advertisement and use of the aircraft. In addition, military and government personnel will not be allowed at the show unless the contractor pays for their services during the air show.

This bill in no way outlaws the use of U.S. Aircraft or other equipment in foreign air shows or other trade exhibitions. The bill simply takes the financial burden off of the American taxpayer and puts it on the defense contractor. I strongly urge my colleagues to support this bill.

RECOGNIZING THE CONTRIBUTIONS OF THE CRUISE LINE INDUSTRY IN ALASKA AND THE UNITED STATES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I rise to address an issue that is very critical to the constituents of my home State of Alaska. The issue I wish to speak about is the significant contribution which the cruise line industry has made to the great State of Alaska and this country.

Alaska is a State where the land mass is larger than all of the Northeastern and Great Lakes States put together. Approximately 600,000 Americans live there. Many Americans have heard of Alaska and have some image of its wildness but fewer than 10 percent of Americans have ever visited. Nonetheless, the opportunity for Americans to visit this great state has increased tenfold with the presence of the cruise industry. Furthermore, the economic benefits that the cruise lines bring have greatly impacted Alaska.

Recently, Price Waterhouse Coopers (PwC) and Wharton Econometric Forecasting Associates concluded a Study on the Economic Impact of the Cruise Industry on the U.S. economy. This study reveals that the cruise industry spent $6.6 billion in the United States in 1997, and generated an additional $5 billion of impact on the economy. In the United States alone, the cruise lines purchased $1.8 billion in transportation from airlines, $794 million in fuel and lubricants, $626 million in business services, $1 billion in financial services, and $600 million in food and beverage supplies. In the State of Alaska in 1998, the cruise industry spent with Alaskan business and service providers $363,274,000. These statistics are significant and make clear that the cruise industry has benefited both the state of Alaska and our Nation.

This study also reveals that the cruise industry created 176,433 jobs for U.S. citizens in 1997. These jobs included direct employment by the industry and jobs attributable to the U.S. based cruise line suppliers and industry partners. Through its annual growth of 6–10 percent, the industry is responsible for thousands of new jobs every year for Americans. The cruise industry is the single largest direct employer in the maritime sector of the United States. In my State of Alaska in 1998, the cruise industry was responsible for the employment of 17,189 Alaskans. That is 3 percent of the population of our State.

Another issue that I wish to address is the matter regarding Federal and State taxation of the cruise industry. Some critics state that the cruise industry does not pay federal and state taxes in the United States. This statement is false. In fact the recently completed study revealed that the industry pays millions of dollars in taxes each year. In 1997, the cruise industry paid over $1 billion in Federal, State, and local taxes in the United States.

Mr. Speaker, I rise today to speak to the contributions made by the cruise industry to our great Nation. The benefits have been abundant, both throughout this nation and in my home State, Alaska. In view of the many contributions, I wish to acknowledge the vital role which the cruise industry plays in sustaining the economy and the maritime sector of this country.

TRIBUTE TO FRANKYE SCHNEIDER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to may dear friend, Frankye Schneider, who this year is being honored by the 40th Assembly District of the Democratic party. For more than two decades, Frankye held the position of senior deputy to Los Angeles County Supervisor Ed Edelman. Frankye has always considered it an honor to work in politics. She cherished the opportunity to use the resources and power of government to help individual citizens.

Frankye was the perfect model of a professional and compassionate staff person. She was never too busy to listen to the concerns of another resident, and to speak out on behalf of a homeowners' association, chamber of commerce or non-profit agency. Although districts in Los Angeles County contain more people than many states, it somehow seemed as if everyone was on a first-name basis with Frankye.

It would be impossible in such a short space to mention each and every contribution Frankye made to our community during the time she worked for Supervisor Edelman. The list of people and organizations that benefitted from her efforts is truly myriad. Frankye had an extremely wide range of interests, including the arts, the environment, education, mental health and juvenile justice.

She is a lifetime member of the PTA, immediate past president of the San Fernando Valley Community Mental Health Center, and a former Board Member of New Directions for Youth and the United Way. After she left the staff of Supervisor Edelman, Frankye worked for the Los Angeles County Museum of Art and the Los Angeles County Museum of Natural History.

Frankye has a deep and abiding interest in the fortunes of the Democratic Party. She was a founding member and the first chair of the Democratic Party of the San Fernando Valley, and she has represented the 40th Assembly District at California Democratic party conventions for many years. Frankye also did extensive volunteer work for George McGovern's 1972 presidential campaign and Tom Bradley's 1973 campaign for mayor of Los Angeles.

Frankye doesn't know the meaning of the word "retirement." She continues to stay active in the community and with a variety of organizations. She also spends as much time as she can with her three children and four grandchildren.

I ask my colleagues to join me in saluting Frankye Schneider, who has devoted much of her life to bettering the lives of others. Her dedication and selflessness inspire us all.

CONSTITUTIONAL IMPASSE CONTINUES IN BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. SMITH of New Jersey. Mr. Speaker, on May 16, the alternative Presidential election concluded in Belarus within the timeframe envisioned by the legitimate 1994 Constitution. While the opposition Central Election Commission (CEC) concluded that the final results of the voting were invalid because of various violations deriving from the impediments placed by Belarusian authorities, the ballot served as an important barometer of democratic engagement by the citizens of Belarus. In the months leading up to the election, President Alyaksandr Lukashenka had imprisoned one of the two Presidential candidates—former Prime Minister Mikhail Chygir—on what were clearly politically motivated charges, arrested hundreds of election officials and volunteers, and instituted administrative proceedings against others. Nevertheless, the authorities were unable to thwart the election in at least one critically important respect—according to the opposition CEC, the voting itself was valid because more than half—or 53 percent of the electorate—participated. When one considers that these were unsanctioned elections that challenged Lukashenka's legitimacy, this is a substantial number of people.

No matter what the imperfections, Mr. Speaker, the opposition's electoral initiative should send a powerful message to Lukashenka. Clearly, an appreciable number of Belarusian citizens are dissatisfied with the profoundly negative political and socio-economic fallout stemming from his dictatorial inclinations and misguided nostalgia for the Soviet past or some misty "Slavic Union." The vote highlights the constitutional and political impasse created by Lukashenka's illegitimate 1996 constitutional referendum, in which he extended his personal power, disbanded the duly elected 13th Supreme Soviet, and created a new legislature and constitutional court subservient to him.

Last month, the Commission on Security and Cooperation in Europe (Helsinki Commission), which I chair, held a hearing on the situation in Belarus, with a view toward promoting human rights and democracy there. Testimony from the State Department, OSCE mission in Belarus, the Belarusian democratic opposition and several human rights NGOs all reaffirmed that Belarus is missing out on what one witness characterized as "the great market democratic revolution that is sweeping Central and Eastern Europe and Eurasia" because of Lukashenka's power grab and backsliding on human rights and democracy.

Despite repeated calls from the international community, including the Helsinki Commission, for Lukashenka to cease harassment of the opposition, NGO's and the independent media; allow the opposition access to the electronic media; create the conditions for free and fair elections and strengthen the rule of law, we have failed to see progress in these areas. Indeed, we see more evidence of reversals. Earlier this year, for example, Lukashenka signed a decree which introduces extensive restrictions on non-governmental activity and mandates re-registration—by July 1—of political parties, NGOs and trade unions. The decree, which among other onerous stipulations requires that organizations acknowledge the results of Lukashenka's illegitimate 1996 referendum, is clearly designed to destroy democratic civil society in Belarus and further consolidate Lukashenka's repressive rule. Moreover, within the last few months, several disturbing incidents have occurred, among them the March arrests of Viktor Gonchar, Chairman of the opposition CEC, and the Chygir imprisonment, as well as the mysterious disappearances of Tamara Vinnikova, former chair of the National Bank of Belarus and, on May 10, Gen. Yuri Zakharenko, former Interior Minister and a leading opponent of Lukashenka. Just a few days ago, Lukashenka's government announced that no more foreign priests will be allowed to serve in Belarus, making it extremely difficult for the Roman Catholic Church, which is rebuilding following the travails of the Soviet era, to function.

Mr. Speaker, I strongly urge the Belarusian Government to comply with its freely undertaken commitments under the Helsinki Final Act and subsequent OSCE agreements and to immediately, without preconditions, convene a genuine dialog with the country's democratic forces and with the long-suffering Belarusian people.

TRIBUTE TO DR. AUGUSTO ORTIZ AND MARTHA ORTIZ

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to Dr. Augusto Ortiz and his wife, Mrs. Martha Ortiz. For 50 years, this outstanding team has provided medical and clinical services to the under-served, rural and urban, Spanish-speaking populations of Arizona. Dr. Ortiz, a medical doctor who graduated from the University of Illinois in 1945, provided the medical services while Martha, who rarely accepted compensation for her services, acted as the full-time administrator, personnel director, and business manager of the practice. The willingness of Dr. and Mrs. Ortiz to forego salaries or their acceptance of "pay-what-you-can" arrangements made medical services affordable and available to many poor residents of Arizona. Thousands of Arizonans owe their health and lives to the caring dedication of this selfless medical team.

Although Dr. Ortiz' family did not have large amounts of money, they encouraged a love of learning and a dedication to community service. With these values instilled in him as a young boy in Puerto Rico, Dr. Ortiz often dreamed of helping underprivileged people when he grew up. In order to pursue his dream of becoming a doctor to aid indigent people, Dr. Ortiz had to leave his much loved family and childhood home to attend medical school in Illinois. Although he was now thousands of miles away, these early dreams and lessons helped guide and inspire him to continue toward his goal.

In the early 1950's, while stationed at Luke Air Force Base in Phoenix, Arizona, Dr. Ortiz took on a Herculean task. He readily agreed to assist Dr. Carlos Greth with a medical practice that served 80,000 Spanish-speaking people in Maricopa County. At this time, they were the only Spanish-speaking doctors in Maricopa County.

Aside from generously offering his medical talents, Dr. Ortiz also became a champion for those that he treated. His political motivation was his need to "stand up and speak out" because he felt "an obligation to do something to . . . remedy those problems" which were regularly encountered by his patients. Dr. Ortiz was especially active on behalf of his farm worker patients. He was instrumental in obtaining an Arizona state ban on the short handled hoe, as well as improving the Arizona laws regulating pesticides and field sanitation. Dr. Ortiz' commitment and accomplishments make him an outstanding role model for the citizen activist. He identified the problems that needed to be addressed, sought logical, humane remedies for them, and consistently persuaded political decision makers to agree to the solutions.

Dr. and Mrs. Ortiz not only emphasized preventive health care, they organized mobile clinics and community health boards to ensure that this message would be heard and spread throughout many Arizona communities. In 1972, Dr. Ortiz joined the University of Arizona Rural Health Office as the Medical Director. Currently, he continues as the Medical Director of the Rural Health Office while maintaining his rural mobile clinic practice in three communities. During his tenure, he has worked tirelessly to encourage the poor and minorities to enter and to succeed in healthcare professions, while continually working to develop and deliver better health services for those in need.

Throughout his career, Dr. Ortiz has received many honors and awards, including: The Arizona Latin-American Medical Association Award; the Arizona Family Doctor of the Year Award; Distinguished Leadership Award, American Rural Health Association (national); and the Jefferson Award for Outstanding Service to the Community, Institute for Public Service (national).

Dr. Ortiz and Martha deserve the nation's gratitude and respect for the magnitude of the service they have given for such an extended period of time. I ask my colleagues in Congress to join me in applauding and honoring this noble doctor, Dr. Augusto Ortiz, and his admirable wife, Martha Ortiz.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

SPEECH OF

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 883) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands:

Mr. HERGER Mr. Chairman, I support H.R. 883, The American Land Sovereignty Protection Act and am in favor of its passage. The reason I support this legislation is because it will place constraints on the Clinton/Gore administration's ability to exercise more Federal land control. Mr. Speaker, my main concern is not the United Nations. The United Nations has no more authority than we choose to give it. My major concern, and the concern of the citizens of my northern California District, is the continued use of Presidential powers to exercise Federal land control. This legislation will go a long way in preventing that. Therefore, Mr. Chairman, I urge everyone's support of H.R. 883.

INDIA'S ANTI-AMERICANISM REVEALED AS DEFENSE MINISTER ATTACKS AMERICA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. DIAZ-BALART. Mr. Speaker, I was disturbed to hear that the Defense Minister of India, George Fernandes, led a meeting of some of the world's most repressive regimes at which they agreed that their main goal was to "stop the United States," according to the Indian Express. Fernandes himself called the United States "vulgarly arrogant." This should offend anyone who cares about this country.

Countries represented at this meeting, according to the newspaper, were Communist China—which has been stealing American nuclear secrets and pouring illegal money into our political campaigns, Libya, Russia, Serbia—the country we are currently fighting, Saddam Hussein's Iraq, and Castro's Cuba. Now, Mr. Speaker, I know a bit about Cuba. Castro's dictatorship in Cuba is one of the most brutal in the world. It has killed and tortured thousands of its opponents.

By now, we all know the stories of how the Indian government has killed tens of thousands of Christians, Sikhs, Muslims, Dalit untouchables, and others. Just in recent months, I am informed that an Australian missionary named Graham Staines and his two young sons were burned to death in their Jeep by a militant theocratic Hindu Nationalist gang affiliated with the RSS, which is also, I am told, the parent organization of the ruling BJP. I am informed that there are 17 freedom movements in India and the ongoing political instability there may be bringing India's breakup close. We should support the peaceful struggle for freedom throughout India.

India destablized South Asia with its nuclear weapons' tests. It was a close ally of the Soviet Union and supported the invasion of Afghanistan. I am told that it has the most anti-American voting record of any country in the United Nations with the exception of Cuba. Why does a government like that continue to receive aid from the United States?

Mr. Speaker, the time has come to stop supporting governments that actively work against us. We should cut off all American aid to India and declare our support for the freedom movements through democratic plebiscites. These are important steps to extend the hand of freedom to the people of South Asia.

INTRODUCTORY STATEMENT FOR THE BRING THEM HOME ALIVE ACT OF 1999

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. HEFLEY. Mr. Speaker, I am pleased to introduce today the Bring Them Home Alive Act of 1999. This legislation provides a powerful incentive to persuade foreign nationals to identify and return to the United States any living American POW/MIA who served in the Vietnam or Korean War. I am pleased to be joined in this effort by 28 bipartisan co-sponsors.

The on-going war in Yugoslavia has brought the plight of American POW/MIAs to the forefront of the nation's psyche. We all watched in horror several weeks ago as three captured American servicemen were displayed with visible cuts and bruises on Serbian television. We feared for their lives, their safety and their well-being. It was with great relief that we watched as Staff Sergeants Christopher Stone and Andrew Ramirez and Specialist Steven Gonzales were released, relatively unharmed, from a Serbian prison.

The story of the capture of these three servicemen ended with family reunions and a safe return home to America. However, too many POW/MIAs were not so fortunate. There is the possibility that soldiers from the Vietnam and Korean Wars are still living as prisoners of war. It is our duty to do all that we can to bring them home.

The Bring Them Home Alive Act would grant asylum in the U.S. to foreign nationals who help return a living American POW/MIA from either the Vietnam War or the Korean War. The bill specifically allows citizens of Vietnam, Cambodia, Laos, China, North Korea, or any of the states of the former Soviet Union who assist in the rescue of an American POW/MIA to be granted asylum. The legislation would also grant asylum to the rescuer's family, including their spouse and children, since their safety would most likely be threatened by such a rescue.

While there is some doubt as to whether any American POW/MIAs from these two wars remain alive, the official U.S. policy distinctly recognizes the possibility that American POW/MIAs from the Vietnam War could still be alive and held captive in Indochina. The official position of the Defense Department states, "Although we have thus far been unable to prove that Americans are still being held against their will, the information available to us precludes ruling out that possibility. Actions to investigate live-sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still help captive. Should any report prove true, we will take appropriate action to ensure the return of those involved." The Bring Them Home Alive Act supports this official position and provides for the possibility of bringing any surviving U.S. servicemen home alive.

In order to inform foreign nationals of this offer, the bill calls on the International Broadcasting Bureau to draw upon its resources, such as WORLDNET Television and its Internet sites, to broadcast information that promotes the Bring Them Home Alive asylum program. Similarly, the bill calls on Radio Free Europe and Radio Free Asia to broadcast information.

Mr. Speaker, we are less than two weeks away from celebrating Memorial Day. This holiday is an opportunity for us, as a nation, to honor the soldiers and veterans who so valiantly served and protected our nation and our freedoms. American servicemen and women deserve this recognition, as well as our respect and appreciation. I believe it would be a fitting tribute to American soldiers to pass the Bring Them Home Alive Act. As long as there remains even the remotest possibility that there may be American survivors, we owe it to our servicemen and their families to bring them home alive.

HUNGER'S SILENT VICTIMS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to bring to our colleagues' attention a humanitarian crisis in Asia, one half a world away from the glare of television lights and public concern—but one every bit as worthy of our attentions as the crime scene that is Kosovo.

I recently visited rural villages in Cambodia, and was surprised to see that Pol Pot's legacies—serious malnutrition and illiteracy—persist two decades after he was run from power. I am especially concerned that our country is focusing too much on political issues, and ignoring the tremendous humanitarian problems in Cambodia.

One aspect of these problems—hunger and malnutrition so severe that it is stunting the bodies and brains of more than half of Cambodia's children—was explained in a superb article recently in Time Magazine's Asian edition. We all know the tragic of Cambodia; this article describes a future sure to be needlessly sad.

Cambodia is a fertile land at the crossroads of a thriving regional economy. Its people are hard-working and innovative. With a little peace, and a little humanitarian assistance, they can again be the stable, growing rice exporter they were in the 1960s.

I would respectfully request that Time's article, and my own statement on the situation, be included in the CONGRESSIONAL RECORD.

[From Time Asia, May 17, 1999]

HUNGER'S SILENT VICTIMS

(By Nisid Hajari)

Cambodia is accustomed to the thunder of artillery, to death tolls thickened by war and disease. The quiet of peace, however, has begun to allow more subtle killers a hearing. The latest crisis: food security, or its shameful absence among the country's malnourished poor.

The problem is hardly new, only newly appreciated. Earlier this year a joint survey published by UNICEF and the United Nations World Food Program (WFP) found that in Cambodia's poorest rural areas, nearly half the children under age five are physically stunted, while 20% suffer acute malnutrition.

According to a separate U.N. study published last December, Cambodia has the highest malnutrition rates in East Asia, with an average daily intake of only 1,980 calories, even lower than that of famine-stricken North Korea (2,390 calories) "Malnutrition in Cambodia is chronic," says the WFP's acting country director, Ken Noah Davies. "You could call this a silent emergency, or you could call this a national crisis."

The scope of the problem bears out that dire warning. Although hunger is especially acute in the countryside, even Cambodia's relatively affluent urban population suffers disturbingly high rates of malnutrition. The most recent data released by the Ministry of Health reveal that in 1996, nearly 34% of children below the age of five in this upper income group were moderately underweight and 21% severely stunted. The results suggest that not only income, but also sociocultural factors may contribute to the underfeeding of children. For traditional cultural reasons—breastfeeding from birth is seen as taboo—Cambodian women are often reluctant to suckle their newborns immediately, waiting several days and thereby depriving infants of highly nutritious colostrum, or first milk.

Much of the difficulty in feeding kids properly stems from the devastation wrought by the Khmer Rouge. Pol Pot's mad attempt at transforming the country into a vast agrarian commune destroyed its irrigation system, which had made Cambodia a net rice exporter in the 1960s.

Since most farmers no longer hold formal title to their land—eliminated at the time, along with private property—their fields are vulnerable to takeover by soldiers and local thugs. And the sundering of countless families has disrupted the passage of traditional knowledge from mother to daughter. In some outlying districts, many women have 10 or more children; some are either unaware of birth control techniques or unable to afford condoms. "Nobody comes to explain to them about health care," says Kao Chheng Huor, head of the WFP office for the provinces of Kampong Thom and Preah Vihear.

But in Kampong Thom, which according to the joint UNICEF/WFP survey suffers the highest rates of child malnutrition in the country, it quickly becomes apparent that the heart of the problem is mind numbing poverty. "I had no choice, I had no other way except to send my children away," says Hol Ny, her eyes wet with tears. The 40-year-old widow, bereft of land or cattle, recently allowed three of her six children to go work for other families, some of them total strangers; the $15 she received per child must feed her and her three youngest for the next year. In her village of Srayou Cheung, at least six other families have similarly sold their children into bonded labor; some say they have had to forage in the forest for food. Hol Ny's neighbor, a 41-year-old divorcee named Pich Mom, sold her two sons for two years each. "I was sick and couldn't earn any money," she says. "It's hard for me to live without my children, but I think I did what was best for them."

For the past four years, Cambodia has actually recorded a small rice surplus estimated to reach 30,000 tons this year. This bounty, however, is distributed poorly, and many farmers simply cannot afford to buy what is available. (In a country with a per capita income of only $300 a year, about 36% of Cambodians live below the official poverty line; last year the WFP assisted 1.4 million people, 15% of the population, with its food-for-work program.) Even those who have rice often have little else—perhaps a little salt, or the fermented fish paste called "prahoc"—to round out the dish. That little is not nearly enough: rice, while high in calories, has relatively few nutrients.

The WFP says Prime Minister Hum Sen was shocked by the U.N. surveys, and he now insists that eliminating malnutrition is a top priority. "Now that the fighting is over, we expect everyone to work on this issue," says Nouv Kanun, the energetic secretary general of the newly created Council for Agriculture and Rural Development.

A conference of Cabinet ministers and provincial authorities last month endorsed a 10-year, $90 million plan to tackle the root causes of malnutrition, focusing on crop diversification and awareness campaigns about nutrition, health and hygiene. Still, the damage that is already evident will plague Cambodia for years to come. "If you are malnourished from six months until you are five, you are going to be handicapped for the rest of your life," warns Davies. "You will never be able to develop your full mental or physical capacity." Perhaps now that warning can be heard.

POL POT'S LEGACIES—ILLITERACY AND MALNUTRITION—HAVE NOT YET FOLLOWED DESPOT TO THE GRAVE

WASHINGTON.—U.S. Rep. Tony Hall, D-Ohio, today detailed his impressions of humanitarian conditions in Cambodia and warned that problems of desperate poverty—especially severe malnutrition, scarce schools, and wide swaths of mined land—are undermining the victory over those responsible for the death of nearly two million Cambodians. Excerpts of Hall's remarks follow.

"I visited Cambodia's capital and two rural provinces April 8–11 to get a firsthand look at the problems of poverty, and particularly the terrible malnutrition that has left Cambodia's rural villages populated by stunted people—and one in 10 wasted by hunger.

"What I saw in Cambodia's rural villages reminded me of the time I spent in Thailand 32 years ago as a Peace Corps volunteer. People in Cambodia seem to be frozen in time, and you cannot escape the nagging feeling that Pol Pot and the Khmer Rouge have won, that they took the people backward in time and stranded them there.

"I was surprised to learn that in Cambodia, malnutrition is not the result of a lack of food. It is caused by the failure to teach mothers that they don't have to wait three days after giving birth to breastfeed the baby; that children should be fed more than just rice; that fish or fruit or vegetables won't make toddlers sick; and that without basic sanitation, disease will undo all the good of proper nutrition and care.

"People need more traditional education too—four in five rural Cambodians can't read or write, and just 20–30 percent of children are in school. That means they can't take advantage of their position at a crossroads of the regional economy. And education is only the beginning of Cambodia's problems.

"Without roads, it is impossible for rural people, who are 85% of the population, to get their products to market. Without irrigation, most can only raise enough food to keep their families alive. With even a few more roads and water systems, Cambodia could feed itself and earn enough to fund some progress.

"Malaria, TB, dengue fever, and the growing rate of AIDS infections need to be fought more seriously. It is appalling that Cambodian children still die from measles and other easily prevented illnesses. Even the most basic things, such as iodizing salt to prevent mental retardation, are not being done.

"The country desperately needs economic growth. The government's plan to demobilize 55,000 soldiers and 23,000 police will put a lot of young men with guns into a society that is very fragile. Aid cannot create an economy, and I hope the government will invest the money it now spends on the military on improving its people's opportunities.

"Cambodia's people need peace—and a period to find their way forward after 30 years of civil war. It is hard to imagine the trauma of the generation that endured the 'killing fields,' or their children—who now are raising children of their own. One aid worker told me that the pictures children draw almost always feature guns or weapons—because violence and war are so familiar to them.

"For peace to last, it will take more than the trial of war criminals. Two decades have passed since the Khmer Rouge were run out of power, but Cambodians remain among the poorest people in the world. It is in their lack of education that you can see that, even though Pol Pot's military is defeated, he achieved his hideous goal of turning Cambodia into a primitive place.

"After the mid-1997 coup, the United States cut its funding for private charities working inside Cambodia—from $35 million to $12 million. That is unacceptably low, given the election last year, and it is only hurting poor Cambodians who already have suffered unimaginably. Whatever Congress and the Administration think of Cambodia's government, we need to find a way to help its poor, and I intend to press the United Nations, the United States, and other countries to do that.

"The overwhelming majority of Cambodians, whose lifespan is just 47 years, don't know what peace is. If the areas long held by the Khmer Rouge aren't opened with roads and other basic infrastructure, if the people do not have an opportunity to get some basic education—if ordinary Cambodians don't see progress in meeting their basic needs, the peace that is holding now may not last.

"We have an opportunity today that has not existed in three decades, a chance to introduce Cambodians to the fruits of peace. The international community should make the most of this chance by investing in Cambodians and their future—and the United States should lead the way."

INTRODUCTION OF HOME HEALTH ACCESS PRESERVATION ACT

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. HILLEARY. Mr. Speaker, the Balanced Budget Act (BBA) made many changes to

Medicare and the home health industry. These changes decimated the system and have left behind them a long list of closed home health agencies and patients without care. In response, many of us in Congress desperately sought a solution. Unfortunately, we were unable to come up with one true vehicle that could pass into law.

This year we come back again. Our efforts will be just as aggressive but a little wiser. Instead of competing against one another, we in Congress will now work together to fix the problem. That is why I have joined with Congressmen McGOVERN, COBURN, and WEYGAND to craft legislation that will help our seniors in need. Joined by Congressmen RAHALL, McINTOSH, HOOLEY, WAMP, BARTON, and ACKERMAN, we plan to push forward legislation that aims to help the neediest of home health beneficiaries and agencies.

The first patients that will receive the aid are those that are considered "outliers." Outliers are patients who have unusually high cost maladies. Under the BBA system, many agencies are unable to give them care at the risk of being run out of business because they are so cost prohibitive. We create a system that sets aside 10 specific ailments that would make a person eligible to receive this outlier status. Once they are identified as an outlier, agencies who take these individuals could draw from a newly established $250,000,000 Medicare fund to cover the added expenses. This will mean more of our poorest, oldest, and sickest receiving the medical coverage they so desperately need.

Another benefit of this legislation will be the establishment of a repayment plan for agencies who have been treating these individuals. Many of them are now almost out of business due to their charity and the inaccuracies of the Health Care Financing Administration (HCFA) in assessing their plight. We offer an interest-free 36-month grace period to these agencies in order to repay these overpayments and settle any miscalculations on behalf of HCFA.

I urge all other Members who see the need for a reform in home health to back this legislation. The Home Health Access Preservation Act of 1999 is a common sense way to help our seniors in their time of need.

INTRODUCTION OF THE CRIMINAL WELFARE PREVENTION ACT, PART II AND THE CRIMINAL WELFARE PREVENTION ACT, PART III

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. HERGER. Mr. Speaker, today, I join with a bipartisan coalition of original cosponsors to re-introduce two important pieces of legislation—The Criminal Welfare Prevention Act, Part II and The Criminal Welfare Prevention Act, Part III—which will help prevent the needless waste of taxpayer dollars.

Because of the original Criminal Welfare Prevention Act—legislation I introduced during the 104th Congress which was enacted as part of welfare reform in 1996—an effective new incentive system is now in place that enables the Social Security Administration (SSA) to detect and cut off fraudulent Supplemental Security Income (SSI) and Social Security (OASDI) benefits that would otherwise be issued to prisoners. That provision established monetary incentives for state and local law enforcement authorities to enter into voluntary data-sharing contracts with SSA. Now, participating local authorities can elect to provide the Social Security numbers of their inmates to the Social Security Administration. If SSA identifies any "matches"—instances where inmates are fraudulently collecting SSI benefits—SSA now cuts off payment of as much as $400. Participation in these data-sharing contracts is strictly voluntary; they do not involve any unfunded federal mandates. According to an estimate by SSA's Inspector General, this initiative could help save taxpayers as much as $3.46 billion through the year 2001.

While we should certainly be proud of this achievement Mr. Speaker, our work in this area is far from finished. During the 105th Congress, the House passed by follow-up legislation, The Criminal Welfare Prevention Act, Part II (H.R. 530), as part of The Ticket to Work and Self-Sufficiency Act (H.R. 3433). This proposal would encourage even more sheriffs to become involved in fraud-prevention by extending the $400 incentive payments to intercepted Social Security (OASDI) checks as well. Regrettably, this proposal was not taken up by the Senate. For this reason, I am re-introducing The Criminal Welfare Prevention Act, Part II today, and will continue to push for the enactment of this important initiative.

At the same time, I will also be working to enact a somewhat broader proposal. The Criminal Welfare Prevention Act, Part III, which I first introduced during the 105th Congress as H.R. 4172. This legislation would simply require SSA to share its prisoner database with other federal departments and agencies—such as the Departments of Agriculture, Education, Labor, and Veterans' Affairs—to help prevent the continued payment of other fraudulent benefits to prisoners. While we do not have reliable information about how many prisoners are receiving food stamps, education aid, and VA benefits for which they are ineligible, it is likely that many do. SSA's prisoner database provides us with the perfect tool to help identify and terminate inappropriate benefits issued through other federal and federally-assisted spending programs.

While SSA already has the authority to share its prisoner database with other agencies under a provision of the original Criminal Welfare Prevention Act—and while President Clinton has issued an executive memorandum ordering the SSA to do so—I believe it is important for Congress to codify this requirement into law. Because fraud prevention has not historically been a top priority at SSA, Congress should act swiftly to ensure that we permanently stamp out inmate fraud in all its forms. After all, taxpayers already pay for inmates' food, clothing, and shelter. It is simply outrageous that prisoners may be receiving fraudulent "bonus" checks each month as well.

Mr. Speaker, I would urge all of my colleagues—on both sides of the aisle—to cosponsor both of these important pieces of legislation. I hope that Congress will not promptly on these proposals to help remind inmates that crime isn't supposed to pay.

THE MAILBOX PRIVACY PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. PAUL. Mr. Speaker, I rise to introduce H.J. Res. 55, the Mailbox Privacy Protection Act, a joint resolution disapproving a Postal Service Regulation which tramples on the privacy of the two million Americans who rent mailboxes from Commercial Mail Receiving Agencies. Under this regulation, any American currently renting, or planning to rent, a commercial mailbox will have to provide the receiving agency with personal information, including two items of valid identification, one of which must contain a photograph of the applicant and one of which must contain a "serial number—traceable to the bearer." Of course, in most cases that number will be today's de facto national ID number—the Social Security number.

The receiving agency must then send the information to the Post Office, which will maintain the information in a database. Furthermore, the Post Office authorizes the Commercial Mail Receiving Agencies to collect and maintain photocopies of the forms of identification presented by the box renter. My colleagues might be interested to know that the Post Office is prohibited from doing this by the Privacy Act of 1974. I hope my colleagues are as outraged as I am by the Post Office's mandating that their competitors do what Congress has forbidden the Post Office to do directly.

Thanks to the Post Office's Federal Government-granted monopoly on first-class delivery service, Americans cannot receive mail without dealing with the Postal Service. Therefore, this regulation presents Americans who wish to receive mail at a Commercial Mail Receiving Agency with a choice: either provide the federal government with your name, address, photograph and social security number, or surrender the right to receive communications from one's fellow citizens in one's preferred manner.

This regulation, ironically, was issued at the same time the Post Office was issuing a stamp honoring Ayn Rand, one of the twentieth century's greatest champions of liberty. Another irony connected to this regulation is that it comes at a time when the Post Office is getting into an ever increasing number of enterprises not directly related to mail delivery. So, while the Postal Service uses its monopoly on first-class mail to compete with the private sector, it works to make life more difficult for its competitors in the field of mail delivery.

This regulation also provides the Post Office with a list of all those consumers who have opted out of the Post Office's mailbox service. Mr. Speaker, what business in America would not leap at the chance to get a list of their competitor's customer names, addresses, social security numbers, and photographs? The Post Office could even mail advertisements to those who use private mail boxes explaining how their privacy would not be invaded if they used a government box.

Coincidentally, this regulation will also raise the operating cost on the Post Office's private competitors for private mailbox services. Some who have examined this bill estimate that it could impose costs as high as $1 billion on these small businesses during the initial six-month compliance period. The long-term costs of this rule are incalculable, but could conceivably reach several billion dollars in the first few years. This may force some of these businesses into bankruptcy.

During the rule's comment period, more than 8,000 people formally denounced the rule, while only 10 spoke generally favor of it. However, those supporting this rule will claim that the privacy of the majority of law-abiding citizens who use commercial mailboxes must be sacrificed in order to crack down on those using commercial mailboxes for criminal activities. However, I would once again remind my colleagues that the Federal role in crime, even if the crime is committed in "interstate commerce," is a limited one. The fact that some people may use a mailbox to commit a crime does not give the Federal Government the right to treat every user of a commercial mailbox as a criminal. Moreover, my office has received a significant number of calls from battered women who use these boxes to maintain their geographic privacy.

I have introduced this joint resolution in hopes that it will be considered under the expedited procedures established in the Contract with America Advancement Act of 1996. This procedure allows Congress to overturn onerous regulations such as the subject of this bill. Mr. Speaker, the entire point of this procedure to provide Congress with a means to stop federal actions which pose an immediate threat to the rights of Americans. Thanks to these agency review provisions, Congress cannot hide and blame these actions on the bureaucracy. I challenge my colleagues to take full advantage of this process and use it to stop this outrageous rule.

In conclusion Mr. Speaker, I ask my colleagues to join me in cosponsoring the Mailbox Privacy Protection Act, which uses the Agency Review Procedures of the Contract with America Advancement Act to overturn Post Office's regulations requiring customers of private mailboxes to give the Post Office their name, address, photographs and social security number. The Federal Government should not force any American citizen to divulge personal information as the price for receiving mail. I further call on all my colleagues to assist me in moving this bill under the expedited procure established under the Congressional Review Act.

CONGRATULATIONS TO THE CITY OF LEBANON ON ITS SESQUICENTENNIAL BIRTHDAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate the City of Lebanon and Laclede County on its Sesquicentennial birthday.

Through the 1830's and 1840's pioneers chiefly from North Carolina, Tennessee, and Kentucky filtered in to fertile little valleys along streams and creeks in an Laclede County, Missouri. These settlers were farmers with only the bare necessities, and few tools, who relied upon their energy, efficiency and resourcefulness to overcome deficiencies.

In 1849 Laclede County was organized out of three neighboring counties, Pulaski, Wright, and Camden. A donation of 50 acres of land by Berry Harrison and James Appling established the county seat on what is now Old Town hill. A courthouse, jail, general store, and various office buildings were eventually added to this beautiful setting.

The county changed with the arrival of the Frisco railroad. The railroad was established three quarters of a mile out on the muddy prairie, which caused the railroad to be located a quarter of a mile outside of the town. Businesses eventually moved toward the railroad and in a couple of years a new business center grew up and Old Town became simply the first ward of new Lebanon. Small towns grew up and along the railroad each taking its quota of trade that the first years had given to Lebanon.

After 150 years Laclede County can boast of prosperous farms, schools within the reach of every child, churches for every community, and prosperity over the entire county.

Mr. Speaker, I wish to extend my congratulations to the residents of the city of Lebanon and Laclede County. It is with great pride that I honor their achievements on their Sesquicentennial birthday.

CRISIS IN KOSOVO (ITEM NO. 5), REMARKS BY DAVID SWARTZ, FORMER AMBASSADOR TO BELARUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. KUCINICH. Mr. Speaker, on May 6, 1999, I joined with Representative JOHN CONYERS, Representative PETE STARK, and Representative CYNTHIA MCKINNEY to host the third in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives to the bombing and options for a peaceful resolution. We will hear from a variety of speakers of different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by David Swartz, former Ambassador to Belarus. He is a retired foreign service officer and Director of the International Institute of the U.S. Department of Agriculture Graduate School. His other foreign-service posts included Rotterdam, London, Moscow, Kiev, Zurich, Calgary and Warsaw. He is the author of "Redirecting the CIA: Keep Agency Out of Policymaking, Make Ambassador Boss Overseas" (Foreign Service Journal, February 1996).

Ambassador Swartz explains how United States policy in Bosnia contributed to NATO's current dilemma in Kosovo. He also states a clear position on a central question: Does the United States have an overriding national interest in the resolution of strife in the Balkans? Ambassador Swartz's comments may be controversial to some, but they represent a valuable contribution to our ongoing debate.***HD***Presentation by David Swartz to Congressional Teach-In On Kosovo

I think my role today is going to be controversial. And if ever there was a conflict that was controversial this one certainly is. So I'm pleased to be here. Some of what I'm going to say is going to offend some people and possibly some of it will offend everybody, I don't know. But at least is may serve as a catalyst to help get the discussion going as we move along. But I am being deliberately provocative in some places so I warn you in advance and ask your indulgence.

I do wish to express my thanks for the opportunity to present may statement this afternoon on U.S.-Kosovo policy. My statement, while critical, is non-partisan. It reflects the general reality , in my view at least, that U.S. polices in the Balkans over the past eight years have reflected bipartisanship, just as criticisms of Administration policy, particularly with regard to the Yugoslavia war, have also tended to be bipartisan.

The two key desiderata driving my views on U.S. actions in that region and in the Kosovo region are these: First, human suffering must be minimized. And that's way ahead of any other. But the second one is: clear U.S. national interests justifying involvement must be present. Our policies in my view reflect deficiencies on both counts. I will very briefly touch on three aspects of that problem. One, how we got to where we are. Two, why current policy is wrong. And three, what next. Three is perhaps being developed as well speak.

First, how we got where we are. American involvement in the post-communist Balkan turmoil stems in large part in my view from a questionable policy of premature diplomatic recognition of groups asserting sovereignty, particularly Bosnia, in the early 1990's. Some groupings in the then-Yugoslavia could genuinely be considered ripe for independence, most especially Croatia, and Slovenia, possibly to a lesser extent Macedonia. Bosnia, however, could by no reasonable standard be considered a nation-state.

What is Bosnia? Who are Bosnians? What is their history, language, literature, religion? What can we point to that is uniquely Bosnian? It seems to me that creation of a multiethnic state is complicated under the best of circumstances, and Bosnia in the early 90's was not the best of circumstances. At a minimum, a la Switzerland, the disparate groups must have a common desire to join together in some higher level of governance than just the individual groupings they find themselves in. So in Bosnia a so-called country was cobbled together and we know the result: ethnic cleansing, massacres, artificiality imposed at Dayton, and peace maintained solely through the possibly permanent presence of armed forces of external powers. Far from fostering stability in the former Yugoslavia, I would argue that the Bosnia so-called settlement has served to institutionalize instability. If U.S. involvement in Bosnia was the proximate cause of our current troubles, highly superficial understanding by our policy makers of the centuries of passions, hatreds, vendettas, indeed genocide throughout the Balkans was a more deep-seeded problem. If we knew nothing else, we should have known that there are no good guys in the region, and that therefore aligning ourselves in one or another direction was fraught with danger.

This truism applies equally to our current dilemma in Kosovo. With specific regard to Mr. Milosevic in Kosovo, the United States' misreading of his intentions is nothing short of shocking. If intelligence and diplomatic analysis are good for anything at all, they must serve the critical function of providing policy makers with accurate prognoses of the intentions of adversaries. We can forgive White House ignorance about Milosevic's likely response to a forced dictate over Kosovo, and perhaps even that of our Secretary of State. However, certainly at a minimum, emissary Richard Holbrooke and his well-meaning but judgment-impaired staff, with the hundreds of hours they spent in direct contact with Milosevic, should have been able to discern his intentions, once it became clear to him that the United States' intentions were to carve away his authority in Kosovo. At that point, the nonsensical idea that Milosevic would cave under the threat of bombing should have been discarded once and for all. Tragically, it wasn't.

My second point: Why our policy is wrong. And this brings me back to my two basic desiderata: Minimizing human suffering, and advancing clearly identified U.S. interests. A powerful argument has been made in some circles, an argument that I find somewhat persuasive, perhaps not completely, that the least human suffering in the former Yugoslavia would have resulted from the outside world not involving itself at all in the internal civil strife. Yes, there would have been oppression, yes there would have been killing, but in the end, the argument goes, a level of coexistence would eventually have been reached, no doubt for the moment at least with Serbia in full charge, in which life would have gone on for the masses. Not freedom, perhaps, not automony, certainly, but at least basic life. With outside support first for Bosnian independence, a wholly unsustainable proposition over the long run, and then for an imposed Kosovo settlement, even more implausible, great violence resulted, and continues.

What are U.S. interests? I am not persuaded that we have any overriding interests in the Balkan strife and certainly none that would justify the course of action on which we are embarked. The NATO credibility argument is not persuasive. Had the alliance led by the U.S. not constantly threatened Milosevic with military action if he did not submit himself to NATO's demands, we would not have found ourselves in the put-up-or-shut-up corner. Expansion of the conflict to say, Turkey or Greece, or Turkey and Greece, is equally implausible. Clearly the conflicts are limits to the territory of the former Yugoslavia, and Milosevic' desire to reassert his and Serbia's domination. Support for human rights is indeed a laudable national interest, but as suggested above, our intervention in the region has had the opposite of the desired effect.

Where we do have strong national interests are vis a vis Russia, and there the Kosovo is quite possibly going to result in, if not permanent, at least long-lasting damage to reformist elements in Russian politics on whom we count for achieving societal transformations there. Or alternatively, as now seems quite likely, if Russian involvement in the settlement takes place, that might well lead to a diluted result bearing little resemblance to our stated conditions when we began this war. Or both of those might happen.

My third point: What next? Having embarked on what in my judgment is a foolish and ill-considered air war, it seems to me that the U.S. now has only two options: Stop the bombing, cutting whatever deal the Russians can broker for us, that now seems to be underway, perhaps, or immediately and massively escalate, with the specific twin goals of removing Milosevic and eliminating all Serbian fighting units in Kosovo. The first option is the one I prefer, because as I said at the outset I believe minimizing human suffering must be the goal. Each day of bombing is accompanied by more ethnic cleansing, raping and summary executions of Kosovars. It of course also leads to casualties among Serbia's civilian population. Forty-plus days of bombing have seemingly not stopped Milosevic's evil in Kosovo one whit, indeed, have accelerated it. The cessation of bombing is of course fraught with danger, since it will mean an outcome, no doubt far short of our stated objectives when we began this war, it will mean a resurgent Russia on the world scene, which might not be a bad thing, but that Russia could well be far different from the one we had hoped for, and now a truly credibility-deficient NATO. But we should have thought of those matters earlier, and in the meantime, each day brings more casualties.

I for one have reached my tolerance level of the daily dosage of atrocity stories juxtaposed with confident NATO spokespersons detailing the quote-unquote in the air war the previous night's 600 sorties have resulted in, where clearly the latter has not diminished the former.

The other option is massive force now. I do not advocate this course, but it seems to me the only other viable option. Paratroopers dropped in throughout Kosovo, going after Milosevic himself on the grounds of his long-overdue designation as a wanted war criminal. The other NATO partners will balk, and the U.S. should be ready to act alone, wasting no more time. Yes, this approach will result in still more deaths, and other atrocities among the suffering Kosovars, but at least the end of the agony will be sooner than with our present incomprehensible approach.

In sum, the U.S. should not be engaged in this war in the first place, but since it is, we must either win it quickly, or get our quickly. Otherwise the lives of many, many more innocent people will be on our American conscience.

PREVENTING ABUSE OF THE HOSPITAL PAYMENT SYSTEM: INTRODUCTION OF MEDICARE MODERNIZATION NO. 5

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. STARK. Mr. Speaker, in the Balanced Budget Act of 1997, Congress provided that for 10 hospital diagnosis related groups (DRG's), we would not pay the full DRG if the patient was discharged to further treatment in a nursing home, home health agency, or to a rehab or long-term-care hospital. I include at the end of my statement the conference report language describing this provision. Note that as originally passed by the House and Senate, it applied to all hospital discharges—not just 10 DRG's.

The administration and the Congress were worried that some hospitals have been gaming the Medicare hospital prospective payment system. They have been discharging patients early to downstream treatment facilities (which they often own), collecting the full DRG payment, and requiring Medicare to pay for longer and more expensive treatments in these downstream facilities.

Many of the nation's hospitals are lobbying for the repeal of this discharge provision—even though repeal would cost Medicare billions of dollars in the years to come. The intensity of the lobbying on this issues shows that early discharge to subsidiaries has become a major strategy of many hospitals. It may have been part of the Columbia/HCA scheme to maximize Medicare revenues.

Mr. Speaker, I think we should return to our earlier decision and apply the policy to all discharges, not just 10 DRG's.

The HHS inspector general has found that hospitals that own nursing homes discharge patients much earlier than average, and the patient then stays in the nursing home longer than average—an extra 8 days (OEI–02–94–00320). The OIG has also found that patients' stays are shorter when they are discharged to a home health agency. With about half the nation's hospitals owning a home health agency, this is another way to double dip.

The bill I am introducing will save Medicare billions of additional dollars in the years to come, and it will remove a temptation to abuse patients by pushing them out of hospitals too soon.

I hope that this legislation—one of a series of bills I am introducing to modernize Medicare and make it more efficient—will be enacted as part of our efforts to save Medicare for the Baby Boom generation.

CERTAIN DISCHARGE TO POST ACUTE CARE

Section 10507 of the House bill and Section 5465 of the Senate amendment

CURRENT LAW

PPS hospitals that move patients to PPS-exempt hospitals and distinct-part hospital units, or skilled nursing facilities are currently considered to have "discharged" the patient and receive a full DRG payment. Under current law, a "transfer" is defined as moving a patient from one PPS hospital to another PPS hospital. In a transfer case, payment to the first PPS hospital is made on a per diem basis, and the second PPS hospital is paid the full DRG payment.

HOUSE BILL

Defines a "transfer case" to include an individual discharged from a PPS hospital who is: (1) admitted as an inpatient to a hospital or distinct-part hospital unit that is not a PPS hospital for further inpatient hospital services; (2) is admitted to a skilled nursing facility or other extended care facility for extended care services; or (3) receives home health service from a home health agency if such services directly relate to the condition or diagnosis for which the individual received inpatient hospital services, and if such services were provided within an appropriate period, as determined by the Secretary in regulations promulgated no later than September 1, 1998. Under the provision, a PPS hospital that "transferred" a patient would be paid on a per diem basis up to the full DRG payment. The PPS-exempt hospital or other facility would be paid under its own Medicare payment policy.

Effective Date. With respect to transfer from PPS-exempt hospitals and SNFs, applies to discharges occurring on or after October 1, 1997. For home health care, applies to discharges occurring on or after October 1, 1998.

SENATE AMENDMENT

Similar provision, except defines a transfer case as including the case of an individual who, immediately upon discharge from and pursuant to the discharge planning process of a PPS hospital, is admitted to a PPS-exempt hospital, hospital unit, SNF, or other extended care facility. The provision does not include home health services in the definition of a transfer.

CONFERENCE AGREEMENT

The conference agreement would provide that for discharges occurring on or after October 1, 1998, those that fall within a specified group of 10 DRGs would be treated as a transfer for payment purposes. The Secretary would be given the authority to select the 10 DRGs focusing on those with high volume and high post acute care. The provision would apply to patients transferred from a PPS hospital to a PPS-exempt hospital or unit, SNF, discharges with subsequent home health care provided within an appropriate period (as defined by the Secretary), and for discharges occurring on or after October 1, 2000, the Secretary may propose to include additional post discharge settings and DRGs to the transfer policy.

Payments to PPS hospitals would be fully or partially based on Medicare's current payment policies applicable to patients transferred from one PPS hospital to another PPS hospital (per diem rates). The Secretary would determine whether the full transfer policy or a blended payment rate (50% of the transfer per diem payment and 50% of the total DRG payment) would apply based on the distribution of marginal costs across days, so that if a substantial portion of the costs of a case are incurred in the early days of a hospital stay the payment would reflect these costs. For FY 2001, the Secretary would be required to publish a proposed rule which included a description of the effect of the transfer policy. The Secretary would be authorized to include in the proposed rule and final rule for FY 2001 or a subsequent fiscal year, a description of additional post-discharge services that would result in a qualified discharge and diagnosis-related groups specified by the Secretary in addition to the 10 diagnosis-related groups originally selected under this policy.

The Conferees are concerned that Medicare may in some cases be overpaying hospitals for patients who are transferred to a post acute care setting after a very short acute care hospital stay. The Conferees believe that Medicare's payment system should continue to provide hospitals with strong incentives to treat patients in the most effective and efficient manner, while at the same time, adjust PPS payments in a manner that accounts for reduced hospital lengths of stay because of a discharge to another setting.

The Conferees expect that the application of the Transfer policy to 10 high volume/high post-acute use DRGs will provide extensive data to examine hospital behavioral effects under the new transfer policy

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THE CRA SUNSHINE ACT OF 1999

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. McCOLLUM. Mr. Speaker, I am pleased to introduce the CRA Sunshine Act of 1999. This is a modest effort to reform the Community Reinvestment Act (CRA) and bring more openness to it.

CRA groups have reported over $9 billion in cash payments received or pledged by banks as a result of CRA activities. A total of $694 billion in CRA commitments have been made or pledged due to CRA. While these pledges are made and collected as a direct result of federal legislation, the details of these payments are often unknown because many agreements include confidentiality clauses. Congress never intended that CRA dollars be used for anything other than investing in low and moderate income areas. There is concern that some CRA dollars are being used by CRA activists to pay for consulting fees, hiring contracts, administrative fees, and other nonloan activities. By shining light on the details of agreements made pursuant to CRA, this Act would remove the mystery from deals between banks and CRA organizations while ensuring that CRA truly benefits those that it was designed to benefit.

I encourage my colleagues to join me in supporting this important legislation.

INTRODUCTION OF THE BANKING PRIVACY ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. INSLEE. Mr. Speaker, I rise today, with many of my colleagues, to introduce the Banking Privacy Act. We recognize the threat to consumer privacy and want to return control over an individual's personal financial information back to the consumer.

My constituents are shocked when I tell them that their banking transaction experiences are not private. With certain exceptions, financial institutions may legally share all of the information about you and your bank account activity with affiliated businesses—or anyone else, for that matter. This shared information includes the amount of each check that you write, to whom each check is written, the date of each check, the amount and date of any deposits into your account, and any "outside information" available, such as information submitted on your initial application for an account. Under existing law, financial institutions are not obligated to honor your request to restrict the dissemination of this personal information.

I became interested in banking privacy laws after reading a letter from a constituent who was upset about his bank's plans to share his private financial records. I was shocked to learn of the stunning absence of statuary protections of consumer privacy. Suppose banks, insurance companies, and securities firms become affiliated, something that will occur more frequently in the future. Will a bank tip off affiliated stock brokers every time their consumers have a sudden increase in their bank account balance, causing the consumer to be subjected to even more telemarketing calls? Will banks "profile" their customers after reviewing their financial information, then have affiliates telemarket products to those customers? Will life insurance companies affiliated with banks review personal checking records for indications of risky behavior, then increase rates based on that information? Under current law, there is nothing to prevent these types of situations.

As Congress moves to modernize the financial services industry and allow the lines between banks, securities firms, and insurance companies to blur, financial institutions gain a new profit incentive by sharing customers' personal financial information. Customers who prefer to keep their financial information private have no recourse.

The Banking Privacy Act is a first step to return control over an individual's personal financial information back to that consumers. The Act applies to federally insured depository institutions, their affiliates and financial institutions covered under the Bank Holding Company Act.

Currently, under the Fair Credit Reporting Act, banks must disclose to their customers their privacy policies to customers and make allowances to opt-out of certain types of information sharing practices. Specifically excluded from this law is customer "transaction and experience" information.

Transaction and experience information is information about a checking or savings account, information contained on an account application, or even purchasing patterns deduced through a customer's checking account—"account profiling." Transaction and experience information may be shared with affiliated companies or even sold to third parties for marketing purposes. There is no law to prevent such activity from taking place.

The information is currently used to market financial services to customers based on their financial patterns. Banks routinely perform this type of information sharing. However, as we move to modernize the financial industry, there will be greater demand for this type of personal account information to market products and services to a targeted group of consumers.

For example, it is not impossible to imagine that a bank holding company learned that a customer received a life insurance settlement and then made that information available to a securities firm or data broker to market services to that customer. While many consumers will appreciate the benefit of this information sharing, the decision to share the information belongs in the hands of the consumer and not the financial institution.

Customers should be able to opt-out of information sharing policies in their banks and financial institutions. The Banking Privacy Act will require banks and financial institutions to disclose their privacy policies and allow consumers to opt-out of information sharing plans—including transaction and experience information.

The Banking Privacy Act will not affect the routine operations of a bank. There are specific exemptions in the bill relating to the day to day practices that banks have in place which do not impact consumer privacy. The bill will protect consumers from unwanted marketing based on their intimate financial details and give consumers control over the use and sharing of their financial information.

Federally insured depository institutions have an obligation to help take a stand for consumer privacy. The government provides a safety net for the banks in the form of insurance and safety provisions. These same banks have to provide a safety net for taxpayer privacy.

Financial privacy should not be sacrificed at the altar of financial industry modernization. Americans have the right to freedom of speech and freedom of religion, and we ought to have the right to freedom from prying eyes into our personal financial business. Financial institutions should not be allowed to share private financial information without customer consent. The Banking Privacy Act is a necessary and practical response to the erosion of financial privacy and the potential explosion in cross-marketing among affiliated financial institutions.

I want to also thank and commend my colleagues for joining me as cosponsors of the Banking Privacy Act. Representatives MICHAEL CAPUANO, BOB FILNER, MAURICE HINCHEY, JOSEPH HOEFFEL, PAUL KANJORSKI, BARBARA LEE, JIM MCDERMOTT, LYNN RIVERS, BERNIE SANDERS, JAN SCHAKOWSKY and PETE STARK have all cosponsored this bill and I appreciate their assistance.

I urge my colleagues to support and pass the Banking Privacy Act.

IN MEMORY OF PAUL N. DOLL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Paul N. Doll of Jefferson City, Missouri.

Paul Doll was born on April 4, 1911, in Hamilton, Missouri, a son of Ernest E. and Emma Louise Colby Doll. He was a 1928 graduate of Hamilton High School and a 1932 graduate of Kidder Junior College. He received a bachelor's degree in 1936 and a master's degree in 1937 in agricultural engineering from their University of Missouri-Columbia. In 1984, he received an honorary doctorate from the University of Missouri.

Doll's career in public service and agriculture began immediately after his graduation in 1937. He was a county extension agent with the University of Missouri Extension Service for several counties from 1937 to 1944. A resident of the Jefferson City area since 1944, he was employed with the Missouri Department of Resources and Development from 1944 to 1947. He was manager of the Missouri Limestone Producers Association from 1947 to 1954. From 1954 until his retirement in 1976, he was executive director of the Missouri Society of Professional Engineers.

Paul Doll was also active in the community. He was an elder of the First Presbyterian Church, treasurer of the Presbyterian Synod and president of the Men of the Presbyterian Synod. He was past president of the Jefferson City Rotary Club and a district governor of Rotary International. He was a member of Alpha Gamma Rho and Tau Beta Pi fraternities. Active in many University of Missouri organizations, Paul Doll was a board member and past officer of the Agricultural Engineering Council and a board member of the Engineering Advisory Council and the Alumni Alliance. A member of the Alumni association, he received its Distinguished Service Award in 1979. He also was a registered lobbyist for MU.

Mr. Doll was an Eagle Scout and merit badge counselor for the Boy Scouts of America; board member and committee chairman of the Jefferson City Engineers Club; board member of the Central Missouri United Way; volunteer for Meals on Wheels; chairman of the Greater Jefferson City Committee; and a registered engineer in Missouri.

Paul Doll is survived by his wife, Mary R. "Meg" Doll; his son, Robert; two daughters, Mary Beth Huser and Anne C. Comfort; and eight grandchildren. I know that this body joins me in expressing sympathy to the family of this great Missourian.

IN MEMORY OF MR. OSCAR CROSS OF PADUCAH, KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. WHITFIELD. Mr. Speaker, I rise today in tribute to the life and legacy of Mr. Oscar Cross of Paducah, Kentucky, whose passing on April 20, 1999 at the age of 92 ended his long and productive investment in great causes, high ideals and humanitarian service.

Mr. Cross was not a man of material wealth. Undeterred, he built a legacy of leadership built on the wisdom of one of his favorite adages: "If you don't have money, you have time." He gave unstintingly of his time, his energy and his vision of a better community in which none were left behind.

Mr. Cross was a founder of the Paducah Boys & Girls Club that now bears his name. He was a tireless advocate of young people and helped provide a sheltering hand for generations of boys and girls who found protection, love, guidance and inspiration as the result of his efforts.

In a front-page account of his funeral service, The Paducah Sun observed, "On the day that had been declared Oscar Cross Day by the city of Paducah to commemorate his legacy, hundreds of mourners turned out to pay their last respects to one of the city's greatest humanitarians. Nearly 500 people gathered at First Baptist Church Sunday afternoon for the funeral of the legendary humanitarian. Both blacks and whites filled the church to celebrate, not mourn the life and contributions Cross made."

Dhomynic Lightfoot, president of the Boys and Girls Club, was quoted as saying, "Having people of different colors, cultures and backgrounds here to celebrate (his life) is a contribution to Mr. Cross. The perceptions that he broke were astronomical."

In a fitting eulogy, Reverend Raynaldo Henderson, pastor of the Washington Street Missionary Baptist Church, used a parable to illustrate Mr. Cross's faith in young people and in God. "Whoever gets the Son, gets it All! Do you want peace? Get the Son! Do you want joy? Get the Son! Whoever gets the Son, gets it all!" he said.

Mr. Speaker, in further tribute to his remarkable life, I place before the House of Representatives and the Nation for inclusion in the Congressional Record a poem favored by Mr. Cross and a letter written to me by Mr. Clarence E. Nunn, Sr., executive director of the Boys and Girls Club.

THE HOUSE BY THE SIDE OF THE ROAD

"HE WAS A FRIEND TO MAN, AND LIVED IN A HOUSE BY THE SIDE OF THE ROAD."

HOMER

There are hermit souls that live withdrawn,
  In the peace of their self-content;
There are souls, like stars, that dwell apart,
  In a fellowless firmament;
There are pioneer souls that blaze their
  paths, Where highways never ran;
But let me live by the side of the road. And
  be a friend to man.
Let me live in a house by the side of the
  road, Where the race of men go by—
The men who are good and the men who are
  bad, As good and as bad as I.
I would not sit in the scorner's seat, Or hurl
  the cynic's ban;
Let me live in a house by the side of the
  road. And be a friend to man.
I see from my house by the side of the road,
  By the side of the highway of life,
The men who press with the ardor of hope,
  The men who are faint with the strife.

But I turn not away from their smiles nor their tears—Both parts of an infinite plan;
Let me live in my house by the side of the road, And be a friend to man.
I know there are brook-gladdened meadows ahead, And mountains of wearisome height,
That the road passes on through the long afternoon, And stretches away to the night.
But still I rejoice when the travelers rejoice, And week with the strangers that moan,
Nor live in my house by the side of the road, Like a man who dwells alone.
Let me live in my house by the side of the road, Where the race of men go by—
They are good, they are bad, they are weak, they are strong,
Wise, foolish—so am I.
Then why should I sit in the scorner's seat, Or hurl the cynic's ban?—
Let me live in my house by the side of the road, And be a friend to man.

Sam Walter Foss.

OSCAR CROSS BOYS &
GIRLS CLUB OF PADUCAH,
Paducah, KY, May 17, 1999

DEAR CONGRESSMAN WHITFIELD, I am enclosing a brief history of Oscar Cross, the founder of the Oscar Cross Boys & Girls Club of Paducah, who was killed in an automobile accident on Tuesday, April 20, 1999. The Paducah community and untold numbers of men and women across the nation owe a huge debt to Mr. Cross for the countless acts of unconditional love and service to mankind he performed while living.

For several years, Mr. Cross worked as a janitor at the courthouse in Paducah, and the courthouse became the initial meeting place for the newly organized Jr. Legion Boys Club formed by Mr. Cross and a few local young men in 1950. In 1953, the organization united with the Boys Clubs of America. It was the first African-American club and is the second oldest Boys & Girls Club in Kentucky. The dream of operating a safe, drug-free environment for kids became a reality for Mr. Cross after many days and nights of soul-searching, praying and rising above the obstacles of segregation and separatist attitudes.

When he was refused access to a larger building and better facilities for his "boys" he sought other creative ways to obtain his goals. He and several club members cleaned and sold used bricks in order to secure the necessary funds to purchase the current club location on Jackson Street. Each time a door was slammed in his face, he invented "windows" of opportunity until he was able to achieve his mission. His tenacity and perseverance enabled him to see his vision of a facility for the youth of Paducah become a reality and in 1987, the library named in honor of Delbert Shumpert, a talented athlete and former club member, was erected on the site of the current boys & girls address.

Throughout his lifetime, Mr. Cross received innumerable awards, certificates and letters of recognition, far too many to list in this letter. However, a few of his recognized achievements include: The Bronze Keystone Award from the Boys & Girls Club of America for 25 years of service (the first black to receive this award), Kentucky Colonel Award, a Duke of Paducah Award, certificate of merit from the Paducah Area Chamber of Commerce, certificate of appreciation from the 4-H Club of Paducah Community College, the Lucy Hart Smith-Atwood S. Wilson Award from the Human Relations Committee of the Kentucky Education Association and many, many others. His most recent honor came three days before his death from Kappa Alpha Psi, a community service fraternity, for his humanitarian efforts.

His legacy of "never give up in the face of adversity" is something that will be treasured and remembered by all who had the privilege of knowing him for the brief 92 years he spent with us. Until his death he continued to be an active vital member of the club, continuing to look for financial opportunities and ways to develop our young people so that they would realize there are alternatives to the streets. He was and is a remarkable man and an excellent role model.

Sincerely,

CLARENCE L. NUNN, SR.,
Executive Director.

CALLING FOR MILOSEVIC TO BE HELD RESPONSIBLE FOR HIS ACTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today I am joined by my friend and colleague, Representative BILL PASCRELL and 14 other cosponsors in introducing a resolution which declares the conviction of this Congress that Slobodan Milosevic is responsible for war crimes, crimes against humanity, and genocide in the former Yugoslavia. His actions in that region cannot be excused by anything which Serbia's neighbors or the international community has done. His victims demand justice. Unfortunately, the United States Government may not be doing all that it can to provide evidence to the International Criminal Tribunal in The Hague to have Milosevic publicly indicted.

In the 105th Congress, there was near unanimous support for H. Con. Res. 304 and its Senate companion, S. Con. Res. 105. But in the past year little has been done to advance the just cause of ascribing blame to this man. Instead, we have had to watch as more atrocities have been committed in Kosovo, but no evident attempts to hold Milosevic personally and fully responsible for his actions. This is the reason that this resolution, which updates those passed last Congress, must again be considered by this body.

During the Bosnian phase of the Yugoslav conflict, from 1992 to 1995, Slobodan Milosevic was able to incite extreme nationalist feelings among Serbs, and he used that as basis to commit acts of genocide against non-Serb civilians. From early 1998 to the present, the same thing has been happening in Kosovo. As the resolution points out, about 4 million people have been displaced during the Yugoslav conflicts, including 1.5 million Kosovar Albanians, most of the latter since late March. Hundreds of thousands have been killed, some by mass executions and others by reckless shelling of towns and villages. Tens of thousands have been raped and tortured, often in detention centers and concentration camps. Vestiges of a people's daily lives, from their mosques to their local registration papers, are destroyed. Read the definition of genocide from the Genocide Convention itself, and read what happened in Bosnia and what is happening today in Kosovo.

Clearly, this is genocide.

The Helsinki Commission, which I Chair, has heard testimony from many witnesses—including lawyers, doctors, humanitarian relief aid workers, and diplomats who have had extensive firsthand experience in the region—and they have testified to this fact. As a result, in addition to last year's resolution, I recently wrote to President Clinton urging that prosecution of war criminals not be placed on the negotiating table as a bargaining chip to be thrown away, and urging that the U.S. Government use the resources at its disposal to help the Tribunal issue an indictment of Milosevic. Just two weeks ago, the Commission held a hearing on a variety of legal actions stemming from the genocide in Bosnia-Herzegovina and Kosovo.

Many of us in this body have witnessed firsthand stories from ethnic Albanians who escaped their homeland into Macedonia and Albania. These traumatized people now sit in refugee camps, their entire lives left behind, with an uncertain future.

Mr. Speaker, all those involved in war crimes, crimes against humanity and genocide in the former Yugoslavia must be held accountable for their roles. The evidence is overwhelming. As the head of his country, Milosevic must be among them. We must ask ourselves why he has done nothing other than give medals to those who have engaged in terrible crimes in Kosovo if he himself is not responsible for those crimes. He is at minimum responsible as Head of State for stopping these crimes from occurring. He is at least responsible for giving soldier the license to get away with raping, killing and cleansing the people of Kosovo. And he is likely responsible for directing his security forces and paramilitary associates to commit such acts.

Mr. Speaker, with this resolution we are putting the House on record as saying: The ethnic cleansing in Bosnia-Herzegovina and Kosovo was no accident but part of Belgrade's policy. There can be no true peace in the Balkans that excludes justice. It is in U.S. national interest to assist those who can provide justice, and that our government must therefore do more to help the Tribunal develop a case against Slobodan Milosevic.

As Mark Ellis of the American Bar Association's Coalition for International Justice, who provided testimony at one of our hearings on Kosovo, recently stated, "Inevitably, lasting peace will be linked to justice, and justice will depend on accountability. Failing to indict Milosevic in the hope that he can deliver a negotiated settlement makes a mockery of the words 'Never Again.'" Let's affirm that we really do mean "Never Again" by again passing a resolution which states our belief that Milosevic is responsible for war crimes, crimes against humanity and, yes, genocide.

For the RECORD, Mr. Speaker, I want to submit an article by Mark Ellis from the May 9, 1999, Washington Post and the letter I sent to President Clinton which further illustrate the culpability of Slobodan Milosevic.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE
Washington, DC, March 31, 1999.
HON. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I request that you direct all federal agencies that may hold information relevant to a possible indictment of Slobodan Milosevic, President of Serbia and Montenegro, to provide the evidence of war crimes, crimes against humanity, and genocide to the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague. The United States should make it a high priority to assemble this information, review and where necessary declassify it, and provide the documentation in the most expeditious manner possible to the prosecutor's office at the Tribunal. I respectfully suggest that you should include in your directive instructions to agency heads to reprogram funds and reassign personnel as necessary to permit immediate and effective implementation of this requested directive.

As the sponsor of H. Con. Res. 304, expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, that was adopted by the House by a record vote of 369 to 1 on September 14, 1998, I was startled and surprised to learn that the United States has not made an effort to gather information on Milosevic as the House and Senate requested. The attached article entitled "CONFLICT IN THE BALKANS: THE TRIBUNAL; Tactics Were Barrier To Top Serb's Indictment," by Raymond Bonner, appeared in the March 29, 1999, edition of The New York Times. The article notes:

> The Clinton administration could hardly have taken the initiative to build a case against Milosevic, one senior administration official explained Sunday, after it adopted the policy in late 1994 of working with the Serbian leader to bring about an end to the war in Bosnia. "We, the United States government, have been the largest source of information for the tribunal, but we have never compiled dossiers with the aim of indicting Milosevic, or any specific individual," said this official, who spoke on condition of anonymity. "The indictment of Milosevic would require a policy change by the United States," he added.

If this report is accurate, it is past time for U.S. policy to include the pursuit of a public indictment of Milosevic by the ICTY. Issuance of a Presidential directive establishing such a policy, supported by adequate resources to assure its immediate and effective implementation, is clearly justified by the reports of the Helsinki Commission has received about actions by Yugoslav Army, paramilitary, and police forces under Milosevic's command in Kosovo that probably constitute war crimes, crimes against humanity, and genocide. Congress has already expressed its overwhelming support for such a course of action by adopting both H. Con. Res. 304 and S. Con. Res. 105 (copy attached) last year.

I look forward to learning what direction you have given the policy-level officers of the United States government concerning this issue.

Sincerely,
CHRISTOPHER H. SMITH,
Chairman.

[From the Washington Post, May 9, 1999]

WAR CRIMINALS BELONG IN THE DOCK, NOT AT THE TABLE

(By Mark S. Ellis)

Just a few weeks ago, I stood among a sea of 20,000 desperate people on a dirt airfield outside Skopje, Macedonia, listening to one harrowing story after another. I had come to the Stenkovec refugee camp to record those stories and to help set up a system for documenting atrocities in Kosovo.

As I collected their accounts of rape, torture and executions at the hands of Serbian troops, I was struck by the refugees' common yearning for justice. They wanted those responsible for their suffering to be held accountable. Their anger was not only directed at the people they had watched committing such savagery, but at the political leaders—and Yugoslav President Slobodan Milosevic in particular—who had orchestrated the misery and continue to act with impunity.

The means exist to hold Milosevic and his underlings accountable. In recent weeks, there have been calls from members of Congress for his indictment by the International Criminal Tribunal for the Former Yugoslavia, and Undersecretary of State Thomas Pickering has said that the United States is gathering evidence that could lead to his indictment. And there is plenty of evidence. In the Kosovo town of Djalovica, for example, residents carefully documented the Serbian barbarity for investigators, recording the details of each murder, each rape, each act of violence, before they fled the city. The time has come to act on the testimony of these and other witnesses.

To do so, of course, flies in the face of last week's much ballyhooed optimism about reaching a negotiated settlement with Milosevic. However eager the Clinton administration might be to reach a political and diplomatic solution, we should remember that those who have recently suffered under Serbian attacks reject outright the notion that justice must sometimes be forfeited for the sake of diplomatic expediency. During the Bosnian conflict, accountability was sacrificed on the dubious premise that negotiating with someone who is widely regarded as a war criminal is a legitimate exercise in peace-making. We shouldn't make that mistake a second time around. Milosevic's broken promises still echo among the charred ruins and forsaken mass grave sites that defile the landscape of Bosnia.

If Milosevic had been indicted for the mass killings and summary executions that the Bosnian Serbs—with backing from Serbia—are accused of carrying out, would he have acted so brazenly to "cleanse" Kosovo of its ethnic Albanians? Nobody knows. At the very least an indictment would probably have deterred him; and apprehension and a trial would have stopped him. But there should be no uncertainty about what occurs when Milosevic is allowed to act unencumbered. The time has come for the international war crimes tribunal to help put an end to that.

Inaugurated by the United Nations on May 25, 1993, and based in The Hague, the Yugoslav war crimes tribunal has, to date, tried just 16 defendants. With a staff of more than 750 and an annual budget of more than $94 million, it has the resources—and the authority—to indict Milosevic. Indeed, failure to indict would reveal the tribunal's impotence in the face of political controversy, and prove that this institution of international law and justice is merely an expensive and irrelevant relic.

How difficult would it be to indict Milosevic? Not difficult at all. Under the tribunal's statute, the office of the prosecutor need only determine "that a prima facie case exists," that's to say that the prosecutor must gather evidence sufficient to prove reasonable grounds that Milosevic committed a single crime under the tribunal's extensive jurisdiction.

With this in mind, the chances of Milosevic being held accountable increase with the arrival of each new group of refugees driven from their homes in Kosovo. Their remarkably consistent testimony is providing crucial information—now being gathered by representatives of the tribunal as well as by human rights organizations—about what has actually taken place in Kosovo. These first-hand accounts are indispensable in building a case against Milosevic—and the refugees I interviewed during the days I was there are willing to testify about what they saw.

But with refugees flooding out of Kosovo and some being relocated in distant countries, the prosecutor's office must ensure that testimony is taken swiftly, legally and professionally. The lack of access to Kosovo by independent journalists and human rights monitors and the extreme instability of refugee life heighten the importance of collecting these accounts while they are still fresh in people's minds. Yet the prosecutor's office was slow to act. A full five weeks went by before the tribunal sent a corps of investigators to the region.

What crimes should the Yugoslav president be indicted for? The tribunal's statute provides jurisdiction over "serious violations of international humanitarian law" including both "crimes against humanity" and "genocide," the most abhorrent of all. Milosevic should be indicted for both.

Crimes against humanity are defined as "systematic and widespread" and directed at any civilian population; they include murder, extermination, imprisonment, rape and deportation. They are distinguished from other acts of communal violence because civilians are victimized according to a systematic plan that usually emanates from the highest levels of government.

In Kosovo, the forced deportation of ethnic Albanians by the Yugoslav army and the Serbian Interior Ministry police force is an obvious manifestation of such crimes. The refugees with whom I spoke described being robbed, beaten, herded together and forced to flee their villages with nothing but the clothes they were wearing. By confiscating all evidence of the ethnic Albanians' identity—passports, birth certificates, employment records, driver's licenses, marriage licenses—the Serbian forces also severed the refugees' links with their communities and land in Kosovo. This attempt to make each ethnic Albanian a non-person is itself a crime against humanity. Emerging evidence of mass killings, summary executions and gang rape lends further credence to the widespread and systematic nature of these crimes.

As to the crime of genocide, the tribunal's statute rests on the 1948 Convention on the Prevention and Punishment of Genocide, which defines genocide as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group." Arising as it did from the extermination of the Jews in Nazi Germany, the convention invites comparison with the Holocaust and is intended to prevent such heinous crimes from happening again. This tragedy has not reached that perverse level of brutality but, like earlier efforts to eliminate an entire people—whether the Jews, the Armenians or the Tutsis—it should be prosecuted as a crime of genocide.

The convention addresses intent, and stipulates that acts designed to eliminate a people—in whole or in part—constitute genocide. Among other acts covered by the convention, crimes of genocide include "(a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

In the former Yugoslavia, acts of genocide have been perpetrated through the abhorrent policy of ethnic cleansing—that is, making areas ethnically homogenous by expelling entire segments of the Kosovar population and destroying the very fabric of a people.

Ethnic cleansing does not require the elimination of all ethnic Albanians: it may target specific elements of the community that make the group—as a group—sustainable. The abduction the execution of the intelligentsia, including public officials, lawyers, doctors and political leaders, for example, is part of a pattern of ethnic cleansing and could constitute genocide, as could targeting a particular segment of the population such as young men. It is clear from the refugees who have been interviewed that these acts are being systematically committed in Kosovo.

An often overlooked but important element of the 1948 convention is that an individual can be indicated not only for committing genocide, but also for conspiring to commit genocide, inciting the public to commit genocide, attempting to commit genocide or for complicity in genocide. The Point is that criminal responsibility extends far beyond those who actually perform the physical acts resulting in genocide. In short, the political architects such as Milosevic are no less responsible than the forces that carry out this butchery. There is no immunity from genocide.

Prosecuting Milosevic will require relying on a legal strategy based on the concept of "imputed command responsibility." Under this theory, Milosevic can be held responsible for crimes committed by his subordinates if he knew or had reason to know that crimes were about to be committed and he failed to take preventive measures of to punish those who had already committed crimes.

Since it is unlikely that Milosevic has allowed documentary evidence to be preserved that would link him to atrocities in Kosovo, the prosecutor's office will have to rely heavily on circumstantial evidence to build its case. This means identifying a consistant "pattern of conduct" that links Milosevic to similar illegal acts, to the officers and staff involved, or to the logistics involved in carrying out atrocities. The very fact that atrocities have been so widespread, flagrant, grotesque and similar in nature makes it near certain that Milosevic knew of them; despite his recent protestations to the contrary, it defies logic to suggest that he could be unaware of what his forces are doing.

What will the consequences be if the Yugoslav president is indicted? First an indictment would send a clear message that the international community will not negotiate or have contact with a war criminal. It is current U.S. policy not to negotiate with indicted war crimes suspects. And so it should be. Milosevic would be stripped of international statute except as a fugitive from justice. This might, in turn, open an avenue for Serbians to once again distance themselves from their leader's regime. Second, an indictment would likely result in an ex parte hearing in which the prosecutor's office could present its case in open court—without Milosevic being there. By establishing a public record of Milosevic's role in the crimes committed, such a hearing would be cathartic for both victims and witnesses, and also for citizens long denied access to the truth. Finally, the tribunal would issue an international arrest warrant making it unlikely that Milosevic would venture outside his country's borders.

When I watched the bus loads of new arrivals enter the Stenkovec camp, I saw a small girl's face pressed against the window. Her hollow eyes seemed to stare at no one. History was being repeated. In his opening statement at the Nuremberg trials in 1945, U.S. chief prosecutor Robert H. Jackson said, "The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored, because it cannot survive their being repeated." Jackson was expressing the hope that law would somehow redeem the next generation and that similar atrocities would never again be allowed. Today, we must hold personally liable those individuals who commit atrocities in the former Yugoslavia. To negotiate with the perpetrators of these crimes not only demands the suffering of countless civilian victims, it sends a clear message that justice is expendable, that war crimes can go unpunished. Inevitably, lasting peace will be linked to justice, and justice will depend on accountability. Failing to indict Milosevic in the hope that he can deliver a negotiated settlement makes a mockery of the words "Never Again."

THE HEALTH INFORMATION PRIVACY ACT OF 1999

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. WAXMAN. Mr. Speaker, I am pleased to join Reps. GARY CONDIT, ED MARKEY, JOHN DINGELL, SHERROD BROWN, JIM TURNER, and my other colleagues in introducing the Health Information Privacy Act of 1999. There is an urgent need for Congress to enact legislation to protect the privacy of medical records. We have worked hard to develop a consensus approach to achieve this goal.

Health records contain some of our most personal information. Unfortunately, there is no comprehensive federal law that protects the privacy of medical records. As a result, we face a constant threat of serious privacy intrusions. Our records can be bought and sold for commercial gain, disclosed to employers, and used to deny us insurance. There have been numerous disturbing reports of such inappropriate use and disclosure of health information.

When individual have inadequate control over their health information, our health care system as a whole suffers. For example, a recent survey by the California HealthCare Foundation found that one out of every seven adults has done something "out of the ordinary" to keep health information confidential, including steps such as giving inaccurate information to their providers or avoiding care together.

The Health Information Privacy Act would protect the privacy of health information and ensure that individuals have appropriate control over their health records. It is based on three fundamental principles. First, health information should not be used or disclosed without the authorization or knowledge of the individual, except in narrow circumstances where there is an overriding public interest. Second, individuals should have fundamental rights regarding their health records, such as the right to access, copy, and amend their records, and the opportunity to seek protection for especially sensitive information. Third, federal legislation should provide a "floor," not a "ceiling," so that states and the Secretary of Health and Human Services can establish additional protections as appropriate.

Congress faces an August 21 deadline for passing comprehensive legislation to protect the privacy of health information. I am very pleased to have come together with Mr. CONDIT, Mr. MARKEY, Mr. DINGELL, Mr. BROWN, and Mr. TURNER in developing this commonsense legislation. These members have been leaders in health care and privacy issues for years. As a result of their expertise and insight, I believe we have produced a consensus bill that colleagues with a wide spectrum of perspective can support.

A recent editorial in the *Los Angeles Times* exhorted Congress to "fulfill its promise to pass the nation's first medical privacy bill." It called for legislators in both houses to "embrace [this] compromise language" that my colleagues and I have drafted.

I hope that my colleagues will join me in cosponsoring this legislation, and I look forward to working with them to ensure that Congress meets its responsibility to address this important issue.

INTRODUCING LEGISLATION TO AWARD A CONGRESSIONAL GOLD MEDAL TO REV. THEODORE HESBURGH, C.S.C.

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. ROEMER. Mr. Speaker, I rise today to introduce legislation to award a Congressional Gold Medal to Rev. Theodore Hesburgh, C.S.C. I introduce this bill with Representatives PETER KING, JOHN LEWIS, PETE VISCLOSKY, MARK SOUDER, ANNE NORTHUP and 85 original cosponsors in the U.S. House of Representatives. It is my understanding that a companion bill will be introduced in the U.S. Senate later today.

This bipartisan legislation recognizes Father Hesburgh for his many outstanding contributions to the United States and the global community. The bill authorizes the President to award a gold medal to Father Hesburgh on behalf of the United States Congress. It also authorizes the U.S. Mint to strike and sell duplicates to the public.

The public service career of Father Hesburgh, president emeritus of the University of Notre Dame, is as distinguished as his many educational contributions. Over the years, he has held 15 Presidential appointments and he has remained a national leader in the fields of education, civil rights and the development of the Third World. Highlighting a lengthy list of awards to Father Hesburgh is the Medal of Freedom, our Nation's highest civilian honor, bestowed on him by President Johnson in 1964.

Mr. Speaker, justice has been the primary focus of Father Hesburgh's pursuits throughout his life. He was a charter member of the U.S. Commission on Civil Rights, created by Congress in 1957 as a compromise to end a filibuster in the U.S. Senate to prevent passage of any and all legislation concerning civil rights in general and voting rights in particular. Father Hesburgh chaired the commission from 1969 to 1972, until President Nixon replaced him as chairman because of his criticism of the Administration's civil rights record.

Father Hesburgh stepped down as head of the University of Notre Dame in 1987, ending the longest tenure among active presidents of American institutions of higher learning. He continues in retirement much as he did as the Nation's senior university chief executive officer—as a leading educator and humanitarian inspiring generations of students and citizens, and generously sharing his wisdom in the struggle for the rights of man.

I am personally grateful to Father Hesburgh for his friendship and guidance during my years as a student at the University of Notre Dame. My family shares my gratitude. My grandfather, William Roemer, was a professor of philosophy during the early years of Father Hesburgh's presidency, and my parents, Jim and Mary Ann Roemer, also worked during his tenure at the University.

Mr. Speaker, I once asked Father Hesburgh for advice about how to raise a happy and healthy family with children. His reply was helpful, insightful and advice I continue to follow today: "Love their mother." I strongly believe Father Hesburgh's response here was just one of many shining examples illustrating that his contributions to family values in American society are as numerous and meaningful as his devoted contributions to human rights, education, the Catholic Church and the global community.

Mr. Speaker, today is Father Hesburgh's 82nd birthday, and I believe that this is the most appropriate time for Congress and the entire Nation to join me in recognizing this remarkable man and living legend of freedom in America. I strongly encourage my colleagues to support this bipartisan legislation and urge the House of Representatives to pass this important measure.

RUTH HYMAN TESTIMONIAL DINNER AT THE JEWISH COMMUNITY CENTER OF MONMOUTH COUNTY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. PALLONE. Mr. Speaker, on Tuesday, June 3, 1999, the Jewish Community Center of Greater Monmouth County in Deal, NJ, will honor one of our leading citizens, Ms. Ruth Hyman, with a Testimonial Dinner. I am pleased to add my voice to the chorus of praise for this exceptional lady.

Mr. Speaker, it is rare to see someone who has made such an impact on her community as Ruth Hyman has. Through her professional work, civic commitments, wide-ranging network of friendships and a unique personal flair, she has made a deep and lasting impression. Her accomplishments include her apparel business, Ruth Hyman Fashions, and a lifetime of work with numerous Jewish community organizations. Ruth is currently the President of the Long Branch, NJ, Hadassah, a Benefactor and Board Member of the Jewish Community Center, Board Member of the Jewish Family and Children's Service, and Member of Congregation of Brothers of Israel. She was the first Chairperson of the Women's Business and Professional Division of the Jewish Federation. Some of her other affiliations and leadership positions include, Past President and International Life Member of American Red Magen David for Israel, life member of Daughters of Miriam, AMIT, B'nai Brith, Past President of Deborah, and Life Member of the Central New Jersey Home for the Aged. She is also Chairperson of the Women's Division of Israel Bonds, a position she has held for the past 25 years.

All of this hard work has not gone unnoticed, Mr. Speaker. Ruth has been presented with the Hadassah National Leadership Award and the Service Award from the Jewish Federation's Women's Campaign, and she was selected as Chai Honoree and Woman of the Year of the Long Branch Chapter of Hadassah. She was chosen by the Jewish Federation as Lay Leader of the Year. She has been presented with the State of Israel Bonds Golda Meir Award, the Service Award from the Jewish Federation Women's Campaign, and the State of Israel Bonds Ben Gurion Award.

In addition to her major contributions at the Jewish Community Center, Ruth is founder of Hadassah Hospital at Ein Kerem, Israel, and the Mt. Scopus Hospital, where her name is inscribed on the hospital's Pillar of Hope.

Mr. Speaker, as everyone who has known her will attest, Ruth Hyman's hard work for the community emanates from her sincere warmth and generosity. It is an honor to join with the JCC in paying tribute to her, for who she is and what she's done.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. BECERRA. Mr. Speaker, on May 24, 1999, I was unavoidably detained during two roll call votes: number 145, on the Motion to Suspend the Rules and Pass H.R. 1251, Designating the Noal Cushing Bateman Post Office Building; and number 146, on the Motion to Suspend the Rules and Pass H.R. 100, to Establish Designations for U.S. Postal Service Buildings in Philadelphia, Pennsylvania. Had I been present for the votes, I would have voted "aye" on roll call votes 145 and 146.

IN HONOR OF THE FIELD MUSEUM'S DEDICATION OF THE SIDNEY R. AND ADDIE YATES EXHIBITION CENTER

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I am very pleased to celebrate the dedication of the Sidney R. and Addie Yates Exhibition Center located at the Field Museum of Natural History in Chicago, IL, on May 27, 1999. The Center is so named because of the tremendous contributions that Congressman Yates and his wife, Addie, made over the years in support of the arts, humanities, and the environment.

There is no greater champion of the arts, humanities, and environment than Congressman Sidney Yates, and there is no greater champion of Congressman Yates than his lifelong mate, Addie. In her own right, Addie has contributed greatly to causes close and dear to her heart. She spearheaded the wonderful exhibit, "The Children's Wall of Remembrance," in the U.S. Holocaust Memorial Museum, commemorating the nearly 1.5 million children who perished in the Holocaust. Through her efforts, hundreds of thousands of American children were educated about the Holocaust and expressed this learning by painting tiles, which eventually found their way to this, now famous, Wall of Remembrance.

Congressman Yates' illustrious 48-year career in the House included saving the arts and humanities from drastic budget cuts in the 1980's, helping to establish the National Holocaust Museum here in Washington, DC, empowering the Department of Interior to safeguard more public lands and the rights of Native Americans, and protecting the Tongass National Forest from logging. The field Museum's state-of-the-art new exhibition center will be a lasting tribute to the work of Mr. Yates.

Located on Chicago's beautiful lakefront, the Field Museum is one of the city's crown jewels. Since its founding in 1893, the Field Museum has been a leader in the natural sciences, conducting world-class research in disciplines such as anthropology, biology, agriculture, ecology and sociology. The Field's collection of over 20 million specimens, including its recent acquisition of "Sue", the largest and most complete Tyrannosaurus Rex ever found, serve to both educate and astound the visiting public.

The Sidney R. and Addie Yates Exhibition Center will serve as a permanent tribute to the Congressman in Chicago. It will be seen by the millions of visitors who make the Museum their destination for cultural programming. The facility will offer new and unique temporary exhibits, such as the current exhibit, "The Art of Being Kuna: Layers of Meaning Among the Kuna of Panama," which will instruct and delight visitors from Chicago, the nation, and the world.

While we miss Sid Yates, we will never forget the legacy he left behind, nor will the millions of visitors to the Field who will gaze and look in wonderment at the exhibits placed in the Center named for Sid and Addie Yates.

CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. DIXON. Mr. Speaker, I rise to reluctantly support this conference report, as well as commend Chairman YOUNG, Mr. OBEY, and the conferees for their hard work in bringing this difficult bill to the floor. Clearly, many of my colleagues share my ambivalence about this legislation. As a body, we seem to be all over the place on this measure. Some of my friends on the Republican side voted earlier this month to oppose NATO intervention in Kosovo; now they support doubling the President's Kosovo budget request. My Democratic colleagues support funding to provide relief to tornado victims in Oklahoma, hurricane victims in Central America, and refugees in Kosovo; however, they balk at the bill's environmental riders and inflated defense spending. Members on both sides of the aisle decry emergency designation of non-emergency items, but we have a bipartisan inability to admit that our current budget caps are unrealistic and unworkable.

I have great concerns over portions of this legislation; however, on balance, Mr. Speaker, I believe that the need for much of the funding is real and outweighs my reservations. Given the situation in Kosovo three months ago and our commitment to the defense of Europe, I believe that President Clinton made the right decision to join our NATO allies in acting against Milosevic's ethnic cleansing campaign. The responsibility to allocate dollars to pay for the military campaign falls on the Congress. While the increases over the President's request for Kosovo should be addressed in the regular 2000 appropriations process, we need to move forward to commit these funds.

I strongly support emergency funding for non-defense items in the supplemental. The Congress has moved expeditiously, as is our tradition, to address the destruction caused by recent tornadoes in Oklahoma and Kansas. H.R. 1141 also includes long overdue relief to Central America still struggling in the aftermath of Hurricane Mitch. Sorely needed relief is being supplied to America's farmers.

Today's vote to provide $100 million in military assistance and economic support to Jordan coincides with the visit of King Abdullah. These funds will enable that nation to assist in the Middle East peace process, pursuant to the Wye River agreement. There is renewed optimism that the recent elections in Israel can help reinvigorate that process.

This bill also includes some important legislative provisions. The repeal of the June 15th funding cutoff for the Departments of Commerce, Justice, and State and the Federal Judiciary, included in the fiscal 1999 omnibus bill, ensures that essential government functions no longer face shutdown. The bill grants the Department of Justice the authority to make restitution to Japanese Americans and Latin Americans of Japanese descent who were forcibly detained in the United States during World War II, but whose claims have not been settled. Settlement of these claims will close a shameful episode in this great nation's history.

The Republican majority continues to use appropriations bills to pass damaging environmental provisions. This time we have Senate provisions to protect narrow special interests at the expense of the environment. We continue to delay reforms to the 1872 mining law and changes in oil valuation which ensure that the government receives reasonable royalties from drilling on federal land. I urge my colleagues to vote to recommit this legislation so that the bill's onerous environmental provisions can be removed.

So, while I share the reservations voiced by many of my colleagues, I believe we need to move forward with the important work H.R. 1141 funds.

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PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. NEY. Mr. Speaker, I commend the following statement to my colleagues. When I was traveling back to Washington, D.C. on May 24, 1999, H.R. 974, the District of Columbia College Access Act, was passed by voice vote. Due to the fact that I was commuting and the vote took place before the 6 p.m. scheduled time, I missed the voice vote. I would like to make it known for the record that had I been present, I would have asked for a recorded vote and voted against this bill. I do not feel that students in the District of Columbia should be made "exceptions" when it comes to paying in-states fees at any state institution. This privilege is not granted to students in this country who choose to attend a state college outside of their residential state.

* * *

CROATIAN SONS LODGE NUMBER 170 OF THE CROATIAN FRATERNAL UNION CELEBRATES ITS 92ND ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 92nd Anniversary and Golden Member banquet on Sunday, June 6, 1999.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees who have attained fifty years of membership include: Frances Joan Banchy, Willard A. Conway, Thomas Fadlevic, Marie Flynn, Edward W. Fritz, Frank Grishka, Steve Massack, Violet Mae Mikulich, John Mlacak, Mary Patterson, Marian P. Ritter, and Mike Svaco.

These loyal and dedicated individuals share this prestigious honor with approximately 300 additional Lodge members who have previously attained this status.

This memorable day will begin with a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana, with the Reverend Father Benedict Benakovich officiating. In the afternoon, there will be a program featuring a guest speaker, Mr. John Buncich, Sheriff of Lake County, Indiana. The festivities will be culturally enriched by the performance of several Croatian musical groups. The Croatian Glee Club, "Preradovic," directed by Brother Dennis Barunica, and the Hoosier Hrvarti Adult Tamburitza Orchestra, directed by Edo Sindicich, will both perform at this gala event. The Croatian Strings Tamburitzans and Junior Dancers directed by Dennis Barunica, and the Adult Kolo group, under the direction of Elizabeth Kyriakides, will provide additional entertainment for those in attendance. A formal dinner banquet at 4 o'clock in the afternoon will end the day's festivities.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge president Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

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CONGRATULATIONS TO BLUE RIBBON SCHOOL RECIPIENT PRINCESS VICTORIA KA'IULANI ELEMENTARY SCHOOL

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. ABERCROMBIE. Mr. Speaker, I rise today to congratulate Princess Victoria Ka'uilani Elementary School, which has earned the prestigious Blue Ribbon Schools Award from the U.S. Department of Education.

The Blue Ribbon Schools Program identifies and gives national recognition to a diverse group of public and private schools that have been judged particularly effective in meeting local, state, and national goals. In being selected, Princess Ka'iulani Elementary School displayed the qualities of excellence that are necessary to prepare our young people for the challenges of the next century. The school demonstrates its strong leadership by providing high quality teaching, instilling policies and practices that ensure a safe environment conducive to learning, initiating strong parental and community involvement, and helping all students achieve to high standards.

The awarding of Princess Victoria Ka'iulani Elementary School as a Blue Ribbon School is made even more special by the fact that this year marks the school's centennial anniversary. The school opened its doors on April 22, 1899 and was named for the beautiful Princess Victoria Ka'iulani. The name Ka'iulani means "Child from Heaven." The students come from diverse cultures and various social backgrounds in the Kalihi-Palama neighborhood of Honolulu, Hawaii. And while the neighborhood is sometimes known for gangs and drug dealing, the school has a warm and friendly environment. The school definitely exudes the spirit of "aloha" and "ohana" (family). This nurturing atmosphere helps students to believe in themselves and offers an opportunity to learn and move forward.

There are a variety of factors that contribute to the school's success. For example, at the beginning of each year, parents are given a student ready reference guide, a school profile, and a syllabus of the school's curriculum and activities. To further initiate parental involvement, a monthly parent bulletin is jointly authored by Title I, Parent-Community Networking Centers (PCNC), Primary School Adjustment Project (PSAP) and the Principal. Community involvement is also well established. Groups such as The Rotary Club of Metropolitan Honolulu, the USS Louisville, 516th Signal Brigade from the Fort Shafter Army Installation and the USS Chicago have contributed to the school's various campus beautification projects, providing access to the Internet and even assisting in classes and chaperoning field trips. Also, English Second Language Learners (ESLL) provides support to 101 students whose native language range from Vietnamese, Ilocano, Cantonese, Samoan, Tagalog, Visayan, Lao, Korean, Mandarin, Tongan, Micronesian and Fijian. In fact, students have continued to improve in Stanford Achievement Test (SAT) scores and due to a strong focus on literacy, reading levels have significantly increased over the past few years.

Again, I wish to commend and congratulate the students, teachers, parents, administration, and staff of Princess Victoria Ka'iulani Elementary School for its strong efforts and proud achievement in receiving the Blue Ribbon Schools Award.

GUAM COMMEMORATES PEACE OFFICERS MEMORIAL DAY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. UNDERWOOD. Mr. Speaker, in 1962, President John F. Kennedy signed the law establishing National Police Week. Commemorated every year since, this seven-day period begins on a Sunday and ends on a Saturday—the last day being designated as "Peace Officers Memorial Day."

This special period set aside to honor the nation's law enforcement and memorialize their fallen comrades has always served to develop close bonds between officers and their colleagues from across the country. These ceremonies of recognition and remembrance bring people together and enable survivors to gain strength from others who share and understand their grief.

Here, in our nation's capital, more than 10,000 police officers, survivors and supporters gathered to attend this year's activities. As in the past years, National Police Week was a great demonstration of this grateful nation's appreciation for the service and sacrifices of peace officers.

In my home island of Guam, services were also held to recognize and remember those who have fallen. In ceremonies held annually, peace officers who have lost their lives in the line of duty were honored. The list included: Conservation Officer Francisco Isezaki, Police Officer I John M. Santos, Special Agent Larry D. Wallace, Police Officer I Francisco A. Reyes, Police Officer III Thomas M. Sablan, Police Reserve Officer Rudy C. Iglesias, Police Officer Reserve Helen K. Lizama, Police Officer I Raymond S. Sanchez, Corrections Officer I Douglas W. Mashburn, Police Officer I Eddie, A. Santos, USAF Sgt Stacey E. Levay, Police Officer I Francisco D. Taitague, Police Officer I Manuel A. Aquino, and Police Lieutenant Francisco C. Toves.

Those who have passed on within the past year were also remembered in this year's ceremonies. This list included: Col Francisco T. Aguigui, Sgt Jesus Pangelinan, Police Officer Joe Gutierrez, Detention Officer Eugene Benavente, and Police Officer Ralph Bartels.

The people of Guam join the nation in paying tribute and offering thanks for the service and sacrifices of peace officers.

TAIWAN CELEBRATES PRESIDENTIAL ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to recognize and honor President Lee Teng-hui of the Republic of China on Taiwan who celebrated his third anniversary in office on May 20th, 1999. President Lee has amassed a number of accomplishments throughout the last three years.

Of all the contemporary leaders that the Republic of China has had, President Lee Teng-hui stands out due to his exceptional ability to guide his nation through the transition to a democratic republic. Furthermore, the effects of the severe financial crisis which have affected much of Asia have been much less severe in Taiwan. This discrepancy can be attributed to President Lee Teng-hui's ability to maintain a stable democratic environment which has allowed a solid foundation for its economy to grow. In addition, he has given his people hope and optimism in Taiwan's ability to confront the future.

President Lee Teng-hui has also made great efforts in trying to reach out to his compatriots on the Chinese mainland. Unfortunately, his gestures of friendship have been answered with lukewarm responses at best from the PRC leadership. However, President Lee Teng-hui refuses to give up his hope of seeing a free and unified China in the future and continues to pursue a policy to that end. His persistence is a sign of his dedication to democracy and is greatly appreciated by the Western world, and in particular the United States.

I wish President Lee Teng-hui every success in the future. He is a respected leader of a free, prosperous and democratic country and deserves no less than our full support.

PERSONAL EXPLANATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. WEYGAND. Mr. Speaker, because of weather-related travel difficulties, I was unfortunately detained in my district Monday, May 24, 1999 and missed several votes as a result.

Had I been here, I would have voted in the following way:

I would have voted yea on rollcall votes 145 and 146.

TRIBUTE TO CHARLES JOHN EBNER

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. LAFALCE. Mr. Speaker, I rise today to pay tribute to my good friend and cousin, Charles "Chuck" Ebner, on the occasion of his 75th birthday on June 7th. Chuck was born in Albany, New York, and currently resides with his wife, Laurel, in Barberton, Ohio. I would like to bring to the attention of my colleagues the dedicated service to country and community that has distinguished the life of Charles John Ebner.

In 1942, at the age of 18, Chuck enlisted in the U.S. Navy and was a "selected volunteer" for the U.S. Naval Armed Guard. He attended Gunnery School in Virginia and then was assigned to his first ship, the U.S.S. *China Mail*, whose mission was to transport troops to Africa.

On his second tour of duty on the *China Mail*, the ship circumnavigated the world. The long voyage embarked from the West Coast of Africa, traveling westward across the Atlantic to the Caribbean and through the Panama Canal. After crossing the South Pacific to Australia, the *China Mail* continued across the Indian Ocean and into the Persian Gulf, where it dropped off cargo in Iran. The ship passed through the Suez Canal and sailed across the Mediterranean on its return to the West Coast of Africa.

Chuck then returned to the Brooklyn Navy Yard where he prepared for his next assignment as a gunner on the U.S.S. *Carlos Carrillo*. Later he was transferred to the U.S.S. *Sacajawea*, which took part in the invasion of Leyte in the Philippines. Shortly thereafter, his ship sailed to Pearl Harbor. At the end of the war, Chuck was ordered to return to the United States where he was honorably discharged from the U.S. Navy at Lido Beach, New York on October 14, 1945.

But Chuck's patriotism and sense of duty inspired him to re-enlist in the U.S. Navy on February 13, 1947 and train to become a radioman. In that capacity, he was assigned to the U.S.S. *Prairie* and stationed at the Atlantic

City Naval Air Station until his second honorable discharge on February 5, 1952.

Near the end of his military career, Chuck married Laurel Kelley on January 25, 1951. Upon his discharge, they moved to Barberton, Ohio—known as the "Magic City." Chuck and Laurel have three adult children, Cathy, Linda and Jack, and have been blessed with nine grandchildren.

Chuck's commitment and dedication to his country and community did not end with his military career. During his years in Barberton, Chuck coached Little League and in 1959 joined the Barberton All Sports Boosters—on which he served as an officer for ten years and as president for three. Chuck also served as president of the Barberton Chapter of the Fellowship of Christian Athletes for five years and was the founder of the Barberton Sports Hall of Fame in 1979. Chuck was elected the first president of that organization and still serves in that position.

In 1980, Chuck was nominated for the Distinguished Service Award by the Barberton Jaycees for his sports activities in the community. He continued his strong commitment to youth and sports by organizing the Barberton Reunion Basketball game to honor the Barberton State Champs of 1976. The sold-out game raised money for the Barberton Little League, Crippled Children Circus Fund and the Barberton All Sports Boosters. Chuck also organized student dances at Barberton High and started the All Sports Banquets.

Among Chuck's many community service awards for these and other activities, he received the "Andy Palich Outstanding Athletic Service Award" from the Summit County Sports Hall of Fame, of which he is now a board member.

Chuck is now retired from Seiberling Rubber and from his employment as the Outside Bailiff for the Barberton Municipal Court. But he is not retired from his community. Chuck continues to dedicate even more of his time and boundless energy to promote sports among the youth of Barberton.

Mr. Speaker, I commend Chuck Ebner on his 75th birthday for his lifelong dedication and commitment not only to his country, but to his family and the youth of his community. He is a true role model for our young people. I wish him continued success and good health in the years to come.

A TRIBUTE TO MR. IRVING LITTMAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Mr. Irving Littman, who will celebrate his 80th birthday on July 27, 1999. Mr. Littman served with the First Field General Hospital in the invasion of North Africa in World War II. As a sergeant at that time, it was his duty to give anesthesia in the operating room to soldiers wounded in combat. Mr. Littman was awarded many citations and medals for his four years of gallant military service to his country.

Upon return to the United States after the war, Mr. Littman became one of the youngest Lincoln-Mercury dealers in our nation. He retired to Florida. He campaigned for elected officials, and was the secretary/treasurer for the Milton Littman Scholarship Foundation, which to date has presented 236 one-thousand-dollar scholarships to worthy young students from four different high schools in Dade County.

Mr. Littman is married to his beloved wife, Mavis, and they have a loving daughter, Francine. It is a privilege to pay tribute to such a compassionate American citizens as Mr. Irving Littman on the occasion of his upcoming birthday, and I wish him many more years of health and success in the service of his community.

KOSOVO REFUGEES

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. ROTHMAN. Mr. Speaker, I am submitting today for the RECORD the enclosed article written by Mr. Leonard Cole of Ridgewood, New Jersey. Mr. Cole, who serves as the distinguished chairman of the Communal Unity Committee of United Jewish Appeal Federation of Bergen County and North Hudson and as vice chair of the Jewish Council for Public Affairs, recently returned from refugee camps in Tirana, Albania. In his article, Mr. Cole eloquently illustrates the remarkable humanitarian efforts being made by the Jewish Agency for Israel, the American Jewish Joint Distribution Committee, in association with the United Jewish Communities, to assist refugees displaced as a result of the conflict in Kosovo. I am confident that all of our colleagues will find much food for thought in this well written article.

[From the Jewish Standard, May 14, 1999]

FINDING KINDNESS AMID CHAOS

(By Leonard A. Cole)

Nearly 15 years ago, on a two-day mission to Israel, I witnessed lines of bedraggled Ethiopian Jews emerge from an El Al airplane. They had suddenly been transported from a 14th-century existence in Ethiopia to a 20th-century life in Israel. Last week, during another two-day mission, I witnessed a sad obverse. In the company of Israeli and American Jews, I visited refugees in a camp in Tirana, Albania, whose lives have been reduced to primitive survival. Among the 800,000 ethnic Albanians booted out of Kosovo, 5,000 were crowded into this Tirana camp. Living eight and nine to a tent, able to bathe once a week, they are uncertain where or if they have a future. The only heartening similarity between the experiences of the Ethiopian Jews and Kosovar Muslims has been the rapid humanitarian response by Jews and other caring people around the world. And none have shown more caring than the people of Israel.

For seven weeks, out of noble intention, NATO has been pounding Yugoslav targets with bombs and missiles. The attacks were intended to stop Yugoslav President Slobodan Milosevic's policy of murder and deportation of ethnic Albanians from his country's province of Kosovo. Milosevic's penchant for "ethnic cleansing" is too reminiscent of Hitler's war against the Jews for the Jewish people not to support intervention. But diplomatic and military miscalculations have become painfully apparent: the failure of NATO's firepower quickly to stop Milosevic's actions; the depressing likelihood that the bombing actually accelerated the deportations; the destruction of unintended targets, including the Chinese embassy, a hospital complex, and convoys of refugees. The unanticipated calculus was underscored for me by the sight of scores of U.S. helicopters sitting idly in Albania's major airport. Although touted as especially effective against ground targets, none has yet been used, apparently in fear that Serbian firepower was still too threatening to these low-flying craft. Exactly how the military and politicial issues will be resolved remains uncertain. What is clear, however, is that the victims of the conflict need immediate attention.

In the early hours of May 5, our plane, chartered by the Jewish Agency for Israel (JAFI), was preparing to take off from Ben-Gurion airport. We were beginning a two-day whirlwind of visits to Albania, Hungary, and back to Israel. We would be traveling through a thicket of suffering, but also witnessing efforts to alleviate that suffering. Under the auspices of the newly constituted United Jewish Communities (UJC), some two dozen representatives from North American federations had come to bear witness. Described by the UJC as a "rescue mission," our venture really was more a search—a search for information, for meaning, and ultimately for ways to help.

"Leave the last 12 rows empty," the stewardess instructed. Along with other bleareyed passengers, I squeezed into the forward section. Our weight was needed as a balance for the supplies that had been loaded into the rear cargo area. Like 23 previous flights from Israel, eight of them chartered by JAFI, the main purpose was to deliver supplies obtained from contributions by Israelis and Jews throughout the world.

At the refugee camp, we watched as carton after carton was unloaded from trucks that had transported them from the plane. In orderly fashion the boxes were opened and the contents were distributed by representatives of various humanitarian groups, including JAFI, the American Jewish Joint Distribution committee (JDC), and Latet, an Organization of Israeli volunteers.

And it is well to remember that JAFI, JDC, and other helping agencies, in association with the UJC, are truly the point organizations for the rest of us. the money and supplies have come from federations and from individual Jews around the world. Israeli citizens alone have contributed more than $1 million in food, blankets, towels, diapers, soap, toys, and more. The Israelis built and staffed the first field hospital in a refugee camp.

Delivering supplies to the Albanian Muslims was only part of the humanitarian effort we witnessed in that part of the world. We next flew to Hungary, where we met dozens of Jews from Serbia who fled the bombings and were now guests of the Hungarian Jewish community in Budapest. On the second day of the war. Asa Zinger, head of the Jewish community in Belgrade, Yugoslavia, phoned his counterpart in Budapest, Gustav Zoltai. When told of the distress among the 3,000 Jews of Serbia, Zoltai quickly arranged for his community to receive as many of them as possible. both leaders, now in their 70s, are Holocaust survivors. "For us," said Zoltai, "it would be difficult to know of such suffering by a Jewish community and not to help."

About 400 Jews from Serbia have become guests of the Budapest Jewish community. Since males between 14 and 65 cannot leave Serbia, families are now being split. In come cases, mothers have come with their children to Budapest; in others just the children have been sent.

But that is not all. Israel is also playing host to Muslim and Jewish refugees from the fighting areas. In fact, when we flew back to Israel that evening, 32 Yugoslav Jews who had been staying in Budapest came with us.

Some were coming as visitors, and others to make aliyah. All these efforts are also being assisted by JAFI and the JDC—that is, through resources provided by Jews everywhere.

In Israel, we visited with several of the hundreds of Kosovars and Serbs—Muslims and Jews—that the state is hosting.

Each had his own sad story, though all expressed gratitude for the kindness extended by Israelis and other Jews. Perhaps the most memorable exchange occurred when a member of the UJC delegation asked a Jewish family from Kosovo what they had expected before arriving in Israel. Anita Conforti, 22, translated her mother's answer into English: "Warm deserts and cold people."

What did you find after you got here?

"Paradise."

UNION CARBIDE CORPORATION TECHNICAL CENTER IN SOUTH CHARLESTON CELEBRATES ITS 50TH ANNIVERSARY

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. WISE. Mr. Speaker, I would like to extend my congratulations to the Union Carbide Corporation Technical Center in South Charleston in celebration of its 50th Anniversary.

As an innovator for Union Carbide activities worldwide, the Technical Center was first occupied in April of 1949 in the Research Building. Occupants from the Union Carbide South Charleston Plant soon occupied the Technical Center.

Since that time 50 years ago, the site has grown to approximately 650 acres with approximately 125 acres developed. By offering support through research and development of technology used in the chemical industry and providing engineering for the construction of plant facilities and support to computer systems, the Technical Center offers worldwide assistance to Union Carbide manufacturing businesses.

Building upon its success as an innovator as a multinational petrochemical company, Union Carbide now provides 25 percent of the world's manufacture of polyethylene. It should come as no surprise that Union Carbide has garnered awards for three of its products and services which were primarily developed at the Technical Center. These include the UNIPOL process for polyethylene, the low-pressure OXO process, used to make alcohols and acids and finally the production of ethylene oxide and the derivatives of ethylene oxide, in which Union Carbide is the world's largest producer.

I commend Dr. William H. Joyce, CEO of Union Carbide Corporation and the employees of the Technical Center and look forward to continuing a very productive working relationship. The Technical Center, in addition to being a highly profitable and decorated organization, has been a good corporate citizen in its involvement as volunteers in the area and a good partner for the community.

I again congratulate the Union Carbide Corporation Technical Center in recognition of its anniversary and offer my wishes for continued success and prosperity.

TRIBUTE TO MS. AMANDA IANNUZZI, BRONZE CONGRESSIONAL AWARD WINNER

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. DOYLE. Mr. Speaker, I rise today in praise of an outstanding young adult from the 18th Congressional District of Pennsylvania, Ms. Amanda Iannuzzi, a Congressional Award medal recipient. Amanda's commitment to self-development and community involvement serves as an inspiration to people of all ages, and illustrates the accomplishments that come with hard work and determination.

Without motivation, however, hard work and determination are destined to remain unfulfilled ideals. Amanda's motivation breathed life into innumerable commendable acts. Not only did Amanda involve herself in volunteer work, but invested time in broadening her artistic and physical skills. While much of what is directed towards young people is prescriptive in nature, it is important to note that these acts were of Amanda's own design and were completed with her own resolve.

Upon review of Amanda's achievements, one is particularly struck by the considerable amount of time that was devoted to obtaining this award. Hundreds of hours over the course of months were invested. Clearly, Amanda recognizes the immense value of giving one's time to help others. It is my hope that your actions foreshadow a life distinguished by the pursuit of new challenges.

Congratulations Amanda! Best wishes to you for continued success.

IN TRIBUTE TO THE LATE SHEL SILVERSTEIN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today in tribute to the life of Shel Silverstein, acclaimed children's author. I am deeply saddened that Shel Silverstein passed away at the age of 66 in Key West, Florida, on May 10, 1999. We mourn the loss of a man whose legacy will be remembered for years to come.

Mr. Silverstein is best known for his children's poetry, but I think it is safe to say that his poetry is enjoyable to adults as well. I, myself, am quite familiar with his works, as my daughter Danielle is a big fan of his poetry. Indeed, I am sure that many of my colleagues would recognize his work which includes Falling Up, A Light in the Attic, and Where the Sidewalk Ends.

Over the course of his career, Shel Silverstein won numerous awards for his work, including the Michigan Young Readers Award for Where the Sidewalk Ends. His books, which Shel illustrated himself, are packed with humor and colorful characters, and sold over 14 million copies throughout the course of his life. This is truly a testament to the widespread appeal of his work.

Though books such as the Giving Tree were the catalyst which led to Shel Silverstein's international acclaim, few people realize that Shel began his career in the 1950s while serving with the United States armed forces in Japan and Korea. While stationed overseas, Mr. Silverstein began drawing cartoons for "Stars and Stripes," the American military publication.

Apart from his success as a writer of poetry, Shel Silverstein was also successful in his attempts to write country-western music. In 1969, Johnny Cash made the Silverstein-penned tune "A Boy Named Sue" into a bonafide hit. Loretta Lynn made Shel's song "Ones on the Way" famous as well. In 1980, Shel even recorded an album of his own called "The Great Conch Train Robbery." This title clearly shows Shel's fondness for his home in Key West, as the title references the car of his friend Buddy Owen, owner of B.O.'s Fish Wagon, one of Shel's favorite places to eat.

Mr. Speaker, while Shel Silverstein's passing is a tremendous loss for our nation and the world, I can say without hesitation that his kindness and generosity will be missed especially by the Key West community. He was an extraordinary human being, but we are lucky to have so many wonderful memories of his life and work.

HONORING SISTER BRIGID DRISCOLL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. GILMAN. Mr. Speaker, I rise today to ask my colleagues to join in honoring sister Brigid Driscoll, President of Marymount College, who, as a prominent figure from my district, has been a role model for the espousal of women's education for the last forty years. Sister Brigid, who will be retiring from her position in June, has devoted her life to Marymount College, establishing its solid foundation within the educational arena and the greater Tarrytown, New York community.

For more than twenty years as its president, and before that as an administrator and faculty member, Sister Brigid's visionary leadership has overseen Marymount's transformation from a homogeneous liberal arts college exclusively for women, to an institution that maintains a strong focus on women, while serving an inclusive population of adult and international students. She has been recognized as an outspoken supporter of state and federal financial assistance for students, as well as a public policy advocate for independent higher education.

Among Sister Brigid's many contributions to Marymount was her vision for an educational setting that would enable many people in the surrounding communities to reach their full potential through education. In 1975, Sister Brigid founded Marymount Weekend College, one of the country's first full bachelor's degree programs for working women and men exclusively in the weekend format.

Sister Brigid's leadership and interest in the community is far reaching, as is her service and expertise in the field of education. Currently, she serves as a board member of First American Bankshares, Inc., the Westchester County Association, and as a member of Women's Forum, a group of 300 leading women in the professions, arts, and business in New York whose membership is by invitation only. In the educational sector, her present directorships include Saint Mary's College in Notre Dame, Indiana, Marymount School in New York City, the National Association of Independent Colleges and Universities, and the New York State Commission of Independent Colleges and Universities.

In the past, Sister Brigid has served on the board of Axe-Houghton funds, the Statue of Liberty/Ellis Island Commission, the United Way of American Second Century Initiative, the National Board of Girl Scouts USA, Governor Mario Cuomo's task force on the General Motors Plant Closing in Tarrytown, and Governor George Pataki's Transition Team for Education. Her previous directorships include the Council of Independent Colleges, the Westchester Education Coalition, and the Association of Catholic Colleges and Universities, where she also served as a representative to the Consultation on the Apostolic Constitution on Catholic Universities in Rome.

Recently, the issue of gender bias in America classrooms has sparked a national advertising campaign supporting women's achievements in education. Sister Brigid served on the committee of the Women's College Coalition that approved the creative content for the national campaign. Before the idea of this campaign was ever conceived, Marymount College, with the full support of Sister Brigid, responded to the challenge of making the educational needs of all women and girls a priority by creating the Marymount Institute for the education of women and girls, an organization offering workshops to educators and parents in the area of gender equity.

For her dedicated and distinguished service in many areas of professional and community life, Sister Brigid has been honored by the Westchester Chapter of the National Conference of Christians and Jews, the Sleepy Hollow Chamber of Commerce, and the Saint Jude's Habilitation Institute. Governor George Pataki honored her earlier this year with the Governor's Award for Excellence from the New York State Division of Women.

Honorary Doctorates of Humane Letters have been bestowed on Sister Brigid by Siena College and Marymount Manhattan College which, in addition, presented her with the Alumni Association Award for Distinguished Life Achievement. Now, at the close of the millennium, Marymount College has conferred upon its esteemed leader the Honorary Degree of Doctor of Humane Letters. Finally, in a ceremony later this month, Sister Brigid will be granted an Honorary Doctorate of Humane Letters by the College of New Rochelle.

After hearing this brief portrait of a remarkable woman, I know that my colleagues will want to join me in honoring and commending Sister Brigid Driscoll for her many achievements. I am confident that she will remain a vital component of Marymount's commitment to achieving equality of opportunity for women.

We join with Sister Brigid's many friends, students and admirers in wishing her good health and happiness in her retirement.

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INTRODUCTION OF THE CITIZEN LEGISLATURE AND POLITICAL FREEDOM ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. DOOLITTLE. Mr. Speaker, today Majority Whip TOM DELAY and I are joining the chorus of calls in Congress for campaign finance reform because we agree that the current system is broken. There is something fundamentally wrong with the way political campaigns in America today are financed.

However, the reforms encompassed in the bill we are introducing today take a very different direction than most bills that have been introduced on campaign finance thus far. These bills share a common thread—they call for more government regulation into federal campaigns.

I believe that the proposals that call for greater regulation of our campaign finance system misdiagnose the problem. I submit that what has caused our failed campaign finance system is the regulation itself. If we want to deal with the real, underlying problem, we need to undo the regulations.

The Doolittle-DeLay approach is the proper remedy to what ails our campaign finance system in that it removes the regulations. Moreover, and no less important, is that this approach is consistent with the Constitution because it restores our first amendment right to engage in political speech.

In 1974, in the wake of Watergate, Congress threw a regulatory web over the campaign finance system, a system that had gone largely unregulated throughout our nation's history.

Within two years of the reform's passage, the Supreme Court, in Buckley versus Valeo, struck down major parts of the new regulatory scheme on first amendment grounds.

Since that time, the campaign finance regulators have blamed every problem involving campaign financing on the Court's decision. There are those of us, however, who believe the problem is not that which the Court struck down, but rather that which was left intact, the present campaign finance law.

The regulators would do well to remember that it was not the Supreme Court that put unreasonably low limits on how much individuals and groups could contribute to campaigns while failing to index those limits for inflation. It was not the Supreme Court that ran roughshod over the first amendment rights of office-seekers and other citizens. And it was not the Supreme Court that stacked the deck against challengers, locking in incumbents at an unprecedented rate. No, the problem is not that the Court invalidated part of the regulators; grand scheme; the problem is that too much of their scheme remains intact.

I believe it is time we declare "the emperor has no clothes." It's time to dispel the myths perpetuated by the architects of today's failed campaign finance scheme. And while the regulators devise new such schemes on how to limit participation in elections and eliminate money from campaigns, we should look at the real problems that have been caused by their regulatory approach to reform.

Today's campaign finance system requires current and prospective office-holders to spend too much time raising money and not enough time governing and debating issues. The present system has also failed to make elections more competitive and allows millionaires to purchase congressional seats. While a millionaire can write a check for whatever amount he or she wants to their election campaign, everyone else is forced to live under the same hard dollar limits that were put in place in 1974, which have not even been adjusted for inflation.

Today's system hurts voters in our republic by forcing more contributors and political activists to operate outside of the system where they are unaccountable and, consequently, less responsible. The big government reformers agree with me on this point, but their solution, of course, is more regulation. Beyond being unconstitutional, more regulation, such as banning soft money and limiting issue ads (ala Shays-Meehan), will only make the system worse. I don't often agree with my hometown newspaper, the Sacramento Bee, but last year they put out an editorial on CFR which I agreed with on many points. Speaking about the Shays-Meehan bill they said: "It centers on two big wrong-headed reforms: prohibiting national political parties from collecting or using "soft-money" contributions, and outlawing independent political advertising that identifies candidates within 60 days of a federal election. That means the law would prohibit issue campaigning at precisely the time when voters are finally interested in listening—hardly congruent with free speech. Since that kind of restriction is likely to be tossed by the courts as a violation of constitutional free speech guarantees, the net effect of the changes will be to weaken political parties while making the less accountable "independent expenditure groups" kings of the campaign landscape.

I couldn't agree more. Because as long as we have a shred of a Constitution left, individuals will have the ability to act independently and spend as much as they have want on political causes. So, the net result of a Shays-Meehan bill would be to push political spending even farther away from the responsible candidate-centered campaign.

These are the problems we face today. And before we decide which reforms should be implemented, we need to decide where we want to go, and what kind of new system we wish to create.

To me, the answer is simple. Our goal should be a system that encourages political speech, and promotes freedom and a more informed electorate. We should strive for a system in which any American citizen can compete for and win elective office; a system that is consistent with the Constitution by allowing voters to contribute freely to the candidate of their choice.

By removing the limits on contributions, scrapping the failed presidential finance system, and providing full and immediate disclosure, the Citizen Legislature and Political Freedom Act would dramatically move us toward a desirable, constitutional, and workable campaign finance system.

HOLT-LUCAS-MOORE "LOCK-BOX" WILL PROTECT SOCIAL SECURITY AND MEDICARE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. HOLT. Mr. Speaker, I rise today to offer, along with my colleagues, Representatives LUCAS and MOORE, legislation to safeguard two of our nation's most important programs for the elderly, Social Security and Medicare.

As I travel around my central New Jersey District, I hear constantly from people who rely on Social Security and Medicare. Congress has no greater domestic priority this year than strengthening and protecting Social Security and Medicare. Our bill would ensure that that priority is recognized in law.

The Holt-Lucas-Moore Social Security and Medicare "lock-box" would require that every penny of the entire budget surplus, not just the Social Security surplus, be saved until legislation is enacted to strengthen and protect Social Security and Medicare.

Any new spending increases would have to be fully offset until solvency has been extended for Social Security by 75 years and for Medicare by 30 years. This requirement would be enforced by new points of order against any budget resolutions or legislation violating this condition.

My colleagues and I believe that spending any projected budget surpluses before protecting and strengthening Social Security and Medicare would be wrong. Projected budget surpluses over the next decade offer a once-in-a-lifetime opportunity for addressing the challenges that Social Security and Medicare face. This hard-won achievement resulted from responsible steps that were taken in the past. We should not deviate from the path of responsibility now, with problems looming over the horizon for Social Security and Medicare. In fact, we should follow the old adage to "fix our roofs when the sun is shining." This is in keeping with what the President has proposed.

Some portion of the surpluses outside of Social Security and Medicare will be needed to address the challenges that those programs will face. Thus, we should save Social Security and Medicare first before squandering any of the Social Security surplus, the Medicare surplus or any other government surplus.

Furthermore, paying off the public debt can make an important indirect contribution to the sustainability of Social Security and Medicare. Virtually all economists, including Federal Reserve Chairman Greenspan, argue that paying down the public debt would increase national savings, promote long-run economic growth and create a larger future economy to support a larger, retired population. Fiscal discipline has served our economy well in recent years by helping to sustain the longest peacetime expansion in United States history.

We are offering this proposal now because we are concerned about the carelessness with which some Social Security "lock-box" proposals are being brought to the floor, completely bypassing the normal committee process. Proposals to protect and strengthen Social Security and Medicare deserve thorough examination and careful consideration. Congress should not take short-cuts when considering changes to these hallmark programs for America's seniors.

For example, Congress is expected to consider this week the Herger-Shaw "lock-box" bill, which offers only the minimum protection for Social Security and Medicare. While Herger-Shaw does attempt to protect the Social Security surplus, merely doing this does nothing to extend solvency for Social Security, and it does nothing at all for Medicare. The Holt-Lucas "lock-box" is superior to Herger-Shaw because its lock-box is more secure and has more money in it. Holt-Lucas saves the entire surplus, not just the Social Security surplus.

Mr. Speaker, Social Security and Medicare are some of the most important and successful programs of the 20th Century. We must not forget that they provide vitally important protections for American seniors. A majority of workers have no pension coverage other than Social Security, and more than three fifths of seniors receive most of their income from Social Security.

Let's put the need of America's current and future retirees first.

SENATE—*Wednesday, May 26, 1999*

The Senate met at 9:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Our loving, heavenly Father, as we approach the Memorial Day recess, we pause gratefully to remember those who gave their lives for our Nation. "Greater love has no one than this, than to lay down one's life for his friends."—John 15:13. Help us never to forget their sacrifice in defense of our Nation and democracy. May we be a nation worthy of their dedication to the cause of freedom which cost them their lives.

Along with the heroes of the past we also remember our loved ones and friends who have graduated to heaven. Thank You for overcoming our fear of death with the sure conviction that this life is but a small part of the whole of eternity and death is a transition and not an ending. Help us to know You and love You in this life so that worry over death will be past. Thank You for the gift of eternal hope. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

ORDER FOR MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that there be a period of morning business until 10:15 this morning with Senators to speak for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. ALLARD. This morning, at 10:15, the Senate will resume consideration of the Department of Defense authorization bill and begin debate on amendments to the bill. Senator BROWNBACK is expected to offer an amendment regarding Pakistan, which will be followed by an amendment by Senator KERREY of Nebraska regarding strategic nuclear development systems. Under a previous consent, at 11:45 the Senate will resume consideration of the BRAC amendment. At least one vote will occur in relation to the BRAC amendment at 1:45 p.m. Therefore, Senators can expect the first vote for today to occur at approximately 1:45 p.m. Senators who have amendments to S. 1059 should contact the bill managers so action on this bill can be completed prior to the scheduled Memorial Day recess.

MEASURE PLACED ON CALENDAR

Mr. ALLARD. I understand there is a joint resolution at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will read the measure for the second time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 26) expressing the sense of the Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

Mr. ALLARD. I object to further proceedings on this matter at this time.

The PRESIDENT pro tempore. The measure will be placed on the calendar.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of morning business until 10:15. The Senator from Kansas is recognized.

LIFTING OF ECONOMIC SANCTIONS ON INDIA AND PAKISTAN

Mr. BROWNBACK. Mr. President, today we had this time reserved to discuss an amendment that I was planning to offer dealing with the lifting of economic sanctions on India and Pakistan. I did so in the belief, actually in the hope, that the bilateral relationship between India and Pakistan had improved in the wake of the Lahore summit. The summit seemed to imply that. Unfortunately, I was wrong.

According to Indian news agencies Indian helicopter gun ships, backed by MiG–17 fighter aircraft from India's air force bombed the troubled state of Kashmir, marking the most serious escalation of tensions on the Indo-Pakistani border in the last several years. As a result, I have reconsidered the wisdom of offering my amendment on India and Pakistan at this time.

It is important that I note here today that I strongly believe in the long term importance of easing economic sanctions on both of these nations. I also believe that the United States ignores at its peril these two vital countries. That reality is highlighted all the more by yesterday's release of the Cox report on China which, if nothing else, has clearly shown that China is a serious threat in South Asia—not to speak of a threat to our fundamental values around the world—and that we need to broaden our relationship with India in the South Asian subcontinent.

I hope to revisit this issue in the near future. Let me emphasize that I will not feel comfortable doing so until there is a serious de-escalation of tension on the subcontinent.

I just wanted to point this out and to enter into the RECORD an Associated Press story about India launching airstrikes into Kashmir against infiltrators. I think we have a lot to learn yet about what specifically took place. Those details are sketchy and not coming in at the present time.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDIA LAUNCHES AIR STRIKES IN KASHMIR AGAINST INFILTRATORS

(By Arthur Max)

DRAS, INDIA (AP).—Indian air force jets and helicopters fired on suspected guerrillas in the disputed Kashmir province today, marking the most serious escalation of fighting in the region since India and Pakistan tested nuclear weapons last year. Pakistan charged that Indian aircraft bombed its territory in the raids today and an army spokesman said the country is ready for "all eventualities."

"We think it is a very grave escalation and Pakistan armed forces reserves the right to respond," said Brigadier Rashid Quereshi, a military spokesman told The Associated Press. India said the attacks occurred solely on its own territory and that they were aimed at what it called Afghan mercenaries supported by Pakistani forces. The forces had moved into the Indian-controlled Himalayan region earlier this month and posed a threat to Indian supply lines in the Himalayan state, Indian officials said.

"This is the start of operations and they will continue until our defense forces reoccupy our territories. Any escalation of this conflict will be entirely the responsibility of Pakistan," the Defense Ministry said in a statement in New Delhi.

Pakistani Foreign Minister Sartaj Aziz said that Pakistan knew nothing about the infiltrators. "No one knows where they come from and who they are," he said.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Quereshi said the army rejected Indian claims. He said the Pakistan army suspects India wants to occupy Pakistan territory in that area.

India and Pakistan have fought two of their three wars over Kashmir, which is divided between them by a U.N.-monitored cease-fire line. More than 15,000 people have been killed in fighting between rebels and security forces in Indian-held Kashmir in the last 10 years.

Pakistan and India, which were partitioned when they gained independence from Britain in 1947, tested nuclear weapons in May 1998, prompting fears of a nuclear arms race in the subcontinent. Both countries claim all of Kashmir. India accuses Pakistan of sending militants across the border.

A Pakistani army spokesman said the Indian allegations that elite troops were aiding militants was "complete rubbish."

Indian Maj. Gen Joginder Jaswant Singh told reporters in New Delhi that the infiltrators have taken up positions four miles inside India in the Dras, Batalik, Kaksar and Mashkok mountains of northern Kashmir.

Intelligence reports, backed by photos taken by Indian satellites, showed at least 600 infiltrators, Singh said. The reports also said they have anti-aircraft missiles, radar, snowmobiles and sophisticated communications equipment.

The air force joined the operation because the infiltrators had occupied positions at altitudes of up to 16,000 feet, said Air Commodore Subash Bhojwani, director of offensive operations.

In Dras, 100 miles from the state capital of Srinagar, Indian army officers said the target of today's attack was some 70 infiltrators who had entrenched themselves on the slopes of the snowcapped hills, looking down at Indian army convoys, 2,700 feet below.

Their command of the heights handicapped Indian soldiers trying to evict them, officers told The Associated Press.

Army officers in the area said the infiltrators must have taken months to occupy the posts. They said Indian forces could take three to six months to clear them.

The attacks were carried out within Indian-occupied regions, Indian Brig. Mohan Bhandari said. Troops were expected to take over the intruders' positions once they retreat, officials said.

The exchange of mortar and heavy artillery fire in the Kargil and Dras regions has left at least 160 people dead, Bhandari said. Thousands of residents of the region have fled to safe villages along the Suru River.

The attack came a day after Prime Minister Atal Bihari Vajpayee said all steps including airstrikes would be taken to push back the infiltrators. Vajpayee said he warned his Pakistani counterpart, Nawaz Sharif, to withdraw the intruders in a telephone conversation Monday.

Mr. BROWNBACK. Mr. President, I want to simply note again that we held a hearing yesterday on what is taking place in India and on military and political issues. The United States needs to broaden its relationship with India. We have a broad-based relationship with China which has been strained and stressed. China is an authoritarian country. India is a democracy. There are a number of places that we are sanctioning India where we don't sanction China at all. Yet these are comparable-sized countries. One has a democratic tradition, the other an authoritarian. There are a number of problems in China that we aren't experiencing with India.

We need to broaden this relationship with India and with Pakistan. It is just that at the present time, given what has just taken place in the escalating of tension in this subcontinent by Indian military forces, I don't feel comfortable offering this amendment.

I look forward to working in good faith with all of my colleagues to address the United States-South Asian relationship. I note to Members of the Senate that we will be holding hearings in the Foreign Relations Committee to look further into what we need to do in building this stronger relationship.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I have 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

HUMAN TRAFFICKING FOR FORCED LABOR IN AN AMERICAN COMMONWEALTH

Mr. AKAKA. Mr. President, I rise today to call your attention to a scandal in an American commonwealth. It is a scandal that involves forced labor and sex trade workers. It's not a pretty picture. It is a picture of a tropical paradise destroyed by greed and corruption.

In the Commonwealth of the Northern Mariana Islands, foreign workers have been imported in mass to assemble goods for export to the United States. Taking advantage of loopholes in our immigration and labor laws, foreign businessmen use the Mariana Islands as a base to export garments to the United States. These foreign businessmen pay no export taxes, and their goods are not subject to textile quotas. Their workers are paid below minimum wage levels, if paid at all, and often live in deplorable conditions.

Women from Asia and Russia are imported with the promise of high paying jobs in the United States only to find themselves marooned with no means of escape, forced to work as prostitutes in the booming Mariana sex trade.

This long-running scandal has been exposed once again by the Global Survival Network. This American-based nongovernmental organization which uncovers human rights violations sent an undercover team to the CNMI to gather evidence on the continued use of forced labor in the commonwealth. They have just issued their report which was the subject of an ABC News segment on "20/20." If you did not see the television broadcast, please read the report which I am sending to every Senator.

Entitled "Trapped: Human Trafficking for Forced Labor in The Commonwealth of The Northern Mariana Islands (a U.S. Territory)," the report demonstrates in disturbing detail the continued trafficking of humans for indentured labor in factories and sex trade emporiums in the Marianas. Implicating organized crime groups from the People's Republic of China, South Asia, and Japan, the report estimates that there are about 40,000 indentured workers in the CNMI, earning about $160 million in profits for criminal syndicates.

Indentured workers are being used to manufacture ostensibly as "Made in the USA" garments for export to the United States. None of these goods are required to be shipped to the U.S. on U.S.-flag ships in accordance with the Jones Act. This duty-free, quota-free zone in which foreign workers produce high value goods at below minimum wage is an entirely legal scheme for Chinese and other foreign manufacturers to bypass American textile quotas.

The report also graphically details the increasing use of CNMI's loose immigration standards to make this former tropical paradise a major center for the booming Asian sex trade. Women from Asia and Russia are being lured to the Northern Marianas with promises of work opportunities in the United States only to find themselves imprisoned on islands from which there is no escape unless they agree to their employer's demands that they become prostitutes and sex hostesses. This sick trade in prostitution must be stopped.

Loopholes in the Immigration and Nationality Act and the Fair Labor Standards Act of 1938 need to be plugged as soon as possible. I hope you will join me in ending this deplorable situation in which men and women are being used virtually as slaves on an American commonwealth.

Their report makes many important recommendations. Let me call your attention to four key issues which the Congress could and should act upon this year:

Extend the Immigration and Nationality Act to the CNMI;

Extend the Fair Labor Standards Act of 1938 to the CNMI;

Revoke the CNMI's ability to use the "Made in the USA label" unless more than 75 percent of the labor that goes into the manufacture of the garment comes from U.S. citizens and/or aliens lawfully admitted to the U.S. for permanent residence, and other appropriately legal individuals; and

Revoke the CNMI's ability to transport textile goods to the United States free of duties and quotas unless the garments meet the above criteria.

This week's report prepared by the Global Survival Network is not the first analysis raising concerns about conditions in the CNMI. In recent years, a chorus of criticism has surfaced about the Commonwealth.

For example, the Immigration and Naturalization Service reports that the

CNMI has no reliable records of aliens who have entered the Commonwealth, how long they remain, and when, if ever, they depart. A CNMI official testified that they have "no effective control" over immigration in their island.

The bipartisan Commission on Immigration studied immigration and indentured labor in the CNMI. The Commission called it "antithetical to American values," and announced that no democratic society has an immigration policy like the CNMI. "The closest equivalent is Kuwait," the Commission found.

The Department of Commerce found that the territory has become "a Chinese province" for garment production.

The CNMI garment industry employs 15,000 Chinese workers, some of whom sign contracts that forbid participation in religious or political activities while on U.S. soil. China is exporting its workers, and its human rights policies, to the CNMI. Charges of espionage by China and security lapses in U.S. nuclear weapons labs have justifiably raised serious concerns in Congress. Every Member of Congress should be equally concerned with the imposition of Chinese human rights standards on American soil.

The CNMI is becoming an international embarrassment to the United States. We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuses and the treatment of workers.

Despite efforts by the Reagan, Bush and Clinton administrations to persuade the CNMI to correct these problems, the situation has only deteriorated.

After years of waiting for the CNMI to achieve reform, the time for patience has ended. Conditions in the CNMI are a looming political embarrassment to our country.

I urge the Senate to respond by enacting S. 1052, bipartisan reform legislation introduced by my colleagues on the Senate Energy and Natural Resources Committee, Chairman MURKOWSKI and Senator BINGAMAN.

I urge the Senate to move on this measure as quickly as we can.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1124 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, are we in morning business, and are there time limits?

The PRESIDING OFFICER. The Senate is in morning business until 10:15. The Senator is authorized to speak for up to 10 minutes.

Mr. GORTON. I thank the Chair.

MICROSOFT VERSUS DOJ

Mr. GORTON. Mr. President, what a difference a year makes. One year ago last week, the United States Government filed a Sherman Antitrust lawsuit against the Microsoft Corporation. This anniversary is a good time to review that lawsuit and to see how radically the universe of competition has changed in just twelve months.

I am not at all unbiased. I believe that the Government was dead wrong in bringing this lawsuit. I believe that the lawsuit is bad for consumers, bad for technological innovation, and bad for a marvelous company that is headquartered in my State.

But even an independent analysis would conclude that the case that the Clinton administration brought twelve months ago bears little resemblance to the case it now argues. Since then the Government's case hasn't been tried in the courthouse as much as on the courthouse steps, bypassing the law and aimed directly at public opinion through a national media that delights in highlighting any Microsoft misstep even though it has no relation to any harm to consumers.

The administration pursues this case for ideological reasons. This administration is filled with people who are offended by anyone or any company that is too successful. They believe that it is fundamentally unfair that Microsoft does so well. Much of the national media seems to share this view.

The administration has, however, miscalculated the views of a majority of Americans. Despite the Government's attempts to turn the public against Microsoft, it continues to be one of the most respected companies in America, and a majority of Americans believe Microsoft is right and the Government is wrong in this current lawsuit.

In a recent poll conducted by Citizens for a Sound Economy, 82% of those polled responded that Microsoft is good for American consumers. This survey also found that seven-out-of-ten American consumers feel that technology companies, not the Federal Government, should determine what features and applications are included in the software that consumers use with their computers.

Most Americans understand the value that Microsoft has brought. Microsoft products make nearly every business in America more competitive. The technology revolution fueled by Microsoft has made Americans secure in their jobs and made more families secure in their future.

Microsoft has also helped usher in the most important change occurring on earth: today the power of information has been taken from a few large centralized institutions and put directly into the hands of people in every town and village across our globe via the Internet.

The explosive growth of the Internet will eventually have a fundamental impact on every aspect of American life. A recent Newsweek article describes what it calls the "New Digital Galaxy" which allows consumers to operate devices from coffee-makers to dishwashers via Internet access. This will introduce a vastly different landscape in high-technology than exists today. Users will not necessarily use stationary Personal Computers to access information, but instead rely on Web phones, palmtop computers and similar technology that is advancing at an exponential rate.

The Internet has had the fastest adoption rate of any new medium in history. Over 50 million users were connected in the first five years. To reach the 50 million user milestone, it took 38 years for radio, 13 years for television, and 10 years for cable. On top of this initial growth, the number of users continues to increase by an astounding 37% per year. It is projected that 200 million people worldwide will be connected to the web in 1999, and half a billion by 2003. To handle the volume, the backbone of the Internet now doubles in capacity every 100 days.

Not only is the number of users increasing exponentially, but the amount of information available to them is also growing at an unprecedented level. The International Data Corporation estimates the number of web pages on the World Wide Web at 829 million at the end of 1998, and projects that the number grow by 75 percent to 1.45 billion by the end of 1999. By 2002, according to IDC, there will be 7.7 billion web pages.

What does this mean to the future of global commerce? Considering that 18 million consumers made purchases on the Internet in 1997, and that number is projected to increase to 128 million by 2002, the possibilities are limitless. In real dollars, this translates into $200 billion in Net-based commerce by 2000, and $1 trillion by 2003.

We can't begin today fully to understand the scope of freedom for people that this information revolution will bring. And all the while Microsoft and its competitors continue to bring better products at lower prices to all consumers.

While this case has been in the court, we have heard almost no discussion about whether the dramatic changes of the last year have rendered this case moot. I believe they do, and here's why.

In the presence of a company exerting real monopoly power, competitors would be stifled, prices would rise, choices would be curtailed, consumers would be harmed. In fact, in the last twelve months the real world for consumers has improved by all of these measures. Competition in the technology industry is alive and well and nipping at the heels of Microsoft—all great news for consumers. Prices are down, choices are up, innovation is rampant.

The U.S. software industry is growing at a rate more than double that of the rest of the economy. The number of U.S. software companies has grown from 24,000 in 1990 to an estimated 57,000 in 1999. The number of U.S. software industry employees has grown from 290,000 in 1990 to an estimated 860,000 in 1999, with an average rate of growth of 80,000 per year from 1996 to 1999. Do these growth figures sound like they come from an industry that is dominated by a Monopoly player?

Mr. President, the bottom line is that the industry is thriving. It shows that we do not need the government picking winners and losers. While the nature of the government's case has been forced to change in the last year, the administration seems determined to punish this successful company and to use the power of the government to reward Microsoft's competitors. These are the very competitors whose alliances have radically changed the competitive landscape of the Information Technology industry in just the last few months.

When the case began, AOL and Netscape were two large successful companies. Today they're gigantic, teamed with Sun and ready to compete in the next frontier of the Information Technology industry—the Internet.

When the case began, MCI Communications and WorldCom were two separate companies, as were Excite and @Home. Yahoo hadn't yet bought GeoCities and Broadcast.com.

When the case began AT&T was a long distance company. Today, AT&T could influence more than 60% of cable systems in the United States.

Microsoft has continued to excel, in spite of simultaneously fighting off the government and its competitors. But, far from being stifled, Microsoft's competitors and potential competitors also have increased their market value by dizzying percentages over the last year:

AOL—up 555 percent;

Amazon—up 838 percent;

Sun Microsystems—up 209 percent;

IBM—up 91 percent; and

Yahoo—up 455 percent.

Microsoft is up 83 percent.

To me that's good news, and I hope it happens again this year. But that success leads me to wonder: if these competitors are so injured by Microsoft, why is the Dow Jones Industrial Average up 20% and the more technologically driven NASDAQ up a more startling 40% since the trial began?

A May 7 article in the Washington Post outlines the previously undisclosed lobbying activity on the part of a multi-billion dollar coalition of Microsoft competitors, consisting of Netscape and AOL, as well as ProComp, Sun and Oracle, who collectively have outspent the Redmond-based software firm by almost $4 million. The Post story made clear that Microsoft has been scrambling just to catch-up.

Economist Milton Friedman recently warned about the possible impacts of the suit on the high-technology industry as a whole. He pointed out the obvious flaw in the competitors' strategy, which is involving government regulators. Mr. Friedman states, "Silicon Valley is suicidal in calling government in to mediate in disputes among some of the big companies in the area and Microsoft . . . once you get the government involved, it's difficult to get it out." I couldn't agree more.

Mr. President, with the Sherman antitrust action by the government against Microsoft entering its second year, the only question that remains is why this lawsuit continues. I urge my colleagues to join me in seeking an answer to that question.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I believe the morning hour has expired. I move for the regular order.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

> A bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain/Levin amendment No. 393, to provide authority to carry out base closure round commencing in 2001.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I see no other Senator here at this moment. I believe there is another Senator who will be here at about 10:30 to offer another amendment, but I would like to submit an amendment for consideration at this point.

AMENDMENT NO. 394

(Purpose: To improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities)

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 394.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I am pleased to offer this amendment on behalf of myself, and Senators WARNER, SHELBY, MURKOWSKI, DOMENICI, SPECTER, THOMAS, KYL, and HUTCHINSON.

This package is the product of the serious investigative and oversight work performed by the relevant committees and other Senators who have devoted considerable attention to the issues of satellite exports, Chinese espionage, lax security at DOE facilities, foreign counterintelligence wiretaps, and more. I commend my cosponsors and others for their helpful efforts in this regard.

I have stated that the damage to U.S. national security as a result of China's nuclear espionage is probably the greatest I have seen in my entire career. And, unfortunately, the administration's inattention to—or even hostility towards—counterintelligence and security has magnified this breach.

It is simply incredible that China has acquired sensitive, classified information about every nuclear warhead in the U.S. arsenal. But this apparently is precisely what happened.

It is simply incredible that American companies illegally provided information to the Chinese that will allow them to improve their long-range missiles aimed at American cities. But this apparently is exactly what happened.

It is simply incredible that American exports were delivered to certain Chinese facilities that will assist their weapons of mass destruction program. But this apparently is exactly what happened.

It is simply incredible that it took this administration 2 years from the date the National Security Adviser was first briefed by DOE officials on the problem of Chinese espionage at the nuclear weapons laboratories, to sign a new Presidential directive to strengthen counterintelligence at the labs and elsewhere. But this apparently is exactly what happened.

And, after all this, it is simply incredible that the President would claim that all this damage was a result of actions of previous administrations and that he had not been told of any espionage that had occurred on his watch. But this is exactly what the President said in a mid-March press conference.

As I have stated previously, the Congress must take several steps to better understand what happened and how it happened, and to lessen the likelihood of a recurrence of such events in the future.

First, we must aggressively probe the administration to determine the facts. We know much of what happened. But we don't have all the facts, and we certainly don't know why certain events unfolded the way they did. We need to get to the bottom of that.

Several committees are exploring aspects of this scandal, and it is multifaceted: DOE security; whistleblower protections; counterintelligence at the FBI; CIA operations; export controls; illegal campaign contributions; the Justice Department; the Foreign Intelligence Surveillance Act, FISA; DOD monitoring of satellite launches in China; waivers of laws for companies under investigation for illegal activities; and much, much more.

Second, we must take all reasonable steps now to remedy problems we have identified to date. Does this mean that the actions recommended in this bill, or in this amendment, will solve the problem of lab security for all time? Of course not. But they do represent important first steps in addressing the myriad problems that have emerged during the various on-going investigations.

For example, we know that security and counter-intelligence at the labs was—and is—woefully inadequate. We can take steps to begin to fix that problem.

We know that the Clinton Commerce Department failed miserably to adequately control and protect national security information as it relates to commercial communications satellites and rocket launchers. We took steps last year in the Defense authorization bill to help protect national security by transferring from Commerce to State the responsibility for reviewing license applications for such satellites.

Third, we must hold appropriate executive branch officials accountable for their actions. This means we need to understand why certain Clinton administration officials acted the way they did. Why, for example, were DOE intelligence officials told they could not brief the Congress on aspects of this espionage investigation and its implications? Why did the Reno Justice Department refuse to approve a wiretap request? Why was a certain suspect's computer not searched much, much earlier when, in fact, the suspect had agreed several years earlier to such a search? And why was a waiver granted for the export of a satellite built by an American company that was under investigation by the Department of Justice and whose head was the single largest individual contributor to the Democratic National Committee?

In posing these and other questions, does this mean the Senate is on some partisan witch-hunt? Absolutely not. I recognize that a full understanding of this issue requires going back decades.

For example, the reports recently issued by the Senate Intelligence Committee and the Cox Committee in the House reviewed documents from prior administrations.

But simply saying that errors were made in previous administrations cannot and does not absolve this President and this administration from responsibility. In fact, this administration's record in the area of security and counter-intelligence, in its relations with China, and in several other areas, leaves much to be desired.

As I said before, there are some steps we can and should take now. For example, the Defense authorization bill before us now proposes several important measures regarding Department of Energy security and counterintelligence. Likewise, the intelligence authorization bill includes several legislative proposals on this topic as well.

My amendment is entirely consistent with, and indeed builds upon, those two vital legislative measures. Allow me to describe what this amendment proposes to do.

First, it seeks to address the Loral episode, wherein the President approved a waiver for the export of a Loral satellite for launch on a Chinese rocket at the same time Loral was under investigation by the Justice Department for possible criminal wrongdoing.

This amendment requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It also requires the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

I am absolutely convinced that had these "sunshine" provisions been in effect at the time of the Loral waiver decision, I doubt very seriously that the President would have issued his decision in favor of Loral.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called "satellite launch campaigns" in China and elsewhere.

For instance, under this amendment, the DOD monitoring officials will be given authority to halt a launch campaign if they felt U.S. national security was being compromised. In addition, the Secretary will be obligated to establish appropriate professional and technical qualifications, as well as training programs, for such personnel, and increase the number of such monitors.

Furthermore, to remove any ambiguity as to what technical information may be shared by U.S. contractors during a launch campaign, the amendment requires the Secretary of Defense to review and improve guidelines for such discussions. Finally, it requires the Secretary to establish a counter intelligence program within the organization responsible for performing such monitoring functions.

Third, my amendment enhances the intelligence community's role in the export license review process. This responds to a clear need for greater insight by the State Department and other license-reviewing agencies into the Chinese and other entities involved in space launch and ballistic missile programs. In this regard, it is worth noting that the intelligence community played a very modest role in reviewing the license applications for exports that subsequently were deemed to have harmed national security.

This section also requires a report by the Director of Central Intelligence on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, based on concerns that China continues to proliferate missile and missile technology to Pakistan and Iran, this amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime, MTCR, as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system. Any honest appraisal would lead one to the conclusion, I believe, that China has not demonstrated such a commitment and does not have in place effective export controls.

Now we know, from documents released by the White House as part of the Senate's investigation, that the Clinton administration wanted to bring the PRC into the MTCR as a means of shielding Beijing from missile proliferation sanctions laws now on the books. This section sends a strong signal that such an approach should not be undertaken.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. As we have seen recently with a number of failed U.S. rocket launches, there is a crying need to improve the performance of U.S.-built and launched rockets. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the elimination of legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch and suggests that, if a decision is made to phase-out the policy, then launches of such satellites in the PRC should occur only if they are licensed as of the commencement of the phase-out of the policy and additional actions are taken to minimize the transfer of technology to the PRC during the course of such launches.

Sixth, the amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied. This addresses a legitimate concern expressed by U.S. industry about the current export control process.

I not that each of these recommendations was included in the Senate Intelligence Committee's "Report on Impacts to U.S. National Security of Advanced Satellite Technology Exports to the PRC and the PRC's Efforts Influence U.S. Policy." That report was approved by an overwhelmingly bipartisan vote, so there is nothing partisan whatsoever in these recommendations.

My amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year. That report, my colleagues may recall, was both informative and deeply troubling in its assessment that the PRC has underway a massive buildup of missile forces opposite our friend, Taiwan.

Annual submission of this report will assist the Congress in working with the administration in assessing future lists of defense articles and services requested by Taiwan as part of the annual arms sales talks between the U.S. and Taiwan.

Eighth, the amendment proposes a mechanism for determining the extent to which then-Secretary of Energy Hazel O'Leary's "Openness Initiative" resulted in the release of highly-classified nuclear secrets. We already know, for example, that some material has been publicly-released that contained highly-sensitive "restricted Data" or "Formerly Restricted Data."

While we are rightly concerned about what nuclear weapons design or other sensitive information has been stolen through espionage, at the same time we must be vigilant in ensuring that Mrs. O'Leary's initiative was not used, and any future declassification measures will not be used, to provide nuclear know-how to would-be proliferators in Iran, North Korea, and elsewhere.

Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees, versus the Office of Personnel Management as is currently the case. I applaud the Armed Services Committee for including additional funds in their bill for addressing the current backlog of security investigations.

Tenth, and lastly, the amendment proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges, should such exchanges occur in the future. For example, having trained counter-intelligence experts go along on any and all visits of lab employees to sensitive countries, is a small but useful step in the direction of enhanced security.

Mr. President, I readily concede that this package of amendments will not solve all security problems at the Nation's nuclear weapons laboratories. Nor will it solve the myriad problems identified to date in the Senate's ongoing investigation of the damage to U.S. national security from the export of satellites to the PRC or from Chinese nuclear espionage.

These are, as I mentioned before, small but useful steps to address known deficiencies. Most of these recommendations stem from the bipartisan report issued by the Intelligence Committee.

I strongly urge my colleagues to support this important amendment.

In summary, good work has been done by the Cox committee in the House of Representatives. They should be commended for the work they have done in this critical area. They should be commended for the fact that it has been bipartisan. It would have been easy for them to veer into areas or procedures that would have made it very partisan. They did not do that.

The same thing is true in the Senate. The Senate has chosen so far not to have a select committee or a joint committee. The Senate has continued to try to do this in the normal way.

We have had hearings by the Intelligence Committee. They have done very good work. Chairman SHELBY has been thoughtful and relentless, and he continues in that way. The Armed Services Committee, under Senator WARNER, the Energy Committee, under Senator MURKOWSKI, Foreign Relations, Governmental Affairs—all the committees with jurisdiction in this area have been having hearings, they have had witnesses, and they have been coming up with recommendations.

As a matter of fact, some of the recommendations that have been developed are included in this Department of Defense authorization bill. I understand other proposed changes to deal with these security lapses and with counterintelligence will be included in the intelligence authorization bill that will come up in early June.

I do not believe we should rush to judgment. We should make sure we understand the full ramifications of what has happened. We should not say it has been just this administration or that administration or the other administration. This is about the security of our country. I agree with Congressman DICKS when he quoted former Senator Henry Jackson about how, when it comes to national security, we should all just pursue it as Americans.

This amendment I have just sent to the desk is a further outgrowth of some of the information we have found through some of the hearings that have occurred. There were some provisions in it that I am sure would have evoked some criticism, and we have taken those out, so that we can take our time and deal more thoughtfully with it over a period of time.

We are going to have to deal with the Export Administration and the fact that law was allowed to lapse back in 1995. But there are some things we can do now. To reiterate, this is what this amendment will do:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It will also require the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called satellite launch campaigns in China and elsewhere.

Third, the amendment will enhance the intelligence community's role in the export license review process and requires a report by the DCI on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, the amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system.

The amendment expresses strong support for stimulating the expansion of the commercial space launch industry in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry. That is why we have seen more of this activity occur in other countries, particularly China and even Russia, because we do not have that domestic commercial space launch capability here. We should eliminate legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch.

The amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied.

The amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report developed earlier this year and was delivered to the Congress.

The amendment proposes a mechanism for determining the extent to which classified nuclear weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE Laboratory employees versus OPM. It seems to me that really is beyond the capabilities of the Office of Personnel Management. Surely, the FBI would be better conducting the security background investigations. This does not call for putting the FBI totally in charge of security at our Labs, for instance. That is something we need to think about more. I had thought the FBI should be in charge, and there are some limitations in that area. That is an area we should think about a lot more. We should work through the committee process. We should think together in a bipartisan way about how to do it.

Clearly, the security at our Laboratories has to be revised. We have to have a much better counterintelligence process, and our committees are working on that.

Last, the committee proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE Laboratory-to-Laboratory exchanges.

These are pieces that I think Senators can agree on across the board. They are targeted at dealing with the problem, not trying to fix blame, not claiming that this is going to solve all the problems. But these are some things we can do now that will help secure these Laboratories in the future and get information we need and give enhanced capabilities to the intelligence communities.

I urge my colleagues to review it. It has been, of course, considered by the committees that have jurisdiction. We have provided copies of it to the minority, and we invite their participation. I believe this is something that can be bipartisan and can be accepted, after reasonable debate, overwhelmingly. I certainly hope so. I appreciate the opportunity to offer this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished majority leader for this initiative. We have had in his office a series of meetings with the chairmen, as he enumerated, and this piece of legislation has been very carefully crafted drawing from each of the committees the work they have done thus far.

The Senate Armed Services Committee, as the majority leader has said, has taken an active role in addressing the issues. I refer colleagues to page 462 of our report, which is on each desk. In there, we have a subtitle (D) related to this subject. We are bringing this together.

I thought it was important—and I consulted with the majority leader this morning—to lay this down so all Senators have the opportunity to view it. Our distinguished colleague, the ranking member, has sent it out to the various Departments and agencies of the Federal Government for comment. In the course of the day, as I am sure my colleague from Michigan will agree, we will basically try to allow Senators at any time to address this particular amendment by Senator LOTT and, indeed, the provisions that we have in our bill.

This is an important subject. It is a timely subject. All Senators hopefully will strive to achieve bipartisanship because we recognize that this problem goes back several administrations, although I have my own personal views that this administration must account for some actions which I find very disturbing—in other words, why corrective measures were not brought about more expeditiously. But time will tell.

Also, I believe it is important to recognize that the United States of America in the next millennium will be faced with an ever-growing and ever-important nation, China. We as a nation must remain engaged with China, whether it is on economic, political, human rights, or security issues. China and the United States are the two dominant leaders, together with Japan and, indeed, I think South Korea, in that region to bring about the security which is desperately needed.

So let us hope that in due course we can, on this bill, put together a bipartisan package. We already have one amendment in there, and it passed our committee with bipartisan support.

Mr. LEVIN. Would the Senator yield while the majority leader is on the floor so I could give a 30-second comment?

Mr. WARNER. Absolutely.

Mr. LEVIN. We welcome the proposal of the majority leader. We have worked very closely, on a bipartisan basis, on the committee on what is in the bill already and to which the majority leader has made reference. We will continue and look forward to working with the majority leader, on a bipartisan basis, on his proposal. The committees of jurisdiction and I are reviewing that. We got it last night. We welcome very much these kinds of suggestions and will address them in the same kind of bipartisan approach that the good Senator from Virginia, our good chairman, has just made reference to.

Mr. LOTT. Mr. President, if the Senator would yield?

Mr. WARNER. Of course.

Mr. LOTT. I just say, I appreciate your comments and your attitude. If we have problems, we can address those problems in a bipartisan way to deal with the future. And that is my intent. I will be glad to work with you. Thank you for your comments.

Mr. LEVIN. I thank the chairman for yielding.

Mr. WARNER. I thank my distinguished colleague.

If I may note, with a sense of humility, Senator LEVIN and I are now entering the third day on this bill. To the best of my recollection—which is 21 years that we have been working together on authorizations bills—we may have set a record thus far. That record is not necessarily owing to the efforts of the ranking member and myself but all Senators in cooperating in moving this bill along; the record being we only had one quorum call, this being the third day.

We started on a Monday, when ordinarily things do not move as quickly; but we had one single quorum call, I think, for about 3 or 4 minutes on Monday. Yesterday, throughout, we stayed here until close to 9 o'clock last night working on amendments. So I thank the Senator, my colleague, my friend from Michigan. I thank all Senators.

We just had another Senator come on the floor in a timely way. He is right on the split second of when he is due to bring up his amendment.

So with the cooperation of other Senators, I am hopeful we can finish this bill tonight. I have discussed that with the majority leader, and he is going to give us total support. We will just drive this engine, hopefully into the early hours of the evening, and complete it.

But I do bring to the attention of Senators that I will place on the majority leader's desk here, as I manage the bill, three pages of amendments. There they are. We have to work our way through these today. My colleague, Mr. LEVIN, and I will be here throughout the day to assist Senators in accommodating them with their desire regarding these amendments.

Mr. LEVIN. If the chairman would just yield for a comment?

Mr. WARNER. Yes.

Mr. LEVIN. I commend him for his leadership, which made our good progress possible. When he points out how few quorum calls we have had on this bill, the only suggestion I have in addition to the ones he has made is that there is a lot of wood around here to knock on, and we need to knock on wood that this will continue along the lines it has with very few quorum calls and significant progress.

I do see the Senator from Nebraska on the floor. We look forward to his offering that amendment. Then I believe at 11:45, under the current unanimous consent agreement, we are going to return to the BRAC amendment and then have a vote on that. That would be the first vote, as I understand the UC.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. LEVIN. That would be at 1:45.

Mr. WARNER. Mr. President, on the subject of BRAC, again, the distinguished Senator from Michigan, the distinguished Senator from Arizona, Mr. McCAIN, the distinguished Senator from Rhode Island, Mr. REED, the distinguished Senator from Maine—my recollection is there was one other Senator who spoke last night in the debate on the BRAC process, so we have had a considerable amount of debate. There are 2 hours allocated. I am not certain that all 2 hours will be needed. But I urge Senators to come over as quickly as possible when that amendment comes up on the schedule, and we can hopefully move through that debate and on to other matters.

I yield the floor.

Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 395

(Purpose: To strike section 1041, relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Nebraska.

The legislative assistant read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 395.

Mr. KERREY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

Mr. KERREY. Mr. President, first of all, let me say that this piece of legislation being considered right now, in my view, of all the laws we write and all the laws we consider, is the one that is most vital. If we do not have a defense that is able to defend not just the United States of America but our interests, all the rest of it is secondary, in my view.

I am very impressed—I came to this Senate in 1989, and I came to the Senate without the experience of having gone to law school. I was trained in other matters. The longer I am here, the more impressed I am both with the law itself and the power of this law. I cannot help but, as I begin to describe my own amendment, take a little bit of time to describe the connection between the law and things people see in their lives that they may not see as having been caused by the law itself.

We do not have an Army, Air Force, Navy, Marine Corps without this piece of legislation, which is, I think—I don't know—500-and-some pages long, with a report with it as well. This law creates our military. It authorizes appropriations to be made. It authorizes us to go out and recruit people to serve in our Armed Forces.

We are going into the Memorial Day weekend during which I guess many, if not most, of us are going to be called upon to comment upon the meaning of Memorial Day—what does this day mean to us in our lives.

For me, it is a time to reflect and say that these 1,360,000 men and women who are currently serving our Nation, and the half million Reserve and Guard men and women who are out there as well, are part of a long tradition of American men and women who have given up their freedom, because in the military they have a different code than we have in the private sector. The standards of justice are different. The expectations are different.

In the military, the command structure is such that if I have command—which I did many, many years ago—if I have command and do well, I get a medal. But if I do poorly, my fitness report will be so bad I will be looking for a private sector opportunity. We have a responsibility we cannot delegate. That imposes upon an individual who is in the military real burdens that are different from what we have in the private sector—real responsibilities that are completely different.

A man or woman who serves us today, who serves the cause of freedom today in our Armed Forces, does something that is much different from most private sector citizens. I begin my comments on this amendment by saluting them, by thanking them for taking what, unfortunately, today is almost a nonmainstream action, and that is based upon their love of country and their love of freedom, saying: We're willing to sacrifice our freedom; we're willing to give up rights that most private sector citizens have.

Furthermore, nobody should doubt that in normal training operations it is possible to be injured or to even lose your life. A lot of these training operations are dangerous. So they are risking their lives on a day-to-day basis. Obviously, they are involved today in Kosovo; they are involved in the Balkans; they are involved with containing Saddam Hussein; they are involved on the Korean peninsula; they are forward deployed in areas around the world where we have interests, not just interests that are only of the United States, but interests in values that we hope will spread worldwide.

All of us had the opportunity—I did; I took advantage of the opportunity—to sit and listen to Presidents Kim Dae-jung of South Korea and Vaclav Havel of the Czech Republic and Nelson Mandela of South Africa when each spoke at a joint session of Congress across the way in the House of Representatives, and looked down to every representative of the people and said: Thank you, American people. You put your lives on the line, and we are free in South Korea today as a consequence. You put your lives and resources on the line, and we are free in the Czech Republic because of it. You have put your lives and resources on the line in South Africa, and we are free there as well. Your efforts enabled us to be free, these three individuals said. Many others have said the same thing.

It is not a cliche that freedom is not free. This piece of legislation, this important piece of legislation, has us supporting 1,360,000 men and women in the military, and half a million Reserve and Guard people who are actively involved in the cause of defending freedom in the United States of America and throughout the world. This is an extremely important piece of legislation. I argue if we don't get this one right, all the rest of it is secondary. If this piece of legislation, if this law is not written correctly, all the rest of it doesn't matter.

I begin my comments this morning praising Chairman WARNER and the ranking member, Senator LEVIN, who have led the Armed Services Committee to give us this piece of legislation. They understand this piece of legislation keeps America safe. This is about security. We can't cut corners. We can't scrimp. We can't say we will just go partially there. We have to answer the question: What do we need to do to keep the people of the United States safe? How do we keep them secure and try to write laws that accomplish that objective?

With great respect to the committee, there is one provision in subtitle D called "Other Matters" on page 357 that I am proposing to strike. That language provides a 1-year extension of a requirement that I think causes the United States of America to be less safe than it would without this provision. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels. In the cold war, perhaps even a few years after the cold war was ended, when we were trying to err on the side of safety, this made sense because the No. 1 threat then was a bolt out of the blue, an attack by the Soviet Union that might occur when we least expected it. We had to maintain an active deterrence and prevent that. The capacity to survive that bolt-out-of-the-blue attack and counterattack was an essential part of our strategy.

Today, the No. 1 threat is not a bolt-out-of-the-blue attack. The No. 1 threat today is an accidental launch, a rogue nation launch, or a sabotage launch of a nuclear weapon. One of the things that causes me a great deal of concern in this new era of ours is that I think we in Congress and the American people as well have forgotten the danger of these nuclear weapons. We have been talking about new threats to America. We have a threat in the form of chemical weapons, a threat in the form of biological weapons, a threat in the form of cyber warfare, lots of others things like that, terrorism, that cause people to be very much concerned.

My belief is that the only threat out there that can kill every single American, and thus the threat that ought to be top on our list of concerns is nuclear weapons. The nation that possesses the greatest threat of all in terms of an accidental launch, a rogue nation launch, or a sabotage launch is Russia.

I appreciate the fine work that Congressman COX and Congressman DICKS did. They presented a report yesterday. I think they have laid out a roadmap that will enable us to change our laws and increase security at the Labs, increase the security of the satellite launches and increase the security, in general, with the transfer of technology through export licenses. I think they gave us a good roadmap, but one of the concerns I have with the report—I think it is unintentional—strike "I think." It is unintentional—it has left the impression that China is a bigger threat to the United States in terms of nuclear weapons than Russia is. Nothing can be further from the truth.

In China, they prevent the possibility of an accidental launch by saying we are not going to put our warheads on the missile. According to published reports, it would take at least 24 hours and probably a minimum of 48 hours, from the moment an order was given to launch, to put the warheads on the missiles. In China they have no more, according to published reports, than 13 weapons headed in our direction. They are categorized as city busters. They are not as accurate as the Russians are. They are not as deadly as the Russians are. They are not as likely, as a consequence of organized systems, to be launched in an accidental fashion. Even though they can reach us, even though China is a serious threat as a consequence of their behavior in the proliferation area—and we should not have trimmed in areas of export licenses or satellite launches on Long March or the operations of our Laboratories or other areas that would put America at risk—the threat assessment today says that the No. 1 threat to us is the threat that is posed by Russia as a consequence of their having strategic weapons that could reach the United States in a matter of hours and could reach the United States in a devastating fashion not through intentional launch but accidental launch, rogue nation launch or sabotage launch.

I think that part of the problem in all of this is, again, that we have been lulled into a false sense of security that, well, maybe these nuclear weapons aren't that big of a problem. Let me say that in the former Soviet Union, that may have been the case, because their economy was much stronger than it is today. They had a much greater capacity to control those weapons systems that they have.

One of the reasons, the biggest reason that I want to change this is that I believe we are forcing Russia today to maintain a level of nuclear weapons beyond what their financial system will allow them to maintain. They are currently required at START I levels to have 6,000 strategic warheads. Again, according to published accounts from their own military people, they would prefer to be at a level of 1,000 or lower, because they simply don't have the resources. I can go into some rather startling problems that are created as a consequence of that inability, but they simply don't have the ability, the resources to allocate to maintain those 6,000 warheads as we do. Ours are safe. Ours are secure. We have redundant switching systems and all kinds of other protections to make certain that we don't have an accidental launch, to make certain that there is no rogue transfer, to make certain that there is no terrorism that could take over one of these sites and be used either against the United States itself or against some other country.

One of the baseline problems that we have as Americans is that we are the most open society on earth. We are the most successful society measured by our economy, measured by our military, measured by even our democracy, which can be a bit frustrating from time to time. We take sides on issues worldwide, which I think we have to do if we want to continue to fight for the freedom of people throughout this world. But as a consequence of all those things, there are lots of people on this Earth who hate Americans, who have in their hearts a desire to do significant damage to us. It is a problem created from our own success. So as we try to decide how we are going to keep our country safe, one of the things that I believe we need to think about when it comes to Russia is, is it possible for somebody who hates America, who is willing to do damage to America and willing to die in the act of doing it—what kind of risk is there as a consequence of a policy under law that requires Russia to maintain a nuclear force that is higher than either they can afford or they want to maintain?

Well, I will describe a couple of scenarios in length here, but many years ago, sort of a Stone Age time for me, I was trained in the U.S. Navy SEAL team. I do not argue that I was an exemplary special operations person. I had a relatively short experience in the war before I was injured, so I didn't have enough time on task to become really good at it. But you always have these sort of imaginary fantasies that you are still 25 years of age, and there are times when you sort of think that way.

I believe it is possible for somebody who is well trained and well organized to raid a silo site of a Russian missile in the Russian wilderness and take that site over. You will have a scenario on the opposite side that says that it can't be done. I believe it can be done.

One of the things that you have to do when you are planning, writing a law to defend the people of the United States of America, is you have to think about that small possibility and you have to plan for it. We didn't expect that the Russians were high probability going to come through the Fulda Gap during the 40-plus years of the cold war, but we defended against it, and it was an expensive defense because it was possible that it could happen.

Mr. President, I believe it is possible for a small band of discontents or terrorists to raid a silo site of a Russian missile in the Russian wilderness. I believe that there are soldiers today in Russia who are poorly trained, who are sparsely equipped, and who are irate at not having been paid in well over a year in some cases. I think they are vulnerable and easily overtaken, and as a consequence, willing to cooperate in things that would put the United States of America at risk.

What you have to do is sort of then say to yourself: What would happen? Imagine what would happen if that were to occur.

Well, I again have to underscore with a story why I think we are lulled to sleep by nuclear weapons. In the Senate Select Committee on Intelligence, on which I have the honor of serving as a result of Senator DASCHLE appointing me to that and serving on behalf of the Senate, I once asked some analysts of the CIA to tell me what the impact would be of a single missile being launched and hitting a U.S. city. The answer was we are really not sure. We haven't thought it through lately. We don't put it up on our radar screen as being the sort of thing to worry about.

I find that not only alarming but illustrative of the general problem. We are not thinking about this threat.

We are not imagining what could happen in a worse case scenario and, as a consequence, we are sort of allowing ourselves to be dragged along with yesterday's policy, not thinking about how we can do this differently to substantially reduce the threat to the people of the United States of America, and I believe, by the way, in the process, freeing up resources that could be used on the conventional side where there is much more likely scenarios where American men and women are going to be called on to defend the cause of freedom and fight for the cause of freedom.

A single Russian rocket could be launched over the top of the world from the north, and it would go across the Arctic pole, and in less than an hour it could be in over Chicago. On a bad day, it might come within 100 yards of its target. On a good day, it would probably come within 10 to 15 yards of its target. I am talking about something about which, again, people will say this is alarmist.

It is not an alarmist scenario. This is what nuclear weapons do. We have sort of forgotten that, in my view. Back in the 80s, during the cold war, all of us understood the danger of nuclear weapons, but today I don't think we do. I think we have forgotten what kind of damage they can do.

A single nuclear weapon would vaporize everything. The surrounding air is instantaneously heated to a temperature of 10 million degrees Celsius. It looks brighter than the sun and shoots outward at a few hundred kilometers per second. It would be sufficient to set fire to anything in Chicago that is combustible at a distance of 14 kilometers. Anybody within 80 kilometers would be blinded as a consequence of the blast.

After the fireball, the blast effect force follows, traveling out from ground zero. Those within 3 kilometers, who had not already been killed, will die from the percussive force. At 8 kilometers, 50 percent of the people will be killed, and every building within 2 kilometers will be completely destroyed. Major destruction of homes, factories, and office buildings would extend out to 14 kilometers.

In the farthest reaches of the immediate blast zone—encompassing everything in Chicago—structures would be severely damaged, and 15 percent of the people in Chicago would be dead, 50 percent would be injured, and most survivors would suffer second- and third-degree burns.

This is the damage that would be done from a single Russian nuclear weapon exploded above an American city. This is just one city.

Again, I point this out not to be alarmist but to say that this is a real threat. This is not an imaginary threat. This weapons system exists. There are 6,000 of these in Russia today that were needed in the cold war; they were needed in a deterrent strategy that the Russians had developed. We have drawn down, and they have drawn down to the 6,000 level—a bit higher than that still today. They are drawing down to that 6,000 level.

But, again, if you ask either our intelligence or the Russians directly, they will tell you they don't have the resources to maintain even 1,000. They don't have the resources to maintain 1,000, let alone 6,000-plus, and in the kind of secure environment the people of the United States of America will need in order for themselves to be safe and secure as a consequence.

I tell the story out of what I think is a loss of focus on the danger of nuclear weapons. I am very concerned that the American people have been lulled into a false sense of security as a consequence of our elected leaders repeatedly telling them the threat no longer exists. In the Presidential campaign of 1996, the President correctly kept saying that for the first time in the history of the Nation we are not targeting the Russians and they are not targeting us.

Well, you can retarget in a couple of minutes, max. This retargeting task is a fairly simple task. Critics of the President pointed that out, and I think correctly. It caused people to be sort of lulled into a sense that, gee, this wasn't a problem. If we are not targeting them and they are not targeting us, this is great news, so we don't have to worry about this threat any longer; thus, we can sort of stop worrying about nuclear weapons. We can worry about other threats that we have to the United States.

Again, I am calling my colleagues' attention to this problem not because I believe there is going to be a deliberate nuclear attack from Russia, because I don't think that is likely, or even plausible. Indeed, Russia has made extraordinary progress in their effort to transform their economy and political system. Though they have a long way to go to complete the transition, they need to be applauded for it. But this transition is going to take decades—back, forward, stop, go. It is going to take a fair amount of time to transition from an old command economy to a market economy. In the meantime, they are finding it increasingly difficult to maintain the military infrastructure they inherited from the collapse of the Soviet Union, including, dare I say, their stockpile of thousands of nuclear weapons—estimated to be close to 7,000 on the strategic side and a comparable amount on the tactical side. There are 14 storage facilities, according to published reports, where they store fissile material. We don't know what is going on inside those buildings. It is a serious problem that our former colleague, Sam Nunn, has said is a threat not coming from Russia's might but from its military weakness.

If a single one doesn't bother you, there was an incident that occurred recently on September 11, 1998. I appreciate that some will say that KERREY is dreaming, this isn't a real danger. I don't think there is a greater danger than an accidental launch of a nuclear weapon at the United States of America. I think it is the most dangerous problem we face, and it is a scenario that could happen. If it happens, I believe we are going to regret not having developed a different strategy than the old arms control strategy that we have had in the past. I am not going to describe an alternative strategy. I think one is needed, and I think one is more likely to occur if we strike this language from the defense authorization bill and allow the President to go below 6,000, similar to what President Bush did in the early 1990s, getting a reciprocal response from Russia as a consequence.

Let me describe a real time scenario, a situation that happened on the 11th of September—does the Senator want to say something?

Mr. WARNER. I didn't mean to interrupt the Senator, but I am hopeful that we can listen to the important debate. I would like to have the opportunity to respond to the Senator so that Senators following this debate can have framed in their minds where we have a difference of views, and I would like to complete this by 11:45 so we can keep on our schedule. I hope our colleague will try to accommodate as best he can.

This is a very important subject. I share some of the views that he has made. I think what he said is a very important reminder to Senators on this subject. It has somewhat drifted from the minds of the Senators given that, regrettably, this stalemate thus far in Russia could move to ratification. Let us proceed, hopefully, in a timely way.

Mr. KERREY. Mr. President, let me describe an event that occurred on September 11, 1998. Maybe colleagues didn't notice it; it was written up with a fairly small amount of attention. There was an 18-year-old Russian sailor who seized control of a Russian nuclear submarine near Murmansk. He killed seven fellow crewmembers and held control of the submarine for 20 hours. Russian authorities say that there were no nuclear weapons aboard the submarine. But it would not be difficult to imagine a scenario in which a similarly distraught member of the Russian navy might choose to express his frustration by seizing control of a submarine loaded with long-range, nuclear-tipped missiles. It is widely recognized that command and control of weapons on Russian submarines is much more problematic than even with their ground-based forces.

There was a recent article in the New England Journal of Medicine, which conducted an analysis of the effects of an unauthorized launch against the United States from a—and I emphasize just one—Russian Delta IV submarine. This submarine is capable of carrying 16 SS–N–23 missiles. Each of these missiles is equipped with four 100-kiloton warheads. The study examined the consequences of 48 warheads being detonated over eight major U.S. cities. It is likely that this scenario may not be right. It is likely that they would say we have 64 warheads and will put one in each State in the United States of America—that leaves me 14 more—and they will put a couple in New York, a couple in Florida, a couple in other States. Imagine 64,000 kiloton weapons being detonated within a couple of hours in the United States. That is a scenario that could be very real.

Is such a scenario likely to happen? It is less likely to happen than the sun coming up tomorrow, but it could happen. It is a scenario that we need to think about as we think about the danger of these nuclear weapons. And because we don't think about them, it is not likely that we will consider an amendment like this terribly important. We will sort of drift along, as I think we are doing now, saying we are going to wait for the Duma to ratify START II. They are threatening not to ratify for every possible reason. I don't know what the next anger point is going to be. I personally don't believe that the ratification of START II by the Duma is necessarily terribly important.

That we need to look for an alternative way to reduce these threats, to me, is painfully obvious if you examine the danger that this threat poses to us.

When you think about the danger of an accidental or a rogue nation or a sabotage launch, I think you come immediately to the conclusion that, my gosh, we have far more than we need to keep America safe, and the Russians clearly have far more than they need not only to keep their country safe but to reduce this risk of accidental launch. They do not control their weapons in the same way that we do. They don't have the capacity to control them in the same way that we do, as well.

Imagine, I ask my colleagues; put it on your radar screen. You have a Delta IV submarine with 64 100-kiloton weapons that could be in the United States in 2 hours. They are not like the Chinese nuclear weapons. The Chinese nuclear weapons take several days to get together. Again, part of the published reports is that they have 13 or so aimed at the United States—aimed at our cities. They are nowhere near as accurate as the Russians, or as deadly as the Russians, and nowhere near as likely to be launched either through an accidental launch or through an organized effort to come through sabotage and take over a single facility, or to take over one of these submarines that are much more at risk as a consequence of their lax security.

If you do not think the scenario is possible, I would like to quote the words of former a Russian Navy captain following this particular incident with the Russian sailor that I described earlier on the 11th of September 1998. He said, "It is really scary that one day the use of nuclear arms may depend on the sentiments of someone who is feeling blue, who has gotten out of bed on the wrong side and who does not feel like living." The probability of this today is higher than ever before.

The news has been filled recently with stories regarding nuclear weapons. Unfortunately, the stories have been causing us to be concerned about our security relative to the Nation of China. The findings that China, over the past 20 years, has methodically stolen U.S. nuclear secrets from our National Laboratories are very disturbing, to put it mildly. We were very lax in our security in our Laboratories. We are very lax in our security with our export control licenses. We are very lax in our security in monitoring satellites that are being launched on the Long March system of the Chinese, and as a consequence, the United States of America suffers. There is no question that is true. But U.S. security has suffered against a nation with considerably less capability than Russia and considerably less risk of an accidental launch as a result of the way the two nations organize their weapon systems.

In the uproar surrounding this story, I fear that we may be losing touch with reality concerning the size of the threat we face in China relative to the far greater Russian nuclear threat. Press accounts indicate that China may have no more than 20 land-based nuclear missiles capable of reaching the United States.

Also, again, according to the media, as I said, Chinese nuclear weapons aren't kept on continual alert. Their nuclear warheads and liquid fuel tanks are stored separate from their missiles. Again, it would take them a considerable amount of time to fuel, to arm, and to launch these weapons. That just one of these weapons would cause immense pain and devastation to the United States of America ought to be obvious. But, again, it is a much smaller threat than the threat of an accidental rogue nation, or a sabotage takeover of a Russian site that could be launched with a devastating impact against the United States of America and would put our people at considerable risk.

As of January 1999, my colleagues, with reference to this issue—I remember campaigning for the Senate in 1988. In 1988, you had to know all of this stuff. You had to know all of these in numbers, because arms control advocates were asking you, and opponents of arms control were asking. The freeze was going on. The MX missile was being debated. It was a hot issue in 1988.

In 1999, it is not a hot issue. It is not on the radar screen. You have to hunt around to find someone who cares about it and asks you about it and express a concern about what I, again, consider to be the most dangerous threat to the people of the United States of America.

I repeat that this is the only threat that could kill every single American. Just a single Delta IV submarine that I talked about earlier—you put 64 100-kiloton weapons on top of 64 sites in the United States of America, and you are no longer the strongest economy on Earth.

We would have considerably more, to put it mildly, than 4.2 percent unemployment. We would not be screaming along with an economic recovery. The stock market would react, I would hazard a guess, rather adversely to that piece of news. There would be devastation and destruction and considerable loss of life, and the United States of America would be set back a considerable amount of time. We would not be as safe and as secure as we once were, and the world, as consequence, would suffer the loss of our leadership.

A single Delta IV submarine owned by the Russians in a very insecure environment, in my judgment, would set the U.S. back considerably.

I keep citing it only because I believe that we have taken nuclear weapons, unfortunately, off our radar screen, and we don't think about this much. I say to the distinguished chairman and to the ranking member, Senator LEVIN, and Senator SMITH, who is the chairman of the Strategic Subcommittee, that I know each of you are very concerned about this. I am talking about the general population. I would hazard a guess that if one of these news media outlets that does polls all the time did a poll and asked the question about whether the Chinese nuclear threat is a greater threat to the United States of America than the Russian nuclear threat, it is likely to be that a large number of the people would say yes, given what they have heard recently in the news.

China may evolve into a serious military threat to the United States in the future. They are unquestionably a proliferator of weapons, and all of us should be dismayed and angry at the lax security that we have discovered through the Cox report and other reports over the last 20 years, and should move with legislation and action to tighten up and make sure that we reduce that threat. But the Chinese threat is nowhere near the danger that the Russian nuclear threat poses to the people of the United States of America.

What I am attempting to do with this amendment by striking the floor that we have imposed for 3 years in a row in the defense authorization bill—this provision that prohibits the United States from going below START I force levels until START II enters into force—is that I am suggesting that this floor increases the threat to the United States of America because we are waiting for the Russian Duma to ratify

START II. We are still, in my view, in the old way of thinking about how to deal with nuclear weapons and how to reduce the threat of nuclear weapons and keep the people of the United States of America safe.

Let me provide a little bit of history of arms control.

Again, the chairman of the committee asked for some time to respond. Earlier, I was asked if I was going to wrap this thing up at 11:45. I say to my friend from Virginia that I had much more to say on this matter, and it may be that I am not able to agree to a time agreement and have the vote at 11:45. I would like to be able to do that. Maybe what I should try to do is abbreviate my comments and give the chairman a chance to respond briefly, if he chooses to do so.

I see the chairman of the subcommittee is here. He may have some opposing points of view that he would like to offer. I want to give him a chance to do that. I think it is highly unlikely that I will be able to agree to a vote immediately after the BRAC vote at 11:45.

Mr. WARNER. Mr. President, we are under a time agreement, are we not?

The PRESIDING OFFICER. There is no time agreement.

Mr. WARNER. That is correct. We want to give the Senator as much latitude as we can. We will find such time as I believe the Senator desires. I am just anxious to frame this issue, because the Senator has given a brilliant speech, as he always does. I do not say that facetiously. I enjoy listening to my good friend and colleague and fellow naval person. But I was listening, and he is making a good speech for ballistic missile defense, which is splendid. I hope that we are going to draw on this RECORD for future debates on ballistic missile defense systems. I take note of Senator COCHRAN's bill now that has become law.

But the point I wish to make is that this provision, which the Senator wishes to strike, has been in five successive defensive bills. It is in there in accordance with the administration's wishes to try to show to Russia that we mean business about getting START II ratified. Were we to strike it, it is this Senator's opinion—I think it is shared by the Secretary of Defense, and others—it would weaken the efforts to get START II ratified.

We have here the distinguished chairman of the Subcommittee on Strategic Forces. All I would ask is, if we could just have a few minutes to frame the debate into a focus of Senators following it, I think they can come to some sort of closure in their own minds on this issue.

Mr. KERREY. Mr. President, I appreciate that. Why don't I take another 5 or 10 minutes here.

Mr. WARNER. We interrupted the Senator. Would he yield for an additional question on procedure?

Mr. KERREY. Yes.

Mr. LEVIN. I believe this debate will take longer than 35 minutes, and there is no time agreement on this debate. There are others who want to speak on both sides.

I address this to the chairman, because this seems to me likely to take more than 35 additional minutes. Since the debate is scheduled to restart on BRAC at 11:45, I wonder whether the chairman might want to delay that for perhaps 15 minutes or half an hour.

Mr. WARNER. Fifteen minutes. We had such great cooperation from all. We have a string of Senators ready to be here at 11:45. Let's say we will conclude at 12 noon; is that agreeable?

Mr. LEVIN. I am not suggesting we have a time limit of 12 noon. I am suggesting if we delay the beginning of the BRAC debate until noon, there is at least a chance that this debate could conclude by then. If it does, we could vote on this amendment immediately after BRAC.

I don't think the Senator from Nebraska is willing or should be willing to agree to a time agreement yet because he has not heard the debate on the other side.

I suggest the debate on BRAC begin at noon—we change the unanimous consent—instead of 11:45, and hope that at least there is a chance that this debate could in 35 minutes be completed but not "bake" that into the unanimous consent.

Mr. WARNER. I want to accommodate our distinguished colleague. If we don't proceed, I say to my copartner, in getting time agreements, we are likely to get this whole bill slowed down.

I wonder if we could just enter into a time agreement to debate on this amendment, that it would conclude at 12 noon.

Mr. KERREY. I would very much like to accommodate and do that, but my problem is——

Mr. WARNER. Let me help. The distinguished chairman of the subcommittee says 10 minutes; I may take 2 minutes. That is 12 minutes. The Senator would have a full half hour left.

Mr. LEVIN. Before the Senator from Nebraska answers, if he yields, I will speak for perhaps 5 or 10 minutes on the subject. I know the Democratic leader wants to speak on this amendment, I believe, if possible, around 11:30. There may be others, too. We ought to find out if there are others before any such agreement is propounded.

Mr. KERREY. Again, I appreciate very much what the chairman is trying to do. I certainly have no intent to sit out here forever talking. Eventually I will agree to a time agreement. I am not willing to do that at the moment. I am beginning to lay out a case that has not been laid out before.

Mr. WARNER. We will continue with the debate and hope we can begin to bring this thing to some proportion of closure. We will take a relatively short time on our side, because it is a bill provision; the Senator is on a motion to strike. It is very clear what we are trying to do on this side, to help this administration get ratification, help America get ratification of START II.

That is the sole purpose for this provision. It has been in there 5 years for that purpose.

I yield the floor.

Mr. KERREY. Mr. President, again I am not trying to make an argument here for or against strategic defense. I will work with Senator COCHRAN to try to fashion some assistance to bring additional Democrats. I supported what Senator COCHRAN was trying to do.

The problem is, missile defense is not prepared today. The problem is, we don't have missile defense today. We are not sure when we will have it. I don't want to get into necessarily arguing that. I am saying that within a matter of hours it is possible for the United States of America to suffer an attack the likes of which I think very few people are imagining.

It is a real threat. It is not an imaginary threat. It is a real threat, and it is a threat that is getting larger, not a threat that is getting smaller. It is not the old threat. The old threat—and I appreciate what I think the administration's stated policy says. They prefer repealing the bill's general provisions that maintain this prohibition first enacted in 1998, but maybe the administration supports this amendment and maybe they don't support the amendment.

I believe this floor makes it less likely that we will consider an alternative to arms control as a method to reduce this threat. I am willing to look at alternatives such as star wars for which I voted. The strategic defense system is not in place today. I don't know when it will be in place.

In the meantime, the capacity to control Russia's nuclear system is declining and putting more and more Americans at risk as a consequence.

This is the third year, as I understand it, that this provision has been here.

Let me talk about strategic arms reduction. It has been the leading edge of our effort to try to reduce the threat. Back in the cold war, it was considered to be the only way that we will do it. I am not going to go through all the details of the history, but the Strategic Arms Reduction Treaty was signed between the United States and the Soviet Union, START I, in 1991 and entered into force in 1994. It commits both sides to reducing their overall force level to 6,000 deployable warheads by December of 2001. Both sides are well on the way to meeting this deadline. The START II treaty signed in January 1993 and requires both the United States and Russia to deploy no more than 3,500 warheads by no later than

December of 2007. The Senate ratified START II in 1996, but the Russian Duma has yet to take up the treaty.

Section 1041 of this authorization bill extends for another year the limitation on retirement or dismantlement of strategic nuclear weapon systems until the START II treaty enters into effect. Let me put this another way: The bill we are debating allows a foreign legislative body the final say on U.S. nuclear force levels. I do not believe this is how we should set our defense policies. Our military decisions should be based solely on what we need to protect and maintain our national security interests.

While I understand this provision was originally intended to encourage Russian ratification of START II, I think it is time to begin to rethink our strategy. For the foreseeable future, START II is dead. We can all make the case that the Duma should have acted, that ratification was more in their interests than in ours, or that the reason it failed was domestic Russian politics. All that is true. But we now need to begin to ask ourselves if the current policy of waiting for Russian action on START II is the best way to confront the dangers presented by the Russian nuclear arsenal.

I believe the answer is emphatically no. The provision in this bill I am trying to strike is forcing the United States to maintain an unnecessarily large nuclear arsenal. By keeping more weapons than we need to defend ourselves, we are encouraging the Russians to keep more weapons than they can control. That is the heart of the argument that I am making.

We are keeping more in our arsenal than we need, and as a consequence, forcing the Russians to keep more in their arsenal than they can control, increasing the risk of an accidental launch, a rogue nation launch, or a launch that comes as a consequence of an act of sabotage.

The determinant of adequate U.S. force levels should be left up to the men and women who are in charge of protecting the United States. While Pentagon officials have said they have no plans to go below START I levels during fiscal year 2000, they have clearly stated their preference for lifting these artificial restrictions. In the recent testimony before the Senate Armed Services Committee, the current commander in chief of the Strategic Command, Adm. Richard Mies, said:

> We believe that we ought to report to you on an annual basis on exactly what we plan to do, but we would prefer not to have the specific mandating of the force levels by delivery systems.

Our Armed Forces are more than capable of protecting U.S. national security with significantly fewer strategic nuclear weapons. In fact, Gen. Eugene Habiger, former commander of STRATCOM, said: "There is no reason to stay at the START I level from a military perspective." Our nuclear policy has become completely detached from the military requirements of defending America, and is now being used simply as a bargaining chip with Russian politicians.

Ironically, this is occurring at a time in which the Russian military is having problems maintaining its current force levels. The Russians foresee a time, in the near future, when drastic cuts will have to be made. In fact, Russian Defense Minister Igor Sergeyev has said publicly he sees the future Russian strategic nuclear arsenal in terms of hundreds, not thousands, of warheads. There are even some U.S. analysts who have calculated within 10 to 15 years Russia will be able to maintain a force no longer than 200 warheads.

I believe it is clearly in the Russian interest to work with the United States to achieve reciprocal reductions in forces, and I am disappointed the Russian Duma has chosen domestic politics over its best interests. However, it is just as clear that it remains in our interests to work with Russia to find new ways to reduce the number of nuclear weapons in a parallel, reciprocal, and verifiable manner.

We have a historical precedent to show that an adjustment in our nuclear forces, based solely on an evaluation of our defense needs, can help achieve the goal of reducing nuclear dangers. There is a precedent for this. On September 27, 1991, then President George Bush announced a series of sweeping changes to our nuclear force posture. After assessing our national security needs, Bush ordered all strategic bombers to stand down from their alert status, he de-altered all ICBMs scheduled for deactivation under START I, and he canceled several strategic weapons development programs.

On October 5—just one week later—President Gorbachev responded with reciprocal reductions in the Soviet arsenal.

President Bush acted, not out of altruism, but because it increased U.S. national security. In his announcement, he said:

> If we and the Soviet leaders take the right steps—some on our own, some on their own, some together—we can dramatically shrink the arsenal of the world's nuclear weapons. We can more effectively discourage the spread of nuclear weapons. We can rely more on defensive measures in our strategic relationship. We can enhance stability, and actually reduce the risk of nuclear war. How is the time to seize this opportunity.

I believe the same is true today in 1999. The longer we wait to act—the more years in which we extend this legislative restriction—the more likely it is one of these weapons will fall into the hands of a person willing to use it to kill American citizens.

In addition to endangering the safety of the American people, our continued insistence on staying at START I levels is costing the American taxpayer. They are paying more to be less safe.

Estimates on the annual cost of maintaining our nuclear arsenal vary widely. The Pentagon contends the total cost is in the neighborhood of $15 billion a year. A more inclusive figure would put the cost in the area of $20 to $25 billion. This represents a significant portion of our yearly national security spending. For now, it continues to be necessary to maintain an effective, reliable nuclear force—a force capable of deterring a wide array of potential adversaries.

But if, as our military leaders have indicated, we can maintain that deterrent capability at much lower force levels, I am concerned we are wasting precious budgetary resources. The Congressional Budget Office recently conducted a study in which it found we could have between $12.7 billion and $20.9 billion over the next ten years by reducing U.S. nuclear delivery systems within the overall limits of START II. Both the Pentagon and the Armed Services Committee have already recognized that potential savings exist in this area. The bill before us allows the Defense Department to decrease the number of Trident Submarines from 18 to 14—producing a significant cost savings in our deterrent.

I am sure further savings could be realized with further cuts. I am certain our military has the ability to determine the proper formula in which we can reduce our nuclear arsenal, save money, and still maintain a healthy triad of delivery systems that will maintain our deterrent capabilities. I am confident much of this planning has already occurred.

I am also confident the distinguished members of the Armed Services Committee would be able to find ways in which to redirect these savings into other defense priorities such as preventing the proliferation of weapons of mass destruction, combating terrorism and narco-trafficking, or improving the readiness of our conventional forces to confront the challenges of the 21st century.

My amendment does not mandate any reductions in the U.S. strategic nuclear arsenal. Rather, it simply eliminates the provision in this bill requiring us to maintain our forces at START I levels—a level that is unnecessarily high.

The greatest danger facing the American people today is Russian nuclear weapons. We have been given a moment in history to reduce this threat. Rather than acting on this opportunity, we are preparing once again to tie our own hands. The rapid pace of change in Russia and around the world will not wait for us in the United States Senate to debate for another year whether or not to seize this opportunity. We know what our relationship with Russia is today, We can predict, but we cannot know what it will be like in a year, or two, or ten. Circumstances may never again be this favorable for reducing the threat posed by nuclear weapons. We must act. If we do not, history may judge us harshly for our failure.

I see the distinguished Senator from New Hampshire is here, the chairman of the subcommittee. I think what I will do is yield the floor and allow my friend to speak for a while, and listen to what is likely to be his considered and well-spoken words.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague. I indicated I am more than happy to have the Senator from Nebraska finish his remarks, but if he chooses to have me proceed now, I will be happy to do that.

Section 1041 of this bill, which is in question here in the amendment of Senator KERREY, does prohibit the retirement of certain strategic delivery systems unless START II enters into force. The amendment by the Senator from Nebraska just strikes that entire section, section 1041.

For the last several years, the Defense Authorization Act has included a provision limiting the retirement of strategic delivery systems. Recently, it has specifically prohibited reductions below 18 Trident submarines, 500 Minuteman III ICBMs, 50 Peacekeeper ICBMs, and 71 B-52s. This year the provision has been modified to allow the Navy to reduce the number of Trident submarines from 18 to 14. This change was made after close consultation with U.S. Strategic Command, the Navy, and the Office of the Secretary of Defense. On April 14, 1999, the Strategic Subcommittee conducted a hearing on this matter. We did agree to reduce the number of Tridents from 18 to 14, with my support.

The overall intent of the provision is to send a signal to Russia, that if they want the benefits of START II, then they ought to ratify the treaty. I think this is where I part ways, respectfully, with my colleague. This really is a unilateral implementation of START II—or to make even deeper reductions that would fundamentally undermine the arms control process and our national security.

I believe I am correct, the Senator supported START II. If he is going to make unilateral reductions as part of our policy, I do not think it leaves much incentive for the Russian side to do what they have to do to get to START II.

But section 1041 is a very flexible provision. Since it must be renewed each year, there is ample opportunity to take into consideration proposals by the administration and to make our force structure adjustments as necessary.

This was demonstrated this year in the way the Armed Services Committee responded to the Navy's proposal, which was to retire four of the oldest Trident submarines.

With all due respect, the adoption of the Senator's amendment I believe could be interpreted as a sign that Congress no longer supports the policy of remaining at START I levels until START II enters into force. It seems to me the Senator is advocating that explicitly, but I could be wrong. I note that the administration does not support such a change in policy and, indeed, the administration's budget request fully funds the forces at the levels specified in the section in question that the Senator wishes to strike, section 1041.

The provision does not preclude the administration from making any changes in U.S. force structure that it is currently planning to make. Section 1041 does not require the administration to retain any strategic delivery system that it otherwise would retire. It is clear that the principal objective of this amendment is to encourage unilateral arms reductions outside the framework of existing arms control agreements.

My concern is this is a very dramatic departure from existing U.S. policy. Essentially, this approach would amount to an abandonment of, or certainly a significant deviation from, the formal arms control process.

I may support a change in U.S. policy that would base our strategic force posture on a unilateral definition of U.S. military requirements rather than on the arms control framework, but I believe that as long as formal arms control agreements govern our force posture, we ought to adhere to a policy of not unilaterally implementing such agreements.

Also, just as a bit of a side discussion here, the issue of what has happened now with China may also sound an alarm bell that these agreements with the Russians—were the Soviets, now the Russians—may not be the major issue before us if things keep going.

One has to remember that an agreement, START I, START II agreements with the then Soviets, now Russians, for arms control reductions between two countries in a bilateral world, could very well now expand to something beyond just the bilateral agreements with the Russians to the Chinese and perhaps to Syria and Libya and even Iran, or some other nice countries out there that are now, thanks to the Chinese, going to be receiving a lot of our secrets, if you will, nuclear weapons. That furthers the case for not unilaterally reducing these systems without the Russians agreeing first.

I therefore urge my colleagues to oppose the Kerrey amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I just spoke with Senator KERREY. I know he will want to say something in response to Senator SMITH and what I will have to say. I will take my 5 minutes right now, with his indulgence.

I appreciate the spirit of his amendment. In fact, I just advised Senator KERREY I regretted very much having to speak in opposition to his amendment because I admire him as vice chairman of the Intelligence Committee on which I sit. We agree on a great many things. In fact, we are introducing legislation as cosponsors today on another matter.

But on this matter, I do differ with his approach because it to me reflects the approach to defense preparedness, to national security, that has been characterized, as Charles Krauthammer has said, as "peace through paper" rather than peace through strength, which Ronald Reagan made popular and which we think helped to win the cold war—the notion, in other words, that treaties should define what the United States of America does to provide for its defense rather than the United States deciding what it must do to provide for its defense and then seek through treaties to limit what other countries might do and what we might do in the future as a part of that but following what our initial determination is with respect to necessities for our national security.

This is true with respect to the START I and START II levels of nuclear weaponry, our strategic deterrents. The START I levels are where we are right now, and historically the administration and the Congress have taken the view that we need to maintain our START I levels as long as that is the prevailing status of treaties, and that is precisely where we are today.

START II has not been ratified by the Russian Duma, and until it is and until Russia begins to comply with its obligations under START II to bring the number of warheads permitted under START I down to levels authorized by START II, we have viewed it important not to unilaterally bring our levels from START I down to START II, because holding out the possibility that we would stay at START I has been an effective way for us to deal with the Russians.

Robert Bell, speaking for the administration, has testified that it has been helpful for us to let the Russians know that we are going to maintain our forces at the current levels. While we are willing to reduce them to START II levels, it is going to require concomitant action by the Russians for us to do that. In other words, if the Russians are prepared to go from START I down to START II, then the United States will be prepared to do that. But until then, we should not be taking the action unilaterally.

As a matter of fact, I was going to offer an amendment to this bill which would ensure that our Trident forces would not be reduced, because that is also permitted under this bill. The Trident submarine forces are the most robust leg of our triad of strategic deterrence because they are the most secure. Our submarines are nearly impossible to track, so they are clearly the most survivable leg of the triad. The majority of our boats in the fleet can carry the D–5 missile, the most advanced missile we have.

What I have focused on here is trying to make sure that our country maintains our START I level capability and that we do not begin to erode that, simply because it is expensive to do as long as Russia is not willing to reach those same levels.

An example of why this is important is that if we were to reduce the Trident force, for example, we would be relying upon the B–52s—as a matter of fact, our plan, and I hope our American citizens appreciate that the current defense plan is to use an 80-year-old B–52 bomber into the future as part of the triad for our nuclear deterrence. That is relying upon a very old and not very survivable system, which is why I think we have to maintain the Trident system.

Our vulnerable land-based ICBMs are the other leg, and they are also quite vulnerable to attack. We ought to be maintaining rather than giving up our Trident forces.

Were it not for arms control considerations and a desire for the United States to implement the START II agreement that has not even been ratified by the Russian Duma, I do not think we would be taking the step that is being suggested by the Armed Services Committee today and the even larger or further step that Senator KERREY takes to have it apply to all of our strategic forces.

I have been concerned for a long time about the administration's desire to protect our Nation's security primarily by relying on arms control measures, and I said this has been described by Charles Krauthammer as "peace through paper." Let me use the words of the administration. Under Secretary of State John Holum explained the administration philosophy in 1994. This is a revealing explanation. He said:

> The Clinton administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing development of theater defenses for those cases where arms control is not yet successful.

That is exactly backward. First, you develop your security forces, and then, to the extent that you can do so, you cut back on those through arms control treaties that are agreed to and implemented by the other side. But what you do not do is start out by saying arms control is going to drive your development and deployment of national security measures. It is exactly backward.

Arms control is not a new idea. In 1139, the Catholic church tried to ban the crossbow. Like a lot of other well-intentioned arms control measures, it did not work. The Kellogg-Briand treaty—I know the Senator from Virginia, the distinguished, esteemed chairman of the Armed Services Committee, is not quite old enough to remember that—in 1929 outlawed war.

Well, it does not work. Peace through strength works. Then you do what you can with arms control.

The main point I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to defeat the threat, and funding the requisite weapons systems and force structure. We should not permit arms control agreements to drive our defense programs and our force structure. It is particularly true with respect to the START II treaty which this Senate ratified in December of 1995. Despite our action, the Russian Duma has refused to take action on it. The likelihood it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

As I said before, I would apply this not only to the amendment offered by Senator KERREY but also to the language in the Senate bill which would permit the administration to withdraw our nuclear Trident force down to 14 boats. I quoted Robert Bell who stated that the provisions in law requiring the maintenance of the U.S. forces at START I levels are helpful in convincing the Russians that the only way that U.S. force levels will decline is if the Russian Duma ratified START II. While I understand he is going to be taking a new position soon, Bell is the President's Special Assistant for Arms Control and Defense Policy.

I was going to offer an amendment to highlight my concern about a provision of the Defense authorization bill that I believe undermines the strength of America's strategic nuclear deterrent. The specific provision that I am concerned about is paragraph (2) of section 1041 of the bill, which would allow the Clinton administration to reduce the number of Trident nuclear submarines operated by the U.S. Navy from 18 to 14 boats. Unfortunately, I fear the acceptance of this cut by the Defense Department was driven primarily by a desire to conform to prospective arms control agreements rather than a hard-nosed assessment of the best way to respond to current threats, and the best means of compelling Russia to meet its commitments to reduce its nuclear arsenal.

The Trident force, armed with nuclear-tipped submarine-launched ballistic missiles, forms a critical part of the United States nuclear triad, which also includes long-range bombers and land-based intercontinental ballistic missiles. When deployed at sea, Trident submarines are nearly impossible to track, making them most survivable leg of our nuclear triad. Furthermore, the majority of the boats in our Trident fleet carry America's most modern missile, the D–5, and our most advanced nuclear warhead, the W88.

The bill before the Senate calls for the maintenance of U.S. nuclear forces at a level that closely approaches the limits imposed by the START I treaty. The bill, however, allows the Administration to reduce the number of Trident submarines and instead to rely more heavily on the current fleet of aging B–52 bombers and more vulnerable land-based ICBMs to maintain U.S. nuclear forces at START I levels.

I do not believe a reasonable person could argue that placing greater reliance on the venerable fleet of B–52 bombers, which are approaching one half century old, instead of maintaining the current force of Trident submarines would enhance the effectiveness and survivability of the U.S. strategic nuclear deterrent. Were it not for arms control considerations and a desire to implement the START–2 agreement that has not even been ratified by our Russian treaty partners, I do not believe we would be taking this step.

As many of my colleagues know, I have been concerned for some time about the Clinton administration's desire to protect our nation's security primarily by relying on arms control measures in a philosophy that Charles Krauthammer aptly describes as "Peace thru Paper." Under Secretary of State John Holum explained this philosophy during a speech in 1994, stating,

> The Clinton Administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing the development of theater defenses for those cases where arms control is not yet successful.

Of course, as I said before, arms control is not a new idea. After all, in the year 1139, the Catholic Church tried to ban the crossbow. Like so many other well intentioned arms control measures, this one was doomed to failure from the start. And who can forget the Kellogg-Briand treaty, ratified by the U.S. in 1929, that outlawed war as an instrument of national policy. This agreement and others spawned in its wake left the United States and Britain unable to deter and unprepared to fight World War II. Yet despite these and many other notable failures, the Clinton administration still looks to arms control as the best way to safeguard our security.

The main point that I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to deter and defeat the threat, and funding the requisite weapons systems and force structures. We should not permit arms control agreements to drive our defense programs and force structure. This is particularly true with respect to the START II treaty, which the Senate ratified in December, 1995. Despite the Senate's action, the Russian Duma has refused to take action on the accord. The likelihood that it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

Adherence to START I warhead limits, as called for by the Senate in its Resolution of Ratification for the START II treaty, and retention of the Trident fleet at 18 boats, gives us the best leverage we are likely to have to persuade Russia to move toward ratification and implementation. And the Clinton administration agrees with this point. During a briefing for Senate staff in January, the President's Special Assistant for Arms Control and Defense Policy, Robert Bell stated that the provisions in law requiring the maintenance of U.S. forces at START I levels are helpful in convincing the Russians that the only way U.S. force levels will decline is if the Duma ratifies START II.

The U.S. repeatedly purchased START II ratification with aid or with concessions permitting Russia noncompliance with other arms control agreements or with unilateral limits on our own defense programs. In fact, Russia seems to be moving even further from the arms control framework so dear to this administration. Russian leaders have recently spoken of reconstituting Russia's tactical nuclear forces, potentially reversing moves that the U.S. and Russia undertook during the Bush administration. On April 30th of this year, the Washington Times reported that Russia's Security Council ordered its military to draw up plans for the development and use of tactical nuclear weapons in what may be a response to NATO's heightened profile due to its involvement in Kosovo. Russia also continues to channel a high proportion of its declining military budget into its strategic nuclear forces and now places greater reliance on nuclear forces in its military doctrine. And furthermore, Russia appears to be conducting tests on new nuclear weapons. As the Washington Post reported on January 24th of this year, "Three small underground nuclear tests Russia conducted last fall have prompted some government intelligence analysts to suggest that Moscow may be trying to design a new generation of tactical nuclear weapons."

Nor is Russia the only concern. China is also modernizing its strategic nuclear forces with the benefit of warhead designs stolen from our nuclear labs and missile technology sold by the Clinton administration. The Cox committee had concluded that these thefts enabled China to design, develop, and successfully test modern strategic nuclear weapons and that these designs will make it possible to develop multiple independent reentry vehicles or MIRV warheads for their missiles. As the summary of the Cox committee report notes, "The People's Republic of China has stolen design information on the United States' most advanced thermonuclear warheads. Specifically, the W–88 (Trident D–5 SLBM); W–87 (Peacekeeper ICBM); W–78 (Minuteman III, Mark 12A, ICBM); W–76 (Trident C–4 SLBM); W–70 (Lance SRBM); W–62 (Minuteman III ICBM); W–56 (Minuteman II ICBM). These thefts, primarily from our national laboratories, began in the 1970s, continued in the 1980s and 1990s and almost certainly continue today." The Cox report concludes by saying, "These thefts enabled the PRC to design, develop and successfully test modern strategic nuclear weapons."

Furthermore, I would point out to my colleagues that rogue states and gangster regimes are also working hard on nuclear weapons and the means to deliver them. As the Rumsfeld Commission noted last year, the strategic threat to the U.S. from rogue nations is growing rapidly. And one need only look at last summer's launch of a North Korean missile that overflew Japan that has sufficient range to reach the United States for validation of the Rumsfeld Commission's conclusions.

Mr. President, I have offered an amendment to retain the Trident fleet at 18 boats. We should remember that the world remains a dangerous place and should size our nuclear forces accordingly. As I have outlined before, the Trident fleet is vital to the maintenance of our strategic nuclear deterrent. This is too important a step to be entrusted to an administration in thrall to its bankrupt Russia policy and its naive approach to arms control.

I ask unanimous consent that a copy of my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> Beginning on page 357, strike line 23 and all that follows through page 358, line 4, and insert the following:
>
> (b) MINIMUM LEVEL FOR B–52H BOMBER AIRCRAFT.—Subsection (a)(1) of such section is amended by striking "71" and inserting "76".

Mr. KYL. Again, I fully respect the vice chairman of the Intelligence Committee and what he is attempting to accomplish. It is my view you first build your defense structure, and you stick with it until you see signs that the potential adversary has reduced his force structure in a competent way. Until you do that, you are better off keeping what you have in place rather than unilaterally giving it away.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, let me say that although we reach different conclusions, I completely agree with the Senator from Arizona. I do not think we should tie our defense policies to arms control agreements. I do not think we should do anything other than assess the threat and then try to put a force structure together that meets that threat, that keeps that threat as low as is possible. We should not cut corners. We should not get tied up in ideological knots.

We should decide what is necessary to keep Americans safe. I do think that it is much more likely that will occur if the U.S. military is as strong as we can possibly make it. There are significant new threats in the world that need to be met. I support the budget that has been proposed here.

I supported earlier the rampup in pay and other benefits. I think all that needs to be done. I think we have less in our intel budget than is necessary to both collect and analyze and disseminate the information to our warfighters and national policymakers.

What we are doing, as I see it, with this proposal is saying we are not going to do anything that might be in our interest, that might keep our country safer, because the Russians have not ratified START II. We are letting the Russians decide what our force structure is going to be.

We have been told by former General Habiger, who was the head of STRATCOM, that he thinks the United States of America will be safer and more secure if we went below START I levels. That is his assessment. He did not care what the Russians think about that. He thinks America would be safer and more secure if we did.

I am not going to read all through it. I will do it later because I see the distinguished Democratic leader is here and would like to make some comments. I am going to read some things that ought to give Americans a great deal of concern about this "loose nuke" issue where the Russians are experiencing a deterioration in their capacity to control their nuclear weapons, and we are requiring them to be not only at a higher level than they need but we are requiring ourselves to be at a higher level than we need to be as a consequence of saying we are not going to do anything until the START II Treaty is ratified.

Let me set the record clear about the administration's position.

Senator LEVIN, for the record, in the Armed Services Committee, on the 3rd of February, asked General Shelton:

> Would you oppose inclusion of a provision in the Fiscal Year 2000 Defense Authorization Act mandating strategic force structure levels—specific numbers of Trident Submarines, Peacekeeper Missiles and B–52 bombers?

He said:

> Yes, I would definitely oppose inclusion of [that].

And a further statement of the administration about their attitude towards the defense authorization bill said:

> The Administration [would] appreciate the bill's endorsement of our plan to reduce the Trident submarine force from 18 to 14 boats. . . .

But they go on to say:

> [W]e prefer repealing the bill's general provision that maintains the prohibition, first enacted in the FY 1998 Defense Authorization Act, against obligating funds to retire or dismantle any other strategic nuclear delivery system below specified levels unless START II enters into force. The Administration believes this provision would unnecessarily restrict the President's national security authority and ability to structure the most capable, cost-effective force possible.

They have announced no intent to go below START I levels, but they have indicated they prefer not to have this prohibition in there.

The PRESIDING OFFICER. If the Senator will withhold, we have a previous order at this time to begin debate on amendment No. 393.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. I ask unanimous consent that I be allowed to speak on the Kerrey amendment. Did the Senator from Nebraska want additional time as well?

Mr. KERREY. After the other amendment is disposed of, we will come back to it, and I will have time then.

Mr. DASCHLE. If it would be appropriate, I ask unanimous consent to address the Kerrey amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Nebraska for his advocacy and his leadership on this issue. This is probably one of the most important debates that we are going to have this year with regard to nuclear proliferation. This amendment could be one of the most important amendments that we will have the opportunity to vote on this year with regard to nuclear proliferation. So his advocacy of this issue and this amendment is greatly appreciated. I am very impressed with his command of the facts as we consider its advocacy this morning.

Much of the current debate on national security issues these past several weeks has focused on two issues, as we all know: Kosovo and the alleged Chinese espionage of our national weapons laboratories. That concentration is very understandable.

In the first instance, the courageous men and women who make up America's military forces are risking their lives daily in the Federal Republic of Yugoslavia to reverse the genocidal policies practiced by that country's leader. That is a just cause.

For the sake of hundreds of thousands of refugees made homeless by Milosevic's reign of terror, as well as the future of NATO, we simply cannot afford to fail.

As for the safety of our nuclear secrets, this, too, is an issue of vital national security. It is alleged that for the last two decades the Chinese Government has systematically engaged in efforts to gain access to some of our most important nuclear weapons scientists and the knowledge they possess.

Although all agree that classified information has fallen into the hands of the Chinese Government, it certainly remains unclear who is involved and exactly how much of our national security suffered as a result of these activities. The administration, the Congress, and law enforcement agencies are vigorously exploring answers to these troubling questions.

But as important as these issues are, as I noted just a moment ago, I submit there is an issue of equal or greater importance to America's immediate and long-term national security interests, and this amendment addresses it. The issue is the U.S.-Russia relationship and the fate of tens of thousands of nuclear weapons, and hundreds of tons of nuclear weapons material possessed by each side.

The Kerrey amendment recognizes the importance of that relationship. The Kerrey amendment proposes that the United States take a small step to improve this relationship by acknowledging that the Russian nuclear arsenal is shrinking, and adopting the view of the Joint Chiefs of Staff that our security will not be jeopardized if we do the same.

I strongly support this amendment and ask my colleagues to join me.

It is difficult to point to a period of time since the end of the cold war when relations between the United States and Russia have been under greater stress. Protests and public opinion polls in Russia demonstrate that anti-American feeling is on the rise in that country. The tension in this critical relationship has grown as a result of both Russia's internal economic and political troubles and actions by this Government.

At the very time the U.S.-Russia relationship is under unprecedented stress, the need to work with Russians to reduce the threat posed by nuclear weapons and the spread of nuclear weapons material and expertise has never been greater.

Nearly a decade after the fall of the Berlin Wall, the United States and Russia still possess roughly 12,000 strategic nuclear weapons, thousands of tactical nuclear weapons, and hundreds of tons of nuclear weapons material. Even more alarming, both sides keep the majority of their strategic nuclear weapons on a high level of alert—something I addressed in past comments and, for the life of me, cannot understand.

And reports are growing that Russia's government lacks the resources to properly maintain and control its nuclear weapons, nuclear materials, and nuclear know-how. Consider these recent events.

In September of 1998, roughly 47,000 nuclear workers protested at various locations around Russia over the Atomic Energy Ministry's failure to provide them their wages for several months. Russian Atomic Energy Minister Adamov told the workers that the government owed the ministry over $170 million and had not provided a single ruble in two months.

Again late last year, Russian radio reported that the mayor of Krasnoyarsk-45, one of Russia's closed nuclear cities, where enough nuclear material to build thousands of bombs is stored, warned that unless urgent action was taken, a social explosion in the city was unavoidable.

More recently, guards at nuclear facilities reportedly left their posts to forage for food. Others have been reluctant to patrol facility perimeters because they did not have winter uniforms to keep them warm on patrol.

At some nuclear facilities, entire security systems—alarms, surveillance cameras, and portal monitors—have been shut down because the facilities' electricity was cut off for non-payment of bills.

According to recent testimony by senior Pentagon officials and statements by senior Russian defense officials, Russia's nuclear stockpile is faring no better than the workers hired to maintain and guard it. According to Assistant Secretary of Defense Ted Warner, Russia's force of roughly 6,000-7,000 strategic nuclear weapons will be dramatically reduced regardless of whether Russia ratifies START II.

By 2005, according to Warner, "[Russia] will be hard pressed to keep a force of about 3,500 weapons * * * and by about the year 2010, they will be hard pressed to even meet a level of about 1,500 weapons." Russian Defense Minister Igor Sergeyev recently stated that Russia is "likely to have no more than 500 deployed strategic warheads by 2012 for economic reasons." Finally, in this weekend's newspapers comes the latest evidence of Russia's nuclear troubles. Under the headline, "Russia Faces 'New Chernobyl' Disaster," the London Sunday Telegraph reports,

> What a Russian energy minister has called a Chernobyl in slow motion is unfolding in [Russia's] far north where nuclear submarines are falling to pieces at their moorings and a decaying nuclear power station has been refused European Commission aid to buy vital safety equipment.

According to the Russian chief engineer at the nuclear plant, "We are in despair."

Mr. President, while U.S.-Russia relations approach their nadir and Russia struggles to keep the lid on its nuclear forces and workers, what has been the response of the majority of the United States Senate?

Unfortunately, for the last several years, a majority of the Senate opted to legally prohibit the United States government from responding by making modest reductions in our forces. A majority in the Senate has prevented the U.S. government from reducing our nuclear forces below the START I level until Russia has ratified START II. This majority has chosen to include a similar provision in this year's defense authorization. This provision further damages U.S.-Russia relations, locks us in at nuclear weapons levels not needed for our security, and drains much-needed resources away from higher priority defense programs. Senator KERREY's amendment wisely strikes this provision.

As I noted earlier, our relationship with the Russian government and Russian people is at a low point. Russians fail to understand our actions on several fronts—from NATO enlargement to ballistic missile defense. As Russians look at the inevitable decay of their own strategic nuclear forces, they question why the United States insists on holding firm at weapons levels Russia can never hope to match, let alone exceed.

As for whether mandating by law that we retain 6,000 strategic weapons, our senior military leaders—current and former—have decisively expressed their opinions on this issue. In testimony before the Senate Armed Services Committee earlier this year, General Hugh Shelton, chairman of the Joint Chiefs of Staff and this country's senior military leader, opposed just such a requirement. According to General Shelton, "I would definitely oppose inclusion of any language that mandates specific force levels." General Eugene Habiger, former chief of all U.S. strategic nuclear forces, agreed with General Shelton and went farther. General Habiger stated, "There is no need to stay at the START I level from a military perspective."

The Republican decision to keep our strategic weapons levels at an artificially high level also has budgetary ramifications. The Congressional Budget Office estimates that keeping U.S. strategic nuclear weapons totals at START I levels will cost the Defense Department $570 million in FY2000 and nearly $13 billion over the next 10 years. Resources are incredibly scarce, both in the Defense Department and in other areas of the government. We should spend every nickel necessary to ensure a strong defense. But we shouldn't spend a nickel on weapons systems the military tell us they do not need.

For all of these reasons, I oppose the provision in the underlying bill. I support Senator KERREY's amendment to strike this provision and restore a modicum of sanity to an increasingly troubled state of affairs. I ask my colleagues to do right by this important relationship, by our senior military leaders, and by the U.S. taxpayers who foot the bill for all we do. I ask for our colleagues' support on the Kerrey amendment. I yield the floor.

AMENDMENT NO. 393

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, debate will now begin on amendment 393.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand that Senator WARNER may wish to speak on the Kerrey amendment for perhaps 5 minutes before we move to the BRAC amendment. If so, we are trying to reach Senator—Mr. President, I withdraw that. Are we now on the BRAC amendment?

The PRESIDING OFFICER. We are now on the BRAC amendment No. 393.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Nevada.

Mr. BRYAN. I thank the Chair, and I thank my colleague from Michigan.

I rise today as a strong supporter and original co-sponsor of the amendment offered by my colleagues, Senator MCCAIN and Senator LEVIN, to consolidate our defense infrastructure and authorize an additional round of base closures.

For months, Pentagon officials, military leaders and key Members of the House and Senate have painted a picture of an American military force seriously compromised by years of declining or flat-budgets.

No one questions that the integrity of our force structure must be fortified, and I strongly support efforts to divert greater funding to modernization and readiness priorities—funding which, in my judgment, is critical if we are to continue to maintain the most powerful and proficient military force on the planet.

And I think we are all cognizant of the grave retention and recruitment problems prevalent throughout the military and the serious morale impacts of this lack of funding. These are real problems in our military.

Every recent defense-related appropriations measure—including last year's omnibus appropriations bill, the FY 1999 supplemental bill passed by this body just last week, and the legislation that is before us today—has included billions of dollars that the Pentagon did not request nor want.

Unquestionably, a large part of the problem has been the insistence of the Congress to continue the time-honored practice of forcing the Pentagon to purchase aircraft it does not want, to build ships it does not need, and to maintain military bases that have long outlived their usefulness.

And every dollar that we spend on these wasteful and unnecessary programs and infrastructure is a dollar that we cannot spend on such critical needs as readiness and quality of life programs for our military personnel.

Last year, a bipartisan coalition of Senators, led by Senator MCCAIN, and others, offered a proposal supported by the Secretary of Defense and the entire Joint Chiefs of Staff, to shut down military bases that had outlived their usefulness and to save the Pentagon billions of dollars. And Remarkably, the Senate said no.

I am hopeful this body will not make the same mistake twice.

The manner in which we fund the Department of Defense borders on the absurd, and continues to undermine our credibility with the American people when it comes to our ability to exercise fiscal responsibility.

I am confounded by a Congress that on one hand bemoans the state of readiness of our military, and fights tooth and nail to add billions of unrequested dollars to the Pentagon's budget, and yet refuses to heed the advice of our military leaders and make sensible changes to our defense infrastructure.

We micromanage the Defense Department to the point where we tell the generals and the admirals not only how many ships and planes they need to provide for our national security, but also where to place these ships and planes once they are built.

It is armchair quarterbacking at its worse.

Two years ago, the Congress passed—with great fanfare I might add—a balanced budget agreement that put in place a series of tough spending caps, requiring the Congress to reform its free-spending ways and make the tough decisions that are necessary to maintain fiscal responsibility.

Over the past two years, I have watched countless members of Congress duck, dodge, and evade those tough spending decisions as part of a systematic effort to sustain programs that have no justification and no purpose other than to divert funding from other more critical defense needs.

The examples are boundless.

Last year, we included a $45 million down payment on a $1.5 billion amphibious landing ship that the Navy told us they had no need for.

This year, the Pentagon asked for ten new MV-22 Osprey aircraft, and the bill before us tells them to buy twelve.

The Pentagon and the Joint Chiefs tell the Congress that we have over 23 percent excess capacity in our current base structure and that it is time to consolidate our infrastructure and use the savings to shore up our readiness deficiencies.

And the Congress says no.

We shuttle precious defense dollars to shipbuilding, aircraft, and weapon systems programs that the Pentagon has deemed unnecessary and unimportant.

And unless the pending amendment is passed today, the Senate will continue to shun the advice of our military leaders, and divert precious dollars away from readiness and modernization programs to support an infrastructure that is clearly in excess of our needs.

Today, we have a modest, bipartisan proposal offered by Senators MCCAIN and LEVIN, supported by the Secretary of Defense and the Joint Chiefs of Staff, that would unquestionably save billions of dollars that could be used to improve readiness, enhance pay, retirement, family housing, and other benefits for our military personnel, and bolster our national security.

For three consecutive years, the Secretary of Defense and the Joint Chiefs of Staff have asked us to allow the Pentagon to close those military bases it believes no longer hold operational value.

And for three years, the Congress has punted this political football, refusing to make the tough choices that we promised the American people we would make just two years ago.

Senator after Senator has come to the Senate floor to lament the lack of adequate funding for our Nation's defense.

We have heard that the readiness of our forces is at severe risk, that we do not have the funding we need to invest in the weapons technology of tomorrow, and that personnel problems threaten the integrity of our force structure, both at home and abroad.

This Senator believes those concerns are real and legitimate. Just last week, my colleagues approved some $13 billion from the Social Security trust funds to address some of these needs, I do not question the urgency in addressing all of our modernization, readiness and personnel shortfalls.

With that in mind, I cannot understand how the Senate, with a clear conscience, can fail to adopt the amendment that is pending before us, which was requested by the Joint Chiefs of Staff and which would save an estimated $3 billion a year.

Not just this year, but $3 billion every year, for years to come.

My colleagues, Senator LEVIN and Senator MCCAIN, have already made reference to a letter sent by the Joint Chiefs in support of this amendment.

In that letter, the Joint Chiefs characterize an additional round of base closures as "absolutely necessary."

Not just a "good idea," Mr. President, but "absolutely necessary."

While legions of men and women have courageously stepped forward to defend this Nation and serve their fellow Americans, the Congress has continued to shortchange readiness and quality of life programs to finance questionable programs and weapons systems unrequested and in some cases outright opposed by the Pentagon.

There is no greater national security issue at stake than the readiness of our military and our ability to respond to global crisis.

Mr. President, the amendment before us is politically unpleasant, but fiscally prudent and imperative and I urge my colleagues to support it.

Mr. President, I yield the floor and ask unanimous consent that the remainder of time be allocated to the Senator from Michigan, who controls the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, at this time, it is my understanding that the Senator from Kansas will address the Senate regarding the BRAC amendment.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the distinguished chairman, and I thank the distinguished Presiding Officer for taking my place while I make these comments.

Mr. President, I rise to again state my opposition to the BRAC amendment as it is proposed. Let's get it clear. I understand that my colleagues who are offering this amendment are very sincere in their efforts to address the problem of an excess infrastructure, certainly within the Department of Defense.

Let me be absolutely clear that I agree with the assertion that there is excess infrastructure. I have no quarrel with that. But let me be equally clear that until I am confident we can focus the BRAC where there is excess infrastructure and until we can ensure that any savings from such a BRAC—a lot has been said about the savings—will go toward modernization, or readiness, or procurement, as opposed to funding the numerous expeditions this administration continues to assign our military, such as Bosnia and Kosovo, I can't support any additional rounds of BRAC at this time.

Let me explain in a little bit more detail. "They" all understand that there is too much infrastructure for the current force strength. "They" know they need to act to reduce it. But the political costs are too high, and "they" know the blame for not having another BRAC can be easily passed off to others. We heard a lot of talk about "they" from the proponents of BRAC. Unfortunately, the readiness of our Armed Forces suffers because "they" are unwilling to act. I would like to get to the definition of who "they" are.

Most people who follow the excess military infrastructure issue—the BRAC issue, if you will—would say that "they" are the U.S. Congress. Senator after Senator has come to the floor with not really arms waving, but with some pretty tough commentary, pointing the finger at the Congress as being "they." However, let me also point out that a strong case can be made that "they" are also the civilian and uniformed leadership of the Department of Defense.

I am not trying to pick on anybody. I just want to share the responsibility in a fair way. Of course the Congress must approve the additional funds of BRAC, and therefore the responsibility is clearly on the shoulders of the Senate and the House. I accept that responsibility. The distinguished Presiding Officer does as well. Every Member of the Senate Armed Services Committee and the comparable committee in the House does as well. But the leadership of DOD has not shouldered the responsibility, in my personal opinion, to adequately prepare for future BRAC rounds. They could, by requiring each service to develop a prioritized listing of bases and facilities that are in excess, or the generic description of same, more especially in regards to the mission of the base.

I know what they are going to say. Their defense is such as, that would be impossible because of the politics of it; it would bias any future BRAC rounds, and therefore they should not be done until a BRAC is authorized.

By "they" I am talking about the DOD. "They" in this particular instance further state that it would be impractical to categorize the facilities by mission since most facilities are multifunctional, and therefore any future BRAC should, as in theory they have in the past, include all military facilities regarding the BRAC criteria.

If we are talking about BRAC, everybody is going to be on the same criteria. Everybody is on the table.

Of course, most bases and facilities are multifunctional. After all, they all train, they all have administrative functions, they all have public works tasks, but they all have a clear, primary mission.

Additionally, it is a bit disingenuous for the Department of Defense to say that all bases would be included, all are on the chopping block for consideration in any future BRAC round. That is rather disingenuous it seems to me, even if, for example, the service academies would be on the table, or the Norfolk Naval Base, or Andrews Air Force Base, or Fort Hood, or Camp Pendleton were on the table for BRAC consideration. That is not reasonable. That is not going to happen. It is not reasonable to expect that those, or other key facilities where we must have a primary mission, would be seriously considered for closure or for realignment.

It is not unreasonable to expect that a similar listing of definable excess capacity could and should be developed and be the focus of future reductions of infrastructure rather than, as I have said, before the "everything is on the table" approach in regard to BRAC.

Many of my colleagues have heard me voice my concern over what I call

"BRAC purgatory." That is, quite simply, what every city in America with a military facility goes through every time a BRAC round is mentioned. What that means in real terms is that the city or the community involved spends a lot of money from their very limited budget to hire so-called "experts" or "consultants" to help to really protect their base from any future BRAC round.

If we can focus BRAC on the primary mission of bases and generically define what we need, and what we don't need, we will spare many communities from "BRAC purgatory." We will let them off the BRAC hook if their facility is not on the excess infrastructure list. We are going to save a lot of communities from "BRAC purgatory," and we are going to save a lot of headaches and a lot of money.

I am equally concerned that the Department has failed to develop a strategy for the next round of BRAC. Let me emphasize "strategy." You just can't go to a BRAC and put bases on the chopping block. A specific infrastructure strategy is required for at least three reasons.

First, as the military approaches the optimum infrastructure, great care is going to have to be made. It will be required to prevent the cutting of the essential infrastructures.

Second, since the military missions and roles are changing —and, boy, are they changing; for example, the Air Force sees itself becoming an expeditionary force rather than a garrison force, and that is happening; the Army, Navy, and Marine Corps are all searching for a new mission and a new role—I think the Department of Defense-wide assessment of the types and the number and the location of the military facilities needed to support the national strategy must be developed. There must be a strategy there.

Third, both the Quadrennial Defense Review and the National Defense Panel strongly recommended consolidation and joint basing for the military to optimize their capability in an atmosphere of reduced budgets and reduced force structure military environment.

In isolation, each of those three requirements represents a difficult, a complex, and a contentious undertaking within the military and the Department of Defense. However, when taken as a collective mandate to shape the future infrastructure needs of the military, such an important imperative cannot possibly be accomplished within the guidelines of just a simple BRAC. It seems to me that the Department of Defense has to have the courage and will to oversee the services and direct actions be taken that would set the correct approach to reducing our excessive infrastructure to match our future military strategy. They should do that—not a BRAC commission.

The third action that DOD must find the will to take is defining the savings associated with BRAC and establishing a way to funnel those moneys into readiness, modernization, or the procurement or quality-of-life programs. In the April 1998 Department of Defense report on BRAC, they admitted that, "by their very nature, estimates of savings are subject to some uncertainty." That is probably the understatement of this debate. The Department further stated that, "No audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC."

Let me repeat that. Senator after Senator has come to the floor and said: Look at the money we are going to save in regard to BRAC. Then they look at the problems with modernization, and procurement, and readiness. Yet no audit trail, no single document, no budget account exists for tracking the end use of each dollar saved through BRAC. However, they assured Congress that, "The Department is committed to improve its estimates of costs and savings in future rounds of BRAC." "Oh, we are going to get it right next time."

It seems to me it takes courage to solve that problem, and it takes a dedicated effort to set up the processes to track and direct the BRAC savings into the promised accounts. And it will take more than a "trust me, it will be much better next time" assurance before many Members of Congress will let the reported savings, the estimated savings, the reported savings of another round of BRAC simply remain unaccounted for, be lost in the bookkeeping of the Department of Defense, or, in fact, if there are savings, if we can account for savings, they end up in such missions as Kosovo or Bosnia—which have to be funded, by the way, and which we addressed in regard to emergency funding.

That is the proper way to fund the final act of courage on the part of the uniformed and civilian leadership of DOD—I use the word "courage" in quotes here—that directly impacts the future rounds of BRAC politics of the last round.

A lot has been said about this. I understand it. I am not going to rehash that today. But based on a recent memorandum from the Department of the Air Force, it seems to me there is some acquiescence to such pressure to not really carry out the BRAC action directed in the last round. BRAC is a hard sell in Congress under normal times and under the purest of motives. But when actions are taken that clearly disadvantage others and violate the BRAC process for political gain, BRAC is a "no sell" in Congress.

For the Department of Defense to simply say that all we need is for Congress to authorize additional rounds of BRAC is an easy way to avoid the responsibilities for actions that must be taken by the Department of Defense well in advance of any congressional action.

It seems to me the Department of Defense can go a long way to helping us in regard to the BRAC process if they simply develop the fortitude and the decisionmaking to start the process now to correctly and accurately shape and define the infrastructure—not to simply put everything on the table to save money but be required to support the military of the 21st century even if they risk pressure from the White House or Capitol Hill. Without such a strategy, I cannot support another BRAC round that has a poorly prepared and inadequately staffed approach to reducing the excess infrastructure.

I urge a "no" vote from my colleagues on this matter.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Kevin Zumbar, a military fellow, and Zach Terwilliger, a legislative intern, in the office of Chairman WARNER, be granted floor privileges for the duration of the Senate's debate on S. 1059, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, how much time remains on the BRAC matter?

The PRESIDING OFFICER. The proponents of the amendment have 51 minutes and the opponents have 46 minutes.

Mr. LEVIN. I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator is recognized for 10 minutes.

Mr. LEVIN. Mr. President, from 1989 to 1997 the Department of Defense reduced the total active-duty military end strength by 32 percent. That figure is going to grow to 36 percent by 2003, over a third reduction in our end strength will be achieved by 2003. We are already about a third.

Even after four base closure rounds, the reduction in the Department's base structure in the United States has been reduced only 21 percent. The Department of Defense analysis concluded that the Department has about 23 percent excess capacity in its current base structure.

Let me give a few examples of that excess that we are now funding, spending taxpayers' money supporting, which is no longer needed.

The Army will have reduced the personnel at its classroom training commands by 43 percent, but the classroom space has only been reduced by 7 percent—personnel reductions, 43 percent in classroom training commands but the space only by 7 percent.

Why do we want to maintain all that excess classroom space that is not being used? What is the point of doing that? The answer to me; it is pointless. The uniformed military are saying: Please let us close it.

The Air Force will have reduced the number of fighters and other small aircraft by 53 percent since 1989, but the base structure for those aircraft will be only 35 percent smaller. The Navy will have 33 percent more hangers for its aircraft than it requires.

And on and on.

Secretary Cohen's report to us documents substantial savings that have been achieved from past base closure rounds. It has been argued that those savings can't be audited. What the CBO says about that argument is that firm measures of BRAC savings that were requested by the Congress do not and, indeed, cannot exist. That is because BRAC savings are really avoided costs. They are the difference between what the Department of Defense actually spent and what it would have had to have spent in the absence of the BRAC action. Because the latter is never actually observed, the figures for BRAC savings that the Department of Defense provides will never be firm measures; they must always be estimates.

Then the CBO says—talking about the Department of Defense report on savings—that the report's basic message is consistent with the CBO's own conclusion: Past and future BRAC rounds will lead to significant savings for the Department of Defense.

That, it seems to me, is the heart of the measure.

This is a Congressional Budget Office letter, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 1998.

Hon. CARL LEVIN,
Ranking Minority Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR: Section 2824 of the National Defense Authorization Act for Fiscal Year 1998 requests a report from the Department of Defense on the costs and savings associated with the four previous rounds of base closures and realignments. The legislation also requires the Congressional Budget Office (CBO) to review that report. The enclosure fulfills that requirement. In addition, I have enclosed a copy of CBO's response to a letter of April 17, 1998, from Senators Daschle and Lott and Congressman Gephardt.

Please contact me if you have any questions. The CBO staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosures.

REVIEW OF THE REPORT OF THE DEPARTMENT OF DEFENSE ON BASE REALIGNMENT AND CLOSURE

The Congressional Budget Office (CBO) has completed its review of The Report of the Department of Defense on Base Realignment and Closure, as required by section 2824(g) of the National Defense Authorization Act for Fiscal Year 1998. CBO finds that the report provides a clear and coherent summary of why the Department of Defense (DoD) believes that future BRAC rounds are necessary. Moreover, the report's basic message is consistent with CBO's own conclusions: past and future BRAC rounds will lead to significant savings for DoD. Nonetheless, the report is useful primarily as a summary of DoD's position, rather than as an analysis of BRAC issues. Although the roughly 2,000 computer-generated tables that accompany the report contain most of the specific data on past BRAC rounds that the Congress requested, the main text provides little analysis of those data or insight into the number and types of installations that might be closed in the event of future BRAC rounds.

DATA PROVIDED BY DOD'S REPORT

DoD's report provides most of the data requested by the law. Yet there were a few instances in which the department was unable to locate specific data or lacked information systems that were flexible enough to organize the data in the form that the Congress requested. For example, DoD was unable to locate the cost and savings estimates that it had originally given to the BRAC commissions, and it was unable to identify the BRAC funds spent on each type of Navy and defense agency installation.

The report also omits any specific information about the types and number of bases that might close as the result of future BRAC rounds. One explanation is that DoD may have been unwilling to make such projections because doing so might appear to prejudge the results of the BRAC process.

In addition, the firm measures of BRAC savings that were requested by the Congress do not—and indeed cannot—exist. That is because BRAC savings are really avoided costs: they are the difference between what DoD actually spent and what it would have had to spend in the absence of BRAC action. Because the latter is never actually observed, the figures for BRAC savings that DoD provides will never be firm measures, but must always be estimates.

THE COST OF IMPLEMENTING PREVIOUS BRAC DECISIONS

CBO did not attempt to verify DoD's estimates of the one-time costs of implementing past BRAC decisions. Those one-time costs (which include the costs of transferring or separating personnel, moving equipment, and constructing new facilities) represent actual expenditures and thus are easier to track than savings. Based on its current financial data, DoD concludes that the actual costs of implementing past BRAC decisions will be very close to those that it projected at the start of each round. DoD's initial estimate was that it would cost $23 billion to fully implement the four BRAC rounds; today, that estimate is $22 billion.[1]

Although DoD might be capable of estimating the costs of BRAC decisions very accurately early in the BRAC process, CBO finds that the similarity between DoD's initial BRAC cost estimates and the current ones may be, in part, a self-fulfilling prophecy. The Congress appropriates funds for one-time implementation costs based largely on DoD's budget estimates. Because those BRAC funds are in designated accounts and cannot be used for non-BRAC purpose, BRAC expenditures may adjust to some extent to match the funds available.

In addition, not all BRAC-related costs are included in the $22 billion estimate. For example, operating units sometimes bear unexpected costs when services at DoD facilities, such as equipment maintenance, are temporarily disrupted by BRAC actions. The $22 billion figure also excludes any environmental cleanup or caretaker costs that DoD might incur after 2001, when the implementation periods specified by the Congress for the past four BRAC rounds will be complete. Payments made to assist communities and workers adversely affected by based closures are also omitted. (DoD estimates that those costs, which are paid by the Department of Labor, DoD's Office of Economic Adjustment, the Economic Development Administration in the Department of Commerce, and the Federal Aviation Agency, totaled about $1 billion as of 1997.)

THE SAVINGS FROM PAST BRAC ROUNDS

Consistent with current BRAC budget documents, DoD's report indicates that when the past four rounds are fully implemented, they will provide annual recurring savings of about $5.6 billion (in constant 1999 dollars). That figure appears to be reasonable. By comparison, CBO estimates that savings could be about $5 billion annually.[2]

However, DoD's report does not document how the services and defense agencies derived the BRAC savings estimates that underlie the aggregate $5.6 billion figure. Nor does it show that those estimates are consistent with the quantitative model (DoD's COBRA model) that DoD used during past BRAC deliberations and might use in any future BRAC round. Instead, DoD tries to show that its aggregate estimate is credible by presenting a new analysis based on aggregate data and by citing recent audit reports. Neither approach is very successful. For example, the new analysis in DoD's report (which identifies recurring annual savings of $7 billion) is based on the same undocumented estimates of personnel reductions that the defense agencies and military departments use in their BRAC budgets. Because reductions in personnel costs account for over 80 percent of estimated BRAC savings, using those personnel numbers ensures that DoD's new estimate of savings will not differ widely from the estimates in the BRAC budget documents. Because the new analysis depends on those budget estimates it cannot be used to verify them.

DoD's use of audits to verify BRAC savings also suffers from serious weaknesses. For example, the DoD Inspector General's audit of 1993 BRAC actions found that savings exceeded DoD's budget estimates by about $1.7 billion over the six-year implementation period.[3] Yet almost all of that $1.7 billion in additional savings came from a few special situations in which the effects of BRAC actions were confounded with those of imposed budget cuts, reductions in workload, or reductions in force structure. An audit can compare what DoD spent at different bases before and after BRAC actions, but—unlike models such as COBRA—it cannot disentangle the effects of BRAC from those of other factors.

ESTIMATES OF EXCESS CAPACITY

DoD's report indicates that the department will have excess capacity of over 20 percent at its U.S. bases after completing the four BRAC rounds. In its analysis, DoD compared the size of specific types of forces or workloads (measured, for example, by the number of aircraft or assigned personnel) with the size of the base structure that supports those forces or workloads (measured by the square feet of buildings or of apron space at airfields). DoD then estimated the amount of excess capacity by calculating the percentage reduction in the base structure that would result in the same ratios of forces to base structure that existed in 1989.

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[1] Footnotes at end of review.

That approach is reasonable and, at least in the aggregate, yields a credible estimate. Yet it may not provide good estimates for particular categories of installations. DoD's estimates of the excess capacity for different categories of bases would be more credible if they were tested using a wider variety of indices for the size of forces and the base structure. The department's use of 1989 as a baseline may also be inappropriate for some types of installations. On the one hand, that approach could overstate the size of the required base structure—DoD might have had excess capacity in 1989, or it might need fewer bases today because it has consolidated service programs into defensewide activities. On the other hand, the approach could understate the amount of capacity required if some types of base support are truly a fixed cost, required regardless of the size of the force.

THE COSTS AND SAVINGS FROM POSSIBLE FUTURE BRAC ROUNDS

According to DoD's report, additional BRAC rounds in 2001 and 2005 would, together, save $3.4 billion (in constant 1999 dollars) every year after 2011. In addition, the report implies that the cumulative savings from those rounds would outweigh the one-time implementation costs before 2011. To make those estimates, DoD assumed that the annual profile of costs and savings for each of the two proposed BRAC rounds over their six-year implementation periods would match the average profile for the 1993 and 1995 BRAC rounds combined, adjusted for inflation.

Those assumptions are reasonable for planning. DoD may not be able to provide better estimates until the specific bases that would be affected by proposed future BRAC rounds are identified. Yet savings from future rounds could be less than DoD predicts if the excess bases that have not already been closed are those for which closure costs would be relatively high or recurring annual savings relatively low. Such a pattern could also extend the time required before the savings from the additional BRAC rounds would outweigh the costs. Yet even in that case the ultimate savings from future rounds could still be significant.

IMPROVING ESTIMATES OF COSTS, SAVINGS, AND EXCESS CAPACITY

DoD's report provides a clear summary of the department's perspective on BRAC issues and on the need for additional base closures. But it provides little new evidence or insight into those issues. A more substantive report would have provided documentation for the estimates of BRAC savings that were submitted with the budget for fiscal year 1999 and a more detailed analysis of capacity issues.

In the future, DoD plans to keep better track of BRAC documents and of expenditures at bases before and after BRAC actions. Those steps would be useful. To the extent that implementation costs reflect actual DoD expenditures, improved financial records could contribute directly to the department's ability to assess BRAC costs. For example, DoD could extend its efforts to track the costs of BRAC rounds beyond the six-year implementation period in order to fully account for long-term caretaker and environmental costs.

Yet better recordkeeping, by itself, will not allow DoD to identify the extent of BRAC savings in a period when bases are undergoing large changes in budgets, forces, and workloads unrelated to BRAC. Instead, formal statistical models are needed to disentangle the effects of BRAC and non-BRAC factors on expenditures. In addition, DoD could improve the credibility of its savings estimates by better documenting the assumptions and methodologies used to generate them. The DoD Inspector General's audit of the savings from 1993 BRAC actions revealed that the services and defense agencies were often unable to explain how they derived the savings estimates submitted in their budget documents. The Congress might want to request that such documentation accompany all future BRAC budget exhibits. Such a requirement might encourage DoD to place greater emphasis on the quality and consistency of its estimating procedures.

In addition, DoD could provide better insight into capacity issues by developing a master plan for its base structure. Such a plan might be based on explicit estimates of requirements rather than presuming that the ratio of forces to base structure that existed in 1989 remains appropriate. For example, the plan could use standards reflecting the number of acres of land that combat units need for training or the number of square feet of office space an administrative worker requires. Standards could be developed that are appropriate to different types of forces and for forces stationed in the United States and overseas.

DoD's report would have been stronger had it provided well documented estimates of the savings from past BRAC rounds and estimates of excess capacity based on requirements. Yet despite those limitations, the report provides rough but credible estimates of the total recurring savings from past BRAC rounds, the aggregate level of excess capacity in the United States, and the potential savings from future BRAC rounds.

FOOTNOTES

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[1] Those figures are in current dollars, not adjusted for inflation. They represent the one-time costs that DoD expects to incur in closing and realigning bases during the six-year implementation period that the Congress has allowed for each BRAC round. They include environmental costs but exclude any revenues from land sales that result from BRAC actions. Although DoD initially expected to receive about $4.1 billion in revenue from land sales as a result of past BRAC actions, it now expects that figure to be only $0.1 billion.

[2] DoD's estimate is based on the sum of the savings shown in the budget for the last year of the implementation period for each BRAC round. CBO's figure, which is in constant 1998 dollars, reflects trends in base support costs, adjusted for changes in the size of military forces. Past CBO reviews have also concluded that the savings from base closures and realignments are substantial. See Congressional Budget Office, Closing Military Bases: An Interim Assessment, CBO Paper (December 1996).

[3] Office of the Inspector General, Department of Defense, Costs and Savings for 1993 Defense Base Realignments and Closures, Report No. 98-130 (May 6, 1998).

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 1998.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: In your April 17 letter, you pose 10 questions about base realignment and closure (BRAC) actions. This letter responds to those questions. In addition, I have enclosed the Congressional Budget Office's (CBO's) review of The Report of the Department of Defense on Base Realignment and Closure, which elaborates on many of the issues you address in your letter.

Actual BRAC Savings. The Department is able to provide reasonable estimates of BRAC savings. Yet the firm measures of BRAC savings that were requested by the Congress do not—and indeed cannot—exist. BRAC savings are really avoided costs—costs that DoD would have incurred if BRAC actions had not taken place. Because those avoided costs are not actual expenditures, DoD cannot observe them and record them in its financial records. As a result, DoD can only estimate savings rather than actually measure them.

DoD Information Systems. It is not possible for DoD to establish an information system to track actual savings. The BRAC budget justification books track only estimated savings. DoD is more successful in tracking one-time implementation costs, which typically reflect actual expenditures made from BRAC accounts. Its information systems, however, cannot always categorize those expenditures in the most useful way. For example, in its report, DoD could not provide BRAC obligations by base type for the Navy and the defense agencies. To comply with the spirit of the request in section 2824(g), DoD might try to provide better documentation of how the budget estimates for savings are made and to maintain more accessible records of BRAC costs on an installation-by-installation basis.

Economic Effects of Future BRAC Rounds. DoD's report does not make detailed projections of the specific outcomes of future BRAC rounds. The economic impact of base closures on communities depends on many factors, including the size and strength of the local economy and whether the community is urban or rural. An analysis of the likely impact of future base closures on local communities cannot be attempted until the specific communities are identified; even then, it would be very difficult to do.

Information Provided in DoD's Report. The DoD report provides most, but not all, of the information that the Congress requested. As noted above, it does not provide data that would require projecting the specific outcomes of future BRAC rounds. In addition, DoD was unable to locate some of the requested data, including the original cost and savings estimates that it gave to the BRAC commissions.

DoD's Analysis of Excess Capacity. DoD's report determines excess capacity based on the change in the ratio of forces to supporting bases since 1989. Although that approach is not unreasonable, the resulting estimates of excess capacity depend heavily on what specific indices are used for the size of the forces and of their supporting bases. In addition, that approach can understate or overstate the current level of excess capacity for particular types of bases depending on whether DoD had too many or too few bases of those types in 1989.

Overseas Base Capacity. DoD's capacity analysis does not address overseas forces or bases. The estimates of excess capacity presented in DoD's report refer to the percentages of excess capacity in the United States. The extent to which there may be a shortage or an excess of bases overseas relative to U.S. forces overseas does not affect the accuracy of those estimates or the need for base closures within the United States.

Savings from Past BRACs and Future Personnel Reductions. CBO found that the methodology used by DoD to show annual recurring savings of $7 billion from the four prior BRAC rounds is relatively weak. Nonetheless, CBO believes that recurring savings from those BRAC rounds will be substantial—about $5 billion annually, as is indicated by the services' BRAC budget documents.

DoD's current spending plan, which extends only to 2003, shows small reductions in the number of personnel in 2001 and beyond. Such reductions are not inconsistent with additional BRAC rounds in 2001 and 2005, because most of the savings and personnel reductions from those rounds would not be seen until after 2003. However, DoD will have to make significant reductions in personnel after 2001 to realize the level of BRAC savings that it projects from future rounds.

Future Savings Estimate. In its review of DoD's report, CBO concludes that the department's estimate of savings from future BRAC rounds is not unreasonable for planning. A more accurate estimate would require detailed projections about the outcomes of future BRAC rounds.

Costs Beyond the Implementation Period. DoD will incur environmental and caretaker costs for some bases after the six-year implementation period is over. In its review, CBO suggests that estimates of BRAC costs and savings would be more accurate if they included those costs.

Data Included in DoD's Report. Most of the data in the appendices to the DoD report are not new. Rather, they were compiled from several existing sources, including BRAC budget justification documents and other documents that DoD has submitted to the Congress. However, the report aggregates the data in new ways and presents them at levels of detail not previously available in a single document.

As your letter indicates, the issues surrounding military base closures are difficult ones. One problem is that if the BRAC process is going to work, the Congress must decide on the advisability of additional rounds without knowing in advance which bases would be affected and what the specific effects of those closures would be. Another difficulty is that the Congress must make those decisions even though the savings from previous rounds can only be estimated rather than tracked in DoD's financial records. The amount of savings from BRAC actions will always be impossible to estimate precisely. The reason is that the effects of BRAC actions are not easily disentangled from those of non-BRAC actions, such as mandated budget reductions or cuts in forces and workloads.

I hope that this response is helpful. Please contact me if you have any questions or if you would like to request additional work by CBO on BRAC issues. CBO's staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. LEVIN. The heart of the matter, it seems to me, is that our auditors, our budget experts, have said that it is their conclusion that "past and future BRAC rounds will lead to significant savings for the Department of Defense."

What are those estimates of savings? By 2001, the Department estimates that BRAC actions will produce a total of $14.5 billion in net savings. After 2001, when all BRAC actions must be completed, steady State savings will be $5.7 billion per year. This is just from past base closure rounds, which some Members say can't be audited in terms of precise savings.

That is a lot of money, $5.7 billion per year—steady State savings. Is it possibly $5.6 billion or $5.8 billion? Nobody can state with certainty. It is significant.

What can be stated is what the CBO's conclusion is, that these are significant savings and are similar to the kind of savings that the CBO believes are achieved with base closing.

Last July, as I indicated, the CBO gave their own conclusions, so while we can debate this issue on the floor about audit trails and how precise the estimates are, our auditors, our experts, have reached the critical conclusion that the savings, indeed, are significant.

Earlier this month we received letters from Secretary Cohen, from the Chairman of the Joint Chiefs, from all of the Joint Chiefs, from the Secretaries of the Army and the Navy and the Air Force. In his letter, Secretary Cohen says the Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinged in great measure on realizing this critical savings that only BRAC can provide.

Our ability to support the men and women in uniform depends on future savings from BRAC rounds.

A letter which we just received, signed by all six members of the Joint Chiefs of Staff, makes their views crystal clear:

> Simply stated, our military judgment is that further base closures are absolutely necessary.

Those are pretty strong words and these are our uniformed military leaders. On the Armed Services Committee, we put a lot of stock in their judgment on most issues. Once in a while we may disagree with them, as is our right and our duty, but when the top military leadership, civilian and uniform, in this Nation tell Members that more BRAC rounds are "absolutely necessary" we should take heed.

General Shelton said in last year's Department of Defense report:

> I strongly support additional base closures. Without them, we will not leave our successors the war-fighting dominance of today's force.

That is not a political statement; that is a military man's statement. That has to do with warfighting dominance.

We can argue about audit trails or specifics on this floor, but when the Chairman of the Joint Chiefs says we will not leave our successors the warfighting dominance that we have in today's force without additional base closures, those are words which have a special meaning, it would seem to me, to all of the Members who have this special responsibility.

We have to face up to this responsibility. A decade ago, after years of prodding by Senator Goldwater and under the leadership of Senator Nunn and Senator WARNER, Congress had the vision and the courage to start the BRAC process. Just imagine the financial problems that we would have today if we could not count on the savings from previous BRAC rounds. If the Senators a decade ago did not succeed in persuading us to start the BRAC process, think of the problems we would have today. Those are the problems we are going to have 4, 5, 6, 7 years from now if we do not continuing a process, if we do not continue the process, if we do not shed the excess infrastructure which is no longer needed.

Mr. WARNER. Mr. President, will the Senator allow me to address the Senate with regard to a unanimous consent request which he and I have shared? I will just present it.

I ask unanimous consent that time until 1:45 today be equally divided on the BRAC amendment between the proponents and opponents, with the vote beginning, as under the previous order, at 1:45 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I had discussed the possibility of Senator KERREY coming in. I am committed to the 1-hour time agreement. We are advised by Senator KERREY he would not be available to utilize that time period after the 1:45 vote. I will be working to determine what we can bring up following the 1:45 vote.

Mr. LEVIN. I thank my friend from Virginia for his efforts to accommodate Senator KERREY. An additional hour is needed for his amendment, but because of his vice chairmanship on the Intelligence Committee which begins meeting right now, he is unable to be here.

Mr. WARNER. The most I can advise the Senate is we will have the vote at 1:45 today on the BRAC amendment. Thereafter, as quickly as I can, I will advise the Senate, after consultation with the ranking member, as to what the next amendment will be.

I yield the floor.

Mr. LEVIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The distinguished Senator from Michigan has 1 minute 14 seconds.

Mr. LEVIN. I yield myself an additional 2 minutes. I will finish and then ask unanimous consent that after I am completed, in 3 minutes or so, Senator ROBB be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, Congress likes to ask the Joint Chiefs every once in awhile how much more money they think they need and where should we add it? What are their priorities?

Those are legitimate questions for us to ask. But they are also relatively pretty easy issues to address. Our duty as Members of Congress extends far beyond pitching and hitting softballs. We have an obligation to the men and women in uniform to listen to the Chiefs when they ask us to do something that is hard to do.

The Chiefs' opinions are important to us when following them is easy to do, when they give us their priorities if we can find some additional funds. But now they are asking us to do something that is hard politically to do, and that is to heed their advice, to close some additional bases. I do not know of anybody in the Department of Defense or anybody in this Chamber who likes closing bases. Not many people like going to the dentist or losing weight either. It is just a lot more fun to eat dessert than to look after your health. But we have an obligation—and it is difficult—in the best interests of this Nation, and for the health of our military, to do not what is easiest, but to do what is essential.

What is essential has been told to us very eloquently in these letters from the Chiefs, in this letter from the Secretary of Defense, in this letter from the three Service Secretaries. These letters tell us as pointedly, dramatically, strongly, forcefully as they can, that it is essential that additional bases be closed. "Our military judgment is that further base closures are absolutely necessary."

I began my few minutes of comments with that quote and I end them with that quote, because I hope we will all think about that as we make a politically tough decision on how to vote on the pending McCain-Levin amendment.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I thank my distinguished friend and colleague from Michigan for his leadership on this issue, as well as my colleague and friend from Arizona for his leadership on this issue. It is a difficult issue.

This year, we have added billions of dollars to improve the readiness of our Armed Forces. It does not take a budget expert to realize how much more we could accomplish for our men and women in uniform if we had the billions in savings that would accrue from just one additional round of base closures in the year 2001.

Last year and the year before that, I argued that not giving the Department of Defense the authority it has asked for to close unneeded bases makes the Congress look shortsighted and indecisive. I argued then that every dollar used to maintain excess infrastructure is a dollar diverted from resources we so badly need to modernize our equipment and to improve the quality of life of our hard-working military personnel and their families.

Sadly, those BRAC efforts failed for nearly the same reasons the emergency supplemental succeeded last year, reasons that have more to do with politics than with making the right choices when it comes to protecting this Nation's interests, both now and into the next century.

Admittedly, the emergency supplemental had plenty of legitimate emergency spending, emergency spending for our troops, for our farmers, and for hurricane and tornado victims. But it threw fiscal discipline out the window by also spending billions in nonemergency spending. In my view, we have acted just as irresponsibly over the past 3 years by refusing to close bases we no longer need. If we fail to pass this latest BRAC proposal once again, we will have failed not only the taxpayer but also the men and women who comprise the finest fighting force the world has ever known.

I come back to this point, one I have made time and time again, to ask, who really suffers if we force the Department of Defense to keep open bases it does not need? In the end, we only punish those who most need the benefits of infrastructure savings. First, we punish the Nation's taxpayers when we fail to make the best use of the resources with which we are entrusted. Second, we punish today's soldiers, sailors, and marines, because current readiness requires having sufficient reliable resources for equipment, training, and operations. Finally, we punish tomorrow's force, our future readiness, as we continue to mortgage the research, development, and modernization of the platforms and equipment that will be necessary to keep America strong into the 21st century.

As the Joint Chiefs of Staff have testified, there is no shortage of legitimate programs to apply BRAC savings towards including Navy shipbuilding. Years of relatively low procurement rates have created a shortfall so significant that the fleet size will shrink to substantially less than the 300 ships of the Navy's stated goal in the 2020s, if procurement rates of 8 to 10 ships do not start materializing now. The Navy is stretched thin enough right now, with 324 ships. Do we really want to risk not having enough ships to meet our commitments in the next century?

It does not have to be this way. The 300-ship Navy, the Army after next, and the Air Force and Marine Corps of tomorrow can be funded, at least in part, from BRAC savings. The savings from the first four rounds of base closures alone are estimated to be on the order of $25 billion over the next 4 years. It should come as no surprise that scores of studies and organizations such as the Quadrennial Defense Review, the Defense Restructure Initiative, the National Defense Panel, and Business Executives for National Security have all concluded that more base closures are crucial to the future of our Armed Forces.

It is time to put politics behind us. We have an obligation to change the way we do business and to do what is right for our Armed Forces and what is right for the taxpayer. I urge my colleagues to support this critically important amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Mr. Lesley Spraker, a military affairs fellow in the office of Senator DEWINE, be granted the privilege of the floor during the consideration of S. 1059.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that Paul Barger, a national defense fellow in Senator INHOFE's office, be given the privilege of the floor during the remainder of the debate on the defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, at this time, I yield whatever time he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the Senator from New Hampshire. I will take just a couple of minutes.

I rise in opposition to the McCain-Levin amendment on base closure. It is a difficult decision for me because I am persuaded there could be some closures that would make us more efficient in terms of our mission in defense. I remember my friend, Dick Cheney, whose place I took in the House, said that defense is not for economic development; it is for defense. I appreciate that, and I believe that.

I was not at all impressed with the last process. I was not at all impressed with the way the administration handled it, so I do not believe that it is appropriate at this time to bring in the politics again of base closure. Frankly, the military ought to come forward with their views as to what is necessary to carry out their mission. That, of course, should be our particular desire.

AMENDMENT NO. 395

Mr. THOMAS. Mr. President, I also rise in opposition to the Kerrey amendment. It seems to me that it would be a mistake to begin to downgrade our position with regard to missiles until START II is agreed to by the Russians. We have already approved that treaty; the Russians have not. I do not think we should weaken our position.

I appreciate the opportunity to share my views on those two amendments. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 393

Mr. SMITH of New Hampshire. Mr. President, during the markup of the defense authorization bill in committee, we twice rejected base closure amendments. So it does seem anticlimatic to be out here on the floor again for the very same proposal. But such is the way of the Senate sometimes.

Senators McCAIN and LEVIN did offer an amendment to have two rounds of base closures in 2001 and 2003. The process was adjusted to ensure that the next incoming President would appoint the commissioners. Everything else was identical to the amendment now being offered, and the amendment was defeated by a vote of 12–8, with members on both sides of the aisle voting one way or the other. Then Senators LEVIN and McCAIN offered another amendment that called for only one round of base closures in 2001.

The House version of the Fiscal Year 2000 Defense Authorization bill is silent on base closures. Opposition to base closure in the House is much stronger than it is in the Senate, and the Membership has let it be known that they will oppose any base closure legislation in conference, even though the administration proposes these two rounds in 2001 and 2005. We are in a debate on the floor taking a lot of the Senate's time on a proposal that probably lacks the support in both the House and the Senate to get this to the President's desk.

There have been a lot of arguments made on both sides. Let me offer a few of my own.

During previous rounds, the Department had the opportunity to reduce the infrastructure to the extent that it believed necessary. That was the purpose of the previous rounds. The bottom line is that the Department failed to do that.

When first announced, the 1995 BRAC round was proclaimed to be "the mother of all BRACs." But the outcome was just a whimper; it was a little daughter rather than a mother.

Any purported savings of another round of these closures would not be available in the near-to-medium term for the procurement of equipment and weapons modernization or any other purpose. That is really what we care about. We want money for new equipment. We want money for readiness and modernization.

The bottom line, as most of my colleagues know, is that it is going to cost us in the immediate future money that we desperately need right now for readiness. No one disputes that if you close down infrastructure, in the long run it is going to save money. That is obvious. But it is going to cost us somewhere in the vicinity of $3.2 billion right up front to begin the closing, with the environmental issues and all the changes that have to be made: the upfront cost transfer of units and equipment, new facilities at receiving installations, buyouts of civilian employees and environmental cleanup. If we do not have the dollars now to do what we need to modernize our troops, to get the equipment they need, to get them up to the readiness level at which they should be—how will we be able to pay these initial costs?

Arguments that have been made, rightfully so, by Senator INHOFE and others, concerning the politicization of the last BRAC process. We all know that the administration seriously damaged the base closure process by its handling of the Commission's 1995 recommendations concerning McClellan Air Force Base in California and Kelly Air Force Base in Texas. We need to let these issues settled. There are a lot of hard feelings left over from that. We need to fully resolve these issues before we attempt another round.

BRAC should be focused on excess capacity, but it should not be an excessively broad approach. We ought to target any future BRAC legislation—we do not want every single installation in America to be in BRAC purgatory. I believe the Senator from Kansas, who is in the Chair now, has used that term. And that is what happens. Everybody gets put in this purgatory and everybody has to hire all these consultants and experts to try to get out of purgatory and hopefully not go to Hell, but hopefully wind up in Heaven, with their base preserved.

As the number of worldwide commitments increases for the Armed Forces, we should be considering increasing the size of the Armed Forces. We can make a very compelling case for that. I am willing to make it. Further base closures could preclude that eventuality. What we lose, we never get back. For example, if we close a shipyard, imagine how much time and effort and money we would have to expend, and how many environmental hoops we would have to jump through to open another shipyard after it has been developed into condominiums along the harbor somewhere. We will never be able to do it. Once it is gone, it is gone. We need to understand that.

I think we have to look at it and ask ourselves this basic question: Is it now the time to reduce further our infrastructure for the purpose of some long-term savings that are going to cost us in the short term when there is all this uncertainty out there?

The Senator from Michigan very eloquently, in his statement, talked about the percentage argument—that force structure has gone down 36 percent, personnel has gone down 40 percent, and base closings are only down 18 percent. That sounds like a fair argument, and it sounds like you ought to be able to put it all together, and there ought to be an even 36 or 40 percent cut in all areas. But that is not the case.

If you use an analogy of a football team, your team may be half the size it used to be, but you still have to have a stadium to play in. So you can reduce helmets and you can reduce personnel and you can reduce support, bandages, or whatever you need for the players, but you still have to have a stadium.

So I do not think you can break it down that simply. It does not matter whether you have a good team or a bad team, or whether you have 75 players as backup or 12 players as backup, you still need a stadium, you still need to have a certain amount of infrastructure to run the team.

So I say this is very ill-advised. We do not know where we are going. I personally believe that right now, the way things are going in the world, we are going to have to increase, not decrease, our personnel, increase, not decrease, our forces, and if we are going to do all that, we are going to have to have the infrastructure to support it.

So I hope this amendment will be defeated for those reasons alone, not to mention the anguish the communities would have to go through.

I think it is important to understand that the President of the United States is calling up reserves right now, in great numbers, to be deployed, Lord knows where—perhaps Bosnia, perhaps Kosovo; we do not know just where. We do not know what other crisis may break out.

I just think it is a terrible time to think about taking down infrastructure. What message does that send to the troops out there and to the people who support those troops all across the country in the bases and the infrastructure around those bases? What message does it send to those people if we say, in spite of all of this increase in activity around the world, we are now still going to eliminate more infrastructure, not knowing what we need for the next crisis?

We can eliminate it at some point, if it is necessary. We are not saving that much now to do it. As a matter of fact, even in the short term it is costing us. So there is no rush here. I think we ought to just settle down, take a careful look at what we are doing, reevaluate our entire military structure—and in my view, increase the size of our forces—and not rush to judgment here with some additional base closings.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. How much time does the Senator need?

Mr. INHOFE. Five minutes.

Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The distinguished Senator from Oklahoma is recognized for 5 minutes.

Mr. INHOFE. I thank the Senator for yielding time.

I think just about everything has been said here, but there are some concerns I have that I would state in a little different way than the Senator from New Hampshire has stated them.

One is that we have gone through an artificial downsizing that is not commensurate with the threat that is out there. The myth that has floated around that the cold war is over, there is no longer a threat, is something that finally the American people are waking up and realizing is not true. We are in the most threatened position today that we have been in probably in the history of this country, with the diverse types of opposition out there, the proliferation of weapons of mass destruction and abilities to transport those weapons.

So I say, one of the strongest arguments against a BRAC round at this time is, we have gone through four BRAC rounds. If we take the level of our infrastructure down to meet the level of the force strength, then when we start back up with the force strength, we will not have the infrastructure that is necessary.

So we need to be looking at our rebuilding process. It would be like going through extensive BRAC processes back in the late 1970s—right before rebuilding, which is imminent. We are going to have to do it with the new administration.

Secondly, as I think the Senator from New Hampshire articulated quite well, we are in a really severe situation right now in terms of readiness. Later on today I want a chance to elaborate on this and talk about the fact that we are now at approximately one-half the force strength that we were in 1991. In other words, we could not repeat our effort in the Persian Gulf war today.

This is being complicated by all these deployments to places where we should not be. We should never have sent a troop or any effort or any assets into Bosnia; we should not have done that in Kosovo or Albania, or to Haiti, for all practical purposes, because that dilutes the already scarce military assets we have.

I say this relates to this subject because we have a military system that is hemorrhaging today. This is not something that we can wait until later to take care of. As the Senator from New Hampshire pointed out, anything that comes from a BRAC round, a new BRAC round, is going to cost money, not save money.

Now is when we are going to have to try to do something with our readiness so that if General Hawley has to stand up and say something has happened either in the Pacific theater, North Korea, or the Persian Gulf, Iraq or Iran, we would be able to meet that. We cannot do that today. So this certainly would be ill-timed, even if you believe that it was a good idea to have future BRAC rounds.

I think also we need to look at the budget we are passing. I want to talk about the inadequacy of what we are talking about in our authorization bill. We are increasing by about $9 billion what the President's budget was. We have had testimony from the CINCs and from others in the field and from the four-stars that this is totally inadequate. We are going to have to have at least a minimum increase of $24 billion each year for approximately 6 years.

Lastly, I would like to remind everybody of what happened in the last round, I believe, in the BRAC process. I was elected to the House in 1986, and that is when we put this idea together. It was a Congressman from Texas, DICK ARMEY, who did it. The idea was to get politics out of the BRAC process. Through round 1 and round 2 and round 3, there were no politics involved. They were not political decisions; they were rational decisions.

However, in the last round—and we all know what happened; no one is going to question this—the President went out there prior to the 1996 election, to McClellan in California and to Kelly in Texas, in order to get votes and politicize the system.

You might say: Well, this is going to come along after he is gone. I am a little bit concerned about the fact that there is a possibility, a very outside possibility, that AL GORE will succeed him. That being the case, he was involved in politicizing this, too.

For those who believe we still have excess infrastructure, I would like to have you consider that maybe we should wait until we see what the new administration is going to look like, what kind of commitments are going to be made. As chairman of the committee that has oversight over the BRAC process, I suggest we wait and not pass this BRAC recommendation today.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time does the Senator require?

Ms. SNOWE. Five minutes.

Mr. SMITH of New Hampshire. Is there a UC on the time?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes.

Ms. SNOWE. I thank the Chair.

I gave a lengthy statement last night. I will not go into everything that I referred to, but I think there are several points that need to be reiterated with respect to base closing.

I strongly oppose the base closing amendment that has been offered by Senator MCCAIN and Senator LEVIN that would initiate another round in the year 2001. We come back to the same issues that have yet to be addressed by the Department of Defense with respect to creating a comprehensive analysis in terms of matching our infrastructure with our assets and the security threat mix that we can anticipate into the 21st century.

This is an analysis, in fact, that has been suggested and recommended by the National Defense Panel in order to have an overall assessment and accounting of exactly what we are going to need with respect to our domestic infrastructure into the 21st century.

I think everybody acknowledges that we are facing different types of threats today, more asymmetric, more unpredictable, more uncertain, far more diverse, regional threats than we have ever encountered before. So as a result, it seems to me we need to have an accounting from the Defense Department as to exactly what are their needs.

They keep telling us over and over again from the previous four rounds that we have achieved and realized billions and billions of dollars in savings. Yet we have been unable to track those savings. In fact, in the reports by the General Accounting Office in 1996 and then again in 1997 and in addition to the Congressional Budget Office reports, all indicate the very same thing. It is very difficult to ascertain the amount of savings derived from the previous base closing rounds, because the Department of Defense has never established a mechanism for tracking those savings.

I think it is important for us to have that data so we can document what has exactly been saved as a result of those four previous rounds.

When you look at this chart, this is in the General Accounting Office report: Why BRAC Savings are Difficult to Track and Estimate Changes Over Time. DOD accounting systems are not designed to track savings. Some costs are not captured initially; i.e. the environmental costs.

Well, we now find out that they are going to have to spend at least $3 billion more in environmental mitigation than they anticipated.

Some savings cannot be fully captured—long-term recapitalization costs. Again, we have found out in terms of sales, they anticipated they would realize $3 billion in sales, and they have only received about $65 million. So that is a great gap between what they projected for revenues of sales and what they actually realized.

DOD components do not have incentives to track savings because budgets may be reduced. Over time events may impact costs and savings that could not have been known when estimates were developed.

On and on it goes. We have no way of knowing.

Then the Department of Defense has said, well, we have cut back on personnel by 36 percent so, therefore, we should be reducing infrastructure by 36 percent. Since we haven't done that, it should be one on one, essentially, we should be reducing our infrastructure. But again, these determinations should not be made by arbitrary percentages but, rather, a documentation of exactly what we need for the future.

We have unpredictable challenges and, therefore, I think we should make those decisions based on the assessment of what should be our military infrastructure for the 21st century. Yet we have not had that kind of accounting.

I hope the Senate will not approve another round until we have the opportunity to have this kind of analysis from the Department of Defense they have resisted providing over the years.

In fact, in the 1998 Secretary's report on BRAC, it said additional rounds of BRAC in the years 2001 and 2005—that would be contingent on two rounds—would yield $21 billion in the years 2008 to 2015, the period covered by the QDR, and $3 billion every year thereafter.

But that is contradicted by the report by the Defense Department in 1999 with respect to BRAC savings. It says with four BRAC rounds between 1995 and 1998, DOD invested approximately $22.5 billion to close and realign 152 installations. So it costs as much to close those bases as what they are projecting for savings from another two rounds in the future.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. One additional minute.

Mr. SMITH of New Hampshire. I yield the Senator 1 additional minute.

The PRESIDING OFFICER. Without objection.

Ms. SNOWE. The real challenge and the problem with these base closing rounds has been the fact that they are costing far more than what the Defense Department anticipated. I think it is important for us to have the information and the verification from the Defense Department as to exactly what they have saved and how much it has cost and what they anticipate in the future. In addition, they have not even completed the four previous rounds. They have yet to be totally implemented. So we could be incurring additional costs.

Of course, the final dimension to the whole problem is all of the contingency operations. We have had 25 contingency operations that have cost the Defense Department more than $20 billion. That has impacted readiness and modernization.

I say to this administration that perhaps if they had more clear objectives with respect to these operations, we could contain the costs, but we should not put pressure on reducing our domestic infrastructure if we are going to have more contingency operations in the future that demand the use of our domestic installations.

The PRESIDING OFFICER. The Senator's time has expired

The Senator from Nebraska is recognized for 12 minutes.

Mr. HAGEL. I thank the Chair.

Mr. President, I rise to strongly support the McCain-Levin amendment. The arguments that have been made this morning and this afternoon, I believe, speak rather clearly and directly to why this amendment is worthy of our colleagues' support today.

I also wish to express my strong support for S. 1059, the fiscal year 2000 Department of Defense authorization bill being debated here on the floor of the Senate.

The first responsibility of our Government is to provide for a strong national defense to protect America's security interests. The primary responsibility of elected officials is to provide the leadership and the wisdom to ensure it is used in the best interests of the American people.

The percent of the gross domestic product we spend today on defense is lower than what it was just prior to the Japanese attack on Pearl Harbor. At the end of the cold war, there was excited talk about the peace dividend that would come, of course, from the decline in East-West conflict as a result of the implosion of the Soviet Union and the reduction in defense spending that, of course, would logically follow.

There was also talk about a new global order. Some suggested that war might be obsolete, thanks to the breakout of democracy around the globe. This all sounded hauntingly familiar to the end of World War I and other periods in the history of the world. But there is a peace dividend. That dividend is the new freedoms and opportunities that have resulted from the peace and stability America and her allies won over the last 50 years.

If we step back for a moment and review Korea, Vietnam, the Persian Gulf, we understand in some rather direct terms what our stand and our allies' stand in those three areas of the world meant to stability, to commitment, to using our forces in a positive way that, in fact, stood for what was right in the world.

I am a veteran of Vietnam. I served in Vietnam in 1968, and I have heard many times of the stories written and the debate about whether it was a wasted effort in Vietnam. I have responded this way: If America had not taken a stand in Vietnam, aside from how we executed and prosecuted the war—if we had not taken a stand in Korea, Vietnam, and the Persian Gulf, does anyone doubt that the face of Asia, the face of the Middle East would be different than it is today? Of course it would be. Would it be more in the interest of freedom and stability and democracy and market economies than it is today? I don't think so.

So, you see, it is not only having the ability to protect our interests and preserve freedom and democracy, but the will and the leadership to make that commitment is just as important. There are new challenges and new responsibilities today that we face, as the new dynamic world always provides, as we move into the next millennium.

During the cold war, we confronted one adversary on several fronts. Today, we confront several adversaries on several fronts. One of the concerns that we must be very vigilant about over the next few years is not placing America's interests in the world in a position to be blackmailed by nations who would threaten those interests by threatening to use a weapon of mass destruction and for us, essentially, not only to be militarily incapable of responding to that blackmail and not having the leadership and the will to say we are not going to do that, that isn't going to happen. Actions have consequences. Inactions have consequences.

America and her allies have done very well over the last 50 years to help stabilize a very unstable world. Partly, that has been the result of our word meaning something, our commitment meaning something. But if we don't have the military assets and the resources to be able to call upon that capacity to stop tyranny and war and instability, then in fact we place America in a terrible position and we threaten America's security through the possibility of blackmail.

We must harbor our national defense resources wisely, of course. But when we do use them, we must follow the principles of the Powell doctrine: Overwhelming force deployed decisively in the pursuit of clear objectives.

Rebuilding our military will not be cheap. America needs to understand that. This bill heads us in the right direction, but much more is going to be required. We must not and we cannot build our military based on budget caps or spending goals. Military spending must be based on the threats and challenges we face in the world today. We must protect our interests and help maintain global stability to ensure our long-term growth and prosperity.

The defense budget must flow from our national security interests, not the other way around. The budget cannot drive our national security interests. Our national security interests must drive the budget. If we must find other means to take those resources and put them in our national security budget, then we must do that. That will require prioritizing our budget, our resources. It will prioritize what we as Americans believe our role in the world to be.

Every year, the nondefense nondiscretionary budget grows. You have heard the numbers in the last 2 days around here. For the last 14 years, our defense budget has grown smaller. We have cut our defense budget over the last 14 years. Every year, these other needs crowd out other spending priorities. Nondiscretionary entitlement programs are important, but they do us little good if the military is cut back to the point that our interests are threatened around the world: oil supplies are cut off, sealanes are blocked, citizens and corporations abroad are threatened, and our economy declines.

We must look for savings in the DOD budget, of course, push for greater reforms, seek greater efficiencies, and tailor our military for future challenges. But we also must be willing to spend as much as we need to protect our interests in this very uncertain, dangerous world. Having a strong, capable military is only half of the challenge. We must also have strong, capable political leadership. That leadership must have the respect of the world, so that the world knows that that leadership of ours can connect the military capability that we employ; knowing when and where to use our military. Strong leadership, anchored by clear principles, beliefs, vision, and policy, has always had its own deterrent power.

Dictators fear strong leaders because they know strong leaders will act—despite public opinion polls, focus groups, short-term political gains, or leverage. Leaders understand that actions have consequences, and that inaction has consequences.

Last week, King Abdullah from Jordan was here and spoke rather clearly and plainly to this issue regarding NATO's involvement in Kosovo. These are difficult times, but so have they always been. The real debate that will consume the American electorate next year, and the Presidential politics and this body next year, will be simply: What is America's role in the world? What leadership do we care to continue? We must recognize that if another country is to replace America as the world's leader, that new world leader may not be as benevolent as America has been in this century.

I don't want that kind of a world to be inherited by my 6-year-old and 8-year-old. Richard Haas' new book, "Reluctant Sheriff: The U.S. After the Cold War," lays it out clearly. That question about the role of America in the next century is a legitimate question. There should be a relevant debate, with the relevant questions asked: What burdens do we want to carry into the next century? Is it worth taking a disproportionate share of the world's burdens, which we have always had? I believe it is.

Henry Kissinger's piece in this week's Newsweek magazine, "New World Disorder," speaks to this issue. Unexpected events happen in the world daily. For example, last Sunday, a Chinese intelligence ship was sunk in the South China Sea. Supposedly, the Philippine Navy sunk it in an area that is contested. That is how fast flashpoints can bring world powers into conflict.

We need to commit ourselves now to rebuilding the U.S. military, reasserting ourselves on the world stage, and accepting the burdens that come with leadership.

Can we imagine Harry Truman, Dwight Eisenhower, John Kennedy, or Ronald Reagan whining about the burdens of leadership, whining about, well, I don't know what the polls show or the focus groups show. Can we imagine those leaders governing and doing what they thought was in the best interest of our Nation and the world based on the political whims and winds of the time? I don't think so.

America must continue to serve as the rock to which other democracies around the world can anchor. We must also continue to serve as the beacon of freedom and justice for other nations and other peoples. America has always inspired hope around the world, but we cannot lead the world without a strong national defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, once again we have a BRAC authorization measure before us. And once again the same deficiencies that led to the far-reaching political distortion of the prior, so-called "independent" BRAC commissions, are ignored.

I voted against the first BRAC authorization back in February 1989. At the time, I was one of only eight senators opposing the measure because, I said, it could not avoid political tampering. I was hoping to have been proven wrong. Unfortunately, I was not.

The proposal of my distinguished colleagues, Senators MCCAIN and LEVIN, is well-intended. There is no question that a properly run BRAC outcome could lead to funds freed up for force modernization, military pay increases, and many other badly needed defense needs, not the least of which is readiness. But it's not the motivation of my colleagues that I worry about. Rather, I still question whether this process can be completely objective. Whoever occupies the White House is also likely to be misguided by the same kind of outside pressures and political interests that characterized the previous BRAC disasters.

And, on a more parochial note, I am simply not going to vote to put my home state through this process again. We have proven over and over and over again that Hill Air Force Base and the other military installations based in my state are efficient, productive, and high quality. I am not going to vote to make them prove it again in a forum where the deck may already be stacked.

So with all due respect to my colleague from Arizona, I cannot support this amendment.

Mr. BUNNING. Mr. President, I have listened carefully to the current debate on the pending amendment which authorizes a round of military base closings commencing in 2001. At this time I do not support a further round of base closings. Therefore, I oppose this amendment for the following reasons.

I have repeatedly asked the Department of Defense, military bases in the Commonwealth of Kentucky, and the Kentucky Department of Military Affairs for information and proof that the past rounds of base closings have produced any savings to the Department of Defense or the U.S. taxpayer. After repeatedly asking for this information to prove this point, it has not been provided to me. Therefore, I need to see proof in savings and these savings need to be in "real" terms and without any accounting gimmicks and projected budgetary outcomes based on guesswork.

Many criticize the Department of Defense's current accounting measures. They say these accounting measures are not soundly based and that these measures are used in decisions which result in an unjust imbalance between our military base infrastructure and the rest of the military. Just because the Department of Defense is reduced in certain areas by a certain percentage, doesn't mean that our military base infrastructure should be cut at the same percentage level. The Department of Defense needs to measure any downsizing of our military base infrastructure in a formulaic way rather that just an across the board cut done blindly and foolishly.

Also, I am not convinced that if savings were found from past base closings, that the bases in Kentucky, Ft. Knox and Ft. Campbell, would be protected and strengthened. I have recently been told by the U.S. Army that these bases would not be harmed and that they would benefit from any future rounds of closings. The U.S. Army talked of these bases as being leading posts in their branches. However, I have not seen any new strengths added to these bases from past closings and I have not been told of any specific missions which would be added to those bases in Kentucky. I need reassurance from the U.S. Army that these posts will be protected by seeing the future plans for these posts and the specific missions which would be added to them.

Furthermore, I am not convinced that our military in its current state can do more with less. We are in a tangled mission in Yugoslavia, we have major troop deployments around the Korean peninsula and around Iraq, and we have U.S. troops scattered amongst some 40 other spots elsewhere in the world. Our deployments have increased dramatically over the past decade. If this trend of increased deployments continues, I cannot see the rationality of downsizing our military base structure in the midst of this pattern which seems to have no end.

In conclusion, I have not seen savings from past military base closings. Even if I was convinced there were savings, I am not convinced that the military bases and the soldiers that serve and work at those bases in Kentucky would be protected. I am concerned about minimizing our base structure while our soldiers and military do more with less. Also, past base closings have been politicized at the Presidential level and I fear the process may continue down that path again.

Because of these reasons, I oppose this amendment which authorizes another round of base closings.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by Senators McCAIN and LEVIN authorizing a new round of base closures. As the senior Senator from the state that has suffered the greatest impact from the previous rounds, I believe that the base closure process is deeply flawed and fundamentally unfair.

The first four rounds of base closure occurred too rapidly and too little effort was made to protect local communities from devastating lob loss and economic hardship. For those who say that adverse local impact is a necessary consequence of reducing military infrastructure, I would like to describe how this process has effected California where since the first BRAC round in 1988, 29 bases in California have been scheduled for closure or realignment.

Some claim that the process has been streamlined and every effort has been made to expedite the transfer of bases to the local community. I have also heard claims that base closure can be a boon to the community by bringing new opportunities for job creation and economic development.

Now let's look at the facts. The California Trade and Commerce Agency estimates that the four rounds of BRAC cost 97,337 military and civilian jobs. How many have been created? Less than 17,000. That is a net job loss of more than 80,000 jobs.

The reason we are not seeing job creation or economic growth is because the land is simply not being transferred to the local communities as was originally planned. The process is so slow and bureaucratic that years go by before any development can be done on the closed bases.

Again, the numbers prove this. The 29 closed bases represents 77,269 acres of land. The Federal Government has retained almost 25,000 for itself and 30,000 acres have yet to be transferred. That means that local communities have had access to less than 30 percent of the property that should have been made available to them. It is difficult to create jobs or stimulate economic growth without the land to do it.

That is the big picture of how the State of California has been impacted by the base closure process. Here is the impact at the local level.

Every member of this body who has had a major base close in his or her state can tell a base closure horror story, but I believe the magnitude of the loss that the city of Long Beach has faced makes it unique. In fact, if Long Beach were a state, it would rank in the top five in terms of the number of jobs lost due to base closure.

The Long Beach Naval Station was closed as part of BRAC 1991. This resulted in the loss of more than 8,500 military and civilian jobs. The direct loss of wage and contract was $400 million with an estimated economic loss of another $1 billion annually.

As the city struggled to deal with this devastating blow, the federal government dealt it another. In 1995, the Long Beach Naval Shipyard was scheduled for closure. The job loss from this action has been more than 4,000 and it has caused another $1 billion in total economic loss.

The city's woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property that the city gave to them for $10. In an effort to get the conveyance process moving, the city reluctantly agreed to the price.

Now, at a time when the Clinton administration is proposing that all current and future economic development conveyances be done at no cost, the Department of Defense has thus far refused to renegotiate the deal. It appears that the Pentagon, with a budget in excess of $250 billion, has a greater need for the $8.5 million than Long Beach with a budget of just $330 million.

This is only one example of the multitude of problems with base closure. It is an inefficient, bureaucratic, and ineffective process. I believe this is the wrong time to authorize a new round of closure. All we would be doing is following one flawed procedure with another.

As California's example shows, local communities have not been given the opportunity to recover from the four previous rounds. Delays caused by lack of funding and red tape have prevented the completion of land transfers and the beginning of reuse.

I believe it is essential that we allow enough time for the base closures of the 1990's to run their course before we deal them the challenges of the 21st century closures. If nothing else, we owe that to our local governments. I urge the defeat of this amendment.

Mr. LEVIN. Mr. President, I wonder if the good Senator from New Hampshire would consider yielding me 3 minutes of his time so we can preserve the 10 minutes that we have left for Senator McCAIN who I understand is on his way over.

Mr. SMITH of New Hampshire. I yield 3 minutes to the opposition side.

Mr. LEVIN. I greatly appreciate that.

Mr. President, we have had several years of debate now about the President's alleged role in the last base closure round on the privatization-in-place proposals for Sacramento and San Antonio. This just simply cannot be allowed to be an issue, and it should no longer be an issue. Because of the hard work of the Armed Services Committee, we just resolved the depot issue in a fair way.

Our amendment deals with the privatization-in-place issue by including language for the 2001 BRAC round that would allow privatization-in-place closing of a military installation only when it is recommended explicitly by the Base Closure Commission and when it is the most cost-effective approach.

Our amendment also ensures the entire BRAC process takes place after the next administration is in office. The base closure statute explicitly recognizes already that the President can decide whether or not to have a BRAC round, and he can decide not to have a BRAC round simply by deciding not to nominate BRAC commissioners. If the new President decides not to have a BRAC round, he simply will not nominate the new commissioners. If there is a BRAC round, the new Secretary of Defense will oversee the process of the statutory steps in the round done under the new administration under the timetable which is in this amendment.

Short of banning people from even thinking about base closures until 2001, there is just really nothing more that can be done to ensure that there will be no politicization at all. I know there were strong feelings on the 1995 round. But I don't think we should keep punishing the taxpayers and keep spending money which we need for the men and women in uniform to have the right pay and the right equipment by continuing to raise the allegations which were leveled about the Sacramento and San Antonio actions.

As it turned out, by the way, things came out quite well. The bidding team that represented the privatization in place of those two facilities lost during a competitive bidding process.

We have to be willing to take the heat. We can no longer just say that the last round was politicized if, in fact, it was cured in the next round. We just cannot eternally and constantly look back at these allegations and debate what may or may not have happened in the 1995 round as an excuse for not doing our duty here in 1999 in terms of saving the money, which is so essential if we are going to have the defense budget rationally devoted and rationally spent. We are talking here about a significant chunk of money. We cannot waste this money. Our uniformed personnel and our civilian leadership are pleading with us to authorize an additional base closing round. This amendment assures that it is the next administration—not this one—which will determine whether to proceed with a base closing round. All we would be doing is authorizing it. The next administration would be the one that would be administering this next round. It would not be this administration.

The timetable that we put in here assures every single statutory step, from picking the commissioners to do the work that is necessary to sending in the recommendations. All of that will take place with the new President and not with this President.

I yield the floor.

Mr. LOTT. Mr. President, if I could inquire about time. It is 1:30 now; are we scheduled to vote on base closure at 1:45?

Mr. LEVIN. The majority leader is correct.

Mr. LOTT. Mr. President, I have followed the base closure recommendations, the so-called BRAC issues, for many years, going back to my years in the House. We have been down this old BRAC road several times before. I have always been opposed to this approach.

I remember standing in the center well of the House years ago, talking to Congressman ARMEY of Texas. He was talking about his concept. I told him that I thought it was an abdication of responsibility, but if he wanted to pursue it, here is how to do it, and here is how it has to come through the Rules Committee. He took notes copiously and pursued it and it went through.

I think this is one more example where we and the administrations are avoiding the tough choices. For years, for 100 years, when there was a need to close a base, the administration, the Pentagon, the Department of Defense sent up recommendations of surplus or unneeded bases that Congress, through the authorization process, appropriations process, considered those recommendations and made a decision to close them or not.

Over the years, as it became more and more difficult to close remaining bases or to make increasingly tough decisions, these so-called BRAC rounds gained popularity and were pushed and, in fact, passed through the Congress. I don't think this is the way it should be done and I maintain it has not worked well.

In many cases, bases were closed, including several in my State. I go quite often now to those former bases as we continue to work to get new business and industry to come into those facilities. The tough decisions were made. We did our job.

So the first thing I recommended is let's do our job. I discussed that with Secretary of Defense Cohen and he, of course, smiled and said yes, but we probably won't get them closed.

I believe if the case is made and they recommend a surplus, that could be done—maybe not as many as they would like, but the process is there and we should honor that process.

We have had these base closure proceedings in the past. They have been painful. They cause tremendous upheavals in the defense community. In the communities where it happens, millions of dollars have been spent trying to defend against closures or, once a closure decision has been made, trying to find a way to make use of the base.

For such communities, losing a base is more than just an economic loss; it is an emotional loss and a blow to the core of their identity. These are just not nameless, faceless people involved. In most military communities, personnel from the base are church leaders, little league coaches, and scout masters, not just men and women with money to spend. Communities that lose a base lose much more than economic well-being; they lose friends, neighbors, and community leaders. I think it is very important that we remember what this process does to communities and to the people who are involved.

I maintain the ones that we have had in the past have worked pretty well, although some bases are still not fully closed. The environmental cleanups have not happened in other instances. Many of these facilities, now, are just sitting there.

I recommend before we go to another round, if we ever do, of base closures, we ought to let the ones that have already been recommended fully run out the string. Let's see what we have saved.

I am told a good bit of money will be saved this year from the base closures. But if you read the little asterisk down at the bottom, it doesn't include, for instance, environmental cleanup costs.

So if you look at the impact this has had on our communities, on our defense installations, and what has actually come from it, I think it is not good judgment to go forward with another round now. Think about what we are doing. Think about the timing.

Here we are at a time when our defense capabilities are being stretched to the maximum steaming time, time our men and women are out on ships and they are on remote assignments, at a time when our troops are in combat this very day, we are talking about closing installations or closing facilities back here at home.

Also, a side note: Just last week we passed a bill that provided money for construction of more military facilities in Europe, so we are going to be adding a half billion dollars in new construction in Europe. Maybe it is needed. Maybe that says we have acted too hastily in drawing down in Europe. We allowed our facilities—the runways, the air traffic control towers, the housing facilities—to deteriorate even there. But at a time when we are going to be spending money in Europe, we are talking about cutting back here at home. Are American servicemembers going to return to find that while the bases overseas are being rebuilt there are "For Rent" signs on the ones they left back home in the United States?

I think, first of all, the whole idea of doing it through a commission is not wise. Second, I do not think we have completed the process of the base closure decisions that have already been made. Third, the timing could not be worse.

Let's look at this more. Let's make sure we can stop the free fall our defense has been going through in readiness, in morale of our troops, in recruitment and retention. It is just one more factor that can serve as a discouragement to our men and women in the military. Some people say, let's go ahead and do it, the Department of Defense wants to do it this way—instead of doing their job, in my opinion—and it probably will not affect me.

I have a list I recommend Senators review before they cast their votes. This list will be available in the Senators' cloakrooms. I will have them on desks. I will have it in my hand. Look at the bases that were on the list that were not closed in the past. These will be the ones that probably would be first choice to be reviewed again. Just in the State of California, you are talking about 15 facilities. It covers the entire country. It covers facilities in almost every State.

When I look down this list, it really scares me, the facilities that could be considered for closing, what it would do in those communities and what it would do to our military capabilities. So take a look at this list before you cast this vote. Maybe sometime in the future we will need to take another look at it.

But I still think there is fallout from the fact that the last closure did become tangled up in political decisions. There is a very strong feeling that some of the decisions recommended by the BRAC were changed or evaded subsequently. I remember Secretary of Defense Cohen believing very strongly he was not given the information he was entitled to when the Base Closure Commission was acting involving the State of Maine. We need to spend more time thinking about this. We should get over this hump we are at right now of our military capability and the involvement we have now in the Balkans. Maybe another year.

I will tell you what I think we ought to do. Let's try doing it the way it was done for 100 years. Let's try doing it through the normal process. I support commissions sometimes. I guess the day might come when I would support one in this area. But I do not think this is the right time and I do not think this is the right way to go about it.

If the DOD feels further base closures are needed, the most logical solution I see is for the Pentagon to identify bases it no longer decides are necessary and submit these findings to us. Show the Congress where the redundancy and obsolescence are. I have full faith that this body is capable of looking objectively at our defense needs and determining whether a base has outlived its usefulness.

Where is accountability in the BRAC process? We in Congress should not be abdicating congressional authority to some ad hoc commission. In this time of severe military drawdowns and austere budget cuts, I think it is all too easy for us to pass the buck and allow a commission, which has no obligation to answer to any constituency, to further strip our military. I do not think we were elected to leave all the difficult choices to a special commission. The average American feels very strongly about our national defense, and its important that the buck stops here when it comes to ensuring our military readiness.

So I urge my colleagues, before they vote, look at this list. Think carefully about what you are doing. Can we be assured this will be done in a totally objective way? What will be its impact on our military right now? I thank the chairman of the committee, Senator WARNER, for his thoughtfulness in this area. He has generally, in the past, been supportive of this effort, even when it affected his own State. He has stood up and said, We will do our own part. You have to commend him for that. But he, this time, has said this is not the right time; maybe another day, maybe another way, but not now.

That is what I hope the Senate will do. I hope the Senate will vote against this next round at this time.

I might emphasize, earlier on there was a recommendation we have two rounds, 2001-2005. It was considered we would exclude certain areas and allow the others to go forward. I think the principle of that is wrong. My own State might be exempted and everybody else might have to deal with it—that is wrong. We should not do things that way. We should have a fair, across-the-board policy. I think that is the way we should do it.

I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, it is interesting the leader brings up "the old-fashioned way," because when I was Secretary of the Navy, circa 1971, 1972, 1973, I closed the Boston Naval Shipyard and the destroyer base, where Senator JACK REED and Senator CHAFEE were very much interested in that. We did it the old-fashioned way. I must say we came down here and we had hearings. I remember in the caucus room, Senators Pastore and Pell sat there and grilled me and the Chief of Naval Operations for the better part of a day. But it worked out. So there is a precedent for doing it the old-fashioned way.

I say to my distinguished leader, I was the coauthor of the first BRAC bill and the second BRAC bill. But the commission concept was predicated on trust and fairness. Regrettably, Mr. Leader, that was lost in the last round when, as you know, in the California and Texas situations, the sticky fingerprints of politics got in there.

Mr. LOTT. Yes.

Mr. WARNER. Therefore, all the communities across the country, once a BRAC process is initiated, they go to general quarters and they hire these expensive lobbyists and all types of people to try to make sure their case, should it work its way up through the system, is treated fairly. That is all they really ask. Unless there is trust in the system, we cannot achieve a commission concept of closures.

Maybe we can induce the Secretary of Defense to try it the old-fashioned way and give it a shot. I commit to work fairly and objectively if you put it right on the table. I thank the leader for his strong position.

Mr. LOTT. I thank Senator WARNER.

Let me point out another instance of another Secretary of the Navy, Senator CHAFEE of Rhode Island. When he was Secretary of the Navy, the decision was made, and it was very difficult, but the decision was made to basically mothball the Davisville, RI, Seabee base. I think it is still maintained in a state of readiness, but the number of troops and employees were substantially reduced. But he had done his job. We have done our job in the past without a commission.

By the way, right now there are lawyers and various people going around the States saying, get ready, there is going to be another BRAC, you better hire me so I can make sure your case is made. I think that is wrong and I thank you for your leadership on this issue.

Mr. President, I urge the Members to vote against this base closure commission proposal. I have always opposed this procedure. I opposed it in the House in the eighties, even though I remember talking to Congressman ARMEY from Texas about the merits and demerits and how he could proceed to get it done. He did it quite well.

We have been through not one, not two, but 2½ rounds of base closure commissions. I think it is wrong in principle, because we are abdicating, once again, our responsibility to make decisions about what is best for a strong national defense to a commission. For 100 years, if bases, depots, or facilities needed to be closed, the Department of Defense made recommendations to Congress, the Appropriations Committee reviewed the recommendations and made decisions, and bases and facilities were closed. I know of three in my own State of Mississippi that were closed in the fifties and sixties, probably with good justification.

I can remember when the Secretary of the Navy was JOHN WARNER of Virginia. Some tough decisions were made, recommendations were made to the Congress, and facilities were closed. The same thing occurred when Senator CHAFEE was Secretary of the Navy. That system worked for 100 years. Some 15 or 20 years ago, it got harder and harder to get Congress to go along with this and the commission idea came along.

I think we ought to go back and do it the way it was originally intended. Let's do our job. I think when Members say we will never have any facilities closed, history belies that fact.

My next point is, we have been through these 2½ rounds. They were a terrible experience for the communities and for the States involved that have facilities that are impacted. I maintain that we haven't yet quite felt the impact or gotten the benefit of the base closure rounds that have already been done. We still have facilities that have not been completely closed or the environmental cleanup has not been accomplished. We don't know whether we really saved money or not.

I urge we not go to another round until we have been able to assess completely how the earlier rounds worked or didn't work, what the cleanup costs were, what the real impact was on the communities.

I must say, the timing is terrible, at a time when we are asking our military men and women for more and more in terms of steaming time, time spent on remote assignments, and, in fact, at this very moment Americans are involved in a bombing campaign in the Balkans.

Just last week we passed legislation providing about half a billion dollars to add to facilities in Europe. At a time when we are spending more money for facilities in Europe to upgrade or replace facilities that probably we should have already done, we are talking about setting up a process to close them in the United States. I don't think that is very wise.

It also comes at a time when our readiness is falling, when our retention and recruitment is declining. We are trying to do something about that by adding some money for readiness and for the future needs of the military, to increase the pay for our military men and women. This is just one more little stick in the eye that will affect, I think, adversely, the morale of our military men and women.

Finally, and not the least, I maintain that last time politics got very much involved in the base closure round. Bases that were supposed to be closed in California and Texas found a way to evade that. It was not just one or two States; it happened in several different places. I don't think the system worked very well.

I don't think we should do this now. I think we ought to wait and assess what has happened, do it at a time when we are not basically at war. Let's wait until the next administration comes in. We don't know whether it will be Republican or Democrat. Let's take a look at this thing in 2001. If, in fact, we haven't been able to get rid of some of the excess or unneeded facilities, and if we are not at war, if we have been able to turn around our needs for readiness and the morale and retention of our troops, I will take a look at it. I don't think this is the right thing to do. I don't think it is the right time. I think it is wrong in principle.

I could have probably found a way to limit this base closure in a way that would have been responsible, and it would also probably have spared my own State, but I thought that was wrong. I don't think I ought to be trying to find a way to spare my own situation and let others bear the brunt of the decision. We ought to do it all the way or not.

What we ought to do is let the Pentagon make the recommendations and act on them.

Finally, any Members who think this is fine, don't worry, it will affect somebody else, I have a list here of bases, depots, and facilities that were on the list of earlier base closure rounds that were not closed. These are the likely facilities to be affected. This is not a free vote in isolation, where Members can let somebody else pay the piper. Members can take a look and see how it would impact New York or Michigan or Ohio before casting a vote. Ask yourself when you look at the facilities: Are these excess? Are these unneeded facilities? I think that might affect your decision.

We should defeat this. We should go on and pass this very good defense authorization bill that has been developed by the committee, without this provision in there.

Maybe another day, another time, would see it differently or we would need to vote differently, but not here and now. I urge the defeat of the base closure commission amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to speak on the amendment for approximately 5 minutes. I probably will not take that long.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, all I can assume is that perhaps this vote may be getting close because a list was distributed, which can only be to try to frighten Members, which has no basis in anything except the imagination of some Senate staffer. It is really unfortunate we have to get into this kind of damn foolishness. I mean really, this is just foolishness. It does not have my State on it, yet three bases were "considered" by BRAC between 1991 and 1995. Whoever is responsible for this really ought to be a little ashamed—a little ashamed, maybe.

The process exists. It was used before. Every single expert, whether they be inside or outside the military—unless they are a Member of Congress—says that we have to close bases. Find me one, find me one military expert, former Secretary of Defense, any general, any admiral, any expert, anyone from a think tank, right or left on the political spectrum, Heritage Foundation, Brookings—find one. Find one who does not say we have too many bases and we have to go through a procedure to close them. This procedure was used in years past.

Strangely enough, strangely enough we have arguments like it costs more money to close bases than it does to keep them open. If that is the case, we ought to build more bases. If that is the case, we never should have closed the bases after World War II. The fact is, that has saved billions and will save billions.

We have young men and women at risk all over the world who are not properly equipped, who are not properly trained, who are leaving the military—11,000 people on food stamps and we have not even got the nerve and the political will, some might even say guts, to do the right thing. The right thing is to save money, transfer that money to the men and women in the military who are serving under very difficult conditions with equipment that has not been modernized, with a readiness level that we have not seen since the 1970s, and morale at an all-time low. Meanwhile, our commitments grow and grow and grow.

I guess, given this incredible, bizarre list that some intellectually dishonest staffer—intellectually dishonest staffer compiled, we will probably lose this vote. But I tell you, this will not be a bright and shining hour for the Senate of the United States of America.

I yield the remainder of my time.

Mr. WARNER. Mr. President, just to advise the Senate, there is a likelihood the Senator from Washington will be recognized for an amendment at the completion of this vote. It is still being worked on, but we hope to be able to accommodate the Senator.

The pending business, of course, at the end of the vote, would be the Lott amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Do we have any time left on this amendment?

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. LEVIN. I ask unanimous consent for a minute for the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I will not be supporting the McCain amendment. I am not supporting it for a very simple reason. I felt the BRAC method was very political. It was hyped as: Oh, this is nonpolitical; it is going to be based on the merits.

I was not at all convinced that was the case. When you really sat down afterwards and picked the winners and losers, it was pretty clear that a lot went into that decision that was political.

Second, we have not seen, as the Senator from Maine, Ms. SNOWE, has stated, the kind of savings that we were promised because bases were closed and then their missions were recreated somewhere else.

California got hit so hard I could not even begin to tell you the overwhelming economic impact that we have taken. We still have bases, I say to my friends, that are sitting there that have not even been cleaned up and cannot be reused.

So I will not be supporting the McCain amendment. I hope it will not pass. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 393.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 40, nays 60, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—40

Ashcroft
Bayh
Biden
Bond
Bryan
Byrd
Chafee
DeWine
Feingold
Gramm
Grams
Grassley
Hagel
Harkin
Hollings
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Moynihan
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Smith (OR)
Thompson
Voinovich
Wellstone
Wyden

NAYS—60

Abraham
Akaka
Allard
Baucus
Bennett
Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Lautenberg
Lott
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Roberts
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner

The amendment (No. 393) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am ready to propound a unanimous consent request. I ask unanimous consent that the Senate now consider an amendment by the Senator from Washington, Mrs. MURRAY, an amendment re: DOD privately funded abortions, that there be 1 hour for debate prior to a motion to table, with the time equally divided and controlled, with no intervening amendment in order prior to the vote.

The PRESIDING OFFICER (Mr. GREGG). Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President, may I propound a request to the chairman?

The PRESIDING OFFICER. If the chairman yields the floor for that purpose.

Mr. WARNER. I will do that.

Mr. GRAMM. Mr. President, as you know, it takes unanimous consent to allow the Murray amendment to come forward. Any person can object, because you have two amendments pending. I have, I believe, worked out an agreement with the distinguished ranking member to have the vote on the reconsideration of the amendment, where there was a tie vote yesterday, occur either at 5 or after the disposition of the Kerrey amendment, whichever is sooner. If that could be added to your unanimous consent request, I think that would be agreeable to both sides. I have no objection to Senator MURRAY bringing her amendment up. I simply do not want to leave this matter pending past 5 o'clock, if we can avoid it.

Mr. WARNER. Mr. President, I wish to accommodate the Senator. I presume you would want 3 minutes for each side to speak to the amendment prior to that vote taking place.

Mr. GRAMM. I would be willing to do that. But, quite frankly, we had a time limit. It has been exhausted. If it would accommodate the body, I would agree to just have the vote.

Mr. WARNER. My understanding is the Senator from Michigan does not desire any time.

Mr. LEVIN. Neither one of us is asking for it.

Mr. GRAMM. I think we have made our cases.

Mr. WARNER. Let me amend my unanimous consent request to incorporate the request from the Senator from Texas.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia, as modified?

The Senator from Michigan.

Mr. LEVIN. Reserving the right to object, I just want to see if there is any problem on that relative to Senator KERREY. I don't know why there would be, offhand, but we are trying to make sure there is no problem. It is fine with me.

Mr. WARNER. Mr. President, I say to my good friend, we have bent over backwards all day to accommodate him. We will continue to do so. Whatever the problem, we will solve it.

Mr. LEVIN. That is fine with me. He has also been very accommodating to us. I just want to see if I can get a signal. Do we know whether or not Senator KERREY would have any objection to that?

Mr. President, may I suggest the absence of a quorum?

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, we will acknowledge the request for the quorum, but I think one Senator seeks recognition for an administrative purpose, and I have no objection to that.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Tony Blaylock, a legislative fellow from my office, be granted the privilege of the floor for the duration of the defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Might I suggest to the ranking member that another Member, the Senator from Colorado, desires to address another matter. Rather than putting in a quorum call, I would like to have agreement that the Senator proceed.

Mr. LEVIN. Could we ask the Senator from Colorado about how long his remarks will be?

Mr. ALLARD. Maybe I don't need to have this special provision we talked about. I talked with the staff of the chairman, and they said all we had to do was file the amendment. I filed the amendment and I am happy. I think we are in good shape. It is there, where we can bring it up immediately.

Mr. WARNER. I will put it in the RECORD as of now that you have done that, if you will address the Chair.

AMENDMENT NO. 396

(Purpose: To substitute provisions regarding the Civil Air Patrol)

Mr. ALLARD. Mr. President, I ask unanimous consent that we lay aside the following amendments for the purpose of introducing my amendment No. 396 and then we would go back to the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, would you describe in two sentences the nature of the amendment so other Senators can be acquainted with it.

Mr. ALLARD. The nature of the amendment is that it strikes a provision dealing with the Civil Air Patrol, brings them under the direct control of the Air Force. We want to strike out that provision and then set up a report and review of an incident that has occurred with CAP through GAO and the Inspector General. Real briefly, that is what the amendment is about.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered. The clerk will report the amendment.

Mr. WARNER. Mr. President, if I could advise the Senator from Colorado, in fairness to all colleagues, Senator INHOFE, a fellow committee member, has a position, I think, different from yours; is that correct?

Mr. ALLARD. That is correct.

Mr. WARNER. There could be other Senators, many Senators, interested in this Civil Air Patrol issue. I am happy to lay it down, and at such time as we can get a reconciliation of viewpoints, we hope to proceed. How much time do you think you would need so other Senators——

The PRESIDING OFFICER. If the Senator from Virginia would suspend for a second so the clerk can report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. CAMPBELL, Mr. MURKOWSKI, and Ms. SNOWE, proposes an amendment numbered 396.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 904, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

Mr. ALLARD. Mr. President, I ask for an hour equally divided.

Mr. WARNER. Fine. I thank the Chair for the guidance. I thought the amendment had been logged in.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. I yield the floor.

Mr. LEVIN. Mr. President, I am wondering whether the Senator from Virginia would consider the following approach: after the disposition of the Murray amendment, that there then be an hour of debate on the Kerrey amendment and, immediately following the disposition of the Kerrey amendment, that the reconsideration vote occur on the Gramm amendment, precluding second-degree amendments to the Kerrey amendment.

Mr. WARNER. Mr. President, I will have to ask my colleague to withhold that request. I will work on it, and I think we can accommodate all interested parties.

Now, my understanding from the Chair is, we proceed to the amendment——

The PRESIDING OFFICER. The Senator from Virginia has a unanimous consent request pending. Is there objection?

Mr. WARNER. I am not able to hear the Chair.

The PRESIDING OFFICER. The Senator from Virginia had a unanimous consent request pending. Is the Senator withdrawing that request?

Mr. WARNER. No. I thought I had a unanimous consent request to proceed to the amendment of the Senator from Washington for a period not to exceed 1 hour, at the conclusion of which there would be a motion to table and then, of course, a vote.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, all I want to do is work out a time to bring up a vote that we are not even going to debate on. I will be happy to have it either after the Kerrey amendment or at 5 o'clock. There is some concern here about limiting a second amendment, apparently, on the Kerrey amendment. I do not have a dog in that fight.

We are in a position where I can't exercise my right, because we have two amendments, now three amendments, that are pending, which makes the floor manager sort of a gatekeeper. But it also makes anyone else a gatekeeper. All I am asking is if I could get an agreement on a time certain basis and/or following something else. I am not trying to be difficult to deal with; I just would like to work this out before we go on.

If 5 o'clock is all right, we can stop whatever we are doing at that point and have the vote. I do not even require any more debate. I just want to settle this issue. I would have to object.

The PRESIDING OFFICER. The Senator from Virginia has the floor. There is a unanimous consent request pending.

Mr. KENNEDY. Mr. President, reserving the right to object, so the floor managers may have the opportunity to have the consent request, would the Chair repeat the request?

The PRESIDING OFFICER. There is a parliamentary inquiry.

Mr. WARNER. Mr. President, I think I can clarify the situation very quickly.

The Senator from Virginia has propounded a UC to permit the Senator from Washington to have an hour equally divided, after which time there will be a tabling motion by the Senator from New Hampshire and then a vote.

That was before the Chair at the time our colleague from Texas sought recognition for the purpose of trying to reconcile an understanding between himself and the ranking member. Apparently, at this time, we cannot achieve that reconciliation. It is my hope that the two Senators can continue to work and will permit the Senate to go forward with the amendment of the Senator from Washington.

Mr. GRAMM. Mr. President, may I just suggest that we set the vote at 5 o'clock and leave the Kerrey amendment alone? The net result is the same. The Senator was willing to agree a moment ago to do it. If the Kerrey amendment is what is in dispute, it seems that it would have produced this result before. So I just urge my friend from Michigan to allow us to settle the issue. We are going to do it without intervening debate. But the problem is that I have privilege under the rules of the Senate, and that is being precluded by the stacking of amendments that require a unanimous consent request.

Mr. WARNER. I think we are ready to solve it. Would the Senator have a colloquy with our colleague?

Mr. GRAMM. Yes.

Mr. LEVIN. Mr. President, my understanding is that the chairman has no objection if at 5 o'clock we have the vote on reconsideration, even though we were in the middle of another debate. I have no objection if he doesn't.

Mr. WARNER. I have no objection.

Mr. LEVIN. That is probably what will happen. In the middle of debate on another amendment, we will go back to the reconsideration. I have no objection to that happening at 5 o'clock.

Mr. WARNER. We have done that before. It may be somewhat inconvenient, but it is important to keep the momentum of this bill going. We have had superb cooperation from all Senators. I would like to make note that we have only had two quorum calls in 3 days.

Mr. President, I now propound a unanimous consent request that the Senator from Washington be permitted to go forward with her amendment at this time, with a 1-hour time agreement, equally divided between the Senator from Washington and the Senator from New Hampshire, and at the conclusion of that hour, there be a motion to table by the Senator from New Hampshire and then a rollcall vote. We will get the yeas and nays later.

Mr. GRAMM. We have the 5 o'clock vote on the reconsideration, correct?

Mr. WARNER. Mr. President, I add to that a 5 o'clock vote on amendment No. 392.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I do not have an objection, but I would like to make an inquiry. At some point, I would like to be in a position to do what Senator ALLARD has done, which is to introduce an amendment and then lay it aside for the appropriate consideration at its due time. Would it be appropriate, after we have taken action on the unanimous consent, or as part of the unanimous consent, that I would be given an opportunity to introduce an amendment and then lay it aside?

Mr. WARNER. Mr. President, I just ask if we could have one variation. At the conclusion of the vote on the amendment of the Senator from Washington, I would be prepared to work out an opportunity for the Senator from Florida to be recognized and lay down an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Virginia?

Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the adjournment resolution, which is at the desk, and further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Con. Res. 35) was agreed to, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of the concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The Senate continued with the consideration of the bill.

AMENDMENT NO. 397

(Purpose: To repeal the restriction on use of Department of Defense facilities for privately funded abortions)

Mr. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. BOXER, Ms. LANDRIEU, Mr. KERREY, Mr. SCHUMER, Mr. INOUYE, Mr. KENNEDY, and Mr. JEFFORDS, proposes an amendment numbered 397.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a) RESTRICTION ON USE OF FUNDS.—".

Mrs. MURRAY. Mr. President, this is the Murray-Snowe amendment that concerns our brave young women who serve in the military and their right to pay for their own safe, reproductive health care services. I am here today, again joined by Senator SNOWE and many others, to offer our amendment to protect military personnel and their dependents' access to safe, affordable, and legal reproductive health care services.

That is exactly what this amendment is all about—access to safe, affordable, and legal reproductive health care services. That is why the Department of Defense supports this amendment, as does the American College of Obstetricians and Gynecologists. The Department of Defense recognizes that it has a responsibility to ensure the safety of all of its troops, including our women.

Many of you may wonder why Senator SNOWE and I continue to offer this amendment year after year. Why don't we just give up? Let me tell my colleagues, the reason I come to the floor every year during the Department of Defense authorization bill is to continue to educate in the hope that a majority of you will finally stand up for all military personnel.

As I have in the past, I come here today to urge my colleagues to guarantee to all military personnel and their dependents the same rights and guarantees that are enjoyed by all American citizens. These rights should not stop at our border. We should not ask military service women to surrender their rights to safe, affordable, legal reproductive health care services because they have made a commitment to serve our country.

Many of our military personnel serve in hostile areas in countries that do not provide safe and legal abortion services. Military personnel and their families should not be forced to seek back-alley abortions, or abortions in facilities that do not meet the same standards that we expect and demand in this country. In many countries, women who seek abortions do so at great risk of harm. It is a terrifying process.

I heard from a service woman in Japan who was forced to go off base to seek a legal abortion. Unfortunately, there was no guarantee of the quality of care, and the language barrier placed her at great risk. She had no way of understanding questions that were asked of her, and she had no way of communicating her questions or concerns during the procedure. Is that the kind of care that we want our service personnel to receive? Don't they deserve better? I am convinced that they do.

This amendment is not—let me repeat is not—about Federal funding of abortions. The woman herself would be responsible for the cost of her care, not the taxpayer. This amendment simply allows women who are in our services to use existing military facilities that exist already to provide health care to active-duty personnel and their families. These clinics and hospitals are already functioning. There would be no added burden.

I also want to point out that this amendment would not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal health care services to women could still refuse to perform them. Nobody in the military would be forced to perform any procedure he or she objects to as a matter of conscience.

For those of you who are concerned about Federal funding, I argue that current practice and policy results in more direct expenditures of Federal funds than simply allowing a woman herself to pay for the cost of this service at the closest medical military facility.

Today, when a woman in the military needs an abortion or wants an abortion, she first has to approach her duty officer to request from him or her medical leave. Then she has to ask for transport to a U.S. base with access to legal abortion-related services. Her duty officer has to grant the request, remove her from active duty, and transport her to the United States. This is an expensive, taxpayer-funded, and inefficient system. Not only is there cost of transportation, but there is cost to military readiness when active personnel is removed for an extended period of time.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to archaic and mean-spirited health care restrictions. Women in the military deserve our respect and they deserve better treatment.

In addition to the cost and the loss of personnel, we have to ask: What is the impact on the woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can get her travel to the United States where she can get safe, adequate, legal health care. For many women, every week an abortion is delayed is a risk to her health.

Why should a woman who is serving our country in the military be placed at a greater risk than a woman who is not serving in the military?

In talking about this amendment, I am often struck by how little some of my colleagues know about restrictions on reproductive health care services in many other countries. Many of my colleagues may be surprised to learn that in some countries abortions are illegal, and punishment is swift and brutal—not just against the provider but against the woman as well. In these cases, a back-alley abortion can be deadly. Not only are they risking their own health, but they are also risking their own safety and well-being.

We are talking about women who are serving us overseas in the military. Why should we put our military personnel in this kind of danger?

We are fortunate in this country, because abortion is an extremely safe procedure when it is performed by trained medical professionals. However, in the hands of untrained medical professionals in unsterilized facilities abortion can be dangerous and risky to a woman's health. The care that we expect—actually the care that we demand—is simply not universal.

Regardless of what some of my colleagues may think about the constitutional ruling that guarantees a woman a right to a safe abortion without unnecessary burdens and obstacles, it is the law of our land. Roe v. Wade provides women in this country with a certain right and a guarantee. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. However, active-duty servicewomen who are stationed overseas today surrender that right when they make the decision to volunteer and to defend all of us.

It is sadly ironic that we send them overseas to protect our rights, yet in the process we take their rights away from them.

I urge my colleagues to simply give women in the military the same protection whether they serve in the United States or overseas. Please allow women the right to make choices without being forced to violate their privacy, and, worse, jeopardize their health. This is and must be a personal decision. Women should not be subjected to the approval or disapproval of their coworkers or their superiors. This decision should be made by the woman in consultation with her doctor.

The amendment that is before us simply upholds the Supreme Court decision. It is not about Federal funding. It is not about forcing those who constitutionally object to providing these services. It is simply about the degree that we recognize the role of women in the military and whether we give them the respect that I argue they deserve.

Mr. President, I yield to my colleague from Maine, Senator SNOWE, what time she would like to use.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President. I thank the Senator from Washington for, once again, providing leadership on this most significant issue. As she said, it is regrettable that we have to come back to the floor to seek support for our women in uniform who happen to be assigned overseas for this very basic right. I commend her for introducing this legislation once again to repeal the ban on privately funded abortions at overseas military hospitals.

It is unfortunate that this amendment is even necessary. It is unfortunate that we have to be here fighting for it once again. How could this debate be necessary? How can it be that this blatant wrong still needs to be righted? Yet, here we are, once again, having to argue a case that basically boils down to providing women who are serving this country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

We are here today because the U.S. law denies the right to choose to 227,000 spouses and dependents stationed with our servicemen overseas, and denies the right to choose for more than 27,000 servicewomen who volunteered to serve our country. Though these women are right now protecting our country's interests, year after year this body denies them access to safe and sanitary medical care simply because they were assigned to duty outside the United States.

In very simple terms, this amendment will allow women stationed overseas that right to privately funded abortions at their local American military facility. It will allow women and their spouses the freedom to consider the most difficult, heart-wrenching decision they could make without fearing the potentially substandard care they would be faced with in a country that does not speak their language and that does not train their medical personnel the way in which they are here in the United States.

I don't understand why we insist in denying our service men and women and their families their right as Americans. We ask a great deal of our military personnel and their families—low pay, long separations, hazardous duty. When they signed up to serve their country, I don't believe they were told, nor do I believe they were asked, to leave their freedom of choice at the ocean's edge. It is ironic that we are denying the very people who we ask to uphold democracy and freedom the basic and simple right to safe medical care. The Murray-Snowe amendment would overturn that ban and ensure that women and military dependents stationed overseas would have access to safe health care.

I want to clarify the fact that overturning this ban doesn't mean we will be using Federal funds to support a procedure such as abortion. This would allow American personnel stationed overseas to use their own funds for the support of an abortion in a military hospital. It is very important to make that distinction.

As the Senator from Washington indicated, there is also a clause so that medical personnel cannot be forced to perform a procedure with which they disagree.

We had this ban lifted in 1993 restoring a woman's right to pay for abortion services with her own money. Unfortunately, that ban was reinstated back in 1995. I think it is important to understand what choices women are left with under our current policy.

Imagine a young servicewoman or the wife of an enlisted man living in a foreign country where language is a barrier. She finds herself pregnant and, for whatever reason, she has made a very difficult decision to terminate her pregnancy and she wants to have that procedure done in a military hospital and is willing to pay for it with her own funds. Under current U.S. law, she won't be able to do that. She won't be able to go to a base hospital near her family and friends. She won't be assured of the same quality care that she could receive here in the United States. She won't be able to even communicate under some circumstances because language might be a barrier.

So what are her choices? She must either find the time and the money to fly back to the United States to receive the health care she seeks, or possibly endanger her own health by seeking one in a foreign hospital, or she may have to fly to a third country, again where the medical services may not equate to those available at the military base—if she can't afford to return home.

What is the freedom to choose? It is a freedom to make a decision without unnecessary government interference. Denying a woman the best available resources for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her.

Our men and women in uniform—and the families standing behind them—are our country's best and most valuable assets. When people sign up for military service, they promise us they will do their best to protect our country and its ideals. We promise them we will provide for them and their families the necessities of life—to provide them with the most advanced and the safest health care available. That is the arrangement. This is the benefit that we make available to them in return for their commitment to serve our country. Our men and women and their spouses should not be required to give up their constitutional protections, and the Supreme Court supported right to privacy, and our promise of safe health care.

Yet, we prohibit women from using their own money—not taxpayers dollars—to obtain the care they need at the local base hospital.

What we are saying to our women in uniform, or to the dependents of others who serve in our military, is: Sorry. You are on your own. So she faces a circumstance that she would not confront were she stationed at Fort Lewis, WA, or Brunswick Naval Air Station in Brunswick, ME, because she could go off base and be guaranteed safe and legal medical care.

The Murray-Snowe amendment is only asking for fair and equal treatment. It is saying to our men and women and their families, if you find yourself in a difficult situation, we will provide the service of safe medical care if you pay for it with your own money. Is that too much to ask?

We owe it to our men and women in uniform. We owe it to them so that they have the options to receive the care they need in a safe environment. They do not deserve anything less.

I urge my colleagues to join in voting for the Murray-Snowe amendment.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, here we go again with the same amendment that comes up every year. The vote is always close. There are a lot of very strong feelings on both sides.

Again, as I have in the past, I rise in opposition to this amendment—this time the Murray-Snowe amendment—which would allow U.S. military facilities to be used for the performance of abortions on demand.

Under current law, no funds may be made available to the Department of Defense for the performance of abortions. The amendment now before the Senate is completely inconsistent with the Hyde amendment, which has been existing law for 20 years. Under the Hyde amendment, no taxpayer dollars may be used to pay for abortions.

The issue here is whether or not you want to basically throw out the Hyde amendment and say that Members are willing to have taxpayer dollars used to pay for abortions in military hospitals. The Hyde amendment recognizes that millions of American taxpayers believe that abortion is the taking of an innocent life, an unborn human being. Those Members, myself included, who proudly call ourselves pro-life should not be forced to pay for a procedure with our tax money that violates our fundamental and deeply held belief in the sanctity of innocent human life. That is the issue here.

In the 1980 case of Harris versus McRae, the Supreme Court upheld the constitutionality of the Hyde amendment. The Court determined that there is no constitutional right to a taxpayer-funded abortion, no matter how we feel on the issue otherwise—no constitutional right, according to the Harris versus McRae decision in 1980.

Current law with respect to abortions at military facilities, then, is fully consistent with the Hyde amendment. This amendment by the Senator from Washington will overturn existing law. The proponents of this amendment, which would overturn current law and allow abortion on demand at military facilities, claim that their proposal is somehow consistent with Hyde. It is not. They say this because, under their proposal, servicewomen seeking these abortions would pay for them. That is true.

This argument, however, evinces a fundamental misunderstanding of the nature of military medical facilities. Military clinics and military hospitals, unlike private clinics and private hospitals, receive not 10, not 20, not 30, not 90, but 100 percent of their funding from the taxpayers of the United States. A woman cannot go into a military hospital and use those facilities without the taxpayers paying for the facility she is using to have that abortion. The clinics, the hospitals, the doctors, the equipment—all of it is paid for by the U.S. taxpayer.

Physicians who practice in those clinics and hospitals, government employees whose salaries and bills are paid by the taxpayers, all of it, all of the operational and administrative expenses associated with the practice of military medicine are paid for by the taxpayers of the United States.

Furthermore, equipment that would be used at these facilities to perform the abortions, equipment that we abhor—those of us who are pro-life, who find it repulsive and reprehensible, and I won't go into the details about what happens with the equipment that is used on these innocent children—that equipment will be purchased by taxpayer dollars. It will be purchased by dollars that I pay in taxes and that many of my millions of friends around the Nation who oppose abortion, their dollars will be used to pay for this.

The Supreme Court of the United States has said that that is wrong and they ruled in the McRae case that it should not be done. In short, it is simply impossible to allow the performance of abortions at military facilities, even if the procedure itself is paid for by the servicewoman involved, without having the taxpayers forced to subsidize it. You can't have it.

The only way to protect the integrity of the taxpayer's dollars is to keep the military out of the business of abortion. We could go on and on, on just that issue. Just what business should the military be in? The military has gotten into a lot of things lately under this administration that don't belong in the realm of the military, but do we have to now go to the taking of the lives of unborn children and use the military to now do that? Do we have to really do that? Isn't it bad enough that we have to see throughout America since the illustrious Roe versus Wade decision in 1973—I ask everyone to reflect for a moment on what has happened since that decision.

In 1973, Roe versus Wade was passed. Since that date, 35 million babies, that we know of, have been aborted. Let's define abortion: The taking of the life of an unborn child. Thirty-five million. If you look at the statistics of how many girls are born and how many boys are born, that probably translates into about 18 million young girls who would now be as old as 30 years, perhaps, depending on when the abortion might have been performed. How many of those 18 million young women may have had the opportunity to serve in the U.S. military? They don't get that chance because our country, our Nation, supported a Supreme Court decision that said they didn't have a chance to ever have the opportunity to serve in the military, never have the opportunity to be a mother, never to have the opportunity to be a daughter, never to have the opportunity to live their dreams, to enjoy the liberties of the United States of America—never to have that opportunity. Never to have the opportunity to fight for the freedom of the United States as a member of the military because they were aborted—they were killed in the womb.

This Nation, through this Supreme Court decision, allowed it to happen. That is beyond the dignity, to put it mildly, of a great nation. We let it happen.

It is bad enough that happened, but now we have to go one step further with the amendment of the Senator from Washington and say that the taxpayers have to fund it.

Mr. President, I wish everyone who will vote on this amendment in the next hour or so had had the opportunity I have had to personally meet a young woman who is now in her midtwenties. She could not serve in the military because she was not physically able to serve in the military. Let me tell you why she could not serve in the military. She was aborted, and she lived, and she is crippled. So she cannot serve in the military. I have met this young woman, as many have. There are many like her, but I use her as an example, Gianna Jessen. Who knows, maybe Gianna would have liked to have been a woman in the military, but she cannot.

Why do we not wake up in America and understand what we are doing? Should we really be surprised when our children do some of the things they do in this country? Why should we be surprised? What is the underlying message? And this amendment sends the same message.

The underlying message is: Go to school today, Johnny. Go to school today, Mary. You be good kids. You do the right thing. And meanwhile, while you are at school, we will abort your brother or your sister.

That is the message we are giving to our kids. That is the message this amendment is giving to our kids. That is the message this amendment is giving to all Americans—that now we are going to say the taxpayers can support this kind of thing.

I wish the Senator from Washington would come down here on the floor with an amendment that might say we could provide a little help, a little counseling, a little love, a little compassion, a little understanding to this woman who wants this abortion, and explain to her the beauty of life and explain to her what a great opportunity it would be for her to have that child and to have that child grow up into a world where that child could be loved and could be understood and could have the opportunity to perhaps follow her mother's ambitions and serve in the U.S. military or perhaps to follow in her mother's wake and be a mother herself, to enjoy the fruits of the greatest nation in the world.

Let's not agree to this amendment and violate the spirit of the Hyde amendment and violate more unborn children, intrude into the womb, take the lives of unborn children.

When are we going to wake up? Would it not be wonderful to come down on the floor of the Senate just one year when we did not have to deal with this, when people would respect life and we would be offering amendments to protect life rather than to take it. That is an America I am dreaming of, Mr. President. That is an America I would like to see in the 21st century, not an America of death but an America of life, where we respect life.

Allowing abortion on demand in military facilities would violate the moral and religious convictions of millions and millions and millions, tens of millions, of Americans who believe, through their own religious convictions, or in any other way, as I do, that the unborn child has a fundamental right to life, a right to life that comes from the Declaration of Independence, from the Constitution, and from God Himself. Yes, from God Himself. That is where it comes from, and we do not have the right to take it.

For the sake of one or two votes on the floor of the Senate, in a very few minutes we are going to make that decision. Whichever way it goes, we are going to find out how many more children have to die. How many more children have to die?

When are we going to wake up, America? How much more of this do we have to take? Why are you surprised when your children do something wrong? What kind of message do we send?

This amendment is not about the so-called right to choose abortion that the Supreme Court created in 1993. I disagree with Roe v. Wade. Everybody knows that. I just said it. I introduced a bill, S. 907, that would reverse Roe v. Wade, establishing that the right to life comes with conception and protecting that life. I dream of the America of the future when we will respect it.

But, as I said, this amendment is not about the larger issue of abortion; it is about taxpayer funding of abortion. Millions and millions of pro-life Americans, who believe to the very core of our being that abortion is the taking of an innocent life, should not be forced to pay for abortions, not directly, not indirectly, not any way you can define it, with taxpayer dollars.

I urge my colleagues, no matter what their personal views are, to reject this amendment, to vote to preserve current law, to vote to protect and be consistent with the Hyde amendment. Let's get the military involved in protecting America and not taking innocent children's lives.

I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment Senator SMITH for his remarks. I join him in urging our colleagues to vote "yes" in favor of the tabling motion, to vote "no" on the Murray amendment.

Abortion is not a fringe benefit. People talk about a benefit that other people have. Abortion is the taking of a human life, so it should not be just a fringe benefit that is provided for at Government expense or provided for in Government hospitals. These are military hospitals. They do not have abortionists working in those hospitals. They have not been allowed through 1992. It was a change in the Executive order by the Clinton administration in 1993, saying we are going to have those. In 1993 and 1994, because of an Executive order—not because of a change in Congress—the Clinton administration said we want to provide abortions at military hospitals.

Guess what. They could not find abortionists. They could not find doctors to perform abortions at military hospitals, because they had been prohibited for at least 10 years, if not 12 years before, when that was not the case. The Hyde amendment said we are not going to use Federal funds to provide abortions. We did not have abortions performed at military hospitals. The Clinton administration tried to change that. They did not have anybody to do it. They tried to recruit them.

We changed the law in 1995. The Murray amendment would change it back by saying to military hospitals: You must provide abortions—a fringe benefit. Granted, maybe the person receiving the abortion now would have to pay a little bit, but the military is going to have to find somebody to perform them. They are going to have to make sure they have somebody who is trained to do it, and trained to do it right. So they are going to have to hire people to perform abortions, people right now they do not have—they have not been able to find them. Frankly, in 1993 and 1994 we changed the law. Congress changed the law in 1995, and I think they were right in doing so.

I think it would be a mistake for Congress to overrule that now and say we think that should be a standard benefit that is provided in Government military hospitals all across the world, so it could be basically a fringe benefit, it could be standard operating procedure—yes, anybody can get an abortion in a military hospital. It would be a method of birth control. I think that would be a serious mistake.

We have to realize, it is not a fringe benefit; it is the taking of an innocent human being's life. So I urge my colleagues to support Senator SMITH in the tabling motion with respect to the Murray amendment.

Mr. JEFFORDS. Mr. President, we all recognize that the bottom line of our national defense is quality of our men and women in uniform. They are the core of our security. They make a commitment to the defense of this nation, and we make a commitment to them that includes access to high quality health care. Women serving overseas are particularly reliant on this commitment, as they often have no alternative access to quality health care.

The issue of abortion is a matter of individual conscience. The Supreme Court ruled in Roe v. Wade that the decision whether to have an abortion belonged to the individual, not the government. Yet, for American servicewomen, that right to choose is effectively being taken away from them. They are being denied access, even at no expense to the Government, to a safe medical procedure. In most cases, the service woman does not have access to this procedure anywhere else.

American servicewomen have agreed to put their lives on the line to defend this country. But yet we are denying them a basic right that all other women are allowed—one that could easily be granted to them at no expense to the federal government. The Murray-Snowe amendment provides that the woman involved would reimburse the government for the full cost of the procedure. In my mind, this is a basic matter of fairness. I would argue that our military women should not be singled out to be unjustly discriminated. I urge my colleagues to oppose the motion to table the Murray-Snowe amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which will at long last remove the unfair ban on privately-funded abortions at U.S. military facilities overseas. This amendment will right a serious wrong in current policy, and ensure that women serving overseas in the armed forces can fairly exercise their constitutionally-guaranteed right to choose.

This is an issue of fundamental fairness for the large numbers of women who make significant sacrifices to serve our Nation. They serve on military bases around the world to protect our freedoms. In turn, it is our responsibility in Congress to protect theirs. It is wrong for us to deny these women who serve our country with such distinction the same medical care available to all women in the United States. Women who serve overseas should be able to depend on military base hospitals for their medical needs. They should not be forced to choose between lower quality medical care in a foreign country, or travelling back to the United States for the care they need. Congress has a responsibility to provide safe medical care for those serving our country at home and abroad.

Without proper care, abortion can be a life-threatening or permanently disabling procedure. This danger is an unacceptable burden to impose on the nation's dedicated servicewomen. They should not be exposed to substantial risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them.

This measure does not ask that these procedures be paid for with federal funds. It simply asks that servicewomen overseas have the same access to all medical services as their counterparts at home.

In addition to the health risks imposed by the current unfair policy, there is also a significant financial burden on servicewomen who make the difficult decision to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world can often result in significant financial hardship for young women. Servicewomen in the United States do not have to bear this burden, since non-military hospital facilities are readily available. It is unfair to ask those serving abroad to suffer this financial penalty.

If military personnel are unable to pay for a trip to the United States on their own, they often face significant delays while waiting for available military transportation. Each week, the health risks faced by these women increase. If there are long delays in obtaining a military flight, the women may decide to rely on questionable medical facilities overseas. As a practical matter, these women in uniform are being denied their constitutionally-protected right to choose.

A woman's decision to have an abortion is a very difficult and extremely personal one. It is wrong to impose an even heavier burden on women who serve our country overseas. Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. It is time for Congress to stop denying this right to women serving abroad. It is time for Congress to stop treating service women as second-class citizens. I urge the Senate to support the Murray-Snowe amendment and end this flagrant injustice under current law.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment would repeal the current ban on privately funded abortions at US military facilities overseas.

I strongly support this amendment for three reasons. First of all, safe and legal access to abortion is the law. Second, women serving overseas should have access to the same range of medical services they would have if they were stationed here at home. Third, this amendment would protect the health and well-being of military women. It would ensure that they are not forced to seek alternative medical care in foreign countries without regard to the quality and safety of those health care services. We should not treat US servicewomen as second-class citizens when it comes to receiving safe and legal medical care.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are often totally dependent on their base hospitals for medical care. Most of the time, the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel by denying safe abortion services just because they are stationed overseas. They should be able exercise the same freedoms they would enjoy at home. It is reprehensible to suggest that a woman should not be able use her own funds to pay for access to safe and quality medical care. Without this amendment, military women will continue to be treated like second-class citizens.

The current ban on access to reproductive services is yet another attempt to cut away at the constitutionally protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for women in this country. It has been upheld repeatedly by the Supreme Court.

Let's be very clear. What we're talking about here today is the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money—we are talking about privately funded medical care. We are not talking about reversing the conscience clause—no military medical personnel would be compelled to perform an abortion against their wishes.

This is an issue of fairness and equality for the women who sacrifice every day to serve our nation. They deserve access to the same quality care that servicewomen stationed here at home—and every woman in America—has each day. I urge my colleagues to support this important amendment to the 2000 Department of Defense Appropriations Bill.

Mr. HELMS. Mr. President, I strongly oppose the Murray amendment because it proposes to legalize the destruction of innocent unborn babies at military facilities. And Mr. President, if precious unborn babies are allowed to be slaughtered on military grounds, it will be a stark contradiction to the main purpose of our national defense—the defense and protection of the human lives in America.

Small wonder that the men and women serving in the military are losing faith in the leadership of this country. In fact, Congress recently heard from members of the Air Force, Navy, Army, and Marines who testified about the low morale among U.S. service men and women—which they contribute to a general loss of faith and trust.

After all, the military establishment continues to have its moral walls chipped away by the immoral principles of the extreme liberal-left. In fact, the American people would be shocked and disturbed to learn that our military has been pressured to accept Witchcraft as a recognized religion.

Why would Congress wish to demoralize our military folks further by casting a dark cloud over military grounds—which is precisely what will happen if abortions are to be performed at these facilities.

Let us not forget, America's military is made up of fine men and women possessing the highest level of integrity and pride in defending their country. These are men and women who have been selfless in dedicating their lives to a deep held belief that freedom belongs to all.

Senators should not mince words in saying that military doors should be shut closed to abortionists. I urge Senators to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I remind my colleagues, what this amendment does is simply allow a woman who is serving in the military overseas to use her own money to have an abortion performed in a military hospital at her expense.

I yield 5 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MURRAY for yielding me this time. It is so hard to know where to begin to respond to the comments made by both of my colleagues who are the leaders in the anti-choice movement and who are using this amendment as a reason to once more come to this floor and to attack a basic constitutional right, that women have been granted, that they do not agree with.

So what has been their effort? It is, in essence, to take away that right bit by bit. I hate to say this: They have made great progress. They have taken away the right to choose in many ways, from poor women in this country, by denying them funding. A woman in D.C. cannot exercise that right, even if she does not use Federal funds but locally-raised funds. They no longer teach surgical abortion at medical schools as a result of the action of this anti-choice Congress.

Women in the military, as we now know, are denied the right to go to a safe military hospital. Native American women who rely on Indian health care cannot go to that health care center and obtain a legal abortion.

I want to make a statement, and I sure would like a response: Women in Federal prison who need to have this legal procedure get treated better than women in the military overseas. Let me repeat that. Under the laws of this Congress, women in Federal prison get treated better than women in the military who are stationed overseas when both need to have this procedure.

Under our rules, if a woman is in a Federal prison, she cannot count on Medicaid, that is so. But if there is an escort committee who can take her to get this procedure paid for privately, she gets that escort committee. What happens to a woman in the military? Suppose you are stationed in Saudi Arabia where abortion is illegal, and you cannot go to your military hospital. You, obviously, cannot go to a clean health facility in Saudi Arabia, so you have two choices: You can go to a back-alley abortionist and risk your life—you are already risking your life in the military—but risk your life or you can go to your commander, who is usually a man, and confide in him as to your situation which, it seems to me, is a horrible thing to have to do, to tell such a private matter to a commander. Then, if you can get a seat on a C–17 cargo plane, maybe then you can go back, in a situation where you really need immediate attention, and figure out a way to get a safe, legal abortion.

The Senator from New Hampshire and the Senator from Oklahoma say: Well, this is Federal funding.

This is not Federal funding. Senator MURRAY has stated that over and over. I compliment her and Senator SNOWE on their tenacity in bringing this back and forcing us to look at what we are doing to women in the military who risk their lives every single day, and because of this antichoice Senate, we are forcing them to put their lives at risk again. I commend them. This is not a fringe benefit. They will pay.

Medical facilities abroad are in a state of readiness. They do not have to turn the lights on when someone comes in for a health care procedure. The lights are on, and they will pay the costs. We all know when we pay our doctors the overhead is put into that bill. That is such a bogus argument. It is amazing that it is even made.

What you are doing in this current policy is telling women in the military they are lesser citizens than all the other women in the country when, in fact, they ought to be treated with even more dignity and respect perhaps than anyone else, because not many of us can say that we go to work every day putting our lives on the line. They can say that. Yet, because of this terrible way we treat these women, they are put in jeopardy.

I will sum it up this way. There are people in this Senate who disagree with the Supreme Court decision, and I say to my friend from New Hampshire, he certainly does and he does not mince words about it and he is very straightforward about it. He says he is proud to be pro-life.

I ask for 1 more minute.

Mrs. MURRAY. I yield 30 additional seconds to the Senator from California.

Mrs. BOXER. I say to my friend, I am for life—lives of children, lives of women, and I say that this policy puts lives in jeopardy, puts lives on the line in a way that is arbitrary, in a way that is capricious, in a way that treats these women far worse than we do women in Federal prison. I hope the Murray-Snowe amendment will get an overwhelming vote today.

The PRESIDING OFFICER (Mr. CRAPO). The time of the Senator has expired. Who yields time? The Senator from Washington.

Mrs. MURRAY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. I thank the Senator from Washington, as well as the Senator from Maine, for offering this amendment, which I will support. I join in saying what the Senator from New Hampshire said earlier. Senator SMITH suggested this is not a debate in which we are anxious to get involved. It is a very controversial issue, deeply felt on both sides. I respect the Senator from New Hampshire and his personal views on this, as I respect those who support my position in offering a vote in favor of this amendment.

Let me say a few things that need to be cleared up. The Senator from New Hampshire said repeatedly that this process uses taxpayer dollars to pay for abortion. Of course, that is a flash point. When people hear that, they say: Wait, I don't think we ought to spend taxpayer dollars on that. Maybe people want to do that personally.

Senator MURRAY addressed that point. Her amendment makes it clear that these procedures are to be paid for by the servicewoman out of her pocket at a cost that is assessed for the procedure itself. There are no taxpayer dollars involved in this. This amendment is clear.

Secondly, the Senator from New Hampshire says this does not abide by the Hyde amendment. The Hyde amendment, as important as it is, does not override Roe v. Wade. The Hyde amendment limits abortions to those cases involving the life of the mother. But the procedure now on military bases goes beyond the Hyde amendment. The procedure on military bases today says if there is an endangerment of the woman's life, she can have the abortion performed at a military hospital at Government expense. If she is a victim of rape or incest, she can have an abortion performed at a military hospital at her own expense.

We are talking about the other universe of possibilities out there. Senator BOXER of California really poses an interesting challenge to us: Two women, under the supervision of the Government of the United States of America, both of them pregnant, both of them wanting to end the pregnancy with a procedure. In one case, we say if you have the money, we will escort you to a safe and legal clinic in America for the performance of this procedure. In the other case, we say if you have the money, you have to fend for yourself; you cannot use a safe and legal clinic or military hospital.

What is the difference? The first woman is a prisoner in the Federal Prison System. For her, we have an escort committee. But for the woman who has volunteered to serve the United States to defend our country and she is in the same circumstance, we say: You're on your own; go out in this country, wherever it might be, and try to find someone who will perform this procedure safely and legally.

Whether you are for abortion or against it, simple justice requires us to apply it equally and not to discriminate against those women who are serving in the American military. That is what it comes down to.

The Senator from Oklahoma said abortion is not a fringe benefit. He is right. But health care is a fringe benefit that most Americans enjoy, and many hospitalization insurance policies cover abortion procedures. We do not cover them when it comes to the women who serve in the U.S. military. Abortion is not a fringe benefit; abortion is a constitutional right. If that constitutional right means anything, we should support the Murray-Snowe amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes 12 seconds.

Mrs. MURRAY. Mr. President, I yield 3 minutes to the Senator from Pennsylvania. I retain the last minute for myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. I thank my colleague from Washington.

I support this amendment. I believe a woman should have a right to choose, and under the circumstances involved here, if the woman is going to seek an abortion, she should not be compelled to come back to the United States. Having an abortion in many foreign spots poses very material risks. This is a common sense abortion amendment which ought to be adopted.

WAR CRIMES TRIBUNAL INDICTMENT OF SLOBODAN MILOSEVIC

Mr. SPECTER. Mr. President, I want to comment about another matter very relevant to the pending legislation, that is the dispatch from Reuters within the hour that the War Crimes Tribunal has issued an indictment for President Milosevic and that an arrest warrant has already been signed. I think that is very important news, because it not only puts Milosevic on notice but also all of his subordinates, that the War Crimes Tribunal means business, that those who are responsible for crimes against humanity and war crimes will be prosecuted.

I compliment Justice Louise Arbour who was in Washington on April 30, asking a bipartisan group of Senators, including this Senator, for assistance; and we appropriated some $18 million in the emergency supplemental last week.

The next important point is to be sure that we do not permit a plea bargain to be entered into which will exonerate Milosevic as part of any peace settlement.

We ought to be sure this prosecution is carried forward. There is an abundance of evidence apparent to the naked eye from the television reports on atrocities, of mass murders, which can only be carried out with the direction of or at least concurrence or acquiescence of President Milosevic. Those crimes should not go unpunished. There should not be a compromise or a plea bargain which would give Milosevic immunity.

I ask unanimous consent that a copy of my letter dated March 30 to the President be printed in the RECORD, where I ask specifically that the extradition of President Milosevic to face indictments ought to be a precondition to stopping the NATO airstrikes; and a copy of my letter of April 30, to the President urging that warrants be issued and executed for Karadzic, and that the full impact of the War Crimes Tribunal be carried out, that this is a very important movement, probably worth a great deal more than airstrikes or even ground forces, to indict Milosevic, let him know that indictments and warrants are outstanding, and that those under him who carry out war crimes will be prosecuted to the full extent of the law.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 30, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: If today's reports are accurate, there is strong evidence that Serbian forces' massacres of Kosovo's ethnic Albanians constitute genocide and crimes against humanity, which should be prosecuted in the War Crimes Tribunal for the Former Yugoslavia.

There is probable cause to conclude that Serbian President Slobodan Milosevic himself is a war criminal, just as former Secretary of State Lawrence Eagleburger said as far back as 1992.

I strongly urge you to:

(1) Put President Milosevic and his co-conspirators, who carried out the massacres and crimes against humanity, on explicit notice that the United States will throw its full weight behind criminal prosecution against all of them at The Hague;

(2) seek similar declarations from our allies;

(3) turn over all existing evidence to Justice Arbour, the Chief Prosecutor at the War Crimes Tribunal, and make it an Allied priority to gather any additional evidence which can be obtained against President Milosevic and his confederates, so that such evidence might be evaluated at the earliest possible time with a view to obtaining the appropriate indictments.

I anticipate some will say that we should not complicate possible cease-fire negotiations with this focus on President Milosevic and his co-conspirators.

I believe that consideration should be given to whether our goals in Kosovo should include the extradition of President Milosevic to face indictments, if returned, as a precondition to ending NATO air strikes.

That is a hard judgment to make at this point. Many of us in Congress believe that the United States should meet the Serbian brutality with a very strong response so that future tyrants will know that this type of conduct will not help them personally in negotiations, but instead will be met with tough criminal prosecutions in accordance with international criminal law.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 30, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This morning, I hosted a meeting with several of my colleagues and Justice Louise Arbour, Chief Prosecutor for the International Criminal Tribunal for the Former Yugoslavia and Rwanda (ICTY).

As a result of our meeting, I believe it is critical that the United States take the lead in bringing indicted war criminals to justice in the former Yugoslavia. Specifically, I urge you in the strongest possible terms to direct United States Forces, Europe, as part of UNSFOR, to apprehend Radovan Karadzic and a number of other individuals in Bosnia for whom open or sealed indictments have been returned by the ICTY, and whose identities and locations are known to SFOR Commanders.

While many of us in Congress support the current air campaign, we are concerned that not enough is being done to convey to Serbian military and paramilitary commanders that they will be held responsible following the conflict for any war crimes they commit on the ground in Kosovo.

Mr. Karadzic has been an indicted war criminal since 1995, and his location is known to SFOR commanders. According to Justice Arbour, SFOR knows the location and identity of "a handful" of other individuals under sealed indictments for war crimes. Clearly, U.S. and SFOR units in Bosnia are sufficiently strong to apprehend these individuals if given that mission.

While there are always concerns of friendly casualties and ethnic unrest in the surprise apprehension of indicted war criminals, the signal of seriousness that such a move would send to every Serbian official from President Milosevic on down is important enough under present circumstances for you to shift our policy accordingly.

Sincerely,

ARLEN SPECTER,
Chairman.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

AMENDMENT NO. 397

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 additional minutes of our time to the Senator from Washington.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

The Senator has 6 minutes 2 seconds remaining.

Mrs. MURRAY. Thank you very much, Mr. President. I thank my colleague from New Hampshire for his generosity. I truly appreciate it.

I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Ms. LANDRIEU. Thank you, Mr. President.

I commend my colleagues, the Senator from Washington and the Senator from Maine, for presenting this amendment, on a very important issue, to the body today for us to discuss and to walk through. She has courageously offered this amendment for many, many years, and each year we seem to gain some support. I hope this year we will gain enough support to make this amendment part of the law of our land, because it makes such common sense and good sense.

When we ask women to join our military—and we are truly recruiting them rather vigorously, because we need their strength and their talent and their abilities to help make our military be the strongest and the best in the world—it is just inconceivable that we would say: Come join the military. Put on the uniform. Put yourself in harm's way. But we are simply not going to extend to you all of the rights that are guaranteed to other Americans for medical decisions that should be yours to make. It just makes no sense.

So I urge Senators, regardless of how you might feel about this issue—and good arguments have been made on both sides—to think about this as it truly is—not asking for any new privileges, not asking for any expansion of the law, but simply to allow the women who we are recruiting at this age to serve in the military, to give them the medical options they may need at a very tough time for them.

One other point I want to make is, those who have opposed this amendment over the years have said: We most certainly would not mind except that we do not want this to be at Government expense. Let me remind everyone that this is not at Government expense, that these women are individuals prepared to pay whatever medical costs are associated with the procedures that they may need.

But if we do not change the law to allow this to happen, the taxpayers have to pick up a greater burden in transporting these women, sometimes in transport and cargo airplanes and helicopters back to the United States, which takes time away from their service. I argue that costs substantially more, than the taxpayers are underwriting, for medical procedures.

So it makes no sense from a military standpoint—for human rights, for civil rights, for equal rights—to just have the same laws apply. It really makes no sense for the taxpayers to have to pick up an additional expense, when every dollar is so precious that we need to allocate well and wisely in our military.

So I thank the Senator from Maine, the Senator from Washington, and others, who have spoken. I urge my colleagues, regardless of how you consider yourself or label yourself on this issue, to think of this as the right, commonsense thing to do for women and their families, their dependents, and, yes, their spouses, their husbands in the military, for our families who are in the military, serving at our request to protect our flag, to protect democracy, to protect freedom around the world, to please consider that in their votes this afternoon.

I yield back the remainder of my time to the Senator from Washington State.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes 30 seconds; the Senator from Washington has 2 minutes.

Mr. SMITH of New Hampshire. Mr. President, I just want to respond to one point that was made on the other side regarding the payback, if you will, the fact that the woman agrees to pay out of her own pocket, therefore, I would assume the issue is that she would reimburse the Government.

But I would ask one to consider the accounting nightmare that would ensue as we try to figure out—we had a doctor paid for by the taxpayers, a clinic, a hospital paid for by the taxpayers, equipment paid for by the taxpayers, and supplies and special equipment involving abortions—how one would allocate all of this?

We would have to figure out, how many abortions were done and how all the allocations would be done. It simply is not workable. It would not work. The bottom line, as I have been indicating, is that the taxpayers would be subsidizing abortions in military hospitals. I think everyone understands that. I do not think there should be any confusion on that, that those who do not support abortion would be subsidizing abortions.

I just want to review, in closing, the current law. Just to summarize, no funds made available to DOD are used for abortions. Under current law, military facilities are prohibited, in most cases, in the performance of abortions. So the amendment now before the Senate is inconsistent with the Hyde amendment, which has been in existence for over 20 years, that taxpayer dollars may not be used to pay for abortions.

Current law, with respect to abortions at military facilities, is fully consistent with the Hyde amendment. The proponents of this amendment, which would overturn current law and allow abortion on demand, claim that their proposal is somehow consistent. As I said before, it is not. Under their proposal, women seeking abortions would pay for them, but this evinces a fundamental misunderstanding of the nature of military medical facilities, which I pointed out.

In conclusion, I say that it is just simply unfair, and it has been so ruled by the Supreme Court, that people, who, because of their own values and beliefs and principles, do not believe in abortion, that they should have to subsidize it with their tax dollars or pay for it with their tax dollars. That is the issue.

We have had a vote on this issue many years in the past. I hope people will see the light to see that this is wrong and basically unfair, and that we would respect the innocence of human life, and perhaps encourage the young woman in trouble to talk to a chaplain. There are military chaplains out there, and some darn good ones, who are available to counsel young women in need.

'I would certainly be very excited to hear that some of these women went to the chaplain because this law didn't get changed and perhaps chose life over abortion.

At this point, I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. Mr. President, let me conclude by letting my colleagues know that under current law today, a woman who volunteers to serve all of us, to protect all of us and our rights, when she goes overseas to serve us and finds herself in a situation where she requires an abortion, which is a legal procedure guaranteed by the Constitution in this country, has to go to her commanding officer and request permission to come home to the United States, flying home on a C–17, or a helicopter when one is available, to have a procedure that women here in this country who have not volunteered to serve overseas have at their disposal.

We are asking a lot of these young women. We should at least provide them the opportunity, as we do under my amendment, to pay for that procedure in a military hospital, where it will be safe, at their own expense. That is the least we should be offering them.

In a few moments we will be voting on this amendment. My colleague from New Hampshire has said the vote is close. Every vote will count. There is no doubt about it. So when you cast your vote today, ask yourself if women who serve us overseas to defend our rights should be asked to give up their rights when they get on that plane and they are sent overseas.

This is an issue which sends a message to all young people today that when they serve us in the military to protect our rights, we are going to be here to defend their rights as well. I urge my colleagues to vote against the motion to table.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 seconds remaining.

Mrs. MURRAY. Mr. President, I urge my colleagues to vote against the motion to table and to stand with the women and men who serve us overseas.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to do just the opposite and to support a motion that I am going to make in a moment to table, out of respect for those of us who believe deeply in the sanctity of life and who also understand and are compassionate about young women who are in need of an abortion, or feel that they are in need of an abortion in some way, and who hope we could save that life, that innocent life, and to show compassion for the unborn, which I think is really the issue.

At this point, I move to table the Murray amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 397. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

The motion was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 395

Mr. WARNER. Mr. President, the managers are desiring to turn to the Senator from Nebraska who desires additional time. Can we enter into a colloquy on this subject?

Mr. KERREY. I think we should be able to finish this up in an hour. I have four people on our side who want to speak. I don't know if they will all get to the floor. If they don't, they are aware of what is going on. I have no more than 15 or 20 minutes of closing remarks myself. I think we can wrap it up in an hour.

Mr. WARNER. I realize that what I offered to the Senator is hopefully a reduced period of time. In return, there would be no further debate on this side. That is a fairly generous offer. I thought we were in the area of 40 minutes.

Mr. KERREY. We can do it in 40 minutes and probably less than that.

Mr. WARNER. With that representation, I ask unanimous consent that we proceed to the amendment by the Senator from Nebraska for a time not to exceed 40 minutes under the control of the Senator from Nebraska and, say, 5 minutes under the control of the Senator from Virginia, making a total of 45 minutes. At the conclusion of that we will proceed to a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, the Senator from Virginia did not state this. Does this mean there will be no amendments offered prior to the vote on my amendment?

Mr. WARNER. Mr. President, I know of no amendments at this point. I ask unanimous consent that prior to the motion to table there be no amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, again, this amendment strikes language that requires the United States of America to make its determination about how many strategic weapons we will have based upon a decision by the Russian Duma to ratify START II.

Some have described this amendment as encouraging unilateral disarmament. Nothing could be further from the truth. We make unilateral decisions and we decide what our forces are going to look like. On that basis, this entire bill is a unilateral decision. We haven't consulted with the Russians to determine what our Army is going to look like, how many divisions we will have, how many wings we will have in our Air Force. We have not made any consultation nor have we given the Russians a veto over any other part of our defense except for strategic defenses.

There we say that even if, as is the case, we have former STRATCOM commanders—in this case, Eugene Habiger—saying we would be well advised to go to a lower level, it would keep the United States of America safer than we currently are. As a consequence not only of measuring accurately how many nuclear weapons we needed in our triad—the land, sea and air-based system that we developed over the years—the greatest threat of nuclear attack to the United States of America is not China, is not an authorized launch by the Nation of Russia, it is an unauthorized launch. That risk has increased over the past few years as the Russian economy declines. As a consequence of that decline, they have decreased capacity to control their systems. This is not a small item. This is a significant threat to the United States of America.

One of the points I have tried to make is that we have been lulled into a false sense of complacency as a consequence of the end of the cold war. Statements are made that we are no longer targeting the Russians, nor they us.

In the past, I have not supported an early deployment of the strategic defense initiative, of missile defense. I have come to the conclusion as a consequence of this threat and others that the United States of America should. That is a unilateral decision. We made that decision not based upon what the Russians wanted but what we believed was in our best interest to keep America safe. That is how we ought to make our decisions about what our level is going to be of our force structure for nuclear weapons.

Not only are the people of the United States of America at greater risk as a consequence of forcing the Russians to maintain 6,000 at the end of 2001, but we are laboring under the optimistic scenario that maybe the Russians will ratify START II, in which case we can go to lower levels. But even at START II levels, the Russians would not be to 3,500 warheads until 2007.

We have to put an awful lot of our national security chips in the possibility that Russia will be in better shape in 2007 than it is today. These weapons systems are much more dangerous than the weapons systems in vogue today. There are serious threats from chemical weapons, from biological weapons, from weapons of mass destruction in that category, serious threats from terrorists such as Osama Bin Laden, serious threats as well that come from cyberwarfare and other sorts of things we are having conferences on all the time. China is unquestionably a threat, especially in the area of proliferation. But none of these, or all of them taken together, combined, are as big a threat as unauthorized launch of Russian nuclear weapons.

I hope, regardless of how this amendment turns out, the Senate will turn its attention to dealing with this threat. I think we are much better off dealing with that threat with a different strategy than the old arms control strategy. This is not an amendment that says we are going to tie our national security to START I or START II. Quite the contrary, I do not expect START II to be ratified in the next couple of years, if that, if it ever is ratified by the Duma. We should not hold up our national security decisions based upon what we expect or do not expect the Russian Duma to do.

I would like to describe some of these weapons systems so people can understand the danger of them, the kind of destruction they could do to the United States of America. The Russians have in their land-based system 3,590 warheads. They have in their sea-based system 2,424 warheads. They have in their air-based 564.

Just take one of these. Think, if you have a disgruntled, angry group of Russian soldiers or sailors or airmen who say: We have not been paid for a year; we are despondent; we do not think we have any future; we are suicidal. We are going to take over one of these sites, and we are going to launch. We are not going to blackmail the United States; we are not going to try to get them to do anything; all we are going to do is launch, because we are angry and we do not like the direction of our country and we do not like what the United States of America is doing.

Let me just take the SS-18. I am not going to go through the details of where these are. I am not going to describe for colleagues a scenario to take one of them over. I am not going to build a case, but I think I could build a case, that an SS-18 site is not as secure today as it was 5 years ago. That lack of security should cause every American to be much more worried than they are about the threat of China or other things we talk about and put a great deal of energy into describing.

The SS-18 is a MIRV'd nuclear system. It has 10 warheads on each one of its missiles, and each one of these warheads has 500 to 750 kilotons. If you put one of those in the air and hit 10 American cities—I earlier had a chart showing what a 100-kiloton warhead would do to the city of Chicago. Nobody should suffer any illusion of what the consequences to the United States of America would be if 10 of our cities were hit with a 500- to 750-kiloton warhead.

You say it is not likely to happen. Lots of things are not likely to happen that have happened. That is what we do with national security planning. We do not plan for those things that are most likely to happen. We plan for those things that are least likely to happen, because the least likely thing is apt to be the one that does the most damage, and that is exactly what we are talking about here.

You do not have to kill every single American. If you put 10 nuclear warheads with 500 to 750 kilotons of payload on 10 American cities, I guarantee the United States of America is not the superpower we are today. Imagine the devastation it would do to our economy. Imagine the emergency response that is required. Imagine all sorts of things. This country would not be the same as it is today if that were to happen. It is a terrible scenario. It is one we used to talk about way back in the 1980s.

I remember campaigning in 1988. We had a big portion of our debate about nuclear weapons and the danger of nuclear weapons and what are we going to do to keep the United States of America safe. The most vulnerable of the Russian triad are their nuclear submarines. I went through it earlier. A Delta IV submarine has 64 100-kiloton warheads on it. You could put 1 in each State and have 14 left over to pick some States you might put 2 or 3 on top of.

This is a real risk. Is it likely to happen? No. The likelihood is low. But low is not comforting when you are thinking about something such as that. Low should not give any American citizen comfort. I just heard somebody say it is not likely to happen; it is a low likelihood it is going to happen.

In the State of Nebraska, it is not likely a tornado is going to hit tonight. But tornadoes hit there relatively frequently. We look up at the sky and say, "It is blue; it does not look to me like a storm is coming," but storms hit out there just like that, and great destruction and devastation has occurred as a consequence. We have been lulled into a false sense of complacency about the Russian nuclear system and, as a consequence, we have not tried to figure out an alternative strategy. We need an alternative strategy. The Russian Duma is not going to ratify START II. I am here today to predict that is not going to happen.

We should not in our defense authorization say we are not going to take any action that might make America safer because we want to wait for the Russians to ratify START II. This amendment is described by some opponents as unilateral disarmament. It is not. It is no more unilaterally disarming than anything else we have in our defense authorization. We do not make decisions about what we are going to do for this Nation's security based upon what Russia is going to do in any other area of defense.

I cited earlier, I supported missile defense even though some said if we have missile defense, if we have an early deployment of missile defense, the Russians are going to do this, that, or the other thing, including maybe not ratifying START II. We did not make that decision based upon wondering what the Russians are going to do. We need to make national security decisions based upon what we think is in the best interests of the United States of America, to keep our people safe. This amendment does that.

The President has indicated he supports this amendment. He would like to get this limitation taken off. He does not have any plans to take action. I encourage him to do so. I think it is in our interests to think about taking our levels lower. I think the Russians would reciprocate. And even if they did not, the United States of America would still be safer as a consequence, by measurement of people who are a lot smarter and a lot more knowledgeable than I am on this subject.

For fiscal reasons, for reasons of scarce resources that need to be applied into our conventional readiness and things that our Air Force, Navy, Marines, and Army are more likely to have to be called upon to meet, for reasons of trying to reduce the risk of unauthorized launch that would be devastating to the United States of America, I hope my colleagues on both sides of the aisle will give this amendment their full consideration and I hope they vote for it. A vote for this amendment is not a vote for unilateral disarmament. A vote for this amendment is a vote for the United States of America deciding what we think is in our best interests in national security and then authorizing accordingly in a defense authorization bill.

Mr. President, I see the distinguished Senator from California wishes to speak. The Senator from South Dakota, Senator DASCHLE, earlier said he would like to be a cosponsor. I am not sure he has been listed as a cosponsor. Senator KENNEDY as well, Senator BOXER as well, and Senator BIDEN as well.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. KERREY. I yield to the Senator from California such time as she needs.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I say to my friend from Nebraska how grateful I am for taking the time that he has needed to explain this amendment, not only to our colleagues but to the American people. This amendment is a very important amendment. It will delete the provision in law which prevents the United States from retiring additional nuclear weapons delivery systems until the Russian Duma ratifies the START II treaty.

The Senator from Nebraska has explained in great detail why that is not a prudent course for our Nation, and I agree with him. I will take 5 or 6 minutes to explain why.

For the last 2 years, the defense authorization bill has included a provision which bars reductions below 71 B-52H bombers, 18 Trident ballistic missile submarines, 500 Minuteman III intercontinental ballistic missiles, and 50 MX Peacekeeper missiles. Congress has told the Pentagon that we cannot reduce below that level.

In this year's defense authorization bill, this provision again is included with a revision that allows the number of Trident submarines to be reduced by six at the request of the Navy. This is a good step. It is a good first step, but more needs to be done to move in this direction.

As Senator KERREY has stated, there is no need to maintain these huge stockpiles of nuclear weapons. There is little doubt that Russia will fall well below START II levels whether or not the Duma gives its consents and ratifies the START II treaty. Edward Warner III, Assistant Secretary of Defense, Strategy and Threat Reduction testified that:

> In light of the very small modernization efforts [Russia] has underway, and the obsolescence of many major components of both their submarines and their strategic military forces, Russia will be hard-pressed to keep a force of more than about 3,500 weapons. And our intelligence analysts say in light of current developments—again, we're projecting out over the decade—by about the year 2010, they will be hard-pressed to even meet a level of about 1,500 weapons.

If this is the case, if our own intelligence people are telling us that regardless of whether the Duma passes START II, the Russians are going to have a much lower level of capability, why do we need 6,000 deployed nuclear weapons with thousands more in reserve? What useful purpose do these thousands of weapons serve?

If we reduce our stockpiles toward START II levels of 3,500 nuclear weapons, we would still have the ability to obliterate any nation anywhere anytime.

I will repeat that because I want the American people to understand that this amendment keeps us strong; it makes us safer; it makes us stronger. START II levels will still leave us with 3,500 nuclear weapons which could obliterate any nation anywhere anytime, and, I add, many times over.

It is dangerous to maintain 6,000 deployed U.S. nuclear weapons, half of which are on hair-trigger alert. The massive U.S. deployment pressures Russia to deploy as many of its nuclear forces as it can afford—and they do it on hair-trigger alert—at a time when the Russian command and control is stressed and when Russian launchers are dangerously over age.

What Senator KERREY is trying to point to here is not a situation of panic but of truth, and the truth is the more we deploy, the more they are compelled to deploy, and that is at a time when the Russian command-and-control system is stressed and when the launchers are dangerously over age. This sets up a very dangerous situation.

Certainly many of us are concerned about what we have learned about China's efforts to steal our nuclear secrets. This is very serious. Every one of us, regardless of party, is sick at heart about what has happened. It has happened over many, many decades, and there is blame to go everywhere. But the truth of the matter is, China has a few dozen strategic nuclear delivery vehicles and that threat is not comparable to the one we face in Russia, as Senator KERREY has pointed out. That is the real threat we face. We need to do something to diminish that threat.

There is a question of cost. There can be substantial savings from nuclear weapons cuts. The CBO has estimated that reducing U.S. forces to START II levels by 2007 could produce a savings of $570 million in fiscal year 2000 and a $12.7 billion savings over 10 years.

This is not small change. This is important. We just faced a situation where we saw a vote in the Senate, and we lost by four votes, to put some afterschool programs in place across this country. When I talked to my friends on the other side, I received two votes on the other side. The others all said: We love the program, but we can't afford it. We were asking for essentially an authorization of $600 million, and the money was not there.

Why do we waste money and make a situation more dangerous when we can save money and make a situation less dangerous? I think that is the merit of the amendment that is before us. Mr. President, $12.7 billion over 10 years is not small change. We have lots of things we can do, and we can always return it to the taxpayers.

The CBO further estimated that reductions in nuclear delivery systems within the overall limits of START II could produce savings of $20.9 billion.

There is a precedent for what we would do here.

It is very important. The Senator from Nebraska said people call this unilateral disarmament. Let me prove to you that this is not the case. In 1991, President Bush had the courage to announce that we would withdraw our tactical nuclear weapons to the United States. That was not dependent on any action by the Soviet Union. He stood up and said this is in the best interest of the United States of America.

He also ordered 1,000 U.S. warheads deployed on strategic bombers and ballistic missiles slated for dismantlement to be taken off alert. I think we all remember that day. It was a very exciting and dramatic day. He did those two actions because it was in the best interests of America.

Do you know what happened after that? President Gorbachev responded in kind. He withdrew all tactical weapons from Warsaw Pact nations and non-Russian republics, removed most categories of tactical nuclear weapons from service, and designated thousands of nuclear warheads for dismantlement.

The point the Senator from Nebraska is making is, sometimes it does take courage to stand up and say this is what is in our best interests and show real leadership, the way George Bush did in 1991 in these two examples and the way President Gorbachev followed his lead.

I am very disappointed that the Russian Duma has not yet ratified the START II treaty. Again, if we follow the leadership of the Senator from Nebraska on this, we will be acting in our best interests, not in the best interests of the Russian Duma. We should lead and not wait for them to lead.

In conclusion, there are very good reasons for the United States of America to reduce its nuclear weapons. This amendment is carefully drawn. It is carefully thought out. It comes from a man who put his life on the line in the military and would do nothing to harm our national security. As a matter of fact, he would do everything to make us stronger. I hope we follow his lead and adopt his amendment. I yield back my time.

Mr. KERREY. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the Senator from Nebraska for his amendment. What he has done is to bring back before us and before the Nation a very important issue, which is, what is the necessary level of nuclear weapons in our inventory for our own security.

Do we need as many as we have? Should we legislatively bake in that level if we do not need the START I level or should we at least be free to consider options to go to what the necessary level is for our own security?

The Senator's gift to us and to the Nation here is that he is bringing before us an issue which the Joint Chiefs want us to consider but we have not yet considered, and that is, what is the level of nuclear weapons that we need for our own security and should that be determined by a legislative level, on a piece of paper, set in law, or should that be determined by our security needs?

If we have a larger number of nuclear weapons than we need, we do two things. The Senator from California has just illuminated those two things. No. 1, if we have more nuclear weapons than we need for our own security, we are wasting valuable resources. That is No. 1. But, No. 2, what we are doing is we are then telling the Russians: Look, we're going to stay at this level, which in turn will encourage them, unhappily, to remain at the same level. That increases the proliferation threat to us because as the Senator from Nebraska has pointed out, the greatest threat to this Nation is the inventory of nuclear weapons on Russian soil. The Chinese threat does not come close. You are talking dozens in that case and not nearly as accurate. In the case of the Russians, you are talking many, many thousands of nuclear weapons which are not only pointed at us but also the more that are there on Russian soil, the greater the risk that one of them might be lost or not counted and leave Russian soil and get into the hands of a terrorist state or a terrorist group.

So both from a proliferation perspective and from the perspective of the wise use of our resources, we ought to at least be open to consider options of fewer nuclear weapons than the START I level provides for.

We may decide we want to stay at that level. It may be determined that we want to stay at that level. But the Joint Chiefs say that it may not be necessary. They want to consider options that would go down to a lower level of nuclear weapons, because they may not need as many nuclear weapons, regardless of what the Russians do. Even if the Russians stay at the START I level, we may not need as many nuclear weapons as the START I level allows us.

There is no point in keeping them just because the Russians have them if we do not need them. There is no point keeping them if that helps to push the Russians to keep their own, with all of the proliferation threats which that engenders.

I close by reading a couple answers that we have received to questions that I have addressed to Secretary Cohen and to General Shelton.

I asked Secretary Cohen:

> Should we maintain the requirement in law that our forces be maintained at the START I level or should we now let that expire and do what our military requirements indicate we should do, rather than to put it in a legislative form?

Secretary Cohen's answer:

> . . . I do not think we need to have the legislation, ... I think it is unnecessary. . . .

General Shelton was even more pointed. General Shelton, in answer to that question, said:

> I would definitely oppose inclusion of any language. . . .

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. LEVIN. I wonder if the Senator would yield 2 additional minutes?

Mr. KERREY. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. LEVIN. I thank the Senator.

General Shelton said:

> I would definitely oppose inclusion of any language that mandates specific force structure levels.

This is the highest level of uniform military leadership we have in this Nation. This is what he says:

> The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will need to be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.

He went on:

> The Service Chiefs and I agree it is time to reduce the number of our nuclear platforms to a level that is militarily sufficient to meet our national security needs. . . .

"[M]ilitarily sufficient to meet our national security needs. . . ."

General Shelton went on:

> The statutory provision that keeps us at the START I level for both Trident SSBNs and Peacekeeper ICBMs will need to be removed before we can pursue these options.

So we have the leadership of this Nation's military—civilian and uniform—urging us not to have a restraint in law that will make it difficult for them to pursue options which they need to pursue in order to avoid the waste of resources, options which will allow us to be militarily sufficient and not to promote proliferation in Russia.

The PRESIDING OFFICER. The time has expired.

Mr. LEVIN. I thank the Chair, and I again thank my colleague from Nebraska.

Mr. KERREY. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator for offering this amendment. I am very hopeful that the Senate will adopt it.

I strongly support this amendment, and I commend Senator KERREY'S leadership on this important issue of nuclear arms control. His proposal is a significant step in moving forward on the stalled process of nuclear arms reductions. Now more than ever, given the present climate of tension in the world, it is essential for the United States to reactivate arms control discussions with the Russians. It is also critical that we demonstrate to the international community our willingness to engage in continued nuclear arms reductions.

This initiative offers us a major opportunity to break the current impasse that is preventing significant reductions in the stockpiles of nuclear arms. In addition, it can help to revitalize the START II debate in the Russian Duma, and move us toward greater cooperation on this critical global security issue.

At the Senate Armed Services Committee Hearing on Military Readiness on January 5, I pressed senior military officials about spending priorities in the armed services, and questioned the need for maintaining strategic forces at the START I level. In response to my inquiries, the Chief of Naval Operations, Adm. J.L. Johnson, agreed that he would prefer to reduce the number of Trident submarines from START I levels, and see some of the money currently used to maintain strategic forces at old levels reallocated to meet current and more critical needs. This amendment will give us the opportunity to do so in other parts of our strategic arsenal as well.

As Senator KERREY noted, history demonstrates the benefits of this kind of initiative in arms control, and the impact that can be made by a modest but significant gesture. In September 1991, President Bush ordered that 1,000 U.S. warheads scheduled for dismantling under START I be taken off alert, before that treaty was every ratified. This action resulted in a reciprocal response from President Gorbachev, who just one week later, designated thousands of Soviet nuclear warheads for dismantling and took several classes of strategic systems off alert.

Three years after the Senate ratified START II, we still have not moved closer to the goals in that important treaty. Russia has yet to ratify this treaty, and a move by the United States toward meeting our START II goals may encourage the Russian Duma to take up its ratification, and move us closer to the creation of START III.

This is an important time in our relationship with Russia. Earlier this year, we passed a bill calling for the creation of a National Missile Defense System, conditioned on an amended ABM treaty negotiated with Russia. The best way that we can more toward a new ABM treaty and work to improve global security is by demonstrating to our Russian allies that we are committed to arms control—and an effective way to demonstrate this commitment is by passing this amendment.

Moving closer to implementation of START II will also provide significant savings for the American taxpayer. This amendment will open the door to savings in the cost of upkeep for many unnecessary weapons. In addition, the tritium in these weapons can be recycled, eliminating the need for production of new tritium and the associated production costs.

This amendment is a constructive effort to breathe new life into the stalled arms control negotiations, move us closer to achieving the goals of START II, and send a strong signal to Russia and the international community about our commitment to these goals. It will strengthen our ability to cooperate with Russia to combat the growing threat of rogue nuclear states, and to build a more comprehensive global security system. Reducing our military stockpile, even to START II levels, will not impair our national security in any way. As Admiral Johnson explained to us last January, this amendment is in the best interest of the armed services, and it will help us to meet more critical readiness needs. I hope this amendment will be accepted. I commend the Senator for initiating it.

I yield back the remainder of my time.

Mr. KERREY. Mr. President, does the Senator from Virginia want to speak?

Mr. WARNER. I will speak whenever you have completed. I want to accommodate you. You can follow me, if you so desire; whatever your desire may be.

Mr. KERREY. I would love to hear the Senator's remarks.

Mr. WARNER. I beg your pardon?

Mr. KERREY. You can go first. I would love to hear your remarks.

Mr. WARNER. You are thoughtful to say that, because I enjoyed listening to yours but I, regrettably, think you are wrong in this instance, and I will move to table your amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I say to my good friend from Massachusetts, a fellow member of the Armed Services Committee, we have in this bill—you are ranking on that committee—the removal of those submarines as sought by the President and the administration.

The essence of what I have to say is that Congress expressed a willingness to do that. Hopefully, this legislation will go through, become law. It seems to me, if the administration has further reductions in the arsenal, let it come before the Congress. That is the procedure that I would follow.

So I just say, in opposition to this amendment, the amendment would strike section 1041. Section 1041 renews and modifies the provision that has been enacted in the defense authorization bill each year for the last 5 years. This is a measured, balanced, and needed provision which, in my view, all Members of the Senate should support. It simply prohibits the retirement of certain strategic delivery systems unless START II enters into force. Essentially, this provision seeks to prohibit unilateral compliance with the reduction of U.S. inventory implementation of the START II treaty and make clear to Russia that the benefits of our mutual arms control agreements can only be realized through mutual implementation of those agreements.

This year, the Secretary of Defense and the Navy requested we modify the limitation to permit the retirement of four of the older Trident submarines. The Secretary, however, made it very clear that the administration was not advocating any unilateral implementation of START II. The Armed Services Committee reviewed the Secretary's recommendations to reduce the Trident force from 18 to 14 submarines and agreed to authorize such reduction. Section 1041 of the pending bill does, in fact, allow retirement or conversion of these four submarines.

In keeping with the administration's policy not to unilaterally implement START II—and that is the policy; I assume the Senator from Nebraska agrees with that—the Secretary also made sure that the fiscal year 2000 budget request fully funded all remaining operational strategic nuclear delivery systems, including the 50 peacekeeper intercontinental ballistic missiles deployed at the F.E. Warren Air Force Base. The Armed Services Committee supports this decision, and there is nothing in this bill that prohibits the Secretary from implementing any planned reduction to our strategic forces.

Section 1041, which the Kerrey amendment would strike, simply reinforces the administration's policy of remaining at START I force levels until START II enters into force. To strike this provision would send a signal that the Senate no longer supports this policy. This would be a dangerous and unnecessary signal to send, one that could undermine the integrity of the arms control process.

Since section 1041 does not prohibit any planned changes to U.S. strategic forces, it would appear that the supporters of this amendment are really interested in some form of unilateral arms control or some other steps that go beyond the administration's policy. At a time when our relations with Russia and China are quite uncertain, I say to my dear colleagues, now is not the time to consider unilateral reductions in our strategic forces.

The United States and Russia are now hopefully nearing full implementation of the START I agreement. The administration has worked very hard to get Russia to ratify START II. If the Senate votes to eliminate section 1041, this action could be interpreted as a sign that the Senate is giving up on START II. Unless my colleagues are willing to abandon the arms control process, I suggest that they not support the pending amendment. Indeed, the administration has acknowledged that section 1041 provides significant leverage over Russia to get them to ratify START II.

Mr. President, in closing, let me simply reiterate that section 1041 of the pending bill was crafted with the Secretary of Defense's views firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And, since the provision expires at the end of the fiscal year 2000, we will have an opportunity next year to review any new recommendations coming from the administration. For the time being, it would send a very bad message to strike this important provision. I urge my colleagues to oppose the Kerrey amendment and support the bill.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I regret that Senators are on opposite sides of this issue, but we clearly are. I have offered this amendment because I believe our current strategy to deal with the threat of nuclear weapons is flawed in many serious ways.

First of all, this amendment has the support of the Chairman of the Joint Chiefs and Secretary Cohen. They have not announced any intent to go below the START I levels, but we are not asking for unilateral disarmament. We make decisions about how many men and women we are going to have in our Armed Forces, how big our Navy is going to be, how big our Army is going to be, our Marine Corps, our Air Force is going to be. Sometimes it goes up, sometimes it goes down. Nobody accused President Bush of unilateral disarmament at the end of the cold war when he drew our defense forces down.

I happen to believe we have gone too far. I support reinvigorating our Armed Forces. I don't support giving the Russian Duma a veto over that decision.

That is basically what this is all about. I do not know whether the President would exercise the authority, but in my view this amendment would allow the President to make a decision independently and say, this is the level of nuclear weapons that we need. I have heard knowledgeable patriots who have served their country, who have spent a great deal of time on this subject, say to me that we are, as a consequence of this law, maintaining a level higher than we need to keep the people of the United States of America safe, spending money that is needed in other areas, especially in the conventional area, forcing the Russians to maintain a level of nuclear weapons higher than their economy gives them the capacity to control, and dramatically increasing the risk of an unauthorized launch as a consequence.

That is the new risk. In the old days when we had arms control agreements—and I am not as optimistic about arms control agreements any longer. The Senator from Virginia asked if I supported the policy inherent in this language. Frankly, I do not believe START II is going to be ratified by the Duma. And even if it is, it has been overtaken by events, in my judgment. Even at that level, the Russians would be required to maintain a force structure of nuclear weapons that their economy does not allow them to safely maintain.

I think we would see continued deterioration and continued increased risk to the people of the United States of America not from a hypothetical risk here. All of our armed services have been vaccinated now against anthrax. The Chairman knows there are conferences about all kinds of new threats that are very real and very present. But there is no threat greater than the threat of Russian nuclear weapons. There is no threat that would arrive here faster, that would arrive here more accurately and more deadly than any one of a number of weapons systems that I could describe in the Russian nuclear arsenal.

In my view, what this does, quite the contrary to unilateral disarmament, is it allows the United States of America to decide what is in our interests. If I had reached a conclusion that I thought we ought to have 10,000 nuclear warheads in our arsenal, that that was in our interests, I would be on the floor arguing that we ought to; that rather than having a 6,000 floor, we ought to say that arms control is not going to work at all. If the Russians were doing something that caused me to conclude that I thought we ought to have a higher level, I would argue for that.

I am arguing that the United States of America should make its own decisions when it comes to nuclear weapons. And right now, in my view, that decision would cause us to go below the statutory floor that we currently have and a further benefit would occur as a consequence enabling us to reduce the threat of an unauthorized launch.

Again, I have a great deal of respect for the chairman and admire his work and agree with him on lots of things that are in this bill, but I come to the floor to offer this amendment because I believe very passionately that it will make the people of the United States of America safer and more secure if it is adopted.

Mr. WARNER. Mr. President, I say in reply that this section was crafted with the views of the Secretary of Defense firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And since the provision expires at the end of the fiscal year 2000, we will have the opportunity in the next year to review any new recommendations coming from the administration.

A year from now we will have more clarity, hopefully, of the relationship with China, of the relationship with Russia and, indeed, this Senator's concern about North Korea and its advancements in missile technology. So I think we can focus on the superpowers but this, in my judgment, talks to the entire strategic defense of the United States of America.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate that very much, although the only reason I was referencing Secretary Cohen and General Shelton's support, as Senator Levin indicated earlier and put in the Record, there has been some indication that perhaps the administration doesn't support eliminating this artificial floor. They do. They have no plans—they have not indicated that they intend to go any lower than this. But they have put in the record at the Armed Services Committee, in response to Senator Levin's question, that they support this amendment. They support eliminating this artificial floor.

Mr. WARNER. Mr. President, I yield back the remainder of my time.

Mr. KERREY. Mr. President, I will do the same.

Mr. WARNER. I thank my colleague. It has been a good, spirited debate on a very serious subject. I think his historical context would be very helpful for all Senators. The bottom line is, we tend to forget, as you pointed out, in 1988, it was foremost in our minds. Not so.

Mr. President, if the Senate could now proceed to the vote with all time yielded back, I ask for the yeas and nays and move to table the Kerrey amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 395. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. Abraham). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (OR)
Torricelli
Wellstone
Wyden

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO RECONSIDER AMENDMENT NO. 392

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to reconsider the Gramm amendment, which amendment was not agreed to yesterday.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—51

Ashcroft
Bennett
Biden
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Durbin
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hollings
Hutchison
Jeffords
Kerrey
Kohl
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Rockefeller
Roth
Santorum
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich

NAYS—49

Abraham
Akaka
Allard
Baucus
Bayh
Bingaman
Boxer
Breaux
Bryan
Bunning
Cleland
Conrad
Daschle
Dodd
Edwards
Enzi
Feingold
Gorton
Grassley
Harkin
Hutchinson
Inhofe
Inouye
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Warner
Wellstone
Wyden

The motion to reconsider the vote by which amendment No. 392 was rejected was agreed to.

Mr. GRAMM. Mr. President, I ask unanimous consent to vitiate the rollcall vote on the amendment, and I ask for a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 392.

The amendment (No. 392) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

Mr. President, it is the desire of the managers and the leadership to continue to work on this bill and make good progress.

The pending amendment is the amendment by the distinguished leader from Mississippi, Mr. Lott; am I not correct? I am fairly certain.

The PRESIDING OFFICER. Actually, the pending amendment is the Allard amendment.

Mr. WARNER. Fine.

Mr. President, we are then ready to proceed.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 396

Mr. ALLARD. Mr. President, the amendment I am offering with Senator HARKIN and a number of other people is now before the Senate.

I ask unanimous consent at the start that Senator GRASSLEY be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, if the Senator would yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. ALLARD. I yield for an inquiry.

The PRESIDING OFFICER. The Senator from Colorado has the floor and has yielded to the Senator from Virginia for an inquiry.

Mr. WARNER. I thank the Chair.

I am very anxious to structure this so all Senators have an opportunity to speak on this important amendment. I have spoken to Senator HARKIN, and he desires 20 minutes.

Mr. ALLARD. That is correct.

Mr. WARNER. That is the amount of time he will require. It may be that we have to go off this amendment for a short time, but I have assured him that we would not, of course, vote, and we would come back on the amendment to give him the 20 minutes.

But I inquire of the Senator from Colorado the time that he desires, and the distinguished Senator, Senator INHOFE, the time that he desires.

Mr. INHOFE. Ten minutes.

Mr. ALLARD. I would guess about 15 minutes is what I would need.

Mr. WARNER. Why not give 15 minutes to each side; 20 minutes for Senator HARKIN.

Is there any other time that you know of, I ask my distinguished ranking member?

Mr. LEVIN. We do not know of any other time.

So we are clear then, we will not close off debate on this until Senator HARKIN has an opportunity to come back and claim his 20 minutes.

Mr. WARNER. Mr. President, I have assured him. In order to protect all parties—Senator STEVENS may wish to speak to this —I ask unanimous consent that we have 1 hour, divided 20 minutes under the control of the distinguished Senator from Oklahoma, and 40 minutes, which would include the time for Senator HARKIN, under the control of the Senator from Colorado.

Mr. ALLARD. That would be fine.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, in order to protect Senator HARKIN, which I know the Senator from Virginia is determined to do—

Mr. WARNER. Yes.

Mr. LEVIN. —and I am determined to do, if he is unable to be back here by the time the 40 minutes is utilized, we would then go to some other matters and protect him?

Mr. WARNER. That is exactly right.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I ask that the Chair let me know when I have reached the 15-minute mark.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. ALLARD. Mr. President, the amendment I have offered, with Senator HARKIN, and others, dealing with the Civil Air Patrol, is, in the greater scheme of this defense authorization, probably not that big a measure. But for the Civil Air Patrol, its members, an the job they do, it will prevent a huge and unfortunate change.

This defense authorization contains a provision that would force the civilian, volunteer, locally controlled Civil Air Patrol wings into a more rigid and centralized Air Force command structure.

My fellow sponsors of the current amendment and I feel this forced change would hamper the patrol, hinder their activities, and hurt, ultimately, results.

The Air Force fights wars. Their structure and administration are designed for fighting wars. The Civil Air Patrol, a nonprofit civilian service organization, is fundamentally different.

The Patrol was started to watch our borders during war time. But now their focus is search and rescue, counterdrug operations, and humanitarian efforts.

Last year, the patrol saved 116 lives through their search and rescue operations. In 1998, they also flew 41,721 hours in support of counterdrug operations. Over the last 4 years, the Patrol membership has increased 20 percent, and the youth cadet program has increased its membership by 30 percent.

Newspaper are full of stories about Patrol efforts to find downed planes, lost hikers, and others, or emergency flights to provide supplies, transport people, and shuttle other vital items.

After the recent tornados in Oklahoma, Patrol wings flew damage assessment missions for relief authorities.

In January, the Colorado wing found two missing hikers in Mesa Verde park in Colorado. In April, they flew search and rescue looking for the Miller family of Iowa. As the Omaha-World Herald said on Tuesday, May 11, "When a small plan goes down in the unforgiving mountains of southwest Colorado, the story seldom ends well." But the Patrol kept at it, doing what they have been called on to do time and time again.

The Air Force conducted a week long review of the Patrol at national headquarters. They found what they deemed to be irregularities. The Civil Air Patrol has responded to the review, point by point. They have shown a willingness to deal with the Air Force by instituting some of the proposed measures, an by negotiating on the others. But from my understanding the Air Force, however, does not wish to negotiate in a sincere manner.

While I understand Air Force Secretary Peters position, I do not believe the only option on the Civil Air Patrol was to do it the Air Force Way. I would prefer to do it the correct way.

And so what is the proper congressional response now? This section of the defense authorization is certainly not the answer. The provision that we are trying to remove with this amendment could very well be a "fix" for something that is not broken, or a surgical amputation instead of a band-aid.

There have been allegations of financial impropriety and safety lapses. I am willing—in fact, I am eager—to have these fully investigated.

The amendment before us mandates a Department of Defense Inspector General audit on the financial and management structure of the Civil Air Patrol, and requires them to present the report, with recommendations, to the congressional defense committees. The amendment likewise calls for the GAO to investigate and make recommendations on the CAP management and financial oversight structure, as well as the Air Force's management and financial oversight structure of the Civil Air Patrol and their recommendations for improvement. Both reports are due by February 1, 2000, so that we can consider the reports and recommendations for next year's authorization. But the amendment does not overwhelmingly change the makeup and leadership of the Patrol, without hearings, congressional oversight, or joint party consultations. It allows us to take an informed and reasoned approach to dealing with the allegations.

The Civil Air Patrol is not some loose-cannon. It is not some rogue agency. The Patrol is already an auxiliary of the Air Force. Their financial practices are overseen by the Air Force. Air Force personnel must sign off on Patrol expenditures and billing. Air Force personnel work at Patrol headquarters, with daily access to financial records, and these records are all public information.

I do not know the motives for this attempt to subsume the Patrol into the Air Force after all these years. If the desire is merely to react to charges of impropriety, then the language as it stands is obviously excessive, and our amendment is the far better approach.

But if I don't know the reason why, I certainly know reasons why not to allow this language.

I worry the Patrol will lose its local control.

It is very important in States such as Colorado that we have immediate decisions when a plane goes down. Because we live in a State that has a lot of rough terrain, the weather changes quickly and dramatically, it is important that decisions be made quickly. With our local decisionmaking process, those decisions do get made properly and we can get out and save peoples' lives, in States such as Colorado, through the efforts of the Civil Air Patrol. It will sour those locally based volunteers who make up the overwhelming majority of the wings, who donate their time and energy and often equipment. Many of the assets of the Civil Air Patrol are gifts the Patrol received from donors willing to give to a charitable organization. How can we justify the Air Force wresting control of these items away from the local volunteers? How can we justify the added expense of substituting high-ranking, paid, benefit-earning Air Force personnel for unpaid, volunteer Civil Air Patrol leadership? How can we justify doing it with so little discussion, so little oversight, so little recognition of the severity of the action?

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I yield myself such time as I may consume.

I rise in opposition to this amendment. I want to say that there is no one of the 100 Members of the Senate who has been historically closer to the CAP, who has participated in CAP activities than I have. There is not a year that goes by that I do not talk to the troops and those who are being promoted, those who have achieved really great things and have made great contributions to society. I also, just 2 weeks ago, could very well have been the product of a search by the CAP, had I not been able to glide my plane into an airport. So I understand that. I have been on various patrols where we go out. I know the valuable contributions that the Civil Air Patrol makes to this Nation every year, search and rescue, youth cadet program.

However, we are concerned with the continuing streams of allegations coming from the Air Force and from members of the Civil Air Patrol that senior members of the CAP have engaged in inappropriate, and in some cases, illegal activities. I will outline a few of the allegations that have been brought to the committee by either the Air Force or former members of the CAP.

I have some documents to include as part of the RECORD that I will want immediately following my remarks, but these are just some of the accusations that are out there. I know that the Senator from Colorado is just as concerned about these as I am.

One individual was charging the cost of his flying hours to the Civil Air Patrol counterdrug account when he was actually flying to visit his daughter. A second accusation: One CAP wing charged both its home State and the CAP counterdrug budget for the same mission, essentially receiving double reimbursement for the same activity.

Here is a good one: The southeast regional commanders conference was held on a cruise to Nassau paid for by CAP headquarters. After the conference, some individuals requested and received a per diem, even though the cost of the cruise had been paid for by the CAP and, thus, by the taxpayers. I have often thought—I suggested this to the Senator from Colorado—what kind of a position would we be in, would I be in, as chairman of the Readiness Subcommittee of the Senate Armed Services Committee if I sat back and let these charges go unanswered? I could just imagine "60 Minutes" or some news account of this talking about the cruise to Nassau that was paid with taxpayers' money and then double dipping on top of that.

We have numerous other types of reports concerning missing equipment. Seventy percent of one wing's gear, communications gear, computers, et cetera, cannot be accounted for; 77 percent of another wing's gear is missing. The most extraordinary of all, however, is a letter we received from one former member alleging that Federal laws and Federal aviation regulations relating to aircraft maintenance were being violated, and quoting from that letter, "the lives of our cadet"—these are juveniles—"members were being jeopardized."

We are talking about human lives here. Because of these accusations and because the Civil Air Patrol is an auxiliary of the Air Force, receiving virtually all of its funding—some 94 percent of the funding for the CAP comes from the Air Force and the headquarters at the Air Force installation—the leadership of the Air Force requested that the committee pass legislation to grant the Air Force the necessary authority to ensure responsible management of the Civil Air Patrol.

That is exactly what this legislation does. This is in our mark that is before us today.

I do urge my colleagues to oppose this amendment. However, should it pass, I hope that the Secretary of the Air Force will refer the allegations to the FBI and seek to sever the Air Force's ties with the CAP. We can't hold the Air Force responsible for an organization that doesn't have any authority to supervise. I do not know whether there is any other example anywhere, Mr. President, where you have the responsibility statutorily borne by some agency and they have no authority to police or discipline the behavior of that entity.

I ask unanimous consent that a letter to me from General Ryan, Chief of Staff of the Air Force, making this request be printed in the RECORD. And I ask that the internal memorandum that outlines many other examples, which I would be glad to share with the Senator from Colorado and with the Senate, should this debate pursue, be printed in the RECORD immediately after the letter from General Ryan.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, April 21, 1999.

Hon. JAMES M. INHOFE,
Chairman, Subcommittee on Readiness and Management Support, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Air Force has a long-standing and mutually beneficial relationship with the Civil Air Patrol (CAP). As a former CAP cadet, I am very familiar with the important role this organization plays in shaping the lives of thousands of young Americans.

However, there have been a number of recent incidents which have caused us some concern about the activities of the CAP headquarters. As an auxiliary of the Air Force, CAP receives most of its budget and a great deal of nonappropriated support, such as free use of on-base facilities, from the Air Force. Yet, it is not accountable to the Air Force for how it spends its budget or conducts its business. Consequently, we have developed a proposal to strengthen and preserve our relationship with CAP. It requires new legislation, but will not affect CAP's funding levels. It will be transparent to the CAP field units and will ultimately improve the level of support they receive from the headquarters.

We have briefed your personal staff and the Senate Armed Services Committee staff on our proposed changes to the Air Force-CAP relationship. We recently met with the CAP leadership and continue to seek solutions to our concerns. These efforts are ongoing and should they prove successful, we will recommend withdrawing this legislation.

I trust this information is helpful and ask for your support as we work to strengthen the bond between the Air Force and CAP.

MICHAEL E. RYAN,
General, USAF,
Chief of Staff.

From: AF/DXON.
Subject: Special Project Team Assessment of Civil Air Patrol.

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY OF THE AIR FORCE

As you know, I traveled to Maxwell AFB, AL from 18–23 April 1999 as part of the Special Project Team that the Secretary and Chief of Staff chartered to assess Civil Air Patrol (CAP) processes. Our purpose was not to perform a full-blown inspection of either CAP's administrative headquarters or the units in the CAP national chain of command. Nevertheless, in just a couple days time the team discovered a number of practices that convinced us of the Air Force need for greater oversight of CAP activities. I will cite a few examples that are of particular concern:

CAP recently conducted its Southeast Region Commander's Conference on board a Caribbean cruise ship with the National Commander and National Director in attendance. Our auditors discovered that executives claimed per diem for this meeting even though the cost of the cruise was inclusive of meals.

Senior corporate leaders travel by first class, and receive what could be regarded as generous salaries. Certain senior corporate employees are receiving full military retirement pay in addition to their salaries.

CAP units flew over 41,000 hours on "counter drug" missions, which were reimbursed, from appropriated funds. We are aware of several irregularities where personal travel and maintenance flights were charged to counter drug, as well as one wing that charged several counter drug missions to both the Air Force and the state.

Several CAP wings cannot account for over 70% of the communications equipment purchased for their units with funds that were reimbursed with Air Force appropriated funds.

Members and former members complain that they lack faith in the independence and effectiveness of the CAP Inspector General program. Members were refused membership renewal coincidental to raising complaints about equipment control, aircraft maintenance (safety) practices, and an assault. A flight check ride pilot was ostracized from her unit for restricting a CAP pilot from solo flight privileges. In each case, the affected members went to their IGs who deferred to command action.

Because this assessment was never intended to be an inspection, the observations made should be viewed only as symptoms. The team also observed truly excellent programs at certain wings and more generally at the administrative headquarters. Talented and dedicated volunteers and employees in many cases provide safe and valuable programs to cadets and the country as a whole. The CAP National Board seemed to satisfy a major concern by agreeing in principle to comply with OMB Circular A–110. Nevertheless, the Air Force should attempt to gain visibility through representation on an overseeing Board of Directors to assure that CAP's role as a civilian auxiliary to the Air Force will be a credit to the Air Force and the nation. The Board of Directors would operate at the macro level and provide the SECAF authority commensurate with the responsibility of overseeing CAP matters. This would clearly establish the auxiliary to principal structure to foster a healthy relationship for the future. Unless CAP CORP leadership convinces the National Board to reverse itself and embrace such a structure, it is regrettable that the only sure way to obtain this reasonable level of oversight will likely be through legislation.

ROBERT L. SMOLEN,
Col., USAF, Dep. Direc. of Nuclear & Counterproliferation DCS/Air and Space Operations.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Colorado has 15 minutes remaining. The Senator from Oklahoma has 14 minutes 18 seconds.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

Mr. WARNER. Mr. President, if I could interrupt.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The schedule of the Senate would permit additional time, if you so desire, I say to my colleagues, to seek additional time.

Mr. INHOFE. Well, I will respond to the chairman by saying that I do not have anyone who has requested time from me. I have pretty much stated the whole case. I would appreciate, of course, yielding time to him to hear his position on this, as chairman of the committee.

Mr. WARNER. I will ask unanimous consent that I have about 5 minutes on this matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

In response to comments in the cases that were presented by my esteemed colleague from Oklahoma—I will add at this point, it is a pleasure to serve with him on the Armed Services Committee; he is somebody that I highly regard in the Senate, a very honorable individual. I know that he has a love for the Civil Air Patrol and he wants them to be able to do their job effectively. I know that his concerns are out of love for that very organization, because he is a pilot himself. I will respond that from the information I have on the misallocation of the personnel uses, I understand there is a high probability that that occurred. But in other organizations where this happens, we don't go and just take away complete control of the organization without some hearings, without some oversight from this Congress.

I understand that the Air Force has spent some time in overviewing it, and it has been done within the structure of the Air Force. I think, before we move ahead with an amendment as dramatic as what is in the defense authorization bill before us, that we ought to have some hearings, that we ought to, as Members of Congress, spend some time and delve into the actual facts.

I don't think we can do this without having some agency do some reporting for us. That is why in the amendment that I have put forward, I ask the GAO to look at the financial structure—this is an area my colleague has suggested where there could be some problems—and report back to Congress whether or not there are abuses. And also in the amendment, I have the Inspector General, who can look at the administrating aspects of it, how they established policy, see if they are following through with their goals, if they are doing what they have promised to the Congress and to the Air Force, and give a report on those incidents. And we ask that this be given in a timely manner so that next year when we come back in and this bill is before us then we can go ahead and look over the report and, hopefully, maybe have a hearing or two based on the report and put something reasonable and responsible forward.

I have some real concerns about saying, OK, we are going to turn over total control to the Civil Air Patrol, take it away from being a voluntary nonprofit organization. That is almost like a chapter 11 in the real business world. When you take over the board of directors, you completely change everything.

I don't think it is that serious. I don't think we ought to put the Air Force in control of the board of directors. But I do think there are some things that we need to investigate. For example, on the cruise issue brought up by my colleague, my understanding is that the Air Force was the one that OK'd the disbursement for that cruise. So there might be some question of where the responsibility lies, who was culpable for some of these actions. I know the Air Force has some oversight on some of the equipment.

Now, maybe we don't have the Air Force doing what their responsibility should be. So if that is the case, then there might be enough blame here to go around to everybody. I think the only way, as Members of the Senate, we can begin to sort this out is if we have hearings, we ask for a report from the General Accounting Office, and ask the inspector general to give us a report, so we have some facts on which we can work.

For that reason, I am continuing to push my amendment. I hope the Members of the Senate will support me. A number of my colleagues also come from mountainous States where the Civil Air Patrol is vital and their response needs to be made on a local decisionmaking process. We can't be waiting to go out to search until after it has been filtered through Washington and goes back to the State. On these search efforts, when they come up, there is an immediate need and there has to be an immediate decision made locally.

My hope is that we can adopt my amendment and take out the more onerous provisions that we have in the bill until we can get the facts before us. And then, after we have those facts, perhaps we can move forward in a more informed and responsible manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I know the Senator has the best interests of the CAP at heart in making his comments. But I do believe that he needs to read this very carefully, and if any other Members want to read it, it is on pages 292, 293, and 294.

All we are doing is saying that if the Air Force is going to continue to be responsible for the behavior and the actions of the CAP, they be given some oversight, some ability to get into the books and check these things out. It is my understanding that the account that the Senator from Colorado has is not an accurate account of the cruise. I will repeat the accusation.

The Southeast Region Commanders Conference was held on a cruise to Nassau. Now, this is a cruise paid for by public funds, CAP funds, which came from the Air Force. After the conference, some individuals requested and received per diem, even though the cost of the cruise had been paid for by taxpayer money. I just think this is so outrageous. In fact, the Air Force personnel who was wanting to stop this from happening was so opposed to it that he refused to go on the trip himself. He canceled out.

All we are saying is that if they are going to be responsible for this, we are going to have to, in some way, give them the authority to oversee it. After a while, I am going to be giving a talk on what I find to be offensive about this whole bill that we are discussing today. It is primarily that we are not funding adequately our whole military, certainly in the area of readiness. Our service Chiefs, our four-stars, and our CINCs all got together and said, in order to meet the minimum expectations of the American people, and to meet our national requirements, our mission requirements, we would have to have $17.4 billion a year more for the next 6 years, plus the amount for pay increases and retirement. That comes to about $24 billion. The amount of increase here is only $9 billion—totally inadequate.

I am supporting this legislation because it is the very best we can do. I say to the Senator from Colorado, we are looking everywhere to pick up a million dollars here and a little bit there; we want to do it. In spite of that, General Ryan recommended, because of his affection for the CAP, an additional $7.5 million. That should demonstrate his feelings about the CAP. We were not able to give that additional amount. We kept the same levels as the previous year because we have problems in modernization, quality of life, force strength, and there is no place that isn't bleeding and hemorrhaging right now. So that is my concern.

I would hate to be in a position to deny the Air Force the right to at least look at the books and have an opportunity to stop this type of abuse if they are going to be responsible for their actions. Right now, they are responsible. That is why I said if this should pass, I think the Secretary of the Air Force really needs to refer these accusations to the FBI and sever the ties of the Air Force. CAP doesn't want that. They have had a very good relationship all these years. I think there may be a small number of people who perhaps have not exercised the proper behavior and don't want the oversight. But I can't think right now of any example in Government where someone is responsible for someone else and yet has no authority over their behavior.

I yield the floor.

Mr. ALLARD. I thank the Senator from Oklahoma for yielding. In response to the Senator from Oklahoma, I agree that funding for our military has been dismal, particularly in light of the fact that this administration has continued to have more deployments than President Bush and President Reagan put together. Yet, we have cut defense from time to time, and I am very sympathetic to and voted for increased funding for the Department of Defense. I understand there are problems with the Air Force, but I think this is where the Civil Air Patrol, with their voluntary program, helps with the budget; they don't hurt the budget.

If we have shortages at the Air Force, as far as adequate funding for oversight, it seems to me that taking over the whole program is going to require more personnel, more time, and it is going to cost the Air Force more. It seems to me that the responsible thing to do at this particular point is to, first of all, get our studies and facts in order and then find out if we can't come up with a commonsense resolution that has some reasonable oversight by the Air Force and still keep this a voluntary organization. The strength of it is the voluntarism. I hate to take that away from it. I think we save the Air Force money.

So that is why I believe it is important that we go ahead with the amendment that I am proposing, because I think in the long run the Air Force can benefit. We just have to get the oversight problems taken care of. We can do that. Once we get the facts before us—and that is what my amendment does—then we can move forward.

I thank the Senator for yielding.

Mr. INHOFE. Mr. President, who has the floor?

The PRESIDING OFFICER. Actually, the Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I understand that the Senator from Oklahoma yielded to me. What is our time limit?

The PRESIDING OFFICER. The Senator from Oklahoma yielded the floor. The Senator from Colorado assumed the floor. At this time, the Senator from Colorado has 8 minutes and the Senator from Oklahoma has 10 minutes.

Mr. ALLARD. Mr. President, I yield the floor.

Mr. INHOFE. I yield myself such time as I may consume. I was going to ask a question of the Senator. First of all, I realize that the Senator from Colorado and I both are among the strongest supporters of our national defense. The Center for Security Policy has us both rated as 100 percent. That is not an issue on the table. We both feel that way.

My problem is, No. 1, they have made the specific statement that it is not going to cost any more to have some supervision over the CAP because the time they spend trying to look into these things without the authority to do it is more time consuming than if they had the legal authority that we are trying to give them with our defense authorization bill. If you just take the money in the examples I used on the trip to Nassau and all of that, I think you would have to agree that the money would be better spent on spare parts than it would be on some of the double-dipping in which they have engaged.

I would be glad to yield to the Senator from Alabama.

Mr. SESSIONS. I thank the Senator. I have supported Senator ALLARD's amendment, because, as I understand it, it calls for a GAO evaluation and an inspector general investigation for the potential wrongdoing.

Mr. INHOFE. Mr. President, I will reclaim my time, and yield the floor so the Senator will be talking on his time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, how much time remains?

Mr. SESSIONS. Two or 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLARD. Mr. President, I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I think it is time to reevaluate the way the Civil Air Patrol is supervised. I am inclined to think that the Air Force justifies and makes a good case for tighter accountability and for maybe more direct ultimate control over how the Civil Air Patrol operates. But, as Senator ALLARD has eloquently discussed, it is a popular volunteer agency that we don't want to become too bureaucratic, else we may lose the popularity that is involved with it.

I hope before we vote on this—I suspect the vote is set for tomorrow, is that correct, not tonight?

Mr. ALLARD. I am not sure whether it is going to be scheduled for tonight or tomorrow. I haven't heard one comment from the floor manager in that regard.

Mr. SESSIONS. I was hoping that perhaps we could get with the Air Force one more time, and maybe they would be amenable to improving this amendment to give them maybe more certainty or more prompt resolution of it and get this matter settled. I think that is going to be important.

I want to maintain the vitality and the attractiveness of the Civil Air Patrol and the many thousands of volunteers that do so much. We want to increase accountability. We want to increase their responsibility to professionally manage every dollar. They are an agency that receives our funding, and we have every right to expect rigorous accountability. I would like to develop a system in which the Air Force feels comfortable. I think we are close to that. Maybe we can reach that.

Mr. INHOFE. Will the Senator yield for a question?

Mr. ALLARD. I ask unanimous consent that my time be allocated to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. I hope before this is over the Senator from Alabama is on my side. So I don't mind using my time to ask the question.

I ask the Senator. I know there are a lot of demands on time. Was the Senator from Alabama in here when I made my remarks concerning the accusations of those things that have taken place with the CAP?

Mr. SESSIONS. I am aware of some of those allegations.

Mr. INHOFE. I ask also if he is aware of what this does. It takes an entity that is 94 percent paid for by taxpayers' funds and gives some authority of oversight as to the expenditure of that 94 percent of funds that are being used. That is essentially what the amendment does.

Mr. SESSIONS. I favor that. I certainly favor full investigation of every allegation of wrongdoing. I believe that Senator ALLARD's amendment calls for that. I think the difference would be: Are we prepared tonight to make the final decision about how this reorganization occurs or should we get a GAO report and an IG report first?

Mr. INHOFE. All right. I also want to make sure——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 7 minutes and the Senator from Colorado has 5 minutes.

Mr. INHOFE. Let me yield myself whatever time I may need.

I say to the Senator that in my remarks I commented that there isn't a Member of the 100 Members of the Senate who has worked closer on an active basis, actually flying with and teaching and working with the CAP, than I have. I have attended every ceremony that they have had—unless there is something I don't know about—in the State of Oklahoma, because of my strong support for their group.

My problem is this wonderful group has a few bad apples in it, and there is no way to get at those bad apples. Here we have General Ryan suggesting that we increase the appropriations to them for the operation of their program by $7.5 million that we had to deny when the Senator and I were sitting in the Armed Services Committee.

This is a time that we can't afford to be throwing away any money when we have all the readiness needs, when we have modernization needs, when we have force strength needs, and quality-of-life needs, and all of these things that need to be funded in this particular area. I just do not want to be in a position where I am passing an amendment to take away the authority of the Air Force in this case which is using public funds to fund this entity and taking away their ability to in some way dictate what is going on there if they are going to be responsible for it.

Here they are responsible for some of this activity, such as the one individual that was charging the cost of his flying hours to the CAP counterdrug account when he was actually flying to visit his daughter, or one CAP person charged his time both to the home State and the CAP counterdrug budget. So he is double-dipping. Those are public funds they are getting—funds that could be used to buy spare parts, funds that would keep us from having to cannibalize engines, funds that would keep us from having to keep these guys working 16 hours a day repairing aircraft that are broken down.

I think we are looking at so many issues. That is why we discussed it at some length in our committee, because we can't allow these abuses to take place and tell the Air Force, Your hands are tied; you have responsibility for their actions but you don't have anything to do with their performance.

Mr. SESSIONS. I appreciate and respect the insight of the Senator from Oklahoma, because he has stood steadfastly for good defense, and he knows this issue exceedingly well.

Again, I think maybe we can reach a compromise that would give us some opportunity to review the reorganization and the structure.

Mr. INHOFE. Reclaiming my time, let me throw out a suggestion. We can go ahead and pass this as a mark that dictates at this time. If there is any kind of abuse, we can change it. Anything we do can be changed. That is what we are trying to do right now. These abuses are not things that just happened in the last 6 months. They have been happening over a long period of time.

We talked about doing something about this in the last three authorization bills. We haven't done it. We put it off. Nothing has happened. Now we have an opportunity to do it. All we are doing here is allowing us to at least have some ability to monitor what is going on and stop some of these things.

I just keep thinking about the "60 Minutes" program coming up with all of these abuses. What do we do? We have debated this issue. We turned around and said we will leave the status quo. That is what we are going to do if we pass the amendment.

Mr. SESSIONS. Some change is necessary. I certainly agree with that.

Mr. INHOFE. I yield the floor. I yield whatever time the Senator from Virginia may consume.

Mr. WARNER. I thank my colleague from Oklahoma.

Mr. President, the chairman of the committee sat here and listened to the differences of views of three of his stalwarts. But as I listened, I said to myself, possibly you could work it out. We are at the point in time where I would like to go on another amendment. Senator HARKIN will return at circa 7 o'clock, and he desires to speak for about 15 or 20 minutes. We made in the unanimous consent agreement that provision. There is time within which you might consider it, because I stand very firmly with the decisions of the committee. I listened to the debate. As a matter of fact, ironically—I hate to keep dating myself—along about circa 1943, or 1944, I was associated somehow with the Civil Air Patrol, because I always wanted to join the Army Air Corps. It was called the Army Air Corps in those days. Also, it gave a young person—as I was 16—an opportunity to hop in a plane and fly. It was exciting to fly in those days. It was not a matter of routine in those days. It was a dream. So much for that trivia.

The point is that this is a very respected and venerable organization that has to be preserved.

As I listened to our colleague from Oklahoma recount the potential problems, "60 Minutes" is going to tune in on this pretty soon. There are just a few of us that understand the value of the Civil Air Patrol, and we could lose it.

For example, the junior ROTC and the junior NROTC and other programs to encourage young people to direct some portion of their life devoted to the military, I have seen those programs scaled back, funding reduced, and support reduced. It concerns me that this program, likewise, could face those situations.

I am going to support the Senator from Oklahoma in his position because it is a committee position. I listened to the debate and I believe some remedies have to be addressed.

With a little luck, maybe we can work it out.

Mr. ALLARD. Will the Senator yield?

Mr. WARNER. I have completed my statement. I yield the floor.

Mr. ALLARD. All Members cosponsoring this amendment recognize we have some oversight problems. We are struggling because we don't have the facts firmly before the Senate. It seems to me, as with any other problem that comes before this Senate, we can go through the same channel as any other agency. We can have hearings—public hearings; we can have a GAO study, and an inspector general study to have some basis in fact with which to work. Once we have all the facts, we can put together some reasonable recommendations.

At this point, to turn total control over to the Air Force is a rather draconian action until we get the facts. I hope I can sit down with the chairman of the committee and the chairman of the subcommittee, whom I respect dearly, and work out a way to make it accountable without having to turn over total control to the Air Force.

I am afraid we will lose the volunteer aspect. I think that is one of the real values of the Civil Air Patrol. The volunteer aspect used to go down to young students, high school age. They learn to work the radio; they learn to be part of a team; they get experience with flying, and eventually they may very well apply to the Air Force Academy or the Navy to fly. I think it is a great recruiting mechanism with lots of advantages. I think it all boils down to the volunteer organization.

My hope is we can work out a plan that would bring accountability to this very serious problem yet maintain the volunteer aspects of the organization and local control.

Mr. WARNER. Mr. President, I leave it to the experts on this.

Mr. INHOFE. The amendment merely gives oversight.

Here is the problem: I appreciate the voluntary aspect of it; unfortunately, the voluntary aspect of this only funds about 5 percent, and about 95 percent is public funds, for which we are responsible.

Before the esteemed chairman of the committee arrived, I talked about how strapped we are. I believe the bill we are debating today is inadequate in terms of proper funding, but it is the best we can do, so we support it.

I can think of military construction projects right now that would love to have a little extra funding, and it does relate to our security interests.

I am happy to work with the Senator from Colorado on any kind of a compromise that will give oversight of the CAP to the Air Force so that they will have some degree of control.

If 95 percent of the funding of the CAP is taxpayers' dollars, the taxpayers have to have some degree of control. We have a lot of other anecdotal accusations. I don't want to get into that. Things like this are going on and things like this will continue to go on in any entity in society that doesn't have any oversight. I can cite some examples in another committee. We served on the Environment and Public Works Committee where one of the agencies has had no oversight over the past 5 or 6 years and was getting out of hand. They have to have oversight. Those people are dealing with public funds and the public has to have oversight.

My concern is what will happen if we don't do this. If we don't do this, as I suggested, the Secretarys of the Air Force may decide to sever relations, and then we really have a serious problem with CAP. I think there is not a person in here who is not a strong supporter of the CAP —certainly these three Senators are among the strongest. We are attempting to save it.

Mr. WARNER. Could I say to my colleagues, is it possible we could conclude this debate? We are anxious to bring up another amendment which we hope to vote on tonight.

Mr. ALLARD. I will sit down with my colleagues, both of my colleagues, and go over some of this language. The way I read the language, the Air Force Secretary appoints the national board of directors, and they have total control over the rules and regulations. It looks to me as if they have total control. Maybe I am misinterpreting it.

I am willing to sit down with my colleague and see if this happens or not, and maybe we can work out a compromise.

With that in mind, I yield the floor so the chairman can move ahead.

Mr. WARNER. I thank my distinguished colleague.

Mr. INHOFE. I make one last comment to the Senator from Colorado. The language where the local units would continue to be run by local commanders is not addressed in this. That doesn't change. That would remain as it is in the current law.

Mr. WARNER. I thank my colleagues.

Mr. President, we will ask unanimous consent that this amendment be laid aside until such time as I bring it up again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. At that time, we will have debate by Senator HARKIN for a period not to exceed 15 to 20 minutes, and then we propose to vote, unless good fortune strikes and these able Senators are reconciled.

The pending business now would be the amendment from the distinguished majority leader, Mr. LOTT; would that not be correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent that be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We now turn to an amendment by the distinguished Senator from New Hampshire, Mr. SMITH, a very valued member of the Armed Services Committee and chairman of the Subcommittee on Strategic Forces.

It would be my hope we could arrive at a time agreement and possibly vote on the amendment tonight.

Mr. SMITH of New Hampshire. If I may respond to the Senator from Virginia, how much time would the Senator like to have?

Mr. WARNER. I want to consult with my distinguished ranking member, but in fairness, I advise my good friend I have looked over this amendment—the Senator from Virginia, as chairman of the committee—and certainly my own judgment is that I will have to move to table.

I think my good friend understands that.

Mr. SMITH of New Hampshire. I say to the Senator, I understand that the Senator opposes it. I ask if the Senator would allow considering an up-or-down vote. But the Senator is the chairman, and I respect that. I prefer an up-or-down vote because I think it is an issue that is deserving of that one way or the other, no matter how we feel. It seems to me more appropriate to have a yes-or-no vote, but obviously I defer to my chairman.

Mr. WARNER. And I thank my colleague for that understanding.

So if the Senator will proceed and allow me to seek recognition as soon as the ranking member can give me advice, I will be in opposition, as will the ranking member.

I hope we could have, perhaps, 50 minutes equally divided.

Mr. SMITH of New Hampshire. My concern is the tabling motion. As the Senator knows, this issue is on the calendar now as a separate issue. My purpose in bringing it up on this bill: There are a lot of Senators on both sides of the aisle who support it. My assumption is there may be enough, but I haven't done a whip count.

My inclination would be, if the chairman is going to move to table it, to not bring it up at this time, because I do have the option of bringing it up as a separate resolution because it is on the calendar.

I hoped to have an up-or-down vote. I put it to the chairman this way: If the chairman will allow an up-or-down vote, I am happy to have a time limit, say, of 30 minutes, depending on what the other side desires. I don't need any more than 15 minutes.

If the chairman is going to table, I think at this point I will not offer the amendment.

Mr. WARNER. That is a development somewhat new, as opposed to what we had in earlier conversations. Might I suggest the Senator lay down the amendment and commence and give me the opportunity to consult with the ranking member?

Mr. SMITH of New Hampshire. All right.

Mr. WARNER. I thank the Senator.

AMENDMENT NO. 405

(Purpose: To express the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and to call upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 405.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL CREW.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Mr. SMITH of New Hampshire. Mr. President, I spoke in morning business on this issue a couple of days ago, to call it to the attention of my colleagues, because I believe it is one that is very important and very relevant to this bill. I wanted my colleagues to be aware that I would probably be bringing it up at some point in the near future. I did not expect it to be quite this soon.

A lot of individuals who have expressed an interest in my bringing it up earlier rather than later, are not only my colleagues but many aboard the U.S.S. *Indianapolis* who survived this great tragedy at sea. In deference to them, I felt it would be appropriate to try to get a vote on this. I want to emphasize to my colleagues, I hope my colleagues are paying attention out there, watching on TV. Because if there is any doubt or concern about whether or not this should be supported, I urge Senators to listen to me for a few minutes as I try to explain why I believe this amendment should be agreed to.

First of all, I have a number of cosponsors who came in as original cosponsors. Not only myself, but Senator FRIST, Senator BOND, Senator LANDRIEU, Senator ROBB, Senator HAGEL, Senator BREAUX, Senator TORRICELLI, Senator HELMS, Senator INHOFE, Senator DURBIN and Senator EDWARDS. It is a joint resolution. I also, subsequent to that, received cosponsorship from Senator BOXER and from Senator INOUYE.

We can see it represents all regions of the country and both sides of the political spectrum. It is not in any way, shape, or form a political issue. It simply expresses the sense of Congress with respect to the court-martial conviction of the late Rear Adm. Charles Butler McVay, III. It calls upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

This is an incredible story of incredible bravery and at the same time it is a story of incredible prejudice to an individual with a great, distinguished record as a captain, as an officer in the U.S. Navy.

I want to share with my colleagues this brief story from the closing days of World War II, the war in the Pacific. I know as we debate the issues of the day, and believe me I have been involved in them all week, and there are some huge issues—the China issue and so many others. But I think it is important to understand. I just spoke a few moments ago to new flag officers who were just getting their stars. It was quite an honor to do that. But I think it is important, if we are going to ask people such as these new flag officers to come on board to serve and continue to serve in the military, not to leave after their enlistment is up, but to become those flag officers, they need to understand if there is some type of inequity or something that has happened that causes an injustice, we need to look at it in a way so we can make a wrong right. I think they need to know that. If something was wrong and the military did something wrong, we need to be big enough to admit it and to correct it. That is what this story is about.

This is a harrowing story. It has a lot of bad elements—It has bad timing; it has bad weather. It has heroism and fortitude, but it also has negligence and shame. It has good luck and bad luck. And above all, it is a story of some very special men whose will to survive shines like a beacon even today, many decades later.

We have the opportunity, right now, perhaps as soon as an hour, to redeem the reputation of a fine man—a wronged man, in my view—and salute the indomitable will of a very fine crew of the U.S.S. *Indianapolis*. I had the privilege of hosting two—actually more than two, several survivors of the U.S.S. *Indianapolis*, a couple here yesterday or the day before that, and several before that at a meeting. The bill I offer today will honor all these men and their shipmates of the U.S.S. *Indianapolis* and redeem their captain, in my view—Capt. Charles McVay.

Captain McVay graduated from the U.S. Naval Academy in 1920. He was a career naval officer. He had an exemplary record in the military that included participation in the landings in North Africa, award of a Silver Star for courage under fire earned during the Solomon Islands campaign. Before taking command of the *Indianapolis* in November of 1944, Captain McVay chaired the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington. That is the highest intelligence unit of the Allies during the war.

McVay led the ship through the invasion of Iwo Jima, then bombardment of Okinawa in the spring of 1945, during which *Indianapolis* antiaircraft guns shot down seven enemy planes before the ship was severely damaged. Captain McVay returned his ship safely to Mare Island in California for much-needed repairs.

Another great story about the *Indianapolis* which is not well known. In 1945, the *Indianapolis* delivered to the island of Tinian the world's first operational atomic bomb, which would later be dropped on Hiroshima by the *Enola Gay* on August 6. After delivering her fateful cargo, she then reported to the naval station at Guam for further orders. She was ordered to join the U.S.S. *Idaho* in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the *Indianapolis* began to unfold. It is quite a story.

There were hostilities in this part of the Pacific, but they had long since ceased. This is 1945. The war is almost over. The Japanese surface fleet is no longer considered a threat and attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland.

So we have a picture here of very little Japanese activity in the Pacific. These conditions led to a relaxed state of alert on the part of those who decided to send the *Indianapolis* across the Philippine Sea unescorted, and consequently Captain McVay was randomly told, just zigzag at your discretion.

So the higher-ups were in a relaxed state. We were going into the Japanese homeland. There was little presence, Captain McVay was told. So we will send you out across the Philippine Sea unescorted. The *Indianapolis*, unescorted, departed Guam for the Philippines on July 28, 1945. Think about how close we are now to the end of the war. Just after midnight, on 30 July 1945, midway between Guam and the Leyte Gulf, the U.S.S. *Indianapolis* was hit by two torpedoes fired by the "I-58", the Japanese submarine that was not supposed to be there according to the higher-ups.

The first torpedo blew the bow off the ship. The second hit the *Indianapolis* at midship on the starboard side adjacent to a fuel tank and a powder magazine. You cannot imagine—no one could—the resulting explosion, but it split the ship completely in two.

There were 1,196 men aboard the U.S.S. *Indianapolis* on that fateful night. Mr. President, 900 escaped the ship before it sunk in 12 minutes. In 12 minutes, the naval ship went to the bottom and 900 men were able to get off that ship before it sank. Few liferafts were released, and at sunrise on the first day of those 900 men being in the water, they were attacked by sharks. The attacks continued until the remaining men were physically removed from the water almost 5 days later.

If you can imagine in the middle of the night aboard ship: It is hit by two torpedoes and sinks in 12 minutes, very few liferafts; you are in the water. The men were in the water for 5 days and the sharks began immediately to circle and attack and pick these men off, literally, one by one, as wolves might pick off a weakened antelope or some other animal they were pursuing.

Shortly after 11 a.m. on the fourth day, the survivors were accidentally discovered by an American bomber on a routine antisubmarine patrol. This is important for my colleagues to understand this—accidentally discovered.

A patrolling seaplane was dispatched to lend assistance and report. En route to the scene, it overflew the destroyer *Cecil Doyle* DD-368, and alerted her captain to this emergency. The captain of the *Cecil Doyle*, on his own authority—no orders—decided to divert from his mission and go to the scene of the *Indianapolis* sinking.

Arriving there hours ahead of the *Cecil Doyle*, the seaplane's crew—the seaplane's crew had called the *Cecil Doyle*; the *Cecil Doyle* is en route and the seaplane, in the meantime, began dropping rubber rafts and supplies to these men who had been in the water for 5 days. While doing so, they observed the shark attacks. They literally saw men who were moments from rescue dragged under by attacking sharks. These men were so overcome by this that, disregarding standing orders not to land at sea, the plane landed and taxied to the stragglers and lone swimmers who were at greatest risk of shark attacks, as the sharks would pick off those who were not able to stay up with the rest of the group. It was an act of extreme bravery on the part of the seaplane crew.

As darkness fell, the crew of the seaplane waited for help, all the while continuing to seek out and pull nearly dead men from the water. When the fuselage of the plane was full, the survivors were tied to the wing with a parachute cord. That plane rescued 56 men from the water on that particular day, just literally sitting in the water allowing these men to cling to that plane.

Then came the *Cecil Doyle*. This was the first vessel on the scene, and it began taking survivors aboard. Again, disregarding the safety of his own vessel, the *Doyle*'s captain pointed his largest searchlight into the night sky to serve as a beacon so other rescue vessels might catch it. This was the first indication to the survivors that their prayers had been answered. Help at last had arrived.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. SMITH of New Hampshire. I yield to the chairman.

Mr. WARNER. Mr. President, we have, I think, news that will be received as good news. The distinguished Senator from Colorado and the distinguished Senator from Oklahoma, at the suggestion of the chairman, got together and they resolved the amendment; am I not correct in that?

Mr. ALLARD. I think we are getting some common ground worked out. I am hopeful we can get something put on paper.

Mr. WARNER. The purpose of interrupting our distinguished colleague is to advise the Senate, because many Senators are engaged in other activities right now and the sooner we let them know there will or will not be a vote, it will be helpful to them and the chairman. I understood the Senator just now to indicate this thing was settled.

Mr. ALLARD. We think we have reached agreement. We are getting it put down on paper. We can put this vote off until tomorrow, if that is the Senator's question.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Tim Coy, a staff person, be granted the privilege of the floor for the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I was engaged in conversation with Senator SESSIONS, and he told me it was an absolute. I spoke with the Senator from Colorado just now and I felt I got an absolute answer.

Mr. ALLARD. When we get it down in writing, that is when we will have an absolute answer. We made a vocal agreement. I think we are there. I do not want to sign off completely.

Mr. WARNER. Mr. President, I am a moment premature.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have listened very intently to my colleague from New Hampshire, and I have studied the history of the *Indianapolis*. His opening statement I found persuasive to the point where I would like to go back to neutral on any question of tabling and offer to my good friend the opportunity for the Senate Armed Services Committee to have a hearing, because, as you recall yesterday—I certainly do vividly, because I spent hours in the debate—our distinguished colleague, Senator ROTH of Delaware, brought in a most significant record, and I think the Senate would likewise want a live record on this critical issue that you bring before the Senate.

Therefore, a hearing would avail you—and I hope you would avail yourself to chair that hearing—of the opportunity to develop a record to bring to the Senate so Senators would have the benefit of that record to make this important vote.

For that reason—perhaps you would like to finish your presentation tonight so it is there in the RECORD—perhaps you will consider that, and we will not proceed with the amendment further, that you will take it down.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. Chairman, I appreciate the comments the Senator has made. I think clearly it would be in the best interests of the Senate, and certainly of the *Indianapolis*, to not have the amendment tabled. I believe you bring up some very valid points. There may be some Senators who have not had a chance to digest this.

I did send out a significant amount of information over the past several days, but we have been busy. So in deference to the chairman, as long as my rights are protected—I would like to complete 5 or 6 minutes to just finish the statement I was making, to finish the story, if you will, as to what happened—I will, with the chairman's commitment to a hearing, withdraw the amendment. We will have the hearing at some point, whenever is appropriate, where we can both convene it. Then perhaps we can bring it back after that hearing to the floor as a separate piece of freestanding legislation, which I have on the calendar, as is, anyway.

Mr. WARNER. I thank my good friend for his cooperation and understanding. This is an important chapter of naval history. Some of our colleagues have not had the opportunity to look at it as extensively as has the Senator, plus I think the record of some live testimony will be helpful.

So to inform Senators, the Senator from New Hampshire will proceed for such time as he desires to conclude his opening statement. Then following that, the Senator from New Hampshire will send to the desk an amendment relating to funding on the Kosovo operations; am I not correct on that, I ask the Senator?

Mr. SMITH of New Hampshire. That is correct. I will be happy to offer that amendment.

Mr. WARNER. I think we can agree now that the time agreement on that would be, why don't we say, 40 minutes. At the conclusion of that, again, I have to advise my good friend I will move to table. So I ask unanimous consent that there be 40 minutes to be equally divided between the Senator from New Hampshire and the two managers of the bill, and then we will have a vote.

Mr. SMITH of New Hampshire. Mr. President, just reserving the right to object, I do have six or seven cosponsors. I did not realize this was going to come at this point. I would just like to be able to protect their rights to speak. My intention would be not to go beyond the 40 minutes, if they did not show up. I ask you to amend the UC to 60 minutes. If we do not need it, I would be more than happy to yield it back.

Mr. LEVIN. About how much longer will you be taking?

Mr. SMITH of New Hampshire. Starting at 7:00.

Mr. WARNER. So, Mr. President, we would start at 7:00. All debate would be concluded at 8:00. The Senator from Virginia will move to table, at which time we will have a record vote.

Mr. LEVIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to be certain that the chairman is in agreement with my understanding of what this would be. At 8:00, the chairman would move to table, and if in fact it is tabled, that would end it. But if it is not tabled, there will be then no limitation as part of this unanimous consent agreement on time.

Mr. WARNER. Mr. President, that is quite clear. I will read the UC and incorporate that in it. This gives an opportunity for Senators to plan the balance of the evening. I now ask unanimous consent that when Senator SMITH from New Hampshire offers an amendment regarding Kosovo, which will take place not later than the hour of 7:00, there be 60 minutes of debate equally divided in the usual form prior to a vote on or in relation to the amendment. I finally ask consent that no amendment be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, reserving the right to object, if I still have that standing.

Mr. WARNER. I think it is gone, but what is on your mind?

Mr. LEVIN. Senator HARKIN was informed that at 7:15 he would be granted, how many minutes?

Mr. WARNER. Mr. President, that is correct. But I am advised by the principal sponsor, Senator ALLARD, that the matter has been settled. It is being written up. Of course, Senator HARKIN would be consulted. If for any reason that writing fails to resolve it, then we will have to revisit this amendment tomorrow at a time that you and I will discuss to accommodate Senator HARKIN and other Senators.

Mr. LEVIN. It is my understanding that it is the intent, at least of the chairman, that this would then be the last vote?

Mr. WARNER. That is the prerogative of the leader, but I have reason to believe that you are correct.

Mr. LEVIN. That that is the intent?

Mr. WARNER. That is the intent.

Mr. LEVIN. I know that is not the decision until the leader —

Mr. WARNER. I am 99.99 percent certain that this would be the last vote at 8:00.

Mr. LEVIN. I add my thanks to the Senator from New Hampshire. As always, he is very cooperative with attempting to resolve issues. I didn't have a chance to thank him earlier today for his willingness to address the Trident submarine issue, even though he took a different position on the amendment of Senator KERREY, that part of that amendment really had been addressed, at least in committee, with the Trident reduction. While I very much supported Senator KERREY's amendment for the reasons that I gave, I didn't have an opportunity during that debate to thank Senator SMITH for his participation in addressing one part of that issue which the Defense Department was most anxious to address. I thank him for that as well.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague from Michigan for his comments.

Just finishing the story briefly, in 5 or 6 minutes, so we can go ahead to the next issue, there were 900 men who made it into the water and only 317 remained alive at the end of those 5 days. If you can imagine 5 days of shark attacks, starvation, thirst with only salt water, suffering from exposure. The men from the U.S.S. *Indianapolis* were finally rescued. Curiously enough, the Navy withheld the news of the sunken ship from the American people for 2 weeks until the day the Japanese surrendered, on August 15, 1945. So the press coverage was minimal. Also, it was somewhat suspicious that they started the proceedings without having all the available data that was necessary. And less than 2 weeks after the sinking of the *Indianapolis*, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay, the captain of the ship, and his actions. The board, strangely enough, recommended a general court-martial for Captain McVay 2 weeks after the incident before it had even been made public. Indeed, many of the survivors' families were not even made aware that the ship had gone down.

Admiral Nimitz, commander in chief of the Pacific Command, didn't agree. He wrote the Navy's judge advocate general that at worst, McVay was guilty of an error in judgment, but not gross negligence worthy of a court-martial. Nimitz later recommended a reprimand. Nimitz and Admiral Spruance later were overridden by the Fifth Fleet, Secretary of the Navy James Forrestal and Adm. Ernest King, Chief of Naval Operations. They directed that the court-martial would go on and proceed.

It is pretty difficult to understand why the Navy brought the charge in the first place.

Explosions from torpedoes, as I said before, had knocked out the ship completely, knocked out its communication system so he was unable to give an abandon ship order except by word of mouth, which all of the crew said McVay had done. So he was ultimately found not guilty on that count.

Then the second count was not zigzagging, and it goes on to talk about that.

The bottom line, Captain McVay was ultimately found guilty on the charge of failing to zigzag and was discharged from the Navy with a ruined career. And in 1946, at the request of Admiral Nimitz, who had now become the CNO, Chief of Naval Operations, in a partial admission of injustice, Secretary Forestal remitted McVay's sentence and restored him to duty. But Captain McVay's court-martial and personal culpability for the sinking of the *Indianapolis* continued to stain his Navy records. The stigma of this conviction remained with him always. And as sometimes happens in these kind of tragedies, in 1968, he took his own life. To this day, Captain McVay is recorded in naval history as negligent in the deaths of 870 sailors. Not one sailor said that he was negligent, yet it still continues to be on the record.

This is an injustice. I look forward to having the hearing and hearing from these sailors who will tell us publicly how they feel about this.

We need to restore the reputation of an honorable officer. In the decade since World War II, the crew of the *Indianapolis*, to their everlasting credit, has worked tirelessly in defending their captain. Captain McVay could be and would be, if he were here, very proud of his men who are trying to see that his memory is properly honored.

We can do that. We can help the crew do just that right here in the Senate. It is at the request of the survivors that I introduce this resolution.

Since McVay's court-martial, a number of other things have come up. I will not get into those now because of time, but we will get into them in the hearing.

Let me conclude on this point: Many of the survivors of the *Indianapolis* believe that a decision to convict Captain McVay was made before the court-martial. That is a very serious charge. They are convinced that McVay was made a scapegoat to hide the mistakes of others higher up. McVay was court-martialed and convicted of hazarding his ship by failing to zigzag despite overwhelming evidence that the Navy itself had placed the ship in harm's way, not Captain McVay, despite testimony from the Japanese submarine commander that zigzagging would have made no difference, despite the fact that although 700 Navy ships were lost in combat in World War II, McVay was the only Navy captain, ship captain, to be court-martialed, and despite the fact that the Navy did not notice when the *Indianapolis* failed to arrive on schedule. In spite of that, he was court-martialed, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States.

AMENDMENT NO. 405, WITHDRAWN

Mr. SMITH of New Hampshire. Mr. President, at Chairman WARNER's request, I will withdraw my amendment at this time and look forward to the hearing.

The amendment (No. 405) was withdrawn.

AMENDMENT NO. 406

(Purpose: To prohibit, effective October 1, 1999, the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations)

Mr. SMITH of New Hampshire. I will now proceed to the next issue at hand, my amendment on Kosovo, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. INHOFE, and Mr. HUTCHINSON, proposes an amendment numbered 406.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

Mr. SMITH of New Hampshire. Mr. President, this is an amendment I regret very much that I have to offer. I cannot express in words how strongly I am opposed to the war in Yugoslavia and the conduct of that war. I have to say that the only weapon in the arsenal of a Congressman or a Senator is funding.

Cutting off funding is the only way you can stop an administration policy that you do not approve of. It is the only instrument we have at our disposal under the Constitution. And I will be the first to admit that it is a blunt instrument, but it is the only weapon I have in my arsenal to stop a policy that I think is very dangerous, one which is going to cost us dearly if we continue.

So with great reluctance, I am offering this amendment, not because I want to but because I have to. As we deliberate funding the Department of Defense for the next fiscal year, I think the Senate of the United States should go on record as to whether or not we ought to be expected to vote on funding this operation in Kosovo.

We have been warned many times against interventions like the one in Yugoslavia. Our Founding Fathers themselves implored us in written statement after written statement, in speech after speech—George Washington comes to mind in his Farewell Address—not to meddle in the affairs of sovereign nations. He took care to warn us against the mischiefs of foreign intrigue. We would do well to heed his words.

But we did not heed his words when we attacked Yugoslavia. It is not the first time in American history, but we did not heed those words. We started the war in Yugoslavia. We attacked a sovereign nation in the midst of a civil war. The Founding Fathers explicitly gave the responsibility to Congress to approve or disapprove acts of war, and we cannot and we must not abdicate that.

We have already authorized airstrikes. We did that, regrettably, in a vote that I lost earlier this spring. But the issue here is: Are we going to have an operation of possible ground forces and a possible continuation of airstrikes in a sovereign nation in the midst of a civil war, without any statement from Congress other than one that was to fund an air war, which kept the ground troops out, which allowed Milosevic to take over Kosovo? This policy has not worked. We are being dragged into a ground war. Believe me, there are plans on the table, and everybody in America should know it, right now as we speak, to put ground forces into Kosovo.

When a superpower uses military force against another nation, it has to do it with an intensity and ferocity that shows purpose and decisiveness. I do not want any more Vietnams. I served in Vietnam. I watched the politicians debate the war, and the people in the streets protest the war while the rest of us fought the war, and then were not treated very well when we came home. I have had enough of that. It has been said many times: "No more Vietnams." Well, to do anything less than to go in with absolute purpose and absolute decisiveness and end the war that you began—to do less than that is another Vietnam.

Somalia comes to mind. People lost their lives. We did not have a clear purpose there either. We just went in. And here, in Kosovo, we just went in. Yes, Milosevic is a terrible person and he has done terrible things to innocent people. The question is, though: Was bombing Milosevic the way to end it?

Well, apparently not, since there were 2,000 people dead and 50,000 refugees when we went in, and now there are 150,000 dead and a million refugees. Apparently, the policy that 58 senators supported in here two months ago is not working.

I have been on this floor repeatedly arguing against this war. I do not like doing so. But we are attacking a sovereign nation, and our national interests are not at stake. Humanitarian problems in Yugoslavia are serious problems, but are they national security interests of the United States of America? Every single person out there who has a son or daughter old enough to serve in the military should ask themselves: Is it worth my son's or daughter's life to die in Yugoslavia for a humanitarian crisis that does not involve the national security of the United States?

If the answer is yes, then you ought to tell all your Senators to vote against me. Call them up tonight and tell them that. I, for one, have two sons and a daughter, and I do not want any of them in Yugoslavia.

As the sole remaining superpower, we have a special obligation and responsibility. We have to be committed to democracy, we have to keep our markets open, and we have to have the finest military in the world. And we do. But most importantly, we have to act clearly, decisively, and within our explicit national interests. We have not done that here in Yugoslavia.

Some people have said: Let's go win the war. Maybe somebody can explain to me what "win" means. Does it mean that we occupy Yugoslavia for the next hundred years? That we put a partition up between Kosovo and the rest of Yugoslavia, or barbed wire, and keep 50,000, or 60,000, or 200,000 troops there for a hundred years? Perhaps we should just bomb every bridge, every building, every oil refinery, every railroad, flatten it to the ground, kill every Serb. Maybe that is how we win. Somebody tell me. I have been waiting. I have offered this challenge on broadcast after broadcast, in interview after interview, in conversation after conversation with administration officials, Senators, Congressmen, people on the street, people in the military. Nobody has given me the answer yet. How do we win? I have not heard the answer.

Our military is stretched to the breaking point. Recruiting is down. There are chronic spare part shortages. Deployments continue to increase. And now we are hearing reports about shortages of cruise missiles and other smart weapons. Over 30,000 reservists are being called up.

Let me ask my colleagues to reflect on something. God forbid, but what if North Korea were to attack the South tomorrow morning; or Iraq decided to invade Kuwait; or the Iranians, or the Libyans, or anybody else caused some problems somewhere in their part of the world? Are we ready to meet those threats? Could we meet those threats all at once, or any of them, and keep all of the commitments—including that in Kosovo—that we have now? If you have a son or daughter in the military, ask them. They will tell you that they cannot. Ask a general or an admiral in private, I say to my colleagues, and they will tell you that we cannot. If we cannot, then we ought not to be doing this.

Let me tell you something. If we get into a ground war in Yugoslavia, we are going to be there for a long, long time. I do not want that to happen. I do not want to be proven right. But we are at a turning point. If we continue to increase our intervention in Yugoslavia—which ground forces will certainly do—we are in fact committing ourselves to the Balkans, not for a day, not for a week, not for a month, not for a year, but for decades. Mark my words: we will be in the Balkans for decades.

We went into Vietnam in 1965. Thirteen years later and after 58,000 Americans were dead, when we tried to defeat and conquer an indigenous people who were dug in in their country, in their homeland, we still had not gotten it done.

These people are going to fight for their homeland, and we are going to have to be prepared to take heavy casualties to move them out.

Again, I will be blunt about it. If you think it acceptable to put your son or your daughter into Kosovo, then you ought to vote against me. But you ought to be prepared to put your son or daughter in there at the same time you put somebody else's son or daughter in there.

This region of the Balkans has been inflamed for centuries. If they attacked the United States, or if they threatened the national security of the United States anywhere in the world, I would lead the charge here in the Senate for a declaration of war. But they have not done that.

I am hearing a lot of pious arguments about this humanitarian crisis. But the question we have to ask: "Will our grandchildren be patrolling the streets of Kosovo?"

Think about it—not you, not your son, but your grandson, and maybe his grandson. Are they going to be patrolling the streets of Kosovo to keep the Serbians from coming across their border and killing more ethnic Albanians? That is what you had better ask yourself.

There are those who say that the integrity of NATO is at stake. I hear that all the time—if we do not go to war in Kosovo, NATO will fall apart. Look—NATO survived the Soviet Union. It survived Joseph Stalin. It survived Khrushchev and Brezhnev. But it is not going to survive Slobodan Milosevic?

For goodness' sake. This alliance has stood for decades for all of these great powers, and has stood well. I supported NATO in those years. The administration would almost laughingly tell us that Slobodan Milosevic has the power to do what Stalin, Khrushchev, and Andropov could not do—destroy the NATO alliance. If the alliance is that fragile, maybe it is time to shut the door on NATO. Surely it is not that fragile.

The key for NATO's success has been that it is a defensive alliance. But it must stay true to its core mission—which it is not doing now; we are seeing tremendous broadening of the scope of NATO here, under this President—the collective defense of its members. If we use this as the overriding principle of NATO, that it should be there for the collective defense of its members, not only will the cohesion of the alliance not be in question, but we would never have gotten involved in the swamp in the Balkans. That is exactly what it is. It is a swamp. And we are going to get stuck in it.

Let me assure you of one thing. If this war against Yugoslavia continues to escalate, then NATO truly is finished, because NATO will disgrace itself. Even today on the news we have our commander, General Clark, saying we need to hit more targets, we need to hit more specific targets in Belgrade, we have to come closer to those embassies, closer to those populations, take more risks, take out more facilities, risk more collateral damage, because, if we do not, we will never win—or, if we do not, we are going to have to put in ground troops.

Should ground troops be introduced? Should we be forced to attack and occupy Yugoslavia? This will certainly be the end of NATO. This alliance is not an offensive force. It never has been. The greatness of NATO is the fact that it is defensive—that is what allows it to function by consensus.

Already our allies have tried to find a way to end the airstrikes. Anybody who tells you that there are no cracks in NATO and that NATO is solidly behind this is not telling you the truth. Who can blame those in NATO who are taking a different position now? They joined NATO to prevent a European war. Now they find that the U.S. has led them into one—in the Balkans, of all places.

One of the main reasons I do not support this war is because I want to preserve our standing in the world. It is because I believe our relationship with Russia is on the line. It is because I believe that we should not draw precious military resources from our overseas commitments. It is because I care about the stability in Bosnia. It is because I believe in the sovereignty of other nations that I am against the escalation of this conflict. Some call that isolationism. It is not isolationism, and I resent that reference. It is actually realism.

Mr. INHOFE. Will the Senator yield for a question?

Mr. SMITH of New Hampshire. Yes, I yield to my friend from Oklahoma.

Mr. INHOFE. First of all, I don't want the Senator to get the impression that he is alone in his feelings. I agree with everything the Senator said.

I would like to ask the Senator if he didn't leave out one very significant reason why we should not be involved in that war —or that civil war within a sovereign nation—is that in our state of readiness right now we cannot carry out the national military strategy in defending America's regional fronts. In fact, it is even questionable, according to our air combat commander, that we could defend America on one front, with all the allocations of our scarce assets that are going into Bosnia, Haiti, and Kosovo.

Right now my major concern, with 5,000 of our troops already over there in Albania, is that they are virtually naked; they have no force protection, no infrastructure.

I hope the Senator will add to his list of reasoning why we shouldn't be there is because it is draining our ability to defend America on such fronts as North Korea or the Middle East.

Mr. SMITH of New Hampshire. I certainly will add that to the list. I referred to that a few moments ago. But it is a point well taken.

Mr. President, great powers use discretion. They do not allow themselves to be bogged down in places where their interests are not at stake. They use their power judiciously.

When do we use force? When do we use diplomacy? We have made commitments around the world in places like Korea and the Middle East. The United States has shown resolve. We place American lives at risk when our vital interests are the stake. We have done it all over the world. Americans have died in places all over the world that some cannot pronounce and never heard of. It has been happening for decades. There is no question about it. But our vital interests are not threatened in Yugoslavia.

We have troops in warships across the world. Every year we send billions of Americans' tax dollars overseas in foreign aid. The American people are the most generous in the world. Private citizens, corporations, and charitable organizations send hundreds of millions of dollars every year to help needy people throughout the world. If we have a flood, or an earthquake, or a tornado in America, how many times do you hear about all of these other countries pouring in money to help the people in Des Moines, or to help the people someplace else where a tornado or a flood occurs?

To somehow say now that we have to get into this conflict when we have countries in Europe who can, and should, deal with it—how much more blood do we need to shed in Europe for Europe? It is about time Europe stepped up to the plate.

The United States does not need to resort to airstrikes to show we are not isolationist, and we certainly should not put our troops at risk. And we do not need somebody who has never been a strong military leader—indeed, who has never been in the military—to be the macho man who drags us into a war where we do not belong in.

With this legislation, I am just trying to keep the administration from throwing money and forces at Kosovo without regular accountability. If Congress wants operations after 1 October, all we have to do is authorize them. This vote tonight will not be the mission. We have made that vote. This vote is going to be on whether or not we want to have another opportunity fund this operation after October 1.

I respect my colleagues on both sides of this question. I respect immensely the thought that they put into it. I respect their convictions. Again, the only instrument I have as a Member of Congress, blunt as it may be, if I disapprove of this policy, is to cut off the funding. That is the reason I offer this amendment.

I yield the floor.

Mr. WARNER. Will the Senator yield for a question on my time?

Mr. SMITH of New Hampshire. I yield.

Mr. WARNER. Senator, we have had many debates on the floor of the Senate about this very divisive war. The Senator from New Hampshire, from the very beginning, has been absolutely clear as to his views, and I respect them. I differ with them, but I respect them.

I will not go over the entire history of what I and other Senators have said about this. These are those Members who believed that once the commitment was made by this Nation as an integral part, as a full partner, of NATO, to the other 18 nations, that was it; it was to support our troops and to do what we can.

What worries me about the amendment is that it would send a signal to Milosevic: Hang tough.

This is the man who, as just clearly stated, has divided the whole world, has divided every precedent of human rights. Would it not send a message to him to hang in there? No matter what we are able to inflict, hang in there, because on October 1 the United States pulls out of NATO and leaves it to the other 18 nations if they wish to carry on?

That is my first question.

The second question: What do we say to the men and women of the United States Armed Forces and the other nations flying missions, some eight or nine nations flying missions? What do we say to them? They are in the cockpit right now, taking risks, risking life and limb. Did the Senator think about stopping it as of tonight? That was an option I am sure the Senator considered.

Those are the two questions I pose to my good friend.

Mr. SMITH of New Hampshire. Responding to the leader on his time, I lost that vote earlier, regrettably. I lost that vote on the floor.

What I am trying to do now is to not authorize any funds for operations in Yugoslavia beyond the October 1, the beginning of the next fiscal year, unless we again authorize those operations.

Mr. WARNER. What do we say to the young men and women flying these missions? Their mission tonight, tomorrow night, and into the indefinite future is to carry out the orders of the Commander in Chief of the United States and the guiding military group in NATO. They salute, march off, get in the cockpit, fly off, and take risks. In my judgment, they are making some slow but, nevertheless, steady progress in degrading the military machine of Milosevic. When they fly home, they drop their orders, and they can at least say it was another chip away toward the end result and the five basic points that NATO has laid down to resolve this conflict.

If we are to pass this and they fly the mission, they will wonder: Am I going to be the last person to die on the last day of this war, which would be September 30, 1999?

Mr. SMITH of New Hampshire. What do we say? First, we tell them that we are ensuring that the American people, through their representatives in Congress, should either support it, if it is to continue, or not.

If my amendment were to prevail and I were one of those pilots, I would hope that my Commander in Chief, after this amendment did prevail, would begin to make a compelling case for our actions against Yugoslavia, and would bring that case before the American people for a vote in Congress. That is all this amendment requires. It is the only way to ensure that the American people are behind their troops in the field.

Mr. WARNER. The first part of my question was, Does this not send a signal to Milosevic to just hang tough and disrupt every effort being made, whether by the United States, Germany or, indeed, Russia, in trying to negotiate some diplomatic resolution?

I understand that the Russian delegation could be arriving within the next 48–72 hours. The Deputy Secretary of State, Strobe Talbott, is finishing—if he hasn't already today—some discussions in Russia relating to that mission. It seems to me that the diplomatic process would come to a standstill.

Milosevic will say to his people, we have stayed this long, stay the course. If the United States pulls out, I think Milosevic could go to his people and say there is little likelihood that the other nations might continue on. And, furthermore, look who is flying the missions. Over 50 percent of the tactical missions are by U.S. pilots. Over 70 percent of the support aircraft, the tanker aircraft, the intelligence aircraft, are all flown by the United States.

It would have the effect of disabling NATO from carrying on if it so desired.

Mr. SMITH of New Hampshire. Mr. President, I think that if we were to look at the resolve of Mr. Milosevic, he has done pretty well for himself, considering after 60-some days of bombing he has cleared out Kosovo of just about every ethnic Albanian he can clear out, with the exception of those who can serve him as human shields to protect his army and tanks.

That is despicable. I am not going to stand on the floor of the Senate and defend Slobodan Milosevic. I am concerned about the long-range situation and what our objective is. We can bomb and bomb and bomb. We have been doing that. How long that goes on, I do not know. The bottom line is: he has achieved what he wanted to achieve, which is to get the ethnic Albanians out of Kosovo. He has accomplished what he wanted to accomplish in spite of the bombing—and maybe because of the bombing.

I do not know what we are gaining by continuing. But I do think that, as a minimum, the President must get Congressional authorization to continue the war.

Mr. WARNER. I thank my colleague for taking questions. I did not mean to importune the distinguished Senator.

Mr. INHOFE. I inquire of the Presiding Officer how much time remains on both sides.

The PRESIDING OFFICER. Senator SMITH controls 8 minutes 30 seconds, and the Senator from Virginia, the manager, controls 23 minutes.

Mr. SMITH of New Hampshire. I yield 6 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

I am not going to take that long, only because I don't want the Senator to be left with no time to respond to what I think we will be hearing in the next 22 minutes. I want to make sure the Senator has adequate time.

Let me take a minute and say that I don't like the amendment but I don't know any other choice. I wish there were other choices out there.

We got involved in this. I am sure I can visualize what was happening when they made the decision to invade a sovereign nation, sitting around a table saying, we will send bombs out there for a couple of days and that will take care of him and everything will be fine.

That was not the plan. We heard the plan criticized by the very best people out there. I will be in the region again this weekend.

My concern, as I voiced several times, without a well laid out plan in a war we shouldn't be involved in—we have troops out there, as I said before, who are virtually naked and have no protection right now.

I am concerned about Albania and the threat to our lives there as much as I am crossing that line into Kosovo. Because right now there is no force protection over there.

As far as the pilots are concerned, I don't think there is a person in this U.S. Senate who has visited with the pilots more than I have, because as chairman of the Readiness Subcommittee I go around to all these places. I take journalists with me, frankly, so these people will realize why we are only retaining 19 percent of our Navy pilots, 27 percent of our Air Force pilots. It is not just the attractive economy on the outside. It is not just the fact our mechanics are overworked and they are not sure the spare parts are going to be there. As they said in one of the places, with witnesses there, our problem is we have lost our sense of mission. They are sending us in places without adequate training. With all the money we are spending in these contingency operations where we do not have strategic interests, it is draining us from our ability to properly train should we have to meet a contingency where our national strategic interests are at stake.

Our time that we are training these guys in red flag exercises in Nellis is cut way down; the National Training Center out in the desert, cutting down Twenty-nine Palms for the marines; they are not getting adequate training because we are busy deploying our troops in places where we do not have a national strategic interest. So I just look upon this as a way out. We have been looking for a way out of Bosnia since 1995. Now there is no end in sight there. I do not want to get ourselves in that position, so I see the only way out right now is what the Senator from New Hampshire is suggesting. I do support his amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment contains a funding cutoff that is far broader than the one that was contained in the Specter amendment that the Senate tabled yesterday. This would cut off funding effective October 1 for U.S. air or ground operations, including peacekeeping operations. So the Senator from New Hampshire has in no way stated inaccurately what this amendment does. It is his intention, and he said so quite clearly, that this amendment leads to the withdrawal of our effort, the termination, the ending of our effort in Serbia, including the air campaign.

The Senate voted just a few months ago, 58-to-41, to support that air campaign. What this amendment says is we want to terminate the air campaign. This would have the Senate blow hot and blow cold on the same issue, whether or not we want to support an air campaign which is presently going on.

At the same time, it tells Milosevic all you have to do is hang in there until October 1 and you will not even face an air campaign. You will not face any kind of campaign. You will have succeeded in Kosovo.

Milosevic has not accomplished what he set out to accomplish because he is under severe attack in Kosovo and in Serbia. He will accomplish what he set out to accomplish if this amendment passes. That will be the victory. That will seal the success for Milosevic if this amendment is agreed to, because this amendment cuts off all funds, including those for the air campaign to attempt to reduce Milosevic's military capability, which is our military mission, and our broader mission will then be totally impossible. The broader mission is to return over 1 million refugees who have been burned out, who have been raped, whose villages have been destroyed—500 villages. Those refugees, then, will have no hope of returning. Whereas now they have, indeed, a very real hope of returning because Milosevic is gradually being weakened and his forces are under tremendous stress. There is great evidence of that all over.

The KLA, the Kosovo Liberation Army, is beginning to move back in to their villages and into their homes. Nothing will scare Milosevic much more than having to face the KLA again, which will be the result of his failure to negotiate a settlement which provides for the return of these refugees in safety with protection.

We cannot allow Milosevic to succeed, which is what this amendment hands to him. We cannot allow Milosevic to shape the future of Europe. That is what his success would do. His ethnic cleansing, if not reversed, will shape Europe for the next century.

This century began with a genocide against the Armenians. It is ending with an ethnic cleansing of the Kosovars. And in between was a Holocaust. If we do not want the next century to be a repeat of this century, Milosevic cannot succeed. Europe's future is on the line and that means our own security is on the line. NATO's future is on the line. The adoption of this amendment will tell NATO they have failed. The adoption of this amendment will be the statement to Milosevic: You have succeeded. We are pulling out.

That is what the intention of this amendment is, according to its sponsor. This amendment will tell our 19 allies in NATO: Forget NATO. Forget NATO cohesion. Forget NATO unity. We are pulling out.

And this amendment will send the worst possible message to the most important of all the people, the men and women who wear our uniform who are out there in harm's way now, who would then be told by this amendment we are pulling out.

This Senate must send a very different message than that. I hope this amendment is tabled by an overwhelming vote.

I will be happy to yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BIDEN. Mr. President, I think we owe a debt of gratitude to our colleague from Oklahoma and our colleague from New Hampshire. They are among only a few who will bluntly state why they want out. They are straightforward. The Senator from Oklahoma says this is a way out of Kosovo, just like we should find a way out of Bosnia. They say we have no interest in Yugoslavia. We have no ability to do anything about it. And we have no right.

I find this absolutely fascinating. We talk about a sovereign nation being invaded by a horde of 19 democracies who are doing such an injustice to them.

Then I hear that one of the reasons we should not be involved is because Yugoslavia is a sovereign country. I cannot remember what their explanation was as to why we should not be involved in Bosnia, where Slobodan Milosevic was crossing the Drina River with these very forces that are cutting off the noses, ears and then cutting the throats of captured men in Kosovo, who are taking their women to the third floor of army barracks for the pleasure of the troops and picking what they believe to be the most attractive of the women who happen to be Moslems. These are the same fellows that crossed the Drina River and invaded another country. I heard the same arguments from you all about how we should not be involved there. So do not let anybody fool you, this is not about sovereignty.

The second point I would make is that we have reached the conclusion, straightforwardly, that Slobodan Milosevic's business is his business. What do we have to do with that? Let them work it out.

I never thought I would live to see the day when a European leader was herding masses of women and children onto boxcars and trains in the sight of all the world, shipping them off to another border, destroying, as they crossed the border, their licenses, taking their birth certificates, going into the town halls and destroying the property records of those very people. And it is so convenient to say that is not our business.

Then I hear another argument. You know, we have commitments around the world. We will not be able to fight a two-front war. But what is the threat to America beyond the nuclear one? And that will not be deterred by American ground forces. I hear my friend from New Hampshire say: Let the Europeans take care of this. Have we not shed enough blood in Europe?

But we have to worry about Korea? Why not say let the Asians take care of Korea? There are more of them than us. We have shed enough blood in Asia.

Are we protecting the use of American force in Europe so we can use it in Korea?

If that is the logic, explain to me why the Japanese and the South Koreans cannot take care of themselves. I find this incredibly selective logic.

And, by the way, this so-called failure in Bosnia—what a fascinating notion. Nobody is being killed there now; the raping, the rape camps, the ethnic cleansing have stopped; people are actually living next door to one another again. There are 6,800 American forces there, and that is supposedly too high a price to pay without, thank God—as my mother would say, knock on wood—one American being killed? I am sure glad you guys were not around in 1955 and 1956 and 1957 to say: By the way, all those forces we have in Germany, they are sitting there occupying a country and protecting a country, but their mission must be a failure because if they left, there would be war.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Mr. President, I have not been a cheerleader for our participation in this conflict. I supported it, but I am nervous about it. But I must say, this is wrong. At 7 o'clock this evening, with no notice, we have an amendment that suggests we shall terminate our participation in the NATO campaign to stop the ethnic cleansing and the massacre in Kosovo. At 7 o'clock tonight, with no notice, we are going to have this debate probably for an hour?

I just heard one of the sponsors of this amendment talk about what Mr. Milosevic has achieved. He is right about that. Mr. Milosevic has achieved the following: massacre, we don't know how many; troops burning villages; raping people; killing innocent men, women and children; hauling people like cattle in train cars or herding them in groups to the border; displacing 1 million to 1.5 million people from their homeland.

Yes, he has achieved that. What hasn't he achieved? What he has not achieved he is about to achieve if the Senate adopts this amendment. He wants to achieve an end to the airstrikes that cause him great inconvenience and a great threat to his movement in this massacre and in this ethnic cleansing. Does the Senate want to allow him to achieve that goal? I do not think so.

Five or 10 years from now we will look in our rear-view mirror and see that on our watch ethnic cleansing and massacre occurred and we said: Gee, that didn't matter; it wasn't our business.

We have already decided that is not the position we will take. It is our business. It does matter. Do you want to know what ethnic cleansing is? Do you want to know what are the horrors of this kind of action visited upon those men, women, and children? Go to the museum not many blocks from here and see the train cars where they hauled people in Europe before, see the shoes of the people who died in the gas ovens, and then ask yourself: Does this kind of behavior matter? It does matter, and this country, with our allies, is trying to do something about it.

Imperfect? Is this operation in Kosovo with us and our NATO allies imperfect? Yes, it is imperfect, but are we trying? Is this country, with our allies, saying this does matter? Yes. That is exactly what we are doing.

Do we really want to say to Mr. Milosevic tonight: You can achieve the rest of your goals through the help of the Senate. You can do all this—rape, burn, massacre, move people out of their homeland, clean out a country, engage in ethnic cleansing—and when this country and others stand up to say we will not allow that on our time and our watch, you can achieve your objective and remove that nuisance called airstrikes and bombing campaigns and the Senate will help you do that? I do not think so. I certainly hope not, not this Senate.

My hope is that history will record this effort as a noble effort that said when this kind of behavior exists, we will do what we can with our allies to stop it. I do not know how this ends, but I know it should not end tonight on a Wednesday night vote by the Senate to say to Mr. Milosevic: This country will no longer continue to be a problem for you.

The rape, the burning, the massacres, the ethnic cleansing will not stop, but the airstrikes should? I do not think that is a decision this Senate will make. It is not a decision the Senate should make, and I hope in a short time, with an amendment that should not be offered in this kind of circumstance, the Senate will say: No, this effort by this country at this point in time is important. This is not about us alone. It is about this country with NATO, with our allies attempting to stop this man, Slobodan Milosevic, from the kind of behavior we would not accept from anyone in the world. I hope when this vote is cast, we will not achieve the objective Mr. Milosevic wants most, and that is a cessation of the bombing and the airstrikes. That is the price this man is paying for his behavior, and he must pay that price until he stops.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Dr. Michael Cieslak, a fellow, be granted the privilege of the floor during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The proponents have 5 minutes 39 seconds; the opponents have 7 minutes 11 seconds.

Mr. LEVIN. I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, my framework is a little different. Murder is never legitimate, and we have tried to do the right thing to stop the slaughter of people, albeit we have not been anywhere close to 100 percent successful. I have deep concerns about the conduct of this war and where it is heading.

On May 3, I called for a temporary pause in the bombing for a focus on diplomacy. I wished we had done that. I wished we had not seen the bombing of the Chinese Embassy. I think we had momentum for a diplomatic solution consistent with our objectives: That the Kosovars go back home, that there be a force there to give them protection, that they be able to rebuild their lives.

I say to colleagues tonight that I do have serious reservations about part of the direction in which we are heading. The airstrikes have gone beyond degrading the military, which was to be our objective, and I really worry that we begin to undercut our own moral claim when we begin to affect innocent people with our airstrikes, when we begin to kill innocent people, albeit that is not the intention.

I focus on diplomacy. I still believe we need to have a pause in the bombing. We have to have a diplomatic solution. That is the only option that I see available to bring this conflict to an end and to enable the Kosovars to go back home, which is our objective.

Once again, I worry about these airstrikes when we go after power grids and it affects hospitals and it affects innocent civilians. That goes beyond just degrading the military. I sharply call that into question.

I say to my colleague from New Hampshire, I believe this amendment is profoundly mistaken. It takes Milosevic completely off the hook. This amendment takes us in the opposite direction of where we need to go toward a diplomatic solution to end this conflict.

This is the wrong amendment. This is the wrong statement. This is at the wrong time. Therefore, I rise to speak against it. But I will continue to speak out and raise questions. I will continue to talk about the need to move away from the bombing and to focus more seriously, and in a more concentrated and focused way, on a diplomatic solution and an end to this conflict on honorable terms.

I hope my colleagues tonight, however, will vote against this amendment. I hope it will be a strong vote against this amendment.

I yield the floor.

Mr. BYRD. Mr. President, I have listened carefully to the debate on this amendment, and I appreciate the wrenching emotion that has motivated those on both sides of this issue.

The NATO operation in Kosovo is a difficult issue for many of us to come to terms with. Our hearts ache for the suffering of the Kosovar Albanians who have been banished from their homeland by the forces of Yugoslav President Slobodan Milosevic. At the same time, we fear for the safety of U.S. and NATO military forces who are engaged in a perilous mission in a corner of the world that has been torn by ethnic conflict for centuries.

We cannot foresee the outcome of this operation. We have a duty to watch it carefully, to debate it fully on the floor of this Senate. But in our concern to do what is right, we should not act in so much haste that we run the risk of making a fatal mistake.

There may come a day when I will stand on the floor of the U.S. Senate with the Senator from New Hampshire and call for a cutoff to the funding of U.S. operations in Kosovo. But that day is not today. That time is not now. A decision of that magnitude must not be taken on the run, after a hastily called 60-minute debate among a handful of Senators.

Mr. President, this amendment sends the wrong message at the wrong time. By all means, let us debate the U.S. involvement in Kosovo. But let us do it with deliberation and forethought. I urge the Senate to table this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. As I said when we began the debate, I respect the views of my long-time friend. He comes from a distinguished military family. He served, himself, in the uniform of the United States. We have a very diverse group in the Senate with regard to their views on this conflict.

There is not a one of us who was not deeply concerned before we became involved in this conflict. We are in it now. I salute here tonight the professionalism that has been shown by the men and women of the Armed Forces of the United States, in particular, and joined by their counterparts from some eight other nations in the air, and the other NATO nations in one way or another that have participated in this conflict.

We are in it because our generation cannot tolerate what we have seen Milosevic do to human beings. To do so would be to reject, indeed, what other men and women have done in previous generations to bring about freedom for others: World War II, followed by Korea, followed by Vietnam. We are there to protect freedom. We are there to protect the rights of human beings to have some basic quality of life and ability to exist.

I remember the peak of this event. When we got started, it was just before Easter. I went back to my constituents and, indeed, they asked me: Why should we be there? I said: Could you be at home on Easter Sunday, sharing with millions and millions of Americans the experience of your respected place of religion, sharing with your family a bountiful meal, and watch the pictures of the deprivation, the murder, the rape, the mayhem inflicted by Milosevic and his lieutenants on fellow human beings?

Yes, they are Kosovars; yes, they are far away; yes, they speak a different language. I was there in September. I traveled in Kosovo, in Pristina, in Macedonia. At that time, I saw these people being driven from their homes. Not distant from where we were driving—we were permitted by the Yugoslav Army to take certain roads—we could see the burning houses; we could hear the shells. The war was in full progress in other areas several miles distant from the route that we took.

We could not stand by, as a free people, and see in Europe a repetition of the horrors that visited Europe in World War II. So we are there. My vote tonight in opposition to my good friend is because I am pledged and committed to the men and women of the United States Armed Forces and the other nations. I am pledged and committed to the survival of NATO, not just as a political entity but for what NATO stands for, the principles for which it stands. I encourage my colleagues to do likewise.

We will somehow, as a collection of free nations, bring this tragic conflict to a halt. When and exactly how, none of us knows.

The PRESIDING OFFICER. The time of the opponents has expired.

Mr. WARNER. Mr. President, I understand my time has concluded. I say to my friend, I respect you, but I vote against you. I shall move to table at the appropriate time.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. The respect is mutual, as my friend knows.

Mr. President, there have been a few misstatements about my amendment that I would like to clarify, as Senators now begin to make their way to the floor. I will only be a few minutes in closing.

All this amendment requires is that the President make the case and get congressional approval to go forward with this war after October 1. No funds are cut off until October 1, and unless Congress chooses not to authorize the President to continue. That is what this amendment requires.

I heard one of my colleagues on the other side of the issue say a few moments ago that this is coming at the last minute and that we do not have time to deliberate. I will tell you how much time you have to deliberate. You have the rest of this month, you have June, July, August, and September. You have 4 months to think about whether or not you want this war to continue and whether or not you want to authorize more funding. It does not send any message to Milosevic other than the fact that Congress intends to exercise its constitutional authority. That is all.

I could probably give emotional speeches about a number of human tragedies around the world. My colleague from Delaware got very emotional; and that is a good quality when you believe in something. But this decision should not be based on emotions. This is a decision about how we should use our finite power. We should make the decision on how we use our power on the basis of American interests. No American life should be risked based on any Senator's emotions, for goodness' sake.

In 1995, 500,000 Rwandans were slaughtered in six weeks—most of them hacked to death by machetes—in tribal warfare in the nation of Rwanda. Maybe I am mistaken—and if I am, I will apologize to any Senator who says he came down here and said that we should enter the war in Rwanda, enter that civil war, fire cruise missiles, bomb the blazes out of all the cities, bring those tribes back to their knees to stop the hacking—but I did not hear it. That was a humanitarian crisis of the highest magnitude, and we did not enter it. And we should not have entered it.

Those 500,000 people are just as precious under the eyes of God as anybody else in the world, and we said nothing. We did not fire cruise missiles, we did not drop smart bombs, and we did not talk about ground forces, we did not talk about NATO forces, or any other forces of the world going in and setting up a partition to keep two warring tribes apart. Why? Because, as in Kosovo, the conflict posed no threat to the United States. No American lives were worth risking.

This is not about tying the President's hands as he tries to defend America. It is about guiding and restraining an incompetent administration as it muddles around in a place where U.S. interests are, at best, peripheral.

There are terrible humanitarian situations that Mr. Milosevic has created. I will be the first to admit it. The question is, as I said at the outset of this debate, How do we resolve it? Do we resolve it with more bombs? By bombing and causing collateral damage to innocent people? Or do we do it through diplomacy?

I am not trying to send a message one way or the other to Milosevic with this amendment. I am trying to send a message to the American people and to the Senate to say, if we are going to put Americans at war in a sovereign nation in a civil war, the least the Senate can do is have the intestinal fortitude to say yes or no, rather than to let this thing string on like Vietnam did and then, after 58,000 people are dead, we say, oh, my goodness, if we had just stopped this war a little bit earlier—or perhaps, as Senator Goldwater said, we had fought it to win a little bit sooner. Meanwhile, there are 58,000-plus people on the Vietnam Wall.

Now is the time to speak, not 5 years from now. All I am asking in this amendment is that we have from now until October 1 to decide whether or not we want to fund this war any further. That is the message I am sending. I am sending that to my colleagues who represent the people of the United States of America.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for 2 minutes to address the Senate with regard to tomorrow's schedule prior to the vote so Senators coming to vote can depart and know what will take place tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The order was to be handed to me. We were not able to resolve the Allard amendment, so that will be the recurring order of business tomorrow morning. Of course, the Lott amendment is still in place; am I not correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. So we will endeavor tomorrow morning, without specifying exactly how and when we will do it, to bring up the Allard amendment. Senator HARKIN has 20 minutes, and we will divide, say, another 20 minutes between the distinguished ranking member and myself, should we need it. That would be a total of 40 minutes on the debate. I think maybe I will say 15 minutes between the two of us and 15 minutes to Senator ALLARD, 20 minutes for Senator HARKIN. I think that should do it.

We will just have to establish the time that we will vote on the Allard amendment tomorrow morning.

This will be the last vote for tonight, and Senators can expect early on in the morning that we will address the Allard amendment.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 406. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—77

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Frist
Gorton
Graham
Grams
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—21

Allard
Bunning
Burns
Cleland
Craig
Crapo
Enzi
Feingold
Fitzgerald
Gramm
Grassley
Gregg
Helms
Hutchinson
Inhofe
Nickles
Santorum
Sessions
Smith (NH)
Thurmond
Voinovich

NOT VOTING—2

Bond
Moynihan

The motion was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume the DOD authorization bill, and that the Allard amendment No. 396 be the pending business, and that there be 30 minutes remaining on the amendment with 20 minutes under the control of Senator HARKIN and 10 minutes equally divided between Senator Allard and myself, with a vote occurring at 10 a.m. on or in relation to the amendment, with no amendments in order prior to the vote.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, in light of that agreement, there will be no further votes this evening. The next vote will be at 10 a.m. on Thursday relative to the Allard amendment.

Mr. President, at this time there will be no further action on the DOD bill.

FEDERAL PRISON INDUSTRIES

Mr. THURMOND. Mr. President, I am in strong support of the amendment to strike Section 806 of S. 1059, the Defense Authorization Act.

Many of us, including Senator GRAMM, Senator HATCH, and Senator BYRD, discussed the importance of Federal Prison Industries on the floor yesterday when this amendment was first considered. I would like to speak for a moment on a few issues that have been raised in this debate.

Some have argued that the taxpayers would save money if Federal agencies were not required to use FPI because FPI prices are not competitive. However, studies from the General Accounting Office and the Department of Defense Inspector General show that FPI prices are generally within the market range. Indeed, the DoD IG report found that FPI prices were generally lower than the private sector for the products reviewed.

Moreover, it is important to note that Prison Industries is a self-sufficient corporation. As we discussed at my Judiciary hearing on this issue, if Prison Industries did not exist, it would cost taxpayers millions of dollars per year to fund inmate programs that would provide similar security to prison facilities and similar benefits to prisoners. FPI is the most successful inmate program. We should support it strongly and not pass legislation that could undermine it.

The April 1999 study between DoD and BoP discusses the relations between the two agencies in great detail. The study concludes that no legislative changes are warranted in Defense purchases from FPI. It made some recommendations for improvements that are currently being implemented. We should give the study time to work.

This joint study shows that Defense customers are generally satisfied with FPI. Although some concerns remain such as timeliness of delivery, these issues are being addressed. It is best to allow the joint study to speak for itself. The Executive Summary states: "In response to questions regarding the price, quality, delivery, and service of specific products purchased in the last 12 months, FPI generally rated in the good to excellent or average ranges in all categories. On the whole, respondents seem to be very satisfied with quality and service, mostly satisfied with price, and least satisfied with delivery. * * * Most respondents rated FPI either good or average, as an overall supplier, in efficiency, timeliness, and best value. FPI was rated highest as an overall supplier in the area of quality." The survey generally shows a positive, productive relationship. It is clear that drastic changes are not warranted in the relations between DoD and BoP.

Indeed, the Administration strongly opposes Section 806. The Statement of Administration Policy on S. 1059 explains that this provision "would essentially eliminate the Federal Prison Industries mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons."

FPI is a correctional program that is essential to the safe and efficient operation of our increasingly overcrowded Federal prisons. While we are putting more and more criminals in prison, we must maintain the program that keeps them occupied and working.

DEFENSE PRODUCTION ACT

Mr. GRAMM. Mr. President, I commend the manager of the bill, the distinguished chairman of the Armed Services Committee, Senator WARNER, for including in this legislation a one-year extension of the Defense Production Act. As the Senator knows, the Defense Production Act falls under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

The Defense Production Act is due to expire on September 30, 1999. The Banking Committee has a great interest in the Defense Production Act and we intend to conduct a thorough review when we consider its reauthorization. However, due to the press of other business, specifically the time-consuming task of passing the first modernization of our financial services laws in sixty years, the Banking Committee is unable to conduct such a thorough review at this time.

Therefore, I requested that Senator WARNER include a provision in the Department of Defense authorization bill to extend the Defense Production Act until September 30, 2000. This extension will allow the Banking Committee the time to give the reauthorization of the Defense Production Act the attention it deserves. Senator WARNER was kind enough to include this provision at my request.

Mr. WARNER. We understand that the Banking Committee intends to take a close look at the Defense Production Act, but may not be able to do so prior to the September 30, 1999 deadline. The Armed Services Committee is happy to accommodate the Banking Committee, as we did last year, and include a one-year extension of the Defense Production Act in the DOD authorization bill.

Mr. GRAMM. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy and assistance on this issue. I ask unanimous consent that a letter I wrote to Senator WARNER on this issue be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, May 25, 1999.

Hon. JOHN WARNER,
U.S. Senate Committee on Armed Services,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: I am writing to request that the Armed Services Committee include a one-year authorization of the Defense Production Act in S. 1059, the Department of Defense authorization bill. As you know, pursuant to the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs has jurisdiction over the Defense Production Act. This Act is due to expire on September 30, 1999.

While it is the Banking Committee's intention to give more thorough attention to the Defense Production Act in the future, other issues such as financial services modernization have taken priority this year. As a result, it would be of great assistance if you would include in the upcoming defense authorization bill a provision to renew the Defense Production Act through September 30, 2000.

Thank you for your assistance in extending the Defense Production Act for another year.

Yours respectfully,
PHIL GRAMM,
Chairman.

164TH AIRLIFT WING

Mr. FRIST. Mr. President, I thank the chairman of the Armed Services Committee, Senator WARNER, for coming to the Senate floor today to discuss the follow-on aircraft designation for the 164th Airlift Wing of the Tennessee National Guard.

Mr. WARNER. As the Senator from Tennessee is aware the C–141 aircraft has served this nation well but its useful life is coming to an end. In the report to accompany the Defense Authorization Act, the Committee urges the Secretary of the Air Force to designate a follow-on aircraft for those Air Force Reserve units affected by the retirement of the C–141, and notify the relevant congressional committees as soon as the new mission assignments are available.

Mr. FRIST. Mr. Chairman, it is my understanding the 164th Air Wing is the only Air Guard C–141 unit in the country not to have a follow-on mission designated.

Mr. WARNER. The Committee's urging of the Secretary of the Air Force to designate a new mission for the C–141s of the Air Force Reserve was in no way meant to neglect the similar urgency in the Tennessee Air Guard. Moreover, I would like to take this opportunity to reiterate the importance of strategic airlift to our ability to project force globally. the Guard and Reserve are a critical part of the total force equation. Let me assure the Senator from Tennessee that I strongly support his efforts to have a follow-on mission designated for the 164th Air Wing in Memphis.

Mr. FRIST. I thank the Chairman for his strong words of support. At a time when our nation considers the possibility of sending ground troops to

Kosovo it is clear to me that we must support strategic airlift. Airlift remains one the largest challenges our forces face. It is my desire to see the Air Force act to resolve this issue with expediency and consider designating the C–5 or the C–17 airframe for the future of the Tennessee Air Guard.

Mr. WARNER. Again, let me assure the Senator from Tennessee that I am confident working with the Armed Services Committee and the Air Force that this issue will be resolved soon.

MEDAL OF HONOR TO ALFRED RASCON 1999

Mr. THURMOND. Mr. President, I am pleased to be an original cosponsor of the amendment which recommends the Congressional Medal of Honor be awarded to Mr. Alfred P. Rascon. I would like to take just a moment and introduce you to Mr. Rascon.

Alfred Rascon was born in Chihuahua, Mexico, and emigrated to the United States with his parents in the 1950's. He served two tours in Vietnam, one as a medic. When Rascon volunteered for the service, he was not yet a citizen but was a lawful permanent resident, and he was only 17 years of age but convinced his mother to sign his papers so he could enlist.

On March 16, 1966, then Specialist Alfred Rascon, while serving in Vietnam, performed a series of heroic acts that words simply cannot describe. For Rascon and the seven soldiers he aided while under direct gunfire, that day will long be remembered. Rascon's platoon found itself in a desperate situation under heavy fire by a powerful North Vietnamese force. When an American machine gunner went down and a medic was called for, Rascon, 20 at the time, ignored his orders to remain under cover and rushed down the trail amid an onslaught of enemy gunfire and grenades. To better protect the wounded soldier, Rascon placed his body between the enemy machine gun fire and this soldier. Rascon jolted as he was shot in the hip. Although wounded, he managed to drag this soldier off the trail. Rascon soon discovered the man he was dragging was dead.

Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner lay dead, and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammunition and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail and snared the dead soldier's machine gun and, most important, 400 rounds of additional ammunition. Eyewitnesses state that this act alone saved the entire platoon from annihilation.

The pace quickened and grenades continued to fall. One ripped open Rascon's face, but this did not stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled back among the other wounded and provided aid. A few minutes later, Rascon witnessed Sergeant Ray Compton being hit by gunfire. As Rascon moved toward him, another grenade dropped. Instead of seeking cover, Rascon dove on top of the wounded sergeant and again absorbed the blow. This time the explosion smashed through Rascon's helmet and ripped into his scalp. Compton's life was spared.

When the firefight ended, Rascon refused aid for himself until the other wounded were evacuated. So bloodied by the conflict was Rascon that when soldiers placed him on the evacuation helicopter, a chaplain saw his condition and gave him last rites. But Alfred Rascon survived. He was so severely wounded that it was necessary to medically discharge him from the Army.

The soldiers who witnessed Rascon's deeds that day recommended him in writing for the Medal of Honor. Years later, these soldiers were shocked to discover that he had not received it. It appears their recommendations did not go up the chain of command beyond the platoon leader who did not personally witness the events. Rascon was instead awarded the Silver Star. Rascon's Silver Star citation details only a portion of his heroic actions on March 16, 1966.

Perhaps the best description of Alfred Rascon's actions came 30 years later from fellow platoon member Larry Gibson:

> I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad, making it almost impossible to move without being killed. Unhesitatingly, Doc [as Rascon was called] went forward to aid the wounded and dying. I was one of the wounded. Doc took the brunt of several enemy grenades, shielding the wounded with his body.
>
> In these few words, I cannot fully describe the events of that day. The acts of unselfish heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes. Doc Rascon is one of those.

Rascon was once asked why he acted with such courage on the battle field even though he was an immigrant and not yet a citizen. Rascon replied, "I was always an American in my heart."

Mr. President, these actions speak for themselves. I first met Mr. Rascon in 1995. He came to see me as the Inspector General of the Selective Service System, where he continues to serve his nation today. In the course of our conversation I learned of his amazing story, and as the Chairman of the Senate Armed Services Committee at that time, I realized I had to act.

I contacted a number of officials at the Department of Defense and learned that his case could not even be examined because the law said time to consider those awards had expired. So, in the 1996 Defense Authorization Bill, we changed the law. Four years have passed since then; however, the Secretary of the Army and the Chairman of Joint Chiefs of Staff now agree and have recommended that Alfred Rascon be awarded the Medal of Honor, the Nation's highest award for valor. You have heard this story. The legislation authorizes the President to award the Medal of Honor to Alfred Rascon. If ever there was a case to recognize heroism and bravery far above and beyond the call of duty, this is it.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS COMMITTEE RECOMMENDATIONS—H.R. 1664

Mr. BYRD. Mr. President, yesterday afternoon the Committee on Appropriations met and reported, en bloc, the Fiscal Year 2000 Department of Defense Appropriation Bill, the Fiscal Year 2000 302(b) allocations for the committee, and H.R. 1664, by a recorded vote of 24–3. At that full committee markup, the committee also adopted an explanatory statement of the committee's recommendations in relation to H.R. 1664. That explanatory statement, which was adopted in lieu of a committee report, was filed with the Senate by Mr. STEVENS (for himself and Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECTER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DEWINE, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. SESSIONS, Mr. DASCHLE, Mr. DORGAN, and Mr. HATCH). Subsequent to that markup, I ask unanimous consent that the following Senators be added as cosponsors: Mrs. LINCOLN, Mr. KOHL, Mr. HELMS, and Mr. BREAUX.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD. I further ask unanimous consent that the explanatory statement of the committee be printed at the appropriate place in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 1664, A BILL MAKING APPROPRIATIONS FOR OPERATIONS IN KOSOVO

Mr. Stevens (for himself and Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mrs. Hutchison, Ms. Landrieu, Mr. Sessions, Mr. Daschle, Mr. Dorgan, and Mr. Hatch)

The Committee on Appropriations, to which was referred "H.R. 1664, making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes" reported the same to the Senate with various amendments and an amendment to the title and presents herewith information relative to the changes recommended.

In order to expedite completion of congressional action relative to the emergency appropriations contained in H.R. 1664, as passed by the House of Representatives, as well as the emergency appropriations contained in H.R. 1141, the Fiscal Year 1999 Emergency Supplemental Appropriation Act, funding for both measures was included in H.R. 1141. The conference agreement on that measure was passed by the House of Representatives on May 18, 1999, by the Senate on May 20, 1999, and the bill was signed by the President on May 21, 1999.

In accordance with an agreement with the bipartisan House and Senate leadership, two provisions which were contained in the Senate version of H.R. 1141 were deleted, without prejudice, from the conference agreement thereon. Pursuant to that agreement, these two provisions, the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, are to be considered expeditiously by the Senate in a freestanding emergency appropriation bill.

Since the conference agreement on H.R. 1141 included the necessary funding for Kosovo operations, the committee recommends that the text of H.R. 1664 as passed by the House be amended to remove House language, and that language relating to the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, with offsets, be added. In light of the emergency nature of the funding contained in the bill for these two critical programs, the committee hopes that no amendments will be offered to the measure and that it can be sent directly to the House. The Speaker of the House has agreed to permit a motion to go to conference within one week of receiving this bill after Senate passage, to allow normal appropriation conferees to be appointed, and to permit the resulting conference report to be brought up before the House. The committee urges that this matter be expedited by the Senate in order to hopefully complete action prior to the Memorial Day Recess on this critical emergency facing the steel and oil and gas industries and the tens of thousands of steel and oil and gas workers who have recently lost their jobs as the result of the massive influx of cheap and illegally-dumped imported steel and oil and gas over the past year.

EMERGENCY STEEL LOAN GUARANTEE PROGRAM

The Emergency Steel Loan Guarantee Program, as reported by the committee, provides a two-year, GATT-legal, one billion dollar guaranteed loan program to back loans provided by private financial institutions to qualified U.S. steel producers. The minimum loan to be guaranteed for a single company at any one time would be $25,000,000 (subject to a waiver), and the maximum would be $250,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, including the percentage of the guarantee, appropriate collateral, as well as loan amounts and interest rates thereon. Repayment of the loans guaranteed under this program would be required within six years.

The committee makes these recommendations in response to the critical situation facing the U.S. steel industry. As a result of global financial chaos, in 1998, a record level of more than 41 million tons of both cheap and illegally-dumped imported steel flooded the U.S. market. This represents an increase of 83 percent over the 23-million ton average for the previous eight years. This wave of imported steel substantially reduced demand for U.S. steel production, and brought about the devastating loss of employment for more than ten thousand American steelworkers.

The U.S. Department of Commerce has found dumping margins of up to 200 percent on Russian steel, up to 67 percent on Japanese steel, and up to 70 percent on steel from Brazil. Appropriate actions are being pursued to assess penalties against those responsible for this illegal dumping of steel. However, even if penalty tariffs are collected against those responsible for this illegal dumping, U.S. steel mills will not receive any compensation for the losses they have suffered. A number of U.S. steel plants have closed or declared bankruptcy since September of 1998, and a number of others are close behind.

Estimates are that jobs of tens of thousands of additional steelworkers are in danger unless this illegal dumping is stopped and those in the U.S. steel industry are able to meet their financial obligations in order to get back on their feet.

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

The Emergency Oil and Gas Guarantee program, as reported by the committee, provides a two-year, GATT-legal, five-hundred-million dollar guaranteed loan program to back loans provided by private financial institutions to qualified oil and gas producers and the associated oil and gas service industry, including Alaska Native Corporations. The minimum loan to be guaranteed for a single company at any one time would be $250,000, and the maximum would be $10,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, including the percentage of the guarantee, appropriate collateral, as well as loan amounts and interest rates thereon. Repayment of the loans guaranteed under this program would be required within ten years.

The committee makes these recommendations in response to the critical situation facing the domestic, independent oil and gas industry. Since the beginning of the most recent oil and gas crisis (January 1997), the industry has lost 42,500 jobs. Bankruptcies have fueled the closure of an estimated 136,000 wells. Twenty percent of total U.S. marginal well production has been jeopardized because of bankruptcies.

The economic slowdown in Asia led to depressed demand, and oversupply. The United Nation's Food for Oil program, which allows Iraq to sell additional oil in an already saturated market, further depressed prices. Every key indicator of domestic oil and gas industry's health—earnings, employment, production, rig counts, rig rates and seismic activity is down.

The committee notes that the United States was 36 percent dependent when the oil embargo of the 1970s hit. U.S. foreign oil consumption is estimated at 56 percent and could reach 68 percent by 2010 if $10 to $12 per barrel prices prevail. It has been predicted that half of marginal wells located in 34 states could be shut-in. Marginal wells produce less than 15 barrels of oil and day and are the most vulnerable to closure when prices drop. Yet, these wells, in aggregate, produce as much oil as we import from Saudi Arabia.

There is no current government loan program that will help the oil and gas producers and the oil and gas service industry. The industry tried to use our trade laws but without success. In 1994, when U.S. dependence upon foreign oil was 51 percent, a Department of Commerce section 232(b) Trade Expansion Act investigation report found that rising imports of foreign oil threaten to impair U.S. national security because they increase U.S. vulnerability to oil supply interruptions. President Clinton concurred with that finding. Unfortunately, little action to address the problem has been implemented.

Without an emergency loan program to get them through the current credit crunch there will be more bankruptcies, more lost jobs, and greater dependence on foreign oil.

OFFSET

The committee's recommendation includes a rescission of $270 million from the administrative and travel accounts of the object class entitled "Contractual Services and Supplies" in the non-defense category of the budget. This category includes such things as $7 billion for travel and transportation; over $7 billion for advisory and assistance services; $44 billion for a category called "other services"; and almost $30 billion for supplies and materials. The rescission shall be taken on a pro-rata basis from funds available to every Federal agency, department, and office in the Executive Branch, in the non-defense category. The Office of Management and Budget is required to submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, the Committee ordered reported en bloc, an original fiscal year 2000 Department of Defense Appropriations bill, the fiscal year 2000 section 302(b) allocation, and H.R. 1664, by recorded vote of 24-3, a quorum being present.

Yeas	Nays
Chairman Stevens	Mr. Dorgan
Mr. Cochran	Mrs. Feinstein
Mr. Domenici	Mr. Durbin
Mr. Bond	
Mr. Gorton	
Mr. McConnell	
Mr. Burns	
Mr. Shelby	
Mr. Gregg	
Mr. Bennett	
Mr. Campbell	
Mr. Craig	
Mrs. Hutchison	
Mr. Kyl	
Mr. Byrd	
Mr. Inouye	
Mr. Hollings	
Mr. Leahy	
Mr. Lautenberg	
Mr. Harkin	
Ms. Mikulski	
Mr. Reid	
Mr. Kohl	
Mrs. Murray	

BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All funds recommended in this bill are emergency funding requirements, offset herein.

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93-344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

FISCAL YEAR 1999 SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

[In millions of dollars]

	Budget authority	Outlays
Defense discretionary	....	....
Nondefense discretionary	−270	−108
Mandatory	....	....
Total	−270	−180
Five year projections: Outlays:		
Fiscal year 1999	....	−108
Fiscal year 2000	....	−162
Fiscal year 2001	....	....
Fiscal year 2002	....	....
Fiscal year 2003	....	....
Financial Assistance to State and Local Governments	....	....

Note: The above table includes mandatory and discretionary appropriations, and excludes emergency appropriations.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 25, 1999, the Federal debt stood at $5,600,993,485,850.44 (Five trillion, six hundred billion, nine hundred ninety-three million, four hundred eighty-five thousand, eight hundred fifty dollars and forty-four cents).

Five years ago, May 25, 1994, the Federal debt stood at $4,594,146,000,000 (Four trillion, five hundred ninety-four billion, one hundred forty-six million).

Ten years ago, May 25, 1989, the Federal debt stood at $2,779,572,000,000 (Two trillion, seven hundred seventy-nine billion, five hundred seventy-two million).

Fifteen years ago, May 25, 1984, the Federal debt stood at $1,489,052,000,000 (One trillion, four hundred eighty-nine billion, fifty-two million) which reflects a debt increase of more than $4 trillion—$4,111,941,485,850.44 (Four trillion, one hundred eleven billion, nine hundred forty-one million, four hundred eighty-five thousand, eight hundred fifty dollars and forty-four cents) during the past 15 years.

WIC FOR MILITARY FAMILIES

Mr. LEAHY. Mr. President, I have been circulating drafts of bills designed to provide WIC benefits to military personnel and to certain civilian personnel, stationed overseas, for a few weeks. I know that Senator HARKIN and other Senators on both sides of the aisle have also been working on this matter as have members of the other body.

I have received valuable input regarding my drafts from Members, national organizations and even personnel stationed overseas and I appreciate all who have helped. This bill introduction does not mean that I am no longer seeking input. On the contrary, as I have always handled nutrition legislation, I want to work with all Members on this important legislation, which I hope can be unanimously passed.

Basically, the Strengthening Families in the Military Service Act mandates that the Secretary of Defense offer a program similar to the WIC program—the Supplemental Nutrition Program for Women, Infants and Children—to military and associated civilian personnel stationed on bases overseas. If it makes sense to allow those stationed in the United States to participate in WIC, it makes sense to allow those stationed overseas to have the important nutritional benefits of that program. Why should families lose their benefits when they are moved overseas?

This bill provides that the Secretary of Defense will administer the program under rules similar to the WIC program administered by the Secretary of Agriculture within the United States.

WIC is celebrating its 25th anniversary this year. In fact, just a few weeks ago, I joined Senators LUGAR and TORRICELLI, the National Association of WIC Directors' Executive Director Doug Greenaway, as well as others, in celebrating this accomplishment.

For 25 years the WIC program has provided nutritious foods to low-income pregnant, post-partum and breast-feeding women, infants, and children who are judged to be at a nutritional risk.

It has proven itself to be a great investment—for every dollar invested in the WIC program, an estimated $3 is saved in future medical expenses. WIC has helped to prevent low birth weight babies and associated risks such as developmental disabilities, birth defects, and other complications. Participation in the WIC program has also been linked to reductions in infant mortality.

This program has worked extremely well in Vermont, and throughout the nation.

However, despite the successes of this program, there continues to be an otherwise eligible population who cannot receive these benefits—women and children in military families stationed outside of the United States.

These are families who are serving our country, living miles from their homes on a military base in a foreign land, and whose nutritional health is at risk. If they were stationed within our borders, their diets would be supplemented by the WIC program, and they would receive vouchers or packages of healthy foods, such as fortified cereals and juices, high protein products, and other foods especially rich in needed minerals and vitamins. If they receive orders stationing them at a U.S. base located in another country, they lose this needed support.

I know that I am not alone in my desire to establish WIC benefits for our women and children of military families stationed overseas. I look forward to working with all members of Congress in making a program that benefits nutritionally at risk women, infants and children serving America from abroad. I know there are other approaches being considered and I want to work out a good solution.

I have been informed of situations where this nutrition assistance is desperately needed by military and civilian personnel overseas. I do not see how we can turn our backs on these Americans stationed abroad. I am willing to work with other ways of providing this assistance but I believe that my bill has advantages over other suggestions. First, this bill guarantees this assistance for the next three years and mandates a study to determine if improvements or other changes are needed.

This bill also disregards the value of in kind housing assistance in calculating eligibility which increases the number of women, infants and children that can participate and makes the program more similar to the program in the United States. The CBO has estimated that the average monthly food cost would be about $28 for each participant based on a Department of Defense estimate of the cost of an average WIC food package in military commissaries. Administration costs which include health and nutrition assessments are likely to be about $7 per month per participant, according to CBO.

I am advised that counting the value of in kind housing assistance as though it were cash assistance would reduce the cost of this program to $2 million per year and that 5,100 women and children would participate in an average month under such an approach. This will be an issue which I look forward to discussing with my colleagues.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Families in the Military Service Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) prenatal care and proper nutrition for pregnant women reduces the incidence of birth abnormalities and low birth weight among infants;

(2) proper nutrition for infants and young children has very positive health and growth benefits; and

(3) women, infants, and children of military families stationed outside the United States are potentially at nutritional risk.

(b) PURPOSE.—The purpose of this Act is to ensure that women, infants, and children of military families stationed outside the United States receive supplemental foods and nutrition education if they generally would be eligible to receive supplemental foods and nutrition education provided in the United States under the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

SEC. 3. SPECIAL SUPPLEMENTAL NUTRITION BENEFITS FOR WOMEN, INFANTS, AND CHILDREN OF MILITARY FAMILIES STATIONED OUTSIDE THE UNITED STATES.

Section 1060a of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by striking subsections (a) through (e) and inserting the following:

"(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Agriculture, shall establish and carry out a program to provide, at no cost to the recipient, supplemental foods and nutrition education to—

"(1) low-income pregnant, postpartum, and breastfeeding women, infants, and children up to 5 years of age of military families of the armed forces of the United States stationed outside the United States (and its territories and possessions); and

"(2) eligible civilians serving with, employed by, or accompanying the armed forces outside the United States (and its territories and possessions).

"(b) ADMINISTRATION.—Except as otherwise provided in this section, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall operate the program under this section in a manner that is similar to the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(c) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Agriculture, shall promulgate regulations to carry out this section that are as similar as practicable to regulations promulgated to carry out the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966, but that take into account—

"(1) the need to use military personnel to carry out functions under the program established under this section, including functions relating to supplemental foods, nutrition education, eligibility determinations, oversight, enforcement, auditing, financial management, application reviews, delivery of benefits and program information, handling of local operations and administration, and reporting and recordkeeping;

"(2) the need to limit participation to certain military installations to ensure efficient program operations using funds made available to carry out this section;

"(3) the availability in foreign countries of exchange stores, commissary stores, and other sources of supplemental foods; and

"(4) other factors or circumstances determined appropriate by the Secretary of Defense, including the need to phase-in program operations during fiscal year 2000.

"(d) ADMINISTRATIVE RESPONSIBILITY.—

"(1) IN GENERAL.—The Secretary of Defense shall be responsible for the implementation, management, and operation of the program established under this section, including ensuring the proper expenditure of funds made available to carry out this section.

"(2) INVESTIGATION AND MONITORING.—The Inspectors General of the Armed Forces and the Department of Defense shall investigate and monitor the implementation of this section.

"(e) RECORDS.—The Secretary of Defense shall require that such accounts and records (including medical records) be maintained as are necessary to enable the Secretary of Defense to—

"(1) determine whether there has been compliance with this section; and

"(2) determine and evaluate the adequacy of benefits provided under this section.

"(f) REPORT.—

"(1) IN GENERAL.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit a report describing the implementation of this section to—

"(A) the Committee on Agriculture of the House of Representatives;

"(B) the Committee on Armed Services of the House of Representatives;

"(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

"(D) the Committee on Armed Services of the Senate.

"(2) CONTENTS OF REPORT.—The report under paragraph (1) shall include a description of participation rates, typical food packages, health and nutrition assessment procedures, eligibility determinations, management difficulties, and benefits of the program established under this section.

"(g) FUNDING.—

"(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Defense to carry out this section—

"(A) $8,000,000 for fiscal year 2000;

"(B) $12,000,000 for fiscal year 2001; and

"(C) $12,000,000 for fiscal year 2002.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary of Defense shall be entitled to receive the funds and shall accept the funds, without further appropriation.".

IMPORTED FOOD SAFETY ACT

Mr. FRIST. Mr. President, I rise to join with Senator COLLINS in introducing S. 1123, the Imported Food Safety Act of 1999. This legislation will address a growing problem that affects everyone in this nation, the safety of the food that we eat.

The Centers for Disease Control and Prevention estimates as many as 9,100 deaths are attributed to foodborne illness each year in the United States. In addition there are tens of millions of cases of foodborne illness that occur, the majority of which go unreported due to the fact that they are not severe enough to warrant medical attention.

The legislation that Senator COLLINS and I have crafted will target one of the most critical areas in helping to
provide Americans with the safest foc
possible—the safety of imported fooc
The CDC has recognized that as trac
and economic development increase
the globalization of food supplies
likely to have an increasing impact o
foodborne illnesses.

Currently, one-half of all the seafoc
and one-third of all the fresh fruit cor
sumed in the U.S. comes from oversea
In fact, since the 1980's food imports t
the U.S. have doubled, but federal ir
spections by Food and Drug Adminis
tration have dropped by 50 percent.

Over the years there have bee
foodborne pathogen outbreaks involv
ing raspberries from Guatemala, straw
berries from Mexico, scallions, parsle
and cantaloupes from Mexico, carrot
from Peru, coconut milk from Tha
land, canned mushrooms from Chin
and others. These outbreaks have ser
ous consequences. The Mexican froze
strawberries I have just noted were dis
tributed in the school lunch program
in several states, including my hom
state of Tennessee, were attributed t
causing an outbreak of Hepatitis A i
March of 1997.

The Collins-Frist bill will do severa
vital things to safeguard against poter
tially dangerous imported food. Th
bill would allow the U.S. Custom
Service, using a system established b
FDA, to deny entry of imported foo
that has been associated with repeate
and separate events of foodborne dis
ease.

The bill would also allow the FDA t
require food being imported by entitie
with a history of import violations t
be held in a secure storage facilit
pending FDA approval and Customs re
lease.

To improve the surveillance of im
ported food, we authorize CDC to ente
into cooperative agreements and pro
vide technical assistance to the State
to conduct additional surveillance an
studies to address critical questions fo
the prevention and control o
foodborne diseases associated with im
ported food, and authorize CDC to con
duct applied research to develop new o
improved diagnostic tests for emergin
foodborne pathogens in human speci
mens, food, and relevant environ
mental samples.

These are just a few of the many pro
visions in this bill that will help im
prove the quality and safety of the im
ported food that we consume ever
day. I applaud the leadership of my col
league, Senator COLLINS, who as Chair
man of the Senate Permanent Sub
committee on Investigations held
comprehensive hearings last year or
the issue of food safety. As Chairma
of the Senate Subcommittee on Publi
Health, I look forward to working wit
Senator COLLINS and the rest of m
colleagues on the issue of food safet
and our overall efforts in improvin

our Nation's public health infrastructure. We must continue to fight infectious diseases and ensure that this legislation is enacted to help protect our citizens and provide them with the healthiest food possible.

AGRICULTURAL TRADE FREEDOM ACT

Mr. LEAHY. Mr. President, I would like to take a moment to voice my support for S. 566, the Agricultural Trade Freedom Act, which was passed out of the Senate Committee on Agriculture, Nutrition and Forestry this morning on a 17–1 vote. I appreciate Senator LUGAR's strong leadership on these trade and international issues.

More than any other industry in America, agriculture is extremely dependent on international trade. In fact, almost one-third of our domestic agricultural production is sold outside of the United States. Clearly, a strong international market for agricultural commodities is therefore of utmost importance to our agriculture economy.

As those of us who herald from agricultural states know, the business of agriculture in America reaches far beyond farmers alone. There are many rural businesses, such as feed stores, machinery repair shops and veterinarians, who depend on a strong agricultural economy. And when we discuss international trade, there are many national businesses, such as agricultural exporters, which are greatly impacted by our trade policies.

Despite the importance of these international markets, agricultural commodities are occasionally eliminated from potential markets because of U.S. imposed unilateral economic sanctions against other countries. These economic sanctions are imposed for political, foreign policy reasons. Yet there is little to show that the inclusions of agricultural commodities in these sanctions actually have had the intended results. The question now emerging from this policy is who is actually hurt by the ban on exporting commercial agricultural commodities, and should it continue?

American farmers and exporters obviously face an immediate loss in trade when unilateral economic sanctions are imposed. Perhaps even more devastating, however, is the long-term loss of the market. Countries who need agricultural products do not wait for American sanctions to be lifted; they find alternative markets. This often leads to the permanent loss of a market for our agriculture industry, as new trading partnerships are established and maintained.

Our farmers, and the rural businesses and agriculture exporters associated with them, are consequently greatly hurt by this policy. The Agricultural Trade Freedom Act corrects this problem by exempting commercial agricultural products from U.S. unilateral economic sanctions. The exemption of commercial agricultural products is not absolute; the President can make the determination that these items are indeed a necessary part of the sanction for achieving the intended foreign policy goal. In this situation, the President would be required to report to Congress regarding the purposes of the sanctions and their likely economic impacts.

Recently, the administration lifted restrictions on the sale of food to Sudan, Iran and Libya—all countries whose governments we have serious disagreements with. It did so, and I am among those who supported that decision, because food, like medicines, should not be used as a tool of foreign policy. It is also self-defeating. While our farmers lost sales, foreign farmers made profits.

Unfortunately, the administration did not see fit to apply the same reasoning to Cuba. American farmers cannot sell food to Cuba, even though it is only 90 miles from our shores and there is a significant potential market there. This contradiction is beneath a great and powerful country, and Senator LUGAR's legislation would permit such sales. The administration should pay more attention to what is in our national interests, rather than to a tiny, vocal minority who are wedded to a policy that has hurt American farmers and the Cuban people.

The Agricultural Trade Freedom Act maintains the President's need for flexibility in foreign policy while simultaneously recognizing the impact that sanctions may have on the agricultural economy. This legislation is supported by dozens of organizations including the National Association of State Departments of Agriculture, the U.S. Dairy Export Council, the National Milk Producers Federation, and the National Farmers Union.

In closing, I would like to thank Senator LUGAR for his leadership on this issue. I was pleased to join with him, the ranking member, Senator HARKIN, the Democratic Leader, Senator DASCHLE, Senator CONRAD and others in this effort, and I look forward to working with them and all members of the Senate to see that this measure becomes law.

THE GUN SHOW LOOPHOLE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that a copy of a letter from the International Brotherhood of Police Officers, in support of my amendment to close the gun show loophole, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Alexandria, VA, May 19, 1999.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International. The IBPO is the largest police union in the AFL-CIO.

On behalf of the entire membership of the IBPO, I am writing to express our support for your amendment that would close the gun show loophole. Every year, there are approximately 4,000 gun shows across the country where criminals can buy guns without a background check. This problem arises because while federally-licensed dealers sell most of the firearms at these shows, about 25 percent of the people selling firearms are not licensed and they are not required to comply with the background check as mandated by the Brady Law.

The "Lautenberg amendment" will close the gun show loophole and help law enforcement trace illegal firearms. The police officer on the street understands that this legislation is needed to help shut down the deadly supply of firearms to violent criminals.

Sincerely,

KENNETH T. LYONS,
National President.

FINANCIAL SERVICES MODERNIZATION ACT OF 1999

Mr. BRYAN. Mr. President, I want to voice my disagreement with a portion of Senate Report Number 106–44, which accompanied S. 900, the Financial Services Modernization Act of 1999. The Report describes an amendment that I offered that was adopted by a unanimous vote of the Senate Banking Committee during its consideration of S. 900. I want to explain what I intend that amendment to mean and how I intend its language to be interpreted.

At issue is the standard for determining whether State laws, regulations, orders and other interpretations regulating the sale, solicitation and cross-marketing of insurance products should be preempted by federal laws authorizing insurance sales by insured depository institutions and their subsidiaries and affiliates. Since the inception of the national banking system, the insurance sales powers of national banks have been heavily restricted. In addition, since the inception of the insurance industry in this country, the States have been the virtually exclusive regulators of that business. Although S. 900 seeks to tear down the barriers that separate the banking, insurance and securities industries, at the same time it seeks to preserve functional regulation. This means that the extensive regulatory systems that have been developed to protect consumer interests in each area of financial services should be retained.

For that reason, one of the principles of the proposed legislation is to ensure that the activities of everyone who engages in the business of insurance should be functionally regulated by the

States. After all, the States are the sole repository of regulatory expertise in this area. During my review of the Committee Print before the mark-up and during my conversations with my Senate colleagues, it became evident that the Committee Print's provisions regarding the preemption of State insurance laws and regulations did not adhere to this principle. The Committee Print disregarded the Supreme Court's holding in *Barnett Bank of Marion County, N.A.* v. *Nelson*, 517 U.S. 25 (1996), regarding the standard for preempting State regulation of insurance sales activity.

I therefore introduced an amendment that replaced the Committee Print's insurance sales preemption provisions with substitute provisions based on the Supreme Court's Barnett standard. My amendment deleted all of the provisions in the Committee Print regarding the permissible scope of state regulation of the insurance sales activities of insured depository institutions, their subsidiaries and affiliates. My amendment substituted language that had been developed and analyzed during prior considerations of these issues in previous Congresses, in particular during senate consideration of H.R. 10 last year.

The core preemption standard included in my amendment now appears as Section 104(d)(2)(A) of S. 900. It states:

> In accordance with the legal standards for preemption set forth in the decision of the Supreme Court of the United States in *Barnett Bank of Marion County N.A.* v. *Nelson*, 116 U.S. 1103 (1996), no State may, by statute, regulation, order, interpretation, or other action, prevent or significantly interfere with the ability of an insured depository institution, or a subsidiary or affiliate thereof, to engage, directly or indirectly, either by itself or in conjunction with a subsidiary, affiliate, or any other party, in any insurance sales, solicitation, or cross-marketing activity.

The “prevent or significantly interfere” language was taken directly from the Supreme Court's Barnett decision and is intended to codify that decision. No further amplification of the standard was included because my colleagues and I intended to leave the development of the interpretation of that standard to the courts.

There is a great deal of disagreement among both regulators and members of the affected industries as to the manner in which the standard should be amplified. Indeed, State insurance regulators and significant portions of the insurance industry did not support the usage of the “significant interference” test at all but instead sought a clarification, supported by the Barnett opinion, that only state laws and regulations that “prohibit or constructively prohibit” an insured depository institution, or an affiliate or subsidiary of an insured depository institution, from engaging in insurance sales activities should be preempted.

Mr. SARBANES. I wish to associate myself with the statements of my colleague, Senator Bryan, the author of the amendment adopted by the Banking Committee. My understanding in voting for his amendment was that it codified the Barnett Bank standard for preemption of State laws. The Committee Report accompanying S. 900 seeks to amplify, or put a gloss on, the Barnett Bank standard. I would like to ask the Senator from Nevada whether the gloss put on the “prevent or significantly interfere” standard in the Committee Report is in keeping with his amendment.

Mr. BRYAN. My colleague from Maryland asks a perceptive question. The Committee Report attempts to clarify the core preemption standard in a way that is contrary to the meaning of the provision. Page 13 of the Report states that State laws are preempted not only if they “‘prevent or significantly interfere’ with a national bank's exercise of its powers” but also if they “‘unlawfully encroach’ on the rights and privileges of national banks;” if they “‘destroy or hamper’ national banks' functions;” of if they “‘interfere with or impair’ national banks' efficiency in performing authorized functions.” The clauses after the initial restatement of the standard are paraphrases of the holdings of the cases cited in Barnett.

As I noted earlier, I intentionally omitted any amplification of the Barnett standard. In addition, the last paraphrase (regarding “efficiency”) is correct and harmful. It is incorrect because it implies that it applies to any authorized function. In fact, the case cited by the Supreme Court in Barnett said that a State cannot impair a national bank's ability to discharge its duties to the government. The last paraphrase is harmful because it could dramatically expand the scope of the preemption provision. It could do so if read to prohibit the application of any State law that impairs a national bank's or its affiliate's or subsidiary's efficiency in selling insurance. The Barnett opinion does not support any such reading. Moreover, if this language had been suggested as an amendment to my amendment, I would not have supported it nor would the majority of my colleagues.

The Committee Report also lists several examples of State law provisions that the Report states should be preempted under the standard, incorporated into S. 900. As noted above, this violates my intent in offering an amendment based on the Barnett standard. For example, page 13 of the Committee Report states that an “example of a State law that would be preempted under the standard set forth in subsection 104(d)(2)(A) would be a statute that limits the volume or portion of insurance sales made by an insurance agent on the basis of whether such sales are made to customers of a insured depository institution or an affiliate of the agent.” I strongly disagree. State statutes that limit sale in this manner or that effectively require all insurance agents to engage i public insurance agency activities, an not limit their sales efforts to thei captive customers, are not preempte under the Section 104(d)(2)(A) preemption standard.

In addition, page 14 of the Committe Report offers a requirement that insurance activities take place more tha 100 yards from a teller window as a example of a State law provision tha would be preempted. I wish to not that less restrictive provisions tha merely require the physical separatio of insurance activities from other activities within a bank are not preempted under the Section 104(d)(2)(A preemption standard. The intent underlying the amendment was to leav these determinations of what is or i not preempted to the courts, based o the applicable legal standards identified in Barnett.

Finally, I fell compelled to note tha page 15 of the Committee Report state that nothing in the preemption provisions can be read to require licensur of the bank itself, only of employee acting as agents. While this is technically true, it creates some potentia confusion with the core licensure requirement. This should be read as allowing institution licensure so long a that licensure does not “prevent or significantly interfere with” the exercis of authorized insurance sales powers.

Mr. SARBANES. I would like t point out that the language of th amendment offered by my colleagu from Nevada was previously explaine in the Report of the Banking Committee that accompanied H.R. 10 las year. For State laws that fall outsid the 13-point safe harbor, the bill doe not limit in any way the application o the Supreme Court's Barnett Bank decision. State laws outside the safe harbor could be challenged under that decision. This year's Committee Repor incorrectly describes the standard tha State laws must meet under Barnett Bank in order to avoid being preempted.

Mr. BRYAN. In closing, I should sa that I would have brought my concern regarding the Committee Report language directly to the Committee Chairman, Senator GRAMM, and his staff bu I did not have the opportunity to rea the Committee Report language discussing my amendment prior to it publication.

MESSAGES FROM THE PRESIDENT

Messages from the President of th United States were communicated t the Senate by Mr. Williams, one of hi secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 26. Joint resolution expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3291. A communication from the Director, Corporate Audits and Standards, Accounting and Information Management Division, General Accounting Office, transmitting, pursuant to law, the report of financial statements for the Congressional Award Foundation for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC–3292. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Serviçes, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption", received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3293. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3294. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; Increased Assessment Rate" (Docket No. FV99–915–1–FR), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3295. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Increase in Assessment Rate" (Docket No. FV99–989–2–FIR), received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3296. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Quarantined Areas and Treatment" (Docket No. 98–125–1), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3297. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Spinosad; Pesticide Tolerance (FRL 3 6081–8)" and "Tebuconazote: Pesticide Tolerance for Emergency Exemption (FRL # 6079–1)", received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3298. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3299. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revised Restrictions on Assistance to Noncitizens-Final Rule (FR–4154)" (RIN2501–AC36), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3300. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Interim Rule (FR–4428)" (RIN2577–AB91), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3301. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations, 64 FR 24517, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3302. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility, 64 FR 24512, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3303. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations, 64 FR 24516, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3304. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations, 64 FR 24515, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3305. A communication from the Director of the Experimental Program to Stimulate Competitive Technology, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Experimental Program to Stimulate Competitive Technology" (RIN0692–ZA02), received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3306. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery: Trip Limit Adjustments", received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3307. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States-Announcement That the 1999 Summer Flounder Commercial Quota Has Been Harvested for Maine", received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3308. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States-Final Rule to Implement Framework Adjustment 27 to the Northeast Multispecies Fisheries Management Plan and 1999 Target Total Allowable Catch" (RIN0648–AL72), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3309. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Amendment 3" (RIN0648–AK21), received April 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3310. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance for Research and Development Projects in the Northeast Coastal States; Marine Fisheries Initiative (MARFIN)" (RIN0648–ZA62), received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3311. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Halibut and Sablefish Fisheries Quota-Share Loan Program; Final Program Notice and Announcement of Availability of Federal Financial Assistance" (RIN0648–ZA63), received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3312. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Exclusive Economic Zone off Alaska; Hired Skipper Requirements for the Individual Fishing Quota Program" (RIN0648–AK20), received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3313. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 13" (RIN0648–AK83), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Swordfish Fishery; Dealer Permitting and Import Documentation Requirements" (RIN0648-AK39), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3315. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands", received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3316. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Service Contracts Subject to the Shipping Act of 1984" (FMC Docket No. 98-30), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3317. A communication from the Director, Resource Management and Planning Staff, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Market Development Cooperator Program" (RIN0625-ZA05), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3318. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service" (FCC 97-411) (CC Docket No. 96-45), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3319. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order: In the Matter of 1998 Biennial Regulatory Review—'Annual Report of Cable Television Systems', Form 325 Filed Pursuant to Section 76.403 of the Commission's Rules" (FCC 99-13) (CS Docket No. 98-61), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3320. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order: In the Matter of Satellite Delivery of Broadcast Network Signals under the Satellite Home Viewer Act" (FCC 99-14) (CS Docket No. 98-201), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3321. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 17 and 87 of the Commission's Rules Concerning Aviation Radio Service and Antenna Structure Construction, Marking and Lighting" (FCC 99-40) (WT Docket No. 96-1 and 96-211), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3322. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 13 and 80 of the Rules Concerning the Global Maritime Distress and Safety System" (FCC 98-180) (PR Docket No. 90-480), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3323. A communication from the Chief, Competitive Pricing Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Defining Primary Lines" (CC Docket No. 97-181), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3324. A communication from the Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Second Extension of Computer Reservations System Rules" (RIN2105-AC75), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to the Air Force Academy; to the Committee on Armed Services.

EC-3326. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to the Civil Engineer Squadron at MacDill Air Force Base; to the Committee on Armed Services.

EC-3327. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the U.S. Emergency Refugee and Migration Assistance Fund; to the Committee on Foreign Relations.

EC-3328. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule relative to the Schedule of Fees for Consular Services, received May 24, 1999; to the Committee on Foreign Relations.

EC-3329. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Inspector General's semiannual report for the period October 1, 1998 through March 31, 1999; to the Committee on Governmental Affairs.

EC-3330. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received May 24, 1999; to the Committee on Governmental Affairs.

EC-3331. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Part 36 Irradiator Licenses", dated January 1999; to the Committee on Environment and Public Works.

EC-3332. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, two reports relative to the 1997 Toxics Release Inventory; to the Committee on Environment and Public Works.

EC-3333. A communication from the Acting Assistant Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Landownership Adjustments: Land Exchanges," received May 10, 1999; to the Committee on Energy and Natural Resources.

EC-3334. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to a visitor center for the Upper Delaware Scenic and Recreational River; to the Committee on Energy and Natural Resources.

EC-3335. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to the Saint-Gaudens National Historic Site to the Committee on Energy and Natural Resources.

EC-3336. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Appeals of MMS Orders" (RIN1010-AC21), received May 6, 1999; to the Committee on Energy and Natural Resources.

EC-3337. A communication from the Senior Civilian Official, Command, Control, Communications, and Intelligence, Department of Defense, transmitting, pursuant to law, a report relative to Year 2000 capabilities of DoD systems within operational environments; to the Committee on Armed Services.

EC-3338. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the status of the U. S. Parole Commission; to the Committee on the Judiciary.

EC-3339. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to judgeship needs in the U.S. courts of appeals and U.S. district courts; to the Committee on the Judiciary.

EC-3340. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled "Federal Courts Improvement Act of 1999"; to the Committee on the Judiciary.

EC-3341. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Application for Refugee Status; Acceptable Sponsorship Agreement and Guaranty of Transportation" (RIN1115-AF49) (INS No. 1999-99), received May 24, 1999; to the Committee on the Judiciary.

EC-3342. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries" (RIN1115-AF14) (INS No. 1915-98), received May 24, 1999; to the Committee on the Judiciary.

EC-3343. A communication from the Attorney General, transmitting, pursuant to law, a report entitled the "Triennial Comprehensive Report on Immigration"; to the Committee on the Judiciary.

EC-3344. A communication from the Interim Staff Director, United States Sentencing Commission, transmitting, pursuant to law, a report relative to the use of encryption or scrambling technology by Federal offenders; to the Committee on the Judiciary.

EC-3345. A communication from the Acting Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Forfeiture Act of 1999"; to the Committee on the Judiciary.

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. LUGAR, for the Committee on Agriculture, Nutrition, and Forestry:

Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2003.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself and Mr. COVERDELL):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. HATCH, and Mr. MACK):

S. 1125. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 1126. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1127. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Finance.

By Mr. KYL (for himself, Mr. KERREY, Mr. NICKLES, Mr. BREAUX, Mr. MACK, Mr. ROBB, and Mr. GRAMM):

S. 1128. A bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets; to the Committee on Finance.

By Mr. DOMENICI:

S. 1129. A bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. BOND, Mr. BURNS, Mr. GORTON, and Mr. INHOFE):

S. 1130. A bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. EDWARDS (for himself and Mr. HAGEL):

S. 1131. A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction; to the Committee on Finance.

By Mr. GRAMS:

S. 1133. A bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH:

S. 1134. An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. WYDEN:

S. 1135. A bill to amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communication in which a candidate attacks an opponent of the candidate unless the candidate does so in person; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1136. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Finance.

By Mrs. BOXER:

S. 1137. A bill to amend the Clayton Act to enhance the authority of the Attorney General of the United States to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. GORTON, Mr. BENNETT, Mr. LOTT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORUM, Mr. SMITH of Oregon, and Mr. LIEBERMAN):

S. 1138. A bill to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce; read the first time.

By Mr. REID (for himself and Mr. FRIST):

S. 1139. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. REID):

S. 1140. A bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1141. A bill to suspend temporarily the duty on triethyleneglycol bis(2-ethyl hexanoate); to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BREAUX (for himself, Mr. MURKOWSKI, Mr. MACK, and Mr. JOHNSON):

S. Res. 108. A resolution designating the month of March each year as "National Colorectal Cancer Awareness Month"; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 35. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. COVERDELL):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; to the Committee on Finance.

TEACHER PROFESSIONAL DEVELOPMENT ACT

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1127. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Finance.

TEACHER DEDUCTION FOR INCIDENTAL EXPENSES ACT

Ms. COLLINS. Mr. President, today, Senator COVERDELL and I are introducing two bills that will help teachers who spend their personal funds in order to improve their teaching skills and to provide quality learning materials for their students. I am going to discuss the first of those bills, the Teachers' Professional Development Act.

I am very pleased to be joined by my colleague from Georgia, Senator COVERDELL, in presenting this response to the critical need of our elementary and secondary schoolteachers for more professional development.

Other than involved parents, a well-qualified teacher is the most important element of student success. Educational researchers have repeatedly demonstrated the close relationship between well-qualified teachers and successful students. Moreover, teachers themselves understand how important professional development is to maintaining and expanding their level of competence. When I meet with Maine teachers, they tell me of their need for more professional development and the scarcity of financial support for this worthwhile pursuit.

In Maine, we have seen the results of a strong, sustained professional development program on student achievement in science and math. With support from the National Science Foundation, the U.S. Department of Education, the State of Maine, private foundations, the business community, and colleges in our State, the Maine Mathematics and Science Alliance established a statewide training program for teachers. The results have been outstanding.

While American students, overall, performed at the bottom of the Third International Science and Mathematics Study, Maine students outperformed the students of all but one of the 41 participating nations. The professional development available to Maine's science and math teachers undoubtedly played a critical role in this tremendous success story. Unfortunately, however, this level of support for professional development is the exception and not the rule.

The willingness of Maine's teachers to fund their own professional development activities has impressed me deeply. For example, an English teacher who serves as a member of my Educational Policy Advisory Committee told me of spending her own money to attend a curriculum conference. She then came back to her high school and shared the results of this curriculum conference with all the other teachers in her English department. She is typical of the many teachers throughout the United States who generously reach within their own pockets to pay for their own professional development to make them even better, even more effective at their jobs.

I firmly believe that we should encourage our educators to seek professional training, and that is the purpose of the legislation I am introducing today. The Collins-Coverdell legislation would help teachers to finance professional development by allowing them to deduct from their taxable income such expenses as conference fees, tuitions, books, supplies, and transportation associated with qualifying programs. Under the current law, teachers may only deduct these expenses if they exceed 2 percent of their income. My bill would eliminate this 2 percent floor and allow all of the professional development expenses to be deductible.

I greatly admire the many teachers who have voluntarily financed the additional education they need to improve their skills and to serve their students better. I hope that this legislation will encourage teachers to continue to take courses in the subject areas that they teach, to complete graduate degrees in either their subject area or in education, and to attend conferences to get new ideas for presenting course work in a challenging manner. This bill would reimburse our teachers for a very small part of what they invest in our children's future. This would be money well spent.

Investing in education is the surest way for us to build one of our most important assets for our country's future, and that is a well-educated population. We need to ensure that our nation's elementary and secondary school teachers are the best possible so that they can bring out the best in our students. Adopting this legislation would help us to accomplish this goal.

I urge my colleagues to support these efforts, and I look forward to working with my colleagues in assuring enactment of this legislation.

Thank you, Mr. President.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. HATCH, and Mr. MACK):

S. 1125. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS MERGER REVIEW ACT OF 1999

Mr. MCCAIN. Mr. President, I rise this morning to introduce The Telecommunications Merger Review Act of 1999, which will make the government's review of telecommunications industry mergers more coherent and effective.

It seems like hardly a week goes by without the announcement of yet another precedent-setting merger in the telecommunications industry. Consumers are right to be concerned about the possible effects of these mergers, and the Congress is right to be concerned that government review of these mergers is careful and consistent in keeping consumer interests uppermost.

The urgent need for competence and clarity in reviewing telecom industry mergers highlights a glaring problem in the current system. That problem, Mr. President, arises from the fact that different agencies sequentially go over the same issues, and, after considerable delay, can make radically different decisions on the same sets of facts.

Two of these agencies, the Department of Justice and the Federal Trade Commission, have extensive expertise in analyzing the competition-related issues that are involved in mergers, and they approach the merger review process with a great deal of professionalism and efficiency. The third agency, the Federal Communications Commission, has comparatively little expertise in these issues, and only limited authority under the law.

Nevertheless, the FCC has bootstrapped itself into the unintended role of official federal dealbreaker. How? By using its authority to impose conditions on the FCC licenses that are being transferred as part and parcel of the overall merger deal. Because the FCC must pre-approve all license transfers, its ability to pass on the underlying licenses gives it a chokehold on the parties to the merger. And it uses that chokehold to prolong the process and extract concessions from the merging parties that oftentimes have very little, if anything, to do with the merger itself.

Mr. President, many people might ask, what's so bad about that? Won't the FCC's conditions make sure that consumer interests are served? The short answer is, the FCC is simply duplicating the review and that the Department of Justice performs with much more competence and efficiency. About the best you can say is that the FCC is wasting valuable resources that could more productively be spent elsewhere. But the real harm lies in the fact that the FCC is foisting needless burdens and restrictions on the merging companies that translate into higher costs for consumers.

The FCC tries to defend its efforts by arguing that its job is really different from DOJ's—that DOJ makes sure that a merger won't harm competition, while the FCC makes sure that the same merger will help competition. In other words, according to the FCC, DOJ looks at a merger's effect on business; the FCC looks at its effect on people. For example, last week FCC Chairman Kennard gave a speech in which he proclaimed that, despite the strain these merger reviews were imposing on the agency, "We will not rest until on each transaction we can articulate to the American public what are the benefits of this merger to average American consumers, because I believe that's what the public-interest review requires."

If that's true, I have good news for Chairman Kennard—he can take a rest, because DOJ is doing exactly the same thing. In a separate speech last week Assistant Attorney General Joel Klein, DOJ's chief merger review official, said that what most people do not understand (including, evidently, the FCC), is that "everything we do in antitrust . . . is consumer driven." He then went on to say precisely what that means:

> We are a unique federal agency. Our interest is to protect what the economists call consumer welfare. And there is one simple truth that animates everything we do, and that is competition—the more people chasing after the consumer, to serve him or her better, to get lower prices, to get new innovations, to create new opportunities—the more of that juice that goes through the system, the better.

To be accurate, there is one big difference between the way the FCC and the DOJ do merger reviews: DOJ is infinitely better at it. Two weeks ago the FCC's already-faltering merger review process hit rock-bottom when a staff member (an ostensible antitrust expert) heading up the FCC's review of the SBC-Ameritech merger (which DOJ has already approved) publicly proclaimed that, unless the FCC imposed major conditions, the proposed transaction "flunks the public interest test." An "unnamed agency spokeswoman" then cheerfully agreed that a majority of the Commissioners shared the same view.

Can you imagine either the FTC or DOJ countenancing such happenings during the course of their merger review processes? I think not. This appallingly unprofessional behavior by the FCC staff drove the value of SBC and Ameritech stock down over $2 billion, and it confirmed that, if this is what passes for FCC merger review "expertise," the FCC has no business being in it.

Mr. President, this bill will restore integrity and professionalism to federal review of telecommunications industry mergers. It does not touch either DOJ's or FTC's broad authority to review all mergers, including all telecommunications industry mergers. It would make sure that any FCC concerns are heard by incorporating the FCC into DOJ and FTC merger review proceedings. Nor does it touch the FCC's broad authority to adopt and enforce rules to govern the behavior of telecommunications companies. What it does do is tell the FCC that, in cases where either DOJ or FTC has reviewed a proposed telecommunications merger and stated in writing no intent to intervene, the FCC must follow the determination of these expert agencies and transfer any FCC licenses without further delay.

Under this bill the FCC may independently review proposed mergers when neither DOJ nor FTC states in writing its intent not to intervene. Nevertheless, because DOJ and FTC review all mergers and have authority to intervene in any merger, their nonintervention is any proposed merger appropriately signifies that they find the transaction at issue is unobjectionable. Therefore, any FCC review in such cases is subject to a strict 60-day deadline, and the FCC is directed to presume approval without attaching further conditions or obligations on any of the parties. Nothing (except extreme unlikelihood) would preclude the FCC from rebutting the presumption with hard facts, nor would the FCC be precluded from subsequently exercising its existing enforcement and rulemaking prerogatives to deal with any unanticipated problems.

Mr. President, we can streamline the way the federal government reviews telecom industry mergers and still safeguard the public interest. That's what this bill is intended to do by eliminating bureaucratic mismanagement while preserving essential federal review and enforcement prerogatives. I urge my colleagues to give it careful consideration and support.

This bill, the Telecom Merger Review Act of 1999, would do nothing to change the authority that the Department of Justice and the Federal Trade Commission currently have to review all telecom industry mergers.

Mr. President: I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Merger Review Act of 1999".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A stated intent of the Congress in enacting the Telecommunications Act of 1996 was to reduce regulation.

(2) Under existing law, the Department of Justice and the Federal Trade Commission exercise primary authority to review all mergers, including telecommunications industry mergers. The Federal Communications Commission has only limited authority under the Clayton Act to review telecommunications industry mergers.

(3) The Department of Justice and the Federal Trade Commission have extensive expertise in analyzing issues of industry concentration and its effects on competition. The Federal Communications Commission has only limited expertise in analyzing such issues.

(4) Notwithstanding the limitations on its Clayton Act jurisdiction and on its substantive expertise, the Federal Communications Commission exercises broad authority over telecommunications industry mergers pursuant to the nonspecific public interest standard and other provisions in the Communications Act of 1934 that allow it to impose terms and conditions on the assignment and transfer of licenses and other authorizations.

(5) The Federal Communications Commission's exercise of broad authority over telecommunications industry mergers overreaches its intended statutory authority and its substantive expertise and produces delay and inconsistency in its decisions.

(6) Under existing law, parties to a proposed telecommunications industry merger are unable to proceed without the prior approval of the Federal Communications Commission, even if the Department of Justice or the Federal Trade Commission have already approved the merger.

(7) The Federal Communications Commission's existing rulemaking and enforcement prerogatives constitute normal and effective means of assuring that all licensees, including parties to a telecommunications industry merger, operate in the public interest.

(8) The primary jurisdiction and preeminent expertise of the Department of Justice and the Federal Trade Commission on all matters involving industry concentration and its effects on competition, combined with the Federal Communications Commission's existing rulemaking and enforcement prerogatives, make the exercise of separate telecommunications industry merger approval authority by the Federal Communications Commission unnecessary.

(9) Because the duplication of effort, inconsistency, and delay resulting from the Federal Communications Commission's review of telecommunications industry mergers is unnecessary, it imposes unwarranted costs on the industry, on the Commission, and on the public, and it fails to serve the public interest.

SEC. 3. REPEAL OF MERGER APPROVAL AUTHORITY.

Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking "in the Federal Communications Commission where applicable to common carriers engaged in wire or radio communication or radio transmission of energy;".

SEC. 4. REPEAL OF AUTHORITY TO CONDITION LICENSES, ETC.

(a) Basic Administrative Authority.—Section 4(i) of the Communications Act of 1934 (15 U.S.C. 154(i)) is amended by adding at the end thereof the following: "The authority of the Commission to impose terms or conditions on the transfer or assignment of any license or other authorization assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.".

(b) Public Convenience and Necessity.—Section 214(c) of the Communications Act of 1934 (47 U.S.C. 214(c)) is amended by inserting after "require." the following: "The authority of the Commission to impose terms or conditions on the transfer or assignment of any such certificate assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.".

(c) Restrictions and Conditions Necessary To Carry Out 1934 Act; Treaties; International Conventions.—Section 303(r) of the Communications Act of 1934 (47 U.S.C. 303(r)) is amended by adding at the end thereof the following: "The authority of the Commission under this paragraph to impose terms or conditions on the transfer or assignment of any license or other authority assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.".

(d) Alien-operated Amateur Radio Stations.—Section 310(d) of the Communications Act of 1934 (47 U.S.C. 310(d)) is amended by adding at the end thereof the following: "The authority of the Commission to impose terms or conditions on the transfer or assignment of any authorization issued under this section that is assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.".

(e) Preservation of Competition in Commerce.—Section 314 of the Communications Act of 1934 (47 U.S.C. 314) is amended to read as follows:

"SEC. 314. PRESERVATION OF COMPETITION IN COMMERCE.

"(a) In General.—Notwithstanding any other provision of law, the Commission has no authority to review a merger or other transaction, or to impose any term or condition on the assignment or transfer of any license or other authorization issued under this Act that is proposed to be assigned or transferred in the course of a merger or other transaction, while that merger or other transaction is subject to review by either the Department of Justice or the Federal Trade Commission.

"(b) COMMUNICATIONS MERGERS PRIMARILY REVIEWABLE BY DOJ AND FTC.—The Department of Justice, or the Federal Trade Commission, has primary authority under existing law to review mergers and other transactions involving the proposed assignment or transfer of any license or other authorization issued under this Act. The Commission may file comments in any proceeding before the Department of Justice or the Federal Trade Commission to review a merger or other transaction involving the proposed assignment or transfer of any license or other authorization issued under this Act if those comments reflect the views of a majority of the Commission.

"(c) COMMISSION SHALL IMPLEMENT DOJ OR FTC DECISION WITHOUT ADDITIONAL TERMS OR CONDITIONS.—If—

"(1) the Department of Justice or the Federal Trade Commission reviews a merger or other transaction involving the proposed assignment or transfer of any license or other authorization issued under this Act; and

"(2) it issues a written decision of absolute or conditional approval of, or issues a written statement of nonintervention in, the proposed merger or other transaction,

then the Commission shall authorize the assignment or transfer of any license or other authorization involved in the merger or transaction in accordance with the decision, if any, or as proposed, if a written statement of nonintervention is issued. The Commission may not impose any other term or condition on the assignment or transfer of the license or other authorization so assigned or transferred, or impose any other obligation on any party to that merger or transaction.

"(d) COMMISSION REVIEW OF MERGERS ABSENT DOJ OR FTC PRONOUNCEMENT.—

"(1) IN GENERAL.—The Commission may not review any application for assignment or transfer of a license or other authorization issued under this Act in connection with a merger or other transaction unless neither the Department of Justice nor the Federal Trade Commission issues a decision or statement described in subsection (c)(2) in connection with that merger or other transaction.

"(2) 60-DAY TURNAROUND.—The Commission shall conclude any review of a merger or other transaction it may conduct under paragraph (1) within 60 days after the date on which the Department of Justice and the Federal Trade Commission, whichever is appropriate, issues such a decision or statement.

"(3) PRESUMPTION; DEFAULT APPROVAL.—In reviewing an application under paragraph (1), the Commission shall apply a presumption in favor of unconditional approval of the application. If the Commission fails to issue a final decision within the 60-day period described in paragraph (2), the application shall be deemed to have been granted unconditionally by the Commission.".

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 1126. A bill to amend the Federal Food, Drug, and Costmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED FOOD SAFETY IMPROVEMENT ACT OF 1999

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Imported Food Safety Act of 1999." I am proud to be the sponsor of this important legislation which guarantees the improved safety of imported foods.

The health of Americans is not something to take chances with. It is important that we make food safety a top priority. Every person should have the confidence that their food is fit to eat. We should be confident that imported food is as safe as food produced in this country. Cars can't be imported unless they meet U.S. safety requirements. Prescription drugs can't be imported unless they meet FDA standards. You shouldn't be able to import food that isn't up to U.S. standards, either.

We import increasing quantities of fresh fruits and vegetables, seafood, and many other foods. In the past seven years, the amount of food imported into the U.S. has more than doubled. Out of all the produce we eat, 40 percent of it is imported. Our food supply has gone global, so we need to have global food safety.

The impact of unsafe food is staggering. There have been several frightening examples of food poisoning incidents in the U.S. When Michigan schoolchildren were contaminated with Hepatitis A from imported strawberries in 1997, Americans were put on alert. Thousands of cases of cyclospora infection from imported raspberries—resulting in severe, prolonged diarrhea, weight loss, vomiting, chills and fatigue were also reported that year. Imported cantaloupe eaten in Maryland sickened 25 people. As much as $663 million was spent on food borne illness in Maryland alone. Overall, as many as 33 million people per year become ill and over 9000 die as a result of food borne illness. It is our children and our seniors who suffer the most. Most of the food-related deaths occur in these two populations.

These incidents have scared us and have jump-started the efforts to do more to protect our nation's food supply. Now, I believe in free trade, but I also believe in fair trade. FDA's current system of testing import samples at ports of entry does not protect Americans. It is ineffective and resource-intensive. Less than 2% of imported food is being inspected under the current system. At the same time, the quantity of the imported foods continues to increase.

What this law does is simple: It improves food safety and aims at preventing food borne illness of all imported foods regulated by the FDA. This bill takes a long overdue, big first step.

First, it requires that FDA make equivalence determinations on imported food. This was developed with the FDA by Senator KENNEDY and myself in consultation with the consumer groups.

Today, FDA has no authority to protect Americans against imported food that is unsafe until it is too late. Last year, the GAO found that FDA lacks the authority to require that food coming into the U.S. is produced, prepared, packed or held under conditions that provide the same level of food safety protection as those in the U.S. This means that currently, food offered for import to the U.S., can be imported under any conditions, even if those conditions are unsanitary. The Imported Food Safety Act of 1999, will allow FDA to look at the production at its source. This means that FDA will be able to take preventive measures. FDA will be able to be proactive, rather than just reactive.

That means that when you pack your childrens' lunches for school or sit down at the dinner table, you can rest assured that your food will be safe. Whether your strawberries were grown in a foreign country or on the Eastern Shore, in Maryland, those strawberries will be held to the same standard. You won't have to worry or wonder where your food is coming from. You won't have to worry that your children or families are going to get sick. You will know that the food coming into this country will be subject to equivalent standards.

Secondly, this bill contains strong enforcement measures. Last year, the Permanent Subcommittee on Investigations, under the leadership of Senator SUE COLLINS, held numerous hearings on the safety of imported food. These enforcement measures are largely a product of those facts uncovered during those hearings. Senator COLLINS developed these enforcement provisions and introduced a bill which focuses on enforcement. I refer those with special interest in enforcement to also consider her bill.

Finally, this bill covers emergency situations by allowing FDA to ban imported food that has been connected to outbreaks of food borne illness. When our children, parents and communities are getting seriously sick, the Secretary of Health and Human Services can immediately issue an emergency ban. We don't have to wait till someone else gets seriously sick or dies. We no longer have to go through the current bureaucratic mechanism that is inefficient and resource intensive. We can stop the food today, to protect our citizens.

My goal is to strengthen the food supply, whatever the source of the food may be. This bill won't create trade barriers. It just calls for free trade of safe food. It calls for international concern and consensus on guaranteeing standards for public health.

This bill is important because it will save lives and makes for a safer world. Everyone should have security in knowing that the food they eat is fit to eat. I'd like to thank FDA for their advice and consultation in developing this legislation. I also want to thank the Consumer Federation of America for their insight and recommendations.

I look forward to working on a bipartisan basis to enact this legislation. I pledge my commitment to fight for ways to make America's food supply safer. This bill is an important step in that direction.

Mr. President, I ask unanimous consent that the statement of Ms. Carol Tucker Foreman, Distinguished Fellow and Director of the Food Policy Institute, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Carol Tucker Foreman, Distinguished Fellow and Director of the Food Policy Institute

I am here today on behalf of the Consumer Federation of America and the National Consumers' League to endorse the Imported Food Safety Act of 1999. I thank Senators Mikulski, Kennedy and Durbin and Congresswoman Eshoo for introducing this very important legislation.

It will improve the Food and Drug Administration's capacity to protect American consumers from food-borne illness caused by adulterated imported food.

Food-borne illness is a serious public health problem in the U.S. Food poisoning kills 9,000 Americans each year and causes as many as 33 million illnesses. It costs us at least $5 billion each year in medical costs and time lost from work. The human toll is incalculable.

Americans eat from a global plate. We want a wide variety of foods available on a year round basis. Health experts urge us to eat more fruits and vegetables. Imports make fresh fruits available to us even in the middle of February.

But no one wants imported foods served with a side helping of food poisoning. We want all our food, domestic and imported, to be safe.

We have not had that assurance. In recent years there have been a number of incidents of food-borne illness arising from imported food products. Last year, the Senate Permanent Subcommittee on Investigations revealed serious problems with the Food and Drug Administration's capacity to protect Americans from unsafe food.

The General Accounting Office reported that FDA can't protect us because the agency has no authority to require that foods coming into the United States be produced and packaged under circumstances that provide the same level of health protection required for domestic food producers and processors.

Most American consumers, and frankly most food producers and processors as well, would be shocked to learn that imported food is not required to be produced in a manner that provides the same level of health protection as domestic products and that FDA has no authority to check, in advance, for adequate public health safeguards. FDA can act only after the fact—after adulterated food has been found or someone has gotten sick.

The USDA inspects meat, poultry and egg products. GAO noted that USDA has the necessary power to protect consumers. The Department has the authority to require that meat and poultry produced abroad and imported into the U.S. be produced in a system that provides a level of health protection equivalent to that imposed on U.S. producers. That level of protection may include limits on bacteria that cause human illness. In addition, USDA has federally sworn inspectors who examine the foreign systems and check food at the docks.

The Food and Drug Administration has jurisdiction over all other food products, including the fresh fruits and vegetables that are so susceptible to contamination. FDA has no similar authority, no inspectors who visit foreign plants and virtually no inspectors to check food at the docks. Last year, FDA checked only two percent of the food imported into the U.S. In fact, FDA has established only a limited number of performance standards for domestically produced foods.

That point bears repeating. If you eat meat and poultry produced in another country and imported into the U.S., you can do so knowing they were produced under circumstances at least as clean and sanitary as meat, poultry and eggs produced in the U.S. If you consume fresh fruits and vegetables produced in another country, you have no such assurance, even though you will cook your meat, poultry and eggs but may well eat the fruits and vegetables raw, increasing the chance that you will consume disease causing bacteria.

In a recent study, the Center for Science in the Public Interest surveyed 225 food-borne illness outbreaks that occurred between 1990 and 1998. Foods regulated by the FDA caused over twice as many outbreaks as foods regulated by the USDA. Fruits, vegetables and salads caused 48 outbreaks. Seafood, both finfish and shellfish, caused 32 outbreaks.

USDA's more rigorous system of inspection has certainly not stopped foreign produced meat products from entering the country. We import hundreds of millions of pounds of meat each year from Australia, to Argentina and Denmark and a host of other countries. Neither foreign nor domestic producers have suffered any loss of trade.

The Imported Food Safety Act sets up a system for the Secretary of Health and Human Services to use in establishing equivalency; gives FDA more authority to visit other countries; provides important enforcement authority and controls over imported foods; prohibits port shopping and increases penalties for importing contaminated foods and authorizes new funding for FDA to carry out these functions.

Americans do care about food safety. The Food Marketing Institute, the nation's super market trade association, recently released its annual survey of trends among super market shoppers. Ninety percent of those surveyed said food safety was very important or somewhat important to them in making food selections. The Imported Food Safety Act will increase assurance among consumers that the food supply is safe.

The Imported Food Safety Act is an important part of a package of food safety legislation which Congress should address this year. Other parts of the package include legislation to promote the use of specific microbial standards for both domestic and foreign produce, introduced by Senator Harkin; require registration of importers, introduced by Senator Dorgan. Congress should act now before confidence is diminished.

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor of this important bill, and I commend Senator MIKULSKI for her leadership on this legislation to close the critical gaps in our imported food safety laws.

Citizens deserve to know that the food they eat is safe and wholesome, regardless of its source. The United States has one of the safest food supplies in the world. Yet every year, millions of Americans become sick, and thousands die, from eating contaminated food. Billions of dollars a year in medical costs and lost productivity are caused by food-borne illnesses. Often, the source of the problem is imported food.

We've heard recently about the thousands of cases of illness from Cyclospora in raspberries from Guatemala. But this high profile case is by no means the only case.

In 1997, school children in five states contracted Hepatitis A from frozen strawberries served in the school cafeterias. Fecal contamination is a potential source of Hepatitis A, and the strawberries the children ate came from a farm in Mexico where workers had little access to sanitary facilities.

Earlier this year, cases of typhoid fever in Florida were linked to a frozen tropical fruit product from Guatemala. Again, poor sanitary conditions appear to be at the root of the problem.

Gastrointestinal illness has been linked to soft cheeses from Europe. Bacterial food poisoning has been attributed to canned mushrooms from the Far East.

The emergence of highly virulent strains of bacteria, and an increase in the number of organisms that are resistant to antibiotics, make microbial contamination of food a major public health challenge.

Ensuring the safety of imported food is a huge task. Americans now enjoy a wide variety of foods from around the world and have access to fresh fruits and vegetables year round. In 1997, the Food Safety Inspection Service of the Department of Agriculture handled 118,000 entries of imported meat and poultry. The FDA handled far more—2.7 million entries of other imported food. Current FDA procedures and resources allowed for less than two percent of those 2.7 million imports to be physically inspected. Clearly, we need to do better.

The authority of the FDA is not sufficient to prevent contaminated food imports from reaching our shores. The Agency has no legal authority to require that food imported into the United States is prepared, packed and stored under conditions that provide the same level of public health protection as similar food produced in the U.S. Under current procedures, the FDA takes random samples of imports as they arrive at the border. The imports often continue on their way to stores in all parts of the country while testing is being done, and it is often difficult to recall the food if a problem is found. Unscrupulous importers make the most of the loopholes in the law, including substituting cargo, falsifying laboratory results, and attempting to bring a refused shipment in again, at a later date or at a different port.

The legislation we are introducing today will give the Secretary of Health and Human Services the additional authority needed to assure that food imports are as safe as food grown and prepared in this country.

It will give the FDA greater authority to deal with outbreaks of food-borne illness and to bar further imports of dangerous foods until improvements at the source can guarantee the safety of future shipments. This authority covers foods that have repeatedly been associated with food-borne disease, have repeatedly been found to be adulterated, or have been linked to a catastrophic outbreak of food-borne illness.

It will close loopholes in the law and give the FDA better tools to deal with unscrupulous importers.

It will authorize the Centers for Disease Control and Prevention to target resources toward enhanced surveillance and prevention activities to deal with food-borne illnesses, including new diagnostic tests, better training of health professionals, and increased public awareness about food safety.

Too many citizens today are at unnecessary risk of food-borne illness. The measure we are proposing is designed to reduce that risk as much as possible, both immediately and for the long term. We know that there are powerful special interests that put profits ahead of safety, but Americans need and deserve laws that better protect their food supply. This is essential legislation, and I look forward to working with my colleagues to see that it is enacted as soon as possible.

By Mr. KYL (for himself, Mr. KERREY, Mr. NICKLES, Mr. BREAUX, Mr. MACK, Mr. ROBB, and Mr. GRAMM):

S. 1128. A bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets; to the Committee on Finance.

ESTATE TAX ELIMINATION ACT OF 1999

Mr. KYL. Mr. President, I rise today with my colleagues, Senators BOB KERREY, DON NICKLES, JOHN BREAUX, SCONNIE MACK, CHUCK ROBB, and PHIL GRAMM to introduce a bill that attempts to forge bipartisan consensus with regard to the future of the federal estate tax. The legislation we are offering today is titled the Estate Tax Elimination Act of 1999.

Mr. President, we know that many Americans are troubled by the estate tax's complexity and high rates, and by the mere fact that it is triggered by a person's death rather than the realization of income. For a long time, I have advocated its repeal, because I believe death should not be a taxable event.

Other people agree that the tax is problematic, but are concerned the appreciated value of certain assets might escape taxation forever if the estate tax is repealed while the step-up in basis allowed under Section 1014 of the Internal Revenue Code remains in effect.

The legislation we are introducing today attempts to reconcile these positions by eliminating both the estate tax and the step-up, and attributing a carryover basis to inherited property so that all gains are taxed at the time the property is sold and income is realized. This is an explicit trade-off: estate-tax repeal for implementation of a carryover basis. Both must occur, or this plan will not work.

The concept of a carryover basis is not new. It exists in current law with respect to gifts, Section 1015 of the Internal Revenue Code, and property transferred in cases of divorce, Section 1041, and in connection with involuntary conversions of property relating to theft, destruction, seizure, requisition, or condemnation.

In the latter case, when an owner receives compensation for involuntarily converted property, a taxable gain normally results to the extent that the value of the compensation exceeds the basis of the converted property. However, Section 1033 of the Internal Revenue Code allows the taxpayer to defer the recognition of the gain until the property is sold. The Kyl-Kerrey bill would treat the transfer of property at death—perhaps the most involuntary conversion of all—the same way, deferring recognition of any gain until the inherited property is sold.

Our bill would also establish a limited capital-gains exclusion for inherited property to ensure that small estates, which are currently exempt from tax by virtue of the unified credit and the step-up in basis, do not find themselves with a new tax liability when the proposed law takes effect.

Mr. President, I have asked the Joint Tax Committee to review the proposal and provide an official revenue estimate. We are awaiting the results of that review now.

I hope the members of the Finance Committee will take a serious and careful look at this bipartisan proposal. With it, we ought to be able to finally eliminate the estate tax—and do it this year.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. , THE ESTATE TAX ELIMINATION ACT SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Designates the bill, the "Estate Tax Elimi nation Act of 1999."

Section 2. Repeal of certain Federal transfe taxes

Repeals Subtitle B of the Internal Revenu Code (IRC), thus eliminating the federal estate, gift, and generation-skipping transfe taxes as of the date of enactment.

Section 3. Termination of a step-up in basis a death

Amends IRC Section 1014 to eliminate th step-up in basis at death with respect t property acquired from a decedent dyin after the date of enactment. The basis fo such property is to be determined pursuant new IRC Section 1022 (section 4 of the bill

Section 4. Carryover basis at death

Establishes a new IRC Section 1022 to pro vide for carryover basis for certain propert acquired from a decedent.

(a) If property is classified as carryove basis property, its new basis in the hands o the acquiring person will be its initial basis increased by its allowable share of the decedent's exclusion allowance determined unde (c) below.

(b) Carryover basis property means property which has been acquired from a decedent who died after the date of enactment and which is not any of the following:

(1) Property acquired from the decedent and sold, exchanged, or otherwise disposed o by the acquiring person before the decedent' death;

(2) An item of income in respect of a decedent;

(3) Life-insurance proceeds under IRC Section 2042;

(4) Foreign personal holding compan stock as described in IRC Section 1014(b)(5) or

(5) Property transferred to a survivin spouse, the value of which would have bee deductible from the value of the taxable estate of the decedent under IRC Section 2056

(6) Tangible personal property (e.g., household effects) valued at $50,000 or less whic was a capital asset in the hands of the decedent and for which the executor has made a election on a required information return.

(c) The decedent's general exclusion allowance is equal to the lesser of:

(1) an applicable amount for the year of the decedent's death as follows:

$650,000 in 1999
$675,000 in 2000 and 2001
$700,000 in 2002 and 2003
$850,000 in 2004
$950,000 in 2005
$1 million in 2006 and thereafter.

or the aggregate net appreciation (fair market value, less initial basis) of all carryover basis property.

Except that, if the decedent had a deceased spouse whose own exclusion allowance was less than the applicable amount for that spouse, the decedent's applicable amount will be increased by the unallocated portion of the deceased spouse's applicable amount.

(2) As per current law, family-owned businesses and farms would be eligible for an additional exclusion, which combined with the general exclusion allowance could total up to $1.3 million.

(3) The executor will allocate the exclusion-allowance amount to the carryover basis property on a required information return. Any allocation may be changed at any time up to the 30th day after the initial-basis

finality date, which means the last day on which the initial basis of property may be changed in an administrative or judicial proceeding under new IRC Section 7480. The basis adjustment for any property shall not exceed the net appreciation in such property and may not increase the basis of such property above its fair market value.

In the case of any carryover basis property which was a personal or household effect, the basis of such property in the hands of the acquiring person shall not exceed its fair market value for purposes of determining loss.

A nonresident, not a citizen of the United States, is ineligible for a basis adjustment based upon a decedent's exclusion allowance.

(d) Establishes a new IRC Section 7480 to provide procedures for receiving a binding determination of the initial basis of carryover basis property.

(e) Establishes a new IRC Section 6039H to require an executor to file an information return providing all of the necessary information with respect to carryover basis property. An executor is required to furnish, in writing, the adjusted basis of such item to each person acquiring an item or carryover basis property from a decedent.

By Mr. DOMENICI:

S. 1129. A bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL LAND TRANSACTION FACILITATION ACT

Mr. DOMENICI. Mr. President, today I introduce the Federal Land Transaction Facilitation Act, which addresses longstanding problems encountered by Federal land managers first, in disposing of surplus federal property, and secondly, in acquiring private inholdings within federally designated areas. This legislation builds on existing laws and provides resources dedicated to the consolidation of federal agency land holdings.

I first introduced this bill prior to the end of the 105th Congress, as Title II to the Valles Caldera Preservation Act. This portion of that legislation was independent of the proposed acquisition of land in New Mexico, and perhaps more important. Again this year, Congress will commit large sums of federal taxpayer dollars to purchase new property. Before we do, however, it seems prudent to provide a framework for the orderly disposal of unneeded federal property that also commits resources to meet our current obligations to those who hold land surrounded by federal property.

Currently, one-third of the land area in New Mexico is owned by the Federal government. On average, across the eleven Western States, the Federal government owns approximately one half of the land. I agree that this public land is an important natural resource that requires our most thoughtful consideration in the way it is managed and used by the public.

To best conserve our existing national treasures for future use and enjoyment, we must devise, with the concurrence of other members of Congress and the President, a definite plan and timetable to dispose of surplus land through sale or exchange into private, or State and local government ownership.

The Federal Land Transaction Facilitation Act provides for the orderly disposition of unneeded Federal property on a state by state basis. It also addresses the problem of what are known as "inholdings" within federally managed areas. These interrelated problems give rise to an interrelated solution proposed in this legislation.

There are currently more than 45 million acres of privately owned land trapped within the boundaries of Federal land management units, including national parks, national forests, national monuments, national wildlife refuges, and wilderness areas. In many cases, the location of these tracts, referred to as inholdings, makes the exercise of private property rights difficult for the land owner. In addition, management of the public land is made more cumbersome for the Federal managers.

There are also cases where inholders have been waiting generations for the federal government to set aside funding and prioritize the acquisition of their property. With rapidly growing public demand for the use of public land, it is increasingly difficult for federal managers to address problems created by inholdings in many areas.

This legislation directs the Department of the Interior to identify inholdings existing within Federal land management units that landowners that have indicated a desire to sell to the Federal government. Inholdings will only be considered for acquisition by the Secretary of Interior if, after public notice, landowners indicate their willingness to sell. The Secretary will then establish a priority for their acquisition considering, among other factors, those which have existed as inholdings for the longest time.

Additionally, this legislation authorizes the use of the proceeds generated from sale of land no longer needed by the Bureau of Land Management (BLM) to purchase these inholdings from willing sellers. This will enhance the ability of the Federal land management agencies to work cooperatively with private land owners, and with State and local governments, to consolidate the ownership of public and private land in a manner that would allow for better overall resource management.

There is an abundance of public domain land that the BLM has determined it no longer needs to fulfil its mission. Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM has identified an estimated four to six million acres of public domain land for disposal, with public input and consultation with State and local governments as required by law.

Let me state this very clearly—the BLM already has authority under an existing law, FLPMA, to exchange or sell land out of Federal ownership. Through its public process for land use planning, when the agency has determined that certain land would be more useful to the public under private or local governmental control, it is already authorized to dispose of this land, either by sale or exchange. This legislation maintains every aspect of existing law. It also provides an orderly process, and sufficient resources, for the BLM to exercise it.

The sale or exchange of land which I have often referred to as "surplus," would be beneficial to local communities, adjoining land owners, and BLM land mangers, alike. First, it would allow for the reconfiguration of land ownership patterns to better facilitate resource management. Second, it would contribute to administrative efficiency within federal land management units, by allowing for better allocation of fiscal and human resources within the agency. Finally, in certain locations, the sale of public land which has been identified for disposal is the best way for the public to realize a fair value for this land.

The problem is that an orderly process for the efficient disposition of lands identified for disposal does not currently exist. This legislation corrects that problem by directing the BLM to fulfil all legal requirements for the transfer of land out of Federal ownership, and providing a dedicated source of funding generated from the sale of this land to continue this process.

I want to make it clear that this program will in no way detract from other programs with similar purposes. The bill clearly states that proceeds generated from the disposal of public land, and dedicated to the acquisition of inholdings, will supplement, and not replace, funds appropriated for that purpose through the Land and Water Conservation Fund. In addition, the bill states that the BLM should rely on non-Federal entities to conduct appraisals and other research required for the sale or exchange of this land, allowing for the least disruption of existing land and resource management programs.

This bill has been a long time in the making. For over a year, now, I have been working with and talking to knowledgeable people, both inside and outside of the current administration, to develop many of the ideas embodied in this bill. Prior to adjournment of the 105th Congress, my staff and I worked closely with the administration on this legislation. I have since received additional comments from the Interior Department, and have included many of their suggestions into this bill.

I feel comfortable in stating that by working together, we have reached agreement in principle on the best way to proceed with these very important issues involving the management of public land resources, namely, the disposition of surplus public land in combination with a program to address problems associated with inholdings within our Federal land management units.

I look forward to hearings on this matter, and anticipate that most of my fellow Senators will agree that Federal Land Transaction Facilitation Act logically addresses this management issue. I believe that in the end, we will be able to stand together and tell the American people that we truly have accomplished a great and innovative thing with this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Land Transaction Facilitation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the land management agencies of the Department of the Interior have authority under existing law to acquire land consistent with land use plans and the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Bureau of Land Management and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 3. DEFINITIONS.

In this Act:

(1) EXCEPTIONAL RESOURCE.—The term "exceptional resource" means a resource of scientific, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which extraordinary conservation and protection is required to maintain the resource for the benefit of the public.

(2) FEDERALLY DESIGNATED AREA.—The term "Federally designated area" means land administered by the Secretary in Alaska and the eleven contiguous Western States (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that on the date of enactment of this Act was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System; or

(D) a wilderness area designated under the Wilderness Act (16 U.S.C. 1131 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), or the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) INHOLDING.—The term "inholding" means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) PUBLIC LAND.—The term "public land" means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. IDENTIFICATION OF INHOLDINGS.

(a) IN GENERAL.—The Secretary shall establish a procedure to—

(1) identify, by State, inholdings within federally designated areas for which the landowner has indicated a desire to sell the land or an interest in land to the Federal Government; and

(2) establish the date on which the land or interest in land identified became an inholding.

(b) NOTICE OF POLICY.—The Secretary shall provide, in the Federal Register and through such other means as the Secretary may determine to be appropriate, periodic notice to the public of the policy under subsection (a), including any information required by the Secretary to consider an inholding for acquisition under section 6.

(c) IDENTIFICATION.—An inholding—

(1) shall be considered for identification under this section only if the Secretary receives notification of a desire to sell from the landowner in response to public notice given under subsection (b); and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

(d) APPLICATION TO THE SECRETARY OF AGRICULTURE.—If funds become available under section 6(c)(2)(E)—

(1) this section shall apply to the Secretary of Agriculture; and

(2) private land within an area described in that section shall be deemed to be an inholding for the purposes of this Act.

(e) NO OBLIGATION TO CONVEY OR ACQUIRE.—The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 5. DISPOSAL OF PUBLIC LAND.

(a) IN GENERAL.—The Secretary shall establish a program, using funds made available under section 6, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) SALE OF PUBLIC LAND.—

(1) IN GENERAL.—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 6. FEDERAL LAND DISPOSAL ACCOUNT.

(a) DEPOSIT OF PROCEEDS.—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the "Federal Land Disposal Account".

(b) AVAILABILITY.—Amounts in the Federal Land Disposal Account shall be available to the Secretary, without further Act of appropriation, to carry out this Act.

(c) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—

(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

(2) FUND ALLOCATION.—

(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase—

(i) inholdings; and

(ii) land adjacent to federally designated areas that contains exceptional resources.

(B) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire—

(i) inholdings identified under section 4; and

(ii) National Forest System land as authorized under subparagraph (E).

(C) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds in the Federal Land Disposal Account shall be used for administrative and other expenses necessary to carry out the land disposal program under section 5.

(D) SAME STATE PURCHASES.—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(E) PURCHASE OF NATIONAL FOREST SYSTEM LAND.—Beginning 5 years after the date of enactment of this Act, if, for any fiscal year, the Secretary determines that funds allocated for the acquisition of inholdings under this section exceed the availability of inholdings within a State, the Secretary may use the excess funds to purchase land, on behalf of the Secretary of Agriculture, within the boundaries of a national recreation area, national scenic area, national monument, national volcanic area, or any other area designated for special management by an Act of Congress within the National Forest System.

(3) PRIORITY.—The Secretary may develop and use criteria for priority of acquisition that are based on—

(A) the date on which land or interest in land became an inholding;

(B) the existence of exceptional resources on the land; and

(C) management efficiency.

(4) BASIS OF SALE.—Any acquisition of land under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary (and the Secretary of Agriculture, in the case of an acquisition of National Forest System land) using title standards of the Attorney General; and

(C) at not less than fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions.

(d) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary—

(1) contains a hazardous substances or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) INVESTMENT.—Amounts in the Federal Land Disposal Account shall earn interest at a rate determined by the Secretary of the Treasury based on the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(f) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–4 et seq.).

(g) TERMINATION.—On termination of activities under section 5—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C.460*l*–6).

SEC. 7. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this Act provides an exemption from any limitation on the acquisition of land or interest in land under any Federal Law in effect on the date of enactment of this Act.

(b) OTHER LAW.—This Act shall not apply to land eligible for sale under—

(1) Public Law 96-568 (commonly known as the "Santini-Burton Act") (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) EXCHANGES.—Nothing in this Act precludes, preempts, or limits the authority to exchange land under—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. BOND, Mr. BURNS, Mr. GORTON, and Mr. INHOFE):

S. 1130. A bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles; to the Committee on Commerce, Science, and Transportation.

MOTOR VEHICLE RENTAL FAIRNESS ACT OF 1999

Mr. MCCAIN. Mr. President, I rise to introduce the Motor Vehicle Rental Fairness Act of 1999. The measure is short, simple and important. It will assure that companies who rent or lease motor vehicles are not held liable for accidents caused by their customers when there is no way the companies could prevent these accidents.

Normally under our system of jurisprudence, defendants in lawsuits are held liable based upon their action or inaction. Unfortunately, a small number of states ignore this general principle. This minority of states subject rental and leasing companies to unlimited liability for accidents caused by their customers that involve the company's vehicles—despite the fact that the company was not at fault. This type of vicarious liability, liability without fault, holds these companies liable even when they have not been negligent in any way and the vehicle operated perfectly.

The measure I am introducing prevents states from holding companies liable for accidents based solely upon their ownership of the vehicles. The bill makes clear that rental companies would still be liable if the vehicle did not operate properly. It makes clear that companies are not excused from meeting state minimum insurance requirements on their motor vehicles. Minimum insurance requirements ensure that people involved in accidents with vehicles owned by rental companies have recourse to recover some damages.

The reason most often cited for imposing vicarious liability is to ensure that an innocent third party can recover damages in an accident. Unfortunately, this quest for a financially responsible defendant has lead to absurd results. If a vehicle is purchased from a bank or finance company, then there is no vicarious liability. However, if that same vehicle is leased, vicarious liability applies.

This problem attracted my attention because of the impact the policies of a small number of states have on interstate commerce. Settlements and judgments from vicarious liability claims against rental companies cost the industry over $100 million annually. And let me be clear, it is the consumer who is paying this cost.

For these reasons, this bill and the reforms it implements are long overdue. Everyone, companies and individuals alike should be held liable only for harm they caused or could have prevented. The only way these companies can prevent this harm would be to go out of business. This is an absurd expectation that will be remedied by this bill.

I look forward to hearings on this matter and working with my colleagues to ensure its passage. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motor Vehicle Rental Fairness Act of 1999".

SEC. 2. FINDING.

The Congress finds that the vicarious liability laws, the ultimate insurer laws, and the common law in a small minority of States—

(1) impose a disproportionate and undue burden on interstate commerce by increasing rental rates for motor vehicle rental and

leasing customers throughout the United States; and

(2) pose a significant competitive barrier to entry for smaller motor vehicle rental and leasing companies attempting to compete in these markets,

in contravention of a fundamental principle of fairness that there should be no liability in the absence of fault.

SEC. 3. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Part C of subtitle VI of title 49, United States Code, is amended by adding at the end thereof the following:

"CHAPTER 333. LIABILITY FOR COMPANIES THAT RENT OR LEASE MOTOR VEHICLES.

"Sec.
"33301. Limitation of liability

"§ 33301. Limitation of liability

"(a) IN GENERAL.—Notwithstanding any State statutory or common law, no State or political subdivision of a State may hold any business entity engaged in the trade or business of renting or leasing motor vehicles liable to others for harm caused by a person to himself or herself, to another person, or to property resulting from that person's operation of a rented or leased motor vehicle solely because that business entity is the owner of the motor vehicle.

"(b) APPLICATION WITH CERTAIN OTHER LAWS.—

"(1) NEGLIGENCE.—Subsection (a) does not apply to liability imposed under a State's statutory or common law based on negligence of a motor vehicle owner.

"(2) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section supersedes the law of any State or political subdivision thereof—

"(A) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

"(B) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure of such entity to meet financial responsibility or liability insurance requirements under State law.

"(c) DEFINITIONS.—In this section:

"(1) BUSINESS ENTITY.—The term 'business entity' means a sole proprietorship, corporation, trust, limited liability company, company, association, firm, partnership, society, joint stock company, or other legal entity, and includes a department, agency, or instrumentality of the government of the United States, a State, or a political subdivision of a State.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given that term by section 13102(14).

"(3) OWNER.—In this section, the term "owner" means—

"(A) a person who is a record or beneficial owner or long-term lessee of a motor vehicle;

"(B) a person entitled to the use and possession of a motor vehicle subject to a security interest in another person;

"(C) a lessee or bailee of a motor vehicle in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

"(4) PERSON.—The term 'person' has the meaning given to it by section 1 of title 1, but also includes a government entity.

"(5) GOVERNMENT ENTITY.—The term 'government entity' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).".

(b) CONFORMING AMENDMENT.—The analysis for part C of subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 331, the following:

"333. Liability for companies that rent or lease motor vehicles .... 33301".

SEC. 4. EFFECTIVE DATE.

Section 33301 of title 49, United States Code, as added by section 3 of this Act, applies to any civil action commenced on or after the date of enactment of this Act.

● Mr. ASHCROFT. Mr. President, I rise today in support of the legislation being introduced by the distinguished Chairman of the Senate Commerce Committee—the senior Senator from Arizona. I strongly support the reforms to state vicarious liability laws contained in the "Motor Vehicle Rental Fairness Act of 1999" and urge my colleagues to support this important bill and move it swiftly towards enactment.

I commend the chairman for taking the lead on this important legislation. His bill, of which I am proud to be an original co-sponsor, seeks to put a halt to an absurd aberration in our legal system. Under the vicarious liability laws of a very small number of states, companies that rent or lease motor vehicles are held strictly liable if their renters or lessees are negligent and cause an accident. The company does not have to be negligent in any way. The vehicle may operate perfectly and be maintained properly. These states simply hold the company liable because of their ownership of the vehicle.

The only way for these companies to avoid this liability would be to stop renting or leasing these vehicles. This is not an acceptable resolution to this problem. The American justice system should be based on the general principle that a defendant should be held liable only for harm he or she could prevent—not merely because the defendant has a "deep pocket."

Vicarious liability laws undermine competition in these states and have driven smaller rental and leasing companies out of business. In fact, vicarious liability acts as a tax on all rental and leasing companies—and their customers—nationwide because these companies must try to recover their losses from vicarious claims through rental rates nationwide.

It is time to put a stop to this legal disconnect. Hold these companies liable if they are negligent. Hold them liable if they fail to properly maintain one of the vehicles they rent or lease. But do not hold them liable simply for being in business—for fulfilling the needs of our traveling constituents.

Mr. President, I look forward to hearings on the Senator from Arizona's legislation at the earliest possible date and hope to move this legislation through this body as quickly as possible.●

By Mr. EDWARDS (for himself and Mr. HAGEL):

S. 1131. A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X; to the Committee on Health, Education, Labor, and Pensions.

FRAGILE X RESEARCH BREAKTHROUGH ACT OF 1999

Mr. EDWARDS. Mr. President, I rise today with my colleague, Senator HAGEL, to introduce the Fragile X Research Breakthrough Act of 1999.

Most of my colleagues have probably never heard of Fragile X. But it is the leading known cause of mental retardation. And the measure we introduce today could help put us on the path to treat and ultimately, we hope, cure the disorder. This measure will launch a concerted and aggressive federal effort to deal with Fragile X.

Fragile X—which is a genetic defect that results in mental retardation—was only recently discovered. Given its prevalence, it's surprising that it took us so long to discover this problem.

One in 2,000 males and one in 4,000 females have the gene defect. One in every 260 women is a carrier. Current studies estimate that as many as 90,000 Americans suffer from Fragile X. Yet up to 80 to 90 percent of them are undiagnosed. It does not affect one racial or ethnic group more than another.

Scientists have only known exactly what causes Fragile X since 1991. Fragile X occurs when a specific gene, which should hold a string of molecules that repeat six to fifty times, over-expands. It causes the gene to hold anywhere from 200 to 1,000 copies of the same sequence, repeating over and over, much like a record skipping out of control. The result of this error is that instructions needed for the creation of a specific protein in the brain are lost. Consequently, the Fragile X protein is either low or absent in the affected person. The lower the level of the protein, the more severe the resulting disabilities.

People with Fragile X have effects ranging from mild learning disabilities to severe mental retardation. Behavioral problems associated with Fragile X include aggression, anxiety, and seizures. The effects on both the victims of the disorder and their families are profound, taking a huge emotional and financial toll. People with Fragile X have a normal life expectancy but usually incur special costs that add up to over $2 million on average over their lifetime. Because it is inherited, many families have more than one child with Fragile X.

But although Fragile X is now known in the scientific community, it is still neither widely studied by scientists nor known by the public at large.

That's shocking, considering its devastating effect. Let me give you an example. In 1989 Katie Clapp gave birth to her first child, Andy. She and her husband, Dr. Michael Tranfaglia were thrilled. There were some concerns initially because Andy was missing one kidney and had some other medical problems. But they were quickly remedied, and Michael knew from his training as a medical doctor that Andy could do fine with one kidney. Testing did not reveal any other problems, so the couple breathed easy.

But soon Andy started showing other signs of problems. He had difficulty feeding and was inconsolable except when held by his mother. He was not as responsive as other children his age, except to scream when put down. Over the first year of life, he began to miss achievement milestones, such as sitting up and walking. Michael was in his residency training at the University of North Carolina hospital, so a wealth of medical resources were within his reach. Andy was seen by neurologists and geneticists, but there were no answers.

When Andy was two years old, Katie became pregnant with a second child. She wanted to be sure that her next baby would be born free of Andy's problems. So Andy was tested some more for genetics abnormalities, but nothing showed up. Yet Andy's problems were becoming more and more apparent, and causing greater difficulties for the family.

Finally, when he was three and a half years old, Andy went to a new physician, a developmental pediatrician. During the initial visit with the doctor, Michael and Katie got their first indication that there might be a name for the problem they had been living with. The doctor suggested that Andy be tested for something called Fragile X. The test was performed, and came back positive. Katie Clapp and Michael Tranfaglia soon learned that not only did Andy have this inherited genetic disorder, but that their baby daughter Laura was also afflicted.

Recent advances in Fragile X research now make it possible to test definitively for the disorder through DNA analysis. Yet many doctors are still not familiar with Fragile X, and subtle symptoms in early childhood can make it difficult to detect.

But there is good news. Because scientists have identified the missing protein that causes the disorder, there is hope for a cure. And because Fragile X is the only single-gene disease known to directly impact human intelligence, understanding the disease can give us insight into human intelligence and learning and into dealing with other single gene defects. Understanding Fragile X may also unlock some of the mysteries of autism, schizophrenia, and other neurological disorders. But we need to fund research efforts into this devastating disease.

Mr. President, my proposal seeks to capitalize on the good news. It would:

Expand and coordinate research into Fragile X under the direction of the National Institute of Child Health and Human Development—a division of the National Institutes of Health;

Establish at least three Fragile X centers, which would receive grants for research and development aimed at improving the diagnosis and treatment of, and finding a cure for, Fragile X;

Allow patients with Fragile X to participate in clinical trials;

Coordinate activities and exchange of information between the centers for better understanding of the disorder, and

Encourage wide scale research into Fragile X by allowing qualified health professionals who conduct research into the disorder to be repaid for principal and interest on educational loans under the National Health Service Corps Loan Repayment Program.

Today, in our country, thousands of children have Fragile X, but their parent have never heard of the disease. These parents know something is wrong, but they cannot give the problem a name, and neither can any doctor they have consulted. Like Katie and Michael, they may know their child has a disability, but they do not know why. They do not know that if they have more children, those children may also be at risk. They do not know there are treatments for the problem.

They do not know that someone is working on a cure.

The same holds true for many adults in our society. They are living in group homes and in institutions around the country. They have been cared for during entire lifetimes by devoted family members. Yet they have never had a diagnosis beyond "mental retardation."

This summer in North Carolina, we are hosting a very special gathering of very special people. The Special Olympics World Games will begin with an opening ceremony in Raleigh on June 26th, and the Games will run through July 4th. Among the participants will be many athletes who have Fragile X. Some of them know it, but many others, along with their families, do not even know that their particular disorder has a name. And with a name comes knowledge, and with knowledge comes hope for a better future—even for a cure.

The job of these extraordinary athletes this summer is to make the most of their abilities and to achieve personal goals and triumphs. Our role in the games is to support their efforts, and to cheer them on. But our responsibility does not end there. It is our responsibility to make the most of the knowledge we now have, to expand that knowledge, and to give these folks the best chance possible. I ask all of my colleagues to join me in supporting this important research. Thank you.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fragile X Research Breakthrough Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fragile X is the most common inherited cause of mental retardation. It affects 1 in every 2,000 boys and 1 in every 4,000 girls. One in 260 women is a carrier.

(2) Most children with Fragile X require a lifetime of special care at a cost of over $2,000,000 per child.

(3) Relatively newly-discovered and relatively unknown, even in the medical profession, Fragile X is caused by the absence of a single protein that can be produced synthetically but that cannot yet be effectively assimilated.

(4) Fragile X research, both basic and applied, is vastly underfunded in view of its prevalence, the potential for the development of a cure, the established benefits of currently available interventions, and the significance that Fragile X research has for related disorders.

(5) Fragile X is a powerful research model for other forms of X-linked mental retardation, as well as neuropsychiatric disorders, including autism, schizophrenia, mood disorders, and pervasive developmental disorder. Individuals with Fragile X are a homogeneous study population for advancing understanding of these disorders.

SEC. 3. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; RESEARCH ON FRAGILE X.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

"SEC. 452E. FRAGILE X.

"(a) Expansion and Coordination of Research Activities.—The Director of the Institute, after consultation with the advisory council for the Institute, shall expand, intensify, and coordinate the activities of the Institute with respect to research on the disease known as Fragile X.

"(b) Research Centers.—

"(1) In general.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, Fragile X.

"(2) Number of centers.—In carrying out paragraph (1), the Director of the Institute shall, to the extent that amounts are appropriated, provide for the establishment of at least 3 Fragile X research centers.

"(3) Activities.—

"(A) In general.—Each center assisted under paragraph (1) shall, with respect to Fragile X—

"(i) conduct basic and clinical research, which may include clinical trials of—

"(I) new or improved diagnostic methods; and

"(II) drugs or other treatment approaches; and

"(ii) conduct research to find a cure.

"(B) Fees.—A center may use funds provided under paragraph (1) to provide fees to individuals serving as subjects in clinical trials conducted under subparagraph (A).

"(4) COORDINATION AMONG CENTERS.—The Director of the Institute shall, as appropriate, provide for the coordination of the activities of the centers assisted under this section, including providing for the exchange of information among the centers.

"(5) CERTAIN ADMINISTRATIVE REQUIREMENTS.—Each center assisted under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(6) DURATION OF SUPPORT.—Support may be provided to a center under paragraph (1) for a period of not to exceed 5 years. Such period may be extended for 1 or more additional periods, each of which may not exceed 5 years, if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period be extended.

"(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year.".

SEC. 4. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X.

Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487E the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X.

"(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program under which the Federal Government enters into contracts with qualified health professionals (including graduate students) who agree to conduct research regarding Fragile X in consideration of the Federal Government's agreement to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans owed by such health professionals.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart (including section 338B(g)(3)) shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated for a fiscal year under the preceding sentence shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Mr. HAGEL. Mr. President, I rise this morning to join my colleague and friend, the distinguished junior Senator from North Carolina, Senator EDWARDS, in introducing the Fragile X Breakthrough Act of 1999.

Although many of you may not have heard of Fragile X, it is the leading cause of inherited mental retardation. It affects tens of thousands of children in this country every year. Fragile X is caused by a defective gene that fails to product specific protein necessary for proper brain function. Those afflicted with this condition often suffer mild to severe mental retardation, anxiety, seizures, and a variety of learning disorders. Most children with Fragile X will require a lifetime of specialized care at a cost of over $2 million each.

For those afflicted and their families—like John and Megan Massey from Scottsbluff, Nebraska, whose two sons Jack and Jacob suffer from this disease—it is a frustrating, life-crippling, and heart-wrenching condition. But there is hope. In 1991, medical researchers were able to identify the specific gene that fails to produce the necessary protein and is responsible for Fragile X. Since then, researchers have been able to develop a synthetic version of this protein, and are now working on a way to deliver it to the brain's flawed cells.

Congress has an unprecedented opportunity to play a key role in solving the mystery of this disease, and encouraging the development of a treatment and eventual cure. The Fragile X Breakthrough Act is a practical, proactive, and cost-effective vehicle by which Congress can accomplish these goals.

The National Institute of Child and Human Development (NICHD) is required by law to establish research centers in order to conduct clinical and scientific research aimed at helping infants and children. In accordance with that charge, the Fragile X Breakthrough Act authorizes $10 million for the NICHD, to make grants or enter into contracts with public or private entities to develop and operate three Fragile X research centers. It also provides $2 million for a program that encourages physicians to conduct Fragile X research, by offering to repay a portion of their educational loans. These proposals closely follow the recommendations that emerged from an international scientific conference held by the NICHD and the Fragile X Foundation (FRAXA) in December of 1998.

We are closing in on one of the principal genetic causes of mental retardation. Let's give the NICHD the authority and funding to accelerate Fragile X research, so that the final, critical breakthroughs can be made. Let's give these children the chance to lead normal, productive lives. If not for Jacob and Jack Massey, then for those children who will inevitably follow.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction; to the Committee on Finance.

ESOP DIVIDEND REINVESTMENT AND PARTICIPANT SECURITY ACT OF 1999

Mr. BREAUX. Mr. President, I rise today to introduce a measure that will not only promote employee ownership, but also enhance retirement savings. The "ESOP Dividend Reinvestment and Participant Security Act of 1999" will grant many workers their long-sought desire to share in the growth of their company while not sacrificing one nickel of their retirement security. This legislation will permit employees to reinvest dividends paid on employer securities held in an ESOP without going through the administrative complexity that companies currently face in order to encourage workers to keep their dividends in the plan.

Under current law, an employer may deduct the dividends paid on employer securities in an ESOP only if the dividends are used to repay an ESOP loan or they are paid in cash to participants. This runs counter to one of the most important themes expressed by this administration as well as many others since the passage of ERISA—what to do about "leakage" in our retirement programs, or assets coming out of plans prematurely. In short, we need to encourage our nation's workers to keep their money in their retirement plans and not let small amounts drip out over time so that little is left by the time they enter retirement. The bill I am introducing today addresses this issue and would bolster the retirement security of ESOP participants because it would encourage both employees and employers to reinvest their dividends in the company.

Not only does the current approach of denying a deduction for reinvested dividends discourage the accumulation of assets for retirement, it also thwarts one of the primary purposes of an ESOP—providing an efficient means for employees to build an ownership interest in their company. Congress has steadfastly maintained the ESOP dividend deductibility rules for over 15 years in order to encourage employers to establish ESOPs that hold dividend-paying company stock. These rules clearly are intended to provide ESOP participants a broader opportunity to share in the company's growth and to ultimately use such growth to provide retirement assets. Unfortunately, our present rules fall short of the mark.

This bill fulfills the promise inherent in the original ESOP dividend deduction provision. The "ESOP Dividend Reinvestment and Participant Security Act of 1999" would give employees the ability to retain the dividends paid on employer stock in the ESOP and to reinvest these amounts in the employer stock for continuing growth and accumulation. No employee would then be forced to receive dividends that could instead be used to build retirement savings. And, all employees could receive the benefit of participating in their company's growth.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ESOP Dividend Reinvestment and Participant Security Act of 1999".

SEC. 2. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) of the Internal Revenue Code of 1986 (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employee securities, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

By Mr. GRAMS:

S. 1133. A bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food; to the Committee on Agriculture, Nutrition, and Forestry.

POULTRY PRODUCTS INSPECTION ACT AMENDMENTS LEGISLATION

• Mr. GRAMS. Mr. President, I rise today to introduce a bill to amend the Poultry Products Inspection Act to include birds of the Ratitae order, such as ostriches, emus, and rheas, in the mandatory USDA meat inspection program. Currently producers of ratitae participate in a voluntary inspection program, but costs are borne by the producers and can add as much as $2 per pound to the price of the product. The USDA currently absorbs the cost of inspection for the more traditional agricultural products, such as turkey, poultry, and beef.

I introduce this legislation to encourage agricultural entrepreneurship and diversification, and to level the economic playing field for those farmers willing to take innovative risks to bring new products to American and global consumers. Ratite meat is reported to be high in protein and low in fat and cholesterol, and byproducts from the animals are being studied by universities and medical labs for their potential uses. I would also note that farmers engaged in producing ratite meat can now be found all over the country, not just in Minnesota.

With the increasing focus in our country on food safety, I believe this bill is a small but important step toward both encouraging development of alternative agricultural products and ensuring the safety of the food our citizens consume.

I ask my colleagues to join with me in support of this bill to help family farms diversify into new products that will provide them with new income sources and give American consumers more variety at the grocery store.•

By Mr. ROTH:

S. 1134. An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

AFFORDABLE EDUCATION ACT OF 1999

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Affordable Education Act of 1999".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EDUCATION SAVINGS INCENTIVES

Sec. 101. Modifications to education individual retirement accounts.

Sec. 102. Modifications to qualified tuition programs.

TITLE II—EDUCATIONAL ASSISTANCE

Sec. 201. Extension of exclusion for employer-provided educational assistance.

Sec. 202. Elimination of 60-month limit on student loan interest deduction.

Sec. 203. Exclusion of certain amounts received under the National Public Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

Sec. 301. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.

Sec. 302. Treatment of qualified public educational facility bonds as exempt facility bonds.

Sec. 303. Federal guarantee of school construction bonds by Federal Housing Finance Board.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Modification to foreign tax credit carryback and carryover periods.

Sec. 402. Limitation on use of non-accrual experience method of accounting.

Sec. 403. Returns relating to cancellations of indebtedness by organizations lending money.

Sec. 404. Extension of Internal Revenue Service user fees.

Sec. 405. Property subject to a liability treated in same manner as assumption of liability.

Sec. 406. Charitable split-dollar life insurance, annuity, and endowment contracts.

Sec. 407. Transfer of excess defined benefit plan assets for retiree health benefits.

Sec. 408. Limitations on welfare benefit funds of 10 or more employer plans.

Sec. 409. Modification of installment method and repeal of installment method for accrual method taxpayers.

Sec. 410. Inclusion of certain vaccines against streptococcus pneumoniae to list of taxable vaccines.

TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1999, and ending before January 1, 2004)."

(3) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(b) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (5)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2)."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b)

(relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1999, and before January 1, 2004, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) CONFORMING AMENDMENTS.—Section 530 is amended—

(A) by striking "higher" each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking "HIGHER" in the heading for subsection (d)(2).

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) ENTITIES PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(6) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof)."

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and", and

(B) by striking "DUE DATE OF RETURN" in the heading and inserting "JUNE".

(f) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

"(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

"(i) CREDIT COORDINATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

"(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

"(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If the aggregate distributions to which subparagraph (A) and section 529(c)(3)(B) apply exceed the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) (after the application of clause (i)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B)."

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year."

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(b)(2)(A) is amended by striking ", reduced as provided in section 25A(g)(2)".

(D) Section 530(d)(2)(D) is amended—

(i) by striking "or credit", and

(ii) by striking "CREDIT OR" in the heading.

(E) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting "or by 1 or more eligible educational institutions" after "maintained by a State or agency or instrumentality thereof".

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting "in the case of a program established and maintained by a State or agency or instrumentality thereof," before "may make".

(3) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking "qualified State tuition" each place it appears and inserting "qualified tuition".

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(D) The heading for section 529 is amended by striking "state".

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking "State".

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

"(i) IN GENERAL.—For purposes of this paragraph—

"(I) no amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense, and

"(II) the amount which (determined without regard to subclause (I)) would be includible in gross income under subparagraph (A) by reason of any other distribution shall not be so includible in an amount which bears the same ratio to the amount which would be so includible as the qualified higher education expenses bear to such aggregate distributions.

"(ii) NONAPPLICATION OF CLAUSE.—In the case of any taxable year beginning before January 1, 2004, clause (i) shall not apply with respect to any distribution in such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

"(iii) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(iv) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—

"(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

"(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under clause (i) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed tô the taxpayer or any other person under section 25A with respect to such expenses.

"(v) COORDINATION WITH EDUCATION IRAS.—If the aggregate distributions to which clause (i) and section 530(d)(2)(A) apply exceed the total amount of qualified higher education expenses otherwise taken into account under clause (i) (after the application of clause (iv)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clause (i) and section 530(d)(2)(A)."

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking "section 530(d)(2)" and inserting "sections 529(c)(3)(B)(i) and 530(d)(2)".

(B) Section 221(e)(2)(A) is amended by inserting "529," after "135,".

(c) BENEFICIARY MAY CHANGE PROGRAM.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking "transferred to the credit" in clause (i) and inserting "transferred—

"(I) to another qualified tuition program for the benefit of the designated beneficiary, or

"(II) to the credit",

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.", and

(3) by inserting "OR PROGRAMS" after "BENEFICIARIES" in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting "; and", and by adding at the end the following new subparagraph:

"(D) any first cousin of such beneficiary."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE II—EDUCATIONAL ASSISTANCE

SEC. 201. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking "May 31, 2000" and inserting "June 30, 2004".

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—

(1) IN GENERAL.—The last sentence of section 127(c)(1) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 1999.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Section 221 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENT.—Section 6050S(e) is amended by striking "section 221(e)(1)" and inserting "section 221(d)(1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan interest paid after December 31, 1999.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL PUBLIC HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)", and

(2) by adding at the end the following new paragraph:

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any amount received by an individual under—

"(A) the National Public Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

"(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 1999.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following new paragraph:

"(13) qualified public educational facilities."

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

"(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school, and

"(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

"(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

"(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) ALLOCATION RULES.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

"(ii) RULES FOR CARRYFORWARD OF UNUSED LIMITATION.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13)."

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities)."

(e) CONFORMING AMENDMENT.—The heading for section 147(h) is amended by striking "MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 1999.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN GUARANTEED SCHOOL CONSTRUCTION BONDS.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 1999.

TITLE IV—REVENUE PROVISIONS

SEC. 401. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 402. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) (relating to special rule for services) is amended—

(1) by inserting "in fields described in paragraph (2)(A)" after "services by such person", and

(2) by inserting "CERTAIN PERSONAL" before "SERVICES" in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 403. RETURNS RELATING TO CANCELLATIONS OF INDEBTEDNESS BY ORGANIZATIONS LENDING MONEY.

(a) IN GENERAL.—Paragraph (2) of section 6050P(c) (relating to definitions and special rules) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by inserting after subparagraph (C) the following new subparagraph:

"(D) any organization a significant trade or business of which is the lending of money."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to discharges of indebtedness after December 31, 1999.

SEC. 404. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2009."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees."

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 405. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.—

(1) SECTION 357.—Section 357(a)(2) (relating to assumption of liability) is amended by striking ", or acquires from the taxpayer property subject to a liability".

(2) SECTION 358.—Section 358(d)(1) (relating to assumption of liability) is amended by striking "or acquired from the taxpayer property subject to a liability".

(3) SECTION 368.—

(A) Section 368(a)(1)(C) is amended by striking ", or the fact that property acquired is subject to a liability,".

(B) The last sentence of section 368(a)(2)(B) is amended by striking ", and the amount of any liability to which any property acquired from the acquiring corporation is subject,".

(b) CLARIFICATION OF ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Section 357 is amended by adding at the end the following new subsection:

"(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—

"(1) IN GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

"(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability, and

"(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

"(2) EXCEPTION FOR NONRECOURSE LIABILITY.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

"(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy, or

"(B) the fair market value of such other assets (determined without regard to section 7701(g)).

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title."

(2) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 is amended by adding at the end the following new subsection:

"(d) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—

"(1) IN GENERAL.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

"(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

"(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee, and

"(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability."

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.—

(1) SECTION 584.—Section 584(h)(3) is amended—

(A) by striking ", and the fact that any property transferred by the common trust fund is subject to a liability," in subparagraph (A), and

(B) by striking clause (ii) of subparagraph (B) and inserting:

"(ii) ASSUMED LIABILITIES.—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

"(C) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply."

(2) SECTION 1031.—The last sentence of section 1031(d) is amended—

(A) by striking "assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability" and inserting "assumed (as determined under section 357(d)) a liability of the taxpayer", and

(B) by striking "or acquisition (in the amount of the liability)".

(d) CONFORMING AMENDMENTS.—

(1) Section 351(h)(1) is amended by striking ", or acquires property subject to a liability,".

(2) Section 357 is amended by striking "or acquisition" each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) is amended by striking "or acquired".

(4) Section 357(c)(1) is amended by striking ", plus the amount of the liabilities to which the property is subject,".

(5) Section 357(c)(3) is amended by striking "or to which the property transferred is subject".

(6) Section 358(d)(1) is amended by striking "or acquisition (in the amount of the liability)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after October 19, 1998.

SECTION 406. CHARITABLE SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.

(a) IN GENERAL.—Subsection (f) of section 170 (relating to disallowance of deduction in certain cases and special rules) is amended by adding at the end the following new paragraph:

"(10) SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.—

"(A) IN GENERAL.—Nothing in this section or in section 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 shall be construed to allow a deduction, and no deduction shall be allowed, for any transfer to or for the use of an organization described in subsection (c) if in connection with such transfer—

"(i) the organization directly or indirectly pays, or has previously paid, any premium on any personal benefit contract with respect to the transferor, or

"(ii) there is an understanding or expectation that any person will directly or indirectly pay any premium on any personal benefit contract with respect to the transferor.

"(B) PERSONAL BENEFIT CONTRACT.—For purposes of subparagraph (A), the term 'personal benefit contract' means, with respect to the transferor, any life insurance, annuity, or endowment contract if any direct or indirect beneficiary under such contract is the transferor, any member of the transferor's family, or any other person (other than an organization described in subsection (c)) designated by the transferor.

"(C) APPLICATION TO CHARITABLE REMAINDER TRUSTS.—In the case of a transfer to a trust referred to in subparagraph (E), references in subparagraphs (A) and (F) to an organization described in subsection (c) shall be treated as a reference to such trust.

"(D) EXCEPTION FOR CERTAIN ANNUITY CONTRACTS.—If, in connection with a transfer to or for the use of an organization described in subsection (c), such organization incurs an obligation to pay a charitable gift annuity (as defined in section 501(m)) and such organization purchases any annuity contract to fund such obligation, persons receiving payments under the charitable gift annuity shall not be treated for purposes of subparagraph (B) as indirect beneficiaries under such contract if—

"(i) such organization possesses all of the incidents of ownership under such contract,

"(ii) such organization is entitled to all the payments under such contract, and

"(iii) the timing and amount of payments under such contract are substantially the same as the timing and amount of payments to each such person under such obligation (as such obligation is in effect at the time of such transfer).

"(E) EXCEPTION FOR CERTAIN CONTRACTS HELD BY CHARITABLE REMAINDER TRUSTS.—A person shall not be treated for purposes of subparagraph (B) as an indirect beneficiary under any life insurance, annuity, or endowment contract held by a charitable remainder annuity trust or a charitable remainder unitrust (as defined in section 664(d)) solely by reason of being entitled to any payment referred to in paragraph (1)(A) or (2)(A) of section 664(d) if—

"(i) such trust possesses all of the incidents of ownership under such contract, and

"(ii) such trust is entitled to all the payments under such contract.

"(F) EXCISE TAX ON PREMIUMS PAID.—

"(i) IN GENERAL.—There is hereby imposed on any organization described in subsection (c) an excise tax equal to the premiums paid by such organization on any life insurance, annuity, or endowment contract if the payment of premiums on such contract is in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to when such transfer is made.

"(ii) PAYMENTS BY OTHER PERSONS.—For purposes of clause (i), payments made by any other person pursuant to an understanding or expectation referred to in subparagraph (A) shall be treated as made by the organization.

"(iii) REPORTING.—Any organization on which tax is imposed by clause (i) with respect to any premium shall file an annual return which includes—

"(I) the amount of such premiums paid during the year and the name and TIN of each beneficiary under the contract to which the premium relates, and

"(II) such other information as the Secretary may require.

The penalties applicable to returns required under section 6033 shall apply to returns required under this clause. Returns required under this clause shall be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

"(iv) CERTAIN RULES TO APPLY.—The tax imposed by this subparagraph shall be treated as imposed by chapter 42 for purposes of this title other than subchapter B of chapter 42.

"(G) SPECIAL RULE WHERE STATE REQUIRES SPECIFICATION OF CHARITABLE GIFT ANNUITANT IN CONTRACT.—In the case of an obligation to pay a charitable gift annuity referred to in subparagraph (D) which is entered into under the laws of a State which requires, in order for the charitable gift annuity to be exempt from insurance regulation by such State, that each beneficiary under the charitable gift annuity be named as a beneficiary under an annuity contract issued by an insurance company authorized to transact business in such State, the requirements of clauses (i) and (ii) of subparagraph (D) shall be treated as met if—

"(i) such State law requirement was in effect on February 8, 1999,

"(ii) each such beneficiary under the charitable gift annuity is a bona fide resident of such State at the time the obligation to pay a charitable gift annuity is entered into, and

"(iii) the only persons entitled to payments under such contract are persons entitled to payments as beneficiaries under such obligation on the date such obligation is entered into.

"(H) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the avoidance of such purposes."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendment made by this section shall apply to transfers made after February 8, 1999.

(2) EXCISE TAX.—Except as provided in paragraph (3) of this subsection, section 170(f)(10)(F) of the Internal Revenue Code of 1986 (as added by this section) shall apply to premiums paid after the date of the enactment of this Act.

(3) REPORTING.—Clause (iii) of such section 170(f)(10)(F) shall apply to premiums paid after February 8, 1999 (determined as if the tax imposed by such section applies to premiums paid after such date).

SEC. 407. TRANSFER OF EXCESS DEFINED BENEFIT PLAN ASSETS FOR RETIREE HEALTH BENEFITS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 420(b)(5) (relating to expiration) is amended by striking "in any taxable year beginning after December 31, 2000" and inserting "made after September 30, 2009".

(2) CONFORMING AMENDMENTS.—

(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking "1995" and inserting "2001".

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking "1995" and inserting "2001".

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking "in a taxable year beginning before January 1, 2001" and inserting "made before October 1, 2009", and

(ii) by striking "1995" and inserting "2001".

(b) APPLICATION OF MINIMUM COST REQUIREMENTS.—

(1) IN GENERAL.—Section 420(c)(3) is amended to read as follows:

"(3) MINIMUM COST REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer.

"(B) APPLICABLE EMPLOYER COST.—For purposes of this paragraph, the term 'applicable employer cost' means, with respect to any taxable year, the amount determined by dividing—

"(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

"(I) without regard to any reduction under subsection (e)(1)(B), and

"(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

"(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

"(C) ELECTION TO COMPUTE COST SEPARATELY.—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

"(D) COST MAINTENANCE PERIOD.—For purposes of this paragraph, the term 'cost maintenance period' means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in 2 or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A) for such taxable year."

(2) CONFORMING AMENDMENTS.—

(A) Section 420(b)(1)(C)(iii) is amended by striking "benefits" and inserting "cost".

(B) Section 420(e)(1)(D) is amended by striking "and shall not be subject to the minimum benefit requirements of subsection (c)(3)" and inserting "or in calculating applicable employer cost under subsection (c)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified transfers occurring after December 31, 2000, and before October 1, 2009.

SEC. 408. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) (relating to exception for 10 or more employer plans) is amended to read as follows:

"(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

"(i) Medical benefits.

"(ii) Disability benefits.

"(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers."

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) (defining disqualified benefit) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

"(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

"(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 409. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 (relating to installment method) is amended to read as follows:

"(a) USE OF INSTALLMENT METHOD.—

"(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

"(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2)."

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking "(a)" each place it appears and inserting "(a)(1)".

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: "A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 410. INCLUSION OF CERTAIN VACCINES AGAINST STREPTOCOCCUS PNEUMONIAE TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

"(L) Any conjugate vaccine against streptococcus pneumoniae."

(b) EFFECTIVE DATE.—

(1) SALES.—The amendment made by this section shall apply to vaccine sales beginning on the day after the date on which the Centers for Disease Control makes a final recommendation for routine administration to children of any conjugate vaccine against streptococcus pneumoniae.

(2) DELIVERIES.—For purposes of paragraph (1), in the case of sales on or before the date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

By Mr. WYDEN:

S. 1135. A bill to amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communication in which a candidate attacks an opponent of the candidate unless the candidate does so in person; to the Committee on Commerce, Science, and Transportation.

POLITICAL CANDIDATE PERSONAL RESPONSIBILITY ACT

Mr. WYDEN. Mr. President, today I am introducing legislation, along with Congressman WALDEN in the House of Representatives, that would fight the scourge of negative political campaigns with the simple yet powerful tool of accountability. If candidates choose to run for office by disparaging their opponents rather than standing on their own records and beliefs, they should at least be expected to take responsibility for the ad campaigns that they run. Under this legislation, there would be meaningful financial penalty—in the form of higher advertising rates—for those who fail to do so.

For me, this bill arises out of unpleasant personal experience. I was elected to this body in a special election against the man I am now proud to call my friend and colleague, GORDON SMITH. That campaign was the nastiest, most negative, least edifying political season that my state has ever been through. The unabashedly negative ads that both of our campaigns put on the air were a sour departure from Oregon's tradition of responsible, thoughtful politics.

I eventually became so disgusted with what my own campaign had become, that with only a few weeks before the election, I got rid of all my ads, destroyed negative mailings that were about to be sent out, asked others who were airing negative ads on my behalf to desist, and started over with a campaign that was 100 percent positive. I didn't know if it would be a smart campaign strategy or a kind of political suicide, and I didn't much care. Win or lose, I wanted to be proud of the way that I had conducted myself.

What I learned all too well in that campaign is that negative politics corrupts everything that it touches. It harms not only its target, but its sponsor as well. Negative ads are one of the biggest reasons for the cynicism and even disgust that so many Americans feel toward the political process. They cheapen the very institution of democracy.

There's no way, of course, to mandate a sense of shame or legislate an end to negative ads. But in an era when elections are determined more and more by television and radio advertising, it is not too much to ask that candidates be held responsible for the statements they make in their ads.

Under current campaign law, broadcasters are required to give qualified candidates for federal office their lowest price for ads, what is known as the lowest unit broadcast rate. In order to qualify for this rate, candidates must comply with federal campaign finance laws, and include proper disclaimers in the ad, among other regulations. The Political Candidate Personal Responsibility Act would attach two additional requirements to the discounted ad rate. The first requirement is that for both television and radio advertisements, the lowest unit rate will only be available if a candidate, when referring to his or her opponent, makes the reference him or her self. Radio advertisements must also contain a statement by the candidate in which the candidate identifies him or herself and the office for which the person is running. The second requirement is that in any television or radio ad where a candidate makes reference to his or her opponent, the candidate must appear or be heard for at least 75 percent of the broadcast time. If a candidate chooses to air an advertisement that does not comply with these requirements, he or she will be ineligible to receive the lowest unit rate for a period of 45 days in a primary and 60 days in a general election.

In other words, if you want the benefits of discounted broadcast time, you can't make disparaging statements that you aren't willing to say yourself. No more hiding behind grainy photographs, ominous music, and anonymous announcers.

Ultimately, one of our greatest responsibilities as elected officials is to encourage greater public participation in all levels of the political process. Campaign activities should not only represent the views of the candidates, but they should also encourage voters to participate in the democratic process. The growing negative trend of campaign advertisements degrades the process and discourages people from becoming involved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Political Candidate Personal Responsibility Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Local broadcasters are currently required to offer the "lowest unit charge" for advertising to candidates for all political offices 45 days before a primary election, and 60 days before a general election.

(2) The "lowest unit charge" requirement represents a federally mandated subsidy for political candidates.

(3) Campaigns for Federal office are too frequently dominated by negative and attack-oriented television and radio advertising.

(4) The Government should take action to ensure that it does not subsidize negative and attack oriented advertising where the candidate fails to demonstrate personal responsibility for the tenor of the candidate's advertising.

SEC. 3. LIMITATION ON AVAILABILITY OF LOWEST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOSITION.

(a) IN GENERAL.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "(b) The charges" and inserting "(b)(1) The charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) for the use of any broadcasting station unless the candidate certifies that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless—

"(i) such reference meets the requirements of subparagraph (C), and

"(ii) a communication which contains such reference—

"(I) in the case of a television broadcast, contains a clearly identifiable photographic or similar image of the candidate that is prominently displayed during at least 75 percent of the broadcast time, and

"(II) in the case of a radio broadcast, contains the voice of the candidate during at least 75 percent of the broadcast time.

"(B) If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or makes a communication that does not meet the requirements of subparagraph (A)(ii), such candidate shall not be entitled to receive the rate under paragraph (1)(A) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office.

"(C) A candidate meets the requirements of this subparagraph with respect to any reference to another candidate if—

"(i) in the case of a television broadcast, the reference (and any statement relating to the other candidate) is made by the candidate in a personal appearance on the screen, and

"(ii) in the case of a radio broadcast, the reference (and any statement relating to the other candidate) is made by the candidate in a personal audio statement during which the candidate and the office for which the candidate is running are identified by such candidate.

"(D) For purposes of this paragraph, the terms 'authorized committee' and 'Federal office' have the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)."

(b) CONFORMING AMENDMENT.—Section 315(b)(1)(A) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)(A)), as redesignated by subsection (a)(2), is amended by inserting "subject to paragraph (2)," before "during the forty-five days".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to broadcasts made after the date of enactment of this Act.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1136. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Finance.

EXEMPTION FROM INCOME TAX FOR STATE CREATED ORGANIZATIONS PROVIDING PROPERTY AND CASUALTY INSURANCE

Mr. MACK. Mr. President, today Senator GRAHAM and I introduce legislation that would help protect Florida from economic devastation in the event of a catastrophic windstorm or other peril.

Our legislation would amend Section 501(c) of the Internal Revenue Code to grant tax-exempt status to the Florida Windstorm Underwriting Association (FWUA), the Florida Residential Property and Casualty Joint Underwriting Association (JUA) and similar state-chartered, not-for-profit insurers serving markets in which commercial insurance is not available. The FWUA and JUA are non-profit entities established by the state to provide property and casualty insurance coverage in those markets not adequately served by other insurers.

In most years, Florida is not hit by a major hurricane or natural catastrophe. In those years, the FWUA and JUA take in more premiums than are paid out in claims or expenses. Since these entities are not-for-profit, state law prevents those funds from being distributed—they are instead literally saved for a severely rainy or windy day. Nonetheless, the Internal Revenue Code requires 35% of those funds to be sent to Washington as federal income taxes rather than used to fund reserves. Designating the FWUA and JUA as tax-exempt will help Florida to accumulate the necessary reserves to pay claims brought on by a catastrophe. This bill gives the two Florida catastrophe funds the same tax-exempt status that is already enjoyed by a number of not-for-profit insurance provers.

State law authorizes the FWUA and the JUA to assess property insurance policyholders throughout Florida to pay for losses generated by catastrophic storms or other perils. Thus, the benefits of the tax exemption would reduce the frequency and severity of assessments levied against individual policyholders. Greater funds would be available to cover losses which otherwise would be paid for by higher assessments on Florida policyholders—cutting taxes for the approximately 5,000,000 property owners in the state of Florida.

This legislation has the bipartisan support of the entire Florida Congressional delegation in addition to strong backing from Governor Jeb Bush, the State Insurance Commissioner, the Florida Senate President and Florida's House Speaker. And this change in the tax code would result in only a negligible loss of federal tax revenue, according to Joint Tax.

Our legislation is extremely important to homeowners and businesses throughout the state of Florida, all of whom are subject to assessment if reserves are not sufficient to pay claims in the event of a severe hurricane or other catastrophe. With hundreds of miles of magnificent coastline, Florida remains sensitive to the perils of nature. Enactment of our legislation permits Florida to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM INCOME TAX FOR STATE-CREATED ORGANIZATIONS PROVIDING PROPERTY AND CASUALTY INSURANCE FOR PROPERTY FOR WHICH SUCH COVERAGE IS OTHERWISE UNAVAILABLE.

(a) IN GENERAL.—Subsection (c) of section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by adding at the end the following new paragraph:

"(28)(A) Any association created before January 1, 1999, by State law and organized and operated exclusively to provide property and casualty insurance coverage for property located within the State for which the State has determined that coverage in the authorized insurance market is limited or unavailable at reasonable rates, if—

"(i) no part of the net earnings of which inures to the benefit of any private shareholder or individual,

"(ii) except as provided in clause (v), no part of the assets of which may be used for, or diverted to, any purpose other than—

"(I) to satisfy, in whole or in part, the liability of the association for, or with respect to, claims made on policies written by the association,

"(II) to invest in investments authorized by applicable law, or

"(III) to pay reasonable and necessary administration expenses in connection with the establishment and operation of the association and the processing of claims against the association,

"(iii) the State law governing the association permits the association to levy assessments on property and casualty insurance policyholders with insurable interests in property located in the State to fund deficits of the association, including the creation of reserves,

"(iv) the plan of operation of the association is subject to approval by the chief executive officer or other executive branch official of the State, by the State legislature, or both, and

"(v) the assets of the association revert upon dissolution to the State, the State's designee, or an entity designated by the State law governing the association, or State law does not permit the dissolution of the association.

"(B) Subparagraph (A) shall not apply to an association for any taxable year if the association's surplus income for such year exceeds 5 percent of the total insured value of properties insured by the association as of the close of the taxable year unless the association pays a tax equal to 35 percent of such excess for such year. Such tax shall be treated as imposed by chapter 42 for purposes of this title."

(b) TRANSITIONAL RULE.—No income or gain shall be recognized by an association as a result of a change in status to that of an association described by section 501(c)(28) of the Internal Revenue Code of 1986, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

• Mr. GRAHAM. Mr. President, as we prepare for next week's start of the 1999 Hurricane Season, I am pleased to join my colleague, Senator MACK, in introducing legislation that will help protect Florida from economic devastation in the event of a catastrophic disaster.

Our legislation would amend Section 501(c) of the Internal Revenue Code to grant tax-exempt status to state chartered, not-for-profit insurers serving markets in which commercial insurance is not available. In our state, this legislation will primarily assist the Florida Windstorm Underwriting Association (FWUA) and the Florida Residential Property and Casualty Joint Underwriting Association (JUA).

The Florida Windstorm Association was created in 1970. Twenty-two years later, in 1992, the legislature authorized the Joint Underwriting Association. These organizations operate as residual market mechanisms. They provide residential property and casualty insurance coverage for those residents who need, but are unable to procure through the voluntary market.

The JUA was created in direct response to $16 billion in covered losses during Hurricane Andrew. The destructive force of Andrew rendered a number of property insurance companies insolvent. Other firms recovered from the catastrophe by withdrawing from Florida markets.

During those fortunate years when we are not impacted by major hurricanes or other natural catastrophes, the FWUA and JUA take in more premiums that are paid out in claims and expenses. Florida law prevents those funds from being distributed so that needed reserves will accumulate in preparation for inevitable disasters.

Unfortunately, the Internal Revenue Service penalizes Florida for this responsible, forward thinking practice. It requires that 35% of those funds be sent to Washington as federal income taxes rather than used to fund reserves. Designating state chartered, non profit insurers as tax-exempt will help Florida accumulate the necessary reserves to pay claims brought on by a catastrophe.

State law also authorizes the FWUA and the JUA to assess property insurance policyholders for losses generated by natural disasters. Tax exemptions should reduce the frequency and severity of assessments levied against individual policyholders, because it would make more funds available to cover losses which otherwise would be paid for by higher assessments on policyholders.

Mr. President, even seven years later, Hurricane Andrew is still a nightmarish memory for Floridians. The 1999 Hurricane season will begin on June 1, 1999. The National Weather Service expects this hurricane season—which begins next Tuesday, to be another active storm season. It is imperative that the federal government avoids the comfortable habit of ignoring lessons presented by Andrew and other recent catastrophes.

This legislation has bipartisan support in the state's Congressional delegation. It is backed by our state governor, our insurance Commissioner, our state Senate President and House Speaker.

Also, Mr. President, the Joint Committee on Taxation has ruled that this legislation will have a negligible effect on the federal budget.

Our legislation is extremely important to homeowners and businesses throughout Florida, all whom are subject to assessment if reserves are not sufficient to pay claims in the event of a catastrophe. Florida remains sensitive to the perils of nature. Enactment of this legislation will permit our state to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners.•

By Mr. REID (for himself and Mr. FRIST):

S. 1139. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INCREASE OF CIVIL PENALTIES ON UNRULY AIRLINE PASSENGERS LEGISLATION

Mr. REID. Mr. President, years ago, when air travel was in its infancy, the greatest threat to passenger safety was mechanical failure.

Over the last half-century, the dedication of the men and women who service our airlines, coupled with advances in technology and know-how, have made air travel the safest method of transportation we have.

But it's not always the most convenient way to travel. As air travel has become safer, it has also become more popular—and more crowded.

As all of my colleagues in this chamber well know, air travel is an increasingly stressful and chaotic experience, at times trying even the most patient among us.

I commend my colleagues for introducing the passenger's bill of rights earlier this Congress, which hopefully will alleviate some of the stress of air travel.

I rise today to address a different aspect of that stress, and that is the safety hazard created to all passengers when a passenger who can't control his behavior or emotions, or simply refuses to do so, acts in a way that jeopardizes the safety of the flight.

Over the last few years, the number of reported incidents in which unruly airline passengers have interfered with flight crews, or even physically assaulted them, has increased dramatically and dangerously.

One airline alone reports that the number of incidents caused by violent or unruly passengers more than tripled in only three years—from 296 cases in 1994 to 921 cases in 1997.

In 1996, the Federal Aviation Administration imposed civil penalties against 121 unruly passengers. In 1997, that number jumped to 195—a sixty percent increase in only one year.

These incidents represent a serious threat to the safety of both flight crews and passengers alike.

Today I, along with my colleague Senator FRIST, am introducing a bill that addresses this problem.

Briefly, my bill will allow the Secretary of Transportation to increase the civil penalty from its current level of $1,100, up to $25,000, on any airline passenger who interferes with the duties or responsibilities of the flight crew or cabin crew or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft.

We need not only to punish passengers who threaten the safety of their passengers. We also need to give airlines the power to prevent particularly violent or disruptive passengers from committing similar acts in the future.

When someone drives in an unsafe manner on our roads, local police have the power to fine them. When that someone commits the same offenses repeatedly, or drives in a way that is especially dangerous, local authorities have the power to revoke or suspend their driver's licenses—to take those drivers off the road.

I think we need to do something similar with air travelers who commit particularly dangerous acts, or who insist on repeatedly disrupting airline flight crews. We need them off of our airlines, so that they do not have the opportunity to jeopardize the lives of other passengers in the future.

The bill I am introducing today gives the Secretary of Transportation the authority to raise the civil penalty up to $25,000.

Second, and most important, my bill would also give the Secretary of Transportation the authority to impose a ban of up to one year on all commercial air travel on passengers guilty of such incidents.

The bill enforces this ban by making airlines which provides air transportation to a banned traveler liable to the Government for a civil penalty of up to $25,000.

Third, this bill would give whistleblower protection to flight attendants who report unsafe behavior by co-workers.

Fourth, this bill will make the investigation of in-flight incidents easier by giving the Attorney General the authority to deputize local law enforcement officials to investigate incidents when the plane lands, wherever it lands.

Mr. President, everyone in this body travels extensively by air. Every time we get into an airline, we put our lives in the hands of the hardworking men and women who staff our airlines.

When we, or any other American, gets on an airplane, we should be able to sit back and relax, confident in the knowledge that those men and women can perform the jobs they were trained to do without interference by unreasonable or violent passengers.

We should also be able to board an airline secure in the knowledge that the man or woman sitting in the seat next to us, doesn't have an extensive history of violent or disruptive behavior on airplanes.

We should also have the security of knowing that if a passenger does choose to commit a particularly unruly or violent act that threatens the safety of other passengers or the flight crew, that passenger won't be able to get on another airplane tomorrow and do the same thing to another unsuspecting planeload of passengers.

I urge my colleagues to join me in supporting this important bill.

Mr. President, ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"§ 46317. Interference with cabin or flight crew

"(a) GENERAL RULE.—

"(1) IN GENERAL.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

"(2) ADDITIONAL PENALTIES.—In addition or as an alternative to the penalty under paragraph (1), the Secretary of Transportation (referred to in this section as the 'Secretary') may prohibit the individual from flying as a passenger on an aircraft used to provide air transportation for a period of not more than 1 year.

"(b) NOTIFICATION OF AIR CARRIERS.—Not later than 10 days after issuing an order prohibiting an individual from flying under subsection (a)(2), the Secretary shall notify all air carriers of—

"(1) the prohibition; and

"(2) the period of the prohibition.

"(c) RESPONSIBILITY OF AIR CARRIERS.—After a notification of an order issued under subsection (a)(2), an air carrier who provides air transportation for the individual prohibited from flying during the period of the prohibition under that subsection is liable to the United States Government for a civil penalty of not more than $25,000.

"(d) COMPROMISE AND SETOFF.—

"(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

"(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"46317. Interference with cabin or flight crew.".

SEC. 2. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 421 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"§ 42121. Protection of employees providing air safety information

"(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file or cause to be filed, a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(3) testified or will testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—

"(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

"(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

"(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

"(i) filing of the complaint;

"(ii) allegations contained in the complaint;

"(iii) substance of evidence supporting the complaint; and

"(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—

"(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

"(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

"(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

"(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

"(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously and governed by the Federal Rules of Civil Procedure. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

"(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

"(I) provides relief in accordance with this paragraph; or

"(II) denies the complaint.

"(ii) SETTLEMENT AGREEMENT.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

"(i) take action to abate the violation;

"(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

"(iii) provide compensatory damages to the complainant.

"(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

"(4) FRIVOLOUS COMPLAINTS.—A complaint brought under this section that is found to be frivolous or to have been brought in bad faith shall be governed by Rule 11 of the Federal Rules of Civil Procedure.

"(5) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—

"(i) IN GENERAL.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

"(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(6) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

"(A) IN GENERAL.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

"(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

"(7) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

"(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"42121. Protection of employees providing air safety information.

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking "subchapter II of chapter 421," and inserting "subchapter II or III of chapter 421,".

SEC. 3. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in section 40102 of title 49, United States Code.

(3) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZED LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers of air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program established under subparagraph (A).

(2) CONSULTATION.—In establishing the program under paragraph (1), the Attorney General shall consult with appropriate officials of—

(A) the Federal Government (including the Administrator of the Federal Aviation Administration or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program established under this subsection, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The Federal Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the Federal Government established to provide training to law enforcement officers of the Federal Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) shall not—

(A) be considered to be an employee of the Federal Government; or

(B) receive compensation from the Federal Government by reason of service as a Deputy United States Marshal in the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program under subsection (b) the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

ADDITIONAL COSPONSORS

S. 135

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 341

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 343

At the request of Mr. BOND, the names of the Senator from Florida (Mr. MACK), the Senator from Idaho (Mr. CRAPO), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 459

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 680

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 774

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 868

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 868, a bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

S. 902

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 918

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 965

At the request of Mr. JEFFORDS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 1016

At the request of Mr. DEWINE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1017

At the request of Mr. GRAHAM, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1056

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1056, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for the Highway Trust Fund and to reduce the number of separate taxes deposited into the Highway Trust Fund, and for other purposes.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1070

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Mr. BREAUX), and the

Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 81

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Resolution 81, a resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

SENATE RESOLUTION 84

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Resolution 84, a resolution to designate the month of May, 1999, as "National Alpha 1 Awareness Month."

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

AMENDMENT NO. 393

At the request of Mr. LEVIN the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 393 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 35—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 108—DESIGNATING THE MONTH OF MARCH EACH YEAR A "NATIONAL COLORECTAL CANCER AWARENESS MONTH"

Mr. BREAUX (for himself, Mr. MURKOWSKI, Mr. MACK, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Whereas colorectal cancer is the second leading cause of cancer deaths in the United States;

Whereas it is estimated that in 1999, physicians will diagnose 129,400 new cases of colorectal cancer in the United States;

Whereas in 1999, the disease is expected to kill 56,600 individuals in this country;

Whereas less than 50 percent of individuals above age 50 receive annual screenings for colorectal cancer;

Whereas adopting a healthy diet at a young age can significantly reduce the risk of developing colorectal cancer;

Whereas March is also designated as National Nutrition Awareness Month and the prevention of colorectal cancer is highly dependent on dietary factors;

Whereas regular screenings can save large numbers of lives; and

Whereas education can help inform the public of methods of prevention and symptoms of early detection: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL COLORECTAL CANCER AWARENESS MONTH.

The Senate—

(1) designates March of each year as "National Colorectal Cancer Awareness Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

LOTT (AND OTHERS) AMENDMENT NO. 394

Mr. LOTT. (for himself, Mr. WARNER, Mr. SHELBY, Mr. MURKOWSKI, Mr. DOMENICI, Mr. SPECTER, Mr. THOMAS, Mr. KYL, and Mr. HUTCHINSON) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 387, below line 24, add the following:

SEC. 1061. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS AND LICENSES.—The President shall promptly notify Congress whenever an export license or waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the license or waiver.

(c) NOTICE IN APPLICATIONS.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

SEC. 1062. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(7) to provide, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities

on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence office within the Agency as part of its satellite launch monitoring program.

(b) Annual Report on Implementation of Satellite Technology Safeguards.—The Secretary shall submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(1) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(2) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(3) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(4) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

SEC. 1063. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

SEC. 1064. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.

(a) Consultation with DCI.—The Secretary of State shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) Advisory Group.—The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) Annual Reports on Efforts To Acquire Sensitive United States Technology and Technical Information.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) Intelligence Community Defined.—In this section, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1065. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) Definitions.—In this section:

(1) The term "Missile Technology Control Regime" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1066. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1067. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) In General.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) Report Elements.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China;

(2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

(c) Appropriate Congressional Committees Defined.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1068. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

"(9) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have been released into the public domain since 1995 are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.".

On page 541, line 22, insert "(A)" after "(4)".

On page 542, between lines 2 and 3, insert the following:

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike "(3)" and insert "(2)".

On page 564, between lines 17 and 18, insert the following:

SEC. 3164. CONDUCT OF SECURITY CLEARANCES.

(a) Responsibility of Federal Bureau of Investigation.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking "the Civil Service Commission" each place it appears in subsections a., b., and c. and inserting "the Federal Bureau of Investigation".

(b) Conforming Amendments.—That section is further amended—

(1) by striking subsections d. and f.; and

(2) by redesignating subsections e., g., and h. as subsections d., e., and f., respectively; and

(3) in subsection d., as so redesignated, by striking "determine that investigations" and all that follows and inserting "require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.".

(c) Technical Amendment.—Subsection f. of that section, as so redesignated, is amended by striking "section 145 b." and inserting "subsection b. of this section".

SEC. 3165. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Secretary shall ensure that at least one employee from the pool established under paragraph (1) accompanies any group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country by the Secretary of State.

KERRY (AND OTHERS) AMENDMENT NO. 395

Mr. KERREY (for himself, Mrs. BOXER, Mr. FEINGOLD, Mr. DASCHLE, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

ALLARD (AND OTHERS) AMENDMENT NO. 396

Mr. ALLARD (for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. CAMPBELL, Mr. MURKOWSKI, Ms. SNOWE, Mr. FEINGOLD, Mr. COVERDELL, and Mr. GRASSLEY) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike section 904, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

MURRAY (AND OTHERS) AMENDMENT NO. 397

Mrs. MURRAY (for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. BOXER, Ms. LANDRIEU, Mr. KERREY, Mr. SCHUMER, Mr. INOUYE, Mr. KENNEDY, Mr. JEFFORDS, and Mr. ROBB) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a) RESTRICTION ON USE OF FUNDS.—".

HARKIN (AND BOXER) AMENDMENT NO. 398

(Ordered to lie on the table.)

Mr. HARKIN (for himself, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

On page 17, line 6, reduce the amount by $18,000,000.

HARKIN (AND FEINGOLD) AMENDMENT NO. 399

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

GORTON (AND MURRAY) AMENDMENT NO. 400

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle A, add the following:

SEC. 705. CONTINUOUS OPEN ENROLLMENT IN MANAGED CARE PLANS OF THE FORMER UNIFORMED SERVICES TREATMENT FACILITIES

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

"(g) CONTINUOUS OPEN ENROLLMENT.—Covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by the designated providers consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program.".

BOND (AND KERRY) AMENDMENT NO. 401

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

Strike section 805.

ALLARD AMENDMENT NO. 402

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 578, below line 21, add the following:

SEC. 3179. USE OF 9975 CANISTERS FOR SHIPMENT OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) Approval or Denial of Use.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall either grant or deny approval for the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site, Colorado.

(b) Alternative Means of Shipment of Waste.—(1) If approval of the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site is denied under subsection (a), the Secretary shall identify an alternative to 9975 canisters for use for the shipment of waste from the Rocky Flats Environmental Technology Site.

(2) The alternative under paragraph (1) shall be identified not later than 10 days after the date of the denial of approval under subsection (a).

(3) The alternative identified for purposes of paragraph (1) shall be available for use at the time of its identification for purposes of that paragraph, without need for any further approval.

(c) Costs.—Amounts to cover any costs associated with the identification of an alternative under subsection (b), and any costs associated with delays in the shipment of waste from Rocky Flats Environmental Technology Site as a result of delays in approval, shall be subtracted from amounts appropriated for travel by the Secretary of Energy.

BOXER AMENDMENT NO. 403

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1059 supra; as follows:

In title X, at the end of subtitle A, add the following:

SEC. 10 . TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.

(a) Authority.—Of the amounts appropriated for the Department of Defense for fiscal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer $100,000,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) Use of Amounts Transferred.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of the title 38, United States Code, national cemeteries in areas in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) Relationship to Other Transfer Authority.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

SMITH (AND WYDEN) AMENDMENT NO. 404

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Community-Army Cooperation Act of 1999".

SEC. 1302. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104–208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) Purpose.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) In General.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) Management Within Department of the Army.—The Secretary of the Army shall designate or establish in the Office of the Secretary of the Army an office to facilitate compliance with the requirements in subsection (a).

(c) Responsibilities of Office.—The office designated or established under subsection (b) shall have the following responsibilities:

(1) To provide oversight and policy guidance to the Department of the Army on issues relating to compliance with the requirements in subsection (a).

(2) Except as provided in section 1305, to allocate within the Department amounts appropriated for the Department for chemical demilitarization activities.

(3) To negotiate, renegotiate, and execute contracts, including performance-based contracts and incentive-based contracts, with nongovernmental entities.

(4) To negotiate and execute agreements, including incentive-based agreements, with other departments, agencies, and instrumentalities of the United States.

(5) To delegate authority and functions to other departments, agencies, and instrumentalities of the United States.

(6) To negotiate and execute agreements with the chief executive officers of the States.

(7) Such other responsibilities as the Secretary considers appropriate.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) In General.—Upon the direction of the Secretary of the Army, the Comptroller of the Army may make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) Source of Payments.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) Total Amount of Payments.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) Date of Payment.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term "applicable payment period" means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) Allocation of Payment—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) Computation of Payment.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) Interest on Untimely Payments.—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) Use of Payments.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

"(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

"(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

"(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

"(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

"(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

"(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

"(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

"(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

"(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

"(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.".

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) Limitation on Jurisdiction.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States.

(b) Limitations on Standing.—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decomissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within 2 miles of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) Interim Relief.—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) Standards To Be Employed in Actions.—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) Participation in Actions as Bar to Payments.—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) Impleading of Contractors.—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) Chemical agent and munition.—The term "chemical agent and munition" has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

(2) Chemical weapons convention.—The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) Community.—The term "community" means a country, parish, or other unit of local government.

(4) Decommission.—The term "decommission", with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SMITH (AND OTHERS) AMENDMENT NO. 405

Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) Court-Martial Conviction of Last Commander.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA-35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) Presidential Unit Citation for Final Crew.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA-35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SMITH (AND OTHERS) AMENDMENT NO. 406

Mr. SMITH of New Hampshire (for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. INHOFE, and Mr. HUTCHINSON) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) In General.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) Exceptions.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) Effective Date.—This section shall take effect on October 1, 1999.

MADE IN USA LABEL DEFENSE ACT OF 1999

ABRAHAM AMENDMENT NO. 407

(Ordered referred to the Committee on Finance.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 922) to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; as follows:

At the appropriate place, insert the following new section:

SEC. . ADDITIONAL REVENUES DEDICATED TO TAX RELIEF OR DEBT REDUCTION.

Notwithstanding any other provisions of law, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985—

(1) the Office of Management and Budget shall estimate the revenue increase resulting from the enactment of this Act, for fiscal years 2000 through 2009; and

(2) the amount estimated pursuant to paragraph (1) shall only be available for revenue reduction (without any requirement of an increase in revenues or reduction in direct spending) or debt reduction.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

HATCH AMENDMENT NOS. 408–409

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill, S. 1059, supra; as follows:

Amendment No. 408

At the appropriate place, insert the following new section:

SEC. . AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) In General.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(b) Covered Institutions.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or

(5) other educational purposes.

(c) Available Facilities.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) Definitions.—In this section:

(1) The term "base closure laws" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note.)

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "tax-supported educational institution" means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

AMENDMENT NO. 409

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

SMITH AMENDMENT NO. 410

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Community-Army Cooperation Act of 1999".

SEC. 1302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104–208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army shall make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term "applicable payment period" means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) ALLOCATION OF PAYMENT—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) COMPUTATION OF PAYMENT.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) INTEREST ON UNTIMELY PAYMENTS.—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) USE OF PAYMENTS.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

"(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

"(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

"(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

"(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

"(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

"(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

"(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

"(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

"(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

"(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.".

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) LIMITATION ON JURISDICTION.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States.

(b) LIMITATIONS ON STANDING.—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decomissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within the Positive Action Zone of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) INTERIM RELIEF.—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) STANDARDS TO BE EMPLOYED IN ACTIONS.—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) IMPLEADING OF CONTRACTORS.—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term "chemical agent and munition" has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

(2) CHEMICAL WEAPONS CONVENTION.—The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) COMMUNITY.—The term "community" means a country, parish, or other unit of local government.

(4) DECOMMISSION.—The term "decommission", with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERTS. Mr. President, I ask consent for the Committee on Agriculture, Nutrition, and Forestry to meet on May 26, 1999 in SH-216 to consider livestock issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 26, 1999, at 2:00 p.m. on FCC oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, May 26, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 10:15 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday May 26, 1999, at 9:30 a.m. to conduct a hearing on American Indian Youth Activities and Initiatives. The hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 to hold a hearing, at 2:00 p.m., in room SD-222 of the Senate Dirksen Office Building on: "S.J. Res. 3, proposing an amendment to the Constitution, Rights of Crime Victims."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on "Increasing MSHA and Small Mine Cooperation" during the session of the Senate on Wednesday, May 26, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 26, for purposes of conducting a Forests and Public Land Management Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 510, the American Land Sovereignty Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "The Contribution of Immigrants to America's Armed Forces."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on International Security, Proliferation, and Federal Services be permitted to meet on Wednesday, May 26, 1999, at 2:00 p.m. for a hearing to examine the unclassified report of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 26, 1999, to conduct a hearing on "Corporate Trades 1."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JEMEZ-PECOS REPATRIATION

• Mr. BINGAMAN. Mr. President, I rise today to commemorate a truly historic event that took place in my state of New Mexico last Saturday—the nation's largest act of Native American repatriation. The "Jemez-Pecos Repatriation" resulted in the reburial of nearly 2,000 human remains and artifacts unearthed from what should have been their final resting place over 70 years ago.

On the Wednesday before the reburial, over 300 people started the 120 mile walk from Jemez Pueblo in northern New Mexico to the ruins of the Pecos Pueblo. The journey is a long one in the dry New Mexico sun. The group, both young and old, traveled across three counties and through the beautiful Jemez Mountains before arriving at the former site of the Pecos Pueblo. But the journey of their ancestors is much more remarkable.

Prior to the 1820's, the Pueblo was a thriving community and center for trade. The Pecos interacted extensively with the Plains Indians to the east, the neighboring Pueblos to the west and the nearby Spanish communities. However, years of disease and warfare eventually decimated the population. In 1838, the remaining residents of Pecos Pueblo relocated to the Pueblo of Jemez, in order to protect their traditional leaders, sacred objects and culture. This decision reflects the fact that Jemez and Pecos cultures were intricately linked by blood, language and spiritual beliefs as well as through their "origin stories". In 1936, Congress formally merged the two tribes into one, with the Pueblo of Jemez named as the legal representative of the Pecos culture and administrative matters.

When the Pecos Pueblo was abandoned in 1838, it likely did not occur to the few surviving members of the Pecos that their burial site would be disturbed during the next century. However, the famed archaeologist Alfred V. Kidder unearthed the remains and artifacts during ten excavations between 1915 and 1929. The remains were housed at the Peabody Museum of Archaeology and Ethnology in Cambridge, Massachusetts and the artifacts were held at the Robert S. Peabody Museum of Archaeology at Phillips Academy in Andover, Massachusetts. On May 18, 1999, Harvard University turned over the human remains and artifacts of nearly 2,000 people formerly buried at the Pecos Pueblo to the Pueblo of Jemez.

Last Saturday, in a solemn private ceremony, the thousands of human remains and artifacts were reburied in the Pecos National Historical Park in a grave that was 6 feet deep, 600 feet long and 10 feet wide. The current burial site is near the former Pecos Pueblo.

The historical event last Saturday reflects the close relationship of the Jemez and Pecos people and the strong commitment the Pueblo of Jemez has to the beliefs of their ancestors. Some of the remains and artifacts that were reburied date back to the 12th century.

With the passage of the Native American Graves Protection and Repatriation Act in 1990, the current members of the Pueblo of Jemez were able to fulfill the dreams of many of their ancestors who longed to have the remains of their people returned to their homeland. NAGPRA was drafted to protect burial sites on tribal and federal land and to enable tribes to obtain the return of human remains and associated funery objects to the culturally affiliated tribes.

I commend the Pueblo of Jemez, and particularly the Governor, Raymond Gachupin, and the many governors before him, who worked tirelessly to get to this day of repatriation. It took eight years of negotiations and persistence to achieve the final goal of repatriation. In a private tribal ceremony on May 22, 1999, the remains and artifacts of the Pecos ancestors were returned to their rightful place. Many people would be angry or resentful if their ancestors were unearthed and relocated. But for the descendants of the Pueblos of Jemez and Pecos, May 22, 1999 was looked upon as a day of unity and healing. By focusing on the future, the descendants truly honored their ancestors. I understand that at the end of the ceremony, the New Mexico sky turned dark and the rain began to fall. Mr. President, rain in May is not a common occurrence in New Mexico, but neither is the repatriation of 2,000 Native Americans. I want to convey my respect and admiration to the members of the Pueblo of Jemez, past and present, for their commitment and dedication to the Jemez-Pecos Repatriation.•

SMALL BUSINESS ADMINISTRATION'S YOUNG ENTREPRENEUR OF THE YEAR: MR. THOMAS MICHAEL DUNN

• Mr. ASHCROFT. Mr. President, it is with great pride that I stand before this body to congratulate yet another truly remarkable Missourian, Mr. Thomas Michael Dunn—the Small Business Administration's Young Entrepreneur of the Year. Mr. Dunn, at the age of 26, is the second Missourian to win a national award from the Small Business Administration this year.

This young man's story is impressive. Tom began his lawn care business while still attending St. Louis University High School, and continued to operate his business during the summers while pursuing a double major in marketing and management at Indiana University. In his junior year of college, Tom began his first venture, operating a party favor franchise. By his senior year, the business was transformed into a flourishing million dollar industry.

Beginning in 1994, Dunn Lawn and Land employed only two staff members, and had only two lawn mowers. By 1998, Dunn Lawn and Land employed over 22 employees, eight trucks, over 12 lawn machines and $1.2 million in revenue. Today, Dunn Lawn and Land offers a variety of services including lawn mowing, landscape bed and plant maintenance, lawn renovation, leaf removal, fertilizer and weed control, irrigation services and complete landscape design and installation.

In addition to his thriving lawn maintenance business, Tom remains an active community leader. He has created the Impact Group of Cardinal Glennon Children's Hospital, which provides funds for special projects at the hospital.

Mr. Dunn was selected for this prestigious award because of his extraordinary success as a small business owner and demonstrated entrepreneurial potential for long-term economic growth. The Young Entrepreneur of the Year award is part of the SBA's National Small Business Week celebration. This annual event is held in recognition of the nation's small business community's contributions to the American economy and society. Winners are selected on their record of stability, growth in employment and sales, sound financial status, innovation, ability to respond to adversity, and community service.

It honors me to stand before you today to congratulate Mr. Dunn as the Small Business Administration's Young Entrepreneur of the Year. I envy Mr. Dunn's initiative, and am proud to say he is a Missourian. He is a role model for the children of the next generation, and is living proof that with hard work and dedication any one individual can succeed no matter how old they are. Mr. Dunn's success exemplifies the "American Dream," and what it means to be "a man with a mission."•

TRIBUTE TO DANIEL BELL

• Mr. MOYNIHAN. Mr. President, David Ignatius has written a charming brief essay for The Washington Post on his former teacher Daniel Bell, "the dean of American sociology." Professor Bell, who is now Scholar in Residence at the American Academy of Arts and Sciences in Cambridge, Massachusetts, was a colleague and neighbor of mine for many years and a friend for even longer. He has no equal, and as he turns 80 he is indeed, as Mr. Ignatius writes, "a kind of national treasure—a strategic intellectual reserve." The nation is hugely in his debt. (A thought which I fear would horrify him!)

I ask that the article by David Ignatius in The Washington Post of May 23, 1999 be printed in the RECORD.

The article follows:

[From The Washington Post, May 23, 1999]

BIG QUESTIONS FOR DANIEL BELL

(By David Ignatius)

CAMBRIDGE—Having a conversation about ideas with Daniel Bell is a little like getting to rally with John McEnroe. Trying to keep up is hopeless, but it's exhilarating just to be on the court with him.

Bell, the dean of American sociology, turned 80 this month. In an era when big ideas have largely gone out of fashion, he continues to think bigger than anyone I know, of any age. That makes him a kind of national treasure—a strategic intellectual reserve.

The questions that interest Bell today remain the great, woolly ones that make most people throw up their hands: What are the forces shaping modern life? What are the relationships between economics, politics and culture? Where is the human story heading?

You can chart the intellectual history of the past 50 years in part through Bell's attempts to answer these big questions: "The End of Ideology," published in 1960; "The Coming of Post-Industrial Society," published in 1973; "The Cultural Contradictions of Capitalism," published in 1976.

Next month, Basic Books will reissue Bell's prophetic study of post-industrial society. This was in many ways the first serious effort to describe the new technological society that has emerged in the United States over the past quarter-century. Many of Bell's ideas are now commonplace—we are surrounded by evidence that his analysis was correct—but at the time, the transformation wasn't so obvious.

To accompany the 1999 edition, Bell has written a new 30,000-word foreword. ("I don't know how to write short," he says.) Bell writes that in the new information age, even the boundaries of time and space no longer hold. Economic activity is global and instantaneous; the traditional infrastructure that gave rise to cities—roads, rivers and harbors—is becoming irrelevant. We are connected with everywhere. Yet with all diffusion of information, Bell observes, true knowledge remains rare and precious.

The problem that vexes Bell is one of scale. He argues that societies tend to work smoothly when economic, social and political activities fit well together. But there is an obvious mismatch in today's global economy—where financial life is centralized as never before but political life is increasingly fragmented along ethnic and even tribal lines.

"The national state has become too small for the big problems of life, and too big for the small problems," Bell writes. "We find that the older social structures are cracking because political scales of sovereignty and authority do not match the economic scales."

Bell is part of the Dream Team of American letters—the group of Jewish intellectuals who grew up poor in New York in the 1930s, learned their debating skills in the alcoves of City College and went on to found the magazines and write he books that shaped America's understanding of itself. Because of the antisemitism of American universities at the time, most of them couldn't get teaching jobs at first. But today, their names are legendary: Irving Kristol, Irving Howe, Nathan Glazer, Norman Podhoretz and Bell.

What's especially admirable about Bell is how little he's changed over the years. Many of the New York intellectuals began as radical socialists and ended up as neo-conservatives—a long journey, indeed. But Bell holds roughly the same views he did when he was 15.

"I'm a socialist in economics, a liberal in politics and a conservative in culture," he said. He thinks it's a mistake to force these different areas of thought onto a single template. That ways lies dogmatism.

Another of Bell's virtues is that he doesn't go looking for fights. He explains that as a matter of life history. His father died in the influenza epidemic of 1920, when Bell was just eight months old. His mother had to work in a garment factory—leaving him in an orphanage part of the time. Bell wanted to hold onto his friends, he says.

Religion has been an anchor in Bell's life, too. Indeed, he said he began to doubt the Marxist view of history when he considered the durability of the world's great religions. He concluded that there were certain fundamental, existential questions—about the meaning of life and death—that were universal and unchanging, for which the great religions had provided enduring answers.

The most endearing aspect of Bell's personality is his sense of humor. Big thinkers are not always nimble and light-hearted, but Bell can't go five minutes without telling a joke—usually some sort of Jewish folk tale. Ask why he left an early job at Fortune to go teach at Columbia, and he recalls telling his boss, Henry Luce, that there were four reasons: "June, July, August and September."

Recounting his family history, Bell remembers a grandmother's remark when told at the end of World War I that because of a border change, the family now lived in Poland, rather than Russia. "Thank God! I was getting so tired of those Russian winters!"

Bell was my teacher and friend nearly 30 years ago at Harvard. In those days, he taught a seminar on the history of avant-garde movements. One of the assignments was to think up a name for a polemical avant-garde journal.

So I ask Bell to take his own test. what name would he give a journal if he was to start one today? He replies instantly: "THINK."

As much as anyone in American life, he can lay claim to that one.•

NATIONAL DRUG COURT WEEK

• Mr. CAMPBELL. Mr. President, as I did around this time last year, I want to recognize National Drug Court Week which is taking place next week. Since the Senate will be in recess at that time, I take this opportunity today to applaud our nation's drug courts and the people who have made them the successes they are today.

Next week, the National Association of Drug Court Professionals will sponsor a training conference, suitably titled "Celebrating Ten Years of Drug Courts: Honoring the Past, Looking to the Future," which will be held in Miami Beach, Florida. This year approximately 3,000 professionals from across the country, including judges, prosecutors, defense attorneys, law enforcement officers, corrections personnel, rehabilitation and treatment providers, educators, researchers and community leaders will be attending the conference. These Drug Court professionals' dedication has had a significant positive impact on the communities they serve.

The two and a half day conference will coincide with National Drug Court Week, June 1st though 7th, 1999. All across America, state and local governments have been recognizing drug courts and their dedicated professionals with resolutions, ceremonies and celebrations.

The Drug Court growth rate has been accelerating over the past several years. While the first Drug Court was established in 1989, there are currently over 600 Drug Courts that are either operating or being established. This surge in growth is a product of success.

Drug Courts are revolutionizing the criminal justice system. The strategy behind Drug Courts departs from traditional criminal justice practice by placing non-violent drug abusing offenders into intensive court supervised drug treatment programs instead of prison. Some Drug Courts target first time offenders, while others concentrate on habitual offenders. They all aim to reduce drug abuse and crime by employing a number of tools including comprehensive judicial monitoring, drug testing and supervision, treatment and rehabilitative services, and sanctions and incentives for drug offenders.

Statistics show us that Drug Courts work. It has been well documented that both drug use and associated criminal behavior are substantially reduced among those offenders participating in the Drug Courts. More than 70 percent of drug court clients have successfully completed the program or remain as active participants.

Drug Courts are also clearly cost-effective and help convert many drug-using offenders into productive members of society. Traditional incarceration has yielded few gains for our drug offenders. The costs are too high and the rehabilitation rate is minimal. Our Drug Courts are proving to be an effective alternative to traditional rehabilitation methods and are make strides forward in our fight against both drugs and crime.

In 1997, General McCaffrey and I had the opportunity to visit the Denver Drug Court. Through this experience I was able to meet with Denver's Drug Court professionals and observe their judicial procedures and other program activities first hand. I was impressed with the Denver Drug Court professionals and procedures, and believe they will yield many successes.

Today, as the chairman of the Treasury and General Government Appropriations Subcommittee, which funds the Office of National Drug Control Policy, I feel it is fitting to recognize on the floor of the U.S. Senate the important contributions our nation's Drug Court professionals are making toward reducing drug use and crime in our communities in time for National Drug Court Week.

Thank you Mr. President.•

TRIBUTE TO TIOGUE SCHOOL: 1999 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

• Mr. REED. Mr. President, I rise today to recognize the achievement of Tiogue School of Coventry, Rhode Island, which was recently honored as a U.S. Department of Education Blue Ribbon School. This is the second time in 3 years that a school from Coventry has earned this honor.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, 266 of the very best public and private schools in the Nation were identified as deserving of this special recognition. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. That is what Tiogue School is doing. Tiogue is a kindergarten through sixth grade school, which proudly says that it is a school "where everybody is somebody" and where children come first. These are more than just catch-phrases for Tiogue, which seeks to reach out to every student in the community and engages teachers, parents, and business and community leaders in the important job of education.

Teams of teachers work to develop appropriate but rigorous standards for all students. The results are impressive. Tiogue students have exceeded the norms on state assessments in each of the past five years. But Tiogue's teachers also work to develop a curriculum that extends far beyond what the assessments measure. Each year, the school focuses on a particular issue, subject, or theme. As a preface to the Summer Olympics, students studied world cultures with a focus on the diverse background of the student population. During another year, students studied the arts and worked to develop their skills as artists, writers, musicians, and dancers. This year, Tiogue is taking their education to another level with an exploration of outer space.

Mr. President, Tiogue School is dedicated to the highest standards. It is a school committed to a process of continuous improvement with a focus on high student achievement. Most importantly, Tiogue recognizes the value of the larger community and seeks its support and involvement. This school and community are making a huge difference in the lives of its students.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students and the techniques that can be replicated in other schools to help all students succeed. I am proud to say that in Rhode Island we can look to a school like Tiogue School. Under the leadership of its principal, Denise Richtarik, its capable faculty, and its involved parents, Tiogue School will continue to be a shining example for years to come.•

93RD ANNIVERSARY OF THE BOYS AND GIRLS CLUBS OF AMERICA

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the national Federated Boys Clubs, known today as the Boys and Girls Club of America.

Although the Boys Clubs were not organized nationally until 1906, origins of the club can be traced as far back as the mid-1800s. As early as 1853, a Club-like facility was established in New

York City for the purpose of lodging newsboys. However, the first Boys Club, as we know it today, wasn't established until 1860. The Dashaway Club in Hartford, Connecticut is recognized as the first known Boys Club, which provided afterschool activities for children from disadvantaged homes.

Soon the idea of a shelter for youth to spend time during non-school hours caught on. These clubs offered a safe place for children to congregate and stay out of trouble. Rapidly, Boys Clubs sprouted up around the country. In the early years, the clubs were concentrated mostly in New England. By 1906, 53 separate Boys Clubs were in existence. It was decided that these clubs should somehow work collectively. On May 13, 1906, a group of businessmen and Boys Clubs representatives met to discuss the idea of a national federation. Thus, the Boys Clubs of America was born.

Although the clubs continue to operate autonomously, the national organization provides staff recruitment and training, program research, facility construction, fundraising, and marketing. In addition, the national club addresses legislative and public policy issues affecting young people. In 1956, the Boys Club celebrated its 50th anniversary and received a U.S. Congressional Charter. As more and more clubs were formed, the organization grew and began serving girls as well as boys. In 1990, the name was officially changed to the Boys and Girls Clubs of America. Today, there are over 2,200 clubs operating nationwide, serving over three million children. Minnesota is proud to be home to 21 Boys and Girls Clubs, serving 33,456 children.

The Boys and Girls Clubs provides hope, inspiration, and the opportunity for children to realize their full potential as citizens. These clubs provide guidance, support, and leadership, while encouraging youth to abstain from drugs and alcohol, strive for scholastic achievement, become involved in community service, develop personal talents such as music or art, and explore career opportunities. Dedicated volunteers have helped the Boys and Girls Clubs of America become a success.

Mr. President, on the 93rd anniversary of its founding, I applaud the hard work and dedication of the men, women and youth who have contributed to the success of the Boys and Girls Clubs of America. Through their persistence and encouragement, youth across the country have benefitted greatly.•

TRIBUTE TO 1998 AIR FORCE ACADEMY FOOTBALL TEAM

• Mr. ALLARD. Mr. President, I rise today to recognize the accomplishments of the 1998 United States Air Force Academy Football Team.

The 1998 "Falcons" may go down in history as one of the greatest football teams in Academy history. Their 12–1 record included their first outright Western Athletic Conference Championship, a bowl victory over the University of Washington, and the Commander-in-Chief's Trophy, which is the most prized possession of the three service academies.

This team of over-achieving young men was lead by their Head Football Coach Fisher DeBerry, and his assistant coaches Richard Bell, Todd Bynum, Dee Dowis, Dick Enga, Larry Fedora, Jimmy Hawkins, Jeff Hayes, Cal McCombs, Tom Miller, Bob Noblitt, Jappy Oliver, Chuck Peterson, and Sammy Steinmark. They are recognized as one of the finest coaching staffs in the country.

On offense, the team was lead by seniors Mike Barron, Joe Cashman, Spanky Gilliam, Ryan Hill, Frank Mindrup, Blane Morgan, James Nate, Dylan Newman, Matt Paroda, Brian Phillips, Barry Roche, Jemal Singleton, Matt Waszak, and Eric Woodring.

The defense was lead by seniors Tim Curry, Bryce Fisher, Billy Free, Jeff Haugh, Jason Sanderson, Mike Tyler, and Charlton Warren.

Special team seniors Jason Kirkland and Alex Wright took care of the punting and place kicking duties.

The most impressive thing about these outstanding young men is that following their graduation from the Academy they will all be moving on to serve our county as 2nd Lieutenants in the United States Air Force. They are true student athletes who play the game for the enjoyment of the sport. These young men are tremendous role models for the youth of our country, and our nation can take pride in their accomplishments.

I commend the Superintendent of the Air Force Academy, Lt. General Tad Oelstrom, and Athletic Director Randy Spetman for their leadership in development an outstanding group of young men. They clearly possess the "right stuff."•

A TRIBUTE TO TWO GREAT NAVAL HEROES

• Mr. ABRAHAM. Mr. President, I rise today to honor the wartime heroism and distinguished military service of Commander David H. McClintock and Captain Bladen D. Claggett, retired officers of the United States Navy. Few men have exhibited the degree of bravery shown by these two men during the Second World War. While fighting for the U.S. Navy, these men took part in the greatest naval battle of all time, Leyte Gulf. Their actions at this, the most substantial attack of the Pacific War, severely limited the Japanese fleet at Leyte Gulf and eventually led to a Japanese retreat from the area.

In October of 1944, Commander David H. McClintock of the U.S.S. *Darter* discovered the Japanese main fleet and fired the first shots of the Battle for Leyte Gulf sinking the Japanese Flagship *Atago*, and crippling the Japanese heavy cruiser *Takao*. Captain Bladen D. Claggett of the U.S.S. *Dace* was also involved in the battle engaging and sinking the Japanese heavy Cruiser *Maya*. In attempting to close on the crippled cruiser, the *Darter* ran aground. The *Darter*'s entire crew was rescued by the *Dace*, which ran the risk of grounding herself during the rescue.

The actions of these two brave men and their crews will be remembered forever, not only because of the heroics involved, but because they played a major role in preventing a disastrous defeat of the landing force at Leyte Gulf.

Today, I salute the captains and crews of the U.S.S. *Darter* and U.S.S. *Dace*. I commend Captain David H. McClintock and Captain Bladen D. Claggett for their distinguished careers and contributions to the United States of America. I extend my sincerest congratulations to Captain David H. McClintock and Captain Bladen D. Claggett, who will be present at a ground-breaking ceremony May 29th, 1999, to establish an exhibit to the Marquette Maritime Museum commemorating their most heroic deeds.•

TRIBUTE TO IDA KLAUS

• Mr. MOYNIHAN. Mr. President, just days ago Ida Klaus, properly described as a "labor law pioneer," died at the age of 94. I had the great privilege of working with her in the Kennedy Administration in 1961 when she advised us on the development of Executive Order 10988, "Employee-Management Cooperation in the Federal Service," a defining event in the history of federal employment. She was a brilliant person, warm and concerned for others in a way that made possible her great achievements.

Mr. President, I ask that her obituary from The New York Times of May 20, 1999 be printed in the RECORD.

The obituary follows:

IDA KLAUS, 94, LABOR LAWYER FOR U.S. AND NEW YORK, DIES

(By Nick Ravo)

Ida Klaus, a labor law pioneer who became a high-ranking New York City official in the 1950's and who wrote the law that gave city employees the right to bargain collectively, died on Monday at her home in Manhattan. She was 94.

Ms. Klaus was a lifelong labor advocate whose sympathy for the working classes was instilled in her by her mother. As a young child growing up in the Brownsville section of Brooklyn, she helped give free food from the family grocery to striking factory workers.

She organized her first union while still in her teens. She was one of three college women working as a waitress in the summer with several professional waiters at the Gross & Baum Hotel in Saratoga Springs, N.Y. One day, she heard that the hotel planned to lay off some of the waiters.

"I don't known where I got the nerve, but I said, 'Let's get together and have a meeting,'" she said in a 1974 interview in The New York Times.

Ms. Klaus became the spokeswoman for the waiters and waitresses, and told the hotel management that if anyone was discharged, they would all go.

"At which point, Mr. Baum said he knew he shouldn't have hired college girls," she recalled. "But he didn't fire anyone."

Ms. Klaus's desire to become a lawyer also derived from the experience of watching her mother battle the court system for 10 years over her husband's estate.

But after graduating from Hunter College and, in 1925, from the Teachers Institute of Jewish Theological Seminary of America, now the Albert A. List College, she was denied admission to Columbia University Law School because she was a woman.

She taught Hebrew until 1928, when she was admitted to the law school with the first class to accept women. She received her law degree in 1931.

After graduation, Ms. Klaus worked as a review lawyer for the National Labor Relations Board in Washington. In 1948, she took the post of solicitor for the National Labor Relations Board, a position that made her the highest-ranking female lawyer in the Federal Government.

In 1954, she was hired as counsel to the New York City Department of Labor under Mayor Robert F. Wagner. She became known as the author of the so-called Little Wagner Act, the city version of the National Labor Relations Act of 1935, which recognized workers' rights to organize and bargain collectively through unions of their choosing. The Federal Wagner Act was named for the Mayor's father, Senator Robert F. Wagner.

She also wrote Mayor Wagner's executive order creating the first detailed code of labor relations for city employees.

"She is one of the pioneers and champions of bringing law and order into labor relations," said Robert S. Rifkin, a lawyer and longtime friend whose father, Simon H. Rifkin, was a law clerk for Ms. Klaus. "She believed labor relations ought not to be under the rule of tooth and claw."

Ms. Klaus briefly worked in the Kennedy Administration in 1961 as a consultant for the first labor relations task force for Federal employees.

She returned to New York in 1962 as director of staff relations for the Board of Education, where she negotiated what was reported to be the first citywide teachers' contract in the country.

She left in 1975 to become a private arbitrator. In 1980, President Jimmy Carter appointed her one of the three negotiators in the Long Island Rail Road strike.

Ms. Klaus, was born on Jan. 8, 1905, received Columbia Law School's Medal for excellence in 1996, and an honorary doctorate in 1994 from the Jewish Theological Seminary.

No close relatives survive.●

JUSTICE CLARENCE THOMAS: A GENTLEMAN OF PRINCIPLE

● Mr. HELMS. Mr. President, Monday morning I was delighted—and highly gratified—to find that the national media are finally catching up to a fact that many of us have known all along: The Honorable Mr. Justice Clarence Thomas is one of the brightest, most principled, and intellectually engaging member of the United States Supreme Court in a generation.

An article in Monday's The Washington Post headed "After a Quiet Spell, Justice Finds Voice" drew a profile of a Justice who refuses to subvert to his own personal views the plain meaning of statutes passed by Congress; a Justice who is committed to protecting our basic American political structure by respecting state sovereignty; and who exercises the patient to undertake the exhaustive historical research needed to ascertain the original intent of the Founding Fathers in framing our Constitution.

Clearly, Mr. President, Mr. Justice Thomas is a remarkable American—one who bears no resemblance to the often cruel and totally false caricatures his critics have attempted to create. I shall not catalogue or dwell upon the many injustices Mr. Justice Thomas has suffered at the hands of those who—for their own petty political purposes—have heaped abuse upon this fine man except to make this simple observation: Clarence Thomas has found the strength to serve his country and remain true to his principles in the face of viciously unfair personal criticism and his courage speaks volumes about the strength of his character.

Mr. President, I ask that the article from The Washington Post be printed in the Record.

The article follows:

[From the Washington Post, May 24, 1999]

After a Quite Spell, Justice Finds Voice—Conservative Thomas Emerges From the Shadow of Scalia

(By Joan Biskupic)

He's been known by the company he's kept.

For the past eight years, Supreme Court Justice Clarence Thomas has walked in the shadow of Justice Antonin Scalia. The pair have voted together more than any other two justices, staking out the court's conservative flank but also inspiring criticism that Thomas is simply a "clone" or "puppet" of the forceful, fiery-tempered Scalia.

But increasingly, Thomas has been breaking from Scalia, taking pains to elaborate his own views and securing his position as the most conservative justice on the court.

So far this term, Thomas has more than doubled the number of opinions he has written to explain his individual rationale, compared with the two previous terms. And even though the most controversial, divisive cases of the term are yet to be announced, Thomas already has voted differently from Scalia in several significant disputes, including last week's case on welfare payments for residents new to a state and an earlier case on how public schools must treat disabled children. Through these and other opinions, a more complex portrait is emerging of the court's second black justice, who had been best known among the public for the sexual harassment accusations made against him during his 1991 confirmation hearings.

"I think Thomas has turned out to be a much more interesting justice than his critics and probably even his supporters expected," said Cass R. Sunstein, a University of Chicago law professor. "He is the strongest originalist on the court, more willing to go back to history and 'first principles' of the Constitution."

"People in conservative legal circles are definitely noticing that Thomas has found his voice," said Daniel E. Troy, a District lawyer and protege of former conservative judge Robert H. Bork. "He is more willing to strike out on his own."

This term offers new evidence of Thomas's independent thinking. Of the 45 decisions handed down so far (31 still remain), Thomas has differed from Scalia in the bottom-line ruling of five, and in five other cases he has been on the same side as Scalia but has offered a separate rationale. It's a substantial departure from their previous pattern: Since 1991, Thomas and Scalia have voted together about 90 percent of the time. As recently as two years ago, the two voted together in all but one case.

For years, the reputations and practices of the two men have helped feed the widespread impression that Thomas was content to follow Scalia's lead. Scalia, a former law professor at the University of Chicago and a longtime judge, was already known for his narrow textualist reading of the Constitution and federal statutes when he joined the high court in 1986. His creative, aggressive approach inspired an admiring appeals court judge to call Scalia a "giant flywheel in the great judicial machine."

Thomas, meanwhile, had little reputation as a scholar when he joined the court in 1991. He had worked in the federal bureaucracy for nearly a decade, becoming prominent as chairman of the Equal Employment Opportunity Commission. His conservatism, which included opposition to affirmative action programs, was viewed mostly in political terms.

These impressions were reinforced by the two justices' behavior at the high court. Scalia, the first Italian American justice, is a stylist of the first order, with a sharp, sardonic edge. Last year, for example, when he rejected a legal standard used by the majority, he took a page from Cole Porter, saying: "Today's opinion resuscitates the ne plus ultra, the Napoleon Brandy, the Mahatma Ghandi, the Celophane of subjectivity, th' ol' shocks-the-conscience' test. In another case, he said, "I join the opinion of the court except that portion which takes seriously, and thus encourages in the future, an argument that should be laughed out of court."

Thomas, by contrast, was quiet in his early years, rarely speaking during oral arguments and writing few of his own concurring or dissenting opinions. He let Scalia hold the pen: Whatever their joint views, Scalia, 63, tended to write them up. Thomas, 50, merely signed on. Legal scholars on both the right and left publicly criticized Thomas as a pawn.

Now, however, Thomas is showing an increased willingness to express himself, speaking before broader audiences and writing more of his own opinions.

Thomas and Scalia are still very like-minded justices. More than the other conservative members of the Rehnquist Court, they believe the Constitution should be interpreted by looking at its exact words and establishing the intentions of the men who wrote it. They are unwilling to read into a statute anything not explicitly stated. They want the government—particularly the federal government—to get out of people's lives.

But Thomas is becoming the more consistent standard-bearer of this brand of conservatism. He would go further than Scalia in overturning past court rulings that he believes conflict with the Constitution. And he is more likely than Scalia to delve into legal history predating the writing of the Constitution in 1787 and more inclined to reject recent case law.

In last week's welfare case, for example, Thomas began by tracing a core constitutional provision from the 1606 Charter of Virginia: "Unlike the majority, I would look to history to ascertain the original meaning of the Clause," he wrote. While Scalia signed onto the majority opinion striking down limited welfare benefits for residents newly arrived in a state, Thomas and Chief Justice William H. Rehnquist dissented. Thomas wrote that the majority was wrongly interpreting the 14th Amendment's Privileges or Immunities Clause, raising "the specter that the . . . Clause will become yet another convenient tool for inventing new rights, limited solely by the predilections of those who happen at the time to be members of this court."

Thomas has also distinguished himself from Scalia by seeking more strongly to buttress state authority. He has emphasized that the Constitution's authority flows from "the consent of the people of each individual state, not the consent of the undifferentiated people of the nation as a whole."

This accent on states' rights was evident in a case earlier this term when only Thomas fully dissented from a voting rights decision that he believed too broadly interpreted a federal law targeting discrimination at the polls. "The section's interference with state sovereignty is quite drastic," he complained.

In another example of Thomas's narrower reading of federal law, he and Scalia were on opposite sides when the court interpreted a statute intended to guarantee equal educational opportunities for disabled schoolchildren. Scalia voted with the majority in the March case to find that the federal disabilities law requires public schools to provide a wide variety of medical care for children with severe handicaps.

Thomas dissented with Justice Anthony M. Kennedy. "Congress enacted [the law] to increase the educational opportunities available to disabled children, not to provide medical care for them," Thomas wrote. "[W]e must . . . avoid saddling the states with obligations that they did not anticipate."

Because Scalia did not write separately in any of those three recent cases—on welfare, voting rights and disabled children—it is impossible to compare directly his thinking with Thomas's. But differences between the two were visible when they both dissented from an April ruling that said defendants who plead guilty do not lose their right to remain silent during a sentencing hearing and that judges cannot use their silence against them. Scalia wrote the main opinion for the four dissenting justices, attempting to discredit the case law on which the majority relied. But Thomas also wrote a separate opinion that went still further, suggesting that an earlier case should be overturned altogether. The "so-called penalty" of having one's silence used adversely, Thomas wrote, "lacks any constitutional significance."

Some legal experts observe that Thomas's willingness to give voice to his solitary views recalls Rehnquist's position on the court in the 1970s and Scalia's in the late 1980s, before Thomas came on. He's at a point, said Troy and other observers, where he is comfortable enough to express his singular views but not so frustrated with writing alone that he is prepared to compromise.

"Thomas comes to it more as an outsider," said Alan Meese, a William and Mary law professor, who has followed the writings of Scalia and Thomas. "He probably says when he looks at [an earlier ruling], 'My God, we said that? That's loony.' "

Mr. HELMS. Mr. President, it is abundantly clear that more judges like Clarence Thomas on the Supreme Court * * *. As further proof, I offer the disastrous decision of the Supreme Court—from which Justice Thomas sensibly dissented—in the case of Davis v. Monroe County School Board. By a 5–4 margin, the Supreme Court held that public schools can be held liable under federal law for failing to stop so-called sexual harassment on the part of school children.

Exactly what constitutes sexual harassment on the part of children is not defined by the Court, Mr. President. Moreover, what constitutes the vague "deliberate indifference" standard that public school administrators must now avoid is anyone's guess. The meaning will no doubt be haggled over in countless frivolous lawsuits in federal court that will impose unnecessary financial costs on beleaguered school districts.

As the cacophony countless exhortations to spend ever-increasing amounts of money on federal education programs continue, Mr. President, should we not also address the financial problems federal laws cause to local school boards in our increasingly litigious society? For if more distinguished judges like Clarence Thomas are not present to rein in lawsuit-happy interest groups (e.g. the National Women's Law Center, which brought this case in the first place), we will find even the most trivial aspects of children's regrettable but predictable boorishness regulated by federal judges.

Playground teasing and immature behavior does not require a federal lawsuit, Mr. President; it may require a good spanking. Unfortunately, we often find that reasonable discipline measures result in legal action as well. Pity the taxpayer who pays the bill, Mr. President—and pity the students and teachers who must navigate this baffling legal minefield.

So thank Heaven for Clarence Thomas, who is doing his level best to hold the line against foolish decisions. We must hope the Senate will soon act to rectify the devastating financial effects frivolous lawsuits are imposing on school boards and local taxpayers across the country.●

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

On May 20, 1999, the Senate passed S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999. The text of the bill follows:

S. 254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Severability.

TITLE I—JUVENILE JUSTICE REFORM

Sec. 101. Surrender to State authorities.
Sec. 102. Treatment of Federal juvenile offenders.
Sec. 103. Definitions.
Sec. 104. Notification after arrest.
Sec. 105. Release and detention prior to disposition.
Sec. 106. Speedy trial.
Sec. 107. Dispositional hearings.
Sec. 108. Use of juvenile records.
Sec. 109. Implementation of a sentence for juvenile offenders.
Sec. 110. Magistrate judge authority regarding juvenile defendants.
Sec. 111. Federal sentencing guidelines.
Sec. 112. Study and report on Indian tribal jurisdiction.

TITLE II—JUVENILE GANGS

Sec. 201. Solicitation or recruitment of persons in criminal street gang activity.
Sec. 202. Increased penalties for using minors to distribute drugs.
Sec. 203. Penalties for use of minors in crimes of violence.
Sec. 204. Criminal street gangs.
Sec. 205. High intensity interstate gang activity areas.
Sec. 206. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
Sec. 207. Authority to make grants to prosecutors' offices to combat gang crime and youth violence.
Sec. 208. Increase in offense level for participation in crime as a gang member.
Sec. 209. Interstate and foreign travel or transportation in aid of criminal gangs.
Sec. 210. Prohibitions relating to firearms.
Sec. 211. Clone pagers.

TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION

Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974

Sec. 301. Findings; declaration of purpose; definitions.
Sec. 302. Juvenile crime control and prevention.
Sec. 303. Runaway and homeless youth.
Sec. 304. National Center for Missing and Exploited Children.
Sec. 305. Transfer of functions and savings provisions.

Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants

Sec. 321. Block grant program.
Sec. 322. Pilot program to promote replication of recent successful juvenile crime reduction strategies.
Sec. 323. Repeal of unnecessary and duplicative programs.

Sec. 324. Extension of Violent Crime Reduction Trust Fund.
Sec. 325. Reimbursement of States for costs of incarcerating juvenile aliens.

Subtitle C—Alternative Education and Delinquency Prevention

Sec. 331. Alternative education.

Subtitle D—Parenting as Prevention

Sec. 341. Short title.
Sec. 342. Establishment of program.
Sec. 343. National Parenting Support and Education Commission.
Sec. 344. State and local parenting support and education grant program.
Sec. 345. Grants to address the problem of violence related stress to parents and children.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

Subtitle A—Children and the Media.

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Purposes; construction.
Sec. 404. Exemption of voluntary agreements on guidelines for certain entertainment material from applicability of antitrust laws.
Sec. 405. Exemption of activities to ensure compliance with ratings and labeling systems from applicability of antitrust laws.
Sec. 406. Definitions.

Subtitle B—Other Matters.

Sec. 411. Study of marketing practices of motion picture, recording, and video/personal computer game industries.

TITLE V—GENERAL FIREARM PROVISIONS

Sec. 501. Special licensees; special registrations.
Sec. 502. Clarification of authority to conduct firearm transactions at gun shows.
Sec. 503. "Instant check" gun tax and gun owner privacy.
Sec. 504. Effective date.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

Sec. 601. Penalties for unlawful acts by juveniles.
Sec. 602. Effective date.

TITLE VII—ASSAULT WEAPONS

Sec. 701. Short title.
Sec. 702. Ban on importing large capacity ammunition feeding devices.
Sec. 703. Definition of large capacity ammunition feeding device.
Sec. 704. Effective date.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Criminal Use of Firearms by Felons Program.
Sec. 804. Annual reports.
Sec. 805. Authorization of appropriations.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals

Sec. 811. Apprehension and procedural treatment of armed violent criminals.

Subtitle C—Youth Crime Gun Interdiction

Sec. 821. Youth crime gun interdiction initiative.

Subtitle D—Gun Prosecution Data

Sec. 831. Collection of gun prosecution data.

Subtitle E—Firearms Possession by Violent Juvenile Offenders

Sec. 841. Prohibition on firearms possession by violent juvenile offenders.

Subtitle F—Juvenile Access to Certain Firearms

Sec. 851. Penalties for firearm violations involving juveniles.

Subtitle G—General Firearm Provisions

Sec. 861. National instant criminal background check system improvements.

TITLE IX—ENHANCED PENALTIES

Sec. 901. Straw purchases.
Sec. 902. Stolen firearms.
Sec. 903. Increase in penalties for crimes involving firearms.
Sec. 904. Increased penalties for distributing drugs to minors.
Sec. 905. Increased penalty for drug trafficking in or near a school or other protected location.

TITLE X—CHILD HANDGUN SAFETY

Sec. 1001. Short title.
Sec. 1002. Purposes.
Sec. 1003. Firearms safety.
Sec. 1004. Effective date.

TITLE XI—SCHOOL SAFETY AND VIOLENCE PREVENTION

Sec. 1101. School safety and violence prevention.
Sec. 1102. Study.
Sec. 1103. School uniforms.
Sec. 1104. Transfer of school disciplinary records.
Sec. 1105. School violence research.
Sec. 1106. National character achievement award.
Sec. 1107. National Commission on Character Development.
Sec. 1108. Juvenile access to treatment.
Sec. 1109. Background checks.
Sec. 1110. Drug tests.
Sec. 1111. Sense of the Senate.

TITLE XII—TEACHER LIABILITY PROTECTION ACT

Sec. 1201. Short title.
Sec. 1202. Findings and purpose.
Sec. 1203. Preemption and election of State nonapplicability.
Sec. 1204. Limitation on liability for teachers.
Sec. 1205. Liability for noneconomic loss.
Sec. 1206. Definitions.
Sec. 1207. Effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

Sec. 1301. Short title.
Sec. 1302. Purpose.
Sec. 1303. Findings.
Sec. 1304. Definitions.
Sec. 1305. Program authorized.
Sec. 1306. Application.
Sec. 1307. Selection priorities.
Sec. 1308. Authorization of appropriations.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

Sec. 1401. Purpose.
Sec. 1402. Authorization of appropriations.
Sec. 1403. School-based programs.
Sec. 1404. After school programs.
Sec. 1405. General provisions.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

Sec. 1501. Short title.
Sec. 1502. Elimination of convicted offender DNA backlog.
Sec. 1503. DNA identification of Federal, District of Columbia, and military violent offenders.

TITLE XVI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

Sec. 1601. Prohibition on firearms possession by violent juvenile offenders.
Sec. 1602. Safe students.
Sec. 1603. Study of marketing practices of the firearms industry.
Sec. 1604. Provision of Internet filtering or screening software by certain Internet service providers.
Sec. 1605. Application of section 923 (j) and (m).
Sec. 1606. Constitutionality of memorial services and memorials at public schools.
Sec. 1607. Twenty-first Amendment enforcement.
Sec. 1608. Interstate shipment and delivery of intoxicating liquors.
Sec. 1609. Disclaimer on materials produced, procured or distributed from funding authorized by this Act.
Sec. 1610. Aimee's Law.
Sec. 1611. Drug tests and locker inspections.
Sec. 1612. Waiver for local match requirement under community policing program.
Sec. 1613. Carjacking offenses.
Sec. 1614. Special forfeiture of collateral profits of crime.
Sec. 1615. Caller identification services to elementary and secondary schools as part of universal service obligation.
Sec. 1616. Parent leadership model.
Sec. 1617. National media campaign against violence.
Sec. 1618. Victims of terrorism.
Sec. 1619. Truth-in-sentencing incentive grants.
Sec. 1620. Application of provision relating to a sentence of death for an act of animal enterprise terrorism.
Sec. 1621. Prohibitions relating to explosive materials.
Sec. 1622. District judges for districts in the States of Arizona, Florida, and Nevada.
Sec. 1623. Behavioral and social science research on youth violence.
Sec. 1624. Sense of the Senate regarding mentoring programs.
Sec. 1625. Families and Schools Together program.
Sec. 1626. Amendments relating to violent crime in Indian country and areas of exclusive Federal jurisdiction.
Sec. 1627. Federal Judiciary Protection Act of 1999.
Sec. 1628. Local enforcement of local alcohol prohibitions that reduce juvenile crime in remote Alaska villages.
Sec. 1629. Rule of Construction.
Sec. 1630. Bounty hunter accountability and quality assistance.
Sec. 1631. Assistance for unincorporated neighborhood watch programs.
Sec. 1632. Findings and sense of Congress.
Sec. 1633. Prohibition on promoting violence on Federal property.
Sec. 1634. Provisions relating to pawn shops and special licensees.
Sec. 1635. Extension of Brady background checks to gun shows.
Sec. 1636. Appropriate interventions and services; clarification of Federal law.
Sec. 1637. Safe schools.
Sec. 1638. School counseling.

Sec. 1639. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.

Subtitle B—James Guelff Body Armor Act

Sec. 1641. Short title.
Sec. 1642. Findings.
Sec. 1643. Definitions.
Sec. 1644. Amendment of sentencing guidelines with respect to body armor.
Sec. 1645. Prohibition of purchase, use, or possession of body armor by violent felons.
Sec. 1646. Donation of Federal surplus body armor to State and local law enforcement agencies.
Sec. 1647. Additional findings; purpose.
Sec. 1648. Matching grant programs for law enforcement bullet resistant equipment and for video cameras.
Sec. 1649. Sense of Congress.
Sec. 1650. Technology development.
Sec. 1651. Matching grant program for law enforcement armor vests.

Subtitle C—Animal Enterprise Terrorism and Ecoterrorism

Sec. 1652. Enhancement of penalties for animal enterprise terrorism.
Sec. 1653. National animal terrorism and ecoterrorism incident clearinghouse.

Subtitle D—Jail-Based Substance Abuse

Sec. 1654. Jail-based substance abuse treatment programs.

Subtitle E—Safe School Security

Sec. 1655. Short title.
Sec. 1656. Establishment of School Security Technology Center.
Sec. 1657. Grants for local school security programs.
Sec. 1658. Safe and secure school advisory report.

Subtitle F—Internet Prohibitions

Sec. 1661. Short title.
Sec. 1662. Findings; purpose.
Sec. 1663. Prohibitions on uses of the Internet.
Sec. 1664. Effective date.

Subtitle G—Partnerships for High-Risk Youth

Sec. 1671. Short title.
Sec. 1672. Findings.
Sec. 1673. Purposes.
Sec. 1674. Establishment of demonstration project.
Sec. 1675. Eligibility.
Sec. 1676. Uses of funds.
Sec. 1677. Authorization of appropriations.

Subtitle H—National Youth Crime Prevention

Sec. 1681. Short title.
Sec. 1682. Purposes.
Sec. 1683. Establishment of National Youth Crime Prevention Demonstration Project.
Sec. 1684. Eligibility.
Sec. 1685. Uses of funds.
Sec. 1686. Reports.
Sec. 1687. Definitions.
Sec. 1688. Authorization of appropriations.

Subtitle I—National Youth Violence Commission

Sec. 1691. Short title.
Sec. 1692. National Youth Violence Commission.
Sec. 1693. Duties of the Commission.
Sec. 1694. Powers of the Commission.
Sec. 1695. Commission personnel matters.
Sec. 1696. Authorization of appropriations.
Sec. 1697. Termination of the Commission.

Subtitle J—School Safety

Sec. 1698. Short title.
Sec. 1699. Amendments to the Individuals with Disabilities Education Act.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) at the outset of the 20th century, the States adopted a separate justice system for juvenile offenders;

(2) violent crimes committed by juveniles, such as homicide, rape, and robbery, were an unknown phenomenon then, but the rate at which juveniles commit such crimes has escalated astronomically since that time;

(3) in 1994—

(A) the number of persons arrested overall for murder in the United States decreased by 5.8 percent, but the number of persons who are less than 15 years of age arrested for murder increased by 4 percent; and

(B) the number of persons arrested for all violent crimes increased by 1.3 percent, but the number of persons who are less than 15 years of age arrested for violent crimes increased by 9.2 percent, and the number of persons less than 18 years of age arrested for such crimes increased by 6.5 percent;

(4) from 1985 to 1996, the number of persons arrested for all violent crimes increased by 52.3 percent, but the number of persons under age 18 arrested for violent crimes rose by 75 percent;

(5) the number of juvenile offenders is expected to undergo a massive increase during the first 2 decades of the twenty-first century, culminating in an unprecedented number of violent offenders who are less than 18 years of age;

(6) the rehabilitative model of sentencing for juveniles, which Congress rejected for adult offenders when Congress enacted the Sentencing Reform Act of 1984, is inadequate and inappropriate for dealing with many violent and repeat juvenile offenders;

(7) the Federal Government should encourage the States to experiment with progressive solutions to the escalating problem of juveniles who commit violent crimes and who are repeat offenders, including prosecuting such offenders as adults, but should not impose specific strategies or programs on the States;

(8) an effective strategy for reducing violent juvenile crime requires greater collection of investigative data and other information, such as fingerprints and DNA evidence, as well as greater sharing of such information—

(A) among Federal, State, and local agencies, including the courts; and

(B) among the law enforcement, educational, and social service systems;

(9) data regarding violent juvenile offenders should be made available to the adult criminal justice system if recidivism by criminals is to be addressed adequately;

(10) holding juvenile proceedings in secret denies victims of crime the opportunity to attend and be heard at such proceedings, helps juvenile offenders to avoid accountability for their actions, and shields juvenile proceedings from public scrutiny and accountability;

(11) the injuries and losses suffered by the victims of violent crime are no less painful or devastating because the offender is a juvenile; and

(12) the prevention, investigation, prosecution, adjudication, and punishment of criminal offenses committed by juveniles, and the rehabilitation and correction of juvenile offenders are, and should remain, primarily the responsibility of the States, to be carried out without interference from the Federal Government.

(b) PURPOSES.—The purposes of this Act are—

(1) to reform Federal juvenile justice programs and policies in order to promote the emergence of juvenile justice systems in which the paramount concerns are providing for the safety of the public and holding juvenile wrongdoers accountable for their actions, while providing the wrongdoer a genuine opportunity for self-reform;

(2) to revise the procedures in Federal court that are applicable to the prosecution of juvenile offenders; and

(3) to encourage and promote, consistent with the ideals of federalism, adoption of policies by the States to ensure that the victims of violent crimes committed by juveniles receive the same level of justice as do victims of violent crimes that are committed by adults.

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—JUVENILE JUSTICE REFORM

SEC. 101. SURRENDER TO STATE AUTHORITIES.

Section 5001 of title 18, United States Code, is amended by striking the first undesignated paragraph and inserting the following:

"Whenever any person who is less than 18 years of age is been arrested and charged with the commission of an offense (or an act of delinquency that would be an offense were it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

"(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;

"(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and

"(3) it is in the best interests of the United States and of the juvenile offender.".

SEC. 102. TREATMENT OF FEDERAL JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution

"(a) IN GENERAL.—

"(1) DELINQUENCY PROCEEDINGS IN DISTRICT COURTS.—A juvenile who is alleged to have committed a Federal offense shall, except as provided in paragraph (2), be tried in the appropriate district court of the United States—

"(A) in the case of an offense described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult at the discretion of the United States Attorney in the appropriate jurisdiction, upon certification by that United States Attorney (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

"(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

"(ii) the ends of justice otherwise so require;

"(B) in the case of a felony offense that is not described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult, upon certification by the Attorney General (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

"(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

"(ii) the ends of justice otherwise so require;

"(C) in the case of a juvenile who has, on a prior occasion, been tried and convicted as an adult under this section, as an adult; and

"(D) in all other cases, as a juvenile.

"(2) REFERRAL BY UNITED STATES ATTORNEY; APPLICATION TO CONCURRENT JURISDICTION.—

"(A) IN GENERAL.—If the United States Attorney in the appropriate jurisdiction (or in the case of an offense under paragraph (1)(B), the Attorney General), declines prosecution of an offense under this section, the matter may be referred to the appropriate legal authorities of the State or Indian tribe with jurisdiction over both the offense and the juvenile.

"(B) APPLICATION TO CONCURRENT JURISDICTION.—The United States Attorney in the appropriate jurisdiction (or, in the case of an offense under paragraph (1)(B), the Attorney General), in cases in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile, shall exercise a presumption in favor of referral pursuant to subparagraph (A), unless the United States Attorney pursuant to paragraph (1)(A) (or the Attorney General pursuant to paragraph (1)(B)) certifies (which certification shall not be subject to review in or by any court) that—

"(i) the prosecuting authority or the juvenile court or other appropriate court of the State or Indian tribe refuses, declines, or will refuse or will decline to assume jurisdiction over the conduct or the juvenile; and

"(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(C) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"(b) JOINDER; LESSER INCLUDED OFFENSES.—In a prosecution under this section, a juvenile may be prosecuted and convicted as an adult for any offense that is properly joined under the Federal Rules of Criminal Procedure with an offense described in subsection (c), and may also be convicted of a lesser included offense.

"(c) OFFENSES DESCRIBED.—An offense is described in this subsection if it is a Federal offense that—

"(1) is a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c), except that section 3559(c)(3) does not apply to this subsection); or

"(2) is a conspiracy or an attempt to commit an offense described in paragraph (1).

"(d) WAIVER TO JUVENILE STATUS IN CERTAIN CASES; LIMITATIONS ON JUDICIAL REVIEW.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (a)(1) shall not be reviewable in any court.

"(2) DETERMINATION BY COURT ON TRIAL AS ADULT OF CERTAIN JUVENILE.—In any prosecution of a juvenile under subsection (a)(1)(A) if the juvenile was less than 16 years of age at the time of the offense, or under subsection (a)(1)(B), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant or for referral under subsection (a).

"(3) TIME REQUIREMENTS.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 30 days after the date on which the defendant—

"(A) appears through counsel to answer an indictment; or

"(B) expressly waives the right to counsel and elects to proceed pro se.

"(4) PROHIBITION.—The court shall not order the transfer of a defendant to juvenile status under paragraph (2) unless the defendant establishes by a preponderance of the evidence or information that removal to juvenile status would be in the interest of justice. In making a determination under paragraph (2), the court may consider—

"(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities;

"(B) whether prosecution of the juvenile as an adult is necessary to protect property or public safety;

"(C) the age and social background of the juvenile;

"(D) the extent and nature of the prior criminal or delinquency record of the juvenile;

"(E) the intellectual development and psychological maturity of the juvenile;

"(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

"(G) the availability of programs designed to treat any identified behavioral problems of the juvenile.

"(5) STATUS OF ORDERS.—

"(A) IN GENERAL.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court removing a defendant to juvenile status.

"(B) APPEALS.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

"(6) INADMISSIBILITY OF EVIDENCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution.

"(B) EXCEPTIONS.—The prohibition under subparagraph (A) shall apply, except—

"(i) for impeachment purposes; or

"(ii) in a prosecution for perjury or giving a false statement.

"(7) RULES.—The rules concerning the receipt and admissibility of evidence under this subsection shall be the same as prescribed in section 3142(f).

"(e) APPLICABLE PROCEDURES.—Any prosecution in a district court of the United States under this section—

"(1) in the case of a juvenile tried as an adult under subsection (a), shall proceed in the same manner as is required by this title and by the Federal Rules of Criminal Procedure in any proceeding against an adult; and

"(2) in all other cases, shall proceed in accordance with this chapter, unless the juvenile has requested in writing, upon advice of counsel, to be proceeded against as an adult.

"(f) APPLICATION OF LAWS.—

"(1) APPLICABILITY OF SENTENCING PROVISIONS.—

"(A) IN GENERAL.—Except as otherwise provided in this chapter, and subject to subparagraph (C) of this paragraph, in any case in which a juvenile is prosecuted in a district court of the United States as an adult, the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult, except that no person shall be subject to the death penalty for an offense committed before the person attains the age of 18 years.

"(B) STATUS AS ADULT.—No juvenile sentenced to a term of imprisonment shall be released from custody on the basis that the juvenile has attained the age of 18 years.

"(C) APPLICABLE GUIDELINES.—Each juvenile tried as an adult shall be sentenced in accordance with the Federal sentencing guidelines promulgated under section 994(z) of title 28, United States Code, once such guidelines are promulgated and take effect.

"(2) APPLICABILITY OF MANDATORY RESTITUTION PROVISIONS TO CERTAIN JUVENILES.—If a juvenile is tried as an adult for any offense to which the mandatory restitution provisions of sections 3663A, 2248, 2259, 2264, and 2323 apply, those sections shall apply to that juvenile in the same manner and to the same extent as those provisions apply to adults.

"(g) OPEN PROCEEDINGS.—

"(1) IN GENERAL.—Any offense tried or adjudicated in a district court of the United States under this section shall be open to the general public, in accordance with rules 10, 26, 31(a), and 53 of the Federal Rules of Criminal Procedure, unless good cause is established by the moving party or is otherwise found by the court, for closure.

"(2) STATUS ALONE INSUFFICIENT.—The status of the defendant as a juvenile, absent other factors, shall not constitute good cause for purposes of this subsection.

"(h) AVAILABILITY OF RECORDS.—

"(1) IN GENERAL.—In making a determination concerning the arrest or prosecution of a juvenile in a district court of the United States under this section, the United States Attorney of the appropriate jurisdiction, or, as appropriate, the Attorney General, shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted by State law, the prior State juvenile records of the subject juvenile.

"(2) CONSIDERATION OF ENTIRE RECORD.—In any case in which a juvenile is found guilty or adjudicated delinquent in an action under this section, the district court responsible for imposing sentence shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted under State law, the prior State juvenile records of the subject juvenile. At sentencing, the district court shall consider the entire available prior juvenile record of the subject juvenile.

"(i) APPLICATION TO INDIAN COUNTRY.—Notwithstanding sections 1152 and 1153, certification under subparagraph (A) or (B) of subsection (a)(1) shall not be made nor granted with respect to a juvenile who is subject to the criminal jurisdiction of an Indian tribal government if the juvenile is less than 15 years of age at the time of offense and is alleged to have committed an offense for which there would be Federal jurisdiction based solely on commission of the offense in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place where the alleged offense was committed has, before the occurrence of the alleged offense, notified the Attorney General in writing of its election that prosecution as an adult may take place under this section.".

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5032 and inserting the following:

"5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution.".

(2) ADULT SENTENCING.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS YOUNGER THAN 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for, or convicted of, a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c)).

"(h) TREATMENT OF JUVENILE CRIMINAL HISTORY IN FEDERAL SENTENCING.—

"(1) IN GENERAL.—

"(A) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission (referred to in this subsection as the 'Commission') shall amend the Federal sentencing guidelines to provide that, in determining the criminal history score under the Federal sentencing guidelines for any adult offender or any juvenile offender being sentenced as an adult, prior juvenile convictions and adjudications for offenses described in paragraph (2) shall receive a score similar to that which the defendant would have received if those offenses had been committed by the defendant as an adult, if any portion of the sentence for the offense was imposed or served within 15 years after the commencement of the instant offense.

"(B) REVIEWS.—The Commission shall review the criminal history treatment of juvenile adjudications or convictions for offenses other than those described in paragraph (2) to determine whether the treatment should be adjusted as described in subparagraph (A), and make any amendments to the Federal sentencing guidelines as necessary to make whatever adjustments the Commission concludes are necessary to implement the results of the review.

"(2) OFFENSES DESCRIBED.—The offenses described in this paragraph include any—

"(A) crime of violence;

"(B) controlled substance offense;

"(C) other offense for which the defendant received a sentence or disposition of imprisonment of 1 year or more; and

"(D) other offense punishable by a term of imprisonment of more than 1 year for which the defendant was prosecuted as an adult.

"(3) DEFINITIONS.—The Federal sentencing guidelines described in paragraph (1) shall define the terms 'crime of violence' and 'controlled substance offense' in substantially the same manner as those terms are defined in Guideline Section 4B1.2 of the November 1, 1995, Guidelines Manual.

"(4) JUVENILE ADJUDICATIONS.—In carrying out this subsection, the Commission—

"(A) shall assign criminal history points for juvenile adjudications based principally on the nature of the acts committed by the juvenile; an

"(B) may provide for some adjustment of the score in light of the length of sentence the juvenile received.

"(5) EMERGENCY AUTHORITY.—The Commission shall promulgate the Federal sentencing guidelines and amendments under this subsection as soon as practicable, and in any event not later than 90 days after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

"(6) CAREER OFFENDER DETERMINATION.—Pursuant to its authority under section 994 of title 28, the Commission shall amend the Federal sentencing guidelines to provide for inclusion, in any determination regarding whether a juvenile or adult defendant is a career offender under section 994(h) of title 28, and any computation of the sentence that any defendant found to be a career offender should receive, of any act for which the defendant was previously convicted or adjudicated delinquent as a juvenile that would be a felony covered by that section if it had been committed by the defendant as an adult.".

SEC. 103. DEFINITIONS.

Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"In this chapter:

"(1) ADULT INMATE.—The term 'adult inmate' means an individual who has attained the age of 18 years and who is in custody for, awaiting trial on, or convicted of criminal charges committed while an adult or an act of juvenile delinquency committed while a juvenile.

"(2) JUVENILE.—The term 'juvenile' means—

"(A) a person who has not attained the age of 18 years; or

"(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained the age of 21 years.

"(3) JUVENILE DELINQUENCY.—The term 'juvenile delinquency' means the violation of a law of the United States committed by a person before the eighteenth birthday of that person, if the violation—

"(A) would have been a crime if committed by an adult; or

"(B) is a violation of section 922(x).

"(4) PROHIBITED PHYSICAL CONTACT.—

"(A) IN GENERAL.—The term 'prohibited physical contact' means—

"(i) any physical contact between a juvenile and an adult inmate; and

"(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

"(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

"(5) SUSTAINED ORAL COMMUNICATION.—

"(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between a juvenile and an adult inmate.

"(B) EXCEPTION.—The term does not include—

"(i) communication that is accidental or incidental; or

"(ii) sounds or noises that cannot reasonably be considered to be speech.

"(6) STATE.—The term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

"(7) VIOLENT JUVENILE.—The term 'violent juvenile' means any juvenile who is alleged to have committed, has been adjudicated delinquent for, or has been convicted of an offense that, if committed by an adult, would be a crime of violence (as defined in section 16).".

SEC. 104. NOTIFICATION AFTER ARREST.

Section 5033 of title 18, United States Code, is amended—

(1) in the first sentence, by striking "immediately notify the Attorney General and" and inserting the following: "immediately, or as soon as practicable thereafter, notify the United States Attorney of the appropriate jurisdiction and shall promptly take reasonable steps to notify"; and

(2) in the second sentence of the second undesignated paragraph, by inserting before the period at the end the following: ", and the juvenile shall not be subject to detention under conditions that permit prohibited physical contact with adult inmates or in which the juvenile and an adult inmate can engage in sustained oral communication".

SEC. 105. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DUTIES OF MAGISTRATE.—Section 5034 of title 18, United States Code, is amended—

(1) by striking "The magistrate shall insure" and inserting the following:

"(a) IN GENERAL.—

"(1) REPRESENTATION BY COUNSEL.—The magistrate shall ensure";

(2) by striking "The magistrate may appoint" and inserting the following:

"(2) GUARDIAN AD LITEM.—The magistrate may appoint";

(3) by striking "If the juvenile" and inserting the following:

"(b) Release Prior to Disposition.—Except as provided in subsection (c), if the juvenile"; and

(4) by adding at the end the following:

"(c) Release of Certain Juveniles.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be released pending trial only in accordance with the applicable provisions of chapter 207. The release shall be conducted in the same manner and shall be subject to the same terms, conditions, and sanctions for violation of a release condition as provided for an adult under chapter 207.

"(d) Penalty for an Offense Committed While on Release.—

"(1) In general.—A juvenile alleged to have committed, while on release under this section, an offense that, if committed by an adult, would be a Federal criminal offense, shall be subject to prosecution under section 5032.

"(2) Applicability of certain penalties.—Section 3147 shall apply to a juvenile who is to be tried as an adult pursuant to section 5032 for an offense committed while on release under this section.".

(b) Detention Prior to Disposition.—Section 5035 of title 18, United States Code, is amended—

(1) by striking "A juvenile" and inserting the following:

"(a) In General.—Except as provided in subsection (b), a juvenile";

(2) in subsection (a), as redesignated—

(A) in the third sentence, by striking "regular contact" and inserting "prohibited physical contact or sustained oral communication"; and

(B) after the fourth sentence, by inserting the following: "To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles."; and

(3) by adding at the end the following:

"(b) Detention of Certain Juveniles.—

"(1) In general.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be subject to detention in accordance with chapter 207 in the same manner, to the same extent, and subject to the same terms and conditions as an adult would be subject to under that chapter.

"(2) Exception.—A juvenile shall not be detained or confined in any institution in which the juvenile has prohibited physical contact or sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.".

SEC. 106. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended—

(1) by inserting "who is to be proceeded against as a juvenile pursuant to section 5032 and" after "If an alleged delinquent";

(2) by striking "thirty" and inserting "70"; and

(3) by striking "the court," and all that follows through the end of the section and inserting the following: "the court. The periods of exclusion under section 3161(h) shall apply to this section. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the alleged act of juvenile delinquency, the facts and circumstances of the case that led to the dismissal, and the impact of a reprosecution on the administration of justice.".

SEC. 107. DISPOSITIONAL HEARINGS.

Section 5037 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Dispositional hearing.—

"(A) In general.—In a proceeding under section 5032(a)(1)(D), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e).

"(B) Predisposition report.—A predisposition report shall be prepared by the probation officer, who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the predisposition report, and victims or, in appropriate cases, their official representatives, shall be provided the opportunity to make a statement to the court in person or to present any information in relation to the disposition.

"(2) Actions of court after hearing.—After a dispositional hearing under paragraph (1), after considering any pertinent policy statements promulgated by the United States Sentencing Commission pursuant to section 994 of title 28, and in conformance with any guidelines promulgated by the United States Sentencing Commission pursuant to section 994(z)(1)(B) of title 28, the court shall—

"(A) place the juvenile on probation or commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult; and

"(B) enter an order of restitution pursuant to section 3663.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "or supervised release" after "probation";

(B) by striking "extend—" and all that follows through "The provisions" and inserting the following: "extend, in the case of a juvenile, beyond the maximum term of probation that would be authorized by section 3561, or beyond the maximum term of supervised release authorized by section 3583, if the juvenile had been tried and convicted as an adult. The provisions dealing with supervised release set forth in section 3583 and the provisions"; and

(C) in the last sentence, by inserting "or supervised release" after "on probation"; and

(3) in subsection (c), by striking "may not extend—" and all that follows through "Section 3624" and inserting the following: "may not extend beyond the earlier of the 26th birthday of the juvenile or the termination date of the maximum term of imprisonment, exclusive of any term of supervised release, that would be authorized if the juvenile had been tried and convicted as an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains the age of 18 years. Section 3624".

SEC. 108. USE OF JUVENILE RECORDS.

Section 5038 of title 18, United States Code, is amended to read as follows:

"§ 5038. Use of juvenile records

"(a) In General.—Throughout a juvenile delinquency proceeding under section 5032 or 5037, the records of such proceeding shall be safeguarded from disclosure to unauthorized persons, and shall only be released to the extent necessary for purposes of—

"(1) compliance with section 5032(h);

"(2) docketing and processing by the court;

"(3) responding to an inquiry received from another court of law;

"(4) responding to an inquiry from an agency preparing a presentence report for another court;

"(5) responding to an inquiry from a law enforcement agency, if the request for information is related to the investigation of a crime or a position within that agency or analysis requested by the Attorney General;

"(6) responding to a written inquiry from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(7) responding to an inquiry from an agency considering the person for a position immediately and directly affecting national security;

"(8) responding to an inquiry from any victim of such juvenile delinquency or, if the victim is deceased, from a member of the immediate family of the victim, related to the final disposition of such juvenile by the court in accordance with section 5032 or 5037, as applicable; and

"(9) communicating with a victim of such juvenile delinquency or, in appropriate cases, with the official representative of a victim, in order to—

"(A) apprise the victim or representative of the status or disposition of the proceeding;

"(B) effectuate any other provision of law; or

"(C) assist in the allocution at disposition of the victim or the representative of the victim.

"(b) Records of Adjudication.—

"(1) Transmission to FBI.—Upon an adjudication of delinquency under section 5032 or 5037, the court shall transmit to the Director of the Federal Bureau of Investigation a record of such adjudication.

"(2) Maintaining records.—The Director of the Federal Bureau of Investigation shall maintain, in the central repository of the Federal Bureau of Investigation, in accordance with the established practices and policies relating to adult criminal history records of the Federal Bureau of Investigation—

"(A) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense, that is equivalent to, and maintained and disseminated in the same manner and for the same purposes, as are adult criminal history records for the same offenses; and

"(B) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be any felony offense (other than an offense described in subparagraph (A)) that is equivalent to, and maintained and disseminated in the same manner, as are adult criminal history records for the same offenses—

"(i) for use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of an accused person, criminal offender, or juvenile delinquent; and

"(ii) for purposes of responding to an inquiry from an agency considering the subject of the record for a position or clearance immediately and directly affecting national security.

"(3) AVAILABILITY OF RECORDS TO SCHOOLS IN CERTAIN CIRCUMSTANCES.—Notwithstanding paragraph (2), the Director of the Federal Bureau of Investigation shall make an adjudication record of a juvenile maintained pursuant to subparagraph (A) or (B) of that paragraph, or conviction record described in subsection (d), available to an official of an elementary, secondary, or post-secondary school, in appropriate circumstances (as defined by and under rules issued by the Attorney General), if—

"(A) the subject of the record is a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school;

"(B) the school official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

"(C) information contained in the record is not used for the sole purpose of denying admission.

"(c) NOTIFICATION OF RIGHTS.—A district court of the United States that exercises jurisdiction over a juvenile shall notify the juvenile, and a parent or guardian of the juvenile, in writing, and in clear and nontechnical language, of the rights of the juvenile relating to the adjudication record of the juvenile. Any juvenile may petition the court after a period of 5 years to have a record relating to such juvenile and described in this section (except a record relating to an offense described in subsection (b)(2)(A)) removed from the Federal Bureau of Investigation database if that juvenile can establish by clear and convincing evidence that the juvenile is no longer a danger to the community.

"(d) RECORDS OF JUVENILES TRIED AS ADULTS.—In any case in which a juvenile is tried as an adult in Federal court, the Federal criminal record of the juvenile shall be made available in the same manner as is applicable to the records of adult defendants.".

SEC. 109. IMPLEMENTATION OF A SENTENCE FOR JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5039 of title 18, United States Code, is amended to read as follows:

"§ 5039. Implementation of a sentence

"(a) IN GENERAL.—Except as otherwise provided in this chapter, the sentence for a juvenile who is adjudicated delinquent or found guilty of an offense under any proceeding in a district court of the United States under section 5032 shall be carried out in the same manner as for an adult defendant.

"(b) SENTENCES OF IMPRISONMENT, PROBATION, AND SUPERVISED RELEASE.—Subject to subsection (d), the implementation of a sentence of imprisonment is governed by subchapter C of chapter 229 and, if the sentence includes a term of probation or supervised release, by subchapter A of chapter 229.

"(c) SENTENCES OF FINES AND ORDERS OF RESTITUTION; SPECIAL ASSESSMENTS.—

"(1) IN GENERAL.—A sentence of a fine, an order of restitution, or a special assessment under section 3013 shall be implemented and collected in the same manner as for an adult defendant.

"(2) PROHIBITION.—The parent, guardian, or custodian of a juvenile sentenced to pay a fine may not be made liable for such payment by any court.

"(d) SEGREGATION OF JUVENILES; CONDITIONS OF CONFINEMENT.—

"(1) IN GENERAL.—No juvenile committed for incarceration, whether pursuant to an adjudication of delinquency or conviction for an offense, to the custody of the Attorney General may, before the juvenile attains the age of 18 years, be placed or retained in any jail or correctional institution in which the juvenile has prohibited physical contact with adult inmate or can engage in sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

"(2) REQUIREMENTS.—Each juvenile who is committed for incarceration shall be provided with—

"(A) adequate food, heat, light, sanitary facilities, bedding, clothing, and recreation; and

"(B) as appropriate, counseling, education, training, and medical care (including necessary psychiatric, psychological, or other care or treatment).

"(3) COMMITMENT TO FOSTER HOME OR COMMUNITY-BASED FACILITY.—Except in the case of a juvenile who is found guilty of a violent felony or who is adjudicated delinquent for an offense that would be a violent felony if the juvenile had been prosecuted as an adult, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community if that commitment is—

"(A) practicable;

"(B) in the best interest of the juvenile; and

"(C) consistent with the safety of the community.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5039 and inserting the following:

"5039. Implementation of a sentence.".

SEC. 110. MAGISTRATE JUDGE AUTHORITY REGARDING JUVENILE DEFENDANTS.

Section 3401(g) of title 18, United States Code, is amended—

(1) in the second sentence, by inserting after "magistrate judge may, in any" the following: "class A misdemeanor or any"; and

(2) in the third sentence, by striking ", except that no" and all that follows before the period at the end of the subsection.

SEC. 111. FEDERAL SENTENCING GUIDELINES.

(a) APPLICATION OF GUIDELINES TO CERTAIN JUVENILE DEFENDANTS.—Section 994(h) of title 28, United States Code, is amended by inserting ", or in which the defendant is a juvenile who is tried as an adult," after "old or older".

(b) GUIDELINES FOR JUVENILE CASES.—

(1) IN GENERAL.—Section 994 of title 28, United States Code, is amended by adding at the end the following:

"(z) GUIDELINES FOR JUVENILE CASES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, the Commission, by affirmative vote of not less than 4 members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of any Federal statute, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

"(A) guidelines, as described in this section, for use by a sentencing court in determining the sentence to be imposed in a criminal case if the defendant committed the offense as a juvenile, and is tried as an adult pursuant to section 5032 of title 18, United States Code; and

"(B) guidelines, as described in this section, for use by a court in determining the sentence to be imposed on a juvenile adjudicated delinquent pursuant to section 5032 of title 18, United States Code, and sentenced pursuant to a dispositional hearing under section 5037 of title 18, United States Code.

"(2) DETERMINATIONS.—In carrying out this subsection, the Commission shall make the determinations required by subsection (a)(1) and promulgate the policy statements and guidelines required by paragraphs (2) and (3) of subsection (a).

"(3) CONSIDERATIONS.—In addition to any other considerations required by this section, the Commission, in promulgating guidelines—

"(A) pursuant to paragraph (1)(A), shall presume the appropriateness of adult sentencing provisions, but may make such adjustments to sentence lengths and to provisions governing downward departures from the guidelines as reflect the specific interests and circumstances of juvenile defendants; and

"(B) pursuant to paragraph (1)(B), shall ensure that the guidelines—

"(i) reflect the broad range of sentencing options available to the court under section 5037 of title 18, United States Code; and

"(ii) effectuate a policy of an accountability-based juvenile justice system that provides substantial and appropriate sanctions, that are graduated to reflect the severity or repeated nature of violations, for each delinquent act, and reflect the specific interests and circumstances of juvenile defendants.

"(4) REVIEW PERIOD.—The review period specified by subsection (p) applies to guidelines promulgated pursuant to this subsection and any amendments to those guidelines.".

(2) TECHNICAL CORRECTION TO ASSURE COMPLIANCE OF SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL STATUTES.—Section 994(a) of title 28, United States Code, is amended by striking "consistent with all pertinent provisions of this title and title 18, United States Code," and inserting "consistent with all pertinent provisions of any Federal statute".

SEC. 112. STUDY AND REPORT ON INDIAN TRIBAL JURISDICTION.

Not later than 18 months after the date of enactment of this Act, the Attorney General shall conduct a study of the juvenile justice systems of Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) and shall report to the Chairman and Ranking Member of the Committee on the Judiciary and the Committee on Indian Affairs of the Senate and the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives on—

(1) the extent to which tribal governments are equipped to adjudicate felonies, misdemeanors, and acts of delinquency committed by juveniles subject to tribal jurisdiction; and

(2) the need for and benefits from expanding the jurisdiction of tribal courts and the authority to impose the same sentences that can be imposed by Federal or State courts on such juveniles.

TITLE II—JUVENILE GANGS

SEC. 201. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"§522. Recruitment of persons to participate in criminal street gang activity

"(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participate in an offense described in section 521(c) of this title.

"(b) PENALTIES.—Any person who violates subsection (a) shall—

"(1) if the person recruited, solicited, induced, commanded, or caused—

"(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; or

"(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

"(2) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

"(c) DEFINITIONS.—In this section:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' has the meaning given the term in section 521.

"(2) MINOR.—The term 'minor' means a person who is younger than 18 years of age.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"522. Recruitment of persons to participate in criminal street gang activity.".

SEC. 202. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking "one year" and inserting "3 years"; and

(2) in subsection (c), by striking "one year" and inserting "5 years".

SEC. 203. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"§25. Use of minors in crimes of violence

"(a) PENALTIES.—Except as otherwise provided by law, whoever, being not less than 18 years of age, knowingly and intentionally uses a minor to commit a Federal offense that is a crime of violence, or to assist in avoiding detection or apprehension for such an offense, shall—

"(1) be subject to 2 times the maximum imprisonment and 2 times the maximum fine that would otherwise be imposed for the offense; and

"(2) for second or subsequent convictions under this subsection, be subject to 3 times the maximum imprisonment and 3 times the maximum fine that would otherwise be imposed for the offense.

"(b) DEFINITIONS.—In this section:

"(1) CRIME OF VIOLENCE.—The term 'crime of violence' has the meaning given the term in section 16 of this title.

"(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

"(3) USES.—The term 'uses' means employs, hires, persuades, induces, entices, or coerces.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"25. Use of minors in crimes of violence.".

SEC. 204. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking "5" and inserting "3";

(B) by inserting ", whether formal or informal" after "or more persons"; and

(C) in subparagraph (A), by inserting "or activities" after "purposes";

(2) in subsection (b), by inserting after "10 years" the following: "and such person shall be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)";

(3) in subsection (c)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

"(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

"(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

"(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

"(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46" and inserting "section 521, chapter 46,".

SEC. 205. HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term "Governor" means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term "high intensity interstate gang activity area" means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term "State" means a State of the United States or the District of Columbia.

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, upon consultation with the Secretary of the Treasury and the Governors of appropriate States, may designate as a high intensity interstate gang activity area a specified area that is located—

(A) within a State; or

(B) in more than 1 State.

(2) ASSISTANCE.—In order to provide Federal assistance to a high intensity interstate gang activity area, the Attorney General may—

(A) facilitate the establishment of a regional task force, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the high intensity interstate gang activity area; and

(B) direct the detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to the high intensity interstate gang activity area.

(3) CRITERIA FOR DESIGNATION.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the extent to which gangs from the area are involved in interstate or international criminal activity;

(B) the extent to which the area is affected by the criminal activity of gang members who—

(i) are located in, or have relocated from, other States; or

(ii) are located in, or have immigrated (legally or illegally) from, foreign countries;

(C) the extent to which the area is affected by the criminal activity of gangs that originated in other States or foreign countries;

(D) the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, as an indication of their determination to respond aggressively to the problem;

(E) the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activities in the area; and

(F) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 1999 through 2004, to be used in accordance with paragraph (2).

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 60 percent shall be used to carry out subsection (b)(2); and

(B) 40 percent shall be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) DEFINITION OF RURAL STATE.—In this paragraph, the term "rural State" has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

SEC. 206. INCREASING THE PENALTY FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "as provided in paragraph (2)" and inserting "as provided in paragraph (3)";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) USE OF PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.—Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

"(A) influence, delay, or prevent the testimony of any person in an official proceeding;

"(B) cause or induce any person to—

"(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

"(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

"(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

"(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3)."; and

(D) in paragraph (3), as redesignated, by striking subparagraph (B) and inserting the following:

"(B) in the case of—

"(i) an attempt to murder; or

"(ii) the use of physical force against any person;

imprisonment for not more than 20 years.";

(2) in subsection (b), by striking "or physical force"; and

(3) by adding at the end the following:

"(j) CONSPIRACY.—Whoever conspires to commit any offense under this section or section 1513 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTORS' OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

"(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

"(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

"(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle, $50,000,000 for 2000 through 2004.".

SEC. 208. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term "criminal street gang" has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 204 of this Act.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code as amended by section 204 of this Act, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 209. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

"§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

"(a) PROHIBITED CONDUCT AND PENALTIES.—

"(1) IN GENERAL.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

"(i) distribute the proceeds of any unlawful activity; or

"(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) CRIMES OF VIOLENCE.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

"(b) DEFINITIONS.—In this section:

"(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(2) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(3) UNLAWFUL ACTIVITY.—The term 'unlawful activity' means—

"(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

"(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States;

"(C) the use of bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

"(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.".

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term "unlawful activity" has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code (as added by section 201 of this Act), recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 210. PROHIBITIONS RELATING TO FIREARMS.

(a) SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.—Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by adding "or" at the end; and

(3) by adding at the end the following:

"(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in clause (i) or (ii);".

(b) TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.—Section 924(h) of title 18, United States Code, is amended by inserting "and if the transferee is a person who is under 18 years of age, imprisoned not less than 3 years," after "10 years,".

SEC. 211. CLONE PAGERS.

(a) IN GENERAL.—Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

"(i) to use a pen register, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers); or";

(b) EXCEPTION.—Section 3121 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager without first obtaining a court order under section 3123 or 3129 of this title, or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).";

(2) in subsection (b), by striking "a pen register or a trap and trace device" and inserting "a pen register, trap and trace device, or clone pager"; and

(3) by striking the section heading and inserting the following:

"§ 3121. General prohibition on pen register, trap and trace device, and clone pager use; exception".

(c) ASSISTANCE.—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following:

"(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication service shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title."; and

(3) by striking the section heading and inserting the following:

"§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager".

(d) EMERGENCY INSTALLATIONS.—Section 3125 of title 18, United States Code, is amended—

(1) by striking "pen register or a trap and trace device" and "pen register or trap and trace device" each place they appear and inserting "pen register, trap and trace device, or clone pager";

(2) in subsection (a), by striking "an order approving the installation or use is issued in accordance with section 3123 of this title" and inserting "an application is made for an order approving the installation or use in accordance with section 3122 or section 3128 of this title";

(3) in subsection (b), by adding at the end the following: "If such application for the use of a clone pager is denied, or in any other case in which the use of the clone pager is terminated without an order having been issued, an inventory shall be served as provided for in section 3129(e) of this title."; and

(4) by striking the section heading and inserting the following:

"§ 3125. Emergency installation and use of pen register, trap and trace device, and clone pager".

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) by striking "pen register orders and orders for trap and trace devices" and inserting "orders for pen registers, trap and trace devices, and clone pagers"; and

(2) by striking the section heading and inserting the following:

"§ 3126. Reports concerning pen registers, trap and trace devices, and clone pagers".

(f) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) by striking subparagraph (B) and inserting the following:

"(B) with respect to an application for the use of a pen register or trap and trace device, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

"(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to issue orders authorizing the use of a clone pager;";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) the term 'clone pager' means a numeric display device that receives communications intended for another numeric display paging device.".

(g) APPLICATIONS.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

"§ 3128. Application for an order for use of a clone pager

"(a) APPLICATION.—

"(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

"(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction of such State for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

"(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

"(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application and the identity of the law enforcement agency conducting the investigation;

"(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

"(3) a description of the numeric display paging device to be cloned;

"(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

"(5) the identity, if known, of the person who is subject of the criminal investigation; and

"(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, establishing probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

"§ 3129. Issuance of an order for use of a clone pager

"(a) IN GENERAL.—Upon an application made under section 3128 of this title, the court shall enter an ex parte order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that the application has established probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

"(b) CONTENTS OF AN ORDER.—An order issued under this section—

"(1) shall specify—

"(A) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

"(B) the numeric display paging device to be cloned;

"(C) the identity, if known, of the subscriber to the pager service; and

"(D) the offense to which the information likely to be obtained by the clone pager relates; and

"(2) shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to use the clone pager under section 3124 of this title.

"(c) TIME PERIOD AND EXTENSIONS.—

"(1) IN GENERAL.—An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days. Such 30-day period shall begin on the earlier of the day on which the investigative or law enforcement officer first begins use of the clone pager under the order or the tenth day after the order is entered.

"(2) EXTENSIONS.—Extensions of an order issued under this section may be granted, but only upon an application for an order under section 3128 of this title and upon the judicial finding required by subsection (a). An extension under this paragraph shall be for a period not to exceed 30 days.

"(3) REPORT.—Within a reasonable time after the termination of the period of a clone pager order or any extensions thereof under this subsection, the applicant shall report to the issuing court the number of numeric pager messages acquired through the use of the clone pager during such period.

"(d) NONDISCLOSURE OF EXISTENCE OF CLONE PAGER.—An order authorizing the use of a clone pager shall direct that—

"(1) the order shall be sealed until otherwise ordered by the court; and

"(2) the person who has been ordered by the court to provide assistance to the applicant may not disclose the existence of the clone pager or the existence of the investigation to the listed subscriber, or to any other person, until otherwise ordered by the court.

"(e) NOTIFICATION.—

"(1) IN GENERAL.—Within a reasonable time, not later than 90 days after the date of termination of the period of a clone pager order or any extensions thereof, the issuing judge shall cause to be served, on the individual or individuals using the numeric display paging device that was cloned, an inventory including notice of—

"(A) the fact of the entry of the order or the application;

"(B) the date of the entry and the period of clone pager use authorized, or the denial of the application; and

"(C) whether or not information was obtained through the use of the clone pager.

"(2) POSTPONEMENT.—Upon an ex-parte showing of good cause, a court of competent jurisdiction may in its discretion postpone the serving of the notice required by this subsection.".

(h) CLERICAL AMENDMENTS.—The table of sections for chapter 206 of title 18, United States Code, is amended—

(1) by striking the item relating to section 3121 and inserting the following:

"3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.";

(2) by striking the items relating to sections 3124, 3125, and 3126 and inserting the following:

"3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.
"3125. Emergency installation and use of pen register, trap and trace device, and clone pager.
"3126. Reports concerning pen registers, trap and trace devices, and clone pagers."; and

(3) by adding at the end the following:

"3128. Application for an order for use of a clone pager.
"3129. Issuance of an order for use of a clone pager".

(i) CONFORMING AMENDMENT.—Section 704(a) of the Communications Act of 1934 (47 U.S.C. 605(a)) is amended by striking "chapter 119," and inserting "chapters 119 and 206 of".

TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION

Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 301. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.

Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

"TITLE I—FINDINGS AND DECLARATION OF PURPOSE

"SEC. 101. FINDINGS.

"Congress makes the following findings:

"(1) During the past decade, the United States has experienced an alarming increase in arrests of adolescents for murder, assault, and weapons offenses.

"(2) In 1994, juveniles accounted for 1 in 5 arrests for violent crimes, including murder, robbery, aggravated assault, and rape, including 514 such arrests per 100,000 juveniles 10 through 17 years of age.

"(3) Understaffed and overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities no longer adequately address the changing nature of juvenile crime, protect the public, or correct youth offenders.

"(4) The juvenile justice system has proven inadequate to meet the needs of society and the needs of children who may be at risk of becoming delinquents are not being met.

"(5) Existing programs and policies have not adequately responded to the particular threats that drugs, alcohol abuse, violence, and gangs pose to the youth of the Nation.

"(6) Projected demographic increases in the number of youth offenders require reexamination of current prosecution and incarceration policies for serious violent youth offenders and crime prevention policies.

"(7) State and local communities require assistance to deal comprehensively with the problems of juvenile delinquency.

"(8) Existing Federal programs have not provided the States with necessary flexibility, nor have these programs provided the coordination, resources, and leadership required to meet the crisis of youth violence.

"(9) Overlapping and uncoordinated Federal programs have created a multitude of Federal funding streams to States and units of local government, that have become a barrier to effective program coordination, responsive public safety initiatives, and the provision of comprehensive services for children and youth.

"(10) Violent crime by juveniles constitutes a growing threat to the national welfare that requires an immediate and comprehensive governmental response, combining flexibility and coordinated evaluation.

"(11) The role of the Federal Government should be to encourage and empower communities to develop and implement policies to protect adequately the public from serious juvenile crime as well as implement quality prevention programs that work with at-risk juveniles, their families, local public agencies, and community-based organizations.

"(12) A strong partnership among law enforcement, local government, juvenile and family courts, schools, public recreation agencies, businesses, philanthropic organizations, families, and the religious community, can create a community environment that supports the youth of the Nation in reaching their highest potential and reduces the destructive trend of juvenile crime.

"SEC. 102. PURPOSE AND STATEMENT OF POLICY.

"(a) IN GENERAL.—The purposes of this Act are to—

"(1) empower States and communities to develop and implement comprehensive programs that support families, reduce risk factors, and prevent serious youth crime and juvenile delinquency;

"(2) protect the public and to hold juveniles accountable for their acts;

"(3) encourage and promote, consistent with the ideals of federalism, the adoption by the States of policies recognizing the rights of victims in the juvenile justice system, and ensuring that the victims of violent crimes committed by juveniles receive the same level of justice as do the victims of violent crimes committed by adults;

"(4) provide for the thorough and ongoing evaluation of all federally funded programs addressing juvenile crime and delinquency;

"(5) provide technical assistance to public and private nonprofit entities that protect public safety, administer justice and corrections to delinquent youth, or provide services to youth at risk of delinquency, and their families;

"(6) establish a centralized research effort on the problems of youth crime and juvenile delinquency, including the dissemination of the findings of such research and all related data;

"(7) establish a Federal assistance program to deal with the problems of runaway and homeless youth;

"(8) assist States and units of local government in improving the administration of justice for juveniles;

"(9) assist the States and units of local government in reducing the level of youth violence and juvenile delinquency;

"(10) assist States and units of local government in promoting public safety by supporting juvenile delinquency prevention and control activities;

"(11) encourage and promote programs designed to keep in school juvenile delinquents expelled or suspended for disciplinary reasons;

"(12) assist States and units of local government in promoting public safety by encouraging accountability for acts of juvenile delinquency;

"(13) assist States and units of local government in promoting public safety by improving the extent, accuracy, availability and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system;

"(14) assist States and units of local government in promoting public safety by encouraging the identification of violent and hardcore juveniles;

"(15) assist States and units of local government in promoting public safety by providing resources to States to build or expand juvenile detention facilities;

"(16) provide for the evaluation of federally assisted juvenile crime control programs, and the training necessary for the establishment and operation of such programs;

"(17) ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

"(18) provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.

"(b) STATEMENT OF POLICY.—It is the policy of Congress to provide resources, leadership, and coordination to—

"(1) combat youth violence and to prosecute and punish effectively violent juvenile offenders;

"(2) enhance efforts to prevent juvenile crime and delinquency; and

"(3) improve the quality of juvenile justice in the United States.

"SEC. 103. DEFINITIONS.

"In this Act:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention, appointed in accordance with section 201.

"(2) ADULT INMATE.—The term 'adult inmate' means an individual who—

"(A) has reached the age of full criminal responsibility under applicable State law; and

"(B) has been arrested and is in custody for, awaiting trial on, or convicted of criminal charges.

"(3) BOOT CAMP.—The term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

"(B) regular, remedial, special, and vocational education;

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(D) supervision by properly screened staff, who are trained and experienced in working with juveniles or young adults, in highly structured, disciplined surroundings, characteristic of a military environment; and

"(E) participation in community service programs, such as counseling sessions, mentoring, community service, or restitution projects, and a comprehensive aftercare plan developed through close coordination with Federal, State, and local agencies, and in cooperation with business and private organizations, as appropriate.

"(4) BUREAU OF JUSTICE ASSISTANCE.—The term 'Bureau of Justice Assistance' means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741).

“(5) BUREAU OF JUSTICE STATISTICS.—The term ‘Bureau of Justice Statistics’ means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732).

“(6) COLLOCATED FACILITIES.—The term ‘collocated facilities’ means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

“(7) COMBINATION.—The term ‘combination’ as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

“(8) COMMUNITY-BASED.—The term ‘community-based’ facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service that maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

“(9) COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.—The term ‘comprehensive and coordinated system of services’ means a system that—

“(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

“(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

“(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

“(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency.

“(10) CONSTRUCTION.—The term ‘construction’ means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings).

“(11) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term ‘Federal juvenile crime control, prevention, and juvenile offender accountability program’ means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, violence, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

“(12) GENDER-SPECIFIC SERVICES.—The term ‘gender-specific services’ means services designed to address needs unique to the gender of the individual to whom such services are provided.

“(13) GRADUATED SANCTIONS.—The term ‘graduated sanctions’ means an accountability-based juvenile justice system that protects the public, and holds juvenile delinquents accountable for acts of delinquency by providing substantial and appropriate sanctions that are graduated in such a manner as to reflect (for each act of delinquency or offense) the severity or repeated nature of that act or offense, and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender.

“(14) HOME-BASED ALTERNATIVE SERVICES.—The term ‘home-based alternative services’ means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention.

“(15) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(16) JUVENILE.—The term ‘juvenile’ means a person who has not attained the age of 18 years who is subject to delinquency proceedings under applicable State law.

“(17) JUVENILE POPULATION.—The term ‘juvenile population’ means the population of a State under 18 years of age.

“(18) JAIL OR LOCKUP FOR ADULTS.—The term ‘jail or lockup for adults’ means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

“(A) pending the filing of a charge of violating a criminal law;

“(B) awaiting trial on a criminal charge; or

“(C) convicted of violating a criminal law.

“(19) JUVENILE DELINQUENCY PROGRAM.—The term ‘juvenile delinquency program’ means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

“(A) drug and alcohol abuse programs;

“(B) the improvement of the juvenile justice system; and

“(C) any program or activity that is designed to reduce known risk factors for juvenile delinquent behavior, by providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of delinquent juvenile behavior.

“(20) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term ‘law enforcement and criminal justice’ means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

“(21) NATIONAL INSTITUTE OF JUSTICE.—The term ‘National Institute of Justice’ means the institute established by section 202(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721).

“(22) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

“(23) OFFICE.—The term ‘Office’ means the Office of Juvenile Crime Control and Prevention established under section 201.

“(24) OFFICE OF JUSTICE PROGRAMS.—The term ‘Office of Justice Programs’ means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711).

“(25) OUTCOME OBJECTIVE.—The term ‘outcome objective’ means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement of youth gangs, violent and unlawful acts of animal cruelty, and teenage pregnancy, among youth in the community.

“(26) PROCESS OBJECTIVE.—The term ‘process objective’ means an objective that relates to the manner in which a program or initiative is carried out, including—

“(A) an objective relating to the degree to which the program or initiative is reaching the target population; and

“(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

“(27) PROHIBITED PHYSICAL CONTACT.—

“(A) IN GENERAL.—The term ‘prohibited physical contact’ means—

“(i) any physical contact between a juvenile and an adult inmate; and

“(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

“(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

“(28) RELATED COMPLEX OF BUILDINGS.—The term ‘related complex of buildings’ means 2 or more buildings that share—

“(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

“(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28, Code of Federal Regulations, as in effect on December 10, 1996.

“(29) SECURE CORRECTIONAL FACILITY.—The term ‘secure correctional facility’ means any public or private residential facility that—

“(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

“(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

“(30) SECURE DETENTION FACILITY.—The term ‘secure detention facility’ means any public or private residential facility that—

“(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

“(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

"(31) SERIOUS CRIME.—The term 'serious crime' means criminal homicide, rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

"(32) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(33) STATE OFFICE.—The term 'State office' means an office designated by the chief executive officer of a State to carry out this title, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

"(34) SUSTAINED ORAL COMMUNICATION.—

"(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile.

"(B) EXCEPTION.—The term does not include—

"(i) communication that is accidental or incidental; or

"(ii) sounds or noises that cannot reasonably be considered to be speech.

"(35) TREATMENT.—The term 'treatment' includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

"(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

"(B) controlling or reducing their dependence and susceptibility to addiction or use.

"(36) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means—

"(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

"(B) any law enforcement district or judicial enforcement district that—

"(i) is established under applicable State law; and

"(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

"(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

"(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

"(i) the District of Columbia; or

"(ii) any Trust Territory of the United States.

"(37) VALID COURT ORDER.—The term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

"(A) who was brought before the court and made subject to such order; and

"(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

"(38) VIOLENT CRIME.—The term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery; or

"(B) aggravated assault committed with the use of a firearm.

"(39) YOUTH.—The term 'youth' means an individual who is not less than 6 years of age and not more than 17 years of age.".

SEC. 302. JUVENILE CRIME CONTROL AND PREVENTION.

(a) IN GENERAL.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended to read as follows:

"TITLE II—JUVENILE CRIME CONTROL AND PREVENTION

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

"SEC. 201. ESTABLISHMENT OF OFFICE.

"(a) IN GENERAL.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of Juvenile Crime Control and Prevention.

"(b) ADMINISTRATOR.—

"(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile delinquency prevention and crime control programs.

"(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, amounts made available under this title.

"(3) RELATIONSHIP TO ATTORNEY GENERAL.—The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have with the Attorney General.

"(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

"(d) ASSOCIATE ADMINISTRATOR.—

"(1) IN GENERAL.—There shall be in the Office an Associate Administrator, who shall be appointed by the Administrator, and who shall be treated as a career reserved position within the meaning of section 3132 of title 5, United States Code.

"(2) DUTIES.—The duties of the Associate Administrator shall include keeping Congress, other Federal agencies, outside organizations, and State and local government officials informed about activities carried out by the Office.

"(e) DELEGATION AND ASSIGNMENT.—

"(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this title, the Administrator may—

"(A) delegate any of the functions of the Administrator, and any function transferred or granted to the Administrator after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, to such officers and employees of the Office as the Administrator may designate; and

"(B) authorize successive redelegations of such functions as may be necessary or appropriate.

"(2) RESPONSIBILITY.—No delegation of functions by the Administrator under this subsection or under any other provision of this title shall relieve the Administrator of responsibility for the administration of such functions.

"(f) REORGANIZATION.—The Administrator may allocate or reallocate any function transferred among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in that Office as may be necessary or appropriate.

"SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.

"(a) IN GENERAL.—The Administrator may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

"(b) OFFICERS.—The Administrator may select, appoint, and employ not to exceed 4 officers and to fix their compensation at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code.

"(c) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Administrator, the head of any Federal agency may detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this title.

"(d) SERVICES.—The Administrator may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5, United States Code.

"SEC. 203. VOLUNTARY SERVICE.

"The Administrator may accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"SEC. 204. NATIONAL PROGRAM.

"(a) NATIONAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PLAN.—

"(1) IN GENERAL.—Subject to the general authority of the Attorney General, the Administrator shall develop objectives, priorities, and short- and long-term plans, and shall implement overall policy and a strategy to carry out such plan, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

"(2) CONTENTS OF PLANS.—

"(A) IN GENERAL.—Each plan described in paragraph (1) shall—

"(i) contain specific, measurable goals and criteria for reducing the incidence of crime and delinquency among juveniles, improving juvenile crime control, and ensuring accountability by offenders within the juvenile justice system in the United States, and shall include criteria for any discretionary grants and contracts, for conducting research, and for carrying out other activities under this title;

"(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for joint funding to be coordinated by the Administrator;

"(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the time served by juveniles in custody, and the trends demonstrated by such data;

"(iv) provide a description of the activities for which amounts are expended under this title;

"(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for assessing progress toward national juvenile crime reduction and juvenile offender accountability goals; and

"(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders.

"(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

"(i) the types of offenses with which the juveniles are charged;

"(ii) the ages of the juveniles;

"(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

"(iv) the length of time served by juveniles in custody; and

"(v) the number of juveniles who died or who suffered serious bodily injury while in custody and the circumstances under which each juvenile died or suffered such injury.

"(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term 'serious bodily injury' means bodily injury involving extreme physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.

"(3) ANNUAL REVIEW.—The Administrator shall annually—

"(A) review each plan submitted under this subsection;

"(B) revise the plans, as the Administrator considers appropriate; and

"(C) not later than March 1 of each year, present the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.

"(b) DUTIES OF ADMINISTRATOR.—In carrying out this title, the Administrator shall—

"(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;

"(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies and between such programs and activities and other Federal programs and activities that the Administrator determines may have an important bearing on the success of the entire national juvenile crime control, prevention, and juvenile offender accountability effort including, in consultation with the Director of the Office of Management and Budget listing annually those programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;

"(3) serve as a single point of contact for States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;

"(4) provide for the auditing of grants provided pursuant to this title;

"(5) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency, and issue, not less frequently than once each calendar year, a report on successful programs and juvenile crime reduction methods utilized by States, localities, and private entities;

"(6) ensure the performance of comprehensive rigorous independent scientific evaluations, each of which shall—

"(A) be independent in nature, and shall employ rigorous and scientifically valid standards and methodologies; and

"(B) include measures of outcome and process objectives, such as reductions in juvenile crime, youth gang activity, youth substance abuse, and other high risk factors, as well as increases in protective factors that reduce the likelihood of delinquency and criminal behavior;

"(7) involve consultation with appropriate authorities in the States and with appropriate private entities in the development, review, and revision of the plans required by subsection (a) and in the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts;

"(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded by grants under this title;

"(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—

"(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

"(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261; and

"(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

"(10) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under subparagraph (A).

"(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—

"(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups; and

"(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.

"(c) INFORMATION, REPORTS, STUDIES, AND SURVEYS FROM OTHER AGENCIES.—The Administrator through the general authority of the Attorney General, may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile crime control, prevention, and juvenile offender accountability program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator determines to be necessary to carry out the purposes of this title.

"(d) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

"(e) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.

"(f) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS.—

"(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program shall annually submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.

"(2) CONTENTS.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability, prevention, and treatment goals and policies.

"(3) REVIEW AND COMMENT.—

"(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

"(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

"(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

"(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

"(g) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—

"(1) any 1 of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced; and

"(2) in such a case, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in those regulations) that is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

"SEC. 205. JUVENILE DELINQUENCY PREVENTION CHALLENGE GRANT PROGRAM.

"(a) Authority To Make Grants.—The Administrator may make grants to eligible States in accordance with this part for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying learning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) that assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles;

"(G) that develop locally coordinated policies and programs among education, juvenile justice, public recreation, and social service agencies; or

"(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

"(2) projects that provide support and treatment to—

"(A) juveniles who are at risk of delinquency because they are the victims of child abuse or neglect; and

"(B) juvenile offenders who are victims of child abuse or neglect and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

"(3) to develop, implement or operate projects for the prevention or reduction of truancy through partnerships between local education agencies, local law enforcement, and, as appropriate, other community groups;

"(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

"(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

"(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

"(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

"(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

"(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, public recreation staff, and adults working for community-based organizations and agencies) who are properly screened and trained and that—

"(A) the State establish criteria to assess the quality of those one-on-one mentoring projects;

"(B) the Administrator develop an annual report on the best mentoring practices in those projects; and

"(C) the State choose exemplary projects, designated Gold Star Mentoring Projects, to receive preferential access to funding;

"(6) community-based projects and services (including literacy and social service programs) that work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to remain in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances, giving priority to juveniles who have been arrested for an alleged act of juvenile delinquency or adjudicated delinquent;

"(8) projects that leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects, including youth violence courts targeted to juveniles aged 14 and younger;

"(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, child abuse and neglect courts, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering services to juveniles;

"(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(12) delinquency prevention activities that involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(14) family strengthening activities, such as mutual support groups for parents and their children and postadoption services for families who adopt children with special needs;

"(15) adoptive parent recruitment activities targeted at recruiting permanent adoptive families for older children and children with special needs in the foster care system who are at risk of entering the juvenile justice system;

"(16) projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

"(17) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, respect, responsibility and trustworthiness;

"(18) programs for positive youth development that provide youth at risk of delinquency with—

"(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

"(B) safe places and structured activities during nonschool hours;

"(C) a healthy start;

"(D) a marketable skill through effective education; and

"(E) an opportunity to give back through community service;

"(19) projects that use neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(20) programs designed and operated to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

"(21) projects that expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders, including status offenders, to remain at home with their families as an alternative to detention; and

"(B) to ensure that juveniles follow the terms of their probation; and

"(22) projects that provide for initial intake screening, which may include drug testing, of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses.

"(b) Eligibility of States.—

"(1) Application.—To be eligible to receive a grant under subsection (a), a State shall submit to the Administrator an application that contains the following:

"(A) An assurance that the State will use—

"(i) not more than 5 percent of such grant, in the aggregate, for—

"(I) the costs incurred by the State to carry out this part; and

"(II) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(ii) the remainder of such grant to make grants under subsection (c).

"(B) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(C) An assurance that such application was prepared after consultation with and participation by—

"(i) community-based organizations that carry out programs, projects, or activities to prevent juvenile delinquency; and "(ii) police, sheriff, prosecutors, State or local probation services, juvenile courts, schools, public recreation agencies, businesses, and religious affiliated fraternal, nonprofit, and social service organizations involved in crime prevention.

"(D) An assurance that each eligible entity described in subsection (c)(1) that receives an initial grant under subsection (c) to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under subsection (a) by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(E) An assurance that each eligible entity described in subsection (c)(1) that receives a grant to carry out a project or activity under subsection (c) has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions to fund the project or activity, except that the Administrator may for good cause reduce the matching requirement to 33⅓ percent for economically disadvantaged communities.

"(F) An assurance that projects or activities funded by a grant under subsection (a) shall be carried out through or in coordination with a court with a juvenile crime or delinquency docket.

"(G) An assurance that of the grant funds remaining after administrative costs are deducted consistent with subparagraph (A)—

"(i) not less than 80 percent shall be used for the purposes designated in paragraphs (1) through (18) of subsection (a); and

"(ii) not less than 20 percent shall be used for the purposes in paragraphs (19) through (22) of subsection (a).

"(H) Such other information as the Administrator may reasonably require by rule.

"(2) Approval of Applications.—

"(A) Approval Required.—Subject to subparagraph (A), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of paragraph (1).

"(B) Limitation.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(i)(I) the State submitted a plan under section 222 for such fiscal year; and

"(II) such plan is approved by the Administrator for such fiscal year; or

"(ii) the Administrator waives the application of clause (i) to such State for such fiscal year, after finding good cause for such a waiver.

"(c) Grants for Local Projects.—

"(1) Selection from Among Applications.—

"(A) In General.—Using a grant received under subsection (a), a State may make grants to eligible entities whose applications are received by the State in accordance with paragraph (2) to carry out projects and activities described in subsection (a).

"(B) Special Consideration.—For purposes of making such grants, the State shall give special consideration to eligible entities that—

"(i) propose to carry out such projects in geographical areas in which there is—

"(I) a disproportionately high level of serious crime committed by juveniles; or

"(II) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(ii)(I) agree to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

"(II) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(iii) state the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"(2) Receipt of Applications.—

"(A) In General.—Subject to subparagraph (B), a unit of local government shall submit to the State simultaneously all applications that are—

"(i) timely received by such unit from eligible entities; and

"(ii) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(B) Direct Submission.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State.

"(d) Eligibility of Entities.—

"(1) Eligibility.—Subject to paragraph (2) and except as provided in paragraph (3), to be eligible to receive a grant under subsection (c), a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), local recreation agency, nonprofit private organization (including a faith-based organization), unit of local government, or social service provider, and/or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of local government an application that contains the following:

"(A) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in 1 or more of paragraphs (1) through (22) of subsection (a) as specified in, such application.

"(B) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(C) A statement identifying the research (if any) such entity relied on in preparing such application.

"(2) Review and Submission of Applications.—Except as provided in paragraph (3), an entity shall not be eligible to receive a grant under subsection (c) unless—

"(A) such entity submits to a unit of local government an application that—

"(i) satisfies the requirements specified in subsection (a); and

"(ii) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

"(B) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(3) Limitation.—If an entity that receives a grant under subsection (c) to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

"(e) Reporting Requirement.—Not later than 180 days after the last day of each fiscal year, the Administrator shall submit to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a report, which shall—

"(1) describe activities and accomplishments of grant activities funded under this section;

"(2) describe procedures followed to disseminate grant activity products and research findings;

"(3) describe activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention;

"(4) identify successful approaches and making the recommendations for future activities to be conducted under this section; and

"(5) describe, on a State-by-State basis, the total amount of matching contributions made by States and eligible entities for activities funded under this section.

"(f) Research and Evaluation.—

"(1) In General.—Except as provided in paragraph (2), of the amount made available to carry out this section in each fiscal year, the Administrator shall use the lesser of 5 percent or $5,000,000 for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this section.

"(2) Exception.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for that fiscal year for the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

"SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

"(a) Grant Program.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, (such as Boys and Girls Clubs, Police Athletic Leagues, 4-H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids 'N Kops programs) for the purposes of—

"(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

"(2) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

"(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

"(b) Applications.—

“(1) Eligibility.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator, in such form and containing such information as the Administrator may reasonably require.

“(2) Application requirements.—Each application submitted in accordance with paragraph (1) shall include—

“(A) a request for a grant to be used for the purposes of this section;

“(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

“(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

“(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

“(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

“(F) any additional statistical or financial information that the Administrator may reasonably require.

“(c) Grant Awards.—In awarding grants under this section, the Administrator shall consider—

“(1) the ability of the applicant to provide the intended services;

“(2) the history and establishment of the applicant in providing youth activities; and

“(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

“(d) Allocation.—Of the amounts made available to carry out this section—

“(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

“(2) 80 percent shall be for grants to community-based, nonprofit organizations.

“(e) Continued Availability.—Amounts made available under this section shall remain available until expended.

“SEC. 207. GRANTS TO INDIAN TRIBES.

“(a) In General.—From the amount reserved under section 208(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 205 and part B.

“(b) Applications.—

“(1) In general.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Administrator an application in such form and containing such information as the Administrator may by regulation require.

“(2) Plans.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 205(a), which plan shall—

“(A) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

“(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

“(C) provide for fiscal control and accounting procedures that—

“(i) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this section; and

“(ii) are consistent with the requirements of subparagraph (B); and

“(D) comply with the requirements of section 222(a) (except that such subsection relates to consultation with a State advisory group) and with the requirements of section 222(c); and

“(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this section.

“(c) Factors for Consideration.—In awarding grants under this section, the Administrator shall consider—

“(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

“(2) for each Indian tribe that receives assistance under such a grant—

“(A) the relative juvenile population; and

“(B) who will be served by the assistance provided by the grant.

“(d) Grant Awards.—

“(1) In general.—

“(A) Competitive awards.—Except as provided in paragraph (2), the Administrator shall annually award grants under this section on a competitive basis. The Administrator shall enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

“(B) Period of grant.—The period of each grant awarded under this section shall be 2 years.

“(2) Exception.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

“(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1)(A); and

“(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

“(3) Modifications of processes.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in subsection (b) for an application for a renewal grant under paragraph (2)(B).

“(e) Reporting Requirement.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

“(f) Matching Requirement.—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

“(g) Technical Assistance.—From the amount reserved under section 208(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.

“SEC. 208. ALLOCATION OF GRANTS.

“(a) In General.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out section 205 in each fiscal year shall be allocated to the States as follows:

“(1) 0.5 percent shall be allocated to each eligible State.

“(2) The amount remaining after the allocation under subparagraph (A) shall be allocated among eligible States as follows:

“(A) 50 percent of such amount shall be allocated proportionately based on the juvenile population in the eligible States.

“(B) 50 percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

“(b) Reservation of Funds.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year—

“(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 207 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a); and

“(2) the Administrator shall reserve 5 percent to make grants to States under section 209.

“(c) Exception.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

“(d) Administrative Costs.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

“SEC. 209. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

“(a) In General.—Grants under this section shall be known as ‘CRISIS Grants’.

“(b) Authority to Make Grants.—From the amounts reserved by the Administrator under section 208(b)(2), the Administrator shall make a grant to each State in an amount determined under subsection (d), for use in accordance with subsection (c).

“(c) Use of Grant Amounts.—Amounts made available to a State under a grant under this section may be used by the State—

“(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

“(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

“(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet webpages or resources;

“(4) to enhance State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (1) threatening to do harm to themselves or others; and

"(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

"(d) ALLOCATION TO STATES.—The total amount reserved to carry out this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.

"PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

"(a) IN GENERAL.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

"(b) TRAINING AND TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local governments (and combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

"(2) ELIGIBLE RECIPIENTS.—Grants may be made and contracts may be entered into under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such training and technical assistance. In providing such training and technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

"SEC. 222. STATE PLANS.

"(a) IN GENERAL.—In order to receive formula grants under this part, a State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (b)(2)(A), for carrying out its purposes applicable to a 3-year period. A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original plan, and amendments necessary to update the plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations that the Administrator shall prescribe, such plan shall—

"(1) designate a State agency as the sole agency for supervising the preparation and administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

"(3) provide for the active consultation with and participation of units of local government, or combinations thereof, in the development of a State plan that adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies, including religious organizations;

"(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the assistance received with the State, including rural areas;

"(5) require that the State or unit of local government that is a recipient of amounts under this part distributes those amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities;

"(6) provide assurances that youth coming into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

"(7)(A) provide for—

"(i) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

"(ii) an indication of the manner in which the programs relate to other similar State or local programs that are intended to address the same or similar problems; and

"(iii) a plan for the concentration of State efforts, which shall coordinate all State juvenile crime control, prevention, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;

"(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

"(9) provide for the development of an adequate research, training, and evaluation capacity within the State;

"(10) provide that not less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

"(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

"(i) for youth who need temporary placement: crisis intervention, shelter, and aftercare; and

"(ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

"(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;

"(C) comprehensive juvenile crime control and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering youth services;

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

"(E) educational programs or supportive services for delinquent or other juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

"(iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

"(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

"(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;

"(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

"(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

“(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

“(K) boot camps for juvenile offenders;

“(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

“(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;

“(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

“(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;

“(P) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts;

“(Q) programs designed to prevent and reduce hate crimes committed by juveniles;

“(R) court supervised initiatives that address the illegal possession of firearms by juveniles; and

“(S) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

“(i) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

“(ii) safe places and structured activities during nonschool hours;

“(iii) a healthy start;

“(iv) a marketable skill through effective education; and

“(v) an opportunity to give back through community service;

“(11) shall provide that—

“(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

“(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

“(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

“(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

“(B) juveniles—

“(i) who are not charged with any offense; and

“(ii) who are—

“(I) aliens; or

“(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

“(12) provide that—

“(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral communication with adult inmates; and

“(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

“(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

“(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

“(i) for processing or release;

“(ii) while awaiting transfer to a juvenile facility; or

“(iii) in which period such juveniles make a court appearance;

“(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

“(i) in which—

“(I) such juveniles do not have prohibited physical contact or sustained oral communication with adult inmates; and

“(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles; and

“(ii) that—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

“(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

“(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

“(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

“(i) such jail or lockup—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

“(II) has no existing acceptable alternative placement available;

“(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

“(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court finds that such detention or confinement is in the best interest of such juvenile and approves such detention or confinement; and

“(iv) detaining or confining such juvenile in accordance with this subparagraph is—

“(I) approved in advance by a court with competent jurisdiction;

“(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement, which review may be in the presence of the juvenile; and

“(III) for a period preceding the sentencing (if any) of such juvenile;

“(14) provide assurances that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members, when possible, and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

“(15) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

“(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

“(17) provide reasonable assurances that Federal funds made available under this part for any period shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and shall in no event replace such State, local, and other non-Federal funds;

“(18) provide that the State agency designated under paragraph (1) will, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that the agency considers necessary;

“(19) provide assurances that the State or each unit of local government that is a recipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than such convicted person, be tested for the presence of any sexually transmitted disease and that the results of such test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted for the commission of the sexual act or sexual contact (as those terms are defined in paragraphs (2) and (3), respectively, of section 2246 of title 18, United States Code) involving a person not having attained the age of 18 years;

“(20) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

“(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

“(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

“(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;

"(21) specify a percentage, if any, of funds received by the State under section 221 that the State will reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within such units;

"(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

"(23) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—

"(A) through programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and

"(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

"(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;

"(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

"(26) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

"(27) to the extent that segments of the juvenile population are shown to be detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups, to a greater extent than the proportion of these groups in the general juvenile population, address prevention efforts designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any individual; and

"(28) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

"(A) present before a judicial officer any juvenile who unlawfully possesses a firearm in a school; and

"(B) detain such juvenile in an appropriate juvenile facility or secure community-based placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.

"(b) APPROVAL BY STATE AGENCY.—

"(1) STATE AGENCY.—The State agency designated under subsection (a)(1) shall approve the State plan and any modification thereof prior to submission of the plan to the Administrator.

"(2) STATE ADVISORY GROUP.—

"(A) ESTABLISHMENT.—The State advisory group referred to in subsection (a) shall be known as the 'State Advisory Group'. The State Advisory Group shall consist of representatives from both the private and public sector, each of whom shall be appointed for a term of not more than 6 years. The State shall ensure that members of the State Advisory Group shall have experience in the area of juvenile delinquency prevention, the prosecution of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of juvenile justice programs, and shall include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket. The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.

"(B) CONSULTATION.—

"(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

"(I) participate in the development and review of the State plan under this section before submission to the supervisory agency for final action; and

"(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (a)(1).

"(ii) AUTHORITY.—The State Advisory Group shall report to the chief executive officer and the legislature of the State on an annual basis regarding recommendations related to the State's compliance under this section.

"(C) FUNDING.—From amounts reserved for administrative costs, the State may make available to the State Advisory Group such sums as may be necessary to assist the State Advisory Group in adequately performing its duties under this paragraph.

"(c) COMPLIANCE WITH STATUTORY REQUIREMENTS.—

"(1) IN GENERAL.—If a State fails to comply with any of the applicable requirements of paragraph (11), (12), (13), (27), or (28) of subsection (a) in any fiscal year beginning after September 30, 2000, the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 10 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(A) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(B) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

"(2) WAIVER.—The Administrator may, upon request by a State showing good cause, waive the application of this subsection with respect to such State.

"SEC. 223. ALLOCATION OF GRANTS.

"(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out this part in each fiscal year that remains after reservation under section 208(b) for that fiscal year shall be allocated to the States as follows:

"(1) 0.5 percent shall be allocated to each eligible State.

"(2) The amount remaining after the allocation under clause (i) shall be allocated proportionately based on the juvenile population in the eligible States.

"(b) SYSTEM SUPPORT GRANTS.—Of the amount allocated under section 291 to carry out this part in each fiscal year that remains after reservation under section 208(b) for that fiscal year, up to 10 percent may be available for use by the Administrator to provide—

"(1) training and technical assistance consistent with the purposes authorized under sections 204, 205, and 221;

"(2) direct grant awards and other support to develop, test, and demonstrate new approaches to improving the juvenile justice system and reducing, preventing, and abating delinquent behavior, juvenile crime, and youth violence;

"(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

"(4) information, including information on best practices, consistent with purposes authorized under sections 204, 205, and 221.

"(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

"(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

"PART C—NATIONAL PROGRAMS

"SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION.

"(a) IN GENERAL.—There is established within the National Institute of Justice a National Institute for Juvenile Crime Control and Delinquency Prevention, the purpose of which shall be to provide—

"(1) through the National Institute of Justice, for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded under this title; and

"(2) funding for new research, through the National Institute of Justice, on the nature, causes, and prevention of juvenile violence and juvenile delinquency.

"(b) ADMINISTRATION.—The National Institute for Juvenile Crime Control and Delinquency Prevention shall be under the supervision and direction of the Director of the

National Institute of Justice (referred to in this part as the 'Director'), in consultation with the Administrator.

"(c) COORDINATION.—The activities of the National Institute for Juvenile Crime Control and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice.

"(d) DUTIES OF THE INSTITUTE.—

"(1) IN GENERAL.—The Administrator shall transfer appropriated amounts to the National Institute of Justice, or to other Federal agencies, for the purposes of new research and evaluation projects funded by the National Institute for Juvenile Crime Control and Delinquency Prevention, and for evaluation of discretionary programs of the Office of Juvenile Crime Control and Prevention.

"(2) REQUIREMENTS.—Each evaluation and research study funded with amounts transferred under paragraph (1) shall—

"(A) be independent in nature;

"(B) be awarded competitively; and

"(C) employ rigorous and scientifically recognized standards and methodologies, including peer review by nonapplicants.

"(e) POWERS OF THE INSTITUTE.—In addition to the other powers, express and implied, the National Institute for Juvenile Crime Control and Delinquency Prevention may—

"(1) request any Federal agency to supply such statistics, data, program reports, and other material as the National Institute for Juvenile Crime Control and Delinquency Prevention deems necessary to carry out its functions;

"(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

"(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

"(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the National Institute for Juvenile Crime Control and Delinquency Prevention; and

"(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5, United States Code, and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(f) INFORMATION FROM FEDERAL AGENCIES.—A Federal agency that receives a request from the National Institute for Juvenile Crime Control and Delinquency Prevention under subsection (e)(1) may cooperate with the National Institute for Juvenile Crime Control and Delinquency Prevention and shall, to the maximum extent practicable, consult with and furnish information and advice to the National Institute for Juvenile Crime Control and Delinquency Prevention.

"SEC. 242. INFORMATION FUNCTION.

"The Administrator, in consultation with the Director, shall—

"(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

"(2) serve as an information bank by collecting systematically and synthesizing the knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

"(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

"SEC. 242A. STATISTICAL ANALYSIS.

"The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

"(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1999; and

"(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or contract or other agreement entered into under this title.

"SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

"(a) IN GENERAL.—The Administrator, acting through the National Institute for Juvenile Crime Control and Delinquency Prevention, as appropriate, may—

"(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods that show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

"(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

"(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(B) assist in the provision by the Administrator of best practices of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

"(4) encourage the development of programs that, in addition to helping youth take responsibility for their behavior, through control and incarceration, if necessary, provide therapeutic intervention such as providing skills;

"(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

"(6) prepare, in cooperation with education institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to prevention of and intervention with juvenile violence and delinquency and the improvement of juvenile justice systems, including—

"(A) evaluations of programs and interventions designed to prevent youth violence and juvenile delinquency;

"(B) assessments and evaluations of the methodological approaches to evaluating the effectiveness of interventions and programs designed to prevent youth violence and juvenile delinquency;

"(C) studies of the extent, nature, risk, and protective factors, and causes of youth violence and juvenile delinquency;

"(D) comparisons of youth adjudicated and treated by the juvenile justice system compared to juveniles waived to and adjudicated by the adult criminal justice system (including incarcerated in adult, secure correctional facilities);

"(E) recommendations with respect to effective and ineffective primary, secondary, and tertiary prevention interventions, including for which juveniles, and under what circumstances (including circumstances connected with the staffing of the intervention), prevention efforts are effective and ineffective; and

"(F) assessments of risk prediction systems of juveniles used in making decisions regarding pretrial detention;

"(7) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

"(8) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency; and

"(9) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

"(A) all aspects of juveniles as victims and offenders;

"(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

"(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

"(b) PUBLIC DISCLOSURE.—The Administrator or the Director, as appropriate, shall make available to the public—

"(1) the results of research, demonstration, and evaluation activities referred to in subsection (a)(8);

"(2) the data and studies referred to in subsection (a)(9); and

"(3) regular reports regarding each State's objective measurements of youth violence, such as the number, rate, and trend of homicides committed by youths.

"SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

"The Administrator may—

"(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

“(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

“(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, prosecutors, and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

“(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies that work directly with juveniles and juvenile offenders; and

“(5) provide technical assistance and training to assist States and units of general local government.

“SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.

“(a) In General.—The Administrator shall establish a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator may make use of available State and local services, equipment, personnel, facilities, and the like.

“(b) Qualifications for Enrollment.—Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, public recreation personnel, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

“SEC. 246. REPORT ON STATUS OFFENDERS.

“Not later than September 1, 2002, the Administrator, through the National Institute of Justice, shall—

“(1) conduct a study on the effect of incarceration on status offenders compared to similarly situated individuals who are not placed in secure detention in terms of the continuation of their inappropriate or illegal conduct, delinquency, or future criminal behavior, and evaluating the safety of status offenders placed in secure detention; and

“(2) submit to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on Education and the Workforce of the House of Representatives a report on the results of the study conducted under paragraph (1).

“SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.

“(a) In General.—Any agency, institution, or individual seeking to receive a grant, or enter into a contract, under section 243, 244, or 245 shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator or the Director, as appropriate, may prescribe.

“(b) Application Contents.—In accordance with guidelines established by the Administrator or the Director, as appropriate, each application for assistance under section 243, 244, or 245 shall—

“(1) set forth a program for carrying out 1 or more of the purposes set forth in section 243, 244, or 245, and specifically identify each such purpose such program is designed to carry out;

“(2) provide that such program shall be administered by or under the supervision of the applicant;

“(3) provide for the proper and efficient administration of such program;

“(4) provide for regular evaluation of such program; and

“(5) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

“(c) Factors for Consideration.—In determining whether or not to approve applications for grants and for contracts under this part, the Administrator or the Director, as appropriate, shall consider—

“(1) whether the project uses appropriate and rigorous methodology, including appropriate samples, control groups, psychometrically sound measurement, and appropriate data analysis techniques;

“(2) the experience of the principal and coprincipal investigators in the area of youth violence and juvenile delinquency;

“(3) the protection offered human subjects in the study, including informed consent procedures; and

“(4) the cost-effectiveness of the proposed project.

“(d) Selection Process.—

“(1) In general.—

“(A) Competitive process.—Subject to subparagraph (B), programs selected for assistance through grants or contracts under section 243, 244, or 245 shall be selected through a competitive process, which shall be established by the Administrator or the Director, as appropriate, by rule. As part of such a process, the Administrator or the Director, as appropriate, shall announce in the Federal Register—

“(i) the availability of funds for such assistance;

“(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

“(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

“(B) Waiver.—The competitive process described in subparagraph (A) shall not be required if the Administrator or the Director, as appropriate, makes a written determination waiving the competitive process with respect to a program to be carried out in an area with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists.

“(2) Review process.—

“(A) In general.—Programs selected for assistance through grants and contracts under this part shall be selected after a competitive process that provides potential grantees and contractors with not less than 90 days to submit applications for funds. Applications for funds shall be reviewed through a formal peer review process by qualified scientists with expertise in the fields of criminology, juvenile delinquency, sociology, psychology, research methodology, evaluation research, statistics, and related areas. The peer review process shall conform to the process used by the National Institutes of Health, the National Institute of Justice, or the National Science Foundation.

“(B) Establishment of process.—Such process shall be established by the Administrator or the Director, as appropriate, in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator or the Director, as appropriate, shall submit such process to such Directors, each of whom shall prepare and furnish to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

“(3) Emergency expedited consideration.—In establishing the process required under paragraphs (1) and (2), the Administrator or the Director, as appropriate, shall provide for emergency expedited consideration of a proposed program if the Administrator or the Director, as appropriate, determines such action to be necessary in order to avoid a delay that would preclude carrying out the program.

“(e) Effect of Population.—A city shall not be denied assistance under section 243, 244, or 245 solely on the basis of its population.

“(f) Notification Process.—Notification of grants and contracts made under sections 243, 244, and 245 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator or the Director, as appropriate, to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate.

“SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.

“(a) Requirement.—The National Institutes of Health shall conduct a study of the effects of violent video games and music on child development and youth violence.

“(b) Elements.—The study under subsection (a) shall address—

“(1) whether, and to what extent, violence in video games and music adversely affects the emotional and psychological development of juveniles; and

“(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

“PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

“SEC. 251. DEFINITION OF JUVENILE.

“In this part, the term ‘juvenile’ means an individual who has not attained the age of 22 years.

“SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.

“(a) In General.—

“(1) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

“(A) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

“(i) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

“(ii) education, recreation, and social services designed to address the social and developmental needs of juveniles that such juveniles would otherwise seek to have met through membership in gangs;

“(iii) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

“(iv) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

“(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

“(B) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

“(C) To target elementary school students, with the purpose of steering students away from gang involvement.

“(D) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

“(E) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

“(F) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools that will assist such schools in maintaining a safe environment conducive to learning.

“(G) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

“(H) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies.

“(I) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

“(J) To provide services authorized in this section at a special location in a school or housing project or other appropriate site.

“(K) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

“(2) From not more than 15 percent of the total amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

“(A) to conduct research on issues related to juvenile gangs;

“(B) to evaluate the effectiveness of programs and activities funded under paragraph (1); and

“(C) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this section.

“(b) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—Any agency, organization, or institution seeking to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

“(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

“(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

“(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

“(C) provide for the proper and efficient administration of such program or activity;

“(D) provide for regular evaluation of such program or activity;

“(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

“(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);

“(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

“(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

“(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(3) PRIORITY.—In reviewing applications for grants and contracts under this section, the Administrator shall give priority to applications—

“(A) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

“(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

“(C) for assistance for programs and activities that—

“(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

“(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

“SEC. 253. COMMUNITY-BASED GANG INTERVENTION.

“(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

“(1) to reduce the participation of juveniles in the illegal activities of gangs;

“(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs; and

“(3) to facilitate coordination and cooperation among—

“(A) local education, juvenile justice, employment, recreation, and social service agencies; and

“(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

“(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

“(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

“(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

“(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Programs and activities for which grants and contracts are to be made under this section may include—

“(1) the hiring of additional State and local prosecutors, and the establishment and operation of programs, including multijurisdictional task forces, for the disruption of gangs and the prosecution of gang members;

“(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

“(3) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

“(4) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

“(5) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)), by juveniles, provided through State and local health and social services agencies;

"(6) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

"(7) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

"(c) Approval of Applications.—

"(1) In general.—Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(2) Application contents.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

"(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

"(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(C) provide for the proper and efficient administration of such program or activity;

"(D) provide for regular evaluation of such program or activity;

"(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

"(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

"(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

"(3) Priority.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to applications—

"(A) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

"(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(C) for assistance for programs and activities that—

"(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"SEC. 254. PRIORITY.

"In making grants under this part, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 253.

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) Authority To Make Grants.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) Use of Grants.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

"The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 263. ELIGIBILITY.

"To be eligible to receive assistance pursuant to a grant or contract under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof, shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

"SEC. 264. REPORTS.

"Each recipient of assistance pursuant to a grant or contract under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which the assistance was provided.

"PART F—MENTORING

"SEC. 271. MENTORING.

"The purposes of this part are to, through the use of mentors for at-risk youth—

"(1) reduce juvenile delinquency and gang participation;

"(2) improve academic performance; and

"(3) reduce the dropout rate.

"SEC. 272. DEFINITIONS.

"In this part—

"(1) the term 'at-risk youth' means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities; and

"(2) the term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, providing a positive role model for the youth, establishing a supportive relationship with the youth, and providing the youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

"SEC. 273. GRANTS.

"(a) Local Educational Grants.—The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

"(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, elders in Alaska Native villages, and adults working for community-based organizations and agencies; and

"(2) are intended to achieve 1 or more of the following goals:

"(A) Provide general guidance to at-risk youth.

"(B) Promote personal and social responsibility among at-risk youth.

"(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

"(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

"(E) Discourage involvement of at-risk youth in gangs.

"(F) Encourage at-risk youth's participation in community service and community activities.

"(b) Family-to-Family Mentoring Grants.—

"(1) Definitions.—In this subsection:

"(A) Family-to-family mentoring program.—The term 'family-to-family mentoring program' means a mentoring program that—

"(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

"(ii) has an afterschool program for volunteer and at-risk families.

"(B) Positive alternatives program.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

"(C) Qualified positive alternatives program.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

"(2) Authority.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

"SEC. 274. REGULATIONS AND GUIDELINES.

"(a) Program Guidelines.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

"(b) Model Screening Guidelines.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

"SEC. 275. USE OF GRANTS.

"(a) Permitted Uses.—Grants awarded under this part shall be used to implement mentoring programs, including—

"(1) hiring of mentoring coordinators and support staff;

"(2) recruitment, screening, and training of adult mentors;

"(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

"(4) such other purposes as the Administrator may reasonably prescribe by regulation.

"(b) Prohibited Uses.—Grants awarded pursuant to this part shall not be used—

"(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

"(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

"(3) to support litigation of any kind; or

"(4) for any other purpose reasonably prohibited by the Administrator by regulation.

"SEC. 276. PRIORITY.

"(a) In General.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

"(1) serve at-risk youth in high crime areas;

"(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

"(3) have a considerable number of youths who drop out of school each year.

"(b) Other Considerations.—In making grants under this part, the Administrator shall give consideration to—

"(1) the geographic distribution (urban and rural) of applications;

"(2) the quality of a mentoring plan, including—

"(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

"(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

"(3) the capability of the applicant to effectively implement the mentoring plan.

"SEC. 277. APPLICATIONS.

"An application for assistance under this part shall include—

"(1) information on the youth expected to be served by the program;

"(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

"(3) An assurance that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths;

"(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

"(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

"(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

"(C) assistance with homework assignments; and

"(D) exposure to experiences that youth might not otherwise encounter;

"(5) an assurance that projects operated in elementary schools will provide youth with—

"(A) academic assistance;

"(B) exposure to new experiences and activities that youth might not encounter on their own; and

"(C) emotional support;

"(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

"(7) the method by which mentors and youth will be recruited to the project;

"(8) the method by which prospective mentors will be screened; and

"(9) the training that will be provided to mentors.

"SEC. 278. GRANT CYCLES.

"Each grant under this part shall be made for a 3-year period.

"SEC. 279. FAMILY MENTORING PROGRAM.

"(a) Definitions.—In this section—

"(1) the term 'cooperative extension services' has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103);

"(2) the term 'family mentoring program' means a mentoring program that—

"(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

"(B) has a local advisory board to provide direction and advice to program administrators; and

"(3) the term 'qualified cooperative extension service' means a cooperative extension service that has established a family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

"(b) Model Program.—The Administrator, in cooperation with the Secretary of Agriculture, shall make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

"(c) Establishment of New Family Mentoring Programs.—

"(1) In general.—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperative extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

"(2) Matching requirement and source of matching funds.—

"(A) In general.—The amount of a grant under this subsection may not exceed 35 percent of the total costs of the program funded by the grant.

"(B) Source of match.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

"SEC. 280. CAPACITY BUILDING.

"(a) Model Program.—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

"(b) Establishment of New Capacity Building Programs.—

"(1) In general.—The Administrator may make one or more grants to national organizations with proven histories of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

"(2) Matching requirement and source of matching funds.—

"(A) In general.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

"(B) Source of match.—Matching funds for grants under this subsection must be derived from a private agency, institution or business.

"PART G—ADMINISTRATIVE PROVISIONS

"SEC. 291. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to carry out this title, and to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), $1,100,000,000 for each of fiscal years 1999 through 2004.

"(b) Allocation of Appropriations.—Of the amount made available under subsection (a) for each fiscal year—

"(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), of which $50,000,000 shall be for programs under section 1803;

"(2) $75,000,000 shall be for grants for juvenile criminal history records upgrades pursuant to section 1802 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.);

"(3) $200,000,000 shall be for programs under section 205 of part A of this title;

"(4) $200,000,000 shall be for programs under part B of this title;

"(5) $40,000,000 shall be for prevention programs under part C of this title—

"(A) of which $20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and

"(B) $2,000,000 shall be for the study required by section 248;

"(6) $20,000,000 shall be for programs under parts D and E of this title; and

"(7) $20,000,000 shall be for programs under part F of this title, of which $3,000,000 shall be for programs under section 279 and $3,000,000 for programs under section 280.

"(c) Source of Sums.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

"(d) Administration and Operations.—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Control and Prevention such sums as may be necessary for each of fiscal years 1999 through 2004.

"(e) Availability of Funds.—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

"SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRICTIONS ON USE OF AMOUNTS; PENALTIES.

"(a) Religious Nondiscrimination.—The provisions of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply to a State or local government exercising its authority to distribute grants to applicants under this title.

"(b) Restrictions on the Use of Amounts.—

"(1) Experimentation on individuals.—

"(A) In general.—No amounts made available to carry out this title may be used for any biomedical or behavior control experimentation on individuals or any research involving such experimentation.

"(B) Definition of behavior control.—In this paragraph, the term 'behavior control'—

"(i) means any experimentation or research employing methods that—

"(I) involve a substantial risk of physical or psychological harm to the individual subject; and

"(II) are intended to modify or alter criminal and other antisocial behavior, including aversive conditioning therapy, drug therapy, chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment; and

"(ii) does not include a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain substance abuse treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

"(2) Prohibition against private agency use of amounts in construction.—

"(A) In general.—No amount made available to any private agency or institution, or to any individual, under this title (either directly or through a State office) may be used for construction.

"(B) Exception.—The restriction in clause (i) shall not apply to any juvenile program in which training or experience in construction or renovation is used as a method of juvenile accountability or rehabilitation.

"(3) Lobbying.—

"(A) In general.—Except as provided in subparagraph (B), no amount made available under this title to any public or private agency, organization or institution, or to any individual shall be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or other legislation, or any referendum, initiative, constitutional amendment, or any other procedure of Congress, any State legislature, any local council, or any similar governing body.

"(B) Exception.—This paragraph does not preclude the use of amounts made available under this title in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

"(4) Legal action.—No amounts made available under this title to any public or private agency, organization, institution, or to any individual, shall be used in any way directly or indirectly to file an action or otherwise take any legal action against any Federal, State, or local agency, institution, or employee.

"(c) Penalties.—

"(1) In general.—If any amounts are used for the purposes prohibited in either paragraph (3) or (4) of subsection (b), or in violation of subsection (a)—

"(A) funding for the agency, organization, institution, or individual at issue shall be immediately discontinued in whole or in part; and

"(B) the agency, organization, institution, or individual using amounts for the purpose prohibited in paragraph (3) or (4) of subsection (b), or in violation of subsection (a), shall be liable for reimbursement of all amounts granted to the individual or entity for the fiscal year for which the amounts were granted.

"(2) Liability for expenses and damages.—In relation to a violation of subsection (b)(4), the individual filing the lawsuit or responsible for taking the legal action against the Federal, State, or local agency or institution, or individual working for the Government, shall be individually liable for all legal expenses and any other expenses of the Government agency, institution, or individual working for the Government, including damages assessed by the jury against the Government agency, institution, or individual working for the Government, and any punitive damages.

"SEC. 293. ADMINISTRATIVE PROVISIONS.

"(a) Authority of Administrator.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

"(b) Applicability of Certain Crime Control Provisions.—Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), 3789g(d)) shall apply with respect to the administration of and compliance with this title, except that for purposes of this Act—

"(1) any reference to the Office of Justice Programs in such sections shall be considered to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

"(2) the term 'this title' as it appears in such sections shall be considered to be a reference to this title.

"(c) Applicability of Certain Other Crime Control Provisions.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title—

"(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be considered to be a reference to the Administrator;

"(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be considered to be a reference to the Office of Juvenile Crime Control and Prevention; and

"(3) the term 'this title' as it appears in those sections shall be considered to be a reference to this title.

"(d) Rules, Regulations, and Procedures.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

"(e) Withholding.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

"(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

"(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title.".

(b) Repeal.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) Findings.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

(b) Authority To Make Grants for Centers and Services.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Grants for Centers and Services.—

"(1) In general.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Services provided.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) Eligibility.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) Applicants Providing Street-Based Services.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) Applicants Providing Home-Based Services.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) Applicants Providing Drug Abuse Education and Prevention Services.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) Approval of Applications.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) In General.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) Priority.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

(e) Authority for Transitional Living Grant Program.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking "PURPOSE AND";

(2) in subsection (a), by striking "(a)"; and

(3) by striking subsection (b).

(f) Eligibility.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

(g) Coordination.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

"SEC. 341. COORDINATION.

"With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

"(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) Authority To Make Grants for Research, Evaluation, Demonstration, and Service Projects.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) Assistance to Potential Grantees.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) Reports.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) In General.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) Contents of Reports.—The Secretary shall include in each report submitted under subsection (a), summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

(k) Evaluation.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"SEC. 386. EVALUATION AND INFORMATION.

"(a) In General.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) Cooperation.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

(l) Authorization of Appropriations.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—

"(1) Authorization.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

"(2) Allocation.—

"(A) Parts A and B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) Part B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) Parts C and D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

"(b) Separate Identification Required.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(m) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

"(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (l) of this section, is amended by adding at the end the following:

"(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.".

(n) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

"SEC. 387. DEFINITIONS.

"In this title:

"(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) HOME-BASED SERVICES.—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) STREET-BASED SERVICES.—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

(o) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the Center and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2004".

SEC. 305. TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section, unless otherwise provided or indicated by the context:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Crime Control and Prevention established by operation of subsection (b).

(2) ADMINISTRATOR OF THE OFFICE.—The term "Administrator of the Office" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(3) BUREAU OF JUSTICE ASSISTANCE.—The term "Bureau of Justice Assistance" means the bureau established under section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(4) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" by section 551(1) of title 5, United States Code.

(5) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION.—The term "Office of Juvenile Crime Control and Prevention" means the office established by operation of subsection (b).

(7) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—The term "Office of Juvenile Justice and Delinquency Prevention" means the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, as in effect on the day before the date of enactment of this Act.

(8) OFFICE.—The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Juvenile Crime Control and Prevention all functions that the Administrator of the Office exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention), and authorized after the date of enactment of this Act, relating to carrying out the Juvenile Justice and Delinquency Prevention Act of 1974.

(c) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office of Juvenile Crime Control and Prevention.

(2) UNEXPENDED AMOUNTS.—Any unexpended amounts transferred pursuant to this subsection shall be used only for the purposes for which the amounts were originally authorized and appropriated.

(d) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at such time or times as the Director of that Office shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(e) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day before the date of enactment of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a

break in service, is appointed in the Office of Juvenile Crime Control and Prevention to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) TRANSITION RULE.—The incumbent Administrator of the Office as of the date immediately preceding the date of enactment of this Act shall continue to serve as Administrator after the date of enactment of this Act until such time as the incumbent resigns, is relieved of duty by the President, or an Administrator is appointed by the President, by and with the advice and consent of the Senate.

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that are in effect at the time this section takes effect, or were final before the date of enactment of this Act and are to become effective on or after the date of enactment of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—

(A) IN GENERAL.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Juvenile Justice and Delinquency Prevention on the date on which this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall be continued.

(B) ORDERS; APPEALS; PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) DISCONTINUANCE OR MODIFICATION.—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this paragraph had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Juvenile Justice and Delinquency Prevention, or by or against any individual in the official capacity of such individual as an officer of the Office of Juvenile Justice and Delinquency Prevention, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention relating to a function transferred under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with the same effect as if this section had not been enacted.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

(g) TRANSITION.—The Administrator may utilize—

(1) the services of such officers, employees, and other personnel of the Office of Juvenile Justice and Delinquency Prevention with respect to functions transferred to the Office of Juvenile Crime Control and Prevention by this section; and

(2) amounts appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(h) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Administrator of the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Administrator of the Office of Juvenile Crime Control and Prevention; and

(2) the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Office of Juvenile Crime Control and Prevention.

(i) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5315 of title 5, United States Code, is amended by striking “Administrator, Office of Juvenile Justice and Delinquency Prevention” and inserting “Administrator, Office of Juvenile Crime Control and Prevention”.

(2) Section 4351(b) of title 18, United States Code, is amended by striking “Office of Juvenile Justice and Delinquency Prevention” and inserting “Office of Juvenile Crime Control and Prevention”.

(3) Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, are each amended by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking “Office of Juvenile Justice and Delinquency Prevention” and inserting “Office of Juvenile Crime Control and Prevention”.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking “262, 293, and 296 of subpart II of title II” and inserting “299B and 299E”;

(B) in section 214A(c)(1) by striking “262, 293, and 296 of subpart II of title II” and inserting “299B and 299E”;

(C) in sections 217 and 222 by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”; and

(D) in section 223(c) by striking “section 262, 293, and 296” and inserting “sections 262, 299B, and 299E”.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking “Justice and Delinquency Prevention” and inserting “Crime Control and Delinquency Prevention”; and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking “section 313” and inserting “section 331”.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking “sections 262, 293, and 296 of subpart II of title II” and inserting “sections 299B and 299E”; and

(B) in section 223(c) by striking “section 262, 293, and 296 of title II” and inserting “sections 299B and 299E”.

(j) REFERENCES.—In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Prevention.

Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants

SEC. 321. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“SEC. 1801. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Attorney General shall make, subject to the availability of appropriations, grants to States for use by States and units of local government in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective investigation, prosecution, and punishment (including the imposition of graduated sanctions) of crimes or acts of delinquency committed by juveniles, programs to improve the administration of justice for and ensure accountability by juvenile offenders, and programs to reduce the risk factors (such as truancy, drug or alcohol use, and gang involvement) associated with juvenile crime or delinquency.

“(b) USE OF GRANTS.—Grants under this section may be used by States and units of local government—

“(1) for programs to enhance the identification, investigation, prosecution, and punishment of juvenile offenders, such as—

“(A) the utilization of graduated sanctions;

“(B) the utilization of short-term confinement of juvenile offenders;

“(C) the incarceration of violent juvenile offenders for extended periods of time;

“(D) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and violence and ensure accountability of juvenile offenders; and

"(E) the development and implementation of coordinated, multi-agency systems for—

"(i) the comprehensive and coordinated booking, identification, and assessment of juveniles arrested or detained by law enforcement agencies, including the utilization of multi-agency facilities such as juvenile assessment centers; and

"(ii) the coordinated delivery of support services for juveniles who have had or are at risk for contact with the juvenile or criminal systems, including utilization of court-established local service delivery councils;

"(2) for programs that require juvenile offenders to make restitution to the victims of offenses committed by those juvenile offenders, including programs designed and operated to further the goal of providing eligible offenders with an alternative to adjudication that emphasizes restorative justice;

"(3) for programs that require juvenile offenders to attend and successfully complete school or vocational training as part of a sentence imposed by a court;

"(4) for programs that require juvenile offenders who are parents to demonstrate parental responsibility by working and paying child support;

"(5) for programs that seek to curb or punish truancy;

"(6) for programs designed to collect, record, retain, and disseminate information useful in the identification, prosecution, and sentencing of juvenile offenders, such as criminal history information, fingerprints, DNA tests, and ballistics tests;

"(7) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and treatment of the most serious juvenile offenses and offenders, popularly known as a 'SHOCAP Program' (Serious Habitual Offenders Comprehensive Action Program);

"(8) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and disruption of youth gangs;

"(9) for the construction or remodeling of short- and long-term facilities for juvenile offenders;

"(10) for the development and implementation of technology, equipment, training programs for juvenile crime control, for law enforcement officers, judges, prosecutors, probation officers, and other court personnel who are employed by State and local governments, in furtherance of the purposes identified in this section;

"(11) for partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, respect, responsibility and trustworthiness;

"(12) for programs to seek to target, curb and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime;

"(13) for juvenile prevention programs (including curfews, youth organizations, anti-drug, and anti-alcohol programs, anti-gang programs, and after school programs and activities);

"(14) for juvenile drug and alcohol treatment programs;

"(15) for school counseling and other school-base prevention programs;

"(16) for programs that drug test juveniles who are arrested, including follow-up testings; and

"(17) for programs for—

"(A) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, prosecutors, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

"(B) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

"(c) REQUIREMENTS.—To be eligible to receive an incentive grant under this section, a State shall submit to the Attorney General an application, in such form as shall be prescribed by the Attorney General, which shall contain assurances that, not later than 1 year after the date on which the State submits such application—

"(1) the State has established or will establish a system of graduated sanctions for juvenile offenders that ensures appropriate sanctions, which are graduated to reflect the severity or repeated nature of violations, for each act of delinquency;

"(2) the State has established or will establish a policy of drug testing (including followup testing) juvenile offenders upon their arrest for any offense within an appropriate category of offenses designated by the chief executive officer of the State; and

"(3) the State has an established policy recognizing the rights and needs of victims of crimes committed by juveniles.

"(d) ALLOCATION AND DISTRIBUTION OF STATE GRANTS.—

"(1) IN GENERAL.—

"(A) STATE AND LOCAL DISTRIBUTION.—Subject to subparagraph (B), of amounts made available to the State, 30 percent may be retained by the State for use pursuant to paragraph (2) and 70 percent shall be reserved by the State for local distribution pursuant to paragraph (3).

"(B) SPECIAL RULE.—The Attorney General may waive the requirements of this paragraph with respect to any State in which the criminal and juvenile justice services for delinquent or other youth are organized primarily on a statewide basis, in which case not more than 50 percent of funds shall be made available to all units of local government in that State pursuant to paragraph (3).

"(2) OTHER DISTRIBUTION.—Of amounts retained by the State under paragraph (1)—

"(A) not less than 50 percent shall be designated for—

"(i) programs pursuant to paragraph (1) or (9) of subsection (b), except that if the State designates any amounts for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9), such amounts shall constitute not more than 50 percent of the estimated construction or remodeling cost and that no funds expended pursuant to this subparagraph may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense, and no funds expended pursuant to this subparagraph may be used for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities; or

"(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3); and

"(B) not less than 25 percent shall be used for the purposes set forth in paragraph (13), (14), or (15) of subsection (b).

"(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

"(A) IN GENERAL.—

"(i) LOCAL DISTRIBUTION SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs that comply with the eligibility requirements of subsection (c).

"(ii) COORDINATED LOCAL EFFORT.—Prior to receiving a grant under this section, a unit of local government shall certify that it has or will establish a coordinated enforcement plan for reducing juvenile crime within the jurisdiction of the unit of local government, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals within the jurisdiction representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention.

"(B) SPECIAL RULE.—The requirements of subparagraph (A) shall apply to an eligible unit that receives funds from the Attorney General under subparagraph (H), except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

"(C) LOCAL DISTRIBUTION.—From amounts reserved for local distribution under paragraph (1), the State shall allocate to such units of local government an amount that bears the same ratio to the aggregate amount of such funds as—

"(i) the sum of—

"(I) the product of—

"(aa) two-thirds; multiplied by

"(bb) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(II) the product of—

"(aa) one-third; multiplied by

"(bb) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

"(ii) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

"(D) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

"(E) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

“(F) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

“(i) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

“(ii) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

“(G) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If, under this section, a unit of local government is allocated less than $5,000 for a payment period, the amount allocated shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

“(H) DIRECT GRANTS TO ELIGIBLE UNITS.—

“(i) IN GENERAL.—If a State does not qualify or apply for a grant under this section, by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 70 percent of the allocation that the State would have received for grants under this section under subsection (e) for such fiscal year to provide grants to eligible units that meet the requirements for funding under subparagraph (A).

“(ii) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

“(I) ALLOCATION BY UNITS OF LOCAL GOVERNMENT.—Of the total amount made available under this section to a unit of local government for a fiscal year, not less than 25 percent shall be used for the purposes set forth in paragraph (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

“(i) paragraph (1) or (9) of subsection (b), except that, if amounts are allocated for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9)—

“(I) the unit of local government shall coordinate such expenditures with similar State expenditures;

“(II) Federal funds shall constitute not more than 50 percent of the estimated construction or remodeling cost; and

“(III) no funds expended pursuant to this clause may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense or for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities, including separate buildings for juveniles and separate juvenile wings, cells, or areas collocated within an adult jail or lockup; or

“(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3).

“(4) NONSUPPLANTATION.—Amounts made available under this section to the States (or units of local government in the State) shall not be used to supplant State or local funds (or in the case of Indian tribal governments, to supplant amounts provided by the Bureau of Indian Affairs) but shall be used to increase the amount of funds that would in the absence of amounts received under this section, be made available from a State or local source, or in the case of Indian tribal governments, from amounts provided by the Bureau of Indian Affairs.

“(e) ALLOCATION OF GRANTS AMONG QUALIFYING STATES; RESTRICTIONS ON USE.—

“(1) ALLOCATION.—Amounts made available under this section shall be allocated as follows:

“(A) 0.5 percent shall be allocated to each eligible State.

“(B) The amount remaining after the allocation under subparagraph (A) shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

“(2) RESTRICTIONS ON USE.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

“(f) GRANTS TO INDIAN TRIBES.—

“(1) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts appropriated pursuant to section 291 of the Juvenile Justice and Delinquency Prevention Act of 1974, for each fiscal year, the Attorney General shall reserve an amount equal to the amount to which all Indian tribes eligible to receive a grant under paragraph (3) would collectively be entitled, if such tribes were collectively treated as a State to carry out this subsection.

“(2) GRANTS TO INDIAN TRIBES.—From the amounts reserved under paragraph (1), the Attorney General shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 1801.

“(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require. The requirements of subsection (c) apply to grants under this subsection.

“SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.

“(a) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Statistics and with consultation and coordination with the Office of Justice Programs and the Attorney General, upon application from a State (in such form and containing such information as the Attorney General may reasonably require) shall make a grant to each eligible State to be used by the State exclusively for purposes of meeting the eligibility requirements of subsection (b).

“(b) ELIGIBILITY.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will—

“(1) maintain, at the adult State central repository in accordance with the State's established practices and policies relating to adult criminal history records—

“(A) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense (all as defined by State law), that is equivalent to, and maintained and disseminated in the same manner and for the same purposes as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

“(B) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be a felony other than a felony described in subparagraph (A) that is equivalent to, and maintained and disseminated in the same manner for any criminal justice purpose as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

“(2) will establish procedures by which an official of an elementary, secondary, and post-secondary school may, in appropriate circumstances (as defined by applicable State law), gain access to the juvenile adjudication record of a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school, if—

“(A) the official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

“(B) information contained in the juvenile adjudication record may not be used for the purpose of making an admission determination.

“(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing in this section shall require States, in order to qualify for grants under this title, to modify laws concerning the status of any adjudication of juvenile delinquency or judgment of conviction under the law of the State that entered the judgment.

“(d) DEFINITIONS.—In this section—

“(1) the term ‘criminal justice purpose’ means the use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of accused persons, criminal offenders, or juvenile delinquents; and

“(2) the term ‘expungement’ means the nullification of the legal effect of the conviction or adjudication to which the record applies.

“SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

“(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

“(b) GRANT PURPOSES.—Grants under this section may be used—

“(1) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions that are graduated in such manner as to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

“(2) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with specialized juvenile drug offense or juvenile firearms offense dockets to reduce juvenile court backlogs, and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

“(3) to provide funding to enable juvenile courts and juvenile probation officers to address drug, gang, and youth violence problems more effectively; and

“(4) to provide funds to—

“(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

“(B) enforce conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

“(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

“(A) give priority to the prosecution of violent juvenile offenders;

“(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

“(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

“(D) use amounts received under this section to supplement (and not supplant) State and local resources.

“(d) ALLOCATION OF GRANTS.—

“(1) IN GENERAL.—

“(A) ALLOCATION TO STATES.—

“(i) IN GENERAL.—In awarding grants under this part, the Attorney General may award grants provided for a State (including units of local government in that State) an aggregate amount equal to 0.75 percent of the amount made available to the Attorney General by appropriations for this section made pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e)).

“(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

“(B) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the ‘remaining amount’) the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to which a political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amount as the population of juveniles residing in that State bears to the population of juveniles residing in all States.

“(2) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that the distribution of grant amounts made available for a State (including units of local government in that State) under this section is made on an equitable geographic basis, to ensure that—

“(A) an equitable amount of available funds are directed to rural areas, including those jurisdictions serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

“(B) the amount allocated to a State is equitably divided between the State, counties, and other units of local government to reflect the relative responsibilities of each such unit of local government.

“(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

“(A) for the administration of this section; and

“(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

“(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

“(f) AVAILABILITY OF FUNDS.—Any grant amounts awarded under this section shall remain available until expended.”.

SEC. 322. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.—

(1) ESTABLISHMENT.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (referred to in this section as the “program”) to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime patterned after successful State juvenile crime reduction strategies.

(2) PROGRAM.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (referred to in this section as “coalitions”);

(B) in conjunction with the Secretary of the Treasury, provide for technical assistance and training, data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) ADMINISTRATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint or designate an Administrator (referred to in this section as the “Administrator”) to carry out the program.

(4) PROGRAM AUTHORIZATION.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) COMPOSITION.—The coalition shall consist of 1 or more representatives of—

(i) the local police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) the United States Attorney's office;

(iv) the Federal Bureau of Investigation;

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) schools;

(ix) parents or local grass roots organizations such as neighborhood watch groups;

(x) local recreation agencies; and

(xi) social service agencies involved in crime prevention.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(E) LIMITATION.—The amount of a grant award under this section may not exceed $300,000 for a fiscal year.

(6) PERMITTED USE OF FUNDS.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(7) CONGRESSIONAL CONSULTATION.—

(A) IN GENERAL.—Two years after the date of implementation of the program established in this section, the Comptroller General of the United States shall submit to Congress a report reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities.

(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall include—

(i) an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime; and

(ii) recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Attorney General—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Attorney General shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2000 through 2003.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 323. REPEAL OF UNNECESSARY AND DUPLICATIVE PROGRAMS.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(1) TITLE III.—Title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13741 et seq.) is amended by striking subtitles A through C, and subtitles G through S.

(2) TITLE XXVII.—Title XXVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14191 et seq.) is repealed.

(b) REFORM OF GREAT PROGRAM.—Section 32401(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) SELECTION OF COMMUNITIES.—

"(A) IN GENERAL.—Each community identified for a GREAT project referred to in paragraph (1) shall be selected by the Secretary of the Treasury on the basis of—

"(i) the level of gang activity and youth violence in the area in which the community is located;

"(ii) the number of schools in the community in which training would be provided under the project;

"(iii) the number of students who would receive the training referred to in clause (ii) in schools referred to in that clause; and

"(iv) a written description from officials of the community explaining the manner in which funds made available to the community under this section would be allocated.

"(B) EQUITABLE SELECTION.—The Secretary of the Treasury shall ensure that—

"(i) communities are identified and selected for GREAT projects under this subsection on an equitable geographic basis (except that this clause shall not be construed to require the termination of any projects selected prior to the beginning of fiscal year 1999); and

"(ii) the communities referred to in clause (i) include rural communities."; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "50 percent" and inserting "85 percent"; and

(B) in subparagraph (B), by striking "50 percent" and inserting "15 percent".

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) for fiscal year 2001, $6,025,000,000;

"(2) for fiscal year 2002, $6,169,000,000;

"(3) for fiscal year 2003, $6,316,000,000;

"(4) for fiscal year 2004, $6,458,000,000; and

"(5) for fiscal year 2005, $6,616,000,000.".

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

"SEC. 310002. DISCRETIONARY LIMITS.

"For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 2001—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

"(2) with respect to fiscal year 2002—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

"(3) with respect to fiscal year 2003—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

"(4) with respect to fiscal year 2004—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

"(5) with respect to fiscal year 2005—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.".

SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(a) IN GENERAL.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a), by inserting "or illegal juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by such State or locality" before the period;

(2) in subsection (b), by inserting "(including any juvenile alien who has been adjudicated delinquent and has been committed to a correctional facility)" before "who is in the United States unlawfully"; and

(3) by adding at the end the following:

"(f) JUVENILE ALIEN DEFINED.—In this section, the term 'juvenile alien' means an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act) who has been adjudicated delinquent and committed to a correctional facility by a State or locality as a juvenile offender.".

(b) ANNUAL REPORT.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) the number of illegal juvenile aliens that are committed to State or local juvenile correctional facilities, including the type of offense committed by each juvenile.".

(c) CONFORMING AMENDMENT.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by adding at the end the following:

"(iv) is a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies.".

Subtitle C—Alternative Education and Delinquency Prevention

SEC. 331. ALTERNATIVE EDUCATION.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

"Subpart 4—Alternative Education Demonstration Project Grants

"SEC. 1441. PROGRAM AUTHORITY.

"(a) Grants.—

"(1) In general.—From amounts appropriated under section 1443, the Secretary, in consultation with the Administrator, shall make grants to State educational agencies or local educational agencies for not less than 10 demonstration projects that enable the agencies to develop models for and carry out alternative education for at-risk youth.

"(2) Construction.—Nothing in this subpart shall be construed to affect the requirements of the Individuals with Disabilities Education Act.

"(b) Demonstration Projects.—

"(1) Partnerships.—Each agency receiving a grant under this subpart may enter into a partnership with a private sector entity to provide alternative educational services to at-risk youth.

"(2) Requirements.—Each demonstration project assisted under this subpart shall—

"(A) accept for alternative education at-risk or delinquent youth who are referred by a local school or by a court with a juvenile delinquency docket and who—

"(i) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

"(ii) are at risk of dropping out of school;

"(iii) have been convicted of a criminal offense or adjudicated delinquent for an act of juvenile delinquency, and are under a court's supervision; or

"(iv) have demonstrated that continued enrollment in a regular classroom—

"(I) poses a physical threat to other students; or

"(II) inhibits an atmosphere conducive to learning; and

"(B) provide for accelerated learning, in a safe, secure, and disciplined environment, including—

"(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

"(ii) emphasis on—

"(I) personal, academic, social, and workplace skills; and

"(II) behavior modification.

"(c) Applicability.—Except as provided in subsections (c) and (e) of section 1442, the provisions of section 1401(c), 1402, and 1431, and subparts 1 and 2, shall not apply to this subpart.

"(d) Definition of Administrator.—In this subpart, the term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

"SEC. 1442. APPLICATIONS; GRANTEE SELECTION.

"(a) Applications.—Each State educational agency and local educational agency seeking a grant under this subpart shall submit an application in such form, and containing such information, as the Secretary, in consultation with the Administrator, may reasonably require.

"(b) Selection of Grantees.—

"(1) In general.—The Secretary shall select State educational agencies and local educational agencies to receive grants under this subpart on an equitable geographic basis, including selecting agencies that serve urban, suburban, and rural populations.

"(2) Minimum.—The Secretary shall award a grant under this subpart to not less than 1 agency serving a population with a significant percentage of Native Americans.

"(3) Priority.—In awarding grants under this subpart, the Secretary may give priority to State educational agencies and local educational agencies that demonstrate in the application submitted under subsection (a) that the State has a policy of equitably distributing resources among school districts in the State.

"(c) Qualifications.—To qualify for a grant under this subpart, a State educational agency or local educational agency shall—

"(1) in the case of a State educational agency, have submitted a State plan under section 1414(a) that is approved by the Secretary;

"(2) in the case of a local educational agency, have submitted an application under section 1423 that is approved by the State educational agency;

"(3) certify that the agency will comply with the restrictions of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974;

"(4) explain the educational and juvenile justice needs of the community to be addressed by the demonstration project;

"(5) provide a detailed plan to implement the demonstration project; and

"(6) provide assurances and an explanation of the agency's ability to continue the program funded by the demonstration project after the termination of Federal funding under this subpart.

"(d) Matching Requirement.—

"(1) In general.—Grant funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

"(2) Source of funds.—Matching funds for grants under this subpart may be derived from amounts available under section 205, or part B of title II, of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) to the State in which the demonstration project will be carried out, except that the total share of funds derived from Federal sources shall not exceed 50 percent of the cost of the demonstration project.

"(e) Program Evaluation.—

"(1) In general.—Each State educational agency or local educational agency that receives a grant under this subpart shall evaluate the demonstration project assisted under this subpart in the same manner as programs are evaluated under section 1431. In addition, the evaluation shall include—

"(A) an evaluation of the effect of the alternative education project on order, discipline, and an effective learning environment in regular classrooms;

"(B) an evaluation of the project's effectiveness in improving the skills and abilities of at-risk students assigned to alternative education, including an analysis of the academic and social progress of such students; and

"(C) an evaluation of the project's effectiveness in reducing juvenile crime and delinquency, including—

"(i) reductions in incidents of campus crime in relevant school districts, compared with school districts not included in the project; and

"(ii) reductions in recidivism by at-risk students who have juvenile justice system involvement and are assigned to alternative education.

"(2) Evaluation by the Secretary.—The Secretary, in cooperation with the Administrator, shall comparatively evaluate each of the demonstration projects funded under this subpart, including an evaluation of the effectiveness of private sector educational services, and shall report the findings of the evaluation to the Committee on Education and the Workforce of the House of Representatives and the Committees on the Judiciary and Health, Education, Labor and Pensions of the Senate not later than June 30, 2005.

"SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $15,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.".

Subtitle D—Parenting as Prevention

SEC. 341. SHORT TITLE.

This subtitle shall be cited as the "Parenting as Prevention Act".

SEC. 342. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 343, 344, and 345.

SEC. 343. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) Establish Commission.—The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the "Commission") to identify the best practices for parenting and to provide practical parenting advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) Membership of Commission.—The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 342. The Commission shall consist of the following members—

(1) an adolescent representative;

(2) a parent representative;

(3) an expert in brain research;

(4) experts in child development, youth development, early childhood education, primary education, and secondary education;

(5) an expert in children's mental health;

(6) an expert on children's health and nutrition;

(7) an expert on child abuse prevention, diagnosis, and treatment;

(8) a representative of parenting support programs;

(9) a representative of parenting education;

(10) a representative from law enforcement;

(11) an expert on firearm safety programs;

(12) a representative from a nonprofit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) Duties of Commission.—The Commission shall—

(1) identify best parenting practices for parents and caregivers of young children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment including computers, firearms safety, mental

health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the data evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive Federal support within 18 months of appointment.

(d) Public Hearings and Testimony.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) Publication of Materials.—If not otherwise available, the Commission shall prepare materials which may include written material, videotapes, CD's, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through State and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) Reporting Requirement.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) Authorization of Funds.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 344. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) State Allotments.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each State shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number of children in all States, but no State shall receive less than one-half of one percent of the state allocation. From the amounts provided to each State with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the nonprofit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104-193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) State Parenting Support and Education Council.—To be eligible to receive Federal funding, the Governor of each State shall appoint a State Parenting Support and Education Council (hereinafter referred to as the "Council") which shall include parent representatives, representatives of the State government, bipartisan representation from the State legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from nonprofit service providers including faith based organizations.

(c) Grants.—Grants may be made for:

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in-home visits for families with infants, toddlers, or newly adopted children to provide hands-on training and one-on-one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c).

(2) Parenting support for adolescents and youth including funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4-H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting support and education resource centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including Federal, State, and local governmental and nonprofit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs;

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth.

(d) Reporting.—Each entity that receives a grant under this section shall submit a report every 2 years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) Administrative Costs.—Not more than 5 percent of the amounts received by a State may be used to pay for the administrative expenses of the Council in implementing the grant program.

(f) Supplement not Supplant.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) Authorization of Funds.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 345. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) Findings.—The Congress finds that a child's brain is wired between the ages of 0-3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) In General.—The Secretary shall award grants, enter into contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) Priorities.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school, and community violence, and disasters.

(d) Geographical Distribution.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

(e) EVALUATION.—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2000 and subsequent fiscal years.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

Subtitle A—Children and the Media

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Children's Protection Act of 1999".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.".

(B) "Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.".

(C) "Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.".

(D) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.".

(E) "Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.".

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to "proscribe gratuitous or excessive portrayals of violence". Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that "such activities may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant procompetitive benefits . . . . Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.".

(18) The Children's Television Act of 1990 (Public Law 101–437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, many of the most popular are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glamorized light. Game players are often cast in the role of shooter, with points scored for each "kill". Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) As the popularity and graphic nature of such video games grows, so do their potential to negatively influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock

or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

SEC. 403. PURPOSES; CONSTRUCTION.

(a) PURPOSES.—The purposes of this subtitle are to permit the entertainment industry—

(1) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(b) CONSTRUCTION.—This subtitle may not be construed as—

(1) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(2) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

SEC. 404. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION.—Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) LIMITATION.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

SEC. 405. EXEMPTION OF ACTIVITIES TO ENSURE COMPLIANCE WITH RATINGS AND LABELING SYSTEMS FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION FROM ANTITRUST LAWS.—

(1) IN GENERAL.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among persons in the motion picture, recording, or video game industry for the purpose of and limited to the development or enforcement of voluntary guidelines, procedures, and mechanisms designed to ensure compliance by persons and entities described in paragraph (2) with ratings and labeling systems to identify and limit dissemination of sexual, violent, or other indecent material to children.

(2) PERSONS AND ENTITIES DESCRIBED.—A person or entity described in this paragraph is a person or entity that is—

(A) engaged in the retail sales of motion pictures, recordings, or video games; or

(B) a theater owner or operator, video game arcade owner or operator, or other person or entity that makes available the viewing, listening, or use of a motion picture, recording, or video game to a member of the general public for compensation.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Antitrust Division of the Department of Justice, in conjunction with the Federal Trade Commission, shall submit to Congress a report on—

(1) the extent to which the motion picture, recording, and video game industry have developed or enforced guidelines, procedures, or mechanisms to ensure compliance by persons and entities described in subsection (b)(2) with ratings or labeling systems which identify and limit dissemination of sexual, violent, or other indecent material to children; and

(2) the extent to which Federal or State antitrust laws preclude those industries from developing and enforcing the guidelines described in subsection (b)(1).

SEC. 406. DEFINITIONS.

In this subtitle:

(1) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) INTERNET.—The term "Internet" means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) MOVIES.—The term "movies" means motion pictures.

(4) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term "person in the entertainment industry" means a television network, any entity which produces or distributes television programming (including motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

(5) TELECAST.—The term "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

Subtitle B—Other Matters

SEC. 411. STUDY OF MARKETING PRACTICES OF MOTION PICTURE, RECORDING, AND VIDEO/PERSONAL COMPUTER GAME INDUSTRIES.

(a) STUDY.—

(1) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the motion picture, recording, and video/personal computer game industries.

(2) ISSUES EXAMINED.—In conducting the study under paragraph (1), the Commission and the Attorney General shall examine—

(A) the extent to which the motion picture, recording, and video/personal computer industries target the marketing of violent, sexually explicit, or other unsuitable material to minors, including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience;

(B) the extent to which retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of the motion picture, recording, and video/personal computer industries—

(i) have policies to restrict the sale, rental, or viewing to minors of music, movies, or video/personal computer games that are deemed inappropriate for minors under the applicable voluntary industry rating or labeling systems; and

(ii) have procedures compliant with such policies;

(C) whether and to what extent the motion picture, recording, and video/personal computer industries require, monitor, or encourage the enforcement of their respective voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(D) whether any of the marketing practices examined may violate Federal law; and

(E) whether and to what extent the motion picture, recording, and video/personal computer industries engage in actions to educate the public on the existence, use, or efficacy of their voluntary rating or labeling systems.

(3) FACTORS FOR DETERMINATION.—In determining whether the products of the motion picture, recording, or video/personal computer industries are violent, sexually explicit, or otherwise unsuitable for minors for the purposes of paragraph (2)(A), the Commission and the Attorney General shall consider the voluntary industry rating or labeling systems of the industry concerned as in effect on the date of the enactment of this Act.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(c) AUTHORITY.—For the purposes of the study conducted under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

TITLE V—GENERAL FIREARM PROVISIONS

SEC. 501. SPECIAL LICENSEES; SPECIAL REGISTRATIONS.

(a) Definitions.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) Gun show.—The term 'gun show' means a gun show or event described in section 923(j).

"(36) Special license.—The term 'special license' means a license issued under section 923(m).

"(37) Special licensee.—The term 'special licensee' means a person to whom a special license has been issued.

"(38) Special registrant.—The term 'special registrant' means a person to whom a special registration has been issued.

"(39) Special registration.—The term 'special registration' means a registration issued under section 923(m).".

(b) Special Licenses; Special Registration.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(m) Special Licenses; Special Registrations.—

"(1) Special licenses.—

"(A) Application.—A person who—

"(i) is engaged in the business of dealing in firearms by—

"(I) buying or selling firearms solely or primarily at gun shows; or

"(II) buying or selling firearms as part of a gunsmith or firearm repair business or the conduct of other activity that, absent this subsection, would require a license under this chapter; and

"(ii) desires to have access to the National Instant Check System;

may submit to the Secretary an application for a special license.

"(B) Effect of paragraph.—Nothing in this paragraph—

"(i) requires a license for conduct that did not require a license before the date of enactment of this subsection; or

"(ii) diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, make repairs, or engage in any other conduct or activity, that was otherwise lawful to engage in without a license before the date of enactment of this subsection.

"(C) Contents.—An application under subparagraph (A) shall—

"(i) contain a certification by the applicant that—

"(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1);

"(II)(aa) the applicant conducts the firearm business primarily or solely at gun shows, and the applicant has premises (or a designated portion of premises) that may be inspected under this chapter from which the applicant conducts business (or intends to establish such premises) within a reasonable period of time; or

"(bb) the applicant conducts the firearm business from a premises (or a designated portion of premises) of a gunsmith or firearms repair business (or intends to establish such premises within a reasonable period of time); and

"(III) the firearm business to be conducted under the license—

"(aa) is not engaged in business for regularly buying and selling firearms from the applicant's premises;

"(bb) will be engaged in the buying or selling of firearms only—

"(AA) primarily or solely for a firearm business at gun shows; or

"(BB) as part of a gunsmith or firearm repair business;

"(cc) shall be conducted in accordance with all dealer recordkeeping required under this chapter for a dealer; and

"(dd) shall be subject to inspection under this chapter, including the special licensee's (or a designated portion of the premises), pursuant to the provisions in this chapter applicable to dealers;

"(ii) include a photograph and fingerprints of the applicant; and

"(iii) be in such form as the Secretary shall by regulation promulgate.

"(D) Compliance with State or local law.—

"(i) In general.—An applicant under subparagraph (A) shall not be required to certify or demonstrate that any firearm business to be conducted from the premises or elsewhere, to the extent permitted under this subsection, is or will be done in accordance with State or local law regarding the carrying on of a general business or commercial activity, including compliance with zoning restrictions.

"(ii) Duty to comply.—The issuance of a special license does not relieve an applicant or licensee, as a matter of State or local law, from complying with State or local law described in clause (i).

"(E) Approval.—

"(i) In general.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (D).

"(ii) Issuance of license.—On approval of the application and payment by the applicant of a fee prescribed for dealers under this section, the Secretary shall issue to the applicant a license which, subject to the provisions of this chapter and other applicable provisions of law, entitles the licensee to conduct business during the 3-year period that begins on the date on which the license is issued.

"(iii) Timing.—

"(I) In general.—The Secretary shall approve or disapprove an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

"(II) Failure to act.—If the Secretary fails to approve or disapprove an application within the time specified by subclause (I), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

"(2) Special registrants.—

"(A) In general.—A person who is not licensed under this chapter (other than a licensed collector) and who wishes to perform instant background checks for the purposes of meeting the requirements of section 922(t) at a gun show may submit to the Secretary an application for a special registration.

"(B) Contents.—An application under subparagraph (A) shall—

"(i) contain a certification by the applicant that—

"(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1); and

"(II)(aa) any gun show at which the applicant will conduct instant checks under the special registration will be a show that is not prohibited by State or local law; and

"(bb) instant checks will be conducted only at gun shows that are conducted in accordance with Federal, State, and local law;

"(ii) include a photograph and fingerprints of the applicant; and

"(iii) be in such form as the Secretary shall by regulation promulgate.

"(C) Approval.—

"(i) In general.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (B).

"(ii) Issuance of registration.—On approval of the application and payment by the applicant of a fee of $100 for 3 years, and upon renewal of valid registration a fee of $50 for 3 years, the Secretary shall issue to the applicant a special registration, and notify the Attorney General of the United States of the issuance of the special registration.

"(iii) Permitted activity.—Under a special registration, a special registrant may conduct instant check screening during the 3-year period that begins with the date on which the registration is issued.

"(D) Timing.—

"(i) In general.—The Secretary shall approve or deny an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

"(ii) Failure to act.—If the Secretary fails to approve or disapprove an application under subparagraph (A) within the time specified by clause (i), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

"(E) Use of special registrants.—

"(i) In general.—A person not licensed under this chapter who desires to transfer a firearm at a gun show in the person's State of residence to another person who is a resident of the same State, may use (but shall not be required to use) the services of a special registrant to determine the eligibility of the prospective transferee to possess a firearm by having the transferee provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

"(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

"(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).

"(ii) Action by the special registrant.—The special registrant shall—

"(I) make inquiry of the national instant background check system (or as the Attorney General shall arrange, with the appropriate State point of contact agency for each jurisdiction in which the special registrant intends to offer services) concerning the prospective transferee in accordance with the established procedures for making such inquiries;

"(II) receive the response from the system;

"(III) indicate the response on both a portion of the inquiry form for the records of the special registrant and on a separate form to be provided to the prospective transferee;

"(IV) provide the response to the transferor; and

"(V) follow the procedures established by the Secretary and the Attorney General for advising a person undergoing an instant background check on the meaning of a response, and any appeal rights, if applicable.

"(iii) Recordkeeping.—A special registrant shall—

"(I) keep all records or documents that the special registrant collected pursuant to clause (ii) during the gun show; and

"(II) transmit the records to the Secretary when the special registration is no longer valid, expires, or is revoked.

"(iv) No other requirements.—Except for the requirements stated in this section, a special registrant is not subject to any of the requirements imposed on licensees by this chapter, including those in section 922(t) and paragraphs (1)(A) and (3)(A) of subsection (g) with respect to the proposed transfer of a firearm.

“(3) NO CAUSE OF ACTION OR STANDARD OF CONDUCT.—

“(A) IN GENERAL.—Nothing in this subsection—

“(i) creates a cause of action against any special registrant or any other person, including the transferor, for any civil liability; or

“(ii) establishes any standard of care.

“(B) EVIDENCE.—Notwithstanding any other provision of law, except to give effect to the provisions of paragraph (3)(vi), evidence regarding the use or nonuse by a transferor of the services of a special registrant under this paragraph shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

“(4) IMMUNITY.—

“(A) DEFINITION.—In this paragraph:

“(i) IN GENERAL.—The term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

“(ii) EXCLUSIONS.—The term ‘qualified civil liability action’ shall not include an action—

“(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

“(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

“(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

“(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraph (B).

“(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court—

“(i) brought against a transferor convicted under section 922(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 922(h); or

“(ii) brought against a transferor for negligent entrustment or negligence per se.

“(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

“(5) REVOCATION.—A special license or special registration shall be subject to revocation under procedures provided for revocation of licensees in this chapter.”.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7) SPECIAL LICENSEES; SPECIAL REGISTRANTS.—Whoever knowingly violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.”.

SEC. 502. CLARIFICATION OF AUTHORITY TO CONDUCT FIREARM TRANSACTIONS AT GUN SHOWS.

Section 923 of title 18, United States Code, is amended by striking subsection (j) and inserting the following:

“(j) GUN SHOWS.—

“(1) IN GENERAL.—A licensed importer, licensed manufacturer, or licensed dealer may, under regulations promulgated by the Secretary, conduct business at a temporary location, other than the location specified on the license, described in paragraph (2).

“(2) TEMPORARY LOCATION.—

“(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or for an event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

“(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (3) of this subsection.

“(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

“(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

“(ii) the gun show or event has 20 percent or more firearm exhibitors out of all exhibitors.

“(D) FIREARM EXHIBITOR.—The term ‘firearm exhibitor’ means an exhibitor who displays 1 or more firearms (as defined by section 921(a)(3)) and offers such firearms for sale or trade at the gun show or event.

“(3) RECORDS.—Records of receipt and disposition of firearms transactions conducted at a temporary location—

“(A) shall include the location of the sale or other disposition;

“(B) shall be entered in the permanent records of the licensee; and

“(C) shall be retained at the location premises specified on the license.

“(4) VEHICLES.—Nothing in this subsection authorizes a licensee to conduct business in or from any motorized or towed vehicle.

“(5) NO SEPARATE FEE.—Notwithstanding subsection (a), a separate fee shall not be required of a licensee with respect to business conducted under this subsection.

“(6) INSPECTIONS AND EXAMINATIONS.—

“(A) AT A TEMPORARY LOCATION.—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

“(B) NO REQUIREMENT.—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license.

“(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.”.

SEC. 503. “INSTANT CHECK” GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION OF GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

“§ 540B. Prohibition of background check fee

“(a) IN GENERAL.—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).

“(b) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

“540B. Prohibition of background check fee.”.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§ 931. Gun owner privacy and ownership rights

“(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

“(1) perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the “system”) if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, concerning the person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

“(2) continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

“(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

“(B) does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

“(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

“(1) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

“(2) the date on which that number is provided.

“(c) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“931. Gun owner privacy and ownership rights.”.

(c) PROVISION RELATING TO PAWN AND OTHER TRANSACTIONS.—

(1) REPEAL.—Section 655 of title VI of the Treasury and General Governmental Appropriations Act, 1999 (112 Stat. 2681-530) is repealed.

(2) RETURN OF FIREARM.—Section 922(t)(1) of title 18, United States Code, is amended by inserting “(other than the return of a firearm to the person from whom it was received)” before “to any other person”.

SEC. 504. EFFECTIVE DATE.

(a) SECTIONS 501 AND 502.—The amendments made by sections 501 and 502 shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) SECTION 503.—The amendments made by section 503 take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect on October 1, 1999.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 601. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking “Whoever” at the beginning of the first sentence, and inserting in lieu thereof, “Except as provided in paragraph (6) of this subsection, whoever”; and

(2) in paragraph (6), by amending it to read as follows:

“(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

“(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

“(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

“(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

“(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

“(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

“(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

“(B) A person other than a juvenile who knowingly violates section 922(x)—

“(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

“(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

“(C) For purposes of this paragraph a ‘violent felony’ means conduct as described in section 924(e)(2)(B) of this title.

“(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.”.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

“(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

“(A) a handgun;

“(B) ammunition that is suitable for use only in a handgun;

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.

“(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

“(A) a handgun;

“(B) ammunition that is suitable for use only in a handgun;

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.

“(3) This subsection does not apply to—

“(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

“(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

“(I) in the course of employment,

“(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

“(III) for target practice,

“(IV) for hunting, or

“(V) for a course of instruction in the safe and lawful use of a firearm;

“(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

“(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

“(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

“(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

“(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

“(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

“(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

“(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

“(5) For purposes of this subsection, the term ‘juvenile’ means a person who is less than 18 years of age.

“(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

“(B) The court may use the contempt power to enforce subparagraph (A).

“(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

“(7) For purposes of this subsection only, the term ‘large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.".

SEC. 602. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE VII—ASSAULT WEAPONS

SEC. 701. SHORT TITLE.

This Act may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 702. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 703. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

SEC. 704. EFFECTIVE DATE.

This title and the amendments made by this title except sections 702 and 703 shall take effect 180 days after the date of enactment of this Act.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

SEC. 801. SHORT TITLE.

This subtitle may be referred to as the "Criminal Use of Firearms by Felons (CUFF) Act".

SEC. 802. FINDINGS.

Congress finds the following:

(1) Tragedies such as those occurring recently in the communities of Pearl, Mississippi, Paducah, Kentucky, Jonesboro, Arkansas, Springfield, Oregon, and Littleton, Colorado are terrible reminders of the vulnerability of innocent individuals to random and senseless acts of criminal violence.

(2) The United States Congress has responded to the problem of gun violence by passing numerous criminal statutes and by supporting the development of law enforcement programs designed both to punish the criminal misuse of weapons and also to deter individuals from undertaking illegal acts.

(3) In 1988, the Administration initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the Achilles heel or the area of greatest vulnerability of criminals. By aggressively prosecuting criminals with guns in Federal court, the offenders were subject to stiffer penalties and expedited prosecutions. The Achilles program was particularly effective in removing the most violent criminals from our communities.

(4) In 1991, the Administration expanded its efforts to remove criminals with guns from our streets with Project Triggerlock. Triggerlock continued the ideas formulated in the Achilles program and committed the Department of Justice resources to the prosecution effort. Under the program, every United States Attorney was directed to form special teams of Federal, State, and local investigators to look for gang and drug cases that could be prosecuted as Federal weapon violations. Congress appropriated additional funds to allow a large number of new law enforcement officers and Federal prosecutors to target these gun and drug offenders. In 1992, approximately 7048 defendants were prosecuted under this initiative.

(5) Since 1993, the number of "Project Triggerlock" type gun prosecutions pursued by the Department of Justice has fallen to approximately 3807 prosecutions in 1998. This is a decline of over 40 percent in Federal prosecutions of criminals with guns.

(6) The threat of criminal prosecution in the Federal criminal justice system works to deter criminal behavior because the Federal system is known for speedier trials and longer prison sentences.

(7) The deterrent effect of Federal gun prosecutions has been demonstrated recently by successful programs, such as "Project Exile" in Richmond, Virginia, which resulted in a 22 percent decrease in violent crime since 1994.

(8) The Department of Justice's failure to prosecute the criminal use of guns under existing Federal law undermines the significant deterrent effect that these laws are meant to produce.

(9) The Department of Justice already possesses a vast array of Federal criminal statutes that, if used aggressively to prosecute wrongdoers, would significantly reduce both the threat of, and the incidence of, criminal gun violence.

(10) As an example, the Department of Justice has the statutory authority in section 922(q) of title 18, United States Code, to prosecute individuals who bring guns to school zones. Although the Administration stated that over 6,000 students were expelled last year for bringing guns to school, the Justice Department reports prosecuting only 8 cases under section 922(q) in 1998.

(11) The Department of Justice is also empowered under section 922(x) of title 18, United States Code, to prosecute adults who transfer handguns to juveniles. In 1998, the Department of Justice reports having prosecuted only 6 individuals under this provision.

(12) The Department of Justice's utilization of existing prosecutorial power is 1 of the most significant steps that can be taken to reduce the number of criminal acts involving guns, and represents a better response to the problem of criminal violence than the enactment of new, symbolic laws, which, if current Departmental trends hold, would likely be underutilized.

SEC. 803. CRIMINAL USE OF FIREARMS BY FELONS PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall establish in the jurisdictions specified in subsection (d) a program that meets the requirements of subsections (b) and (c). The program shall be known as the "Criminal Use of Firearms by Felons (CUFF) Program".

(b) PROGRAM ELEMENTS.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of section 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j), 922(q), 922(k), or 924(c) of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2) and section 922(a)(5) of title 18, United States Code, relating to firearms; and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program for a jurisdiction, the United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) COVERED JURISDICTIONS.—The jurisdictions specified in this subsection are the following 25 jurisdictions:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of violent crimes according to the FBI uniform crime report for 1998.

(2) The 15 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1998.

SEC. 804. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys hired under the program under this subtitle during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) To the extent information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 805. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 803 $50,000,000 for fiscal year 2000, of which—

(1) $40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) $10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) Use of Funds.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 803(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 803(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 803(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) Authorization of Additional Appropriations.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this subtitle.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals

SEC. 811. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) Pretrial Detention For Possession of Firearms or Explosives By Convicted Felons.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "and" at the end of subparagraph (C) and inserting "or"; and

(3) by adding at the end the following:

"(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and".

(b) Firearms Possession By Violent Felons and Serious Drug Offenders.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(A) Except as provided in subparagraph (B), any person who"; and

(2) by adding at the end the following:

"(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under different circumstances.".

Subtitle C—Youth Crime Gun Interdiction

SEC. 821. YOUTH CRIME GUN INTERDICTION INITIATIVE.

(a) In General.—

(1) Expansion of number of cities.—The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative (in this section referred to as the "YCGII") to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) Selection.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and in consultation with Federal, State and local law enforcement officials.

(b) Identification of Individuals.—

(1) In general.—The Secretary of the Treasury shall, utilizing the information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) Sharing of information.—The Secretary of the Treasury shall share information derived from the YCGII with State and local law enforcement agencies through online computer access, as soon as such capability is available.

(c) Grant Awards.—

(1) In general.—The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) Use of grant funds.—Grants made under this part shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms; and

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

Subtitle D—Gun Prosecution Data

SEC. 831. COLLECTION OF GUN PROSECUTION DATA.

(a) Report to Congress.—On February 1, 2000, and on February 1 of each year thereafter, the Attorney General shall submit to the Committees on the Judiciary and on Appropriations of the Senate and the House of Representatives a report of information gathered under this section during the fiscal year that ended on September 30 of the preceding year.

(b) Subject of Annual Report.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in subsection (a), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of section 922 of title 18, United States Code.

(c) Elements of Annual Report.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(1) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 of title 18, United States Code, or any other violation of Federal criminal law;

(2) in any case described in paragraph (1), the reason for such failure to seek or obtain a charge under section 922 of title 18, United States Code;

(3) whether in any case described in subsection (b), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(4) whether, in the case of an indictment, information, or other charge described in paragraph (3), the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code;

(5) in any case described in paragraph (4) in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, whether a plea agreement of any kind has been entered into with such charged individual;

(6) whether any plea agreement described in paragraph (5) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code;

(7) in any case described in paragraph (6) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code, identification of the charges to which that individual did plead guilty, and the reason for the failure to seek or obtain a conviction under that section;

(8) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, the result of any trial of such charges (guilty, not guilty, mistrial); and

(9) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document did not contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial).

Subtitle E—Firearms Possession by Violent Juvenile Offenders

SEC. 841. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) Definition.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph)."; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of violent juvenile delinquency,".

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

Subtitle F—Juvenile Access to Certain Firearms

SEC. 851. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "Whoever" and inserting "Except as provided in paragraph (6), whoever"; and

(2) by striking paragraph (6) and inserting the following:

"(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

"(A) DEFINITIONS OF VIOLENT FELONY.—In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).

"(B) POSSESSION BY A JUVENILE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 5 years, or both.

"(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile may be sentenced to probation on appropriate conditions if—

"(I) the offense with which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

"(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

"(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

"(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

"(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.".

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

"(x) JUVENILES.—

"(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun; or

"(C) a semiautomatic assault weapon.

"(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun; or

"(C) a semiautomatic assault weapon.

"(4) APPLICABILITY.—

"(A) IN GENERAL.—This subsection does not apply to—

"(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun, ammunition, or semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, or semiautomatic assault weapon by a juvenile if the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile—

"(I) in the course of employment;

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

"(III) for target practice;

"(IV) for hunting; or

"(V) for a course of instruction in the safe and lawful use of a handgun;

"(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, or semiautomatic assault weapon in the line of duty;

"(iii) a transfer by inheritance of title (but not possession) of handgun, ammunition, or semiautomatic assault weapon to a juvenile; or

"(iv) the possession of a handgun, ammunition, or semiautomatic assault weapon taken in lawful defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

"(i) the juvenile's possession and use of a handgun, ammunition, or semiautomatic assault weapon under this paragraph are in accordance with State and local law; and

"(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun, ammunition, or semiautomatic assault weapon is in the possession of the juvenile, has in the juvenile's possession the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the firearm is unloaded and in a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the firearm is unloaded and in a locked container or case; or

"(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

"(aa) a juvenile possesses and uses a handgun, ammunition, or semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian;

"(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(cc) the adult is directing the ranching or farming activities of the juvenile.

"(5) INNOCENT TRANSFERORS.—A handgun, ammunition, or semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun, ammunition, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(6) ATTENDANCE BY PARENT OR LEGAL GUARDIAN AS CRIMINAL PROCEEDINGS.—In a prosecution of a violation of this subsection, the court—

"(A) shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings;

"(B) may use the contempt power to enforce subparagraph (A); and

"(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.".

(c) Effective Date.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

Subtitle G—General Firearm Provisions

SEC. 861. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) Expedited Action by the Attorney General.—

(1) In general.—The Attorney General shall expedite—

(A) not later than 90 days after the date of enactment of this section, a study of the feasibility of developing—

"(i) a single fingerprint convicted offender database in the Federal criminal records system maintained by the Federal Bureau of Investigation; and

(ii) procedures under which a licensed firearm dealer may voluntarily transmit to the National Instant Check System a single digitalized fingerprint for prospective firearms transferees;

(B) the provision of assistance to States, under the Crime Identification Technology Act of 1998 (112 Stat. 1871), in gaining access to records in the National Instant Check System disclosing the disposition of State criminal cases; and

(C) development of a procedure for the collection of data identifying persons that are prohibited from possessing a firearm by section 922(g) of title 18, United States Code, including persons adjudicated as a mental defective, persons committed to a mental institution, and persons subject to a domestic violence restraining order.

(2) Considerations.—In developing procedures under paragraph (1), the Attorney General shall consider the privacy needs of individuals.

(b) Compatibility of Ballistics Information Systems.—The Attorney General and the Secretary of the Treasury shall ensure the integration and interoperability of ballistics identification systems maintained by the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms through the National Integrated Ballistics Information Network.

(c) Forensic Laboratory Inspection.—The Attorney General shall provide financial assistance to the American Academy of Forensic Science Laboratory Accreditation Board to be used to facilitate forensic laboratory inspection activities.

(d) Relief From Disability Database.—Section 925(c) of title 18, United States Code, is amended—

(1) by striking "(c) A person" and inserting the following:

"(c) Relief From Disabilities.—

"(1) In general.—A person"; and

(2) by adding at the end the following:

"(2) Database.—The Secretary shall establish a database, accessible through the National Instant Check System, identifying persons who have been granted relief from disability under paragraph (1).".

(e) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 2000—

(1) to pay the costs of the Federal Bureau of Investigation in operating the National Instant Check System, $68,000,000;

(2) for payments to States that act as points of contact for access to the National Instant Check System, $40,000,000;

(3) to carry out subsection (a)(1), $40,000,000;

(4) to carry out subsection (a)(3), $25,000,000;

(5) to carry out subsection (b), $1,150,000; and

(6) to carry out subsection (c), $1,000,000.

(f) Increased Authorization.—Section 102(e)(1) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(1)) is amended by striking "this section" and all that follows and inserting "this section—

"(A) $250,000,000 for fiscal year 1999;

"(B) $350,000,000 for each of fiscal years 2000 through 2003.".

TITLE IX—ENHANCED PENALTIES

SEC. 901. STRAW PURCHASES.

(a) In General.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

"(i) fined under this title, imprisoned not more than 15 years, or both; or

"(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

"(B) In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).".

(b) Effective Date.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 902. STOLEN FIREARMS.

(a) In General.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "(i), (j),"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.";

(2) in subsection (i)(1), by striking by striking "10 years, or both" and inserting "15 years, or both"; and

(3) in subsection (l), by striking "10 years, or both" and inserting "15 years, or both".

(b) Sentencing Commission.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

SEC. 903. INCREASE IN PENALTIES FOR CRIMES INVOLVING FIREARMS.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (iii), by striking "10 years." and inserting "12 years; and"; and

(B) by adding at the end the following:

"(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years."; and

(2) in subsection (h), by striking "imprisoned not more than 10 years" and inserting "imprisoned not less than 5 years and not more than 10 years".

SEC. 904. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "one year" and inserting "5 years".

SEC. 905. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place that term appears and inserting "5 years".

TITLE X—CHILD HANDGUN SAFETY

SEC. 1001. SHORT TITLE.

This title may be cited as the "Safe Handgun Storage and Child Handgun Safety Act of 1999".

SEC. 1002. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 1003. FIREARMS SAFETY.

(a) Unlawful Acts.—

(1) Mandatory transfer of secure gun storage or safety device.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) Secure Gun Storage or Safety Device.—

"(1) In general.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

"(2) Exceptions.—Paragraph (1) does not apply to the—

"(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

"(3) Liability for use.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

"(B) Prospective Actions.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

"(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

"(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.".

(b) Civil Penalties.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) Penalties Relating To Secure Gun Storage or Safety Device.—

"(1) In general.—

"(A) Suspension or revocation of license; civil penalties.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

"(B) Review.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) Administrative remedies.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(c) Liability; Evidence.—

(1) Liability.—Nothing in this title shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) Evidence.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this title shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) Rule of construction.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 1004. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE XI—SCHOOL SAFETY AND VIOLENCE PREVENTION

SEC. 1101. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—SCHOOL SAFETY AND VIOLENCE PREVENTION

"SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.

"Notwithstanding any other provision of titles IV and VI, funds made available under such titles may be used for—

"(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

"(A) identification of potential threats, such as illegal weapons and explosive devices;

"(B) crisis preparedness and intervention procedures; and

"(C) emergency response;

"(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

"(3) innovative research-based delinquency and violence prevention programs, including—

"(A) school anti-violence programs; and

"(B) mentoring programs;

"(4) comprehensive school security assessments;

"(5) purchase of school security equipment and technologies, such as—

"(A) metal detectors;

"(B) electronic locks; and

"(C) surveillance cameras;

"(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

"(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

"(8) school resource officers, including community policing officers; and

"(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.".

SEC. 1102. STUDY.

(a) Study.—The Comptroller General shall carry out a study regarding school safety issues, including examining—

(1) incidents of school-based violence in the United States;

(2) impediments to combating school-based violence, including local, state, and Federal education and law enforcement impediments;

(3) promising initiatives for addressing school-based violence;

(4) crisis preparedness of school personnel;

(5) preparedness of local, State, and Federal law enforcement to address incidents of school-based violence; and

(6) evaluating current school violence prevention programs.

(b) Report.—The Comptroller General shall prepare and submit to Congress a report regarding the results of the study conducted under paragraph (1).

SEC. 1103. SCHOOL UNIFORMS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

"SEC. 14515. SCHOOL UNIFORMS.

"(a) Construction.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

"(b) Funding.—Notwithstanding any other provision of law, funds provided under titles IV and VI may be used for establishing a school uniform policy.".

SEC. 1104. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended by adding after section 14603 (20 U.S.C. 8923) the following:

"SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"(a) Nonapplication of Provisions.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) Disciplinary Records.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. 1105. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) the collection, categorization, and analysis of data from students, schools, communities, parents, law enforcement agencies, medical providers, and others for use in efforts to improve school security and otherwise prevent school violence;

(2) the identification and development of strategies to prevent school violence; and

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. 1106. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) Presentation Authorized.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) Design and Striking.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) Eligibility.—

(1) In general.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) Recommendations by school principals.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.

SEC. 1107. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 local law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character, which include trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(g) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 1108. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

"SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, working in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within a State of State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

"(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

"(1) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

"(2) Appropriate screening and assessment of juveniles.

"(3) Individual treatment plans.

"(4) Significant involvement of juvenile judges where appropriate.

"(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

"(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

"(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

"(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

"(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

"(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

"(3) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 75 percent of the cost of the program.

"(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

"(e) FUNDING.—Grants under this section shall be considered an allowable use under section 205(a) and subtitle B.".

SEC. 1109. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting "(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon; and

(2) in subparagraph (B)(i), by inserting "(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon.

SEC. 1110. DRUG TESTS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test; and".

SEC. 1111. SENSE OF THE SENATE.

It is the sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.

TITLE XII—TEACHER LIABILITY PROTECTION ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the "Teacher Liability Protection Act of 1999".

SEC. 1202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 1203. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 1204. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) NO EFFECT ON LIABILITY OF SCHOOL OR GOVERNMENTAL ENTITY.—Nothing in this section shall be construed to affect the liability of any school or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 1205. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 1206. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator,

or other educational professional, that works in a school.

SEC. 1207. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 1301. SHORT TITLE.

This title may be cited as the "Violence Prevention Training for Early Childhood Educators Act".

SEC. 1302. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 1303. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 1304. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term "at-risk child" means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term "early childhood education training program" means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term "violence prevention" means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. 1305. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Secretary of Education shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 1306. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 1307. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 1401. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong school-based and after school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section 1403; and

(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section 1404.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1403. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

(1) reduce delinquency, school discipline problems, and truancy; and

(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1404. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1405. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term "character education" means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 1501. SHORT TITLE.

This title may be cited as the "Violent Offender DNA Identification Act of 1999".

SEC. 1502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $15,000,000 for each of fiscal years 2000 and 2001.

SEC. 1503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

"(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking "persons convicted of crimes" and inserting "individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))";

(2) in subsection (b)(2), by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual"; and

(3) by adding at the end the following:

"(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

"(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

"(2) REGULATIONS.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

"(i) a list of qualifying offenses; and

"(ii) standards and procedures for—

"(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

"(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

"(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

"(B) OFFENSES INCLUDED.—The list established under subparagraph (A)(i) shall include—

"(i) each criminal offense or act of juvenile delinquency under Federal law that—

"(I) constitutes a crime of violence; or

"(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

"(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

"(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

"(3) FEDERAL OFFENDERS.—

"(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

"(B) COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

"(4) DISTRICT OF COLUMBIA OFFENDERS.—

"(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

"(i) IN GENERAL.—The Government of the District of Columbia may—

"(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

"(II) collect a DNA sample from each individual in any category identified under clause (i).

"(ii) DEFINITION.—In this subparagraph, the term 'individuals in the custody of, or under supervision by, the District of Columbia'—

"(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

"(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

"(B) OFFENDERS ON SUPERVISED RELEASE, PROBATION, OR PAROLE.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is on supervised release, parole, or probation and who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

"(5) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, a person or agency responsible for the collection of DNA samples under this subsection may—

"(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

"(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

"(e) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary of Defense shall prescribe regulations that—

"(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as 'qualifying military offenses') that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

"(B) set forth standards and procedures for—

"(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

"(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i).

"(2) COLLECTION OF SAMPLES.—

"(A) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

"(B) TIME AND MANNER.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

"(3) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

"(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected or will collect such a sample from the individual under subsection (d); and

"(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

"(f) CRIMINAL PENALTY.—

"(1) IN GENERAL.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall be—

"(A) guilty of a class A misdemeanor; and

"(B) punished in accordance with title 18, United States Code.

"(2) MILITARY OFFENDERS.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

"(A) $6,600,000 for fiscal year 2000; and

"(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

"(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

"(3) to the Department of Defense to carry out subsection (e)—

"(A) $600,000 for fiscal year 2000; and

"(B) $300,000 for each of fiscal years 2001 through 2004.".

(c) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (8) the following:

"(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(2) Conditions of supervised release.—Section 3583(d) of title 18, United States Code, is amended by inserting before "The court shall also order" the following: "The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(3) Conditions of release generally.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) Report and Evaluation.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) Technical and Conforming Amendments.—

(1) Drug control and system improvement grants.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

(2) DNA identification grants.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking ", at regular intervals not exceeding 180 days," and inserting "semiannual".

(3) Federal bureau of investigation.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

TITLE XVI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1601. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) Definition.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3) shall not apply to this subparagraph)."; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,".

(b) Prohibition.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of violent juvenile delinquency,".

(c) Effective Date of Adjudication Provisions.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 1602. SAFE STUDENTS.

(a) Short Title.—This section may be cited as the "Safe Students Act."

(b) Purpose.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) Program Authorized.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) Application Requirements.—

(1) In general.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) Priority.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) Allowable Uses of Funds.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

SEC. 1603. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 1604. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term "Internet service provider" means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

(1) In subsection (j) amend—

(A) paragraph (2) (A), (B) and (C) to read as follows:

"(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

"(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.

"(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

"(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

"(ii) the gun show or event has—

"(I) 20 percent or more firearm exhibitors out of all exhibitors; or

"(II) 10 or more firearms exhibitors.".

(B) paragraph (3)(C) to read as follows:

"(C) shall be retained at the premises specified on the license."; and

(C) paragraph (7) to read as follows:

"(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.".

(2) In subsection (m), amend—

(A) paragraph (2)(E)(i) to read as follows:

"(i) IN GENERAL.—A person not licensed under this section who desires to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State, and not licensed under this section, shall only make such a transfer through a licensee who can conduct an instant background check at the gun show, or directly to the prospective transferee if an instant background check is first conducted by a special registrant at the gun show on the prospective transferee. For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) of this chapter shall be 24 hours in a calendar day since the licensee contacted the system. If the services of a special registrant are used to determine the firearms eligibility of the prospective transferee to possesses a firearm, the transferee shall provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

"(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

"(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C)."; and

(B) paragraph (4) to read as follows:

"(4) IMMUNITY.—

"(A) DEFINITION.—In this paragraph:

"(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

"(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

"(I) brought against a transferor convicted under section 924(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

"(II) brought against a transferor for negligent entrustment or negligence per se.

"(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

"(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

"(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

"(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraphs (C) and (D).

"(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

"(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.".

SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

SEC. 1607. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the "Webb-Kenyon Act") (27 U.S.C. 122) is amended by adding at the end the following:

"SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

"(a) DEFINITIONS.—In this section—

"(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

"(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

"(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

"(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

"(1) restrain the person from engaging, or continuing to engage, in the violation; and

"(2) enforce compliance with the State law.

"(c) FEDERAL JURISDICTION.—

"(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

"(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

"(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

"(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

"(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

"(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

"(A) set forth the reasons for the issuance of the order;

"(B) be specific in terms;

"(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

"(D) be binding only upon—

"(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

"(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

"(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

"(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

"(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

"(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

"(g) ADDITIONAL REMEDIES.—

"(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

"(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.".

SEC. 1608. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting "a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a" after "accompanied by"; and

(B) by inserting "and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "contained therein,"; and

(2) in section 1264, by inserting "or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "consignee,".

SEC. 1609. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other nongovernmental entities shall have printed thereon the following language:

"This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the Attorney General of the United States.".

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

SEC. 1610. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as "Aimee's Law".

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term "murder" has the meaning given the term under applicable State law.

(3) RAPE.—The term "rape" has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

SEC. 1611. DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and".

SEC. 1612. WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following:

"The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship.".

SEC. 1613. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

SEC. 1614. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

"(A) the interests of justice or an order of restitution under this title so require;

"(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

"(C) with respect to a defendant convicted of an offense against a State—

"(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

"(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

"(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

"(A) an offense under section 794 of this title;

"(B) a felony offense against the United States or any State; or

"(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

"(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

"(A) evidence of the offense;

"(B) instrument of the offense, including any vehicle used in the commission of the offense;

"(C) real estate where the offense was committed;

"(D) document relating to the offense;

"(E) photograph or audio or video recording relating to the offense;

"(F) clothing, jewelry, furniture, or other personal property relating to the offense;

"(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

"(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

"(I) other property relating to the offense.".

SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after "under subsection (c)(3)," the following: "including caller identification services with respect to elementary and secondary schools,".

(b) OUTREACH.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

SEC. 1616. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) AUTHORIZATION.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organizations, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided*, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213; or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further*, That, for purposes hereof, "violent criminal behavior by young

Americans" means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under Federal, State, or local law, and involves acts or threats of physical violence, physical injury, or physical harm: *Provided further*, That not to exceed 10 percent of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

SEC. 1618. VICTIMS OF TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"(a) DEFINITIONS.—In this section—

"(1) the term 'eligible crime victim compensation program' means a program that meets the requirements of section 1402(b);

"(2) the term 'eligible crime victim assistance program' means a program that meets the requirements of section 1404(b);

"(3) the term 'public agency' includes any Federal, State, or local government or nonprofit organization; and

"(4) the term 'victim'—

"(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

"(B) includes, in the case of an individual described in subparagraph (A) who is deceased, the family members of the individual.

"(b) GRANTS AUTHORIZED.—The Director may make grants, as provided in either section 1402(d)(4)(B) or 1404—

"(1) to States, which shall be used for eligible crime victim compensation programs and eligible crime victim assistance programs for the benefit of victims; and

"(2) to victim service organizations, and public agencies that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

"(A) emergency relief (including compensation, assistance, and crisis response) and other related victim services; and

"(B) training and technical assistance for victim service providers.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

(b) APPLICABILITY.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

SEC. 1619. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) QUALIFICATION DATE.—Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3)) is amended by striking "on April 26, 1996" and inserting "on or after April 26, 1996."

(b) MINIMUM AMOUNT.—Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended by striking subsection (b) and inserting the following:

"(b) FORMULA ALLOCATION.—The amount made available to carry out this section for any fiscal year under section 20104 shall be allocated as follows:

"(1) .75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent; and

"(2) The amount remaining after the application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by that State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.".

SEC. 1620. APPLICATION OF PROVISION RELATING TO A SENTENCE OF DEATH FOR AN ACT OF ANIMAL ENTERPRISE TERRORISM.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 43 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

SEC. 1621. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

"(1) is less than 21 years of age;

"(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or has been committed to any mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship;

"(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

"(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

"(1) is less than 21 years of age;

"(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship; or

"(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

"(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) a foreign military personnel on official assignment to the United States;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.".

SEC. 1622. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the "Emergency Federal Judgeship Act of 1999".

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

"Arizona .... 11";

(2) the item relating to Florida in such table is amended to read as follows:

"Florida:

Northern	4
Middle	15
Southern	16";

and

(3) the item relating to Nevada in such table is amended to read as follows:

"Nevada .... 6".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

SEC. 1623. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

SEC. 1624. SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

SEC. 1625. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term "FAST program" means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles' relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of

Health and Human Services shall develop regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $9,000,000 for each of the fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

SEC. 1626. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking "with intent to do bodily harm, and".

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years," after "a felony under chapter 109A,"; and

(2) by adding at the end the following:

"(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7)).".

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting "(or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive Federal jurisdiction)" after "chargeable under State law".

(d) MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.—Section 1112(b) of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(e) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1163 of title 18, United States Code, is amended by striking "so embezzled," and inserting "embezzled,".

SEC. 1627. FEDERAL JUDICIARY PROTECTION ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the "Federal Judiciary Protection Act of 1999".

(b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "8"; and

(2) in subsection (b), by striking "ten" and inserting "20".

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "three" and inserting "6".

(d) MAILING THREATENING COMMUNICATIONS.—Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsection (d), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.".

(e) AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in paragraph (1)—

(A) any expression of congressional intent regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the offense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(E) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

SEC. 1628. LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing State and Federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclement weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with judicial standards of due process required under the State and Federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next 5 years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) GRANT OF FEDERAL FUNDS.—(1) The Attorney General is authorized to provide to the State of Alaska funds for State law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to State local option statutes.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93–638, as amended; 25 U.S.C. 450b(e) (1998)) from Federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $15,000,000 for fiscal year 2000;

(B) $17,000,000 for fiscal year 2001;

(C) $18,000,000 for fiscal year 2002.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1629. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to create, expand or diminish or in any way affect the jurisdiction of an Indian tribe in the State of Alaska.

SEC. 1630. BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

(b) DEFINITIONS.—In this section—

(1) the term "bail bond agent" means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term "bounty hunter"—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term "bounty hunter employer"—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term "law enforcement officer" means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) MODEL GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such guidelines, the Attorney General shall consult with organizations representing—

(A) State and local law enforcement officers;

(B) State and local prosecutors;

(C) the criminal defense bar;

(D) bail bond agents;

(E) bounty hunters; and

(F) corporate sureties.

(2) RECOMMENDATIONS.—The guidelines developed under paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should—

(i) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(ii) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(B) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) State laws should provide—

(i) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(ii) the official recognition of bounty hunters from other States.

(3) EFFECT ON BAIL.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(A) the cost and availability of bail; and

(B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this subsection may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

SEC. 1631. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1,950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

"(vi) $282,625,000 for fiscal year 2000."; and

(2) in subparagraph (B) by inserting after "(B)" the following: "Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).".

SEC. 1632. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings—

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between—

(A) lack of early intervention for children; and

(B) increased violence and crime among youth.

(8) The United States will spend more than $35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

SEC. 1633. PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SEC. 1634. PROVISIONS RELATING TO PAWN SHOPS AND SPECIAL LICENSEES.

(a) Notwithstanding any other provision of this Act, the repeal heretofore effected by paragraph (1) and the amendment heretofore effected by paragraph (2) of subsection (c) with the heading "Provision Related to Pawn and Other Transactions" of section 503 of title V with the heading "General Firearm Provisions" shall be null and void.

(b) Notwithstanding any other provision of this Act, section 923(m)(1), of title 18, United States Code, as heretofore provided, is amended by adding at the end the following subparagraph:

"(F) COMPLIANCE.—Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all of the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.".

SEC. 1635. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States,

attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) GUN SHOW.—The term 'gun show' means any event—

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which—

"(i) not less than 20 percent of the exhibitors are firearm exhibitors;

"(ii) there are not less than 10 firearm exhibitors; or

"(iii) 50 or more firearms are offered for sale, transfer, or exchange.

"(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms."

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Regulation of firearms transfers at gun shows

"(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

"(2) pays a registration fee, in an amount determined by the Secretary.

"(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

"(2) before commencement of the gun show, requires each gun show vendor to sign—

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

"(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

"(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

"(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

"(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

"(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Secretary;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(A) shall be on a form specified by the Secretary by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

"(A) prepared on a form specified by the Secretary; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

"(i) the office specified on the form described in subparagraph (A); and "(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) Records of Licensee Transfers.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) Firearm Transaction Defined.—In this section, the term 'firearm transaction'—

"(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

"(2) does not include the mere exhibition of a firearm.".

(2) Penalties.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d), shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) Technical and conforming amendments.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows.";

and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(d) Inspection Authority.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(e) Increased Penalties for Serious Recordkeeping Violations by Licensees.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) Increased Penalties for Violations of Criminal Background Check Requirements.—

(1) Penalties.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) Elimination of certain elements of offense.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(g) Gun Owner Privacy and Prevention of Fraud and Abuse of System Information.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: ", as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer".

(h) Effective Date.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(i) Inapplicability of Other Provisions.—Notwithstanding any other provision of this Act, the provisions of the title headed "**GENERAL FIREARM PROVISIONS**" (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed "**APPLICATION OF SECTION 923 (j) AND (m)**" (as added by the amendment of Mr. Hatch number 344) shall be null and void.

SEC. 1636. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) Appropriate Interventions and Services.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency, in order to—

(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) Clarification of Federal Law.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) Authorization of Appropriations.—

(1) Authorization.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) Distribution.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 4113(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

SEC. 1637. SAFE SCHOOLS.

(a) Amendments.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) Short title.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

(2) Requirements.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

(3) Definitions.—Section 14601(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

"(B) the term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act

(21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)', before the period.

"(D) the term 'felonious quantities of an illegal drug' means any quantity of an illegal drug—

"(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

"(ii) that is possessed with an intent to distribute.".

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs or" before "weapons".

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or".

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

SEC. 1638. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

"SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

"(a) COUNSELING DEMONSTRATION.—

"(1) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

"(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application for a grant under this section shall—

"(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

"(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(G) describe how any diverse cultural populations, if applicable, would be served through the program;

"(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

"(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

"(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(B) use a developmental, preventive approach to counseling;

"(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve social functioning;

"(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

"(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

"(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

"(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

"(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(2) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possesses State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

"(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 1639. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

"(1) DEFINITIONS.—In this subsection:

"(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

"(B) The term 'explosive' has the same meaning as in section 844(j).

"(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.".

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates any of subsections" and inserting the following: "person who—

"(1) violates any of subsections";

(2) by striking the period at the end and inserting "; and";

(3) by adding at the end the following:

"(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both."; and

(4) in subsection (j), by striking "and (i)" and inserting "(i), and (p)".

Subtitle B—James Guelff Body Armor Act

SEC. 1641. SHORT TITLE.

This subtitle may be cited as the "James Guelff Body Armor Act of 1999".

SEC. 1642. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 1643. DEFINITIONS.

In this subtitle:

(1) BODY ARMOR.—The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 1644. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) APPLICABILITY.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 1645. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 921 of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.".

(b) PROHIBITION.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Prohibition on purchase, ownership, or possession of body armor by violent felons

"(a) IN GENERAL.—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

"(1) a crime of violence (as defined in section 16); or

"(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

"(b) AFFIRMATIVE DEFENSE.—

"(1) IN GENERAL.—It shall be an affirmative defense under this section that—

"(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

"(B) the use and possession by the defendant were limited to the course of such performance.

"(2) EMPLOYER.—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Prohibition on purchase, ownership, or possession of body armor by violent felons.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.".

SEC. 1646. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) DEFINITIONS.—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) DONATION OF BODY ARMOR.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) Notice to Administrator.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) Donation by Certain Officers.—

(1) Department of Justice.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) Department of the Treasury.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

SEC. 1647. ADDITIONAL FINDINGS; PURPOSE.

(a) Findings.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) Purpose.—The purpose of this chapter is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 1648. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.

(a) In General.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

"Subpart A—Grant Program For Armor Vests";

(2) by striking "this part" each place it appears and inserting "this subpart"; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

"(a) In General.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) Uses of Funds.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) Preferential Consideration.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) Minimum Amount.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

"(e) Maximum Amount.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) Matching Funds.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) Allocation of Funds.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

"(a) In General.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) Regulations.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) Eligibility.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

"In this subpart—

"(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

"(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) In General.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"In this subpart—

"(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

"(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

"(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

"(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

"(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.".

(c) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the item relating to the part heading of part Y and inserting the following:

"PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

"SUBPART A—GRANT PROGRAM FOR ARMOR VESTS"; AND

(2) by adding at the end of the matter relating to part Y the following:

"SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

"2511. Program authorized.
"2512. Applications.
"2513. Definitions.

"SUBPART C—GRANT PROGRAM FOR VIDEO CAMERAS

"2521. Program authorized.
"2522. Applications.
"2523. Definitions.".

SEC. 1649. SENSE OF CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under subpart B or C of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this chapter, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 1650. TECHNOLOGY DEVELOPMENT.

Section 202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

"(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

"(1) IN GENERAL.—The Institute is authorized to—

"(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

"(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

"(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

"(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.".

SEC. 1651. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking "The portion" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), the portion"; and

(2) by adding at the end the following:

"(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.".

Subtitle C—Animal Enterprise Terrorism and Ecoterrorism

SEC. 1652. ENHANCEMENT OF PENALTIES FOR ANIMAL ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A), by striking "under this title" and inserting "consistent with this title or double the amount of damages, whichever is greater,"; and

(B) by striking "one year" and inserting "five years"; and

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.''; and

(C) in paragraph (3), as so redesignated, by striking "under this title and" and all that follows through the period and inserting "under this title, imprisoned for life or for any term of years, or sentenced to death.''.

SEC. 1653. NATIONAL ANIMAL TERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

(a) IN GENERAL.—The Director shall establish and maintain a national clearinghouse for information on incidents of crime and terrorism—

(1) committed against or directed at any animal enterprise;

(2) committed against or directed at any commercial activity because of the perceived impact or effect of such commercial activity on the environment; or

(3) committed against or directed at any person because of such person's perceived connection with or support of any enterprise or activity described in paragraph (1) or (2).

(b) CLEARINGHOUSE.—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a) that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing; and

(3) upon request from a Federal, State, or local law enforcement agency, or from a law enforcement agency of a foreign country, provide such information to assist in the investigation of an incident described in subsection (a).

(c) SCOPE OF INFORMATION.—The information maintained by the clearinghouse for each incident shall, to the extent practicable, include—

(1) the date, time, and place of the incident;

(2) details of the incident;

(3) any available information on suspects or perpetrators of the incident; and

(4) any other relevant information.

(d) DESIGN OF CLEARINGHOUSE.—The clearinghouse shall be designed for maximum ease of use by participating law enforcement agencies.

(e) PUBLICITY.—The Director shall publicize the existence of the clearinghouse to law enforcement agencies by appropriate means.

(f) RESOURCES.—In establishing and maintaining the clearinghouse, the Director may—

(1) through the Attorney General, utilize the resources of any other department or agency of the Federal Government; and

(2) accept assistance and information from private organizations or individuals.

(g) COORDINATION.—The Director shall carry out the Director's responsibilities under this section in cooperation with the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(h) DEFINITIONS.—In this section:

(1) The term "animal enterprise" has the same meaning as in section 43 of title 18, United States Code.

(2) The term "Director" means the Director of the Federal Bureau of Investigation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as are necessary to carry out this section.

Subtitle D—Jail-Based Substance Abuse

SEC. 1654. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE AFTERCARE SERVICES.—Section 1901 of part S of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1) is amended by adding at the end the following:

"(f) USE OF GRANT AMOUNTS FOR NONRESIDENTIAL AFTERCARE SERVICES.—A State may use amounts received under this part to provide nonresidential substance abuse treatment aftercare services for inmates or former inmates that meet the requirements of subsection (c), if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services.''.

(b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

"SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

"(a) DEFINITIONS.—In this section—

"(1) the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

"(A) directed at the substance abuse problems of prisoners; and

"(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners; and

"(2) the term 'local correctional facility' means any correctional facility operated by a unit of local government.

"(b) AUTHORIZATION.—

"(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

"(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

"(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

"(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that—

"(i) the program has been in effect for not less than 2 consecutive years before the date on which the application is submitted; and

"(ii) the local correctional facility will—

"(I) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

"(II) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

"(III) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

"(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

"(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

"(d) REVIEW OF APPLICATIONS.—

"(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

"(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

"(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

"(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

"(A) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

"(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

"(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

"(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

"(i) the date on which the participant completes the jail-based substance abuse treatment program; or

"(ii) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.

"(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

"(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

"(ii) requires each participant in the program to submit to periodic substance abuse testing; and

"(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

"(I) educational and job training programs;

"(II) parole supervision programs;

"(III) half-way house programs; and

"(IV) participation in self-help and peer group programs; and

"(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

"(e) COORDINATION AND CONSULTATION.—

"(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

"(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

"(f) USE OF GRANT AMOUNTS.—

"(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

"(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

"(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

"(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

"(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

"(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).".

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:

"1906. Jail-based substance abuse treatment.".

Subtitle E—Safe School Security

SEC. 1655. SHORT TITLE.

This subtitle may be cited as the "Safe School Security Act of 1999".

SEC. 1656. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.".

SEC. 1658. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

Subtitle F—Internet Prohibitions

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the "Internet Firearms and Explosives Advertising Act of 1999".

SEC. 1662. FINDINGS; PURPOSE.

Congress finds the following:

(1) Citizens have an individual right, under the Second Amendment to the United States Constitution, to keep and bear arms. The Gun Control Act of 1968 and the Firearms Owners Protection Act of 1986 specifically state that it is not the intent of Congress to frustrate the free exercise of that right in enacting Federal legislation. The free exercise of that right includes law abiding firearms owners buying, selling, trading, and collecting guns in accordance with Federal, State, and local laws for whatever lawful use they deem desirable.

(2) The Internet is a powerful information medium, which has and continues to be an excellent tool to educate citizens on the training, education and safety programs available to use firearms safely and responsibly. It has, and should continue to develop, as a 21st century tool for "e-commerce" and marketing many products, including firearms and sporting goods. Many web sites related to these topics are sponsored in large part by the sporting firearms and hunting community.

(3) It is the intent of Congress that this legislation be applied where the Internet is being exploited to violate the applicable explosives and firearms laws of the United States.

SEC. 1663. PROHIBITIONS ON USES OF THE INTERNET.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Criminal firearms and explosives solicitations

"(a)(1) IN GENERAL.—Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering to receive, exchange, buy, sell, produce, distribute, or transfer—

"(A) a firearm knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), (g), or (x) of section 922 of this chapter, or

"(B) explosive materials knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), and (i) of section 842 of this title, shall be punished as provided under subsection (b).

"(2) The circumstance referred to in paragraph (1) is that—

"(A) such person knows or has reason to know that such notice or advertisement will be transported in interstate or foreign commerce by computer; or

"(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

"(b) PENALTIES.—Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title or imprisoned not more than 1 year, and both, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned for not more than 5 years, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned not less than 10 years nor more than 20 years. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a juvenile, herein defined as an individual who has not yet attained the age of 18 years, shall be punished by death, or imprisoned for any term of years or for life.

"(c) DEFENSES.—It is an affirmative defense against any proceeding involving this section if the proponent proves by a preponderance of the evidence that—

"(1) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated or created by a person licensed—

"(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

"(ii) under chapter 40 of this title; and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, additional information that firearms transfers will only be made through a licensee, and that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; or

"(2) the advertisement or notice came from—

"(A) a web site, notice or advertisement is operated or created by a person not licensed as stated in paragraph (1); and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

"(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

"(ii) as a term or condition for posting or listing the firearm for sale or exchange on the web site for a prospective transferor, the web site, advertisement or notice requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition through a Federal firearms licensee, where the Gun Control Act of 1968 requires the transfer to be made through a Federal firearms licensee.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 930 the following:

"931. Criminal firearms and explosives solicitations.".

SEC. 1664. EFFECTIVE DATE.

The amendments made by sections 1661-1663 shall take effect beginning on the date that is 180 days after the enactment of this Act.

Subtitle G—Partnerships for High-Risk Youth

SEC. 1671. SHORT TITLE.

This subtitle may be cited as the "Partnerships for High-Risk Youth Act".

SEC. 1672. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. 1673. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives and future prospects of high-risk youth and their communities.

(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. 1674. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of carrying out collaborative intervention programs for high-risk youth, described in section 1676, in the following 12 cities:

(1) Boston, Massachusetts.
(2) New York, New York.
(3) Philadelphia, Pennsylvania.
(4) Pittsburgh, Pennsylvania.
(5) Detroit, Michigan.
(6) Denver, Colorado.
(7) Seattle, Washington.
(8) Cleveland, Ohio.
(9) San Francisco, California.
(10) Austin, Texas.
(11) Memphis, Tennessee.
(12) Indianapolis, Indiana.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 70 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash.

SEC. 1675. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under section 1674, a partnership—

(1) shall submit an application to Public-Private Ventures Inc. at such time, in such manner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of understanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and

(B) shall serve a city referred to in section 1674(a).

(b) SELECTION CRITERIA.—In making grants under section 1674, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in intervention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based organizations.

SEC. 1676. USES OF FUNDS.

(a) PROGRAMS.—

(1) CORE FEATURES.—An eligible partnership that receives a grant under section 1674 shall use the funds made available through the grant to carry out an intervention program with the following core features:

(A) TARGET GROUP.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—

(I) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.

(B) VOLUNTEERS AND MENTORS.—The program will make significant use of volunteers and mentors.

(C) LONG-TERM INVOLVEMENT.—The program will feature activities that promote long-term involvement in the lives of the youth (including young adults).

(2) PERMISSIBLE SERVICES.—The partnership, in carrying out the program, may use funds made available through the grant to provide, directly or through referrals, comprehensive support services to the youth (including young adults).

(b) EVALUATION AND RELATED ACTIVITIES.—Using funds made available through its grant under section 1674, Public-Private Ventures, Inc. shall—

(1) prepare and implement an evaluation design for evaluating the programs that receive grants under section 1674;

(2) conduct a quarterly evaluation of the performance and progress of the programs;

(3) organize and conduct national and regional conferences to promote peer learning about the operational experiences from the programs;

(4) provide technical assistance to the partnerships carrying out the programs, based on the quarterly evaluations; and

(5) prepare and submit to the Attorney General a report that describes the activities of the partnerships and the results of the evaluations.

(c) LIMITATION.—Not more than 20 percent of the funds appropriated under section 1677 for a fiscal year may be used—

(1) to provide comprehensive support services under subsection (a)(2);

(2) to carry out activities under subsection (b); and

(3) to pay for the administrative costs of Public-Private Ventures, Inc., related to carrying out this subtitle.

SEC. 1677. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $4,000,000 for each of the fiscal years 2000 through 2004.

Subtitle H—National Youth Crime Prevention

SEC. 1681. SHORT TITLE.

This subtitle may be cited as the "National Youth Crime Prevention Demonstration Act".

SEC. 1682. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a demonstration project that establishes violence-free zones that would involve successful youth intervention models in partnership with law enforcement, local housing authorities, private foundations, and other public and private partners.

(2) To document best practices based on successful grassroots interventions in cities, including Washington, District of Columbia; Boston, Massachusetts; Hartford, Connecticut; and other cities to develop methodologies for widespread replication.

(3) To increase the efforts of the Department of Justice, the Department of Housing and Urban Development, and other agencies in supporting effective neighborhood mediating approaches.

SEC. 1683. ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.

The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this subtitle as the "National Center") to enable the National Center to award grants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.

(2) Detroit, Michigan.

(3) Hartford, Connecticut.

(4) Indianapolis, Indiana.

(5) Chicago (and surrounding metropolitan area), Illinois.

(6) San Antonio, Texas.

(7) Dallas, Texas.

(8) Los Angeles, California.

SEC. 1684. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section 1683 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement and participation of a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. 1685. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will identify local lead grassroots entities in each designated city.

(c) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

SEC. 1686. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

SEC. 1687. DEFINITIONS.

In this subtitle:

(1) GRASSROOTS ENTITY.—The term "grassroots entity" means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration.

(2) NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE.—The term "National Center for Neighborhood Enterprise" means a not-for-profit organization incorporated in the District of Columbia.

SEC. 1688. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2000;

(2) $5,000,000 for fiscal year 2001;

(3) $5,000,000 for fiscal year 2002;

(4) $5,000,000 for fiscal year 2003; and

(5) $5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

Subtitle I—National Youth Violence Commission

SEC. 1691. SHORT TITLE.

This subtitle may be cited as the "National Youth Violence Commission Act".

SEC. 1692. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the "Commission"). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 1693. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 1693. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms, and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 1694(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 1694(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 1694. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 1693.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 1693. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 1693. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 1693.

SEC. 1695. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) Staff.—

(1) In general.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) Compensation.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) Detail of government employees.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) Procurement of Temporary and Intermittent Services.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1696. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 1697. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 1693(c).

Subtitle J—School Safety

SEC. 1698. SHORT TITLE.

This subtitle may be cited as the “School Safety Act of 1999”.

SEC. 1699. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) Placement in Alternative Educational Setting.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting “(other than a gun or firearm)” after “weapon”;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

“(10) Discipline with regard to guns or firearms.—

“(A) Authority of school personnel with respect to guns or firearms.—

“(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

“(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

“(B) Free appropriate public education.—

“(i) Ceasing to provide education.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

“(ii) Providing education.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

“(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

“(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

“(C) Relationship to other requirements.—

“(i) Plan requirements.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

“(ii) Procedure.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

“(D) Firearm.—The term ‘firearm’ has the meaning given the term under section 921 of title 18, United States Code.”.

(b) Conforming Amendment.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking “Whenever” and inserting the following: “Except as provided in section 615(k)(10), whenever”.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–201, as amended by Public Law 105–275, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress: Janet L. Brown, of South Dakota, and Mickey Hart, of California.

MEASURE READ THE FIRST TIME—S. 1138

Mr. GRASSLEY. Mr. President, a bill by Senators McCain and Dodd is at the desk. I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1138) to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

Mr. GRASSLEY. I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

DECLARE PORTION OF JAMES RIVER AND KANAWHA CANAL IN RICHMOND, VIRGINIA, NONNAVIGABLE WATERS

Mr. GRASSLEY. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 118, H.R. 1034.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1034) to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

There being no objection, the Senate proceeded to the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1034) was considered read the third time and passed.

LEWIS R. MORGAN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GRASSLEY. On behalf of Senator CHAFEE, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1121 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1121) to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse".

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1121) was considered read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc the following nominations on the Executive Calendar: Nos. 18, 72, 73, 74, 76, and 77 through 91, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Kent M. Wiedemann, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

THE JUDICIARY

Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

DEPARTMENT OF EDUCATION

Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education.

DEPARTMENT OF DEFENSE

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 1999.

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2005.

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert R. Blackman, Jr., 0141
Brig. Gen. William G. Bowdon III, 2940
Brig. Gen. James T. Conway, 2270
Brig. Gen. Arnold Fields, 0640
Brig. Gen. Jan C. Huly, 6184
Brig. Gen. Jerry D. Humble, 2378
Brig. Gen. Paul M. Lee, Jr., 3948
Brig. Gen. Harold Mashburn, Jr., 6435
Brig. Gen. Gregory S. Newbold, 6783
Brig. Gen. Clifford L. Stanley, 4000

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. Joseph Composto, 3413

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Craig R. Quigley, 1769

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert A. Harding, 6107

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul V. Hester, 2071

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John B. Cotton, 2052
Rear Adm. (lh) Vernon P. Harrison, 2188
Rear Adm. (lh) Robert C. Marlay, 9681
Rear Adm. (lh) Steven R. Morgan, 1542
Rear Adm. (lh) Clifford J. Sturek, 3187

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John F. Brunelli, 8026
Rear Adm. (lh) John N. Costas, 6461
Rear Adm. (lh) Joseph C. Hare, 2723
Rear Adm. (lh) Daniel L. Kloeppel, 8985

IN THE MARINE CORPS

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Thomas J. Nicholson, 4342
Col. Douglas V. Odell, Jr., 0212
Col. Cornell A. Wilson, Jr., 9123

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Roger A. Brady, 6581

IN THE ARMY

The following named officer for appointment as the Vice Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general

Lt. Gen. John M. Keane, 9856

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond P. Ayres, Jr., 5986

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Earl B. Hailston, 8306

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Frank Libutti, 7426

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nomination of Donna R. Shay, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Joseph B. Hines, and ending *Peter J. Molik, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nomination of Timothy P. Edinger, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nomination of Chris A. Phillips, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Robert B. Heathcock, and ending James B. Mills, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Paul B. Little, Jr., and ending John M. Shepherd, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Bryan D. Baugh, and ending Jack A. Woodford, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning Dale A. Crabtree, Jr., and ending Kevin P. Toomey, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning James C. Addington, ending David J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning James C. Andrus, and ending Philip A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nomination of Don A. Frasier, which was received by the Senate and appeared in the Congressional Record of March 18, 1999.

Navy nomination of Norberto G. Jimenez, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nominations beginning Neil R. Bourassa, and ending Steven D. Tate, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nominations beginning Basilio D. Bena, and ending Harold T Workman, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

NOMINATION OF KENT WIEDEMANN TO BE U.S. AMBASSADOR TO CAMBODIA

Mr. McCONNELL. Mr. President, I would like to make three comments on the nomination of Mr. Kent Wiedemann, a career foreign service officer slated to be the next U.S. Ambassador to the Kingdom of Cambodia. Let me say at the outset: I strongly oppose this nomination.

First, it is apparent that Mr. Wiedemann has done little to further the cause of democracy in Burma where he has been Charge in Rangoon for the past several years. When we met in my office a few months ago, I asked him to cite specific instance where he supported Burmese democracy activists. Mr. Wiedemann produced a single letter from demoracy leader Aung San Suu Kyi. However, he could not cite a single action or activity that he undertook on the ground to help strengthen justice and freedom in Burma. Not one.

In addition, I asked the Senate Foreign Relations Committee to request copies of all statements or speeches Mr. Wiedemann gave while serving in Burma which support the U.S. policy to restore the legitimate government of Aung San Suu Kyi to office. During his entire tenure, he could not provide a single example of remarks made at a Burmese forum supporting U.S. policy or democracy.

Pro-democracy Burmese activists wrote to me to share their views of Mr. Wiedemann's tenure in Rangoon:

> The arrival of Mr. Wiedemann . . . has not changed much in respect to our democracy movement.
>
> [Wiedemann] remained inactive and ignorant to our vital problems, human rights, democracy and refugee, and made no efforts at seeking cooperation with our NGOs who had extensive experience in these regards * * *. We were left in the cold.
>
> [There was] no coordination or effort on the part of the embassy, to help the democracy movement of the exiles * * *. Apart from regular meetings with Ms. Aung San Suu Kyi, we knew of no efforts by Mr. Wiedemann.

These are not my words; they are those of courageous Burmese men and women who dare to stand for principles and justice. Yet, less than one month after the passing of Aung San Suu Kyi's husband, I understand that Mr. Wiedemann again requested a letter from her in support of his nomination. He seems more interested in personal and career promotion than advancing the cause of freedom in Burma.

Second, Mr. Wiedemann is simply the wrong American representative to send to Cambodia at this difficult time. My colleagues may be interested to know that in March, I visited that war ravaged country and was not encouraged by what I saw and heard. From Khmer Rouge trials to narcotics trafficking by the Cambodian military to rampant corruption and pervasive lawlessness, the next U.S. Ambassador must be a vocal advocate of human rights and the rule of law. When Mr. Wiedemann's nomination was being considered last year, Prince Norodom Ranariddh—then the First Prime Minister who had been outsted in a bloody coup d'etat in July 1997—and Sam Rainsy—an opposition leader who has survived two assassination attempts since March 1997—expressed their grave concerns:

> We urge you not to replace Ambassador Kenneth Quinn after his term expires in Phnom Penh, and certianly not with Kent Wiedemann who we believe may be less than supportive of the cause of democracy in Cambodia.

Other Cambodian democracy activists have since joined the chorus of concern with his nomination. Again, in their own words:

> [We are] deeply concerned that Mr. Wiedemann will court CPP [the Cambodian People's Party] strongman Hun Sen—at the expense of the democratic opposition—in an attempt to win him over.
>
> This particular nomination sends the wrong message at the wrong time to a government characterized by lawlessness and corruption. Mr. Wiedemann may lack the credentials to effectively promote American interests in Cambodia * * *. He is not known as a vocal supporter of democracy in Southeast Asia.

Despite my strong beliefs and the legitimate fears of those who would be most affected by Mr. Wiedemann's appointment, it is clear that he will be confirmed by the Senate. Therefore, let me make clear my expectations of Mr. Wiedemann once he receives his credentials in Phnom Penh.

I expect him to meet regularly and publicly with opposition political party leaders as well as democracy and human rights activists. I expect him to openly embrace and actively encourage the rule of law in Cambodia, even if this causes tensions with Prime Minister Hun Sen and the ruling CPP party. I expect him to support international and local nongovernmental organizations in Phnom Penh committed to legal and political reforms. And, I expect that he will not shirk the awesome responsibilities as the American people's representative to Cambodia, a task that President Ronald Reagan described in February 1983:

> The task that has fallen to us as Americans is to move the conscience of the world, to keep alive the hope and dream of freedom. For if we fail or falter, there'll be no place for the world's oppressed to flee to. This is not the role we sought. We preach no manifest destiny. But like the Americans who brought a new nation into the world 200 years ago, history has asked much of us in our time. (February 18, 1983)

Mr. President, it is my hope that Mr. Wiedemann will do a more noteworthy job in Cambodia supporting democracy, human rights, and the rule of law than his lackluster performance in Burma. I will be following his tenure in Cambodia to ensure that he does.

I have had this nomination on hold for more than a year. During that time, Mr. Wiedemann has waged a campaign to support his nomination, energy which might have been better directed by securing the declared U.S. goal of restoring the National League for Democracy to office. Nonetheless, I do not think one Senator should thwart the nomination process. So, I leave it to my colleagues to allow his nomination to move forward. I, for one, vote no.

Mr. REID. Mr. President, I want to say that we in the Senate tend to look at these nominations as mere numbers. Because we deal with so many nominations in this body, we tend to forget that these numbers stand for real people whose lives and dreams we are deciding upon.

I would like to talk in particular about one of these numbers, number 77. He is someone who, in a way, represents all of these numbers.

Number 77—otherwise known as Dr. Ikram Khan—is a resident of the State of Nevada, and one of the most important citizens we have in Nevada. He has served on the Nevada State Board of Medical Examiners. He has been involved in many, many charitable activities over the course of the past two decades. He is a skilled physician, an outstanding surgeon. He comes from a very substantial family, a family that is highly regarded in the State of Nevada.

I say these things because Dr. Khan is an outstanding man. And he is all the more remarkable because he is a new citizen of the United States—he immigrated from Pakistan. He exemplifies what is good about our country. He is someone who has come here from another country on another continent, arrived in the United States, and hit the ground running. He worked hard and made a name for himself and his family and built a successful career in a very short time.

And he was able to do all of that while taking the time to help others. I'm not even including those whose health and lives he has saved in his medical practice. I can't think of an event held in Nevada involving the public good that he has not been involved with in some way. We recently inaugurated a new Governor of the State of Nevada. Dr. Khan served very capably on his transition team.

In short, number 77 is an outstanding person, just as are all of these people who are numbered here, 18, 72, 73, 74, 77 through 91. It's regrettable that we here tend to rush through these nominations, for each one of these people will dedicate significant time and effort in service to this country.

Many of these nominations are of men and women who are being promoted to general officers in the armed forces, or are being promoted within the rank of general. Dr. Khan, however, will serve as a Member of the Board of Regents of the Uniformed Services University of the Health Sciences, a nomination that I think sets him apart even in this group of good and able men and women. He will serve the University and this country at his own expense. He will devote many hours and days and weeks of his time doing this, and he does it willingly.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, MAY 27, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, May 27. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then resume the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will resume consideration of the Department of Defense authorization bill at 9:30 a.m. By a previous order, the Senate will immediately begin debate on the Allard amendment regarding the Civil Air Patrol. Further, a vote will occur in relation to the Allard amendment at 10 a.m. It is the intention of the bill managers to complete action on this bill early in the day tomorrow, and therefore cooperation of all Senators is appreciated.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following some remarks I am going to make.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

OLDER AMERICANS MONTH

Mr. GRASSLEY. Mr. President, Older Americans Month is drawing to a close. Before it ends, I would like to describe another Iowan whose accomplishments reflect an ageless spirit.

MARGARET SWANSON

Margaret Swanson of Des Moines has been called the city's "best known and most beloved volunteer." Approaching age 80, she has completed 50 years of volunteer service.

Despite her pledge to slow down, she still maintains a heavy schedule. She estimates that she volunteers 20 hours to 25 hours a week. Sometimes, she has four or five board meetings in a single day.

New causes present themselves, and Mrs. Swanson is not of a mind to say no. Her varied interests have included the Iowa Lutheran Hospital, the American Red Cross, the Girl Scouts, the East Des Moines Chamber of Commerce and the Iowa Caregivers Foundation. She identifies a need, immerses herself in the task and produces the desired result.

When her church needed an elevator, she raised money to buy one. When a used car center tried to open in her neighborhood, she fought for a day care center instead. When a home for children had an out-of-tune piano, she found an inexpensive tuner. No challenge appears too large or too small for her attention.

Mrs. Swanson's volunteer work has earned her such esteem that other community activists clear their ideas with her before proceeding. Her fellow volunteers prize her knowledge and judgment.

Age doesn't seem to play a role in Mrs. Swanson's approach to volunteerism. She is an outstanding volunteer, rather than an outstanding senior volunteer. Growing older means only that she brings more experience and more wisdom to her work. In volunteerism, as in so many other aspects of life, maturity is an asset, certainly not a liability.

During Older Americans Month, I want to thank Mrs. Swanson for her limitless gifts of time and energy to the citizens of Des Moines. By setting high standards of altruism, and by inspiring new generations of volunteers, Mrs. Swanson perfectly illustrates the theme of Older Americans Month, "Honor the Past, Imagine the Future: Toward a Society for All Ages."

ED JOHNSTON

Mr. GRASSLEY. Mr. President, there is a saying that success is the repetition of meaningful acts day after day. The most successful individuals identify a single purpose and work toward that cause in any capacity they can find.

An Iowan named Ed Johnston perfectly fits this definition of success. Mr. Johnston, of Humboldt, Iowa, tirelessly devotes his days to helping people with disabilities. He serves on the Governor's Developmental Disabilities Council, a position he earned after immersing himself in learning about the agencies that serve those with disabilities.

Several days a week, he volunteers at the Humboldt County Courthouse to help people with special needs in five surrounding counties. He interacts with legislators about the importance of providing proper job training to persons with disabilities. He offers his expertise when someone seeks a wheelchair ramp or assistive technology to accommodate a physical need.

Mr. Johnston brings the invaluable insight to his work of someone who has lived the life of the people he seeks to help. He himself has a physical disability, although no one would consider him limited in any way.

Those familiar with his work admire his compassion and persistence. He is able to navigate the layers of government agencies that sometimes appear impenetrable to those who need services.

Another impressive element of Mr. Johnston's advocacy work is that it is his second career. In the early 1990s, he retired after 38 years of running his own shoe repair business and devoted himself to his current vocation.

The Humboldt Independent newspaper called Mr. Johnston "a man on the move." The description is accurate. He moves government agencies, legislators and his community to respond to the needs of persons with disabilities. At age 64, Mr. Johnston is the youngest of the Iowans I have honored during Older Americans Month. I wish him many more years of his priceless work.

FRED AND FERN ROBB

Mr. GRASSLEY. Mr. President, the Fairfield Ledger of Fairfield, IA, printed a photo of a newly married couple earlier this month. The groom is wearing a stylish suit and a wide smile. The equally resplendent bride has eyes only for her new husband.

The couple is picture-perfect, just like any other couple starting a new life together. Unlike any other couple, the groom in this case is age 102.

The Rev. Fred Robb of Washington, Iowa, married Fern Claxton, 25 years younger, at the Presbyterian Church in Birmingham, Iowa, on April 9, 1999. The couple renewed an old friendship at the Rev. Robb's 100th birthday celebration in 1996. Among other meetings, they shared in the 100th birthday celebration of the minister's brother, Milt Robb, in January.

The Rev. Robb is one of more than 750 centenarians in Iowa. I don't know for a fact, but I'd bet many of them approach aging with the same positive spirit as the Rev. Robb.

I run into a lot of older Iowans who don't impose unnatural limits on themselves because of their age. They don't stop doing what's important to them just because the calendar reflects a certain milestone. These individuals are ageless, not due to the years they have lived but in their approach to life. One of my favorite examples of an ageless Iowan is a 92-year-old woman who was in a hurry because she said she had to deliver meals to the "old people."

During Older Americans Month, I want to congratulate Fred and Fern Robb on their ageless spirit and wish them a happy life together. By defying the conventional wisdom that newlyweds must be young, the Robbs advance the theme of Older Americans Month: "Honor the Past, Imagine the Future: Toward a Society for All Ages."

BIRDS THAT DON'T FLY

Mr. GRASSLEY. Mr. President, I would like to draw the Senate's attention to a growing embarrassment in our efforts to support counter-drug programs in Mexico. The story would be funny if it weren't so serious and had not been going on for so long.

In 1996, the Department of Defense began the process of giving 73 surplus UH-1H helicopters—Hueys—to Mexico to assist in counter smuggling operations. The President approved this transfer in September and the helicopters began arriving in December.

The main justification at the time for this contribution was to stop major air smuggling into Mexico. The Colombian and Mexican drug cartels were flying large quantities of drugs into Mexico in private airplanes. Sometimes these were multiple flights, sometimes single ones. Usually they were twin-engine propeller-driven aircraft, but occasionally they were larger, commercial-sized cargo jets. Earlier in the 1990's, the U.S. State Department had instituted a program with Mexico's Attorney General of developing a helicopter-based interdiction force. One can only assume that DoD sought to engage Mexico's military in a similar way. Somewhere along the way, however, something went wrong.

Here's one for the books. We have a civilian State Department program with the civilian Attorney General's office in Mexico operating an air force that works. And we have the U.S. military operating a program with the Mexican military to operate an air force that doesn't work.

It not only doesn't work, it does not have a purpose, so far as I can tell. I have asked the GAO to look at this issue twice, and they have had a problem in identifying a purpose or results.

I have asked the Defense Department and it seems to be stumped as well. The Mexican Government is puzzled. We ought to be dumbfounded.

Today, none of the 70-plus helicopters is flying. No one can tell me when they might be flying. No one seems to know how many might fly if they ever do. No one seems to know what they are to do if they do fly. It is unclear how they will be maintained. Or how much it will cost. Or who is going to pay. Since no one knows the answer to any of these questions, no one can tell me how many helicopters might be needed. Is 70 too many? No one knows. Is this any way to run a airline?

I cannot seem to get a straightforward answer from the Administration about what the plan for these helicopters is. As one U.S. embassy official noted to my staff last year, what to do with and about the helicopters is a muddle. It is a muddle all right; but it is one of our making.

When plans were first announced about putting these helicopters in Mexico, I began asking about the need for radars. Mexico lacks any sustained radar coverage of its southern approaches. If you are planning an air interdiction program, it would seem logical to include a plan for developing the eyes needed to make the program work. The response I got from both U.S. and Mexican officials to questions about radars was a deafening silence. Or vague promises. I kept asking. Finally, after about six months, the U.S. and Mexican Administrations informed me that no radars were necessary. And why? Because there was no longer a major air trafficking threat; it was mostly maritime. And when did we know there was no longer a major air threat? In 1995. And when did we give Mexico the helicopters? In 1996. So far as I can tell, we gave Mexico a capability to deal with a problem that both countries knew we no longer faced. Today the threat is mostly maritime. So why helicopters?

Well, having taken that on board, the next question is, what are we going to have the helicopters do? It turns out that the best idea is to have them ferry troops around to chop poppies or marijuana. But this is mostly in the mountains and the helos aren't very capable in the mountains. And how many helos are needed? It turns out there is no very clear answer. But before we got very far down that road, a problem was discovered that grounded all Hueys in 1998. This necessitated a worldwide assessment of the air worthiness of the equipment. Although this was eventually done, the Mexican military refused to fly the helicopters until they had more assurances that there were no air safety questions. They also wanted more resources to fly the equipment. So nothing was done and the helos sit.

As it happens, Hueys are old, Vietnam War-vintage aircraft. They are still serviceable, but they are aging and need a lot of care and feeding. It is also harder to get spare parts for them.

And being old, they are sometimes cranky. We gave Mexico 73 of these birds in the spirit of cooperation. So, today, the helos in Mexico have been on the ground becoming very expensive museum-quality memorials to the United States-Mexican partnership. While they sit, the air crews' qualifications for flying the equipment is in doubt. So even if we could get the birds up tomorrow, it is not clear that the air crews are qualified to fly them. And we still aren't sure what they are supposed to do if we did. We are not even sure at this point if the Mexicans still want the helos.

It is in this environment that I have asked the Department of Defense to provide me and Congress with a plan. Since no one in the past two to three years seems to have a clue about what we are doing, I think it is reasonable and prudent to have a plan on the record. This is not rocket science. But so far, I have not had much luck. Now, you would think that there would already be a plan.

Given the importance of our drug cooperation with Mexico it would not be unreasonable to expect one. We have bilateral agreements. We have binational strategies. We have joint measures of effectiveness. We have had "high-level contact group" meetings at great public expense to both countries. But apparently we have no plan. We have had recently several Administration visits to Mexico and more discussions. But there is no plan. The administration cannot seem to tell the difference between "talking" and a "plan."

I, for one, do not think that this is a situation we can accept any longer. After three years of asking, one has to begin to wonder just what it is we think we are doing. I have not mentioned the C-26 airplanes that we gave to Mexico and other countries for which there appears to be just as much lack of thinking. That is for another time. But there is one more piece to the helicopter story.

As of last week, a new problem has developed and all Hueys are grounded again. This doesn't affect the helicopters in Mexico since they weren't flying anyway, but it leaves us even more in doubt. The result is an embarrassment for both countries.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 9:04 p.m., adjourned until Thursday, May 27, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 26, 1999:

DEPARTMENT OF STATE

A. PETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE REPUBLIC OF PALAU.

UNITED STATES INFORMATION AGENCY

ALBERTO J. MORA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2000. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR

KAREN AGUILAR, OF CALIFORNIA
WILLIAM BACH, OF VIRGINIA
JEFFERSON TRAVIS BROWN, OF NEW JERSEY
JANEY D. COLE, OF THE DISTRICT OF COLUMBIA
RENATE ZIMMERMAN COLESHILL, OF FLORIDA
JULIE GIANELLONI CONNOR, OF LOUISIANA
ROSEMARY F. CROCKETT, OF THE DISTRICT OF COLUMBIA
DOUGLAS A. DAVIDSON, OF VIRGINIA
ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA
RENEE M. EARLE, OF KENTUCKY
CYNTHIA GRISSOM EFIRD, OF NORTH CAROLINA
MARY ELLEN T. GILROY, OF NEW YORK
MICHAEL G. HAHN, OF VIRGINIA
SUSAN CRAIS HOVANEC, OF MARYLAND
MARK THOMAS JACOBS, OF NEW YORK
INEZ GREEN KERR, OF WASHINGTON
L.W. KOENGETER, OF FLORIDA
MARY ANNE KRUGER, OF VIRGINIA
DUNCAN HAGER MACINNES, OF VIRGINIA
DIANA MOXHAY, OF NEW YORK
KIKI SKAGEN MUNSHI, OF CALIFORNIA
ADRIENNE S. O'NEAL, OF MINNESOTA
WILLIAM VAN RENSALIER PARKER, OF MARYLAND
ELIZABETH B. PRYOR, OF THE DISTRICT OF COLUMBIA
BROOKS A. ROBINSON, OF CALIFORNIA
RICHARD J. SCHMIERER, OF CONNECTICUT
MICHAEL W. SEIDENSTRICKER, OF FLORIDA
MARK A. TAPLIN, OF THE DISTRICT OF COLUMBIA
ELIZABETH A. WHITAKER, OF NEW YORK
JANET ELAINE WILGUS, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LAURIE M. KASSMAN, OF THE DISTRICT OF COLUMBIA

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATEDIN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*RAAN R. AALGAARD, 0497
CARLENA A. ABALOS, 2381
JOSEPH D. ABEL, 3049
JOSEPH A. ABRIGO, 6661
PATRICK K. ADAMS, 2293
BRIAN T. ADKINS, 5318
ROY ALAN C. AGUSTIN, 0466
DONALD W. AILSWORTH, 0972
KRISTOPHER J. ALDEN, 2351
*STEPHEN J. ALEXANDER, 4337
MICHAEL D. ALFORD, 0900
ALEE R. ALI, 1437
CHARLES T. ALLEN, 0852
KEVIN S. ALLEN, 2383
MARK P. ALLEN, 4991
*SCOT T. ALLEN, 5621
MICHAEL W. ALLIN, 6342
STEVEN G. ALLRED, 0860
DOUGLAS E. ALMGREN, 7357
JAMES W. ALSTON, 3876
JOHN S. ALTO, 0468
DENIO A. ALVARADO, 1386
IGNACIO G. ALVAREZ, 7023
MATTHEW G. ANDERER, 3730
ARTHUR W. ANDERSON, 5795
*BARBARA A. ANDERSON, 7096
BERNADETTE A. ANDERSON, 9188
BETTY L. ANDERSON, 5854
CALVIN N. ANDERSON, 9392
CHRISTOPHER M. ANDERSON, 8154
DANIEL L. ANDERSON, 6454
EUGENE S. ANDERSON, 5479
JOHN R. ANDERSON, 6623
JON M. ANDERSON, 9217
MARK RICHARD ANDERSON, 8466
MICHAEL A. ANDERSON, 9915
RICHARD N. ANDERSON, 5018
EDWARD C. ANDREJCZYK, 0491
HAROLD G. ANDREWS II, 8043
PETER J. ANDREWS, 8424
BENJAMIN C. ANGUS, 4748
ANTHONY R. ARCIERO, 3152
NINA M. ARMAGNO, 3926
TIMOTHY L. ARMEL, 7372
*JOHN E. ARMOUR, 7935
MARK J. ARMSTRONG, 3073
JOHN T. ARNOLD, 4151
*MARTHA ARREDONDO, 6551
DAVID R. ARRIETA, 2817
AMY V. ARWOOD, 6177
MYRON H. ASATO, 1697
CHRISTOPHER D. ASHABRANNER, 4578
TROY A. ASHER, 1720
*IRENE L. ASHKER, 7374
JAMES M. ASHLEY, 5151
*RANDALL M. ASHMORE, 2297
GARY A. ASHWORTH, 8566
DONALD A. ASPDEN, 5702
HANS R. AUGUSTUS, 4460
*DAVID A. AUPPERLE, 7990
STEVEN A. AUSTIN, 2408
CASSANDRA D. AUTRY, 5416
M. SHANNON AVERILL, 6927
CHRISTOPHE L. AVILA, 2740
*JOSEPH L. BACA, 9091
THOMAS A. BACON, 0604
DAVID P. BACZEWSKI, 3803
JOSEPH V. BADALIS, 5480
BRYAN J. BAGLEY, 4106
FREDERICK L. BAIER, 6363
SHARON F. BAILEY, 6527
WILLIAM D. BAILEY, 8673
LINDA L. BAILEYMARSHALL, 5784
JEFFREY A. BAIR, 6070
JAMES C. BAIRD, 9517
MELVIN A. BAIRD, 0016
ERIC W. BAKER, 9043
RUSTY O. BALDWIN, 1233
SUSAN F. BALL, 6917
CHRISTOPHER BALLARD, 2791
MERRILL D. BALLENGER, 0888
JOHN M. BALZANO, 6527
JOHN D. BANSEMER, 0341
NORMAN W. BARBER, 9345
SALVADOR E. BARBOSA, 5193
*JIMMY LEE BARDIN, 5820
TONY L. BARKER, 1033
ROBERT J. BARKLEY, 3267
PHILLIP B. BARKS, 6829
WILLIAM A. BARKSDALE, 6307
CASSIE B. BARLOW, 9615
WARREN P. BARLOW, 1437
JAMES A. BARNES, 0869
KYLER A. BARNES, 3708
*BARTON V. BARNHART, 7530
ANTHONY J. BARRELL, 7694
ANNE H. BARRETT, 5596
SAM C. BARRETT, 4813
DOUGLAS W. BARRON, 9500
FRANCESCA BARTHOLOMEW, 2593
JOHN S. BARTO, 4838
MARCUS P. BASS, 3574
DALE L. BASTIN, 8658
MARK J. BATES, 0975
DAVID W. BATH, 8108
*CHRISTOPHER R. BAUTZ, 0896
BRENT R. BAXTER, 8037
DAVID B. BAYSINGER, 0143
MATTHEW D. BEALS, 7488
CHARLES L. BEAMES, 3913
*ADAM G. BEARDEN, 4367
KEITH L. BEARDEN, 9072
ANDREW C. BEAUDOIN, 7412
BRIAN A. BEAVERS, 9837
SCOTT M. BEDROSIAN, 0805
JEANNINE A. BEER, 7814
MICHAEL A. BEHLING, 3280
MARY A. BEHNE, 9265
ROBERT H. BEHRENS, 6675
*STEVEN G. BEHRENS, 5437
SCOTT W. BEIDLEMAN, 6854
BRIAN A. BEITLER, 8039
LEWONNIE E. BELCHER, 1265
*BRADLEY L. BELL, 5012
DOVER M. BELL, 9525
JOHN L. BELL, JR., 5477
GREGORY J. BELOYNE, 3246
MARIALOURDES BENCOMO, 4771
CHRISTIAN P. BENEDICT, 7074
WARREN L. BENJAMIN, 4879
KEVIN S. BENNETT, 3355
WILLIAM T. BENNETT, 2423
STEPHEN R. BENNING, 1670
*MICHAEL P. BENSCHE, 8369
CHRISTOPHER J. BEODDY, 4965
DIANA BERG, 1430
WILLIAM S. BERGMAN, 5598
KEVIN L. BERKOMPAS, 9301
*NATHAN M. BERMAN, 6448
*PETER H. BERNSTEIN, 0176
ALAN R. BERRY, 2520
KENNETH B. BERRY, 9908
MARIE L. BERRY, 0353
JAMES A. BESSEL, 5985
BELLA T. BIAG, 0446
ROBERT W. BICKEL, 6406
*PAUL J. BIELEFELDT, 6443
KURT J. BIENIAS, 7855
VAL J. BIGGER, 2457
STEVEN A. BILLS, 6119
TRENT D. BINGER, 3369
PETER D. BIRD, 0333
MICHAEL O. BIRKELAND, 2112
KURT D. BIRMINGHAM, 2623
LEOLYN A. BISCHEL, 4579
*DAMON D. BISHOP, 6299
DARREN L. BISHOP, 7580
STEPHEN H. BISSONNETTE, 6116
*CHRISTOPHER S. BJORKMAN, 1132
*ROBERT S. BLACK, 1745
MILTON L. BLACKMON, JR., 7295
DAVID T. BLACKWELL, 3829
KRISTINE E. BLACKWELL, 7287
RICK A. BLAISDELL, 1954
JEFFREY E. BLALOCK, 2409
THOMAS S. BLALOCK, JR., 7228
JOHN E. BLEUEL, 9035
RAYMOND H. BLEWITT, 1607
SONNY P. BLINKINSOP, 1432
RICHARD D. BLOCKER III, 1362
FRANZ E. BLOMGREN, 9748
ADAM J. BLOOD, 2416
MARK E. BOARD, 5498
DAVID W. BOBB, 4361
JUSTIN L. BOBB, 9391
GREGORY D. BOBEL, 0244
KEVIN J. BOHAN, 4525
BARBARA D. BOHMAN, 9998
MATTHEW J. BOHN, 7168
LORENZO L. BOLDEN, JR., 8831
JOANNE BOLLHOFER, 3059
JENNIFER A. BOLLINGER, 7369
CRAIG L. BOMBERG, 2040
LISA D. BOMBERG, 8920
GREGORY L. BONAFEDE, 6307
JEFFREY P. BONS, 9830
*GERALD A. BOONE, 5157
*ROBERT K. BOONE, 4931
SCOTT C. BORCHERS, 1614
*JANET A. BORDEN, 8146
PHILLIP M. BOROFF, 9032
*ANDREW J. BOSSARD, 4757
DAROLD S. BOSWELL, 4958
MARY NOEHL BOUCHER, 3039
FRITZIC P. BOUDREAUX, JR., 2873
*JAMES D. BOUDREAUX, 4487
THOMAS A. BOULEY, 0235
DUANE K. BOWEN, 2717
ROBERT D. BOWER, 3691
MICHELLE M. BOWES, 1313
CLIFFORD M. BOWMAN, 9667
TERRY L. BOWMAN, 2711
GORDON F. BOYD II, 5413
JOHN A. BOYD, 5661
MARCUS A. BOYD, 7961
TUCK E. BOYSON, 8037
TAURUS L. BRACKETT, 8975
HAROLD W. BRACKINS, 7564
JAMIE S. BRADY, 6508
MICHAEL H. BRADY, 7205
JAMES I. BRANSON, 5073
*HARRY BRAUNER, 2114
JAMES R. BRAY, 4071
JEFFREY R. BREAM, 3148
JOHN M. BREAZEALE, 9485
GARY R. BREIG, 4129
KELLY J. BREITBACH, 2561
DAVID A. BRESCIA, 0756
COY J. BRIANT, 6380
DAVID P. BRIAR, 6102
ANTHONY S. BRIDGEMAN, 2367
WILLIAM S. BRINLEY, 1502
*TIMOTHY B. BRITT, 7231
PAUL D. BRITTON, 4544
DERRELL R. BROCKWELL, 8364
LINDA S. BROECKL, 4889
*DAVID G. BROSIUS, 4634
DARRELL P. BROWN, 3498
HAROLD D. BROWN, JR., 6508
KEVIN D. BROWN, 8110
MANNING C. BROWN, 7974
SCOTT L. BROWN, 2597
SCOTT T. BROWN, 3034
BRUCE F. BROWNE, 6171
KEVIN G. BROWNE, 8633
HERALDO B. BRUAL, 1102
PATRICIA S. BRUBAKER, 5246
LARRY A. BRUCE, JR., 8821
STEVEN E. BRUKWICKI, 4086
JANET D. BRUMLEY, 8079
MICHAEL H. BRUMMETT, 1878
ERIC J. BRUMSKILL, 7198
ARCHIBALD E. BRUNS, 6030
EFFSON CHESTER BRYANT, 7455
JAMES E. BUCHMAN, 9379
GERALD A. BUCKMAN, 6611
JOHN T. BUDD, 5745
GEORGE B. BUDZ, 6402
ANTHONY W. BUENGER, 9051
STEVEN C. BUETOW, 3850
JOHN J. BULA, 0537
MARIAN R. BUNDY, 7679
MICHAEL P. BUONAUGURIO, 5582
*VINCENT M. BUQUICCHIO, 4380
RODNEY J. BURCH, 9311
RONALD A. BURGESS, 3213
DOUGLAS A. BURKETT, 4783
ROBERT R. BURNHAM, 8705
ANN M. BURNS, 4068
KEVIN E. BURNS, 1295
TIMOTHY A. BURNS, 4762
PHLECIA R. BURSEY, 8991
JAMES B. BURTON, 5357
MICHAEL D. BUSCH, 2507
TIMOTHY E. BUSH, 6384
DEAN E. BUSHEY, 2309
*CARLOS E. BUSHMAN, 0587
JEFFREY T. BUTLER, 2466
RANDALL L. BUTLER, 6338
ANTHONY C. BUTTS, 3106
CARL A. BUTTS, 4061
*JOHN J. CABALA, 3110
DAN D. CABLE, 4589
HENRY T.G. CAFFERY, 2326
DANIEL B. CAIN, 2437
SHAWN D. CALDWELL, 8106
ELWIN B. CALLAHAN, 4335
SEAN P. CALLAHAN, 7181
RONALD CALVERT, 3457
MARLON G. CAMACHO, 4184
SCOTT C. CAMERON, 9234
CAROLYN D. CAMPBELL, 1873
DENNIS T. CAMPBELL, 2560
GORDON H. CAMPBELL, JR., 7759
MICHAEL F. CANAVAN, 2086
C. CANDELARIO, JR., 0833
*BEVERLY J. CANFIELD, 7147
CHRISTOPHER G. CANTU, 1991
DANIEL D. CAPPABIANCA, 9819
DANIEL F. CAPUTO, 7063
ALEXANDER C. CARDENAS, 1481
JAMES L. CARDOSO, 7195
BARAK J. CARLSON, 9901
KENNETH A. CARPENTER, 7133
KEVIN P. CARR, 5334
THOMAS J. CARROLL III, 4459
*LISA C. CARSWELL, 2829
MICHAEL C. CARTER, 3057
WILLIAM T. CARTER, 2524
STEVEN M. CASE, 7599
*JAMES W. CASEY, 8491
LINA M. CASHIN, 6133
MANUEL F. CASIPIT, 9453
BRIAN G. CASLETON, 2036
HENRI F. CASTELAIN, 8931
ELMA M. CASTOR, 8572
MARTHA E. CATALANO, 5916
WADE K. CAUSEY, 1854
BRUCE C. CESSNA, 4527
JAMES L. CHAMBERLAIN, 0057
CHARLES E. CHAMBERS, 8476
CHARLES R. CHAMBERS, 4979
SHERI L. CHAMBLISS, 7018
ROBERT D. CHAMPION, 6178
SANDRA M. CHANDLER, 2689
CRAIG C. CHANG, 9321
ALICE S. CHAPMAN, 7556
JOHN W. CHAPMAN, 1723
JOHNNY R. CHAPPELL, 6626
THOMAS M. CHAPPELL, 9191
MARK C. CHARLTON, 9746
XAVIER D. CHAVEZ, 7983
CHRISTOPHER D. CHELALES, 2008
JOHN A. CHERREY, 9090
ROBERT T. CHILDRESS, 2013
SCOTT D. CHOWNING, 3209
LILLY B. CHRISMAN, 8476
*DON M. CHRISTENSEN, 2205
TERRENCE J. CHRISTIE, 2989
ROBYN A. CHUMLEY, 8568
*KAREN L. CHURCH, 4065
PATRICIA M. CIFELLI, 5523
ANTHONY J. CIRINCIONE, 6419
MICHAEL S. CLAFFEY, 7658
BERYL M. CLAREY, 6796
*BRIAN D. CLARK, 5550
KELLY B. CLARK, 2227
ROBERT J. CLASEN, 5982
JOHN L. CLAY, 0478
WILLIAM T. CLAYPOOLE, 9464
MICHELLE M. CLAYS, 8519
JEFFREY C. CLAYTON, 2916
JEFFERSON W. CLEGHORN, 6847
LISA M. CLEVERINGA, 3419
JEFFREY E. CLIFTON, 9123
LUKE E. CLOSSON III, 0495
JONATHAN C. CLOUGH, 5379
CAROL A. CLUFF, 2372
THOMAS C. CLUTZ, 3915
RICHARD G. COBB, 6854
ALFORD C. COCKFIELD, 8188
DWIGHT F. COCKRELL, 8232
KAREN F. COFER, 1920
JAMES A. COFFEY, 8430
DAVID COHEN, 2959
MARK A. COLBERT, 4610
STEVEN D. COLBY, 2920
THOMAS D. COLBY, 5217
PHILBERT A. COLE, JR., 5778
JON M. COLEMAN, 0571
JAMES W. COLEY, 2362
THOMAS W. COLLETT, 1188
JAMES C. COLLINS, 9250
JON C. COLLINS, 2517
RANDY L. COLLINS, 4375
*NATHAN J. COLODNEY, 8566
KIMBERLY G. COLTMAN, 8113
EDWARD S. CONANT, 7071
SHANE M. CONNARY, 0061
JOHN T. CONNELLY, JR., 0714
SEBASTIAN M. CONVERTINO, 9143
DOUGLAS G. COOK, 9455
JEFFREY J. COOK, 5565
MICHELE M. COOK, 6847
WILLIAM T. COOLEY, 6085
DENNIS E. COOPER, 7597
STEPHEN D. COOPER, 8424
BRIAN C. COPELLO, 2372
JAN L. COPHER, 5347
BARBARA M. COPPEDGE, 3297
DAVID S. CORKEN, 0173
CHARLES R. CORNELISSE, 9685
KYLE M. CORNELL, 5897
*JOHN J. CORNICELLI, 3909
NICHOLAS COSENTINO, 1924
DONDI E. COSTIN, 7032
JEFFREY R. COTTON, 7976
JAMES A. COTTURONE, JR., 3779
BRYAN R. COX, 7360
JEFFREY A. COX, 9459
KEITH A. COX, 1785
MARK A. COX, 4765
GREGORY P. COYKENDALL, 3814
BEVERLY J. COYNER, 7074
STEPHEN P. CRAIG, 8662
CHRIS D. CRAWFORD, 4674
ROSE M. CRAYNE, 0846
ROGER W. CREEDON, 1067
JEFFERY J. CRESSE, 5781
ROBERT A. CREWS, 4786
JOHN T. CRIST, 7172
STEPHEN P. CRITTELL, 7925
*TIMOTHY D. CROFT, 5626
MYRNA E. CRONIN, 4719
WILLIAM J. CRONIN, IV, 8524
BRENDA L. CROOK, 4203
*MICHAEL B. CROSLEN, 0823

ANDREW R. CROUSE, 6788
STANLEY D. CROW, JR., 0895
JAMES A. CRUTCHFIELD, 7614
NEAL J. CULINER, 3907
CURTIS N. CULVER, 4047
JAMES P. CUMMINGS, 7325
BRIAN W. CUNNING, 9974
BARBARA C. CUPIT, 4179
DARRIN L. CURTIS, 7298
DEAN A. CUSANEK, 7947
DAVID J. CUSTODIO, 9305
GLENN T. CZYZNIK, 0336
*JONATHAN S. DAGLE, 7414
SCOTT V. DAHL, 1869
STEPHEN C. DALEY, 9788
KENT B. DALTON, 2327
STEVEN J. DALTON, 3670
CHARLES J. DALY, 6905
LEONARD J. DAMICO, 4507
JAMIE A. DAMSKER, 0442
JOHN B. DANIEL, 9889
ERIC D. DANNA, 7574
LARRY J. DANNELLEY, JR., 7234
JEFFREY C. DARIUS, 2028
LARRY G. DAVENPORT, 4257
PAUL D. DAVENPORT, 8326
*AARON A. DAVID, 2216
MELVIN G. DEAILE, 4818
DWIGHT E. DEAN, 8428
MICHAEL E. DEARBORN, 7508
MICHAEL A. DEBROECK, 4573
JAMES J. DECARLIS III, 7465
KIMBERLY JO DECKER, 4246
TIMOTHY B. DECKER, 0856
ALEXANDER I. DEFAZIO, 0138
PHILIP S. DEFENBACH, 4915
DREXEL G. DEFORD, JR., 5433
MITCHELL T. DEGEYTER, 4255
ROD A. DEITRICK, 5936
ELAINE M. DEKKER, 6685
PENA EDUARDO C. DELA, JR., 6196
MARY M. DELGADO, 7879
JAY B. DELONG, JR., 8416
MICHAEL T. DELUCIA, 2101
JOSEPH W. DEMARCO, 7427
JOHN T. DEMBOSKI, 1537
GERALD M. DEMPSEY, 0486
DAVID R. DENHARD, 6156
KEVIN R. DENNINGER, 7855
MICHAEL R. DENNIS, 7421
ANTHONY J. DENNISON III, 1874
TIMOTHY J. DENNISON, 5083
JANE G. DENTON, 9896
EUGENE F. DEPAOLO, 4031
IAN J. DEPLEDGE, 5437
DAVID G. DERAY, 7295
JOSEPH L. DERDZINSKI, 3110
JAY B. DESJARDINS, JR., 3230
FRANCES A. DEUTCH, 2861
NATHAN P. DEVILBISS, 4736
MARK D. DEVOE, 7252
GRANT C. DICK, 2684
*SANDRA M. DICKENSON, 5035
MATTHEW J. DICKERSON, SR., 0427
JOHN R. DIDONNA, 3067
JAMES H. DIENST, 8215
TODD A. DIERLAM, 3555
PAMELA D. DIFFEE, 0541
MICHAEL L. DILDA, 1627
JOSEPH A. DILLINGER, 2123
ELLIS D. DINSMORE, 4198
STEPHEN J. DION, 8242
DONALD G. DIPENTA, 0357
DOUGLAS S. DIXON, 8776
PHILLIP N. DIXON, 0758
CHRISTOPHER P. DOBB, 3218
DEAN E. DOERING, 6562
MARY A. DOLAN, 7411
NEAL E. DOLLAR, 3423
BRIAN P. DONAHOO, 8403
ANDREW H. DONALDSON, 9985
*ROBIN ANNE DONATO, 2955
LAUREEN M. DONOVAN, 7089
WILLIAM R. DONOVAN II 6255
STEFAN B. DOSEDEL, 0638
GARTH D. DOTY, 9802
PAUL D. DOTZLER, 7344
STEVEN I. DOUB, 5354
RONALD J. DOUGHERTY, 3783
BARRY D. DOVIN, 2966
JOHN J. DOYLE, 1997
*JOSEPH R. DOYLE, 3311
TAMMY J. DOYLE, 0545
THOMAS P. DOYLE, 6808
THURMAN L. DRAKE, JR., 7725
TIMOTHY J. DRANTTEL, 5509
SUSAN C. DRENNON, 1102
ROBERT S. DROZD, 1956
JONATHAN T. DRUMMOND, 7042
*KEITH J. DUFFY, 1600
LAURA L. DUGAS, 8801
LEA A. DUNCAN, 2572
DAWN M. DUNLOP, 7307
CARRIE L. DUNNE, 4532
PATRICK B. DUNNELLS, 2957
RONDA L. DUPUIS, 0331
KENT A. DUSEK, 1970
BRIAN T. DWYER, 9560
*JOHNNY F. DYMOND, 6506
ROBERT L.P EADES, 4102
THOMAS A. EADS, 0547
ROBERT M. EATMAN, 8402
STEVEN P. EBY, 3127
JAMES R. ECHOLS, 5382
KEVIN L. EDENBOROUGH, 0171
KIRK W. EDENS, 6400
CHRISTOPHER R. EDLING, 4555
*ALAN M. EDMIASTON, 7022
BOBBY G. EDWARDS, JR., 7093
CHERYL L. EDWARDS, 0274
JAMES W. EDWARDS, 6188
RICHARD F. EDWARDS, 2766
ROBERT R. EDWARDS, JR., 2523
SCOTT D. EDWARDS, 3387
BRIAN L. EGGER, 3850
PATRICIA D. EGLESTON, 7300
LAWRENCE A. EICHHORN, 5716
CRAIG S. EICKHOFF, 2405
KENNETH A. EIKEN, 4798
RONALD S. EINHORN, 9169
THOMAS D. EISENHAUER, 4588
GERARD H. EISERT, 7574
ELAINE S. ELDRIDGE, 1413
GEORGE G. ELEFTERIOU, 0942
*DONALD RICHARD ELLER, JR., 5429
WENDY CARLEEN ELLIOTT, 8450
BARNEY G. ELLIS, 9480
PATRICK M. ELLIS, 0758
PATRICK W. ELLIS, 3821
GREGORY C. ELLISON, 9638
PATRICK H. ENCINAS, 6198
GREGORY S. ENGLE, 8999
ADAM C. ENGLEMAN, 1314
MARK E. ENNIS, 2418
LARRY T. EPPLER, 1984
REY R. ERMITANO, 6673
KENNETH G. ERNEWEIN, 1256
BRIAN E. ERNISSE, 3124
ALEXANDER A. EROLIN, 8733
RICHARD ESCOBEDO, 1518
STEVEN A. ESTOCK, 9254
*MARK D. EVANS, 9418
SONGI R. EVANS, 3496
WILBURN EVANS III, 3847
BRIAN D. EWERT, 3934
ROBERT A. FABIAN, 8621
DAVID T. FAHRENKRUG, 8785
JAMES D. FAIN, 0057
HENRY J. FAIRTLOUGH, 2275
KELLY S. FARNUM, 9791
MICHAEL G. FARRELL, 2451
CHERYL R. FARRER, 9772
KURTIS W. FAUBION, 0753
JEFFREY N. FAWCETT, 9947
JAMES L. FEDERWISCH, 4290
*SUSAN M. FEDRO, 2701
*CATHERINE L. FEIL, 5185
BRADLEY K. FELIX, 9252
LAURA FELTMAN, 2670
DONALD S. FELTON, 3623
TIMOTHY J. FENNELL, 3887
*THOMAS A. FERRARI, 7135
CHRISTOPHER R. FERREZ, 1495
WILLIAM A. FERRO, 1840
MICHAEL S. FIELDS, 1783
WILLIE L. FIELDS III, 1887
SCOTT T. FIKE, 8843
RICHARD E. FILER, 8558
PAUL K. FINDLEY, 7669
DONALD N. FINLEY, 8829
*KIMBERLY FINNEY, 1470
MICHAEL J. FINNEY, 3402
STEVEN T. FIORINO, 3835
CYNTHIA L.H. FISHER, 3361
JASON FISHER, 7516
JAY R. FISHER, 7473
TIMOTHY L. FITZGERALD, 5850
DAVID M. FITZPATRICK, 8337
JOHN D. FITZSIMMONS, JR., 6719
MICHAEL F. FLECK, 6997
KEVIN S. FLEMING, 6966
WILLIAM J. FLEMING, 2479
LEE A. FLINT III, 5884
*JAMES K. FLOYD, 7952
SCOTT G. FLOYD, 4339
THOMAS J. FLYNN, JR., 9313
RICHARD L. FOFI, 2328
PATRICK F. FOGARTY, 4923
JETH A. FOGG, 9455
DARLENE L. FOLEY, 6052
JOHN T. FOLMAR, 1736
*ARNALDO FONSECA, 1584
*DAVID J. FORBES, 7635
EDWARD L. FORD, 0906
TEDDY R. FORDYCE II, 5463
SCOTT A. FOREST, 5522
GERALD T. FORGETTE, 4890
MARK A. FORINGER, 8463
LANCE N. FORTNEY, 3243
CLAUDIA M. FOSS, 2936
HARRY A. FOSTER, 5579
STEVEN D. FOUCH, 3354
*JENNIFER E. FOURNIER, 6438
JOHN A. FOURNIER, 4676
*ROBERT J. FOURNIER, 5543
STEVEN J. FOURNIER, 2625
KAREN S. FRALEY, 6416
MICHAEL S. FRAME, 2435
EDWARD M. FRANKLIN, 1621
ELLEN A. FRANKLIN, 8215
STEVEN C. FRANKLIN, 4180
*GINA T. FRATIANI, 9899
GEORGE W. FRAZIER, JR., 0289
JOHN T. FREDETTE, 0039
BRIAN E. FREDRIKSSON, 8581
FRANK FREEMAN III, 3803
JEFFREY B FREEMAN, 9705
LEE S. FREEMAN, 7536
MICHAEL D. FREESTONE, 7022
KATHLEEN A. FRENCH, 6668
ROBERT J. FREY, 7999
*ERIC L. FRIED, 6848
*MARIA A. FRIED, 0189
JOSEPH P. FRIERS, 5839
WILLIAM E. FRITZ II, 7277
KENNETH D. FROLLINI, 9984
*JAY D. FULLER, 7509
*CHRISTOPHER A. FURBEE, 4027
JEFFREY C. GADWAY, 1265
WALTER A. GAGAJEWSKI, 2462
JOHN W. GAGE, 1061
CRAIG L. GAGNON, 1686
DAVID A. GAINES, 9891
NATHAN W. GALBREATH, 8547
PETRA M. GALLERT, 7149
*LIBBY A. GALLO, 4910
JAMES C. GALONSKY, 6580
TROY R. GAMM, 6205
EDWARD W. GANIS, JR., 1729
RICHARD K. GANNON, 7614
ARTHUR G. GARCIA, 7473
JOHN R. GARCIA, 1175
RAUL V. GARCIA, 9096
JOHN R. GARRETT, 1914
CLAY L. GARRISON, 1502
MARK P. GARST, 4211
BRENDA M. GARZA, 8931
DAVID J. GAUTHIER, 0455
THOMAS W. GEARY, 0247
EDWARD R. GEDNEY, 7095
MICHAEL T. GEHRLEIN, 2037
JEWEL A. GEORGE, 7700
SCOT B. GERE, 2018
WILLIAM E. GERHARD, JR., 5484
JEFFREY J. GERINGER, 9889
DANIEL E. GERKE, 2476
*PATRICIA A. GETHING, 8808
CAROL C. GIACHETTI, 3788
ANTHONY P. GIANGIULIO, 6522
GEOFFREY M. GIBBS, 2787
*PARKS G. GIBSON, 2833
ROBERT C. GIBSON, 8951
FRANCES M. GIDDINGS, 9968
DANNY R. GIESLER, 5325
THOMAS C.J. GILKESON, 0403
ANDREA L. GILL, 0408
DAVID L. GILL, 2934
ANDREW W. GILLESPIE, 6817
ERIC J. GILLILAND, 5494
KENNY Y. GILLILAND, 7419
THOMAS C. GILSTER, 6581
STEVEN R. GIOVENELLA, 5932
PETER D. GIUSTI, 5170
ANTHONY L. GIZELBACH, 2018
MICHAEL W. GLACCUM, 7756
JERRY E. GLATTFELT, 6281
FRANK A. GLENN, 3067
KEVIN B. GLENN, 1228
DONAVAN E. GODIER, 9898
*MARTHA D. GOFF, 9747
NATHAN E. GOFF, 9666
JASON L. GOLD, 0502
DAVID J. GOLDEN, 7391
JOHN D. GOLDEN, 2172
PETER E. GOLDFEIN, 3521
DAVID B. GOLDSTEIN, 1185
DANIEL J. GOLEN, 9383
WILLIAM M. GOLLADAY, 5401
GERARD A. GONZALUDO, 8567
JULIA R. GOODE, 6123
JANET L. GOODER, 9160
*GARY R. GOODLIN, 2752
JANETTE B GOODMAN, 5502
THOMAS E. GOODNOUGH, 6234
STEVEN F. GOODWILL, 4589
JANET K. GORCZYNSKI, 4547
KEVIN A. GORDEY, 2356
JAMES S. GORDON, 0161
JANICE Y. GORDON, 8429
JOHN R. GORDY II, 4036
CATHERINE M. GORTON, 1542
DONALD J. GRABER, 7877
BETH ANN GRADY, 1717
DANIEL R. GRAHAM, 2440
GLENN L. GRAHAM, 6542
JANINE D. GRAHAM, 7835
SCOTT D. GRAHAM, 0092
JONATHAN A. GRAMMER, 7559
ERIK L. GRAVES, 5243
JOHN A. GRAVES, 7330
CHARLES W. GRAY, 0151
DAVID E. GRAY, 6237
GORDON P. GREANEY, 0809
STEWART F. GREATHOUSE, 1555
DARRYL W. GREEN, 2319
DAVID R. GREEN, 4451
*TIMOTHY P. GREEN, 4048
JONATHAN J. GREENE, 8984
STEPHEN E. GREENTREE, 7749
CHARLES S. GREENWALD, 2999
MICHAEL R. GREGG, 8238
MICHAEL R. GREGORY, 9815
MICHAEL C. GRIECO, 0466
DAVID R. GRIFFIN, 5827
WILLIAM M. GRIFFIN II, 0319
STANLEY E. GRIFFIS, 5267
CEABERT J. GRIFFITH, 0157
*DONALD W. GRIFFITH, 9175
*JENNIFER L. GRIMM, 1687
PATRICK J. GRIMM, 8125
LUCIEN A. GRISE, 5088
JOHN F. GROFF, 0164
RONALD J. GROGIS, 7573
CHARLES K. GROSSART, 7202
JANET R. GRUNFELDER, 3823
*JOHN W. GUETERSLOH, 6361
PAUL R. GUEVIN III, 5571
KEVIN J. GULDEN, 7581
ERIC C. GUMBS, 5654
LARRY E. GUNNIN, JR., 1807
STEPHEN E. GURNEY, 1691
MARTIN D. GUSTAFSON, 5594
CARLOS M. GUTIERREZ, 0257
FLOYD A. GWARTNEY, 1459
DAVID M. HAAR, 0460
WILLIAM E. HABEEB, 1028
DOUGLAS I. HAGEN, 5711
JOHN O. HAGEN, JR., 7306
BELINDA F. HAINES, 9106
STEPHEN A. HAJOSY, 9918
LAWRENCE E. HALBACH, 9919
CALVIN S. HALL II, 3509
JASON T. HALL, 9215
MICHAEL J. HALL, 6177
STEPHEN N. HALL, 9480
MATTHEW W. HALLGARTH, 2097
PAUL S. HAMILTON, 8097
FRANCISCO G. HAMM, 0999
DAVID W. HAMMACK, 2960
BRADLEY K. HAMMER, 5248
DOUGLAS M. HAMMER, 6713
MICHAEL C. HAMMOND, JR., 4326
MARK D. HANCOCK, 2500
WILLIAM J. HANIG, JR., 5611
FRED HANKERSON III, 9662
DARREN T. HANSEN, 4772
JOHN M. HANSEN, 6504
DAVID A. HANSON, 3322
JAMES R. HARDEE, 3810
STEVEN B. HARDY, 6780
*JOANNE C. HARE, 0553
MICHAEL R. HARMS, 0485
TERRANCE A. HARMS, 9981
WILLIAM M. HARNLY, 4985
DON S. HARPER III, 5000
GERALD J. HARPOLE, 8789
MICHAEL HARRINGTON, 8236
PATRICK M. HARRINGTON, 0376
RICKEY O. HARRINGTON, 6042
CHARLES H. HARRIS, 7476
*REBA E. HARRIS, 5288
WANDA F. HARRIS, 9993
JOHN M. HARRISON, 9293
LEONARD P. HARRISON, 0125
MARCIA E. HARRISON, 0343
WILLIAM R. HARRISON, 1490
YVONNE HARRISON, 4701
RODNEY A. HART, 0509
STEPHEN L. HART, 0636
MICHAEL M. HARTING, 6710
RICHARD T. HARTMAN, 0747
JAMES E. HARVEY, 6990
JERI L. HARVEY, 9646
JERRY R. HARVEY JR., 8882
LYNN M. HARVEY, 6867
DAVID R. HASSLINGER, 4348
*MARK A. HATCH, 0829
STEVEN M. HATCHNER, 7892
DAVID A. HAUPT, 5643
CHRISTOPHER P. HAUTH, 6431
*CHRISTOPHER A. HAWES, 2164
*STEVEN K. HAYDEN, 2128
DAVID C. HAYEN, 9149
BRADLEY F. HAYWORTH, 1581
AMAND F. HECK, 9423
JANE E. HEETDERKSCOX, 2214
DAVID M. HEFNER, 2705
PAUL B. HEHNKE, 6912
*CURTIS L. HEIDTKE, 1105
ROBERT D. HELGESON, 2010
*GUBA LISA M. HELMS, 7244
CRAIG A. HENDERSON, 3214
MARKUS J. HENNEKE, 0006
THEODORE P. HENRICH, 8751
JOSEPH S. HENRIE, 3562
GARY L. HENRY, 8922
WENDY C. HEPT, 6531
MARK R. HERBST, 4079
MARK L. HEREDIA, 3126
CHRISTOPHER A. HERMAN, 7904
GREGORY A. HERMSMEYER, 6872
MAYNARD C. HERTING, JR., 8057
JOHN P. HESLIN, 9508
CRAIG J. HESS, 6261
THOMAS P. HESTERMAN, 3390
MICHAEL H. HEUER, 6788
DAVID L. HICKEY, 1457
HARLAN K. HIGGINBOTHAM, 1681
ALBERT M. HIGGINS, 2737
JEFFREY L. HIGGINS, 3963
THOMAS M. HILDEBRAND, 9755
RANDOLPH C. HILDEBRANDT, 5372
KENNETH A. HILL, 2936
*SCOTT J. HILMES, 9766
DAVID W. HILTZ, 6066
BRADLEY T. HINCE, 8169
CARLETON H. HIRSCHEL, 8095
RONALD W. HIRTLE, 8443
PETER H. JELLMING, 4998
BRIAN S. HOBBS, 9344
DAVID J. HOFF, 2138
LAWRENCE M. HOFFMAN, 2683
*BRIAN E. HOFFMANN II, 2395
WAYNE P. HOLDEN, 5432
RHONDA D. HOLDER, 4975
PAUL E. HOLIFIELD, JR., 9217
STEVEN R. HOLKOVIC, 0838
MICHAEL W. HOLL, 4502
DALE S. HOLLAND, 4165
KENNETH G. HOLLIDAY, 5833
DANIEL F. HOLMES, 6894
*GERALDINE E. HOLMESBARNETT, 2693
ERIC L. HOLSTROM, 7332
CHRISTOPHER M. HOLTON, 5222
JOEL N. HOLTROP, 7788
LEA D. HOMSTAD, 4764
*CRINLEY S. HOOVER, 4536
*JEANETTE C. HOPE, 8794
JAMES M. HOPKINS, 0927
JAY R. HOPKINS, 3200
*MARY F. HORNBACK, 2562
ROBERT E. HORSMANN, 7574
SHAUN D. HOUSE, 3748
MICHAEL L. HOUSEHOLDER, 0994
*MAX D. HOUTZ, 3632
ADRIAN L. HOVIOUS, 0208
CHERYL Y. HOWARD, 0792
RUSSELL D. HOWARD, 3480
TIMOTHY W. HOWARD, 1467
ROBERT R. HOWE, 0041
DONNA MARIE HOWELL, 7656
WALTER C. HOWERTON, 8032
BILLIE I. HOYLE, 2515
JEFFERY L. HOYT, 4611
DIRK D. HUCK, 8767
JANET C. HUDSON, 9213
DENISE A. HUFF, 8570
DOUGLAS A. HUFFMAN, 6070
JOHNATHAN B. HUGHES, 8686
JUDITH A. HUGHES, 2208
KEITH M. HUGO, 9303
RODNEY R. HULLINGER, 5453
DEAN G. HULLINGS, 7315
CAMERON D. HUMPHRES, 4072
SUSANNE M. HUMPHREYS, 9082
CRAIG G. HUNNICUTT, 2228
DAVID R. HUNT, JR., 7725
JEFFREY R. HUNT, 5260
ROBERT G. HUNT, 5983
JOHN E. HUNTER, 6720
JON C. HUNTER, 1139
THOMAS M. HUNTER, 7474
BRYAN D. HUNTLEY, 6426
STEVEN B. HURTEAU, 0909
AMELIA L. HUTCHINS, 1051
RICHARD A. HYDE II, 1024
DAVID C. IDE, 2071
GRETCHEN LARSEN IDSINGA, 9181
MARK INGUAGGIATO, 1951
JEFFREY D. IRWIN, 8467
STEPHAN C. ISAACS, 9685
JOHN J. IWANSKI, 7684
KYLE E. JAASMA, 9869
TODD A. JAAX, 3949
CHRISTOPHER J. JACKSON, 6594
DAVID C. JACKSON, 3676
LINWOOD J. JACKSON, JR., 0800
TROY S. JACKSON, 9906
CHRISTOPHER M. JACOBS, 0802
WAYNE R. JACOBS, JR., 9205
*IAN CHARLES JANNETTY, 8814
SUSAN JANO, 8103
BARBARA E. JANSEN, 2852
PATRICK M. JEANES, 3959
*NELTA JEANPIERRE, 5640
RHETT W. JEFFERIES, 3198
BRIAN K. JEFFERSON, 7156
BILLIE M. JENNETT, 2085
CARLOS D. JENSEN, 7321
SEAN L. JERSEY, 5780
KIRK C. JESTER, 9443
LINDA J. JESTER, 7402
MARCUS A. JIMMERSON, 2861
*SUSAN D.K. JOBE, 3280
CONNIE J. JOHNMEYER, 0077
*ANDREW D. JOHNSON, 7960
CAROL A. JOHNSON, 3411
CLARENCE JOHNSON, JR., 6629
DALE R. JOHNSON, 3481
DANIEL E. JOHNSON, 1297
DAVID W. JOHNSON, 8553
ERIC C. JOHNSON, 9416
JAMES M. JOHNSON, 3683
KARLTON D. JOHNSON, 1058
KEVIN L. JOHNSON, 2433
PHILIP E. JOHNSON, 2904
RICHARD A. JOHNSON, 9717
SCOTT F. JOHNSON, 6928
STEVEN B. JOHNSON, 8447
THOMAS N. JOHNSON, 0502
WALTER M. JOHNSON, JR., 7533
JOHNNY K. JOHNSTON, 4587
BRIAN S. JONASEN, 2342
*BRUCE W. JONES, 3244
CHRISTOPHER P. JONES, 4039
CRAIG R. JONES, 4143
*MARC A. JONES, 9148
PATRICIA J. JONES, 6360
PHILLIP W. JONES, JR., 3121
ROY V.J. JONES, 2888
SYLVIA B. JONIGKEIT, 0566
BRIAN D. JOOS, 7477
*FRANZISKA JOSEPH, 1167
*CHRISTOPHER J. JOYCE, 0785
TRACY J. KAESLIN, 7655
KEITH B. KANE, 6702
KIM M. KANE, 6579
STEPHEN J. KARIS, 6667
KIRK S. KARVER, 2958
JANET LYNN KASMER, 4569
MICHAEL B. KATKA, 9365
JAMES C. KATRENAK, 7607
SCOTT M. KATZ, 7630
ANTHONY T. KAUFFMAN, 8600
DAVID A. KAUTH, 9068
CHRISTOPHER M. KEANE, 1547
SHEILA F. KEANE, 4552

JEFFREY T. KEEF, 3728
WILLIAM J. KEEGAN, JR., 3596
DANIEL J. KEELER, 4329
ROBERT W. KEIRSTEAD, JR., 6623
LORETTA A. KELEMEN, 2573
DAVID E. KELLER, 6614
REBECCA A. KELLER, 7572
RONALD J. KELLER, 5855
*CHRISTOPHER L. KELLY, 8216
JEFFREY W. KELLY, 3140
MICHAEL J. KELLY, 8505
RICHARD F. KELLY, 7141
RICHARD S. KELLY, 2564
*JAMES P. KENNEDY, 4823
*JAY KENT, 0649
ROMAN H. KENT, 7598
LINDA J. KEPHART, 5588
ROBERT J. KEPPLER, 0883
FADI P. KHURI, 5867
DARWIN P. KIBBY, 4939
DOUGLAS W. KIELY, 5515
DAVID W. KIERSKI, 5862
*KRISTINE M. KIJEK, 4891
ERIC D. KILE, 4575
ROBERT KILLEFER III, 1039
*CHARLES C. KILLION, 4580
KEVIN R. KILLPACK, 6182
KENNETH T. KILMURRAY, 3893
PETER E. KIM, 2129
*ROBIN P. KIMMELMAN, 1810
MICHAEL T. KINDT, 5220
CARL L. KING, 9747
KRISTY G. KING, 9156
RAVEN MICHELLE L. KING, 4985
ROSEMARY KING, 5429
CHRISTOPHER E. KINNE, 7147
GUS S. KIRKIKIS, 9544
JAMES J. KISCH, 5805
DOUGLAS K. KLEIST, 8882
KENNETH J. KNAPP, 8286
JAMES A. KNIGHT, 7223
STEPHEN M. KNIGHT, 9046
TRACY L. KNUEVEN, 7267
DANIEL P. KNUTSON, 2185
STACEY T. KNUTZEN, 7863
MARISSA KOCH, 5289
SANDRA L. KOERKENMEIER, 0481
LORIANN A. KOGACHI, 4897
JOSEPH KOIZEN, 9320
KURT M. KOLCH, 4007
*ANTON G. KOMATZ, 1803
MICHAEL W. KOMETER, 2890
DAVID W. KOONTZ, 0174
JOSEPH H. KOPACZ, 8437
RONALD B. KOPCHIK, 7637
CRYSTAL L. KORBAS, 5701
ERIC T. KOUBA, 3705
CHARLES H. KOWITZ, 4016
*ANDREW P. KRAFT, 8358
GREGORY A. KRAGER, 2928
JAMES N. KRAJEWSKI, 1725
*GARY MITCHELL KRAMER, 0735
ANNA MARTINEZ KRAMM, 2975
STEVEN KRAVCHIN, 6100
*ROBERT K. KRESSIN, 6163
THOMAS R.W. KREUSER, 1563
GUYLENE D. KRIEGHFLEMING, 2732
GREGORY A. KROCHTA, 5763
*GREGORY W. KRUSE, 5118
CHRISTOPHER J. KUBICK, 6890
SUZANNE S. KUMASHIRO, 0491
SHIAONUNG D. KUO, 9970
MARK C. KURAS, 0332
ANTHONY C. KWIETNIEWSKI, 5728
SHOMELA R. LABEE, 1312
MANUEL LABRADO, 6809
GUERMANTES E. LAILARI, 9671
DAVID W. LAIR, 7728
MARY T. LALLY, 6023
PETER J. LAMBERT, 5850
*GILBERTO LANDEROS, JR., 5962
BRIAN W. LANDRY, 9319
JOSEPH C. LANE, 5665
THOMAS R. LANE, 9312
DAVID M. LANGE, 9994
MARK A. LANGE, 3680
MARK J. LANGLEY, 7977
*DENNIS W. LANGSTON, 8898
JEFFREY W. LANNING, 2024
ROWENE J. LANT, 0782
TIMOTHY P. LAQUERRE, 8358
MICHAEL E. LARAMEE, 2177
MARGARET C. LAREZOS, 2064
CRAIG C. LARGENT, 9904
ANDRE M. LARKINS, 4858
BRET C. LARSON, 9137
KELLY J. LARSON, 0803
LAURA L. LARSON, 2136
LOREN B. LARSON, 5506
PHILLIP J. LASALA, 8193
JEFFREY R. LATHROP, 6255
ROBERT R. LATOUR, 0095
SCOTT C. LATTIMER, 4827
RICHARD W. LAURITZEN, 4413
DAVID P. LAVALLEY, 0912
PAUL A. LAVIGNE, 1044
PETER S. LAWHEAD, 0148
TIMOTHY J. LAWRENCE, 5586
KATHLEEN A. LAWSON, 0015
KELLY A. LAWSON, 1269
EUGENE D. LAYESKI, 3888
ANITA L. LEACH, 8486
JULIE A. LEAL, 0946
RICHARD D. LEBLANC, 6149
JAMES E. LEDBETTER, JR., 5311
DAVID J. LEE, 9982
DEAN W. LEE, 7768
JAMES K. LEE, 1614
KEVIN R. LEE, 3608
JOHN R. LEITNAKER, 7084
GLENN B. LEMASTERS, JR., 4322
*DANIEL G. LEMIEUX, 5203
LAWRENCE M. LENY, 4278
CHARLES W. LEONARD, 8833
ROBERT T. LEONARD, 3924
THOMAS A. LERNER, 3919
DAVID M. LEVINE, 9852
*CHARLES E. LEWIS, 5843
KEITH E. LEWIS, 9001
RAYMOND K. LEWIS, 9381
GARY D. LIEBOWITZ, 7306
MICHAEL P. LIECHTY, 8715
RONALD K. LIGHT, JR., 8045
AFRED M. LIMARY, 0039
LEIGH A. LINDQUIST, 2149
RAY A. LINDSAY, 8329
*JOSEPH G. LINFORD, 7459
*JOHN T. LINN, 8775
DEWEY G. LITTLE, JR., 1327
JENICE L. LITTLE, 5116
JOHN W. LITTLEFIELD, 2909
THOMAS B. LITTLETON, 6897
DANIEL D. LLEWELYN, 4130
*DAVID L. LOBUE, 2808
DONALD C. LOCKE, JR., 9667
ERVIN LOCKLEAR, 9540
JANET K. LOGAN, 8703
BRYAN D. LOGIE, 7587
VINCENT P. LOGSDON, 5998
DAVID S. LONG, 7302
GREGORY P. LONG, 2898
SHARON M. LOPARDI, 3707
JOSEPH C. LOPERENA, 5649
ADALBERTO LOPEZ, JR., 5140
MAX LOPEZ, 5527
RAYMOND S. LOPEZ, 9998
ROYCE D. LOTT, 1663
ANDREW LOURAKE, 1314
JOSEPH C. LOVATI, 1961
JEFFREY D. LOVE, 0614
CHRISTOPHER W. LOWE, 9177
DAVID B. LOWE, 4225
GREGG S. LOWE, 9054
JANE K. LOWE, 4696
KEITH F. LOWMAN, 7353
DAVID S. LUBOR, 4392
DAVID J. LUCIA, 3284
ABBIE K. LUCK, 1963
GREGORY T. LUKASIEWICZ, 1893
STEVEN P. LUKE, 3783
JEFFREY S. LUM, 6749
VALERIE L. LUSTER, 8073
NATHAN G. LYDEN, 0265
SHANNON D. LYNCH, 8948
STEPHAN G. LYON, 3705
ADAM MACDONALD, 9809
JOHN R. MACDONALD, 4772
RONALD G. MACHOIAN, 6754
DAVID P. MACK, 5117
JOHN R. MACKAMAN, 6329
MATTHEW M. MACKINNON, 1873
TIMOTHY J. MADDEN, 0542
MICHAEL E. MADISON, 1918
KENNETH D. MADURA, 4970
CARL F. MAES, 6893
PATRICK J. MAES, 0950
CHERYL L. MAGNUSON, 3781
DENA M. MAHER, 0659
EDWARD A. MAITLAND, 2305
STEVEN R. MALL, 4590
CHARLES J. MALONE, 3492
WILLIAM H. MALPASS, 7428
PETER E. MANCE, 1378
PAUL R. MANCINI, 1021
WILLIAM J. MANDEVILLE, 4831
MATTHEW A. MANDINA, 5945
MICHELLE R. MANDY, 4903
GREGORY J. MANG, 1715
MATTHEW E. MANGAN, 7686
JEFFREY J. MANLEY, 6944
JUDY L. MANLEY, 3624
JOHN F. MANNEY, JR., 3639
*SCOTT A. MANNING, 2703
ROBERT A. MARASCO, 1915
MARTIN R. MARCOLONGO, 4433
DEBORAH R. MARCUS, 4325
GOUVEIA TAMZI M. MARIANO, 1758
JEFFREY L. MARKER, 0144
ROBERT G. MARLAR, 1698
JAMES D. MARRY, 3389
MARK A. MARRY, 8359
LEE H. MARSH, JR., 3341
RAYMOND W. MARSH, 1007
STEVEN C. MARSMAN, 9013
JAVIER MARTI, 6130
CYNTHIA A. MARTIN, 8737
HAROLD W. MARTIN III, 5218
ELFIDO MARTINEZ, 0257
GLENN E. MARTINEZ, 7365
JUAN F. MARTINEZ, 9997
ORLANDO M. MARTINEZ, 5822
DAVID B. MARZO, 7196
MICHAEL L. MASON, 3108
RICHARD L. MASTERS, JR., 2786
EDWARD J. MASTERSON, 2309
KEVIN M. MASTERSON, 0137
KEVIN P. MASTIN, 5619
RUBEN MATA, 5751
ROY V. MATHIS, 4037
DANE D. MATTHEW, 6600
AUDRA R. MATTHEWS, 5216
PATRICK S. MATTHEWS, 9009
MIKE M. MATTINSON, 8605
KYLE H. MATYI, 6989
DAVID K. MAY, 7315
JONATHAN R. MAY, 3365
ROBERT L. MAY, JR., 5998
SCOTT L. MAYFIELD, 4858
AARON D. MAYNARD, 5837
CRAIG E. MAYS, 3896
EUGENE J. MAZUR, JR., 8876
MAURIZIO MAZZA, 4609
ANDRE MCAFEE, 3633
KEITH D. MCBRIDE, 0491
RACHEL A. MCCAFFREY, 0313
TERRANCE J. MCCAFFREY II, 4033
CHRISTOPHER C. MCCANN, 5815
GERALD J. MCCAWLEY, 4322
JAMES C. MCCLELLAN, 4570
JAMES M. MCCLESKEY, 5769
CHARLES J. MCCLOUD, JR., 1485
ROBERT M. MCCOLLUM, 4289
RICHARD D. MCCOMB, 5837
*KATHY P. MCCONNELL, 2387
THOMAS L. MCCONNELL, 9970
*MICHAEL J. MCCORMICK, 3292
ALISON F. MCCOY, 7502
STEVEN R. MCCOY, 9153
ILYO L. MCCRAY, 7915
JAMES D. MCCREARY, 9017
MARY A. MCCUBBINS, 5225
*REGINALD G. MCCUTCHEON, 6273
MICHAEL B. MCDANIEL, 8126
CHARLES M. MCDANNALD III, 7700
IDA L. MCDONALD, 3853
JOE D. MCDONALD, 1787
JOHN J. MCDONOUGH III, 8810
WANDA J. MCFATTER, 5453
JENNY A. MCGEE, 1185
LETITIA R. MCGEE, 7870
KRISTINE A. MCGINTY, 3727
JERRY H. MCGLONE, 4973
THERESA J. MCGOWANSROCZYK, 6617
CARLTON W. MCGUIRE, 9049
*RALPH D. MCHENRY, JR., 6845
GENE P. MCKEE, 1078
THOMAS H. MCKENNA, 3700
*TIMOTHY J. MCKENNA, 0087
JOHNNY R. MCKENNEY, JR., 6115
MATTHEW A. MCKENZIE, 1596
PATRICK T. MCKENZIE, 8601
MARY L. MCKEON, 0112
RICHARD R. MCKINLEY, 8903
CAREY M. MCKINNEY, 8101
TANYA R. MCKINNEY, 1632
RANDALL A. MCLAMB, 1314
LAWRENCE W. MCLAUGHLIN, 2670
*VONDA F. MCLEAN, 3983
SCOTT D. MCLEOD, 4037
MICHAEL C. MCMAHON, 3382
TERENCE J. MCMANUS, 1743
THOMAS J. MCNEILL, 1247
GREGORY J. MCNEW, 3695
STACY S. MCNUTT, 9300
CAROL L. MCTAGGART, 8362
HUGH J. MCTERNAN, 5060
LAURA J. MCWHIRTER, 9132
MICHAEL A. MEANS, 7824
BRIAN B. MEIER, 0853
DOUG J. MELANCON, 3877
AURA L. MELENDEZ, 6098
LIBERTAD MELENDEZ, 7092
THOMAS S. MENEFEE, 5243
MARK W. MERCIER, 9876
KENT I. MEREDITH, 6567
SCOTT C. MERRELL, 4933
KAREN R. MERTES, 7871
DAVID P. MERTZ, 0798
DEBORAH A. MESERVE, 1204
DONALD E. MESSMER, JR., 9486
FREDERICK G. MEYER, 9233
JEFFREY A. MEYER, 9784
LINDA P. MEYER, 3092
MICHAEL B. MEYER, 0598
JESSICA MEYERAAN, 0825
DOUGLAS B. MEYERS, 5043
HAROLD F. MEYERS, 4741
MONICA E. MIDGETTE, 9884
JOSEPH A. MIGGINS, 3889
JOHN M. MIGYANKO, 0416
QUINTEN L. MIKLOS, 8758
CURTIS S. MILAM, 6227
GARY L. MILAM, 0912
SHARI T. MILES, 1901
ANGELA D. MILEY, 3579
ALAN R. MILLER, 5264
BRYAN E. MILLER, 0573
CURTIN W. MILLER, 0078
DANIEL A. MILLER II, 6012
DAVID G. MILLER, 1386
DOUGLAS R. MILLER, 6015
EDDIE T. MILLER, 5554
GRETCHEN P. MILLER, 0260
JODY D. MILLER, 5569
KARLA J. MILLER, 9515
*RANDALL J. MILLER, 3581
RICHARD C. MILLER, 8545
ROBERT C. MILLER, 4047
VIVIAN L. MILLER, 3162
MICHAEL S. MILLS, 5050
AVERY D. MIMS, 0095
*FRANCIS P. MINOGUE, 0418
JOSEPH B. MIRROW, 1953
KEVIN J. MISSAR, 1065
ELSPETH J. MITCHELL, 5497
GLENDA M. MITCHELL, 1718
JOSEPH C. MITCHELL, 5436
*MARGUERITE T. MITCHELL, 0251
MARK E. MITCHELL, 3016
MICHAEL E. MITCHELL, 4600
RICHARD L. MITCHELL, 7867
ROBYN A. MITCHELL, 0161
MARK J. MITTLER, 0443
*DONALD C. MOBLY, 5263
STEPHEN E. MOCZARY, 4199
JAMES J. MODERSKI, 8619
COLIN R. MOENING, 2558
JOHN J. MOES, 1622
CHRISTOPHER A. MOFFETT, 4049
CHARLES M. MONCRIEF, 2561
DENNIS A. MONTERA, 5558
THOMAS P. MONTGOMERY, 4463
*BRYAN S. MOON, 4437
DARRYL W. MOON, 6069
ANNETTE MOORE, 7688
*AUNDRA L. MOORE, 3506
*JOE W. MOORE, 1197
LOURDES D.R. MOORE, 5182
MICHAEL A. MOORE, 2273
PATRICIA R. MOORE, 4961
THOMAS C. MOORE, 4012
TIMOTHY K. MOORE, 2239
RICHARD D. MOOREHEAD, 7067
RAFAEL MORALESFIGUEROA, 1831
JACK P. MORAWIEC, 2240
JOHN W. MOREHEAD, 7613
MICHAEL D. MORELOCK, 0593
DAVE B. MORGAN, 7140
DAVID S. MORK, 2738
RONALD P. MORRELL, 4384
LINDA J. MORRIS, 1189
RICHARD W. MORRIS, 6080
BROOK S. MORROW, 4879
GARY S. MOSER, 7089
KEVIN B. MOSLEY, 1591
GREGORY D. MOSS, 2310
KARI A. MOSTERT, 6962
KIRK B. MOTT, 4022
TIMOTHY B. MOTT, 5835
PETER G. MOUTSATSON, 0194
TY C. MOYERS, 9829
PAUL J. MOZZETTA, 2670
DAVID G. MUEHLENTHALER, 7702
RICHARD J. MUELLER, 1567
ALAN G. MUENCHAU, 1968
JAMES R. MUNFORD, 2038
DAVID W. MURPHY, 0992
LYNN P. MURPHY, 1288
RICKY R. MURPHY, 6399
THOMAS E. MURPHY, 6679
JOHN P. MURRAY, 3757
TIMOTHY M. MURTHA, 3182
DEBORAH K. MURTOLA, 1044
CANDICE L. MUSIC, 0366
TONY P. MUSSI, 8179
*ANTHONY E. MUZEREUS, 1554
JEFFREY B. MYERS, 4630
*CHARLES D. MYRICK, 0693
DANA L. MYRICK, 7019
MARY J. NACHREINER, 7077
DAVID S. NAHOM, 5839
DAVID S. NAISBITT, 9504
MICHAEL L. NAPIER, 3106
PATRICIA A. NARAMORE, 7546
*GILBERT G. NARRO, 4972
JOSEPH B. NATTERER, 8527
JOHN R. NEAL, 9880
KELLY L. NEAL, 6807
RANDALL C. NEDEGAARD, 6600
HOWARD D. NEELEY, 2529
DALE L. NEELY, JR., 7274
JAMES R. NEEPER, JR., 8010
CLIFTON D. NEES, 5864
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DAVID K. NELSON, 3965
JON C. NELSON, 4629
KRISTEN A. NELSON, 9770
*LENORA C. NELSON, 4687
SCOTT R. NELSON, 4525
SHAWN D. NELSON, 1052
THOMAS N. NELSON, 7721
STEVEN W. NESSMILLER, 8270
KATERINA M. NEUHAUSER, 8916
JOSEPH H. NEWBERRY, 8656
KENNIS R. NICHOLLS, 2651
RICHARD B. NICHOLS, 5269
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ANDREW T. NIELSEN, 4276
GAIL M. NOBLE, 0158
JEFFREY R. NOLAN, 2770
RICHARD E. NOLAN, 7379
TIMOTHY J. NOLAN, 5693
MICHAEL J. NOLETTE, 9032
GARY V. NORDYKE, 4727
THOMAS W. NORRIS, 4243
WILLIAM A. NOVAK, 1662
*ANTHONY T. NOVELLO, 1061
MICHAEL J. NOYOLA, 3944
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ADAM E. NYENHUIS, 2827
JEFFREY W. NYENHUIS, 7583
DEBORAH LYNNE ODELL, 4876
DIANA R. ODONNELL, 9589
WALSH TRACY A. OGRADY, 9906
ANGEL R. OLIVARES, 5104
*MICHAEL J. OLIVE, 3242
JOHN SHERMAN OLIVER, 3302
*CHARLES S. OLSON, 0623
CRAIG A. OLSON, 3675
CHRISTOPHER J. OMLOR, 6962
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DWAYNE J. OPELLA, 6111
ANTHONY L. ORDNER, 4905
HOWARD K. OSBORNE, 5059
DOLORES M. OSBORNEHENSLEY, 5387
EDWIN H. OSHIBA, 2397
LOUIS C. OSMER, 8418
*HEATHER L. OSTERHAUS, 2442
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*JOLANTA J. OSZURKO, 6981
KARL E. OTT, 7375
KAREN L. OTTINGER, 1430
ROGER R. OUELLETTE, 2121
DANIEL J. OURADA, 6766
BRENDA L. OWEN, 7923
CHARLES R. OWEN, 9644
RHONDA G. OZANIAN, 4459
ANTHONY M. PACKARD, 0779
MARIA C. PAGAN, 8145
BENJAMIN R. PAGANELLI, 1049
CLEVELAND S. PAGE, 1801
JAMES P. PAGE, 2709
*BRENDA A.J. PAKNIKNAGEM, 4927
JOSEPH F. PALLARIA, JR., 0318
DAVID J. PALMER, 1312
RICHARD S. PALMIERI, 0541
JAMES P. PALMISANO, 7382
STANLEY D. PANGRAC II, 1407
*JAMES W. PANK, 2942
LOUIS P. PAOLONE, 1177
ANTHONY F. PAPATYI, 8036
JENNIFER R. PAPINI, 3705
AMY A. PAPPAS, 1562
JAMES M. PAPPAS, 3415
KATHYLEEN M. PARE, 8914
JEREMY M. PARISI, 8745
JOHN T. PARK, 4020
VINCENT K. PARK, 9689
BRIAN A. PARKER, 6094
EDWARD L. PARKER, JR., 2982
GREGORY H. PARKER, 0782
JAMES G. PARKER, JR., 3217
TIMOTHY W. PARKER, 7199
RICHARD L. PARKS, 9274
MICHAEL L. PARLOW, 7677
KEITH C. PARNELL, 0084
DEBRA A. PARRISH, 0333
SEAN P. PARRY, 2888
DALE A. PARSONS, 8882
JAMES L. PATTERSON II, 8301
MARK A. PATTERSON, 2093
RONNIE M. PATTERSON, 7916
BRADLEY H. PATTON, 5055
SCOTT GEORGE PATTON, 3616
DALE A. PATTYN, 8686
RONALD E. PAUL, 9139
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JOHN R. PAYNE, 8588
JOHN W. PEARSE, 6170
WILLIAM R. PEARSON, 3231
PAUL J. PEASE, 2293
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*LISA T. PEGUES, 9669
*DAVID W. PENCZAR, 3482
DONALD R. PENDERGRAFT, 9638
TRAVIS E. PEPPLER, 7288
GROVER C. PERDUE, 9102
ROBERT M. PERON, 9063
LUCI P. PERRI, 7852
DOUGLAS W. PERSONS, 6665
CHRISTINE M. PETERS, 6198
DAVID E. PETERS, 5381
MELVIN H. PETERSEN, 9648
ERICK S. PETERSON, 3660
KARL R. PETERSON, 8831
RICHARD A. PETERSON, JR., 9943
RODNEY J. PETITHOMME, 7046
JON J. PETRUZZI, 2482
ROBERT A. PFEIFER, 4719
JOHN J. PHALON, 2676
BRETT A. PHILLIPS, 9061
BRIAN S. PHILLIPS, 9971
RODGER W. PHILLIPS, 3970
TODD R. PHINNEY, 3118
TODD L. PHIPPS, 2802
MARC D. PICCOLO, 3709
MICHAEL M. PIERSON, 3448
*RUSSELL L. PINARD, 1686
*SCOTT F. PINKMAN, 3905
JO A. PINNEY, 6660
DAVID S. POAGE, 6304
DAVID J. POHLEN, 9904
VICTOR P. POLITO, 7666
*MARK D. POLLARD, 9691
DAVID E. POLLMILLER, 7156
STEPHEN R. POMEROY, 8899
MARK S. POOL, 7384
LOURDES M. POOLE, 3473
ANTHONY P. POPOVICH, 4202
JOSEPH T. POPOVICH, 1443
ROBERT J. POREMSKI, 1257
GARDINER V. PORTER, 1507
SCOTT W. PORTER, 7930
CATHERINE A. POSTON, 0763
*SHEILA D. POWELL, 2313
JOHN W. POWERS III, 2471
WILLIAM M. PRAMENKO, 1730
MICHAEL W. PRATT, 5332
KEITH M. PREISING, 0573
ROBERT D. PRICE, 4043
STEVEN J. PRICE, 0754
JOHN E. PRIDEAUX, 3253
KENNETH D. PRINCE, 8687
GREGORY B. PROTHERO, 8650
ROBERT J. PROVOST, 0319
WILLIAM PUGH, 7213
JACK D. PULLIS, 7279
WALTER E. PYLES, 3622
TERESA A. QUICK, 9157
JAMES A. QUIGLEY, 8462
JOHN T. QUINTAS, 2479
CHRISTOPHER J. QUIROZ, 2474
JOSEPHINE C.K. QUIROZ, 2877
RODNEY ALLEN RADCLIFFE, 5651
BRIAN D. RADUENZ, 0525
RICHARD A. RADVANYI, 2518
KURT R. RAFFETTO, 1009

MICHELLE M. RAFFETTO, 1463
DANIEL G. RAINES, 8094
ELIOT S. RAMEY, 6344
*ROBERT A. RAMEY, 9466
GREGORY N. RANKIN, 1713
ROBERT J. RANKIN, 2993
VICKI J. RAST, 0601
GLENN A. RATCHFORD, 4881
*DIANE L. RAUSCH, 9664
DOUGLAS M. RAUSCH, 1341
MARINA C. RAY, 2933
BRUCE RAYNO, 8829
DARRELL M. RAYNOR, 6740
CATHERINE A. REARDON, 9363
ALAN F. REBHOLZ, 2121
ROBERT D. REDANZ, JR., 9480
MICHAEL E. REDDOCH, 9475
BRADLEY S. REED, 9450
*CARL L. REED II, 8721
ROBERT L. REED, 2981
PATRICK S. REESE, 6962
MICHAEL J. REEVES, 2368
JAMES A. REGENOR, 9264
THOMAS T. REICHERT, 2703
DAVID E. REIFSCHNEIDER, 8976
KEVIN P. REIGSTAD, 6524
DOUGLAS P. REILLY, 3695
JAMES E. REINEKE, 3565
GREGORY M. REITER, 7178
PAUL RENDESSY, 9380
PETER C. RENNER, 8824
*JULIE L. RESHESKEFISHER, 2553
DAVID A. REY, 2058
MICHAEL REYNA, 4109
KENNETH D. RHUDY, 5813
KENNETH E. RIBBLE, 2741
ROBERT S. RICCI, 0291
DOMINICA R. RICE, 7211
RANDER RICE, 5351
ETHAN B. RICH, 7477
HAROLD L. RICHARD, JR., 9413
CHRISTOPHER C. RICHARDSON, 2142
JAMES D. RICHARDSON, 3767
PAUL RICHARDSON, 7613
RENEE M. RICHARDSON, 9564
RUDY L. RIDENBAUGH, 9778
PETER A. RIDILLA, 2625
CURTIS B. RIEDEL, 4196
KEITH B. RIGGLE, 4949
*ROBERT J. RIGGLES, 6612
DANNY W. RILEY, 9696
PATRICIA M. RINALDI, 8887
RUBEN RIOS, 1761
RANDOLPH E. RIPLEY, 5145
DAVID G. RISCH, 8372
ALEXANDER K. RITSCHEL, 4428
TODD A. RITTER, 5391
KATHLEEN M. RIZZA, 4019
CHRISTOPHE F. ROACH, 8912
KARI W. ROBERSONHOWIE, 7692
JAMES E. ROBERTS, JR., 7505
*TONY R. ROBERTS, 8135
RANDALL D. ROBERTSON, 2612
*CHANDRA L. ROBESON, 5383
PETER C. ROBICHAUX, 4488
*PANDOLLA ROBIN, 1766
CHARLES T. ROBINSON, 0466
DAVID T. ROBINSON, 6548
DIANE W. ROBINSON, 3831
*JOHN A. ROBINSON, 8672
JULIETTE ROBINSON, 2565
MICHAEL A. ROBINSON, 5552
NEIL W. ROBINSON, JR., 7924
*ROGER E. ROBINSON, 8630
STANLEY K. ROBINSON, 8190
WILLIAM A. ROBINSON, JR., 8585
*JAMES E. RODRIGUEZ, 8068
*LUIS A. RODRIGUEZ, 6815
*JOHN K. ROGERS, 7236
ROBERT M. ROGERS, 1734
JOSEPH A. ROH, 2839
LUIS A. ROJAS, 4217
*KENNETH J. ROLLER, 6236
GREGORY E. ROLLINS, 5146
JOSEPH J. ROMERO, 4615
MICHAEL E. RONZA, 9520
EVA M. ROSADO, 8955
JOHN J. ROSCOE, 9209
DAVID J. ROSE, 3066
LEE W. ROSEN, 4556
RONALD L. ROSENKRANZ, 3152
GREGORY J. ROSENMERKEL, 4492
JAMES P. ROSS, 1747
SCOTT K. ROSS, 4836
*DETLEF H. ROST, JR., 6387
DOUGLAS F. ROTH, 2121
RICHARD P. ROTH, 7495
ROBERT B. ROTTSCHAFER, 8330
CHRISTOPHER E. ROUND, 4389
MICHAEL C. ROUSE, 3798
ANDERSON B. ROWAN, 0479
MICHAEL J. ROWE, 5256
RICHARD L. ROWE, JR., 8929
DAVID B. ROWLAND, 8404
THOMAS M. ROY, 4517
JAMES M. RUBUSH, 8108
GARY S. RUDMAN, 6976
CHRISTIAN M. RUEFER, 8649
BRIAN C. RUHM, 5077
RAMPHIS E. RUIZ, 9091
DAVID L. RUNDELL, 5628
LAUREN RUNGER, 8237
DANIEL H. RUNKLE, 3165
*DANIEL B. RUNYON, 8686
RALPH J. RUOCCO, 9335
JAMES M. RUPA, 8935
*DANIEL J. RUSH, 8746
CHE V. RUSSELL, 8193
ROY C. RUSSELL, 6724
PHILIP E. RUTLEDGE II, 7711
PATRICK G. RYAN, 1412
*REBECCA L. RYAN, 3724
STEPHEN M. RYAN, 6099
JON J. RYCHALSKI, 8928
JAMES RYPKEMA, 0629
JEAN M. SABIDO, 5567
*JOHN A. SADECKI, 7444
THOMAS G. SADLO, 8899
MARK P. SALANSKY, 8549
BIENVENIDA M. SALAZAR, 2923
JOHN C. SALENTINE, 2385
MATTHEW D. SAMBORA, 1208
ALBERTO C. SAMONTE, 3128
KIRK J. SAMPSON, 9898
MONTAGUE D. SAMUEL, 7109
JOHN J. SANCHEZ, 1707
PABLO A. SANCHEZ, 4212
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ELIA P. SANJUME, 1987
*J EMMANUEL I.SANTATERESA, 4870
THOMAS A. SANTORO, JR., 5543
ROY C. SANTOS, 4583
MARK A. SARDELLI, 0507
PETER E. SARTINO, 3952
PETER A. SARTORI, 0050
TIMOTHY D. SARTZ, 8063
TODD M. SASAKI, 8658
JEFFREY A. SATTERFIELD, 3684
SHERRIE L. SAUNDERSGOLDSON, 3328
DUANE A. SAUVE, 4527
JEFFREY A. SAXTON, 2930
DARRYL F. SCARVER, 9162
DOUGLAS P. SCHAARE, 4296
DOROTHY RUTH SCHANZ, 4053
KEVIN D. SCHARFF, 7422
*RAFAEL A. SCHARRON, 6588
*CHRISTOPHER S. SCHARVEN, 1152
PAUL E. SCHERER, 6497
NICOLAUS A. SCHERMER, 4071
TIMOTHY K. SCHIMMING, 8124
CONSTANCE E. SCHLAEFER, 9136
DAVID J. SCHLUCKEBIER, 1745
JAMES G. SCHMEHIL, JR., 8098
ALLEN T. SCHMELZEL, 4841
GARRETT J. SCHMIDT, 4105
LISA A. SCHMIDT, 2103
MARK C. SCHMIDT, 7777
BRIAN A. SCHOOLEY, 2220
SUZET SCHREIER, 4567
ROBERT P. SCHROEDER, 6074
JOHANNA Q. SCHULTZ, 8400
TIMOTHY P. SCHULTZ, 8086
ROBERT J. SCHUTT, 1424
BERNARD SCHWARTZ, 9616
HEIDI H.T. SCHWENN, 7445
*KAREN L. SCLAFANI, 2636
ANNE MARIE SCOTT, 5485
ERIC C. SCOTT, 1619
HERBERT C. SCOTT, 4507
JAMES C. SCOTT, 0047
RONALD L. SCOTT, JR., 7725
TERRY SCOTT, 5240
JEFFREY E. SCUDDER, 9931
DOUGLAS B. SEAGRAVES, 9641
MALINDA K. SEAGRAVES, 4881
JOHN T. SEAMON, 2084
JAMES N. SEAWARD, 1786
ROBERT C. SELEMBO, 7092
MICHAEL A. SEMENOV, 7810
DANIEL M. SEMSEL, 4553
JAMES L. SENN, 3464
JAMES N. SERPA, 8957
KIMBERLY D. SEUFERT, 6290
CHAD R. SEVIGNY, 5675
JOSEPH A. SEXTON, 5186
JOHN K. SHAFER, 7755
MILHADO L. SHAFFER III, 5757
RAY A. SHANKLES, 8778
MICHAEL P. SHANNAHAN, 2766
BRETT D. SHARP, 3782
JEFFREY M. SHAW, 6890
ETHEL S. SHEARER, 7732
CHRISTINE J. SHEAROUSE, 5404
PERRY T. SHEAROUSE, 0324
*LISA C. SHEEHAN, 5190
BRYAN H. SHELBURN, 2998
MARIAN B. SHEPHERD, 6988
JOHN M. SHEPLEY, 0860
RYAN M. SHERCLIFFE, 8400
JEFFREY R. SHERK, 8052
GEORGE A. SHERMAN III, 1200
*BARBARA E. SHESTKO, 6958
JEREMIAH L. SHETLER, 9410
MICHAEL W. SHIELDS, 5204
FREDERICK R. SHINER, 5638
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WILLIAM L. SHOPP, 7543
*ALAN T. SHORE, 3870
LAWRENCE M. SHOVELTON, 1335
CHARLES A. SHUMAKER, 5667
DALE G. SHYMKEWICH, 8303
CHARLES P. SIDERIUS, 4620
JOSEPH F. SIEDLARZ, 8410
LEANNE M. SIEDLARZ, 5900
PATRICK R. SILVIA, 1044
*THOMAS A. SILVIA, 0079
JOSEPH SIMILE, JR., 1043
RONALD J. SIMMONS, 2315
ROBERT V. SIMPSON, 8608
*WILLIAM T. SINGER, 1000
NAVNIT K. SINGH, 9077
JAMES M. SIRES, 6916
JAMES B. SISLER, 0888
RICHARD A.P. SISON, 4821
LOUANN SITES, 8408
JOHN H. SITTON, 8195
JONATHAN L. SKAVDAHL, 9447
DAVID W. SKOWRON, 8057
MICHAEL L. SLOJKOWSKI, 7301
GREGORY L. SLOVER, 2117
ROBERT L. SLUGA, 1574
THOMAS E. SLUSHER, 7492
KALWANT S. SMAGH, 1812
KENNETH SMALLS, 5545
MARK P. SMEKRUD, 7324
DOUGLAS S. SMELLIE, 7006
BETTY M. SMITH, 1299
CHRISTOPHER AVERY SMITH, 3164
CORNELL SMITH, 6702
DAVID A. SMITH, 6876
DAVID GILMAN SMITH, 1811
DIRK D. SMITH, 4850
DORRISS E. SMITH, 7413
DOUGLAS R. SMITH, 0935
GEORGE T. SMITH III, 1513
GLENN P. SMITH, 8786
GREGORY A. SMITH, 7260
KENDA C. SMITH, 8831
*PAUL F. SMITH, 7970
RANDELL P. SMITH, 8563
*RICKY L. SMITH, 0869
SANDRA K. SMITH, 3758
SCOTT T. SMITH, 6514
THOMAS J. SMITH, 3869
VERNETT SMITH, 1079
CRAIG A. SMYSER, 4935
*DAVID ROBERT SNYDER, 9651
RICHARD H. SOBOTTKA, 7761
CLARK M. SODERSTEN, 9901
JAMES P. SOLTI, 6740
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DWIGHT C. SONES, 9945
MAURO D. SONGCUAN, JR., 9659
DAVID M. SONNTAG, 1094
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*PETER A. SORENSEN, 8256
EVA CHRISTINE SORROW, 0092
SEAN M. SOUTHWORTH, 0408
DAVID M. SOWDERS, 8958
ROBERT L. SOWERS II, 2916
MICHAEL J. SPANGLER, 5889
MILTON C. SPANGLER II, 2069
THOMAS E. SPARACO, 6471
*VANCE HUDSON SPATH, 9259
JONATHAN R. SPECHT, 8072
CALVIN B. SPEIGHT, 7151
TANGELA D. SPENCER, 1667
JAMES A. SPERL, 8092
CARLA M. SPIKOWSKI, 4303
HAROLD S. SPINDLER, 1000
ANDREW D. SPIRES, 8171
ERIC K. SPITTLE, 2168
ROBERT A. SPITZNAGEL, 0948
SAMUEL L. SPOONER III, 3823
SHARON L. SPRADLING, 7251
*WONSOOK S. SPRAGUE, 7282
STEPHEN L. SPURLIN, 4419
RAYMOND W. STAATS, 8738
JOHN J. STACHNIK, 5864
STANLEY STAFIRA, 1311
EDWARD C. STALKER, 9546
ALINE M. STAMOUR, 5485
GEORGE L. STAMPER, JR., 7230
CARL M. STANDIFER, 7878
BRIAN K. STANDLEY, 8217
MARIA STANEK, 4696
CLIFFORD B. STANSELL, 8606
MICHAEL P. STAPLETON, 6919
STEVEN H. STATER, 7376
GREGORY C. STAUDENMAIER, 1088
*DAWN M. STAVE, 3641
SHERRY L. STEARNS, 5566
JOHN H. STEELE, 8704
JENNIFER E. STEFANOVICH, 9965
*ETHAN A. STEIN, 1293
JOHN C. STEINAUER, 4712
CINDY D. STEPHENS, 4473
JAMES R. STEPHENS, JR., 0024
TIMOTHY M. STEPHENS, 4163
JAY C. STEUCK, 5631
ALAN C. STEWART, 4738
JEFFREY P. STEWART, 4339
KEVIN STEWART, 1382
DAVID R. STIMAC, 2631
HENRY E.E. STISH, 2165
CHARLES G. STITT, 0675
STEPHEN J. STOECKER, 9978
PATRICK J. STOFFEL, 6307
RODNEY J. STOKES, 0113
*SCOTT E. STOLTZ, 6233
CRISTINA M. STONE, 7697
ELMER C. STONE, JR., 4345
JAY M. STONE, 7258
*JOHN A. STONE, 8164
*CHRISTOPHER K. STONER, 6039
SHARION L. STONEULRICH, 2516
DOUGLAS C. STORR, 9358
PAUL S. STORY, 2124
*JULIA G. STOSHAK, 9302
ANGELA G. STOUT, 9008
NAOMI E. STRANO, 0726
CHRISTOPHER J. STRATTON, 6445
DANIEL E. STRICKER, 4355
ROBERT STRIGLIO, 3370
DANA E. STRUCKMAN, 9496
NELSON R. STURDIVANT, 2193
JAIME E. SUAREZ, 8736
CHARLES S. SUFFRIDGE, 9153
PATRICK T. SULLIVAN, 7422
SCOTT A. SULLIVAN, 0433
BEVERLY J. SUMMERS, 7698
LUTHER W. SURRATT II, 5611
CHRISTOPHER S. SVEHLAK, 3547
PETER F. SVOBODA, 2581
DEVIN P. SWALLOW, 7338
MICHAEL W. SWANN, 0726
RUSSELL L. SWART, 4526
BRUCE A. SWAYNE, 7525
BRYAN E. SWECKER, 1906
*JOHN G. SWEENEY, 5212
ROBERT J. SWEET, 7296
RICHARD W. SWEETEN, 5006
VIRGINIA G. SWENTKOFSKE, 3392
JOHN B. SWISHER, 1506
ELIZABETH A. SYDOW, 5850
JEFFREY P. SZCZEPANIK, 4100
STEVEN F. SZEWCZAK, 9494
DENISE M. TABARY, 1883
SCOTT D. TABOR, 2885
BRUCE A. TAGG, 2339
JON T. TANNER, 2329
MOLLY L. TATARKA, 2578
JAMES S. TATE, 0343
KYLE F. TAYLOR, 6214
ROBERT K. TAYLOR, 5737
STEPHEN W. TAYLOR, 7940
STEVEN M. TAYLOR, 4078
TIMOTHY S. TAYLOR, 9110
STEPHANIE M. TEAGUE, 4349
DAVID B. TEAL, 6089
ALVARO L. TEENEY, 8137
RAYMOND J TEGTMEYER, 9026
KEITH J. TEISTER, 8850
TAMMY R. TENACE, 6256
JOHN M. TENAGLIA, 6477
CURTIS G. TENNEY, 9866
TED M. TENNISON, 2664
MICHAEL J. TERNEUS, 6591
MARK D. TERRY, 0833
ROYCE M. TERRY, 4592
NEAL A. THAGARD, 2257
DOUGLAS G. THAYER, 4604
PAUL T. THEISEN, 9300
SCOTT D. THIELEN, 7272
BEN M. THIELHORN, 3483
JAMES C. THOMAS, 7038
JEFFERY L. THOMAS, 8440
JONATHAN W. THOMAS, 5680
WILLIAM C. THOMAS, 6741
CHARITY J. THOMASOS, 0257
BRADLEY P. THOMPSON, 8543
MICHAEL E. THOMPSON, 6456
ANDREW A. THORBURN, 4536
*RICHARD H. THORNELL, 7528
MICHAEL THORNTON, 7327
SHARON D. THUROW, 0539
KARI A. THYNE, 6945
*PERRY D. TILLMAN, 1101
JEFFREY M. TODD, 9713
STEVEN M. TODD, 6806
PATRICK M. TOM, 1666
KEVIN S. TOMB, 7138
KEVIN C. TOMPKINS, 8937
KEITH R. TONNIES, 1516
TIMOTHY K. TOOMEY, 8621
ALEXANDER V. FR TORRES, 2457
*CARLOS A. TORRES, 7705
ROBERT P. TOTH, 2829
STEPHEN J. TOTH, 4890
SUSAN A. TOUPS, 6442
ADDISON P. TOWER, 5493
JOEL B. TOWER, 7745
NELSON TOY, 8084
REBECCA A. TRACTON, 2896
DEE A. TRACY, 3400
HAI N. TRAN, 5206
GARY S. TRAUTMANN, 6582
SCOTT L. TRAXLER, 5848
TIMOTHY TREFTS, 7387
MARVIN H. TREU, 5678
CHERYL SCHARNELL TROCK, 8939
SANDRA K. TROEBER, 8058
HUGH M. TROUT, 5528
THOMAS J. TRUMBULL II, 2310
KENNETH C. TUCKER, 8691
ZENA A. TUCKER, 8290
*STEPHEN B. TUELLER, 2338
BARBARA A. TUITELE, 1275
KIP B. TURAIN, 6153
JOSEPH J. TURK, JR., 2998
SUSAN L. TURLEY, 0908
BRYAN K. TURNER, 9073
GREGARY S. TURNER, 6874
MICHAEL G. TURTURRO, 6981
LINDA M. TUTKO, 0040
RICHARD L. TUTKO, 0375
JAMES H. TWEET, 0939
SCOTT S. TYLER, 1094
WILLIAM R. TYRA, 3554
CHRISTINE S. UEBEL, 3478
*THOMAS R. UISELT, 4042
JAMES C. ULMAN, 4682
KEVIN R. UMBAUGH, 2427
*MICHAEL UPDIKE, 1646
DANIEL URIBE, 3430
GEORGE A. URIBE, 5076
DAVID J. USELMAN, 9341
AMY L. VAFLOR, 1454
GREG A. VALDEZ, 0487
VICENTE V. VALENTI, 7718
REBECCA M. VALLEJO, 3853
PAUL J. VALLEY, 8025
*BEMMELEN TROY A. VAN, 6434
HOOK RICHARD B. VAN, 4401
*JEFFERY A. VANCE, 7584
ROBERT M. VANCE, 3180
EDWARD J. VANGHEEM, 1096
KERRY VANORDEN, 0222
JOSEPH L. VARUOLO, 9574
CRISTOS VASILAS, 0324
GLENN M. VAUGHAN, 5655
SCOTT E. VAUGHN, 2042
WADE H. VAUGHT, 7198
*RAMON A. VELEZ, 3761
DANGE GERALD J. VEN, 5814
JOHN E. VENABLE, 4866
ANTONIOS G. VENGEL, 3515
DELORIES M. VERRETT, 6807
DAVID F. VICKER, 4396
PAUL E. VIED II, 1466
DARREN R. VIGEN, 8431
SCOTT D. VILTER, 5826
*KEITH E. VINZANT, 3876
DEAN C. VITALE, 2909
LEAMON K. VIVEROS, 8749
KEVIN M. VLCEK, 4613
DAVID A. VOELKER, 6520
CYLYSCE D. VOGELSANGWATSON, 8757
KARL W. VONLUHRTE, 7956
JAY C. VOSS, 9435
SUSAN M. VOSS, 4942
DARLENE E. WADE, 0225
ROBERT L. WADE, JR., 0689
JOHN G. WAGGONER, 4499
GARY F. WAGNER, 0171
JOHN A. WAGNER, 5210
THOMAS E. WAHL, 1673
DUNKIN E. WALKER, 4024
*EVA D. WALKER, 3878
SCOTTY L. WALKER, 7219
THOMAS B. WALKER, JR., 4253
*WESTON H. WALKER, 4533
EUGENE J.J. WALL, JR., 4685
BRIAN T. WALLACE, 7407
RICHARD E. WALLACE, 3461
GERALD W. WALLER, 1118
JASON W. WALLS, 4392
MITCHELL D. WALROD, 6169
*CATHERINE L. WALTER, 0905
KENNETH A. WALTERS, 6885
TODD P. WALTON, 1483
BUI T. WANDS, 0105
BENJAMIN F. WARD, 5843
DALE A. WARD, 2955
KEVIN D. WARD, 5726
WALTER H. WARD, JR., 3530
GEORGE H.V. WARING, 6334
PETER H. WARNER, 9153
RUSSELL M. WARNER, 3805
TIMOTHY S. WARNER, 8642
BRIAN L. WARRICK, 9107
MARY E. WARWICK, 4280
JOHN A. WARZINSKI, 9791
*ANGELA D. WASHINGTON, 0065
HARRY W. WASHINGTON, JR., 2428
JOSEPH M. WASSEL, 9443
KERVIN J. WATERMAN, 7767
LARRY K. WATERS, 6116
JAMES N. WATRY, 4934
LEANNE M. WATRY, 1281
CHRISTINA L. WATSON, 9822
DON R. WATSON, JR., 1703
JOHN K. WATSON, 1538
NINA A. WATSON, 0492
RICHARD A WATSON, 5520
ROBERT O. WATT, 7885
MICHAEL K. WEBB, 3991
TIMOTHY S. WEBB, 1517
ERNEST P. WEBER, 3958
ROBERT J. WEBER, 0371
DOROTHY A. WEEKS, 6540
HAL J. WEIDMAN, 7439
JERRY A. WEIHE, 3916
JEFFERY D. WEIR, 5105
*JOHN K. WEIS, 3887
KATHLEEN A. WELCH, 4596
CLAY E. WELLS, 3493
CAROL P. WELSCH, 8459
*ROGER M. WELSH, 7271
NEIL D. WENTZ, 7620
KRISTA K. WENZEL, 5777
ELIZABETH A. WEST, 3437
OTIS K. WEST, 5007
DANIEL H. WESTBROOK, 9448
BEATRIZ WESTMORELAND, 1673
RALPH D. WESTMORELAND, 1929
GREGORY G. WEYDERT, 5574
JEFFERY C. WHARTON, 5579
ROBERT L. WHITAKER, 0253
JEFFREY M. WHITE, 5251
MARK H. WHITE, 0232
MICHAEL I. WHITE, 7649
RANDALL L. WHITE, 1592
TIMOTHY M. WHITE, 2424
MARY M. WHITEHEAD, 3507
RONALD J. WHITTLE, 6148
JAMES D. WHITWORTH, 7528
*WILSON W. WICKISER, JR., 8502
ROBERT WILLIAM WIDO, JR., 6164
JEFFREY L. WIESE, 2753
GLEN M. WIGGY, 3321
HOLLY R. WIGHT, 1294
JOHN L. WILKERSON, 4396
KIRK D. WILLBURGER, 2363
DAVID R. WILLE, 0902
APRIL Y. WILLIAMS, 8829
CARL J. WILLIAMS, 1778
CARY M. WILLIAMS, 4221
DOUGLAS A. WILLIAMS, 3869
GREGORY A. WILLIAMS, 1432
GREGORY S. WILLIAMS, 8513
MICHAEL R. WILLIAMS, 9640
NANCY J. WILLIAMS, 5687
NANCY T. WILLIAMS, 3704

NANETTE M. WILLIAMS, 7460
PATRICK J. WILLIAMS, 9611
PAUL E. WILLIAMS, 3385
PAUL R. WILLIAMS, 7079
THOMAS M. WILLIAMS, 8082
TIMOTHY L. WILLIAMS, 4937
*ANNETTE J. WILLIAMSON, 5595
SHERI L. WILLIAMSON, 7069
ERIC E. WILLINGHAM, 7868
ADAM B. WILLIS, 5348
ANTHONY W. WILLIS, 5830
TRAVIS A. WILLIS, JR., 3605
CHRISTOPHER A.D. WILLISTON, 5388
STEWART S. WILLITS, 6771
CEDRIC N. WILSON, 9790
DARRYL L. WILSON, 5169
DONALD R. WILSON, 8292
DWAYNE L. WILSON, 5446
GREGORY WILSON, 0126
JANET L. WILSON, 6370
JOEL L. WILSON, 1510
KAREN G. WILSON, 8192
KELLY D. WILSON, 9065
MARTY E. WILSON, 2226
TIMOTHY D. WILSON, 9289
VAN A. WIMMER, JR., 1756
MARTIN G. WINKLER, 7129
MARYELLEN M. WINKLER, 7161
MATTHEW R. WINKLER, 4907
BRAD S. WINTERTON, 3858
DUDLEY C. WIREMAN, 5336
DAVID B. WISE, 3623
DOUGLAS P. WISE, 8729
JAMES H. WISE, 3428
COLLEEN M. WISEVANNATTA, 5799
*CHARLES F. WISNIEWSKI, 8885
*BRIAN E. WITHROW, 1555
SCOTT J. WITTE, 7811
JULIE A. WITTKOFF, 3973
JOEL L. WITZEL, 4799
JEFFREY S. WOHLFORD, 9921
*TERRI S. WOMACK, 4559
DEANNA C. WON, 8490
GRAND F. WONG, 6748
*KEVIN K.Y. WONG, 7059
*THERESA G. WOOD, 4027
TIMOTHY S. WOOD, 7899
NEIL E. WOODS, 4017
VINCENT G. WOODS, 3290
LARRY D. WORLEY, JR., 7746
MICHAEL A. WORMLEY, 4375
NORMAN M. WORTHEN, 7091
BARBARA L. WRIGHT, 3499
EDDY R. WRIGHT, 7283
EDWARD K. WRIGHT, JR., 5411
*JOEL C. WRIGHT, 0037
*NATASHA V. WROBEL, 7837
JOHN R. WROCKLOFF, 4115
DANIEL M. WUCHENICH, 7897
CHRISTIE M. WYATT, 8077
MARK P. WYROSDICK, 3238
JULIE ANN WYZYWANY, 4552
JASON R. XIQUES, 4864
JOSEPH M. YANKOVICH, JR., 3982
ANCEL B. YARBROUGH II, 3292
TAMARA YASELSKY, 2497
JEFFREY H.L. YEE, 9753
JEFFREY K. YEVCAK, 1051
BRIAN B. YOO, 8301
JOHN P. YORK, 0946
DAVID A. YOUNG, 0994
JANE C. YOUNG, 8709
RICHARD R. YOUNG, 3858
WILLIAM G. YOUNG, 3042
RAMONA D. YOUNGHANSE, 1120
RITA R. YOUSEF, 3354
LING YUNG, 1881
*WILLIAM Z. ZECK, 6402
GREGORY S. ZEHNER, 3513
ELIZABETH A. ZEIGER, 3700
WILLIAM E. ZERKLE, 4593
*STEPHEN T. ZIADIE, 1384
*JAMES D. ZIMMERMAN, 1776
THOMAS ZUPANCICH, 7071
STEVEN R. ZWICKER, 8162

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 624:

To be brigadier general

HARRY B. AXSON, JR., 8396
GUY M. BOURN, 3022
RONALD L. BURGESS, JR., 2986
REMO BUTLER, 3143
WILLIAM B. CALDWELL IV, 8600
RANDAL R. CASTRO, 5962
STEPHEN J. CURRY, 1664
ROBERT L. DECKER, 3601
ANN E. DUNWOODY, 4139
WILLIAM C. FEYK, 7754
LESLIE L. FULLER, 0504
DAVID F. GROSS, 0065
EDWARD M. HARRINGTON, 9537
KEITH M. HUBER, 0101
GALEN B. JACKMAN, 4626
JEROME JOHNSON, 6280
RONALD L. JOHNSON, 8452
JOHN F. KIMMONS, 1861
WILLIAM M. LENAERS, 8865
TIMOTHY D. LIVSEY, 9286
JAMES A. MARKS, 6071
MICHAEL R. MAZZUCCHI, 4315
STANLEY A. MCCHRYSTAL, 3565
DAVID F. MELCHER, 8170
DENNIS C. MORAN, 4584
ROGER NADEAU, 8893
CRAIG A. PETERSON, 3114
JAMES H. PILLSBURY, 8970
GREGORY J. PREMO, 5029
KENNETH, J. QUINLAN, JR., 0015
FRED D. ROBINSON, JR., 0142
JAMES E. SIMMONS, 7320
STEPHEN M. SPEAKES, 9036
EDGAR E. STANTON III, 8742
RANDAL M. TIESZEN, 5163
BENNIE E. WILLIAMS, 1311
JOHN A. YINGLING, 0713

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS N. BURNETTE, JR., 2524

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BILLY K. SOLOMON, 4119

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RICHARD W. BAUER, 6235
RONALD S. BUSH, 7845
DEREK K. WEBSTER, 4315

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be commander

ROBERT A. YOUREK, 9084

To be lieutenant commander

MICHAEL P. BURNS, 6423
LORENZO D. BROWN, 7298

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be captain

DOUGLAS G. MACCREA, 8757
MICHAEL L. FELMLY, 2545
JAMES S. VACEK, 0571
SUSAN E. JANNUZZI, 6023

To be commander

JEAN E. KREMLER, 7221
RONNIE C. KING, 1194
JOHN R. POMERVILLE, 6117

To be lieutenant commander

MLADEN K. VRANJICAN, 4184

CONSUMER PRODUCT SAFETY COMMISSION

MARY SHEILA GALL, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 1998. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 1999:

DEPARTMENT OF STATE

KENT M. WIEDEMANN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

DEPARTMENT OF EDUCATION

LORRAINE PRATTE LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION.

DEPARTMENT OF DEFENSE

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1999.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2005.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

COL. JOSEPH COMPOSTO, 3413

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

HIRAM E. PUIG-LUGO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

STEPHEN H. GLICKMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

ERIC T. WASHINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT R. BLACKMAN, JR., 0141
BRIG. GEN. WILLIAM G. BOWDON III, 2940
BRIG. GEN. JAMES T. CONWAY, 2270
BRIG. GEN. ARNOLD FIELDS, 0640
BRIG. GEN. JAN C. HULY, 6184
BRIG. GEN. JERRY D. HUMBLE, 2378
BRIG. GEN. PAUL M. LEE, JR., 3948
BRIG. GEN. HAROLD MASHBURN, JR., 6435
BRIG. GEN. GREGORY S. NEWBOLD, 6783
BRIG. GEN. CLIFFORD L. STANLEY, 4000

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CRAIG R. QUIGLEY, 1769

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT A. HARDING, 6107

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL V. HESTER, 2071

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN B. COTTON, 2052
REAR ADM. (LH) VERNON P. HARRISON, 2188
REAR ADM. (LH) ROBERT C. MARLAY, 9681
REAR ADM. (LH) STEVEN R. MORGAN, 1542
REAR ADM. (LH) CLIFFORD J. STUREK, 3187

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN F. BRUNELLI, 8026
REAR ADM. (LH) JOHN N. COSTAS, 6461
REAR ADM. (LH) JOSEPH C. HARE, 2723
REAR ADM. (LH) DANIEL L. KLOEPPEL, 8985

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. NICHOLSON, 4342
COL. DOUGLAS V. ODELL, JR., 0212
COL. CORNELL A. WILSON, JR., 9123

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROGER A. BRADY, 6581

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. JOHN M. KEANE, 9856

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND P. AYRES, JR., 5986

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EARL B. HAILSTON, 8306

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK LIBUTTI, 7426

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be major

DONNA R. SHAY, 5371

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOSEPH B. HINES, AND ENDING *PETER J. MOLIK, WHICH NOMINATIONS WERE

RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

TIMOTHY P. EDINGER, 5970

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

CHRIS A. PHILLIPS, 9579

ARMY NOMINATIONS BEGINNING ROBERT B. HEATHCOCK, AND ENDING JAMES B. MILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

ARMY NOMINATIONS BEGINNING PAUL B. LITTLE, JR., AND ENDING JOHN M. SHEPHERD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

ARMY NOMINATIONS BEGINNING BRYAN D. BAUGH, AND ENDING JACK A. WOODFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DALE A. CRABTREE, JR., AND ENDING KEVIN P. TOOMEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

MARINE CORPS NOMINATIONS BEGINNING JAMES C. ADDINGTON, AND ENDING DAVID J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

MARINE CORPS NOMINATIONS BEGINNING JAMES C. ANDRUS, AND ENDING PHILIP A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DON A. FRASIER, 6234

THE FOLLOWING-NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

NORBERTO G. JIMENEZ, 6293

NAVY NOMINATIONS BEGINNING NEIL R. BOURASSA, AND ENDING STEVEN D. TATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

NAVY NOMINATIONS BEGINNING BASILIO D. BENA, AND ENDING HAROLD T. WORKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

WITHDRAWAL

Executive message transmitted by the President to the Senate on May 26, 1999, withdrawing from further Senate consideration the following nomination:

EXECUTIVE OFFICE OF THE PRESIDENT

MYRTA K. SALE, OF MARYLAND, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE G. EDWARD DESEVE WHICH WAS SENT TO THE SENATE ON JANUARY 7, 1999.

HOUSE OF REPRESENTATIVES—*Wednesday, May 26, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SUNUNU).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 26, 1999.

I hereby appoint the Honorable JOHN E. SUNUNU to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We learn from the book of Psalms that we should make a joyful noise to You, O God, and that we should break forth into joyous song and sing praises. With all of the suffering and pain in the world, let us begin our day by giving thanks to You, gracious God, for Your goodness and Your love to us and to all people. You lead us when we are lost; You comfort us when we are weak; You forgive us when we have missed the mark, and You show us the path of good will and peace. With gratefulness and praise we laud Your name and ask for Your blessing. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi (Mr. SHOWS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHOWS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1183. An act to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 254. An act to reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute speeches on each side.

AMERICANS DESERVE ANSWERS, NOT QUESTIONS

(Mr. BURR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR of North Carolina. Mr. Speaker, I rise today to tell a story, an entertaining story of spies and secrets. Some may even think it sounds like a James Bond movie, but unfortunately, it is not a fictional tale.

I am, of course, referring to the Select Committee's report that was released yesterday, a report that details acts of espionage compromising our most precious military secrets. These findings frightened me months ago when I was briefed and they disgust me today.

What is the difference between a Bond movie and the Select Committee's report? In the Bond movie, the Department of Justice would have allowed wiretaps. In a Bond movie, we would have gotten the bad guy.

All the American people have gotten out of this process are questions. Why did the Department of Justice limit the investigation? Why did the Department of Justice drag their feet? Why was not the President told and, if he was, why did he not do anything? Why, why, why?

The American people, Mr. Speaker, deserve answers, not questions.

CONSUMER SAFETY WITH GUNS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we move toward Memorial Day to honor this Nation's heroes who have given their lives to save us and to give us liberty and freedom, I want to rise today to say that I am serious about our children, serious about the violence, the death, the pain, the anguish. Serious about Americans who wish that we would act in honor of our children, in honor of those who we have lost, and yes, in honor of those who gave their lives for our freedom.

Mr. Speaker, is it not interesting that this little toy with its plastic eyes is regulated by the Consumer Product Safety Commission, and yes, this little fellow is likewise regulated, because we know children who do not understand the danger of putting things in their mouth have to be protected. But yet, guns, Mr. Speaker, are allowed to be in the hands of our children. There are no safety locks and, in fact, we do not understand that we must be serious about protecting our children, Mr. Speaker.

Pass the Gun Law Safety Act this week.

U.S. NUCLEAR ARSENAL COMPROMISED

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, people in the White House talk an awful lot about "the children." Well, today, our children are a lot less safe and a lot less secure because our entire nuclear arsenal has been compromised.

Communist China acquired our most sophisticated technology, some by theft but even more right through the front door. This administration has sold the Chinese communists high-speed supercomputers, sophisticated satellite launch technology, state-of-the-art machine tools and ultra sophisticated nuclear energy design technology. Communist China now sells our technology to Iran and other rogue nations, but we do nothing. The White House covers it up and even denies China has done it.

We are discovering now that in 1995 communist China had stolen the crown jewel of our nuclear arsenal and yet this administration did nothing about it. If the President is to be believed, no one even informed the Commander in Chief.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Well, now, communist China has 13 nuclear missiles which are more accurate, more deadly, because of White House actions, aimed at our children.

CONGRATULATIONS TO UNION CARBIDE CORPORATION TECHNICAL CENTER

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, this is a noteworthy week in South Charleston, West Virginia, as Union Carbide Technical Center celebrates its 50th anniversary. As an innovator for Union Carbide's activities located worldwide, the Tech Center was located in April 1949 in the original research building. I want to congratulate Union Carbide's CEO, Dr. William Joyce, the employees and the retirees of the Technical Center, as we look forward to continuing a very productive working relationship.

The Tech Center, in addition to being a highly profitable and decorated organization, has also been an excellent corporate citizen in its involvement as volunteers in the area and a good partner for the community.

Since its location 50 years ago, the site has grown to approximately 650 acres, and the technical center offers worldwide assistance to Union Carbide in its manufacturing businesses and research, development and engineering. It comes as no surprise that Union Carbide has won awards for three of its products and services primarily developed at the technical center.

We want to congratulate again Union Carbide for being a good citizen and its 50th anniversary.

WANG GOT GUNS AND CLINTON GOT CASH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I would like to respond to my Second Amendment-loathing friend on the liberal side of the aisle. If the administration and its defenders in Congress are so concerned about guns, then why did the Clinton administration sign a waiver on February 2, 1996 for a Chinese gun company to import 100,000 additional assault weapons and millions of bullets?

Here is some information that my colleagues on the other side might not want to hear. Four days later, on February 6, 1996, the Chinese arms exporter attended a White House fund-raiser; I mean a coffee, that raised money, but it was not a fund-raiser. That exporter was named Wang Jun.

In obtaining a visa he had filed a letter from Ernest Green, a close Clinton friend and top fund-raiser. The day after he had coffee with the President, Ernest Green's wife contributed $50,000 to the DNC. Her contribution the year before was $250.

Can anyone imagine why suddenly Wang got his guns on American streets and Clinton got his campaign cash?

WAR IN KOSOVO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the headlines read, crisis in Kosovo. Conflict in Kosovo. Spare me, Mr. Speaker. This is war in Kosovo, stone-cold war. And it is time, it is time to support independence for Kosovo. There will be no long-lasting peace without it. It is time to arm the KLA and send Milosevic looking over his shoulder, and it is time to arrest Milosevic for war crimes.

One last point. After it is over, Europe should clean up Kosovo and Europe should pay for the concrete and steel to rebuild Kosovo, not the American people.

REJECT AMENDMENT TO INCREASE MILK TAX

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Speaker, later today the House is expected to consider an amendment to the agricultural appropriations act that would essentially prevent Secretary Glickman from implementing his proposed very modest milk marketing reforms.

This amendment is terrible public policy. It would reinforce what I call the milk tax, government-imposed costs on dairy products, costs to the tune of $1 billion annually.

In a recent letter, Citizens Against Government Waste said it "opposes any effort to artificially mandate higher milk prices and will score the vote for such an amendment as a vote against the U.S. taxpayer." Against the U.S. taxpayer.

This amendment is bad for taxpayers, it is bad for consumers, and yes, it is bad for family farms. I urge my colleagues to join me later today in rejecting this amendment to increase the milk tax.

GUN VIOLENCE IN OUR SCHOOLS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, as a school nurse I rise today to address a national crisis in our schools: gun violence. I spent last weekend with my two grandchildren. Hugging them, my heart ached for the parents and grandparents whose kids attend Heritage and Columbine High School.

Something is terribly wrong when school shootings become commonplace in our society. There is no simple solution to youth violence, but common sense gun control is an important place to start.

Mr. Speaker, we worry about the safety of our children's toys, but we do not have child safety locks on guns. Let us get real.

Last week, the Senate passed sensible legislation that will save lives. Now the House must act. Not next month, today. Each day, 13 children under age 19 are killed because of guns.

Mr. Speaker, Congress should listen to parents, grandparents and students everywhere and act now to stop this national epidemic.

DOD AUTHORIZATION BILL

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, the United States military has been stretched to the point of breaking. Congress has had to increase the President's defense budget by $50 billion over the last five years just to add to important unfunded requirements. While operational commitments around the world have increased by 300 percent since 1989, the Air Force and Army have been reduced by 45 percent, the Navy, 36 percent, and the Marines, 12 percent. Mr. Speaker, these are frightening numbers.

The conflict in Kosovo has revealed to the world the questionable readiness state of the United States military. Readiness of our military equipment goes beyond the state of hardware and encompasses the quality of life of our soldiers.

Mr. Speaker, the United States military has been operationally deployed 30 times in the last 8 years. To retain our skilled military personnel, operation tempos must be reduced and readiness accounts must be increased.

H.R. 1401, the Fiscal Year 2000 National Defense Authorization Act, adds much-needed funds to vital military readiness, personnel, procurement, construction and research accounts. I urge my colleagues to vote "yes" on H.R. 1401.

THE WAR IN KOSOVO

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the Los Angeles Times headline points out that the United States or NATO is preparing to send 50,000 troops to Kosovo, to the Kosovo border. They call them peacekeepers. Sure. And the White House says we are not at war.

Mr. Speaker, 50,000 heavily armed troops to the Kosovo border. The Rambouillet Peace Agreement called for 28,000 troops, but we are sending 50,000 armed troops to the Kosovo border.

□ 1015

The air strikes have not worked. Twenty thousand sorties, and the White House says we are not at war. There has been no resistance from the air, but Milosevic's troops are preparing for a ground war. There has been no progress in peace talks because the U.S. is not letting the Russians help, and there is no real effort to find an agreement. There is an insistence on total NATO occupation of the Federal Republic of Yugoslavia.

America, we are headed towards a ground war in Kosovo. Congress voted against declaring war, and we are at war. Congress voted against an air war, and we are at war. We have an air war. Congress voted against a ground war, and we are headed towards a ground war.

This war violates the U.S. Constitution, a violation of the War Powers Act. We need to respect the Constitution. Pursue peace, not war. Pursue peace through negotiation and mediation. Do not escalate this war.

PRICE-SETTING PRACTICES ON MILK CONSTITUTE INTERNAL TRADE BARRIERS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I want to engage in a little visualization quiz with my colleagues this morning. If all the Members would just close their eyes, relax, and think.

Think of all the things that our Federal Government artificially sets prices on based on their distance from a specific geographic location. Think hard. There is only one correct answer.

Here is a hint: It is the only product where we allow States to set up artificial trade barriers. Here is another hint: It gives you a white mustache, and it is actually good for you. That is right, milk, only milk.

Here is another interesting factoid. At the very time when we are trying to break down trade barriers around the world, some Members are actually trying to construct trade barriers here in the United States when it comes to milk.

INTRODUCING THE NAFTA IMPACT RELIEF ACT

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, today I am introducing the NAFTA Impact Relief Act. Since NAFTA was introduced in 1994, factories across the country and in my district, Centreville, Prentiss, Collins and Magee, have shut down and lost thousands of jobs, exploiting cheap foreign labor.

The NAFTA job retraining program is sorely underfunded and really not very complete. It misses the point. When people in the rural area lose a factory, there is not a job to be retrained for. They need actual jobs.

The NAFTA Impact Relief Act creates new jobs by authorizing the Secretary of Commerce to designate NAFTA-impacted communities similar to enterprise zones. Businesses would receive tax incentives to locate and hire workers in these communities.

The NAFTA Impact Relief Act is a win-win for business and labor, and needs to become law. I urge my colleagues to get behind the bill, because there are many, many unemployed Americans in this country because of NAFTA. Please help us.

THE ADMINISTRATION HAS FAILED IN PROTECTING AMERICA'S NUCLEAR WEAPONS SECRETS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, in 1995 the person in charge of counterintelligence at the Department of Energy discovered some devastating information. It appeared that the Communist Chinese had obtained our most important nuclear secrets.

The most advanced nuclear weapon in our arsenal, the W-88, had somehow been given to the Communist Chinese. It was so horrific he could hardly believe his ears; the worst possible case, the ultimate national security disaster.

Communist China was the same country that was selling weapons of mass destruction technology to Iran and other rogue regimes, the same country that imprisoned citizens for their political beliefs, the same country that massacred a thousand in Tiananmen Square for believing in freedom.

That Energy Department official then sounded the alarm, but no one listened. The Justice Department unbelievably turned down the FBI's request twice to wiretap the scientist suspected of giving away the most important secret the United States owned, and political appointees at the White House downplayed the disaster. This administration has utterly failed us.

CALLING FOR SENSIBLE GUN SAFETY LEGISLATION THIS WEEK

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise this morning to support sensible gun safety legislation to protect our young people. We have a lot of problems in this country and espionage is one of them, but the most pressing problem we have today is gun violence. We need to pass sensible gun safety legislation now.

First, we need to pass child safety locks, so that babies and young people cannot get ready access to guns and have accidents of tragic consequences.

Second, we need background checks at pawn shops and at gun shows, so thugs cannot buy guns off the market and then sell them in our communities to our young people.

Third, we need to ban these high-capacity ammunition clips that are imported into our country. This is not the movie Matrix. We are not having gunfights with drug lords on the streets. The average citizen has a right to have a gun, and I believe that, but we in Congress have a responsibility to enact sensible gun control.

The second point I want to make this morning is we need to do it now. This is not rocket science. We need to move on gun control legislation this week, before we go home.

THE BEST SECURITY IS A BRIGHT LIGHT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, my parents told me that the best security is a bright light. Americans want to know if the Chinese nuclear arsenal was built on the genius of American scientists and on the backs of the American taxpayers.

Our counterintelligence at the Department of Energy has been a specific concern of the Permanent Select Committee on Intelligence for some time, and we all deserve answers.

This Congress must pursue investigative public hearings based on information provided by the Cox Committee that examines Chinese-directed espionage against the United States, including efforts to steal nuclear and military secrets; that will examine Chinese-directed covert action type activities conducted against the United States, such as the use of agents to influence and efforts to subvert or otherwise manipulate the U.S. political process.

Mr. Speaker, Motel 6, I think, has a motto: We'll keep the lights on." Unfortunately, the White House has turned the lights off, and now our national security is at stake.

America deserves answers, and that is what they shall get. I yield back to America all the lights they may need and any national security we have left.

CONGRESS SHOULD ENACT GUN SAFETY LEGISLATION NOW

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, when manufactured products injure our children, we must act. When manufactured products play a role in the death of our children, we must act. This concept is simple and is not new. For years safety regulations have been promulgated aimed at protecting our children from certain products.

I hold in my hand a product that is small but has maimed or taken the lives of thousands, a firecracker. Forty percent of its victims have been children under 15 years of age. Fortunately, however, injury rates from this product are at an all-time low, dropping 30 percent from 1995 to 1996 alone. Why? Federal safety regulations. In other words, we took action.

It took decades of tragic experience to teach us this lesson. We are now facing a similar situation. Thirteen of our Nation's youth are dying each day from a manufactured product, guns.

I submit that we learn our lesson now. Again, this concept is simple. It is not new. Let us act this week to ensure the safety of our children.

INTRODUCTION OF LEGISLATION TO PROVIDE RELIEF FOR THE MARRIAGE TAX PENALTY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, with Federal taxes at an all-time high, Congress has, I think, a moral obligation to provide some relief to the American people. While there are several tax cut proposals that are being debated in the House, I believe one deserves immediate attention. That issue is the marriage penalty.

Under current law, 21 million couples, 21 million couples are required to pay an additional $1,400 a year in taxes simply because they are married. This ridiculous policy is undermining the institution of marriage, and making it harder for working families to get ahead.

I have introduced legislation that addresses this problem by increasing the standard deduction provided to married couples so that it equals twice the amount of the deduction provided to single taxpayers. It should make sense.

This commonsense proposal would provide some relief from the marriage penalty, inject some fairness into the Tax Code, and strengthen working families. I urge my colleagues to support it.

ASKING THE REPUBLICAN LEADERSHIP TO TAKE UP GUN SAFETY LEGISLATION NOW

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, this week we are taking up a bill that will fund congressional salaries, fund the cleaning of the marble and the brass in the Capitol, and pay for the furniture in our offices.

Apparently we have time for that, but we do not have time to take up legislation to fund more counselors and after school programs for our children. While it seems we can find the time to regulate the manufacture of toys, it seems we cannot find the time to put some modest safety regulations on guns, regulations to keep our children safe.

Mr. Speaker, where are Republican priorities? Is it the guns or our children? Is it the marble and the brass, or our schools and our communities?

It is time to make a choice. It is no use passing a bill to keep our Capitol marble and brass gleaming if we cannot pass a bill to keep our children safe in school.

The true glory of this Capitol is what we do in this Chamber, so I ask the Republican leadership to let us take up legislation to keep our children safe today; not tomorrow, not next month, but today, before we lose another life.

SAVING LIVES CAN RESULT WHEN PEOPLE START OBEYING EXISTING LAWS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my colleague, the gentleman from New Jersey (Mr. MENENDEZ). I would say this, this does become a matter of priorities. We need to reach out and save American lives.

One way we can do that is by taking a careful, considered look at the problem of domestic violence and school violence, but also at the very real threat the Chinese now present to the American people.

Mr. Speaker, nuclear weapons are really big guns. They are not firecrackers. The grim reality is that this administration, the Clinton-Gore gang, took hundreds of thousands of dollars of campaign contributions from the Communist Chinese, and an arms dealer by the name of Wang Jun provided some of that money. Curiously, the Justice Department waived any restrictions. The result was, 100,000 assault weapons were turned loose in the city of Los Angeles, adding to the violence.

Mr. Speaker, it is one thing to talk about laws, and it is one thing to preen and posture on convictions, but the fact is, serious results come when people start by obeying existing laws.

INTERNATIONAL CODE-SHARING AGREEMENTS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is interesting. I have listened to all the speeches, and I can tell the Members that we do have a number of issues that are pressing that we need to address. Gun violence certainly is one we need to address, and not just talk about the issue, but also talk about what it takes to correct it.

We are correcting the Chinese situation because it was discovered, and it is being addressed in this administration. It has been going on for 20 years.

I rise today to talk about another issue of great concern to the flying public. We hope we can address it soon, and not look up 20 years and find all of these planes are crashing that are connecting with ours. It is called international code-sharing agreements.

Code sharing agreements are agreements between air carriers, most often a U.S. carrier and a foreign flag carrier, whereby the U.S. carrier can sell seats on the other carrier's flight while identifying it as their own.

What this means in an international market is that while the passenger's ticket may say he or she is flying on a U.S. carrier overseas, in reality it is an overseas flight, and they do not meet the same safety standards.

I will continue to work to get this issue addressed.

BLAME AND THE CHINESE ESPIONAGE SCANDAL

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, with regard to the Chinese espionage scandal, I have heard the other side say over and over again; let us not overreact; let us not politicize this; there is plenty of blame to go around; it is Ronald Reagan's fault, and, of course, the "everybody does it" defense that we hear every single time wrongdoing by this administration is discovered. It is almost as though they have no interest in the real problem, our national security.

This administration's real attention, its real interest, was raising campaign cash, avoiding blame, avoiding embarrassment, getting reelected. Change the subject, talk about guns, cigarettes, school uniforms. Let us do it for the children.

If the Clinton administration had really wanted to do something to make the children of this Nation safer, they would have protected them from potential nuclear annihilation some day. That is what they should have been doing. Instead, they were raising campaign cash.

WHY WAIT TO DEBATE GUN SAFETY LEGISLATION?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday the Republican leadership announced that it was willing to bring gun safety legislation to the floor of the House in mid June.

After a week of wrangling and stalling, I applaud their decision to join the Democrats to discuss fair and sensible measures that will in fact save children's lives. But why are we waiting? There is not a reason to put off until tomorrow actions that will reduce the chances of tragedy today.

□ 1030

Why do American parents have to wait, when they are so scared? I quote to my colleagues from USA Today. "Slightly more than half of parents with school-aged children say they fear for their children's safety when they are at school, up from 37 percent 1 year ago."

Parents in this country need to know that this body is willing to act, willing to act quickly to allay their fears and not make them fearful to send their children to school every single day. That is not what the United States is all about.

Why are we stalling the American public? Do we want the additional time to give the NRA the opportunity to twist arms? Measures like this will pass this House in a heartbeat. Let us do it, let us do it in the next 2 days.

ARMING OF COMMUNIST CHINA

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, the mantra of the Democrats this day has been gun control. But Mr. Speaker, it is very, very difficult to entrust this administration and that side of the aisle with gun control when they have been so unsuccessful with arms control.

Many are calling the information revealed in the Cox Report the scandal of the century. There are two major scandals detailed in this impressive bipartisan report. There was a national security breakdown in the Energy Department labs, a breakdown that started in the 1970s and became nearly total beginning in 1993 under an administration that has never taken national security issues seriously.

And there is an even bigger scandal, the effort to downplay, to cover up and to thwart investigations into the first scandal when it became known in 1995. I repeat, the bigger of the two scandals is not that China successfully spied on the U.S., but the almost incomprehensible reaction to that fact when it was discovered in 1995.

The biggest scandal of all is the arming of the communist Chinese after hundreds of thousands of dollars of campaign contributions to the Democratic Party.

HOUSE SHOULD PASS GUN SAFETY LEGISLATION BEFORE MEMORIAL DAY BREAK

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, the recent spate of school shootings has left us all saddened, stunned and determined to do something. It is time for all of us to respond to the outrage of the American people. The public wants us to protect children from random gun violence, and they want action on child gun safety legislation. We need to act and we need to act now. Every day we wait, another 13 children die at the hands of a gun.

I do not believe that legislation is the only solution to this complex problem of youth violence, but I do believe that the easy availability of firearms is a clear contributing problem. That is why my Democratic colleagues and I urge the leadership to bring three reasonable gun safety bills to the House floor this week. These three bills are similar to the legislation enacted in the Senate and are commonsense solutions to some of the problems we face.

First is a bill that requires background checks for all firearms sales at gun shows. Second, a bill that requires all handguns to be fitted with child safety locks. And, finally, banning large ammunition magazines. Let us do it this week.

SOCIAL SECURITY

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOEKSTRA. Mr. Speaker, it is time to review a little history. Just last year Republicans put forward a commonsense proposal to save 90 percent of the budget surplus for Social Security. Simply, it was called the 90-10 Plan, 90 percent for Social Security, 10 percent for tax cuts.

That proposal was vilified every day for months by Democrats as a raid on the Social Security Trust Fund. Let me repeat that. Democrats repeated day in and day out that because only 90 percent of the surplus was designated to go to Social Security, that proposal was a raid on the Social Security Trust Fund.

Now this year the President has proposed to set aside 68 percent of the surplus for Social Security, which last time I checked was less than the 90 percent which the Republican proposal set, and yet the President claims that his proposal saved Social Security while ours was a raid on the Social Security Trust Fund.

Now, there is some reasoning that I just do not trust.

PROTECTING CHILDREN FROM GUN VIOLENCE

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, with horror we have watched a string of school shooting tragedies over the last 2 years: Littleton, Colorado; Springfield, Oregon; Fayetteville, Tennessee; Edinboro, Pennsylvania; Jonesboro, Arkansas; West Paducah, Kentucky; Pearl, Mississippi; and just last week in Conyers, Georgia.

Thirteen children under the age of 19 are killed each and every day because of guns. Families are so afraid of school violence that children are kept home. This is a serious crisis and we need to act now. Our colleagues in the other body took action last week. The House can and should begin debate on how to reduce youth violence before this Memorial weekend break.

Addressing the issue of school gun safety and media violence alone will not solve the problem. We need to address the broader issue of the quality of our children's education. A real solution must deal with the issues of class size, which is especially important in my District of Queens and the Bronx, but also of discipline, of safety officers and guidance counselors in our schools, both in pre- and after-school programs as well.

We cannot wait for another tragedy to happen before Congress acts, Mr. Speaker. We as Democrats stand ready to force a vote now on a juvenile justice bill so we can get it to the President's desk by the end of this school year.

SECURITY OF OUR NATION DEPENDS ON OUR RESPONSE TO CHINESE ESPIONAGE

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Winston Churchill once said, "Men occasionally stumble upon the truth, but most of them pick themselves up and hurry off as if nothing happened."

Yesterday, the House Select Committee on U.S. Security and Military/

Commercial Concerns with the People's Republic of China released their report on Chinese spying. We now know the truth. The Chinese communists have obtained virtually all of our nuclear secrets. And today, brand new American-designed Chinese missiles are aimed at our homes.

Mr. Speaker, we know the truth and we are not going to hurry off as if nothing had happened. The security of our Nation depends on how we respond to this report of Chinese espionage. It is not too late to pass a Nation that is safe and secure to our children.

Through a strong defense, more decisive leadership, and a renewed vigilance in protecting our secrets and prosecuting spies, we can make sure that every citizen lives in freedom and security.

CONGRESS MUST DEAL WITH PROBLEM OF YOUTH VIOLENCE NOW

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, there has emerged a national consensus that we have to deal with the problem of youth violence. Hollywood must help, parents must be involved, and, yes, I say to my colleagues, Congress must act as well.

There are some commonsense proposals that have reached a national consensus level for good reason. We now have laws in this country to require child-proof caps on aspirin bottles, but we do not have any laws that require trigger locks on handguns.

The Speaker of this House deserves great credit for speaking up this week and saying he agrees we need commonsense gun regulations. The other body has spoken, and overwhelming numbers of us in this body agree we need these changes in the law.

So why the stall? Why not act now, right now, today? We will have an opportunity before the Memorial Day break to take that national consensus and close the gap that often exists between what people are saying in the country and what we do here in the Congress.

BOTH PARTIES MUST WORK TOGETHER TO ACHIEVE GREATER GOOD FOR AMERICA

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I come here today and I listen and I am amazed by the vitriolic rhetoric from the other side of the aisle; accusations that everything wrong in America is the majority party's problem.

It takes both parties to get something done. Gun laws are a good example. Yes, we need to move on gun legislation; and, yes, we need to protect the rights of Americans under the Second Amendment. I believe sometimes, when I listen to the rhetoric, they would throw out the Constitution for the political gain they think they might get on that issue. Or campaign finance reform. Yes, we must do that now, whether it is fair or whether it is not fair.

My colleagues, I am amazed by the attitude, the political rawness that I see here in this House, when only by working together can we achieve what is good for America.

TOYS HAVE CHILD SAFETY MECHANISMS BUT NOT GUNS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, this silly toy has safety regulations, yet today in the United States, guns, that is right, guns do not have child safety regulations. What is wrong with this picture?

The message we are sending to the American people is that toys, this silly stuffed toy, is more dangerous to children than a gun. That is outrageous. It is outrageous that we do not have child safety locks on guns to protect our children from hurting themselves and hurting others if they get a gun in their hands.

How many more accidents, I ask my colleagues, will it take? How many more school shootings before we do something about this? How many lives will be taken? How many children will be killed before we have safety locks on guns?

We must pass gun safety now. We must prevent senseless tragedies from happening to our children, our families, our communities. We must schedule a vote on gun safety legislation and we must do it immediately.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 185 and Rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 1906.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. PEASE in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 25, 1999, the amendment by the gentleman from Oklahoma (Mr. COBURN) had been disposed of and the bill was open for amendment from page 10, line 1 to page 11, line 24.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I submit for the RECORD tabular material relating to the bill, H.R. 1906:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	2,836	2,942	2,836		-106
Executive Operations:					
Chief Economist	5,620	6,622	5,620		-1,002
National Appeals Division	11,718	12,699	11,718		-981
Office of Budget and Program Analysis	6,120	6,583	6,583	+463	
Office of the Chief Information Officer	5,551	7,998	6,051	+500	-1,947
Y2K conversion (emergency appropriations)	46,168			-46,168	
Office of the Chief Financial Officer	4,283	6,288	4,283		-2,005
Total, Executive Operations	79,460	40,190	34,255	-45,205	-5,935
Office of the Assistant Secretary for Administration	613	636	613		-23
Agriculture buildings and facilities and rental payments	137,184	166,364	166,364	+29,180	
Payments to GSA	(108,057)	(115,542)	(115,542)	(+7,485)	
Building operations and maintenance	(24,127)	(24,822)	(24,822)	(+695)	
Repairs, renovations, and construction	(5,000)	(26,000)	(26,000)	(+21,000)	
Hazardous waste management	15,700	22,700	15,700		-7,000
Departmental administration	32,168	36,117	36,117	+3,949	
Outreach for socially disadvantaged farmers	3,000	10,000	3,000		-7,000
Office of the Assistant Secretary for Congressional Relations	3,668	3,805	3,668		-137
Office of Communications	8,138	9,300	8,138		-1,162
Office of the Inspector General	65,128	68,246	65,128		-3,118
Office of the General Counsel	29,194	32,675	29,194		-3,481
Office of the Under Secretary for Research, Education and Economics	540	2,061	940	+400	-1,121
Economic Research Service	65,757	55,628	70,266	+4,509	+14,638
National Agricultural Statistics Service	103,964	100,559	100,559	-3,405	
Census of Agriculture	(23,599)	(16,490)	(16,490)	(-7,109)	
Agricultural Research Service	785,518	836,868	836,381	+50,863	-487
Buildings and facilities	56,437	44,500	44,500	-11,937	
Total, Agricultural Research Service	841,955	881,368	880,881	+38,926	-487
Cooperative State Research, Education, and Extension Service:					
Research and education activities	481,216	468,965	467,327	-13,889	-1,638
Native American Institutions Endowment Fund	(4,600)	(4,600)	(4,600)		
Extension activities	437,987	401,603	438,987	+1,000	+37,384
Integrated activities		72,844	10,000	+10,000	-62,844
Total, Cooperative State Research, Education, and Extension Service	919,203	943,412	916,314	-2,889	-27,098
Office of the Under Secretary for Marketing and Regulatory Programs	618	641	618		-23
Animal and Plant Health Inspection Service:					
Salaries and expenses	425,803	435,445	444,000	+18,197	+8,555
AQI user fees	(88,000)	(95,000)	(87,000)	(-1,000)	(-8,000)
Buildings and facilities	7,700	7,200	7,200	-500	
Total, Animal and Plant Health Inspection Service	433,503	442,645	451,200	+17,697	+8,555
Agricultural Marketing Service:					
Marketing Services	48,831	60,182	49,152	+321	-11,030
Standardization user fees	(4,000)	(4,000)	(4,000)		
(Limitation on administrative expenses, from fees collected)	(60,730)	(60,730)	(60,730)		
Funds for strengthening markets, income, and supply (transfer from section 32)	10,998	12,443	12,443	+1,445	
Payments to states and possessions	1,200	1,200	1,200		
Total, Agricultural Marketing Service	61,029	73,825	62,795	+1,766	-11,030
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	26,787	26,448	26,448	-339	
Limitation on inspection and weighing services	(42,557)	(42,557)	(42,557)		
Office of the Under Secretary for Food Safety	446	469	446		-23
Food Safety and Inspection Service	616,986	652,955	652,955	+35,969	
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)		
Total, Production, Processing, and Marketing	3,447,877	3,572,986	3,528,435	+80,558	-44,551
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	572	595	572		-23
Farm Service Agency:					
Salaries and expenses	714,499	794,839	794,839	+80,340	
(Transfer from export loans)	(589)	(672)	(672)	(+83)	
(Transfer from P.L. 480)	(615)	(645)	(645)	(+30)	
(Transfer from ACIF)	(209,861)	(209,861)	(209,861)		
Subtotal, Transfers from program accounts	(211,265)	(211,378)	(211,378)	(+113)	
Total, salaries and expenses	(925,764)	(1,006,217)	(1,006,217)	(+80,453)	
State mediation grants	2,000	4,000	4,000	+2,000	
Dairy indemnity program	450	450	450		
Subtotal, Farm Service Agency	716,949	799,289	799,289	+82,340	

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(85,651)	(128,049)	(128,049)	(+42,398)	
Guaranteed	(425,031)	(431,373)	(431,373)	(+6,342)	
Subtotal	(510,682)	(559,422)	(559,422)	(+48,740)	
Farm operating loans:					
Direct	(500,000)	(500,000)	(500,000)		
Guaranteed unsubsidized	(948,276)	(1,697,842)	(1,697,842)	(+749,566)	
Guaranteed subsidized	(200,000)	(97,442)	(97,442)	(-102,558)	
Subtotal	(1,648,276)	(2,295,284)	(2,295,284)	(+647,008)	
Indian tribe land acquisition loans	(1,000)	(1,028)	(1,028)	(+28)	
Emergency disaster loans	(25,000)	(53,000)	(53,000)	(+28,000)	
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)		
Total, Loan authorizations	(2,284,958)	(3,008,734)	(3,008,734)	(+723,776)	
Loan subsidies:					
Farm ownership loans:					
Direct	12,822	4,827	4,827	-7,995	
Guaranteed	6,758	2,416	2,416	-4,342	
Subtotal	19,580	7,243	7,243	-12,337	
Farm operating loans:					
Direct	34,150	29,300	29,300	-4,850	
Guaranteed unsubsidized	11,000	23,940	23,940	+12,940	
Guaranteed subsidized	17,480	8,585	8,585	-8,895	
Subtotal	62,630	61,825	61,825	-805	
Indian tribe land acquisition	153	21	21	-132	
Emergency disaster loans	5,900	8,231	8,231	+2,331	
Boll weevil loans subsidy	1,440			-1,440	
Total, Loan subsidies	89,703	77,320	77,320	-12,383	
ACIF expenses:					
Salaries and expense (transfer to FSA)	209,861	209,861	209,861		
Administrative expenses	10,000	4,300	4,300	-5,700	
Total, ACIF expenses	219,861	214,161	214,161	-5,700	
Total, Agricultural Credit Insurance Fund	309,564	291,481	291,481	-18,083	
(Loan authorization)	(2,284,958)	(3,008,734)	(3,008,734)	(+723,776)	
Total, Farm Service Agency	1,026,513	1,090,770	1,090,770	+64,257	
Risk Management Agency	64,000	70,716	70,716	+6,716	
Support Services Bureau		74,050			-74,050
Total, Farm Assistance Programs	1,091,085	1,236,131	1,162,058	+70,973	-74,073
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	1,504,036	997,000	997,000	-507,036	
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	8,439,000	14,368,000	14,368,000	+5,929,000	
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)		
Total, Corporations	9,943,036	15,365,000	15,365,000	+5,421,964	
Total, title I, Agricultural Programs	14,481,998	20,174,117	20,055,493	+5,573,495	-118,624
(By transfer)	(211,265)	(211,378)	(211,378)	(+113)	
(Loan authorization)	(2,284,958)	(3,008,734)	(3,008,734)	(+723,776)	
(Limitation on administrative expenses)	(108,267)	(108,267)	(108,267)		
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	693	721	693		-28
Natural Resources Conservation Service:					
Conservation operations	641,243	680,679	654,243	+13,000	-26,436
(By transfer)		(44,423)			(-44,423)
Watershed surveys and planning	10,368	11,732	10,368		-1,364
Watershed and flood prevention operations	99,443	83,423	99,443		+16,020
Resource conservation and development	35,000	35,265	35,265	+265	
Forestry incentives program	6,325			-6,325	
Debt for nature		5,000			-5,000
Farmland protection program		50,000			-50,000
Total, Natural Resources Conservation Service	792,379	866,099	799,319	+6,940	-66,780
Total, title II, Conservation Programs	793,072	866,820	800,012	+6,940	-66,808

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	588	612	588		-24
Rural community advancement program	722,686	670,103	666,103	-56,583	-4,000
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family (sec. 502)	(965,313)	(1,100,000)	(1,337,632)	(+372,319)	(+237,632)
Unsubsidized guaranteed	(3,000,000)	(3,200,000)	(3,200,000)	(+200,000)	
Housing repair (sec. 504)	(25,001)	(32,396)	(32,400)	(+7,399)	(+4)
Farm labor (sec. 514)	(20,000)	(25,001)	(25,000)	(+5,000)	(-1)
Rental housing (sec. 515)	(114,321)	(100,000)	(120,000)	(+5,679)	(+20,000)
Multifamily housing guarantees (sec. 538)	(100,000)	(100,000)	(100,000)		
Site loans (sec. 524)	(5,152)	(5,152)	(5,152)		
Credit sales of acquired property	(16,930)	(7,503)	(7,503)	(-9,427)	
Self-help housing land development fund	(5.000)	(5,000)	(5,000)		
Total, Loan authorizations	(4,251,717)	(4,575,052)	(4,832,687)	(+580,970)	(+257,635)
Loan subsidies:					
Single family (sec. 502)	114,100	93,830	114,100		+20,270
Unsubsidized guaranteed	2,700	19,520	19,520	+16,820	
Housing repair (sec. 504)	8,808	9,900	9,900	+1,092	
Multifamily housing guarantees (sec. 538)	2,320	480	480	-1,840	
Farm labor (sec. 514)	10,406	11,308	11,308	+902	
Rental housing (sec. 515)	55,160	39,680	47,616	-7,544	+7,936
Site loans (sec. 524)	17	4	4	-13	
Credit sales of acquired property	3,492	874	874	-2,618	
Self-help housing land development fund	282	281	281	-1	
Total, Loan subsidies	197,285	175,877	204,083	+6,798	+28,206
RHIF administrative expenses (transfer to RHS)	360,785	383,879	377,879	+17,094	-6,000
Rental assistance program:					
(Sec. 521)	577,497	434,100	577,500	+3	+143,400
(Sec. 502(c)(5)(D))	5,900	5,900	5,900		
Subtotal	583,397	440,000	583,400	+3	+143,400
Advance appropriation, FY 2001		200,000			-200,000
Total, Rental assistance program	583,397	640,000	583,400	+3	-56,600
Total, Rural Housing Insurance Fund	1,141,467	1,199,756	1,165,362	+23,895	-34,394
(Loan authorization)	(4,251,717)	(4,575,052)	(4,832,687)	(+580,970)	(+257,635)
Mutual and self-help housing grants	26,000	30,000	28,000	+2,000	-2,000
Rural housing assistance grants	41,000	54,000	50,000	+9,000	-4,000
Subtotal, grants and payments	67,000	84,000	78,000	+11,000	-6,000
RHS expenses:					
Salaries and expenses	60,978	61,979	61,979	+1,001	
(Transfer from RHIF)	(360,785)	(383,879)	(377,879)	(+17,094)	(-6,000)
Total, RHS expenses	(421,763)	(445,858)	(439,858)	(+18,095)	(-6,000)
Total, Rural Housing Service	1,269,445	1,345,735	1,305,341	+35,896	-40,394
(Loan authorization)	(4,251,717)	(4,575,052)	(4,832,687)	(+580,970)	(+257,635)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(33,000)	(52,495)	(52,495)	(+19,495)	
Loan subsidy	16,615	22,799	22,799	+6,184	
Administrative expenses (transfer to RBCS)	3,482	3,337	3,337	-145	
Total, Rural Development Loan Fund	20,097	26,136	26,136	+6,039	
Rural Economic Development Loans Program Account:					
(Loan authorization)	(15,000)	(15,000)	(15,000)		
Direct subsidy	3,783	3,453	3,453	-330	
Rural cooperative development grants	3,300	9,000	6,000	+2,700	-3,000
RBCS expenses:					
Salaries and expenses	25,680	24,612	24,612	-1,068	
(Transfer from RDLFP)	(3,482)	(3,337)	(3,337)	(-145)	
Total, RBCS expenses	(29,162)	(27,949)	(27,949)	(-1,213)	
Total, Rural Business-Cooperative Service	52,860	63,201	60,201	+7,341	-3,000
(By transfer)	(3,482)	(3,337)	(3,337)	(-145)	
(Loan authorization)	(48,000)	(67,495)	(67,495)	(+19,495)	

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Direct loans:					
Electric 5%	(71,500)	(50,000)	(121,500)	(+50,000)	(+71,500)
Telecommunications 5%	(75,000)	(50,000)	(75,000)		(+25,000)
Subtotal	(146,500)	(100,000)	(196,500)	(+50,000)	(+96,500)
Treasury rates: Telecommunications	(300,000)	(300,000)	(300,000)		
Muni-rate: Electric	(295,000)	(250,000)	(295,000)		(+45,000)
FFB loans:					
Electric, regular	(700,000)	(300,000)	(1,500,000)	(+800,000)	(+1,200,000)
Telecommunications	(120,000)	(120,000)	(120,000)		
Subtotal	(820,000)	(420,000)	(1,620,000)	(+800,000)	(+1,200,000)
Total, Loan authorizations	(1,561,500)	(1,070,000)	(2,411,500)	(+850,000)	(+1,341,500)
Loan subsidies:					
Direct loans:					
Electric 5%	9,325	450	1,095	-8,230	+645
Telecommunications 5%	7,342	560	840	-6,502	+280
Subtotal	16,667	1,010	1,935	-14,732	+925
Treasury rates: Telecommunications	810	2,370	2,370	+1,560	
Muni-rate: Electric	25,842	9,175	10,827	-15,015	+1,652
Total, Loan subsidies	43,319	12,555	15,132	-28,187	+2,577
RETLP administrative expenses (transfer to RUS)	29,962	31,046	31,046	+1,084	
Total, Rural Electrification and Telecommunications Loans Program Account	73,301	43,601	46,178	-27,123	+2,577
(Loan authorization)	(1,561,500)	(1,070,000)	(2,411,500)	(+850,000)	(+1,341,500)
Rural Telephone Bank Program Account:					
(Loan authorization)	(157,509)	(175,000)	(175,000)	(+17,491)	
Direct loan subsidy	4,174	3,290	3,290	-884	
RTP administrative expenses (transfer to RUS)	3,000	3,000	3,000		
Total	7,174	6,290	6,290	-884	
Distance learning and telemedicine program:					
(Loan authorization)	(150,000)	(200,000)	(200,000)	(+50,000)	
Direct loan subsidy	180	700	700	+520	
Grants	12,500	20,000	16,000	+3,500	-4,000
Total	12,680	20,700	16,700	+4,020	-4,000
Alternative Agricultural Research and Commercialization Revolving Fund	3,500	10,000		-3,500	-10,000
RUS expenses:					
Salaries and expenses	33,000	34,107	34,107	+1,107	
(Transfer from RETLP)	(29,962)	(31,046)	(31,046)	(+1,084)	
(Transfer from RTP)	(3,000)	(3,000)	(3,000)		
Total, RUS expenses	(65,962)	(68,153)	(68,153)	(+2,171)	
Total, Rural Utilities Service	129,655	114,698	103,275	-26,380	-11,423
(By transfer)	(32,962)	(34,046)	(34,046)	(+1,084)	
(Loan authorization)	(1,869,009)	(1,445,000)	(2,786,500)	(+917,491)	(+1,341,500)
Total, title III, Rural Economic and Community Development Programs	2,175,234	2,194,349	2,135,508	-39,726	-58,841
(By transfer)	(397,249)	(421,262)	(415,262)	(+18,013)	(-6,000)
(Loan authorization)	(6,168,726)	(6,087,547)	(7,686,682)	(+1,517,956)	(+1,599,135)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	554	576	554		-22
Food and Nutrition Service:					
Child nutrition programs	4,128,747	4,620,768	4,611,829	+483,082	-8,939
Transfer from section 32	5,048,150	4,929,268	4,935,199	-112,951	+5,931
Discretionary spending		15,000			-15,000
Total, Child nutrition programs	9,176,897	9,565,036	9,547,028	+370,131	-18,008
Special supplemental nutrition program for women, infants, and children(WIC)	3,924,000	4,105,495	4,005,000	+81,000	-100,495
Food stamp program:					
Expenses	21,159,106	20,109,444	20,109,444	-1,049,662	
Reserve	100,000	1,000,000	100,000		-900,000
Nutrition assistance for Puerto Rico	1,236,000	1,268,000	1,268,000	+32,000	
Discretionary spending		7,000			-7,000
The emergency food assistance program	90,000	100,000	100,000	+10,000	
Advance appropriation, FY 2001		4,800,000			-4,800,000
Total, Food stamp program	22,585,106	27,284,444	21,577,444	-1,007,662	-5,707,000
Commodity assistance program	131,000	155,215	141,000	+10,000	-14,215

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Food donations programs:					
Needy family program	1,081	1,081	1,081		
Elderly feeding program	140,000	150,000	140,000		-10,000
Total, Food donations programs	141,081	151,081	141,081		-10,000
Food program administration	108,561	119,841	108,561		-11,280
Total, Food and Nutrition Service	36,066,645	41,381,112	35,520,114	-546,531	-5,860,998
Total, title IV, Domestic Food Programs	36,067,199	41,381,688	35,520,668	-546,531	-5,861,020
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service and General Sales Manager:					
Direct appropriation	136,203	137,768	137,768	+1,565	
(Transfer from export loans)	(3,231)	(3,413)	(3,413)	(+182)	
(Transfer from P.L. 480)	(1,035)	(1,093)	(1,093)	(+58)	
Total, Program level	(140,469)	(142,274)	(142,274)	(+1,805)	
Public Law 480 Program and Grant Accounts:					
Title I - Credit sales:					
Program level	(219,724)	(150,324)	(214,582)	(-5,142)	(+64,258)
Direct loans	(203,475)	(138,324)	(200,582)	(-2,893)	(+62,258)
Ocean freight differential	16,249	12,000	14,000	-2,249	+2,000
Title II - Commodities for disposition abroad:					
Program level	(837,000)	(787,000)	(837,000)		(+50,000)
Appropriation	837,000	787,000	837,000		+50,000
Title III - Commodity grants:					
Program level	(25,000)			(-25,000)	
Appropriation	25,000			-25,000	
Loan subsidies	176,596	114,062	165,400	-11,196	+51,338
Salaries and expenses:					
General Sales Manager (transfer to FAS)	1,035	1,093	1,093	+58	
Farm Service Agency (transfer to FSA)	815	845	845	+30	
Subtotal	1,850	1,938	1,938	+88	
Total, Public Law 480:					
Program level	(1,081,724)	(937,324)	(1,051,582)	(-30,142)	(+114,258)
Appropriation	1,056,695	915,000	1,018,338	-38,357	+103,338
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,231	3,413	3,413	+182	
Farm Service Agency (transfer to FSA)	589	672	672	+83	
Total, CCC Export Loans Program Account	3,820	4,085	4,085	+265	
Total, title V, Foreign Assistance and Related Programs	1,196,718	1,056,853	1,160,191	-36,527	+103,338
(By transfer)	(4,266)	(4,506)	(4,506)	(+240)	
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	970,867	1,109,950	1,072,950	+102,083	-37,000
Prescription drug user fee act	(132,273)	(145,434)	(145,434)	(+13,161)	
Subtotal	1,103,140	1,255,384	1,218,384	+115,244	-37,000
Mammography clinics user fee (outlay savings)	(14,385)	(14,817)	(14,817)	(+432)	
Payments to GSA	(82,866)	(100,180)	(100,180)	(+17,314)	
Buildings and facilities	11,350	31,750	31,750	+20,400	
Total, Food and Drug Administration	982,217	1,141,700	1,104,700	+122,483	-37,000
DEPARTMENT OF THE TREASURY					
Financial Management Service: Payments to the Farm Credit System Financial Assistance Corporation	2,565			-2,565	
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	61,000	67,655	65,000	+4,000	-2,655
Y2K conversion (emergency appropriations)	356			-356	
Farm Credit Administration (limitation on administrative expenses)	(35,800)		(35,800)		(+35,800)
Total, title VI, Related Agencies and Food and Drug Administration	1,046,138	1,209,355	1,169,700	+123,562	-39,655
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships			1,000	+1,000	+1,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII - EMERGENCY APPROPRIATIONS					
Emergency appropriations (P.L. 105-277) (Title VII and Title VIII)	5,916,655			-5,916,655	
Grand total:					
New budget (obligational) authority	61,677,014	66,883,182	60,842,572	-834,442	-6,040,610
Appropriations	(55,713,835)	(61,883,182)	(60,842,572)	(+5,128,737)	(-1,040,610)
Emergency appropriations	(5,963,179)			(-5,963,179)	
Advance appropriations		(5,000,000)			(-5,000,000)
(By transfer)	(612,780)	(681,569)	(631,146)	(+18,366)	(-50,423)
(Loan authorization)	(8,453,684)	(9,096,281)	(10,695,416)	(+2,241,732)	(+1,599,135)
(Limitation on administrative expenses)	(144,087)	(108,287)	(144,087)		(+35,800)

1/ In addition to appropriation.

The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 10, line 14 (relating to Agricultural Research Service), after the dollar amount, insert the following: "(reduced by $100,000) (increased by $100,000)".

Mr. KUCINICH. Mr. Chairman, a few years ago I visited an elementary school in Cleveland at the start of the school year. The children celebrating the beginning of their school year had released hundreds and hundreds of butterflies into the air.

Now, a butterfly is a powerful symbol in our society. It is a symbol of transformation, transformation from a caterpillar into this beautiful winged being. Butterflies excite the imagination, they enthrall us with their possibilities. Yet, the butterfly may become the next casualty of our brave new world.

We are all familiar with the genetically altered crops where pesticides are engineered right into the crop. A recent study indicates that pollen from such crops may have the potential to kill off butterflies, including the majestic and beautiful Monarch butterfly.

Mr. Chairman, my intention with this amendment is to provide the Agricultural Research Service with $100,000 to study the effects of pollen from genetically modified crops on harmless insects, and to study the effect on other species, including animals and humans, that may come in contact with the pollen.

Corn that has been genetically engineered with the pesticide Bt has been approved and was introduced to farmers' fields in 1996. It now accounts for one-fourth of the Nation's corn crop. Bt is toxic to European and Southwestern corn borers, caterpillars that mine into corn stalks and destroy developing ears of corn.

□ 1045

According to a recent study conducted at Cornell University, it is also deadly to Monarch butterflies. The Cornell study found that after feeding a group of larvae, milkweed leaves dusted with Bt pollen, almost half died. The larvae that did survive were small and lethargic.

The implications of this are very clear. Pollen from Bt-exuding corn spreads to milkweed plants, which grow around the edges of cornfields. Monarch larvae feed exclusively on milkweed. Every year, Monarchs migrate from Mexico and southern States, and many of them grow from caterpillars into beautiful black, orange, and white butterflies in the United States corn belt during the time the corn pollination occurs.

I am sure that millions of Americans have had the experience of taking their children in hand and going into a pasture and watching for beautiful butterflies to come by and visiting an arboretum, a zoo, a park and watching the butterflies.

Well, now, if we read the Washington Post, it says that pollen from plants can blow onto nearby milkweed plants, the exclusive food upon which the Monarch larvae feed, and get eaten by the tiger-striped caterpillars.

At laboratory studies at Cornell, the engineered pollen killed nearly half of those young before they transformed into the brilliant orange, black, and white butterflies so well-known throughout North America. Several scientists expressed concern that if the new study results are correct, then monarchs, which already face ecological pressures, but so far have managed to hold their own, may soon find themselves on the Endangered Species list. Other butterflies may soon be at risk.

From the Friends of the Earth we hear, "The failure of Congress and the administration to ensure more careful control over genetically modified organisms has unleashed a frightening experiment on the people and environment of the United States. It is time to look more closely at the flawed review process of the three Federal agencies that regulate genetically modified products: EPA, FDA, and USDA.

"The implications of the Cornell University study go far beyond Monarch butterflies and point to the need for a revamping of our regulatory framework on biotechnology."

Monarchs have already lost much of their habitat when tall-grass prairies were converted to farmland. We now need to protect them and other species that are harmless to farmers' crops, that may be adversely affected by Bt pollen.

It is shocking that more extensive studies like the one performed at Cornell were not done before the crop was approved. It also makes one wonder what effects other genetically altered crops may have on other species, such as birds, bees, and even humans, and if adequate risk assessments are being done on bioengineered products before they are approved and released into the environment.

My fellow colleagues, more research obviously needs to be done on these transgenic crops. I ask my colleagues to support my amendment to protect Monarch butterflies from the harmful effects of genetically modified crops.

Finally, Mr. Chairman, last year I had the opportunity to visit Pelee Island in Canada, which is a migration point for the Monarch butterflies. There is nothing more beautiful than to see hundreds of thousands of these beautiful creatures moving in a migratory pattern. It is an awesome sight. And yet, because of a lack of foresight on the part of our government, there is the possibility that these beautiful creatures may in fact be doomed. That is why this amendment is important.

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to enter into a colloquy with the strong, gentle woman from Ohio (Ms. KAPTUR), the ranking member of the subcommittee.

I am strongly supportive of this bill because agriculture is an essential part to our country. It is as essential to our country as manufacturing, services, transportation, or any other sector of our economy.

I am concerned, however, about two major programs in particular. These programs are the Agricultural Research Service, which conducts and funds a variety of research projects, including those related to animal and plant sciences, soil, water and air sciences, and agricultural engineering; and the Cooperative State Research Education and Extension Service, which works in partnership with universities to advance research, extension and education in food and agricultural sciences.

My concern, Mr. Chairman, is not so much about how much money is being spent on these programs or what research projects are being done. My concern is what other hands are needed to do this work. In looking over the list of universities that are conducting research in these programs, I am concerned that land grant colleges and universities in general, and historically black colleges and universities in particular, are underrepresented in research and education funding.

There is still a woeful gap between the capacity of majority land grant colleges and historically black land grant colleges, particularly in the amount of research being done and the facilities that are available. Despite this, historically black colleges have consistently outperformed majority institutions in the development of minority scientists and engineers.

The assistance of the government in this effort has been essential. I would hope that as the legislative process moves forward today and in conference with the Senate, my colleague will help voice these concerns and work with the distinguished chairman, the gentleman from New Mexico (Mr. SKEEN), in working for a fairer distribution of Federal agriculture research and education funding.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I say to the gentlewoman that she is correct about the lack of funding for historically black colleges and universities. While the bill contains programmatic funding for these institutions, such as capacity-building grants, we must do more for historically black colleges and universities that can make valuable contributions to agricultural research and really deserve the support of this Nation.

I promise that I will work with the gentlewoman and the chairman, the gentleman from New Mexico (Mr. SKEEN) of our subcommittee and my colleagues on the full committee to address this problem as the bill moves through the process and through conference, particularly starting with report language to require the Department to report back to us on what is currently being done, if anything, so we can establish the baseline for the future.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman for her comments.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment dealing with research by the Agricultural Research Service for the Monarch butterfly. Let me just say that the Committee on Agriculture, which the gentleman from New Mexico (Mr. SKEEN) chairs and of which I am the ranking member, is the chief ecosystem committee of this Congress, and I believe, of this country.

There is an expression: "You can't fool Mother Nature." There are some fundamental questions being raised here by the gentleman from Ohio (Mr. KUCINICH) that are very important to the future of botanical life and biological life in our country. Because we have never before had these genetically engineered crops, we really do not know their long-term impacts.

I know recent articles in Scientific American and many newspapers indicate that as a result of butterflies, which are essential to pollinating crops so we can produce fruit and corn, and representing the eastern part of the eastern corn belt, we know something about corn and soybeans, and these butterflies are essential to our future. After being impacted by this pollen, 40 percent of them died. 40 percent. This is a profound result. So I think the gentleman from Ohio (Mr. KUCINICH) brings to us a very important and current finding that is well deserving of research.

I also would say to the gentleman, I thank him for doing this, because I know he represents the inner part of Cleveland, Ohio; and one of my greatest concerns as another American is that we have the first generation of Americans now that have no connection to the land. We have literally raised the first generation of people in the Nation's history who do not spend the majority of their time raising their food or with any connection to production at all, so they are divorced from the experiences that he is talking about.

I would just say, for someone from Cleveland, Ohio, a major city in this country, to bring this amendment to the floor, to me, in some ways is a modern-day miracle. So I want to thank the gentleman, and I look forward to supporting him.

Mr. KUCINICH. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I appreciate the gentlewoman's response. And it is an honor to serve with the gentlewoman in this Congress, serving the people of Ohio.

She raised an interesting point, and that is, what effect do these genetically engineered products have on our natural environment? I mean, sometime in the 20th century there was kind of a disconnection between humanity and the natural environment; and we will spend, I suppose, a good part of the next century trying to reconnect.

The disassociation from the land which the gentlewoman speaks about is a profound disconnection from nature. I think that is why schoolchildren, for example, find it so fascinating to study butterflies. Because in some ways, that primal human sympathy which Wordsworth talked about in his poetry flutters in the heart when we see something so beautiful. And I think that as the schoolchildren, who spend time with their parents and their grandparents going to parks and zoos and arboretums, have the knowledge that this very beautiful butterfly could be impacted by this bioengineering, I think that we are going to see a response nationally. And it would be healthy because this country needs to look for opportunities to reconnect with our natural state.

So I thank the gentlewoman. I would hope that the esteemed chairman, the gentleman from New Mexico (Mr. SKEEN) would be able to respond.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I will tell the gentleman I am all aflutter. I would like to say that I understand the concern of the gentleman, and I will continue to work with him to address this situation, and I think he has got a good program.

Mr. KUCINICH. Mr. Chairman, if the gentlewoman would continue to yield, I would be more than happy to work with the chair. I need the help of the gentlewoman from Ohio (Ms. KAPTUR) and I need the help of the Chair. We can work together to address this issue, bring it to the committee.

With that kind of assurance, I say to the gentleman from New Mexico (Mr. SKEEN), I will withdraw the amendment, but look forward to working with both of my colleagues to find the appropriate venue within the committee so that we can start to get these agencies to be aware of this major concern of public policy.

I thank the gentleman again for his work on this matter and for his work on the agricultural bill. And again, my gratitude to the gentlewoman from Ohio (Ms. KAPTUR). It is an honor to be with her in this House.

Ms. KAPTUR. Mr. Chairman, I say to the gentleman from Cleveland, Ohio (Mr. KUCINICH) that I thank him very much for bringing this to the Nation's attention. He is a leader on this issue, and I look forward to working with our chairman to find an answer to this as we move toward the conference.

The CHAIRMAN. Without objection, the amendment of the gentleman from Ohio (Mr. KUCINICH) is withdrawn.

There was no objection.

(Ms. KAPTUR asked and was given permission to speak out of order for 2 minutes.)

THANKS TO THE FOLKS BACK HOME

Ms. KAPTUR. Mr. Chairman, I will not take long, but to say I should have said this yesterday as I began my remarks on this Agricultural Appropriations bill for the Year 2000. And that is that I am very indebted to the people from back home who have sent me here to serve on their behalf. A number of them are farmers and have spent their life in production and in agriculture.

I want to recognize a few of them on the floor today, in particular, Ray Zwyer and Thelma Zwyer, who are now, I believe, Social Security recipients. And I know Ray is undergoing kidney dialysis several times a week. I want to thank him and his wife, Thelma, for everything they taught me about agriculture, for taking me out on my first combine, for helping me understand chicken production and poultry production, for helping me to understand direct marketing and how hard it was for the average farm family in this country to make it, to watch their son Tom and his children and their family to try to carry on the family tradition on that farm in Monclova Township.

I want to thank his brother, Howard, and his wife, Eleanor Zwyer, right across the street, for all the hard work they have done to create and keep in our area production agriculture.

I also want to thank Herman and Emma Gase up the street, who have worked so very hard to raise their family. And I notice they had a couple of pieces of equipment for sale in their front yard this past week.

I also want to thank Melva and Pete Plocek. Pete is the one that taught me what it is like to have wet beans and that they do not get as much when they take them to the elevator.

There are so many people like this back in our community who truly represent rural life in this country, the very best traditions of our Nation. And I just want to thank them for letting me try to be their voice here, as well as the one million farm families across our country who expect us to do the job for them in this bill.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 10, line 14, after the dollar amount insert "(reduced by $50,863,000)".

☐ 1100

Mr. COBURN. Mr. Chairman, I hope the chairman and ranking member will bear with me on this amendment. I do intend on withdrawing this amendment at some point in the discussion, but I think the American people need to know about the increase in agricultural research. I agree with many of the increases that are in there, but I think it is going to do us a good job of informing the American people where we actually spend this money.

This is a $50 million increase that this committee has put in for agricultural research. I want to put it in light of the real issues of why we are trying to trim this budget back to last year's level.

I am going to say again, for our seniors out there that are watching and for our children that are watching, that are going to pay the bills for the money that we spend above the caps and the Social Security money that ends up getting spent this year despite the fact that we made a commitment to not spend that money: The graph that you see to the left shows what is going to happen to Social Security revenues. The bars that you see in the black are the increase in the number of dollars that are coming in over expenditures, the amount of money that comes in minus the amount of money that goes out for Social Security payments.

In 2014 we see a tremendous change. We start seeing red show up. That money, that red, is indicative of the amount of money that is going to have to come from the general fund, not the Social Security fund, to meet the obligations for Social Security.

Where is that money going to come from? That money is going to come from increased payroll taxes on our children. The Congressional Budget Office and the Social Security Administration estimate that if we stay on the track that we are staying right now, that in fact our children and grandchildren most likely will be paying twice in payroll taxes as they pay today just to meet the requirements of the baby boomers.

I happen to be a baby boomer. I was born in 1948. I was a product of the postwar greatness that came in this country in terms of we came back from the war and were allowed to have children and our material standard of living rose greatly.

Our commitment in this body, both by the budget that the Democrats provided and the Republicans provided, everybody committed that we would not touch one dollar of Social Security money, not one dollar. Yet we are on a track to make sure that we spend about $45 billion of that money this year. Most people know that but they are not willing to say it. They are not willing to admit that the 302(b) allocations that have been put out will actually in the long run spend Social Security money.

I think that it is unfair to the American public to say that we are going to go through an appropriations process that is going to protect Social Security and protect 100 percent of the dollars in that, when in fact in our heart we know that Washington is not going to live up to that commitment. That commitment is a secure, honorable commitment to the seniors of this country. But, more importantly, it is a commitment to our children and our grandchildren.

If you ask the seniors in this country, the people that won World War II, do they want to burden their grandchildren with a FICA tax rate that is twice what they paid so that we can meet the mere obligations of Social Security, they are going to say no. And if you ask them what if we just trim spending a little bit more in Washington so that does not happen, they will all say yes.

I am a grandfather. I will do almost anything for my grandchildren. I will make whatever physical, material sacrifice that I need to make for my grandchildren. The question that we have before us and the debates that we have before us today are about whether or not we are going to do that.

Agriculture is a very important part of our country. I have said when we discussed this bill and when we discussed the rule, this is a good bill. My hope is to make it somewhat better so that we are back to last year's level, so that we have a chance to fulfill our commitment to the American people by not spending Social Security money. Just so that everybody can know, here is 1999.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

(By unanimous consent, Mr. COBURN was allowed to proceed for 2 additional minutes.)

Mr. COBURN. Mr. Chairman, what we see is 1999 and 2000 estimated numbers for Social Security surplus. Last year there were $127 billion in excess Social Security payments in over what we paid out. What did we do? We started out, we had a budget that spent $1 billion of it. This is before we had made a commitment not to do that. Then we had a $15 billion supplemental. And then at the end of the year we crashed with what was called the omnibus bill at the end of the year.

So what we ended up doing was spending $29 billion of Social Security payments to run this country last year because the Congress did not have the courage to force the Federal Government to be efficient. It is not a matter of making cuts. It is a matter of demanding efficiency from the Federal Government and living within the budget.

In 1997, we agreed with the President, both bodies of this Congress, that we would live within the 1997 total budget caps. At the time we did that, most of the pain we knew was going to start this year. The actual spending on discretionary programs, programs other than Medicare, Medicaid and mandated programs, has to decline by $10 billion this year if we are not going to spend Social Security money.

Here is where we are going. Right now the President's numbers that say that we are going to have $138 billion in Social Security excess payments, we are on track to spend $57 billion of that money. If you look at it conservatively, the best we will do if we stay on this track is that we will spend $45 billion of that money.

This House has a lot of integrity. It is time for us to stand up and meet that integrity. It is time for us to live within the budget dollars that we agreed that we would live with.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment continues the process that began yesterday. The gentleman has demonstrated that he has patience and endurance, and I would say that the committee has no shortage of endurance or patience.

Yesterday the House adopted an amendment by the gentleman from Vermont (Mr. SANDERS) which I opposed. It reduced the amount for the Agricultural Research Service by $13 million in order to provide an increase of $10 million for the Commodity Assistance Program.

I opposed that amendment because I think that research is absolutely essential if we want the 2 percent of our people who are farmers to continue to feed the other 98 percent of our people and much of the rest of the world, too. I am sure that they would like to contribute to that. And contributing a huge amount to our balance of trade and humanitarian assistance. This simply would not be possible if it were not for our agricultural research efforts which are the envy of the entire world.

The gentleman's amendment would reduce this amount by $51 million in addition to the $13 million reduction that the House agreed to yesterday. This would reduce the Agricultural Research Service well below the fiscal year 1999 level and would make it impossible to maintain the base level of activity. I oppose this amendment. I ask all the Members to oppose it and to support the committee.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also rise in opposition to the gentleman's amendment. Let me say in terms of Social Security, the most important input to Social Security's Trust Fund is an America that is working and that is productive. Therefore, the reason we have seen the revenues bounce up in Social Security is because the economy has been stronger in the last several years than in past decades. And so the most important thing we can do is help people's incomes rise and help people keep working so that that revenue flow increases.

The Social Security Trust Fund is not a static fund. It is a fund that is very connected to what is happening in production America, whether it is in the industrial plants, whether it is in agriculture or in our service industries.

Rural America, however, right now is in serious crisis. It is in depression. Our job here should be to be partners with rural America in helping them pull out of the tailspin that they are in so that they again can become productive partners, contributing to the national well-being as well as their own well-being.

And so I would say to the gentleman, I think his efforts to try to be responsible and to deal with the budget issue here are admirable. However, in the context of the way we function as the Congress, we are one of 13 committees. We have been given the budget mark against which we must not go over. When we bump our heads up against it, we know we cannot go over.

As the gentleman admitted on the floor yesterday, we have done our job on this committee. Now, other committees have spending that is cut several hundred million dollars. That is all balanced out by the leadership of your party. Therefore, we on the Committee on Agriculture in some ways are insulted by the fact that you would try to go line item by line item inside our accounts and say, "Well, this isn't important" or "This isn't important" when we have so many tradeoffs that we have had to try to make, especially in Depression level conditions like rural America is facing today.

This agricultural research account is critical, because it is the future. If America is going to have a future in agriculture, it is built on the research that is being done every day by scientists who are not given enough credit here in Congress or in general in the country.

If you look at some of the costs to our economy where we do not have answers, something like soybean nematode which takes 25 percent of our crop, if we could produce 100 percent of the crop or 90 percent rather than 75 percent, how much more wealth and buying power and income that would add to our rural sector. In the South, something like a corn earworm costs farmers over $1.5 billion annually in losses, in chemical costs. We do not have answers to that problem.

These may seem like funny names to people who do not live in rural America but to people who face this every day, these are vital problems. We had the gentleman from New York (Mr. CROWLEY) yesterday talk about the Asian Longhorn beetle infecting New York City as well as Illinois. Maple sugar producers in my area are scared to death that that thing is going to come across the State and cause billions of dollars worth of damage and kill all of our hardwoods.

These are not simple issues. We need answers to these questions. The gentleman from Ohio (Mr. KUCINICH) was just here on the floor talking about the problem with the Monarch butterfly. We do not have an answer to why nearly half the Monarchs in this country are dying, but we better find an answer because if we do not, production agriculture goes down, income goes down and we do not have dollars flowing into that Social Security Trust Fund.

I would just say to the gentleman also in my time here that he keeps looking at the accounts in our overall budget and he says, "Well, this one is going up," but he does not look at the ones that went down. We have a lot of accounts, for instance, our surplus commodities and foreign food shipments account has gone down by over $25 million, our P.L. 480 title I by over $11 million, all of our rural community advancement programs by over $56 million. You look at our Agricultural Credit Insurance Fund by over $18 million, the Agricultural Research Service buildings and facilities, over $11 million.

So we feel that we have done what we need to do in each of these accounts, but I would beg the gentleman not to cut America's future, not cut her seed corn for the future by cutting these agricultural research accounts. And also to say to the gentleman, go back to your leadership. If you have got a budget problem, do not put it all on the backs of this subcommittee. We have done our job, we have met our mark. We are proud of the work that we have done.

I rise in strong opposition to the gentleman's amendment.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words. Actually, before I begin with my comments, I would yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I want to address a couple of things that the ranking member of the committee said.

First of all, my first comments were that I supported the research, that I planned on withdrawing this amendment, that I thought it was good that the American people knew where we were spending the money. So I want to put some of this in so that they can get some flavor of where we are spending the money.

"Sugarbeet research. The Committee is aware of the need for additional funding to adequately support the ARS sugarbeet research program at Fort Collins, Colorado, to strengthen sugarbeet research at the ARS laboratory. The Committee directs the ARS to fund this project in FY 2000 at least at the same level as in FY 1999."

But in fact what are the prices of sugar in this country and how much are we subsidizing sugar versus what the price is in the rest of the world?

□ 1115

There is no question we should be directing our research to improve our productivity, and I am for that. But now we are directing research to a program where we are subsidizing and falsely charging in this country a higher price for sugar than what the market would ever have us have.

So it is not about not agreeing with the research. It is about sending money into areas where we have a market that is not working today because we have overproduction, and we are spending research to enhance that overproduction more, which means a lot more money is going to come out of the subsidy programs that are available for sugar beet or sugar.

So the question is, should we not have a discussion about these things? And I am sure there is a defensible position for that. I am not saying there is not, and I am saying that I support without a doubt, and I will make a unanimous consent, and I hope that it is agreed to, to withdraw this amendment.

But we still have a 6.5 percent increase in agricultural research of which most is directed to specific Members' requests and programs, and we ought to talk about what that is. Do we have a coherent, to talk about what that is. Do you have a coherent, cogent policy for research that is directed fundamentally at the basic needs that we have in this country?

Mr. SANFORD. Mr. Chairman, reclaiming my time, I would just like to interrupt for 2 seconds.

For instance, I want to follow up with the brief comment he made on sugar because this issue of sugar makes my blood boil. The idea that we have a research system set up that costs a little guy a lot of money, I think is crazy.

I mean, if we look at the sugar subsidy program that is in place, basically it costs the consumer $1.4 billion a year in the form of higher sugar prices. Our sugar prices domestically are about double that of world prices, and all that benefit goes down to the hands of truly a few.

I mean, there are about 60 domestic sugar producers in the United States. One of those sugar producers is, for instance, the Fanjul family, who live down in Palm Beach. They are on the Forbes 400 list, they have got yachts, they have got helicopters, and they have got airplanes, and yet they get $60 million a year of personal benefit as a result of this program.

So the idea of sending taxpayer money from somebody that is struggling in my district to help fund the life-styles of the rich and famous with the Fanjul family is, to me, not sensible.

Now, as I understand it, he may actually withdraw this amendment, but to say there is not another dime that could be cut within ag research I think is a grossly inadequate assumption.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, was the gentleman suggesting that there is one dime in money in the agricultural research account that goes to the family that he is talking about, that he claims receives funds? Is he saying agricultural research funds go, or is he trying to distort this argument?

Mr. SANFORD. The gentlewoman from Ohio is absolutely right; they are apples and oranges. The research goes toward sugar, and our sugar system, as it is configured in the United States, Mr. Chairman, very much benefits this one particular family and basically about 60 other domestic sugar producers in the United States.

Ms. KAPTUR. If the gentleman would just be kind enough, Mr. Chairman, I have farmers in my district that raise sugar beets. I would challenge the gentleman any day to come and put in the day of work that they do. That is one heck of a dirty job, to raise beets in this country, and if there is a better beet that can get them a little bit more at processing time, I am for them.

Mr. SANFORD. Reclaiming my time, I think there is no question that there are some hard-working, sugar-producing, sugar-beet-producing families throughout the Midwest, but there also happens to be the Fanjul family that controls over 180,000 acres of sugar cane production in south Florida. That is not exactly the family farm, and the fact of the matter is that part of this research will benefit a family like the Fanjuls.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Ms. KAPTUR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2000, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $44,500,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $29,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $62,916,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $15,048,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $105,411,000 for competitive research grants (7 U.S.C. 450i(b)); $5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); $750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $600,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,850,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $500,000 for a secondary agriculture education program and two-year post-secondary education (7 U.S.C. 3152 (h)); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $10,888,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $467,327,000.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 13, line 11, after the dollar amount insert "(reduced by $1,000,000)".

Mr. COBURN. Mr. Chairman, throughout the Federal Government we have multitudes of agencies and departments and grants and billions of dollars that are being spent on global change and global climate change. We happen to have in this bill a million dollars in an isolated little pocket that is going to go to study, within the Department of Agriculture through a grant, global change.

It makes no sense to appropriate any money for global change through the appropriations process in ag when we have the vast majority, 99.9 percent of the rest of the money, being spent on this issue in other departments.

The question that I would have is, should we be spending a million dollars of Social Security money on global change in such an inefficient way? A million-dollar grant on such a large area of science and research today can in no way be spent efficiently, and I would pull this back. Is this money that has to be spent, that needs to be spent at this time and in this manner, and is it the best way to spend this million dollars?

As my colleagues know, we recently saw some of the results of some of the research on global change. We have a Kyoto Treaty that is being implemented by the administration that has never been approved by the Senate in direct violation of the Constitution of the United States. We have a Kyoto Treaty that is going to take jobs away from Americans because it is going to make us live at one standard and the rest of the world, developing world, live at a different standard.

We are throwing a million dollars for a favor for somebody on global change, one isolated, small grant program that is going to make no difference whatsoever in the overall study and effect on this issue; and so my question and the reason I have this amendment is that this is not going to accomplish its purpose, this is not going to further our research on global change, it is not going to be a wise use of a million dollars of taxpayers' money, and in fact will encourage us to do the same thing in other areas.

The next time somebody's constituent comes from my area, who wants something for a university for a grant, they are going to say, Well, they did it on this one; why will they not do it here? It is not a wise use of our money.

As my colleagues know, we have a lot of seniors out there. There is no question we are going to provide them with their Social Security checks, and I do not want anybody to be able to say that I am trying to scare the first senior into thinking they are not going to get their Social Security. They are. We are going to meet that commitment. But we cannot say that to our children, and anybody in this body that says they can, they have to come up with a plan to do that, and the first plan to do that is to not spend the revenues that are coming into this country, into the Treasury, for Social Security.

So I would ask the chairman and I would ask the ranking member to consider this amendment as a good amendment. This $1 million will not ever contribute positively to the situation on global change. What it will do is send a million dollars of taxpayers' money to somebody else, and it will generate some research; but will it in fact have an impact on the very thing that it was directed for? And I would challenge someone to tell me that out of the billions and billions of dollars that we spend in other areas through the EPA and other areas, how $1 million for one grant system is going to make a difference in terms of global change.

As my colleagues know, in World War II this country recognized that we had an obligation to fight that war, and we downsized every aspect of our Federal Government because we had an emergency. Now we have a war going on, and it is not near the emergency that World War II was, but we have another emergency. And that emergency is whether or not our children are going to have the same standard of living that we have had the opportunity to have. Unless we address the issue of spending Social Security money, unless we address the issues associated with Medicare and Social Security, and unless we pay attention to that in every dollar that we spend, whether that comes out in one appropriation bill or all of them, or whether it is at the end of the year, unless we are good stewards of that money, that emergency will overwhelm our children. And everybody in this body knows that; they know that the baby boomer bust is coming as far as Social Security and Medicare.

So we cannot deny it.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

Mr. COBURN. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. POMEROY. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

The gentleman from Oklahoma (Mr. COBURN), the sponsor of the 100-plus amendments that have turned the ag appropriations bill into such an utter fiasco on the floor of this House has strong convictions. Good for him. I believe they are heartfelt, and he is certainly articulate in advancing his belief on these things.

I have strong convictions, too. In fact, there are 435 of us in this body with strong convictions.

Many of us believe that hijacking the floor of this House is not the appropriate way to advance our strong convictions, work within the process, plug along, and ultimately try and make our beliefs prevail.

But to unilaterally tee off on America's farmers, as is the case with the 100-plus amendments sponsored by the gentleman from Oklahoma (Mr. COBURN), is fundamentally wrong and utterly unrelated to the concerns that he continues to tell us so much about.

There is a budget. It has been adopted by this body. It provides for spending of general fund dollars. The Committee on Appropriations has made allocations to its subcommittees, and the gentleman from New Mexico (Mr. SKEEN), dealing with the appropriation made to agriculture, came up with a bill that enjoyed bipartisan support coming out of that committee.

I do not like the bill. I do not think there is enough response to the needs in agriculture funded in the bill brought forward. I believe we needed to do more.

But to have the gentleman tee off on agriculture, slice and dice and try to make his ideological points at the expense of America's farmers is wrong.

It is his prerogative. We all have our own ways of doing things.

Ultimately, the blame for this fiasco falls upon majority leadership. Speaker HASTERT, where is he? Majority Leader ARMEY, where is he? Majority Whip DELAY, where is he? America's farmers need their direction and they need your leadership, and they need it now.

I believe that we need to assess what is taking place on this bill, and if Speaker HASTERT cared about America's farmers, he would put a stop to it, and there are innumerable ways available to the Speaker of the House to get this bill from being eviscerated in the fashion the gentleman is attempting. Give him an opportunity to have his amendment, one amendment, and then let us get on and appropriate the money so our farmers know where they stand.

□ 1130

There is not a component of our economy that is hurting as badly as our family farmers, and we all know that. These are boom times. The Dow flirts with record levels every day it seems like, but in the heartland of American agriculture there is nothing but pain and despair. At a time when our farmers are suffering, and when prices are below the cost of production, to have the agriculture appropriations bill held up for mockery and ridicule and evisceration like the gentleman from Oklahoma, as seemingly endorsed by the majority leadership is doing, is wrong. Rural America needs this Congress to respond to its problems.

Those of us that represent farm country, we cannot do it all on our own. We need the body to work together, Republicans and Democrats standing up for farmers, and ultimately that is going to take some leadership out of the leadership. That is what leadership is all about.

So I wish Speaker HASTERT would think about the farmers in Illinois. I wish Majority Leader ARMEY would think about his North Dakota roots. I wish Majority Whip DELAY would reflect on the pain in rural Texas and put a stop to this process so that we might get on to voting on an agriculture appropriations bill and send some support to our farmers.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman currently has this amendment and 10 other amendments that are pending at the desk. I have no doubt that the gentleman has many more such amendments that he will propose for this account. At this point they are all flawed, as was his amendment yesterday on the Department of Agriculture buildings and facilities.

Each of them proposes to eliminate a single item, but does not reduce the overall total, and so there is no reduction accomplished by the amendment. In this series of amendments, each amendment proposes to eliminate a single special research grant within the Cooperative State Research, Education and Extension Service, and in almost all cases these are projects that have been ongoing for many years and were proposed to be eliminated in the administration's budget request, and that were restored by the committee at the same level of funding provided in fiscal year 1999.

The special research grant that this amendment proposes to eliminate is described in detail in part 4 of the committee's hearing record on page 1,432, and the following is a brief description of the research performed under this grant:

"Radiation from the sun occurs in a spectrum of wavelengths with the majority of wavelengths being beneficial to human and other living organisms. A small portion of the short wavelength radiation, what is known as the Ultraviolet or UV–B Region of the spectrum, is harmful to many biological organisms. Fortunately, most of the UV-B radiation from the sun is absorbed by ozone located in the stratosphere and does not reach the surface of the Earth. The discovery of the deterioration of the stratosphere ozone layer and the ozone hole over polar regions has raised concern about the real potential for increased UV-B irradiance reaching the surface of the earth and the significant negative impact that it would have on all biological systems, including man, animals and plants of agricultural importance. There is an urgent need to determine the amount of UV-B radiation reaching the Earth's surface and to learn more about the effect of this changing environmental force. The Cooperative State Research, Education and Extension Service, CSREES, is in the process of establishing a network for monitoring surface UV-B radiation which will meet the needs of the science community for the United States, and which will be compatible with similar networks being developed throughout the world."

Grants for this kind of work have been reviewed annually and have been awarded each year since 1992, and the work is performed at Colorado State University.

Mr. Chairman, this is a good project and it deserves the support of all Members, and I support the project and I oppose the gentleman's amendment to eliminate it.

Mr. BASS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that I have nothing but the deepest respect and admiration both on a professional and personal level for the distinguished chairman of the agriculture subcommittee, as I do for every other member of the Committee on Appropriations. I have watched with amazement as the gentleman from Oklahoma has withstood the most withering criticism from other Members of Congress, not so much for the content of the amendments that he has offered, but for his insistence upon exercising his right as a Member of this body to question the product that has been produced by a committee of this House.

I think it is regrettable that Members of Congress get up and imply that a Member's right to debate line items in the budget is somehow an insult to the Committee on Appropriations or any other committee of the House. In fact, in my opinion it is an opportunity for individual Members of Congress to state their views and positions on issues, regardless. They may seem trite and unimportant and wrong to some Members of Congress, but they are important for other Members of Congress.

And it may take a few hours to get through the agriculture appropriations bill, and I have no doubt that we will pass a fine product in the end. But I hope this body will give every Member of Congress the tolerance that we should exercise in allowing everybody the opportunity to debate their amendments. Because remember, you will be the person at some future date that will want to have that same respect shown for you. Scrutiny is painful, but it is good for the process.

So I commend the gentleman from Oklahoma for what he is doing, and I rise in support of this amendment.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for those words of support.

The gentleman from North Dakota (Mr. POMEROY) said that the purpose of this is to make a mockery and to ridicule and to desecrate the agriculture bill. Far from it. The purpose is to ridicule money that does not go to our farmers.

We had seven votes last night on money that is spent on bureaucracy. This is not going to slow down one penny of money going to our farmers because this bill is going to pass. I said when we first started this debate that this was a good bill. I said that I supported the research.

The fact is we have a rule that allows us to debate these issues, and if one did not like the rule, one had an opportunity to vote against the rule. I voted against the rule because I think we spent money in the wrong ways and I wanted to change it, and I am here exercising my right as a Member of this body to try to change it.

My whole goal is to free agricultural research from the shackles of personal political favors for Members, and to make sure dollars go to the farmers, not political whims to get somebody reelected. So there is nothing wrong with asking questions about how the money goes.

The question of UV light, we are spending hundreds of millions of dollars on ultraviolet radiation in other areas of this government. This is a pork project, plain and simple, and it has been funded and it continues to be funded. It is $1 million that is going to do squat. And it is $1 million that could go to farmers instead of to research for something that is already being researched at a higher level in a much more thorough way in almost every medical university in this country, and to portend that this is a significant research that we cannot do without or not use somewhere else efficiently is not an accurate statement.

I am not testing and going after the integrity of anyone here. It is the process that I object to and the fact that we have a lot of dollars in this agriculture bill that do not go directly to farmers. I come from a farm State. My district is rural. I have the support of my farmers. They do not want money spent in Washington that should be going to farmers. They do not want money paid out in terms of favors to get somebody reelected so that they will not have what they need when they go to farm their land.

So the question is not about whether or not we should do research. The question is about whether or not we should do research in a way that gives us a result that does not pay somebody off for a political favor.

So that may not be very palatable here, but there is a lot of that going on, and what I am saying is, let us free this agriculture bill from that type of thing and let us make sure that our research is directed in such a way that we get a benefit from it in this country.

I thank the gentleman for yielding.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this debate is all framed in the sense that we are all here to try to make a better America. Well, a better America is not just the Social Security program, it is the totality of what we try to do here. A lot of that totality is regarded in quality of life. If one wants to have a better quality of life, which requires that one has healthier communities and strong economies, one has to remain competitive in the world, when America remains competitive in its research.

I guess if we go through all of the research projects that we do, we would find that there are some that we like and some that we do not like. Certainly the gentleman from Oklahoma, who is a doctor, would agree that if we cut out medical research, one, we are not going to be competitive with the rest of the world and two, we are not going to provide for a better quality of life.

The same is true with agriculture, this research issue, the ozone issue. It is a big issue in the world. It has become the number one issue for one of our competitive agricultural countries, Australia. They grow the same crops that we grow, only in reverse seasons. They are competitive in markets that we are in. They have made ozone one of the biggest issues in the country. They have made it a national policy. They have a saying there, slip, slop, slap. Slip on a T-shirt, slap on a hat, and slop on some lotion before you go outside. It is that big and that is everywhere, on billboards and everything.

So the issue about research and quality of life and agriculture is that our bodies are what we eat. If we do better research in agriculture, we are going to be eating healthier foods and living healthier life styles.

So I wish that the gentleman would really not attack agricultural research as some kind of big pork that is in here just for Members. This country was based on land grant colleges, on universities that were based on studying agriculture, training people for agriculture. We still honor those with research programs, and I can tell the gentleman the research that we are doing in our area is really a cutting edge issue.

So I mean there has been a debate here, because this process of bringing in, as the gentleman told the desk, 114 amendments to an appropriations bill after never attending any of the hearings that the Committee on Appropriations had, if each Member offered, I just figured it out, if each Member, 435 of us, if each of us offered 114 amendments on an appropriation, we would have 41,590 amendments offered here. Mr. Chairman, the process does not work when we do it that way.

So yes, there has been criticism of sort of the number of amendments and the style which the gentleman is going about, but in the end this bill, which I was involved in the markup and attended all of those hearings because I am a member of the committee, this bill really is about trying to make for a healthier America, trying to make for a more competitive agriculture, a more environmentally friendly agriculture, a healthier food product, all of the things that make America the great place in which we live and respecting our heritage in that.

So yes, the gentleman is getting some negative responses to his amendments for the same reasons that I have indicated. I stand opposed to this amendment and to the others that the gentleman is offering.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Some of the attacks on my friend from Oklahoma have been downright humorous, the fact that he was accused of unilaterally trying to tee off on America's farmers. I want to speak out for my friend from Oklahoma and say he is willing to tee off on anybody who goes over the budget.

This is not about agriculture. This is about a process of how we are going to try to keep within our budget agreement.

I want to say up front that I support this bill and furthermore, I believe we do not devote enough to agricultural research. Furthermore, I will add that I believe that in the specifics of much of this agricultural research, much of it can be easily mocked and made fun of, but it is the backbone of the agriculture of this country.

Furthermore, I do not know enough about this particular project to know whether this is indeed real research or whether or not it was put in because some Member of Congress had clout. It is naive for Members of Congress to walk up here and say that we, in fact, have to trust our leadership, trust our Committee on Appropriations. We should at least be willing to challenge occasionally.

If the Members of Congress do not want their projects struck, they should come up here and defend them, as the gentleman from New Mexico (Mr. SKEEN), the chairman of this subcommittee, eloquently explained what the intent of this was. Where are the Members who represent this particular university in this particular State explaining what it is? Because this should be an opportunity for those who favor agricultural research to explain why this is in the bill.

A lot of this is a fight about the process. We hear that this is a "filibuster" or that we have had over 100 amendments. We have not had over 100 amendments. We do not know how many amendments there are going to be. But if we are worried that this is going to slow our process down, we should have had more days in session earlier this year; we should not be taking four additional days next week, because this is what Congress is about. We do not presume to know when we go into the appropriations process. There has been a lot of discussion whether we should go to the subcommittee, whether we should offer amendments.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from Ohio.

□ 1145

Ms. KAPTUR. Mr. Chairman, I took to heart what the gentleman said, that we should not bring bills to the floor in an ill-considered manner.

The gentleman is from the State of Indiana. As I recall, I did not receive any letters from the gentleman regarding projects in the gentleman's State or anywhere in the country relative to this bill.

Did the gentleman come before our committee to testify, or send any correspondence regarding any line item in this bill, yes or no?

Mr. SOUDER. Mr. Chairman, I would tell the gentlewoman, no, I had no line item in this bill.

I reclaim my time because I did put, in fact, a request in to boost agricultural research spending, because I support an increase in agricultural research spending. I support this bill. I believe if there is any part of the overall spending process that we need to be careful not to tinker with, it is agriculture.

I am not fighting with the specifics here, I am fighting on a process; that all the appropriations bills should be allowed to have amendments and a full-fledged debate.

And whether it is one Member or a group of Members, they should be allowed to come here, because we are not trying to micromanage the subcommittees, but when we see the final report we have a right to say, as Members of Congress, that we do not believe that this full amount of money is legitimate; that we take apart pieces of this bill and say, defend this piece.

In fact, the only way an amendment cannot pass this House is if the majority of this country does not favor that amendment. It is not like some kind of a game here where there is some kind of a trick that can get to a majority.

Quite frankly, at least one of our leaders is threatening about this process, that we should not be allowed to offer amendments because it is uncomfortable. We are Members of Congress. We have a right. Not all of us are on a subcommittee of the Committee on Appropriations, on the full Committee on Appropriations or its subcommittees. Some of us are on authorizing committees or on the Committee on the Budget. We would like to have the ability to come here and at least question.

I will vote for some amendments. I am voting against some amendments. I am going to vote on the end bill. But I do not think it is fair when the attacks come to the floor and they are aimed at a generic, hey, this is an attack on agriculture, this Member is trying to tie up the House.

It sounds to me like, thou dost protest too much. If there are particulars that Members want to defend, come down and defend the particulars, because Members should be able to. There are plenty of reasons; even if it sounds embarrassing on some of these research projects, there are scientific reasons why we are the best agricultural Nation in the world.

If we do not do this research and if we let this get caught up in whether or not somebody had an inside deal, if someone's project cannot stand the light of day, if their research project in their district cannot stand the light of C-Span in this national debate, then it should not be in the bill. Members should be down here defending it, as the subcommittee chairman did.

I commend my friend, the gentleman from Oklahoma, for challenging the structure; for making sure that each part of this bill can either be defended or not defended. I stand with him today because I think it is a healthy process for the United States Congress.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Let me just say, in reference to something the earlier speaker said, when we do not follow regular order, which means when we do not come to the subcommittee and the full committee and do not make views known, and then try to come to the floor and repair it, that is not regular order.

Regular order is making Members' wishes known to the committee as we go through the regular process, because we have to deal with 435 Members.

Now let me say, in reference specifically to this amendment, which is global climate change, in terms of global climate change, this is not a project that will be done in this Member's district. I know it will not be done in the chairman's district. But there is no issue more important to agriculture in this country and in the world than climate.

I can remember one time walking into the office of the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture, and he was watching television. But what was he watching? He was watching the weather as he was marking up one of the major authorizing bills for agriculture in this country.

I kind of laughed, because the sound was not on. I said, Charlie, what are you really doing? He said, you know how important weather is.

With changes in global climate, just a little bit of melt in any of the poles causes a change in the currents and the water. We have major research going on in terms of genetics, to try to make plants grow in deserts or where there is lack of rainfall.

What about when we have major changes in climate, which happen at the edges, they certainly do, and how we get plant life to survive in those circumstances?

What about the oceans? What about trying to do more in the way of production out of saltwater?

There are all kinds of issues that we deal with relative to the globe and relative to climate. There is nothing more important for us to know about.

Frankly, the Department of Agriculture is the department that farmers trust. They are not going to trust, with all due respect to the Environmental Protection Agency, but it has had a different view of what is in the air and a different perspective on climate.

But in terms of plant life and animal life, the research depository and the intelligence is stored at the Department of Agriculture. We make it available to our farmers in the field through the modern wonders of technology, and frankly, we help the farmers of the world to the best of our ability feed the people of their own country.

So I think to make any recommendation to eliminate this line item is certainly backwards looking.

I would just say, and I am sorry that the gentleman left the floor, but I will bring it up again when he returns, if in fact he has a problem with special grants under the Cooperative State Research Extension and Education Service, I would recommend that the gentleman from Oklahoma (Mr. COBURN) eliminate the grants that he asked for. In fact, I will list just three of them, totaling over $691,000.

We have a letter in our possession that was sent to one of the Members in our committee in which the gentleman from Oklahoma (Mr. COBURN) asks for assistance to the State of Oklahoma, and asks for targeted line item funding through the agricultural appropriations bill.

We do not have any discrimination against Oklahoma. We want to help Oklahoma. They include the following.

Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, it is my understanding that the gentleman from Oklahoma (Mr. COBURN) specifically asked that those be offsets. That is the heart of the matter that he is dealing with here today, and that is the issue of offsetting versus not. So I think every Member of Congress——

Ms. KAPTUR. I would reclaim my time and just say that the point is that the gentleman from Oklahoma (Mr. COBURN) put three projects in this bill. There are actually five projects he put in the bill, totalling well over $1 million. My feeling is that if he wants to eliminate $1 million from the bill, let him eliminate the projects for Oklahoma.

Frankly, this Member would not eliminate projects for Oklahoma, but let me say what the projects are:

Expanding wheat pasture research, $285,000; integrated production systems for horticulture crops, $180,000; preservation and processing research for fruits and vegetables, $226,000. That is just $691,000 for those three projects alone under the very account that he is now trying to cut for global climate research, which affects every farmer in this country and their future.

So I would just say that I think the gentleman is maybe not quite knowledgeable enough about these accounts, because in fact, why would he add funding to a bill and to a set of accounts that he is trying to cut? Why would he not cut his own projects, rather than trying to cut a project that deals with the entire Nation's needs?

My apologies to the State of Oklahoma, because they deserve a voice here. I would not have recommended that their particular projects be cut. But the fact is the gentleman from Oklahoma (Mr. COBURN) sent a letter.

THE CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

Ms. KAPTUR. Mr. Chairman, I ask unanimous consent to proceed for an additional 30 seconds.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

Mr. SOUDER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just pick up on our last conversation. That is, it seems to me fundamentally that the idea that the gentleman from Oklahoma (Mr. COBURN) and others on this House floor are trying to get at is not the idea of should we disenfranchise people within any of our respective congressional districts, but simply the idea of should we offset spending that takes place in the government.

As the gentleman has consistently stated, his struggle is not so much with the agricultural bill, but the larger process we find ourselves in. That is a process headed towards a train wreck.

I would say this, there was an earlier comment talking about how anybody who would offer amendments to this bill was basically one teeing off on agriculture. I want to associate my words with those of the gentleman from Indiana, because that is absolutely not the case.

If Members simply think about the contrast that exists, when I think about the average farmer back home, he is getting up before sunrise, he is maybe having a cup of coffee in a fairly simple room in the back of his house, he is getting in a pick-up truck, he is going off, getting in a Massey Ferguson or John Deere tractor, and he is spending the day outside in the field. He ends up coming back covered with dust. That is one picture.

We have another picture of somebody getting up and getting, let us say, in a Volkswagen Jetta or a Rabbit, going off to the administration buildings for agriculture here, and spending their day here. Those are very different days.

The bulk of these amendments have been about trying to do something about this huge and bloated bureaucracy that happens to exist within the Department of Agriculture here in Washington, D.C. To me, when we think about the idea of downsizing government, with the Department of Agriculture we have over 100,000 employees, we have 80,000 contract employees. That works out to be one agriculture employee for every 10 farmers.

Most of the farmers that I talk to are real independent folks. They are hardworking folks. The idea of them needing a handholder or a babysitter to sort of accompany them, or at least to report on them, throughout the day is not something that makes common sense.

One of the amendments that the gentleman from Oklahoma (Mr. COBURN) offered yesterday was in fact a proposal to cut simply 12 percent from an increase in administration here in Washington. That seems to be sensible to farmers that I talked to.

Another had been to cut $400,000 from the Under Secretary of Agriculture. Mr. Chairman, why the Under Secretary of Agriculture needs another $400,000 does not quite fit with, again, the hard and simple lives that I see for so many farmers back home.

Another amendment had been to trim $26 million from space planning;

not actually construction of buildings, but just planning on space for the future.

Again, these amendments have made sense when we look at the contrast that exists between the life that the farmer leads and the life that somebody in Washington leads working, for instance, for the Department of Agriculture.

As to this amendment in particular, as has already been indicated, there are a whole number of different projects around this country, and in fact, I sit on the Committee on Science, and there are a number of projects related to ultraviolet research.

So the issue here is this $1 million is duplication. It represents one 100th of 1 percent of the overall agriculture budget, and to say that it will cripple the agriculture budget is not exactly the case. It goes back to the heart of what these amendments have been all about.

I have here a letter from Ms. Evelyn Alford, born in 1924. She writes me from Johns Island, South Carolina: "It really is frightening when one thinks about what the Federal Government can get away with. If the politicians would keep their hands out of the social security fund and use it for what it was originally intended for there wouldn't be a problem with the fund. The government takes money from us and tells us that the money is designated for one thing and they use it for something else. Isn't there a word for that?"

And a P.S., please read this letter. Ms. Alford, I read the letter.

This is what these amendments have been all about. They have been about trying to prevent a train wreck that is most certainly headed our way if we do not adopt the proposals of the gentleman from Oklahoma (Mr. COBURN).

Because as we all know, while agriculture has stayed within the caps, Labor-HHS, there is no way we are going to come up with $5 billion worth of trimming in that account; VA-HUD, over $3 billion worth of trimming in that account.

Unless we come up with savings now, we are headed for a train wreck later on.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I came down to the floor with great respect for my colleague, the gentleman from Oklahoma (Mr. COBURN). But I would say to the gentleman that I understand that this committee has met its 302(b) allocation; we are on mark, they met their budget.

As I was listening to this debate, I thought that I would come down to discuss with my colleagues one of the programs that my friend's amendment will cut. I think it is important to know that these programs are not just some programs that are out there that no one knows about and that are not having an impact.

The gentleman from Oklahoma (Mr. COBURN) is indiscriminately attacking important programs in this bill without much discussion about the impact of his proposed cuts. I want to take a moment to talk about the program that the gentleman is attacking with this amendment.

The Cornell University Program on Breast Cancer and Environmental Risk Factors was launched in 1995, and responds to the abnormally high incidence of breast cancer in New York.

☐ 1200

POINT OF ORDER

Mr. COBURN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, the amendment that we are on is an amendment on UV research for $1 million. We have not attacked breast cancer research.

The CHAIRMAN. Does the gentleman have a point of order?

Mr. COBURN. Mr. Chairman, the point of order is, the discussion is not about the amendment at hand. It is not germane to the amendment at hand.

Mrs. LOWEY. Mr. Chairman, if I may respond to the gentleman from Oklahoma (Mr. COBURN), it is my understanding that it is the same account, and the gentleman's amendment will cut indiscriminately that account.

Mr. Chairman, if I may proceed, I would like to discuss another item in that account, because it will be impacted.

The CHAIRMAN. Debate must be relevant to the matter before the Committee. The Chair finds that the debate so far has been so.

The gentlewoman from New York (Mrs. LOWEY) may continue.

Mrs. LOWEY. Mr. Chairman, it is my understanding that this will impact the project. I think it is important for my colleagues to know that the Cornell University program on breast cancer and environmental risk factors was launched in 1995 in response to the abnormally high incidence of breast cancer in New York.

The program investigates the link between risk factors in the environment like chemicals and pesticides and breast cancer. The BCERF, which it is called, takes scientific research on breast cancer, translates it into plain English materials that are easy to understand, and disseminates this information to the public.

They have a web site that is filled with information on BCERF's activities, breast cancer statistics, scientific analyses, and environmental risk factors and links to other sources of information. They sponsor discussion groups that provide a public forum to discuss breast cancer. This amendment will destroy our ability to bring the important work of the BCERF program to more people around New York and around the country.

Let me make this very simple, Mr. Chairman, if my colleagues oppose efforts to educate the public about breast cancer, if they think they have done enough to prevent breast cancer in this country, then vote yes on this amendment.

But if my colleagues agree with me that we need to do more about stopping the terrible scourge of breast cancer in this country, if they agree with me that they cannot sit idly by while one in eight women are diagnosed with breast cancer over the course of their lifetimes, if it outrages them that approximately 43,000 women will die from breast cancer and 175,000 women will be diagnosed with breast cancer this year alone, then join me in voting no on this terribly misguided amendment.

My colleagues, these are just some of the materials that they distribute, avoiding exposure to household pesticides, protective clothing, safe use and storage of hazardous household products, pesticides, and breast cancer risks and evaluations, and on and on and on.

Mr. Chairman, we all want to spend money wisely. We all understand that the hard-earned dollars of taxpayers should not be distributed willy-nilly. But the gentleman from New Mexico (Chairman SKEEN), the gentlewoman from Ohio (Ms. KAPTUR), our ranking member, have worked very hard to keep the numbers in this budget within their budget allocation.

I think it is very important that we not get misled by the desire to cut and balance our budget, because we all want to spend wisely. But we have to look at what these potential cuts will do, what kind of impact they will have on the lives of our constituents.

That is why, as I was sitting in my office, I decided to come down here. This is the kind of impact that this unwise, foolish cut will make.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentlewoman from Missouri for yielding to me.

What the gentlewoman from New York (Mrs. LOWEY) does not know is my sister has breast cancer. My closest cousin just died from breast cancer. If the gentlewoman will look at this amendment, we do not cut total research. We cut a million dollars out of it, as the chairman just said, because we did not cut the total dollars. We redirected the money in there. This $1 million will say that $1 million cannot go for this, but the total number was not cut in our amendment. The chairman made that point earlier.

I treat women, as the gentlewoman from New York very much knows. Breast cancer is a great concern for me. I do not believe that the gentlewoman's intention was to say that I was not concerned about breast research, because I am.

If my colleagues will look at the amendment and how it is actually written, it is written to cut this spending, but does not cut the total and allows the committee to spend that money elsewhere.

So the question is, we did not, in fact, attempt to cut that research. We attempted to withdraw an amendment after we had a discussion on total research.

I want to take this time to answer another question that the gentlewoman from Ohio (Ms. KAPTUR) brought up in trying to say that I sought funding. I very carefully worded a letter to the gentleman from Oklahoma (Mr. ISTOOK).

I want to read very carefully the wording in it, because here is what I do with the research universities that come to my office. When they ask for money, I ask them, where are they going to get the money.

Then I sent a letter to the gentleman from Oklahoma (Mr. Istook), and I said, "They wish to receive funding." Then I said, "What support do you plan to give for that funding?"

The gentleman from Oklahoma (Mr. ISTOOK) represents this university as well. My promise to that group of university leaders was, I said, I would ask if he would do it. I did not make a request for funding.

The other thing that most of the chairmen in the Committee on Appropriations will tell my colleagues is that when I make a specific request for something that I want funded, I send with it a request for something that I want cut. If my colleagues would kindly check with the gentleman from Ohio (Mr. REGULA) on the bills, things that I have asked.

So I want to make very clear that I support breast cancer research, that I support NIH research, that I support the research. But I want to make clear again, a million dollar grant on UV research at one university on ultraviolet radiation has little to do with global change, one.

Number two, we are spending millions and millions and millions of dollars on this same subject in other areas. It is my feeling, as a prerogative, as a Member, to say this: I think that money can be spent better and elsewhere.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would like to respond to the gentleman from Oklahoma (Mr. COBURN). It is my understanding that the amendment of the gentleman from Oklahoma (Mr. COBURN) will cut $1 million from the research account. This research project for breast cancer is within that account. In fact, if his amendment will not cut from that account, then I am not sure what we are doing here debating it.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I yield again to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, this amendment cuts $1 million from one specific account, but does not cut it from the total account, because we did not lower the total amount in the research. Had we done that, we would have intended to cut the total amount. So it still leaves the money there.

Actually what it does is, it offsets $13 million that was taken last night by the gentleman from Vermont (Mr. SANDERS), out of research, which we did not get, we had a voice vote on and not a recorded vote on, and actually makes $1 million of that go back into general research.

So the gentlewoman from New York misstates the true facts of the amendment.

Mrs. LOWEY. Mr. Chairman, if the gentlewoman from Missouri would yield, based upon the information I have, I believe the gentleman from Oklahoma (Mr. COBURN) has distorted the response, or there is a misunderstanding here between people on this committee. But it is my understanding that the gentleman's amendment does come from the special research account and that this breast cancer project is within that special research account.

Therefore, although the gentleman from New Mexico (Mr. SKEEN) has supported it, and I thank him, our gracious chairman, and the gentlewoman from Ohio (Ms. KAPTUR) has supported it, it will have an impact in this project.

So, Mr. Chairman, there must be a misunderstanding here. Because on the one hand, it will cut; on the other hand, it will not have any impact.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I just want to say very specifically that I believe that they are mistakenly pointing this out. What this amendment really does is it will eliminate the million dollars and allow $1 million to go back into the general research against the $13 million losses.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say, in the furtherance of explaining and giving clarity to what is intended and what is written, I yield to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman for yielding to me, and I wanted to clarify a couple of matters here for the RECORD in terms of this amendment.

First of all, the amendment of the gentleman from Oklahoma (Mr. COBURN) is to page 13, line 11, which reads: $62,916,000 for special grants for agricultural research. The gentleman's amendment proposes to eliminate $1 million from that account. Am I correct in reading the gentleman's amendment? That is exactly what the gentleman's amendment states, page 13 line 11.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, if my colleagues will turn the page to page 14, they will see that we did not amend the total amount of research. Therefore, the million dollars is reduced in that one area, but the total amount of research is left the same. My colleagues will notice, on line 19, on page 14, that we did not amend $467,327,000.

Ms. KAPTUR. Mr. Chairman, if the gentlewoman from North Carolina will further yield, I thank the gentleman from Oklahoma (Mr. COBURN). That gets to my very point that he amends line 11, page 13, out of the special grant category. The project of the gentlewoman from New York (Mrs. LOWEY) is in the special grant category.

I wanted to get back to the letter that the gentleman from Oklahoma (Mr. COBURN) sent to the committee back on March 4. I am very glad that the gentleman brought it up himself here on the floor, because his letter says that Oklahoma State University met with him. They did not meet with another member of the committee.

Through that meeting, the gentleman learned about the specific projects, and then I quote from the gentleman's letter, "They have targeted to get line item funding through the Agriculture Appropriations bill this coming spring." This is the bill. This is the time we are talking about.

The next paragraph goes through five different projects. The last paragraph the gentleman from Oklahoma says, "They wish to receive funding," this is what he says to another member of the committee, "in a line item form." The gentleman from Oklahoma (Mr. COBURN) even tells them how he wants it, for each one; each one of the projects, he means. Then the gentleman says, "And I wanted to inquire as to what support you plan to give them in regards to these projects as they progress through the Committee on Appropriations."

I will tell my colleagues, when I receive a letter from a Member, and the gentleman from Oklahoma (Mr.

Coburn) did not send this particular letter to me, I would take it that when the gentleman lists which projects he wants on behalf of his university, that is a request for funds.

So, therefore, if this is not a request for funds, I go back to my original proposal to the gentleman, because I understand he wants to cut funds, why not take the special grants that he has asked for, $285,000 for expanded wheat pasture, $180,000 for integrated production systems for horticulture crops, and $226,000 for preservation and processing research for fruits and vegetables, which total $691,000, and let us eliminate those first.

Mr. COBURN. Mr. Chairman, will the gentlewoman from North Carolina further yield?

Mrs. CLAYTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, first of all, this was not sent to the Committee on Appropriations. This was sent, one letter, to another Member asking his status on those projects.

Ms. KAPTUR. Mr. Chairman, if the gentlewoman from North Carolina will further yield, which committee is that gentleman on?

Mr. COBURN. Mr. Chairman, if the gentlewoman will continue to yield, he is on the Committee on Appropriations, but he is also from Oklahoma, and he also would have to support that, should that come.

When I make a request, and please go and look at my request, I specifically request things that I ask for. I mean what I say and say what I mean; I think the gentlewoman knows that. I am very cautious with how I do it.

I want to answer one other point. We made legislative history when I specifically asked this amendment to take $1 million for a specific amendment. So that means no money is going to come out of breast cancer research; it is going to come out of that one specific amendment.

I thank the gentlewoman from North Carolina (Mrs. Clayton) for yielding to me.

Ms. KAPTUR. Mr. Chairman, if the gentlewoman will continue to yield, let me say to the gentleman from Oklahoma, I take it, then, he does not wish to support the Oklahoma State University's request for these ongoing research projects. I think that the gentleman's representative from the Committee on Appropriations should know that from the State of Oklahoma. I hope that the people from the University of Oklahoma also would know that.

Mr. COBURN. Mr. Chairman, will the gentlewoman from North Carolina yield? I just want to answer the last statement, if I may.

Mrs. CLAYTON. Mr. Chairman, I yield to the gentleman, if he can do it briefly.

Mr. COBURN. Mr. Chairman, I will be happy to support Oklahoma State research for that only if they can help me cut some spending from somewhere else.

Mrs. CLAYTON. Mr. Chairman, when the gentleman from Oklahoma (Mr. Coburn) has a chance to respond, I hope he will respond as if he has written the amendment, if indeed it is designated not to come off the general special grant, because as it is written, it is not what his intentions are. The gentleman's intentions, as he stated, giving him the benefit of the doubt, he does not plan for it to come from cancer, but the result of his action means it will come from cancer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. Coburn).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. Coburn) will be postponed.

□ 1215

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sanford:

Page 13, line 11, after the dollar amount insert "(reduced by $5,136,000)".

Mr. SANFORD. Mr. Chairman, this amendment is a very simple amendment. All it does is decrease research in education by $5,136,000 for wood utilization research. These are specific grants to seven States, basically throughout the Southeast.

The real question that has to be asked with an amendment like this, and with wood utilization overall, is who does it best. If we think that the Federal Government, through grants to universities and private interests, is the best place to figure out where best to utilize wood, then my colleagues will want to vote against this amendment. If, however, we think private enterprise, free enterprise might be more capable at determining where and how wood utilization research ought to take place, then I think my colleagues will want to vote for this amendment.

I happen to have a lot of experience in terms of wood utilization. I grew up on a family farm down south of Charleston. My dad died when I was in college and we converted the farm from basically a row crop and from cattle to pine trees. So over the course of my life, my brothers and I have been out behind a tractor, either mechanically or by hand, planting pine trees, throughout our whole life. And that has given me a lot of experience in this world.

Because with improved loblollies down in the Southeast, a first thin can be had in 12 years. Now, improved loblollies did not come as a result of wood utilization research grants. In fact, $45 million has been granted in this category since 1985. It came about because people like Westvaco, people like Georgia Pacific, people like Union Camp were going out and doing research on what would create the fastest growing loblolly or slash pine down in the Southeast.

Now, what we have in that part of the world are people like Joe Young. Joe Young is an independent timber producer based in Georgetown, South Carolina. And I would ask somebody like Joe Young if he thinks $5 million ought to be spent on wood utilization research or does he think that he, with folks running skidders, folks out in the woods, would have a better idea of, for instance, harvesting the woods. We have people at Union Camp or Georgia Pacific, we have a big plant, actually a Westvaco plant in north Charleston, South Carolina, and the people there put literally millions of dollars each year into basically wood utilization research and coming up with the best ways to mill wood, the best ways to get wood from the stump to the home place.

So this is an amendment that is largely a philosophical amendment about where do we think this kind of research takes place best. If we think it takes place best with government, through a Department of Ag grant, then we will want to vote against the amendment. If we think otherwise, we ought to vote for it.

Going back to what this money would do, because again I go back to the original premise behind this series of amendments that the gentleman from Oklahoma (Mr. Coburn) and others are offering, what this amendment is about is simply saying do we want to borrow from Social Security to pay for $5 million worth of wood utilization research; or, if we do not want to think about it in terms of Social Security, we can think about it with competing interests in agriculture itself.

This $5 million would buy 250 tractors for farmers across the country. This $5 million would pay the taxes for 2,500 farmers for their taxes on a family farm for 1 year. This $5 million would buy about 500,000 bags of fertilizer for farmers across the country. And what I hear from farmers that I talk to is, if given the choice between an abstract grant that is already being handled by the private sector and money that could actually go to a farmer, they say they would take the second option.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

The special research grant that this amendment proposes to eliminate is described in detail in part four of the committee's hearing record on page

1612. The following is a brief description of the research performed under this grant, and I will read from this:

"This research includes developing processes to upgrade low quality wood so it is suitable for higher value structural applications, catalyzing the formation of new business enterprises, and reducing environmental impact while improving systems for timber harvesting and forest products manufacturing."

Grants for this work have been reviewed annually and they have been awarded each year since 1985. There are eight locations where the work is performed: Oregon State University, Mississippi State University, Michigan State University, University of Minnesota-Duluth, North Carolina State University, University of Maine, University of Tennessee, and the University of Idaho.

Mr. Chairman, this is a good project and it deserves the support of all Members. I support the project and I oppose the gentleman's amendment to eliminate it.

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding to me, and I just want to follow up again on what I have actually seen in the field, because our family actually grows pine trees. And when I talk to people like Joe Young, they used to go out there with a chain saw and cut the wood. Now they have a thing called a feller-buncher, basically a cutter set up on top of a four wheel drive tractor that moves around through the woods.

But these guys out in the woods, without government research grants, without government money, they are able to figure out how best to cut a tree rather than some researcher from the Department of Agriculture in Washington, D.C. telling them how.

Mr. COBURN. Reclaiming my time, Mr. Chairman, again I would make the point that the purpose of this amendment does not cut overall research; rather it allows that money to go for something that we would deem to be more productive.

Again, I would come back to something I said earlier. There is no question that our Agriculture Committee on Appropriations came in under the 302(b), and I have heard that thrown up several times. But the people who are bringing that point to the floor have to say if they are going to support the 302(b) for agriculture, they have to support the 302(b) for Labor, HHS and Education. We all want to fund education at a higher level, and we are not one of us are going to tolerate a $5 billion cut in Labor, HHS.

So to use the claim that we met the 302(b) when it was set at a high level, none of the amendments that have been offered thus far have directly taken money away from America's farmers. Not one. Not one amendment has been offered that takes money away from American farmers. What it does is it takes away money from people who are on the gravy train and on the line, that take money out of this budget.

If we care about American farmers, as the gentleman from North Dakota (Mr. POMEROY) said, then we have an obligation to make sure that there is nothing in this bill that could not be spent better elsewhere. Our American farmers know how to do it. And they know if we will get the resources to them, and if we will direct it down to their level, that they will continue to lead the world in terms of research.

I would also make the point that if we make the claim we are within the 302(b), then we are certainly going to support a $3.8 billion cut to housing and our veterans. There is not going to be a Member in this body that will support a $3.8 billion cut to veterans and our housing.

So to claim that this process is working because this committee is under the 302(b) or is within the 302(b) is not an honest representation of where we are going with this process. And it is okay, if we all will admit that this process is going to end with us spending $40 or $50 billion of Social Security money. We all voted to say we would not do that, and yet we are on a train that is going that way.

So, yes, it is a process, and it is a process that is going to end up in this body not keeping its word to the American public about their Social Security dollars. That is why I am insistent on these amendments. That is why I am insistent on us persisting and looking at every aspect of this bill that does not do what it is intended to do for our farmers.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Ohio, my own State, is a very large forested State, and though this particular proposal for wood utilization research does not impact us directly, I think indirectly it impacts us as well as every other State in the Union, and I thought I would read some of the accomplishments of the research that has been done under this program.

Truly, one of the issues we face as a country is a need to provide wood product as well as fibrous product for various building needs and industrial needs, and yet those hardwoods that we used to have are really becoming extinct. In fact, we even have other committees here that deal with ancient forests, trying to save some of the last trees that we have in certain stands, and yet we still have to continue building homes, we have to replace what used to be wood with other products.

I am sure if Members have seen some of the new homes being built around the country, they even use these laminated products where they take wood chips and put glues in it in order to create the fiberboard that is used. In some places we are growing sugar cane and other types of cane products and figuring out how to take the moisture out of them and laminate them and use them for wood construction, or what looks like wood but really is not.

The new knowledge that is gained through this research program has been conducted through six centers around our country. Let me just read some of the new types of products that they have been able to bring to market.

The design of glued laminated beams that are reinforced with plastics saves up to 25 to 40 percent of the wood fiber that would otherwise have to be used in that construction. So even our forests, and our privately-owned forests are not growing fast enough to meet the needs that we have domestically and internationally.

In addition to this, they have been working on technology to apply those wood preservatives, using superfluids to reduce the environmental problems associated with present commercial treatments. When they put on these laminates and these various glues, this is a very difficult industrial process and they have been working on that.

They have been working at better harvesting systems that are efficient and environmentally acceptable. Easy to say, hard to do.

They have been looking at the increase of wood machining speeds and the reduction of saw blade widths to increase productivity and save raw material itself. The world of the 21st century and the new millennium will be one of shrinking natural resources and trying to use what we have in wiser ways.

They have been working on a patented system to apply pressure and vibration to prevent the enzymatic sap stain which degrades hardwood lumber by $70 to $200 million a year. I know that because I have a little coffee table in my house, and I cannot get that sap to stop staining up through the covering that is on it. We need to find scientific answers to that so that wood can be fully utilized.

They have been doing research on the reduction of the quantity of wood bleaching chemicals needed by wood pulp producers. In other words, to try to be more environmentally conscious.

They have been working on the design and strength of wood furniture frames to minimize wood requirements. The wood being used today in furniture, if we were to take everything apart that used to use wood, we would be surprised at how that has been minimized. In States like Michigan, States like Ohio, where many industries use this new research, it has been immediately adapted.

Also, they have been using the adoption of European frame saw technology to composite lumber to provide a new raw material source for industry. It is very interesting to look at some of the layered wood products that have been used across our country. Some of the glues did not work originally. Now they are doing much better at that, where we are using just the top coating is actual wood and what is underneath is various types of composite products.

So I would say that this is extremely important. We are one of the largest forested nations in the world. We are having trouble with many of our softwoods, bringing them to market. People do not just want to live on plastic, they do like the feel and look of wood, and many of these wood utilization scientific studies and undertakings do have a direct commercial market application.

So I just wanted to put that on the record, and I would support the chairman in his opposition to this amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Once again I want to state that I actually favor increased agricultural research, and having grown up in the furniture industry, as well as understanding a lot of this, I am not even sure I am going to vote for this amendment. I am listening to the debate on it.

But I want to make an additional point, and that is there have been a number of comments about the amendment process and how we, in fact, as Members learn.

□ 1230

I am on seven different subcommittees. The idea that I am going to sit in every single appropriations subcommittee and listen as every single proposal comes up, to hear all the background, is ridiculous.

What we have as a Member, the only option when we get the final bill, unless it is a high-profile event, is to deal with it after we get the appropriations bill, if we are lucky enough to get the appropriations bill before we vote, to look at it and see if there is anything here, if this bill exceeds the budget caps, that we believe should be looked at and debated on the House floor. And that is, in fact, what we are going through.

There are Members who are proposing that we are supposed to sit, as though we do not have other committees, on every single debate item. Now, presumably, if the committee has done its work well, and the subcommittee, they will be able to defend particular things.

But I have another concern and that is that one point that has been made on this floor seems to resonate a lot with me. And that is that agriculture, while I do not believe it is being picked on in the nature of all the bills, guess what the only bill that Members of Congress cannot reduce is? It is our own branch appropriations.

We are not allowed to come to the floor and offer amendments to reduce expenditures on Congress because we might micromanage Congress. Now, we are allowed to come to the floor to micromanage other agencies under House rules. But under the Democrats and under the Republicans, we are not allowed to come to the floor and do our own.

The reason this becomes important is because we keep hearing about these allocations to committee and how agriculture, which in fact has been very reasonable and stayed pretty much on an even keel in the budget, is getting battered in this process here, at least debated. But some, like Labor HHS, where our education and health expenditures are, have a $5 billion reduction coming.

We all know that that is not going to happen. At a time of school violence and the pressures we have on education in America, we are not going to reduce it by $5 billion.

And the Department of the Interior, our national parks and environment questions, is getting reduced by 18.7 percent in these great 302(b) allocations we are hearing.

But guess what? The Members of Congress are going to get a 7.3 percent increase for their personal offices. Members of Congress are going to get a 5.6 percent increase for their committees. In fact, the Committee on Appropriations is going to get a 14.9 percent increase, meaning the committees are going to get a 7 percent increase.

And the leadership is going to get an 8.4 percent increase, plus the 660,000 they got in the supplemental bill, meaning they are going to get an 11.7 percent increase.

When we come with 302(b) allocations that propose unrealistic cuts in environment and education, but have increases in it for this House, for our personal offices, for the committees, for the leadership, and then tell the Members of this House that we can amend everybody else's bills to reduce expenditures, but we cannot reduce the expenditures on ourselves, I believe we have a problem here.

We are starting to act in many ways like the Congresses before us. I ran in 1994 because I wanted to see a change. Part of the debate we are hearing in the appropriations process and the patience we are hearing from the subcommittee chairmen and the committee chairmen have been magnanimous as we worked through Labor HHS and other things over the last few years. And we need to have this debate.

But I am very concerned about double standards being put on the Committee on Appropriations vis-a-vis legislative branch appropriations and letting that go up but telling them they have to meet these unrealistic caps in many of the other subcommittees, particularly when we all know that at the tail end we are likely to bump into this so-called train wreck in the supplemental.

So I think we best not talk about whether somebody is in their 302(b). The subcommittee chairman has no choice but to work with that number. But, in fact, this debate is far beyond the 302(b)s because they are not realistic. And there is no way to illustrate that better than that Members of Congress and their personal offices are getting 5.6 percent, that Members of Congress will get 7.3 percent for their personal offices, the committees will get 7 percent, the leadership gets 11.7 percent, but these same allocations are reducing education by $5 billion, education and health and Interior, by 18 percent.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Indiana for yielding.

Mr. Chairman, the gentleman made a reference to the point this it is not this subcommittee's fault, because there are unrealistic allocation numbers given through the budget process to each of the committees.

Could the gentleman tell me who produced those numbers, then, that he is objecting to?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 2 additional minutes.)

Mr. SOUDER. Mr. Chairman, the gentlewoman is correct. It was not the Democratic side of the aisle that produced these unrealistic expectations.

Many of us have concerns, as the gentleman from Oklahoma has pointed out, that these things should be done in an independent and bipartisan way. When we think our leadership is wrong, we will speak up, as when we think her leadership is wrong.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I guess, as one ranking member on one of the 13 subcommittees, we did our work and we produced a bill under the mark we were given. As my colleague can imagine, we feel somewhat troubled by the fact that we have been dragged out to the floor here, now 2 days, with every line item picked apart when, in fact, we produced a bill under the rules we were told to play by. And I guess we do not really understand why this is being fought out on the House floor.

Mr. Chairman, is this their only measure to bring it to us? Can my colleagues not do it in their own caucus?

Mr. SOUDER. Mr. Chairman, reclaiming my time, we in fact have been bringing it up. And our leadership, as my colleague well knows, has a very small majority and it is very difficult to work out. And when we cannot work it out, we have no choice but to bring it to the full Congress and debate it bill by bill.

Agriculture has the misfortune of being the first bill up. My colleagues have basically stayed almost at a flat freeze. And the argument here is not with agriculture in particular, but the process. I believe we ought to air this through the entire process because the numbers are going to be greater variations in the future subcommittees than they are in agriculture.

But agriculture was picked because it was supposed to be the least controversial. And what the American people are seeing and the Speaker is seeing and the Members of the House are, even this bill is controversial because it is a test of where we are going as far as our budget process and how we can try to reach those goals.

But once again, I want to agree with the basic statement of my colleague. The problem is that we have unrealistic 302(b)s and my colleagues did indeed in their subcommittee stay within that, but that the overall category is fallacious and that is what we need to bring out.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here today to voice my support for the efforts to adhere to a freeze, to not increase spending this year.

I empathize with the comments that my colleague has made and the difficulty that we are having in working some of these issues out through our own leadership. But I think that, as we have taken a look and heard the rhetoric in Washington this year, the President talking about saving 62 or 68 percent of Social Security, Republicans talking about 100 percent of Social Security, and I think we really believe that this is the year and this is the opportunity where we can move forward and have a surplus not only on the back of Social Security, but taking Social Security out of the equation and have a balance in our general fund, that that is the appropriate and the best way for us to go.

It really then lays the foundation for us to move forward effectively and aggressively into the future, to start addressing some of our real priorities that we need to be looking at as we move into the new millennium.

We need to be taking a look at paying down a portion of our debt. We need to be taking a look at reducing the tax burden on American families. The only way that we are going to be able to address those issues is if we hold the line on spending. And the only place that we can hold the line on spending is through the appropriations process, and that is why we are here and that is why this debate, as well as the 12 other appropriations bills, that is why the debate on each of those issues is so critical, because it sets the foundation for saving Social Security, for reforming Social Security, for saving and reforming Medicare, and then to move forward towards paying down the debt and reducing the tax burden on the American people.

I want to talk a little bit on this issue for just a second. I came out of the furniture business. I worked in the office furniture industry. I worked for the second largest manufacturer of office furniture in America. I have three of the largest office furniture companies either in my district or very close to my district, and I have got a lot of smaller office furniture manufacturers, many of them who use wood products. I am not sure that they need or want the government to direct or fund this research.

As a matter of fact, we were just up in the Committee on Rules, and I told my colleagues what they really want is, they would rather not have us fund this research; what they really want to have is, they want to have the ability to compete.

The amendment that we brought up in the Committee on Rules goes to an industry like this and says they cannot compete for business with the Federal Government. It is kind of interesting that we are saying we are going to give them $5 to $6 million to be more competitive, but at the same time, whatever they—earn—learn, they cannot compete for business with the Federal Government.

Why is that? Because their largest competitor in the Federal Government for Federal Government business is Federal prison industries. Federal prison industries make $200 to $300 million worth of office furniture each and every year.

So I am sure that the office furniture business would say, let us not worry about the subsidies, let us move back to free market enterprise; and that they will take care of their own research, they will take care of new developments, new technologies, breakthrough technologies, they will fund that. Just give us the opportunity to compete for Federal Government business. We will more than earn our return in terms of profit and at the same time give the Federal Government a better quality product on a better delivery schedule and at a lower price.

So I think that gets to be a very interesting kind of a trade-off. And I think it just shows us one of the ways that we can actually hold the line on Federal spending here in Washington where everybody can win and nobody really gets cut.

So those are the priorities that I have.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I want to make two points because I think a lot of people have heard the word "302(b)."

When we pass a budget, we give an allocation of a certain amount to each of 13 spending bills, and that amount of money is what can be spent.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I just want to finish the discussion so the people who are watching this debate will understand that that number is arbitrarily assigned, and when it is assigned in such a way that means that we are going to spend Social Security dollars to run the government, when we should not, then it is an inappropriate assignment. So that is an amount of money that is given to each appropriations committee on what they can spend.

The final point that I would make is that 10 hours of debate on $61 billion worth of the taxpayers' money is not too little debate. As a matter of fact, it is not enough. And I find very peculiar, to use the word of the gentleman from Michigan, that we would be worried about discussing out in front of the American public where we are spending their money. And 10 hours of debate, which is what we have had thus far on this $61 billion, I think is far too little.

So I find it peculiar that we do not want the light of sunshine o come on what we are doing.

Mr. CASTLE. Mr. Chairman, reclaiming my time, if I may, I just wanted to come to the floor to discuss all of this because I have some views on this that may be a little bit different than what we have heard. I support the particular amendment, as I have a number of these amendments, with respect to reductions.

I have a tremendous amount of respect for the chairman of the committee and for the work that the staff has done. I think they have actually worked hard on this. But I have a huge problem with the way that we are managing the finances of the country today. I am not talking about just here in the House. I am not talking about the House and the Senate. I am talking about the House, the Senate, and the White House and the President of the United States.

It is my judgment that there are sufficient revenues on hand today to do virtually everything that I have heard the people think needs to be done; that is, to help rescue the Social Security and/or Medicare systems; to make our expenditures proper, particularly in the areas of defense and education and other areas that we agree need a great deal of help, as well as agriculture, I might add; to live well within a balanced budget circumstance, and probably frankly to be able to have a tax cut.

□ 1245

But somehow we have gotten tied into the 302(a) allocation and the 302(b) allocations. Everyone is unwilling to talk about doing anything different. Nobody is willing to get together to sit down and say, "What are we going to do?"

I can tell you exactly what we are going to do. We might pass this particular bill and a number of the other appropriations bills, but we are going to end up with at least five of these bills, and maybe six or seven of them. We are going to have a train crash, and the train crash is going to be the same as the train crash we have had almost every year since I have been here.

Sometime along about November, we are going to be in a circumstance in which we are not able to get the others passed. We are going to get into an omnibus situation, we are then going to break the budget caps, we are probably going to spend about $50 billion more than we should have spent otherwise because we did not sit down now and plan how we are going to manage the revenues and the budget of the United States.

A lot has happened in the last 2 years since we came to the balanced agreement. There are a lot more revenues on the table now. I believe that I am fiscally conservative, as are many Members here, but I also believe that we have to make decisions which are astute and which make some sense.

I think the distinguished gentleman from Oklahoma is making some very good points here, not just individually on each of the amendments which he is presenting but on the basic concept of what we are doing. For that reason, I think that we have to start to think outside of the box on the finances of the United States.

I intend to take this up directly with the President, at least in the form of a letter, as well as with our leadership, to stress some of these points and to suggest that we are going down a road that we are not going to be able to complete and we are going to be casting votes here throughout the summer on a series of appropriations bills that are going to end up being very different when it comes to November. In a way it is a shame that somebody as distinguished as the present chairman is sort of at the brunt of the feelings of some of us who do not think the proper decisions are being made.

It is very simple. Why wait until the end, when virtually everybody agrees that probably we are going to break out of these budget caps and the allocations will probably change in some way or another? Why can we not get together now? Why can we not get together with the White House, which has a major voice in this, sit down and make the decisions and go from there?

That is what the people of the country want. They want our country managed well from a financial point of view and in a basically conservative way so that we are able to move forward. That is what I would like to do.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Could I ask the gentleman to clarify something for me? I heard what he said and that he wants an honest budget process. Our subcommittee came in exactly as we were told on the mark we were given. He does not like the marks the subcommittees were given?

Mr. CASTLE. That is correct.

Ms. KAPTUR. What would make the gentleman happy? This process cannot make him happy. He is nit-picking a bill apart on the floor. What does he want?

Mr. CASTLE. Mr. Chairman, the gentlewoman is correct. I think that her subcommittee did fine. I have a problem with the allocations.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. CASTLE was allowed to proceed for 2 additional minutes.)

Mr. CASTLE. Mr. Chairman, I believe that her subcommittee has done just fine based on the allocations which are there. My problem is that I do not think we can live with the budget caps which are there and get everything in that we are ultimately going to have to do in the course of this year.

You might be able to pass your particular appropriation bill, but, as I said, I think there are at least five and probably more than five, maybe six or seven which simply are not going to pass with these caps. You happen to be sort of in the upper end of that if you really look at it. You are not as high as Defense and a couple of others but you are in the top four or five. Therefore, you are probably in the best circumstance in terms of what you can do.

But if you look down through these, VA-HUD and a series of others, Labor-HHS in particular and Interior and some others simply are not going to make it in this circumstance. We are going to come to the end, then it will all get rolled together, we will do it in the form of an emergency bill, taking money away from Social Security and other spending we could do; or we will roll it together in some sort of omnibus bill at the end of the year as we did last year with all kinds of extraneous spending.

Unfortunately, you suffer the brunt of the conclusions of people like me and maybe some others who approach you from a different point of view. But because of that we need to express ourselves and try to get the attention of people all over Washington to try to pull this together and come up with some resolution of the matter.

Ms. KAPTUR. But that is my question to the gentleman. Obviously there is a problem on your side of the aisle. What is the mechanism for you to solve that problem internal to your caucus without dividing us on this floor? You had a budget. You did 13 appropriation allocations. What went wrong?

Mr. CASTLE. Reclaiming my time, it is not, and I say this respectfully—I do not want to pick a political fight today particularly—it is not just on this side of the aisle. For example, the OMB director, Mr. Lew, has said he is going to slam Republicans today for deep, unwarranted cuts in funding, yet he will insist that the GOP resist the temptation to raise the budget caps this year. That is probably a strategy that maybe your side of the aisle will use as well.

The bottom line is it involves all of us. If we are going to resolve this problem, it involves all of us. Yes, I think my side of the aisle should be involved, they should go down to the White House, too, but we should all be talking about this.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has again expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. Castle was allowed to proceed for 2 additional minutes.)

Ms. KAPTUR. I do not know what the White House has to do with this. The budget process is for us, the Budget Committee of the House, the Budget Committee of the other body. We do our budget, we get our allocations. What I do not understand, nobody has been able to explain to me in 2 days, if you do not agree with the budget allocations that have been given, why do you not go back and do the budget?

The gentleman from Texas (Mr. ARMEY), the gentleman from Texas (Mr. DELAY), they were out here yesterday, they voted with the gentleman from Oklahoma (Mr. COBURN) on the amendments that he brought up. And I am standing here thinking, "Wait a minute, they gave us the budget marks that we used in our committee, so now why are they voting against their own marks?" I do not understand. What is not working? Which committee is not working over there? The Budget Committee? They already did the work. They gave us the marks. How do we avoid what is going on here?

Does the gentleman understand my question?

Mr. CASTLE. I do understand your question. Reclaiming my time, I am going to try to answer your question.

The system of budgeting in this country in general has failed in many ways. I believe that the emergency appropriations, in which the White House was very involved, was a series of expenditures beyond what we should have done, cutting into what could have been used for Social Security and what could have been used for other spending. I believe that the omnibus bill that passed at the end of last year, and the President is involved in that, I am not saying it disrespectfully but the President is involved in that, was a bill which went well beyond any dollars that we should have spent in the course of the year because the President wanted to spend more.

I am cognizant of the fact that the President is going to want to spend more in my judgment by the end of this year. As I said, sometime in October or November, that is going to happen. The executive branch is always involved in decisions such as this. It is a political war going on. The White House is saying, "Don't break the budget caps." And the House and the Senate are saying, "Well, we're not going to break the budget caps."

But we are coming up with a methodology that is ultimately going to lead to that happening and it is going to have to happen at the end of the year. I do not think that is proper. I am not excusing what we are doing here, but I am also not going to say that the White House is not involved.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has again expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. CASTLE was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. If the gentleman will yield further, I would forget the White House. My advice to your side of the aisle is: You have the majority. You do the budget you want to do. If you have got a problem with the other side over there, with the S-e-n-a-t-e, then deal with whatever that is. I do not know who is cutting the deals for you, but do not do this to our bill. I do not understand. The gentleman's party has the majority. You can produce whatever bill you want.

Mr. CASTLE. To suggest that the President of the United States should not be involved in the resolution of the spending of the United States, including the budget allocations, as well as all other decisions which are being made on Social Security and Medicare and tax cuts and whatever else we do, is to presume that the President is powerless. And this President is not powerless. The White House is a major player in this.

It is simply not just the prerogative of the majority here or even a majority and a minority together here. It is something that should be worked out with everybody sitting down to try to make a difference. I say that constructively. I do not say it in a political sense. I say it entirely constructively.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

First of all, having only been here three terms, I do understand, though, the process with the budget, and the budget resolution is a document that is approved by both bodies of Congress and does not need to have the President of the United States' signature on it, and is a blueprint for then how the committees on appropriations should go about doing their work. It is at that point when the committees on appropriations are doing their work and working its way through Congress and approving those bills, they are sent on to the White House, and then the White House determines whether to veto it or sign it into legislation. So I do not want to get too far along in that discussion, but I thought it was appropriate for some of those that may not be as familiar with the process.

I want to thank the gentlewoman and also the chairman of the subcommittee for the work that they have done in achieving the budget resolution and levels that they were given by leadership and by the Committee on the Budget. I appreciate the work that they put into it.

I also appreciate the amendments by the gentleman from Oklahoma (Mr. COBURN) and those that seek to address the issue of the budget overall in agriculture, because I think frankly it gives the agriculture community an opportunity to talk about agriculture. Sometimes in our country we just take agriculture for granted. We think it is a produce aisle at Shop 'N' Save or some large chain, but it is families out there that are working hard, trying to make ends meet and carrying on from one generation to another. A lot are participating in a 4H program and a lot of other activities throughout rural America that I think make the quality of life second to none.

I think though in proposing these amendments, and not being as familiar with the research that goes on at our land grant institutions, I wanted to come to the floor to better explain and to seek your understanding in regards to wood utilization research. Presently the State of Maine has an excess of over 22 million acres. The State of Maine has a small population and does not have a population base to be able to spend as much money on pavement as a lot of other States.

So in the State of Maine we have a very good research and development entity at the University of Maine, and they have been studying wood utilization so that we would be able to use a lower grade wood with a laminate added to it to be able to be used in bridge construction. We are looking at being able to use an awful lot of that because in the islands and traveling around the State of Maine, it is one thing to make sure the roads are smooth but it is another thing to be able to get from here to there. If you do not have the proper bridge and the stress that goes with all of that, then you are not going to be able to do that. The research at the University of Maine is allowing that to happen.

It is also involved in doing environmental work to reduce the amount of chlorine that is used in processing. A lot of the wood that we do have in our State of Maine is of a higher grade and to be able to add value to that, we are creating a lot more in-State processing. By having a State which has natural resources be able to add value to those natural resources is reducing higher unemployment, which happens to be in more of the rural areas where we see a lot of our natural resources exported and processed elsewhere because of the processing that has been provided. We do not have that within our State and in a lot of rural States.

So by being able to have the technology and the research, now companies are lining up around that research to then add to the construction and reconstruction efforts, to add to the employment and additional employment of better paying jobs in a part of rural America and rural Maine where there is higher unemployment. This research does mean an awful lot to the people who are working in those areas.

At the same time, because of an environmental concern about the number of trees that get cut, by being able to add more value to what you are doing with your natural resources, you find yourself in a situation of not needing as many of those natural resources because of being able to add value on it. So that means that we have people who are not just out there cutting the trees to gain income but they are also working in the in-State processing and value added of that product to get a higher value out of it, better paying jobs and benefits. And more of that is occurring on our side of the border rather than on the other side of the border. So a lot of this research is being done and I think it is important.

The CHAIRMAN. The time of the gentleman from Maine (Mr. BALDACCI) has expired.

(By unanimous consent, Mr. BALDACCI was allowed to proceed for 1 additional minute.)

Mr. BALDACCI. So I think it is important, though, because at first blush it may not have the understanding that it would by reading it. I think it is important that we do explain it, not only for those that may wonder about it but there may be others that have some concern about it. I appreciate the opportunity and the work that has gone into this.

(On request of Mr. SANFORD, and by unanimous consent, Mr. BALDACCI was allowed to proceed for 2 additional minutes.)

Mr. BALDACCI. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would agree, there certainly is a lot of valid research in any of the land grant colleges. My particular reason for offering this amendment, though, ties to part of the research goes, for instance, into better harvesting methods. Though Maine does not have the mosquitoes that South Carolina has, I know that you have a few mosquitoes in the summer.

The old saying is, necessity is the mother of invention. I cannot imagine a more resourceful person than that person laying under a logging truck or laying under a skidder, getting bit up by a mosquito—you have those—we call them dog ticks in South Carolina, they will be the size of your thumb coming at you. That person is going to be pretty resourceful in coming up with the quickest way to move a tree from a stump to a mill.

The reason for this amendment was not to in any way discount some of the valuable research that takes place but to say there is also some stuff that is probably extraneous and probably better done by the Joe Youngs of the world in Georgetown, South Carolina.

□ 1300

Mr. BALDACCI. Mr. Chairman, just gaining back an opportunity, I do appreciate that, and I would just like to say for public relations purposes the mosquitoes in Maine are not that big, even though they are called black flies, and so if my colleague is interested in coming to Maine rather than South Carolina, he can enjoy that.

The second thing is that what the gentleman has helped to do as a Member of Congress, and many other Members, is that now all of a sudden it just does not go out and the research is done through this money, but this money is matched by industry and by private support, and it is actually in collaboration.

The CHAIRMAN. The time of the gentleman from Maine (Mr. BALDACCI) has again expired.

(By unanimous consent, Mr. BALDACCI was allowed to proceed for 1 additional minute.)

Mr. BALDACCI. Mr. Chairman, last year the University of Maine received about 890,000 in Federal funds, matched with 500,000 in programs support, and industry provided in kind support an additional 250. So the collaboration is there, so it is not being just done by the university and by the money that is being provided here, it is a collaborative effort which has been forged, I believe recently, which I think is going to lend more value because there is actually going to also be an economic gain from that.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would just like to state for the record that the gentleman clarified something very important that I would like to put on the RECORD, and that is the industrial fund match in each of these centers: at Mississippi State, an average of $783,458 for the last 5 years; Oregon State University, over $670,000; Michigan State University, $605,000, and the list goes on. We will submit it for the RECORD.

But the point is there are not only industry matches, there are also State matches. So this is truly a Federal, State, private sector cooperative program, and I thank the gentleman for coming to the floor.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from New Mexico (Mr. SKEEN) for his leadership on the floor and for holding this colloquy with me to clarify the Agriculture Research Service funding level for rainbow trout research.

Is it correct that the chairman's amendment offered in subcommittee markup provided that within the funds provided to the Agriculture Research Service the committee recommends an increase of $500,000 for research at the University of Connecticut on developing new aquaculture systems focused on the rainbow trout?

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, the gentlewoman is correct, and this is a typographical error. The amendment adopted in the subcommittee clearly stated $500,000. I regret the error, and I do welcome this opportunity to set the record straight.

Ms. DELAURO. Mr. Chairman, I thank the gentleman from New Mexico.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman, and I just wanted to say for the record there was some references made a little bit earlier to the role of this House and the other body in preparing a budget and approving a budget, the role of the White House. I just wanted to mention that normally the way government at the Federal level works is that the Congress prepares and passes bills.

The President can propose, but it is our job to dispose, and when we finish our work, and it is ours to finish, we send it to the White House, and under the Constitution he has only two options: sign the bill or veto the bill.

So I do not really understand all this extralegal negotiation that may be referenced here on the floor and so forth. We have our job to do, and we ought to do it, and if the President does not like what we do, then let him use his constitutional powers to veto and we will override, or we will come back to the drawing board and do this again.

But truly we are not meeting our constitutional responsibilities through the kind of dilatory tactics that we have experienced now on the floor for over 2 days. I do not remember when I have seen a bill, an appropriations bill for certain, come to the floor with hundreds of amendments filed on one particular subcommittee like this one.

So I just wanted to say to the leadership of this institution, "Do your job, send the bill over to the White House, and if they don't like it, let them veto it. If they like it, let them sign it. But let's not be bound up by some sort of private conversations which none of us here on this floor are party to. Let's do our job. That's our constitutional responsibility."

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. The objection to spending, now 10 hours of debate on a $61 billion spending bill in the Committee of the Whole, the House, the whole House; that is why we do appropriations, so we can have it in the Committee of the Whole.

So my colleague's objection is that we should not spend this time, or our purpose in trying to keep us under the spending totals that we all made a commitment to? Which of those two does she object to, because I am having trouble understanding.

My colleague knows what my purpose is. My purpose is to not to allow $1 of Social Security money to be spent when we have all said we would not spend it.

Ms. KAPTUR. Mr. Chairman, if I might reclaim my time, I think the gentleman's purpose is to bring an interfamily fight within his party on the floor of this Congress. I am still having a little trouble understanding that fight.

But we met the budget numbers our colleagues gave us in the bill we have brought to this floor. We dealt with hundreds of Members. We had all kinds of testimony. We dealt with every Member respectfully. We dealt with all kinds of interests across this country in crafting this bill.

We are happy to have some attention, but it is interesting to me that there is just about a handful of Members with amendments to this bill. The gentleman from Oklahoma (Mr. COBURN) has hundreds of amendments, and what I cannot figure out from what

I have heard, and it is very confusing to me, people on his side saying he does not like the budget that his party prepared, so he is down here now trying to pick it apart and using our bill as the excuse.

I do not understand. If my colleague has the votes, he should go back in his cloakroom and work out his own budget, and bring us back a repaired budget. But what he is doing is, he is making us a victim of some sort of squabble I still do not truly understand inside his party.

Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from South Carolina.

Mr. SANFORD. What I find interesting about that is, let us assume it took 20 hours we have been on the floor, what the gentleman from Oklahoma is trying to do is basically save $200 million. I mean, that is over $10 million an hour that he would be saving the taxpayer. To me, that would be time well spent.

Ms. KAPTUR. Mr. Chairman, I just wanted to say to the gentleman that under the budget they produced, we have done our job. We have met their budget mark. We are not the problem. He is making us a victim. He is anticipating the problem to come with some other bills. Well, if the gentleman does not like the marks on those bills, go fix that, but why is the gentleman making us the victim?

Mr. COBURN. Mr. Chairman, would the ranking member please yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. My intention is not to make the gentlewoman a victim, I promise her, and I cannot imagine, as well as I know her, that she would ever be a victim of what we are trying to do.

Ms. KAPTUR. We are today, we were yesterday.

Mr. COBURN. The process is the victim. And I agree with the gentlewoman, I agree that the process is the victim; and our intention is, there is nothing wrong with the budget, there is plenty wrong with the process.

Ms. KAPTUR. What process? The gentleman's process?

Mr. COBURN. The gentlewoman must know that I profess to be an Oklahoman and a conservative before I ever profess to be a Republican, but I will say to this woman the process is, and she has already readily agreed, that there probably are not a lot of these other 302(b) allocations, the amount of money that is allocated.

The CHAIRMAN. The time of the gentleman from Ohio (Ms. KAPTUR) has expired.

(On request of Mr. COBURN, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. They are probably not going to be agreeable to the gentlewoman because we are not going to be able to take care of our veterans under 302(b) allocations.

Ms. KAPTUR. Mr. Chairman, within the gentleman's structure, he decided what those levels were. Now he is saying he does not agree. On this side of the aisle we have to act in good faith with the budget the gentleman's party has given us.

I am saying to my colleague, if he does not like what he was given, other than coming down here and doing this, does he not have some other amending process he can do on his side, inside his caucus, to produce the budget that he wants?

Mr. COBURN. If the gentlewoman would yield, if we had that capability, we would not be here.

Ms. KAPTUR. But they prepared the budget. It is their budget.

Mr. COBURN. The 302(b) allocations are prepared by certain groups within here, and those are the ones we object to. It is not the budget that we object to.

Ms. KAPTUR. Well, which party are they in? Is it the majority party?

Mr. Chairman, I would like the record to show it is the majority party that prepares the budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 13, line 11, after the dollar amount insert "(reduced by $300,000)".

Mr. COBURN. Mr. Chairman, Oklahoma is the leading producer in this country of Spanish peanuts. Last year peanut production in this country coming off the farm generated $1 billion in revenue. The cost of peanuts in our country and the products that come from there end up being twice as high as they are worldwide.

Now, this amendment asks the question, we have a subsidized peanut program in this country that generates a billion dollars of revenue off the farm each year for peanuts. Why would we want to spend $300,000 on peanut competitiveness when we already know the reasons why we are not competitive in peanuts? It is because we have an oversupply and that we have tried to manage the problems with this oversupply through a subsidy program.

Again, here is $300,000 that is directed for research on why we are not competitive worldwide on peanuts when we already know the answer. So I would again go back to the fact that here is $300,000 that could be better spent, that could be better directed at other areas of research, that could in fact be used to help farmers directly rather than to set up a competitive research program when we already clearly know the answer.

The problem in peanuts is, we have to slowly wean away from this false market, and we all know that; and as my colleagues know, I do not want a peanut producer in my State to have to go out of business.

I understand the friction and the rub associated with these big problems for our farmers, but to turn around and to spend that kind of money in terms of our subsidy programs, and then to turn around, and those are mandatory spending, to turn around and to spend $300,000 to tell us what we already know makes no sense.

I would rather see that $300,000 go directly to farmers, corn farmers, wheat farmers, soybean farmers or cattle ranchers who are competing with a market that is coming in from Canada, that ignores any type of testing, any type of standards that the rest of our ranchers have to have.

If we really want our ag research directed to help our farmers, then we will not have $300,000 set up for competitive peanut research, and instead we will spend that money somewhere else.

We do. We are demonstrating that we trust the committee because we are not taking this total amount out of the research. We are saying put it somewhere else, but do not spend it on a program that keeps us at the seat of political favors rather than at the best efforts for our farmers.

As my colleagues know, the real debate is, we have allocations of money set for agriculture that I think is really a little too much. That is what I have been trying to do, get $250 million out of this bill because I think that is the only way we are going to meet our commitment to the seniors of not spending their money. But colleagues cannot claim that they did their job for the whole Congress, we as a body and the Committee of the Whole, if we meet a 302(b) here knowing that we have no intentions of meeting those allocations, that 302(b) allocation, on the four biggest bills that are going to come before us. It is not intellectually honest for us to say that.

We know that this committee has worked hard. I am sorry that we are where we are, but the fact is, if we made a commitment when the Democrat budget was offered, the commitment was made not to touch Social Security money. When the Republican budget was offered, the commitment was made not to touch Social Security. When the President's budget was offered, which I offered because nobody from the other side would offer his budget, two Members of this House agreed to spend 38 percent of the Social Security money.

They are the only two people in this body that have the right to have this process go through the way it is setting up, because they already said, "We don't believe you can do that. We believe we ought to spend more money." The rest of us voted to say we would not spend one penny of Social Security surplus.

□ 1315

So for us to be in the position where we are going to allow a process to go forward that we know is going to deny the American people what we want them to have is the very thing that I am tired of in Washington.

It is my hope that we will return to the American people the confidence they deserve to have in this body. And if we say we are not going to spend their Social Security money, we should not spend it.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am searching in the report for the language that would be stricken by this amendment. I am searching in vain. I wonder if the gentleman from Oklahoma (Mr. COBURN) could assist me in finding the line where this item exists. It says, page 13, line 11. However, we cannot seem to find it in the report.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the clerk has actually read the wrong line items. It is actually page 14, line 16. The Clerk read page 13, line 11. Our amendment was actually page 14, line 16. They happen to have the same amount of money, and therefore it was read as an inappropriate amendment.

Mr. Chairman, I ask unanimous consent to withdraw this amendment and offer the amendment as offered on the right line item.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. KINGSTON. Mr. Chairman, reserving the right to object, if the gentleman chooses to withdraw the amendment, I will not object, but if he is planning to insert it elsewhere, then I will object because right now the amendment is basically void, am I not correct, Mr. Chairman, since it is an inappropriate amendment?

The CHAIRMAN. The Chair will not interpret the substantive effect of an amendment offered by a Member.

Mr. KINGSTON. Mr. Chairman, further reserving the right to object, I would inquire of the gentleman from Oklahoma (Mr. COBURN), is my good friend planning to offer this amendment elsewhere?

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I have every intention of withdrawing this amendment and reoffering it. Whether the gentleman objects or not, I will still have the privilege of reoffering the amendment.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, the gentleman is an incessant campaigner for his cause. With that, I will withdraw my reservation of objection and let the gentleman withdraw the amendment.

Mr. COBURN. Mr. Chairman, I thank the gentleman from Georgia.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 14, line 16, after the dollar amount insert "(reduced by $300,000)".

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I would like to speak to the intent of the gentleman's previous amendment, and I hope the gentleman is about to reoffer it so that I may do so and not move on to another section.

Mr. COBURN. Absolutely, Mr. Chairman. I thank the gentleman from Georgia (Mr. KINGSTON) for his courtesies.

Mr. Chairman, I will be very brief in what I have to say about this amendment. We have a $300,000 expenditure for peanut competitiveness. We have a subsidized peanut program that produces $1 billion worth of raw peanuts off the farm a year. The prices of peanut-graded products in our country are higher than what they would be if we did not have a subsidized peanut program.

I have voted in the past for the subsidized peanut program. I have lots of peanut farmers. That does not mean in the future that we should not try to change that and wean that to a competitive model where we have the appropriate amount of production and a competitive international model on that.

My point with this amendment is we know why we are not competitive on peanuts; why would we want to fund $300,000 to answer that question?

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a representative from the great peanut State of Georgia, I rise to oppose the amendment as offered by the gentleman from Oklahoma.

This National Competitive Center for Peanuts, one would envision by that title a building of bricks and mortar when it in fact is not. This goes into funding research at the University of Georgia, the purpose being to find out if there are more efficient ways to produce peanuts. It is legitimate agricultural research, as is the type of research that we do on a myriad of other crops and fibers and foodstuffs all over the country.

One of the great challenges that we have on this Subcommittee on Agriculture is funding research which is open to easy ridicule. For example, if this committee funds something that has to do with the mating habits of the screw, it is a great sound bite for Jay Leno and it is a great article for the Reader's Digest to say "Look at what these idiots are doing, they are researching the sex life of bugs."

And it is funny, and we all have a big laugh about it, and somebody from the other body says to the President, veto this obvious pork. Yet, to the families of America who eat groceries every day, it is very important.

They might not think this immediately benefits them. But I can promise my colleagues that agriculture research benefits every American household. Because, unlike some folks in the media and some folks in the other body, our constituents in this side of the legislature have to eat. And the more one knows about food, the more one can effectively and inexpensively produce it. That is why we do peanut research. That is why we do corn research. That is why we do bug research. This is part of a bigger picture.

Mr. Chairman, we know that the learned and distinguished and conservative gentleman from Oklahoma's real purpose here is to cut spending. But we also know that this bill, while it can be nickled and dimed here and there and questioned here and there, and things can be pulled out for micro inspection and therefore ridiculed, we know that this bill is within the spending budget.

This bill is within the bipartisan agreement that was signed off by the President of the United States, that was signed off by the House leadership: The gentleman from Missouri (Mr. GEPHARDT), the gentleman from Georgia (Mr. Gingrich). It was signed off and adhered to by the ranking member and the chairman of this subcommittee and all of the Democrat and all the Republican members. We have fulfilled our mission. We have come in at goal. We hope that other subcommittees do the same thing.

The objective of the gentleman from Oklahoma is not necessarily to pick on peanuts, but it is to criticize this bill. We are saying, you know what? The bill might not be perfect, but it comes in at the right price, and it is about 80 percent as good as one can get it in a legislative body of 435 people coming from all over the United States representing the great 260 million people in America.

With that, Mr. Chairman, I would strongly urge my colleagues to soundly reject this amendment. Not for the sake of peanuts, not for the sake of peanut competitiveness, but for the bigger future, the bigger purpose of putting food on the family breakfast, lunch and dinner tables across America. Because we, unlike other nations, only spend 11 cents on the dollar on our groceries. Other countries spend 20, 25 cents, 30 cents, 40 cents. Other places even less fortunate than that spend all day long scratching out a living only to get food on their table.

Agriculture research, Mr. Chairman, is very important. It is part of our agriculture picture, and fortunately, we have very few people as a percentage of our population going to bed hungry at night, but it is because of important agriculture research, as well as this farm program.

Now, the gentleman talked about peanut subsidies. I would remind him that peanut subsidies are not there anymore. The peanut program is a program, and yes, it is an elaborate program, and no, it is not the model for capitalism and free market. But what it does do, it allows young people to go back home and farm for a living, because they know if they can make a profit on peanuts, then they can also grow corn, soybeans and hogs/pork which they cannot make a living off of.

Protect America's farmers. Vote "no" on this.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The Federal Administration grant that this amendment proposes to eliminate is described in detail in part 4 of the committee's hearing record on page 1701. The following is a brief description of the research performed under the grant.

> The grant supports an interdisciplinary research and education program to enhance the competitiveness of the U.S. peanut industry by examining alternative production systems, developing new products and new markets, and improving product safety.
>
> The project helps peanut producers be more competitive in the global market. In the first year of the project, 1998, a computerized expert system was adapted for hand-held computers that were used to help farmers reduce pest control costs. In addition, economic factors were added to a computerized disease risk management system which includes a large number of factors involved in the onset of a very destructive wilt. For every one-point improvement in the "wilt index," a farmer's net income is increased by $9 to $14 an acre. USDA funds were used to leverage an additional $124,000 for research by the Center for Peanut Competitiveness.

Thank goodness that they do not use smaller print on this thing, nobody could read it.

Grants for this work have been reviewed annually and have been awarded each year since 1998. This work is performed at the University of Georgia and involves cooperation from Auburn University in Alabama.

Mr. Chairman, this is a good project and it deserves the support of all Members. I support the project, and I oppose the gentleman's amendment to eliminate it.

Mr. EVERETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Center for Peanut Competitiveness is in its third year for a program that provides critical research addressing several aspects of the peanut industry, including production development, production practices, safety, economics, and other areas that contribute to the competitiveness of the U.S. peanut farmer. At a time when profit margins for farmers are collapsing, at a time when farmers are choosing whether they will sell their family farms or not, it is incomprehensible to take research money from a center that works for the universities in Georgia and in Alabama to help farmers help themselves.

I say to my colleagues, in case we have not noticed, we are in a global economy, a complicated system where information and technology is our key to survival. In my district alone, information on how to be more competitive or how to market one's product more effectively can be the difference between the bank taking your grandfather's farm or being able to keep it.

Mr. Chairman, I urge a "no" vote on this in support of the American farmer. I would like to point out that I have listened to this debate for over 10 hours, and the lack of knowledge on the part of the people offering these amendments is startling.

First of all, there is no peanut subsidy. There has not been for a number of years. It is a no-cost program. In addition to that, it provides $83 million in deficit reduction through the year 2002. In 1996, the peanut farm bill made major changes in the program. We have done that. The program supports 30,000 American jobs.

I am just appalled at what has gone on, frankly, in this House for the last few days. People are nitpicking this appropriations process. What for? At the end of the day do they want to say "I told you so"? This is a self-righteous indulgence by a very few people in this House and ought not be happening.

□ 1330

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if there was ever a sensible amendment, this one is it. I do not know what could be more clear cut.

How many think it would be a good idea to put $300,000 to efforts to study democracy in Cuba? How many think it would be a good idea to put $300,000 to study the democracy that exists in Iraq? How many think it would be a good idea to put $300,000 to study good government in Libya? None of them exist. That is exactly what this amendment is about.

This is a study of $300,000 for competitiveness in peanuts, which is something which does not exist. We have a market quota system. If you have a quota, you basically get to sell your peanuts for double, more or less double the price of anybody else.

For instance, I grew up on a farm down in Beaufort County, down in South Carolina. I am trying to pass on a few of those traits to my boys.

Can I imagine my boys raising peanuts in the backyard, and then being penalized simply because they do not have a quota? What this quota means, if you happen to live in Los Angeles, if you happen to live in Chicago, if you happen to live in New York and you have a quota, you can sell that quota. So you have fat cat quota owners that basically get double what somebody else does simply because they have the quota.

That is not something that makes sense, but more significantly, what it says is this amendment does make sense, because to spend $300,000 studying competitiveness in something that is fundamentally not competitive is big government, at best.

That is what this amendment does. It makes common sense. It highlights, I think, the lunacy of some of the quota systems we have in place.

Can Members imagine a watermelon quota system? If you have a quota with watermelons, you can sell your watermelons for what my boys can raise them for in the backyard.

Can Members imagine a cantelope quota system? If you have the quota you can live in New York City, you can sell your right to produce quota cantelopes to somebody who is down struggling on the farm. This is something that penalizes the family farmer.

Again, this is not something that makes sense. It is the equivalent of saying let us spend $300,000 studying the democracy that exists in Cuba, $300,000 studying the democracy in Iraq. We do not have competitiveness in the peanut program. This simply says, let us admit that and not spend $300,000 of taxpayer money on something that does not exist.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to associate myself with the remarks of my friend, the gentleman from Alabama (Mr. EVERETT). Having listened to the last speaker, my friend, the gentleman from South Carolina (Mr. SANFORD), I want to reiterate the problem that we have here in many of us not understanding the issues.

Just the instance that my friend, the gentleman from South Carolina (Mr. SANFORD) talked about with the absentee owners of quotas, he should know that the 1996 farm bill that he voted for changed that system in the peanut program. It was wrong to have it that way, and it was changed.

Mr. Chairman, I wanted to say, I have been listening to the debate over the last couple of days of some of the amendments that we have before us. As I went home last night and began to think about the bigger picture, this thought came to my mind.

This country is the greatest country in the world because of the technology that we have developed, the money we have spent on research, in every aspect of our lives, whatever it be.

We are the greatest military power in the world because our research and development has developed technology that enables us to be that. We have the greatest medical community in the world because of the medical research that has been done in this country, mostly in our public universities with public money, to establish us as the greatest provider of medical services in the world.

Our agricultural industry is the greatest in the world because of the research and development, and most all of it has been in our public universities over the years. Our industrial basis the same way.

What we have seen in the last couple of days is an attack on our research and development to develop new technology to continue for us to advance into the 21st century.

I would strongly urge that Members defeat the amendment which is before us as it is simply another attack on research dollars which will enable us to continue to advance and be the greatest Nation in the world.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the last couple of days have been somewhat frustrating for a number of us who find that due to some of our committee responsibilities and some of our interests in agriculture, we are finding ourselves going through this.

I need to make it clear to the gentleman from Oklahoma that I have no qualms whatsoever with his rights to do what it is that he is doing.

I have heard a lot of comments here. The gentleman from Indiana (Mr. SOUDER) mentioned earlier, and I do not know if he is on the floor, but that Members need to be sure to come over and support or defend the attacks that were being leveled on various projects in various districts, as if they were all personal and the work would not be done if it was not being done in that particular district.

It has to be done somewhere. I think probably it is done a lot better out in the communities, rather than it is in Washington, always.

I do not have any defense that I need to make of this particular amendment. We do not do any peanut research in my district. But I do want to say that I do not feel terribly comfortable in the fact that if each person came over and did defend an attack that was being made, that that would be sufficient to some of the proponents of some of the amendments to make dramatic cuts.

I was the chairman in the last Congress of the Subcommittee on Risk Management, Research, and Specialty Crops, the first time that that title had been reauthorized in a number of years.

We spent a great deal of time looking at the value and the significance and the importance, not only to American agriculture but to the entire American population that eat, about the strides and about the accomplishments and about the progress and the success that agriculture research has made. I think it probably is some of the best money that is spent.

Now some people have said, well, we could best take this and give it to farmers and buy tractors or whatever. That is not part of the proposal. The proposal is not to take, in this case, $300,000 and give it to anybody, it is to simply eliminate it. So that argument in itself is somewhat hollow.

I do not believe that intentionally people are trying to do harm to a significant number of very important programs that the chairman of this subcommittee and the ranking member of this subcommittee spent hours deliberating over to try to come up with a balance within what they were told they had to work with.

Some people do not like that, but that is what they were told they had to work within, and they did it. They did a very good balance of a number of very longtime continuing programs and some new programs. But I hope that we do not totally limit ourselves just to things that have always been done in the past; that we look at how we can do them better, that we look at new programs that ought to be brought into place, that we look at things that should be done on behalf of American agriculture with a very, very limited budget and the very, very small amount that is expended on agriculture.

I would hope that while the gentleman may continue for as long as he can hold out offering his amendments, that this body, that this committee, and that in the full House, we would take a very close look at a very well-defined product, and not let one and two and three here nitpick and pull this thing apart and totally disrupt what it is that we are trying to do, not only on behalf of American agriculture but the American people, who have the best quality food, the safest quality food, and the cheapest food of anybody in the world.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly, because I have the greatest respect for my fellow colleague, the gentleman from Oklahoma (Mr. COBURN), and he is one of the brightest men I have ever met, and one of the men that is committed to a lot of different causes.

But I could not let this debate go by without taking a few moments to make some remarks about agriculture. I grew up on a peanut farm. I have no financial interest in peanuts, except I do like peanut butter and have Oklahoma peanuts in my pocket. I have studied peanuts most of my life and agriculture most of my life. Because I have a couple of degrees in agriculture, I have an emotional tie about the agriculture position in this country, not just a political one.

Years ago our Founding Fathers set the Morrill Act, which established our land grant universities. One of the most important things they did with the land grant universities is they set up research farms, and those research farms were connected with other private sector farms and private sector research facilities.

Those land grant universities, through that research coupled with the extension agents or county agents, and also with our agriculture teachers, allowed us to make agriculture a role model for transferring technology to use on the farm.

What happened was we had the greatest technology transfer ever recorded in the history of our country, as we developed a food production system, unmatched by any country in the world, which is allowing us today to stay somewhat competitive in world trade.

It was caused to happen because of the dollars in research that came about through our land grant universities, like Oklahoma State University. They have done a tremendous amount of research with peanuts and the peanut program.

The peanut program has changed a great deal in the last few years. If a lot of other of our agriculture programs were set up like the peanut program, it would not be costly to the government at all. But unfortunately, that is not the case.

I predict to the Members that somewhere in the near future in agriculture we will be producing a quota for this country, and then we will have a nonquota amount for the international marketplace.

As an agriculturist I was taught how to grow four blades of grass instead of one. We have done that in production agriculture in America.

On April 9, I had a meeting of the Agriculture Round Table leaders in Oklahoma. We talked about what were the policies we were faced with and what were the problems. It was not production. That was not even scored as a problem. It was not the actual finances that many were confronted with. It was the agricultural policy of our government, and also the marketing. We have got to be able to learn to market through value-added activities, to meet the markets around the world.

We are in a global competitive world. The European Union spends nearly 75 percent of their budget on subsidizing agriculture, in the production of E.U. agriculture and also subsidizing export markets. We do not have free markets in agriculture. We have to be able to market, and research has to allow us to be competitive in those markets around the world.

I stand in support of, agriculture research dealing with peanuts. Probably not too much of peanut research is done with the land grant universities in Oklahoma anymore, but we do a lot of agency interchanging with other land grant universities in order to try to meet the needs of the peanut farmers in Oklahoma and helping them be competitive in the international market.

We have a value-added program at Oklahoma State University today that through research, we are being able to do more and more to allow our farmers and ranchers to benefit with greater profits, instead of just being efficient in production. I wanted to stand in support of this research for peanuts. It is important to Oklahoma agriculture

Mr. ETHERIDGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief. I will not take all the time. I think most of us know where we are going to be on this bill or this amendment. It is a lot like a lot of the others. The proponent may have his own agenda, but I think we need to have the agenda for America.

If we did away with all the research in every bill that makes a difference in America, where would America be today? Where would we be without research for transportation, research in medical technology, research that comes from our science programs, and all the research for our farmers? Where would we be today in terms of opportunity for food and fiber?

I strongly oppose this amendment. The peanut farmers are really the backbone of our economy in some of the poorest counties in the southern and eastern part of this country. For people to come to this floor and say that they are not going to hurt farmers, they just do not understand what they are talking about, or otherwise they are attempting to mislead.

This Congress, this Congress in 1995, when some of the very Members were offering these amendments to distribute to farmers the research to help them stay in business, passed the farm bill, they entered into a contract with the farmers. They said, for 7 years we are going to keep stable prices and they are going to go down. And they said to the peanut farmers, we are going to lower the rates. Where you are getting cut off, quotas are going to be reduced. Number three, the program will be open to new producers. Number four, out-of-State quota holders will be eliminated.

□ 1345

They voted on that, and now they want to come to this floor and eliminate that contract. In my opinion, that is a breach of faith, and this Congress ought not to do it. I do not think we are going to do it.

In return, they gave the farmers a farm bill that had virtually no safety net. We are seeing what is happening now across America; our farmers are in deep trouble.

Let me speak very quickly to peanut farmers and what this research money does. Peanut farmers face many obstacles and should not have to worry about paying the bills the way they do. If we get too much rain, they get soggy peanuts, and there is a loss. If they get a drought, they get dust instead of peanuts. There is no one there to help them.

They are hardworking people. They take great chances. They are the foundation of this country like every other farmer, whether they be in the Midwest, whether it be in the West or whether it be in the East or the South.

As I said yesterday when I took this floor very briefly, I am embarrassed for this Congress that we would take a bill that is here to make a difference for agriculture, and we are talking about research to make a difference in our future and the future of our children, to produce food and fiber at a cheaper price with less disease to help not only our people, but to help the people around the world, and we are saying we are doing it to save money.

I learned a long time ago, we can be penny wise and pound foolish. When my colleagues cut research, they are penny wise and pound foolish. If they do it in research for medical technology and everything else, we could carry ourselves right back to the Stone Age. I am opposed to this amendment, and I ask every Member in this body to vote against it.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to make a few comments. Obviously peanuts are not a big crop in Iowa. But it just struck me, I just spent a half an hour outside on the steps here with a group of FFA students from Ocheyedan, Iowa. We had a good conversation, and they asked a lot of questions about Congress, about the agriculture.

One young lady asked me, "What is the future of agriculture?" It is a difficult question to answer. I have to kind of go back in my own mind and see what has transpired.

When I graduated from high school in 1966, there were 50 kids in my class. When my daughter graduated from that same high school in 1995, there were 17 in her class. We are seeing a huge change in agriculture, in rural America. We are seeing communities shrink. The section where I still live, there used to be four families living on that section; now there is one. It is a huge change.

To try and answer the question of this young lady about what is the future, really the answer is that agriculture today is a business, and it has to be treated that way. The people who will be successful are people who are agribusiness people, not just farmers.

The only way that one can make good, sound decisions is to have adequate information. Mike Earl, the leader from Ocheyedan, Iowa, was talking about how that they are getting computers in their FFA classes, and they are learning how to use those computers, how to manage risk in the future.

But a key part of that is the information that will come in from our universities, unbiased information for these agribusiness people of the future to make sound decisions.

When I looked at that group, I did not just see 36 FFA kids from Ocheyedan, Iowa, I see the youth of America that is looking to us and asking what is agriculture's future for me. Whether it is in Georgia and they want to be a peanut farmer, whether they want to raise rice, whether they want to raise corn or soybeans or hogs or cattle or chickens or emus, whatever they want to do, it is a matter of getting good information, sound information, unbiased information.

The only place that one can find that, that is people believe, is from our university researches. That is why it is extraordinarily critical that we maintain our commitment to agricultural research, that whether it is peanuts, whether it is corn or soybeans or hogs in my district, we have got to maintain our support.

The future of agriculture, the future of sound agricultural policy for our young people, for a future for them, of safe food, ample supply for all Americans and for the rest of the world, depends on a lot on what we do here today.

So I would just ask everyone in the House here, this may look like a good little cutting amendment, but when my colleagues vote today, think about maybe those 36 FFA kids in Georgia who maybe will not have the kind of future that a lot of us hope we have in agriculture.

I am a farmer myself, and this means a great deal to me. But think about all of them; do not just think about one little amendment here. We have lived within our budget constraints. We have done everything to try and focus this research where it should be.

It is about the future of this country. It is about the future of safe food, of the supply that is available. It is for the success of our young people. Please do not do this.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, there is no greater friend of the farmers than the gentleman from Iowa (Mr. LATHAM). He has been a consistent advocate of farmers; I profoundly respect that.

I think the particular amendment, though, of the gentleman from Oklahoma (Mr. COBURN) in no way cuts overall research funding, but simply cuts out what seems to be an oxymoron, and that is $300,000 for competitiveness research in a quota-based system.

Mr. LATHAM. Mr. Chairman, reclaiming my time, you are going to hurt the future of agriculture with this amendment and all these other amendments.

Mr. POMEROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to associate myself with the remarks of the preceding speaker, my Republican friend and colleague, the gentleman from Iowa (Mr. LATHAM).

I think that Members watching this debate ought to pay special attention to the bipartisan nature of the concern we are expressing. The House is, by its very nature, an urban institution, apportionment allocated by population. That means, those of us representing the country side have a particularly difficult task trying to convey why our issues matter.

I do not think anyone watching this spectacle continue to unfold has to have any doubt whatsoever that it is another case of urban interests, this time Republican urban interests, ganging up on agriculture. What is so astounding to me is that the majority leadership continues to let this debacle unfold.

I would ask all of my colleagues how they would feel if that which they care about most in the appropriations bills would be taken apart on the floor, like the agriculture budget is being taken apart here. Bear in mind that this is an appropriations report, brought out by the gentleman from New Mexico (Chairman SKEEN), that is within the allocation. We have a distinguished Member that has done everything right in bringing his appropriations bill forward.

But now we have some Members indulging themselves in trying to play appropriators. They want to turn the floor of the House into an appropriations subcommittee. The thing that is most alarming is, they know not what they do. Will Rogers once said, "It is not what the gentleman does not know that scares me, it is what he knows for sure that just ain't so; that is the problem."

That is the problem with this slew of amendments, however well-intentioned they may be brought by the gentleman from Oklahoma (Mr. COBURN). He might be trying to make some point, some broad macro budget point, some highly principled ideological point, but the real fact is, he is tearing apart the budget for agriculture at a time when family farmers are in the deepest hurt I have ever seen.

I have spent all my life in North Dakota. Agriculture is something that has been a part of me from the time I first formed any cognitive impressions of anything. This is not the time for the Congress of the United States to turn its back on the American farmer.

My colleagues can say what they want to about this being the fiscal year 2000 budget. We are talking today about something that is not going to apply for several months. To the American farmer, in their hour of need, my colleagues are playing politics, and they are trivializing that which they care about the most, their bread and butter, agriculture, family farming. This should stop.

As Members come to the House in a few minutes for votes, I hope they will stand with me and express just how they feel about this nonsense. It is our appropriations bill today; it could well be theirs tomorrow. I urge my colleagues to think about that.

To the majority leadership, as they come to the floor to vote, I hope they will sit and take stock of the spectacle that they have turned the floor of the House into. They are the leaders and they control this place.

To the extent that they allow a Member today to totally tie up this institution, they are unleashing a very unpredictable future course for the rest of this Congress, because what is important to the gentleman from Oklahoma (Mr. COBURN) this afternoon, there will be another issue of equally pressing importance to someone else further; and every appropriations bill about to be considered will be subject to this kind of debacle.

The Nation needs to have its work done. We do not need to turn the floor of the House into a debating chamber for a very narrow spectrum of interests.

Finally, and for me most importantly, the American farmers need help, and it is wrong for the majority to turn its back on them in their hour of need.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded that they are to direct their remarks to the Chair and not to other persons.

(By unanimous consent, Mr. WOLF was allowed to speak out of order for 3 minutes.)

DO NOT LIFT EMBARGO ON GUM ARABIC IN SUDAN

Mr. WOLF. Mr. Chairman, I apologize to the Members to come, but I have been listening to the debate, and I support the bill, and I support the gentleman's efforts, but I just found out that the administration is getting ready to lift the gum arabic restrictions that are currently on Sudan.

This is a picture of a young boy that I took in 1989 in southern Sudan, and this young boy is probably dead, but if he is not dead, he has had a terrible life because almost two million people have died in Sudan since that time.

I supported this administration's efforts, some of their efforts in Kosovo with them going to the refugees. I voted to increase the amount of money for the refugees. But what about the Christians in Sudan? There is slavery in Sudan. This young boy's parents may have been in slavery and others.

I now find out that this administration and, I understand, John Podesta at the White House and powerful lobbyists that have been hired by special interests, are now trying to get this administration to lift this embargo with regard to gum arabic in Sudan.

So I urge, whenever this administration thinks of doing it today, not to do it on behalf of this boy, who is probably dead, but may be alive. Do not lift the embargo on gum arabic, because it is fundamentally immoral if they do. If they care about Kosovo and do not care about Sudan is doubly immoral.

I apologize to the Members, but I just heard this was coming up. I do rise in support of the bill.

Mr. SISISKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not represent any universities in this bill.

□ 1400

The gentleman knows where I am from, he used to live there, and we are good friends. The gentleman from Oklahoma, that is. Eighteen years ago when I first ran for Congress, I remember very vividly standing in a debate with my opponent and my opponent saying, "This guy comes out of the business world. What does he know about agriculture?" And I agreed with him, I did not know much about agriculture, but I knew one thing: that anyone who spent a dollar to grow something that they got 95 cents back on, they were in a rotten business. And I kept saying that over and over again.

Now, I happen to meet with my farmers, and they are very small population-wise. They are very large geographically in my district, but very small as it relates to population. And when I go to meetings, whether it is the Farm Bureau or my farmers' advisory board, or whatever it is, guess what I see? Gray hair. Now, it is better than no hair, but it is gray hair that I see. I see very, very few young people.

Now, whether we knock out $300,000 from this budget for research, whether that is going to do any harm to peanuts or not, we will just lay that aside. But let me tell my colleagues what it does do harm to, and this is why I came over here to get into this. It does harm to young people and to new people that want to farm.

I have to tell the people in the urban areas when they ask, "Why are you so interested in farming?" I tell them if we do away with the family farm, the people in the urban areas are going to know the real price of food, the real price of food, and that is why I worry. This is a symbol amendment. A symbol amendment, but I think it sends a message, and I would ask my colleagues to please vote against this amendment.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Oklahoma.

Mr. COBURN. The gentleman does realize that this does not decrease total agricultural research by one penny. It just says we should not spend this money here. I thank the gentleman.

Mr. SISISKY. Reclaiming my time, I would still say it sends the wrong message, and that is what I am concerned about.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the gentleman's amendment and just wish to say that the accumulation of amendments over the last 2 days, and I agree with my good friend, the gentleman from Virginia (Mr. SISISKY), ultimately results in a negative message to agricultural America and questioning whether or not we have made the right decisions.

Any Member has a right to question what any committee has done inside this Congress. However, one after another, after another, it is like, drip, drip, drip, in a situation today where rural America is in depression. The gentleman from Virginia made a good point. People are not getting 95 cents on a dollar. Farmers raising hogs in America today, it costs them 40 cents to break even, and last December they made 9 cents, and last March they made 28 cents; yet we go to buy chops in the store and they are going to run us $2.26 to $4 a pound and more. Who is making the money off that?

We end up with an agricultural system in this country where the person at the bottom of the totem poll, the producer, the farmer, his or her access to market is controlled, if they are trying to sell pork, by six companies; if they are trying to sell beef, it is three companies; if they are trying to get something on the shelves of a supermarket today, they have to pay a slotting fee of $20,000 or $50,000.

I ask my colleagues, why when we go down a supermarket aisle and we look at the names of the soda pop on the shelves, why do only certain names reach us right in the eye? If there are local producers, why can they not get on those shelves? It is an interesting system. And why would America be in a condition today where imports are coming in here faster than exports going out? In fact, 25 percent of the market in this country in agricultural products now is comprised of imported goods. Why would that be, in the most productive Nation in the world?

It is because we have not paid enough attention to those who are actually doing the work of producing. All of the weight has gone to the processing and the distribution ends of the equation, but we have not paid attention to those who are really still struggling down on the farm and losing equity every day.

It does not matter whether we are talking about upland cotton or rice or hogs or wheat or oats or cattle or poultry. It really does not matter today because every single sector is hemorrhaging. Farmers are losing equity. Farm values have started to drop. Prices, probably this year they expect to be 27 percent below last year, and here we are nitpicking a bill that has come in within budget, within the allocation that we were given.

So I would just say to my colleagues, please, let us get back to the business of doing the work of this Congress, and particularly for that sector in America which is hemorrhaging today, which is rural America. Let us move this bill.

I understand today we are going to pull the bill and perhaps deal with it later. Further delay, adding to the delay that has contributed to all of the difficulties in rural America today, when the Department of Agriculture cannot get the paperwork properly processed because the supplemental came in so late last year, and the supplemental this year that was just passed came in months late and agriculture got tied up in that, unfortunately.

Let us deal with this bill with dispatch. If there is a budget problem, get rid of it. Deal with it in some other way, but do not make the farmers in America pay any heavier price than they have already paid. The average age of farmers in this country today is 55 and rising. The gentleman from Virginia was right, every young person who is still thinking about farming is saying, is that really worth my time?

So today I rise in opposition to this Coburn amendment. It is just one of many being offered to delay this bill. Why this is in the strategy of the leadership of this Congress to delay this bill is beyond me. They have to power to fix everything. Let them go do it, and let the farmers of America have their presence felt here in this House.

I ask the membership to vote "no" on the Coburn amendment.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, despite all of the protests, this bill will not even go into effect until October 1. So no one is going to miss a payment, no one is going to miss a program, no farmer is going to be injured by delaying this process just a little bit.

And the issue, of course, is not whether or not farmers will ultimately be treated equitably by this Congress. The bipartisan agreement that we see here today means that we all want to help our farmers. But the real question before us is will we live within those spending caps; will we, in fact, balance the budget; will we, for the first time in my memory, perhaps in my lifetime, not actually steal from the Social Security Trust Fund? That is the issue that we are talking about. That is the issue we ought to focus on. And, ultimately, I think that is what a number of us want to see happen.

In fact, I believe that all of us want to see that happen. So if it means this bill is delayed by a day or two, that is regrettable, but I think in the end we will all be happy if we get a better product through the entire appropriation process, that abides by the spending caps, that saves Social Security and for the first time says to our kids, we mean what we say; we are going to try to preserve the Social Security system.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding to me. I want to reiterate what was said at the start of this debate; that this is a good bill. We are trying to make it better. That is number one. And that we believe in ag research. We are not trying to cut. Matter of fact, $13 million was cut from ag research not by me but by the gentleman from Vermont last night. So we believe in those principles.

We also believe in another principle, and that is keeping our word. And keeping our word means we are not going to spend the first dollar of Social Security money anywhere else in this country except on Social Security. And so as we do that, this is a painful process, and I understand that it is not very tasteful for the Members of the Committee on Appropriations, but it is not directed towards them.

There is a benefit, however. There is nothing wrong with the American people finding out what is in these bills. And to say that there is something wrong with us talking about what is in the bills, discussing how we spend their money, is a little bit arrogant for us as a body. This is the people's House. We should allow them to have all the light that they would like to have on what we do here, how we do it and where we spend our money.

So I want to just say I thank the gentleman for yielding me some time. This is about process and whether or not we are going to keep our word to the American people. We are going to keep our word to the American farmer. We are going to have the bill. We just passed $12 billion in super, above-budget supplementary spending this last year for the farmers, and I voted for those. We just passed in the last month a comprehensive bill, and I agree with the gentlewoman from Ohio, we did not offset anything except in ag, and that is inappropriate. And when that bill came back to us, I voted against it because of that.

So we are going to do what we need to do by our farmers, but we are also going to do what we need to do for our seniors and for our children.

Mr. GUTKNECHT. Reclaiming my time, Mr. Chairman, and I am sure the gentleman from Oklahoma knows that sunshine is the best antiseptic, and allowing a little sunshine to shine on the appropriations process here in the Congress is not a bad thing. If it takes an extra day or two, so be it. In the end, I think we will all have a product that we can be more proud of, that we can defend when we go home to our constituents, and ultimately will keep that promise all of us have made to our kids, and that is that every penny of Social Security taxes should go only for Social Security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 185, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment offered by the gentleman from Oklahoma (Mr. COBURN) beginning on page 10;

Amendment offered by the gentleman from Oklahoma (Mr. COBURN) on page 13;

Amendment offered by the gentleman from South Carolina (Mr. SANFORD) on page 13;

Amendment offered by the gentleman from Oklahoma (Mr. COBURN) on page 14.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 35, noes 390, not voting 8, as follows:

[Roll No. 158]

AYES—35

Barr
Bass
Biggert
Bilbray
Cannon
Chabot
Collins
Cox
Crane
Delahunt
Doggett
Duncan
Franks (NJ)
Hayworth
Hostettler
Luther
McInnis
Miller (FL)
Miller, Gary
Paul
Petri
Ramstad
Rogan
Rohrabacher
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shays
Smith (WA)
Sununu
Tancredo
Taylor (MS)
Toomey

NOES—390

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—8

Ackerman
Brown (CA)
Kasich
McCollum
Morella
Myrick
Oxley
Young (AK)

□ 1432

Messrs. KINGSTON, WELDON of Florida, LARGENT, BERMAN, SCARBOROUGH, and FOSSELLA changed their vote from "aye" to "no."

Mr. GARY MILLER of California and Mr. SUNUMU changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 93, noes 330, not voting 10, as follows:

[Roll No. 159]

AYES—93

Archer
Bachus
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bass
Biggert
Blunt
Boehner
Bono
Burton
Campbell
Cannon
Chabot
Chenoweth
Coburn
Collins
Cox
Crane
Delahunt
DeLay
DeMint
Doolittle
Duncan
Dunn
Fossella
Fowler
Franks (NJ)
Gibbons
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Istook
Jenkins
Johnson, Sam
Jones (NC)
Largent
Linder
Luther
Manzullo
McInnis
McIntosh
Metcalf
Miller (FL)
Miller, Gary
Myrick
Paul
Petri
Pombo
Ramstad
Reynolds
Riley
Rogan
Rohrabacher
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Scarborough
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Smith (MI)
Spence
Sununu
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Upton
Wamp
Watts (OK)
Weldon (FL)

NOES—330

Abercrombie
Aderholt
Allen
Andrews
Armey
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Shaw
Sherman
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Ackerman
Brown (CA)
Hutchinson
Kasich
McCollum
Morella
Oxley
Packard
Simpson
Young (AK)

□ 1441

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 79, noes 348, not voting 6, as follows:

[Roll No. 160]

AYES—79

Archer
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bass
Biggert
Bilbray
Burton
Buyer
Campbell
Cannon
Castle
Chabot
Coburn
Collins
Cox
Crane
Delahunt
DeMint
Doggett
Ehrlich
Foley
Fossella
Frank (MA)
Franks (NJ)
Ganske
Graham
Granger
Green (TX)
Hall (TX)
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Istook
Johnson, Sam
Kelly
Kind (WI)
Kleczka
Largent
LoBiondo
Lofgren
Luther
Maloney (CT)
Manzullo
McInnis
McIntosh
Miller (FL)
Myrick
Paul
Petri
Reynolds
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Sensenbrenner
Shadegg
Shays
Smith (MI)
Smith (WA)
Stark
Stearns
Sununu
Tancredo
Terry
Tiahrt
Tierney
Toomey
Upton
Watts (OK)
Weldon (FL)

NOES—348

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (WI)
Greenwood

Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Brown (CA)
Gejdenson
Kasich
McCollum
Oxley
Young (AK)

□ 1449

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 308, not voting 6, as follows:

[Roll No. 161]

AYES—119

Baird
Ballenger
Barrett (WI)
Bartlett
Barton
Bass
Berkley
Biggert
Bilbray
Brown (OH)
Burton
Buyer
Campbell
Cannon
Castle
Chabot
Coble
Coburn
Collins
Cox
Crane
Crowley
Davis (VA)
DeFazio
Delahunt
DeMint
Doggett
Doolittle
Duncan
Ehrlich
English
Eshoo
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gillmor
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Inslee
Johnson (CT)
Johnson, Sam
Kelly
Kind (WI)
Kleczka
Largent
Lazio
Lee
LoBiondo
Lofgren
Luther
Maloney (CT)
Manzullo
McGovern
McHugh
McInnis
McIntosh
Meehan
Miller (FL)
Miller, Gary
Miller, George
Myrick
Nadler
Neal
Obey
Olver
Paul
Petri
Porter
Portman
Ramstad
Reynolds
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sawyer
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Spence
Stark
Sununu
Sweeney
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tierney
Toomey
Upton
Wamp
Weldon (FL)
Weldon (PA)

NOES—308

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
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Traficant
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Visclosky
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Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
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Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Archer
Brown (CA)
Kasich
McCollum
Oxley
Young (AK)

□ 1457

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1500

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to engage in a colloquy with the chairman of the full Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) regarding the anticipated schedule on the agriculture appropriations bill. We understand that on our side there are few amendments that remain to be offered, but it is unclear to us what the desire of the majority is in moving this piece of legislation. If the gentleman could clarify for our side, we would greatly appreciate it.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, it is the plan that we would rise at this point on further consideration of the agricultural appropriations bill and go to the lockbox issue. We would anticipate that the lockbox issue, considering the time for the rule, two hours of general debate, there will be no amendments under the rule, so I would anticipate a vote on final passage and/or possibly a vote on a motion to recommit, should that be the case.

After that, the majority leader will reassess where we are, what time of day it is, and then make an announcement at that time as to what the further activity would be on this bill or any other bill that would come before the House this evening.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I thank the chairman for that clarification. I notice that the majority leader is on the floor and able to engage in this colloquy. I wonder if he would do me the great honor of giving those of us on our side his view of what the schedule for the remaining part of the day will be like and how the agricultural appropriations bill will fit into the schedule later today.

Mr. ARMEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, obviously we are, as often has been the case over the years, the week before a district recess and we have a lot of work that is pending that is important. We obviously have, and have already indicated that we have a high priority for agriculture, and we want to move back to the agricultural appropriations bill as soon as we can, and we still have high hopes of completing that work tonight, or at least perhaps this week.

But I think it is time now for us to make sure that we move on, complete the other work which we know we can complete on the lockbox. We will have a chance to assess everything on the agriculture bill later on in the day, perhaps earlier. As soon as I have a clear picture of things, I will contact the gentlewoman and let her know.

Ms. KAPTUR. Mr. Chairman, the gentleman will let us know perhaps by 5:30 whether or not the agricultural appropriations bill will be coming to the floor later this evening so our Members could be ready?

Mr. ARMEY. Mr. Chairman, as soon as I can know something that would be helpful and reliable, yes; 5:30, 4:30, as soon as possible. But I understand the gentlewoman's point about the time line and I will try to respect that.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman.

I would just advise our membership that if we do have Members listening or on the floor who have amendments, call our office no later than 6 o'clock and we will try to let our Members know whether there will be additional votes this evening or not on the agricultural appropriations bill.

I would just ask the forbearance of the leadership of the majority to please treat our Members with respect, and I am sure they will, but to allow us the time necessary to prepare our Members for the floor. If we are not going to bring the bill up tonight, if we do not hear by 6 o'clock, I will assume it will not be coming up.

Mr. ARMEY. Mr. Chairman, if the gentlewoman will yield, as an old economist let me just say we should be careful what we assume, but I will try to keep the gentlewoman as informed as possible.

Ms. KAPTUR. Mr. Chairman, I thank the leader.

Mr. PACKARD. Mr. Chairman, today I would like to express my support for H.R. 1906, The Agriculture Appropriations Act of 2000. Our nation's farmers are by far the most productive in the world and we should continue to support their efforts.

Our nation's farmers often experience accomplishments reached through the struggles and achievements of past agriculturists. H.R. 1906 will allot the necessary funds to help increase agriculture research which in turn will help our farmers achieve the level of commodities needed to feed a hungry world.

I would like to specifically acknowledge the provision which allots funds for pesticide and crop disease research. This will directly benefit Southern California floriculture and nursery crop producers. With over 20 percent of the total agriculture share, California farmers rank first in the nation in overall production of nursery products. This research can positively impact rural and suburban economies, and increase international competitiveness by helping prevent the spread of pests and diseases among nursery and floriculture crops.

Mr. Chairman, I would also like to commend Chairman SKEEN for once again producing an Agriculture Appropriations bill that is beneficial for the American farmer. Farming is still one of the toughest jobs in America, and I share Mr. SKEEN's wish to make sure that is not forgotten here in Washington.

Mr. PHELPS. Mr. Chairman, I rise today in support of the FY 2000 Agriculture Appropriations bill, but I must also take this opportunity to express my concern that many needs in the agriculture community will remain unmet under this legislation.

I know that all of my colleagues are by now aware that American agriculture is in crisis. We provided some desperately-needed assistance by passing the Emergency Supplemental bill last week, and this appropriations measure will offer still more help. But I caution my colleagues that it will only help so much, and we must not allow ourselves to be lulled into thinking that agriculture's problems are over.

I applaud the House appropriators for crafting a good bill under extremely tight budget constraints. They have the unenviable task of allocating scarce funds in a reasonable manner, all at a time when the needs in the agriculture community are greater than ever. While I plan to support the legislation, it nonetheless falls short in a number of respects, and I would be remiss if I failed to point them out.

First and foremost, the bill does almost nothing to address the farm crisis. It does not provide for any continuation of the emergency assistance provided in last year's Omnibus Appropriations bill or in the recently-passed Supplemental, and it contains no initiatives to support farm incomes or remove surpluses from markets. And although the bill funds farm credit programs and Farm Service Agency staff at the level requested months ago by the President, this package simply does not reflect the economic conditions that face farmers and the current needs that could not have been accurately anticipated at the beginning of the year.

Furthermore, nutrition programs do not fare well under this bill, particularly the Women, Infants and Children (WIC) program. WIC is one of the most successful and important federal programs ever undertaken and serves millions of pregnant women, nursing mothers, infants and young children. Unfortunately, although H.R. 1906 does include a slight increase over last year's funding for WIC, the bill provides over $100 million less than the administration's request for this critical program. The legislation also fails to incorporate the requested $10 million increase for elderly nutrition programs, and other programs receive no funding at all, including the school breakfast pilot program and the Nutrition, Education and Training (NET) program.

I am also disappointed by the funding levels for many conservation programs on which farmers in my district and around the country rely. Unfortunately, in trying to stay within tight budget caps, the bill's authors have included a number of limitation provisions that produce savings from direct spending programs. For example, the bill cuts the Wetlands Reserve Program and the Environmental Quality Incentives Program below authorized levels. These are extremely popular programs which help farmers while protecting our environment, and I am disappointed that they have been sacrificed.

Having said all that, let me point out again that I understand the tough decisions the appropriators were forced to make, and although we all have different priorities, this bill does provide critical funding for a number of very valuable programs. We have to start somewhere, and I cannot emphasize enough how sadly America's farmers need our help and our continued attention. I will support the bill and I urge my colleagues to do the same.

Mr. CHAMBLISS. Mr. Chairman, I hope my colleagues will join me in strongly opposing the Coburn amendment to eliminate funding for the National Center for Peanut Competitiveness.

It is no secret the peanut is a very important crop to Georgia and Southern agriculture, and this program is critical to ensuring that peanuts hold an attractive, competitive position in the global marketplace of the 21st century.

The 1996 Farm Bill reformed the federal peanut program; it is now a no-net-cost program to the government. It provides consumers with ample supply of one of the safest, most nutritious foods.

The National Center for Peanut Competitiveness is a broad-based research program that includes product development, economics, and the fundamental aspects of reducing production costs; additionally, it enhances consumer appeal and improves product safety. This program also encompasses research into nutrition, biotechnology, peanut allergies, and trade liberalization through the World Trade Organization.

Eliminating funding for the National Center for Peanut Competitiveness would be detrimental for both peanut farmers and the peanut industry.

Mr. Chairman, the FY 2000 Agricultural Appropriations bill contains critical funding for agricultural research, and I urge my colleagues to vote against cuts to the National Center for Peanut Competitiveness.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 1259, SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 186

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms. The bill shall be considered as read for amendment. The amendment specified in section 2 of this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate equally divided and controlled among the chairmen and ranking minority members of the Committees on the Budget, Rules, and Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment considered as adopted is as follows: page 3, line 13, strike "cause or increase" and insert "set forth".

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 186 provides for consideration of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999, a bill that will help to protect the Social Security Trust Fund.

House Resolution 186 provides two hours of general debate divided and controlled by the chairman and ranking minority members of the Committee on Rules, the Committee on the Budget, and the Committee on Ways and Means.

The rule provides that the bill will be considered as read and provides that the amendment printed in section 2 of the resolution be considered as adopted. Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, let me start by explaining exactly what this bill will do. First, the bill will establish a parliamentary point of order against any budget resolution utilizing the Social Security surpluses in its spending or revenue proposals. Second, the bill establishes a point of order against any legislation, including spending initiatives and tax cuts, that attempts to use any funds from the Social Security surplus. And third, this bill prohibits the Office of Management and Budget, the Congressional Budget Office, or any other Federal Government agency from including Social Security surpluses in Federal budget totals when publishing official documents.

Mr. Speaker, it is dishonest to talk openly about a budget surplus when our operating budget is still in deficit. The government continues to borrow money from Social Security, a fact that does not show up on the government's balance sheet but that has dire consequences for the future. This "lockbox" takes Social Security away from budget calculations so budget decisions are made only on non-Social Security dollars, a vital first step in ensuring retirement programs will be there for this generation and generations to come.

In our response to the President's State of the Union address, the 106th Congress committed itself to saving Social Security. This task has two important components. First, we must ensure that the current system is being managed responsibly by locking away today's contributions and securing the retirement of current beneficiaries. Today, we deliver our first component. Later, we will have to make fundamental reforms to the system to guarantee the program's long-term viability while improving benefits and providing Americans with more control over their retirement savings.

We began to fulfill our promise to the bill on the first component when, two months ago, this Congress passed the budget resolution. That resolution outlined our budget goals for the next 10 years and called for the establishment of a "lockbox" to reserve the $1.8 trillion in cumulative Social Security surpluses.

Today, we follow through on that original blueprint by taking advantage of this historic opportunity to save Social Security by ensuring that 100 percent of the money destined for the Social Security Trust Fund remain in the trust fund, $1.8 trillion over the next decade.

Now, we will certainly hear the argument that this legislation is being rushed to the floor. To that I must respond that we have waited far too long for this kind of reform. It is the first time in the history of the program that a Congress will protect Social Security funds.

Would opponents rather continue the practices that since 1969 allowed those who ran this Congress to routinely spend the trust funds in order to pay for other government programs and mask the Nation's deficits? While other Congresses have chosen to use surplus Social Security revenues for other "spending priorities," this Congress is proud to be the first to preserve the retirement security of all Americans. With this effort today, we are working to ensure that not one dime of America's Social Security tax dollars are spent on big spending programs.

This is also a big improvement over the plan that the President sent to the Congress. His budget only claimed to save 62 percent of the Social Security surplus for Social Security, plainly stating the 38 percent would go to his pet spending initiatives.

However, the truth was even worse than that. The Chairman of the Federal Reserve, the Director of the Congressional Budget Office, and the U.S. Comptroller General have all testified before Congress and soundly refuted the notion that the President's plan saves any additional money for Social Security.

Even Democrat Members of Congress have agreed that the President uses a series of fiscal shell games and double-counting schemes to inflate his projected savings for Social Security. In fact, Federal Reserve Chairman Alan Greenspan noted that the President's plan actually hurts Social Security by using improper accounting to lend a false sense of security to a program that desperately needs structural reform.

H.R. 1259 strengthens Social Security and ensures that big spenders can no longer raid the fund. This bill continues our determined efforts to provide more security and freedom to the

American people. It is part of a common sense plan to provide security for the American people by preserving every penny of the Social Security surplus.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed with debate and consideration of this historic bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Georgia (Mr. LINDER) from yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, it is no secret that Social Security and Medicare are not going to last forever, especially if we do not do something about it very soon. And despite all of the fanfare about this bill, I am sorry to say this will not do the trick because, Mr. Speaker, although this bill will probably not make things any worse, it also will not make things any better.

This bill merely recreates the point of order that the Democrats enacted some 14 years ago. It does not protect all of the resources we need to reform Social Security and Medicare. It promises not to use the Social Security Trust Fund, which Congress promised not to touch when it was created back in the 1930s. Meanwhile, Mr. Speaker, it leaves the rest of the budget surplus open for the taking, be it for new spending programs or tax cuts for the rich.

Even the chief actuary of the Social Security Administration says that this proposal, and I quote, this proposal would not have any significant effect on the long-range solvency of the old-age, survivors and disability insurance program.

But it would not be such a problem, Mr. Speaker, if Social Security were not scheduled to fall apart in the year 2034 and Medicare to fall apart in the year 2015. Congress and the White House need to implement major Social Security and Medicare reforms and we need to do it very, very soon.

☐ 1515

These are the most important issues we can address this year, and they just cannot be put off for another week, much less another Congress.

But, Mr. Speaker, as I understand it, this bill is the only social security bill my Republican colleagues are going to bring up this year. All it does is restate the current policy on surpluses and ensure that social security does go broke on time.

I heard that some Republican pollster said it was a bad idea to tackle social security, despite its looming demise. But Mr. Speaker, polls aside, we have to do something, and we have to do it very soon.

For that reason, I am disappointed my Republican colleagues did not make in order the Rangel-Moakley-Spratt amendment to prevent Congress from spending budget surplus money until, and I say until, we shore up the social security and Medicare.

Our bill says Congress cannot pass any new spending or any new tax cuts that are not completely offset until the social security is secure. Our lockbox contains both social security and on-budget surplus, and unlike the Republican proposal, it actually has a lock.

Our lock consists of the declaration by the trust fund trustees, and only the trust fund trustees, that social security and Medicare are financially sound. Only then can Congress tap into that surplus.

Furthermore, Mr. Speaker, this bill was referred to not one, not two, but three congressional committees: the Committee on the Budget, the Committee on Ways and Means, and the Committee on Rules. But not one single one of them, not one of them, held hearings or marked up the bill. It was sent right to the floor. It has become the norm in this era of Congress without committees, and that, Mr. Speaker, can get very, very dangerous.

Mr. Speaker, I urge my colleagues to oppose this rule because the problem is not what this bill does for social security, Mr. Speaker, it is what this bill does not do.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am rising in strong support of this bill, the Social Security and Medicare Safe Deposit Box Act. I think it is important that we try to put in place a mechanism to try to establish this lockbox to ensure that social security spending is not spent on other government spending.

The reason I say that is for 40 years in this institution money was spent on other government spending. There were chronic budget deficits.

Just recently we have been able to bring that down and bring this budget into balance, but I think it is important that we protect and set aside $1.8 trillion in cumulative budget surpluses over the next 10 years for social security and Medicare.

Since social security was first created it has been a pay-as-you-go system, benefits to retirees are paid from tax revenue. Interest is credited to the social security trust fund, and social security tax surpluses become part, unfortunately, in this process, of general government spending.

In reality, there is no cash in the trust fund, merely IOUs. They are printed on an ink jet printer. In fact, they are in three file folders in West Virginia, in a filing cabinet. I think it is important that we set up a mechanism to, frankly, pay back over time the $359 billion that was borrowed over the last 40 years out of this fund.

If steps are not taken now, in 15 years social security will be insolvent and benefits will have to be funded through either reductions in other spending, or tax increases, or a return to chronic budget deficits.

That is why I will mention that I introduced a bill to pay back the money borrowed from social security and create a real trust fund with real assets. Under my bill, 90 percent of the budget surplus would be used to pay down the debt owed the trust funds. Using the budget surplus in this fashion would continue until all IOUs in the trust fund have been eliminated.

I support this. It is a good first step.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Speaker, I am pleased that the House will consider legislation to protect the social security trust fund which for too long Washington has treated as a pork barrel slush fund. I am proud that today we will debate this issue. Creating a lockbox for social security just makes common sense.

The legislation offered by the gentleman from California (Mr. HERGER) and the gentleman from Florida (Mr. SHAW) is a step in the right direction, but it is really the bare minimum that we can do to preserve social security and Medicare for future generations.

Mr. Speaker, I intend to offer, along with my colleagues, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Kansas (Mr. MOORE), an amendment that would protect the entire budget surplus for social security and Medicare. We intend to offer this proposal as a motion to recommit, and I would urge my colleagues on both sides of the aisle to support it.

The Herger-Shaw legislation does nothing for Medicare. Kentucky seniors know that you cannot talk about social security without talking about Medicare. The health of both these programs is crucial to the health of our elderly population.

Kentucky seniors know that, and Congress ought to have the good sense to protect Medicare, too. H.R. 1259 only addresses the social security surplus. It does not commit us to save the entire Federal surplus for social security and Medicare. It does nothing to secure the long-term solvency of social security and Medicare.

Our proposal would save the social security surplus, the Medicare surplus, and the overall budget surplus to save social security and Medicare, and it would require that we make the solvency of social security our first priority.

I ask my colleagues to vote for the real commitment to social security and Medicare. I urge Members to vote for our motion.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this rule, as well as strong support of this historic legislation, the Social Security and Medicare Safe Deposit Box Act of 1999.

How many of us over the last 30 years, and I have only been in the House and had the privilege of serving here for the last 4½ years, have been asked in town meetings and senior citizens centers, union halls, VFWs, and other public forums, when is Washington going to stop dipping into, when is Washington going to stop raiding the social security trust fund to spend social security on other things other than social security?

Today we are going to pass legislation that will do that, that will stop the raid on social security.

Let us review the history here. For over 30 years now Washington has been dipping into the social security fund. Regardless of the rhetoric on the other side where they say it has not, it has gone on.

Back when President Johnson and the Democrat-controlled Congress 30 years ago began raiding the social security trust fund, they have run up quite a bill. According to the social security trustees appointed by President Clinton, the social security trust fund has been raided by more than $730 billion over the last 30 years.

I have a check here written on the social security trust fund. It is a blank check. Washington for the last 30 years has used the social security trust fund as a slush fund and as a blank check to pay for other programs.

This walls off the social security trust fund and puts a stop for those who want to raid it. We set aside those funds for social security and for Medicare. I believe that is an important first step, setting aside 100 percent of social security and locking it away before we consider any other reforms or changes to social security. Let us lock it away first. That is an important first step. We can use those funds to strengthen Medicare and social security. This legislation accomplishes this goal.

I would like to point out, of course, that not only is the social security and Medicare Safe Deposit Box a centerpiece of this year's balanced budget, but there is a big difference between the Clinton-Gore Democratic budget and the Republican budget.

The Republican budget sets aside 100 percent of social security for social security. The $137 billion social security surplus this year will go to social security. If we compare that with the Clinton-Gore Democrat budget, that only uses 62 percent of social security for social security, and the Clinton-Gore Democrat budget spends $52 billion of social security money on other things; all good programs: Education, defense, things like that. But the Clinton-Gore Democrat budget raids the social security trust fund. This lockbox will prevent the Clinton-Gore raid on social security.

I would also point out that the social security and Medicare safe deposit box sets aside $1.8 trillion. The President talks about 62 percent. Sixty-two percent is $1.3 billion. Over the next 10 years Clinton-Gore will raid the social security trust fund by $12 billion. Let us put a stop to it.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise this afternoon to support the underlying legislation, not because I feel that it is the last word on what we need to do to protect the social security trust fund, but because it is a humble first step.

I also rise to support this because I am very disappointed in what this body has done this month. We have passed legislation as an emergency supplemental appropriations bill which unfortunately raids the social security trust fund.

I think there is a level of hypocrisy on both sides of the aisle here that is regrettable. We are not facing up to our responsibilities that this trust fund is something that millions and millions of Americans have been counting on to pay their benefits after retirement, and to pay those benefits without putting an added strain on the Federal budget and on programs that are important to their children and grandchildren.

It is a cruel hoax when they learn that in order to pay for those programs, the Federal Government will either have to cut something in the future or go out and borrow more money.

It is time, and in fact the time is long past, when this lockbox proposal should have been passed. I think the true test of our commitment to this principle will be our willingness to waive points of order in rules that bring bills to the floor. Unfortunately, we have historically done this, and we have undermined our ability to maintain our commitments.

What I would like to urge is that ultimately we take the proposal that is being considered today and turn it into a law so that we do not have the ability to waive these points of order, and instead, we hold ourselves to a very high standard in the House of Representatives of preserving the integrity of the social security trust fund.

I would also like to agree with my colleagues on this side of the aisle that this bill would be stronger if we had had the opportunity for committee consideration and if we had had the opportunity to consider some amendments.

Certainly it could go further. But one of the ironies that I notice is that each time we propose legislation that goes too far, then others in this Chamber or at the other end of Pennsylvania Avenue object to it because it goes too far. So it is regrettable that we never seem to quite identify what is an appropriate and acceptable approach, but we are always in disagreement, no matter what proposal comes up.

I would like to thank my colleague, the gentleman from California (Mr. HERGER) for the work that he has put into this, and emphasize that this is truly a bipartisan gesture. My colleague, the gentleman from Kansas (Mr. MOORE) has supported parallel legislation. The Blue Dog budget had parallel provisions. All of us are committed to this goal.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to support an idea that is long overdue in the Nation's capital, truth in budgeting. For decades the social security surplus has been used by politicians to fund other government spending and mask the scope of our Nation's financial problems. It is time now to put this practice behind us. It is time to build a firewall between the dollars that are used to fund other government programs and the dollars that come to government specifically for social security benefits.

There are three principles that will guide my decisionmaking on budget issues as we move forward through this year. First, 100 percent of the social security surplus must be preserved for social security. Whether it be using this money to credit the social security trust fund or to help preserve social security or Medicare, we must commit these resources to their intended purposes. This lockbox bill is an important step in fulfilling this part of our commitment.

Secondly, we must stick to the fiscal discipline we decided on when we passed the Balanced Budget Amendment of 1997. In 1997, we agreed to spending limits that we absolutely must stick to. Every Member of this House, Republican and Democrat, supported a budget resolution that maintained these caps. We cannot break our word to the American people. They expect us to keep our promises. They should be able to receive that commitment from us.

Third, we must return the nonsocial security surplus to the people in the form of tax relief. This money represents a direct overpayment for government services. Make no mistake, if it is left in the hands of the politicians, it will be spent. It is the people's money. We should give it back.

Mr. Speaker, Members can describe the budget process as a three-legged stool. Today we are putting the first leg in place.

□ 1530

That stool includes preserving Social Security, maintaining fiscal discipline, and returning the non-Social Security surplus to the people.

Congress' ability to finally control spending has helped create an economy with historically low inflation and low unemployment. It has helped millions of Americans and allowed them to pursue their financial independence, to experience the security of homeownership, and to be in a position to give their children a leg up in the new economy through education.

We must not jeopardize this success by going on a spending spree that destroys fiscal discipline. We can guarantee the security of Social Security by putting 100 percent of the Social Security surplus funds into a lockbox. I urge my colleagues to support this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT), a member of the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, when discussing the issue of expected budget surpluses, we need to ask two questions. First, will we stick to the budget caps on which the budget surpluses are based; and, second, will Congress actually use the projected surpluses to strengthen Medicare and Social Security?

Unfortunately, this bill is a sham as an answer to those two questions. The so-called lockbox is of no value beyond making sure Members of Congress have a press release to show their constituents when they go home this weekend.

The budget caps I did not vote for, but I am willing to stick to them if the money will be used for Social Security and Medicare. But the fact is the track record in here is that it is not going to happen.

Just a few weeks ago, this Congress passed a spending bill that grew from $5 billion to $15 billion in a matter of days, three times what the President asked. So we are on our way to blowing the budget caps, and the result is going to be, there is no surplus.

This bill claims to prevent the use of budget surplus dollars for Social Security. It makes this claim by mumbo-jumbo legislative "magic language" that says we cannot create budget deficits. However, it gives any chairman in this Congress the right to ignore everything as long as they say they have self-designated this as reform.

That raises my question, what is reform? The gentleman from California (Mr. THOMAS) says he has a bill to reform Medicare, a voucher plan that would raise the premium on every senior to $400 a year. Is that reform? It would make it impossible for one to get Medicare until one is 67. Is that reform?

It would extend the budget amendments of 1997 for 5 years. Do our hospitals and our home health agencies think that is reform? Any of these examples would open the lockbox, the trap door. The money would fall out and, presto, we have money for a tax cut.

If shifting the cost onto Medicare beneficiaries and providers is not what is meant by reform, then we need to have an amendment process. We were denied a hearing in the House, not one single hearing. On this floor, we are denied even one single amendment.

There is no intention to improve this bill. This is a PR gimmick. That is all it is. This has been on the docket for 2 months, and the American people expect us to do something about Medicare and Social Security. This bill does not do it. I urge the Members to vote against this rule.

Mr. LINDER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from California (Mr. HERGER), the sponsor of the legislation.

Mr. HERGER. Mr. Speaker, I would like to respond to the gentleman from Washington (Mr. McDERMOTT), my Democrat friend. In his statements, he was mentioning that this legislation is not tough enough to defend Social Security. I would like to see it tougher.

The legislation that we were originally writing was tougher; but, guess what? We have legislation that is tougher in the Senate, and guess who is opposing it? The President is opposing it. Guess who else is opposing it? The Democrats in the Senate are opposing it.

They say it is too tough. They say it goes too far. They said, in case of an emergency, we do not have enough elbow room, if you will.

So we have worked with the committees involved, with the Committee on Ways and Means, the Committee on Budget, both of which I serve on, the Committee on Rules, to try to come up with some legislation that we can get the support of from our friends on the other side of the aisle, the Democrats, and with the President, to try to at least get something out there which is better than nothing.

So I would like to respond to my friend, if he would like it tougher, I would love to get it tougher; but if he could, could he perhaps get some support from your Democrat colleagues in the Senate as well as our Democrat President?

Mr. McDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, the bill that the Senate had would have shut down the government if it had been passed. That is why there was a veto threat. It makes no sense to pass that kind of legislation.

If my colleagues do not want any Social Security checks to go out and they want to shut the government down, then pass what the Senate is proposing. We are never going to get this issue done this way. We have a good proposal from the President to take the money and buy down the public debt, actually reducing the public debt.

Mr. HERGER. Mr. Speaker, reclaiming my time, the fact is the President promised to save 100 percent. Then he came back with a plan that saved 62 percent. Then he proposed a budget that was only saving 52 percent.

The fact is what the gentleman from Washington (Mr. McDERMOTT), my Democrat colleague and good friend, is saying just is not the case. The fact is they wanted it both ways. They say they want it tougher, but then they oppose it. But now they think it is not tough enough, and they oppose it then, too.

Let us vote out what we have today. Let us begin with what we have today which does bring about a point of order both in the House and the Senate, requires 60 votes in the Senate. Let us at least move forward with something now; and perhaps in the future, we can come up with something tougher.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL), ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I am glad that the gentleman from California (Mr. HERGER) explained this procedure, because I was a little baffled as to why this bill was so weak. But I understand it now.

It is weak because the gentleman is concerned about my President and he is concerned about the people in the other body. That is a new way to legislate. So I guess it is what we call majority-plus-6, because, in the old days, when we were concerned about strengthening legislation, we took it to the committee. We have hearings. We have an opportunity for people to amend it. We have debate. We have discussion.

But this new way that we have had the last half dozen years is, we bypass the committees, we bypass the Committee on Ways and Means, we bypass budget, we bypass the Committee on Rules, but we go on the other side and ask, will they toughen it.

We did something like that yesterday. We wanted to, on the other side, reduce the wages of Customs. I would think that we would be able to debate that on the floor. No. My colleagues put that on the Suspension Calendar, and they followed it with antipornography legislation or anti-drug trafficking legislation.

I just do not think that they get it. In the House of Representatives, we legislate. We do not go over there and beg, hat in hand, with the other body for what they would like.

Another thing we do is we give ourselves an opportunity to discuss these things in our committee. I am so proud and honored to be a member of the Committee on Ways and Means. Our jurisdiction, we jealously guard it. But what good is all of it if we go straight to the Committee on Rules when anything concerns Social Security?

We all know that this so-called lockbox, that every Member of this House has a key to unlock it. We all know when my colleagues are saying that they are going to put the Social Security surplus in there, they are doing what Democrats and Republicans should have been doing years ago, and that is putting the current payroll tax in the box.

But my colleagues cannot talk out of both sides of their mouths. My colleagues cannot give a big tax decrease, which I cannot wait for it to come out of my committee, unless they are taking that to the Committee on Rules, too.

But I understand that my colleagues are working on $300 billion, $800 billion in 10 years. How my colleagues are going to do that and put Social Security surplus in the lockbox, I do not know. But then again, we may never find out. We may find it on the Suspension Calendar, or it may just come out in the rule.

Mr. Speaker, I am just hoping that someone who understands what happened in the back room will come forward to the mike and explain how much of the Social Security surplus goes into this so-called box. It is my understanding it is only the current payroll tax, and the rest of the surplus we can use for whatever purpose that we would want without violating the spirit and the wording of this law.

Mr. LINDER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I want to thank the gentleman from California (Mr. HERGER) for his longstanding leadership on this bill.

I am a new Member of the House, and I have been working on this issue since getting here. I want to thank the gentleman from California (Mr. HERGER) for his leadership.

This debate is getting out of hand. Here is what our budget resolution does, and I am very happy to have been a part of writing the proposal in the budget resolution that said we are going to set a higher standard in this Congress, that we are not going to raid the Social Security Trust Fund, and that we are going to change the rules in Congress to make it tougher to do so.

We want to go all the way to stopping the raid on the Trust Fund. That requires the President signing a bill into law, dedicating every penny of Social Security going toward the Social Security Trust Fund, going to Social Security.

Sadly, the President is against that legislation, in part because his budget proposal continues to raid Social Security by $341 billion over the next 10 years.

What we are trying to achieve in this bill is the first step in locking away Social Security. We are going to stop the phony accounting. No more smoke and mirrors accounting, hiding the deficit with Social Security surpluses.

We are going to say, when we measure the budget, we are going to put the Social Security budget, the Social Security surplus aside. Then we are going to say, not only for budgets, but for every bill coming to Congress, if it attempts to dip into Social Security, we are going to put a higher vote threshold against it. We are going to say that in the other body, it requires three-fifths of a majority vote to pass a bill that attempts to raid Social Security.

Why are we doing this? Because we are trying to make it tougher for this body and the other body to stop raiding Social Security. We want to make it more difficult for us to pass legislation to raid the Trust Fund.

I am the author of the other lockbox bill, the second stage in this process, the bill that simply puts all of the Social Security dollars into Social Security, to pay down debt when we are not doing so, and to make sure that all of our Social Security dollars go to saving this program.

The problem is that the President is against that. So what can be accomplished here and now when the White House is opposed to saving all of the Social Security surplus? What we can do is stop the phony accounting. What we can do is make it tougher for people in Congress to pass legislation that raids Social Security, and that is what this legislation accomplishes.

Please join us in toughening this legislation. Please join us in making it harder to raid Social Security. This is as much as we can get, we hope, from the White House. We would be happy to entertain additional legislation that would make sure that every penny of Social Security goes to Social Security.

The problem is we cannot get it through the Senate. We cannot get it passed by the White House. We want to pass that legislation. We are going as far as possible right now with this legislation.

On the last point of the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, every penny of the Social Security Trust Fund goes to Social Security. Every penny of the Social Security surplus, including interest, in our budget resolution goes to Social Security.

For those taxpayers who overpay their income taxes, that surplus goes back to the taxpayer. So just as a point of clarification, the budget resolution does not raid Social Security. It saves Social Security surplus for Social Security.

Mr. MOAKLEY. Mr. Speaker, may I ask how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. MOAKLEY) has 14½ minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 11½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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Mr. TRAFICANT. Mr. Speaker, I will vote for the Democrat substitute and, if that fails, I will vote for the Republican bill, but this is not the strongest possible bill that we could bring forth to stabilize and ensure the future of Social Security and Medicare, for several reasons:

Number one, points of order can be waived; and, number two, Congress or a future Congress can simply change the law. The bottom line is it is just too easy to raid this trust fund. And the money coming into this trust fund from one door is already leaving and exiting the other door the next day.

There is an old simple statement from the streets that says, we can do it now or it can do us later, and that is about where we are with Social Security. Both the Democrats and the Republicans want to do the right thing. We are struggling to do the right thing. But neither party, quite frankly, is doing what they say they want to do because there are still the machinations to effect a grab at this money.

I have a little piece of legislation in. We have amended the Constitution to address issues of alcohol, to limit presidential terms, to stop discrimination, to give women the right to vote, and these were the right things to do. And there is only one way to ensure that Social Security money cannot be touched, an amendment to the Constitution of the United States that says the money coming into that trust fund cannot be touched for anything or any reason other than Social Security or Medicare.

Now, we are going to have to tell the truth around here. We cannot come out with modest caps trying to make everybody look and say, what a nice conservative budget we have, and then go ahead and expand those caps on every appropriation bill we have. There is no money and there is no surplus except in this trust fund.

I was hoping at least to have a debate looking at that process, to see how the States felt. The American people support an amendment to the Constitution that says no person, no President, no Congress, no reason, no cause can jeopardize their trust fund. Social Security has its own revenue measure and, by God, we should not touch it.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I would like to echo the comments of my dear colleague from the other side of the aisle on the issue of the trust fund being just at that, a trust fund. In California we have had for decades a law that we cannot raid one trust fund and shift it over to other uses.

I guess in Washington it seems very technical on this issue, but I guess I will try to explain it as simply as possible. Social Security is called a trust fund, not a slush fund. It is not a pool of money to be used in any manner that somebody wants to if they can get enough votes.

Maybe that is why the gentleman from Ohio (Mr. TRAFICANT) is right, a lot of us are looking at the issue that there is not enough lock in the lockbox. Let us be brave enough for us to put it before the Constitution. Let us who really stands for protecting the Social Security Trust Fund in the long run.

But this proposal, Mr. Speaker, is the first step. It is the first step in reforming Social Security. If we are not willing to at least vote for a bill that says we are going to start treating it as a trust fund and not a slush fund, if we are not willing to vote for this proposal, for God's sake, how are we going to find the intestinal fortitude to be able to vote for the other ones we all know are coming down the pike?

This is the statement of credibility and a statement of commitment that we need to start with down the long road towards saving Social Security and Medicare as we know it. I ask my colleagues on both sides of the aisle not to find excuses to walk away from this first step, but to start this long journey with this first step of voting for this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I rise today to discuss H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

I want to commend the gentleman from California for his leadership in sponsoring this legislation that will take a step toward protecting the Social Security Trust Fund from being raided by the Congress and to tell the truth to the American people about the Federal budget.

This legislation would tell the American people that in 1998, instead of a $70 billion surplus we actually had a $29 billion deficit. This legislation would send a signal to this body that we must continue to exercise fiscal discipline; that we cannot afford a 10 percent across-the-board tax cut or new spending programs.

This legislation would prevent, for example, the $13 billion appropriation Congress made from the Social Security surplus just last week to pay for a measure that totaled $15 billion in socalled emergency spending, when we were forced to make a choice between funding our troops and saving the Social Security surplus.

Mr. Speaker, I am committed to the principles underlying this bill. As a Nation, we must adopt and adhere to principles of truth in budgeting and fiscal responsibility. On February 10 I introduced H.R. 685, legislation that would permanently ensure that receipts and expenditures from the Social Security trust funds are not included in the unified budget. That was the idea of our former colleague, Mr. Bob Livingston.

H.R. 685 ensures that the Congressional Budget Office and the OMB stop the practice of publishing confusing aggregate budget numbers that deceive the American people about the true nature of the Federal budget and tempt Congress to continue conducting irresponsible fiscal policy.

Clearly, we all agree that now is the time to keep faith with our constituents, to present Federal budget information in a manner that demonstrates the state of Federal surpluses or deficits without reference to Social Security trust funds. I believed then and I believe now that the honest approach, the correct approach is to permanently sequester the Social Security Trust Fund today, tomorrow and for all time. A trust should be just that, it should not be violated.

While H.R. 1259 is a step in the right direction, it does not get the job done. It permits any spending or tax bill, bills that would be paid for by Social Security Trust Funds, as long as the bill is described as one that would be intended for Social Security reform or Medicare reform. It fails to protect the Social Security Trust Fund from creative legislating. In short, Mr. Speaker, it falls short of the standard of honesty the American people deserve.

I believe that proposals to protect and strengthen Social Security and Medicare deserve careful consideration by this Congress. I oppose this rule because it limits debate. When the time comes today, I urge my colleagues to support the adoption of the Holt-Lucas-Moore language that would protect the on-budget surplus as well as the Social Security surplus from being spent; I repeat, the on-budget surplus as well as the Social Security surplus from being spent. It specifies that only when the trustees' report declares Social Security to be sound for 75 years and Medicare for 30 years can the on-budget surplus be spent.

We will see you, and raise you one. Please join us.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I rise in support of the Social Security and Medicare Safe Deposit Box Act. I appreciate the hard work of the gentleman from California (Mr. HERGER), and the part the Committee on Rules played in this I am very proud of.

Mr. Speaker, in 1995 when Republicans took control of Congress, it seemed that budget deficits financed by the Social Security Trust Fund would go on as far as the eye could see. But under Republican leadership, a newfound fiscal discipline contained Congress' penchant for spending and turned things around. Today, we are looking forward to realizing the first Federal budget surplus in decades.

This moment in history presents us with a perfect opportunity to set a new standard by which we will define a true budget surplus. This new definition will ensure that no Social Security money is included in that equation.

For more than 30 years big spenders in Washington have been raiding the Social Security Trust Fund to pay for unrelated programs and pet projects. Even after the Congress claimed that it had put a wall between Social Security and general spending by taking the trust fund off-budget, the big spenders continued to dip into our seniors' retirement savings.

Today, with the passage of this legislation, we will stop the big spenders by locking away 100 percent of our seniors' hard-earned retirement dollars for their Social Security and Medicare benefits. Over 10 years' time this legislation will protect $1.8 trillion, $1.8 trillion, from the greedy grab of those who thrive on immediate spending satisfaction and ignore the long-term consequences.

The Social Security and Medicare Safe Deposit Box Act prohibits the House and Senate from considering any legislation that spends the Social Security surplus, the one exception being legislation that improves the financial health of the Social Security or Medicare programs. This act would provide honesty in Federal budgeting, fiscal discipline and financial security for our Nation's seniors.

I urge my colleagues to vote "yes" on this rule and H.R. 1259, in support of a new era in Federal budgeting that honors the social contract among the Federal Government, America's workers, and our Nation's seniors. Let us restore the public's faith in our government as the trustees of our hard-earned dollars by locking them safely away for their golden years.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, the previous Member of Congress who spoke indicated that the big spenders continue to dip into the

Social Security surplus. I ask her who are these big spenders? Point them out. Ask them to stand. Because I will tell my colleague who they are. They are the Members of the majority party who last week took a bill the President introduced for $6 billion and parlayed that into a $15 billion bill. Where does my colleague think that additional $9 billion came from? It came from the Social Security surplus.

These are the same people today who are telling us, let us protect the Social Security surplus. Why did they not bring this bill up 2 weeks ago so that grab of last week would not have been possible? Because they could not satisfy their special interest friends. The bulk of those $9 billion went to the defense contractors, big contributors to the Republican Party. But now, after they have taken the dollars, they come to the floor obsessed with this "protect Social Security."

They say for the last 40 years the Democrats have spent it. Where do my colleagues think the dollars came from for the Reagan tax cuts? There was no general revenue surplus during those years. Every dollar of that tax cut came from Social Security surplus. Where do my colleagues think the additional spending during the Bush administration came from for budget purposes? It came from the Social Security surplus.

So let us not go pointing fingers at one side or the other. The Republicans are as good at spending it as we are, as evidenced by their actions last week where they took a $6 billion administration request, parlayed it into $15 billion, $9 billion more, which came from the Social Security surplus.

Now, let us talk about this lockbox. I think the only way we are going to provide solvency to the Social Security System is by a reform bill. Lockboxes, my colleagues, are eyewash. They do not do anything to provide a 75-year window for Social Security recipients in this country.

□ 1600

So take with a grain of salt, my friends, what we hear today, because last week it was okay to raid $9 billion out of the Social Security surplus; and today they are aghast, my God, what is this Congress doing?

And I say to my colleagues, my God, what did they do last week? That was okay spending, because that was for our favorite programs and our favorite special interest group. That is hushagawa. If my colleagues want to know what hushagawa is, call my office.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to our friend, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

I would like to congratulate my colleague, the gentleman from California (Mr. HERGER), who has worked long and hard on this question, and I believe is on the right track in pursuing this.

Let me state what is our intention as far as management. Based on the proposal that we had from the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, I have, per usual, acquiesced to his request; and we will, in fact, have the distinguished chairman of the Subcommittee on Legislative and Budget Process join with me in managing the 40 minutes of debate for the Committee on Rules.

Then we will shift, and under the very able management of the author of the legislation, the gentleman from California (Mr. HERGER), we will see the 40 minutes of the Committee on the Budget consumed.

Then the Committee on Ways and Means, under the leadership of the Subcommittee on Social Security chairman, the gentleman from Florida (Mr. SHAW), will manage it from our side. I can only assume that the ranking members on the minority side will proceed with management in that way.

So I just wanted my colleagues to know that, per usual, the gentleman from Massachusetts (Mr. MOAKLEY) got his way.

Let me say that that measure is, I believe, a very, very important one. If we were to go back to 1937, at the very beginning of Social Security, one has got to look at what its intent was. It was to provide survivors benefits and to supplement retirement. It was never intended to be a sole source of survival for retirement, but it was to provide a supplement.

We have seen the Social Security system grow to some two programs at its high point; and we have, fortunately, made some modifications of it. But the tragedy was that in 1969, and even earlier, we saw this step made towards getting into the Social Security fund for a wide range of other very well-intentioned programs.

That was wrong. It was wrong because American workers are not given any kind of option as to whether or not they pay into Social Security. They are told, very simply, that they have to pay half of that FICA tax and their employer has to pay the other half. Again, it is not an option.

I remember my first job when I was a teenager, and I looked at the amount of money that was being taken out in that FICA tax and I was appalled. And today I continue to be appalled at the high rate of taxation that we have. But then when one looks at the fact that those dollars that were intended to be put aside to provide assistance to supplement retirement, that they all of a sudden were expended for a wide range of other things, it was wrong. It was wrong.

That is why many of us, being led by the gentleman from California (Mr. HERGER) on this issue stepped up and said, when people are forced to pay into the Social Security Trust Fund and Medicare, they should in fact be able to count on those dollars going there.

That is exactly what we are trying to do here. We are trying to say to the American people, the Federal Government tells them that they are going to put their dollars there, and so the Federal Government is going to meet its responsibility to ensure that they have those resources when they are counting on them at their retirement.

And so what we are doing is, we are saying that a point of order can be raised if an attempt to raid that fund is taking place.

Now, the gentleman from New York (Mr. RANGEL), my friend and the ranking minority member of the Committee on Ways and Means, earlier started talking about some back room deal that he said we are going to be getting into. That is not going to happen. Why? Because under the Herger proposal that we have, a point of order must be raised and it takes 218 votes. Every Member of this House will have the opportunity to make a determination as to whether or not we proceed or not.

Now, without getting terribly partisan, and I know we have had finger-pointing, the last speaker talked about the fact that big defense contractors who support the Republican Party were responsible for that $15 billion bill. Well, the fact of the matter is, the President has only deployed 265,000 troops to 139 countries around the world. It seems to me that maybe we should try to pay for that and prepare for challenges that we have got.

So that was not what motivated us on this thing. It was an absolute emergency that needed to be addressed. But to blur that with the issue of trying to preserve Social Security and Medicare is wrong.

So we are taking what is a very measured, balanced step to do our doggonedest to make sure that the American people who put dollars aside for retirement will in fact be able to count on them.

So I congratulate again my friend, the gentleman from California (Mr. HERGER), and I thank the distinguished chairman of the subcommittee and the manager of this measure for yielding me this time.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of the time to the gentleman from New Jersey (Mr. HOLT), the author of the amendment that will be proposed by the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New Jersey (Mr. HOLT) is recognized for 6 minutes.

Mr. HOLT. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 1927, legislation that I wrote with my colleagues, the gentleman from Kentucky (Mr. LUCAS) and the gentleman from Kansas (Mr. MOORE), and which will be offered today by the gentleman from New York (Mr. RANGEL) as the motion to recommit.

Our legislation will safeguard two of our Nation's most important programs for the elderly: Social Security and Medicare. The Holt-Lucas-Moore Social Security and Medicare lockbox would require that every penny of the entire Federal budget surplus, not just the Social Security surplus, would be saved until legislation is enacted to strengthen and protect Social Security and Medicare first.

This we need to do. We cut into the surplus as recently as last week's spending bill, which brought forward a new definition of the word "emergency." Any new spending increases would have to be offset until solvency has been extended for Social Security by 75 years and for Medicare by 30 years.

These requirements would be enforced by creating new points of order against any budget resolution or legislation violating these conditions.

Spending any projected budget surpluses before protecting and strengthening Social Security and Medicare would be wrong. We are offering this proposal now because we are concerned about the haste with which some Social Security lockbox proposals are being brought to the floor and, I might add, being brought to the floor without possibility of amendment.

The proposals to protect and strengthen Social Security and Medicare deserve thorough examination and careful consideration. Congress should not take shortcuts when considering changes of these hallmark programs for America's seniors.

The Herger-Shaw lockbox bill attempts to protect Social Security surplus. Merely doing this does nothing to extend the solvency of Social Security and it does nothing at all for Medicare.

The Holt-Lucas-Moore bill is superior to the Herger-Shaw lockbox because our lockbox is more secure and has more money in it. The Holt-Lucas-Moore saves the entire surplus, not just the Social Security surplus, by establishing two new points of order under the Congressional Budget Act. A point of order would lie against any budget resolution that would use any projected surplus. This is defined to mean, in effect, reduce a projected surplus or increase a projected deficit.

Further, a point of order would lie against any legislation that would use any projected surplus. In the Senate, 60 votes would be required to waive either of these points of order.

Holt-Lucas-Moore differs from Herger-Shaw in one important respect. Holt-Lucas-Moore locks up all projected surpluses: Social Security, Medicare and anything else. Herger-Shaw locks up only Social Security surpluses.

Mr. Speaker, Social Security and Medicare are the most important and successful programs of the Federal Government of the 20th century. We must not forget that they provide vitally important protections for America's seniors.

A majority of workers have no pension coverage other than Social Security, and more than three-fifths of seniors receive most of their income from Social Security. Let us put the needs of America's current and future retirees first.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe it was the Chinese proverb that says, "A thousand mile journey begins with a single step." This is that step.

For those who say it is not enough, I wonder where they have been for the last 30 years when they could have done more. Nothing like this has been tried before. For those who say it is not enough, I remind them that the Democrats in the Senate killed a tougher one.

We would like it to be more. But it is the first step for doing something that has been long overdue. That is to say, if we make a payment in our payroll taxes for our retirement and our health care in our retirement years, it ought to go there. That is all we are saying. And we are going to see that it does go there.

I expect this to get a very large vote. I urge my colleagues to support this rule, get the debate under way on the lockbox bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 205, not voting 6, as follows:

[Roll No. 162]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
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Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (NY)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
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Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
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Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
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Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
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Stump
Sununu
Sweeney
Talent
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Taylor (NC)
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Walsh
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Wolf
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
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Dingell
Dixon
Doggett
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Fattah
Filner
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Frank (MA)
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Goode
Green (TX)
Gutierrez
Hall (OH)
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Hastings (FL)
Hill (IN)
Hilliard

Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
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Lewis (GA)
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Lowey
Lucas (KY)
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Martinez
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Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Cox
Kasich
Pelosi
Whitfield
Young (AK)

☐ 1633

Mr. BERRY and Mrs. MINK of Hawaii changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. CONYERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his inquiry.

Mr. CONYERS. Mr. Speaker, I understand that S. 254, the Juvenile Justice and Gun Violence bill is at the desk. How would a Member seek to get its immediate consideration?

The SPEAKER pro tempore. The answer to the gentleman's parliamentary inquiry is by demonstration of proper clearance from both sides of the aisle, the floor and committee leadership of the House under guidelines of the Speaker.

Mr. CONYERS. Mr. Speaker, could I make a unanimous consent request that S. 254, dealing with juvenile justice and gun violence, be brought up for immediate consideration?

The SPEAKER pro tempore. Under the Speaker's guidelines, as indicated on page 562 of the Manual, the Chair must decline recognition under unanimous consent for that purpose.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, is there not precedent for holding a bill at the desk such as S. 254 and bringing it up on the floor in the nature or in the case of a national emergency or crisis?

We are presently told by parents all over the Nation that school violence, youth violence, is a national crisis, and S. 254 will respond to that.

Is it possible, Mr. Speaker, then that we would bring this in the name of a national crisis and an emergency?

The SPEAKER pro tempore. The gentlewoman has failed to state an appropriate parliamentary inquiry.

The answer, however, is, Senate bills may be held at the desk until such time as there is appropriate clearance within the House, which is not the case at the moment, and the Chair is constrained to decline recognition for that purpose.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 35. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

Mr. HERGER. Mr. Speaker, pursuant to House Resolution 186, I call up the bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 186, the bill is considered read for amendment, and the amendment printed in section 2 of that resolution is adopted.

The text of H.R. 1259, as amended, is as follows:

H.R. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and Medicare Safe Deposit Box Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress and the President joined together to enact the Balanced Budget Act of 1997 to end decades of deficit spending;

(2) strong economic growth and fiscal discipline have resulted in strong revenue growth into the Treasury;

(3) the combination of these factors is expected to enable the Government to balance its budget without the social security surpluses;

(4) the Congress has chosen to allocate in this Act all social security surpluses toward saving social security and medicare;

(5) amounts so allocated are even greater than those reserved for social security and medicare in the President's budget, will not require an increase in the statutory debt limit, and will reduce debt held by the public until social security and medicare reform is enacted; and

(6) this strict enforcement is needed to lock away the amounts necessary for legislation to save social security and medicare.

(b) PURPOSE.—It is the purpose of this Act to prohibit the use of social security surpluses for any purpose other than reforming social security and medicare.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

"(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report;

would cause or increase an on-budget deficit for any fiscal year.

"(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to social security reform legislation or medicare reform legislation as defined by section 5(c) of the Social Security and Medicare Safe Deposit Box Act of 1999.

"(4) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.".

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors

Insurance Trust Fund and the Federal Disability Insurance Trust Fund, combined, established by title II of the Social Security Act;”.

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2),”.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2),”.

SEC. 4. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate social security budget documents.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply only to fiscal year 2000 and subsequent fiscal years.

(b) EXPIRATION.—Sections 301(a)(6) and 312(g) shall expire upon the enactment of social security reform legislation and medicare reform legislation.

(c) DEFINITIONS.—

(1) SOCIAL SECURITY REFORM LEGISLATION.—The term “social security reform legislation” means a bill or a joint resolution that is enacted into law and includes a provision stating the following: “For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes social security reform legislation.”.

(2) The term “medicare reform legislation” means a bill or a joint resolution that is enacted into law and includes a provision stating the following: “For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes medicare reform legislation.”.

The SPEAKER pro tempore. The gentleman from California (Mr. HERGER), the gentleman from South Carolina (Mr. SPRATT), the gentleman from California (Mr. DREIER), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 20 minutes of debate on the bill.

The Chair will exercise discretion to recognize managers from each committee in the following order to control their entire debate time: the Committee on Rules, the Committee on the Budget and the Committee on Ways and Means.

The Chair recognizes the gentleman from California (Mr. DREIER).

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1259.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I rise first to once again state what you just did so well, and that is that it is our intention to have the 40 minutes of debate that the Committee on Rules will be handling on this go ahead right now, and then we will have 40 minutes of debate that will be handled by the gentleman from California (Mr. HERGER) representing the Committee on the Budget, and then 40 minutes of debate handled by the gentleman from Florida (Mr. SHAW) representing the Committee on Ways and Means and then the ranking minority members on the opposite side, for our colleagues who would be requesting time on this.

Mr. Speaker, my colleague from Sanibel, Florida, (Mr. GOSS) is chairman of the Subcommittee on Legislative and Budget Process of the Committee on Rules and is going to be managing the time for the Committee on Rules here, but I would like to begin by stating that I believe that this is a very important piece of legislation that we are considering. There has consistently been a high level of frustration over the fact that the Social Security and Medicare Trust Funds have been raided for years for a wide range of well-intended programs, but unfortunately it has jeopardized the solvency of those programs, the Social Security and Medicare programs. So we today are making an attempt to put into place a procedure that will help us keep from moving into those funds at all; and I think it is the right thing to do.

I believe it is the right thing to do because, as I said during the debate on the rule, the American people have been not voluntarily, they have been told that they have to pay into the trust funds through payroll tax withdrawal. The employee puts in one-half, the employer the other half, and yet we, since 1969, have seen these funds raided and used for other programs. That is wrong. The American people know that it is wrong, and we are trying to do our doggonedest to make sure that it does not happen.

Our very good friend from California (Mr. HERGER) has spent a great deal of time working among the three committees of jurisdiction, talking with us, getting cosponsors on his legislation, urging Members of the other body, other side of the aisle, at the White House to support this provision, and I think that he has come forward with what is a very balanced approach.

As my colleagues know, there are people who are saying, oh, we are going to be delving into the Social Security and Medicare Trust Funds. The fact of the matter is a point of order under this Herger bill can be raised, and when it is raised, what happens, Mr. Speaker?

What basically happens is that we have to get 218 Members to cast votes to override that, waive that point of order, and so we are going to work very hard to ensure that we do not, in fact, see a raid on those very important trust funds; and it has been Republican leadership that has stepped up to the plate and acknowledged the responsibility of that under the able direction of the gentleman from California (Mr. HERGER) here.

So, Mr. Speaker, while I am going to be turning this over, as I said, to my good friend from Sanibel, Florida (Mr. GOSS), at this point I yield such time as he may consume to the distinguished gentleman from the big “D” in Texas (Mr. ARMEY), our majority leader.

Mr. ARMEY. Mr. Speaker, every time we take on a new legislative issue, bring something to the floor, bring it up in committee or discuss it in leadership, I like to stop and ask for a moment, what is this really all about?

We are going to use a lot of technical talk here, we are going to talk about lockboxes and points of order and so forth, but let me talk for a moment about what it is really all about.

Mr. Speaker, what we are about to do today for the first time ever, ever in the history of Social Security, we are going to pass a resolution that commits this Congress to honor our children as they honor their mothers and fathers.

What do I mean by that? Let me illustrate it with a point.

My young adult daughter, Cathy, in her middle 30s, working hard as a young professional woman oftentimes wears a little button on her lapel. The button says: Who the devil is FICA and why is he taking my money? She represents a lot of pain and difficulty that is experienced by these young people as they pay these very, very difficult payroll taxes; and the young people feel the stress in their own budgets, in their own household budgets as they try to buy their homes, they try to buy braces for their children, as they try to think forward about their own retirement, as they think forward to their own youngsters' college. They know the burden of that tax as well as any other tax.

But do my colleagues know what is beautiful about these children, these young 20- and 30-year-olds, worried as they are about their own retirement security, believing more in UFOs than they believe they will ever see a dime out of Social Security?

□ 1645

They are not complaining. They feel the pressure, they feel the burden, but they do not complain. Why do they not complain? Because, Mr. Speaker, they exhibit every day a love for grandma and grandpa. And they will tell us when we talk to these young adults, these payroll taxes are killing me, but this is what pays for grandma and grandpa's retirement security, and they are happy to do it.

We ought to listen to that. We ought to appreciate that, and indeed, Mr. Speaker, we ought to applaud the generosity and the love we find in these young people.

Now, imagine the hurt and the disappointment they feel as they have exhibited that faith and that love, for them to now realize that for years, for years much of that payroll tax that they have paid so painfully has not been used for grandma and grandpa's retirement security, has not even been set aside for future needs, but has been spent on other social spending programs.

The young people will tell us, I will take the sacrifice for grandma and grandpa, but I really cannot afford it for all of these other programs. I expect you to keep a faith with me; you call it a "trust fund."

So tonight we are going to honor their commitment, we are going to honor their faith and we are going to honor their trust, and we are going to say, Mr. and Mrs. Young Adult, worried as you are about your own retirement security and sacrificing as you do out of love for grandma and grandpa, we honor you, and we make a commitment with this thing called the lockbox to take those payroll taxes that you pay that are not used today for grandma and grandpa's retirement security and lock them away for the future.

So that when we look at that button on my daughter's lapel and it says, "Who the devil is FICA and why is he taking my money?" we can say FICA is a program of the Federal Government called a trust fund for Social Security that asks you to pay your share so we can commit and fulfill a commitment to your grandparents. Watch these young people applaud us. Finally, they will say, finally somebody keeps the faith, honors our parents as we do, respects us, and will keep the trust. And to what degree? To the highest possible degree we can manage, every dime we can, if we can manage it.

They should understand this is a bigger, larger, more solid commitment than what the President asked in his budget. He asked for only 77 percent. We are saying to the absolute very best of our ability, we will set aside every bit of that money.

I have to say, Mr. Speaker, I am proud of us. I oftentimes make this point. Grandma and grandpa and the grandkids love each other most of all. The reason to me is obvious: They have a common enemy. Maybe after this vote it will not be we that is the common enemy.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I understand what the gentleman is saying, so that the surplus would be there. Where would the money go?

Mr. ARMEY. Mr. Speaker, in the interim period the money goes to buying down the national debt, thereby making that burden of debt lower on our children in the future. We, of course, anticipate on our side that the President might make good on his promise to advance a serious legislative proposal to fix Social Security. We have been waiting for two years for the President to take that presidential leadership. He has not gotten around to doing that yet, but in the meantime that money will, in fact, be committed, as $75 billion is in this fiscal year, to buying down the debt and making it less burdensome for those children.

Mr. HOYER. So essentially, other than the amount of money, the gentleman would adopt the proposal that the President made in his State of the Union?

Mr. ARMEY. Mr. Speaker, essentially what we would do is do what the President has been talking about for two years.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the question before the Congress today is do we want to fix Social Security or not? Do we want to take the first test toward shoring up one of our most important social programs, or do we just want to pretend to do something?

Mr. Speaker, make no mistake about it. Social Security will collapse in the year 2034. Today's workers are paying into a program that is going to collapse just 35 years from now, and it is our job to fix it right now.

But instead of making the tough decision to do something substantial, my Republican colleagues are taking a pass. Instead of acting, they are offering this country this point of order which the Democrats already enacted some 14 years ago and which merely restates congressional policy. In fact, Mr. Speaker, it is weaker than the existing law.

In contrast, Mr. Speaker, the gentleman from New Jersey (Mr. HOLT), along with the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from Kansas (Mr. MOORE), take the first step towards fixing Social Security. The gentleman from New York (Mr. RANGEL), the ranking minority member of the Committee on Ways and Means, will be offering a motion to recommit based on the language of the gentleman from New Jersey (Mr. HOLT) to protect all of the resources we need to fix Social Security and Medicare. The gentleman from New Jersey (Mr. HOLT) says no new tax cuts for the rich and no new spending programs for anyone that are not paid for until Social Security and Medicare are safe.

Unlike the Republican point of order, our motion locks up not only the Social Security surplus but also the budget surplus. Because, Mr. Speaker, until we set about fixing Social Security and Medicare, there is no telling what tools we will need to get the job done. And we cannot sidestep a point of order by simply calling a proposal Social Security or Medicare reform. Unless the Social Security trustees and the Medicare trustees declare their programs financially sound, no money should be spent that is not offset by simultaneous deficit reductions. If our motion to recommit passes, none will.

Mr. Speaker, this is by far the most important issue facing this Congress, and we owe it to the American people to address it. There was a time not too long ago when the elderly constituted a large part of our poor population in this country. Millions of senior citizens did not have enough to eat. They could not pay for rent, they could not afford doctors' visits. But since the advent of Social Security and Medicare, those times have changed.

On August 14, 1935, President Franklin Delano Roosevelt signed the Social Security Act into law. The first Social Security monthly check was made out and sent to Ida May Fuller of Vermont for all of $22.54. Back then there were 7,620 people in the program. This March there are 44,247,000 people on Social Security, which averages over $781 apiece for the retirees.

Since the Social Security program began, 390 million Social Security numbers have been assigned and, Mr. Speaker, each one of them carries a promise to American workers that once they reach that specific age, they can count on Social Security to take care of their bills and they can count on Medicare to take care of their health problems.

Today, Mr. Speaker, the majority of American seniors get most of their income from Social Security, and nearly every single one of them has health insurance, thanks to Medicare. This program is a very essential part of our country's promise to take care of its citizens, and we need to get serious about ensuring its financial health long into the future.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from

Florida (Mr. GOSS) has 14½ minutes remaining; and the gentleman from Massachusetts (Mr. MOAKLEY) has 16 minutes remaining.

Mr. GOSS. Mr. Speaker, I would be very happy to let the gentleman from the Commonwealth of Massachusetts continue.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time.

I think on occasions like this it is important to ask ourselves, individually and collectively, how did we get to this moment? As we close the pages on this century, I think it is important to reflect upon two very important votes that were cast in this decade in this House.

In 1991, the majority of Members of the Democratic Party voted for George Bush's budget. In retrospect, I think it is kind of sad that not only did we not have a majority of Republicans, we would have had only a small number who would have supported George Bush's budget. In 1993 we voted for President Clinton's budget, and we ask ourselves tonight, where did we arrive after those two critical votes?

We went from running $300 billion plus deficits in the early part of this decade to projected surpluses in the area, and I emphasize the word "projected", of $4.4 trillion. That is what has allowed us to take up this debate.

Now, while I am pleased that the Republican Party has taken this step, I think it is also important to ask, why not tie up or wall off the entire surplus until we fix Social Security and Medicare for the American people?

Mr. Speaker, we sometimes speak in distant terms to our constituents, but we should remind ourselves today that Social Security is not an esoteric issue. It is a lifeline for millions and millions and millions of Americans. And even as I speak and Members sit here today, the ghost of Mr. Roosevelt hovers around this room, because we can take satisfaction from the fact that there has been no greater domestic achievement in this century than Social Security for the American people, and remind ourselves as well that Medicare is but an amendment to the Social Security Act.

Mr. Speaker, I want to say as forcefully as I can that we are headed down the road eventually to another debate over this issue. On the Democratic side, I think our position is fairly clear: Wall off the surplus, do not do anything until we permanently fix Social Security and Medicare.

But I want to predict this evening with certainty that we are going to be back here in the near future voting on a huge tax cut, because that is really where the majority wants to go on this issue. They want to have a massive tax cut for wealthy Americans who, by the way, to their everlasting credit are not even clamoring for a tax cut at this time, and that is where the American people are going to have to watch as to who defends Social Security.

The history of Social Security has been one of initiative by the Democratic Party, and in addition, we have been its chief and sometimes exclusive defenders in this institution, and indeed in this city. We know what Social Security means for millions of widows in this Nation. We know what Social Security means for retirees. It is the difference for many of survival, to have that check from the Federal Government but once a month.

Social Security has worked beyond the expectations of Mr. Roosevelt and Mr. Johnson in terms of Social Security and Medicare, beyond the wildest expectations of those who at the time opposed it.

So keep your eyes on what we are going to do about Social Security in this Congress. Follow this debate with great care. Because I am telling my colleagues, we are coming back to a debate in the near future about a massive tax cut that clearly could undo precisely what we are talking about today.

□ 1700

Mr. Speaker, there are many of us here in my age group that have already drawn social security benefits, survivor benefits. We know what social security is about. We know how it kept families intact. We know how it allowed millions of Americans to finish high school and to go to college. Social security is a critical issue. It is intergenerational. It is the best guarantee of the whole notion of community.

What do we mean by community? We mean a place where no one is ever to be abandoned and no one is ever to be left behind.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise on behalf of the Committee on Rules, which shares original jurisdiction over this legislation with the Committee on the Budget and the Committee on Ways and Means. Obviously, I very strongly support this bipartisan procedural mechanism to lock away the social security trust fund. That is what we are here for.

The nuts and bolts of what we are doing here today are actually very simple, but their impact is very, very significant and very reassuring, I think, to our senior citizens and to our younger workers.

What this bill says is that we will completely wall off the social security trust fund, so much so that we will not allow a deficit to be created in the rest of the budget. That is a major departure from where the rules leave us currently. It is big progress.

The not-so-secret secret about the Federal budget is that when there is overspending in the nonsocial security part of the budget, then the social security part of the budget is automatically, automatically tapped to cover the shortfall. That is how it is. That is how it is not going to be anymore, because we are going to fix that.

This social security lockbox says that from now on, this activity will be forced out into the open and will be prohibited by our rules. In order to break the lock on the lockbox, Congress is going to have to explicitly vote to do so in a publicly-recorded vote. In the other body, where recent history suggests to some that spending may indeed be out of control, a three-fifths vote will be needed.

This procedural firewall will remain in effect at least until legislation expressly for the purpose of reforming both the social security and the Medicare programs is enacted. It is important to note that we have taken the extra steps of including Medicare reform in the mix. We are opting to err on the side of caution with this added cushion to make sure we take care of both programs crucial to the retirement security of all Americans.

In addition to the new point of order created by this proposal, there is also the new requirement that the Office of Management and Budget, OMB, as we know it here, the Congressional Budget Office, CBO, and any other government agency must exclude social security receipts in their displays of budget totals.

Currently we allow for two sets of totals to be displayed, one with and one without counting the social security reserves. That current practice in my view and in the view of many others creates the temptation for overlap between the general fund and social security. I must say, that appears to be a temptation that the Democrat majority of the past 40 years could not resist.

This legislation is designed to remove that temptation once and for all. No more raiding social security. Mr. Speaker, to me this is as much about accountability and coming clean with the American people as it is about locking away social security.

For too long the Federal bureaucracy has been able to have its cake and eat it, too; to talk about social security off-budget, but still using the trust fund as a soft landing pillow for the overspending free fall.

Mr. Speaker, the Committee on Rules is the keeper of the gate when it comes to our budget process. We manage the points of order that are designed to constrain our actions in the budget process. H.R. 1259 adds an additional restriction and forces Congress and the President to be accountable for locking away the social security trust fund.

When we passed our budget resolution this spring, we pledged that we were going to implement a real lockbox for social security. Now we are here. We are delivering on our promise. That is very good news for our seniors, and frankly, it is about time. This is bipartisan and I think it deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me say at the outset that I have nothing but respect for the authors of this legislation, but I do have some problems with it. I am going to vote for it at the end if the Democratic substitute is not adopted, but this bill really should have gone through the committee process, because I think there are a number of things that could have been corrected.

Let me go through just a few points. First of all, this bill, as I said, is part problematic and part semantical as well.

There is one thing we should remember. This bill does not create new obligations to social security. Social security, the social security surplus, is protected in U.S. Treasury bonds backed by the full faith and credit of the government. We have never, the U.S. government has never defaulted on our Treasury bonds since Alexander Hamilton became the first Secretary of the Treasury. God help us in the day that we do default.

I think that is one thing we have to get across. Second of all, I am afraid that this bill sets us up, perhaps inadvertently, for the stage of breaking the pay-go rules and the caps that got us into the better fiscal condition that we are today.

Finally, I am afraid that this bill is not constructed in the way that even the balanced budget amendment that many of the proponents had endorsed would deal with economic downturns.

I know a lot of us think that the economy is so good now that we are not going to see another economic downturn, or that the Clinton recovery is going to continue on for many, many years. But I think at some point in the future we may get to the end of the business cycle and we will see unemployment go up.

But this bill would put us back to where the Congress was in the early 1990s when we were in a deep recession, and the Bush administration was opposing extending the unemployment compensation. This bill would put that opposition in the hands of 41 Members of the other body. I do not think that is something that we really want to do.

Mr. Speaker, let me talk a little bit about the pay-go situation. This bill inadvertently, I believe, while walling off the off-budget, the social security and Medicare surpluses, would I think put the on budget surplus, to the extent it exists, out there for the taking.

We have already seen a budget passed by this Congress that would impose an $800 billion tax cut on a 10-year projection at great risk to the future stability of the economy, and in fact not pay down nearly as much debt as the Democrats proposed in their budget, which would be probably the best thing we could do for the economy and for social security right now.

So I think this is the first step to getting us back down the road to the failure of Gramm-Rudman-Hollings and more debt and deficit spending. Finally, this budget, this plan, really does not do anything for social security or Medicare.

As I pointed out, the obligation to the trust funds is real. It is backed by the full faith and credit of the government; again, a credit that we have never defaulted on. This does nothing to extend social security. It does nothing to extend Medicare. It creates no legal obligation to the extension of those programs.

What it does do is it creates a huge trap door in the future, because it contains a sentence that says that you can get out of this lockbox. "For purposes of the Social Security and Medicare Safe Deposit Act of 1999, this Act constitutes social security reform legislation."

That is a fairly broad term with no definition, so whoever the majority might be in the future if this were to become law could make anything that they wanted to be so-called social security reform legislation and get into it.

I presume Members could take a bill that the Republican majority in both the House and Senate, like the supplemental appropriations that started out at about $6 billion when it came from the White House and ended up at about $15 billion, and say it included something to do with social security reform, and pass it and eat into the social security trust fund.

This is well-intentioned, it is probably good for press releases, but it does not do a whole lot.

Mr. GOSS. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I rise today in support of this commonsense legislation. It is that. This is the effort to protect social security.

We have made a promise to every American that social security is going to be there for them. It is a promise that many of them do not think we will ever keep. My own children are in that group. They say to me every day, sure, mom, give me a break. It is not going to be there for me. I have to take care of myself.

I understand why they think that way, because Congress has continued just over all the years to raise social security to pay for pork barrel projects and even transportation projects, just spending. It has been an easy pot of money to go to whenever we needed a little extra.

It is time to stop the foolishness. We are supposed to be responsible and dependable, and we are supposed to be here to protect the future of our seniors and our kids. This is a real important step in making sure that that happens. It is time that social security taxes are used for social security.

We have not been truthful. We are not being truthful if we say we are balancing the Federal budget, and it is not balanced because we continue to borrow from social security. Let us not pretend that it is. It is time for us to exercise true fiscal discipline. We need to pass the bill and guarantee that this Congress keeps its promises to save social security.

I strongly support the bill offered by the gentleman from California (Mr. HERGER), and urge my colleagues to do the same.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of the Social Security and Medicare Safe Deposit Box Act of 1999; I like to call it, the "Put the Social Security Money Where Your Mouth is Act."

As I travel through the Second District of Kansas, there is a lot of skepticism that we in Washington will not be able to actually keep our fingers out of the social security cookie jar. They are asking for proof, not just political rhetoric.

That is why I support this bill. It requires us to talk about budget numbers and surpluses without using social security money to balance the ledger. It also goes beyond mere truth in budgeting. The bill puts enforcement mechanisms into place to prevent future Congresses from raiding social security without any accountability.

Mr. Speaker, the debate on this issue cannot be more timely, considering the current debate surrounding the appropriations process.

In April, we passed a budget resolution. We stood in the well of this House, in the very place that I am standing now, and we gave our word to the American people that beginning with next year's appropriations, we would no longer spend social security money.

We must keep our word to the people we represent. There are some very real structural reforms that we can make that will help support and bring about the changes for social security and Medicare. This Congress must exercise the fiscal discipline to set aside this money for requirement security only. We cannot, and I repeat, we cannot commit these scarce dollars to new spending or we will never be able to make the reforms that are necessary.

I trust that the leadership on both sides of the aisle will agree to move forward with the debate on these critical reform issues in the very near future. Mr. Speaker, I encourage each of my colleagues to support the Safe Deposit Box Act, and it is my hope that the other body and the President will do the same.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this very important legislation. We are well beyond the time to think about the future of social security. We are well beyond the time to determine if we can do the very first thing that determines whether we are in fact serious about the future of social security.

We hear about having a plan in place. We hear about the importance of knowing what we are going to do in 2024 or 2035, or whenever it might be.

□ 1715

The key thing we need to be able to do right now is make a commitment to stop spending the Social Security funds that come to the Federal Government. That is pretty easy for us to say, but it is awfully hard for us to do. In fact, it is so hard for us to do, we have not saved a single penny of Social Security until last year for the last 2 years.

If we cannot put the money aside, if we cannot hold on to those resources, it does not matter what kind of reform plan we come up with.

Our first challenge is this challenge. Our first challenge is to stop spending the money. It is to stop calculating the money in the funds available to the Federal Government for general spending.

An important part of this whole concept is quickly moving away from even calculating the Social Security funds coming in as income, to stop calculating them as income, to stop calculating them as funds available to be spent, to truly take them off the table.

We are not just going to lock them in a box that does not pay interest. We are not going to lock them away and not use them in the way that we should use those funds for the future of Social Security. We are going to lock them away from the spenders in Washington, D.C. who have enjoyed the ability since 1969 to spend this money, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to come up with new programs on top of the programs we have had, to act like we had the money available to pay those, to not be willing to go to the American people and say we are spending your Social Security funds because we were counting those funds just like we count any other funds that come in to the Federal Government.

These are not like any other funds. They are Social Security funds. They are about the future of this system. They need to be set aside for the future of this system. We need to take a critical step to do that today. I urge support of this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, let us get to the reality here. The majority party has passed a budget resolution that places this Congress in a box, and they do not know how to get out of it.

So what is the tactic today? It is to bring the so-called lockbox here. As to Social Security funds, that is easy to get out of. All anybody has to do is bring a bill up here and put a label on it that it is Social Security reform, and the lockbox is unlocked.

The gentleman before me talked about, we must not spend Social Security surplus monies. What did my colleagues do within the last few weeks? The majority party here loaded onto an emergency bill provisions unrelated to emergencies. Where did the money come from? From Social Security surplus funds.

So why are my colleagues so blatant 1 week and so pious the next week? The public wants some consistency. That is what it wants. What it wants is reform, not a bunch of rhetoric. What it wants is something palpable, not political. They will see through this.

I mean, sure, we are going to vote for this, because this is an effort to try to get us into a position of appearing to be preserving Social Security, though it really does not do it very well. I heard a previous speaker talk about Medicare and how important it was to preserve Medicare funds. This lockbox does not do it. When we look inside, there is no Medicare money in it, with or without a key.

So this is the challenge to the majority, to try to get out of the box that the resolution on the budget placed us in and to do something real about Social Security reform, get a bill in front of the Committee on Ways and Means that has the support of the majority leadership, not its covert effort to undermine Social Security reform, and let us get with it and let us do the same as to Medicare. Let us get with it.

People do not want devices like boxes, with or without keys. What they want is legislation. Let us get with it. Let us do away with the tricks, and let us get on with concrete legislation, to do what the American people want, preserve Social Security for 75 years, and reform Medicare so that my kid and my grandchildren know it will be there for them.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I would like to address some of the misguided criticisms that we have heard from the previous speaker and from speakers prior to that one. One, they mentioned that we passed the budget resolution that places us in a box. We did pass a budget resolution that places us in a box. We did this intentionally. It placed us in a box because we said we did not want to see one penny of Social Security dollars going to other government programs. We wanted to see every penny of Social Security going into Social Security. We passed a budget resolution that said we would do just that.

We are following up now with a lockbox bill, the first step in our lockbox efforts to do just that, to stop the phony accounting here in Congress that hides the budget deficits by masking the size of the budget deficits, by covering it up with the Social Security surpluses.

This lockbox bill also says this: We are going to make it tougher for Congress to pass legislation that raids Social Security. Now we think we can go farther, and we in fact want to go farther with this legislation. Unfortunately, the White House and the members of the other body from the other party are against that. We cannot get it passed into law. So we are going as far as we possibly can.

Another criticism we have been hearing from the other side of the aisle is that there is a trap door in this lockbox, that there are some keys that magically unlock these funds for use for other purposes. The prior speaker also said we need to reform Social Security and Medicare. We need comprehensive language to reform Social Security. But before we do that, we have got to stop raiding the trust fund, and that is exactly what this legislation does.

So there is no trap door. What this legislation does is say, stop raiding the trust fund, put Social Security dollars aside; then we can use those Social Security dollars for a comprehensive plan to save Social Security. That is the intent of this legislation, stop raiding the trust fund, put the money aside. Then after we have stopped that raid, we can use those dollars to save Social Security. That is not a trap door. That is a lockbox.

Mr. Speaker, I rise today in support of this "Lock box" legislation and congratulate my friend from California for his work on this issue. I am a cosponsor of this bill and am glad to be a part of this effort to protect the Social Security Trust Fund.

For years, the Federal government has been raiding Social Security to pay for other government programs and to mask the true size of the federal deficit. Bringing this to an end is one of my highest priorities in Congress.

Earlier this year, I introduced similar "Lock box" legislation that would establish a point of order against any future budget resolutions which would dip into the Social Security Trust Fund to pay for non-Social Security programs. I was pleased that my language was included in the FY 2000 budget resolution.

H.R. 1259 expands this point of order to apply to any bill, considered in either House, which would dip into Social Security. In addition, it prohibits reporting federal budget totals that include Social Security surpluses.

I am committed to exploring every legislative option available to protect Social Security. I, along with the chairman of the House Budget Committee, Mr. KASICH, have introduced additional "Lock box" legislation which would establish even more protections for the Social Security Trust Fund by implementing new enforceable limits on the amount of debt held by the public.

It is important to note that neither the bill we are considering today, nor the bills I just spoke about, will affect current Social Security benefits. These bills simply protect the money each taxpayer pays into the Social Security Trust Fund.

H.R. 1259 has the support of various outside groups including: the Alliance for Worker Retirement Security; the American Conservative Union; the U.S. Chamber of Commerce; and Citizens Against Government Waste.

It is my firm conviction that we must take the first step of protecting the Social Security Trust Fund before we can move to make wholesale improvements to the system. For those of my colleagues who oppose this legislation, I ask you, if we cannot protect the trust fund now, how can we expect to make the necessary reforms to the system for future generations? Join me in voting yes for this "Lock box" legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me just say to the gentleman from Wisconsin (Mr. RYAN) that one of the points he made is, we can then use this money for Social Security. The problem is this money is already obligated to Social Security. So we are not saving Social Security with something that we already have.

As I think the gentleman knows, virtually every plan that has come out, even the plan by the distinguished chairman of the full Committee on Ways and Means, assumes not only the obligated Social Security Trust Fund, but additional funds, general revenues, for their Social Security plan.

So it is a little semantical to say we can use it later to save it, because we are already obligated to pay it. This is a little bit what we would call belts and suspenders. Sounds good. Again, I am going to vote for it, but I do not think it does a whole lot.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, I agree with much of what the gentleman just said.

This money is obligated to Social Security. Money coming from FICA taxes is supposed to go to Social Security. The problem is, we spend it on all of these other government programs. We have got to stop Congress and the President from spending FICA tax surpluses on other government programs. That is precisely why we are trying to pass this lockbox legislation.

Mr. BENTSEN. Mr. Speaker, reclaiming my time, two things though, again, as I pointed out, these funds are still obligated. They are still backed by the full faith and credit of the U.S. Government, as the gentleman knows. It is a macroeconomic question of how one constructs fiscal policy and what is the future ability of how one divides the Federal pie as structured.

But the other point that the gentleman raised had to do with the budget that passed. I think our real problem with that is, on the one hand, my colleagues passed a budget that would, in effect, consume through tax cuts all of the on-budget surplus going forward for the next 10 years predicated on 10-year projections, which may well not turn out to be true, and at the same time, block anything to do, if they miss on their projections.

So, my colleagues, you put yourself in a real bind at that point in time and probably drive up publicly held debt, which I do not think, again, is what either party really wants to do.

Mr. GOSS. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. GOSS) and the gentleman from Massachusetts (Mr. MOAKLEY) each have 3 minutes remaining.

Mr. GOSS. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, just to make one final point, the gentleman from Texas (Mr. BENTSEN) makes good legitimate points. Our budget achieves this; remember, in Washington, we are about to see two budget surpluses, one coming from Social Security, one coming from a large income tax overpayment.

What our budget achieves is setting all of the Social Security surplus aside for Social Security and, in the meantime, paying down that publicly held debt that we both seek to pay down.

Our budget actually pays down $450 billion more in publicly held debt than the President's budget. On the on-budget surpluses, the income tax overpayment, we think people should get their money back.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me just tell the gentleman from Wisconsin (Mr. RYAN), our budget pays down even more debt than their budget by, I think, $200 billion over time. So it is not really about Republicans versus the President.

The budget is drawn up here in the House and in the other body, and we offered a budget that did more. As the gentleman recalls, in fact, I offered an amendment in the committee that would have given all of the unified surplus, which may be out, we may not be able to say that in the future if this becomes law, but both the on-budget and off-budget surplus to paying down debt, staying within the pay-go rules. That was defeated overwhelmingly in the committee by Members on both sides of the aisle.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I include for the RECORD the following letter:

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives
Washington, DC.

DEAR MR. SPEAKER: I ask that the Committee on Rules be discharged from further consideration of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999. As you know, the bill was sequentially referred to the Rules Committee on March 24, 1999.

Specifically, Section 3 (Protection of Social Security Surpluses), among other things, establishing Budget Act points of order against consideration of a budget resolution, an amendment thereto or any conference report thereon and any bill, joint resolution, amendment, motion or conference report that would cause or increase an on-budget deficit for any fiscal year. The provisions of this section fall primarily within the jurisdiction of the Rules Committee.

It is my understanding that the Leadership has scheduled the bill for floor consideration the week of May 24. To accommodate the schedule, I agree to waive the Rules Committee's jurisdiction over consideration of this legislation at this time. However, in order to assist the Chair in any rulings on these new points of order, I will be submitting an analysis of them into the Congressional Record during the floor consideration of this bill. I have included a copy of this analysis with this letter.

Although the Rules Committee has not sought to exercise its original jurisdiction prerogatives on this legislation pursuant to clause 1(m) and 3(i) of House rule X, I reserve the jurisdiction of the Rules Committee over all bills relating to the rules, joint rules and the order of business of the House, including any bills relating to the congressional budget process. Furthermore, it would be my intention to seek to have the Rules Committee represented on any conference committee on this bill.

Sincerely,

DAVID DREIER.

ANALYSIS OF THE PROVISIONS OF H.R. 1259, THE SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999, HOUSE COMMITTEE ON RULES

For the purposes of section 3(a) relating to "Points of Order to Protect Social Security Surpluses," the Chair should use the following information in interpreting these new points of order.

The new section 312(g)(1) of the Budget Act creates a point of order against consideration of any concurrent resolution or conference report thereon or amendment thereto that would set forth an on-budget deficit for any fiscal year. For the purposes of this section the deficit levels are those set forth in the budget resolution pursuant to section 301(a)(3) of the Budget Act.

The new section 312(g)(2) of the Budget Act creates a point of order against consideration of any bill, joint resolution, amendment, motion, or conference report if the enactment of that bill or joint resolution as reported; the adoption and enactment of that amendment; or the enactment of that bill or joint resolution in the form recommended in that conference report; would cause or increase an on-budget deficit for any fiscal year. For the purposes of this section, the Chair should utilize the budget estimates received by the Committee on the Budget (pursuant to section 312(a) of the Budget Act) in determining whether a bill, joint resolution, motion, amendment or conference report would cause or increase an on-budget deficit for any fiscal year. This point of order applies to amendments to unreported bills and joint resolutions.

Mr. Speaker, I will just make a couple of closing remarks. I think that what we have heard here in this opening session of the Committee on Rules, to be followed now by the Committee on Budget and then the Committee on Ways and Means, 40-minute blocks on this bill, that we are trying to proceed in good faith to provide the reassurances that is being asked to protect Social Security and Medicare.

We have heard a lot of discussion that there may be a better way to do this, that there are other things that may come down the road. But there are a couple of facts here that are sort of poignant.

First of all, we are living up to the promise that we made to make a good-faith attempt to protect Social Security and Medicare. That is a fact.

Secondly, this is not just a procedure. This is going to be a law; it is going to have to be obeyed. It is not just something that is going to disappear when we want it to.

It is, I think, a serious effort; and I honestly believe that if we look over the past 40 years, the temptations were too great on spending, and Congress overspent. I think we know that. I think in the consequence of that overspending, we saw that taxes went up, and there are some who say benefits went down.

So the concern I have as I listen to the distinguished gentleman from Massachusetts (Mr. MOAKLEY) describe a motion to recommit, which we may or may not hear later, is that sometime in the next 75 years, there is going to be reform enacted.

But until that time, in order to get along with the proposal to protect Social Security, they are going to have to raise taxes, or they are going to have to cut benefits.

I cannot honestly believe that anybody on either side of the aisle wants to be involved with programs such as their motion to recommit, if they offer it, will include, raising taxes and cutting benefits.

We are not involved in raising taxes on hardworking Americans, and we certainly are not involved in trying to take away benefits from our seniors. In fact, what we are trying to do is protect them.

So I would suggest that even though my colleagues may not agree this is the most perfect legislation, it is good, bipartisan legislation that protects Social Security and Medicare. It makes it law. It provides the reassurances that people want. I believe that this is a very good-faith effort on both sides of the aisle.

I congratulate again the gentleman from California (Mr. HERGER) and the gentleman from Minnesota (Mr. MINGE) for the fine work that they have done, and many others, the committee work that has gone on on this subject generally. I urge support for this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time allocated under the rule to the Committee on Rules has expired.

It is now in order to proceed with the time allocated to the Committee on the Budget. The gentleman from California (Mr. HERGER) will be recognized for 20 minutes, and the gentleman from South Carolina (Mr. SPRATT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

□ 1730

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, protecting Social Security is one of the most important challenges this Congress will face. Social Security is facing a crisis. By the year 2014, the amount of benefits provided to our seniors will exceed the amount of payroll taxes taken in.

Mr. Speaker, current and future beneficiaries, after years of hard work, deserve the independence that comes from financial security, and that financial security ought to be the one thing they can count on. Every penny that is taken out of Americans' paychecks for Social Security should be locked up so it can only be used to pay for Social Security benefits. This legislation will help ensure precisely that.

This legislation represents a continuation of our commitment to save Social Security as outlined in the budget resolutions passed by both the House and the Senate last month. This lockbox legislation that is shown here will protect the Social Security surpluses through several mechanisms.

First, H.R. 159 protects Social Security surpluses by blocking the consideration of any budget resolution or legislation that dips into Social Security. This bill creates a new point of order in the House and requires a supermajority for passage in the Senate for measures that attempt to use Social Security surplus funds.

Secondly, it ends the deceptive practice of masking deficits and inflating surpluses by prohibiting the Congressional Budget Office and the President's Office of Management and Budget from reporting Federal budget totals that include Social Security surpluses. This bill stops this budget shell game and allows only non-Social Security surpluses or deficits to be reported.

Thirdly, H.R. 1259 locks up the Social Security surpluses and only allows them to be used for Social Security and Medicare reform.

The first step toward saving Social Security is to stop spending it on nonrelated government programs. Once this legislation does that, we as a Congress can continue to move forward on real Social Security and Medicare reform, and may use the money in the Social Security Trust Fund only to accomplish that goal.

Mr. Speaker, the House of Representatives has a unique opportunity to help protect Social Security and place ourselves on the path to substantial Social Security and Medicare reform. I urge my colleagues to join me in voting for this most important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Speaker, the people sent us here to do a job. They sent us here to preserve Social Security and Medicare, and that is exactly what the Social Security and Medicare Lockbox Act of 1999 seeks to do.

The lockbox raises the bar for protecting Social Security and the Medicare trust funds. The bill requires that all spending be fully offset until solvency has been extended for Social Security by 75 years and Medicare by 30 years. We must save Social Security and Medicare first, before squandering any of the Social Security surplus, the Medicare surplus, and any other government surplus.

The Social Security and Medicare lockbox is the only alternative that seeks to extend the life of the Medicare trust fund. The Holt-Lucas-Moore lockbox is the only measure that locks the safe and throws away the key. The lockbox requires that all surpluses be reserved until solvency has been extended by 75 years for Social Security and by 30 years for Medicare.

Paying down the Federal debt is the truly greatest gift that we can give our children and our grandchildren. Paying down the Federal debt means lower interest for our working families, more capital available for small businesses and a brighter future for our children.

Social Security and Medicare are vital for protecting the quality of life of our senior citizens. More than three-fifths or 60 percent of senior citizens depend on Social Security for a majority of their income. Social Security is not just retirement. For some families it is insurance that many of the disabled, the widows and the elderly of our community depend on just to get by.

With something this important, we simply cannot afford sleight-of-hand tricks from Washington. For too long we have promised to save Social Security and Medicare. To my colleagues I say it is time we put our money where our mouths are. It is time to support the Social Security and Medicare Lockbox Act of 1999.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, I rise in favor of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

First, I want to thank my fellow committee member and fellow colleague, the gentleman from California (Mr. HERGER) for his tireless work to protect the Social Security Trust Fund.

One of the previous speakers said people do not want devices like boxes. I disagree. Obviously, some people would prefer to continue using illusion. It is time to stop the campaign rhetoric. We need to make sure no one, I repeat, no one, not the President, not the Congress, not anyone steals the Social Security money in the future.

I urge all the Members of the House to join us in protecting Social Security by supporting this safe deposit box. The safe deposit box follows up on the commitment this House made with the budget resolution by walling off Social Security from the rest of the United States budget.

It prohibits future budget resolutions by allowing spending that would dip into Social Security. It prohibits that. It blocks legislation that would spend Social Security surpluses and requires the Office of Management and Budget and the Congressional Budget Office to report Social Security revenues separate, not included in the budget, as we have done in the past.

If we really want Social Security trust funds to be off budget, if we want the Social Security Trust Fund to be protected, if we want to put aside the entire $1.8 trillion for Social Security and Medicare over the next 10 years, if we want Social Security to be there when current and future seniors need it, if we are serious about Social Security reform, then we will pass this Social Security measure, and I encourage everybody to vote for it.

Mr. SPRATT. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, Social Security is a bedrock on which more than 40 million Americans rely. We have an opportunity in this Congress to make it more secure than ever. It is an opportunity that we have not had in the past because in the past we have had annual deficits, and over the last 10 years we have been able to eradicate those deficits. We have positioned ourselves now to where we can deal finally with the security of Social Security.

We had a proposal in our budget resolution which would have created a lockbox for Social Security, would have required the treasurer to do what he does today; every time he gets excess payroll taxes, to remit those funds to the Social Security administrator in the form of bonds issued by the Treasury, and then to take the proceeds and not spend them, not use them to offset tax cuts, but buy up outstanding public debt so that we buy down the public debt, and therefore make the Treasury more solvent and able in the future to meet the obligations of the Social Security System. It was rejected by the majority when we brought our budget resolution to the floor.

What the other side has brought here is weaker than existing law. It huffs and it puffs. It talks about Social Security, but in the end, the product it presents is weaker than existing law.

What does it provide for enforcement? A point of order. If we send up here something that breaches the provisions of this bill, there is a point of order. We all know in the House, although they may not know in the rest of the country, that points of order are mowed down by the Committee on Rules in this House every week; waived all the time.

Because they are so routinely waived by Rules, when we passed the unfunded mandates bill several years ago we said at least to have a mandate pass that will be incumbent upon local government and will increase their obligations, at least we should have a vote on the House floor, an overt vote. A Member has to go out and declare themselves ready to override the mandate. This rule does not even do that. It allows the rule to include a waiver of the point of order. Nobody will know it. It will be completely swept out of the way.

So this is a sham when it comes to a rule, but it even goes further. As if the overriding of a point of order was too much, it provides in section 5 a waiver. And that waiver says if we get the magic words right, if we say this bill is about the reform of Social Security, this bill is about the reform of Medicare, abracadabra, all of the restrictions in this bill disappear. This lockbox falls apart. It does not even apply any more.

This is absurd. A lot of us will vote for this because we do not want to explain why we did not vote for something like this, but we can do something better. We offer something better in the form of our motion to recommit. If Members are really serious about a lockbox, vote for the motion to recommit.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

It is really incredibly misleading, if not completely incorrect, to say that this legislation is weaker than current legislation. That is clearly not the fact. The budget resolution that passed is only for this budget. What we are doing is putting into law the fact that we cannot spend this; that before we do, Members are going to be held accountable in their districts for knowing that they actually spent Social Security.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a member of the Committee on the Budget.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today as a proud cosponsor of this legislation.

Mr. Speaker, all across Pennsylvania's Lehigh Valley where I come from, I have heard one message loud and clear, and that is to stop spending our Nation's Social Security funds on other programs, and this is the measure that will enable us to do just that.

My constituents are right, and they are right for many reasons but I want to emphasize two. The first is that this is the honest thing to do in budgeting. And let us face it, Congress has been engaged in misleading and deceptive budgeting for decades. The American people are told their payroll tax goes to Social Security. In fact, it goes to many other places as well.

Now, some Members of Congress want to oppose this, and they, like the President, would rather be able to grab some of that Social Security money and spend it on other programs. And I would suggest if these other programs are so important, so vitally important that they are worth spending Social Security for, then I suggest that my colleagues make the case for these programs to the taxpayers and raise the taxes necessary to fund them. If that fails, I would suggest rethinking the programs and the overall level of spending. The American taxpayers deserve honest, transparent, straightforward budgeting, and this helps us to get there.

The second reason, Mr. Speaker, is that the retirement security of baby boomers, my generation, my kids and my grandchildren, absolutely depends on saving this money. Social Security, as currently structured, is simply not sustainable. The system is fundamentally flawed and it will go bankrupt if we do not make fundamental reforms and restructuring.

We need to give workers the freedom to take a portion of their payroll taxes and invest that money so that it will grow and provide a retirement benefit and security greater than what Social Security promises. But the fact is, Mr. Speaker, that transition to that system will cost money. The sooner we start, the less it will cost.

But whenever we start, it will cost the Social Security surplus. So we cannot squander those funds on anything other than providing the retirement benefits to the seniors that we have promised and providing for a retirement future for future generations.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

□ 1745

Mr. KLECZKA. Mr. Speaker, a lot of my colleagues have come to the floor and indicated that, Well, friends, last week it was okay to spend $9 billion for an emergency supplemental bill out of the Social Security trust fund. But now we have got religion today and, my Lord, what we did last week, it was wrong. We should have never done it.

But none of the Republicans would admit to that. I have yet to hear one of my colleagues from the majority party say, "Yes, that was wrong. We should not have done it. But now we are going to amend our ways."

The difference there, my friends and colleagues, is last week's $9 billion was for defense. Okay? And that is not spending. That is okay. But now we have to stop what is going on.

Let me back up and share with the House what the current system is. Right now, and since 1983, we are collecting more in Social Security receipts than we need for benefits. So what do we do with it? Do we give it to the Secretary of the Treasury to put under the mattress? No. Those excess dollars are invested in treasuries, interest-bearing treasuries. The interest income goes back into the trust fund.

It is just like us taking our dollars, our hard-earned dollars, and putting them in a bank. We can go back the next day and say, "I want to see those dollars again that I deposited" and the bank is going to say, "they are not there anymore."

Did they squander them? No. They lent them out. That is what banks do. And anytime we come to withdraw those funds, the bank will have other revenues, other mortgage payments, other loan payments to give us our money back. And that is what the current system is doing.

Should we deficit spend? Clearly not. To say those treasuries that are in the Social Security trust fund are worthless, that is false. If they are worthless, every savings bond this Government has ever issued is worthless, all the public debt held by corporations and institutions and individuals is worthless. And that is not the case.

The truth of the matter is the full faith and credit is behind that debt to the Social Security trust fund, as well as all other debt.

How does this lock box work? Before I came down here, I went to the Republican side and I said, I need a lock box. Do you have one hanging around? And thank God they did. Here is a Social Security lock box. And here is what this proposal would do.

We are going to collect surplus Social Security trust fund money and we are going to put it into the box. Well, when the majority leader was talking earlier in the debate, the gentleman from Maryland (Mr. HOYER) said, Well, what are they going to do with this money. Just let it sit around? Are they going to invest it. What are they going to do with it? The majority leader indicated, we are going to take this money and pay off a part of the national debt.

So now, after we go through hours of debate how Congress is stealing the money blind, how the administration is spending it, we are going to find out at the end of the day that this is the lock box. My friends, the money is gone. It went back to pay off the national debt.

Mr. Speaker, this is what the lock box is all about. The money is going to come in, the money is going to drop out to go pay the national debt. When we need the money because these folks before me are going to retire, we are going to use other revenues coming into the Government. Hopefully, and I think we all are going to work to that, there are going to be surplus revenues. But the money is not going to sit around under someone's mattress.

This is the lock box we are talking about. Talk about trap doors. Talk about phoney issues. This is one of them, my friends.

Mr. HERGER. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I have to take issue with my friend and colleague from the great State of Wisconsin. That is simply not the case. The debt we owe to Social Security is also a part of our national debt.

What our budget resolution does is take Social Security dollars away from Social Security and put it towards Social Security by buying down debt. What happens when those Social Security IOUs come due is that that debt is converted into national publicly held debt.

What our lock box does is pay off the publicly held debt so we can pay the Social Security bills.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the distinguished vice chairman of the Committee on the Budget.

Mr. CHAMBLISS. Mr. Speaker, throughout my home State of Georgia and all cross America there is a common concern among many citizens. Apparently, my friend from Wisconsin who just spoke really does not understand this concern. But the concern is that Social Security is not going to be there for them when they retire. And that concern is real. It is not unfounded, as American seniors have witnessed the raiding of Social Security over the last several generations.

I have got two children. One of them is in the workforce as we speak. The other one just graduated from college and is going into the workforce. I also have got the pleasure of having two beautiful grandchildren. I want to make sure that Social Security is going to be there for those children and grandchildren when they become of age.

After years of hard work, the independence that comes from financial security ought to be one thing that our Nation's seniors and our Nation's young people can count on. The Social Security and Medicare safe deposit box to be considered by the House today goes a long ways towards restoring that ideal.

Every penny that is taken from the paychecks of America's hard-working men and women should be locked away and can be locked away in a safe deposit box and used only for retirement benefits. And that is what this bill does. Quite simply stated, it is the right thing to do.

Social Security and Medicare safe deposit boxes before us establishes honesty and accountability in the Federal budget process and takes the next step in securing and ensuring retirement security, not just for this generation but for generations to come.

I congratulate my colleague and friend from California, who is a member of the Committee on the Budget along with me, for his tireless efforts for promoting honest budgeting and encourage my colleagues to support this common sense legislation.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of this legislation. This bill before us endorses a position that we have been advocating for years.

I have come to this well many times to argue that we should not even talk about budget surpluses until we truly have taken Social Security off budget and balance the budget without counting the Social Security surplus. For the last several years, I have joined with my Blue Dog colleagues to offer budgets that incorporate that philosophy.

Thus, I congratulate the House leadership for seeing the wisdom of the Blue Dogs' position on this issue today. Although I must say, I wish they had seen the light a little earlier and supported some of our budgets over the last 2 or 3 years, particularly the last budget a little earlier when we had an opportunity to pass a real budget which would have actually helped us do that which we talk about today.

I am glad, though, to see that we have reached a point where everyone agrees with the principle that we should wall off Social Security. The real test will be whether we can follow through with our rhetoric as we go through appropriations and tax cutting processes. I hope we can do so, but history is not encouraging.

The budget which we passed just a few weeks ago set up a virtual guarantee of failure because of its unrealistic numbers. Already, with this year's first appropriations bill, the Agriculture Appropriation has been on the floor for 2 days and we have seen nothing constructive happening. The victim of this unreasonable budget is not only inadequate agriculture funding but also funding for other programs and ultimately Social Security. The pressure created by an unrealistic budget translates into vulnerability for Social Security.

If the House had shown the foresight to follow a path more along the lines of the Blue Dog budget, we would have invested in priority programs such as defense, agriculture, veterans, education, and health. At the same time, our budget did protect all of the Social Security surplus fund over a 5-year period while using 50 percent of the on-budget surpluses to reduce our debt and 25 percent to provide a tax cut. This plan reflected a reasonable balance, but that is not what we passed.

Last year the majority, though, passed an $80 billion tax cut that would have been funded entirely from the Social Security trust fund that we lock up today. And just last week, we voted to spend $15 billion from the Social Security trust fund, we did that, by the same folks that today say this is going to be a magic bullet and is going to save Social Security.

We should not kid ourselves and pretend that this legislation does anything to deal with the long-term problems of Social Security. Walling off Social Security surplus is a good start, and that is why I support it. But it is not a solution. A true solution will require us to roll up our sleeves and do some heavy lifting to deal with the tough choices facing Social Security. It would be a terrible mistake if we let passage of this legislation be the end of the discussion of Social Security. Our vote today should be the beginning of a bipartisan process to honestly address financial problems facing Social Security.

Mr. HERGER. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. HERGER) has 10½ minutes remaining. The gentleman from Florida (Mr. DAVIS) has 7½ minutes remaining.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to comment that while the party of my good friend from Texas was in control for some 40 years before we took over, there was not a single dime of Social Security that was saved. At least now we are taking that first step to begin saving Social Security. And it is something that I would urge all of us to begin doing.

Mr. Speaker, I yield 1½ minutes to the gentleman from Kentucky (Mr. FLETCHER), my good friend, a member of the Committee on the Budget.

Mr. FLETCHER. Mr. Speaker, I rise to speak in support of this resolution. I thank the gentleman from California for the work he has done on the Committee on the Budget.

I stand amazed that we hear such criticism from the other side when they have had 40 years previously to do this very thing that we have done here this day. And I find a great deal of hypocrisy when my colleague stands up and talks about a box that came from a Republican that really will not hold the money when we are here to secure with a lock box the Social Security money that has been paid in FICA taxes by the people of the United States.

So finally, after 30 years of spending Social Security for more and bigger Government, we are locking away the Social Security and protecting both Social Security and Medicare. I am proud to play a role in securing and guaranteeing retirement and Medicare security for our seniors.

The Social Security and Medicare lock box law will lock away $1.8 trillion of the budget surplus to pay down the national publicly held debt. I support this resolution because it really stops the raid on Social Security that puts the burdens of IOUs on our children's and our grandchildren's back. We need to stop that, and this is an important move to begin in that direction.

This lock box provision prohibits the passage of future budgets that will raid Social Security and Medicare fund. It blocks the passage of legislation including spending initiatives or tax cuts that would spend the people's Social Security money. And it requires all budgets from the President and Congresses to include the Social Security surplus from budget totals and it unlocks the funds only for the purpose of Social Security and Medicare preservation legislation.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Florida (Mr. DAVIS), my colleague, for yielding me the time.

I want to take a little bit of exception to the fact that some people think we are just kind of up here giving them a hard time about this. Quite frankly, I am going to support this legislation. I do not think it does a whole lot. It does not take a rocket scientist, at least from my standpoint. Every month out of my paycheck my employer and myself send up 12.4 percent into the Federal Government. It is going to be saved for me.

Quite frankly, we have not not paid a Social Security check. We have expanded and extended Social Security to 2034. I mean, everything is kind of going along. It is just that we are getting into this debate over the surplus. The fact of the matter is I am going to support this. I think we ought to lock this up. I think that is what we should have been doing anyway.

But on the other side of this, I want to make it clear that we are doing something I think to this country and scaring people. This floor is talking about, oh, we are going to not pay our debts on Social Security. We are not going to have the money. That is not so. We are solvent until 2034.

I would say to my colleagues, though, on the other side, they have an opportunity to do something beyond just this lock box. They have an opportunity to secure not only the Social Security surplus but the non-Social Security surplus until we can make sure that the system is solvent.

□ 1800

That is what we have all been working for. The gentleman from Florida (Mr. SHAW) has a piece of legislation that says he thinks we can do that for 75 years. Let us have that discussion. Let us lock this all up until we get to that solvency of 75 years, or whatever year we come to. I think that is very important.

Mr. CALLAHAN. Mr. Speaker, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. I agree with what the gentlewoman is saying. I certainly support the lockbox, but with all of you people who are working so hard to develop this, would you sometime during this process work to find a solution to the notch baby problem?

Mrs. THURMAN. I would be glad to do that. I probably have more notch baby folks in my district than you do.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Responding to the comments of the gentlewoman from Florida, her comment was that Social Security is good until the year 2034. The fact is we begin losing money, we begin spending, paying out in Social Security more than we are bringing in, in the year 2014. Not 2034, but 2014. After that, we begin pulling out the IOUs that have been written, the bonds that have been written.

How is that paid? That is not money off a tree. That comes from taxpayers. Our young people are going to have to pay for that.

So we are in a problem, and we are beginning to address it. This is only the first step. As you mentioned, we have other steps we are going to have to take after that.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, we teach our children about the story of the ant and the grasshopper, in which the ant works hard in the summer laying up supplies for the winter while the grasshopper plays the summer away. Come winter, the ant is warm and well fed, but the grasshopper has no food and starves.

While we expect our children to understand the moral of this story, the government itself cannot seem to set the example of saving for the future, which is why I strongly support the Social Security and Medicare Safe Deposit Act, legislation which locks away 100 percent of the budget surplus attributed to Social Security and Medicare to ensure the long-term solvency of these two vital programs.

Passage of this legislation represents a commitment to today's workers that tax dollars being set aside for Social Security and Medicare will be there for them when they retire. It also represents a commitment to older Americans that their golden years will be marked by peace of mind, not uncertainty, when it comes to the future of Social Security and Medicare.

The wisdom of the ant and the irresponsibility of the grasshopper teach our children an important lesson, Mr. Speaker. I hope Congress will have the wisdom to embrace the fable's meaning and pass this legislation.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. HOLT), who is the prime sponsor of the motion to recommit on the bill.

Mr. HOLT. Mr. Speaker, I thank my good friend from Florida for yielding me this time. I would like to talk about the importance of the motion to recommit. We are talking about the fundamental programs of Social Security and Medicare, the two great accomplishments of the Federal Government in the 20th century that have removed the fear of destitution from old age and have made a major difference in the lives of the people of this country. We have before us now a lockbox that we cannot debate fully and that is imperfect, with a hole in the bottom.

The gentleman from Kentucky (Mr. LUCAS), the gentleman from Kansas (Mr. MOORE) and I have proposed a stronger lockbox that would preserve Social Security and Medicare. Let me point out that I have just received, addressed to the gentleman from Kentucky Kentucky, the gentleman from Kansas and to me a letter from the Concord Coalition saying, and I quote:

"The Concord Coalition," watchdogs of budgetary sanity, "is pleased to endorse the motion to recommit on H.R. 1259 which would add to that bill the protections of your bill"—that is, our bill—"H.R. 1927. With this bill you have raised an important issue in today's Social Security lockbox debate."

They go on to say:

"The Concord Coalition is very concerned that these 'on-budget' surpluses, which are now mere projections, will be squandered before they even materialize.

"Doing so would waste an important opportunity to prepare for the fiscal burdens of the baby boomers' retirement by increasing savings, that is, paying down our national debt. Worse, it would risk a return of economically damaging deficits if the hoped-for surpluses fail to materialize.

"The nature and extent of the surpluses to be locked in the box is thus a very necessary debate and we commend you for raising it in the form of your motion to recommit."

That, I say to my colleagues, would give us an opportunity to really accomplish what my colleagues say they want to accomplish, and that is to really preserve Social Security and, I would add, Medicare.

Mr. HERGER. Mr. Speaker, in response to the gentleman from New Jersey, who mentioned how the Concord Coalition was endorsing his legislation, I would like to mention that the Concord Coalition is also endorsing this piece of legislation as well.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. SMITH), a member of the Committee on the Budget.

Mr. SMITH of Michigan. Mr. Speaker, this is a very serious occasion. Somehow I wish we could holler a little louder and shout about the fact that there is a greater interest in saving Social Security.

I brought with me three bills, one from 1995, one from 1997 and one from 1999, all of which take Social Security off the budget. That is what this bill does, too. I think that is a good point. I hope your recommit bill does the same thing and says from now on at least we are not going to talk and use the Social Security surplus to mask the deficit, because that is what we have been doing. For most every year for the last 40 years, we have been spending the Social Security surplus and in our eagerness to brag about a balanced budget, we have used Social Security to mask the deficit.

At least this is a beginning. This is saying we are not going to do it anymore, we are going to make an effort to say that we are going to take the surpluses, that amount that is coming in from the Social Security tax that is in excess of what is needed for Social Security benefits and we are going to put it aside.

This side has said, "Well, look. It's not perfect." That is right. Fifty perecent of the Members can change the rule. It is all going to depend on how much guts we have got. It is going to depend on how much intestinal fortitude we have to say, "Look. We're going to live within our means. We're not going to spend Social Security for other government programs and expand the size of government."

I compliment the gentleman from Florida (Mr. SHAW), I compliment the gentleman from California (Mr. HERGER), the gentleman from Texas (Mr. STENHOLM), an early mover in trying to solve Social Security. The fact is that this does not solve the Social Security problem, but it gets a little more public awareness.

If we can pass this legislation and stick to it, if we can say, look, we are not going to spend the Social Security surplus for other government programs. And if there are things that are so blasted important, we are going to either cut down on other spending someplace else or we are going to increase taxes. Let us not pretend anymore by spending the Social Security surplus, but, look, let us decide here and now that we have got the will power to move ahead with real solutions for Social Security.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend from Florida for yielding me this time.

Mr. Speaker, I am going to vote for this resolution today even though I'm not convinced it is needed. Early this morning many of us got up and we had a nice early morning meeting with outgoing Secretary of the Treasury Robert Rubin. He has been showered in recent weeks with accolades, given his impending retirement, based on his management over the years of our economy and how well it has been going.

He gave us one piece of advice that he drove home so clearly today as policymakers. If we do one thing in this United States Congress to ensure long-term prosperity for this country, it is to use the projected budget surpluses to download our $5.6 trillion national debt. We do not need gimmicks and fake legislation like we have here today to do that. What is required is some fiscal discipline and coming together in a bipartisan fashion to maintain fiscal discipline and download the debt, instead of dipping into the Social Security Trust Fund for new spending programs as what happened last week with the supplemental appropriation bill, or by offering fiscally irresponsible, across-the-board tax cuts.

That is the same message that Alan Greenspan, Chairman of the Federal Reserve, delivers to us every day. We do not need legislation like this. What we need is political courage to do it.

I have two sons, Mr. Speaker, Johnny and Matthew who are probably going to be living throughout most of the 21st century. If there is anything that we can do to ensure a bright and prosperous economic future for these two little boys, it is by delivering some political courage, practicing some fiscal discipline, making the tough choices that we are capable of making to preserve Social Security, Medicare and pay down our national debt instead of offering legislative gimmicks like the one we are debating here today.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. This is not a gimmick. I guess the question is, why have we not done something before? Is this going to solve the whole problem? No. But at least it is a beginning. It is a first step.

I also have a picture I just pulled out of my eight children, I care about them, one grandchild. This is really for those who are coming after us as well as those who are seniors today. We have to begin sometime. Why not now?

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), my good friend on the Committee on the Budget.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to wrap up this issue. We have heard from a lot of Members from both sides of the aisle, from Members on this other side of the aisle that although they have all these criticisms, they are going to end up voting for this bill.

We can work together on this. I do believe that this should be a bipartisan issue, not a partisan issue. We have heard a lot of partisan spats back and forth. We have heard a lot of criticisms. At the end of these criticisms just about every speaker has said, "But I'll be voting for the bill."

Let us work together on this thing. We all are saying we want to stop the raid on Social Security. We all are saying we believe FICA taxes should go to Social Security, period, end of story. So let us put this partisan talk aside and work on this.

This legislation is necessary. If we thought the discipline was there to make sure that all FICA taxes went to Social Security, we would not need this legislation. However, for over 30 years Congress and the White House, Republicans and Democrats, have been raiding Social Security. That is a fact. That is why we are addressing this issue with this lockbox legislation.

This legislation gives us the necessary tools to fight in Congress for stopping the raid on Social Security. It empowers us with the ability to, when any piece of legislation comes up which seeks to raid Social Security, it gives us the ability to stop that legislation. That is what this legislation achieves. It also stops the smoke and mirrors accounting by stopping from masking the deficit with Social Security trust funds.

Can we go farther? Absolutely. Will we go farther? I hope so. But is this a gimmick? Absolutely not. This is real legislation that helps us stop the raid on the Social Security Trust Fund. This is a bipartisan issue. We should work on this together. We should stop these partisan spats. Because if you are going to go vote for the bill, then applaud the bill.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. I appreciate my colleague yielding me the time.

Mr. Speaker, we all support protecting Social Security. I totally support placing Social Security outside of the budget process. But the larger issue is how we are going to strengthen Social Security and Medicare for the future.

Unfortunately, this lockbox becomes a gimmick when it does not add one dime to the Social Security Trust Fund or one day to the solvency of the Social Security Trust Fund, let alone Medicare. It becomes an empty box without a commitment to have the entire surplus focused on strengthening Social Security and Medicare for the future. That is what we are talking about.

The motion to recommit really does the job. That is what we really want to have from our colleagues, is a commitment that we will join together to strengthen Social Security and Medicare for the future. Without that commitment, we do not in fact have anything but a gimmick.

Mr. HERGER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California is recognized for 2 minutes.

Mr. HERGER. Mr. Speaker, we have to work together. As the gentlewoman from Michigan said, the only way we are going to solve this problem is by both sides of the aisle working together. I would like to urge us today to allow this to be the first step in doing that, in working together on this. Could we do more? Sure. But this is a first step and the next step will be a little more.

□ 1815

Mr. Speaker, this debate is very simple. This House has an opportunity today to make it much more difficult to spend the Social Security surplus. We have a choice before us. We can take the almost $1.8 trillion of Social Security surplus and spend it as we have been doing for the last 40 years, or we can take that same $1.8 trillion and protect it, put it in a lockbox so it can only be used to save Social Security and Medicare.

No matter what some of my colleagues from the other side of the aisle may say about this bill, they would be hard pressed to say it does not make it dramatically more difficult to spend Social Security surpluses. Let us lock it away as a first step. Then we can move on to reform Social Security and Medicare.

Mr. Speaker, I urge my colleagues to support this very important first step of saving and preserving Social Security.

The SPEAKER pro tempore (Mr. LATOURETTE). All time allocated under the rule to the Committee on the Budget having expired, it is now in order to proceed with the time allocated to the Committee on Ways and Means. The gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the opportunity today to express my support for H.R. 1259, the Social Security and Medicare Safe Deposit Act of 1999.

Today Social Security protects 44 million Americans. Social Security's core features: risk-free, lifetime benefits, progressivity, inflation protection and family and disability benefits are particularly important to women and to our lower-income people.

In fact, Social Security is the main and only source of income for about one in three seniors today. Thanks mostly to Social Security, poverty among seniors has dropped 69 percent since 1959, making seniors today the least likely group in America to be poor.

Yet despite its success, Social Security will not be able to pay promised benefits in the future. The reasons are simple. We are living longer and retiring sooner and having fewer kids. By 2014 Social Security will spend more than it receives in taxes. That is right, by 2014. By 2034, the trust fund will be empty, and only about two-thirds of the benefits will be payable.

In the past the answer has always been to cut benefits or raise payroll taxes, but today these traditional fixes are not acceptable. Social Security is the largest tax most workers pay today, and we must not increase that burden. We must avoid benefit cuts like COLA cuts and retirement age hikes that harm today's seniors or tomorrow's seniors.

That means our only choice is to save and invest, to save Social Security as provided in the Social Security Guarantee Plan the gentleman from Texas (Mr. ARCHER) and I have proposed. This plan converts Social Security surplus into personal retirement savings for every American worker to help save Social Security. At retirement, workers' savings guarantee full Social Security benefits and are paid without cuts or payroll tax hikes. The plan even creates new inheritable wealth for many workers who die before retirement after ensuring that full survivor benefits are paid. And the plan eliminates the Social Security earnings limit so seniors can work without further penalties.

But most importantly the Social Security Guarantee Plan saves Social Security for all time. Full promised benefits are paid, and the Social Security trust funds never go broke. In fact, the Social Security Administration has said the guarantee plan eliminates Social Security's long-range deficit and permits payment of full benefits through 1973 and beyond, and that is a quote. In the long run there are budget surpluses and the first payroll tax cuts in the program's history.

Passing H.R. 1259, the Social Security and Medicare Safe Deposit Act of 1999 will be a first critical step in this progress. This legislation, for the first time in history, locks away Social Security surpluses in a safe deposit box, only to be opened to save Social Security and Medicare.

Today there are no rules to protect the Social Security surplus. In contrast, H.R. 1259 sets new rules to protect those surpluses. If a measure does not pay for itself, either the House Committee on Rules or a supermajority of 60 Senators will have to agree to use Social Security surplus to pay for it.

So while the budget resolution made it out of order for the Congress to spend Social Security surpluses this year, this bill goes further to protect Social Security surpluses for as long as it takes to save Social Security and Medicare.

Consider what a difference that will make. For 30 years Federal budgeteers have included Social Security surpluses in their reporting to cover up what was really going on in the rest of the Federal budget. This safety deposit box stops the government from hiding behind Social Security surpluses to claim that its budget is balanced. In the future, all official budget documents must include the Social Security surplus in determining the government's budgetary bottom line. That is a solid foundation for legislation that will finish the job and really save Social Security for 75 years and beyond.

I encourage all Members to support this bill, and I must say this bill does not include the remedy to save Social Security for all time. It puts in place a discipline upon this House of Representatives, upon the Senate and upon the White House to live within our means without raiding the Social Security Trust Fund.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as my colleagues know, it was about January or February of this year that we had a resolution offered by the gentleman from Wisconsin (Mr. RYAN), a new Member of Congress, who spoke earlier. In that resolution he basically said we should save Social Security. We all voted for that. That was about 5 months ago. And now we have this proposal, this so-called lockbox proposal.

We have been debating this now for about 4 hours. Mr. Speaker, do our colleagues not think it would be better if we just went to a markup and starting marking up a piece of legislation?

We have a real problem on our hands with respect to Social Security. Over the next 35 years benefits paid out will exceed revenues coming in by 25 percent even if the Social Security money is set aside. We have to come up with a solution. We should not be playing around with resolutions and with little gimmicks about setting aside money. We should go to a markup.

And I have to say, the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security, and the gentleman from Texas (Mr. ARCHER) are really trying. They have come up with a bill that maybe I might disagree with, but it is credible. Why do they not just go to a markup with that bill? Why do they not put it in legislation?

The problem is that their Republican leadership and Mr. LOTT on the Senate side do not support it, and as a result of that, we are now playing around. We are not going to come to any resolution of this this year because the polling data that the Republicans showed says that we should not do Social Security because it is too difficult.

But I tell my colleagues the American public wants Social Security done, but if we are going to do a lockbox, we ought to do it right because the legislation of the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) does a deal with just 62 percent of the Social Security surplus. They actually use general fund surpluses in order to make sure that the benefits in this, revenues coming in on Social Security over the next 35 years, balance out.

So what we are going to do is we are going to say, "You have got to set aside the Social Security surplus, but the surplus that is on budget we can spend. Well, in the Archer-Shaw bill, one has to use that to save Social Security, so there is an inconsistency in what we are doing now.

I just want everyone to know that we are going to vote for this, but we are going to vote for this on the basis that, why not, it does not do any harm, just like the gentleman from Wisconsin's resolution earlier in the year did no harm. But I have to say that when the day is over, we are not going to extend Social Security by 1 day, or we are not going to actually increase any more revenues or cut expenditures on Social Security. We are not going to do anything.

We are really misleading the American public and pretending, and this Congress has to finally come to grips with the fact that we have been brought here to do the people's business. We probably will not even get an appropriations bill out this week. We will probably leave for the Memorial Day recess without getting one appropriations bill out, even though three were promised, and now we are talking about Social Security on Wednesday night after 3 hours, and we are not going to do anything. It is not going to make one senior citizen or one member of the work force feel any better.

And so let us not kid ourselves. Let us pass this, but let us not tell anybody that this is really going to save Social Security. It is going to set aside money, it is not going to do anything; and we know it and you know it and everyone else knows it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself 1 minute.

I would answer the gentleman from California (Mr. MATSUI), who is the ranking member on the Subcommittee on Social Security, that I look forward to working with him. We do need legislation that is actually drawn up so we can actually look at it. Our conceptual model has been out there for some time, and people are looking at it, and I know the gentleman from California has just recently reviewed this, reviewed the documents that we have supplied, and is becoming knowledgeable and becoming familiar with what it is that we are trying to do.

I also understand that the President will be submitting some legislative language, and this is a positive step. So we do need to get together. This has to be a bipartisan solution, and this is what I think is so important in this whole process.

The gentleman is right. This lockbox is not the solution, but this lockbox does make it more difficult for this Congress to go ahead and continue to raid the Social Security Trust Fund surplus, and that is a fact of life, and that is what this does, and this is why I am supporting this particular bill.

Mr. MATSUI. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, this is just for a question, because if he plans to do this this year, why do we need a lockbox? We can just do it. I mean, we only have 3 more months in the year. Why do we not try to get this done?

Mr. SHAW. Reclaiming my time, both processes are going forward, and this lockbox simply puts an impediment in front of the Congress to continue to raid the Social Security Trust Fund while we are trying to come together on a solution.

I may be one of the few Members of this House on Capitol Hill that really believes we are going to produce something this year, but I do, I have confidence in the process, I have confidence that the President wants to cooperate, I have confidence that there are a sufficient number of Democrats and Republicans that want to get together and put together a good bill that will solve the situation, and I am confident that we will do it.

But in the meantime, as we are going through the appropriation process, as we will be going through tax cuts and what not, I think that the decision has been made to hold this money aside, this surplus aside, and I think it is a positive step.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, it is good to be here talking about this issue.

I really do not think it is playing around. This is an honest debate, and it is a good debate, and I applaud the basic concept of the lockbox. Since Vietnam, we have been digging into the Social Security fund. It does not make any sense. It is not right. It has got to be stopped. This is one method to stop it.

I just do not happen to agree with it, and I know my associate on the other side of the aisle says, we are going to vote for it. But why not? I think there is a real distinction here, and I would like to tell my colleagues why I am going to vote against the bill.

The goal is valid, and we have got to reach that goal, but we have got to reach it honestly. The thing I fear is that we are so driven by a concept that we will not think through what it means, and this is a pretty exact piece of legislation. It requires that all Social Security receipts, all of them in excess of cost, paying Social Security checks, be set forth separately and immediately into the House and Senate budget resolution.

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There are no exceptions for emergencies, and it requires a point of order in the House, and 60 votes of the Senate to act otherwise.

Now, there is going to be a surplus, but there is not a surplus now, and with the supplemental emergency dollars just approved for Kosovo and the military buildup and other natural disasters, we are, as we have in the past, using a part of that Social Security excess.

Now, if we do not, then we have to borrow that money because we do not have that money, and we all want to stop that practice. Now, we have borrowed enough, so all we need to do is to avoid borrowing, or if we do not want to do that, we can wean ourselves away from using Social Security funds.

These are worthy goals. We are within sight of achieving both of them, but we are not there yet, and I think we will be in three years, but we are not today.

So if we insist on passing this lockbox legislation, I predict with almost certainty that before the year is out we will be violating our promise. I cannot believe this is a sound way of approaching our budget and, therefore, I am going to vote against the measure.

Mr. MATSUI. Mr. Speaker, I yield 5½ minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend from California for yielding me this time. I agree with the point that the gentleman made, and that is that it would be a lot better if we were talking about a bill that would actually help the people on Social Security, that would extend the solvency of the program. We have been here now for many months, and it is time for us to use the regular legislative process of committee hearings and markup to start taking up legislation.

So rather than spending so much time on this lockbox, I wish we would spend the time debating how Social Security should be strengthened and how we should deal with the long-term solvency.

I also agree with the gentleman from California (Mr. MATSUI) in that this bill is one that we should vote for because it does contain some provisions that, if we adhere to them, would be good. Why am I skeptical about that? Because we have current budget rules in effect that do pretty much everything that is in this bill, but every time we waive those rules or find ways of getting around it. Just look what we did with emergency spending. We found ways to get around the budget rules. I am afraid that what is contained in this particular legislation, it will be very easy for Congress to get around it.

Mr. Speaker, let me tell my colleagues my problems, though, with the lockbox itself. We normally think of a lockbox that we put in there what we need in order to deal with the problem and we have a strong lock on it in order to make sure it is only used for that purpose. Well, that is not the case in the legislation we have before us. We have not put into this lockbox what we should; that is, all the surplus. We should not be spending the surplus until we have fixed Social Security first. I thought that was the commitment that we made on both sides of the aisle, that both leaderships said we are going to fix Social Security first. Yet, we do not put into the lockbox the resources that will be needed in order to deal with that. That is the first major flaw.

But perhaps even more significant is that there is no lock on this lockbox. All we need to do is pass legislation that says that we fixed the problem and we can spend the money. Let me read the language in the bill. I know we rarely do that around this place, but let me read what we are asked to vote on.

It says the term "Social Security reform legislation" means a bill or a joint resolution that is enacted into law and includes a provision stating the following: "For the purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this act constitutes Social Security reform legislation."

Mr. Speaker, there is no lock on this lockbox. There is no requirement that we extend solvency of Social Security even one day before we can spend the money that we say that we are locking up for Social Security.

Now, Mr. Speaker, we are going to have an opportunity to cast a really significant vote, and that significant vote will be on the Holt-Lucas-Moore proposal. It will be in the motion of the gentleman from New York (Mr. RANGEL) to recommit. That will be a real vote. Why do I say that?

First, it will put into a lockbox all of the surplus and say that we cannot spend that until we have dealt with Social Security and Medicare. But it goes a second step and puts a lock on the lockbox. It puts a lock on the lockbox by defining what is Social Security reform, defining what is Medicare reform.

We do not do that in the legislation before us. We do not even allow an amendment for the legislation before us. We have a closed rule. We cannot even bring forward suggestions to improve the bill. That is not the democratic process and the bipartisan cooperation that my colleagues are asking for, when they will not even give us a chance to really debate the issue before us today.

But the motion to recommit, the Holt-Lucas-Moore proposal actually does define what we need to do in order to be able to spend the money in the lockbox: seventy-five year solvency for Social Security. We all agree on that. Let us put it in the bill. We do not do that. But we will have a chance.

Vote for the motion to recommit. It does not delay the process. It brings the resolution immediately back for passage, but says that we have to deal with the 75-year solvency of Social Security, which we should do. And then on Medicare we say we have to have at least 30-year solvency in Medicare. That makes sense. Then we would really be putting this money aside and putting a real lock on the lockbox to make sure the money, in fact, is not spent until we have, in fact, dealt with the solvency of both Medicare and Social Security.

So, Mr. Speaker, we are being asked for bipartisan cooperation. We agree with that. We do not have any chance to amend the bill. Vote for a motion to recommit so that we can have a true lockbox.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I rise in very strong support of this legislation. Its time has come. This is legislation that is a seminal first step in ensuring that Social Security's retirement safety net will be there for our seniors when they need it. By putting all of the Social Security surpluses into a lockbox, we ensure that Social Security surpluses are not diverted into new spending or new programs by Congress.

Under this legislation Congress could only use non-Social Security surpluses, real surpluses, for spending increases and tax cuts. In effect, it ends the smoke and mirrors of the budget process by not allowing the Social Security surpluses to be invaded.

This legislation commits Congress to setting aside $1.8 trillion for Social Security and Medicare over the next 10 years. These resources are an essential component of any viable proposal to rescue Social Security. I urge the passage of this legislation.

Mr. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I find some difficulty in this debate in that evidently this House is planning to adjourn after this vote takes place and leave for the Memorial Day weekend and recess. It seems odd that we would be leaving, having heard that in the Senate chamber, after a great deal of debate and quite a bit of strenuous deliberation, the Senate passed legislation that would deal with crime issues. Whether we agree with every aspect of it or not is not the point. The fact remains that there is a bill on the Senate side sitting, waiting for House action, that would deal with the issue of crime and youth violence, and there it sits.

Here on the House side, we bring up legislation that talks about a so-called lockbox, legislation that did not go through committee, because the people that are debating and sitting on the Committee on Ways and Means, including the Members that are here right now, the committee that has jurisdiction, and asked for a chance to have this bill debated to get the substance out, to really discuss what could be done on Social Security, and, in fact, if we could improve it, to add amendments to it, but rather than go through the normal legislative process where we would have a hearing in committee to discuss and debate the merits of the proposal, we are going straight to the floor of the House, never having gone through the committees of jurisdiction.

We could do that with this bill. And, as we have heard, the bill really does not do anything, because current law already requires that we do these things. But yet legislation that would deal with crime and youth violence and try to address the concerns of many Americans when it comes to the safety of their children in schools, sits right now awaiting action on the part of the House, and yet we are getting ready to adjourn without having taken any action on that crime legislation. Yet we are willing to pull something straight out from earth without ever having given it a chance to be debated and heard and the merits be discussed in committee the way we would normally do so on something as important as crime.

Why is it that on crime we have to let it sit and go through the whole committee process and wait who knows how many months before it can come to the House when the Senate has already passed it, when on Social Security, when we are not doing anything that is not already in existing law, we have to rush it through? I do not understand, but let us continue with the debate.

On the merits of this legislation, one, as we have heard, we could do nothing with this bill and the law would require we do what this bill claims it does, and that is to reserve Social Security surpluses for Social Security. Secondly, if we truly intend to send a message to the American people that we want to act on Social Security, then we would do as others have said as well. We would really lock up the surpluses, because everyone knows that if we lock up just what is considered a surplus in the Social Security fund, that that will not be enough to resolve the issues of long-term solvency for 75 years.

But this bill does not do it, nor are we being given a chance to amend the legislation to allow it to do that, so we really can send a meaningful message to the American people that we really want to do something on Social Security.

If this is all we are going to do on Social Security for the year or for the term, we are in real trouble, because at the end of the day we can tell the American people we did nothing more than already existed in current law. We could have been absent for the entire two-year session as Members of Congress, and Social Security would be in as good a shape as if this bill passed and quite honestly as bad a shape as it could be if we do not do anything over the next two years.

So here we are in a situation where we are being told this is a way to remedy part of the Social Security problem. In a way, it is a feel-good proposal that maybe makes people believe that we are going to now begin to lock monies up. So in that sense, okay, let us vote for this thing. But the reality is, if we are going to deal with the long-term solvency issues of Social Security, we have to deal with what the President said.

The difficult question is to get us the last 20 or so years of 75 years worth of solvency. This does not do any of that. This does not even come close to doing what the President said would be the easy part of saving the Social Security surpluses, because at the end of the day the President committed that we save part of our surpluses for Medicare. This does not help in that regard.

We really need to get to work. If we are going to do something, let us make it meaningful, and certainly if we are going to rush it through, then let us deal with the crime bill as well, because that is just as important as this because this does not really get us anywhere.

I urge the Members to consider doing something meaningful before we move on.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman from California, who I do not believe was here when his party was in the majority, that it was rare that a motion to recommit was offered to the minority side when the Republicans were in the minority. So I think this is a very Democratic process. The gentleman can come forward with his bill. Many of his Members have already argued in favor of his motion to recommit, so I think the process going forward is very good.

I would also remind the gentleman that but for the grace of God and six Members, you would be in the majority today. Nothing is precluding the gentleman and Members from his side from coming forward with their own plan. As a matter of fact, I think we are also looking for one from the White House, and I think there is a certain amount of cooperation.

So I am not slamming this side for it, but I think also when the gentleman from Texas (Mr. ARCHER) and I have come forward with a plan before the Committee on Ways and Means and are working that plan and talking to the Members, briefing the Members, and the gentleman from California was at the briefing that we had the day we unveiled it, I think this is important progress. We are making progress. However, it is a slow process.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Florida (Mr. SHAW) for yielding me this time.

It is interesting to listen, and our goal is, of course, a bipartisan solution to this challenge of Medicare, and this lockbox simply sets aside all of the funds designated for Medicare and Social Security to that purpose. It is different, if we want to get technical, from what was done in 1990 that dealt with direct reductions.

What we have heard throughout our districts, whether we are Republicans or Democrats, and I know there is a temptation to deride any effort made in good faith as some sort of gimmick, but what we have heard, not as Republicans or as Democrats but as Americans, is that we need to deal with this problem, devote Social Security surpluses to Social Security, keep the trust fund intact.

I listened with interest to my friend the ranking member from California, who encouraged our side to bring forth legislation, and of course my good friend from Florida, the chairman of the full committee, had brought forward a plan; others folks have, too.

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Mr. Speaker, in fairness, my friend, the gentleman from California, also asked that the Treasury Secretary designee, Mr. Summers, where the administration plan was.

I think it is important that we work on this. As we know, a journey of a thousand miles begins with a single step. This is a profound step. It is not a gimmick.

The motion to recommit will be akin to double secret probation. The other side is entitled to do that, but Americans want a rational, reasonable response, and locking up of this fund. That is what it does. It is simple. It is practical. This House should do it.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

I would just point out to the gentleman from Arizona that even though the gentleman only has a 6-vote majority, he is a majority. We cannot bring a bill to the floor of the House, we cannot bring a bill to the committee and get it marked up. Only the people in the majority can.

The gentleman's side is in the majority. They have the obligation to mark up a piece of obligation. We are 6 months into this year without it.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me introduce myself. My name is Hillary Clinton. I say that because I see that we have a bill before us today which says that a bill may in the future declare itself to be whatever it wishes to declare itself. I thought since the majority seems to take that seriously, I would see how seriously they took me if I introduced myself as Hillary Clinton.

Let me simply say that if Members look at this bill, what it says is that no point of order will lodge against a bill if it declares itself to be social security or Medicare reform. Boy, there is really some protection, is there not?

I remember that their leader 2 years ago said that social security should be allowed to wither on the vine. I know that their existing floor leader has said that, as far as he is concerned, there should be no room for a program like Medicare in a free society.

I would simply say that letting legislation written by people like that self-declare itself to be reform legislation is a little like asking John Dillinger to pretend that he is Mother Teresa. It may be believable to some people, but it certainly would not be believable to me.

What this bill says, and man, it has muscle, what it says is this Congress will put every dollar on the books into social security unless it votes not to. That is what this wonderful lockbox says. It is just wonderful, what the Congress can do to pass its time when it is not being serious about real legislation.

I would simply suggest to my friends on the majority side of the aisle that if they are serious about saving social security, then I would urge the Members to quit promising the American public that we can provide $1.7 trillion in tax cuts in the next 15 years and still protect social security and still protect Medicare. We all know that that is not possible, and we can get on with serious legislation as soon as everybody in this place admits it.

I have a simple suggestion. We were sent here not to adopt gimmicks, we were sent here to deal with our problems in serious legislative ways. If Members want to save social security, bring out a bill that saves social security. Do not bring out something which ought to be labeled the number one legislative fraud of the year.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my friend, the gentleman from Wisconsin (Mr. OBEY), I know Hillary Clinton, and he is not Hillary Clinton.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I thank the chairman for yielding time to me, and for the opportunity to say a few words in support of this important legislation.

Mr. Speaker, let me ask this House a very basic question. My friends on the other side of the aisle have been claiming that existing rules and existing laws already protect the social security trust fund.

If that is the case, then, let me ask Members of this House, why do the social security trustees report that this Congress over the last 30 years and the President have raided the social security trust fund to the tune of $730 billion?

Obviously, the so-called protections that they claim are in place are not really there. That is why this legislation is so important as we take the steps to save social security for future generations, not just today but for the next three. The first step, the important step, is to lock away 100 percent of social security for social security; not part of social security, but all of social security.

I represent a diverse district, the South Side of Chicago, the south suburbs, in Cook and Will counties, a lot of bedroom and rural communities. Whether I am at the union hall, the VFW, the grain elevator, the local coffee shop on Main Street, I am often asked a pretty basic question: When are you guys, when are you politicians in Washington, going to stop raiding the social security trust fund? Because they have been watching Congress and the President do that now for 30 years, to the tune of $730 billion.

This legislation is important because we set aside $1.8 trillion of social security revenues, 100 percent of these revenues, for social security and Medicare. That is a big victory, because when we compare that with the alternative, and I point out, this is an important first step as we work to save social security for the long-term.

I would like to point out the alternative here. If we look at why this is the centerpiece of this year's budget, 100 percent of this is for social security.

On this chart I have here, in this coming year $137 billion is the projected social security surplus. With the lockbox, we set aside $137 billion, the entire social security surplus, over the next year. The Clinton-Gore Democrat alternative sets aside only 62 percent, continuing the raid on social security. In fact, the Clinton-Gore budget would spend $52 billion of the social security surplus on other things.

That is why this legislation is so important. We want to wall off the social security trust fund. We need measures that work. Obviously the current rules, the current laws, do not protect the social security trust fund. That is why the Medicare, social security and Medicare safe deposit box is so important.

Let us give it bipartisan support. Let us take this important first step as we work to save social security.

Mr. SHAW. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, rarely has a government program caused so much confusion and misled so many people and perhaps bedeviled so many of us here in Congress, so it is appropriate tonight that we establish this lockbox and go ahead and pass this legislation.

I might point out to my colleagues who are complaining that this did not go through a committee, I have been here 10 years. As the gentleman from California (Mr. MATSUI) knows, there are often times that the Democrats brought legislation that was good without going through the subcommittee or the full committee.

So I think this has wide support. It will pass. I think it is appropriate that we bring this before the committee.

Lastly, I would say that it is a great accommodation for us to be debating and completing this tonight.

Mr. Speaker, the legislation before us would create a lockbox to ensure that Social Security surpluses be dedicated solely for the purpose they were intended to pay seniors their benefits.

Today we can make history by standing up for not only what we believe to be right but what is absolutely necessary. If we are to make good on our promise to our country's seniors that we will protect the Social Security program, this can be achieved by putting future surpluses into a lockbox that could not be used to perpetuate the tax and spend policies of the past. In other words, the Social Security surpluses could not be used to pay for new spending projects or for tax cuts.

Right now the Social Security Trust Fund is running a 126,000,000,000 surplus and it is used to mask the deficit. The Social Security Trust Fund's surplus shouldn't be used to fund other programs. And it should not be used to mask our Nation's deficit.

Added to that is the irony that this very same fund is scheduled to go bankrupt soon after the baby boomers start to retire.

And so this trust fund which will soon go bankrupt is now in surplus, hiding the true state of the Federal budget.

Rarely has a Government program caused so much confusion, mislead so many people, and bedeviled so many policy makers.

We have been very zealous in cutting wasteful spending and reducing the size of our Government's bureaucracy. We should keep up our efforts and continue to cut out unnecessary spending. Whatever surplus we may have is a result of lower taxes and less government spending.

What would happen if the economy should start to falter? How would that affect the budget process if the surplus were to shrink—keeping in mind that the true state of our budget surplus is dubious at best.

We can through the passage of H. R. 1259—finally stop this practice which started when President Johnson unified the budget in 1969. It was then that Social Security, and the other Federal trust fund programs, were first officially accounted for in the Federal budget.

The "Safe Deposit Box Act" establishes the submission of separate Social Security budget documents by excluding outlays and receipts of the Old-Age, Survivors, and Disability Program under the Social Security Act thereby preventing Social Security surpluses being used for any purpose other than for retirement benefits.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means and a valued member of the Subcommittee on Social Security.

Mr. PORTMAN. Mr. Speaker, I thank the chairman of the Subcommittee on Social Security for yielding time to me.

I want to also commend the gentleman from California (Mr. WALLY HERGER) for bringing this legislation before us tonight. It is my view that the next logical step toward fiscal sanity in this town. The first step was through a Republican majority to actually get a balanced budget in terms of a unified budget, all the receipts in, income taxes, payroll taxes, other fees, and all payments out of the Federal Government; for the first time in 30 years, we now have a unified balanced budget.

But it is time now to ensure the integrity of the social security system by taking those payroll taxes and requiring that they indeed go to the trust fund and to the social security system. That is what this does, by walling it off. It is not the last step. It is the next logical step.

The next step is actually to take those funds and put them to work for the American people so that financial security and retirement is ensured. That is why I want to compliment the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) for coming forward with a plan that does that over the requisite 75-year period.

That is the challenge of this Congress. It does not mean this step is not important, because it is the foundation upon which real social security reform must be built.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from Florida (Mr. SHAW), because I think he and the gentleman from Texas (Mr. ARCHER) have attempted to come up with a piece of legislation conceptually that at least deserves not only a hearing, but perhaps even a markup.

What I really would suggest we do now is go to a markup. We are 6 months into this year. We had a White House summit or conference last December. It appears to me now that now is the time to mark up a bill.

We have essentially 3 months left, probably 25 to 30 legislative days left this year, and if we run out of time we are going to get into the year 2000, and everyone can see we probably will not take social security up in an election year, Democrats and Republicans. It is not a partisan observation.

So we have a slight window. That means this window is probably within the next 20 or 30 days at the very most, and this issue is too critical to put off with resolutions, as we saw in January, or this so-called lockbox, which will do no harm but do no good.

As a result of that, we should begin the markup. We are going to be 25 percent short of paying out benefits over the next 35 years, 25 percent short. As a result of that, we have an obligation to deal with this problem now. We should not be fooling around with gimmicks like lockboxes and resolutions. We should take this issue seriously.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to say, I compliment the gentleman from California (Mr. MATSUI), the ranking member on the Subcommittee on Social Security of the Committee on Ways and Means, and I take what he says as reaching out to Republicans and wanting to work together to solve this terrible problem that we have.

Mr. Speaker, we talk about the year 2035. The real problem is going to start in 2014, when the fund starts to run out of money. That means that the FICA taxes will not be sufficient to take care of the benefits. That means that those baby-boomers that are getting into the retirement system at that time are going to require either a decrease in their benefits, which would be terrible, or an increase in the payroll taxes for the people that are already overtaxed, and particularly the people of low income.

That would be terrible to do that. So let us not kid ourselves, we do not have until 2035. The problem starts at 2015, and the disaster happens at 2035.

Just 2 weeks ago our ninth grandchild was born to Emily and to me, little Casey Carter, a beautiful little girl. And I cannot help but think, and all of us think as we look into our children's eyes, our grandchildren's eyes, just go out front and look into the eyes of the young people around this Capitol, we are handing them a hand grenade, pulling the pin, and say you hold it, it is your problem.

We can solve it now, and we do need to solve it now. If we do not solve it now, it would be the biggest, biggest curse on this House and the Senate and the White House.

We can work together. There is a way to do it. We have put down a plan. The President is going to be putting down a plan. I hope the Democrats will come out with a plan that they can support. We need to work together. We need to come together and solve this situation.

We can do it now without in any way interfering with the benefits that our seniors rely upon and without increasing the taxes on our kids and our grandkids. But this may be the last Congress that can do this with as little pain as we can put into it.

So let us work together, and I think this has been a very constructive, constructive session. I accept a lot of the criticism that has been given, and I hope that Members will accept a lot of the criticism that has come from this side. Together we can work together to solve the social security crisis in this country.

Ms. ROYBAL-ALLARD. Mr. Speaker, today I will reluctantly vote in favor of the Republican "lock box" proposal. I do so with reluctance because Democrats were not allowed to offer a far better alternative which would have truly extended the life of both Social Security and Medicare.

I am disappointed that, for all their rhetoric, the Republican leadership cannot come up with a real Social Security reform proposal that truly protects and extends the life of our nation's retirement security program.

H.R. 1259 fits into a pattern of Republican-controlled congresses to pass harmless legislation that make political points instead of taking the tough steps necessary to solve our nation's problems. The bill in front of us was not even considered by the committees that have jurisdiction over Social Security. We need real action on Social Security and Medicare, not just procedural bills that do not address the heart of the matter.

The heart of the matter is that 44 million people currently receive Social Security benefits, and Social Security has kept millions of our seniors out of poverty. Without Social Security, a staggering 42% of our seniors would be in poverty. But now due to the pending retirement of the baby boom generation and the very positive fact that people are living longer today, we need to take steps to provide for the long-term health of Social Security.

Democrats are very clear about this—we want to reserve the budget surplus for the long-term health of both Social Security and Medicare. We have a basic difference of opinion with Republicans, who would like to use a significant percentage of the budget surplus for tax cuts which would benefit the richest Americans at a time when the economy is performing superbly.

So while the bill today does no harm, neither does it do any good. Let's take the politics out of this debate about Social Security, roll up our sleeves, and get down to work on realistic and lasting reforms that will extend the life of Social Security and Medicare for generations to come.

Mr. STARK. Mr. Speaker, I rise today in support of the Democratic motion to recommit H.R. 1259 so that it can go through the normal Committee process and we can actually save the budget surplus for Social Security and Medicare.

This bill appears to protect Medicare and Social Security from the cavalier spending of Congress, but it merely creates shelter for Congress when our constituents ask us why Social Security and Medicare are facing financial failure. Let's be honest with the American people. We must devise an honest approach to financing and strengthening the two systems.

This bill did not go through the normal legislative process so it does not have the enforcement provisions it could have had if the Ways and Means Committee was allowed to debate and amend it. Furthermore, we must stop blaming the President and take responsibility for enacting—or avoiding—responsible legislation. Not one dollar of taxpayer funds can be spent by the President unless Congress approves it. Finally, we must take this opportunity as a first step in real debate to strengthen Social Security and Medicare.

I. LET'S TAKE A LOOK AT PROCESS SO FAR WITH H.R. 1259

H.R. 1249 did not go through the regular Committee process. It was pulled from the Committees with jurisdiction and brought directly to the House floor without any normal deliberation.

The Republicans avoided sending H.R. 1259 through Ways & Means so the Committee was not able to debate or amend the bill prior to coming to the floor.

Had we used the normal legislative process, today's bill might have the enforcement measures needed to address Medicare and Social Security's insolvency problems. The Speaker promised to meet us half way when he took office. He also promised to play by the rules. Neither promise has been honored in this case. Clearly, we will move back to regular order only when it is convenient to do so.

Had the Ways and Means Committee considered the bill, I would have offered an amendment to more clearly define what would qualify as "Medicare reform". H.R. 1259 makes the "lockbox" provisions of the bill effective until Medicare and Social Security are saved. However, it does not define "saved." This allows Congress to raise the age of eligibility, to force people into HMOs, and to reduce benefits as the means of "extending" the financial life of the program. Medicare is a vital program for our nation's seniors and disabled populations. In my mind, reform cannot include reductions in benefits like some would like to achieve. Some Members may believe that this is an adequate definition of "saved" but I don't. We cannot sacrifice the health and well-being of the American workers for the sake of balancing the books.

II CONGRESS—NOT THE PRESIDENT—RAIDS THE TRUST FUNDS

I might point out that Social Security has already been taken "off-budget" by three separate public laws: by the Social Security Amendments of 1983; by the Balanced Budget and Emergency Deficit Control Act of 1985; and once more by the Budget Enforcement Act of 1990. If Congress has been able to circumvent the spirit of the law for this long, what makes us believe that anything will change this time around?

The GOP has been blaming the President for raiding the Social Security trust funds. This is simply not the case. This body is responsible for passing all spending bills. Just last week, we spent $12 billion for Kosovo in the Emergency Supplemental bill. Congress spent twice as much as the President requested for a war that the GOP refused to authorize.

This is a clear case of hypocrisy. On the one hand, Congress doesn't want to authorize the war, but on the other hand they'll spend an exorbitant amount on pork for the mission. On the one hand, Congress claims they want to save the budget surplus for Medicare and Social Security but right after, they spend it on a war they don't support.

Let's be honest. Congress controls the spending and we have always been able to control whether it goes for needed programs like Social Security and Medicare or programs like the National Missile Defense system.

III. STRENGTHEN SOCIAL SECURITY AND MEDICARE

I agree that there should be a lockbox for Social Security and Medicare. But I want all surpluses to be used for these programs. First and foremost we must strengthen Social Security and Medicare and ensure their solvency. Before any tax bills are brought to the floor of the House, we must guarantee the American people that their Old Age, Survivors and Disability Insurance is as strong as they need it to be for a happy and healthy retirement. We must guarantee them that their health care needs will be met with quality in their golden years.

We must lock up all of the budget surpluses until these two systems are strengthened through bipartisan legislation. The big tax cut for the wealthy must be postponed until the American worker is assured that his or her health and retirement insurance is safe for years to come.

The only way to do this is by giving this bill some teeth. We must send this bill back to committee and give it the enforcement provisions it needs. Let's really lock up the surplus until Medicare and Social Security are solvent for the long-term.

Mr. FORBES. Mr. Speaker, the best way to stop the politicians from spending the taxpayers' money is to take it away from them before they can waste it. Today we have the chance to take Social Security and Medicare's money away from the politicians.

The Congressional Budget Office has projected a surplus of $1.55 trillion over the next ten years. Of that amount, $1.52 trillion—98 percent—is Social Security reserves, which consist of the payroll tax payments made by employees and employers during the next decade and interest earned on the Social Security Trust Fund during that period.

Clearly, the surplus is not extra money which Congress can spend on any worthy cause. Every one of those dollars will be needed to honor our commitment to future retirees. Social Security is sound today, but we in Congress have a responsibility to worry about tomorrow.

We must ensure that Social Security and Medicare will continue to provide the benefits promised to those who have paid into the system. No one should have to worry that one day Social Security will not be there for them. Our children and our grandchildren deserve to know that Social Security and Medicare will be there when they need it. We can give them that guarantee by voting for H.R. 1259, the "Social Security and Medicare Safe Deposit Box Act."

This bill:

Removes Social Security surpluses from all budget totals used by Congress or the President, so they can no longer be used to mask deficits or inflate overall budget surpluses.

Blocks budgets that spend excess Social Security money by requiring a supermajority (60) in the Senate for passage and allows for a point of order against any legislation in the House—including all spending initiatives or tax cuts.

Creates a safe deposit box shielding Social Security surpluses that can only be opened for Social Security and Medicare reform.

Using Social Security dollars to pay for anything other than retirement benefits would be an act of political larceny. The victims would be those hard-working men and women who are counting on Social Security to protect them in their retirement years.

Save Social Security and Medicare for future generations, vote for this bill.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to express my deep concerns about the rhetoric that surrounds this bill. I am deeply concerned that some members have stated that this budget will "lock away the Social Security and Medicare surplus." I am puzzled as to what this means. Is the money going to be stuffed under a mattress at the Department of Treasury. Will there be a huge safe with armed guards at the Bureau of Public Debt stuffed full of stacks of cash? Obviously not.

When you peel back the rhetoric, you find out that what the bill really does is to use the Social Security Trust Fund Surplus to pay down publicly held debt. This does absolutely nothing to address the long-term problems of Social Security. As a matter of fact, if Congress leaves current law as it is, all of the surplus from all of the trust funds, and any unified budget surplus, will be used to pay down the publicly held debt. When was the last time you heard seniors in your district telling you that they want FICA taxes to be used to pay for Congress' voracious spending during the 1980's and 90's?

While paying down the publicly held debt may be a laudable goal, let's not say it does something to "Save Social Security." All paying down the publicly held debt does is allow the government to pay down publicly held debt now, so that when all of the IOU's in the Social Security Trust Fund come due in 2014 we can take out more debt. I am puzzled why it is good policy to pay down debt now so that we can take out massive amounts of debt in the future.

My colleague, Mr. MARKEY, and I have introduced legislation which will actually do something to save Social Security. Our legislation will add six years to the solvency of the Social Security Trust Fund. Our bill does this by authorizing the investment of a portion of the Social Security Trust Fund in broad-based index stock funds, just like every pension manager in the country does. We have included extensive provisions to protect the fund from political manipulation. By having a private sector fund managers invest in the market, our bill will finally get a portion of the trust fund out of the hands of a spend-happy Congress in Washington, and simultaneously grow the assets in the trust fund. This is almost identical to the investment strategy that has been employed by the highly successful Thrift Savings Plan. Most importantly though, our bill will add at least six years to the solvency of the Social Security Trust Fund.

Whie I intend to vote for this bill, let's be honest with the American people. This bill does nothing to "Save Social Security." And if we tell the taxpayer otherwise we are doing them a disservice.

Mr. WELDON of Florida. Mr. Speaker, I am pleased to rise in support of H.R. 1295, the Social Security and Medicare Safe Deposit Box Act of 1999. We must move this bill forward. For decades politicians in Washington have voted to spend the Social Security surplus on new and larger government programs.

When Republicans took control of the Congress in 1994, we promised to put a cap on government spending and to protect Social Security. We were submitted to a relentless attack by those who wanted to expand the size and scope of government. But our efforts have paid off and the American people are better off because we have a real balanced budget for the first time in decades. When we take all of the Social Security Surplus money and set it aside in the lock-box, we still have a few dollars left over.

Social Security is much safer today that it was four years ago because we have balanced the budget. Had we not presevered in our efforts to balance the budget no one would be here today talking about a Social Security Trust Fund lock-box. This debate would be impossible.

I am pleased that the Republican Budget Resolution that we passed earlier this year committed us to passing a lock-box. We are doing that today with the passage of H.R. 1295.

The greatest objections to this bill are coming from those who have voted over the past years to use the Social Security Trust Fund money to pay for larger government. They know that after today it will be more difficult to do so because they can no longer secretly dip their hand into the Trust Fund to pay for their new program.

The bill will force fiscal discipline on Washington. In order to create a new federal program, politicians who propose new Washington programs will have to say how they are going to pay for their new program because they can no longer dip into Social Security for the money.

Mr. CAMP. Mr. Speaker, I rise in strong support of H.R. 1259, the Social Security Lock Box bill. For too long, our Nation's seniors—and tomorrow's seniors—have been faced with uncertainty. It's an uncertainty about the promises they've been made, that the Social Security benefits they earned will be there for them when it's time for retirement.

Our legislation locks away 100 percent of all Social Security surpluses. It locks them away from Congressional big spenders who'd rather break tomorrow's promises and fill the Social Security Trust Fund with IOUs, to spend for budget-busting federal spending today. With passage of our bill today, we can ensure that any new federal spending does not come at the expense of Social Security beneficiaries.

Today, we make the guarantee for future beneficiaries and current Social Security recipients, that their benefits will be there. When they step toward retirement, they won't find IOUs in their Social Security accounts. Instead, they'll find their full benefits, and a promise kept.

Let's put "security" back in Social Security. Support the Social Security Lock Box bill.

Mr. SHAW. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired. Pursuant to House Resolution 186, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill H.R. 1259 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

Redesignate sections 4 and 5 as sections 5 and 6, respectively, and insert after section 3 the following new section:

SEC. 4. SURPLUSES RESERVED UNTIL SOCIAL SECURITY AND MEDICARE SOLVENCY LEGISLATION IS ENACTED.

(a) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by adding at the end the following new subsection:

"(h) SURPLUSES RESERVED UNTIL SOCIAL SECURITY AND MEDICARE SOLVENCY LEGISLATION IS ENACTED.—

"(1) IN GENERAL.—Until there is both a social security solvency certification and a Medicare solvency certification, it shall not be in order in the House of Representatives or the Senate to consider—

"(A) any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would use any portion of the baseline budget surpluses, or

"(B) any bill, joint resolution, amendment, motion, or conference report if—

"(i) the enactment of that bill or resolution as reported,

"(ii) the adoption and enactment of that amendment, or

"(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would use any portion of the baseline budget surpluses.

"(2) BASELINE BUDGET SURPLUSES.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'baseline budget surplus' means the sum of the on- and off-budget surpluses contained in the most recent baseline budget projections made by the Congressional Budget Office at the beginning of the annual budget cycle and no later than the month of March.

"(B) BASELINE BUDGET PROJECTION.—For purposes of subparagraph (A), the term 'baseline budget projection' means the projection described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 of current year levels of outlays, receipts, and the surplus or deficit into the budget year and future years; except that if outlays for programs subject to discretionary appropriations are subject to statutory spending limits then these outlays shall be projected at the level of any applicable statutory discretionary spending limits. For purposes of this subsection, the baseline budget projection shall include both on-budget and off-budget outlays and receipts.

"(3) USE OF PORTION OF THE BASELINE BUDGET SURPLUSES.—For purposes of this subsection, a portion of the baseline budget surpluses is used if, relative to the baseline budget projection—

"(A) in the case of legislation affecting revenues, any net reduction in revenues in the current year or the budget year, or over the 5 or 10-year estimating periods beginning with the budget year, is not offset by reductions in direct spending,

"(B) in the case of legislation affecting direct spending, any net increase in direct spending in the current year or the budget year, or over such 5 or 10-year periods, is not offset by increases in revenues, and

"(C) in the case of an appropriations bill, there is a net increase in discretionary outlays in the current year or the budget year when the discretionary outlays from such bill are added to the discretionary outlays from all previously enacted appropriations bills.

"(4) SOCIAL SECURITY SOLVENCY CERTIFICATION.—For purposes of this subsection, the term 'social security solvency certification' means a certification by the Board of Trustees of the Social Security Trust Funds that the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are, taken together, in actuarial balance for the 75-year period utilized in the most recent annual report of such Board of Trustees pursuant to section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

"(5) MEDICARE SOLVENCY CERTIFICATION.—For purposes of this subsection, the term 'Medicare solvency certification' means a certification by the Board of Trustees of the Federal Hospital Insurance Trust Fund that such Trust Fund is in actuarial balance for the 30-year period utilized in the most recent annual report of such Board of Trustees pursuant to section 1817(b) of the Social Security Act.".

(b) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting "312(h)," after "310(g),".

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting "312(h)," after "310(g),".

□ 1900

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes in support of his motion.

Mr. RANGEL. Mr. Speaker, this is merely a parliamentary maneuver. It does not mean too much as it relates to whether or not this Congress or this House deals with Social Security. It takes the so-called Social Security surplus, puts it into a lockbox, and gives the key to that lockbox to the majority.

I suppose that this is supposed to send a positive message to America that we do recognize the serious nature of the crisis that will face the next generation as they look forward to receiving the benefits that they rightly deserve.

We on this side say that the President has tried to put pressure on the Congress by saying, let us do Social Security first. Let us do Medicare first.

In order to put additional pressure on us, it is suggested, not only by the President, but by this stronger lockbox provision, which is identical to H.R. 1927 introduced by the gentleman from New Jersey (Mr. HOLT), the gentleman from Kentucky (Mr. LUCAS), and the gentleman from Kansas (Mr. MOORE), that says why restrict ourselves just to the Social Security surplus? Why not take the on-budget surplus? Why not take the monies that we will have, and as some people say, while the sun is shining, that is the time to fix the roof?

Why not say that we are going to attempt to work in a bipartisan way, not to see who can outscore each other on points? Because when this motion is analyzed by those who study the work of the Committee on Ways and Means, it is going to be clear to everybody that we have not locked anything in. As long as there is a majority in this House, that box can be unlocked. There is no lock on it.

But if we did say that we were going to work together, not as Democrats and Republicans, but as committed Members of this House, it would seem to me that we would start now in trying to cooperate with each other and not bring motions out on the floor without having full debate in the Subcommittee on Social Security and the Committee on Ways and Means.

No one has worked harder to achieve a bipartisan approach to this than the gentleman from Florida (Mr. SHAW). I think that our chairman and my President would like to be able to say that on their watch, they have been able to tackle this very serious problem.

But this problem is not going to be resolved by Republicans, and it is not going to be resolved by Democrats. It is not going to be resolved by demagoguery. It is not going to be resolved by rhetorical motions and amendments.

It can only be done when the leadership of this House decides that it is going to talk with the leadership on the other side, and they agree that we are going to work together, not to make points, but to make history.

These things could have been discussed in the committee, but then again, if we do that, we have debate, and God knows we do not want any of that anymore.

It seems to me that now is the time for the leadership to be a little more outspoken, not in terms of lockboxes, but in terms of leadership in saying that they have met, they have decided, and they have talked with the President, and they would like to resolve this problem. That way, we will not spend a lot of time pointing at each other for what we have not done, but we can spend more time taking care of the people's business.

This motion to recommit, those who are voting for it are saying we make this a priority. If it is going to be a lockbox, let us lock up the leadership of the Republicans and Democrats and put them in a room and say they cannot get out of that room until they come up with a Social Security reform package. But my colleagues know and I know, if this is not done this year, it is not going to be done in this session.

So we can bring out these amendments, we can talk about it, and we can move to recommit, but so far, we have no bill.

I just want to thank the gentleman from Florida (Mr. SHAW) for having the courage to put his name at least on the talking paper when his colleagues could not see fit to put their name on a bill.

Mr. HERGER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, it is important to understand what is going on here. H.R. 1259 saves 100 percent of the Social Security surplus, $1.8 trillion over the next 10 years or $100 billion more than the President proposed in his budget for saving Social Security and Medicare.

Under our safe deposit box, none of that money can be spent on anything else until we actually save Social Security and Medicare. For those who say that is not enough, Mr. Speaker, not enough, the gentleman from Texas (Chairman ARCHER) and the gentleman from Florida (Chairman SHAW) have already offered a proposal to save Social Security for 75 years and beyond, that costs far less than the $1.8 trillion over the next decade, leaving hundreds of billions of dollars for Medicare reform.

But in their zeal to prevent any tax relief for American people, the Democrat proposal would also freeze budget surpluses that have nothing to do with Social Security and Medicare. Apparently what that means is that the fiscal policy of the House Democrat leadership is that hard-working Americans who have paid too much in income taxes cannot get any of their money back. It all has to stay trapped in Washington until the government agrees on how to save Social Security and Medicare. The longer that takes, the less money there is to return to the taxpayers.

This proposal does not just prevent excess taxes from being returned in the form of income tax cuts, it also blocks the money from being spent on building a stronger military, improving public schools, or protecting the environment.

The President said in his State of the Union address, we need to use the surplus wisely, including for such purposes. Is the Democrat leadership now telling the country those important goals do not matter? Or are the Democrats saying that, to the degree that issues other than Social Security and Medicare matter, we have to raise taxes to pay for them? Or are they suggesting we cut current government spending to pay for any new spending?

I seriously doubt it.

Finally, the Democrats' motion states any legislation opening the safe deposit box must save Social Security for at least 75 years. I welcome their use of this standard which the Social Security Administration says the Archer-Shaw plan achieves. Since the President's plan the Democrats are drafting falls short of this 75-year standard, saving Social Security for only about 55 years, I look forward to hearing how the Democrats would fill in those final 20 years.

Until then, we should defeat the Democrat motion and get on with saving the Social Security surplus, to strengthen Social Security and Medicare without tying the rest of the government in knots.

In closing, our H.R. 1259 saves $100 billion more than under the President's budget for Social Security and Medicare. My colleagues from the other side of the aisle were in power here in the House for 40 years, and guess how much money was set aside for Social Security? Zero. Nada. Not a single penny.

Mr. Speaker, this lockbox in H.R. 1259 is good legislation. It is good for Social Security. That is why H.R. 1259 is supported by the United Seniors Association, the Seniors Coalition, the 60 Plus Association, the Concord Coalition, and the U.S. Chamber of Commerce.

Mr. Speaker, last month the House and Senate passed the fiscal year 2000 budget resolution which committed to locking up 100 percent of Social Security. Now it is time to put that commitment into law.

I urge my colleagues to vote no on this motion to recommit and vote yes on H.R. 1259 and lock up Social Security for current and future generations.

Mr. MOORE. Mr. Speaker, I rise in support of the motion to recommit with instructions. The language contained in the instructions, which was introduced yesterday by my colleagues, Mr. Holt, Mr. Lucas, and me, offers the strongest lockbox of the proposals before us today.

The Holt-Lucas-Moore language improves upon H.R. 1259 in two respects. First, it protects all unified budget surpluses, not just those attributed to Social Security. Second, it allows the Trustees of the Social Security and Medicare programs to be the arbiters of those programs' long term stability, not Congress and the White House.

Mr. Speaker, we need to protect all budget surpluses until we've solved the problem of Social Security and Medicare solvency. The Clinton Administration and Congress, throughout this decade, have worked hard to bring us to the verge of a budget surplus. H.R. 1259, however, would allow us to exploit the surpluses through a loophole described as Social Security or Medicare "reform." But the word "reform" is never defined. Let the Trustees of the Social Security and Medicare programs make these decisions—not Congress. We cannot allow politics to wreck Social Security and Medicare.

Don't just take my word for it, though. I am including in the Record a statement released today by the nonpartisan Concord Coalition. These budget watchdogs "give extra credit to Congressmen Rush Holt, Ken Lucas, and Dennis Moore for their proposal to protect the entire budget surplus, over and above the Social Security surplus, until real entitlement reform is enacted."

Many of us are in Congress today because we pledged to our constituents that we would make the tough choices necessary to preserve and protect Social Security and Medicare. I made the same promise and adoption of the motion to recommit is an essential step toward keeping our faith with our constituents. Our responsibility to future generations of Americans remains.

Mr. Speaker, I urge my colleagues to support this motion to recommit, and I thank Mr. Rangel for offering it on our behalf.

THE CONCORD COALITION

CONCORD COALITION APPLAUDS SOCIAL SECURITY LOCK BOX PROPOSALS BUT WARNS THEY ARE NOT TAMPER PROOF

Washington.—The Concord Coalition today commended the sponsors of Social Security lock box proposals, specifically bills H.R. 1259 and H.R. 1927, for their efforts to lock away the Social Security surplus.

"Both bills would make it more difficult for Congress to pay for new spending or tax cuts by dipping into the Social Security surplus. While structured somewhat differently, either bill would provide an extra measure of protection for the Social Security surplus. I applaud the sponsors of both bills for their commitment to this issue and give extra credit to Congressmen Rush Holt, Ken Lucas and Dennis Moore for their proposal to protect the entire budget surplus, over and above the Social Security surplus, until real entitlement reform is enacted," said Concord Coalition Policy Director Robert Bixby.

While encouraged by the lock box proposals, the Concord Coalition cautioned that their enforcement measure—a budget point of order—is not tamper proof. "Both lock box proposals make attacking the Social Security surplus subject to a budget point of order requiring additional votes. However, we only have to look at the number of yes votes for last week's emergency supplemental legislation to see that this enforcement mechanism is not tamper proof," Bixby said.

For example, the Senate requires a supermajority of 60 votes to override a budget point of order. Last week's emergency spending legislation received 64 votes, more than enough votes to waive a budget point of order.

"The Social Security lock box proposals have raised the important question of how we can best preserve budget surpluses for entitlement reform. However, we cannot let these proposals overshadow the need for real reform. We hope Congress and the President will turn to this task next," Bixby said.

Mr. STARK. Mr. Speaker, I rise today in support of the Democratic motion to recommit H.R. 1259 so that it can go through the normal Committee process and we can actually save the budget surplus for Social Security and Medicare.

This bill appears to protect Medicare and Social Security from the cavalier spending of Congress, but it merely creates shelter for Congress when our constituents ask us why Social Security and Medicare are facing financial failure. Let's be honest with the American people. We must devise an honest approach to financing and strengthening the two systems.

The bill did not go through the normal legislative process so it does not have the enforcement provisions it could have had if the Ways & Means Committee was allowed to debate and amend it. Furthermore, we must stop blaming the President and take responsibility for enacting—or avoiding—responsible legislation. Not one dollar of taxpayer funds can be spent by the President unless Congress approves it. Finally, we must take this opportunity as a first step in real debate to strengthen Social Security and Medicare.

I. LET'S TAKE A LOOK AT PROCESS SO FAR WITH H.R. 1259

H.R. 1259 did not go through the regular Committee process. It was pulled from the Committees with jurisdiction and brought directly to the House floor without any normal deliberation.

The Republicans avoided sending H.R. 1259 through Ways & Means so the Committee was not able to debate or amend the bill prior to coming to the floor.

Had we used the normal legislative process, today's bill might have the enforcement measures needed to address Medicare and Social Security's insolvency problems. The Speaker promised to meet us halfway when he took office. He also promised to play by the rules. Neither promise has been honored in this case. Clearly, we will move back to regular order only when it is convenient to do so.

Had the Ways and Means Committee considered the bill, I would have offered an amendment to more clearly define what would qualify as "Medicare reform". H.R. 1259 makes the "lockbox" provisions of the bill effective until Medicare and Social Security are saved. However, it does not define "saved." This allows Congress to raise the age of eligibility, to force people into HMOs, and to reduce benefits as the means of "extending" the financial life of the program. Medicare is a vital program for our nation's seniors and disabled populations. In my mind, reform cannot include reductions in benefits like some would like to achieve. Some Members may believe that this is an adequate definition of "saved" but I don't. We cannot sacrifice the health and well-being of the American workers for the sake of balancing the books.

II. CONGRESS—NOT THE PRESIDENT—RAIDS THE TRUST FUNDS

I might point out that Social Security has already been taken "off-budget" by three separate public laws: by the Social Security Amendments of 1983; by the Balanced Budget and Emergency Deficit Control Act of 1985; and once more by the Budget Enforcement Act of 1990. If Congress has been able to circumvent the spirit of the law for this long, what makes us believe that anything will change this time around?

The GOP has been blaming the President for raiding the Social Security trust funds. This is simply not the case. This body is responsible for passing all spending bills. Just last week, we spent $12 billion for Kosovo in the Emergency Supplemental bill. Congress spent twice as much as the President requested for a war that the GOP refused to authorize.

This is a clear case of hypocrisy. On the one hand, Congress doesn't want to authorize the war, but on the other hand they'll spend an exorbitant amount on pork for the mission. On the one hand, Congress claims they want to save the budget surplus for Medicare and Social Security but right after they spend it on a war they don't support.

Let's be honest. Congress controls the spending and we have always been able to control whether it goes for needed programs like Social Security and Medicare or programs like the National Missile Defense system.

III. STRENGTHEN SOCIAL SECURITY AND MEDICARE

I agree that there should be a lockbox for Social Security and Medicare. But I want all surpluses to be used for these programs. First and foremost we must strengthen Social Security and Medicare and ensure their solvency. Before any tax bills are brought to the floor of the House, we must guarantee the American people that their Old Age, Survivors and Disability Insurance is as strong as they need it to be for a happy and healthy retirement. We must guarantee them that their health care needs will be met with quality in their golden years.

We must lock up all of the budget surpluses until these two systems are strengthened through bipartisan legislation. The big tax cut for the wealthy must be postponed until the American worker is assured that his or her health and retirement insurance is safe for years to come.

The only way to do this is by giving this bill some teeth. We must send this bill back to committee and give it the enforcement provisions it needs. Let's really lock up the surplus until Medicare and Social Security are solvent for the long-term.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 205, nays 222, not voting 6, as follows:

[Roll No. 163]

YEAS—205

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
McCollum
McCrery
McDermott
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—6

Brown (CA)
Kasich
Pelosi
Sawyer
Scarborough
Young (AK)

□ 1930

Messrs. HORN, RAHALL, and SMITH of Michigan changed their vote from "yea" to "nay."

Mr. Peterson of Minnesota and Mr. BLUMENAUR changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 12, not voting 6, as follows:

[Roll No. 164]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert

Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—12

Dingell
Filner
Frank (MA)
Houghton
McDermott
Mollohan
Murtha
Nadler
Olver
Owens
Rahall
Sabo

NOT VOTING—6

Brown (CA)
Kasich
Pelosi
Scarborough
Weldon (PA)
Young (AK)

☐ 1940

Mr. FRANK of Massachusetts changed his vote from "yea" to "nay."

Ms. LOFGREN changed her vote from "nay" to "yea."

So the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELDON of Pennsylvania. Mr. Speaker on rollcall No. 164, I was inadvertently detained. Had I been present, I would have voted "yea."

CONDITIONAL ADJOURNMENT OR RECESS OF SENATE FROM MAY 27, 1999 TO JUNE 7, 1999, AND CONDITIONAL ADJOURNMENT OF HOUSE FROM MAY 27, 1999 TO JUNE 7, 1999

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 35) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

☐ 1945

The SPEAKER pro tempore (Mr. LATOURETTE). The resolution is not debatable.

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEORGE MILLER of California. Mr. Speaker, my parliamentary inquiry is, the vote that is before us is the adjournment resolution.

Does the passage of this resolution mean that we will not be able to address the school violence issue before we adjourn?

The SPEAKER pro tempore. The concurrent resolution is self-explanatory. When the House adjourns on tomorrow's legislative day, it will reassemble on June 7, 1999.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 249, nays 178, not voting 7, as follows:

[Roll No. 165]

YEAS—249

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)

Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—178

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Brown (CA)
Edwards
Larson
Pelosi
Radanovich
Scarborough
Young (AK)

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So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 902

Mr. PHELPS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to H.R. 902.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on May 24, 1999, I was unavoidably detained in New York due to poor weather conditions. The weather delays caused me to miss Rollcall Votes 145 and 146, and had I been present, I would have voted in the affirmative on both Rollcall Vote No. 145 and Rollcall Vote No. 146.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to indicate that yesterday, on May 25, I was in the district on official business, and I would like to record in the Record the rollcall votes that I missed and how I would have voted.

On Rollcall Vote No. 157, if I had been here, I would have voted no. On Rollcall Vote No. 156, I would have voted no; Rollcall Vote 155, no; Rollcall Vote 154, no; 153, no; Rollcall Vote 152, no.

And on the suspensions, if I had been present on Rollcall No. 150, I would have voted yea; on Rollcall No. 149 I would have voted yea, and 148, I would have voted yea.

PERSONAL EXPLANATION

Ms. DeLauro. Mr. Speaker, on Monday, May 24, a storm in Connecticut kept me from returning from official business in my congressional district. As such, I was unavoidably detained on rollcall votes Nos. 145 and 146. Had I been present, I would have voted yea on both.

NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 106–73)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

William J. Clinton.

The White House, *May 26, 1999.*

NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–74)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13074 of May 20, 1997.

William J. Clinton.

The White House, *May 26, 1999.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 1999.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the House of Representatives, in addition to Gerasimos C. Vans, Assistant to the Clerk, I herewith designate Daniel J. Strodel, Assistant to the Clerk, in lieu of Daniel F.C. Crowley who resigned, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 106th Congress or until modified by me.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHY I AM A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, many times when my colleague, the gentlewoman from Wyoming (Mrs. CUBIN), and I are back in our districts, we have constituents who ask us, "Why are you a Republican?" Tonight the gentlewoman from Wyoming and I are going to address that question.

For me as a hispanic woman who is a refugee from Communist Cuba, I know that our Republican party is the party which is most likely to stand up for individual liberty both abroad and here at home. But the fact is that our party's message of smaller government, of less bureaucratic regulation and lower taxes has got to get through to the individuals that it will help the most, small business owners, women and minorities.

This vision, which is shared by the vast majority of Republicans, is simply one of practical, commonsense, limited government which has made our country the beacon of liberty to the world. It is based on simple principles, simple principles that say that government cannot solve all of our problems, that individuals need to be held accountable for their actions and for their choices in life, that Washington does not always know best, principles that say that the free market is the greatest engine of prosperity in the history of the world, that no Nation in history can be successful without strong families and strong values, a principle which says that peace is best preserved by a strong national defense, that America must stand up against Communist tyranny and refuse to accommodate evil regimes which extinguish the freedom and the hope of their people.

Mr. Speaker, a great number of my constituents know about having their freedom extinguished, about having their hopes destroyed and their lives held in bondage based on their personal experiences with totalitarian regimes from Castro's Cuba, to Cedras' Haiti, to Hitler's Europe. The thousands of people, for example, who have fled Fidel Castro's Communist regime are in little doubt about the nature of his lies. Where I come from there is not much confusion about the false promise of socialism, the reality of a one-party State or the empty slogans mouthed by leaders who use words to hide their true agenda. We are under few allusions, and we have little tolerance for those who are apologists for corrupt and dictatorial Communist regimes.

So for me the choice to become a Republican was easy. The Republican party prides itself in its realistic world view, a world view that is not given to pie in the sky schemes to manipulate human nature, to make everyone fit a cookie cutter mold or to blame others for our failures. No, our vision is simply one given to us in the Constitution and in our Bill of Rights.

Taking the Constitution as our framework and trusting experience over the social experiments dreamed up by Washington bureaucrats, I stand today for the same principles that I have been standing for my entire adult life. I think that average Americans are overtaxed, that the middle class, hard-working Americans are not getting their tax dollar's worth. I think that small businesses are the backbone of America and that entrepreneurs should be encouraged, not penalized, and certainly not demonized for the so-called crime of creating jobs and for producing prosperity.

The facts show that small business have always provided the best way for women, for minorities and for immigrants to achieve the American dream. I think that our public educational system is nearly broken, but I do not think that what ails schools today can be fixed in Washington, D.C. If it could, I think that we would have done it long ago and many billions of dollars and thousands of bureaucrats ago. I think that Social Security and Medicare are vital programs for millions of seniors who depend on them but that we will be shortchanging our current and future seniors if serious reforms are not enacted soon.

I would also like to add that I supported our successful effort to balance the budget so that long-term solvency of these programs will be insured and that we will have a retirement system that will protect seniors into the next century.

I think that Ronald Reagan was right, that military strength, not fine words or unwise arms control agreements with evil regimes, is the key to preserving the peace, and I think that we should not take our freedoms for granted, a freedom that is all too rare in the world, a freedom that does not exist in Cuba or China or in North Korea and so many other lands which are untouched by the democratic spirit.

Mr. Speaker, that is what I stand for, and that is why I stand before my colleagues today as a proud Republican and a proud citizen of the greatest country on this earth, and that is why I know that the Republican party is going to grow and grow because it stands for the very principles that founded our great country.

WHY I AM A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wyoming (Mrs. CUBIN) is recognized for 5 minutes.

Mrs. CUBIN. Madam Speaker, as a Member of Congress and a woman, I am frequently asked why I am a Republican. After all, we all know about the gender gap. As a woman, a wife and a mother of two sons, my values and beliefs are the beliefs that are mirrored in the traditional ideals of individual freedom and personal responsibility. The Republican party best reflects my values and opinions.

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I believe the strength of our Nation lies with the individual, and each person's dignity, freedom, ability and responsibility must be honored. I believe in equal rights, equal justice and equal opportunity for all; that every single child has a right to live in an environment where they can achieve their fullest potential. I believe that free enterprise and the encouragement of individual initiative have brought prosperity, opportunity and economic growth to our country. I believe that the government must practice fiscal responsibility and allow individuals to keep more of the money that they earn.

I believe that the proper role of government is to provide for people only those functions that they cannot perform for themselves, and that the best government is that which governs the least. I believe the most effective, responsible and responsive government is the best for the people and closest to the people.

I believe Americans must retain the principles that have made us strong while developing new and innovative ideas to meet the challenges of a changing world. I do believe that Americans value and should preserve our national strength and pride, while working to extend peace, freedom and human rights throughout the world. Finally, I believe that the Republican Party is the best vehicle for translating these ideas into positive and successful principles of government.

As America faces tragedies like the shootings that we have seen across the country in the last few months, I remain even more convinced that a return to traditional values and personal responsibility that made this country great are absolutely essential. I think President Reagan said it best when he said, We must reject the idea that every time a law is broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions.

As a wife, a woman, a mother of two sons, I believe that only a return to values and personal responsibility will end this sort of violence. That is why I am a Republican.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. WILSON). The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the Rules of the House.

FULLY FUND THE E-RATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, I rise this evening to talk about E-Rate. I strongly urge my colleagues to fully fund the Universal Service Fund program for schools and libraries, commonly called the E-Rate. The E-Rate has successfully helped provide equal access to opportunity and education for school children and the public at large.

In just 18 months, the E-Rate has connected over 600,000 classrooms in over 80,000 schools and libraries across this great Nation. At a recent roundtable discussion that I held in my district with educators, I asked principals and superintendents in my 7th congressional district, what is the one thing I can do right now in Congress to help education, and unanimously they said, continue the E-Rate program. Do not let the E-Rate program die, do not let it diminish. It is effective, it is working. It is connecting our schools to the future.

Most importantly, the E-Rate program enables all schools and libraries to provide Internet access to children, regardless of their means. For most schools and libraries, the cost of both telephone and Internet access is cut in half, and for some of our most poorest schools, access will be almost free, almost free.

The E-Rate is helping to close the digital divide. Children in the most isolated inner city or rural town will have access to the same expansive knowledge and technology as a child in the most affluent suburbs.

This House supported this program in 1996 and should continue to support this program today, especially because of the scope and influence of the Internet on our children's lives.

Recently, surveys have shown that the American public strongly supports the introduction of information technology into our Nation's schools and libraries. A nonpartisan poll was commissioned by EdLiNC and conducted by Lake, Snell, Perry and Associates and the Tarrance Group. The results of this poll are impressive and send a clear signal that the American people support the concept of the E-Rate.

Madam Speaker, 87 percent of Americans support providing discounts to schools and libraries. Eighty-three percent of Americans think that access to the Internet in schools and libraries will improve educational opportunities for all Americans. Eighty-seven percent of Americans support continuing discounts for libraries and schools. Seventy-nine percent of Americans believe that PCs are an effective alternative for teaching subjects such as math and reading.

Tomorrow the FCC will vote on the funding level for the Universal Service Fund for America's schools and libraries for the year beginning July 1, 1999. I urge every member of this House to lend their support to fully funding the E-Rate program.

JOHN HART: ONE OF AMERICA'S TREASURES

Mr. CROWLEY. Madam Speaker, I just want to shift gears for a moment. We all know there is a very, very important weekend coming up and that is Memorial Day weekend where we celebrate and commemorate all of those who fought for the saving of this country in all our world wars. In particular, I just want to mention a good friend of mine, a neighbor, a mentor of mine as I was growing up, Mr. John Hart, actually my next door neighbor. I am proud to say that this weekend John Hart will be the grand marshal of the Woodside, Queens Memorial Day Parade.

John Hart is one of America's treasures. He served our country in World War II and saw action in Europe. He came back from that war and he and his wife, Pat, raised four children in the community of Woodside. John, like so many other Americans who gave of themselves that we might be free, is still alive today and is having an opportunity to walk amongst his fellow citizens in Woodside so that they can show their appreciation to John and men and women like him.

So when my colleagues are eating hot dogs and hamburgers and having corn on the cob this weekend, think of John Hart and think of all of those men and women who gave so much of themselves so that we today are free.

UNITED STATES' NATIONAL SECURITY COMPROMISED BY CHINESE ESPIONAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Madam Speaker, I would like to compliment my colleague and friend from New York (Mr. CROWLEY) and congratulate Mr. Hart as well. Memorial Day is I think too often taken for granted in this country, and it is an opportunity, however, for most of us to appreciate and demonstrate our support for our veterans who were willing to give their lives for our country, too many of whom made the supreme sacrifice, physically, mentally scared for life. So I compliment those in Woodside, Queens and of course in Staten Island where I live. I think it is an appropriate opening to what I wanted to talk about tonight.

I will read my colleagues a little clause here. "The People's Republic of China has stolen classified design information on the United States's most advanced thermonuclear weapons. The stolen United States' nuclear secrets give the People's Republic of China design information on thermonuclear weapons on par with our own."

So begins the United States national security and military commercial concerns of the People's Republic of China from the Select Committee, commonly known now as the Cox Report that was declassified in the last couple of days.

Madam Speaker, we talk about a lot of things here in Washington, and clearly, many of them are important and affect everybody across this country. But I think to me and so many others here, there is nothing more vital than protecting our national security. Frankly, I think if any American can, they should read the Cox report. What I am going to do is just read some outtakes from this.

"The stolen information includes classified information on seven U.S. thermonuclear warheads, including every currently deployed thermonuclear warhead in the United States ballistic missile arsenal. The stolen information also includes classified design information for enhanced radiation weapons, commonly known as the neutron bomb, which neither the United States nor any other Nation has yet deployed. The People's Republic of China has obtained classified information on the following United States thermonuclear warheads, as well as a number of associated reentry vehicles, the hardened shell that protects the thermonuclear warhead during reentry."

Might I add, this Cox Committee was a bipartisan committee, Democrats and Republicans in the House of Representatives, and clearly demonstrates, for example:

"The People's Republic of China has stolen United States design information and other classified information for neutron bomb warheads. China has stolen classified U.S. information about the neutron bomb from a U.S. national weapons laboratory. The United States learned of the theft of this classified information on the neutron bomb in 1996," and practically nothing was done.

"The Select Committee judges that if the People's Republic of China were successful in stealing nuclear test codes, computer models and data from the United States, it could further accelerate its nuclear development. By using such stolen codes and data in conjunction with the high performance computers already acquired by the People's Republic of China, the PRC could diminish its needs for further nuclear testing to evaluate weapons and proposed design changes."

The small warheads that we talk about, multiple warheads, will make it possible for the People's Republic of China to develop and deploy missiles with multiple reentry vehicles. Multiple reentry vehicles increase the effectiveness of a ballistic missile force by multiplying the number of warheads, and a single missile can carry as many as tenfold.

Multiple reentry vehicles also can help to counter missile defenses. For example, multiple reentry vehicles make it easier for the People's Republic of China to deploy penetration aids with its ICBM warheads in order to defeat antimissile defenses.

At the beginning of the 1990s, the People's Republic of China had only one or two silo-based ICBMs capable of attacking, attacking the United States. Since then, the People's Republic of China has deployed up to two dozen additional silo-based ICBMs capable of attacking the United States. That is 24 additional silo-based ICBMs; has upgraded its silo-based missiles and has continued development of three mobile ICBM systems and associated modern thermonuclear warheads, something they never had.

Even though the United States discovered in 1995, in 1995, that is almost four years ago, that the People's Republic of China had stolen design information on the W–88 Trident D–5 warhead and technical information on a number of U.S. thermonuclear warheads, the White House has informed in response to specific interrogatories propounded by the committee that the President was not briefed about the counterintelligence failures until 1998.

Madam Speaker, this is just a disgrace, and unless something happens, we should not be here today discussing anything else until our national security is protected.

WHY I BECAME A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. FOWLER) is recognized for 5 minutes.

Mrs. FOWLER. Madam Speaker, I became a Republican because of the party's long-held principles. The Republican Party was founded on two fundamental issues: free land and abolishing slavery. Since that day, the party embraced the role of leader and never shied away from taking the challenge of taking an unpopular and difficult stance. From striving successfully to abolishing slavery to being the vanguard in the struggle for women's right to vote, the Republican Party has constantly forced all Americans to reevaluate the role of individuals and the role of the government.

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The Republican party has always believed in individuals. We have an abiding faith in the idea that individuals and local communities can accomplish more than a distant Federal Government, a government that tends to become large, bloated, and wasteful, as ours has.

As the great Republican statesman, Abraham Lincoln, said, "The legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all, or cannot so well do, for themselves in their separate and individual capacities. In all that people can individually do as well for themselves, government ought not to interfere."

There is an important role for the government. Imagine an individual trying to build a freeway alone. But it is a role that should be limited.

Republicans believe the most effective government is closest to the people. After all, who knows more about educating our children, us and our child's teacher, or a distant bureaucracy across the country in Washington, D.C.?

I chose the Republican party because I believe that each American citizen can be trusted. I believe that they know best and that they will make the best decision for themselves, and they will make the wisest choices. Whether it is how to spend their hard-earned money or how to spend their time, they should be in charge.

The Republican party's economic policies of lower taxes and less government have reduced interest rates and sent the stock market soaring, yet inflation has remained stable. Thanks to these smart policies, every one of us is enjoying the largest sustained peacetime expansion ever.

Our commonsense agenda and leadership has produced a healthy and strong economy. Job opportunities have increased significantly, unemployment is down, the budget is balanced, and because of our welfare reform, tens of thousands have moved from the welfare rolls to the payrolls.

I have to say, while I firmly believe that all issues are women's issues, and I resist the popular tendency to view women as a monolithic group in politics or anything else, I still must emphasize the Republican party's accomplishments with regard to women in politics.

I want to take Members back to 1896, when it was the Republican party who became the first major party to officially favor Women's Suffrage. That year Senator A.A. Sargent, a Republican from California, introduced a proposal in the Senate to give women the right to vote. It was defeated four times by a Democratic Senate, and it was not until the Republicans would gain control of Congress that it was finally passed in May of 1919.

The first woman to serve in Congress was a Republican, Jeanette Rankin of Montana.

In 1940, the Republican party became the first major political party to endorse an Equal Rights Amendment for women in its platform.

In 1953, Republican President Eisenhower appointed the first woman Secretary of the Department of Health, Education, and Welfare, and the first woman ambassador to a major power.

In 1964, Republicans were the first major American party to nominate a woman for president, Senator Margaret Chase Smith of Maine.

In 1981, Republican President Reagan appointed the first woman Supreme Court Justice and the first woman U.S. representative to the United Nations.

In 1983, Republican President Reagan had three women serving concurrently in his cabinet, the first time in the history of this country.

Currently, Republican women chair a record seven House subcommittees and three Senate subcommittees. I serve as a deputy majority whip, along with two other women, and as a newly elected Vice Chairman of the Republican conference, I am now the highest ranking woman in the House elected leadership. The gentlewoman from Ohio (Ms. DEBORAH PRYCE) serves as Conference Secretary.

In the 106th Congress, Democrats have no woman in their elected leadership.

We are working hard to ensure that each American has a safe, secure, and positive future.

ASTHMA AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Madam Speaker, I am a Republican woman Member of the

House, and I want to associate myself with the comments made by my colleague, the gentlewoman from Florida (Mrs. FOWLER).

But tonight I want to address this body with regard to something that is nonpartisan that requires bipartisan support, and that is asthma awareness.

This is Asthma Awareness Month, and I want to focus attention on the asthma epidemic in our country today. This is an epidemic that cannot be cured, but through better education and awareness, it can be a manageable part of one's life.

More than 14 million people in the United States have asthma, and of these, almost 5 million are children. One in every three children with asthma had to go to an emergency room because of an asthma attack in the past year.

Asthma is a problem among all races, but the asthma death rate and hospitalization rate for African Americans are three times the rate of white Americans. Asthma is a serious lung disease. Forty-one percent of all asthma patients, an estimated 6 million Americans, were hospitalized, treated in emergency rooms, or required other urgent care for asthma in the last year.

Madam Speaker, this Nation is falling far short of meeting new government guidelines for asthma care. Failure to meet these basic guidelines means that a generally controllable disease quickly spirals out of control. Asthma cannot be cured. Having asthma is a part of one's life. However, with proper medical care, one can control one's asthma and become free of symptoms most of the time.

But asthma does not go away. We must renew our commitment to our national goals for asthma care, goals established by the National Heart, Lung, and Blood Institute at the National Institutes of Health.

These goals include:

No missed school or work because of asthma. Forty-nine percent of children with asthma and 25 percent of adults with asthma missed school or work due to asthma last year;

No missed sleep because of asthma. Almost one in three asthma patients, 30 percent, is awakened with breathing problems at least once a week;

Maintain normal activity levels. Forty-eight percent say that asthma limits their ability to take part in sports and recreation, 36 percent say it limits their normal physical exertion, and 25 percent say it interferes with social activities.

All too often the severity of asthma is ignored or goes undiagnosed. When this happens, adults as well as children find themselves rushing to the hospital and many times having to give up activities they love. They do not understand how treatable asthma is. We must increase awareness, education, and most of all, communication on how to best control the disease and how to control those things that make asthma worse.

Proper asthma care is crucial. America needs better asthma education and treatment, and especially in the hardest hit inner cities. We must all work together as parents, teachers, and public officials to ensure that all Americans, especially our children, have a basic knowledge and understanding of how to diagnose and how to control asthma before it becomes a life-threatening condition. We should do no less.

A CRISIS IN AGRICULTURE, AND THE NEED FOR BUDGET REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Madam Speaker, agriculture is in incredible crisis. Earlier today we voted on a number of amendments to the agricultural appropriations bill, and the bill funds programs that are very important to my constituency, programs that provide credit, dollars for conservation, income support for our farmers and ranchers.

For that reason, I have been very frustrated as I have watched this process and the tactics that have been employed here on the floor to try and slow this process down. It is a bill that is important to me, it is important to those I serve, and so I would hope that we can move this bill forward in a timely way.

Even though the spending does not take effect until October 1, the next fiscal year, we need to get these appropriation bills done. It is the work that the American people sent us here to do.

I appreciate what the gentleman from Oklahoma (Mr. COBURN) is trying to do. I do not believe he is taking issue with the agriculture bill itself, with the spending in the agriculture bill, as much as he is with the process by which we accomplish our work here.

On that point, I believe he happens to be right. We need budget process reform here in Washington. This process is an embarrassment to the people of this country. It is an embarrassment to me, and it ought to be an embarrassment to every Member who serves here in the House or in the Senate.

There is a bias in the budget process toward higher spending. I want Members to think about what the current budget process has given us. We have $5.5 trillion in debt, or $20,000 for every man, woman, and child in America today.

In fact, people have a hard time grasping what $1 trillion is. We are $5.5 trillion in debt. If you started a business on the day that Christ was born and lost $1 million every day, every day up until the present, you would not even have lost $1 trillion. We are $5.5 trillion in debt. That is what this budget process has gotten us.

The other thing it has gotten us is a $1.7 trillion annual budget because of a Washington gimmick known as baseline budgeting, where every year we have increases that are built into the budget. Nobody else in America has to get the budget that way, but here in Washington, that is what we do.

The tax burden in this country is at the highest level since any time since 1945, where every American essentially works 2 hours and 51 minutes of every working day just to pay the cost of government.

Last fall we had a debate here as we got to the end of the year, and of course, as usual, we had not done our work. We had not completed the appropriations process, so everything was wrapped into this huge omnibus continuing resolution which was some $600 billion, a bill most of us had not even seen, let alone read, done in the middle of the night with a handful of people, and we are asked to vote on it.

This is a process which begs and cries out for reform. We are the guardians here of the public trust in Washington. This is a national tragedy. The American people ought to get engaged on this issue, because there is nothing that we could do that would more fundamentally change the way Washington operates and the way the taxpayer dollars are spent than for us to reform the budget process.

The American people need to be engaged, because it is their money we are talking about. We go about it with the process that we have in place today, and frankly could make the argument that if we had the political courage to make the hard decisions we could get it down, and we could.

But the fact of the matter is that the process lends itself to the very worst instincts I think of all of us here in Washington. There is a bias towards higher spending.

There is a proposal on the table this year to reform the budget process. The gentleman from Iowa (Mr. NUSSLE), this is a bipartisan bill, and the gentleman from Maryland (Mr. CARDIN) have come up with a proposal to reform the budget process. Last year I was a cosponsor of the bill of the gentleman from California (Mr. CHRIS COX) that would do the same thing.

But we need safeguards that protect the American people. We need to see that we have an emergency reserve contingency fund, so we do not end up at the end of every year having to come up with an omnibus emergency disaster bill and not get the process done or the bills done in a timely and orderly way.

We need to have some enforcement in the budget process, so that when we pass the resolution, that it is binding, not only upon us but upon the administration.

We need to have this debate about the budget earlier in the process, so we do not end up at the end of the year with all this pressure and with nowhere to go but to get into a bidding war, where we continue to spend more and more and more of the American people's money.

We need budget reform in this town more than just about anything else that I can think of. Watching the debate today reaffirmed in my mind how important it is that we deal with this issue now, we do it this year.

I urge all my colleagues to get on board and the American people to get on board with this issue.

CALLING ON LEADERSHIP TO BRING UP HMO REFORM LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, it is very important that we keep up the pressure in this House to pass HMO reform.

Despite the overwhelming support among the American people for HMO or managed care reform, the Republican leadership continues to let the issue languish. We still have no indication when or even if they will allow the Patients' Bill of Rights to come to the House floor for a vote.

□ 2045

The reason for this activity is the same as it was last year. The Republican leadership cannot figure out how they can pass a good managed care bill without alienating the insurance agency.

So instead of doing what is right and best for the American people, they are once again appeasing the insurance industry and hoping an answer to this problem will magically fall from out of the sky.

Unfortunately, Madam Speaker, as the leadership sits and waits and does nothing, the shortcomings of the system continue to forever change the lives of countless Americans. We need only to turn on the TV or open the newspaper to see this.

I would like to use one example here tonight, and that is the issue of emergency room care. Earlier this month, USA Today ran an editorial on this issue. It was called "Early Last Year" starts the editorial.

It mentions that a Seattle woman began suffering chest pains and numbness while driving. The pain was so severe that she pulled into a fire station seeking help only to be whisked to the nearest hospital where she was promptly admitted.

To most, that would seem a prudent course of action, but not to her health plan. It denied payment because she did not call the plan first to get preauthorized, according to an investigation by the Washington State Insurance Commissioner.

I mentioned this editorial, Madam Speaker, as an example of the problems people have with their HMOs in terms of access and paying to for emergency room care.

Let me just go on to talk about this editorial again. The editorial says that this incident is typical of the enumerable bureaucratic hassles patients confront as HMOs and other managed care companies attempt to control costs.

But denial of payment for emergency care presents a particularly dangerous double-whammy. Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.

The editorial in USA Today goes on to suggest a solution to the problem, noting that a national prudent layperson standard law covering all health plans would help fill in the gaps left by the current patchwork of State and Federal laws.

Democrats have been basically making this point about managed care for a long time. We know that people have had problems with their HMOs if they need to use an emergency room either because they are told to go to a hospital emergency room a lot further away from where they live or where the accident occurred, or, as in this case that I just mentioned, the actual payment afterwards is denied because they did not seek preauthorization, which seems nonsensical certainly in the context of emergency room care.

One only goes to an emergency room if it is an emergency. If one has to get preauthorization for it, it really is not an emergency. That is the dilemma that more and more Americans face, that their HMO plan does not cover emergency room care.

The Democrats, in response to this, have introduced a bill called the Patients' Bill of Rights. Basically what we do in the Patients' Bill of Rights is say that the prudent layperson's standard applies.

In other words, if the average person, the average, prudent person, if you will, decided that they had chest pains or they had a problem that necessitated going to the local emergency room, then they can go to the emergency room that is closest by, and the HMO has to pay, has to compensate for that care, has to pay for that emergency room care.

In the last Congress, we, the Democrats, tried to bring up the Patients' Bill of Rights. The Patients' Bill of Rights provides a number of patient protections, not just the emergency room care, but access to specialists.

It basically applies the principle that says, if particular care is necessary, medically necessary, and in the opinion of one's doctor is medically necessary, then it is covered; and the HMO has to cover that particular type of care.

In the last Congress, the Republican leadership did not hold a single hearing on the Patients' Bill of Rights or even on an alternative managed care bill that they had proposed.

So what we had to do, basically, was to seek what we call a discharge petition. We had to have a number of our colleagues come down to the well here and sign a discharge petition that said that the Patients' Bill of Rights should be allowed to come to the floor.

As we reached the magical number that was necessary in order to bring the Patients' Bill of Rights to the floor, the Republican leadership finally decided that they would bring their own managed care reform bill to the floor. In the context of that, we were allowed to bring up the Patients' Bill of Rights.

I think we are going to have to be forced to do that again. Basically in this session of Congress, even though the Patients' Bill of Rights have been reintroduced and even though there are some Republican managed care reform proposals, so far, the Republican leadership has refused to bring up HMO reform, either their bill, which is not as good, or the Patients' Bill of Rights, the Democratic bill.

So what we have had to do again, and starting tomorrow, is to file a rule allowing for a discharge petition to be brought up and have as many Members of Congress come down to the well again in a couple of weeks and sign this discharge petition in order to force the Republican leadership to bring the Patients' Bill of Rights to the floor.

It should not be that way. It should not be necessary that, in order to achieve HMO reform, that we have to sign a petition as Members of Congress to bring it up. It simply should be brought up in committee. There should be hearings. It should be voted on in committee to come to the floor. But so far, we have nothing but stalling tactics from the Republican leadership.

I mentioned the example of emergency room care. But there are a lot of other examples that we can mention about why we need patient protections, why we need the Patients' Bill of Rights.

Let me just give my colleagues another example, though. We have a Democratic Task Force on Health Care, which basically put together the Patients' Bill of Rights. We had some hearings on the Patients' Bill of Rights in the context of our Democratic Health Care Task Force because we could not get hearings in the regular committees of the House because of the opposition from the Republican leadership.

I just wanted to mention another example because I think it is one of the most egregious that came before us when we had this hearing. We invited a Dr. Charlotte Yeh, who is a practicing emergency physician at the New England Medical Center in Boston, to the hearing that we had. She provided a number of examples of the effects that the managed care industries approach to emergency room care is having on patients, including one from Boston.

She told our task force about a boy whose leg was seriously injured in an auto accident. At a nearby hospital in Boston, emergency room doctors told the parents he would need vascular surgery to save his leg and that a surgeon was ready at that hospital to perform the operation.

Unfortunately for this young man, his insurer insisted he be transferred to an in-network hospital for the surgery. His parents were told, if they allowed the operation to be done anywhere else, they would be responsible to the bill. They agreed to the move. Surgery was performed 3 hours after the accident. By then, it was too late to save the boy's leg.

Dr. Yeh went on to express her very strong support to making the prudent layperson's standard the national standard for emergency room care. As I said before, basically the prudent layperson's standard says, if one does go to the emergency room to seek treatment under conditions that would prompt any reasonable person to go there, one's HMO would pay for it.

But in addition to the prudent layperson's standard, Dr. Yeh also emphasized the need to eliminate restrictive prior authorization requirements and the establishment of post-stabilization services between emergency physicians and managed care plans.

The Patients' Bill of Rights includes all of these types of provisions. If I could for a minute, Madam Speaker, just run through some of the protections that are included in the Patients' Bill of Rights, it guarantees access to needed health care specialists, very important. It provides, as I said, access to emergency room services when and where the need arise. It provides continuity of care protections to assure patient care if a patient's health care provider is dropped.

It gives access to a timely internal and independent external appeals process. Let me mention that for a minute. If one is denied care right now because one's HMOs decides that they will not pay for it, one of the things that my constituents complain to me about is that they have no way to appeal that decision other than internally within the HMO.

So if the HMO decides, for example, that a particular type of treatment is not medically necessary or that one does not have to stay in the hospital a couple more days, even though one's doctor thinks that one should be staying there, or a number of other things that they consider not medically necessary, well, most of the times, under current law, there is no appeal other than to the HMO itself; and they of course routinely deny the appeal because, for them, it is largely a cost issue.

What we are saying in the Patients' Bill of Rights is that that person should be able to go to an external appeal, someone outside the HMO, or a panel outside the HMO that would review the case and decide whether or not that care should be provided and paid for by the HMO.

In addition, what we say is that, if one has been damaged for some reason, God forbid, that one needed some kind of procedure or one needed to stay in the hospital a few more days and the HMO refused to allow that and, as a result, one suffered injury and damage, then one should be able to bring suit in a court of law and recover for those damages.

Most people do not realize that option does not exist today for a lot of people who are in HMO plans because the Federal Government has said that, in the case of people covered by a Federal plan or where the Federal Government has usurped or preempted the State law for those who are mostly self-insured by their employer, that there is no recourse to seek damages in a court of law.

That is not right. It is not right. Someone should be able to sue for damages and sue the HMO if they have been denied care and if they have been hurt or damaged as a result of that.

Just to mention a couple more things, we also have in the Patients' Bill of Rights, we assure that doctors and patients can openly discuss treatment options, because, oftentimes, HMOs tell the doctors they cannot tell about treatment options that are not covered, the so-called gag rule.

We assure that women have direct access to an OB/GYN. As I said, we provide an enforcement mechanism that ensures recourse for patients who have been maimed or die as a result of health plan actions.

There are a lot more things that we can go into, and we will tonight; but I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who has been outspoken on this issue and has oftentimes talked about how in her own State of Texas a lot of these protections exist. They exist in Texas. They should exist nationally.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his persistent leadership on the issue.

He is very right. Some two sessions ago, the legislative team or the legislative body and houses of the State of Texas passed a bipartisan Patients' Bill of Rights and one that has been effective in assisting the individuals of my State in better health care. We can always do better, however.

I think to follow up on the gentleman's line of reasoning about the discharge petition, I think it is important to note just what that means. The discharge petition is something that most Members would rather not have to procedurally utilize. It is really a cry of anguish and frustration as well as an emphasis on the national, if you will, priority that the issue deserves.

We have done it with campaign finance reform, which the American people over and over again have indicated that it is high time to get special interests out of politics. We are now doing it and have done it in the past with the Patients' Bill of Rights because we have seen the response by the American people.

In fact, I just recently saw, about 2 weeks ago, a poll done that indicated the high level of frustration with HMOs by the American people, just an enormous amount of frustration, not with the physicians who have already said get the business or the insurance companies out of my hypocritic oath, if I have it correct in their phraseology, let me be a physician, a nurturer.

But the American people have now spoken. So this discharge petition is a response to the fact that we have a crisis. We have a road of no return. We have no light at the end of the tunnel.

The American people are over and over speaking about the need to be able to make personal decisions about their health care with their physicians. We already understand the value of efficiency. We already under the value of making sure that we do not wastefully spend monies that are not necessary, unnecessary procedures, or unnecessary equipment, if you will. I can think of a box of tissues that showed up on a bill more than 10 times or so. We have already gone through that.

I think the American people, the Congress has addressed the question of waste. So waste is not the issue. The issue is what kind of care are we giving our patients and those who work every day and deserve health care.

I think that there is something so pivotal to the relationship and the confidence that people would have in their HMOs and their health care; and that is to be able to go somewhere and say, "Doctor, I have a pain", to the emergency room, "I have a severe pain", and being considered legitimate in one's expression.

□ 2100

The Democratic Patients' Bill of Rights allows for severe pain to be established as a legitimate reason to be able to go to the emergency room.

Why is this so very important? My colleague already evidenced where there was a situation where there was an accident and a tragedy occurred where a young man's leg could have been saved if they only had not shipped him from one place to the other 3 hours later.

What about a situation where it is not visible that there is something very tragic happening? My example that I offer to my colleagues is not the same. But a very outstanding member of our committee, someone who did not think that they were sick and went with their spouse to the emergency room, drove themselves and walked up to the emergency room, which was not a familiar emergency room, not one maybe in their neighborhood, experiencing pain, and they had to sit down.

Now, this is not directly. But it shows what happens when we have delayed circumstances with hospitals because they are checking on their HMO rather than the ability to go to the nearest emergency room because of an expressed pain. And of course, they had to take time checking whether they were at the right place.

Lo and behold, that individual had a massive cardiac arrest and did not survive. The tragedy of the family having to be delayed with paperwork, "where is your identification? do you belong here?" realizing that they had some coverage but they had to detail whether they were at the right location.

The Patients' Bill of Rights that we, as Democrats, are offering deals with these kinds of delays because it provides them the opportunity to be at almost any emergency room if they have a severe pain and they can be covered.

I listened as there were discussions on the floor of the House earlier about the values between the Democrats and the Republicans, more particularly the Republican Party. I want to remind the gentleman from New Jersey (Mr. PALLONE) that we are always to be counted upon, I believe, when there are crises around survival.

I am reminded of Franklin Delano Roosevelt and Social Security. Social Security now is the infrastructure, is the backbone of survival for our senior citizens. I am very proud that a Democratic president saw that it was crucial to deal with this issue. And it has survived.

Lyndon Baines Johnson saw the great need in providing senior citizens with a basic kind of coverage so that they would have the ability to have good health care, Medicare. And although we are in the midst of trying to fix and extend Social Security and Medicare, those two entities have withstood the test of time.

Unfortunately, the Republican bill dealing with the Patients' Bill of Rights does not allow people with chronic conditions to obtain standing referrals. Our Patients' Bill of Rights does. The Republican bill purports to prohibit gag clauses but in reality does not do such things, and that is that they cannot have the ability of doctors talking with doctors about their health care and, therefore, keeping information away from both the patients and another doctor about what is transpiring with their condition.

The Republican bill does not require plans to collect data on quality. Our Patients' Bill of Rights does. And the Republican bill does not establish an ombudsman program to help consumers navigate their way through the confusing array of health options available to them.

The other thing that is so very important to many women who I have met in my district is that it does not, whereas ours does, the Republican bill does not allow women to choose their OB–GYN as their primary care provider. That is key in the private relationship between physician and patients.

Let me say, as well, in closing to my friend from New Jersey, I would like to again thank him for consistent and persistent leadership dealing with getting this bill to the floor. It is important to let the American people know that we do not bypass procedures.

I remember 2 or 3 or 4 years ago having hearings out on the lawn about Medicare. We were so serious about the issue that we decided, if we could not get hearings here in the Congress, that we as Democrats would be out on the front lawn. We may be relegated to this.

I know there have been a number of hearings dealing with this particular issue. But we have been bogged down by the allegations that we have lifted up this right to sue and medical necessity and that these are issues that are maybe holding us back. And I think people should understand that this is not an issue of attack, this right to sue. This is not to encourage frivolous litigation.

But even the physicians who two-to-one have supported and are supporting the Democratic Patients' Bill of Rights have said, "We are sued. Sometimes we are blocked from giving good health care or providing a specialist because someone far away with a computer is saying 'you cannot do it'."

Why should they be vulnerable and the actual decision was made by an HMO, an insurance company, or someone looking at the bottom line and not looking at good health care?

I think America deserves better. And I would just simply say that all the people who have been injured, all the people who have suffered, the loved ones, because of countless deaths, my fear of an injury being in the United States Congress, why should I be in fear? Because it still happens to any one of us that would be confronted with the choices of an emergency room that would say they are not eligible to come in here. This is a fear that happens more to our constituents that have no other options.

I think it is high time that we take the time out as we are moving to discuss passing gun safety laws that should be passed this week. I voted against adjourning because we have so many things to be doing. It is important that we get the Patients' Bill of Rights here to the floor of the House with a vigorous debate.

I am convinced that we will draw many of our colleagues on the other side of the aisle when they see the reasoning of our debate on this issue that a Patients' Bill of Rights is only fair for all Americans. Because we deserve and they deserve and frankly this Nation deserves the best health care we can possibly give.

We have got all the talent, but we do not have the procedures to allow them to have it. I hope our colleagues will sign the discharge petition. It is not something we do lightly. But we have a problem here. American people are losing faith, and I think now is the time for us to respond to that.

Mr. PALLONE. Madam Speaker, I want to thank the gentlewoman and particularly emphasize again what she said about the extraordinary nature of this procedure of the discharge petition. And it is unfortunate.

As my colleague mentioned, there are major differences between the Democrats' Patients' Bill of Rights and the Republican leadership bill, which we know is really defective in terms of providing patients' protections compared to what the Democrats have put forward.

The bottom line is that the Republican leadership refuses to bring any bill up. So it is not even a question, as my colleague pointed out, whether this is a good bill or bad bill. They just refused to bring the issue up and let us have a debate on the floor of the House of Representatives.

We had the same problem last year. We had to use this discharge petition. As my colleague knows, back a month ago, I guess in April around the time of Easter and Passover, we actually had the President going to Philadelphia with a number of us and start this whole national petition drive on the Internet to show how many people supported bringing up the Patients' Bill of Rights.

Since that time, a number of us on the Committee on Commerce, and I see my colleague the gentleman from Texas (Mr. GREEN) is here, also on the Committee on Commerce, have pleaded and sent letters to the Republican leadership and our committee asking that they have hearings and mark up this legislation or any legislation related to HMOs, managed care reform.

So far, we have been told we will have hearings sometime this summer. Well, that is a long time. That brings us into the fall. And if there is no action on this because we are having hearings all summer, that is not going to solve the problem. So we have no recourse, essentially, other than to go to this petition route. That is why we are doing it. And it is extraordinary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would yield, I am glad he reminds me. While he was in Philadelphia, as he well knows, we agreed, if you will, to not go just upon our position or our opinion and a lot of us were in our districts.

So I do want to share with my colleague that I was at the Purview A&M School of Nursing; and two-to-one, the nursing staff professional staff, students, joined in in signing on-line for the Patients' Bill of Rights. I understand that all over the country people joined voluntarily to say that we needed to pass this.

I think that was a very important point that my colleague made. So we are not just here speaking on our personal behalf or we are not trying to get a discharge petition because we are over anxious for personal legislation to pass.

But I tell my colleagues, everywhere I go in my district, and I have talked to my colleagues, people are talking about getting some fair treatment with HMOs and needing our assistance, and I think that is important to bring to the floor's attention.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), who is one of the co-chairs of our Health Care Task Force.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding.

I want to thank him also for the leadership. And I like the word that the gentlewoman from Texas (Ms. JACKSON-LEE) used, his "persistent" leadership, his dogged persistent leadership, his patient leadership. It takes all of that to get an issue of this magnitude in the consciousness of us. So I want to thank him for that.

Madam Speaker, when a child suffers with a disease that can be cured, should that decision on whether to provide the needed treatment be made by a doctor or the child's parents or by a bureaucrat who is counting dollars and dimes?

When a wife and mother undergo surgery for a mastectomy and the anesthesia has yet to wear off, should she be forced to leave the hospital that very day because of a rigid routine that puts saving money and sparing pain and suffering?

When a husband and father forced to go to the emergency room is unable to get approval from his insurance provider, the very provider he pays for insurance, should he be required to pay the medical bill himself?

When a grandfather is stricken with a life-threatening stroke, should those transporting him to the hospital emergency care be forced to pass one hospital to go to one farther away because narrow thinking people are more interested in crunching numbers and saving lives?

These are not rhetorical questions. They are not even hypothetical situations. These are real-life examples of what can happen to anyone, in fact what is happening all too often across this country under the current Federal law.

So that is the reason we need the Patients' Bill of Rights. The Patients' Bill of Rights effectively provides basic and fundamental rights to patients. The Patients' Bill of Rights provides real choice because patients are entitled to choose their health care provider and treatment decisions are made by the patient's doctor and not the insurance company bureaucrat.

The Patients' Bill of Rights that we are talking about provides real access. Managed care plans are required to ensure timely and necessary care. Patients would also have the right to go to the emergency room when they need to without prior authorization.

The Patients' Bill of Rights actually provides open communication between their doctor and the patient. Physicians are free to discuss any and all aspects of their care with the patient. That is what we are trying to guarantee in the Patients' Bill of Rights. That is why we need health care now and we need health care protected by the Patients' Bill of Rights.

This is not an isolated issue. This is a national challenge. However, our national challenge does not stop here. We have an even deeper-rooted problem. Approximately 45 million Americans are uninsured. The numbers of Americans without health insurance has grown by nearly 10 million over the past decade.

A smaller share of Americans have health insurance today through their jobs than 10 years ago. And even more would be uninsured if it were not for the extension of eligibility under the Medicaid program.

In 1997, almost one-third of non-elderly adults were uninsured at times in a two-year period. Of these, over 40 percent were uninsured over 2 years.

Why are these persons without insurance? Because, simply, it is too expensive or their employers do not provide it. And even though the Medicaid expansion in the 1980s and the 1990s lowered the number of uninsured children, why does it remain almost one out of ten Americans are uninsured? Because job-based insurance coverage is decreasing while the cost of working families is increasing. And, therefore, we have a real serious problem.

We heard reference to the April event when we were announcing our intentions about the Patients' Bill of Rights. I sponsored an April event in the First Congressional District at my community college where I engaged nurses. In fact, I had a town hall meeting through the information highway where we were in four locations.

□ 2115

In addition to that, we went out into the community and got people to sign up. All too often what I found, many of these individuals were not indeed insured by anyone. Therefore, the Patients' Bill of Rights petition that they signed, they wanted for themselves, they were not eligible. Too many of my constituents do not even have the opportunity of being insured. However, if they were insured, indeed they would need the protection that the Democratic Patients' Bill of Rights would provide for them.

Therefore, Madam Speaker, we must focus on two issues in health care reform. First, to reform the Patients' Bill of Rights, and, second, we must protect the right of uninsured persons to get health insurance. Again, I want to say that when we are asked to find opportunities for the Patients' Bill of Rights to ensure those of us who are fortunate enough to have insurance, we cannot forget the millions of individuals and families who are not insured at all.

I thank the gentleman for providing the leadership on the Patients' Bill of Rights and just say that we are approaching tomorrow one phase of our national crisis but not the total phase of it. I am pleased that we will indeed do that. I agree with my colleague who said that the discharge procedure indeed is a radical method that we have to undertake simply because we are denied an opportunity to discuss it in the formal legislative processes that are available to us. We are using this process because that is the only way we can get it as a full debate. I think on tomorrow the American people will understand the difference between our commitment to health care and certainly our commitment to have a Patients' Bill of Rights that protects those who are not insured.

But I want to say, I am further committed, our goal is even greater than just protecting those who have insurance. Our goal must be to provide health coverage for all those who need health coverage.

Mr. PALLONE. I want to thank the gentlewoman. I think it is very important as she did to point out that as much as we support the Patients' Bill of Rights and we want to bring it up, that we also need to address the problems of the uninsured and the fact that the numbers are growing. Of course part of our Democratic platform that has been pushed, also, by President Clinton is to address some of the problems of the uninsured.

Of course, a few years ago, our health care task force worked on the Kennedy-Kassebaum bill which allows people to take their insurance with them if they lose their job or they go from one job to another, and then we moved on the kids health care initiative which is now insuring a lot of the children who were uninsured, and, of course, the President and the Democrats had the proposal for the near elderly where people who are between 55 and 65, depending on the circumstances, can buy into Medicare.

But the gentlewoman is right. We are trying to address those issues but the larger issue of the uninsured also needs attention.

Mrs. CLAYTON. I would just say that the gentleman is absolutely correct. We tried to address this large, pressing issue, I guess, about 6 years ago. At that time we had 40 million who were uninsured, where it is reported now we may have 45 to 46 million who are uninsured. As we try to address this issue, the pool is getting larger and a larger number of individuals are falling through the cracks.

Now, I am very pleased the effort we indeed did make and were successful as it related to children. I am also very pleased that we were able to have portability and remove the barrier of preexisting conditions as a means of eligibility for coverage. All of those enabled us to expand the coveragé in a meaningful way. But I would be remiss if I ignore the suffering, and we are talking about the working poor, who are just not able to buy into insurance and they need it desperately.

I just want to commend the gentleman for what he is doing on the Patients' Bill of Rights. I think it will be a great first step tomorrow and we will push to make sure that this is successful, but we also have a higher goal, to make sure that those who are unfortunate enough to have no insurance whatsoever, indeed we are speaking for the poorest of the poor as well as for those who are fortunate enough to have insurance.

Mr. PALLONE. I agree and I appreciate the gentlewoman bringing it up. We can also continue to address and find ways of providing coverage as part of our health care task force which the gentlewoman cochairs.

I yield to the gentleman from Texas (Mr. GREEN). He is the second Texan we have had tonight. I think part of the reason is because he has had a very successful type of patients' bill of rights passed in Texas that applies statewide.

One of the things we have been pointing out tonight is that even States like Texas that have gone very far in providing these kind of patient protections that we would like to see done nationally, because of the Federal preemption that exists for those where the employer is self-insured, the Texas law in many cases does not apply. That is why we need Federal legislation.

Mr. GREEN of Texas. I would like to thank my colleague again for this special order like my other friends, and neighbors even, because to talk about managed care reform is so important, and also in light of the filing of the rule for a discharge petition, which is a major step in the legislative process.

I am proud to serve on the Committee on Commerce. It took me a couple of terms to get there. I would like for the Committee on Commerce, both Democrats and Republicans, to be able to deal with this bill. The last session we were not. The bill was actually drafted by a health care task force of the Republican majority and written in the Speaker's office. It was placed here on the floor that we could not amend except we had one shot at it. We came close, lost by six votes, it went to Senate and died which it should have because it actually was a step backward in reform.

I am glad you mentioned Texas, New Jersey and other States have passed managed care reform that affect the policies that are issued under State regulation. But in Texas, I think the percentage is about 60 percent of the insurance policies are interstate and national in scope, so they come under ERISA.

A little history. ERISA, I understand, was never intended to cover health insurance, it was really a pension protection effort. But be that as it may, that is why we have to deal with it in Congress to learn from what our States have done and to say, "Okay, let's see what we can do to help the States in doing it." The State of Texas now has had the law for 2 years. I know there is some concern about the additional cost, for example, that these protections would provide, emergency, without having to drive by an emergency room, to go to the closest emergency room, outside appeals process, accountability and eliminate the gag rules. In Texas it is very cheap. In fact there was only one lawsuit filed, and that was actually by an insurance company challenging the law that was passed. Now, maybe there have been other ones recently, but it is not this avalanche of lawsuits, suing, whether it be employers or insurance companies or anything else. And so it has worked in a State the size of Texas, a large State, very diverse population, both ethnically and racially but also with a lot of rural areas and also some very urban areas.

In fact, my district in Houston, Houston and Harris County, is the fourth largest city in the country. So you can tell that it is a very urban area and it is providing some relief, but again only for about 40 percent of our folks. So we need to pass real managed care reform. And we need to deal with it in the committee process, not like we did last session. And the discharge petition that I hope would be available by the middle of June, and both Democrats and Republicans hopefully will sign that petition to have us a hearing on it and to have the bill here so we can debate, so we can benefit those folks.

The reason I was late tonight, I take advantage of the hour difference in Texas and try to return phone calls. A young lady called my office and was having trouble with her HMO. She was asking us to intervene. We have done that. We have sent letters to lots of individual HMOs. Frankly they are responsive to the Members of Congress oftentimes, but we each represent approximately 600,000 people, and how many of those folks call their Member of Congress to have that intervention? We need to structuralize it where people can do it. The outside appeals process, timely appeals, not something that will stretch out, because again health care delayed is health care denied.

If, for example, you have cancer, then you want the quickest decision by the health care provider that you can. That is why it is important. I am looking forward to being able to work on the bill, whether it be through our committee or on the floor of the House and send to the Senate real managed care reform. We cannot eliminate managed care, and I do not think I want to. What I want to do is give the managed care companies some guidelines to live by, just like all of us have in our businesses, or in our offices and individual lives. We just need to give them some parameters and say, "This is the street you have to drive on. You can't deviate. You can't deny someone access to some of the cutting-edge technology that's being developed around the country for health care." We just want to give them that guideline and go their merry way and make their money but also provide the health care.

Let me tell the gentleman a story. My wife and I are fortunate, our daughter just completed her first year of medical school. Last August, she had just started, and I had the opportunity to speak to the Harris County Medical Society and talk about a number of issues. During the question and answer session, the President of the Harris County Medical Society, the first question is, when I explained that I am a lawyer, and normally legislators and Democrats do not speak to medical societies in Texas. He congratulated me on my daughter who had been in medical school all of 2 weeks.

And so I joked. I said, "She's not ready for brain surgery yet." The President of the medical society said, "You know, your daughter after 2 weeks of medical school has more knowledge than who I call to get permission to treat my patients." That is atrocious in this great country. That is, that it is affecting your and my constituents and all the people in our country. Sure, we want the most reasonable cost health care and I think we can get it. We are doing it in Texas, at least for the policies that come under State law. But we also want to make sure we have some criteria there so our constituents will be able to know the rights they have.

Let me just touch lastly on accountability. At that same discussion, the physician said, they are accountable for what they do. That if they make a mistake, they can go to the courthouse. And in Texas we have lots of different ways. You do not necessarily go to the courthouse. You can go to other alternative means, instead of filing lawsuits, to have some type of resolution of the dispute. But accountability is so important, because if that physician calls someone who has less than a 2-week training in medical school, that decision that that person makes, that doctor has to live with.

That doctor has to say, "Well, I can't do that." Or hopefully they would say that. But that accountability needs to go with the decision-making process. If that physician cannot say, "This is what I recommend for my patient who I see here, I've seen the tests, and I'm just calling you and you're saying no, we can't do that."

We have lots of cases in our office, and I think all Members of Congress do, where, for example, someone under managed care may have a prescription benefit but their doctor prescribed a certain prescription, but the HMO says, "No, we won't do that, we'll give you something else." I supported as a State legislator generic drugs if they are the same component, but oftentimes we are seeing the managed care reform not agree to the latest prescription medication that has the most success rate that a lot of our National Institutes of Health dollars go into research, and they are prescribing something or saying, no, we will only pay for something that maybe is 5 or 10-year-old technology. Again, that is not what people pay for. They want the latest because again the most success rate. And it ought to be in the long run cheaper for insurance companies to be able to pay up front instead of having someone go into the hospital and have huge hospital bills because maybe they did not provide the most successful prescription medication.

There are a lot of things in managed care reform, antigag rules, and I know some managed care companies are changing their process and they are changing it because of the market system. That is great. I encourage them to do it. But city councils, State legislators and Members of Congress, we do not pass the laws for the people who do right, we do not pass the laws for the companies who treat their customers right. We have to pass the laws for the people who treat their customers wrong. That is why we have to pass this and put it in statute and say even though XYZ company may allow doctors to freely discuss with their patients potential medical services, or they may have an outside appeals process, a timely outside appeals process, but we still need to address those people who are not receiving that care.

I can tell you just from the calls and the letters we get in our own office, without doing any scientific surveys, we get a lot of calls from people, partly because I talk about it a lot not only here but in the district. But people need some type of reform.

□ 2130

Mr. Speaker, I hope this Congress will do it timely. When the gentleman mentioned a while ago that he heard our committee may conduct hearings all summer, that is great. I mean I would like to have hearings in our committee, but we got to go to mark up what we learn from our committee. We have to make the legislative process work, the committee process work. We will put our amendments up and see if they work, and maybe they are not good, and we can sit down with the Members of the other side.

But that is what this democracy and this legislative process is about, and last session it was terminated, it was wrong, and we saw what happened. We delayed, and there was no bill passed. It did not even receive a hearing in the Senate because it actually was a step backward in changing State laws like in Texas.

So I would hope this session, maybe with the discharge rule being filed tomorrow, we will see that we are going down that road, but maybe we can actually see maybe hearings in June when we come back after celebrating Memorial Day, and with a short time we can, a lot of us have worked on this issue. So, sure, I would like to have some hearings, but maybe we could have a markup before the end of July or June or mid July, something like that, so we could set it on a time frame where we would vote maybe before the August recess on this floor of the House for a real managed care reform, and when we vote on the House floor, let us not just come out with a bill and say, "Take it or leave it." As my colleagues know, let us have the legislative process work within reason and so we can come up with different ideas on how it works and the success.

So again I thank the gentleman for taking the time tonight and my colleagues here, and particularly glad we had the first hour.

Mr. PALLONE. I want to thank the gentleman from Texas (Mr. GREEN). He brought up a number of really good points, if I could just, as my colleague knows, comment on them a little bit.

I mean first of all I think it is important to stress that with this discharge petition, we are not doing it out of spite or disrespect or anything like that. We just want this issue brought to the floor, and as my colleague said, as my colleagues know, having hearings all summer does not do the trick. So far we have not gotten any indication from the Republican leadership or the committee leadership that there is any date certain to mark up this bill in committee and to bring it to the floor, and that is why we need to go the discharge petition way.

The other thing the gentleman said I think is so important is he talked about how the Texas law, which does apply to a significant number of people in Texas, even not everyone, that both the cost issue and the issue of the fear, I guess, of frivolous lawsuits has so far proven not to be the case. In other words, the, as my colleagues know, one of the criticisms of HMO reform or Patients' Bill of Rights that the insurance companies raise unfairly is the fact that it is going to cost more, and in fact in Texas it has been found that the cost, there is practically no increased costs whatsoever. I think it was a couple of pennies or something that I read about.

And in terms of this fear that there are going to be so many lawsuits and everybody is going to be suing, actually there have been very few suits filed, and the reason I think is because when we put in the law that people can sue the HMO, prevention starts to take place. They become a lot more careful about what they do, they take preventive measures, and the lawsuits do not become necessary because you do not have the damages that people sue for. So I think that is a very important point.

The other point the gentleman made that I think is really crucial is the suggestion that somehow because of the debate and because of the pressure that is coming from, as my colleagues know, the talk that is out there, that somehow many; some HMOs I should say; are starting to provide some of these patient protections, and the gentleman's point is well taken, that even though some of them may be doing it, and there are not really that many that are, but even though some of them are doing it, that does not mean that we do not need the protections passed as a matter of law for those, as my colleagues know, bad actors, if you will, who are not implementing these Patients' Bill of Rights.

So there needs to be a floor. These are nothing more than commonsense proposals that are sort of a floor of protections. They are not really that outrageous, they are just, as my colleagues know, the commonsense kind of protections that we need.

So I think that our time is up, but I just wanted to thank my colleague from Texas. We are going to continue to push. Tomorrow the gentleman from Michigan (Mr. DINGELL) is going to file the rule for this discharge petition, and we are going to get people to sign it so we can bring up the Patient Bill of Rights.

RECESS

The SPEAKER pro tempore (Mrs. Wilson). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0033

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 33 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–166) on the resolution (H. Res. 195) providing for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2nd Session, 105th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

November 10, 1998:

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes.

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

November 12, 1998:

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

S.J. Res. 35. Joint Resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

November 13, 1998:

S. 191. An act to throttle criminal use of guns.

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgement in favor of the Mississippi Sioux Indians, and for other purposes.

S. 417. An act to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

S. 1525. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

S. 2432. An act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2nd Session, 105th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

November 10, 1998:

H.R. 378. An act for the relief of Heraclio Tolley.

H.R. 379. An act for the relief of Larry Errol Pieterse.

H.R. 1794. An act for the relief of Mai Hoa "Jasmin" Salehi.

H.R. 1834. An act for the relief of Mercedes Del Carmen Quiroz Martinez Cruz.

H.R. 1949. An act for the relief of Nuratu Olarewaju Abeke Kadiri.

H.R. 2744. An act for the relief of Chong Ho Kwak.

H.R. 3633. An act to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4821. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

November 11, 1998:

H.R. 4110. An act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

November 12, 1998:

H.R. 1023. An act to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilic factor, and for other purposes.

H.R. 2070. An act to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated of ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

H.R. 2263. An act to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 3267. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, and for other purposes.

H.R. 4083. An act to make available to the Ukrainian Museum and Archives the USIA television program "Window on America".

H.R. 4164. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

November 13, 1998:

H.R. 633. An act to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

H.R. 3461. An act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for the other purposes.

H.R. 4283. An act to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today and the balance of the week on account of official business.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) after 6:30 p.m. today and Thursday, May 27, on account of family matters.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and Thursday, May 27, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, May 27.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mrs. CUBIN, for 5 minutes, today.

Mrs. CHENOWETH, for 5 minutes, today

Mr. FOSSELLA, for 5 minutes, today.

Mrs. FOWLER, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. PALLONE, for 60 minutes, today.

Mr. FILNER, for 60 minutes, today.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes a.m.), the House adjourned until today, Thursday, May 27, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2353. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [OPP–300864; FRL–6081–8] (RIN: 2070–AB78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2354. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerance for Emergency Exemption [OPP–300855; FRL–6079–1] (RIN: 2070–AB78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2355. A letter from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Service's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 98F–0342] received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2356. A letter from the Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 91F–0399] received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2357. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Seat Belt Assemblies [Docket No. 99–5682] (RIN: 2127–AG48) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2358. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Theft Prevention Standard; Final Listing of Model Year 2000 High-Theft Vehicle Lines [Docket No. NHTSA–99–5416] (RIN: 2127–AH36) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2359. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations; Uniform Tire Quality Grading Standards [Docket No. 99–5697] (RIN: 2127–AG67) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2360. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Oil and Natural Gas Production and National Emmission Standards for Hazardous Air Pollutants: Natural Gas Transmission and Storage [AD–FRL–6346–8] (RIN: 2060–AE34) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2361. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants [IL–64–2–5807; FRL–6344–5] (RIN: 2060–AE41) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2362. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Pesticide Active Ingredient Production [AD–FRL–6345–5] (RIN: 2060–AE83) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2363. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances [FRL–6348–2] received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2364. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting [AD–FRL–6345–8] (RIN: 2060–AE97) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2365. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories; Portland Cement Manufacturing Industry [FRL–6347–2] (RIN: 2060–AE78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2366. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories; Wool Fiberglass Manufacturing [FRL–6345–3] (RIN: 2060–AE75) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2367. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Materials Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Generic Letter 99-01: Recent Nuclear Material Safety and Safeguards Decision on Bundling Exempt Quantities—received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2368. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2369. A communication from the President of the United States, transmitting a report as part of his efforts to keep the Congress fully informed, consistent with the War Powers Resolution; (H. Doc. No. 106–72); to the Committee on International Relations and ordered to be printed.

2370. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting notification of certain foreign policy-based export controls which are being imposed on Serbia; to the Committee on International Relations.

2371. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on "Economic and Political Transition in Indonesia"; to the Committee on International Relations.

2372. A letter from the Director, Administrative Office of the United States Courts, transmitting the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1996, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

2373. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Inspector General Semiannual Report for the period October 1, 1998–March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2374. A letter from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Amendments to the Office of Government Ethics Freedom of Information Act Regulation (RIN: 3209–AA22) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2375. A letter from the Attorney General, transmitting the Triennial Comprehensive Report on Immigration; to the Committee on the Judiciary.

2376. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting a final response to a resolution adopted by the House Committee on Public Works and Transportation on August 25, 1960; to the Committee on Transportation and Infrastructure.

2377. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29570; Amdt. No. 1930] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2378. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29571; Amdt. No. 1931] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2379. A letter from the Administrator, General Services Administration, transmitting an information copy of the alteration prospectus for 1724 F Street, NW, Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

2380. A letter from the Director, National Science Foundation, transmitting a report on Women, Minorities, and Persons with Disabilities in Science and Engineering: 1998, pursuant to 42 U.S.C. 1885d; to the Committee on Science.

2381. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—June 1999 Applicable Federal Rates [Rev. Rul. 99–25]—received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2382. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding 664 Regulations [Notice 99–31]—received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 27 (Legislative day of May 26), 1999]

Mrs. MYRICK: Committee on Rules. House Resolution 195. Resolution providing for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001, and for other purposes (Rept. 106–166). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE (for himself, Mr. Dreier, Mrs. Johnson of Connecticut, and Ms. Dunn):

H.R. 1942. A bill to encourage the establishment of free trade areas between the United States and certain Pacific Rim countries; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 1943. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Ways and Means.

H.R. 1944. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Resources.

H.R. 1945. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Ways and Means.

H.R. 1946. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself and Mr. Oberstar) (both by request):

H.R. 1947. A bill to provide for the development, operation, and maintenance of the Nation's harbors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RUSH (for himself, Mr. Hilliard, and Mr. Towns):

H.R. 1948. A bill to amend the Communications Act of 1934 to prohibit the discrimination, in the purchase or placement of advertisements for wire or cable communications, against minority owed or formatted communications entities, and for other purposes; to the Committee on Commerce.

By Mr. BECERRA:

H.R. 1949. A bill to suspend temporarily the duty on Rhinovirus drugs; to the Committee on Ways and Means.

By Mr. FARR of California (for himself, Mr. Gilchrest, Mr. Condit, and Mr. Boehlert):

H.R. 1950. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture.

By Mr. BECERRA:

H.R. 1951. A bill to suspend temporarily the duty on HIV/AIDS drugs; to the Committee on Ways and Means.

H.R. 1952. A bill to suspend temporarily the duty on HIV/AIDS drugs; to the Committee on Ways and Means.

By Mrs. BONO (for herself and Mr. Thompson of California):

H.R. 1953. A bill to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria; to the Committee on Resources.

By Mr. BRYANT (for himself, Mr. Oxley, Mr. Burr of North Carolina, Mr. Largent, Mr. Shadegg, Mr. Pickering, and Mr. Coburn):

H.R. 1954. A bill to regulate motor vehicle insurance activities to protect against retroactive regulatory and legal action and to create fairness in ultimate insurer laws and vicarious liability standards; to the Committee on Commerce.

By Mr. CAMPBELL:

H.R. 1955. A bill to amend the Internal Revenue Code of 1986 to exempt certain transactions at fair market value between partnerships and private foundations from the tax on self-dealing and to require the Secretary of the Treasury to establish an exemption procedure from such taxes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. Gilchrest, Mr. Shays, Mr. Sensenbrenner, Mr. Gutierrez, Mrs. Christensen, Mr. McHugh, Mr. McNulty, Mr. Schaffer, Mr. Canady of Florida, Mr. Traficant, Mr. Holden, Ms. Woolsey, Mr. Clement, Mrs. Morella, Mr. Moore, Mr. English, Mr. Franks of New Jersey, Mr. Sessions, Mr. Farr of California, Mrs. Kelly, Mr. Ackerman, and Mr. Shimkus):

H.R. 1956. A bill to prohibit the Department of State from imposing a charge or fee for providing passport information to the general public; to the Committee on International Relations.

By Mr. DAVIS of Illinois:

H.R. 1957. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. Weldon of Pennsylvania, Mr. Souder, Mr. Traficant, Mr. Weller, and Mr. Holden):

H.R. 1958. A bill to establish the Fort Presque Isle National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Resources.

By Mr. GONZALEZ:

H.R. 1959. A bill to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center"; to the Committee on Transportation and Infrastructure.

By Mr. CLAY (for himself, Mr. Kildee, Mr. Martinez, Mr. Owens, Mr. Payne, Mrs. Mink of Hawaii, Mr. Andrews, Mr. Roemer, Mr. Scott, Ms. Woolsey, Mr. Romero-Barcelo, Mr. Fattah, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kind, Ms. Sanchez, Mr. Ford, Mr. Kucinich, Mr. Holt, and Mr. Wu):

H.R. 1960. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEFFEL (for himself, Mr. Weldon of Pennsylvania, Mr. Murtha, Mr. Borski, Mr. Greenwood, Mr. Holden, Mr. Peterson of Pennsylvania, Mr. Fattah, Mr. English, Mr. Brady of Pennsylvania, Mr. Sherwood, Mr. Kanjorski, Mr. Goodling, Mr. KLINK, Mr. PITTS, Mr. DOYLE, Mr. GEKAS, Mr. MASCARA, Mr. SHUSTER, Mr. COYNE, and Mr. TOOMEY):

H.R. 1961. A bill to designate certain lands in the Valley Forge National Historical Park as the Valley Forge National Cemetery; to the Committee on Resources, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 1962. A bill to prohibit the export of high-performance computers to certain countries until certain applicable provisions of the National Defense Authorization Act for Fiscal Year 1998 are fulfilled; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 1963. A bill to suspend until December 31, 2002, the duty on triacetonamine; to the Committee on Ways and Means.

By Mr. LAZIO (for himself, Mrs. KELLY, Mr. GILCHREST, Mr. HORN, and Mrs. WILSON):

H.R. 1964. A bill to empower our educators; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself and Mr. BARTON of Texas):

H.R. 1965. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD (for herself, Ms. BROWN of Florida, Mr. BROWN of California, Mr. CAPUANO, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CUMMINGS, Ms. DANNER, Mr. FROST, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. HILLIARD, Ms. NORTON, Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Ms. LEE, Ms. MCCARTHY of Missouri, Ms. MCKINNEY, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. OWENS, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SANCHEZ, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JONES of Ohio, Mr. WEYGAND, and Mr. WYNN):

H.R. 1966. A bill to authorize the Secretary of Health and Human Services to carry out programs regarding the prevention and management of asthma, allergies, and related repiratory problems, to establish a tax credit regarding pest control services for multifamily residential housing in low-income communities, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHOWS (for himself, Mr. THOMPSON of Mississippi, Mr. BARCIA, Mr. BISHOP, Mr. BONIOR, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. BOYD, Mrs. CLAYTON, Ms. CARSON, Mr. CRAMER, Ms. DANNER, Mr. DUNCAN, Mr. EVANS, Mr. GONZALEZ, Mr. GOODE, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. HAYES, Mr. HILLIARD, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. JOHN, Ms. KAPTUR, Mr. KLECZKA, Mr. KUCINICH, Mr. LATOURETTE, Ms. LEE, Mr. LEWIS of Kentucky, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mrs. NAPOLITANO, Mr. NEY, Mr. NORWOOD, Mr. PICKERING, Mr. REYES, Mr. RILEY, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, Mr. SANDLIN, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. WHITFIELD, Mr. WISE, and Mr. WU):

H.R. 1967. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and job training grants for communities affected by the migration of businesses and jobs to Canada or Mexico as a result of the North American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1968. A bill to amend title XVIII of the Social Security Act to provide for additional benefits under the Medicare Program to prevent or delay the onset of illnesses, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP:

H.R. 1969. A bill to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 1970. A bill to designate the Galisteo Basin Archaeological Protection Sites, to provide for the protection of archaeological sites in the Galisteo Basin of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. WATKINS (for himself, Mr. JOHN, and Mr. WATTS of Oklahoma):

H.R. 1971. A bill to amend the Internal Revenue Code of 1986 to encourage domestic oil and gas production, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mr. FRELINGHUYSEN, Mr. SAXTON, Mr. ROTHman, Mr. PAYNE, Mr. PASCRELL, Mr. PALLONE, Mr. MENENDEZ, Mr. ANDREWS, and Mrs. ROUKEMA):

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the U.S.S. New Jersey and all those who served aboard her; to the Committee on Government Reform.

By Mr. GEJDENSON (for himself, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. ALLEN, Mr. BARRETT of Wisconsin, Mr. BALDACCI, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BATEMAN, Ms. BERKLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BOEHLERT, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BUYER, Mr. CANADY of Florida, Mr. CAPUANO, Mr. CARDIN, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CLEMENT, Mr. COOK, Mr. COSTELLO, Mr. CRAMER, Mr. CRANE, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DOYLE, Mr. EHLERS, Mr. ENGLISH, Ms. ESHOO, Mr. EVANS, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FRANKS of New Jersey, Mr. FROST, Mr. GIBBONS, Mr. GRAHAM, Ms. GRANGER, Mr. GUTIERREZ, Mr. HAYWORTH, Mr. HILL of Indiana, Mr. HINCHEY, Mr. HOLDEN, Mr. HORN, Mr. HUTCHINSON, Mr. JEFFERSON, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Ms. KILPATRICK, Mr. KING, Mr. KLECZKA, Mr. KLINK, Mr. LAHOOD, Mr. LAMPSON, Mr. LARSON, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. LOBIONDO, Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MCKEON, Mr. MCNULTY, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mrs. NORTHUP, Ms. NORTON, Mr. OLVER, Mr. PICKETT, Mr. PITTS, Mr. REYES, Mr. ROMERO-BARCELO, Ms. SANCHEZ, Mr. SCHAFFER, Mr. SHAYS, Mr. SHOWS, Mr. SHUSTER, Mr. SISISKY, Mr. SKELTON, Mr. SNYDER, Mr. SPRATT, Mr. SPENCE, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TIERNEY, Mr. WEXLER, Mr. WEYGAND, Mr. WEINER, Mr. WOLF, and Ms. WOOLSEY):

H. Con. Res. 120. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring the United States Submarine Force on its 100th anniversary; to the Committee on Government Reform.

By Ms. CARSON:

H. Res. 191. A resolution recognizing and honoring Medal of Honor recipients for their selfless acts for our Nation, and commending IPALCO Enterprises for its contributions to honor each these American heroes; to the Committee on Armed Services.

By Ms. DEGETTE (for herself, Mr. BLAGOJEVICH, and Ms. CARSON):

H. Res. 192. A resolution providing for consideration of the bill (H.R. 1037) to ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law; to the Committee on Rules.

H. Res. 193. A resolution providing for consideration of the bill (H.R. 902) to regulate the sale of firearms at gun shows; to the Committee on Rules.

H. Res. 194. A resolution providing for consideration of the bill (H.R. 515) to prevent children from injuring themselves with handguns; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. CUBIN introduced A bill (H.R. 1972) for the relief of Ashley Ross Fuller; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. ETHERIDGE, Mr. LUCAS of Kentucky, and Mr. HOSTETTLER.

H.R. 65: Mr. ETHERIDGE.

H.R. 90: Mr. BONIOR, Ms. LOFGREN, Mr. CROWLEY, Mr. SHOWS, Mr. HASTINGS of Florida, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. VISCLOSKY, Mr. GUTIERREZ, Mr. KLINK, Mr. LUTHER, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. STRICKLAND, and Mr. RANGEL.

H.R. 170: Mr. CAMP and Ms. WOOLSEY.

H.R. 271: Mr. ENGLISH.

H.R. 303: Mr. MOLLOHAN.

H.R. 306: Mr. COYNE, Ms. VELÁZQUEZ, Mr. NEAL of Massachusetts, Ms. ROS-LEHTINEN, Mr. PHELPS, and Mr. WICKER.

H.R. 315: Ms. SLAUGHTER.

H.R. 383: Mr. DAVIS of Illinois.

H.R. 434: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. MILLENDER-MCDONALD.

H.R. 483: Mr. COYNE.

H.R. 486: Mr. DICKEY, Mr. GORDON, Mr. THORNBERRY, Mr. RUSH, Mr. RILEY, MR. RADANOVICH, Mr. THOMPSON of Mississippi, Ms. SLAUGHTER, Mr. GONZALEZ, Mr. BAKER, Mr. COBURN, and Mr. COYNE.

H.R. 489: Mr. JEFFERSON, Mr. LAFALCE, Mr. NEAL of Massachusetts, Mr. CROWLEY, and Mr. BOEHLERT.

H.R. 515: Mr. ENGEL, Mr. WAXMAN, Mr. CROWLEY, Mr. BROWN of California, Mr. HASTINGS of Florida, Mr. PAYNE, Ms. VELÁZQUEZ, Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, Mrs. LOWEY, Ms. BROWN of Florida, Mr. LIPINSKI, and Mr. RANGEL.

H.R. 518: Mr. HEFLEY.

H.R. 583: Mr. MORAN of Virginia, Mr. HOLDEN, Mr. COYNE, and Mr. BACHUS.

H.R. 586: Mr. TIAHRT.

H.R. 592: Mr. JEFFERSON.

H.R. 597: Mr. JACKSON of Illinois, Mr. TIERNEY, Mr. ENGEL, Ms. DANNER, Mr. KUYKENDALL, Ms. ROYBAL-ALLARD, and Ms. STABENOW.

H.R. 599: Mr. METCALF.

H.R. 673: Mr. ROS-LEHTINEN.

H.R. 692: Mr. PACKARD and Mr. JONES of North Carolina.

H.R. 701: Mr. NEY, Mr. FROST, Mr. BOYD, and Mr. THOMPSON of Mississippi.

H.R. 721: Mr. HERGER.

H.R. 732: Mr. INSLEE, Mrs. JONES of Ohio, and Mr. GORDON.

H.R. 745: Mr. MEEHAN.

H.R. 750: Ms. PRYCE of Ohio.

H.R. 773: Mr. NUSSLE, Mr. KUYKENDALL, and Ms. MCKINNEY.

H.R. 783: Mr. LAMPSON and Mr. GOSS.

H.R. 784: Mr. LATHAM, Mr. LOBIONDO, Mr. SPENCE, Mr. JEFFERSON, Mr. GOODE, and Mr. TRAFICANT.

H.R. 789: Mr. MCHUGH and Mr. FRANK of Massachusetts.

H.R. 815: Mr. RUSH.

H.R. 827: Mr. MCGOVERN, Mr. THOMPSON of California, Ms. SCHAKOWSKY, Mr. NADLER, and Mr. GUTIERREZ.

H.R. 850: Mr. KENNEDY of Rhode Island.

H.R. 860: Mr. ORTIZ.

H.R. 875: Mr. GONZALEZ and Ms. ROYBAL-ALLARD.

H.R. 886: Ms. LEE and Mr. ABERCROMBIE.

H.R. 895: Mr. EDWARDS and Mr. HASTINGS of Florida.

H.R. 896: Mr. ISTOOK.

H.R. 899: Mr. FORBES, Mr. KING, Mr. WALSH, Mr. WEINER, Mr. ROTHMAN, Mr. FRELINGHUYSEN, Mr. MENENDEZ, Mr. PALLONE, and Mr. SMITH of New Jersey.

H.R. 925: Mr. BOUCHER and Mr. THOMPSON of Mississippi.

H.R. 953: Ms. SLAUGHTER, Mr. ABERCROMBIE, Ms. DEGETTE, Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. STRICKLAND, and Mrs. MINK of Hawaii.

H.R. 960: Ms. VELÁZQUEZ.

H.R. 986: Mr. JEFFERSON.

H.R. 987: Mr. THUNE, Mr. JONES of North Carolina, and Mr. KINGSTON.

H.R. 997: Mrs. JONES of Ohio and Mr. MEEHAN.

H.R. 1008: Mr. JEFFERSON.

H.R. 1046: Mr. OBERSTAR, Mr. BERRY, Mr. FRANK of Massachusetts, and Mr. ABERCROMBIE.

H.R. 1064: Mr. FORBES.

H.R. 1071: Mr. REYES.

H.R. 1080: Mr. ANDREWS and Mr. CLAY.

H.R. 1111: Ms. BERKLEY, Mr. MALONEY of Connecticut, and Mrs. MINK of Hawaii.

H.R. 1163: Mr. BLAGOJEVICH.

H.R. 1202: Mrs. CAPPS and Mr. WHITFIELD.

H.R. 1213: Mr. STARK.

H.R. 1238: Ms. SCHAKOWSKY.

H.R. 1244: Mr. BARRETT of Nebraska, Mr. SHAYS, Mr. WICKER, and Mr. CUMMINGS.

H.R. 1256: Mr. SAM JOHNSON of Texas and Mr. GILLMOR.

H.R. 1260: Mr. BAIRD, Mr. HASTINGS of Washington, and Mr. MOAKLEY.

H.R. 1265: Mrs. MALONEY of New York, Mr. SAWYER, Mr. SERRANO, Mr. DOYLE, Mr. BOSWELL, Ms. KAPTUR, Mr. MCNULTY, Mr. WISE, Mr. KUCINICH, Mr. MCGOVERN, Mr. HOEFFEL, Mr. BRADY of Pennsylvania, Mr. KLINK, Mr. BARCIA, Mr. MURTHA, Mr. KANJORSKI, Mr. PASCRELL, Mrs. MINK of Hawaii, Mr. GEORGE MILLER of California, Mr. BARRETT of Wisconsin, Mr. BROWN of Ohio, and Mr. MORAN of Virginia.

H.R. 1285: Mr. QUINN, Ms. NORTON, Ms. WATERS, and Mrs. JONES of Ohio.

H.R. 1291: Mr. HORN, Mr. HILL of Montana, Mr. BARTON of Texas, Mr. MILLER of Florida, Mr. BACHUS, Mr. DREIER, Mr. BORSKI, Mrs. FOWLER, Mr. BARTLETT of Maryland, Mr. TIAHRT, Mr. SHAYS, and Mr. HALL of Texas.

H.R. 1292: Mr. DEUTSCH and Mr. FORBES.

H.R. 1300: Mr. BURTON of Indiana, Ms. SLAUGHTER, and Mr. SWEENEY.

H.R. 1320: Mr. LUTHER.

H.R. 1326: Mr. SPENCE, Mr. SISISKY, Mr. BATEMAN, Mr. ROMERO-BARCELO, and Mr. PICKETT.

H.R. 1342: Ms. MILLENDER-MCDONALD, Ms. PELOSI, and Ms. CARSON.

H.R. 1348: Mr. HEFLEY, Mr. SHADEGG, Mr. WATKINS, Mr. MILLER of Florida, Mr. WOLF, Mr. SHIMKUS, Mr. HUTCHINSON, Mr. HERGER, and Mr. GILCHREST.

H.R. 1349: Mr. GIBBONS.

H.R. 1355: Mr. CONYERS.

H.R. 1358: Mr. INSLEE and Mr. POMBO.

H.R. 1366: Mr. HAYWORTH, Mr. TANCREDO, and Mr. SANDLIN.

H.R. 1476: Ms. WOOLSEY.

H.R. 1478: Mr. INSLEE.

H.R. 1483: Mr. NUSSLE, Mr. NEAL, of Massachusetts, Mr. JEFFERSON, Mr. MATSUI, and Mr. MCNULTY.

H.R. 1484: Ms. WOOLSEY.

H.R. 1485: Mr. LEWIS of Georgia.

H.R. 1494: Mr. BAKER.

H.R. 1495: Ms. BERKLEY, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, and Mr. GUTIERREZ.

H.R. 1523: Mr. GOODLATTE.

H.R. 1525: Mr. KUCINICH, Mr. FARR of California, Mr. MCNULTY, and Mr. GREEN of Texas.

H.R. 1546: Mr. NETHERCUTT and Mr. ENGLISH.

H.R. 1591: Mr. UDALL of New Mexico, Mr. BAIRD, Mr. DICKS, Ms. BALDWIN, Mr. MCGOVERN, and Mr. JACKSON of Illinois.

H.R. 1593: Mr. HILL of Montana.

H.R. 1598: Mr. CALLAHAN.

H.R. 1602: Mr. FOLEY.

H.R. 1607: Mr. GARY MILLER of California and Mr. ISAKSON.

H.R. 1623: Mrs. CLAYTON, MR. WU, Mr. GEJDENSON, Mr. CONYERS, Mr. ETHERIDGE, Mr. SAWYER, Mr. SANDERS, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. OWENS, Mrs. MINK of Hawaii, Ms. DELAURO, Ms. KILPATRICK, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. CUMMINGS, Mr. CROWLEY, Mr. BORSKI, Mr. BONIOR, Mr. PRICE of North Carolina, Mr. FILNER, Mr. FATTAH, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. TIERNEY, Ms. ROYBAL-ALLARD, Mr. BARRETT of Wisconsin, Mr. KUCINICH, Mr. FORD, Mr. NADLER, Ms. WOOLSEY, Ms. WATERS, Mr. MENENDEZ, Mr. MALONEY of Connecticut, Mr. ABERCROMBIE, Mr. WEYGAND, Mr. WEINER, Mr. PAYNE, Mr. ANDREWS, Mr. HOLT, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. HINCHEY, Ms. BALDWIN, Mr. ROMERO-BARCELO, and Mr. SCOTT.

H.R. 1630: Mrs. JONES of Ohio.

H.R. 1660: Mr. DAVIS of Florida, Mr. FORD, Mr. NADLER, Mr. ENGEL, Ms. VELÁZQUEZ, Mr. OWENS, Mr. MENENDEZ, Mr. MEEHAN, Mr. CUMMINGS, Mr. DOYLE, Mr. TOWNS, Mr. ANDREWS, Mr. WU, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Mr. PASCRELL, Mr. RAHALL, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. PALLONE, Mr. PASTOR, Mr. UDALL of New Mexico, Ms. LOFGREN, Mr. BOUCHER, Ms. WATERS, Ms. HOOLEY of Oregon, Mr. SHERMAN, Mr. DAVIS of Illinois, and Mr. BARCIA.

H.R. 1684: Mr. GONZALEZ, Ms. NORTON, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, and Mr. TOWNS.

H.R. 1703: Mr. MATSUI.

H.R. 1707: Mr. UDALL of Colorado.

H.R. 1710: Mr. SOUDER.

H.R. 1713: Mr. ENGLISH.

H.R. 1723: Mr. WISE.

H.R. 1746: Mr. PICKERING, Mr. GREEN of Wisconsin, Mr. SMITH of Michigan, Mr. DEAL of Georgia, and Mr. EWING.

H.R. 1747: Mr. HALL OF TEXAS, MR. HASTINGS of Washington, Mr. FORBES, Ms. RIVERS, and Mr. BASS.

H.R. 1764: Ms. WOOLSEY.

H.R. 1777: Mr. RANGEL.

H.R. 1791: Mr. GOODE and Mr. SAXTON.

H.R. 1798: Mr. MCGOVERN.

H.R. 1812: Mr. UNDERWOOD.

H.R. 1839: Mr. HINCHEY, Mr. BISHOP, Mr. REYES, and Mr. NEAL of Massachusetts.

H.R. 1842: Mr. ABERCROMBIE, Mr. BARRETT of Nebraska, Mr. BISHOP, Mr. COSTELLO, Mr. FROST, and Mr. TERRY.

H.R. 1848: Mrs. JOHNSON of Connecticut, Mr. GUTIERREZ, Mr. LANTOS, Mr. MEEHAN, Mr. BARRETT of Wisconsin, and Mr. ABERCROMBIE.

H.R. 1849: Mr. KENNEDY of Rhode Island.

H.R. 1862: Mr. EVANS.

H.R. 1885: Mr. BAKER, Mr. STRICKLAND, Mr. STARK, and Mr. BARRETT of Wisconsin.

H.R. 1895: Mr. GEJDENSON, Ms. WATERS, Mr. DIXON, Ms. MCCARTHY of Missouri Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. BROWN of California, Mr. PASTOR, and Mr. CUMMINGS.

H.R. 1912: Mr. DAVIS of Virginia.

H.R. 1923: Mr. RANGEL.

H.R. 1926: Mr. TANCREDO and Mr. TALENT.

H.R. 1941: Mr. INSLEE, Mr. THOMPSON of California, Mr. CAPUANO, Mr. NADLER, and Mr. BONIOR.

H.J. Res. 25: Mr. JEFFERSON.

H.J. Res. 41: Mr. PALLONE and Mr. NADLER.

H.J. Res. 55: Mr. CAMPBELL.

H. Con. Res. 8: Ms. BERKLEY.

H. Con. Res. 22: Mr. SESSIONS.

H. Con. Res. 25: Mr. JEFFERSON.

H. Con. Res. 30: Mr. KINGSTON.

H. Con. Res. 62: Mr. HOLDEN and Mr. WATT of North Carolina.

H. Con. Res. 64: Mr. GARY MILLER of California, Mr. PAYNE, Mrs. CUBIN, Mr. BRADY of Pennsylvania, Mr. CANADY of Florida, and Ms. VELÁZQUEZ.

H. Con. Res. 78: Mr. BARRETT of Wisconsin, Mrs. MINK of Hawaii, and Mr. WATT of North Carolina.

H. Con. Res. 94: Mr. GOODE, Mr. CHABOT, and Mr. CRANE.

H. Con. Res. 100: Mr. ACKERMAN, Mrs. MYRICK, Mr. WEYGAND, Mr. LEWIS of Georgia, Mr. FRANKS of New Jersey, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. DOYLE, Mr. SUNUNU, Mr. KENNEDY of Rhode Island, Mr. LEWIS of California, Mr. FORBES, Mr. DEUTSCH, Mr. NEY, Mr. GEKAS, Mr. KUCINICH, and Mrs. MORELLA.

H. Con. Res. 106: Mrs. MINK of Hawaii.

H. Con. Res. 107: Mr. MANZULLO.

H. Con. Res. 113: Mr. BOSWELL, Mr. SHOWS, Mr. SNYDER, and Mr. OBERSTAR.

H. Con. Res. 118: Mr. WOLF.

H. Res. 41: Mr. ORTIZ, Mr. TANNER, Mr. WELLER, Mr. CRAMER, and Mr. QUINN.

H. Res. 89: Ms. SANCHEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 902: Mr. PHELPS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1401

OFFERED BY: MR. SOUDER

AMENDMENT NO. 7. Strike section 1006 (page 270, line 20, through page 271, line 9) and insert the following new section:

SEC. 1006. PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN FEDERAL REPUBLIC OF YUGOSLAVIA.

None of the funds appropriated or otherwise available to the Department of Defense for fiscal year 2000 may be used for military operations in the Federal Republic of Yugoslavia.

EXTENSIONS OF REMARKS

WORLD POPULATION AND THE ENVIRONMENT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. MORELLA. Mr. Speaker, in my capacity as Chairman of the Technology Subcommittee of the Committee on Science, I have come across many interesting facts about the relationship between science and the environment. This editorial from The Keene (New Hampshire) Sentinel at first seems humorous in discussing the idea that lawnmowers cause smog. However, as one reads further one realizes that the main point of the editorial is that the ever growing number of people on the Earth stretch the environment's resources to the point where it is ever more difficult to provide for the needs of the world's population. While written in a humorous vein, this editorial provides a strong reason to support international family planning programs.

[From the Keene (New Hampshire) Sentinel]

(By Sentinel Editoral)

PEOPLE SMOG

In what has to be the ultimate insult to the American way of life, scientists studying the source of dangerous chemicals in the air have determined that mowing the lawn causes air pollution.

The report, issued on April 1, seemed like a joke at first. We waited for the big hoot at the end. But apparently it is serious, and the problem isn't just lawnmower engines.

"Wound-induced and drying-induced . . . compounds are expected to be significant in the atmosphere," said the team of researchers, in a study that's about to be published in a journal called Geophysical Research Letters. Among the chemicals released by "wounded" grass are methanol, hexanal, acetaldehyde, acetone and butatone. The team adds that the same chemicals are also produced in small amounts when people and animals eat raw vegetables.

Okay, even one of the researchers admits this is funny stuff. "It just doesn't seem likely to me that the smell of newly mown grass is toxic," said biochemist Ray Fall. But eventually, who knows, when too many freshly cut lawns are added to too many lawnmower exhaust pipes, and too many cars, and too many factory smokestacks and too many wood stoves and so on?

This apparently trivial grass-clipping story, like reports of so many environmental and social problems, should be seen in the context of a deadly serious dilemma that's often ignored by governments and news media: the world's burgeoning population.

When we read of, hear of and occasionally experience urban blight, environmental pollution, traffic jams, waves of illegal immigrants, filled-in wetlands and other maddening challenges of modern life, we really ought to think more often of the common denominator. People. People have to work, play, build, heat their homes and businesses, travel from place to place. And as we do so, bit by bit we inevitably degrade our physical and social environments. No single activity is particularly troublesome. But the more of us there are, the more degradation there is. Where will it end, with a standing-room-only society shrouded in a poison fog?

These thoughts are prompted not so much by the lawnmowing story, but by some alarming testimony presented last month to a U.S. House committee. Werner Fornos, the indefatigable head of the nonprofit Population Institute was practically on his knees trying to persuade indifferent members of Congress to spend a mere $25 million on international family planning assistance next year.

Fornos outlined the situation in stark terms, noting that the world population grew from one billion to two billion between 1830 and 1930—in 100 years—then added a third billion by 1960—in just 30 years. Since then, it has doubled to six billion. We publish extracts from Fornos's testimony on this page today. It makes sobering reading, as we approach another lawn-mowing season.

INTRODUCTION OF THE GILA RIVER INDIAN COMMUNITY—PHELPS DODGE CORPORATION WATER RIGHTS SETTLEMENT ACT OF 1999

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SHADEGG. Mr. Speaker, I rise today to introduce legislation authorizing a water rights settlement which was entered into on May 4, 1998, by the Gila River Indian Community and the Phelps Dodge Corp.

As my colleagues who are involved with western water issues know, reaching a settlement to an Indian water rights dispute is an incredibly complex and contentious task. The parties to this agreement should be commended for their willingness to work cooperatively to settle their differences and for their perseverance in striving to reach an agreement.

While the settlement which my legislation authorizes is an important step in the right direction, it is in many ways the vanguard for a much larger settlement currently under negotiation. These negotiations are intended to permanently and comprehensively address the water needs of central Arizona and the Phoenix metropolitan area while providing a final settlement of all water claims by the Gila River Indian Community.

The issue of long-term water supplies is of the utmost importance to Arizona. Phoenix is currently the sixth largest metropolitan area in the United States and it continues to grow rapidly. It must have permanently assured, affordable water supplies to maintain its prosperity and sustain its growth. Any settlement which is ultimately reached must be crafted to ensure that water is readily available a century and more from now.

The legislation which I introduce today provides a vehicle for advancing the process of negotiating a comprehensive settlement. I will work tirelessly to ensure that any settlement which is reached protects the water supplies of all Arizonans in perpetuity and acknowledges the primacy of State water law over allocation of this precious resource.

REGARDING THE PASSING OF MS. SANDRA CHAVIS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to express my heartfelt sadness on the recent passing of an individual who provided tremendous service to our country and in particular, to the Dallas/Fort Worth area.

Mr. Speaker, on Saturday, May 22, 1999, Ms. Sandra Chavis passed away after suffering a heart attack. She was 50 years young.

Mr. Speaker, I join many individuals in my district and the Washington area in mourning Ms. Chavis. Her dedication to our Nation's fair housing laws and her commitment to public service are recognized and cherished by many.

Indeed, there are many families throughout our Nation's cities who have equal access to home ownership because of her tireless efforts to open the doors to homes everywhere, for everyone.

Her dedication in this area is as well-known as her gracious demeanor and her love for her family.

Mr. Speaker, Ms. Chavis first showed her dedication to public service in San Francisco in 1973, where she worked for the Social Security Administration. In 1978, she joined the Department of Housing and Urban Development's Office of Fair Housing and Office of Human Resources. She joined the Department at a time when fair housing laws were still in their nascence.

At the time of her unexpected death, she was serving as Director of the Department's Office of Equal Employment Opportunity in Washington, DC. Her cumulative work at the Department of Housing and Urban Development represented a career of fighting for fairness and equality for all Americans.

Mr. Speaker, her life and work were held in such high esteem that the Department of Housing and Urban Development led by Secretary Andrew Cuomo are opening their hearts

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and doors with a memorial service at HUD headquarters. This is truly because she touched and moved so many lives.

Mr. Speaker, it was once said that "nothing great in the world has been accomplished without passion." I truly believe that Ms. Chavis had a great and intense passion to serve others and promote fairness. That great passion allowed her to accomplish so many great things that we are indebted to her now and forever.

Particularly, I want to recognize a host of family and friends she left behind: her husband, George Anderson; her son Jamie Chavis; her parents, William Ira and Arlanda Chavis; four brothers, William Ray Buston, Gerald Patterson, Ira Rudolph, and William Randolph; two sisters, Ruth Bryant and Linda Coley; three grandchildren, Carlton, Jamillya, and William Patrick Chavis; nine nephews, and six nieces; three close friends; Vyllorya A. Evans, Evelyn Okie, and Shirley Wells. I join them in celebrating the life of a great human being, public servant, and American.

1999 SIXTH DISTRICT ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the work of some bright young men and women in my district.

Each year, my office—in cooperation with junior and senior high schools in Northern Illinois—sponsors an essay writing contest. The contest's board, chaired by my good friend Vivian Turner, a former principal of Blackhawk Junior High School in Bensenville, IL, chooses a topic and judges the entries. Winners of the contest share in more than $1,000 in scholarship funds.

Today, I have the honor of naming for the RECORD the winners of this year's contest.

This year, Kathryn Solari of Mary, Seat of Wisdom School in Park Ridge, IL, won the junior high division with an essay titled, "Coach—One Who Teaches or Trains an Athlete," a text of which I include in the RECORD. Placing second was Jennifer C. Miller of St. Peter the Apostle School in Itsaca. This year, we had a three-way tie for third place in the junior high division among: Omar Germino of St. Charles Borromeo School in Bensenville, Sam Francis of Glen Crest Middle School in Glen Ellyn, and Rachel Soden of Westfield School in Bloomingdale.

In the Senior High School Division, the first place award went to Paul McGovern of Driscoll Catholic High School in Addison for his essay, "Teofilo Lindio," a text of which I include in the RECORD. Carl Hughes of Maine South High School in Park Ridge finished second, and third place went to Katherine Yeu, also from Driscoll Catholic High School.

I wish to offer my congratulations to all this year's winners.

TEOFILO LINDIO—THE SIX PILLARS OF CHARACTER

(By Paul McGovern, Driscoll Catholic, Addison, IL)

I consider my grandfather, Teofilo Lindio, to be an exemplary role model. My Lolo (the Philippine word for grandfather) was born on March 8, 1912, in Legaspi, a small province in the Philippines. Though I have been to the Philippines to see him only once, I have heard much of him from my mother. According to her, Teofilo was an honest, caring individual who accepted what came to him in life, and strove to make the most of it. He was sincerely devoted to his God, to his family, and to his fellow man. My Lolo's solid Christian beliefs formed the foundation on which the Six Pillars of Character were laid—the pillars, which ultimately formed and upheld his reputation as a great man within his community.

Teofilo was the fifth of seven children of a wealthy commercial farmer. However, when his father died, Teofilo inherited little, since most of the land went to the older sons. At this point, Teofilo had to make a choice. He was already married, and his wife was about to have a child. Teofilo had been at the top of his high school class, so college was a very possible option for him. After considering the consequences of this option, he made the responsible choice. He used the money he had to start his own carpentry business so that he could better support his family.

Eventually, Teofilo's business grew and he began to amass a small fortune. Rather than indulge himself in luxuries, he decided to make a difference in his community of Legaspi. Teofilo would make free coffins for the poor people in his community. Every Sunday after church, he would host a picnic in which all of the impoverished people in the community could eat for free. This compassion earned him his reputation as a generous, caring man. Eventually, however, the amount of money that he spent on feeding the poor became too much, as more and more poor persons came to eat each Sunday. His business underwent tough times, and soon he was forced to stop his charity. In one particularly difficult period during the 50's, Teofilo and his family had trouble finding enough food to eat. All of his children who were old enough to work had jobs so that the family could feed and clothe itself. Even in tough times, Teofilo still showed fairness in his dealings with customers, and continued to do quality work for a fair price. Morals were more important to him than money. He did not blame God, the poor whom he fed, or himself for the state of poverty he was in. Knowing that Teofilo was a generous man, wealthy people offered him aid in his time of trouble. Teofilo "took turns and shared," and thus moved others to do the same.

In my opinion, my Lolo was simply an all-around outstanding individual. His trustworthiness was shown in his commitment to his family. Teofilo was honest in his marriage, and put his family first in his life. According to my mother, he spent every night with the family, asking all nine of his children how their days went, telling jokes, and discussing Bible stories. He promised to always be there for them, and he was. He continually said to me over the phone, "No family gathering can be complete without you and your dad." Another instance of this trustworthiness is when his wife became very sick in the 50's. Teofilo made a promise to God that if his wife recovered, he would sing the Pasyon (Passion and Resurrection of Christ) on every Holy Thursday and Good Friday—2 whole days, without sleep—until the end of his life. His wife recovered, and he faithfully kept his promise.

Teofilo showed respect for others as well. He respected the poor as human beings who had the right to eat just as he did. He respected his children's right to make decisions about their future. He did not force his sons to work in his business, but instead encouraged them to achieve higher education and do what brings them the most joy. Neither did he force his daughters to marry any particular young man, even though his parents forced him into a marriage. Teofilo taught his children that keeping a level head and peaceful disposition is the best way to resolve a conflict. While visiting the Philippines, one of my relatives told me a possibly exaggerated story of how Teofilo caught a burglar who broke into his house. He held a large knife to the burglar's neck, forgave him, and let him leave peacefully. The burglar never attempted to steal from Teofilo's house again. Teofilo was also a model for outstanding citizenship. Whenever there was a fire in the community he would volunteer his help, even if it occurred in the middle of the night. He made his community a better place by feeding the poor. Even in tough times, the temptation to steal was never able to ensnare him. The worst law violation he committed in his lifetime was not reporting the burglar. In this violation of state law, he upheld the "law" of the Church—to forgive and forget. An extremely diligent individual, Teofilo never went into complete retirement. He still continued to repair and build houses up until his death.

Lolo died on February 28, 1999 of a heart attack at age 86, just before he was able to finish building an altar in his house. After the period of mourning, my family and I looked back at what Teofilo Lindio had done in his lifetime. While he was only moderately successful in an academic and material sense, his character was certainly most admirable. Though he, like all people, must have had his bad points, he was, overall, a great man. I must say that I am proud to be a descendant of Teofilo Lindio.

COACH—ONE WHO TEACHES OR TRAINS AN ATHLETE

(By Kathryn Solari, Mary, Seat of Wisdom School, Park Ridge, IL)

People often compare life to many things. Since athletics have been very important to me, I could compare life to a series of basketball games. Good character then is the attitude by which you approach, play, and finish the game. It is similar to life in that if you don't do things with a good attitude, you won't get very much out of the game. A role model is like a coach. The coach is someone who has played the game before and is continuing to work on improving his game. He tries to teach you all that he has learned and helps you to become a better player so one day you can make smart plays on your own. He is there to congratulate you when you win and comfort you when you lose. No matter what, his guidance becomes a part of you and has a great influence on your game. It is important to have role models in your life who act as coaches. My coach, teammate, referee, fan, and role model is my dad. He has not only told me, but has shown me how to win in the game of life. He has done this by being responsible, respectful, and caring.

My father is very caring. To me, caring means putting others before yourself. My father truly cares for my family. He cares for and loves his wife and all four of his children. There is nothing he wouldn't do for us. After a hard day's work, he comes home and greets each of us with a smile no matter where we are in the house. He asks us if we need help on our homework because he cares about how well we do in school. My dad and I must have done thousands of math problems together. On any given night, he is quizzing us on vocabulary or testing us on our school subjects. However, our grades don't matter as much to him as long as we try our best. His guidance in decision making is always helpful. On Thursday and Friday mornings he gets up early with my sister and me to help us get ready for band. He takes care of us when we are sick, comforts us when we are sad, and laughs with us when we are happy. Most of all, he makes each of us feel important and special in our own way.

My dad shows how caring he is through his service in the community. If anyone in the neighborhood needs help, my dad will help them with anything from taking care of a pet to vacuuming out a flooded basement. He is currently coaching four basketball teams because he feels all children should have the opportunity to play. During parish mission projects, my dad generously donates his time to assist however possible. During the shoe box drive at church, for example, he wrapped shoe boxes, bought needed supplies at the store, and cleaned up after everyone left. He has delivered furniture to a family in Roger's Park as well as packed peanut butter sandwich lunches for the needy. My father is a person who truly loves and cares for others.

My father tries to respect everyone. To me, respect is treating others the way you want to be treated no matter how they treat you. My father is very fair. He has probably learned that from raising four children. If he is going to let my sister stay up a little later, then he lets us all stay up a little later. He also gave everyone on my basketball team equal playing time this year. He is very polite and shows good sportsmanship. Being considerate, my father tries to think about how things will affect others. He is always open to new ideas and never laughs at things unless they are meant to be funny. If there was an award for the most patient and easy going person, I am sure my dad would win it. His positive outlook on life and his gentle ways of speaking win him others' respect. My father never yells at anyone. Instead, he talks things out and treats people with respect. He tries to bring out the best in everyone.

My father has a lot of responsibilities in his life, which he handles well. He is, first of all, responsible for his family. He works all day to provide for us. He also helps around the house doing various chores. His responsibilities as a father are endless. He also has a responsibility to love and be faithful to my mom. He is responsible for helping his parents and my mom's parents with things around their homes as well as with financial advice. Many of his responsibilities lie outside our family. He is involved in many of the decisions regarding our school's expansion project this year. He is on the finance committee at his old high school, as well as many committees in our parish. To fulfill his religious responsibilities, he attends church regularly, is a Eucharistic minister, makes financial contributions to the church, and tries to live out the Gospel.

My dad is a very important and irreplaceable part of my life. He has taught me much about life and has set my life on a good, strong foundation. I know that my dad will always be there to guide me, comfort me, help me, and celebrate with me. Next year, I will be starting high school. There will be many changes in my life. I know that things won't be as difficult because I have a great role model and coach walking with me every step of the way. Knowing my father, the best way to thank him would be to live my life as he has coached me, to be a caring, respectful, and responsible person. With a coach like my dad and God on my side, I know I'll be a winner in the game of life.

VFW'S 100TH ANNIVERSARY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SESSIONS. Mr. Speaker, in celebration of VFW's 100th anniversary, I want to recognize the efforts of this worthwhile organization that continues to assist tens of thousands of veterans, as well as their dependents and survivors. Today, the VFW's 2 million veterans, and its auxiliaries' 750,000 members, provide $2.7 million annually in scholarships and awards to U.S. high school students. In addition, the VFW provides $3 million annually for cancer research and $15 million for veteran-service programs.

In Texas alone, there are approximately 174,452 retired military who have done their part in defending our country—we need to recognize their service. On Memorial Day, I will be presenting the Bronze Star Medal to Army Captain James Flowers who served our country during World War II. During an invasion of Normandy, Mr. Flowers lost both legs. The tragedy Mr. Flowers suffered should not go unrewarded.

I am consistently awed by the great sacrifice committed by so many of behalf of this great nation. Let us not forget the goals of the VFW as noted in the 1936 congressional charter: "To assist worthy comrades; to perpetuate their memory . . .; and to assist their widows and orphans; to maintain true allegiance to the Government of the United States; to maintain and extend the institutions of freedom; and to preserve and defend the United States from all her enemies, whomsoever."

ESTABLISHING FREE TRADE AGREEMENTS WITH PACIFIC RIM COUNTRIES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CRANE. Mr. Speaker, today I am introducing legislation to encourage the establishment of free trade agreements between the United States and certain Pacific Rim countries.

H.R. 1942 directs the President to initiate preliminary consultations with the governments of each eligible Pacific Rim country to determine the feasibility and desirability of negotiating the elimination of tariff and non-tariff barriers in the context of a bilateral free trade agreement. If a positive determination is made, the President shall request a meeting at the ministerial level to consider the conditions under which formal negotiations regarding a free trade agreement could be commenced. The countries that may be considered for eligibility are the members of the Asia Pacific Economic Cooperation Group (APEC.)

Because open markets increase competition, eliminate inefficiencies, and result in lower costs to consumers and manufacturers, trade liberalizing agreements improve our prosperity and encourage the creation of secure, higher wage jobs. Sadly, the President's failure to support the passage of trade negotiating authority in this Congress has crippled the United States trade agenda and has brought a halt to the expansion of international markets for U.S. exports.

This legislation responds to the President's inaction by calling on him to investigate opportunities for negotiating free trade agreements with long time U.S. allies in working to increase economic growth through trade liberalization, both in the World Trade Organization and in APEC. Countries such as Australia, New Zealand, and Singapore, because of the largely open nature of their economies and their track record of supporting United States trade negotiating objectives, are countries which would be eligible immediately under the criteria established in this bill.

Building closer ties and coordinating with countries whose interests are largely friendly to the United States will have immense payoffs as trade negotiations in APEC and the World Trade Organization proceed. Bilateral and multilateral trade agreement negotiations, such as the NAFTA, have been shown to exert constructive pressure on multilateral and regional trade negotiations. Bilateral trade talks enlarge common areas of agreement on trade rules and disciplines which can then be advanced more successfully in the context of larger negotiations among additional trading partners. This bill is all about finding opportunities wherever we can to break down barriers to United States exports and keep the trade agenda moving forward.

The real advantage of this legislation is that it will improve and expand our trade ties with countries in the Pacific Rim region and reassure countries that the United States, despite the absence of trade negotiating authority, is not turning inward and adopting a trade policy defined by narrow and inward-looking special interests. H.R. 1942 would direct the President to pursue aggressively more open, equitable, and reciprocal market access for United States goods and services. Continuing the pursuit of lower economic barriers and standardized rules and procedures governing international business will yield enormous benefits to our firms and workers. I urge my colleagues to join me in cosponsoring this important bill.

BOB COOK TURNS 80

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor a constituent who has rendered great service to his country and his community and who will turn 80 on June 19. His family and friends will honor him at a surprise fete on Saturday, May 29, in Duck, North Carolina.

Robert (Bob) Cook worked for the U.S. Department of Agriculture for 26 years before he retired in 1980. While there, he managed Price Support programs in honey bees, potatoes, turkey, milk and wheat. What that really means is he ensured that farmers received government assistance when they were economically devastated by a disaster. For instance, in the 1960s, our Western states were hit by a pesticide disaster which affected milk. All milk had to be poured down the sewer. Bob wrote the program to assist the farmers whose livelihoods were threatened by the loss.

Bob was born and grew up in Texas in a small farming community called Lampasas. He was the youngest of eight children, all of whom helped their parents who were ranchers raising sheep and cattle. After graduating from high school, Bob enrolled in Texas A&M but he felt his duty to serve his country before he could graduate. He left in his senior year to fulfill his duty to his country. He joined the Army where he served in Europe in World War II as a Quartermaster, supplying the front lines with food and other necessities. After the war, he returned to Texas A&M where he graduated. Bob then taught GIs returning from the war to become farmers and ranchers. He had an acute interest in raising sheep and soon he received a Masters Degree from the University of Wyoming which had an outstanding program in this area. He began his tour with the Department of Agriculture in San Francisco but was soon transferred to Boston. There he met his lovely bride to be, Dorathy Holmes, and married her 45 years ago. They moved to Washington, DC in 1954, both working for the Department of Agriculture. They lived in Alexandria, Virginia where they were active in community life, most particularly in their Jewel Street neighborhood. The "Mayor of Jewel Street and Aunt Doe" helped raise and supervise neighborhood children, many of whom have adopted them as grandparents. Many of those parents and children will be present at the celebration honoring their beloved "Uncle Bob" Memorial Day weekend at the Duck home of Mary and David Gordon: the Gordons' son Scott, daughter Jenifer and her husband Dave Tran; Eleanor Scott; Jean and Dick Donnelly and their son Jamie; Rosemary and Johnny Perdue; Joy and Don Earner; Ray Bailey and Alice Rowan and their two sons William and John; and Francis Urban. In addition many of Bob's friends in Duck will be in attendance. For years Bob and Doe kept their house on Jewel Street and split their time between Alexandria and Duck. In 1993, they moved to Duck permanently.

Mr. Speaker, I am proud to have Bob and Dorathy as constituents and I ask that my colleagues in this chamber join me in thanking Bob for the many contributions he has made to his country and to his community and in wishing him a very happy birthday.

CONGRATULATIONS TO MS. BRENDA BRYANT ON HER RETIREMENT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. COLLINS. Mr. Speaker, today I rise on the occasion of the retirement of Ms. Brenda Bryant from the General Electric Corporation. Ms. Bryant has served in a variety of capacities with the company over the past twenty years, including her current position as Executive Assistant to the Senior Vice President, GE Capital, Incorporated, Business Center Operations in Atlanta, Georgia.

Throughout her career with the Company, Ms. Bryant has been recognized several times for superior service and outstanding achievement. She first joined the General Electric team in Nashville, Tennessee where she worked for the Major Appliance Business Group Division and was the recipient of the "Manager's Award" for superior achievement.

She rejoined the company after a move to the Washington, D.C. area where she worked in the General Electric Washington Patent Operation Office, and then later transferred to the Government Services Office where she received the "Lighting Award" for consistently high performance.

Since her move to the Atlanta GE Capital, Inc., offices, she has been the recipient on two occasions of the "GE Capital Bright Lights Award" for her outstanding work among fellow employees. So, after twenty years, Ms. Bryant ends her career with the General Electric Corporation on a high note.

Mr. Speaker, Ms. Bryant's professional achievements reach beyond her service to the General Electric Corporation. She has also worked as a real estate agent, a paralegal, and office manager for a firm specializing in combating organized crime. Throughout her professional career she has also made time to serve her community through volunteer work. She is a charter member of the Committee to establish the Macon, Georgia Cherry Blossom Festival; she has organized many charitable events and fundraising drives; she have volunteered at hospitals, local schools, homeless and women's shelters and the list goes on.

While her professional and volunteer activities are many, her accomplishments do not end there. Perhaps her most rewarding, and certainly most challenging successes have been in the trades she has practiced at home. As wife and mother of two children, her jobs have included girl scout leader, cub scout den mother, carpool manager, expert chef, homework and school project director, and creative family budget accountant. As general home manager, Ms. Bryant deserves special praise because the rewards of Mr. Bryant's fast-paced career over the years has required quite a few moves. In fact, over the course of thirty years, Mr. Bryant's position with the Bureau of Alcohol Tobacco and Firearms has required the Bryant family to relocate to at least a dozen different cities, eighteen different dwellings and as many different schools. It has taken a special skill and complete commitment to make each of those a *true* home, and Ms. Bryant has met that challenge successfully each time.

We salute Ms. Brenda Bryant. Today she retires from a career that is filled with honors and achievements. But her outstanding career with the General Electric Corporation is but one part of this woman of many accomplishments. To her I say congratulations on a job, or actually many jobs, well done. And as she begins a new phase in life, we know that she already has her eye on the many challenging and rewarding jobs ahead.

McGOWAN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a close friend and a community and spiritual leader in Northeastern Pennsylvania, Monsignor Andrew J. McGowan. A community-wide celebration will honor Monsignor McGowan in June for his Golden Jubilee of Ordination. I am extremely pleased and proud to have been asked to participate in this significant milestone for a man who is a true treasure in our community.

A native of the area, Monsignor McGowan is fond of saying that his claim to fame is his famous brother, William McGowan, the founder of MCI. But those of us who know Monsignor McGowan know that he has made his own legacy in Northeastern Pennsylvania. He helped found Leadership Wilkes-Barre. He served as Community Affairs director for all the hospitals and colleges in the diocese of Scranton. He served as the vice-chair of Allied Services Hospital Foundation, the Commission on Economic Opportunity, and the Heinz Institute of Rehab medicine. He has served on so many community Boards of Directors that the list is too long for me to recount today. He has been a strong supporter of the new Luzerne County Arena since its inception and he currently sits on the Arena's Board of Directors.

Mr. Speaker, Monsignor McGowan is most renowned for his skill in public speaking and is the most sought-after speaker in Northeastern Pennsylvania, sharing his famous humor and insight with his audiences. Politicians such as myself who regularly attend the countless community events emceed by Monsignor McGowan look forward to his trenchant observations on life in Northeastern Pennsylvania, even though we know we are fair game for his good-natured, but barbed, wit. Even nationally-known humorist Regis Philbin once found himself upstaged by this deceptively-gentle man of the cloth.

This is not the first time Monsignor McGowan has been honored in this chamber, nor in Northeastern Pennsylvania. Among the many honors that have been awarded to him are the Distinguished Service Award of the Hospital Association of Pennsylvania, the B'nai Brith Americanism award, and the 1994 Award of Excellence of the Independent Colleges and Universities of Pennsylvania.

I have been privileged to work with this fine and distinguished individual many times before and after my election to Congress. His leadership, compassion, and understanding have always been an inspiration to me. Mr. Speaker, in addition to being among Monsignor McGowan's legion of admirers, I am very proud to call him a good friend. I send my most sincere best wishes for his continued good health and success, and join with the community in thanking him for his dedication to the people of Northeastern Pennsylvania.

IN HONOR OF HANK WILLIAMS III

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. EMERSON. Mr. Speaker, today I rise in recognition of a young man that understands the meaning of heritage and tradition. Hank Williams III is the third generation of country music performers to come from the legendary Hank Williams family. Hank Williams III has strong ties to the great State of Missouri as he spent most of his childhood in Jane, a small town in southwestern Missouri.

On June 5, 1999, Hank Williams III will help maintain those strong Missouri ties by performing for the Malden Chamber of Commerce's annual country music concert. The concert originally started as a benefit show that was performed by country legend Tammy Wynette. Unfortunately, due to Ms. Wynette's untimely death, the Chamber had to find a replacement act. What better person could the Chamber have chosen to help out but Hank Williams III?

All three generations of the Hank Williams family should be commended for their contributions to our American culture. Hank Williams, Sr. was country music's first super star. Hank Williams, Jr. was one of the first artists to combine southern rock music with country music, and he is credited by many for his role in broadening the popularity of country music. Hank Williams III is now carrying on an already stellar family name and working to further enhance the country music industry that rests on the foundation built by his grandfather and father.

The rich tradition of the Williams family and their positive contribution to our American culture is truly an inspiration to us all.

BEIJING'S BRINKMANSHIP IS DANGEROUS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BEREUTER. Mr. Speaker, in April, during Chinese Premier Zhu Rongji's visit to Washington, and after thirteen years of off-and-on again negotiations, China finally agreed to the kind of comprehensive trade concessions necessary to gain U.S. support for Beijing's entry into the World Trade Organization. For what this Member believes were political reasons, President Clinton did not accept Premier Zhu's offer despite the offer appearing to meet the commercially-viable standard we set for acceptance. That was a mistake. China's accession to the WTO in the context of a commercially-viable agreement is in the short, medium and long-term national interest of the United States.

Since Premier Zhu returned home to Beijing, Sino-American relations have worsened, particularly following our accidental bombing of the Chinese embassy in Belgrade. China should be careful, though, and temper its growing overreaction to this unfortunate incident as overplaying its hand could jeopardize China's WTO accession and China's relations with the foreign investors it needs to attract for further economic growth. Such developments would certainly not be in the national interests of either China or the United States. Mr. Speaker, it is in this context that this Member recommends to his colleagues the following editorial from the May 24, 1999, edition of Business Week.

BEIJING IS PLAYING A PERILOUS GAME

China's anti-U.S. rage over the accidental bombing of its embassy in Belgrade should be a sobering moment for the American business community. Despite decades of economic and social change, China is still governed by an authoritarian regime fully capable of wielding all the tools of a dictatorship. The markets may be more open and people may be freer to travel, but Beijing is still able to control the media and cynically manipulate the truth to whip people into a nationalistic anti-American frenzy. By treating the U.S. as an enemy, China's leaders run the risk of turning America into just that.

This kind of brinkmanship was last seen when China lobbed missiles over Taiwan to protest its president's visit to the U.S. A pattern of repeated quick-to-anger behavior could begin to raise the political risk factor for foreign corporations investing in China. It may already have put China's entry into the World Trade Organization in jeopardy.

Washington's own blunders haven't helped. After years of boasting about smart bombs, the U.S. must now explain how it accidentally bombed China's clearly marked embassy. This disaster follows hard on the heels of President Clinton's humiliation of reform-minded Premier Zhu Rongji. Clinton made a huge mistake when he rejected a generous offer to U.S. business in exchange for Beijing's entry into the WTO. Zhu went over the heads of conservatives in state companies, the bureaucracy, and the military to make the deal. But Clinton sent him home empty-handed. The organized demonstrations are part of an effort by these conservatives to roll back Zhu's economic concessions. They might also reflect Zhu's own anger at Clinton.

Unfortunately, the intense wave of anti-Americanism may change China's investment climate for years to come. U.S. and European corporations must now include in their financial calculations the possibility of Beijing lashing out against foreigners whenever international disputes arise. This higher political risk compounds a basic business problem: Most investments in China have yet to turn a profit.

For Americans who believe that China was quickly moving toward a market-driven democracy, recent events should signal a new caution. Clearly, the seeds of a civil society run according to law have been planted in China. The country is far more open today than 20 years ago. But it took Taiwan and Korea nearly 50 years to evolve into democracies. It may take China that long as well. Or China could become a far more threatening country. The point is, no one knows.

The long-term goal of U.S. policy should continue to be the peaceful integration of China into the global economy. If Zhu can still deliver on the WTO deal, Washington should sign it. And certainly, Washington owes China a full and detailed explanation of the bombing error. It is also incumbent upon the U.S. to clarify its policy of humanitarian interventionism. Is the U.S. the defender of last resort for every minority anywhere in the world? Is it willing to sacrifice good relations with Russia and China, both of whom have restive minorities, for a foreign policy of unfettered global moralism?

China, for its part, should realize that virulent nationalism can only lead down a historic dead end of isolation and international conflict. Its willingness to go to the brink time and again with the U.S. rules out the very kind of normal relations with other nations that it claims to seek.

DEA ADMINISTRATOR TOM CONSTANTINE RETIRES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. GILMAN. Mr. Speaker, yesterday we regrettably learned that our nation's leading drug fighter, our distinguished DEA Administrator Thomas Constantine, has announced his retirement after five years of public service in Washington. Prior to coming to Washington, Mr. Constantine had long served with distinction in New York State as a state police officer. He became the first state trooper to rise to Superintendent of the N.Y. State Police after more than 30 years as a state trooper.

Considered a "cop's cop" by our nation's law enforcement community and an expert on organized crime, he courageously called it as he saw it, particularly the laxness and corruption, drug trafficking and organized crime in Mexico. His candor, his integrity and honesty were always welcome, and significantly helped us to develop our drug control policy and thinking on this difficult, challenging subject.

Director Constantine leaves just after opening a new DEA training academy at Quantico, Virginia that will serve as a leading international training center for fighting drugs in our hemisphere. He also led the way to opening of a second International Law Enforcement Academy (ILEA) in the world established with Thai Police in Bangkok, Thailand. That ILEA will help develop vital "cop to cop" links in Asia against the spread of illicit narcotics and transnational crime.

During Director Constantine's tenure as Superintendent of the New York State Police, the 4,800 member department received numerous awards, including the Governor's Excelsior Award given to the best quality agency in state government. In 1994, Mr. Constantine was selected as the Governor's Law Enforcement Executive of the Year. He was also awarded the 1997 National Executive Institute's Penrith Award for outstanding law enforcement leadership.

My colleagues, our nation, and especially our young people, have lost an outstanding and invaluable public servant. We all join in wishing Tom and his family good health and happiness in his retirement years.

THE ADMINISTRATION'S HARBOR SERVICES FUND ACT OF 1999

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SHUSTER. Mr. Speaker, today I am pleased to introduce by request the Administration's Harbor Services Fund Act of 1999 which provides a source of funding for the development, operation and maintenance of our Nation's harbors. This legislation establishes a fee that would be charged to commercial vessels for the services provided at ports within the United States. Generally, these services are those provided by the Army Corps of Engineers in their maintenance dredging program and in their construction of new navigation channels.

This bill also repeals the Harbor Maintenance Tax that has served as a source of funding for maintenance activities since 1986. It also transfers the surplus in the Harbor Maintenance Trust Fund to a new fund where it could be spent for intended services. Last year the Supreme Court ruled that this tax, as it applies to exports, is unconstitutional. The intent of the Administration's bill is to structure a revenue mechanism to meet the constitutional test for a user fee and to prevent a large surplus from developing in the fund.

The Administration's bill raises a number of significant questions and issues. Predictably, this controversial proposal has raised concerns among those who would pay—either directly or indirectly—the new fee. One common principle shared by both proponents and opponents of the bill, however, is the need to find a replacement to finance port infrastructure needs.

Our Nation's ports are a vital link in our intermodal transportation network that is the foundation of our competitiveness in international trade and our economic well-being. Our deep draft ports move over 95% of US trade by weight, and 75% by value. International trade accounts for $2.3 trillion, or 30% of our Gross Domestic Product. Addressing the question of how to fund the Federal cost of maintaining and improving our harbors is an important part of the Transportation and Infrastructure Committee's business this year.

The Transportation and Infrastructure Committee intends to explore this proposal and others over the next several months. We will be working with the Administration, ports, shippers, carriers and others in order to develop a fair and dependable source of funding for this important Federal function.

A TRIBUTE TO PIETER BOELHOUWER

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. LARSON. Mr. Speaker, I rise today to pay tribute to Pieter Boelhouwer of Wethersfield, CT, a distinguished 1998–99 White House Fellow.

For nearly three decades, the White House Fellowship Program has honored and employed the talents of outstanding citizens who have demonstrated excellence in academics, community service, leadership, and professional achievement. Each year there are between 500 and 800 applicants nationwide for 11 to 19 fellowships. White House Fellows are chosen on the merit of remarkable achievement early in their career and the evidence of growth potential. It is the country's most prestigious fellowship for public service leadership development.

As a White House Fellow, Mr. Boelhouwer works in the Office of the Vice President. In this capacity, he focuses on domestic policy issues such as Social Security reform, domestic impact of foreign trade, creating livable communities, agriculture and transportation issues. He has also had the unique opportunity to meet and work with America's leaders in the private, public and non-profit sectors as part of his White House Fellowship curriculum.

Mr. Boelhouwer earned a bachelor's degree in history, Phi Beta Kappa, from Trinity College and a JD from Yale Law School, He is a management consultant with McKinsey & Co., where he has designed an innovative approach to connecting schools to homes via the Internet to improve children's education. Prior to joining McKinsey & Co., he served as a legislative aide in the U.S. Senate, where he developed and drafted legislation creating the National Civilian Community Corps, a resident service program passed as part of President Clinton's AmeriCorps bill. Mr. Boelhouwer's community involvement is quite extensive. Most notably, he originated and led a probono project to help the President's Summit for America's Future design its plan to reach the nation's communities. In addition, he created and wrote a guidebook, published by America's Promise, to help neighborhoods and communities around the country develop their own local action plans.

Mr. Speaker, I urge my colleagues to join me today in commending Pieter Boelhouwer for his service as a White House Fellow and for his distinguished leadership in civic and community endeavors.

TRIBUTE TO RODNEY GRAHAM AND AKILAH HUGINE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to two of my constituents in the Sixth Congressional District of South Carolina, Rodney K. Graham and Akilah L. Hugine. These two exceptional young people have been selected to participate in the 1999 NASA Summer High School Apprenticeship Research Program (SHARP) PLUS.

The SHARP PLUS program is sponsored by NASA and the Quality Education for Minorities (QEM) Network. They are 2 of 300 high school students who will be participating in this summer's program. Rodney and Akilah were chosen from over 1,200 applicants representing 195 high schools in 34 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

Since the 6 years the SHARP PLUS program has been in existence, it has provided almost 1,500 summer research apprenticeships to rising high school juniors and seniors interested in mathematics, science, engineering, and technology. Although Rodney and Akilah were chosen based on their exceptional math and science skills, they have not had the opportunity to apply this knowledge in a research environment. The SHARP PLUS program will give them the opportunity to work with professional research scientists and engineers in university and industry settings. They will be working on research projects and presenting papers based on their findings at the end of the program.

Mr. Speaker, I commend NASA and the QEM Network for this outstanding program, and I ask you to join me in expressing my most sincere congratulations and best wishes to Rodney K. Graham and Akilah L. Hugine from South Carolina for being selected for the 1999 NASA Summer High School Apprenticeship Research Program.

A TRIBUTE TO THE SAN MANUEL BAND OF MISSION INDIANS AND THE UNITED STATES DEPARTMENT OF COMMERCE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BROWN of California. Mr. Speaker, it is with a great sense of pride that I rise today to pay tribute to the San Manuel Band of Mission Indians and the U.S. Department of Commerce on the occasion of the opening of the newest associate office of the U.S. and Foreign Commercial Service on June 4th, 1999.

This joint venture marks the first time that the Department of Commerce has opened an office of this nature on tribal lands. The San Manuel Band of Mission Indians and the Department of Commerce are forging a new path for future expansion of these types of programs to other tribes. It is my hope that more agencies will follow this path and work with all tribal governments to open new offices on tribal lands. Future expansion of United States government agencies on these lands not only helps tribal governments, but also benefits local communities, and can help foster more interaction between a tribe and the community around it.

The purpose of the Foreign Commercial Service is to support U.S. commercial interests by increasing sales and market shares of domestic companies in overseas markets. The San Manuels, by bringing this agency to their tribal lands, have given all local businesses an advantage in increasing their sales and the local workforce, by increasing the avenues for locating new customers overseas.

By locating the offices at the San Bernardino International Trade Center, which is located at the former Norton Air Force Base, I see an even greater opportunity for new local business. Not only can entrepreneurs get help in opening new ventures by working with the Small Business Incubator, which is already located on the grounds of the Trade Center, but now they will also have assistance from the Foreign Commercial Services office which can reach out to its 90 domestic and 160 international offices that operate in the Foreign Commercial Service system.

Mr. Speaker, I ask my colleagues to join me in congratulating both the San Manuels and the Department of Commerce for this joint effort. At home in my district in California, we are proud of the contributions both these groups are making to the community. This joint venture is representative of the emerging international economic force that will make San Bernadino an international trade leader in California.

INTRODUCTION OF INDIAN ECONOMIC DEVELOPMENT LEGISLATION

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SHADEGG. Mr. Speaker, I rise today to introduce three bills which will assist Indian tribes in their efforts to develop their economies. The federal government has an important obligation to the Indian community; however, simply increasing federal funding for various programs will not solve the long-term economic and social needs of all Native Americans. While the federal government has spent billions of dollars to aid Native Americans, thousands still live in substandard conditions with no real opportunity to overcome the cycle of poverty. Funds earmarked for Native Americans are in many cases being wasted by the federal bureaucracy.

I believe there is a better approach. Rather than spending ever-increasing amounts of money on wasteful programs, Congress should promote real, long-term economic development for Native Americans.

Let me be clear about what I believe is real economic development. I do not believe that gambling on reservations will provide lasting economic stability for Indians. While a small number of tribes have enjoyed huge windfalls of economic prosperity, the majority of Native Americans live in areas that do not facilitate profitable gambling operations. This is aside from the fact that we have yet to determine the true cost of increased gambling to Indian communities and neighborhoods surrounding the reservations with casinos.

Because of my concern for the long-term negative impacts of wasted federal dollars and increased gambling operations, I am introducing the following three bills to help tribes with economic development by providing various tax and investment incentives.

The first of these bills is the Indian Reservation Jobs and Investment Act of 1999. This bill provides tax credits to otherwise taxable business enterprises if they locate certain kinds of income-producing property on Indian reservations. Eligible types of property include new personal property, new construction property, and infrastructure investment property.

The second bill is the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999. This bill clarifies existing law so that tribal governments are treated identically to State and local units of government for unemployment tax purposes.

The third piece of legislation is the Tribal Government Tax-Exempt Bond Authority Amendments Act of 1999. This bill provides additional tax-exempt bond authority to tribal governments to fund infrastructure and capital formation. Currently, reservations are restricted to issue tax-exempt bonds only for "essential government functions" and certain, narrowly defined, tribally-owned manufacturing. By providing additional tax-exempt bond authority, new sources of capital can be attracted to reservations and may provide additional economic development. Incidentally, the bond authority would not be extended for the construction of gaming-related operations.

PRIVATE MALCOLM BARNES SHERROD OF IRVING

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to Pvt. Malcolm Barnes Sherrod of Irving, TX, regarding his recent graduation of the Young Marine Training Course in Tarrant County sponsored by the Young Marine Corps League. His successful completion has promoted him from recruit to private.

I join with his proud family and the constituents of the 30th Congressional District of Texas in commending his achievements.

His completion of the course and subsequent promotion are testimonials to his leadership abilities, focus, and dedication to service. I trust that these abilities will continue to serve him well for what appears to be a successful career.

Mr. Speaker, Private Sherrod certainly has the motivation and the lineage to be a great marine and serve his country. His mother, Ms. Jeane Sherrod was a woman marine, serving as a corporal. In addition, his father, Lewis Barnes is an Active Reserve lieutenant colonel officer in the Armed Forces. Private Sherrod will continue the legacy of a family serving and protecting their country.

Private Sherrod was inducted into the Marine Corps in January 1999. With the completion of his training, Private Sherrod has been selected for survival school where he will hone his skills and abilities. He will also enter into leadership school from July 14 to August 14.

Mr. Speaker, all these activities that I mentioned are demanding and challenging for any young man or woman. It is an understatement to say that such training is not for everyone. Indeed, it takes a determined and motivated individual to master these challenges and demands.

Mr. Speaker, I am confident that Private Sherrod will take on the challenges at both survival and leadership school with tremendous focus and effort.

Mr. Speaker, Private Sherrod plans to serve in another capacity after the Marine Corps as a lawyer. His training and time in the Marine Corps will definitely prepared him for such an endeavor. His goal to be a lawyer is an example of his desire to succeed in life.

Mr. Speaker, again, I join the constituents of the 30th Congressional District of Texas in congratulating the wonderful achievements of Pvt. Malcolm Barnes Serrod.

TRIBUTE TO CHARLES W. DAVENPORT

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Charles W. Davenport, the Most Worshipful Grand Master of the Most Worshipful Prince Hall Grand Lodge of South Carolina, for his service to his lodge and community.

A lifelong resident of Batesburg, South Carolina, Grand Master Davenport is the husband of the late Viola C. Anderson Davenport of Saluta, and they have three children and two grandchildren. He is a 1962 graduate of Twin City High School in Batesburg, and the DeVry Institute of Technology. He has also completed various courses in supervision and personnel management, and he is a graduate of insurance information services and the United States Air Force Security and Law Enforcement School.

Grand Master Davenport is a 31-year employee of Owens-Corning Fiberglass where he is a Chemical Process Specialist. He is also a Regional Manager with Primerica Financial Services licensed in debt consolidation, signature loans, auto, homeowners, life insurance, and he is a securities broker-dealer.

Grand Master Davenport was elected at the 127th Grand Lodge Session in December of 1995. He is a former Master of the Twin City Lodge #316, Commander in Chief of the C.C. Johnson Consistory #136, Potentate and Imperial Deputy of the Oasis of Cairo Temple #125. He has also previously served as Chief Deputy for Golf of the Imperial Recreation Department, Grand High Priest Prince Hall Grand Chapter Holy Royal Arch Masons of South Carolina, and General Grand High Priest of the General Conference Holy Royal Arch Masons USA and Bahamas, Inc. Grand Master Davenport is also an Honorary past Grand Master of Georgia and North Carolina. He is the Imperial Outer Guard of the A.E.A.O.N.M.S.Inc., and a member of Twin City Chapter #243 Order of Eastern Star and Ethiopia Chapter Royal Arch Masons. Grand Master Davenport is also a Sovereign Grand Inspector General Active Emeritus and a Kentucky Colonel.

Grand Master Davenport is also very active in his church community, St. Mark Baptist Church of Leesville, where he is currently serving in his 9th year as Chairman of the Board of Trustees of Lexington School District Three. Grand Master Davenport is a life member of the N.A.A.C.P., a Member of the Twin City Alumni Association and the Good Sam Recreational Vehicle Club.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to an individual who epitomizes the virtue of being a public servant in his community. He has made his mark on the Masonic Order, his church, and the local school district—all of which are better off because of his dedicated service.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent for two votes on Monday, May 24, 1999, and one quorum call on Tuesday, May 25, 1999, and as a result, missed rollcalls 145, 146, and 151. Had I been present, I would have voted "yes" on rollcall 145, "yes" on rollcall 146, and "present" on rollcall 151.

HONORING DR. ROBERT BICKFORD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor an extraordinary man, my good friend Dr. Robert Bickford, who is retiring after 27 years as president of Prince George's Community College.

Dr. Bickford began his service to the State of Maryland as a physical education teacher at Maryland Park High School. He then spent 13 years as a physical education teacher at Suitland High School, where he also coached basketball, baseball, lacrosse, football and golf.

In 1962, Dr. Bickford began his tenure with Prince George's Community College as a part-time physical education instructor and has never left. In 1964, Dr. Bickford assumed full-time employment status as the college's director of student activities and director. And, in 1967, he was appointed dean of the evening division, community instruction and summer sessions as the college moved to its new campus in Largo, Maryland.

On November 22, 1972, Dr. Bickford was appointed to the position he currently holds, president of Prince George's Community College.

In his tenure as president of Prince George's Community College, Dr. Bickford has been honored time and time again by the community for his commitment to education. In 1981, he received the Citizen of the Year Award from the Board of Trade of Prince George's County. In 1983, the George Washington University School of Education honored Dr. Bickford with the Outstanding Achievement Award. In 1991, the Prince George's Community College new physical education addition was aptly named the "Robert I. Bickford Natatorium."

But Dr. Bickford's greatest honors lie in the legacy he leaves at Prince George's Community College. During his tenure, the college's budget increased from $7.7 million to $50 million. Annual enrollment increased from approximately 10,000 students to over 35,000 students. He doubled the number of academic programs and greatly increased minority student attendance at the college.

Dr. Bickford has left an indelible mark of excellence on Prince George's Community College, leading it to its greatest level of achievement and success. He has made a profound impact on his students, his colleagues and his community in his many years of service to education in Maryland.

Today, on behalf of the citizens of the Fifth District of Maryland, I offer our thanks and our deepest gratitude for Dr. Bickford's lifelong work to provide a quality education for so many of our residents and I congratulate him on his retirement.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

SPEECH OF

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. WALDEN. Mr. Speaker, I would like to address the problems that occur when the federal government is the owner of a high percentage of the property in a given area. This week, my distinguished colleague from Virginia, Mr. DAVIS, has done his part to address these problems as they affect the District of Columbia. Mr. DAVIS' bill, The District of Columbia College Access Act (H.R. 974), is a recognition of the fact that the federal government's ownership of land in D.C. has so badly affected the income and infrastructure of the city that it has been unable to create a public university system that offers students a quality education at a reasonable cost. H.R. 974 would create a fund to allow students to attend public universities in other states at the in-state tuition rate, giving students from Washington, D.C. a better chance to succeed.

I salute my friend from Virginia for his effort to help students from one area where local tax rolls are hurt by having a large federal presence. I think he and others from the D.C. area would be surprised, however, to discover just how much they have in common with residents of the counties in the Second District of Oregon. In fact, while the federal government owns approximately 26% of the land in D.C., it owns nearly three times that percentage of Lake County (76%) in eastern Oregon and Deschutes County (77.5%) in central Oregon. In fact, in 10 of the 20 counties of the Second District, the Federal Government owns over 50% of the land, and thirteen of the 20 contain a greater percentage of federally owned land than does D.C.

Similar to the situation in D.C., this high percentage of federal land means that these counties have very limited taxable property, seriously hurting their ability to fund schools, roads, and other necessities. Exacerbating the problems for these Oregon counties is the fact that, unlike in D.C. where the federal government uses its land to employ people and contribute to the local economy, the Forest Service and BLM lands that dominate the Second District are increasingly off-limits to economic productivity. While in the past, rural Oregon counties could depend upon federal timber receipts, grazing fees, and other economic activity on federal lands to partially make up for low taxable property, in the 1990's the Clinton administration has sacrificed the economic well-being of Oregon's counties and turned its back on responsible management of federal lands. As you can see, Mr. Speaker, the prevalence of federal land that is closed to economic activity has created a serious problem for many counties in Oregon and elsewhere in the West.

I would like to once again thank my colleague, Mr. DAVIS, for addressing the problems created by federal land ownership in the District of Columbia. I hope that he and others from the East Coast will join me and my fellow Westerners in addressing the desperate needs of rural counties in Oregon and elsewhere in the West. Unfortunately, in some counties in Oregon, the question is not whether students can afford to go to college, but whether public schools can fix leaky roofs and counties can afford to maintain crumbling roads. These problems get to the most basic services provided by local government, and the federal government must be held accountable for the damage its land management policies have caused rural counties. I look forward to continuing to work with other Members of Congress to help counties in Oregon and other Western states provide decent schools, roads and other essential services to their students.

IN RECOGNITION AND HONOR OF JUDGE MARTHA GLAZE

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. COLLINS. Mr. Speaker, I rise today to honor Judge Martha Glaze and her distinguished career. Judge Glaze's twenty-two year career on the bench comes to an end in June, but her contributions to juvenile justice in Clayton County will long be remembered.

At a time when juvenile justice is at the forefront of national discussion, Clayton County and Georgia can be proud of Judge Glaze's accomplishments in adopting innovative new approaches to serve children and their families. Judge Glaze's leadership has been instrumental in bringing together professionals throughout Clayton County who work with children. This unity eliminated much of the conflict that often plagues juvenile justice programs across America.

On a personal level, Judge Glaze has always been a friend and responsive to the concerns of Third District residents. I thank her for her leadership and her devotion to our children. Her presence on the Clayton County Juvenile Court will be missed, but her impact will live on in the families of Clayton County.

IMPORTANCE OF THE AMERICAN CRUISE INDUSTRY

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CALLAHAN. Mr. Speaker, I take this opportunity to make our members aware of the American cruise industry's importance to the nation and its maritime industry.

Recently, PricewaterhouseCoopers (PwC) completed an economic study that provides considerable detail regarding the enormous positive economic contribution which the cruise industry provides throughout the United States. This study concluded the cruise industry is responsible for creating jobs in every state in the country. It is important to our national economy that billions of dollars in U.S. products are purchased by the cruise industry each year. As this industry continues to grow and prosper, more U.S. companies will benefit from expanded business.

In my district in Alabama, millions of dollars are spent every year on maintenance and repair of cruise ships at Atlantic Marine and Bender shipyards in Mobile. Hundreds of people are employed in this work and it is an important contributor to our local economy.

The PwC study showed that the total economic impact of the cruise industry in 1997 was $11.6 billion. Of this, $6.6 billion was direct spending of the cruise lines and their passengers on U.S. goods and services. An additional $5 billion was expended by cruise industry U.S.-based goods and services providers. Therefore, in 1997 the total impact of the U.S. cruise industry was $11.6 billion, and these purchases occur in every state in the country. This PwC study also revealed that the cruise industry, through its direct employment and the jobs attributable to its U.S. supplier base, totaled 176,433 jobs for Americans in 1997. The cruise industry has been growing by 6–10% every year. For Americans, that can mean thousands of new jobs each year.

The PwC study also revealed that the cruise industry in 1997 paid over $1 billion in various federal taxes and user fees and local state fees and taxes.

Many have considered the cruise industry to benefit a select few in highly localized areas, but this study reveals the industry touches virtually every segment of the American economy. It is an essential component of the American maritime infrastructure. Those industries most heavily impacted are summarized below:

Airline transportation—$1.8 billion; Transportation services—$1.2 billion; Business services—$1.0 billion Energy—$998 million; Financial services—$698 million; Food & beverage—$607 million.

Mr. Speaker, the cruise industry is a growth industry that is not only purchasing goods and services from around the country but is helping to grow the U.S. national economy and its maritime infrastructure.

TRIBUTE TO GILBERT COLLIER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BERRY. Mr. Speaker, I rise today to honor a great Arkansan, a man who served our country in the Korean War, and is a Medal of Honor recipient, Mr. Gilbert Collier.

Mr. Collier served as a Sergeant in U.S. Army's Company F, 223d Infantry Regiment, 40th Infantry Division near Tutayon, Korea in 1953. Sergeant Collier was pointman and assistant leader of a combat patrol. While serving his country in Korea, he was injured after he and his commanding officer slipped and fell from a steep, 60-foot cliff and were injured. Although he suffered a badly sprained ankle and painful back injury, Sergeant Collier stayed with his leader and ordered the patrol to return to the safety of friendly lines. Before daylight, Sergeant Collier and his commanding officer managed to crawl back up and over the mountainous terrain to the opposite valley where they concealed themselves in the brush until nightfall, then edged toward their company positions. Shortly after they were ambushed, Sergeant Collier received painful wounds after killing two hostile soldiers. He was also separated from his leader. Sergeant Collier ran out of ammunition and was forced to attack four hostile infantrymen with his bayonet. He was mortally wounded but made a valiant attempt to reach and assist his leader in a desperate effort to save his comrade's life without regard for his own personal safety.

This Memorial Day, all Americans will honor the men and women who fought for our country. I would like to pay a special tribute today to Sergeant Collier, who's life has been committed to the principles of duty, honor, and country. He is a courageous and outstanding Arkansan, who exemplifies the meaning of bravery and is truly a great American hero.

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. STUMP. Mr. Speaker, the United States Forest Service is planning on exchanging or selling six unmanageable and/or excess parcels of land in the Prescott, Tonto, Kaibab, and Coconino National Forests. The Forest Service has also agreed to sell land to the city of Sedona for use as an effluent disposal system. If the Forest Service sells the parcels, they want to use the proceeds from five of these sales to either fund new construction or upgrade current administrative facilities at these national forests. The funds generated from the sale of the other parcels could be used to fund acquisition of sites, or construction of administrative facilities at any national forest in Arizona. Transfers of land completed under the Arizona National Forest Improvement Act will be completed in accordance with all other applicable laws, including environmental laws.

Mr. Speaker, in essence, this bill will improve customer and administrative services by allowing the Forest Service to consolidate and update facilities and/or relocate facilities to more convenient locations. This bill will not only enhance services for national forest users in Arizona, but it will also facilitate the disposal of unmanageable, undesirable and/or excess parcels of national forest lands. This bill will also facilitate the construction of a much needed wastewater treatment plant for the city of Sedona.

MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, as the chair of the Congressional Children's Caucus and a member of the National Missing and Exploited Children's Caucus, I rise to strongly support the Missing, Exploited, and Runaway Children Protection Act.

In 1990, the Department of Justice reported that annually there are approximately: 114,600 attempted abductions of children by non-family members; 4,600 abductions by non-family members reported to police; 300 abductions by non-family members where the children are gone for long periods of time or were murdered; 354,000 children abducted by family members; 450,700 children who ran away; and 127,100 children who were thrown away. These are children who are either told to leave their households, or abandoned or deserted.

We must do something to protect these children. The average age of a homeless runaway was 15 years old. Of all runaways, 66% of the males and 33% of the females have been assaulted since being on the streets. At the same time, 47% of the females have been sexually assaulted while they were without shelter. To make matters worse, female runaways between 13 and 16 years old, have a 50% likelihood of being raped in the first 90 days on the street.

And these children come from all sorts of neighborhoods. They are the children next door. Fifty-two percent of the youth come from families with at least some post high school education.

Based upon a study by Project Youth between 1989 and 1994, most homeless youth come from backgrounds marked by instability, dysfunction, and most homeless adolescents have a diagnosable psychiatric disorder. Forty-three percent of the youth had attempted suicide at least once. Homeless adolescents, when they receive appropriate treatment, significantly improve, lead healthier and happier lives, and are likelier to get off the streets.

This bill reauthorizes the Runaway and Homeless Youth Act and the Missing Children's Assistance Act through FY 2003, authorizing such sums as necessary for activities under those acts each year, and it amends the Missing Children's Assistance Act to authorize $10 million a year through FY 2003 for grants to support activities of the National Center for Missing and Exploited Children.

Programs under the Runaway and Homeless Youth Act have received a total appropriation of $59 million in FY 1999, while existing activities under the Missing Children's Assistance Act received a total of $17 million. The National Center for Missing and Exploited Children has received federal grants for the past 14 years, with the FY 1999 Commerce-Justice-State Appropriations Act earmarking $8 million for the center.

The measure authorizes $10 million a year for grants to the National Center, with the funds to be used to operate the national resource center and its 24-hour toll-free telephone line; provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children; coordinate public and private missing children programs; and provide technical assistance and training to law enforcement agencies and others in preventing, investigating, prosecuting and treating cases of missing and exploited children.

The measure allows the Department of Health and Human Services (HHS) to establish a single consolidated application review process for funding requests under the law, but requires that funds be separately identified in all grants and contracts. As under current law, 90% of program funds would have to be used to establish and operate basic runaway centers and transitional living programs, with transitional living programs to receive between 20% and 30% of annual appropriations. Furthermore, this bill allows basic center grants to be used for drug education programs—which are crucial to making sure that children stay off the streets.

The bill also recodifies much of the act to remove duplicative provisions and more clearly defines the types of services that may be provided under the programs. It also allows HHS, in awarding grants, to take into consideration the geographical distribution of proposed services and areas of a state that have the greatest needs, and then requires HHS to conduct on-site evaluations of grant recipients that have been awarded funds for three consecutive years—a good oversight provision. Furthermore, this bill requires HHS to report to Congress every two years on the status and activities of grant recipients, along with HHS evaluations of those grantees.

S. 249 also authorizes such sums as necessary through FY 2003 for the Sexual Abuse Prevention Program, under which HHS is authorized to make grants to private nonprofit agencies for street-based outreach and education activities to runaway, homeless and street youth who are at risk of sexual abuse. Along those lines, the bill requires HHS to conduct a study on the relationship between sexual abuse and running away from home.

Mr. Speaker, our purpose in passing this bill is to build awareness around the issue of missing children, find those who are currently missing and to prevent future abductions. By passing this legislation we will continue our efforts in identifying ways to work effectively in our districts to address this very important issue and stem future suffering amongst our families.

GALISTEO BASIN INTRODUCTORY REMARKS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to introduce legislation to provide for the protection of various historical sites in the Galisteo Basin of New Mexico. The Galisteo Basin has a rich cultural history dating back to 1598 when Spanish Conquistadors arrived in the area and found thriving Pueblo Indian communities. These communities, dating back to prehistoric times, had their own unique traditions of religion, architecture and art. The interaction of the Spanish and Pueblo Indian cultures witnessed periods of coexistence and conflict which has contributed significantly to present day "New Mexican" culture. Protecting what remains of the early pueblo communities is important to New Mexicans and to those who seek an understanding of early Southwestern history.

These sites include examples of stone and adobe pueblo architectural styles, typical of Native American pueblo communities, both prior to and during early Spanish colonization periods; Native American petroglyph art, and historic missions constructed by the Spaniards as they sought to convert the native populace to Catholicism. Unfortunately, many of these sites may be lost through weathering, erosion, vandalism, and amateur excavations. This legislation however, creates a program under the Department of the Interior to preserve twenty-six archeological sites in the Galisteo Basin, conduct additional archeological research in the area, and provide for public interpretation of the sites.

Although many of the sites are on federal public lands, other sites are on either state trust lands or on private property. Under this legislation, site preservation, research and public interpretation would be conducted on federal public lands and could be augmented with voluntary cooperative agreements with state agencies and private land owners. These agreements would provide state and private landowners technical and financial assistance to preserve sites located on their property. This legislation also provides for the purchase or exchange of property where the parties deem it appropriate.

Mr. Speaker, this is a companion bill to a bill introduced in the other chamber by Senator BINGAMAN of New Mexico. By preserving these sites, we should be able to preserve the history and culture embodied in these sites for future generations. I am confident that this chamber realizes the importance of this bill in preserving New Mexican history for current and future generations. Therefore, I ask immediate consideration and passage of this bill.

IN RECOGNITION OF COLBY STADJUHAR

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SKEEN. Mr. Speaker, I rise today to pay tribute to Colby Stadjuhar, a student at Picacho Middle School, who recently performed an act of bravery by rescuing Jeanine Cook, a drowning victim, from the irrigation canals in Las Cruces, New Mexico.

This was not just any drowning victim. This was Jeanine Cook, a doctoral student and teacher at New Mexico State University's college of engineering department who is partially paralyzed and confined to a wheel chair. On Monday, May 17, 1999 Ms. Cook was walking her dog when another dog attacked hers. During the attack the leash became entangled in the wheel chair causing the chair to slide into the canal.

Colby Stadjuhar and his two friends were riding along the canals when he noticed a woman screaming for help. Without hesitation Colby went into the water and rescued Ms. Cook while his friends, Melissa Girard and Jenni Brown retrieved the wheel chair from the flowing water.

As Congress continues to address the state of young people in today's society I stand up to remind my colleagues, do not let the few problems distract from the good that comprises the true state of the majority of our youth. The act by Mr. Stadjuhar, Ms. Girard and Ms. Brown was one of responsibility, courage and citizenship. They are excellent role models for their peers and by honoring them for their valor, it is my hope that many will follow in their footsteps.

CARDISS COLLINS POST OFFICE BUILDING, OTIS GRANT COLLINS POST OFFICE BUILDING, MARY ALICE (MA) HENRY POST OFFICE BUILDING, AND ROBERT LEFLORE, JR. POST OFFICE BUILDING•

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to sponsor H.R. 1191, a bill to designate four postal facilities in the Seventh Congressional District of Illinois. The four persons who I seek to name these postal facilities after have a long history of being servants, activists heroes and heroines in their respective communities. In fact, the first person the Honorable Cardiss Collins is a former Member of Congress and she served as ranking member of the Government Reform Committee before she retired in 1996. She represented the residents of the Seventh Congressional District for 23½ years.

Cardiss Collins established herself as a real advocate for Airline Safety, protection of children, gender equity in College athletics, women's health, establishment of the Office of Minority Health in HHS and has the distinction of being the longest serving African American female to serve in the House of Representatives.

In 1991, she wrote the law which extends Medicare Coverage for mammography screening, thereby, allowing millions of elderly and disabled women to receive this vital service. She was successful in praising legislation which expanded Medicaid coverage for pap smears in order to better provide for the early detection of cervical uterine cancers.

In 1979, Congresswoman Collins served as Chairperson for the Congressional Black Caucus and was the first African American woman to serve as a Democratic Whip at-large.

The second postal facility is named after Otis Grant Collins, who prior to his death in 1992, was recognized as one of the premier activists in apprenticeship training in this country. In addition, while serving as a State Representative in the Illinois General Assembly he was a champion of laws that protected minority communities from redlining.

The third postal facility is named after Mary Alice "Ma" Henry, who prior to her death in 1995, was recognized as one of Chicago's most caring and compassionate community activists. She is remembered as a courageous leader for the poor, uninsured and left out of our society. In 1976, the Mary Alice "Ma" Henry Family Health Center was dedicated and now serves over 20,000 patients every year.

The fourth postal facility is named after former State Representative Robert LeFlore, Jr. who prior to his death in 1993, was recognized as a leading advocate for the disadvantaged and underprivileged. He was a tireless worker, on behalf of seniors and children and his contributions will be remembered a long time.

These individuals represent the best of Chicago and the nation. Their contributions have been significant and their legacies have been embedded in the communities they touched. Therefore, I am pleased to sponsor this bill on behalf of some of the greatest leaders in the African American community.

INTRODUCTION OF MEDICARE MODERNIZATION NO. 6: MEDICARE PREVENTIVE CARE IMPROVEMENT ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. STARK. Mr. Speaker, I am very pleased today to introduce the sixth bill in my Medicare modernization effort: the "Medicare Preventive Care Improvement Act of 1999." This bill carries forward the overall theme of modernization: to improve the quality of health services for Medicare beneficiaries, and achieve potential savings for the program.

Medicare should provide state-of-the-art health services to its beneficiaries. But in order to achieve this, Medicare needs more flexibility to adapt and change with today's ever-changing health sciences. Currently, Medicare relies on Congressional decision-making for too many of its day-to-day operations. For example, my colleagues and I have often been asked to consider whether or not to include additional services in Medicare's benefits package. In order to do this, we have to weigh the costs and benefits of highly technical information that we know virtually nothing about. Often, our decisions are based more on political motivations than sound scientific analysis. This is no way to run a health insurance plan.

Fortunately, we have experts in the Department of Health and Human Services who are qualified to make these decisions. Now we just need to give them the authority to do so. The "Medicare Preventive Care Improvement Act of 1999" would allow the Secretary of Health and Human Services to make decisions about whether or not to cover new preventive health measures. If the Secretary determines that covering a new preventive service would be cost effective, she may implement that coverage without seeking an Act of Congress. Granting such administrative flexibility is the cornerstone of my modernization effort.

In 1997, Congress passed a series of preventive health initiatives for Medicare including: Yearly Mammography Screening; Increased coverage of Screening Pap Smear and Pelvic Exams; Prostate Cancer Screening; Colorectal Cancer Screening; Diabetes Self Management and Training Services (and coverage of blood test strips and glucose monitors); and Bone Mass Measurement tests (osteoporosis screening).

Recognizing the importance of preventive health care to the Medicare population, the BBA also provided for a study to analyze the potential expansion or modification of preventive and other services covered under Medicare. Unfortunately, the BBA did not take this commitment to preventive care one step further by allowing the Secretary to implement preventive services that are found to be cost effective. This bill leaves the technical, medical, cost-benefit analysis issues up to the Secretary and the expert doctors in the Department to resolve.

If we want Medicare beneficiaries to avail themselves of preventive services, we must make it simple and affordable for them to do so. This bill also makes two necessary improvements in that regard. Currently, some preventive services are subject to the $100 Part B deductible while others are specifically exempted from the application of the deductible. The Medicare Preventive Care Improvement Act would standardize the policy so that all preventive benefits are exempt from the deductible. In addition, under current Medicare rules, providers can balance bill for some preventive services, but not others. This legislation would firmly establish in law that balance billing for all preventive services is prohibited.

What type of preventive care services might be allowed under the bill I am introducing today? In recent years, I have received a number of letters and reports from kidney disease specialists saying that if Medicare were more flexible in providing care to those approaching end-stage renal disease, we could in many cases delay the onset of ESRD and the need for dialysis by months or even years.

Each year a person is on dialysis with terminal ESRD, it costs Medicare and the taxpayer $40,000 to $60,000. ESRD patients are consistently the most expensive patients enrolled in the program. Yet experts have said that dietary consultation, occasional dialysis, and early placement of dialysis access, are all tools which can save money, pain, and improve the quality of life of ESRD patients. I do not know if these claims are valid. I am not a doctor. But HHS has the experts, and if the Department's physicians and researchers find these claims are true, of course we should start to cover those preventive services. The Secretary should have the flexibility to provide these services when she finds that the evidence supports their use as cost-saving, quality-improving actions, without requiring an Act of Congress.

Another example of a qualified preventive service is independent living services for the blind. When someone is stricken with blindness, they can access several training programs that help them learn to live independently. Without this training, blind persons risk becoming institutionalized. Until this bill, if the Secretary determines that rehabilitation such as this would prevent a blind person from having to move to a more intensive setting, she may cover such services.

Modern medicine keeps developing new miracles to delay or prevent terrible illnesses. If Medicare is to be a modern health insurance plan, it must be able to cover these preventive care services quickly. Forward looking treatments like those included in the BBA take the position that a disease prevented is a dollar saved. Logically, if we prevent diseases from occurring, Medicare will save money in the long run. In the case of Medicare, the savings can be considerable. The bill I am introducing today gives the Medicare Administrator the tools to use modern health advances to save lives and money.

The BBA of 1997 was a good first step, but did not go far enough toward improving the overall service available to Medicare beneficiaries. The "Medicare Preventive Care Improvement Act of 1999" provides for greater flexibility to adopt preventive health measures without having Members of Congress play doctor.

IN HONOR OF ST. COLUMBKILLE PARISH SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor S. Columbkille Parish School, which has been named a 1999 Blue Ribbon School of Excellence by the U.S. Department of Education.

Only 266 schools in the country earned this prestigious award this year. Blue Ribbon Schools are considered to be models of both excellence and equity where educational excellence for all students is a high priority. St. Columbkille Parish School had to demonstrate its effectiveness in meeting local, state and national educational goals and had to successfully complete a rigorous application process. Blue Ribbon Schools must offer instructional programs that meet the highest academic standards, have supportive and learning-centered school environments, and demonstrate student outcome results that are significantly above average.

This is a great achievement for the students, parents, teachers and staff. The hard work of the teaching and administrative staff at St. Columbkille Parish School, combined with the outstanding involvement of parents, has created an excellent climate for learning. The entire St. Columbkille Parish School community should be very proud of this national recognition. Its academic programs and environment will serve as a model for schools across the country.

My fellow colleagues, please join me in congratulating the students, teachers and administration of St. Columbkille Parish School for their commitment to excellence.

RECOGNIZING AND HONORING MEDAL OF HONOR RECIPIENTS AND COMMENDING IPALCO ENTERPRISES

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, the end of May brings us to Memorial Day, a time of national remembrance and honor for those who have passed on. Once known as Decoration Day, devoted to the decoration of the graves of veterans of service in the Civil War, in the years between its focus has changed.

I rise to pay a special tribute to a man of vision and the company he leads in Indianapolis, Indiana, for their work this year to bring the Memorial Day tradition back to our minds and our hearts in a new and important way.

Mr. Speaker, downtown Indianapolis is lined with stone memorials to the men and women in uniform who served our nation at war and at peace down through the years. Nearby, a memorial to the men of the USS *Indianapolis* marks their service. On Monument Circle, at the very heart of downtown Indianapolis, stands the Soldiers' and Sailors' Monument, standing nearly as tall as the Statue of Liberty, a multifaceted recognition of the contributions of Indiana's Soldiers, Sailors and Marines from the Civil War through the Spanish American War, the Boxer Rebellion and our other foreign military engagements up to World War I.

Across the street, facing the monument, is the corporate headquarters of IPALCO. Looking out upon that memorial are the offices of John Hodowal, President and Chairman of the Board.

For many years, Memorial Day has been associated with a world-famous sporting event—the Indianapolis 500. In our hometown, the arrival of the weekend of the race is celebrated with a major civic event, the 500 Festival Parade, through our city's downtown, passing block after block of those memorials.

Just last June, John Hodowal and his wife Caroline were reading an article in The New York Times about America's winners of the Congressional Medal of Honor. They learned to their dismay that, since the Civil War, 3400 heroic Americans had earned the honor but that there was no place in America devoted to their remembrance. Then came the glimmer of an idea.

This year, thanks to the civic virtue of John Hodowal, and the civic enterprise of the corporation he leads, IPALCO Enterprises and the IPALCO Enterprises Foundation, something truly special is planned.

While IPALCO deserves praise for leading the 500 Festival this year, there is more. The Hodowals' idea has produced a wonderful new memorial in honor of those special American heroes who, for military service above and beyond the call of duty, were awarded the Congressional Medal of Honor down through the years of our history as a nation.

In recognition of the valor of these American heroes and to commemorate IPALCO for its generosity, I have sponsored a resolution honoring these champions.

This Memorial Day weekend in Indianapolis, nearly 100 of the 157 surviving Medal of Honor recipients will be honored as special guests for the dedication of the memorial and will serve as honorary Grand Marshals of the parade.

Our remembrance this day of those who earned our nation's highest military recognition by their heroism is a wondrous way to commemorate the service of all veterans.

Mr. Hodowal's idea, expressed in glass and sound and light and stone, transcends and transforms the traditional notion of such honors in our city. This monument, reminding and inspiring all who walk by the bank of the canal in Military Park, is an important piece, a central place, for the eternal honor these heroes are due.

For Mr. Hodowal, and for IPALCO Enterprises, this day is yours, as well. I am prouder than words can express to say that I know you. For this gift to the city and to the nation, for your civic service above and beyond the call, I salute you.

DON'T ABANDON PUBLIC SCHOOLS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. OWENS. Mr. Speaker, Washington is bloated with rhetoric about education reform. But when we examine the actual programs and projects being proposed there is a tremendous shortfall between the giant needs and the tiny proposed solutions. Our nation's children are being denied adequate Opportunities-to-Learn. The opportunity to learn begins with a safe, conducive school building. But the federal government is spending almost nothing to improve the education infrastructure of school systems across the nation. We we neglect and abandon school buildings we send a highly visible signal to our children and their parents. The message is that Congressmembers only want to play word games about education. The situation is serious, however, and requires a significant appropriation of dollars. For a mere 417 dollars per student per year we can turn the current downward trend upward. If we do less than this minimal effort we are stumbling into a process where our cities will be doomed to paralysis and deadly shrinkage. The following RAP poem sums up the looming possible fate of our neglected cities. Also, attached is a Dear Colleague letter requesting co-sponsorship of H.R. 1820, an amendment to the Elementary and Secondary Schools Assistance Act. H.R. 1820 provides adequate direct federal appropriations for school construction, modernization, repair, technology, security and renovation.

URBAN CLEANSING

Forget all Godly rules
Go strip them of their schools
Leave neighborhoods naked
Ethnic cleansing is now banned
But urban shrinkage is still planned
Budgets will be raped
Streets left uncertain
Cops mandated to act real mean
Forget all Godly rules
Don't pay for education tools
Go strip them of their schools
Ethnic cleansing is now banned
But urban shrinkage is still planned.

MAY 26, 1999.

IN THE YEAR 2000 WE LAUNCH THE MARCH TOWARD A NEW CYBERCIVILIZATION—WE ARE SPENDING 218 BILLION DOLLARS ON HIGHWAYS AND ROADS IN SIX YEARS

LET US INVEST HALF THIS AMOUNT—110 BILLION—IN FIVE YEARS TO BUILD, REPAIR AND MODERNIZE SCHOOLS

DEAR COLLEAGUE: Please join me as a cosponsor for H.R. 1820, an amendment to the Elementary and Secondary Education Assistance Act which mandates a worthy federal investment in education for the children of America. Public opinion polls consistently show that our voters consider Federal Aid to Education as the nation's number one priority. We must now move beyond paltry pilot projects in our response to this long-term public outcry.

H.R. 1820 commits the Federal government to make the contribution most suitable to its role. Through direct appropriations we must make capital investments in the school infrastructures. Offer leadership in the building of schools and then leave the details of the day to day operations to local and state authorities.

H.R. 1820 proposes to help all schools by authorizing a per capita (on the basis of school age children) distribution of the allocations for the purposes of modernization, security, repair, technology and renovations as well as new school construction.

H.R. 1820 deserves national priority consideration for the following reasons:

The best protection for Social Security is an educated work force able to qualify for hi-tech jobs and steadily pay dollars into the Social Security trust fund.

The effective performance of our military in action utilizing hi-tech weaponry requires an educated pool of recruits.

The U.S. economy will continue to be the pace setter for the globe only if we maintain a steady flow of qualified brainpower and updated know-how at all performance levels—theoretical, scientific, technical and mechanical.

Invest in education and all other national goals become reachable.

Sincerely,

MAJOR R. OWENS,
Member of Congress.

SUMMARY OF H.R. 1820

TO AMEND TITLE XII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 TO PROVIDE GRANTS TO IMPROVE THE INFRASTRUCTURE OF ELEMENTARY AND SECONDARY SCHOOLS.

SEC. 12001. FINDINGS.

(1) There are 52,700,000 students in 88,223 elementary and secondary schools across the United States. The current Federal expenditure for education infrastructure is $12,000,000. The Federal expenditure per enrolled student for education infrastructure is 23 cents. An appropriation of $22,000,000,000 would result in a Federal expenditure for education infrastructure of $417 per student per fiscal year.

(2) The General Accounting Office in 1995 reported that the Nation's elementary and secondary schools need approximately $112,000,000,000 to repair or upgrade facilities. Increased enrollments and continued building decay has raised this need to an estimated $200,000,000,000. Local education agencies, particularly those in central cities or those with high minority populations, cannot obtain adequate financial resources to complete necessary repairs or construction. These local education agencies face an annual struggle to meet their operating budgets.

(3) According to a 1991 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings need to be replaced. Almost one-third of such buildings were built prior to World War II.

(4) The majority of the schools in unsatisfactory condition are concentrated in central cities and serve large populations of poor or minority students.

(5) In the large cities of America, numerous schools still have polluting coal burning furnaces. Decaying buildings threaten the health, safety, and learning opportunities of students. A growing body of research has linked student achievement and behavior to the physical building conditions and overcrowding. Asthma and other respiratory illnesses exist in above average rates in areas of coal burning pollution.

(6) According to a study conducted by the General Accounting Office in 1995, most schools are unprepared in critical areas for the 21st century. Most schools do not fully use modern technology and lack access to the information superhighway. Schools in central cities and schools with minority populations above 50 percent are more likely to fall short of adequate technology elements and have a greater number of unsatisfactory environmental conditions than other schools.

(7) School facilities such as libraries and science laboratories are inadequate in old buildings and have outdated equipment. Frequently, in overcrowded schools, these same facilities are utilized as classrooms for an expanding school population.

(8) Overcrowded classrooms have a dire impact on learning. Students in overcrowded schools score lower on both mathematics and reading exams than do students in schools with adequate space. In addition, overcrowding in schools negatively affect both classroom activities and instructional techniques. Overcrowding also disrupts normal operating procedures, such as lunch periods beginning as early as 10 a.m. and extending into the afternoon; teachers being unable to use a single room for an entire day; too few lockers for students, and jammed hallways and restrooms which encourage disorder and rowdy behavior.

(9) School modernization for information technology is an absolute necessity for education for a coming CyberCivilization. The General Accounting Office has reported that many schools are not using modern technology and many students do not have access to facilities that can support education into the 21st century. It is imperative that we now view computer literacy as basic as reading, writing, and arithmetic.

(10) Both the national economy and national security require an investment in school construction. Students educated in modern, safe, and well-equipped schools will contribute to the continued strength of the American economy and will ensure that our Armed Forces are the best trained and best prepared in the world. The shortage of qualified information technology workers continue to escalate and presently many foreign workers are being recruited to staff jobs in America. Military manpower shortages of personnel capable of operating high tech equipment are already acute in the Navy and increasing in other branches of the Armed Forces.

SEC. 12003. FEDERAL ASSISTANCE IN THE FORM OF GRANTS.

(a) AUTHORITY AND CONDITIONS FOR GRANTS.—

(1) IN GENERAL.—To assist in the construction, reconstruction, renovation, or modernization for information technology of elementary and secondary schools, the Secretary shall make grants of funds to State educational agencies for the construction, reconstruction, or renovation, or for modernization for information technology, of such schools.

(2) FORMULA FOR ALLOCATION.—From the amount appropriated under section 12006 for any fiscal year, the Secretary shall allocate each State an amount that bears the same ratio to such appropriated amount as the number of school-age children in such State bears to the total of number of school-age children in all the States. The Secretary shall determine the number of school-age children on the basis of the most recent satisfactory data available to the Secretary.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $22,000,000,000 for fiscal year 2000 and a sum no less than this amount for each of the 4 succeeding fiscal years.

ASTHMA AWARENESS, EDUCATION AND TREATMENT ACT

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, today I was honored to be joined by six-time Olympic medalist, Jackie Joyner-Kersee, for the unveiling of the Asthma Awareness, Education and Treatment Act, which I am introducing tonight. I am joined by 35 of my colleagues from both sides of the aisle introducing this important legislation to help children suffering from asthma.

Over the past several weeks, the safety, health and well-being of America's children have been in the hearts and minds of parents and families throughout the country. Today, we are addressing a critical health issue that is affecting the health of our children: asthma.

The Asthma Awareness, Education and Treatment Act establishes a grant to reach out to inner-city, minority and low income communities to fight asthma. Some of the initiatives include: asthma and allergy screenings; education programs for parents and teachers; a nationwide media campaign; tax incentives for pest control and air climate control businesses to alleviate the suffering of asthmatic children; and community outreach through nontraditional medical settings, including schools and welfare offices.

We must act now to help our children breathe more easily. African-Americans are five times more likely than other Americans to seek emergency room care for asthma. The asthma death rate is also twice as high among African-Americans and a staggering four times higher for African-American children. Asthma is also more prevalent among all age groups in lower income families. In families with an annual income of less than $10,000, 79.2 out of 1,000 individuals have asthma while in families with an annual income of $20,000 to $34,999, 53.6 out of 1,000 individuals have asthma—that means close to 400,000 more people with extremely limited earnings have asthma.

Whatever your income, we are all paying the price for the 160 percent increase in asthma among preschool children over the past decade. The total cost of asthma to Americans was close to $12 billion last year. Simply put, parents miss work, children miss school, and too many cases are treated in emergency rooms that could have been treated, or in some situations prevented, by medication and ongoing management by a physician.

Today, we are taking steps to curb this staggering growth in asthma cases, its high cost to society, and its disproportionate effect on minorities and low income families. With the Asthma Awareness, Education and Treatment Act, we will empower teachers, parents, coaches, and anyone who works with children to help those with asthma.

I represent some of the poorest areas of the country in South Central Los Angeles. I have seen the dire need for community assistance. And I know the tax incentives in this bill will jump start businesses that can make our communities better and ultimately save lives that otherwise may have been cut short by asthma.

I have been working with the Allergies and Asthmatics Network/Mothers of Asthmatics, the American Medical Women's Association, the American Lung Association, the Children's Environment Network, the Children's Defense Fund, the American Academy of Pediatrics, and the National Association of Children's Hospitals to help children and their families face and manage this critical disease.

I hope that my colleagues will join me, Jackie Joyner-Kersee and all of these groups in raising awareness of asthma and making sure that this bill is brought to the floor as soon as possible.

HONORING LEELA DE SOUZA AS A WHITE HOUSE FELLOW

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. RUSH. Mr. Speaker, it is with great pleasure today that I rise to commend Leela de Souza of Chicago, Illinois in recognition of her achievements this year as a distinguished White House Fellow.

A native of Chicago, Ms. de Souza graduated Phi Beta Kappa from the University of Chicago, earning an AB in biopsychology. She received her MBA degree from Stanford University Graduate School of Business. After college, she moved to Spain and became a volunteer teacher at the American School of Madrid. Prior to college, at the age of 18, she became a professional ballet dancer. By age 23, she was the prima ballerina for the Hubbard Street Dance Company, one of America's preeminent contemporary dance troupes. Ms. de Souza is a management consultant with McKinsey & Co. In San Francisco, where she works with clients in the packaged goods, energy and health care industries. In addition to her professional career, she has done extensive pro bono work with two national symphonies. Ms. de Souza has also been involved as a mentor and tutor in the I Have a Dream Program in East Palo Alto, California, and serves on the Business Arts Council of San Francisco.

Established in 1965, the White House Fellowship program honors outstanding citizens across the United States who demonstrate excellence in community service, leadership, academic and professional endeavors. The nearly 500 alumni of the program have gone on to become leaders in all fields of endeavors, fulfilling the fellowship's mission to encourage active citizenship and service to the nation. It is the nation's most prestigious fellowship for public service and leadership development.

As a White House Fellow, Ms. de Souza serves in a position with the Office of the First Lady. She works at the White House Millennium Council to help create national projects and initiatives to celebrate the promise of the new millennium. In this capacity, Ms. de Souza assists with various initiatives such as Millennium Evenings at the White House and Save America's Treasures. She is also the acting liaison with several of the First Lady's millennium projects, including speech writing, federal agency millennium initiatives, and with non-governmental organizations seeking to partner with the White House on national millennium projects.

Mr. Speaker and fellow colleagues, it is an honor to pay tribute to Leela de Souza for her outstanding service as a White House Fellow.

HEALTH INFORMATION PRIVACY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. MARKEY. Mr. Speaker, last night I joined Mr. CONDIT and Mr. WAXMAN in introducing the Health Information Privacy Act of 1999, the "Condit-Waxman-Markey" bill.

Without question, the rapid advance of the Information Age is revolutionizing the American economy and forcing the evolution of new relationships both good and bad. There is no area of its development that causes more anxiety for ordinary people than the area of privacy. And there is no area of privacy that causes more anxiety for Americans than the privacy of their most personal health information.

Today, we are experiencing the erosion of our medical privacy. With the stroke of a few keys on a computer or the swipe of the prescription drug card, our personal health information is being accumulated and tracked.

This erosion of our privacy threatens the very heart of quality health care—doctor/patient confidentiality. By undermining this sacred relationship, we destroy the trust that patients rely on for peace of mind, and doctors depend on for sound judgment.

In an HMO today, anywhere from 80–100 employees may have access to a patient's medical record according to the Privacy Rights Clearinghouse in San Diego California. With such unrestricted access to one's personal health information, it's impossible to separate the health privacy keepers from the "just curious" peepers.

Not to mention the greatest threat to your medical privacy—the information reapers.

The evolution of technology has provided the ability to compile, store and cross reference personal health information, and the dawning of the Information Age has made your intimate health history a valuable commodity.

Last March, the Wall Street Journal wrote about the ultimate information reaper—a company that is "seeking the mother lode in health 'data mining' ". This company is in the process of acquiring medical data on millions of Americans to sell to any buyer.

Currently there is no federal medical privacy law to constrain the information reapers as they delve into large data bases filled with the secrets of millions of individuals. These data bases represent a treasure chest to privacy pirates and every facet of your medical information represents a precious jewel to be mined for commercial gain.

With this unfettered access, patient confidentiality has become a virtual myth, and the sale of your secrets a virtual reality.

Because of the rapid evolution of technology, we have fallen behind in assuring a right that we have come to expect—the fundamental right to keep our personal health information private.

Due to the deadline imposed by the Health Insurance Portability and Accountability Act 1996, Congress has until August 21st to enact a medical privacy law. We have no time to waste. Now is the time to unite in an effort to move legislation forward. The Condit/Waxman/Markey bill is a good consensus and comes at a time when consensus is crucial.

This bill creates an incentive to use information which is not personally identifiable wherever possible, it would require a warrant for law enforcement to access medical records and it would provide a federal floor creating a uniform standard without preempting stronger state laws.

I look forward to working with Rep. CONDIT and Rep. WAXMAN and the rest of my colleagues in the House of Representatives on this important issue. I believe together we will succeed in passing a strong federal medical privacy bill which will give patients the right they deserve—the right to medical privacy.

CRISIS IN KOSOVO (ITEM NO. 6), REMARKS BY AMBASSADOR JONATHAN DEAN, UNION OF CONCERNED SCIENTISTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. KUCINICH. Mr. Speaker, on May 6, 1999, I joined with Representative JOHN CONYERS, Representative PETE STARK, and Representative CYNTHIA MCKINNEY to host the third in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, medication, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives so the bombing and options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Ambassador Jonathan Dean, who joined the Union of Concerned Scientists in 1984 as advisor on international security issues. He was United States Representative to the NATO-Warsaw Pact force reduction negotiations in Vienna between 1978 and 1981. Before that, he was deputy U.S. negotiator for the 1971 Four Power Berlin Agreement with the Soviet Union.

Ambassador Dean discusses the need to negotiate a peace with Russia as the leading mediator. With regards to the peace keeping force to be in place after the conflict, Mr. Dean reiterated the necessity to have a UN peace keeping force in place rather than a NATO led force. He also addresses the importance of having more preventative measures in place to help avert such conflicts in the future.

PRESENTATION BY AMBASSADOR JONATHAN DEAN TO CONGRESSIONAL TEACH-IN ON KOSOVO

I want to thank the Chairman for conducting these hearings, both as regards the subject matter, which is acutely important for our country, and for the format in which you are doing this. I find this mixture of views to be very useful. I am much more used to the atmosphere in the UN where the NGOs are permitted to come in for 5 minutes to address the delegates from a distance. This is a great device for encouraging dialogue, particularly on this important subject. I've learned a great deal from the two insightful statements we have heard today.

As we think of a negotiated outcome for the Kosovo crisis, which is what we should be working for hard, we can't forget that Milosevic is responsible for the ongoing, widespread brutal killing of Kosovo Albanians. And it is justified to negotiate with him only in the interest of stopping the killing in Yugoslavia. It's still possible to reach a negotiated settlement on the Kosovo issue, quite rapidly, even within a few days. This is because many issues are close to solution. The removal of Serbian forces, the return of the Kosovars, continuation of Kosovo as an autonomous part of Serbia (at least for the time being), and the presence of an international force. As the Bonn group meeting earlier today showed, the main issue in what is now a three-cornered dialogue—between Milosevic, Chernomyrdin, and the Western NATO countries—is the nature of that force, its armament and its composition. All three parties agree that the force should be legitimatized by a mandate from the Security Council and that is important. Milosevic has been holding out for a lightly armed UN force. The NATO countries for a heavily armed NATO force.

But this question of the level of armaments is secondary to the issue of the nature of the force itself. President Clinton and other NATO leaders have been insisting that the core of the force be a NATO force, directed by NATO in effect with some Russians and others added. It's very clear that the Administration has in mind the poor performance of the UNPERFOR force in Bosnia, and the more successful model of the successor IFOR force with NATO plus forces from Russia and other partners for peace. Moreover, the Administration is clearly worried that good Security Council guidance on a UN force may not be forthcoming. The position of Russia, China and France in the Security Council is uncertain. Beyond that, a UN force may not be capable militarily of handling possible Serbian resistance.

There are other factors here that we have to bear in mind. The resistance of the Clinton Administration to acceptance of a UN-directed force in Kosovo. The United States would by implication face a certain implied humiliation if it has to accept a UN force for Kosovo and drop NATO. There is no doubt that the Congressional majority would make life hard for the Administration. And beyond that, the United States would end up having to pay its peacekeeping dues to the UN.

For his part, Milosevic wants a UN force over a NATO force. Accepting outright NATO occupation of Kosovo would be a very severe domestic defeat for him, possibly his political end. NATO is his enemy. A NATO force in Kosovo could enter and at some point conquer the rest of Serbia. And it could accelerate the secession of Kosovo from Serbia. Both sides are being obstinate on this point and that's the closing point in negotiation over the future of Kosovo.

I believe that the Clinton Administration should accept a UN force because a refusal to do so confronts NATO with the grim prospect of bombing Serbia to its knees and then going in with ground forces, a long and even more bloody and expensive process. We can improve the past performance of UN peacekeeping forces and the composition of that force for Kosovo. But we will have to work with the Security Council more carefully and that is the big crime of omission if there is one in this picture for the Clinton Administration.

As regards the Security Council, the warning came last August on Iraq when France, Russia and China voted against the United States in the Security Council on the issue of continuing UNSCOM, the special commission for Iraq. Although it was ready engaged in negotiation with Serbia, the Administration failed to use the time between then and the Holbrooke mission to Milosevic in October, to improve the situation of the Security Council. That was a great omission, in my opinion, because we could have gotten a Security Council legitimation for the actions undertaken by NATO, or possibly even a wider UN military action. For the future we must act to prevent the Security Council from degenerating into cold war paralysis because this would definitely not be in the national interest of the US. I am arguing this point because it is very relevant to whether or not we should have a UN force in Kosovo.

Among the methods: better diplomacy. One can think of an informal agreement among the five permanent members of the Security Council to limit the veto on certain specified occasions. This is not something that is often proposed, i.e., an amendment of the charter, but an informal understanding. In particular Russia, Britain and Frances would be interested in preventing a degeneration, a deterioration, of the Security Council, which is one of their major claims to international status. They would be interested in talking about some kind of understanding. There is, and has long existed, an informal coordinating committee, of the permanent member of the Security Council.

Another possibility, that could be done very rapidly, is to establish a General Assembly conflict prevention panel or committee which could act to head off matters of this kind, and could be sued to give legitimation. There is the Uniting For Peace procedure, which could have given General Assembly authority for the present action in Kosovo even in the face of Russian veto in the Security Council

We all know there is going to be a very intense and quite painful review of humanitarian intervention by bombing, an experiment that it not likely to be repeated. There will also be a review, certainly by NATO, of how it should conduct humanitarian intervention. I personally consider NATO intervention justified, and does represent the implementation of a national interest of the United States in two senses. (1) Stewardship of human rights, or accountability of governments for their performance in this field, is very clearly emerging as an international norm justifying humanitarian intervention of various kinds, not solely of military intervention. (2) As the very example of Bosnia showed, it is not politically possible for a country of eminence of the US to stay outside a long-standing blood-letting and stay on the sidelines. The Clinton Administration, from a position on the sidelines, was forced step by step into intervention is Bosnia and with less delay, but nonetheless with considerable delay, to the intervention in Kosovo.

I think the big lesson of this entire experience should be that we do have to start with conflict prevention, in the whole meaning of that term, very clearly as a necessary assurance against a very probably degeneration of this kind of armed conflict. The better off we will be as a nation to accept that as part of our national interest, and part of our activities and to do so early. I am saying this with a certain ax to grind, Mr. Chairman. I and my colleagues have a program called Global Action to Prevent War which is also directed at preventing future Kosovos. You can find it on the World Wide Web.

INTRODUCTION OF THE EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CLAY. Mr. Speaker, today I am introducing the Educational Excellence for All Children Act of 1999, President Clinton's proposal to reauthorize the Elementary and Secondary Education Act (ESEA). This proposal will reinvigorate our commitment to high standards and achievement in every classroom; improve teacher and principal quality to ensure high-quality instruction for all children; strengthen accountability for results; and ensure safe, healthy, orderly and drug-free school environments where all children can learn.

Established in 1965 as part of President Lyndon B. Johnson's War on Poverty, the ESEA opened a new era of Federal support for education, particularly for students who would gain the most: children in our high-poverty communities and those at-risk of educational failure. Today, the ESEA authorizes the Federal government's single largest investment in elementary and secondary education. Through this Act, the Congress and the President will reaffirm and strength the Federal role in promoting academic excellence and equal educational opportunity for every American.

This reauthorization of ESEA comes at a critical time for our country. The restructuring of ESEA that was done during the last review in 1994, to establish challenging State-developed standards and assessments, put us on the path to greater academic achievement for all students. This legislation builds upon this focus and targets improvement towards the lowest performing schools and students through comprehensive interventions and assistance, and if necessary, requires consequences for continual failure of schools. Overall, this reauthorization gives Congress the opportunity to complete the work done in 1994 by strengthening our focus on quality and accountability for results.

Coupled with the strong emphasis on achievement in this bill is an equally vigorous and complimentary focus on improving the quality of our teaching force. Qualified teachers are the most single critical in-school factor in improving student achievement. Unfortunately, too many of our teachers still do not receive on-going high-quality professional development. This bill refocuses the professional development programs in ESEA to bring the challenging academic standards which all States have developed into the classroom. In addition, this legislation authorizes the President's high-promising 100,000 teacher class-size program enacted as a part of last year's appropriation process. We must ensure that all children in America have talented, dedicated, teachers in small classes and this bill puts on this path.

Another important priority in this legislation is the fostering of supportive learning environments that reduces the likelihood of disruptive behavior and school violence while encouraging personal growth and academic development. This legislation strengthen the Safe and Drug-Free Schools and Act by emphasizing the funding of research-based approaches to violence prevention; expands the comprehensive prevention efforts through the Safe Schools/Healthy Students initiative; and encourages reform of America's high schools through increased individualized attention and learning.

In 1994, Congress and the President worked together to raise standards for all children and to provide a quality education for them to achieve those standards. Five years later, there is evidence that standards-based reform has increased achievement in many states, while helping spark reforms in others. With this bill, we must build upon the accomplishments of 1994. We can no longer tolerate lower expectations and results for poor and disadvantaged students. We must take the next step by helping schools and teachers bring high standards into every classroom and help every child achieve. The legislation I am introducing today will provide us with the tools to accomplish these vital missions.

TRIBUTE TO THREE MISSOURI PHYSICIANS: DR. GREGORY GUNN, DR. RAY LYLE, AND DR. RUTH KAUFFMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to three excellent physicians who have devoted most of their lives to healing. These dedicated doctors practiced together at the Gunn Clinic in Versailles, Missouri, for over forty years.

Dr. Gregory Gunn is a fourth generation physician. He began as a country doctor, making house calls from Jefferson City to Sedalia. He performed difficult surgeries when internal medicine was still a largely unexplored territory. He thrived on working long hours, as his shifts often lasted 36 hours at a stretch, with only 12 hours off between them. Dr. Gunn also served for 16 years as the coroner of Morgan County, Missouri. He continues to be fascinated by the world of medicine and loves the daily challenges it presents him.

Dr. Ray Lyle served at the Gunn Clinic from August, 1952, until his retirement on August 31, 1995. As a family physician, Dr. Lyle treated patients of all ages with consistent kindness and compassion, whether treating the sick, saving lives, making house calls or delivering babies. He served as a member and fellow of the American Academy of Family Physicians, as a Diplomat of the American Board of Family Physicians, and as President of the Missouri Academy of Family Physicians. As well as a competent physician, Dr. Lyle has also been an active participant in community affairs, contributing to such organizations as the Boy Scouts, the Morgan County School Board, Chairman of the Versailles Industrial Trust, Morgan County Coroner, Mid-Mo P.R.S.O. Chairman and charter member of the Rolling Hills Country Club. He also served his country as a Lieutenant Commander in the Medical Corps of the Naval Reserve.

Dr. Ruth Kauffman also selflessly served the people of the City of Versailles and Morgan County as a family physician with the Gunn Clinic from 1949 until her retirement on August 2, 1996. In her first year of practice, she performed 65 home deliveries. She served as a member of the American Medical Association, the Missouri State Medical Association, and was both a member and fellow of the American Academy of Family Physicians. She, too, was active in the community as Methodist Civic Chairman, Morgan County Coroner, Medical Director at Good Shepherd Nursing and Family Planning doctor at the Morgan County Health Center. She was also involved with Girl Scouting and was a charter member of the Rolling Hills Country Club.

Mr. Speaker, I know the Members of the House will join me in paying tribute to these fine Missourians for their unselfish dedication to the people and community of Versailles, Missouri.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in celebrating Asian/Pacific American Heritage month from May 1 to May 31, 1999.

Mr. Speaker, the greatness of our nation rests in its diversity: the diversity of its ideas, the diversity of its experiences, and, above all, the diversity of its peoples. America's institutions are constantly being reinvigorated by the vitality of our country's component communities, with their distinct but equally wondrous values and histories. This multitude of cultures fuses together to form a magnificent social mosaic, one made bolder and more dynamic by the contributions of citizens of diverse national origins. We learn from each other, and we share with each other the dividends of our different traditions.

Throughout the month of May, we celebrate the achievements of millions of Americans by commemorating Asian/Pacific American Heritage Month. This year's theme, "Celebrating Our Legacy," calls attention to the extraordinary gifts that Asian and Pacific Americans have bestowed upon our nation. From the scientific community to the sports world, from the arts to the Internet, the perseverance and patriotism of Asian and Pacific Americans add to this country's greatness.

Internet pioneers such as Jerry Yang prepare our economy for the twenty-first century, while Dr. David Ho leads the crusade against one of the new millennium's most alarming dangers: AIDS. Congressman BOB MATSUI and Congresswoman PATSY MINK stand at the forefront of our government's fight for civil rights and social justice, and respected ABC news correspondent Connie Chung keeps America informed about these challenges and others with her insightful investigative report. This nation's cultural heritage has been enriched by the musical brilliance of Seiji Ozawa and Yo-Yo Ma, the creative genius of author Deeprak Chopra and fashion designer Vera Wang, and the athletic skills of golfing superstar Tiger Woods and Olympic figure skating legends Kristi Yamaguchi and Michelle Kwan.

Mr. Speaker, these exceptional contributions are all the more evident when one considers the formidable obstacles which Asian and Pacific Americans had to overcome to achieve them. Their long history has featured pervasive discrimination in the form of restrictive quotas, unfounded stereotypes, and, all too often, violent hate crimes. The most infamous example of this bigotry involved the forced detention of Japanese-Americans during World War II, when innocent men, women, and children were expelled from their homes and banished to camps in remote parts of the country. This outrage remains a permanent stain on the history of the American people, sullying an otherwise proud record of support for human rights and individual dignity.

While the American government officially questioned the patriotism of Japanese-Americans on our West Coast, other Japanese-Americans serving in our nation's armed forces in remote corners of the globe were demonstrating the fallacy of such unjust accusations. During the Second World War, the Japanese-American 100th Infantry Battalion and 442nd Regimental Combat units earned more than 18,000 medals for bravery and valor in battle—52 Distinguished Service Crosses, 560 Silver Stars, and 9,480 Purple Hearts. The 442nd remains to this day the most decorated combat team of its size in the history of the United States Army. Yet, while the brave soldiers of these units were risking their lives to preserve freedom, the government for which they so courageously fought was evicting their family members from their homes and communities.

Mr. Speaker, this is only one of a multitude of examples of Asian and Pacific Americans surmounting the hurdles of prejudice and discrimination to make a difference in every sector of society. It is these innumerable stories of perseverance and success that we celebrate Asian/Pacific American Heritage Month.

Mr. Speaker, I ask my colleagues to join me in celebrating the legacy of all Americans of Asian and Pacific descent.

ASTHMA AWARENESS MONTH

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. MEEK of Florida. Mr. Speaker, this is Asthma Awareness Month. I rise to commend my colleagues, the gentlelady from California, Congresswoman JUANITA MILLENDER-MCDONALD, and the gentlelady from Maryland, Congresswoman CONSTANCE A. MORELLA, for introducing the Asthma Awareness, Education And Treatment Act, and for their leadership in protesting America's children, minorities, women and the poor from the devastating effects of asthma.

Asthma is a chronic respiratory disease characterized by inflammation of the airways, and increased responsiveness to various stimuli commonly called asthma triggers. Asthma episodes involve progressively worsening shortness of breath, cough, wheezing, or chest tightness, or some combination of these systems. The severity of asthma may range from mild to life-threatening.

An estimated 14.6 million persons in the United States have asthma. The Centers For Disease Control and Prevention reported a 61 percent increase in the asthma rate between 1982 and 1994. According to The American Lung Association, more than 5,600 people die of asthma in the United States annually. This represents a 45.3 percent increase in mortality between 1985 and 1995.

The death rate from asthma for African Americans is almost three times that of whites. Among chronic illnesses in children, asthma is the most common. Approximately 33 percent of asthma patients are under the age of 18.

In the United States, asthma is the number one cause of school absences attributed to chronic conditions, leading to an average 7.3 school days missed annually. One study estimated that in 1994, school days lost to asthma amounted to $673.2 million in caretaker's time lost from work, including outside employment and housekeeping.

Low income families are struck the hardest by asthma. Seventy nine of every 1,000 people under 45 years old earning less than $10,000 per year have asthma. Fifty three of every 1,000 people earning less than $35,000 per year have asthma.

The American Lung Association has been fighting lung disease for more than 90 years. With the generous support of the public and the help of volunteers, they have seen many advances against lung disease. However, the fight against asthma is far from won and government must do more if we are to conquer this dread disease.

We must work with community-based organizations to educate one another on this serious illness and how it can be managed through medication, clean environments, and regular physical activity. We must provide screening for asthma in non-traditional medical settings; we must establish a nationwide media campaign to educate the public about the symptoms of, and the treatment for asthma.

Most importantly, we must create clean environments. To do so, we must take appropriate measures to eliminate dustmites, animal dander, cockroaches, and mold and poor ventilation in schools, day care centers and homes. I am proud to be an original cosponsor of the Asthma Awareness, Education And Treatment Act.

As we look forward to the millennium, working together with the American Lung Association and other community-based organizations all over America, we can ease the burdens of asthma and make breathing easier for everyone.

IN HONOR OF NATIONAL FOSTER PARENT AWARENESS MONTH

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, this month marks the 11th observance of the National Foster Parent Awareness Month. Originally conceived at the 1987 National Foster Parent Training Conference, National Foster Parent Awareness Month is the impetus for communities around the nation to host activities and events to honor foster parents for making a difference in the lives of children in foster care.

In my home state of Indiana, nearly 15,000 children are in the foster care system. Nationwide, the number is an alarming one half million children. These children often have special needs. They are victims of physical abuse, sexual abuse or neglect. They may suffer emotional, behavioral or developmental problems that range from moderate to severe. Most children reside only temporarily with foster parents, until it is considered safe for them to return home. A child's stay with foster parents can be as short as one night or as long as several years or more.

This month we honor the individuals and families who open their hearts and homes to the children in need of a safe and nurturing living environment—Foster Parents. Foster parents can be single, married or divorced. They own homes or live in apartments. Some are as young as 21 years old while others are retired. What they have in common is that they have demonstrated attentiveness, tenacity, patience and empathy along with a willingness to grow and learn from the experience of fostering and an equal capacity to love and let go. Foster parents provide a vital service to our nation's displaced children. They are a valuable resource for families and children. Their work is extremely difficult, knowing that they are working to help reunite a child with a biological parent, or care for a child until that child is adopted.

Mr. Speaker, while I rise today to praise and applaud foster parents for the very important work they do, I want to acknowledge an amazing organization and an outstanding individual, from my District, supporting the foster care system. Because foster parents take on the awesome responsibility of providing both emotional and financial support for the neediest children at a great personal expense, it is very important that we encourage our communities to support foster parents as they support foster kids.

It is with great pride that I commend FosterCare Luggage, an Indianapolis based non-profit organization, for its invaluable contribution to the well-being of foster kids. When Marc Brown, founder of FosterCare Luggage, considered taking in a foster child in 1995, he learned that foster children often had to move from family to family with their belongings stuffed into black plastic trash bags. Brown decided to make it his personal mission to get proper luggage for foster children. FosterCare Luggage works collaboratively with other agencies and organizations in Indiana to assure that all children in out-of-home care receive luggage according to their age-appropriate need and seeks funding to provide other items, such as clothing and hygiene products. With help from private donors and volunteers, FosterCare Luggage has provided suitcases to thousands of children.

Finally, Mr. Speaker, I wish to recognize a young lady who has demonstrated that one person can make a significant difference. Nicole Slibeck, a Senior at Zionsville High School in Indianapolis, collected 90 pieces of luggage for FosterCare Luggage's program. With so much attention recently devoted to what is going wrong with teenagers across the country, I am pleased to put forth Nicole's achievement as an example of what teenagers around the country are doing in support of our communities.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

HOMOSEXUALS, DISABLED, ELDERLY ADDED TO HATE CRIMES LAW

(By Dennis Patterson)

RALEIGH.—People who hate homosexuals, the disabled or the elderly and target them for crimes could face increased sentences under a bill approved by a House committee.

The measure, which now goes to the full House, expands North Carolina's hate crimes law to include sexual orientation, disabilities, gender and age. Crimes that are proven to be motivated by hate would be increased to at least a felony.

The hate crimes law now applies to race, religion and national origin.

"This bill doesn't protect anybody," Rep. Martin Nesbitt, D–Buncombe, said Tuesday as the House Judiciary I Committee debated the bill. "It punishes people for perpetrating a crime because they hate a class of people."

The bill "centers on the question of whether we will be civil in North Carolina," said Rep. Paul Luebke, D–Durham, one of the bill's two primary sponsors. "It is, to put it in a phrase, a statement that we will not hate."

The bill is named after Matthew Shepard, a homosexual with North Carolina connections who was beaten to death in Wyoming.

John Rustin of the North Carolina Family Policy Council called Shepard's death a "brutal and inexcusable crime." But the homosexual acts that would be covered by the hate crimes law are illegal in North Carolina, he said.

"This is not about crime. It is not about hate," he said. "It is about legitimizing the homosexual lifestyle."

Johnny Henderson of the Christian Action League said individual homosexuals are guaranteed the equal protections of all citizens and do not need the status of a protected group.

But Janet Joyner, a retired professor at the North Carolina School of the Arts who works with a support group for homosexual and bisexual children, said the law would help relieve a hostile environment.

"I must tell you that name-calling and intimidation already occur in elementary school," Joyner said.

"It's a bigger issue than just sexual orientation," M.K. Cullen of Equality North Carolina, a homosexual group, said after the committee approved the bill. "It's going to be an uphill struggle to educate all the members of the House about this bill before it comes to a vote."

Student Paper Apologizes for Alleged Racist Cartoon

SYRACUSE, N.Y.—Syracuse University's student newspaper apologized in print Tuesday for running an editorial cartoon that sparked a student protest and accusations that the paper was racially insensitive.

Protesters said a depiction of Student Government Association President Michaeljulius Idani in Friday's Daily Orange looked strikingly like the fictitious Little Black Sambo, a century-old storybook character embodying offensive African-American stereotypes.

About 200 students protested Monday. After an hour meeting with protesters, the newspaper agreed that Tuesday's top story would be the protest with a quoted apology from editor Ron DePasquale.

The paper also agree to have staff participate in a diversity sensitivity workshop and to appoint a student adviser for race issues.

"I think that while we never want to go through and experience like this, it's something that in the end can benefit everybody," DePasquale said.

Cartoonist Dan Dippel said he never intended race to be an issue in the cartoon.

The cartoon showed what is supposed to be a tongue-wagging Idani skipping down the road with money flying everywhere. It was paired with an editorial criticizing the SGA leader for promising a student group he would help fund a Hip-Hop Showcase without going through the proper channels.

John Hope Franklin, Historian and Educator, Gets Truman Honor

INDEPENDENCE, Mo.—Historian, educator and author John Hope Franklin will receive the 1999 Harry S. Truman Good Neighbor Award.

The honors were announced Tuesday by the Truman Foundation, formed in 1973 to honor each year a person or people in public life who have improved the community and the country through citizenship, patriotism self-reliance and service.

Past recipients include Gerald Ford, former Chief Justice Earl Warren, Nelson Rockfeller and Dr. Jonas Salk.

Franklin is chairman of President Clinton's racial advisory board, "One America in the 21st Century. Forging a New Future." The board was established to inform and counsel the president on ways to improve race relations.

The seven-member board was criticized in September after releasing the results of its $4.8 million, yearlong examination of racial attitudes and conditions. It endorsed several policies that Clinton had already undertaken, and voiced support for his "mend it, don't end it" position or affirmative action.

The board also offered two suggestions that Clinton make his racial dialogue permanent through a presidential council, and that he conduct a multimedia campaign to teach Americans how this country developed its beliefs about race and institutionalized them through the notion of "white privilege."

Critics said the report was short on substance and wasted taxpayer money.

"We make no apology for what we have not done," Franklin said after the report. "There are limits to what one can do."

A native Oklahoman, Franklin graduated from Fisk University and has taught at several institutions since receiving his doctorate degree in history from Harvard. He holds honorary doctorates from more than 100 colleges and universities.

Franklin will receive the Truman honor May 7 in Kansas City.

Marine Command Orders Punishment After Racial Incident

JACKSONVILLE, N.C.—Three Marines now deployed in the Mediterranean Sea will be punished for their involvement in writing racial epithets on the face and arm of a black Marine.

Lance Cpl. Todd C. Patrick of the 26th Marine Expeditionary Unit based at Camp Lejeune called Jacksonville police April 11 and reported he woke up in a motel room with the words "KKK" and "nigger" on his forehead and "Go back to Africa" on his left arm. He told police three white Marines in his unit wrote the words on him.

Patrick decided not to press charges and instead asked the Onslow County magistrate to contact his battalion commander.

Lance Cpls. David P.H. Brown and Jeremy J. Goggin were found guilty of using provoking words during summary courts marital onboard the USS Kearsarge, Camp Lejeune officials said Tuesday. They were reduced to private first class and will be confined to the ship's brig for 24 days.

A third Marine, Bobby Ray Gurley, identified through police records, was found guilty after an Article 15 hearing for the same charge. The Marine was ordered to three days confinement in the ship's brig with bread and water, forfeiture of one-half of one month's pay and reduction to private first class.

An investigation ordered by the battalion commander found racial overtones but no malicious intent in the part of the three Marines. All of the marines have reconciled on a personal level, base officials said.

All four Marines are aboard the same ship which deployed to the Mediterranean on April 15.

[From the New York Times, April 21, 1999]

Congress Supports Award for Parks

WASHINGTON.—Rosa Parks is getting the gold.

Congress voted Tuesday to give the 86-year-old Parks a Congressional Gold Medal, its highest civilian award, for an act of defiance more than 40 years ago.

Often hailed as the "first lady" or "mother" of the civil rights movement, Parks was tired after a day's work as a seamstress in Montgomery, Ala., on a December day in 1955 and refused to give up her seat to a white man on a segregated city bus.

Her arrest set off a lengthy bus boycott by blacks that lasted until the Supreme Court declared Montgomery's bus segregation law unconstitutional and it was changed. The boycott was led by the Rev. Martin Luther King Jr., a local minister at the time.

"One brave act of a humble seamstress triggered an avalanche of change which helped our country fulfill its commitment to equal rights for all Americans," said House Minority Leader Dick Gephardt, D-Mo. "For her leadership and her example, Rosa Parks deserves to be honored with the Congressional Gold Medal."

The House voted 424–1 in favor of the measure, one day after the Senate passed it without dissent. Rep. Ron Paul, R-Texas, was the only lawmaker to vote against the bill, which President Clinton is expected to sign.

"This courageous act changed her life and our nation forever," said Rep. Ileana Ros-Lehtinen, R-Fla. "Passage of this bill will be our contribution to her legacy today."

Parks, an Alabama native, watched the debate on television from Los Angeles.

"Mrs. Parks is very excited to have this honor," said Anita Peek, executive director of the Rosa and Raymond Parks Institute for Self-Development. Parks co-founded the nonprofit group in 1987 to help young people in Detroit, where she now lives.

She moved there in 1957 after losing the seamstress' job and her family was harassed and threatened. She joined the staff of Rep. John Conyers, D-Mich., in 1965 and worked there until retiring in 1988.

She now travels the country lecturing about civil rights.

A guest at Clinton's State of the Union address in January, Parks has received numerous awards, including the Presidential Medal of Freedom, the nation's highest civilian award, and the Spingarn Award, the NAACP's top civil rights honor.

Lawmakers initially used the Congressional Gold Medal to honor military leaders but began using it during the 20th century to recognize excellence in a range of fields, including the arts, athletics, politics, science and entertainment.

The first such medal was approved in March 1776 for George Washington for "wise and spirited conduct" during the Revolutionary War.

More than 320 medals have been awarded.

Recent honorees include Frank Sinatra, Mother Teresa, the Rev. Billy Graham, South African President Nelson Mandela and the "Little Rock Nine," the group that braved threats and jeers from white mobs to integrate Central High School in Little Rock, Ark., in 1957.

[From the New York Times, April 21, 1999]

Court Asked To Review Hopwood Case

AUSTIN, TX.—The University of Texas has asked a federal appeals court to reconsider a decision that led to the elimination of affirmative action policies at the state's public colleges and universities.

School officials asked the 5th U.S. Circuit Court of Appeals on Tuesday to reconsider its so-called Hopwood ruling.

"This case addresses one of the most important issues of our time . . . and it deserves the fullest possible hearing and a most careful decision by the federal courts," said Larry Faulkner, president of the university.

The Hopwood ruling came in a lawsuit against the University of Texas law school's former affirmative-action admissions policy.

The ruling, which found that the policy discriminated against whites, was allowed to stand in 1996 by the U.S. Supreme Court.

Former Attorney General Dan Morals then issued a legal opinion directing Texas colleges to adopt race-neutral policies for admissions, financial aid and scholarships.

Legislators asked new Attorney General John Cornyn for a second opinion. His office helped university officials write the appeal submitted Tuesday.

According to University of Texas System Regent Patrick Oxford, the Hopwood ruling left Texas at a competitive disadvantage with other public universities in recruiting students.

The appeal argues that limited consideration of race in admissions is necessary to overcome the effects of past discrimination. It also says the school has a compelling interest in a racially and ethnically diverse student body.

A state Comptroller's Office study released in January showed a drop in the number of minorities applying for, being admitted to and enrolling in some of the state's most selective public schools.

TEACHER SUSPENDED AFTER RIDICULE OF RACIAL SLUR REASSIGNED

LORAIN, OH.—A teacher suspended for repeating a student's racial slur disapprovingly was reassigned today to observe a veteran teacher in another school

Terence Traut, 28, a seventh-grade math teacher at Lorain Middle School, was reassigned to Whittier Middle School.

"Some of our master teachers, who have been in the district for 19 to 20 years, have been involved in difficult student situations," school spokesman Ed Branham said." Hopefully, he can learn through observing teachers with strong classroom management skills."

He was assigned to his home, with pay, since April 1 and was suspended last week. It was not clear how long he would be observing another teacher.

Traut could not be reached for comment today. Messages were left at his new school and at his home.

Traut, who is white, became upset when he heard a black and a Hispanic student call each other "nigga," slang popularized by some rap musicians but derived from the similar-sounding slur.

As the students left for the principal's office, Traut repeated the word and told the class that it was stupid to use such language. He repeated the comment disapprovingly when one of the boys returned.

The 11,000-student district 25 miles west of Cleveland is about half white, 25 percent black and 25 percent Hispanic.

The city chapter of the National Association for the Advance of Colored People wanted Traut's dismissal and said any use of a racial slur by a teacher was inappropriate.

The school board said it might consider dismissing Traut, depending in part on his willingness to apologize.

FIREARM CHILD SAFETY LOCK ACT OF 1999

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, it is time for Congress to act on the issue of gun related violence, and pass legislation which will adequately address this issue.

The school shootings in Jonesboro, Edinboro, Fayetteville, Springfield, Richmond, West Pacucha, Littleton and most recently, Conyers, should be a wake up call for this body to act.

Gun related violence has plagued our nation and jeopardized the safety of our children.

The American people are demanding action by this body, and the people want a safe environment in our nation's urban and rural areas for our children.

Each day in America, thirteen children under the age of 19 die from gunfire. In 1996, 4,643 children were killed by firearms. Firearms cause 1 of every 4 deaths of teenagers from the ages of 15 to 19. In addition to this, firearms are the fourth leading cause of accidental death among children from the ages of 5 to 14.

The rate of gun related crimes is increasing. From 1984 to 1994, the firearm homicide death rate for youths from the ages of 15 to 19 has increased 222%, while the non-firearm homicide death rate decreased 12.8%.

It is our responsibility, as parents and leaders to protect our nation's children. These statistics illustrate the need for stronger measures from Congress. Yet, despite the statistics and recent developments, which clearly prove that there is a problem with firearms, many Members of Congress refuse to push forward substantive gun legislation.

To address this problem, I have re-introduced my bill, the Firearm Child Safety Lock Act of 1999. My bill, H.R. 1512, the Firearm Child Safety Lock Act of 1999, will prohibit any person from transferring or selling a firearm, in the United States, unless it is sold with a child safety lock.

In addition, this legislation will prohibit the transfer or sale of firearms by federally licensed dealers and manufacturers, unless a child safety lock is part of the firearm.

A Child Safety Lock, when properly attached to the trigger guard of a firearm, will prevent a firearm from unintentionally discharging. Once the safety lock is properly applied, it cannot be removed unless it is unlocked. Public support for child safety locks is strong. 75% of Americans have voiced support for mandatory trigger locks.

This legislation will protect our children and increase the safety of firearms.

However, child safety locks are not enough. We must determine why young people commit these horrible acts of violence. We must take the proper steps to educate and counsel our children, to prevent future acts of violence. We must be proactive and diligent in our efforts to help our children, and stop these violent acts.

My bill, H.R. 1512, also has an education provision which provides for a portion of the firearms tax revenue to be used for education on the safe storage and use of firearms. The mental health of our children must also be adequately addressed.

We must determine what the problems are. Find solutions to those problems, and then act.

We can address this issue without violating the second amendment to the Constitution. The right of the people to keep and bear arms, shall not be infringed. The right to life without fear will be preserved by this legislation and other necessary legislation that should be passed by Congress.

We must have the courage to stand firm and take steps to avoid the continued senseless bloodshed and loss of life of children around this country. This bill and our efforts can do just that, we can protect our children and protect their future. In doing so, we are protecting ourselves.

INTRODUCTION OF THE RENTAL FAIRNESS ACT

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BRYANT. Mr. Speaker, I rise to introduce the "Rental Fairness Act of 1999." This measure addresses two important issues. First, the impact of state vicarious liability laws on interstate commerce and motor vehicle renting and leasing consumers across the nation. Second, the question as to whether vehicle renting companies must be licensed to sell insurance products to their customers—insurance that is optional but frequently very important to many car and truck rental customers who are under insured or have no insurance at all.

Title I of the Rental Fairness Act will, for a limited period of 3 years, adopt a federal presumption that companies that rent motor vehicles need not be licensed to sell insurance products to their customers for the term of the rental. Recently, class action lawsuits have been filed in three states accusing these rental companies of selling insurance without a license—despite the fact the these companies have been offering these products to their customers for almost three decades.

For many car and truck rental customers, these supplemental insurance purchases are not just a luxury—they are a necessity. For customers who carry minimal automobile insurance, or no insurance at all, the insurance products offered by car and truck rental companies are an important and inexpensive method of buying short-term, comprehensive insurance to protect themselves against accidents or theft. If this federal presumption is not adopted, these companies may cease to offer these products altogether—leaving many customers with no means of protecting themselves from potential liability during the rental of a motor vehicle.

The car and truck rental industry already has undertaken a huge effort to clarify their need to be licensed under each state's insurance laws on a state-by-state basis. To date, twenty-four states have clarified, either through regulation or legislation, their positions on this issue. Until the other states can act on this issue, Title I will offer this industry protection from these types of class action lawsuits.

Title I in no way undermines the primacy of the states in regulatory insurance. In fact, it specifically restates the primary role of the states in insurance regulation. Title I of the Act has the support of the trade associations representing insurance agents because these groups realize the rental companies do not compete directly with insurance agents on these types of face-to-face, rental transaction-specific insurance sales.

Title II of this act will pre-empt the laws of a small number of states that impose unlimited vicarious liability on companies that rent or lease motor vehicles. Normally under our system of jurisprudence, defendants in lawsuits are held liable based upon their actions or inactions only. Unfortunately, a small number of jurisdictions—six states and the District of Columbia—ignore his general principle this minority of states subject rental and leasing companies to unlimited liability for accidents caused by their customers that involve the company's vehicles—despite the fact that the company was not at fault for the accident in any way. This type of vicarious liability—liability without fault—holds these companies liable even when they have not been negligent in any way and the vehicle operated perfectly.

The measure I am introducing prevents states from holding companies liable for accidents involving their vehicles based solely upon their ownership of the vehicles. The bill makes clear that rental and leasing companies would still be liable if they negligently rent or lease the vehicle. The bill also would hold the companies liable if the vehicle did not operate properly. It makes clear that these companies are not, under this bill, excused from meeting state minimum insurance requirements on their motor vehicles.

Forty-four states have discarded the unfair and outmoded doctrine of vicarious liability for companies that rent or lease motor vehicles. This problem attracted my attention because of the impact the policies of these small number of states have on interstate commerce. These vicarious liability states impose what amounts to a tax on rental and leasing customers nationwide. Rental and leasing companies must attempt to recover the roughly $100 million they annually pay on vicarious liability claims from customers nationwide—not just from citizens in vicarious liability states. Smaller rental and leasing companies and licensees of the larger systems have been driven out of business by just one vicarious liability claim.

In addition, vicarious liability discourages competition in these states. There are motor vehicle rental companies that will not do business in these states for the fear of being held vicariously liable—reducing competition in these states and impacting all customers that rent or lease in these states. Finally, vicarious liability establishes an absurd legal disconnect. If a vehicle is purchases from a bank or finance company, then there is no vicarious liability. However, if that same vehicle is leased, vicarious liability applies.

For these collective reasons, Title II of the Act and the reforms it implements are long overdue. Everyone, companies and individuals alike, should be held liable only for harm they caused or could have prevented. The only way these companies can prevent this harm would be to go out of business. This is an absurd expectation that will be remedied by this bill.

I look forward to hearings on this matter and working with my colleagues to ensure its passage.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CLEMENT. Mr. Speaker, on rollcall votes 145 and 146, I was unavoidably detained on official business. Had I been present, I would have voted "aye" on both measures.

RONALD AND ARLENE HAUSER: MODELS FOR US ALL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BARCIA. Mr. Speaker, people who devote their lives to teaching young people many of life's diverse lessons provide one of the most valuable services that anyone can. This weekend, the members of Immanuel Lutheran Church in Bay City will come together to honor Ronald and Arlene Hauser for their years of teaching and music ministry, and leadership within the school and church. This is a most deserved tribute to two people who have touched the lives of literally thousands of young people, making a difference for many young people at an impressionable age.

Ron Hauser has been a Called Lutheran school teacher for forty five years, and Arlene Hauser has been a Called Lutheran school teacher for thirty six years. They have provided instruction to children and adults in reading, writing, arithmetic, music, and most importantly, God's love in Christ.

In 1954, Ron Hauser taught grades 1–4, served as Director of Music, and assisted the Sunday School, Bible Class, and Youth programs of Trinity Lutheran Church in West Seneca, New York. He went on to Peace Lutheran Church in Chicago in 1958, where he served as Principal. He went on to St. John's Lutheran Church in LaGrange, Illinois in 1968, before coming to Immanuel Lutheran Church in Bay City in 1988. Here he has been a teacher and Coordinator of Music, the Bible class teacher, organist, director of the Senior Choir, Men's Choir and Cantate Choir, as well as the school Advanced Band. He has also served in a number of professional and synodical positions with distinction.

Arlene Maier first taught at St. James Lutheran School in Grand Rapids in 1955. She and Ron Hauser married on June 23, 1956, and had three daughters—Lynn Little, Beth Peterson, and Ellen Nyahwihwiri. From 1964 through 1968 she was a preschool teacher and organist at Hope Lutheran School in Chicago, and then taught at St. John's Lutheran School in LaGrange, Illinois from 1968 through 1988. She also came to Immanuel in Bay City in 1988, where she taught 2nd grade, and directed the handbell choirs, the Women's Choir, Cherub Choir, and other special music activities.

Blessed with three daughters and nine grandchildren, Ronald and Arlene Hauser extended their own blessings to every person with whom they interacted throughout their careers of caring and devotion. Mr. Speaker, as they are honored at their retirement, I urge you and all of our colleagues to join me in thanking Ron and Arlene Hauser for their years of dedication and accomplishment, and in wishing them the greatest happiness possible as they move on to new activities.

H.R.—THE VALLEY FORGE NATIONAL CEMETERY ACT

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. HOEFFEL. Mr. Speaker, earlier today I introduced the Valley Forge National Cemetery Act. This bill would establish a new national cemetery for our nation's veterans on land within the boundaries of Valley Forge National Historical Park. I am pleased to be joined in this effort by the entire Pennsylvania delegation.

The National Cemetery Administration is running out of space for the burial of deceased veterans of military service to the United States. New cemeteries must be established for our veterans. The Philadelphia National Cemetery in Pennsylvania and the Beverly National Cemetery and Finn's Point National Cemetery, both in New Jersey, are no longer open for in-ground, full casket burials, other than those who already have existing plots. There is also no national cemetery in the State of Delaware. Thus, the need for an additional national cemetery in our area is immediate.

Current population figures from the Department of Veterans Affairs show a population of 574,584 veterans in the 11-county Philadelphia region. The next decade will challenge the National Cemetery Administration to accommodate World War II and Korean War veterans, as well as veterans from the Vietnam era. Each of our veterans deserves the honor of burial in a national cemetery. In order to best be able to honor and remember their loved ones, families need to have access to those gravesites within a reasonable distance from their homes. The best opportunity to meet this need in the Philadelphia area is to dedicate existing federally owned property in the Valley Forge National Historical Park.

The Valley Forge National Historical Park is dedicated to the earliest American military veterans and the long winter of their suffering during the War of the American Revolution. Although no battle was fought on this land, it is nevertheless symbolic of our Nation's military valor and triumph over adversity. The bill will designate 100 acres of the 3,600 acre National Park for use as a national cemetery. The section of land north of the Schuylkill River would be the ideal location for the national cemetery. This area contains no historical markers and is separated from the rest of the park by the river. Dedication of this portion of the Historical Park as a national cemetery would thus add a solemn and appropriate place to honor and remember those who have served this country in the military.

Mr. Speaker, I urge swift consideration of this bill as an important and timely opportunity to honor our nations' military veterans.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. ORTIZ. Mr. Speaker, because of official business in my District (27th Congressional District of Texas) I was absent for rollcall votes 147–154. If I had been present for these votes, I would have voted as indicated below.

Rollcall No.—Vote: 147—"yes"; 148—"yes"; 149—"yes"; 150—"yes"; 151—"Present"; 152—"no"; 153—"no"; and 154—"no".

CONGRATULATING THE RIDGEWOOD CHAMBER OF COMMERCE ON ITS 75TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Ridgewood Chamber of Commerce on its 75th anniversary as one of the leading business/civic organizations in New Jersey. The Ridgewood Chamber has played a leading role in making Ridgewood the first-rate place to live, work and raise a family that it is today. I know—I have lived most of my life in Ridgewood and raised my family there. From President Lawrence Keller through each and every business that is a member, these are people who truly care about their community.

The Ridgewood Chamber of Commerce was founded in 1898 as the Businessmen's Association of Ridgewood, changing its name in 1924. The mission of the organization has remained the same over the years—to "develop and advance the business, professional and civic interests of Ridgewood."

Today's Chamber of Commerce is a voluntary organization of individuals, businesses, professionals and organizations dedicated to advancing the commercial, financial, civic and general interests of Ridgewood. The Chamber acts as a public relations counselor, representative to local government, a problem solver, information and resource center, and coordinator of business and professional programs and promotions. The Chamber promotes the maintenance of a dignified and successful business and professional district.

Membership represents almost every facet of our business/professional community, including merchants, doctors, lawyers, bankers, newspaper editors, business owners/managers, civic leaders and clergy. A 10-member Board of Directors sets goals and policy carried out by the five officers—President Lawrence Koller of Koller Financial Group, Vice President Joan Groome of the YWCA of Bergen County, Treasurer Kenneth Porkka of Kenneth Porkka & Co., Secretary Sally Jones of Valley Hospital and Past President Tom Hillmann of Hillmann Electric. Executive Director Angela Cautillo is responsible for day-to-day operations.

The Chamber of Commerce brings a sense of unity to our business community. Ridgewood is a regional business center, growing larger and stronger every day. The Chamber successfully pursues its mission to promote Ridgewood and its businesses through effective advertising, planned events, community service, networking and education of the public. The Chamber is true to the entrepreneurial spirit of our free enterprise system. That spirit has been and always will be at the heart of our American democracy.

The Chamber's activities go beyond just promoting the business interests of our community. The Chamber annually sponsors Easter in Ridgewood, the Ridgewood Car Show, the Santa Parade and the Downtown for the Holidays festival. These are all programs that enrich our community.

I ask my colleagues to join me in congratulating the Ridgewood Chamber of Commerce on a successful 75 years and wishing the Chamber and its members many more years of continued success and prosperity.

TRIBUTE TO THE KANKAKEE–IROQUOIS REGIONAL PLANNING COMMISSION

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BUYER. Mr. Speaker, I rise today to give tribute to the Kankakee-Iroquois Regional Planning Commission, which for the past 25 years has improved the economics, health, and well-being of the residents in North Central Indiana.

The Kankakee-Iroquois Regional Planning Commission (KIRPC) has been an integral part in generating community and economic development opportunities for the citizens and local communities of Indiana since July 2, 1973. The KIRPC continues to be a positive influence upon the regional economic well-being by helping communities and residents in North Central Indiana maintain their economic viability.

The Commission has been instrumental in providing a means of communication between local, state, and federal government organizations and the citizens of North Central Indiana. The KIRPC monitors an Overall Economic Development Plan that helps to identify the needs of people and businesses within the community, while reducing government waste. In addition, it has been a valuable partner in helping the region's development through such programs and services as grants-in-aid; grants administration; comprehensive planning; and forums to address local issues. The KIRPC has also helped the people in the region with transportation needs by providing the Arrowhead County Public Transit Service which provides more than 150,000 routes annually.

The KIRPC was key in helping bring Head Start to the area in 1997. The Head Start program now provides services for 122 children and supplies necessary developmental services for the children; all within an education setting.

I commend the Kankakee-Iroquois Regional Planning Commission for its unwavering support to the region by providing a wide range of services and programs. I wish the Commission continued success in its endeavor to make a difference in the lives of the citizens of Indiana.

TRIBUTE TO FIRST LIEUTENANT JAMES F. MUELLER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CAMP. Mr. Speaker, I rise to pay tribute to First Lieutenant James F. Mueller of Houghton Lake, Michigan, who will retire from the Michigan State Police on May 29.

I would like to draw the attention of my colleagues in the U.S. House of Representatives and my constituents in the 4th Congressional District to First Lieutenant Mueller's distinguished career.

For three decades, First Lieutenant James F. Mueller has served his country and his community. Soon after graduating from Valparaiso University in Indiana, he enlisted in the U.S. Army and fought for his country in the fields of Vietnam, earning numerous service awards.

He returned home in 1971 and began his career with the Michigan State Police. In 1987, he was promoted to First Lieutenant at Houghton Lake Post #75. He soon became more than a state trooper to the residents of northern Michigan; he became a role model to young children and a key figure in the creation of the D.A.R.E. drug use prevention program in local schools.

In addition to his professional career, First Lieutenant James F. Mueller's extensive personal community service proves his dedication to his neighbors. He is a member of the Lions and Kiwanis, has served in the United Way and Houghton Lake Merchant's Association and has served on the board of directors for the St. John's Lutheran Church, the River House Shelter and Roscommon County 911.

On June 26, a banquet will be held for First Lieutenant Mueller at the Houghton Lake Elks' Club. He will be joined by his colleagues, who honor him for his career; many friends and neighbors who will wish him well; and his wife, Holly; son, Michael; and daughters Laura, Shannon and Kristen.

I join them in thanking him for his years of service and add my personal best wishes to him in his future endeavors.

CONGRATULATIONS ON THE RESTORATION OF DEMOCRACY IN NIGERIA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SAXTON. Mr. Speaker, it is not often at this particularly troubled era in world affairs that we can take time to celebrate a major advance in freedom and democracy. However, on May 29th we may do just that, as Nigeria, the most populous state and largest economy in Africa, moves firmly back into the camp of democratic nations. On May 29th, President Olusegun Obasanjo will become President of Nigeria, having won a decisive victory in democratic elections in February. President Obasanjo assumes the leadership of more than 120 million Nigerians, and he will be assisted in this task by a democratically elected bicameral Assembly, elected state assemblies and elected state governors, in a political system which now mirrors the United States' own democratic process.

The new government in Abuja is determined to develop Nigeria as a democracy and a friend of the West. During his transition period, President Obasanjo visited many world capitals, including Washington, to begin the process of binding Nigeria into the global diplomatic framework. No other African state has introduced a new government with greater care and preparation, and President Obasanjo has been careful to learn the attitudes of the world's major trading states and to brief them in return on Nigeria's great challenge of rebuilding its economy and its state.

President Obasanjo comes to this position with a strong electoral mandate, and with many decades of experience as a statesman, diplomat, soldier and farmer. He was heavily involved in helping to negotiate the transition from apartheid to democratic government in South Africa some years ago. He was a political prisoner under the military government of General Sani Abacha, who died last year, paving the way for the restoration of Nigerian democracy. President Obasanjo is therefore highly conscious of Nigeria's need to play a leading role in African and international peacekeeping and diplomacy, and is, of course, thoroughly familiar with Nigeria's historic commitment to UN and OAU peacekeeping efforts. Furthermore, Nigeria is once again poised to become a major force for peace and stability in Africa.

The US is going to benefit from a democratic and prosperous Nigeria. After all, Nigeria is the largest single supplier of foreign oil to the United States, and is, as a result, integrally linked into our economy. It is potentially a large export customer for the US, as well. Therefore, I believe the United States should cooperate with Nigeria to the fullest extent possible in order to ensure that its democratic, economic and governmental structures flourish to the fullest degree possible.

Mr. Speaker, we need to send our congratulations today to President Obasanjo, and all of the officials elected to the two houses of Nigeria's Federal Assembly, and to the newly elected State Assemblymen, and State Governors, and to the elected municipal officials. This is a great watershed for Nigeria, a great day for Africa, and a great opportunity for us to participate in helping to make Africa a vibrant, democratic and self-sustaining continent and a healthy part of the world trading system.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BILIRAKIS. Mr. Speaker, on May 20, 1999, I missed the vote on the motion to concur in the Senate amendment to H.R. 4, the National Missile Defense Act of 1999, because I was unavoidably detained. Had I been present, I would have voted "aye."

TRIBUTE TO CHANCELLOR HILDA RICHARDS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to an exceptionally dedicated, compassionate, and distinguished member of Indiana's First Congressional District, Chancellor Hilda Richards of Gary, Indiana. After serving as Chancellor of Indiana University Northwest for six years, Hilda Richards will be retiring next month. On June 5, 1999, Chancellor Richards will be honored with a final, formal salute for her service, effort, and dedication, at Innsbrook Country Club in Merrillville, Indiana.

Born in St. Joseph, Missouri, Chancellor Hilda Richards received her Diploma in Nursing from St. John's School of Nursing in 1956 and continued her education in New York City, New York, where she graduated cum laude from Hunter College with her Bachelor of Science degree in 1961. Chancellor Richards continued her education at Columbia University, where she received her Masters in Education in 1965, Masters of Public Administration in 1971, and her Doctorate of Education in 1976. Chancellor Richards understands that a solid educational foundation will challenge one's mind, empower one's sense of well-being, and rekindle one's heart, with a commitment to values and beliefs essential to becoming and being a whole individual. In the words of Chancellor Hilda Richards herself, "I knew I wanted to make a difference—and I needed a good education to do that. My personality would not allow it to be any other way." Chancellor Richards has continued to challenge herself by doing post-doctoral work at Harvard University.

Chancellor Hilda Richards began her professional life as a staff nurse at Payne Whitney Clinic of New York Hospital in 1956. Four years later she became an instructor of nursing in the Department of Psychiatry at City Hospital in New York, where she also rose to the position of head nurse in the Department of Psychiatry. From 1971 to 1976 she served as the Director of Nursing Programs and Chair of the Health Science Division at Medgar Evers College in New York City, and from 1976–1979 she served as the Associate Dean of Academic Affairs for Medgar Evers College. Chancellor Richards continued her professional career as Dean of the College of Health and Human Services at Ohio University in Athens, Ohio. Before coming to Indiana University Northwest to serve as Chancellor, she served as Provost and Vice President for Academic Affairs at Indiana University of Pennsylvania from 1986–1993.

Though extremely dedicated to her academic work, Chancellor Hilda Richards selflessly gives her free time and energy to her community. Chancellor Richards is a life member of the National Association for the Advancement of Colored People and a member of the American Nurses Association. She also serves as a board member for several organizations in Northwest Indiana, including: The Gary Education Development Foundation, Inc.; Tradewinds Rehabilitation Center, Inc.; Boys and Girls Club of Northwest Indiana; WYIN-Channel 56; and the Northwest Indiana Forum. Additionally, Hilda Richards has volunteered countless hours of service to the Times Newspaper Editorial Advisory Board, the Indiana Youth Institute, and The Methodist Hospital.

Mr. Speaker, I ask that you and my distinguished colleagues join me in commending Chancellor Hilda Richards for her dedication, service, and leadership to the students and faculty of Indiana University Northwest, as well as the people of the First Congressional District. Northwest Indiana's community has certainly been rewarded by the true service and uncompromising dedication displayed by Chancellor Hilda Richards.

A TRIBUTE TO AMERICAN SERVICE MEN AND WOMEN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to America's servicemen and women for their heroic sacrifices made to preserve freedom. With the upcoming observance of Memorial Day, the United States recalls once again how freedom is not free. This hallowed national holiday is followed on June 6 by the 55th anniversary of D-Day, the date of the 1944 Invasion of Normandy by the Allied Forces to liberate the European continent from the darkness of Nazi tyranny.

It is the spirit that compels Americans to defend freedom at all costs that we honor at this solemn Memorial Day holiday. Senator Robert Kennedy once wrote: "Every time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

President Reagan once mentioned that we don't have to look in history books to find heroes; heroes are all around us, in every American city and town, as well as in the towns of our Allies. On Memorial Day, I pause to pay tribute to such heroes as the late Tom O'Connor of Quebec, Canada, who, as a young Canadian paratrooper, landed in Normandy, France, on June 6, 1944, fought in the dreadful Falaise Gap during the following Battle of Normandy, was severely wounded by machine gun fire, and spent the rest of the war in a German hospital.

I pay tribute to John J. McDonough who, as a reliable young sergeant in the U.S. Army Air Corps, served the Allies in the China-Burma-India Theater of Operations. At the same time, his teenage brother, Thomas J. McDonough, was a faithful seaman in the U.S. Navy who saw action in the South Pacific in the Invasion of the Philippines and in the Battle of Okinawa, among other campaigns.

I pay tribute to Mr. James Clark, Sr., of Bowie, Maryland, who, as a teenager in the U.S. Navy before World War II, was on duty in Pearl Harbor on the morning of December 7, 1941, and raced to his battle station during the surprise Japanese attack on the American fleet. Young Mr. Clark defended his nation that Sunday morning with the valor and spirit that we solemnly honor on Memorial Day and on June 6.

I pay tribute to Corporal Francis McDonough of Bowie, aged 20 in 1944, who, with 10,000 other young American soldiers, boarded the English liner, Aquitania, in New York Harbor on January 29, 1944. The ship had been refitted into a troop ship, was as swift as the German U-boats, and sailed unescorted without convoy protection on a risky voyage across the cold North Atlantic.

Once fully loaded with troops, Aquitania steamed out of New York Harbor. Corporal McDonough and other soldiers lined in the decks of the huge liner and stared at the Statute of Liberty until it disappeared from view. For much of the first three days of the journey, a Navy seaplane, the PBY Catalina, watched for enemy submarines as it accompanied Aquitania to the extent of the plane's range of fuel. The PBY signaled the ship with its findings, and finally had to turn back as the liner sailed beyond the perimeter of the plane's range. After a harrowing voyage, the U.S. troops disembarked safely in Scotland a week later.

Several months later, after hazardous amphibious training off of England's coast at Slapton Sands, the Allies launched the invasion of Europe against Nazi enslavement, on D–Day, June 6, 1944, landing on five codenamed beaches in occupied Normandy, France: Gold, Sword, Juno, Utah, and Omaha.

Long before crossing the English Channel to Utah Beach in Normandy on D–Day, Corporal McDonough had been trained in the United States as an anti-aircraft gunner on a half-track vehicle equipped with four 50-calibre machine guns. A half-track had a truck cab and front wheels, and tank-like tracks in the rear.

On D–Day, while on the English Channel, the young corporal felt encouraged when the nearby battleship, *USS Nevada,* opened fire on the German batteries along the French coast ahead. The booming of the ship's huge guns sent flaming projectiles above in the dim light, yet the young soldier considered the ship's presence reassuring.

Previously, *USS Nevada* had been heavily damaged when attempting to proceed underway during the Japanese attack at Pearl Harbor on December 7, 1941. But due to the innovation of her valiant crew, she was beached in shallow water there to avoid sinking. The *USS Nevada* was among the ships returned for later service.

On the early morning of June 6, 1944, Corporal McDonough's outfit saw that at Utah Beach in Normandy, many of the forward observers—radio men—were dead, and their radios were gone, lost underwater only three U.S. tanks out of about 30 made the shore (that they saw) during the morning landings. Thus, there was no one to coordinate the ships' firepower, no one to tell the ships' crews where to direct their powerful artillery. U.S. crews on the Navy destroyers, 1,000 yards offshore urgently wanted to help those Americans trapped under German fire on the Normandy beach, but didn't know where to direct their gunfire.

Then, suddenly, on Utah Beach, the outfit of a disabled American tank began firing at the Germans entrenched on a cliff above. The crew of a U.S. destroyer saw where the tank was firing, determined the coordinates, and directed its artillery towards the Nazi pillbox on the cliff. Then a second destroyer also aimed its guns on the same target, and that increased firepower helped the Americans on the beach to move inland.

The tide was coming in fast on Utah Beach; therefore, wounded men who were able to do so crawled inland to avoid drowning. But many young men who were able to do so crawled inland to avoid drowning. But many young Americans died on the beach, too injured to escape the tide. After serving in the U.S. First Army in the D–Day landings, in the Battle of Normandy, in the Battle of France, in the Battle of the Bulge, and in the battles in Germany, Corporal McDonough later recalled quietly how heartbreaking it had been at Utah Beach on D–Day to see the American bodies floating on the waves. Yet, years afterwards, we know that their ripples had built a current.

As Senator Robert Kennedy later noted, such an American current was capable of sweeping down the mightiest walls of oppression and resistance. It is this spirit of Americans who love freedom that we honor on Memorial Day and on the 55th anniversary of D–Day, June 6, 1944. It is a privilege to pay tribute to American soldiers, sailors, and airmen of all wars who have given the noble example of handing over their country not less ut even greater and better than they received it.

RAILWAY SAFETY AND FUNDING EQUITY ACT OF 1999

HON. ROBERT E. (BUD) CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CRAMER. Mr. Speaker, I rise today to join my friend and colleague, Congressman BILL LIPINSKI to introduce the Railway Safety and Funding Equity Act of 1999, also known as RSAFE.

This legislation addresses the dangerous lack of adequate safety infrastructure, such as crossing gates, at highway and railroad grade crossing across the country. At many grade crossings, the only safety infrastructure between motorists and oncoming trains is a stop sign or a crossbuck. In my state of Alabama, only about 30 percent of the grade crossings are signalized with gates, lights, or bells. All too often, the end result of this lack of adequate safety infrastructure is a tragic accident in which someone is horribly injured or killed. Last year alone, 428 people died in accidents at railroad grade crossings. Indeed, my home state of Alabama ranks ninth in the nation in terms of vehicle train crashes.

These statistics are appalling and unacceptable, especially when we have the resources and know how to greatly reduce them. That's why I've joined with my colleagues, BILL LIPINSKI, in introducing RSAFE. This legislation would almost double the current federal grade crossing improvement program, thereby allowing states to invest heavily in constructing adequate safety infrastructure at railroad crossings. RSAFE does this by setting aside the 4.3-cent per gallon diesel fuel tax that railroads currently pay toward deficit reduction and transfers it into the Federal Highway Administration's Section 130 grade crossing safety program. This will increase the monies available through this program by approximately $125 million, raising the total level from $150 million to approximately $275 million for the next 5 years.

Dedicating the monies derived from this fuel tax toward railroad safety infrastructure will have a real and tangible impact on countless communities across the country. However, while installing new crossing gates and lights will help decrease the number of tragic accidents we've seen so many times in the news, this alone is not enough. In addition to putting up more physical barriers at railroad crossings, we also need to put more money toward educating motorists. That's why RSAFE sets aside five percent of this new funding for education and awareness campaigns, such as those conducted by Operation Lifesaver. Operation Lifesaver is a unique, non-profit organization that works with local law enforcement officials and others to make pedestrians and motorists aware of the dangers of railroad crossings. It is through these combined efforts that we will have the most impact on communities and save the most lives.

I know that my friends in the railroad industry will argue that even the imposition of the 4.3-cents tax is unfair and punitive. They will argue that they have already invested billions of dollars in maintaining and improving their infrastructure. Well, I applaud the investment the industry has put into improving grade crossing infrastructure. But, I say to my friends in the railroad industry, more needs to be done.

RSAFE does more. Rather than using the revenue raised by this 4.3-cents tax on deficit reduction, RSAFE plows the money right back into railroads, making them safer for the public. Furthermore, after five years of increased investment in making our nation's railroad crossings safer, RSAFE repeals the 4.3-cents tax. Therefore, with this bill, my colleague and I are not trying to penalize or unfairly burden the railroad industry. On the contrary, through this bill we are simply trying to use the funds the railroad industry is already paying wiser. We believe it is far wiser and fairer to use these funds to improve railroad grade crossing safety over the next five years and then put in place a mechanism by which this tax is repealed, than to put it toward deficit reduction.

The Railroad Safety and Funding Equity Act of 1999 is a good bill which strikes a good balance between industry and public safety. I urge my colleagues and my friends in the railroad industry to join Representative LIPINSKI and I in moving this legislation forward. Each day we wait, is another day a life is needlessly put at risk.

COMMENDATION OF MR. H. BEECHER HICKS III, WHITE HOUSE FELLOW FROM CHARLOTTE, NORTH CAROLINA

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. WATT of North Carolina. Mr. Speaker, I want to take this opportunity to commend H. Beecher Hicks, III of Charlotte, North Carolina for serving as a distinguished White House Fellow this year.

Mr. Hicks earned his BA in marketing from Morehouse College and MBA from the University of North Carolina Kenan-Flager Business School. He is an investment banker with Bank of America Corporation (formerly NationsBank Corporation) where be serves as Vice President and provides mergers and acquisitions advice to middle-market companies. While serving as assistant to the chairman of NationsBank, Mr. Hicks led the formation of the bank's vendor development program and proposed a $30 million equity-investment company focusing on urban communities. He also helped start The Investment Group of Charlotte, which invests in local firms and real estate projects and provides technical aid to entrepreneurs. Beyond his success in the private sector, Mr. Hicks serves on the Board of Directors of the Charlotte-Mecklenburg Development Corporation and works with students at Johnson C. Smith University.

Mr. Hicks was selected as one of 17 individuals nationwide to receive the White House Fellowship for 1998–1999. The fellowship allows outstanding citizens to participate in a once-in-a-lifetime experience by working hand-in-hand with leaders in government. Applications are chosen based on demonstration of excellence in community service, academic achievement, leadership and professional experience. It is the nation's most prestigious fellowship for public service and leadership development.

As a White House fellow, Mr. Hicks has been assigned to the Corporation for National Service. In that capacity, he serves as Director of the AmeriCorps Promise Fellows Program, where he is responsible for implementing a partnership program between the AmeriCorps and America's Promise, which was founded by former White House Fellow General Colin Powell. Mr. Hicks also evaluates the effectiveness of the investment strategies for the $400 million National Community Service Trust. His other responsibilities include developing an effort to better link the Corporation with AmeriCorps members, developing a clearer national identify for the program and working with senior management on organizational, management accountability and cultural issues.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. H. Beecher Hicks III for his service to the White House Fellows Program—a rare honor. I applaud his selection and wish him much continued success.

IN MEMORY OF BILL SCOTT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of a remarkable resident of my 20th Congressional District in New York.

Bill Scott, a resident of Rockland County, NY, for over fifty years, passed away earlier this week at the age of 72. With his passing, New York State has lost one of its distinguished citizens.

Bill Scott helped found the N.A.A.C.P. chapter in Spring Valley, New York, back in 1951—nearly fifty years ago. It is an interesting fact that Bill felt compelled to do so because he believed that the existing N.A.A.C.P. chapter in Rockland County was not vigilant enough in pursuing discrimination and injustice against African Americans.

Ironically, years later, in the 1960's Bill broke away from the N.A.A.C.P. chapter that he had founded because he believe that more militant times demanded a more militant response. Accordingly, he founded the Rockland chapter of the Congress of Racial Equality (CORE). But, he soon left that organization also, because he believed their national leadership had come to espouse Black separatism—a philosophy Bill could not abide. Bill devoted his life to equality between the races, but at no time did he condone separation of the races which he viewed as self-defeating.

Throughout the fifties and the sixties, Bill organized marches, sit ins, and demonstrations to integrate the police forces, the Y.M.C.A., and other institutions in Rockland County which, regrettably, were not color blind at that time. It is hard for our young people today to fully understand how ingrained racism was in our society just a few short decades ago. Nor are younger generations aware that by no means was racial segregation restricted to the south. I can recall from my own experiences as an N.A.A.C.P. member in the 1950's that quite often we were considered too "radical" for our times, even in New York State.

Thanks to people such as Bill Scott in Rockland, who were courageous enough to speak out and to act at a time when it was not popular, we are well on the road today to a society where all are truly equal, although we still have a long way to go.

Bill Scott hosted a popular television show on cable, "Black Perspectives," which made him a household word in Rockland during the last few decades of his life. I was honored to be his guest on several broadcasts and, like his viewership, I never ceased to marvel at his enthusiasm, his knowledge, and his commitment.

Bill Scott, a native of New Jersey, moved to Rockland County, NY, when he was stationed at Camp Shanks during World War II. In the over half century that he called Rockland home, he made a genuine impact upon his neighbors and his community. Bill will truly be missed, and we extend our sympathy and condolences to his widow Barbara, his three sons, two daughters, and ten grandchildren, and to his family, friends, loved ones and admirers who appreciated the gifts of this truly caring leader.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 27, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 8

9:30 a.m.

Armed Services

To hold hearings on the nominations of General Eric K. Shinseki, USA, for reappointment to the grade and for appointment as Chief of Staff, United States Army, and Lieutenant General James L. Jones, Jr., USMC, to be general and for appointment as Commandant of the Marine Corps.

SR–222

JUNE 9

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on the implementation of the Transportation Equity Act for the 21st century.

SD–406

Indian Affairs

To hold hearings on S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; and S. 944, to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

SR–485

2 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.

SD–366

JUNE 10

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the report of the National Recreation Lakes Study Commission.

SD-366

10 a.m.

Judiciary

Business meeting to markup S. 467, to restate and improve section 7A of the Clayton Act; and S. 606, for the relief of Global Exploration and Development Corporation, Kerr-Mcgee Corporation, and Kerr-Mcgee Chemical, LLC (successor to Kerr-McGee Chemical Corporation).

SD-226

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on mergers and consolidations in the communications industry.

SR-253

Environment and Public Works

To hold hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.

SD-406

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, May 27, 1999*

The House met at 10 a.m.

The Reverend John Putka, S.M., Ph.D., Department of Political Science, University of Dayton, Dayton, Ohio, offered the following prayer:

Eternal God and Father of us all, in scripture we read that:

Unless the Lord build the house,
They labor in vain who build it;
Unless the Lord guard the city,
In vain do the watchmen keep vigil.

Engraved on the wall above our Speaker are the words, "In God We Trust." We ask You to bless our Nation in abundance with Your grace and wisdom as we thank You for Your gifts and entrust ourselves to You.

Bless Your people, and grant that our representatives in this Congress may become increasingly aware of Your law, present in their hearts, and of Your will, discerned in the crucible of conscience, so that they may succeed in securing the blessings of liberty to ourselves and our posterity.

We ask this through Jesus Christ, Your Son and our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 309, nays 76, not voting 49, as follows:

[Roll No 166]

YEAS—309

Abercrombie
Ackerman
Allen
Andrews
Archer
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kelly
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Payne
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vento
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NAYS—76

Aderholt
Baird
Baldacci
Berry
Bilbray
Bonior
Borski
Boswell
Brown (OH)
Condit
Costello
Crane
DeFazio
Deutsch
Dicks
Engel
English
Filner
Ford
Frank (MA)
Gephardt
Gibbons
Gutierrez
Gutknecht
Hefley
Hill (MT)
Hilleary
Hoekstra
Hooley
Hulshof
Jackson-Lee (TX)
Kennedy
Kilpatrick
Kingston
Kucinich
LaFalce
Lantos
Levin
LoBiondo
McDermott
McGovern
McNulty
Menendez
Miller, George
Moran (KS)
Neal
Oberstar
Olver
Pallone
Pastor
Peterson (MN)
Pickett
Pomeroy
Ramstad
Roybal-Allard
Sabo
Schaffer
Schakowsky
Slaughter
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Weller
Wu

NOT VOTING—49

Armey
Barton
Blagojevich
Bonilla
Bono
Brown (CA)
Brown (FL)
Callahan
Carson
Clay
Clayton
Clyburn
Conyers
Cummings
Davis (IL)
Doggett
Evans
Fattah
Hastings (FL)
Hilliard
Holt
Hunter
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kasich
Leach
Lee
McKinney
Meeks (NY)
Millender-McDonald
Norwood
Owens
Pelosi
Pombo
Rothman
Roukema
Royce
Sanders
Scarborough
Smith (NJ)
Smith (TX)
Walden
Watt (NC)
Wexler
Woolsey
Wynn
Young (AK)

☐ 1021

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. CALLAHAN. Mr. Speaker, during rollcall vote No. 166, on approving the Journal, I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. MILLENDER-MCDONALD. Mr. Speaker, on Thursday, May 27, 1999, I was unavoidably detained while conducting official business and missed rollcall vote 166, a motion to approve the Journal. Had I been present, I would have voted "yea."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LAHOOD). Will the gentleman from New

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

York (Mr. REYNOLDS) come forward and lead the House in the Pledge of Allegiance.

Mr. REYNOLDS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1034. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1121. An act to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse".

The message also announced that pursuant to Public Law 94-201, as amended by Public Law 105-275, the Chair, on behalf of the President pro tempore, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress—

Janet L. Brown, of South Dakota; and

Mickey Hart, of California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize the gentleman from Ohio (Mr. BOEHNER). Other 1-minutes will be taken up at the end of the day.

WELCOME TO FATHER JOHN PUTKA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, we are very glad this morning to have Father John Putka as our guest chaplain.

President Andrew Jackson is famous for saying, and I will quote, "One man with courage makes a majority." That description I think is particularly suited to Father Putka.

As a priest of the Society of Mary, and as a professor at the University of Dayton, Father Putka has had a dramatic and positive impact on the lives of tens of thousands of students over the years. I know of few professors who take such a personal interest in the academic and spiritual growth of their students.

Before going to the University of Dayton in 1989, though, Father Putka taught at my alma mater and the alma mater of our colleague, the gentleman from Colorado (Mr. BOB SCHAFFER), Moeller High School in Cincinnati.

Although I was gone, Father Putka did teach most of my eight younger brothers, and the gentleman from Colorado (Mr. SCHAFFER) as well.

He is truly one of a kind, and not just because there are not many Marianist priests out there sporting a flat top haircut. He is a dear friend to many, and through his service to his church, his community, and his country, I think he is a unique leader for all of us.

I might also add that as a professor at the University of Dayton, he has done a marvelous job in attracting many of us to come speak to his class, Members from both sides of the political aisle.

I might also mention that Father Putka is currently a professor for the student, the daughter of our colleague, the gentleman from Illinois (Mr. RAY LAHOOD), who is in the Chair.

We are glad that Father Putka is with us, and hope that he will return soon.

PROVIDING FOR CONSIDERATION OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived.

(b) No further amendment to the amendment in the nature of a substitute made in order as original text shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate.

(c) Except as specified in section 5 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

(e) The first time after the legislative day of May 27, 1999, the Speaker declares the House resolved into the Committee of the Whole House on the state of the Union for further consideration of H.R. 1401 an additional period of general debate shall be in order, which shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part C of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

SEC. 5. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 6. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1030

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 1401, the Fiscal Year 2000 Department of Defense Appropriations Act. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Armed Services.

The rule waives all points of order against consideration of the bill. It makes in order the Committee on Armed Services' amendment in the nature of a substitute now printed in the bill, modified by the amendment printed in part A of the Committee on Rules report, which shall be considered as read.

The rule also waives all points of order against the amendment in the nature of a substitute, as modified.

The rule makes in order only those amendments printed in the Committee on Rules report and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate.

Amendments printed in part C of the Committee on Rules report may be offered en bloc. Except as specified in section 5 of the resolution, amendments will be considered only in the order specified in the report, may be offered only by a Member designated in the report, and shall be considered as read, and shall not be subject to a demand for division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The rule waives all points of order against amendments printed in the Committee on Rules report and those amendments en bloc described in section 3 of the resolution.

The rule provides for an additional 1 hour of general debate at the beginning of the second legislative day of consideration of H.R. 1401, which also shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule authorizes the Chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of the amendments in part C of the Committee on Rules report or germane modifications thereto, which shall be considered as read, except that modifications shall be reported, shall be debatable for 20 minutes equally divided between the chairman and ranking member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question.

For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment, included in such amendments en bloc, may insert a statement in the CONGRESSIONAL RECORD immediately before the dispositions of the en bloc amendments.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule allows the Chairman of the Committee of the Whole to recognize for consideration of any amendment printed in the report out of order in which printed, but not sooner than 1 hour after the Chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1401 is a good bill. It is a bill that will allow all of us to rest a little easier at night knowing that our national defense is stronger and that we have taken good care of our troops.

We now know that China has stolen our nuclear technology, something the Soviet Union could not do during the entire Cold War.

We live in a dangerous world, but Congress is doing something about it. We are working to protect our friends and family back home from our enemies abroad. We are helping to take some of our enlisted men off of food stamps. It has been absolutely ridiculous that our enlisted men are on food stamps to survive. We are giving them a 4.8 percent pay raise.

We are providing for a national missile defense system so that we can stop a warhead from China if that day ever comes. We are boosting the military's budget for weapons and ammunition, and we are tightening security at our nuclear labs, doing something to stop the wholesale loss of our military secrets.

Mr. Speaker, the Committee on Rules received 89 amendments to this bill. We did our best to be fair and to make as many amendments in order as we could. The rule allows for a full and open debate on all the major sources of controversy, including publicly funded abortions and nuclear lab security. It allows for debate on a lot of smaller issues, too.

I urge my colleagues to strongly support this rule and to support the underlying bill so we can have this good discussion on the floor today. Now more than ever we must provide for our national security.

Mr. Speaker, I include the following letter for the RECORD:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 26, 1999.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In his recent letter, the President indicated that the Administration considers unacceptable Section 1006 of the House Armed Services Committee's FY 2000 National Defense Authorization bill, which restricts FY 2000 funds available to the Defense Department to be used for supporting Kosovo military operations. Thus, the President indicated that if Congress were to enact a Defense Authorization bill that included Section 1006, he would veto it. In an effort to resolve this issue, you asked for my thoughts regarding the Administration's possible actions to ensure that our military forces in Kosovo receive adequate resources.

Throughout the debate on the recently passed emergency supplemental for Kosovo and other activities, the Administration was clear about its objectives for funding Department of Defense needs—that our forces involved in the Kosovo military operation are fully funded to conduct their mission and that the military readiness of all other U.S. forces is protected. We believe the President's supplemental request achieved these objectives. Consistent with current practice, the President must retain the flexibility to access various DoD funding sources to respond to immediate needs, much as he has done in the past. We, of course, will work with the Congress to ensure that any contingency requirements are fully funded, as well as to ensure that other priorities—such as military readiness and modernization—are protected. With regard to Kosovo funding requirements that may develop beyond the FY 1999 Emergency Supplemental Appropriation, to the extent that these requirements exceed an amount that could be managed within the normal reprogramming process without harming military readiness, we will submit either a budget amendment or a supplemental appropriations request.

Sincerely,

JACOB J. LEW,
Director.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to announce that on Thursday, June 10, the House Permanent Select Committee on Intelligence will hold a public meeting to examine the Chinese embassy bombing. Witnesses from the Permanent Select Committee on Intelligence community, including the Director of Central Intelligence and from the Department of Defense are expected to attend.

It is the committee's intention that this hearing will provide the American people with a clear understanding of why this tragic event occurred.

Mr. Speaker, on May 7, 1999, the Embassy of the People's Republic of China in Belgrade was bombed by U.S. aircraft acting as part of the NATO operation in Yugoslavia. The embassy building was mis-identified as the Yugoslavian Federal Directorate of Supply and Procurement, the intended target.

That mistakes were made, is clear. We need to know why, and what can be done to lessen the chance that similar mistakes will be made in the future.

On June 10, the House Permanent Select Committee on Intelligence will hold a public hearing to examine the Chinese embassy bombing. Witnesses from the intelligence community, including the Director of Central Intelligence, and from the Department of Defense are expected to attend. It is the committee's intention that this hearing will provide the American people with a clear understanding of why this tragic event occurred.

Mr. Speaker, I am pleased to yield to the gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California for yielding to me. I want to confirm that the bipartisan House Permanent Select Committee on Intelligence is obviously well aware of our colleagues' concerns on what went wrong in the bombing, and we are going to do our best to provide information to our colleagues and to all Americans who are interested in the subject.

It was a bad mistake, it had serious consequences and we believe the public right to know in this matter needs to be brought forth in a timely way, and we believe this schedule will work.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1401, the Fiscal Year 2000 National Defense Authorization Act, and I will reluctantly support this rule.

The Republican majority on the Committee on Rules has recommended a rule to the House which denies Democratic Members the right to offer important policy amendments, and it is for that reason that some Members of the Democratic Caucus will not support this rule.

Mr. Speaker, the Committee on Rules reported this rule at 11 o'clock last night on a straight party line vote. I opposed this rule in committee because the Republican majority specifically excluded four major amendments that Democrats had considered top priority amendments. Two of those amendments were truly bipartisan amendments relating to matters of great importance to our national security.

It only seems logical that for matters of such a serious nature that the House be afforded the opportunity to consider a bipartisan response. This rule closes off that opportunity, and the debate in the House will suffer as a result.

Specifically, Mr. Speaker, this rule does not allow an amendment proposed by the gentleman from Washington (Mr. DICKS), which relates to counterintelligence activities at the Department of Energy.

The gentleman from Washington (Mr. DICKS) was the Ranking Democrat on the Cox committee, and his amendment reflects the important recommendations made by that committee.

This amendment was cosponsored not only by the gentleman from South Carolina (Mr. SPRATT), but by the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Texas (Mr. THORNBERRY), and the gentleman from South Carolina (Mr. GRAHAM). This was truly a bipartisan amendment sponsored by Members with expertise in national security.

In addition, the Ranking Democrat on the Committee on Armed Services specifically asked that the Dicks amendment be included in the rule. In spite of this substantive support for the Dicks amendment, the Republican majority has chosen to not allow the House the opportunity to consider it.

Mr. Speaker, I believe that decision reflects a serious lapse in comity and certainly a serious lapse in the ability of this House to address matters of such serious national security importance.

Secondly, the Committee on Rules failed to make in order an amendment proposed by the gentleman from Michigan (Mr. DINGELL). The Dingell amendment would have stricken language in the Committee on Armed Services bill which transfers the authority for security operations within the Department of Energy to the Department of Defense.

The gentleman from Michigan is of course the Ranking Democrat on the Committee on Commerce, which has, under the rules of the House, jurisdiction over the Department of Energy. His amendment was cosponsored by the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce.

In addition, the chairman and Ranking Democrat of the Committee on Science, which also has jurisdiction over the Department of Energy, were sponsors of the Dingell amendment.

The chairman of the Committee on Rules last night said it was not necessary to make the Dingell amendment in order since the matters in his amendment were included in an amendment which will be offered by the chairman of the Committee on Armed Services.

Mr. Speaker, there is a difference of opinion about how closely the Spence amendment tracks the intent of the Dingell amendment. In the interests of comity, I think it would have been preferable for the Committee on Rules to allow the Dicks amendment to be considered by the full House.

Finally, the Republican majority of the Committee on Rules excluded amendments proposed by the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from California (Ms. WATERS). These amendments seek to extend a program which has established contract goals for minority and other disadvantaged businesses for the Department of Defense, yet the Republican majority on the Committee on Rules failed to make this important matter part of our discussion during the consideration of the bill.

Mr. Speaker, there will be a number of speakers who will follow me in this debate who oppose the rule, and I would certainly hope that the Republican leadership will listen very carefully to what they have to say. These are Members who have substantive expertise in the issues before us, and it is, quite frankly, demeaning to this body that they should have been excluded from the debate.

I would like to say, however, that the bill made in order by the rule is a good bill. Mr. Speaker, when we ask our men and women in uniform to do the heavy lifting for us, when we ask them to shoulder such an important burden, it is vital that we make sure that they have the best training and the best equipment and that they be fully compensated for the work they do. It is our responsibility to make sure that all of those things happen. Mr. Speaker, I believe this bill goes a long way toward meeting that responsibility.

The bill provides a 4.8 percent pay raise effective next January and, more importantly, ensures that future pay raises for the military will keep pace with private sector pay increases. I cannot stress too much how important this provision is to the retention problem we currently face with our active duty military.

The bill also reforms retirement pay which will help with retention. The housing allowance budget is significantly increased in the bill, which will result in lower out-of-pocket costs for housing for military personnel.

□ 1045

The bill extends several special pay and bonus provisions, reforms the reenlistment program and creates several new special pay programs specifically designed to enhance retention. The Committee on Armed Services is to be commended for its excellent work in this area.

I would also like to commend the committee for its inclusion of $250.1 million to procure 10 F-16C aircraft, as the President had requested, as well as the requested funds for the F-22 Raptor, the next-generation air dominance fighter. The bill contains $1.2 billion for research and development, $1.6 billion for six low-rate initial production aircraft, and $277.1 million for advance procurement of 10 LRIP aircraft in fiscal year 2001.

The bill also provides $987.4 million for 11, V-22s, one aircraft more than the President's request. The Committee on Armed Services has acted wisely by adding this additional aircraft so that the Marine Corps will be able to more quickly replace its aging fleet of CH-46 helicopters.

Mr. Speaker, H.R. 1401 is a good bill, a bill we can be proud of. But, Mr. Speaker, this rule does not reflect the bipartisan support of the bill it makes in order. I will oppose the previous question and ask for an open rule at the appropriate time.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding me this time. I would like to point out that this is a rule of which I do not believe the authors should be proud. This rule, I believe, strictly limits a serious debate with regards to our national defense and our involvement in war at this particular time.

Today, the International War Crimes Tribunal decided to indict Milosevic. Milosevic is obviously a character that deserves severe criticism, but at this particular junction in the debate over this erroneous and ill-gotten war in Yugoslavia, this indicates to most of the world that there is no attempt whatsoever on the part of NATO to attempt any peace negotiations. This is a guarantee of the perpetuation of war.

Milosevic is going to be further strengthened by this. He will not be weakened. It was said the bombing would weaken Milosevic, and yet he was strengthened. This same move, this pretense that this kangaroo court can indict Milosevic and carry this to fruition indicates only that there are some who will enjoy perpetuating this war, because there is no way this can enhance peace. This is a sign of total hypocrisy, I believe, on the part of NATO. NATO, eventually, by history, will be indicted.

But today we are dealing with this process, and this is related to the bill that is about to be brought to the floor because, specifically, as this bill came out of committee, it said that monies in this bill should be used for defense, not for aggressive warfare in Kosovo, and yet that was struck in the Committee on Rules. That is a serious change in the bill. I think all our colleagues must remember this when it comes time to vote for the final passage.

We could have had a bill that made a statement against spending this money to perpetuate this illegal NATO war, and yet it was explicitly removed from the bill. I think this is reason to question the efforts on this rule. Certainly it should challenge all of us on the final passage of this bill, because much of this money will not be spent on the national defense, but to perpetuate war, which is a direct distraction from our national defense because it involves increasing threats to our national security. It does not protect our national security.

It might be well to also note that this bill does not do much more for fiscal conservatives. The President asked for a certain amount for the defense of this country, but we have seen fit to raise him more than $8 billion, spend more money, more money that is so often not spent in our national defense. At the same time, we must also remember that when we vote on this bill, and this rule allows it, more than $10 billion will be in excess of the budget agreement of 1997.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, we must defeat this rule today. We must defeat it because it lets down the American people. It forbids this House from voting on vital changes to policies and procedures of the Department of Energy, procedures that have led directly to the loss of some of our Nation's most valuable secrets.

Let me read to my colleagues a list of some of the national security protections the House will not be allowed to vote on today if this rule passes.

The House will not be allowed to vote to double penalties on the traitors who betray our Nation by divulging our secrets. The House will not be allowed to vote to ensure that seasoned FBI counterintelligence professionals are hired at the national labs to perform counterintelligence. The House will not be allowed to vote to ensure that never again are counterintelligence agents forced to stand by, unable to search the office or computer of a spy while our Nation's secrets are being poured straight into the arms of potential adversaries.

The House will not be allowed to vote to give the Secretary of Energy the authority to expedite polygraphing of people with access to our most sensitive nuclear secrets, even if the Secretary believes that doing so is vital to protect our national security.

The House will not be allowed to vote to protect individuals who risked their own careers by bringing to light security lapses at DOE before more secrets are lost. The House will not be allowed to vote to require a comprehensive outside analysis of computer vulnerabilities at the national labs. And the House will not be allowed to vote to require a red team from the FBI and the NSA to find open ways into DOE's classified system and close them.

Mr. Speaker, it is simply an outrage that the House has been denied a vote on these measures. But what is most disappointing is the reason why this has been done. The flaw which kept the House from voting for any of these measures is that they were part of a bipartisan bill which was agreed to by both Republicans and Democrats; thoughtful national security experts, like the gentleman from Texas (Mr. THORNBERRY), the gentleman from South Carolina (Mr. GRAHAM), and the gentlewoman from New Mexico (Mrs. WILSON) joined with me and the gentleman from South Carolina (Mr. SPRATT), the gentleman from Arkansas (Mr. SNYDER), and the gentlewoman from California (Mrs. TAUSCHER).

Combined, these Members have over 50 years of service on National Security Committees of the House, but we were denied because we chose to work together.

I also understand that an amendment offered by two Republican full committee chairmen and the gentleman from Michigan (Mr. DINGELL), the longest serving and one of the most respected Members of this House, who warned everyone about problems at DOE when everything we have lost today could have still been saved, was denied a vote in the House.

Today is a low day for the House, Mr. Speaker, unless we turn back this rule and start over.

The gentleman from California (Mr. COX) and I worked very hard together on a bipartisan basis to bring to this House our best recommendations on what could be done to improve national security at these labs, and I am very disappointed that the Republican leadership has chosen to take a partisan approach to implementing our report. We spent 9 months working on this. We did our very best to give the House our best work product and to have the first effort here to implement these recommendations turned down by the Committee on Rules is an insult to the people who served on this committee.

It was a bipartisan effort. Everyone on the committee was asked to join as cosponsors. I do not understand this. I am very offended by it and I hope that the people and the press will take note of the fact that within hours of our report being presented to the House, already partisan considerations in terms of implementing these recommendations are being put forward. It is an insult.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I rise on this particular bill as a Member of the Committee on Armed Services. I am distraught and somewhat upset that there is so little money going into the military at a time when it is being cut back so dramatically.

Mr. Speaker, what I wanted to talk about today is a provision I put in the bill in the subcommittee chaired by the gentleman from Colorado (Mr. HEFLEY). In Utah, we have what is called the Utah Test and Training Range. It is a huge range, and probably one of the jewels as far as training ranges go. It has a place for the cruise missile, the tactical missile. The F-16 out of Hill is used there; the F-15 out of Nellis; the Navy uses out of Fallon, Nevada, it is used out of Mountain Home. It is 0 to 58,000 feet of clear airspace. There is no other place like that in the world that the United States has.

We tried to protect that and have done our very best to do it. At the present time, the Governor of the State of Utah, Mike Leavitt, and the Secretary of the Interior, Mr. Babbitt, are working on trying to come up with some kind of wilderness issue along the west side of Utah. I have to compliment both the Secretary and the Governor for the good work they have done.

As it has been a while, bringing this to pass, we found ourselves in a situation that we had to protect the Utah Test and Training Range, and so in this bill that we have coming up there is an issue about protecting that range. I have now talked to both the Secretary and the Governor and this language is no longer necessary with the bill that will come about eventually; and therefore, at the proper time, and working with leadership and working with the Parliamentarian and others, we will strike this language.

I am not quite sure where that is, but I wanted to make people aware of that. There are a lot of folks, though, who have a total misunderstanding of how this system worked, who thought this was not done correctly. It was done correctly and in the open light of day, and this will be done at the proper time. I wanted to let the House know that that will be done, which will take care of the problem that seems to be bothering some of the folks from the environmental community who, frankly, do not understand the procedure.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, you need to have served here in the 1980s when the Democrats had a majority, and by a wide margin, to understand how unfair, outrageous and insulting this rule is. We had restricted rules then. We had closed rules then. But when the defense authorization bill came to the floor in those days, we were spending big money and it was felt that this was a free marketplace of ideas.

I have seen years in the past when we had hundreds of amendments, 200 or more amendments, filed in the Committee on Rules, and half of them were made in order. We came to the floor on some occasions and it took us 2 to 3 weeks to get off the floor, but we had a free marketplace of ideas and a full and robust debate. We will not have that full and robust debate today on a matter of utmost importance.

The gentleman from Washington (Mr. DICKS) has told us that together with me and other Members, bipartisan, we sat down and took the recommendations of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China and implemented them with respect to the Department of Energy and the national laboratories. We made a series of serious substantive recommendations supported by Members who know best because they come from those areas where these facilities are located: the gentlewoman from New Mexico (Mrs. HEATHER WILSON), who has Los Alamos; the gentleman from South Carolina (Mr. GRAHAM), who has Savannah River; the gentlewoman from California (Mrs. TAUSCHER), who has Lawrence Livermore. They participated in the formulation of this amendment. A truly bipartisan effort. Is it made in order? No.

Now, in years past it was unthought of for senior members of the committee, for ranking members of serious committees of the House, when they offered a substantive, serious amendment, not a curve ball, not an undercut, and this is not that at all anyway, this is substantive legislation, to be stiff-armed like this by the Committee on Rules and the other side of the aisle.

This rule says we have time to consider how lease proceeds from the dairy farmer in Annapolis will be allocated, but we cannot talk about security in the national labs. We have time to talk about how whether or not we will buy American when we buy weight training equipment, but we cannot talk about espionage in the national labs, not at least with respect to our well-thought-out bill. We have time to talk about how the Air Force will buy modular firefighting equipment, but not this important bipartisan amendment.

This is a travesty. This is not the way to run the House of Representatives. We should defeat this rule and let everyone know that in the future, when efforts like this are made, they deserve at least a hearing in the well of the House.

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Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I would like to assure the gentleman from South Carolina that there is going to be a lot of discussion on the nuclear labs problem on this House floor.

Mr. SPRATT. But, if the gentlewoman will yield, there is no discussion about the amendment which we offered which we have worked on for 2 weeks and in which there has been broad bipartisan participation. This is an outrage. We should at least be able to make it in order on the House floor.

Mrs. MYRICK. Reclaiming my time, we had 89 amendments to consider in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. First of all, I thank the gentlewoman for yielding.

Mr. Speaker, just to respond to my good friend and someone for whom I have the highest respect, I do not know of any Republican on the Cox committee that was consulted on the amendment. I was not. As the gentleman knows, I spend a lot of time on these issues in the Cox committee. I take my work on the Cox committee very seriously. There is no member of the Cox committee on our side of the aisle who is on that amendment because I was not aware of it.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. SPRATT. It is my understanding that the gentleman from Washington (Mr. DICKS) talked to the gentleman from California (Mr. COX) about it and that my staff talked to your staff about it.

Mr. WELDON of Pennsylvania. No. I am not a cosponsor of the amendment, did not know it was coming up, would have helped the gentleman in the Committee on Rules if I would have known. But I just found out from the gentleman from Texas (Mr. THORNBERRY). He is on it.

I am just saying, I think we would have had a better chance for a truly bipartisan effort if the Republicans on the Cox committee had been involved and engaged to help make this process before it.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Washington.

Mr. DICKS. We gave this to the chairman, and I talked to him about it two or three times as we were doing these various joint appearances. Admittedly, with all the attention there has been on getting this report out, we may not have done our finest job in getting this to everybody as quickly as possible, and I regret that, but the chairman was given the amendment and I asked him to cosponsor it.

Mr. SPRATT. I am told that our staff met with your staff last week and gave you a copy. We would have been happy to have you as a cosponsor.

Mr. DICKS. The chairman was busy, too, though.

Mr. WELDON of Pennsylvania. Reclaiming my time, I would be happy to work with my colleagues and friends because they do have good ideas. As our friends know, there were 38 recommendations in the Cox committee. In fact, I was somewhat appalled that the White House spun a public response to those 38 confidential recommendations on February 1, before the Director of the CIA had even read the report, which he said 2 days later on February 3.

I think a constructive as opposed to a political approach to solving the problems identified in the Cox committee is in order. I will pledge to work with both of my friends in that regard.

Mr. DICKS. We appreciate that.

Mr. WELDON of Pennsylvania. I just wanted to clarify that, that I would liked to have been a part of that effort and will pledge to work with you in the future.

This rule, I ask that our Members support. It is a good rule. There are some things I perhaps would have done differently, but it is a good rule in a very large bill.

I want to point to some specific things that are in here. We took the recommendations of Deputy Secretary John Hamre and his Chief Information Dominance Officer Art Money and we increased what they asked us for.

We see cyberterrorism and the use of information technology as a major weapon in the future of rogue nations. We increase the requests in those areas, so this Congress has been moving ahead of the request by the Pentagon in that area. We, I think, reversed what would have been one of the most destabilizing issues in working with the Russians that we have. The administration originally proposed defunding the only cooperative program we have with Russia on missile defense technology. That was the RAMOS program. That alarmed the Russians. We have heard a lot of the rhetoric about missile defense itself and steps that we are taking to back Russia into a corner.

It was in this bill that we restore that funding with the cooperation of our colleague on the other side, Senator LEVIN, who felt it was critically important that we reverse this decision by the administration.

This rule is worthy of our support. I ask our colleagues to vote "yes."

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this rule degrades democracy. It is a conscious decision for the democratically elected House of Representatives to avoid open discussion and debate on the most important national security issues. Let us put aside the suggestion that time dictated that.

The gentlewoman from North Carolina said, well, there were 89 amendments submitted. The leadership that decided not to go forward with the debate on these significant issues gave us all a present a week ago of 3 days off next week that were scheduled for work. The original work schedule called for us to meet next week. Three days were canceled. So it was not time. It was a political decision.

We have on the other side Members who say, and some on this side, that one of the problems that is driving the military budget and causing strains in the budget like we just saw agony on this floor over the agriculture bill. Why? Because there is a general perception that the amount of money we have to work with does not equal the amount that people think is necessary to meet various programmatic needs. Clearly, as you increase military spending, you cause a problem there.

One argument has been, we have to increase military spending because the Clinton administration has exceeded its capacity by overcommitment. Now, that is a valid argument to be debated, but we will not be debating it here, because that is too hard. That is one that might make people mad politically. That is too fundamental. We will debate the proceeds of the dairy farm at the Naval Academy and strength equipment and whether or not it is being bought right, and nonsecure tactical radios for the 82nd Airborne. Those will all be separately debated.

But should America continue to have 100,000 ground troops in Western Europe on a permanent basis subsidizing the Europeans 50-some-odd years after the end of World War II? Nine of us, five Republicans and four Democrats, put together an amendment to say, let us cut that to 25,000, subject to the President's right to send more if there is an emergency, an absolutely untrammeled right to say in an emergency, they go over, but as an ongoing, permanent situation, let us not continue to have 100,000 American troops there.

Many of my Republican colleagues say, "Well, we don't want ground troops going into Kosovo. We didn't want ground troops in Bosnia." I have agreed with that, but I am willing to vote that way. What we have are people who want the easy rhetorical out of denouncing something, but do not want to get caught voting for it because voting for it might someday have political consequences.

So this leadership refuses to allow the House to debate an amendment put forward by five Republican, three Democratic and one Independent Member to say, "Let's reduce troops from Europe."

In 1989, a group of us began working on burdensharing, on saying to our wealthy allies in Japan and Europe and in a few other places, the American taxpayer cannot keep paying that defense burden. We have had some successes. It has been bipartisan. My friend from Connecticut and I have been working on it.

The gentleman from California (Mr. ROHRABACHER) is here. The gentleman from Michigan (Mr. BONIOR), Ms. Schroeder when she was here, we had a good bipartisan group. This is the first time in my memory, the first time since 1989, when we have been refused an opportunity to debate burdensharing.

So let me say to the people of Europe, I hope you are grateful to the Republican leadership, because having ended one welfare program, they decided to keep another. They are keeping the most expensive welfare program in human history, the one by which American taxpayers, year after year after year—I cannot give all the years because it has been since 1945—in which we subsidize the budgets of Western Europe.

Now, you may think America ought to keep 100,000 troops in Western Europe so the Europeans can cut their budget, even though we do not ever want to use those troops, but how do you justify in the House of Representatives of this great democracy not allowing it to be debated and voted on?

There is nothing in this bill, nothing, I take it back, there is one thing, there is an amendment that would say, we will remove our troops from Haiti on a permanent basis, one of the smaller interventions. But I heard the gentleman from California (Mr. CUNNINGHAM) talk about Bosnia, Kosovo, Somalia, Rwanda, et cetera.

People denounce the level of commitment and say that is driving up the cost of defense. But this bill quite deliberately guarantees that whether or not we should maintain those commitments will not be debated. It is very cowardly. It is a stance of people who want to talk tough and take no action whatsoever.

It is easy to wave your arms and denounce all these commitments, but then, however, to guarantee that they cannot be debated on this floor so Members never have to take responsibility for what they proclaim politically is unworthy of a democratic process.

This bill ought to be, as it was in the past, as the gentleman from South

Carolina said, the form in which this great democratic body debates, should we have a two-war strategy? What kind of nuclear strategy should we have? What should the role of the American armed forces be?

You demean democracy with this refusal to allow fundamental issues even to be debated.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume. I would just like to clarify that for the last 15 years this bill has always been structured. There are over 16 hours of debate. There are 39 amendments, the same as always, on this defense bill.

As to the question of the gentleman from Washington (Mr. DICKS) regarding that subject, there are 10 amendments that have been made in order on that subject, one of which is the gentleman from Washington's.

I would also like to say that yesterday in the Committee on Rules that the ranking minority member, the gentleman from Missouri (Mr. SKELTON), said it was the best defense authorization bill he had ever seen except for one provision regarding Kosovo which we have dealt with.

According to the ratio, also there are more Republican amendments filed than Democrat amendments that were filed, which is the norm.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding me time. I just want to say from the outset that I have serious reservations about this rule, and I have serious reservations about our military. I believe our military is in trouble and needs significant help and assistance from this Congress.

Our military is not as strong as it should be because, in my judgment, we have too many bases at home and abroad. Our military is not as strong as it should be because we are oversubscribed in weapons systems. Our military is not as strong as it should be because we have not asked our allies to pay their fair share of the nonsalary costs of stationing our troops overseas.

We have asked the Japanese to pay their fair share. They pay over 75 percent of the nonsalary costs. The Japanese give us more than $3 billion in actual cash payment for the 40,000 U.S. troops stationed in Japan.

The Europeans have more than 100,000 of our troops on their soil and they give us a grand total of $200 million. We offered an amendment, five Republicans and four Democrats, to initiate a U.S. troop reduction in Europe from 100,000 to 25,000 over 3 years. We thought this was a sensible proposal. We thought it should have been debated.

I just want to express again my reservation that this amendment was not made in order. Europeans have the ability to do more for the defense of their part of this world. They have the ability to pay more, but if we do not ask them to, they will not do so. They will be more than grateful to get this welfare from these United States.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am disgusted today. We are going to debate defense, and we are not addressing our subsidies to Japan and Germany, who attacked us and took us to war in World War II. We are not going to talk about financing the Chinese military arsenal that has 21 rockets pointed at us and not one of those rockets has a trigger lock. And we are going to have a debate on national security and we are not going to debate our borders that are wide open, they could drive a Chinese missile across it, and launch it from within America at any one of our cities.

I am disgusted today. Literally. I do not see a national security debate. I see a national insecurity Congress, afraid of their shadow, afraid of some of the politics on our border. Literally.

Well, while we are talking about politics, we are placing the American people at risk. I am disappointed.

I have been a very objective Member. That debate on the border should have been allowed in this bill and, shame, shame on this Congress for making the American people vulnerable. Vulnerable to terrorism, vulnerable to narcotics.

And I even struck out immigration. That is too damn political around here. Let narcotics come into the country and destroy our cities, let terrorists come into the country and blow up our trade centers, but let us not debate it, Congress. It is just too damn hot.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members should avoid using profanity during their speeches on the floor.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise with grave concern today, both for the stature and status of our United States armed forces which desperately need a buildup and revisions with our national capacity to defend ourselves because of the trickling and actual flood of secrets from this country to China. But how we can debate today a bill without dealing with the issue of Kosovo, I do not understand.

In the supplemental appropriations bill, we were supposedly rebuilding our armed forces. But we allowed reprogramming to occur from the buildup towards Kosovo. We had rapid deployment force moneys without a restriction for Kosovo. And in this bill, as of last night, the bill that went to the membership had a ban on funds from this bill being used for the war in the Balkans.

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But mysteriously it disappeared. Apparently, the other party was notified this morning that it was out, but in our notices to our members we did not realize until we come to the floor and get ready for debate that no longer is there a protection in this bill and the bill that was distributed to the membership: not only were they not going to allow the debate, but the bill that was given to us had the impression that it had a ban in. I had an amendment that would have restricted the funds even more broadly than that, but that is not in order.

How we can debate about our Armed Forces and whether we need to rebuild and restructure our armed forces and not debate the one thing that is depleting, that is unifying Jimmy Carter and his great editorial today in the New York Times saying civilians are victims of our flawed approach, and Henry Kissinger and an increasing majority of Americans realizing that we are burning up in a futile effort, in an effort over there that is actually worsening world conditions without accomplishing its goals; how we can have a defense authorization debate and, for that matter, an appropriations debate without allowing amendments that would restrict these funds in the name of a military buildup while armed forces are being destroyed is beyond me.

I have not voted against a rule this year or a procedure, but I cannot in good conscience vote for this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise to register my concern and my disappointment that this rule eliminates a portion of the bill that would have blocked funding for the further prosecution of the war in Kosovo and Serbia beyond October 1, 1999. As such, it has canceled debate over U.S. and NATO policy at a critical moment. The war is proceeding without the requisite permission of Congress prescribed by Article I, Section 8, of the Constitution. We are correctly concerned about the plight of the Kosovar Albanians, but we should be no less concerned about our own constitutional process. An air war has continued despite Congress' disapproval.

This war has imposed death and destruction on innocent civilians. A ground war is being planned. As we speak, 50,000 NATO troops are massing at the Kosovo border. British Defense Secretary George Robertson yesterday told NBC news that said troops would go into the southern Serbian province at the earliest opportunity and may well face a hostile environment.

The United States is about to send its sons and daughters into a death trap in Kosovo, and this Congress will not have, with this rule, a moment to debate this awful prospect. This, even as we proceed with an authorization of the budget of the Department of Defense.

Today's reports of the war crime indictment of Slobodan Milosevic are fueling the fiery coals of war glowing in the eyes of NATO hawks. This means a ground war they call down. Congress must speak out clearly and convincingly against a ground war. Congress should pass Mr. WELDON's House Resolution 99 which calls for a peaceful resolution of this war through negotiations to stop the bombing, remove Serb troops from Kosovo, cease the military activities of the KLA, repatriate the Kosovar Albanians under the watchful eyes of armed international peacekeepers.

Even at this moment peace is still possible without further war, but peace becomes increasingly difficult without further debate, and peace becomes increasingly distant without imposing limitations on this administration.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and I rise to express my disappointment in this rule.

I read, as many Members did, with intense interest the Cox report. In particular I was very interested in the section on the proliferation of missile technology to the Communist Chinese primarily through them launching our satellites from China, and I was very pleased that the Cox report included language that said expansion of U.S. launch capacity is in the national security interests of the United States. Further, it went on to say it is the national security interests of the United States to increase this launch capacity in the summary, and it is in one of the recommendations. But this bill does absolutely nothing to address this issue.

Mr. Speaker, I had an amendment that was not made in order that was attempting to address this issue simply by implementing something that the Air Force itself recommended in one of its own studies, and that is to add additional personnel at a launch range that would allow them to increase the capacity at the range, and I was extremely disappointed that this was not made in order, and I am extremely concerned that we, as a Congress, are not doing anything about this problem. We are complaining and getting very concerned about the proliferation of U.S. technology through the Communist Chinese going to all of these rogue nations like Iran and Iraq and North Korea, but here we are. We have a bill before us that attempts to do absolutely nothing to address this very, very critical issue. We have U.S. satellite manufacturers building U.S. satellites and then going to Communist China to launch those satellites, and one of the reasons they do that is they cannot actually get it scheduled at places like Cape Canaveral, and my amendment simply would have called for the expense of a very modest amount of money, $7 million, that would have dramatically increased the capacity at the launch range, and I am extremely disappointed that that amendment was not made in order.

Another feature of my amendment, which is something that is another extremely critical issue, is the Air Force has for years been raiding the accounts that are used to modernize the launch range. We still have equipment at these ranges that operate on vacuum tubes, and my amendment simply would say: Stop raiding this account, let us modernize the launch range and make sure it is operating efficiently and at low costs.

Mr. Speaker, I am extremely disappointed in this rule. This is truly a national security issue, the proliferation and the transmission of U.S. technology to the Communist Chinese. We are not doing anything about it.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in opposition to this rule. I would like to remind my colleagues that they have but one chance a year to define defense policy for the United States of America, and that is the defense authorization bill.

But I also like to remind my colleagues that Article I, Section 8 of the United States Constitution provides that Congress shall have the power to provide for the common defense, to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces.

For over 60 days American airmen have been at war in the Federal Republic of Yugoslavia, and for 60 days neither the President of the United States, nor the Congress of the United States, has said what we hope to accomplish.

I had offered an amendment that would state America's goals in this conflict. I realize many of my colleagues wish it had not happened. I think for the sake of the people who are fighting this war we need to do one or the other. Either let those who are opposed to it prevail and get the troops out or establish a clearly definable set of goals so that we know what we are aiming for as a Nation in Yugoslavia.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition; that is, opposition, to this rule.

When the Committee on Armed Services reported this bill, it very wisely included a provision saying that the funds in this bill for fiscal year 2000 could not be used for continuing the war in Kosovo for another year. But the Committee on Rules has decided and have taken it upon themselves to use this rule to strike out that provision. That means, if we are to adopt this rule, this bill would become an authorization to continue the war for another year.

This is unconscionable. If our leadership or the Committee on Rules wants to authorize the continuation of this war in the Balkans, they should allow an up-or-down vote on that issue. Instead, they have made this rule a vote on whether or not to continue the war in the Balkans.

I say vote no on keeping this war going into the next millennium, vote no on this rule, and send a message to the leadership of both parties that we expect this body to be handled in a democratic fashion and not autocratically.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in opposition to this rule.

For the past 3 weeks, Mr. Speaker, a bipartisan group of Members has worked to develop a comprehensive, responsible approach to addressing our concerns over insufficient security at the national laboratories. This group included the gentleman from Washington (Mr. DICKS), the gentleman from Texas (Mr. THORNBERRY), the gentleman from South Carolina (Mr. SPRATT), the gentlewoman from New Mexico (Mrs. WILSON) and me.

Incredibly, the Committee on Rules has refused to allow this amendment to be considered by the House. Instead, Mr. Speaker, the Committee on Rules has decided to turn our Nation's security into a partisan issue. It has rejected a sincere bipartisan effort to improve our counterintelligence programs and protect the secrets at our labs. The Dicks amendment, Mr. Speaker, would put into law many of the measures Energy Secretary Richardson has pledged to undertake. We would provide the Secretary the authority to implement polygraph examinations of scientists with access to the most sensitive information. We would increase financial penalties for employees who mishandle classified material, provide whistleblower protection for employees who report misdeeds and clarify that the Energy Secretary has the authority to order the examination of computers in offices owned by the Federal Government. Most importantly, our legislation would establish direct lines of counterintelligence authority at the Department of Energy with the ultimate responsibility resting with the Secretary. The greatest error in our counterintelligence efforts has been a lack of any clear individual responsible for protecting our Nation's secrets. Energy Secretary Richardson has stepped forward to assume that responsibility, and our legislation would provide him the authority he needs to manage the job.

The Committee on Rules' decision to bar this amendment from consideration is misguided. I urge my colleagues to oppose this rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise to strongly support this rule; I repeat, to strongly support the rule.

Now I have heard Members on both sides who have made very strong and compelling arguments about a number of very important issues. But Fort Bragg and Pope Air Force Base are an integral part of the Eighth District of North Carolina, and to me the issue here is simply putting forth a rule that allows us to buy ammunition for training, it allows us to buy fuel for our helicopters, it allows us to buy spare parts that are missing.

So I would simply ask that these very important issues not be laid aside but be temporarily displaced so that we can send a message and the materiel that are badly needed by our troops.

This rule is about advancing the cause of our men and women in the Armed Services, and both parties have done an excellent job of speaking out and saying this is the year of the troops.

So please join me, support this rule, and let us support our troops.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

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Mr. TURNER. Mr. Speaker, this bill came out of the Committee on Armed Services with a provision that would have prohibited the use of any of the funds in the bill for operations in the Republic of Yugoslavia, whether it be for the current operations or peacekeeping operations. I was pleased that the gentleman from Missouri (Mr. SKELTON), the ranking Democrat, offered an amendment to try to strike that irresponsible language. Joined by all of the Democratic Members of the committee and a few Republicans, we still came up short, but I am pleased to see that the Committee on Rules has recognized the irresponsible language and has stricken it from the bill.

This language is irresponsible because on September 30 all funds would have been cut off for our military operations in Yugoslavia, and it would have endangered the lives of our men and women serving in the armed forces. We would have airmen in the air on a night when we would be telling our Defense Department they could no longer expend funds for their safety or their operations.

The language also sent a very terrible signal to President Milosevic at a very critical time in the negotiation process. The fate of the 1.5 million ethnic Albanians hangs in the balance and the moral imperative for involvement is undeniable. The NATO alliance which was formed out of the ashes of World War II has protected the peace and security of Europe for 50 years. It stood against the Communist threat until Western ideals of freedom and democracy prevailed. President Milosevic is the last remaining vestige of the old order in Eastern Europe.

The International War Crimes Tribunal has correctly indicted him for war crimes. His totalitarian rule, his repression of basic human rights, his manipulation of the media, and his incomprehensible genocidal campaign of rape and murder has no place in civilized society.

The strength of our resolve against him will define our American national character for the 21st century, and will have great bearing upon the safety and security of the world that we pass on to our children and grandchildren.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I oppose this rule. A vote in favor of this rule is a green light to send U.S. ground troops into Kosovo and Yugoslavia. If my colleagues believe, as I believe, that Congress must approve first the sending of any American soldiers, then my colleagues should vote "no" on the rule.

The rule removes language which the Committee on Armed Services had put in to restrict the use of ground troops in Yugoslavia. A vote for the rule is a vote permitting those ground troops to be sent.

Mr. Speaker, we have a 10-day break before us. We do not want to send a message such as this on the eve of that break, especially since newspapers in Great Britain are reporting that the President is planning to send 90,000 troops in. Our American media are reporting that airmen are being denied their normal discharges because they must stay to continue being a part of this unauthorized war being prosecuted by the President.

The Constitution says it is our obligation before any war should be underway. Follow the Constitution, do not give a green light unless Congress says so. Vote "no" on the rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I rise today with deep disappointment in the rule we have before us. I offered an amendment yesterday in the Committee on Rules that gave us a chance for this House to take an essential step toward helping unravel the mystery of the Gulf War illnesses.

I can understand the difficult task of the Committee on Rules in crafting this bill with over 78 amendments. However, my amendment simply required the Department of Defense to follow up on the recommendations of the General Accounting Office regarding the presence of squalene antibodies in the blood of Gulf War veterans. To not allow this debate is irresponsible.

Mr. Speaker, we have over 100,000 sick Gulf War veterans in the United States today, and this House must stand in the breech to protect and ensure that every avenue is pursued to find for our veterans the truth about Gulf War illnesses.

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent to extend the debate for 30 minutes.

Mr. FROST. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. LAHOOD). Objection is heard.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, as a member of the Committee on Rules, I think it is important to remind my colleagues that the Committee on Rules received 89 amendments to this bill. We did our best to be fair and to make as many amendments in order as we could.

The rule clearly allows for full and open debate on all major sources of controversy, including publicly funded abortions and nuclear lab security. It also allows a lot of debate on a lot of smaller issues as well.

We live in a dangerous world, but Congress is doing something about it. Congress is working to protect our friends and family back home from our enemies abroad. There are some very important things that need to be understood that are contained in this legislation as it comes to the floor.

Mr. Speaker, H.R. 1401 helps take some of our enlisted men off of food stamps by giving them a 4.8 percent pay raise. It provides for a national missile defense system so we can stop a warhead from China if that day ever comes. H.R. 1401 boosts the military budget for weapons and ammunition, providing $55.6 billion, $2.6 billion more than the President requested. And H.R. 1401 tightens security at our nuclear labs, doing something to stop the wholesale loss of our military secrets.

Mr. Speaker, I urge passage of this rule so that debate can begin on the appropriations for our armed services.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I think the case has been made here today by a broad number of Members, both Democrat and Republican, to defeat this rule. Let us go back and do this right.

The point has been made by the gentleman from California (Mr. DICKS), the gentleman from South Carolina (Mr. SPRATT) and others. Let us look at the very important lessons from the report that has just come out with respect to national security. In fairness to the committee, the report was just issued. But let us do it right the first time.

Let me offer one specific example. The Weldon amendment that was not allowed to be made in order by the Committee on Rules provides a perfect opportunity to respond to the recommendation that we begin to invest in the United States domestic launch capacity instead of relying, unduly so, on other countries to launch communications satellites. The Weldon amendment, which was the product of a study done by the Air Force, recommended a very specific investment by the Kennedy Space Center. There are other space centers around the country that are well suited for this investment.

Let us go back and do this right the first time. Let us begin to respond to the solutions identified by the Chris Cox report, and the Weldon amendment would be a good place to start.

Mrs. MYRICK. Mr. Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The gentlewoman from North Carolina withdraws the resolution.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 38 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1223

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 12 o'clock and 23 minutes p.m.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 45, NUCLEAR WASTE POLICY ACT OF 1999

Mrs. MYRICK. Mr. Speaker, the Committee on Rules is expected to meet the second week of June, when we return, to grant a rule which may restrict amendments for consideration of H.R. 45, the Nuclear Waste Policy Act of 1999.

Any Member contemplating an amendment to H.R. 45 should submit 55 copies of the amendment and a brief explanation of the amendment to the Committee on Rules no later than noon on Tuesday, June 8. The Committee on Rules office is in H-312 of the Capitol.

Amendments should be drafted to the text of the bill as reported by the Committee on Commerce on May 20.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL 6 P.M., FRIDAY, MAY 28, 1999, TO FILE A REPORT ON H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until 6 p.m. on Friday, May 28, 1999, to file a report on the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 853

Mr. REGULA. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DESIGNATION OF THE HONORABLE THOMAS M. DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 7, 1999

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 27, 1999.

I hereby appoint the Honorable THOMAS M. DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 7, 1999.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

COMMUNICATION FROM THE HONORABLE ALCEE L. HASTINGS, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable ALCEE L. HASTINGS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 19, 1999.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I believe that I have been remiss in informing you that I have taken a leave of absence from the Committee on Science.

At the beginning of the 106th Congress I was appointed to the Select Committee on Intelligence. I am of the understanding that to serve on this select committee I am required to take a leave from one of my two permanent committee assignments. Therefore I have chosen to take a leave from the Committee on Science.

If you have any questions please feel free to contact either me or Ann Jacobs in my office at 5-1313. Thank you very much.

Sincerely,

ALCEE L. HASTINGS.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 106-75)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1999, and the emergency declared with respect to the situation in Kosovo is to continue in effect beyond June 9, 1999.

On December 27, 1995, I issued Presidential Determination 96-7, directing the Secretary of the Treasury, inter alia, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and

Herzegovina initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris, France, on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law. Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 1999.

On June 9, 1998, I issued Executive Order 13088, "Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo." Since then, the government of President Milosevic has rejected the international community's efforts to find a peaceful settlement for the crisis in Kosovo and has launched a massive campaign of ethnic cleansing that has displaced a large percentage of the population and been accompanied by an increasing number of atrocities. President Milosevic's brutal assault against the people of Kosovo and his complete disregard for the requirements of the international community pose a threat to regional peace and stability.

President Milosevic's actions continue to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond June 9, 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 27, 1999.*

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 9, 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 9, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, June 7, 1999, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 35, 106th Congress, the House stands adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning hour debates.

Thereupon (at 12 o'clock and 27 minutes p.m.), pursuant to Senate Concurrent Resolution 35, the House adjourned until Monday, June 7, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2383. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Extension of Tolerance for Emergency Exemptions [OPP–300861; FRL–6080–6] (RIN: 2070–AB78) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2384. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Aspergillus flavus AF36; Pesticide Tolerance Exemption [OPP–300860; FRL–6081–2] (RIN: 2070–AB78) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2385. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Aminoethoxyvinylglycine; Temporary Pesticide Tolerance [OPP–300858; FRL–6080–4] (RIN: 2070–AB78) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2386. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2387. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2388. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7284] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2389. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerance Processing Fees [OPP–30116; FRL–6056–6] (RIN: 2070–AB78) received May 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2390. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL–6348–8] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2391. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT) [AD-FRL–6346–9] (RIN: 2060–AG91, 2060–AF06, 2060–AG94, 2060–AF09, 2060–AE36) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2392. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Amendments to Air Pollution Control Regulation Number 9 [RI–39–6989a; A–1–FRL–6346–5] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2393. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts and Rhode Island; Nitrogen Oxides Budget and Allowance Trading Program [MA–67–7202a; A–1–FRL–6346–6] received May 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2394. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Failure to Submit Required State Implementation Plans for Ozone; Texas; Dallas/Fort Worth Ozone Nonattainment Area [TX 107–1–7407; FRL–6349–3] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2395. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Revised Format for Materials Being Incorporated by Reference [KY-9916; FRL–6343–3] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2396. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Wisconsin [WI74–01–7303; FRL–6336–8] received May 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2397. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [KS 072–1072; FRL–6350–4] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2398. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 073–1073; FRL–6350–3] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of New Mexico and County of Bernalillo, New Mexico; State Boards [NM–9–1–5214a; FRL–6350–1] received May 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2400. A letter from the Director, Office of Congressional Affairs, Office of Enforcement, Nuclear Regulatory Commission, transmitting the Commission's final rule—Revision of NRC Enforcement Policy [NUREG–1600, Rev. 1] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2401. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Generic Letter No. 98–01 Supplement 1: Year 2000 Readiness of Computer Systems At Nuclear Power Plants—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2402. A letter from the Secretary of Health and Human Services, transmitting the fourth biennial report submitted summarizing activities and evaluations carried out by the office, this report covers activities during fiscal year 1997 and fiscal year 1998; to the Committee on Commerce.

2403. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Regulations Governing the Taking of Marine Mammals by Alaskan Natives; Marking and Reporting of Beluga Whales Harvested in Cook Inlet [Docket No. 990414095–9095–01; I.D. 033199B] (RIN: 0648–AM57) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2404. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization, transmitting the Service's final rule—Application for Refugee Status; Acceptable Sponsorship Agreement and Guaranty of Transportation [INS No. 1999–99] (RIN: 1115–AF49) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2405. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, transmitting the Service's final rule—Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries [INS No. 1915–98; AG Order No. 2224–99] (RIN: 1115–AF14) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2406. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400, 757, 767, and 777 Series Airplanes Equipped with AlliedSignal RIA–35B Instrument Landing System (ILS) Receivers [Docket No. 98–NM–232–AD; Amendment 39–11167; AD 99–10–14] (RIN: 2120–AA64) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2407. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, –400, –500, –600, –700, and –800 Series Airplanes Equipped with Vickers Combined Stabilizer Trim Motors [Docket No. 99–NM–97–AD; Amendment 39–11166; AD 99–10–13] (RIN: 2120–AA64) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2408. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 96–ANE–02; Amendment 39–11164; AD 99–10–11] (RIN: 2120–AA64) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2409. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes [Docket No. 98–CE–96–AD; Amendment 39–11176; AD 99–11–06] (RIN: 2120–AA64) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2410. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Colstrip, MT [Airspace Docket No. 99–ANM–02] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2411. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Revenue Rule 99–24] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2412. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–28] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DOYLE (for himself, Mr. Murtha, Mr. English, Mr. Coyne, Mr. Klink, Mr. Mascara, Mr. Toomey, Mr. Brady of Pennsylvania, Mr. Fattah, Mr. Sherwood, Mr. Borski, Mr. Holden, Mr. Peterson of Pennsylvania, Mr. Kanjorski, Mr. Hoeffel, Mr. Gekas, Mr. Goodling, and Mr. Pitts):

H.R. 1973. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pittsburgh, Pennsylvania, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. LANTOS (for himself, Mr. Leach, Mr. Gejdenson, Mr. Berman, Mr. Abercrombie, Mr. Hastings of Florida, Mr. McGovern, Ms. McKinney, and Mr. Serrano):

H.R. 1974. A bill directing the President to develop a strategy to bring the United States back into full and active participation in the United Nations Educational, Scientific and Cultural Organization; to the Committee on International Relations.

By Mr. McINNIS (for himself, Mr. Sam Johnson of Texas, Mr. Bachus, Mr. Stump, and Mr. McHugh):

H.R. 1975. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself, Mr. Dooley of California, Mr. Lazio, Mr. Lewis of California, and Mr. Cunningham):

H.R. 1976. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the fuel economy labels for new automobiles also contain air pollution information that consumers can use to help communities achieve Federal air quality standards; to the Committee on Commerce.

By Mr. RAMSTAD (for himself, Mr. Gilman, Mr. English, Mr. Sessions, Mr. Luther, Mr. Neal of Massachusetts, Mr. Portman, Mrs. Bono, Mr. Stark, Mr. Payne, Mr. Kleczka, Mr. Frost, and Mr. Upton):

H.R. 1977. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH:

H.R. 1978. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in Boise, Idaho; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARCIA (for himself, Mr. Camp, Mr. Cunningham, Mr. Hunter, Mr.

TANNER, Mr. PICKETT, Mr. TAUZIN, Mr. JOHN, Mr. ISTOOK, Mr. THOMPSON of California, Mr. SANDLIN, and Mr. BILBRAY):

H.R. 1979. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the excise tax imposed on arrow components; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself and Mr. KOLBE):

H.R. 1980. A bill to prohibit employment discrimination on any basis other than factors pertaining to job performance; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 1981. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes; to the Committee on Small Business.

By Mr. BOEHLERT (for himself, Mr. KING, Mrs. KELLY, Mr. MCNULTY, Mr. WALSH, Mr. MCHUGH, Mr. WEINER, Mr. OWENS, Mr. LAFALCE, Mr. HINCHEY, Mr. QUINN, Mr. GILMAN, Mr. SERRANO, Mr. MEEKS of New York, Mr. ACKERMAN, Mr. FORBES, Mr. ENGEL, Mr. LAZIO, Mr. FOSSELLA, Mrs. MALONEY of New York, Mr. SWEENEY, Mr. REYNOLDS, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. NADLER, Mr. TOWNS, Mr. HOUGHTON, Mr. RANGEL, and Mrs. LOWEY):

H.R. 1982. A bill to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mrs. CLAYTON (for herself, Mr. POMEROY, Mrs. THURMAN, Mr. ETHERIDGE, Mr. PASTOR, Mr. TOWNS, and Mr. BISHOP):

H.R. 1983. A bill to amend the Consolidated Farm and Rural Development Act to improve the agricultural credit programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. CROWLEY (for himself, Ms. SLAUGHTER, Mrs. CLAYTON, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BENTSEN):

H.R. 1984. A bill to prevent the abuse of elderly people; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Banking and Financial Services, Ways and Means, Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself and Mr. SKEEN):

H.R. 1985. A bill to improve the administration of oil and gas leases on Federal land, and for other purposes; to the Committee on Resources.

By Ms. DUNN (for herself, Mr. SHAW, and Mr. PORTMAN):

H.R. 1986. A bill to amend the Internal Revenue Code of 1986 to clarify the rules relating to lessee construction allowances and to contributions to the capital of retailers; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 1987. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Ms. GRANGER:

H.R. 1988. A bill to establish the National Commission on Youth Crime and School Violence; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin (for himself, Mr. ARMEY, Mr. GARY MILLER of California, Mr. SHIMKUS, Mr. SHOWS, Mr. FOLEY, Mr. TAYLOR of Mississippi, Mr. ENGLISH, and Mr. NEY):

H.R. 1989. A bill to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself and Mr. WOLF):

H.R. 1990. A bill to direct the Secretary of Transportation to take certain actions to improve the safety of persons present at roadside emergency scenes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SAM JOHNSON of Texas (for himself, Mr. MCCRERY, Mr. WATKINS, Mr. HOUGHTON, Mr. MCINNIS, and Mr. CAMP):

H.R. 1991. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. UPTON, Mr. DINGELL, Mr. DEAL of Georgia, Mr. HALL of Texas, Mr. KNOLLENBERG, Mr. TOWNS, Mr. LATOURETTE, Mr. SAWYER, Mr. REGULA, Mr. DOYLE, Mr. WATTS of Oklahoma, Mr. LEVIN, Mr. MCHUGH, Mr. HALL of Ohio, Mr. CAMP, Mr. TRAFICANT, Mr. HOEKSTRA, Mr. BROWN of Ohio, Mr. SMITH of Michigan, and Mr. STUMP):

H.R. 1992. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law; to the Committee on Commerce.

By Mr. MANZULLO (for himself, Mr. MENENDEZ, Mr. GILMAN, Mr. GEJDENSON, Mr. ACKERMAN, Mr. BENTSEN, Mr. BEREUTER, Mr. BERMAN, Mrs. BIGGERT, Mr. BLUNT, Mr. BRADY of Texas, Mr. CALLAHAN, Mrs. CLAYTON, Mr. COOKSEY, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DELAY, Mr. DIAZ-BALART, Mr. ENGLISH, Mr. EWING, Mr. FATTAH, Mr. FROST, Mr. GALLEGLY, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. HOUGHTON, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LANTOS, Mr. LEACH, Mrs. MCCARTHY of New York, Mr. MATSUI, Mrs. MEEK of Florida, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PACKARD, Mr. PORTER, Mr. RANGEL, Mr. ROTHman, Mr. RUSH, Mr. SAWYER, Mr. SHERMAN, and Mr. BERRY):

H.R. 1993. A bill to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes; to the Committee on International Relations.

By Mr. MCINNIS (for himself, Mr. MCCRERY, Mr. HAYWORTH, Mr. BACHUS, Mr. RILEY, Mr. HEFLEY, Mr. SCHAFFER, Mr. TANCREDO, and Mr. GARY MILLER of California):

H.R. 1994. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Ways and Means.

By Mr. MCKEON (for himself, Mr. HASTERT, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. GOODLING, Mr. CASTLE, Mr. HOEKSTRA, Mr. BARRETT of Nebraska, Mr. SAM JOHNSON of Texas, Mr. GRAHAM, Mr. MCINTOSH, Mr. NORWOOD, Mr. HILLEARY, Mr. FLETCHER, Mr. ISAKSON, Mrs. NORTHUP, Mr. CUNNINGHAM, and Mr. HILL of Montana):

H.R. 1995. A bill to amend the Elementary and Secondary Education Act of 1965 to empower teachers, improve student achievement through high-quality professional development for teachers, reauthorize the Reading Excellence Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. RUSH, Mr. HILLIARD, and Ms. SCHAKOWSKY):

H.R. 1996. A bill to ensure that children enrolled in Medicaid and other Federal means-tested programs at highest risk for lead poisoning are identified and treated, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself and Mr. LEWIS of Georgia):

H.R. 1997. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mr. CARDIN):

H.R. 1998. A bill to amend title XVIII of the Social Security Act to promote the coverage of frail elderly Medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 1999. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH (for himself, Mr. WELDON of Florida, Mr. NORWOOD, Mr. PICKERING, and Mr. SMITH of Washington):

H.R. 2000. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes; to the Committee on Armed Services.

By Mr. TAUZIN (for himself, Mr. Traficant, Mr. Brady of Texas, Mr. Callahan, Mr. Campbell, Mrs. Chenoweth, Mr. DeMint, Mr. Hall of Texas, Mr. Hefley, Mr. Hunter, Mr. Linder, Mrs. Myrick, Mr. Norwood, Mr. Packard, Mr. Peterson of Minnesota, Mr. Scarborough, Mr. Stump, Mr. Tancredo, and Mr. Burton of Indiana):

H.R. 2001. A bill to promote freedom, fairness, and economic opportunity for families by repealing the income tax, abolishing the Internal Revenue Service, and enacting a national retail sales tax to be administered primarily by the States; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. Matsui, Mr. Lewis of Georgia, Mrs. Thurman, and Mr. Becerra):

H.R. 2002. A bill to require the Secretary of Health and Human Services to conduct a study on mortality and adverse outcome rates of Medicare patients of providers of anesthesia services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself, Mr. Ackerman, Mr. Abercrombie, Mr. Berman, Mr. Blagojevich, Mr. Brown of California, Mrs. Christensen, Mr. Coyne, Mr. Crowley, Ms. Jackson-Lee of Texas, Ms. Kilpatrick, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Lofgren, Mrs. Lowey, Mr. McGovern, Mr. Meehan, Ms. Millender-McDonald, Ms. Norton, Mr. Sherman, Mr. Stark, Mr. Tierney, and Ms. Woolsey):

H.R. 2003. A bill to apply the same quality and safety standards to domestically manufactured handguns that are currently applied to imported handguns; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself, Mr. Abercrombie, Mr. Bilbray, Mrs. Bono, Mr. Brown of California, Mr. Dixon, Mr. Dreier, Mr. Evans, Mr. Frost, Mr. Hall of Ohio, Mr. Inslee, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. Kuykendall, Mr. Lampson, Mr. Lantos, Ms. Lofgren, Mr. Mascara, Mr. Matsui, Mr. McGovern, Mr. McKeon, Mr. Metcalf, Mr. George Miller of California, Mr. Gary Miller of California, Mrs. Mink of Hawaii, Mr. Peterson of Minnesota, Mr. Rohrabacher, Mr. Stark, Mr. Towns, Mr. Traficant, Mr. Weiner, and Mr. Wynn):

H.R. 2004. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself, Mr. Lipinski, Mr. Rohrabacher, Mr. Fossella, Mr. Hayworth, Mr. Towns, Mr. Lucas of Oklahoma, Mr. Bilbray, Mr. Jenkins, Mr. Holden, Mr. Bliley, Mrs. Kelly, Mr. Gilchrest, and Mr. Schaffer):

H. Con. Res. 121. A concurrent resolution expressing the sense of the Congress regarding the victory of the United States in the cold war and the fall of the Berlin Wall; to the Committee on International Relations.

By Mr. REYES:

H. Con. Res. 122. A concurrent resolution recognizing the United States Border Patrol's 75 years of service since its founding; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself, Mr. Rohrabacher, Mr. Brown of California, Mr. Cunningham, Mr. Romero-Barcelo, Mr. Smith of Washington, Mr. Frost, Ms. Lee, Mrs. Meek of Florida, Mr. Shows, Ms. Ros-Lehtinen, Ms. Granger, Mrs. Kelly, Mr. Lampson, Mr. Holden, Mr. Abercrombie, Ms. Kaptur, Mr. Green of Texas, Mr. Barton of Texas, Mr. Rangel, Mr. Dixon, and Mr. Smith of Texas):

H. Con. Res. 123. A concurrent resolution commending the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy; to the Committee on International Relations.

By Mr. WU (for himself, Mr. Campbell, Mr. Andrews, Mr. Bonior, Mr. Brown of Ohio, Mr. Clay, Mrs. Clayton, Mr. Cox, Mr. Dicks, Mr. Faleomavaega, Mr. Gephardt, Mr. Holt, Mr. Kuykendall, Mr. Larson, Mr. Matsui, Mr. Menendez, Mrs. Mink of Hawaii, Ms. Pelosi, Mr. Stark, Mr. Sweeney, Mr. Waxman, and Mr. Wynn):

H. Con. Res. 124. A concurrent resolution expressing the sense of the Congress relating to recent allegations of espionage and illegal campaign financing that have brought into question the loyalty and probity of Americans of Asian ancestry; to the Committee on the Judiciary.

By Mr. FARR of California:

H. Res. 196. A resolution urging the President to call for the United Nations to resolve the crisis in Yugoslavia; to the Committee on International Relations.

By Mr. DINGELL:

H. Res. 197. A resolution providing for the consideration of the bill (H.R. 358) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Rules.

By Mr. KANJORSKI (for himself and Mr. Watkins):

H. Res. 198. A resolution expressing the sense of the House of Representatives that James Francis Thorpe should be designated "America's Athlete of the Century"; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Bilirakis.

H.R. 14: Mr. Hilleary.

H.R. 44: Mr. McCollum.

H.R. 65: Mr. Wise.

H.R. 85: Mr. Lewis of Georgia, Mr. Wynn, Mr. Pastor, Mr. McGovern, Mr. Barrett of Wisconsin, and Mr. Brown of California.

H.R. 110: Mr. Levin.

H.R. 111: Mr. Bishop.

H.R. 116: Mr. Goode.

H.R. 219: Mr. Bilirakis.

H.R. 303: Mr. Sensenbrenner, Mr. Wise, and Mr. McCollum.

H.R. 531: Mrs. Tauscher, Mr. Calvert, and Mr. Duncan.

H.R. 534: Mr. Doolittle, Mr. Sensenbrenner, and Mr. Terry.

H.R. 600: Mr. Goodling.

H.R. 629: Mr. Castle and Mr. Fattah.

H.R. 637: Mr. Burr of North Carolina and Ms. Lofgren.

H.R. 664: Mr. Sabo.

H.R. 692: Mr. Latham.

H.R. 721: Ms. Danner.

H.R. 742: Ms. Rivers and Ms. Stabenow.

H.R. 756: Mr. Gallegly.

H.R. 783: Mr. Murtha.

H.R. 784: Mr. Quinn, Mr. Rodriguez, Mr. Boehlert, Mr. Peterson of Minnesota, Mr. Hutchinson, and Mr. Pickett.

H.R. 796: Mrs. Thurman and Mr. McNulty.

H.R. 845: Mr. Nadler.

H.R. 864: Mr. Barton of Texas, Mr. Wu, Mr. Cummings, Mr. Barrett of Wisconsin, Mr. Menendez, Mr. Pallone, Mr. Inslee, and Mrs. Maloney of New York.

H.R. 902: Mr. Lewis of Georgia, Ms. Woolsey, and Mr. Sabo.

H.R. 1039: Mr. Neal of Massachusetts.

H.R. 1080: Mr. Doyle.

H.R. 1300: Mr. Gordon.

H.R. 1334: Mr. Gutknecht and Mrs. Myrick.

H.R. 1354: Mr. Metcalf.

H.R. 1363: Mr. Pickett.

H.R. 1420: Mr. Matsui and Mr. Stark.

H.R. 1501: Mr. Gallegly.

H.R. 1511: Mr. Weldon of Pennsylvania.

H.R. 1532: Mr. Levin and Mr. Hansen.

H.R. 1594: Mr. McGovern, Ms. Carson, Mr. Engel, Mr. Becerra, Ms. Pelosi, Mr. Gutierrez, Mr. Lipinski, and Mr. Pickett.

H.R. 1625: Mr. Upton, Mrs. Capps, Mr. Phelps, and Ms. Kaptur.

H.R. 1640: Mr. Frost, Mr. Waxman, and Mrs. Thurman.

H.R. 1644: Mr. Forbes, Mr. Berman, Mr. Hinojosa, Ms. Jackson-Lee of Texas, Mr. Kanjorski, Mr. Matsui, Mr. Owens, Mr. Rodriguez, Mr. Sawyer, Mr. Waxman, Mr. Wynn, Mr. Dixon, Mr. Coyne, Mr. Stupak, Mr. Boehlert, Mr. Gonzalez, Mr. Martinez, Mrs. Jones of Ohio, Ms. Slaughter, Mr. Hall of Ohio, Mr. Markey, Ms. Eddie Bernice Johnson of Texas, Mr. Kleczka, Mr. Clement, Mr. Condit, Mr. Thompson of Mississippi, Mr. Thompson of California, Ms. Danner, Mr. Quinn, Mrs. Kelly, Mr. Snyder, Mr. Bentsen, Mr. Fattah, Mr. Pastor, Ms. Stabenow, Mr. Filner, Ms. Millender-McDonald, and Mr. Barcia.

H.R. 1649: Mr. LoBiondo.

H.R. 1657: Mr. Wu.

H.R. 1658: Mr. Blunt, Mr. Packard, and Mr. Terry.

H.R. 1717: Mr. Lewis of Georgia, Mr. Wynn, Mr. Brown of California, and Mr. McGovern.

H.R. 1824: Mr. Blunt and Mr. Saxton.

H.R. 1842: Mr. Hill of Montana, Mr. Ortiz, and Mr. Peterson of Minnesota.

H.R. 1871: Mr. McNulty and Mr. Frost.

H.R. 1917: Mr. Meehan, Mrs. Christensen, Mr. Wise, Mr. Barcia, Mr. Turner, Mr. Abercrombie, Mr. Capuano, Ms. Danner, Mr. Jefferson, Mr. McNulty, Mr. Frost, Mr. Rush, Mr. Istook, Mr. Riley, and Mr. Jenkins.

H.R. 1968: Mr. CARDIN.

H.J. Res. 55: Mr. SAM JOHNSON of Texas.

H. Con. Res. 17: Mrs. JOHNSON of Connecticut, Ms. BERKLEY, Mr. LANTOS, and Mrs. MINK of Hawaii.

H. Con. Res. 114: Mr. LAZIO, Mr. RAMSTAD, Mr. GREENWOOD, Mr. CASTLE, Mr. REGULA, Mr. BASS, Mr. GILMAN, and Mr. THOMAS.

H. Res. 94: Mr. LAHOOD, Mr. STARK, Mr. FOLEY, and Mr. RANGEL.

H. Res. 169: Mr. TALENT, Mr. FORBES, and Mr. RADANOVICH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 853: Mr. REGULA.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petiton:

Petition 1 by Mr. TURNER on House Resolution 122: MICHAEL P. FORBES, MICHAEL N. CASTLE, CHRISTOPHER SHAYS, GREG GANSKE, CONSTANCE A. MORELLA, and NANCY L. JOHNSON.

Petition 2 by Mr. CAMPBELL on House Resolution 126: CHRISTOPHER SHAYS and MICHAEL P. FORBES.

The following Member's name was withdrawn from the following discharge petition:

Petition 2 by Mr. CAMPBELL on House Resolution 126: DAVID D. PHELPS.

SENATE—*Thursday, May 27, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Thomas Tewell, of the Fifth Avenue Presbyterian Church, New York City.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Dr. Thomas K. Tewell, the Fifth Avenue Presbyterian Church, New York, NY, offered the following prayer:

Will you pray with me.

Our Lord and our God, in this era of violence and moral confusion, we ask Your richest blessings to be poured out on the United States of America. We thank You for the destiny that You have given to us to be a living illustration of the righteousness and justice that You desire for all nations. Today we pray for the women and men in the United States Senate who work for long hours fulfilling their enormous responsibilities. They sometimes expend an incredible amount of energy on an issue, only to see it voted down. So often the good things they try to do meet with stubborn resistance. Their physical stress is aggravated as emotions are stretched and strained in this pressure cooker of responsibility.

Gracious God of love, protect the Senators from going beyond their human limitations where burnout brings discouragement. Make them wise in their responsibilities to their families, themselves, and most of all to You. Grant them the humility to remember their need for Sabbath rest, daily relaxation, and spiritual renewal. Most of all, O God, teach the Members of the Senate and all leaders in our Nation to wait upon You and thus renew their strength. May we put You first in our lives by remembering the words of the prophet Isaiah who said, "They that wait upon the Lord shall renew their strength, they shall mount up with wings like eagles; they shall run and not be weary, they shall walk and not faint." We pray in the strong name of the One who was never in a hurry, yet finished the work He came to do. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the President pro tempore.

APPRECIATION TO THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, I extend my appreciation to Dr. Tom Tewell. I understand he is from the Fifth Avenue Presbyterian Church in New York City, and he is a friend of the Chaplain. A friend of the Chaplain is a friend of us all.

We appreciate having you here with us today.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will resume consideration of the defense authorization bill and immediately begin debate on the Allard amendment regarding the Civil Air Patrol. A vote in relation to the Allard amendment has been ordered for 10 a.m. I understand discussions are still continuing with regard to that amendment. Other amendments will be offered, I am sure. They are pending. I am sure Senators will want to have them offered and considered one way or another today. There will be votes throughout the day.

It is the intention of the managers—and certainly my intention—to complete action on this bill. I urge the managers to complete action during today, not tonight. There are a number of Senators who are planning on proceeding to their States tonight, late tonight, or early in the morning, so we really need to get this legislation completed.

I commend the managers on both sides of the aisle for the work they have done, but I do think we need to get a definite list of amendments locked in. Otherwise, I am sure some Senators will continue to think of ideas they may want to have addressed. If Senators have amendments they want to have considered today, they need to see the managers during this next vote. After that, we hope to limit the amendments, limit the time, get the votes, and complete this work. This is very important legislation that needs to be completed and must be completed before tonight.

I thank my colleagues for their cooperation.

MEASURE PLACED ON CALENDAR

Mr. LOTT. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will report.

The legislative assistant read as follows:

A bill (S. 1138) to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

Mr. LOTT. I object, Mr. President, to further proceeding on this matter at this time.

The PRESIDING OFFICER. The bill will go to the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Lott amendment No. 394, to improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities.

Allard/Harkin amendment No. 396, to express the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

AMENDMENTS NOS. 411 THROUGH 441, EN BLOC

Mr. WARNER. Mr. President, it is the intention of the manager to try to do the cleared amendments. I want to make certain that the distinguished ranking member is in concurrence.

That is indicated, so I think I will proceed.

On behalf of myself and the ranking member, the Senator from Michigan, I send 31 amendments to the desk. I would say before the clerk reports that this package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.

I send the amendments to the desk at this time and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, and on behalf of other Senators, proposes amendments en bloc numbered 411 through 441.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc and that the motion to reconsider be laid upon the table. I further ask that any statements relating to these amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 411 through 441) agreed to en bloc are as follows:

AMENDMENT NO. 411

(Purpose: To authorize the Secretary of Defense to incorporate into the Pentagon Renovation Program the construction of certain security enhancements)

On page 428, after line 19, insert the following new section:

SEC. . ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.

The Secretary of Defense in conjunction with the Pentagon Renovation Program is authorized to design and construct secure secretarial office and support facilities and security-related changes to the METRO entrance at the Pentagon Reservation. The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the total cost of the renovation of the Pentagon.

AMENDMENT NO. 412

(Purpose: To authorize the appropriation for the increased pay and pay reform for members of the uniformed services contained in the 1999 Emergency Supplemental Appropriations Act)

On page 98, line 15, strike "$71,693,093,000." and insert in lieu thereof the following: "$71,693,093,000, and in addition funds in the total amount of $1,838,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 2012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31)."

AMENDMENT NO. 413

(Purpose: To authorize dental benefits for retirees that are comparable to those provided for dependents of members of the uniformed services)

In title VII, at the end of subtitle B, add the following:

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.".

AMENDMENT NO. 413

Mr. ALLARD. Mr. President, this Amendment will give the Department of Defense the ability to significantly strengthen the dental benefits for over 270,000 of our nation's military retirees and their family members.

The TRICARE retiree dental program began on February 1, 1998 and is an affordable plan paid for exclusively by retiree premiums. According to the Department, the enrollment in the program has exceeded all projections. While current law covers the most basic dental procedures, the Department of Defense does not have the flexibility to expand their benefits without a legislative change. Our nation's military retirees have expressed a desire to both the Department and the contractors for more services, and are willing to pay a reasonable price for these extra benefits.

Currently, the retiree dental program is limited to an annual cleaning, fillings, root canals, oral surgeries and the like. This amendment would change the law to allow, but not mandate, the Department the opportunity to offer an expanded list of benefits such as dentures, bridges and crowns, which are needs characteristic of our nation's retired military members. If the Department decided to offer these service, they would continue to be paid for by member premiums.

In conclusion, I would ask the support of all my colleagues for this important amendment to allow the Department to give the needed dental services to our valued military retires. Thank you for the time.

AMENDMENT NO. 414

(Purpose: To provide $6,000,000 (in PE 604604F) for the Air Force for the 3–D advanced track acquisition and imaging system, and to provide an offset)

On page 29, line 12, increase the amount by $6,000,000.

On page 29, line 14, decrease the amount by $6,000,000.

3–D ADVANCED TRACK ACQUISITION AND IMAGING SYSTEM

Mr. MACK. Mr. President, I rise today in support of additional funds to be made available for Air Force Research, Development, Test and Evaluation in the Fiscal Year 2000 Department of Defense Authorization measure to be used to complete development of a state-of-the-art 3 dimensional optical imaging and tracking instrumentation data system.

The 3 Data System is a laser radar system that provides high fidelity time, space, positioning information (TSPI) on test articles during flight. The instrumentation can be applied to air, ground, and sea targets. Additionally, it will provide the potential capability for over-the-horizon tracking from an airborne platform or pedestal mounted ground platform. It includes a multi-object tracking capability that will allow simultaneous tracking of up to 20 targets throughout their profile. The system will enable testing of advanced smart weapon systems; force-on-force exercises where multiple aircraft and ground vehicle tracking is involved; over water scoring of large footprint autonomous guided and unguided munitions; and enable an improvement to existing aging radar presently in service. It is mobile and can support testing at other major ranges and locations in support of other Service's requirements.

The Air Force has identified the 3–Data System as having high military value as it will enable the effective evaluation of the performance of advanced weapon systems to be utilized in future conflicts. The Air Force has informed me that precision engagement is one of the emerging operational concepts in Joint Vision 2010. The 3–Data system would provide a capability to effectively evaluate the performance of advanced precision guided munitions and smart weapons prior to their use in a wartime environment. It would also directly support ongoing activities abroad through Quick Reaction Tasking that may require a multiple object tracking device to evaluate engagement profiles. This requirement is documented through 46th Test Wing strategic planning initiatives, developmental program test plans, and munitions strategic planning roadmaps.

The Air Force is presently attempting to meet this requirement through existing radar systems and optical tracking systems which cannot track multiple objects to the fidelity levels required and which require extensive post-mission data reduction times. This system will provide the capability to effectively track multiple targets simultaneously.

Mr. President, I thank the Committee for their willingness to support this amendment. The 3–Data System will play a important role in enabling the Air Force to evaluate the capabilities and limitations of multiple smart weapons and their delivery systems during their develpoment.

AMENDMENT NO. 415

(Purpose: To amend a per purchase dollar limitation of funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities so as to apply the limitation to each item of equipment procured)

In title III, at the end of subtitle D, add the following:

SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER—DRUG ACTIVITIES.

Section 112(a)(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

AMENDMENT NO. 416

(Purpose: To require the Secretary of the Army to review the incidence of violations of State and local motor vehicle laws and to submit a report on the review to Congress)

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are associated with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

AMENDMENT NO. 417

(Purpose: To substitute for section 654 a repeal of the reduction in military retired pay for civilian employees of the Federal Government)

Strike section 654, and insert the following:

SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

REPEAL DUAL COMPENSATION LIMITATIONS

Mr. CRAPO. Mr. President, my amendment is co-sponsored by the Senate Majority Leader, Senator LOTT. On February 23, 1999, the Senate voted 87 to 11 in favor of this same amendment during consideration of S. 4.

My amendment will repeal the current statute that reduces retirement pay for regular officers of a uniformed service who chose to work for the federal government.

The uniformed services include the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service and the National Oceanographic and Atmospheric Agency.

If a retired officer from the uniform services comes to work for the Senate, his or her retirement pay is reduced by about 50 percent, after the first $8,000, to offset for payments from the Senate.

The retired officer can request a waiver but the executive, legislative and judicial branches of government handle the waiver process differently on a case by case basis.

The current dual compensation limitation is also discriminatory in that regular officers are covered but reservists or enlisted personnel are not covered by the limitation.

The Congressional Budget Office has recently looked at the current dual compensation limitation and it is estimated that around 6,000 military retirees lose an average of $800 per month because of this prohibition.

I have been unable to find one good reason to explain why we should want our law to discourage retired members of the uniformed services from seeking full time employment with the Federal Government.

Our laws should not reduce a benefit military retirees have earned because they chose to work for the federal government.

My amendment would fix this inequity, it would give retired officers equal pay for equal work from the federal government and it would give the federal government access to a workforce that currently avoids employment with the Federal Government.

I am pleased the managers of the bill have agreed to accept my amendment and I thank them for their support for this important amendment.

AMENDMENT NO. 418

(Purpose: To establish as a policy of the United States that the United States will seek to establish a multinational economic embargo against any foreign country with which the United States is engaged in armed conflict, and for other purposes)

In title X, at the end of subtitle D, add the following:

SEC. 1061. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

AMENDMENT NO. 419

(Purpose: To require a report on the Air Force distributed mission training)

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

AMENDMENT NO. 420

(Purpose: To add test and evaluation laboratories to the pilot program for revitalizing Department of Defense laboratories; and to add an authority for directors of laboratories under the pilot program)

On page 48, line 5, after "laboratory", insert the following: ", and the director of one test and evaluation laboratory,".

On page 48, between lines 11 and 12, insert the following:

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

On page 48, line 12, strike "(B)" and insert "(C)".

On page 48, beginning on line 14, strike "subparagraph (A)" and insert "subparagraphs (A) and (B)".

AMENDMENT NO. 421

(Purpose: To authorize land conveyances with respect to the Twin Cities Army Ammunition Plant, Minnesota)

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 422

(Purpose: To require a land conveyance, Naval Training Center, Orlando, Florida)

On page 459, between lines 17 and 18, insert the following:

SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

AMENDMENT NO. 423

(Purpose: To modify the conditions for issuing obsolete or condemned rifles of the Army and blank ammunition without charge)

In title X, at the end of subtitle D, add the following:

SEC. 1061. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.

Section 4683(a)(2) of title 10, United States Code, is amended to read as follows:

"(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries.".

AMENDMENT NO. 424

(Purpose: To authorize use of Navy procurement funds for advance procurement for the Arleigh Burke class destroyer program)

On page 25, between lines 17 and 18, insert the following:

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, of the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

AMENDMENT NO. 425

(Purpose: To set aside funds for the procurementof the MLRS rocket inventory and reuse model)

In title I, at the end of subtitle B, add the following:

SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.

Of the funds authorized to be appropriated under section 101(2), $500,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

AMENDMENT NO. 426

(Purpose: To expand the entities eligible to participate in alternative authority for acquisition and improvement of military housing)

On page 440, between lines 6 and 7, insert the following:

SEC. 2807. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.".

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking "persons in private sector" and inserting "an eligible entity"; and

(B) by striking "such persons" and inserting "the eligible entity"; and

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "an eligible entity"; and

(B) by striking "the person" and inserting "the eligible entity".

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a), by striking "nongovernmental entities" and inserting "an eligible entity";

(2) in subsection (c)—

(A) by striking "a nongovernmental entity" both places it appears and inserting "an eligible entity"; and

(B) by striking "the entity" each place it appears and inserting "the eligible entity";

(3) in subsection (d), by striking "nongovernmental" and inserting "eligible"; and

(4) in subsection (e), by striking "a nongovernmental entity" and inserting "an eligible entity".

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking "private".

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

"§ 2875. Investments".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2875 and inserting the following new item:

"2875. Investments.".

AMENDMENT NO. 427

(Purpose: To authorize medical and dental care for certain members of the Armed Forces incurring injuries on inactive-duty training)

On page 272, between lines 8 and 9, insert the following:

SEC. 717. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.

(a) ORDER TO ACTIVE DUTY AUTHORIZED.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

"§ 12322. Active duty for health care

"A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"12322. Active duty for health care.".

(b) MEDICAL AND DENTAL CARE FOR MEMBERS.—Subsection (e) of section 1074a of such title is amended to read as follows:

"(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

"(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days.".

(c) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:

"(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.".

Mr. CLELAND. Mr. President, I am pleased to offer this amendment to S. 1059, The National Defense Authorization Act for Fiscal Year 2000, which seeks to protect the men and women of our reserve military components. The 1998 National Defense Authorization Act provided health care coverage for Reservists and Guardsmen incurring injury, illness or disease while performing duty in an active-duty status. However, it overlooked those servicemen and women performing duty in "inactive duty" status, which is the status they are in while performing their monthly "drill weekends."

This problem was dramatically illustrated recently when an Air Force Reserve C–130 crashed in Honduras, killing three crewmembers. One of the survivors was unable to work for over a year due to the serious nature of his injuries. While he was reimbursed for lost earnings, this serviceman was only eligible for military medical care related to injuries sustained in the crash. His family lost their civilian health insurance and was ineligible to receive medical from the military. Had he been on military orders of more than 30 days, both he and his family would have been eligible for full military medical benefits for the duration of his recovery.

My dear colleagues, this is unacceptable. We must plug this loophole so that these tragic circumstances are not repeated.

Why is it so important that we look out for our Guardsmen and Reservists? It is because our military services have been reduced by one-third, while worldwide commitments have increased fourfold, leading to a dramatic increase in the dependence on our reserve components to meet our worldwide commitments. Like their active duty counterparts, they are dealing with the demands of a high operations tempo; yet they must meet the additional challenge of balancing their military duty with their civilian employment.

Members of the Guard and Reserve have been participating at record levels. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. Over 17,000 Reservists and Guardsmen have answered the Nation's call to bring peace to Bosnia. And, recently, over 4,000 Reservists and Guardsmen have been called up to support current operations in Kosovo. The days of the "weekend warrior" are long gone.

In addition to significant contributions to military operations, members of the reserve components have delivered millions of pounds of humanitarian cargo to all corners of the globe. Closer to home, they have responded to numerous state emergencies, such as the devastating floods that struck in America's heartland last year. The men and women of the Reserve Components are on duty all over the world, every day of the year.

Considering everything our citizen soldiers, sailors, airmen and marines have done for us, we must not turn our backs on them and their families in their times of need. Please join me in supporting this amendment providing for those who provide for us.

AMENDMENT NO. 428

(Purpose: To refine and extend Federal acquisition streamlining)

At the end of title VIII, add the following:

SEC. 807. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) APPLICABILITY.—Paragraph (2) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following:

"(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor or subcontractor, respectively, in the previous or current fiscal year (or other one-year cost accounting period) was less than $50,000,000.

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

"(i) Contracts or subcontracts for the acquisition of commercial items.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) Contracts or subcontracts with a value that is less than $5,000,000.".

(b) WAIVER.—Such section is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

"(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

"(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

"(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

"(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

"(D) The Federal Acquisition Regulation shall include the following:

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

"(ii) The specific circumstances under which such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.".

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A–21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

SEC. 808. GUIDANCE ON USE OF TASK ORDER AND DELIVERY ORDER CONTRACTS.

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

(b) CONTENT OF GUIDANCE.—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multiagency contracts entered in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchases of information technology products and services;

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivery under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:

"(E) Installation services, maintenance services, repair services, training services, and other services if—

"(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

"(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.".

SEC. 810. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.

(a) Extension of Authority.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments take effect pursuant to section 4401(b)" and inserting "January 1, 2002".

(b) GAO Report.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

SEC. 811. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000.

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee's ranking minority member, and Senators WARNER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. Senator LIEBERMAN and I thank the Armed Services chairman and ranking member for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal government as well.

The amendment which we offer today began as a request from the Administration and others to include additional procurement-related reforms to those enacted over the past several years and those already included in S. 1059. Our amendment includes five provisions, as follows: (1) Streamlined Applicability of Cost Accounting Standards; (2) Task Order and Delivery Order Contracts; (3) Clarification to the Definition of Commercial Items; (4) Two-year Extension of Commercial Items Test Program; and (5) Extension of Interim Reporting Rule on Contracts with Small Business. I ask unanimous consent that a joint statement of sponsors explaining the amendment be placed in the Record immediately following my statement. This statement represents the consensus view of the sponsors as to the meaning and intent of the amendment.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Joint Statement of Sponsors

1. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS

In recent years, Congress has enacted two major acquisition reform statutes—the Federal Acquisition Streamlining Act of 1994 (FASA) and the Clinger-Cohen Act of 1996. These statutes changed the trend in government contracting toward simplifying the government's acquisition process and eliminating many government-unique requirements. The goal of these changes in the government's purchasing processes has been to modify or eliminate unnecessary and burdensome legislative mandates, increase the use of commercial items to meet government needs, and give more discretion to contracting agencies in making their procurement decisions.

Since the early 1900's, the Federal government has required certain unique accounting standards or criteria designed to protect it from the risk of overpaying for goods and services by directing the manner or degree to which Federal contractors apportion costs to their contracts with the government. The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards (CAS) Board, a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contacts to government contracts, or from fixed-priced contracts to cost-type contracts.

FASA and the Clinger-Cohen Act took significant steps to exempt commercial items from the applicability of the CAS standards. Nonetheless, the Department of Defense and others in the public and private sectors continue to identify the CAS standards as a continuing barrier to the integration of commercial items into the government marketplace. Advocates of relaxing the CAS standards argue that they require companies to create unique accounting systems to do business with the government in cost-type contracts. They believe that the added cost of developing the required accounting systems has discouraged some commercial companies from doing business with the government and led others to set up separate assembly lines for government products, substantially increasing costs to the government.

This provision carefully balances the government's need for greater access to commercial items, particularly those of nontraditional suppliers, with the need for a strong set of CAS standards to protect the taxpayers from overpayments to contractors. The provision would modify the CAS standards to streamline their applicability, while maintaining the applicability of the standards to the vast majority of contract dollars that are currently covered. In particular, the provision would raise the threshold for coverage under the CAS standards from $25 million to $50 million; exempt contractors from coverage if they do not have a contract in excess of $5 million; and exclude coverage based on firm, fixed price contracts awarded on the basis of adequate price competition without the submission of certified cost or pricing data.

The provision also would provide for waivers of the CAS standards by Federal agencies in limited circumstances. This would allow contracting agencies to handle this contract administration function, in limited circumstances, as part of their traditional role in administering contracts. The sponsors note that waivers would be available for contracts in excess of $10 million only in "exceptional circumstances." The "exceptional circumstances" waiver may be used only when a waiver is necessary to meet the needs of an agency, and i.e., the agency determines that it would not be able to obtain the products or services in the absence of a waiver.

2. TASK ORDER AND DELIVERY ORDER CONTRACTS

FASA authorized Federal agencies to enter into multiple award task and delivery order contracts for the procurement of goods and services. Multiple award contracts occur when two or more contracts are awarded from one solicitation. Multiple award contracting allows the government to procure products and services more quickly using streamlined acquisition procedures while taking advantage of competition to obtain optimum prices and quality on individual task orders or delivery orders. FASA requires orders under multiple-award contracts to contain a clear description of the services or supplies ordered and—except under specified circumstances—requires that each of the multiple vendors be provided a fair opportunity to be considered for specific orders.

Concerns have been raised that the simplicity of these multiple-award contracts has brought with it the potential for abuse. The General Accounting Office and the Department of Defense Inspector General have reported that agencies have routinely failed to comply with the basic requirements of FASA, including the requirement to provide vendors a fair opportunity to be considered for specific orders. While performance guidance was established by the Office of Federal Procurement Policy (OFPP) in 1996, the regulations implementing FASA do not establish any specific procedures for awarding orders or any specific safeguards to ensure compliance with competition requirements.

This provision would require that the Federal Acquisition Regulation provide the necessary guidance on the appropriate use of task and delivery order contracts as authorized by FASA. It also would require that the Administrator of OFPP work with the Administrator of the General Services Administration (GSA) to review the ordering procedures and practices of the Federal Supply Schedule program administered by GSA. This review should include an assessment as to whether the GSA program should be modified to provide consistency with the regulations for task order and delivery order contracts required by this provision.

3. CLARIFICATION TO THE DEFINITION OF COMMERCIAL ITEMS

FASA included a broad new definition of "commercial items," designed to give the Federal government greater access to previously unavailable advanced commercial products and technologies. However, the FASA definition of commercial items included only a limited definition of commercial services. Under FASA, commercial items include services purchased to support a commercial product as a commercial service. This language has been interpreted by some to mean that these ancillary services must be procured at the same time or from the same vendor as the commercial item the service is intended to support.

This provision would clarify that services ancillary to a commercial item, such as installation, maintenance, repair, training, and other support services, would be considered a commercial service regardless of whether the service is provided by the same vendor or at the same time as the item if the service is provided contemporaneously to the general public under similar terms and conditions.

4. TWO-YEAR EXTENSION OF COMMERCIAL ITEMS TEST PROGRAM

Section 4202 of the Clinger-Cohen Act of 1996 provided the authority for Federal agencies to use special simplified procedures to purchases for amounts greater than $100,000 but not greater than $5 million if the agency reasonably expects that the offers will include only commercial items. The purpose of this test program was to give agencies additional procedural discretion and flexibility so that purchases of commercial items in this dollar range could be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes paperwork burden and administration costs for both government and industry. Authority to use this test program expires on January 1, 2000.

The Administration has reported that, due to delays in implementing the test program, the data available from the test program is insufficient to assess the effectiveness of the test, and additional data is required to determine whether this authority should be made permanent. This provision would extend the authority to January 1, 2002.

The provision also requires the Comptroller General to report to Congress on the impact of the provision. The sponsors note that the shortened notice period authorized under the test program may have a different impact on competition, depending on the complexity of the commercial items to be procured. For this reason, the sponsors expect the Comptroller General's report to address the extent to which the test authority has been used, the types of commercial items procured under the test program, and the impact of the test program on competition for agency contracts and on the small business share of such contracts. The Comptroller General's report also should assess the extent to which the test program has streamlined the procurement process.

5. EXTENSION OF INTERIM REPORTING RULE ON CONTRACTS WITH SMALL BUSINESS

Section 31(f) of the OFPP Act, as amended by FASA, requires detailed reporting of contract activity between $25,000 and $100,000 in the Federal Procurement Data System (FPDS). This requirement gives the government the ability to track the impact of acquisition reform on the share of contracts in this dollar range that are awarded to small businesses, small disadvantaged businesses and woman-owned small businesses. It also enables the government to track progress and compliance on a variety of Federal procurement programs, such as Small Business Competitiveness Demonstration Program, the Small Disadvantaged Business Reform Program, the HUDBZone Small Business Program, and the IRS Offset Program.

Under FASA, this provision is scheduled to expire on October 1, 1999, so that after that date agencies would only be required to report summary data for procurements below $100,000. Because the implementation of acquisition reform measures is ongoing and information on the impact of those measures on small business is important both to Congress and the executive branch, this provision would extend the current reporting requirement until October 1, 2004, as requested by the Administration.

AMENDMENT NO. 429

(Purpose: To authorize an additional $21,700,000 for research, development, test, and evaluation for the Army for the Force XXI Battle Command, Brigade and Below (FBCB2) (PE0203759A), and to offset the additional amount by decreasing by $21,700,000 the authorization for other procurement for the Army for the Maneuver Control System (MCS))

On page 17, line 1, strike "$3,669,070,000" and insert "$3,647,370,000".

On page 29, line 10, strike, $4,671,194,000" and insert "$4,692,894,000".

AMENDMENT NO. 430

(Purpose: To improve financial management and accountability in the Department of Defense)

On page 321, line 18, strike out "and".

On page 321, after line 24, insert the following:

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

On page 322, line 4, insert before the semicolon the following: "that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note)".

On page 322, between lines 17 and 18, insert the following:

(5) An internal controls checklist which, consistent with the authority in sections 3511 and 3512 of title 31, United States Code, the Comptroller General shall prescribe as the standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the department.

On page 323, line 14, before the period insert "or the certified date of receipt of the items".

On page 324, between the matter following line 20 and the matter on line 21, insert the following:

(c) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subjected to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(C) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(D) the estimated costs of implementing the processes and controls described in subparagraphs (A), (B), (C); and

(E) the period that would be required to implement the processes and controls.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit a report to Congress containing the results of the study required by paragraph (1).

(3) In this subsection, the term "electronic payment" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a debit or credit to a financial account.

On page 329, after line 25, insert the following:

SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—(1) Section 135 of title 10, United States Code, is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

"(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

"(2) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursement or accounting, to another officer, employee, or entity of the United States, the Under Secretary continues after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority.".

(2) Subsection (c)(1) of such section is amended by inserting "and to ensure accountability to the citizens of the United States, Congress, the President, and managers within the Department of Defense" before the semicolon at the end.

(b) MANAGEMENT OF CREDIT CARDS.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations governing the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall be consistent with regulations that apply government-wide regarding use of credit cards by Federal Government personnel for official purposes.

(2) The regulations shall include safeguards and internal controls to ensure the following:

(A) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder.

(B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Disputes and discrepancies are resolved in the manner prescribed in the applicable Governmentwide credit card contracts entered into by the Administrator of General Services.

(D) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(E) Rebates and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(c) REMITTANCE ADDRESSES.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on alteration of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(A) requested by the person to whom the disbursement is authorized to be remitted; and

(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

Mr. GRASSLEY. Mr. President, I would like to speak briefly on the Grassley-Domenici amendment on financial management reforms at the Department of Defense.

The bill before us today provides the first major increase in defense spending since 1985.

The increase in defense spending authorized in this bill was initially approved by the Budget Committee back in March.

As a Member of the Budget Committee, I voted for the extra 8 billion dollars for national defense.

That may come as a surprise to some of my colleagues.

In the past, I have opposed increases in the defense budget. Now, I don't. My colleagues must be wondering why.

I would like to explain my position.

I support this year's increase in defense spending for one reason and one reason only.

The Budget Committee—and now the Armed Services Committee—are calling for financial management reforms at DOD.

The Committees are telling DOD to bring its accounting practices up to accepted standards, so it can produce "auditable" financial statements—as required by the Chief Financial Officers Act.

This is music to my ears.

We should not pump up the DOD budget without a solid commitment to financial management reform.

The Committees are telling DOD to do what DOD is already required to do—under the law.

The Budget Committee's report on the Concurrent Resolution for FY 2000 contained strong language on the need for financial management reform at the Pentagon.

While the Budget Committee's language is not binding, it sends a clear, unambiguous message to the Pentagon: clean up your books—now!

The Armed Services Committee reached the same conclusions—independently.

The Armed Services Committee has cranked up the pressure a notch. The Committee has taken the next logical step.

The bill before us today contains much more than a strong message.

It mandates financial management reform.

If adopted in conference, the language in this bill would become the law of the land.

And with it, I hope we are able to generate more pressure for financial reform at the Pentagon.

The legislative language on financial management reform is reflected in several provisions in Title X [ten] of the bill.

Mr. President, if financial reforms were not in the bill, I would be standing here with a different kind of amendment in my hand.

I would be asking my colleagues to support an amendment to cut the DOD budget.

Fortunately, that's not necessary.

It's not necessary because the Armed Services Committee has seen the light and seized the initiative.

The Armed Services Committee is demanding financial management reforms at the Pentagon.

First, I would like to thank my friend from Virginia, Senator WARNER—the Committee Chairman—for recognizing and accepting the need for financial management reform at the Pentagon.

I would also like to thank my friend from Oklahoma, Senator INHOFE—Chairman of the Readiness Subcommittee—for putting some horsepower behind DOD financial management reform.

His hearing on DOD Financial Management on April 14th helped to highlight the need for reform and set the stage for the corrective measures in the bill.

But above all, I would like to thank the entire Armed Services Committee for taking time to listen to my concerns and for addressing them in the bill in a meaningful way.

I hope the Committee's efforts to strengthen internal controls—when combined with mine—will improve DOD's ability to detect and prevent fraud and better protect the peoples' money.

Mr. President, this bill does not contain all the new financial management controls that I wanted. There had to be give-and-take along the way.

I remain especially concerned about the need for restrictions on the use of credit cards for making large payments on R&D and procurement contracts.

The Committee has assured me that there will be a good faith effort to examine this issue before the conference on this bill is concluded.

Based on information to be provided by the Department and the General Accounting Office and Inspector General, the final version of the bill may include: (1) a dollar ceiling on credit card transactions; and (2) strict limits on using credit cards to make large contract payments.

I hope that is possible.

There will be no improvement in the dismal DOD financial management picture without reform—and some pressure from this Committee and the other committees of Congress.

We need to lean on the Pentagon bureaucrats to make it happen.

Without reform, the vast effort dedicated to auditing the annual financial statements will be a wasted effort.

The bill before us will hopefully establish a solid foundation—and create a new environment—where financial management reform can begin to happen.

In doing what we are doing, I hope we are providing the Pentagon with the wherewithal to get the job done.

The reforms in the bill are not new or dramatic.

In my mind, it's basic accounting 101 stuff: DOD needs to record financial transactions in the books of account as they occur. Now, that's not complicated or difficult, but it's the essential first step. And it's not being done today.

The Committee is telling DOD to get on the stick and do what it's already supposed to be doing—under the law. And it calls for some accountability to help get the job done.

The language in this bill—I hope—will get DOD moving toward a "clean" audit opinion.

I hope that's where we are headed.

And there is another important reason why DOD financial reform is needed today.

As I stated right up front, we are looking at the first big increase in defense spending since 1985.

I think this Committee needs to be on the record, telling the Pentagon to get its financial house in order.

If the Pentagon wants all this extra money, then the Pentagon needs to fulfill its Constitutional responsibility to the taxpayers of this country.

First, it needs to regain control of the taxpayers' money it's spending right now.

And second, it needs to be able to provide a full and accurate accounting of how all the money gets spent.

DOD must be able to present an accurate and complete accounting of all financial transactions—including all receipts and expenditures. It needs to be able to do this once a year—accurately and completely.

The GAO and IG auditors should be able to examine the department's books and its financial statements and render a "clean" audit opinion.

That's the goal.

I want to see us reach that goal reached in my lifetime.

Mr. President, I would like to extend a special word of thanks to the entire Armed Service Committee for helping me with my DOD financial management reform initiative.

I would like to thank the committee for helping to push the Pentagon in the right direction—toward sound financial management practices.

I would like to thank the Committee Chairman, Senator Warner, and his Subcommittee Chairman, Senator Inhofe, for throwing their weight behind the effort.

I would like to thank them for working with me and helping me craft an acceptable piece of legislation.

Mr. President, in my mind, DOD financial management reform is mandatory as we move to larger DOD budgets.

Higher defense budgets need to be hooked up to financial reforms—just like a horse and buggy—one behind the other. They need to move together.

AMENDMENT NO. 431

(Purpose: To authorize $4,500,000 for research, development, test, and evaluation, Defense-wide, relating to a hot gas decontamination facility, and to reduce by $4,500,000 the amount authorized for chemical demilitarization activities to take into account inflation savings in the account for such activities)

On page 18, line 13, strike "$1,169,000,000" and insert "$1,164,500,000".

On page 29, line 14, strike "$9,400,081,000" and insert "$9,404,581,000".

AMENDMENT NO. 432

(Purpose: To provide $3,500,000 (in PE 62633N) for Navy research in computational engineering design, and to provide an offset)

On page 29, line 11, increase the amount by $3,500,000.

On page 29, line 14, decrease the amount by $3,500,000.

AMENDMENT NO. 433

(Purpose: To extend certain temporary authorities to provide benefits for Department of Defense employees in connection with defense workforce reductions and restructuring)

At the end of title XI, add the following:

SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.

(a) Lump-Sum Payment of Severance Pay.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) Voluntary Separation Incentive.—Section 5597(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".

(c) Continuation of FEHBP Eligibility.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.".

EXIT SURVEY

Ms. LANDRIEU. Mr. President, I thank our chairman, Senator Warner, and the ranking member, Senator Levin, for agreeing to this very important amendment. As a new member of the Senate Armed Services Committee, I was a little taken aback by the way the Committee launched into major legislation at the very start of this session. I am glad that we did. From the very start of the year, it was clear that we had a very real problem in retention that threatened to reach crisis proportions. Furthermore, this crisis was looming just when our country most needed every talented soldier, sailor, and airman that we could keep in the service.

The structural reasons behind the retention shortfalls have already been well documented on the floor; a booming economy, long deployment, and a lack of predictability for family life have all taken their toll. However, what I have found very frustrating is that we have no sense of priority behind these problems. Are soldiers leaving because the pay is too low, or because the retirement package is insufficient? Do we need to address operations tempo first, or health care? The evidence is all anecdotal. We have a strong sense of the universe of problems, but no qualitfiable data on their relative importance.

As it stands, each service is responsible for exit surveys which are conducted on a voluntary basis when a person separates from the military. These surveys are not standardized, do not seek the same information, nor are they scientifcally tested. In short, they are not much better than the anecdotal evidence that we collect by word of mouth. The dimensions of our difficulties in retention demand that we have much better information. For that reason, I have introduced this amendment to the Defense Authorization bill, which will give us the data that we need to assess the steps Congress needs take in coming years to stem this tide.

The amendment instructs the Secretary of Defense to develop and implement a survey of all military personnel leaving the service starting in January 2000 and ending six months later. The survey will provide uniformity of data, and be scientifically tested so as to give as some real feedback as to why our men and women are leaving the service. Additionally, there are specific issues of content that the survey must address, namely: the reasons for leaving military service, plans for activities after the separation, affiliation with a Reserve component, attitude toward pay and benefits, and the extent of job satisfaction during their tenure.

I believe that the answers to these questions are vital to the Senate's role in addressing retention and other readiness concerns. The future of our all-volunteer force depends on our ability to continue to recruit and retain the manpower necessary to support our national security priorities. To do so, we need forward thinking policy which makes the most of our scarce resources and protects the quality of life of our armed services. This amendment will give us the data and intellectual framework to begin such policy. Again, I thank Senators Warner and Levin for accepting it.

AMENDMENT NO. 434

(Purpose: To require the Secretary of Defense to carry out an exit survey on military service for members of the Armed Forces separating from the Armed Forces)

In title V, at the end of subtitle F, add the following:

SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.

(a) Requirement.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall suspend exit surveys and interviews of that department during the period described in the first sentence.

(b) Survey Content.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

(c) Report.—Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the surveys. The report shall include an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans of those personnel. The Secretary shall utilize the report's findings in crafting future responses to declining retention and recruitment.

AMENDMENT NO. 435

(Purpose: To authorize the use of amounts for award fees for Department of Energy closure projects for purposes of funding additional cleanup projects at closure project sites)

On page 574, strike lines 1 through 24 and insert the following:

SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.

(a) Authority To Use Amounts.—The Secretary of Energy may use an amount authorized to be appropriated for the payment of award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary—

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) REPORT ON USE OF AUTHORITY.—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

AMENDMENT NO. 436

(Purpose: To authorize the awarding of the Medal of Honor to Alfred Rascon for valor during the Vietnam conflict)

At the appropriate place in the bill, insert the following new section:

SEC. . AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of total 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

Mr. ABRAHAM. Mr. President, I rise today to offer this amendment to authorize the awarding of the Medal of Honor to Alfred Rascon. Mr. Rascon, a Mexican-born immigrant, represents the finest tradition of service to this country. This award, after these many years, will correct an oversight and provide Mr. Rascon with the recognition he has earned. I would like to acknowledge the hard work of Representative LANE EVANS, who I am working with on this issue and who has worked to help correct the oversight that prevented the awarding of the Medal of Honor to Mr. Rascon.

To best understand the courage exhibited by Mr. Rascon, I would like to quote an excerpt from the study "The Military Contributions of Immigrants" published by Empower America, the American Immigration Law Foundation, the Congressional Medal of Honor Society, Heroes and Heritage, the Japanese American Veterans Association, and Veterans of Foreign Wars of the U.S. The study describes in detail Mr. Rascon's actions on March 16, 1966:

> Alfred Rascon was born in Chihuahau, Mexico and immigrated to the United States with his parents in the 1950s. He served two tours in Vietnam, one as a medic, and was known as "Doc." When Rascon volunteered for the service he was not a citizen but still a lawful permanent resident. He was 17 years old but tricked his mother into signing his papers so he could enlist.
>
> On March 16, 1966, bullets flew and grenades exploded, and Rascon's platoon found itself in a maelstrom of North Vietnamese firepower. When an American machine gunner went down and someone called for a medic, Rascon, 20 at the time, ignored his orders to remain under cover and rushed down the trail amid a hail of enemy gunfire and grenades. To better protect the wounded soldier, Rascon placed his body between the enemy machine gun fire and the soldier. Rascon turned. He was shot in the hip. Although wounded, he managed to drag the soldier off the trail. Rascon soon discovered the man he was dragging was dead.
>
> Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner was already dead and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammo and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail, snared the dead soldier's machine gun and, most importantly, 400 rounds of additional ammunition.
>
> The pace quickened and the grenades dropped. One ripped open Rascon's face. It didn't stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.
>
> Though severely wounded, Rascon crawled back among the other wounded and gave them aid. A few minutes later, Rascon saw Sergeant Ray Compton being hit by gunfire. As Rascon moved toward him, another hand grenade dropped. Instead of seeking cover Rascon dove on top of the wounded sergeant and again absorbed the blow. That time the explosion smashed through Rascon's helmet and ripped into his scalp. He saved Compton's life.
>
> When the firefight ended, Rascon refused aid for himself until the other wounded were evacuated. So bloodied by the conflict was Rascon that when soldiers placed him on the evacuation helicopter, a chaplain saw his condition and gave him last rites. But Alfred Rascon survived.
>
> Today, Rascon, now 50, lives in Howard County, Maryland. The soldiers who witnessed Rascon's deeds that day recommended him in writing for a Medal of Honor. Years later, these soldiers were shocked to discover that he had not received one. The men continue to this day to seek full recognition and the awarding of the Medal of Honor for Alfred Rascon.
>
> Perhaps the best description of Alfred Rascon's actions came 30 years later from fellow platoon member Larry Gibson: I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad, making it almost impossible to move without being killed. Unhesitatingly, Doc [as he was called] went forward to aid the wounded and dying. I was one of the wounded. Doc took the brunt of several enemy grenades, shielding the wounded with his body . . . In these few words I cannot fully describe the events of that day. The acts of unselfish heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes. Doc Rascon is one of those."
>
> Rascon was once asked why he acted with such courage on the battlefield even though he was an immigrant and not yet a citizen. Rascon replied, "I was always an American in my heart."

Mr. President, the approach of Memorial Day is a proper occasion for us to reflect on what it means to live in a nation that can attract young men and women who were not even born here to volunteer and, if necessary, die for their adopted country. It is an occasion to reflect on what it means to live in a nation where to this day the children of immigrants volunteer and serve.

Today, over 60,000 active military personnel are immigrants to his country. This desire to serve is consistent with our history. More than 20 percent of the recipients of our highest military award, the Congressional Medal of Honor, have been immigrants. Indeed America remains free because in no small part she has been blessed with many American heroes willing to give their lives in her defense.

During his last year in office, Ronald Reagan traveled out to a high school in Suitland, MD. Surrounded by students he was asked about America and what it means to be an American. President Reagan looked out at the young people and responded:

> I got a letter from a man the other day, and I'll share it with you. The man said you can go to live in Japan, but you cannot become Japanese—or Germany, or France—and he named all the others. But he said anyone from any corner of the world can come to America and become an American.

We owe a debt to all those people, wherever they or their parents were born, who have kept our Nation free and safe in a dangerous world. And we owe a continuing debt of gratitude to those today who serve, guarding our country, our homes and our freedom. Like all good things, freedom must be won again and again. I hope all of us will remember those, immigrants and native born, who have won freedom for us in the past, and stand ready to win freedom for us again, if they must. May we never forget our debt to the brave who have fallen and the brave who stand ready to fight.

I believe the awarding of the Medal of Honor to Alfred Rascon is richly deserved. This award will demonstrate America's appreciation of Alfred Rascon's valor in combat and recognize his extraordinary service to this country. Mr. President, I yield the floor.

AMENDMENT NO. 437

(Purpose: To prohibit the return of veterans memorial objects to foreign nations without specific authorization in law)

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

"SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad."

Mr. THOMAS. Mr. President, amendment No. 437 to S. 1059, the Defense Authorization bill, prohibits the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress.

I would not have thought that an amendment like this was necessary, Mr. President. It would never have occurred to me that an administration would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country; but a real possibility of just that happening exists in my state of Wyoming involving what are known as the "Bells of Balangiga."

In 1898, the Treaty of Paris brought to a close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American efforts to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russel in Cheyenne, WY—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

> Officers slept in, and enlisted men didn't bother to carry their rifles as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abruptly when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.
>
> With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.
>
> Though he was also slashed across the back, PFC . . . Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 US soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and other 8 died of their wounds; only 20 of the company's 74 members survived.

A detachment of 54 volunteers from 9th infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later from Companies K and L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18 by Marines, the 9th Infantry took two of the church bells and an old canon with them back to Wyoming as memorials to the fallen soldiers.

The bells and canon have been displayed in front of the base flagpole on the central parade grounds since that time. The canon was restored by local volunteers and placed under a glass display case in 1985 to protect it from the elements. The bells were placed in openings in a large specially constructed masonry wall with a plaque dedicating the memorial to the memory of the fallen soldiers.

Off and on since 1981, there have been some discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original. Opposition to the proposal from local and national civic and veterans groups has been very strong.

Last year, developments indicated to me that the White House was seriously contemplating returning one or both of the bells to the Philippines. 1998 marked the 100th anniversary of the Treaty of Paris, and a state visit by then-President Fidel Ramos—his last as President—to the United States. The disposition of the bells was high on President Ramos' agenda; he has spoken personally to President Clinton and several members of Congress about it over the last three years, and made it one of only three agenda items the Filipino delegation brought to the table. Since January 1998, the Filipino press has included almost weekly articles on the bells' supposed return, including several in the Manila Times in April and May which reported that a new tower to house the bells was being constructed in Borongon, Samar, to receive them in May. In addition, there have been a variety of reports vilifying me and the veterans in Wyoming for our position on the issue, and others threatening economic boycotts of US products or other unspecified acts of retaliation to force capitulation on the issue.

Moreover, inquiries to me from various agencies of the administration soliciting the opinion of the Wyoming congressional delegation on the issue increased in frequency in the first 4 months of 1998. I also learned that the Defense Department, perhaps in conjunction with the Justice Department, prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response, the Wyoming congressional delegation wrote a letter to President Clinton on January 9, 1998, to make clear our opposition to removing the bells. Mr. President, I ask unanimous consent that the text of that letter be inserted at this point in the RECORD. In response to that letter, on May 26, I received a letter from Sandy Berger of the National Security Council which I think is perhaps one of the best indicators of the direction the White House was headed on this issue.

To head off any move by the administration to dispose of the bells, I and Senator ENZI introduced S. 1903 on April 1, 1998. The bill had 18 cosponsors, including the distinguished Chairmen of the Committees on Armed Services, Foreign Relations, Finance, Energy and Natural Resources, Rules, Ethics, and Banking; the Chairmen of five Subcommittees of the Foreign Relations Committee; and five members of the Armed Services Committee.

While time has passed since this issue came to a head last April, Mr. President, my deep concern that the administration might still dispose of the bells has not. The administration has not disavowed its earlier intent to seek to return the bells—an intent derailed by the introduction of S. 1903 last year. In addition, despite article IV, section 3, clause 2 of the Constitution, which states that the "Congress shall have the power to dispose of . . . Property belonging to the United States," the Justice Department has issued an informal memorandum stating that the bells could possibly be disposed of by the President pursuant to the provisions of 10 U.S.C. § 2572.

I continue to be amazed, even in these days of political correctness and revisionist history, that a U.S. President—our Commander in Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the line of duty in order to send part of it back to the country in which they were killed. Amazed, that is, until I recall this President's fondness for sweeping apologies and what some might view as flashy P.R. gestures. Consequently, Senator ENZI and I decided to pursue the issue again in the 106th Congress.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bells represent a lasting memorial to those 54 American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory.

This amendment will protect the bells and similar veterans memorials from such an ignoble fate. The bill is quite simple; it prohibits the transfer of a veterans memorial or any portion thereof to a foreign country or government unless specifically authorized by law. I would like to thank the distinguished Chairman of the Committee [Senator WARNER] for his assistance, and that of his staff, in moving this amendment forward.

AMENDMENT NO. 438

(Purpose: To authorize emergency supplemental appropriations for fiscal year 1999)

In title X, at the end of subtitle A, add the following:

SEC. 1009. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) are hereby adjusted with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

AMENDMENT NO. 439

(Purpose: To clarify the scope of the requirements of section 1049, relating to the prevention of interference with Department of Defense use of the frequency spectrum)

On page 371, at the end of line 13, add the following: "The preceding sentence does not apply to the operation, by a non-Department of Defense entity, of a communication system, device, or apparatus on any portion of the frequency spectrum that is reserved for exclusively non-government use.".

On page 372, line 3, insert "fielded" after "apparatus".

(d) This section does not apply to any upgrades, modifications, or system redesign to a Department of Defense communication system made after the date of enactment of this Act where that modification, upgrade or redesign would result in interference with or receiving interference from a non-Department of Defense system.

AMENDMENT NO. 440

(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature)

On page 281, line 13, after "Government." insert the following: "These items shall not be considered commercial items for purposes of Section 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 note).".

On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns.".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 284, between lines 6 and 7, insert the following:

(4) The term "HUBZone small business concern" has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

AMENDMENT NO. 441

(Purpose: To authorize the Secretary of Defense to provide assistance to civil authorities in responding to terrorism)

In title X, at the end of subtitle D, add the following:

SEC. 1061. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.

(a) AUTHORITY.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

(2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(b) NATURE OF ASSISTANCE.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) REIMBURSEMENT.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that a waiver of the reimbursement is in the national security interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(d) LIMITATION ON FUNDING.—Not more than $10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) PERSONNEL RESTRICTIONS.—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(h) RELATIONSHIP TO OTHER AUTHORITY.—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) The term "threat of an act of terrorism" includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) The term "weapon of mass destruction" has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

Mr. WARNER. Now, Mr. President, momentarily we will proceed to the amendment by Mr. ALLARD. If the Senators are ready, I will yield the floor.

AMENDMENT NO. 396

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes remaining for debate on the Allard amendment numbered 396, with 20 minutes under the control of the Senator from Iowa, Mr. HARKIN, and 10 minutes equally divided between the Senator from Colorado, Mr. ALLARD, and the Senator from Virginia, Mr. WARNER.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. If I might just briefly before I yield the floor for Senator HARKIN, I ask unanimous consent to add Senator ENZI as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand I have 20 minutes. Is that right?

The PRESIDING OFFICER. Correct.

Mr. HARKIN. Will the Chair please advise the Senator when he has used 15 minutes.

The PRESIDING OFFICER. We will.

Mr. HARKIN. I appreciate that.

Mr. President, I would like to take a few minutes to speak about the Civil

Air Patrol, a unique group of volunteer civilian airmen and others, who support this nation in a variety of ways.

CAP members represent a cross-section of America and include pilots, emergency medical technicians, and teachers who use their professional skills to provide emergency services, youth programs, and aerospace education. Its more than 60,000 senior and cadet members are located in small towns and large cities across this country. Day in and day out, its aircrews fly search and rescue, disaster relief, counter-drug and Air Force operational support missions while teachers and others run a youth program for thousands of cadets and support aerospace education programs in hundreds of schools.

CAP began its service to the nation under very unusual circumstances. As World War II approached, civilian pilots began to look for ways to help with the expected war effort. They organized together as an air arm of the Office of Civil Defense and, in the first months of the war, they were quick to respond as ships were torpedoed within sight of land. During a period when we lacked the Army and Navy aircraft needed to patrol thousands of square miles off our coasts looking for German submarines, the CAP was there.

Flying their own aircraft, sometimes using automobile inner tubes for life preservers, CAP pilots did what the military could not, find enemy submarines in the Atlantic and Gulf of Mexico. They spotted so many submarines, in fact, that they finally convinced the military that they should be armed. At first they simply carried the bombs on their laps and dropped them out the door of the aircraft, later they improvised homemade bomb aiming sights and put bomb racks under their Beech, Fairchild, Sikorsky, and Stinson aircraft. It was over a year and a half before the military could accomplish this mission without CAP's help.

By July of 1943, CAP pilots had flown over 24 million miles on anti-submarine combat missions and had spotted and reported the location of 173 submarines to the military. CAP itself attacked 57 of those submarines and sank or damaged two. Hundreds of survivors from sunk ships and military aircraft crashes (at sea) were rescued as part of CAP's anti-submarine patrol efforts. Twenty-six CAP volunteer lives and 90 aircraft were lost on these civilian-flown combat missions.

CAP's World War II service also set the foundation for its modern day service to America. During the war, CAP became a part of the Army Air Force and flew hundreds of thousands of hours nationwide on border patrol, search and rescue, forest fire watch, target-towing, courier flights, and military training exercises. It began its cadet program to help the military recruit young Americans and to teach them about aviation. These were invaluable missions that contributed greatly to the war effort. Many of the same missions and the tradition of service established then, continues today.

Today, CAP again flies support missions off the coast of America in support of another kind of war, the war against drugs. Since 1985, CAP has flown hundreds of thousands of hours in support of the U.S. Customs, U.S. Drug Enforcement Agency, and other federal and local law enforcement agencies. CAP aircrews fly reconnaissance, communications relay, and transport missions which take place over water along the 12-mile territorial limit, along the nation's borders, and in most of the 50 states.

The cost to the taxpayer is very little as CAP aircraft are flown by volunteer aircrews for about $55 a hour. Aircrew members donate their time, often using their own personal leave from work to fly these missions. They provide essential support to the government, which would cost the taxpayer, even if the government had the pilots and aircraft to use, up to $2,000 an hour. In 1998 alone, Civil Air Patrol flew 41,721 hours in support of counter-drug efforts.

CAP also flies and conducts more traditional missions. While it is the official auxiliary of the Air Force, it also performs numerous emergency services missions, youth programs and aerospace education programs in support of states and local communities across this nation. It's pilots routinely fly about 85 percent of all the search and rescue hours flown in the United States. Whether searching for a lost child in a state park or looking for downed military aviator, Civil Air Patrol is there. In 1998, Civil Air Patrol conducted 3,155 search and rescue missions and saved 116 lives. CAP also supports local communities and states during time of disaster. In 1998, during a period lasting weeks, hundreds of CAP members in drought-stricken Florida and Texas flew emergency fire watch while others maintained airborne communications relay stations, around the clock, supporting fire fighters on the ground. As recently as three weeks ago, when the Oklahoma tornadoes killed 45, CAP aerial and ground units quickly joined with community and state disaster relief efforts. Other emergency and humanitarian missions include flood surveillance, tornado and hurricane reconnaissance, blood collection and distribution flights, and the emergency airlift of medical material.

Over 26,000 young people participate in CAP's growing cadet program where they not only have opportunities to fly, but they too learn discipline, leadership and public service skills. Not only are many of these cadets model citizens but they help their communities and states during times of emergency. Indeed, during CAP's emergency operations cadets operate many of its radios and make up the bulk of its ground rescue units. The cadet program also includes local unit activities, physical fitness, leadership laboratories, aerospace education, and moral leadership. A wide range of annual special cadet activities include nationwide flight encampments where cadets each summer, working with adult flight instructors, learn how to fly powered aircraft and gliders. In 1998, 180 young men and women learned how to fly at these encampments. CAP also conducts nearly 200 aerospace education workshops that reach over 5,000 educators annually and routinely provides Air Force ROTC and CAP cadets in a series of orientation flights—over 17,500 in 1998—to introduce them to modern aviation.

It is impossible to adequately capture the essence of the Civil Air Patrol in just a few short words, however, I hope it is clear that the CAP is a unique organization that touches Americans at all levels. While it is the official auxiliary of the Air Force, it is also a benevolent, civilian non-profit corporation chartered by Congress to support emergency service and educational organizations such as the American Red Cross, all fifty states, the District of Columbia and the Commonwealth of Puerto Rico as well as thousands of local communities across the nation. Its more than 50,000 members, 1,700 squadrons, 535 light aircraft and thousands of communications stations stand ready to support not only the Air Force and other Federal agencies but all the citizens of the United States, no matter where they live. Civil Air Patrol does this valuable humanitarian and public service mission 24 hours a day, 365 days a year with little or no fan fare. Its volunteers deserve our thanks and appreciation.

AIR FORCE PROPOSAL

I rise in support of the Allard amendment to ensure civilian leadership of the Civil Air Patrol and to require studies of proposals to improve its operations.

The Air Force has proposed a takeover the governance of CAP. The Defense Authorization bill includes this proposal. It is not warranted, nor will it necessarily address alleged problem with CAP.

I am joining with Senator ALLARD and a long, bipartisan list of cosponsors to offer an alternative that has Congress make a more considered decision.

The Air Force has proposed some huge and abrupt changes to the operations and governance of the Civil Air Patrol. The Air Force wants to place themselves in control of the CAP Board and operations. The proposal would put an Air Force Reserve Major General in charge of Headquarters, place an oversight Board—appointed by the Air

Force—in control of CAP and replace a lot of the civilian staff with Air Force uniformed staff. This represents a major change to the CAP. It represents a higher financial cost to the taxpayer. It also represents placing a civilian volunteer nonprofit organization under the control of the Air Force.

Strangely, the Armed Services Committee has adopted the Air Force proposal. I say strangely, because the Committee adopted the language with very little review or discussion. There has been no hearings on the Air Force proposal.

The Air Force is citing allegations of financial mismanagement and safety lapses as the reasons for the change. While the Air Force has told the press there are series problems with CAP, they have yet to make clear the evidence to support the allegations. There has been no report by the Air Force Inspector General, no report by the DOD IG, nor by the GAO. The Air Force did write a report a year ago arguing for an adoption of a new financial management process—the adoption of an OMB circular—but CAP is waiting for the OMB to review the plan.

The Civil Air Patrol leadership has rejected the allegations. We don't need to rush to a hasty decision. In fact, I have talked to both Acting Secretary Peters of the Air Force and CAP leadership. Both want to get together upon my behest to discuss any differences and think through any proposals. I would like to invite other Senators to attend if they so desire.

The Senator from Oklahoma described many allegations of CAP missteps. All I heard were allegations. In fact, many were made by unnamed former members. Where is the evidence? Where is the formal review? Where are the hearings? Are we going to base legislation on unchecked allegations?

Let me address just one allegation made by the Air Force and repeated by the Senator from Oklahoma—the infamous CAP cruise, which has been purported as the worst of CAP's missteps.

I have looked into the matter and here is what I have found. It is true that, in 1998 the southeast region had a meeting aboard a ship instead of at a hotel. CAP regions have meetings regularly with the region wings deciding on the location. Let's look at a few more facts.

First, no CAP member used federal dollars to pay for the cruise. None. That's right, the volunteer members of CAP all pay their own way out of their own pockets. It is true that some CAP headquarters staff attended that meeting and were reimbursed for the cost. This has long been the normal practice for staff—who are paid federal employees, not members—to get reimbursed. This is the normal federal practice as far as travel expenses relating to work. The Air Force had no criticism of the staff attendance, but said that staff members received unauthorized reimbursement.

But here is the key point: the reimbursement was approved by the Air Force before the event. The Air Force has about thirty Air Force staff overseeing operations and financial matters at headquarters, at the CAP headquarters in Alabama. Before the event, these Air Force staff, at the headquarters, approved the event for reimbursement.

In other words, the Air Force already had authority to oversee CAP financial matters, exercised the authority and approved the reimbursement. Where is the lack of Air Force control?

The Air Force has also pointed to safety concerns. Although we only have allegations, I talked to the CAP Commander, Jay Bobich about them. I asked if there is a need for a safety officer. His response was fairly open. He doesn't know about the incident cited—again, they are from letters from unknown sources—but would welcome an Air Force safety officer. The Air Force can place one at the headquarters without this legislation and always could, but perhaps the Air Force did not think it was a serious concern.

Let me also turn to an important down-side to the Air Force proposal: cost. The Air Force proposes to use many more uniformed military personnel to run CAP headquarters, replacing the civilian employees. I don't have to point out the financial implication to my colleagues. Uniformed Air Force personnel simply cost more. In fact, the Air Force is even talking about placing a 2-star general instead of the current civilian director. This alone is a $60,000 difference that the taxpayers would have to bear.

Rather than simply take the Air Force proposal, we should require the DOD Inspector General to do a study of the allegations. I have already started the GAO on a study. We should also require an Inspector General study. This way, we in Congress, can make an informed decision that considers all possible alternatives.

I must pose a question to my colleagues. Why would anyone make a lasting decision to make major changes to an important organization using unilateral input—in this case from the Air Force? Right or wrong, would it not be better to have an unbiased and factual determination, and then make a judgment based on the facts?

Our amendment simply requires that we take some time to look at the Air Force proposal on CAP, examine other potentially better proposals, and have the IG and GAO make recommendations. Let's not rush to a hasty judgment without the facts.

Mr. President, I want to give my disclaimer and talk about my own involvement in the Civil Air Patrol. I have been involved in the Civil Air Patrol for about the last 15 years. I am at present the commander of the Congressional Civil Air Patrol Squadron. I go out and fly missions. I fly with the Civil Air Patrol quite regularly. So I just wanted to lay it out that I am very much involved with the Civil Air Patrol and have been involved most of the time I have been in the Senate.

It is a proud and good organization. I am just going to give a little bit of the background: More than 60,000 senior and cadet members, all across America, in small towns, large cities, flying every day in search and rescue missions. Almost 85 percent of all the search and rescue missions in America are done by the Civil Air Patrol. We have youth programs for thousands of cadets around America.

This organization started in World War II when German submarines were sinking our ships off the coast, sometimes within sight of land. We didn't have the Army and Navy aircraft to patrol, so, flying their own small aircraft, sometimes using automobile inner tubes as their life preservers, the CAP pilots did what the military could not—they found the enemy submarines in the Atlantic and Gulf of Mexico. They spotted so many submarines. In fact, they finally convinced the military they should be armed. At first they actually carried bombs on their laps in the plane. They would see a submarine, and they would throw them out the window on top of the submarine, on top of the German U-boat. By July of 1943, CAP pilots had flown over 24 million miles on antisubmarine combat missions. They had spotted and reported the location of 173 submarines to the military and the CAP itself attacked 57 of those submarines and sank or damaged two of them. I wanted to lay that out as a kind of proud history of the Civil Air Patrol.

Since that time, under civilian control, the Patrol has had a great cadet program to recruit young people into its program. Many of the pilots we have had in the Air Force, the Navy, came out of the Civil Air Patrol. It is just an invaluable youth program. One time I came over here to talk to a youth group from the Cleveland, OH, Civil Air Patrol squadron, all young African Americans, male and female, taken out of the inner city. They had uniforms. They were given discipline. They had summer programs. It was just a wonderful thing to see, this cadet program instilling good American values in these young people.

Again, I point that out as a way of saying that this is a very proud, very good organization, one that has done a lot of good. As I said, 85 percent of all search and rescue is done by the Civil Air Patrol. In 1998, we conducted 3,155 search and rescue missions and saved 116 lives.

We also support communities and States in times of disaster. In 1998, during a period lasting weeks, when we saw all the fires in Florida and Texas, hundreds of CAP members flew emergency fire watch, while others maintained airborne communication relay stations.

Three weeks ago during the terrible Oklahoma tornadoes that killed 45 people, CAP was there with aerial and ground units and quickly joined with community and State disaster relief efforts. I can tell you that in 1993, during the terrible floods we had in the Midwest, in Iowa, the Civil Air Patrol was there day after day after day helping with logistics, helping with communication, helping fly aircraft over rivers to warn of propane tanks floating downstream.

All of these things are done by volunteers. The people flying these planes don't get paid a dime.

One other thing that most people don't know about is the drug interdiction efforts by the Civil Air Patrol. This was something that I had a proud involvement with back in the 1980s. We changed the law to give the Civil Air Patrol the authority to join with the DEA and others to fly drug interdiction, both off our coasts and looking for drugs within the continental United States.

At that time, if I am not mistaken, much of what was being done in that regard was done by the National Guard. They were charging over $1,100 an hour for that. The Civil Air Patrol did it for about $80 an hour. Why? Because it was all volunteers. In fact, many of the flying volunteers took their own cameras with them, paid for their own film, paid for developing, which pictures they then turned over to the DEA.

Again, I point that out because I am very proud of the Civil Air Patrol, very proud of their history, proud of what they have been doing recently, proud of what they are doing yet today to help our States, our local communities, and the great cadet programs they have to instill good values and discipline among so many young people in America.

Now what do we have? In front of us we have this provision that was put into the bill. I understand it was voice voted in committee. We have had no hearings on it, not one hearing. Yet, this provision would basically allow the Air Force to completely take over the Civil Air Patrol.

The Air Force has always had a relationship with the Civil Air Patrol—quite frankly, a pretty decent relationship. But because of some unfounded allegations, all of a sudden we have this provision in the bill that basically would allow the Air Force to take it over.

Well, what the Allard and Harkin amendment—joined by so many others—says is, what we have are allegations. When you have allegations, the best thing to do is to have the GAO investigate and do a study, have the inspector general's office investigate these allegations. Let's find out where the truth lies. That is what our amendment says.

The world is not going to end in the next year if we do not make this massive change to let the Air Force take over the Civil Air Patrol. What we need to do is to approach it in a logical manner. That is what the Allard-Harkin amendment does.

It simply says, GAO, IG, do an investigation, report back by February 15 of the year 2000, next year, in time for the next cycle. I am also going to ask the chairman and the ranking member of the Armed Services Committee if they would have hearings on this, bring in the Air Force, bring in the Civil Air Patrol. Let's find out if there are any bases to these allegations.

I called the present commanding officer of the Civil Air Patrol, Jay Bobick, last night. I talked to him about some of the allegations that were made on the record by my friend from Oklahoma. Quite frankly, I got a completely different story.

There have been allegations of financial mismanagement and safety lapses, but there is no evidence to support it. There has been no report by the Air Force inspector general, no report by DOD, nor by GAO. The Civil Air Patrol leadership rejects these allegations.

We don't need to rush to a hasty decision. I talked personally to both the Acting Secretary of the Air Force and to the CAP leadership. I asked them if we could get them both together in the same room, across the table from each other, and talk to one another. I said I would be there. Senator ALLARD would be there. Anybody else is invited to come, too. Let's get these two entities together, and let's talk it out, just see what is the basis of this problem. I think that is the proper way to proceed.

The Senator from Oklahoma described many of the allegations of CAP missteps. Some were made, as I understand, in the record by unnamed former members. Again I ask, where is the evidence? Where is the formal review? Where are the hearings? Are we going to base this legislation on unchecked allegations by unnamed former members?

I must say at the outset, I know of some former members of the Civil Air Patrol who are still upset because they were run out because they were mismanaging things. Now they are coming back, writing letters, and doing things like that. Well, OK, if they want to do that, that is fine. But let's check into it.

We heard last night about the infamous CAP cruise, I say to my friend from Oklahoma, a CAP cruise to wherever it was, the Bahamas or Nassau, some place like that, purported as one of the worse CAP missteps. I looked into the matter, and here is what I found.

It is true that in 1998 the southeast region—that is basically Florida, Alabama, Mississippi, Georgia, Tennessee; I may have missed a couple States—had a meeting. They had it aboard a ship instead of at a hotel.

I point out the Civil Air Patrol regions have meetings regularly within the region and all the wings come together and they decide on the location. They decided on having it on a ship.

Let's look at the facts. First, no Civil Air Patrol member used Federal dollars to pay for that cruise, not one. They paid for it out of their own pockets, volunteer members. It is true that some of the Civil Air Patrol headquarters staff at Maxwell Air Force Base attended the meeting. They were reimbursed for the cost. But this has long been the normal practice. They are paid Federal employees. They are not volunteer members. When they go to meetings like this, they get reimbursed.

Now, we were told they were reimbursed. They got the meals free on the ship, but they then got reimbursed for that.

This, I was told, I say to my friend from Oklahoma, is not so. What they got reimbursed for was breakfast and lunch on the way to the ship, and they got reimbursed for breakfast and lunch or lunch and dinner on the way back, which is normal, accepted Federal practice. They were not reimbursed for any of the meals while they were on the ship. Anyway, that is what I have been told.

I point this out, also, to my friend from Oklahoma: The Air Force had no criticism of this. In fact, another key point: The Air Force has about 30 staff overseeing operations and financial matters at headquarters at Maxwell Air Force Base in Alabama.

Before this cruise took place, the southeast region sent it up to the Air Force for approval. Guess what. The Air Force approved the cruise before it ever took place. That is true. The reimbursement and the cruise were approved by the Air Force before it ever took place. In other words, the Air Force already had the authority to oversee Civil Air Patrol financial matters. They exercised that authority and they approved it.

So I ask, where is the lack of Air Force control? They had it. And now we have allegations that they took this cruise, but the Air Force approved it in the first place.

Well, now I hear there are some safety concerns. Again, we only have allegations. I talked to Mr. Bobick about them. I asked if there is a need for a safety officer, an Air Force safety officer. I say to my friend from Oklahoma that his response was fairly open. He didn't know about the incident cited. Again, these are letters from unknown sources, unsubstantiated. But he said they would welcome an Air Force safety officer. He pointed this out, I say to my friend from Oklahoma. The Air Force can place a safety officer at the headquarters without this legislation. They always could. They could tomorrow. Why haven't they? Perhaps the Air Force didn't think it was a very serious matter.

Yes, I want to point out that the Air Force could—today, if they want—place a safety officer at headquarters in Alabama. They have never done so. I am not saying they should not, but I am saying let's get some studies down here and have some hearings on this before we run off and do something without even knowing what the facts are.

I want to make just one other observation. Prior to 1995, we had some 170-plus—I will leave myself a little room—Air Force personnel at Maxwell running the Civil Air Patrol. The Air Force, as I have stated, didn't want to do any more. We replaced them with civilians over a period of time. We replaced 170-some Air Force personnel—they drew them down—with I think about 104 civilians. They pay less and we are actually saving the taxpayers money.

Now, I understand the Air Force is talking about placing a two-star general as the executive director of the Civil Air Patrol instead of the civilian we have there now. I asked for a cost estimate on that. It would cost about $60,000 more per year to do that.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. HARKIN. I thank the Chair.

I ask, where is the sense in doing this? Again, I am not going to say we should not make some changes in the Civil Air Patrol. I believe some changes are warranted. I have been involved in this a long time. I am not going to say I have all the knowledge on exactly how to do it, but I believe we ought to bring the Air Force and Civil Air Patrol together and hammer this thing out. We need hearings, a GAO investigation, an IG investigation, and then let's do it in a logical manner, in a manner which really is going to keep the civilian nature of the Civil Air Patrol and even make it better than it is today. I believe that can be done.

That is why I am so strongly supportive of the Allard amendment. I think it takes that kind of a commonsense, logical approach to improve and make the Civil Air Patrol even better in the next century.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado and the Senator from Virginia are the only ones who have time.

Mr. INHOFE. I am controlling time for the Senator from Virginia.

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. INHOFE. I will yield myself a couple of minutes and I will reserve the remainder of my time.

First of all, I don't disagree with many of the things the Senator from Iowa is saying. The only thing I disagree with is, we have much better proof than he is implying in terms of mismanagement.

I find something very interesting, and that is a letter that went out last night over the web site from one of the prominent members, named Cameron Warner, to all his fellow members. In this letter he makes it very specific that we at CAP have problems—problems at the top—and they are going to have to be addressed. He goes on to say that if we don't do something about it, those things that we said yesterday on the floor of the Senate as to "60 Minutes" coming in and looking at all these abuses could actually be a reality. So here is a request from members of the CAP saying they want to clean up this act.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A SAD COMMENTARY

(By Cameron F. Warner)

DEAR CAP MEMBERSHIP: Folks, today as I watched the debate about CAP v. USAF take place on the Senate floor. I couldn't help but think how sad all of this truly is. Just listen to the subject matter. All this dirty laundry about CAP being aired out on the Senate Floor in front of the American public. Today, the image of CAP took a giant step in the wrong direction relative to public perception. How embarrassing to say the least! Years of good work and wonderful acts by members being tarnished by the actions of a few. Indeed, this is a dark day in the history of CAP.

It is a personal heartbreak to see just where the leadership of Bobick and Albano have taken CAP. Here is CAP, center stage on the United States Senate floor for all to see, but not for all it's good deeds or accomplishments. Quite the contrary! Rather, we have United States Senators on the Senate floor talking about all the wrong doings of leadership and the bad management of CAP. Sen. Inhofe talks about FBI investigations of CAP. Ask yourself, how bad does that sound to the American public? How does that really sound to you?

The Allard amendment was not resolved as earlier thought, so the debate will continue early tomorrow morning with a vote to follow. For those of you who are interested, live Senate coverage will air on CSPAN2 first thing in the morning. No matter what the outcome, it will only get worse for CAP and CAP will end up the big loser. Tomorrow is but one battle, not the entire war. The longer this goes on and the more public this becomes, the worse CAP will look in the public eye no matter how you cut it. Don't be surprised if Sen. Warner's concerns about the 60 Minutes bad press possibility becomes a reality. CAP will not be portrayed in a positive light at all.

How sad that this is right where Bobick, Albano, the NEC and NB have lead CAP at the end of this century! Today is tomorrow's history. Good work, guys!

Mr. INHOFE. Mr. President, the other thing I want to mention is that we all love the CAP. There isn't a person in the 100 Members here who has worked closer with them than I have. I was a flight instructor, and I have been involved with these people. We love them. We don't want something to happen where all of a sudden we find out bad things are going on and the Air Force says we can't be responsible for it, dump the program. We all want to save the CAP.

Third, I don't buy the argument when they say we are using our own money. It is 95 percent paid for by public funds. But it is always easy to say these funds were the ones that were the 5 percent. I am not criticizing anybody for saying that, because I hear that all the time on the floor of the Senate.

I have no problem with accepting this amendment. I think we can probably do it by voice vote. I would like to address these things together. The Senator from Iowa and I have talked, and certainly the Senator from Colorado also shares the concern that there could be mismanagement that has to be stopped, and this is actually the request of the members of the CAP.

I reserve the remainder of my time.

Mr. ALLARD. Mr. President, first of all, I want to reiterate how important the Civil Air Patrol is to States such as Colorado, particularly in the mountainous regions. They have played such a vital role when we have had downed aircraft in the Mountain States. They have been a nonprofit civilian organization ever since 1946, and they have been designated since 2 years after that as an auxiliary. After all, it is the Civil Air Patrol, not the Defense Air Patrol or the Air Force Air Patrol. This is the Civil Air Patrol, and it is volunteers. That has been its focus. That is the strength of the organization. I think any effort at this point to put it under the control of the Air Force is premature.

I am glad to hear that my colleague from Oklahoma has recognized the fact that we can do a GAO study to look at the budget aspects of some of the discrepancies that supposedly come out; and then if we can get the inspector general to go in and look at how the management side of it is handled and get concrete recommendations back to the Senate, then we can go ahead and have some hearings next year. That makes good sense to me. I hope we can accept that plan and move forward.

So if they want to go with a voice vote, that is acceptable to me, with the idea that we have a GAO study and we have an inspector general study, and then we have some hearings and get the facts laid out.

I think Senator HARKIN, my colleague from Iowa, has made a good suggestion, that we need to get both of them in the same room to talk about these differences. I think there is all sorts of room to correct some misunderstandings between the Air Force and Civil Air Patrol. I think we can do it in an honest manner.

So I think the Allard amendment is reasonable. I think it has a reasonable approach, and I urge my colleagues on the Armed Services Committee to work with us on the Allard amendment.

I ask unanimous consent to add another cosponsor to the amendment, Senator ROD GRAMS of Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, do I have 4 or 5 minutes?

The PRESIDING OFFICER. Four minutes remain.

Mr. HARKIN. I think maybe we are going to reach a good resolution on this and accept the amendment. I have no problems with a voice vote. That is fine. I know the Senator from Oklahoma is sincere. We have talked about this. He has been involved in the Civil Air Patrol for a long time. I believe we can work this out. Again, I hope we can do it in a logical approach.

I have to chide my friend from Oklahoma a little bit here on reading a letter on the web. I say to my friend that I know there are probably disgruntled people in the CAP, like in the Air Force or anywhere else. We are going to get those kinds of letters.

Again, I just repeat for the sake of emphasis that the best way to do that is to get the IG to look into the darned thing and see what type of basis there is on that. I just want to add in my little time remaining that I really want to examine, perhaps, this oversight board.

The Air Force wanted to have a military oversight board. I personally don't think that is the way to go. For the Civil Air Patrol, I agree, the present structure of the board is not right. I want to say that publicly to my friend from Oklahoma. That is not right. But I hope to work with him in thinking about an oversight board that would be more akin to the civilian oversight board of the academies or something like that, or maybe Congress would appoint some and the President would appoint some where we would have a blend of civilians with the background that would give them the kind of knowledge they need to have an oversight of the Civil Air Patrol.

I hope that might be a better way of proceeding on an oversight board to keep it in civilian hands, but to do it in the way that is not the present structure of how the board is set up, which I, quite frankly, think invites a lot of problems, the way the board is set up with the commander. I am willing to work on that. I think we can work that out, but to have some kind of a civilian oversight board.

Again, I appreciate the debate we have had. I think we all are very justly proud of the Civil Air Patrol and what they have done in the past. I really believe that in the future, with drug interdiction, with national disasters, the Civil Air Patrol will continue to play a vital role in our society. Plus, I also want to work with my friend from Oklahoma and my friend from Colorado.

I have been trying for a long time to beef up the cadet program in the Civil Air Patrol. We need to strengthen the cadet program. These inner-city kids especially are looking for things to do. They need some order. They need some structure and discipline in their lives. This is what the Civil Air Patrol can do for them. It will help build up our summer camps where these kids get to go for a couple of weeks. They can learn some technology and get some discipline and order in their lives. They can wear a uniform of which they can be proud. Believe me, I think we ought to do more to strengthen and to build up the cadet program in the Civil Air Patrol. I think it would be one of the best things we could do for the future of our country.

Again, I appreciate all the work that Senator ALLARD has done on this. I have talked to so many Democrats on my side who are supporting the Allard amendment. I believe there is overwhelming support on both sides for this approach.

Again, if we want to have a voice vote on it, that is fine with me.

I thank my colleague from Colorado.

I thank my friend from Oklahoma. I think he has done a service here by at least highlighting the problem and pointing out that we have to do something. We may have disagreed a little bit on how to do it, but that is normal. I think now we are set on a course that is really going to improve and make the Civil Air Patrol even better.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma has 3 minutes remaining.

Mr. INHOFE. The other side?

The PRESIDING OFFICER. The time of the Senator from Iowa last expired.

Mr. INHOFE. Mr. President, I agree with a lot of the things the Senator from Iowa is saying. I felt that we were in a position where we couldn't do nothing. We had the accusations out there. I think, quite frankly, "60 Minutes" has had more publicity out of this than the CAP has. However, that is the reality. Any time there are accusations like this and 95 percent of the taxpayers' money is being spent, we have a responsibility for oversight. I think we will be able to do that. I certainly have no objection to working on this and making it happen.

I also say, since I have a minute remaining, that I am particularly concerned, because 2 weeks ago I was thinking about this ACP while flying an airplane which had an engine blow, and I wasn't sure I was going to be able to land safely gliding into the airport. I could very well have been their product a couple of weeks ago.

I yield the remaining time.

Mr. ALLARD. Mr. President, I would like to summarize briefly before we go to a vote. I think the Allard amendment is a reasonable plan. It sets out the process in which we can gather our facts through a GAO report, and I am sure the report from the Inspector General, then hold some hearings and make some reasonable decisions. We all, I think, agree that we need to understand the problem before we can come to some satisfactory conclusion. I think the plan does that.

I urge the Members to vote aye. I yield any remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 396) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I wanted to ask my colleagues whether or not they are ready to go to an amendment right this second, or whether I could have 3 minutes as if in morning business.

Mr. WARNER. Mr. President, can I get more clearly in mind the amount of time the Senator needs?

Mr. WELLSTONE. I say to my colleague that I think I can do everything in 5 minutes.

Mr. WARNER. Is it related to the bill?

Mr. WELLSTONE. No.

Mr. WARNER. We have a Senator that is anxious to address a matter on the bill.

Mr. WELLSTONE. Mr. President, I have the floor, but I know we want to move forward.

Mr. President, while I have the floor, we are going to go forward with the Kennedy amendment. Is that correct? Can I ask unanimous consent that after we dispense with the Kennedy amendment I have 5 minutes?

Mr. WARNER. Mr. President, allow the managers to represent to the Senator that we will find a window in which the Senator from Minnesota can address the matter not related to the bill. But we have good momentum on this bill. I would like to ask the Senator from Massachusetts as to what his desire is.

Mr. KENNEDY. Mr. President, I would like to submit the amendment.

Mr. WELLSTONE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will send the amendment to the desk and speak probably for 4 or 5 minutes on it. I think my colleague, Senator LAUTENBERG, may want to talk for a similar period of time. We are prepared. There is virtual support for it, and no opposition. Then we would obviously like to get a vote on it and have it at a time that is suitable with the managers any time during the course of the day.

Mr. WARNER. If I might inquire, Mr. President, of the Senator from Massachusetts, he said get the vote. Would a voice vote be suitable?

Mr. KENNEDY. This issue is sufficiently important, Mr. President, dealing with Libya that I think it is advantageous to the Secretary of State and on the whole issue of Qadhafi that we have a strong vote in the Senate. We would be glad to accommodate leaders to vote at any time during the course of the day.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, here is a schedule that the ranking member and I are considering; that is, to have the debate by the Senator from Massachusetts and the Senator from New Jersey. That would take, say, 10 minutes.

Mr. KENNEDY. Mr. President, I will only take about 4 or 5. I believe that is what the Senator from New Jersey desires. But I have not heard from him this morning. I think we could at least present the amendment, and I will speak briefly. I am trying to get the Senator from New Jersey here at the present time.

Mr. WARNER. Then I would suggest the following: The Senator from Minnesota is very anxious and very patient to try to get 5 minutes to address the Senate on a matter other than the bill. I am perfectly willing, as this manager, to grant him 5 minutes within which time the Senator can contact Senator LAUTENBERG. Then that will be followed, as soon as the Senator from Minnesota has concluded his remarks, with 20 minutes of debate on the Kennedy amendment, with, let's say, 12 minutes under the control of the Senator from Massachusetts, and 8 minutes under the control of Senator BROWNBACK.

Then we will proceed to a record vote on the Kennedy amendment.

Mr. KENNEDY. If the Senator wanted to modify 10 minutes on our side, that is fine. Senator LAUTENBERG indicated he only wanted 5 minutes, so that would be fine.

Mr. LEVIN. Is that modification agreeable?

Mr. WARNER. I withhold the request momentarily, because I am just now informed that Senator FEINGOLD is ready, in which case we would stack the votes to make it convenient, if we can determine the time the Senator from Wisconsin desires.

Mr. FEINGOLD. I have two amendments. It is perfectly acceptable to have the votes stacked after they are presented. The only issue is the time agreement.

Mr. WARNER. The Senator desires a record vote on both amendments?

Mr. FEINGOLD. I do. In terms of time on my side for the presentation, 30 minutes.

Mr. LEVIN. Could the Senator identify which amendment that is?

Mr. FEINGOLD. The first amendment is the so-called cost cap amendment which I ask for a total of 30 minutes on my side; the other is the amendment having to do with contract specifications, and we only need 15 minutes on my side.

Mr. WARNER. Could the Senator possibly reduce 30 minutes to 20 minutes?

Mr. FEINGOLD. That would be difficult. We started off with 45 minutes and we are going down. It is a very complicated issue.

Mr. WARNER. I appreciate that, but it is a subject that I think is pretty well known. The Senator has raised it very conscientiously through the years. We have the necessity to get this bill completed by early afternoon. If the Senator could grant us 20 minutes on the first amendment, say 10 minutes on the second amendment, then I ask for only 5 minutes on each amendment on this side.

Excuse me, I am told on the first amendment the Senator from Wisconsin would have 20 minutes; on this side, we would have 15 minutes; is that agreeable?

Mr. FEINGOLD. That is pretty tough, but I will agree to it and proceed accordingly.

Mr. WARNER. That is the first amendment.

As to the second amendment, the amount of time?

Mr. FEINGOLD. I would like 15 minutes.

Mr. WARNER. Fifteen minutes; we would take 10 minutes on this side.

So that concludes those two amendments.

I think the Senator from Massachusetts is agreeable now. The Senator has 10 minutes equally divided and the Senator from New Jersey——

Mr. KENNEDY. Ten minutes on our side. There is no opposition to this.

Mr. WARNER. We will reserve 5, in the event someone is in opposition.

We have three amendments: two from the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Minnesota to address the Senate; followed by the Senator from Massachusetts, with 10 minutes under his control; 5 minutes under the control of the Senator from Virginia, if necessary. That will require a record vote, and it will be stacked. We will then proceed to the Feingold amendments, the first one with 20 minutes under the control of the Senator from Wisconsin, 15 under the control of the Senator from Virginia; then to the second Feingold amendment, 15 minutes under the control of the Senator from Wisconsin and 10 minutes under the control of the Senator from Virginia. That will be two record votes.

So we will have three record votes in approximately about an hour's time. We will add no amendments in order to any of the three amendments that we just recited.

Mr. LEVIN. Mr. President, reserving the right to object, I understand the three votes will not only be stacked at the end of the debate on the third amendment but that we would vote on them in the order in which they are presented; is that correct?

Mr. WARNER. That is correct.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, let me thank the Senator from Virginia for his graciousness, together with both of my colleagues, Senator KENNEDY and Senator FEINGOLD.

KOSOVO

Mr. WELLSTONE. Mr. President, I ask unanimous consent, to have printed in the RECORD a very eloquent, powerful and important piece written by President Jimmy Carter, entitled, "Have We Forgotten the Path to Peace?" from the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 27, 1999]

HAVE WE FORGOTTEN THE PATH TO PEACE?

(By Jimmy Carter)

After the cold war, many expected that the world would enter an era of unprecedented peace and prosperity. Those who live in developed nations might think this is the case today, with the possible exception of the war in Kosovo. But at the Carter Center we monitor all serious conflicts in the world, and the reality is that the number of such wars has increased dramatically.

One reason is that the United Nations was designed to deal with international conflicts, and almost all the current ones are civil wars in developing countries. This creates a peacemaking vacuum that is most often filled by powerful nations that concentrate their attention on conflicts that affect them, like those in Iraq, Bosnia and Serbia. While

> the war in Kosovo rages and dominates the world's headlines, even more destructive conflicts in developing nations are systematically ignored by the United States and other powerful nations.
>
> One can traverse Africa, from the Red Sea in the northeast to the southwestern Atlantic coast, and never step on peaceful territory. Fifty thousand people have recently perished in the war between Eritrea and Ethiopia, and almost two million have died during the 16-year conflict in neighboring Sudan. That war has now spilled into northern Uganda, whose troops have joined those from Rwanda to fight in the Democratic Republic of Congo (formerly Zaire). The other Congo (Brazzaville) is also ravaged by civil war, and all attempts to bring peace to Angola have failed. Although formidable commitments are being made in the Balkans, where white Europeans are involved, no such concerted efforts are being made by leaders outside of Africa to resolve the disputes. This gives the strong impression of racism.
>
> Because of its dominant role in the United Nations Security Council and NATO, the United States tends to orchestrate global peacemaking. Unfortunately, many of these efforts are seriously flawed. We have become increasingly inclined to sidestep the time-tested premises of negotiation, which in most cases prevent deterioration of a bad situation and at least offer the prospect of a bloodless solution. Abusive leaders can best be induced by the simultaneous threat of consequences and the promise of reward—at least legitimacy within the international community.
>
> The approach the United States has taken recently has been to devise a solution that best suits its own purposes, recruit at least tacit support in whichever forum it can best influence, provide the dominant military force, present an ultimatum to recalcitrant parties and then take punitive action against the entire nation to force compliance.
>
> The often tragic result of this final decision is that already oppressed citizens suffer, while the oppressor may feel free of further consequences if he perpetrates even worse crimes. Through control of the news media, he is often made to seem heroic by defending his homeland against foreign aggression and shifting blame for economic or political woes away from himself.
>
> Our general purposes are admirable: to enhance peace, freedom, democracy, human rights and economic progress. But this flawed approach is now causing unwarranted suffering and strengthening unsavory regimes in several countries, including Sudan, Cuba, Iraq and—the most troubling example—Serbia.
>
> There, the international community has admirable goals of protecting the rights of Kosovars and ending the brutal policies of Slobodan Milosevic. But the decision to attack the entire nation has been counterproductive, and our destruction of civilian life has now become senseless and excessively brutal. There is little indication of success after more than 25,000 sorties and 14,000 missiles and bombs, 4,000 of which were not precision guided.
>
> The expected few days of aerial attacks have now lengthened into months, while more than a million Kosovars have been forced from their homes, many never to return even under the best of circumstances. As the American-led force has expanded targets to inhabited areas and resorted to the use of anti-personnel cluster bombs, the result has been damage to hospitals, offices and residences of a half-dozen ambassadors, and the killing of hundreds of innocent civilians and an untold number of conscripted troops.
>
> Instead of focusing on Serbian military forces, missiles and bombs are now concentrating on the destruction of bridges, railways, roads, electric power, and fuel and fresh water supplies. Serbian citizens report that they are living like cavemen, and their torment increases daily. Realizing that we must save face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing ever more targets until Yugoslavia (include Kosovo and Montenegro) is almost totally destroyed, to rely on Russia to resolve our dilemma through indirect diplomacy, or to accept American casualties by sending military forces into Kosovo.
>
> So far, we are following the first, and worst, option—and seem to be moving toward including the third. Despite earlier denials by American and other leaders, the recent decision to deploy a military force of 50,000 troops on the Kosovo border confirms that the use of ground troops will be necessary to assure the return of expelled Albanians to their homes.
>
> How did we end up in this quagmire? We have ignored some basic principals that should be applied to the prevention or resolution of all conflicts;
>
> Short-circuiting the long-established principles of patient negotiation leads to war, not peace.
>
> Bypassing the Security Council weakens the United Nations and often alienates permanent members who may be helpful in influencing warring parties.
>
> The exclusion of nongovernmental organizations from peacemaking precludes vital "second track" opportunities for resolving disputes.
>
> Ignoring serious conflicts in Africa and other underdeveloped regions deprives these people of justice and equal rights.
>
> Even the most severe military or economic punishment of oppressed citizens is unlikely to force their oppressors to yield to American demands.
>
> The United States' insistence on the use of cluster bombs, designed to kill or maim humans, is condemned almost universally and brings discredit on our nation (as does our refusal to support a ban on land mines).
>
> Even for the world's only superpower, the ends don't always justify the means.

Mr. WELLSTONE. Mr. President, I will read the relevant section:

> Our general purposes are admirable: to enhance peace, freedom, democracy, human rights and economic progress. But this flawed approach is now causing unwarranted suffering and strengthening unsavory regimes in several countries, including Sudan, Cuba, Iraq and—the most troubling example—Serbia.
>
> There, the international community has admirable goals of protecting the rights of Kosovars and ending the brutal policies of Slobodan Milosevic. But the decision to attack the entire nation has been counterproductive, and our destruction of civilian life has now become senseless and excessively brutal. There is little indication of success and more than 25,000 sorties and 14,000 missiles and bombs, 4,000 of which were not precision guided.
>
> The expected few days of aerial attacks have now lengthened into months, while more than a million Kosovars have been forced from their homes, many never to return even under the best of circumstances. As the American-led force has expanded targets to inhabited areas and resorted to the use of anti-personnel cluster bombs, the result has been damage to hospitals, offices and residences of a half-dozen ambassadors, and the killing of hundreds of innocent civilians and an untold number of conscripted troops.
>
> Instead of focusing on Serbian military forces, missiles and bombs are now concentrating on the destruction of bridges, railways, roads, electric power, and fuel and fresh water supplies. Serbian citizens report that they are living like cavemen, and their torment increases daily. Realizing that we must save face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing ever more targets until Yugoslavia (including Kosovo and Montenegro) is almost totally destroyed, to rely on Russia to resolve our dilemma through indirect diplomacy, or to accept American casualties by sending military forces into Kosovo.

The reason I read from this piece today is to build on what I said last night in the debate. Today there is a report in the Washington Post that we are going to be going after telephone systems, communications, in Yugoslavia, as well as bombing electrical grids. This ends up targeting the people there.

Slobodan Milosevic has been indicted as a war criminal. He has committed brutal crimes against the Kosovars. But the citizens of Yugoslavia have not been the ones who have committed these crimes.

I come to the floor to say to all of my colleagues, I hope you have time to read President Carter's piece. I believe we are severely undercutting our own moral authority by targeting the civilian infrastructure. I think we are making a terrible mistake by doing so. I come to the floor of the Senate to speak out against this and to make it clear that this goes far beyond what we said was our original goal of these airstrikes and our military action—which was to degrade the military capacity of Milosevic.

Now this infrastructure is being targeted. Too many civilians are being targeted. As a Senator, I call into question these airstrikes. I think Jimmy Carter has done a real service for the country by writing this piece, putting the emphasis on diplomacy, putting the emphasis on a diplomatic solution to this conflict.

VETERANS ACCOUNTABILITY DAY

Mr. WELLSTONE. Mr. President, I rise today to inform my colleagues about a nationwide event which is going to be taking place the Memorial Day weekend.

This is going to be an accountability day. It is organized by the Disabled American Veterans. It is an extremely important gathering.

I ask unanimous consent to have the list of the locations and the dates of these events printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DAV SAVE VA HEALTH CARE RALLIES, 1999 MEMORIAL DAY WEEKEND

(As of 5/26/99)

Alabama

DAV National Service Office: 334-213-3365

Birmingham—2 pm, Sunday, 5/30/99
Montgomery—2 pm, Sunday, 5/30/99
Tuscaloosa—2 pm, Sunday, 5/30/99
Tuskegee—2 pm, Sunday, 5/30/99

Arizona

DAV National Service Office: 602-640-4655

Phoenix—10 am, Sunday, 5/30/99
Prescott—10 am, Sunday, 5/30/99
Tucson—10 am, Sunday, 5/30/99

Arkansas

DAV National Service Office: 501-370-3838

Little Rock—3 pm, Sunday, 5/30/99

California

W. Los Angeles DAV National Service Office: 310-235-2539

West Los Angeles—12 noon, Friday, 5/28/99
Lorna Linda—11 am, Sunday, 5/30/99
Long Beach—11 am, Sunday, 5/30/99

Oakland DAV National Service Office: 510-834-2921

Fresno—10 am, Friday, 5/28/99
Palo Alto—10 am, Sunday, 5/30/99
San Francisco—1 pm, Friday, 5/28/99

Colorado

DAV National Service Office: 303-914-5570

Denver—8 am, Saturday, 5/29/99
Fort Lyon—2 pm, Sunday, 5/30/99
Grand Junction—1 pm, Sunday, 5/28/99

Connecticut

DAV National Service Office: 860-240-3335

West Haven—3 pm, Sunday, 5/30/99

Delaware

National Service Office: 302-633-5324

Wilmington—1 pm, Sunday, 5/30/99

District of Columbia

National Service Office: 202-691-3060

Washington, DC.—12:30 pm, Sunday, 5/30/99

Florida

National Service Office: 727-319-7444

Bay Pines—2 pm, Sunday, 5/30/99
Gainesville—2 pm, Sunday, 5/30/99
Miami—2 pm, Sunday, 5/30/99
Tampa—2 pm, Sunday, 5/30/99
West Palm Beach—2 pm, Sunday, 5/30/99

Georgia

National Service Office: 404-347-2204

Augusta—2 pm, Sunday, 5/30/99
Decatur—2 pm, Sunday, 5/30/99
Dublin—2 pm, Sunday, 5/30/99
Savannah—2 pm, Sunday, 5/30/99

Hawaii

DAV National Service Office: 808-566-1610

Honolulu @ VARO—1 pm, Friday, 5/28/99

Idaho

DAV National Service Office: 208-334-1956

Boise—1 pm, Sunday, 5/30/99

Illinois

DAV National Service Office: 312-353-3960

Chicago (Lakeside)—2 pm, Sunday, 5/30/99
Danville—2 pm, Sunday, 5/30/99
Hines—2 pm, Sunday, 5/30/99
Marion—2 pm, Sunday, 5/30/99
North Chicago—2 pm, Sunday, 5/30/99

Indiana

DAV National Service Office: 317-226-7928

Fort Wayne—1 pm, Sunday, 5/30/99
Marion—1 pm, Sunday, 5/30/99

Iowa

DAV National Service Office: 515-284-4658

Des Moines—12 pm, Sunday, 5/30/99
Iowa City—12 pm, Sunday, 5/30/99
Knoxville—12 pm, Sunday, 5/30/99

Kansas

DAV National Service Office: 316-688-6722

Wichita—1 pm, Sunday, 5/30/99

Kentucky

DAV National Service Office: 502-582-5849

Lexington—3 pm, Sunday, 5/30/99
Louisville—3 pm, Sunday, 5/30/99

Louisiana

DAV National Service Office: 504-619-4570

Alexandria—2 pm, Sunday, 5/30/99
New Orleans—2 pm, Sunday, 5/30/99
Shreveport—2 pm, Sunday, 5/30/99

Maryland

DAV National Service Office: 410-962-3045

Baltimore—2:30 pm, Sunday, 5/30/99
Perry Point—2:30 pm, Sunday, 5/30/99

Massachusetts

DAV National Service Office: 617-565-2575

West Roxbury—10 am, Tuesday, 6/1/99

Michigan

DAV National Service Office: 313-964-6595

Allen Park—11 am, Sunday, 5/30/99
Ann Arbor—11 am, Sunday, 5/30/99
Battle Creek—11 am, Sunday, 5/30/99
Iron Mountain—11 am, Sunday, 5/30/99
Saginaw—11 am, Sunday, 5/30/99

Minnesota

DAV National Service Office: 612-970-5665

Minneapolis—1 pm, Sunday, 5/30/99

Mississippi

DAV National Service Office: 601-364-7178

Biloxi—2 pm, Sunday, 5/30/99
Jackson—1 pm, Sunday, 5/30/99

Missouri

DAV National Service Office: 314-589-9883

Kansas City—1 pm, Monday, 5/31/99 (DAV Chapter #2 Home)
Poplar Bluff—2:30 pm, Monday, 5/31/99
St. Louis—1:30 pm, Sunday, 5/30/99

Montana

DAV National Service Office: 406-443-8754

For Harrison—2 pm, Monday, 5/31/99

Nebraska

DAV National Service Office: 402-420-4025

Grand Island—
Lincoln—2 pm, Sunday, 5/30/99
Omaha—2 pm, Sunday, 5/30/99

Nevada

DAV National Service Office: 775-784-5239

Reno—2 pm, Sunday, 5/30/99
Las Vegas—2 pm, Sunday, 5/30/99

New Hampshire

DAV National Service Office: 603-666-7664

Manchester—1 pm, Sunday, 5/30/99

New Jersey

DAV National Service Office: 973-645-3797

East Orange—9 am, Sunday, 5/30/99
Lyons—9 am, Sunday, 5/30/99

New Mexico

DAV National Service Office: 505-248-6732

Albuquerque—11 am, Sunday, 5/30/99

New York

Albany DAV National Service Office : 518-462-3311 ext. 3574

Albany—1 pm, Sunday, 5/30/99

Buffalo DAV National Service Office: 716-551-5216

Buffalo—1 pm, Sunday, 5/30/99
Bath—1 pm, Sunday, 5/30/99
Rochester OC—1 pm, Sunday, 5/30/99

New York City DAV National Service Office: 212-807-3157

New York City—1 pm, Sunday, 5/30/99

Syracuse DAV National Service Office: 315-423-5541

Syracuse—2 pm, Sunday, 5/30/99
Canandaigua—1 pm, Sunday, 5/30/99

North Carolina

DAV National Service Office: 336-631-5481

Asheville—10 am, Saturday, 5/29/99
Fayetteville—10 am, Friday, 5/28/99

North Dakota

DAV National Service Office: 701-237-2631

Fargo—1 pm, Sunday, 5/30/99

Ohio

Cleveland DAV National Service Office: 216-522-3507

Chillicothe—3 pm, Sunday, 5/30/99
Cleveland—3 pm, Sunday, 5/30/99
Dayton—3 pm, Sunday, 5/30/99

Cincinnati DAV National Service Office: 513-684-2676

Cincinnati—2 pm, Sunday, 5/30/99

Oklahoma

DAV National Service Office: 918-687-2108

Muskogee—2 pm, Sunday, 5/30/99
Oklahoma City—2 pm, Sunday, 5/30/99

Oregon

DAV National Service Office: 503-326-2620

Portland—1 pm, Sunday, 5/30/99

Pennsylvania

Philadelphia DAV National Service Office: 215-381-3065

Philadelphia—1 pm, Sunday, 5/30/99
Altoona—1 pm, Sunday, 5/30/99
Coatesville—1 pm, Sunday, 5/30/99
Lebanon—1 pm, Sunday, 5/30/99

Pittsburgh DAV National Service Office: 412-395-6787

Pittsburgh—1 pm, Sunday, 5/30/99
Erie—3 pm, Sunday, 5/30/99
Butler—1 pm, Sunday, 5/30/99

Puerto Rico

DAV National Service Office: 787-766-5112

San Juan—10 am, Friday, 5/28/99

Rhode Island

DAV National Service Office: 401-528-4415

Providence—1 pm, Sunday, 5/30/99

South Carolina

DAV National Service Office: 803-255-4238

Charleston—1 pm, Sunday, 5/30/99
Columbia—1 pm, Sunday, 5/30/99

South Dakota

DAV National Service Office: 605-333-6896

Fort Meade—2 pm, Sunday, 5/30/99
Sioux Falls—2 pm, Sunday, 5/30/99

Tennessee

DAV National Service Office: 605-736-5735

(VISN director has said no to any rallies on hospital grounds)

Memphis—2 pm, Sunday, 5/30/99
Mountain Home—10 am, Sunday, 5/30/99
Nashville—1 pm, Sunday, 5/30/99

Texas

San Antonio DAV National Service Office: 210-949-3259

Kerrville—11 am, Saturday, 5/29/99

Waco DAV National Service Office: 254-299-9932

Amarillo—1:30 pm, Sunday, 5/30/99
Big Spring—1 pm, Sunday, 5/30/99
Waco—1:30 pm, Sunday, 5/30/99

Dallas DAV National Service Office: 214-857-1119

Dallas—1 pm, Sunday, 5/30/99

Houston DAV National Service Office: 713-794-3665

Houston—10 am, Sunday, 5/30/99
Marlin—11 am, Sunday, 5/30/99
San Antonio—3 pm, Sunday, 5/30/99

Utah

DAV National Service Office: 801-524-5941

Salt Lake City—5 pm, Friday, 5/28/99

Vermont

DAV National Service Office: 802-296-5167

White River Junction—12:30 pm, Sunday, 5/30/99

Virginia

Roanoke DAV National Service Office: 540-857-2373

Hampton—2 pm, Sunday, 5/30/99
Richmond—2 pm, Sunday, 5/30/99
Salem—2 pm, Sunday, 5/30/99

Norfolk DAV National Service Office: 757-423-7100

Newport News—12 pm, Sunday, 5/30/99

Washington

DAV National Service Office: 206-220-6225

Seattle—10 am, Sunday, 5/30/99
Spokane—10 am, Sunday, 5/30/99
Walla Walla—10 am, Sunday, 5/30/99

West Virginia

DAV National Service Office: 304-529-5465

Beckley—3 pm, Sunday, 5/30/99
Clarksburg—2 pm, Sunday, 5/30/99
Huntington—2 pm, Sunday, 5/30/99
Martinsburg—2 pm, Sunday, 5/30/99

Wisconsin

DAV National Service Office: 414-382-5225

Madison—10 am, Sunday, 5/30/99
Milwaukee—10 am, Sunday, 5/30/99
Tomah—10 am, Sunday, 5/30/99

Wyoming

DAV National Service Office (Denver): 303-914-5570

Cheyenne—12 pm, Sunday, 5/30/99
Sheridan—1 pm, Monday, 5/31/99

Mr. WELLSTONE. Let me urge colleagues during this recess to attend these sessions with the veterans community. This is an important voice. They have many important concerns to raise with us. I hope the Democrat and Republican Senators will make sure they meet with veterans as we move forward in this whole budget debate and appropriations. Right now the message is that the veterans should not expect timely care, the veterans can do with less health care, the veterans are not a top priority. We have to change that.

The veterans are organizing and the veterans are going to put the pressure on us and I hope we will respond.

I thank my colleagues for their graciousness and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Massachusetts is recognized.

AMENDMENT NO. 442

(Purpose: To express the sense of Congress regarding the continuation of sanctions against Libya)

Mr. KENNEDY. Mr. President, I send an amendment for myself and the Senator from New Jersey and others to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. SCHUMER, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. KYL, proposes an amendment numbered 442.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am 103 Flight over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya's national airline;

(B) a ban on flights into and out of Libya by other nations' airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, "Patterns of Global Terrorism: 1998", stated that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups, including the PIJ and the PFLP-GC".

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with U.S. law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorists groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

This is an amendment on behalf of myself and Senators LAUTENBERG, BROWNBACK, GORDON SMITH, MOYNIHAN, SCHUMER, TORRICELLI, MIKULSKI, and KYL. This amendment states the sense of the Congress that UN Security Council sanctions against Libya should not be lifted until Libya meets all conditions specified in UN Security Council Resolutions 731, 748, and 883, and urges the Secretary of State to use all diplomatic means necessary to prevent sanctions from being lifted before these conditions are met.

On December 21, 1988, 270 people, including 189 U.S. citizens, were killed in the terrorist bombing of Pan Am 103 Flight over Lockerbie, Scotland. In 1991, Britain and the United States indicted two Libyan intelligence agents and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this despicable act. Libyan leader Qadhafi refused to transfer the suspects, and the United Nations Security Council imposed sanctions on Libya.

The sanctions in United Nations Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline; a ban on flights into and out of Libya by other nations' airlines; a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

The Security Council demanded that Libya cease all support for terrorism and terrorist groups, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation for the victims' families before sanctions could be lifted.

Last month, after years of intensive diplomacy, a compromise was finally reached, and Colonel Qadhafi transferred the two suspects to The Netherlands, where they will be tried under a Scottish court, under Scottish law, before a panel of Scottish judges. The United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

On or before July 5, the United Nations Secretary General will issue a report to the Security Council on the issue of Libya's compliance with the remaining conditions. I hope he will recommend that the sanctions against Libya should not be permanently lifted.

It is clear that Libya has only fulfilled one of the four conditions—the transfer of the suspects accused in the Lockerbie bombing—in the UN Security Council resolutions. Libya has not ceased its support for terrorist groups. The State Department's "Patterns of Global Terrorism: 1998" clearly states that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups . . ." In addition, because the trial has not begun and is expected to last at least several months, it would be premature to conclude that Libya has fulfilled the other remaining conditions.

The amendment I am offering expresses our view that the United Nations Security Council should not permanently lift the sanctions against Libya, until Libya has fulfilled all of the remaining conditions in the Security Council resolutions. It also calls upon the Secretary of State to use all diplomatic means necessary, including the use of our veto at the U.N. Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions.

The Secretary of State has steadfastly and commendably maintained a vigilant stand against Libya, and this amendment will provide the strong support of Congress for using all diplomatic means necessary, including the use of the veto, to block the lifting of the sanctions.

Mr. President, it would be a gross injustice to the Pan Am 103 families, who have suffered so much in this ordeal, to reward Libya for policies it has not fulfilled. We must all remain vigilant and make sure that justice is served in all of its aspects in the Lockerbie bombing trial. We must remain vigilant and make sure that Libya ceases—not just in words, but in deeds—its support for terrorist groups.

I know of no opposition to this amendment, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent my colleague, Senator LAUTENBERG, be able to retain his 5 minutes on this.

It is the intention, if I could ask the floor managers, to ask for the yeas and nays at the appropriate time for all the amendments. Am I correct?

Mr. LEVIN. Can we get the yeas and nays on the Kennedy amendment now? Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. The Senator from Massachusetts has requested, and I surely have no objection, that the remainder of his time be saved and reserved until some point either during or after the conclusion of the Feingold amendments. If that is agreeable with the Senator from Wisconsin, I think that would accommodate Senator LAUTENBERG.

Mr. FEINGOLD. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I want to clarify, the votes would still all be stacked at the end of that period; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. If the Senator will yield on that point? My friend from Virginia is attempting, if the Senator from Virginia is able to do this, to see if we cannot have the votes begin at a slightly later time than would previously be indicated by the way in which the three amendments are stacked. Since the Senator from Virginia is the manager, if he is willing, we could give that preliminary alert.

Mr. WARNER. Mr. President, as I understand it, the Democratic leader has a commitment at the White House. We were not aware of that at the time this was established. We want to accommodate the minority leader, and therefore we will at this time vacate the order of the timing of these three votes until we can establish another time. But I would want the Senate to know that time would be right around 12 to 12:30.

Mr. LEVIN. That would be very accommodating.

Mr. WARNER. I ask unanimous consent to vacate that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We will continue with the debate and conclude all amendments.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask to be informed by the Chair at a point when I have consumed 15 minutes of my time.

AMENDMENT NO. 443

(Purpose: To limit the total cost of the F/A-18 E/F aircraft program.)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 443.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A-18E/F aircraft program may not exceed $8,840,795,000.

(2) The Secretary of the Navy shall adjust the amount of the limitation under paragraph (1) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation occurring since September 30, 1999.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1999.

(C) The amounts of increases or decreases in costs resulting from aircraft quantity changes within the scope of the multiyear contract.

(3) The Secretary of the Navy shall annually submit to Congress, at the same time the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in paragraph (1) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in paragraph (2).

Mr. FEINGOLD. Mr. President, this amendment is a straightforward, common sense measure that establishes greater accountability in the Navy's F/A-18E/F Super Hornet program.

The Navy and Boeing say they need $8.8 billion over the next five years to procure the Super Hornet. Specifically, they say the $8.8 billion would procure the airframe, contractor furnished equipment, and engines. My amendment simply sets a cost cap that holds them to that amount. My amendment doesn't terminate the funding; it doesn't hold that money up; it doesn't even restrict use of the money. My amendment just holds them to the amount that they say they need.

I would like to discuss the spectacular medicocrity of the Navy's F/A-18E/F, or Super Hornet, aircraft program, and to raise concerns about the poor decisions that have been made with regard to this breathtakingly expensive program.

President Eisenhower warned us four decades ago about the inexorable momentum of the military-industrial complex. Today we face the military-industrial-congressional complex that plods forward with a relentlessness that Ike, for all his foresight, could not have imagined. I have long feared that the Super Hornet is not the future of naval aviation, but rather a step backward. The Super Hornet just isn't worth the cost. It's as simple as that.

The Pentagon wants to spend 45 billion of our tax dollars to buy the Super Hornet for the Navy. But the plane isn't as good, in some respects, as the one they currently use, and may have design problems that could cost billions more to fix. "Super" is not the way to describe this plane—"superfluous" really is.

For very limited gain, the American taxpayers are getting hit with a 100 percent premium on the sticker price.

At this point in the program's development and testing, my colleagues may be asking why I continue to tilt at this windmill. I continue this effort in part because pilots' lives may be placed at risk in the E/F for the next 25 to 30 years. I come to the floor today to point out not just the failings of the Super Hornet but the failed decision-making process that has brought us to this point—a point where both the Pentagon and Congress continue to approach a 21st century reality with a Cold War mentality.

Exhibit A for this failed decision-making process is the Defense Department's current strategy for its aviation programs. The Super Hornet is just one overpriced piece of this strategy, which carries an almost $350 billion price tag. Here is the real kicker: The strategy will not even adequately replace our existing tactical aviation fleet.

This strategy has been roundly criticized. It has been criticized by the Congressional Budget Office, the General Accounting Office, members of the congressional Armed Services Committees, the Cato Institute, and defense experts such as President Reagan's Assistant Secretary of Defense, Lawrence Korb.

The Navy's Super Hornet is just the crown jewel in this misguided tactical aviation acquisition strategy.

The story of the Super Hornet is one of huge sums of money spent with really very disappointing returns. The plane's failings have been expensive and alarming. These problems do not just empty our pocketbook; they could endanger our pilots.

I want to discuss what the Navy has described as the "pillars" of the Super Hornet program. These are the performance parameters that the Navy touts as justifications for this expensive program. But these pillars have become problems.

First and foremost is the plane's range. The Navy argues that the Super Hornet will fly significantly farther than the Hornet. But these improvements have yet to be proven in reality. What is worse, initial Super Hornet range predictions have actually declined as flight data has been gathered. By continuing to base range predictions on actual flight test data, the Super Hornet range in the interdiction role amounts to an 8-percent improvement over the Hornet, and this is not particularly impressive.

Adding to the range shortcoming is the wing-drop problem. When the Super Hornet is in air-to-air combat, when it most needs to maintain its precise ability to position itself, the plane can lose wing lift, a problem beyond the pilot's control that essentially causes the plane to roll out of position.

We have been wrestling with the wing problem for a couple of years now, and it still is not resolved. Potential fixes for the wing-drop problem will decrease range, but since we do not know which solution the Navy will employ, the actual decrease is not yet known.

Also affecting the range, believe it or not, is the potential of bombs colliding with each other or with the aircraft. The Navy's solution increases drag, thus resulting in a deficiency that would preclude the aircraft from carrying external fuel tanks. If the aircraft does not carry the two 480-gallon tanks, it will not be able to meet its required range specification. The Navy and its contractor now have little choice but to redesign the wing pylons.

A second pillar of the program is survivability. Since the inception of the Super Hornet program, the Navy has asserted that the aircraft will be more survivable than the current Hornet. Based on operational tests, however, survivability issues now comprise the majority of the program's deficiencies, as identified by the Procurement Executive Office for Tactical Aircraft. A chief survivability problem is that the plane's exhaust will actually burn through its decoy tow line. The towed decoy is designed to attract enemy missiles away from the aircraft. Obviously, losing a decoy will not increase survivability.

A third pillar put forth is growth space, or space availability to accommodate new systems. When the Navy was pitching the Super Hornet to Congress, they said the Hornet just did not provide enough space to accommodate additional new systems without removing existing capability. We were told that the Super Hornet would have a 21 cubic feet of growth space versus less than a few feet in the Hornet. But now, GAO actually reports that the Super Hornet has only 5.46 cubic feet of usable growth space. The Navy's F/A-18 upgrade roadmap shows that most of the upgrades planned for the Super Hornet are already planned to be installed on the Hornet as well.

The remaining pillars are that of payload and bringback. The Navy claims that the Super Hornet would provide greater payload and bringback than the Hornet. Increased payload should mean the Super Hornet is able to carry more weapons and fuel, and increased bringback should mean that the Super Hornet should return from its mission carrying more of its unused weapons than the Hornet, so pilots do not have to lessen their load for the trip home by dropping missiles unnecessarily. That is what payload and bringback should mean, but with the Super Hornet, the reality falls short of expectation.

Flight tests have revealed additional wing stations that allow for increased payload may cause noise and vibration that could damage missiles. In response to this glitch, the Navy is determining whether the missiles need to be redesigned. The Navy also plans to restrict what can be carried on inner wing pylons during Operational Test and Evaluation because of the excessive loads on them. These restrictions would prohibit the Super Hornet from carrying 2,000-pound bombs on these pylons, which reduces the payload capacity for the interdiction mission. GAO also reports that the pylon load problems could negatively affect bringback.

What all this technical talk is about, simply stated, is that the pillars supporting the Super Hornet program are crumbling. But don't take my word for it. Just look at the troubling evidence amassed by the GAO which makes the best case yet against the Super Hornet program.

According to GAO, the aircraft's performance is less than stellar. In fact, GAO reports that the aircraft offers only marginal improvements over the Hornet, the same finding it made in 1996. Over the last 3 years, GAO has offered evidence of shortcomings in each and every area the Navy declared as justifications for the Super Hornet. In addition, the Super Hornet is actually worse than the Hornet in turning, accelerating, and climbing—actually worse than the plane we are using now that is less expensive.

GAO testified recently before Congress that the Super Hornet is not meeting all of its performance requirements. It is behind schedule, and it is above cost, regardless of Navy boasts to the contrary. The Navy's statements on performance actually reflect the single-seat E model of the aircraft, and it does not factor in the performance of the less capable two-seat F model. This is troubling because the F model actually comprises 56 percent of the Pentagon's purchasing plan for the overall Super Hornet program. Not only that, the Navy's assertions about performance are based on projections, not on actual performance.

GAO's work has made crystal clear the setbacks the Super Hornet has already faced and the serious problems that lie ahead. There is really a mountain of evidence against the Super Hornet. The Navy's response to that mountain of evidence has been simply to tell you: It's a molehill; don't worry about it.

To close the cost gap between the Super Hornet and Hornet aircraft, Boeing is shutting down production lines for the Hornet. Those lines may be prohibitively expensive to reopen if we ever face the facts and decide that the Super Hornet is not worth the cost and risk.

The Navy's response to the Super Hornet's troubles has been to play games, to divert attention from the plane's failings, to keep the Navy from relying on the more reliable Hornet, and, most of all, they are playing games with Federal tax dollars. These games have to stop.

For the sake of our pilots and American taxpayers, the Navy must be forthright with us. By any reasonable assessment, the Super Hornet program has problems that have to be corrected before we commit our pilots and our taxpayers to a long-term obligation.

But that is what is so disturbing here, Mr. President. At the very moment we should be pausing to reassess this program, in our oversight role, the Navy and the Pentagon are pushing for a multiyear procurement contract.

This is despite the fact that the Navy has identified 29 major unresolved deficiencies in the aircraft. The Program Risk Advisory Board, which is made up of Navy and contractor personnel, states that there is a medium risk—a medium risk—that the operational test and evaluation might find the Super Hornet is not operationally effective and/or suitable, even if all performance requirements are met. In other words, even if they fix all the problems plaguing the plane, the Super Hornet still might not cut the mustard. How can we sign off on a 5-year $9 billion contract before an aircraft is certified operationally effective?

I am very puzzled by that. Instead of signing off on this leap of faith, I suggest the Navy complete OPEVAL and then reassess the prudence of a multiyear procurement contract. The Super Hornet's OPEVAL will allow the Navy and its contractor to stress the aircraft as it would be stressed in the fleet. A multiyear procurement decision prior to OPEVAL defeats the purpose of the test.

It is not unreasonable to ask that all deficiency corrections be incorporated into the aircraft design and successfully tested prior to a 5-year, $9 billion procurement commitment. Not only is it not unreasonable, it is consistent with existing Navy criteria.

What concerns me most here is the conduct of the Navy and the Pentagon as they have tried to ensure that the Super Hornet has a place in its aviation program. At every turn, they have pushed this plane, despite all logic to the contrary. They have even resisted answering simple, straightforward questions about the plane's performance.

My own experiences trying to extract information from the Pentagon about the Super Hornet's performance have been fraught with difficulties. Last November, I sent a straightforward letter to the Secretary of Defense that asked some simple questions about the status of the E/F. At the time, Congress had just appropriated more than $2 billion for the third lot of production. After that letter, I wrote four additional times urging DOD to answer very specific, clear questions regarding the performance of the aircraft in its latest flight test.

Three months later, I received a memorandum stating that it "addresses some" of my "concerns." This was unfortunate because I was assured by Pentagon officials familiar with the report that my questions could be easily answered in full. I can assure everyone who is listening that I will not stop asking until I get answers.

I would like to conclude my initial remarks by telling my favorite story about this profoundly flawed program.

This past January, the Assistant Secretary of the Navy for Research, Development, and Acquisition commissioned an independent study to address my questions. I had been asking for a study for some time, so I was heartened and relieved and looking forward to the results.

Unfortunately, the person chosen to lead the inquiry is a well known Washington defense lobbyist who had a longstanding business relationship with Boeing, the Super Hornet's primary contractor. During the meeting with my staff, the lobbyist did not disclose his firm's association with Boeing. Later my staff telephoned him, and he described his firm's association with Boeing in response to direct questions from my staff. Then he went on to say that he had terminated his relationship with Boeing "a few days" after Mr. Buchanan asked him to perform the independent review—"a few days."

No one will be shocked to hear that the report was very favorable to the Super Hornet.

This latest episode with the Super Hornet highlights a pervasive Pentagon mindset that sometimes sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive programs are always better. It puts in stark relief the power of the defense industry which gave more than $10 million in PAC money and soft money to parties and candidates in the last election cycle.

In the last 10 years, the defense industry gave almost $40 million to the two national political parties. You know, for that much money, they could buy their own Hornet.

The PRESIDING OFFICER. The Senator has used 15 of his 20 minutes.

Mr. FEINGOLD. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. FEINGOLD. Mr. President, in the last 10 years, the defense industry gave almost $40 million to the two national political parties. For that kind of money, these interests could have gotten their own Hornet. Unfortunately, they would have needed another $36 million to get themselves a Super Hornet.

Boeing, the Super Hornet's primary contractor, gave more than $3 million in PAC money and more than $1.5 million in soft money during that same period. There were no PACs in Eisenhower's day, but this is what he warned us about, only with higher stakes than he may have imagined.

I have stood on the floor of the Senate for 3 years now discussing the inadequacy of the Super Hornet program. And for 3 years, Congress has turned a deaf ear to the facts. I harbor no illusions that the Super Hornet will be terminated. I do hold out hope that this body will use some common sense in procuring the aircraft.

My amendment does nothing more than set a cost cap using the exact dollar amount put forward by the Navy—nothing more, nothing less.

We owe it to our naval aviators to give them a product worthy of their courage and dedication. And we owe it to the American taxpayers to ensure that we are using their money to modernize our Armed Forces wisely.

Mr. President, I ask for the yeas and nays and reserve the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair and I thank the manager of this bill for giving me the opportunity to rise in strongest opposition to the amendment offered by my colleague from Wisconsin.

This is becoming an annual ritual where the Senator from Wisconsin seeks to undermine the Navy's No. 1 procurement priority against the will of the administration, the Department of Defense, and at the expense of our Navy warfighters.

There are quite a few problems with this amendment and the one that he will offer to follow it. But on this first one, it is absolutely not necessary. A fixed-price contract is already in place. So submitting an amendment that purports to do what is already being done is redundant.

Cost caps are normally reserved for problem programs to control cost overruns in the development phase. The F-18 E/F program of today is a model program which has consistently come in under budget. It is a well controlled program with cost incentives in place.

The attacks on this program can best be summed up by the words: Don't confuse me with the facts, I have my prejudices, and I have my viewpoints that I am going to argue, regardless of what the facts are. Because the facts are that the F-18 E/F procurement program is under budget and it is ahead of schedule.

It absolutely amazes me that the Senator from Wisconsin would seek one more time to hamper the program by adding further administrative cost controls for a program that has already been reviewed by the Senate Armed Services Committee, the House Armed Services Committee, and the Senate Appropriations Committee. All three of these bodies reviewed the F-18 program and found no need to add further administrative constraints to this successful program.

There is a report out, that was put out a year ago by Rear Admiral Nathman, the "N88 Position on OT-IIB." This report answers all of the contentions raised by the Senator from Wisconsin. I ask unanimous consent that this summary be printed in the RECORD.

We will have it available for anybody who wants to read it, the specific responses to all the points raised. They have been available to the Senator from Wisconsin, and all of us, for over a year.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

N88 POSITION ON OT-IIB

The OT-IIB Report has done an excellent job of further quantifying and qualifying known issues with the F/A-18E/F. The Navy Developmental and Operational Test process is structured to identify issues prior to production to avoid costly production modifications.

The OT-IIB Report has revalidated that process, confirming that no such issues exist. The F/A-18E/F Hornet Program remains a model program, on cost, on schedule, under budget and meeting or exceeding all performance parameters.—RADM Nathman.

Mr. BOND. Admiral Nathman says:

> The OT-IIB Report has done an excellent job of further quantifying and qualifying known issues with the F/A-18E/F. The Navy Developmental and Operational Test process is structured to identify issues prior to production to avoid costly production modifications.
>
> The OT-IIB Report has revalidated that process, confirming that no such issues exist. The F/A-18E/F Hornet Program remains a model program, on cost, on schedule, under budget and meeting or exceeding all performance parameters.

I think we can take the word of the person who has the responsibility for operational program review. We have people who do this for a living and who look at these programs full-time. This is what they are saying about the program.

The F/A-18 multiyear contract will be a fixed price incentive contract. It is a capped program in application. But the agency retains contract administration flexibility, and the contractor maintains inherent cost control incentives. The statutory cap being proposed would undoubtedly increase contract administration costs.

In an era where we are experiencing vexing retention problems, I see no need to add additional burdens to a major acquisition program intended to give our warfighters the best equipment available.

The viability of the Navy's tactical aviation program is directly tied to the success of this program, and any effort to tie up this program with needless administrative controls is counterproductive. The amendment also contains no cost exemptions that would exclude costs beyond the control of the contractor, such as allowance for new technology built into later models or changes in aircraft quantity.

To date, the F-18E/F has flown 4,665 hours during more than 3,100 flights with no mishaps. The aircraft just finished the Engineering, Manufacturing, and Development phase and is scheduled to enter the Operational Test and Evaluation Phase, or OPEVAL, this week. It is anticipated that OPEVAL will be complete, looking to have a decision on full rate production by March 2000.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BOND. Mr. President, I ask if I might be accorded 2 more minutes.

Mr. WARNER. Mr. President, if the Senator would yield for a moment, we are very anxious to start votes.

Mr. SANTORUM. I yield the Senator 2 of my 5 minutes.

Mr. WARNER. I think this would be an appropriate time for the managers to address the Senate as to the schedule of voting.

We are now hoping to start the first vote at about 11:50. That vote would be in the normal sequencing of time, and we hope thereafter to have the two following votes at 10 minutes each. I will not propound that at this moment. I wish to alert the Senate and those debating so when I object to any extension of time for this debate to accommodate a number of Senators on the vote schedule, they will understand. I do not propose a UC at this time.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes from the time of the Senator from Pennsylvania.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. BOND. Surely.

Mr. LEVIN. So we can sequence Senator LAUTENBERG's 5 minutes for an earlier amendment in this process, after the Senator from Missouri is finished his time and the Senator from Pennsylvania is recognized, the Senator from Missouri is recognized.

Mr. WARNER. You have a few Missouris mixed up. On the No. 1 amendment, you are going to deal with that; is that correct?

Mr. BOND. I will make brief comments about the second amendment, and then I will conclude.

Mr. WARNER. Could you advise the managers at what juncture we could complete Senator LAUTENBERG's 5 minutes on the Kennedy amendment? What would be convenient?

Mr. BOND. Mr. President, I only need about 2 minutes to finish up all of my efforts on both of these, if I could finish.

Mr. WARNER. So in between the two amendments we could get 5 minutes?

Mr. SANTORUM. Mr. President, that would be fine with me. The two Senators from Missouri, myself, and then I would be happy to——

Mr. WARNER. Why don't you finish up the first amendment, inform the Chair, and then we will have Senator LAUTENBERG complete the Kennedy amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Missouri is recognized for an additional 2 minutes.

Mr. BOND. Let me reiterate that the F/A-18 program is under budget and ahead of schedule. Why don't we just ask the men and women who have flown them? Admiral Johnson, Chief of Naval Operations, came before us. He represents, and is responsible for, the men and women who fly these aircraft. He has flown one, and has given overwhelming, enthusiastic, and unqualified support for the Super Hornet.

Now, we have hearings in this body for a reason; that is, to listen to the people who have the expertise and the experience. These people have told us that the E/F is the best thing we have for the Navy, and they want them. They know it is ahead of schedule, and under budget, with improved performance. Why do we even bother with hearings if we do not pay attention?

I say, with respect to the second amendment, this is an attempt to set up the GAO as a decision making authority in the Defense Department. Constitutionally they are not authorized to do so. We have a director of

OPEVAL, who is appointed by the President with advice and consent of the Senate, to make these decisions. I believe in legislative oversight. I believe in the GAO having a responsibility to raise questions. The people who have the responsibility in the executive branch have answered these questions.

I think it is time to quit hampering the program, trying to kill or cripple a program that is providing us the best tactical aircraft for the Navy's carriers.

I urge my colleagues to join in what I trust will be a tabling motion to table both of the amendments or to vote against them if they are not tabled.

I thank the Chair and the chairman of the subcommittee for giving me this opportunity.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to rise in response to the amendment proposed by the Senator from Wisconsin.

The senior Senator from Missouri has stated eloquently the need to respond to the military demands of America in ways that the military believes are effective. We have in the E/F a program that is under budget, under cost. It is on schedule. It is certified ready for operational test and evaluation.

Those who have had the ability and opportunity to fly it have certified to its character and its characteristics as those that are needed. Every aircraft that we have in our arsenal has some characteristics which preclude others. There are tradeoffs. So there will be those who attack this aircraft and say it doesn't do this as well as something else does, or it doesn't do that as well as another plane does. The fact of the matter is, a plane must do what it is designed to do. When it does what it is designed to do, it meets the needs of the defense of this United States of America.

Aircraft fighters and attack aircraft are designed to do specific things. There is a need—and we have seen it; we are seeing it plainly in the arena of conflict today in the Balkans—for additional mission radius. There is a need for the ability to fly further. There is a need for increasing the payload. If you look at the strike-sortie to just general sortie ratio in the war in the Balkans, it is far different than it was in the war in Desert Storm. That is because we are basing our planes in a different place.

This particular aircraft has a 37-percent increase in mission radius. That is important. It is a design feature. It is needed. It is something the Defense Department and those who fly these airplanes understand we have to have in order to defend our interests and to protect the most important resource we have in our defense operations, and that is the human resource of our pilots.

There is a 60-percent increase in recovery payload. Depending on the mission, the E/F has two to five times the strike capability of the earlier model, two to five times the strike capability, being able to put destruction on a target. That is an important thing to understand.

There is a 25-percent increase in frame size to accommodate 20 years of upgrades in cooling, power, and other internal systems. That is important.

It may be said this aircraft is only marginally better. Well, the margin is what wins races. The winner in the 100 yard dash does it in 10.4 seconds. The loser does it in 10.5 seconds. It is only marginally better, but marginal superiority is what wins conflicts. It is what saves lives. It is what makes a difference.

In testimony before the Armed Services Committee, Phil Coyle, Director, Operational Test and Evaluation, Department of Defense, said it this way:

> The Department of Defense embarked upon the F/A-18E/F program primarily to increase the Navy's capability to attack ground targets at longer ranges.

Does that sound familiar? That is where we are right now in the Balkans. We are having to fly lots of sorties, because we have to have lots of refueling and other things, because the current things that we have do not have the ability to attack and increase our ability to attack ground targets at longer ranges.

In order to obtain this objective, the principal improved characteristics were increased range and payload; increased capability to bring back unused weapons to a carrier; improved survivability; and growth capacity to incorporate future advanced subsystems . . . .

Three to five times the strike capability. We need to be able to add improved technology. It is my understanding the Senator from Wisconsin wants to flatten the plane out, simply to say it can be this plane and no further. If there is a generation of technology available to upgrade this, we need to be able to add the upgrades.

I think we need to be in a position where we can do for those who fight for America and freedom that which will serve their best interests. The idea, somehow, that the GAO should make a determination about whether an airplane is ready—I served as an auditor. For 2 years I was the auditor for the State of Missouri. It is a great job. It is a wonderful responsibility. But those flying green eyeshades and walnut desks in Washington should not be compared to those who fly fighters to defend freedom. We shouldn't have the green eyeshade accountant flying a desk in Washington telling us whether or not the fighter is fit to fight. We need to rely on the responsible testimony and information provided to us by those whose job it is to defend America and whose lives depend on the fighter being fit to fight.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

The Senator from Pennsylvania.

Mr. LAUTENBERG. What was the order?

The PRESIDING OFFICER. Under the order, the Senator from Pennsylvania has 3 minutes, the Senator from Wisconsin has 3 minutes, and then the Senator from New Jersey will be recognized for 5 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I think the fine representatives from the State of Missouri, Senators BOND and ASHCROFT, addressed the issue of the F/A-18E/F adequately on the merits. Frankly, I will not address that because that is not what this amendment does.

This amendment has nothing to do with the merits of the F/A-18E/F. This has to do with a cost cap on a fixed price contract. Frankly, I was willing to accept this amendment because a fixed price contract is a fixed price contract. Putting a cost cap on the fixed price times the number doesn't really have any impact.

What we are going to pay for this is already in law. What his amendment did, which I objected to, was that it did not allow any increase in money for what is called technology insertion. What does that mean? Well, if we come up with a better radar system in the next few years while we are procuring these F/A-18E/Fs, and if we want to put a new radar system in, which would cost more money, under the Feingold amendment we can't do that.

The Senator from Wisconsin talked about how we have an obligation to our naval aviators, to make sure they have the most competent equipment to be out there flying. I agree. That is why I can't support this amendment. If we put this in, we would be denying those very aviators a technology insertion that would be important in improving the survivability of the aircraft, or their ability to locate targets, or whatever the case may be.

This is a dangerous amendment. It threatens our naval aviators who are going to be flying these aircraft because we are not going to allow the insertion of technology for an additional cost that may increase the efficacy of that aircraft.

One other comment. This was in response to the comment of the Senator from Wisconsin that we should not be approving this multiyear contract, which we do under this bill, without having the operational evaluation of testing go on, which could fail.

I say to the Senator from Wisconsin, if it fails, under our bill, there is no multiyear contract. We spell out specifically in this legislation that it has to pass OPEVAL. If it doesn't, there is no multiyear.

We have taken care of the Senator from Wisconsin in that if there are problems—and the Senator lists a variety that he believes exist—and if that is what is determined by the Department of Defense and the Bureau of Testing, we will not have a multiyear contract. So the Senator will get his wish.

So I think, in the end, the Senator's amendment is superfluous at best—if he would agree to the amendment I suggested—but it is dangerous now because it doesn't allow for technology insertion. So I will move, at the appropriate time, to table the Feingold amendment.

Mr. FEINGOLD. How much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, it is pretty obvious at this point that any effort to question any weapons system is considered an effort to somehow undercut the military strength of our country. The fact is that we have a responsibility to do some oversight on our own. We should not just take the word of Government bureaucrats, whether they are in one Department or the other—the Defense Department or Department of Agriculture. We should not just take their word for it. We have some responsibility to look at the questions that have been raised by independent bodies such as the General Accounting Office that say there are real problems.

There has been a great effort here to distort my amendment. It takes the Navy's figure of $8.8 billion and uses that for the cost cap. That is what it does. We have done this before on this particular airplane. My amendment to do this in another phase of the program a couple of years ago was accepted, and it worked just fine.

On the engineering and manufacturing development portion of it, it was not a radical attack. This simply takes the Navy's own numbers and holds them to it. We all know what happens with the incredible cost increases that occur with these planes.

Where is the role of oversight of the Senate? There is a attitude of "don't confuse me with the facts" when it comes to such a complicated, expensive program. It is a $45 billion program, and we are whitewashing the whole thing, even though the General Accounting Office—not me, but the GAO—has identified problems on each of the five pillars of the program. There was essentially no substantive response to any of the points the GAO made that I laid out. They just repeated the facts of the original claims without saying one thing about what has been determined about problems with survivability, and with the additional space. It simply is not as good as originally claimed.

So what we are left with is a blank check. This is the only challenge to any weapons system on the floor of the Senate on this entire bill. Where have we come to, that we scrutinize and cut so many other areas of Government? I have worked hard on that and have a good record on it. But why doesn't the Defense Department, and why don't these weapons systems have to share in the scrutiny of everything else?

There are problems with this plane. My amendment doesn't terminate the plane; it says we ought to hold them to a dollar amount that the Navy itself has identified.

Regarding the Senator's point, that technology improvement language he thinks would help is a giant loophole that will allow anything to get through to add to the cost. In fact, you could fly a Super Hornet through that loophole.

How much time do I have remaining?

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator's time has expired.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. SANTORUM. Mr. President, I move to table the Feingold amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

AMENDMENT NO. 442

Mr. LAUTENBERG. Mr. President, it was on December 21, 1988, over 10 years ago, that Pan Am flight 103 was blown out of the sky over Lockerbie, Scotland killing 270 people, including 189 American citizens. Two Libyan intelligence agents have been indicted for planting the bomb in this deliberate terrorist attack.

Over the past decade, I have watched with respect and admiration as the victims' families have courageously pieced together their shattered lives. While these families have tried to move on, the agony of losing their loved ones will never disappear. Neither they nor we as a nation will find closure until those responsible for the bombing are prosecuted and Libya rejects terrorism in word and in deed.

I therefore rise today to join with my friend and colleague from Massachusetts in offering an amendment expressing the sense of Congress that sanctions against Libya should not be lifted.

Last month, Senator KENNEDY and other colleagues joined me in writing to Secretary of State Madeleine Albright to support her decision to keep U.S. sanctions in place at the U.N. until Libya demonstrates it has rejected terrorism.

We also called for the United States to pursue an investigation to identify all those responsible for the Pan Am 103 bombing, including those who ordered, organized, and financed this terrible crime. Libya and other terrorist nations must know that the U.S. will not allow criminal acts against its citizens to go unpunished. We will use all available means to ensure justice prevails.

Mr. President, I ask unanimous consent to have the text of the letter that we sent to the Secretary of State printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 27, 1999.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: We commend you and Ambassador Burleigh for the diplomacy which has brought Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah to the Netherlands to stand trial before a Scottish court for the bombing of Pan Am flight 103.

The families of the victims of this heinous terrorist act have waited too long—more than a decade—for the first suspects to be brought to justice. We must ensure that they are prosecuted effectively. We hope the families and their representatives will also have access to the trial, if possible through a video link to the United States.

United Nations sanctions on Libya have already been suspended. The United States should not consent to permanently lifting the sanctions before the trial is concluded to ensure continued Libyan cooperation. We agree with your decision to keep U.S. sanctions in place until it can be demonstrated that Libya has renounced terrorism in word and in deed.

Our shared commitment to justice for the victims' families cannot end with this trial. We would appreciate your assurances that no line of inquiry has been excluded. The United States must pursue the investigation to identify all those responsible for ordering, financing, and organizing as well as carrying out this terrible crime, wherever they may be. Our national interest demands that we demonstrate that terrorists who attack our citizens will be tracked down and will find no quarter.

We stand ready to support your efforts to punish terrorists as well as those who support and encourage such unlawful and uncivilized conduct.

Sincerely,

Edward M. Kennedy; Barbara A. Mikulski; Daniel Patrick Moynihan; Robert G. Torricelli; Charles Schumer; Dianne Feinstein; Frank R. Lautenberg; Gordon Smith; Arlen Specter; Sam Brownback; Paul D. Wellstone; Paul S. Sarbanes.

Mr. LAUTENBERG. Mr. President, the amendment Senator KENNEDY and I offer sends a message to Tripoli that the United States will do everything in its power to ensure continuing sanctions against Libya until it complies with international demands and renounces terrorism as state policy.

Since the 1988 bombing, three United Nations Security Council resolutions—

Numbers 731, 748 and 883—have demanded that Libya cease all support for terrorism, turn over the bombing suspects, cooperate with the investigation and trial, and address the issue of appropriate compensation.

To date, Tripoli has only fulfilled one of the four conditions—turning the two bombing suspects over to Scottish authorities to stand trial at a specially-constituted court in the Netherlands. We have seen no indication that the Libyans intend to fulfill the other requirements.

In early July, the U.N. Secretary General will report to the Security Council on Libya's compliance with the conditions set by the international community. Once he submits that report, members of the Security Council may well introduce a resolution to lift sanctions against Libya, which until now have only been suspended.

Mr. President, Libya must not be allowed to gain relief from sanctions through half-measures. This Amendment therefore calls on President Clinton to use all diplomatic means necessary, including the use of the U.S. veto, to prevent sanctions from being lifted until Tripoli fulfills all the conditions set out in the resolutions.

I would urge my colleagues to join us in support of this amendment, to speak with one voice to say that sanctions against Libya should not be lifted until and unless Libya forever renounces terrorism and fulfills the other conditions set out in U.N. resolutions.

As Americans, we must take action to ensure such horrors never happen again. We must punish the guilty and continue to exert pressure until Libya resolves to become an accepted member of the world community. This amendment is one step in the right direction to make sure that happens.

I thank the Chair and yield the floor.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 3 minutes on the Kennedy amendment.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Kansas has 5 minutes.

Mr. BROWNBACK. I thank the Chair.

Mr. President, 189 Americans were killed in the bombing of Pan Am 103. Their families have known no peace for more than a decade. While it is true that Libya has labored under mild United Nations sanctions for much of that time, it is also true that the perpetrators of this hideous act of terrorism have lived a life of freedom with their families.

For reasons best known to himself, Colonel Qadhafi has decided to turn over the two suspects in the Pan Am 103 bombing to a Scottish court constituted in The Hague. In return, the U.N. sanctions against Libya have been suspended.

This measure, a sense of the Congress, highlights some of the inadequacies of the current arrangement. For example, Libya has only fulfilled one of four requirements set forth in the relevant Security Council resolutions. Qadhafi has yet to reassure us he will fully cooperate with the investigation and trial; he has yet to renounce his support for international terrorism; and he has failed to pay compensation to the victims' families.

I have little confidence that no matter what the outcome of this trial, Qadhafi will not change his stripes. He is a dictator and a criminal. Indeed, the London Sunday Times of May 23, 1999, reported that British intelligence has information clearly linking Qadhafi himself to the bombing.

This amendment states the sense of Congress that the President should use all means, including our veto in the Security Council, to preclude the lifting of sanctions on Libya until all conditions are fulfilled. I would go further. Until we know just who ordered this bombing, and until that person is duly punished, Libya must remain a pariah state, isolated not only by the United States but by all the decent nations of the world.

I urge colleagues to support this amendment, and commend Senator KENNEDY for his many efforts of the Pan Am 103 victims and families.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

AMENDMENT NO. 444

(Purpose: To ensure compliance with contract specifications prior to multi-year contracting and entry into full-rate production under the F/A-18E/F aircraft program)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. FEINGOLD) proposes an amendment numbered 444.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, strike lines 20 through 25, and insert the following:

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A-18E/F aircraft or authorize entry of the F/A-18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that the F/A-18E/F aircraft has successfully completed initial operational test and evaluation;

(2) the Secretary of the Navy—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997; and

(B) certifies those results of operational test and evaluation; and

(3) the Comptroller General reviews those results of operational test and evaluation and transmits to the Secretary of the Navy the Comptroller General's concurrence with the Secretary's certification.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we have now reached concurrence among leadership and the managers that the three votes that were to begin at 1:30 today will begin 20 minutes thereafter, at 1:50 a.m. in sequence back to back. At the conclusion of the first vote, it is the intention of the managers to seek a 10-minute limitation on the remaining two.

I thank the Chair.

Mr. FEINGOLD. Mr. President, the Navy would like to rely on flight test data from the single seat E version of the Super Hornet to claim that the aircraft procured under the Navy's F/A-18E/F program will perform up to specifications. Here is the problem. Fifty-six percent of the planes the Navy intends to buy will be the lower performing two-seat F models. My amendment to address this sleight of hand is simple and sensible. It would require that the majority of aircraft ordered under the Navy's F/A-18E/F Super Hornet program meet the key performance parameters in the Operational Requirements Document before going into full-rate production and before the Navy enters into a multi-year procurement contract.

Mr. President, my colleagues are well aware of my concerns about the Navy's F/A-18E/F Super Hornet aircraft program. Over the past three years, I've delved into the program's flaws in agonizing detail. Earlier, I was on the floor to offer an amendment that institutes a cost cap on the E/F program. At the time, I took this body through a wide-ranging review of facts and figures from the Pentagon's Director of Operational Test and Evaluation and the General Accounting Office, on the Super Hornet's shortcomings. So I won't subject my colleagues to more of the same facts showing how the Super Hornet program fails to improve on the existing Hornet program more than marginally, or in a cost-effective manner.

Mr. President, I'm sure many of my colleagues wonder why I continue on this lonesome crusade. I continue this effort pilots' lives will be placed at risk in the F/A-18E/F for the next 25 to 30 years. On top of that, taxpayers are being asked to pay more than $45 billion for this program.

Mr. President, the amendment I offer simply requires the Super Hornet to meet existing performance specifications before going into full-rate production. It is simply a common sense measure.

To briefly summarize the contracting process, in 1992, the Secretary of the Navy and the aircraft's primary contractor, Boeing, entered into a contract for the development, testing, and production of the Super Hornet. Within a follow-up Operational Requirements Document, or ORD, which was signed off by the Navy in April, 1997, are a number of key performance parameters. Essentially, Mr. President, the contract states explicitly what the Navy wants the plane to be able to do.

Mr. President, the Navy wanted, and I assume still wants, a plane with increased range, increased payload, greater bringback capability, improved survivability, and increased growth space over the existing F/A-18C Hornet aircraft. The Navy calls these improvements the pillars of the Super Hornet program.

As I stated earlier, premier among the Navy's justifications for the purchase of the Super Hornet is that it fly significantly farther than the Hornet. As recently as this past January, the Navy claimed the E/F would be able to fly up to 50 percent farther than the Hornet.

Mr. President, again, these improvements have yet to be proven in reality. And in the realm of reality, initial Super Hornet range predictions have declined as actual flight data has been gathered and incorporated into further prediction models. If the anticipated, but yet to be demonstrated range improvements are not included in the estimates, the Super Hornet range in the interdiction role amounts to a mere 8 percent improvement over the Hornet. According to GAO, this is not a significant improvement.

Mr. President, not only does the Super Hornet fall short in its range, but also in its payload capacity, and growth space improvements. On top of that, the Super Hornet is worse than the Hornet is turning, acceleration, and ability to climb. Again, this plane will cost far more, perhaps twice as much as the current model.

As I mentioned earlier, the General Accounting Office testified recently before Congress that the Super Hornet is not meeting all of its performance requirements, is behind schedule, and above cost, regardless of Navy boasts to the contrary. The agency offered evidence of shortcomings in each and every area of the Navy declared as justifications for the aircraft. GAO also states that some of the Navy's assumed improvements to the aircraft have yet to be demonstrated.

Mr. President, the Navy's statements on performance reflect the single-seat E model of the aircraft, not the less-capable two-seat F model. This is troubling because the model of the aircraft, not the less-capable two seat F model. This is troubling because the F model comprises 56 percent of the Pentagon's purchasing plan for the Super Hornet. Again, Mr. President, the Navy's statements on performing are based on projections, not actual performance.

According to GAO, which has been reviewing the program for more than three years, the aircraft continues to offer only marginal improvements over the Hornet, the same finding GAO made in 1996. After three years of development and testing, Mr. President, we still stand to gain only marginal improvements that don't outweight the cost.

Again, Mr. President, I have stood on the floor of the United States for three years now discussing the inadequacies of the Super Hornet program. And for three years, a majority of my colleagues have turned a deaf ear to the facts. I hold out hope that this body will use some measure of common sense in procuring this aircraft.

Mr. President, this amendment merely enforces what should be blatantly obvious. Before moving to full-rate production, or entering into a multiyear procurement contract, of the Super Hornet, the contract between the Navy and its contractor should be enforced. The Navy signed a contract to receive a plane that can do certain things. I agree with the Navy.

The plane ought to do certain things. We shouldn't go forward until we know that it really does those things.

This amendment simply requires that the Navy receive the plane it expects.

Mr. President, I ask for the yeas and nays, I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I say this with great amusement. When I propounded the unanimous consent request for an 11:50 vote, it was interpreted as a little too folksy for the Parliamentarian, so I now in a very stern voice ask unanimous consent that the votes begin at 11:50.

Mr. ASHCROFT. I ask for a point of clarification. Does that include the following two votes would be 10-minute votes?

Mr. WARNER. I intend to ask they be 10 minutes, but traditionally we don't do it until we determine the whereabouts of all Members.

Mr. ASHCROFT. In that event, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Does this include any time between the votes? Could there be 2 minutes between the votes on the first and second and second and third amendments—2 minutes equally divided?

Mr. WARNER. Is it desired?

Mr. LEVIN. It is desired.

Mr. WARNER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield myself 3 minutes.

In response to the amendment of the Senator from Wisconsin, it is an additional hurdle to begin production of the E and F. This says that we cannot move forward with production, full-scale production, of this aircraft without a successful operational test and evaluation. That will be done by operational test pilots, maintenance people, experts in evaluating aircraft. They do the testing. They will do the report. The commander of operational test forces will issue the report, determine whether there was a successful test, and then that report will be given to the director of operational test and evaluation, who, under normal circumstances, will then make the decision that a successful test has been conducted.

So all of that will have to be done. After that, again, according to normal procurement, he would send that recommendation on to the Defense Acquisition Board, which would review all of the tests to determine whether it was successful and make the decision to go ahead and procure the aircraft.

Under our bill, we put in an additional step. We say that after the director of operational test and evaluation reviews the report, they have to then get a certification from the Secretary of Defense that this program has successfully completed operational test and evaluation. We have put an additional step in that is outside the course of the normal procurement area before the decision for acquisition is made. So we have already put in one additional step.

What the Senator from Wisconsin wants to do is put an additional step in. This is somewhat dangerous in this respect: He includes no time limit. GAO can take 2 years if they want to. They can take whatever amount of time they want, hold up a $2.8 billion contract, hold up what is a needed requirement for the Navy to determine when a bunch of people with "green eye shades," as the Senator from Missouri said—to make the determination as to whether auditors believe that the test pilots and the maintenance people and the Secretary of Defense and the director of operational test and evaluation, the defense acquisition board, they were all wrong—all the experts were wrong, and congressional auditors are really the best determinant as to whether this aircraft meets its requirements, is needed, and should be procured.

I don't think we want to do that. I think that sets a very dangerous precedent. Frankly, it raises some constitutional questions as to whether the Congress can, in fact, do that.

I can say to the Senator from Wisconsin, the junior Senator from Missouri had me out to St. Louis. I went through and reviewed extensively, spending the better part of a day at the facility in St. Louis. This is a program of which I think everyone will be proud. They are using state-of-the-art manufacturing techniques. They are, as the Senators have said, ahead of schedule, meeting every single benchmark. They have 4,000 hours of flight time, more than any other aircraft that has been tested in history.

I think this is an additional hurdle that is unnecessary and potentially dangerous. That is why I will at the appropriate time move to table the amendment of the Senator from Wisconsin.

Mr. FEINGOLD. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin controls 9 minutes.

Mr. FEINGOLD. I yield myself the time required at this point.

Let me say exactly what this amendment does rather than rely on the characterization that was given. This appears to be something of a sleight-of-hand with regard to proving that this plane actually meets the performance parameters it is supposed to meet.

There are two versions of the Super Hornet aircraft, a one-seat E model and another that has been proven to be less capable, a two-seat F model. The Navy now states that 56 percent of the Super Hornet will be F models, but they are trying to rely on the performance of the E model to determine compliance with performance parameters.

The amendment simply requires that the version of the Super Hornet aircraft that represents the majority—the majority—of the Navy's purchasing plan has to satisfy all the key performance parameters in the program Operational Requirements Documents. That is what this amendment does.

For this to be characterized as an additional hurdle, as has been done by the Senator from Pennsylvania, is simply not accurate. It simply says that the flight test data used by the Navy, represent the version of the plane they intend to purchase. All we are trying to do is to be sure that the information we are getting and that the assumptions are based on the planes that are actually being purchased and that they actually do what they said they would do.

That is not an additional step. That is just somebody buying something, making sure they are actually getting what they contracted for. Shouldn't we, as the guardians of the taxpayers' dollars, be sure we are getting what we contracted for? How can that be an additional hurdle, unless we want to allow the contractor to give us something we didn't want and, in fact, paid a fortune for?

The Senator from Pennsylvania reasonably asked whether or not there is a problem with the GAO having a limited time to make their certification. I am happy to enter into an agreement for a time limit for the GAO, with the Senator's indication that he would regard that as a reasonable change. That is not a problem that was intended, and we can solve that quite simply.

This is an incredibly expensive program. Hopefully, this plane, if it goes through, will work as well as has been advertised. Hopefully, it will not cause problems for our pilots, although there are those who are concerned about that.

All this amendment does is say that when we make the decision to move to the next phase, it is actually based on the plane we are buying. Any household in America would use that much caution when buying something. We talked a lot as we brought down the deficit, on a bipartisan basis, about doing things like American families have to do. Don't we have a responsibility to make sure we are getting the plane we are paying for? We are not paying for it, the taxpayers are paying for it, and they will pay $45 billion for it. It ought to be the plane that we are supposed to get.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. Six minutes 50 seconds.

Mr. LEVIN. I ask that they yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. LEVIN. Mr. President, I will vote against both of these amendments, although they are well intended.

The first amendment has the problem that it would not accommodate changes in specifications in order to allow new technologies to be inserted which cost more than the specified technology in the cost cap.

That may be a lot of verbiage, but it is important. I have been very active in cost caps. I proposed a cost cap, for instance, for the new CVN–77. I supported the cost cap that we previously wrote in to the F–22, and supported it very strongly. But, in both of those instances, the cost caps allowed for the new technology possibility. If new technologies come along which are not in the specifications, we should want them to be considered. We should not make it difficult or impossible for new technologies to be considered. We should want them, if that would make the plane more effective, providing the Secretary certifies to us—or notifies us, more accurately—that there is a change. That is not a loophole. That is something which is desirable, it seems to me. I emphasize the cost cap—for instance in the CVN–77, which I wrote—contained the exception that if there is a new technology which the Secretary of the Navy certifies to us is desirable, that then would be an exception to the cost cap.

On the current amendment——

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. LEVIN. Will the Senator yield 1 more minute?

Mr. SANTORUM. I am happy to yield an additional minute.

Mr. LEVIN. On the pending amendment, again I think this is a well-intended amendment. I think up until the last paragraph it is on target. We do want the Secretary of the Navy to determine the results of operational test and evaluation and to certify that the version of the aircraft to be procured under the multiyear satisfies all key performance parameters. I think that is very good.

The problem is it then gives to the Comptroller General, who is in the legislative branch, the veto power because the Comptroller General must concur with the Secretary's——

The PRESIDING OFFICER. The Senator's minute has expired.

Mr. LEVIN. Will the Senator yield an additional 30 seconds?

Mr. SANTORUM. I yield 30 seconds.

Mr. LEVIN. The Comptroller General must concur with the Secretary's certification. I believe that is a clear violation of the separation of powers. In Bowsher v. Synar, the Supreme Court ruled:

> To permit the execution of the laws to be vested in an officer answerable only to Congress would, in practical terms, reserve in Congress control over the execution of the laws.

So, except for that part requiring a legislative concurrence or legislative officer's concurrence with the Secretary's certification, I think that amendment would have been acceptable. With that additional provision, I think it is unacceptable as it violates separation of powers and the Supreme Court ruling in the Bowsher case.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Missouri?

Mr. SANTORUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. SANTORUM. I yield the Senator from Missouri 2½ minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, the F–18 is underbudget and early. The Department of Defense is making very, very careful evaluations, and will continue to do so. This contracting will not go forward without their professional critical evaluation that the plane succeeded.

The Senator from Wisconsin says these two different planes in the F–18 package, the single-seater and the two-seater, must meet the same flight characteristics. That does not make sense.

When you put an extra seat in an airplane it changes the characteristics, but it also changes the fighting capacity of the airplane. You can do with two pilots—or one plus a person operating radar or other things in a hostile environment in terms of locating targets—what you can't do with one person both flying the airplane and doing that.

The Senator from Wisconsin asks about oversight. Frankly, we have had substantial oversight here. We have had oversight in the Senate Armed Services Committee, oversight in the House Armed Services Committee, oversight in the Senate Appropriations Committee. There will be, again, evaluation in the House Appropriations Committee.

This is a circumstance where, obviously, there has been substantial oversight. The members of the committee and committee chairman are saying we should approve this. I believe we should. For us to say the Department of Defense, the fighter-fliers, those whose lives depend on this airplane performing, are to have their judgment about the airplane set aside or deferred or delayed until accountants or auditors from the General Accounting Office make a decision on this plane is unwise. It is not only unwise, it has been clearly demonstrated, I think, in the arguments that it is unconstitutional as well.

The F-18 is an outstanding aircraft with characteristics that will serve well—extended range, extended load-carrying capacity, and ability in the two-seat configuration to do things not available in the one-seat configuration. It is a well-made airplane that will serve our interests well by serving well those who fly them. It will serve us well by allowing those conflicts to be survivable. The margin of improvement provides the margin of difference that means we win instead of lose.

It is time for us to move forward with this program; stop unnecessary attacks on it. This is an airplane that will serve us well.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes and 23 seconds.

Mr. FEINGOLD. Mr. President, first with regard to the second amendment, the one before us now having to do with the question of performance parameters, there have been some concerns raised by the Senators from Virginia and Michigan about reference to the role of the GAO in this amendment.

At this time I ask unanimous consent that portion of the amendment be deleted to address their concerns.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have to determine from other Senators——

Mr. FEINGOLD. I am sorry, I can't hear the Senator.

Mr. WARNER. I am simply trying to protect other Senators. At the moment, there is an objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will provide the Senate with a copy of the amendment as I would modify it and simply delete the section relating to the Comptroller General.

Mr. LEVIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. As I understand the objection, it is perhaps a temporary one. Is that the understanding of the Senator from Wisconsin? My understanding of what the Senator from Virginia said is that in order to protect the rights of other Senators, he would object at this time. But I suggest at least the possibility that the Senator renew his unanimous-consent request and perhaps there will be no objection, after there has been an opportunity for people to read the modification.

Mr. FEINGOLD. Will the Senator from Michigan advise me of the appropriate time to raise that unanimous-consent request?

Mr. LEVIN. They are checking it out now.

Mr. FEINGOLD. Mr. President, I appreciate that. I reserve a few moments of my time because the response to this will affect my argument. The only real objection to this is primarily to the role of the GAO in this process. The only other objection was raised by the Senator from Missouri who made much of the fact that of course there is a difference between the E and F plane.

The problem is that originally the Navy and the contractor sold this plane on the assumption that only 18 percent of the planes would be the "F" version. The reality now is that 56 percent of the planes are going to be the lower-performing "F" version. That is why it is essential that we have this certification, at least by the Navy, that in fact a majority of the planes will meet the performance parameters.

So I am very interested to see if the Senators here who have raised this concern will allow me to meet their concerns so we can pass this commonsense amendment which, as the Senator from Michigan indicated, without that flaw would be a worthwhile amendment.

With regard to the other amendment, the cost containment amendment, let me just make a couple of points in response to the Senator from Michigan. I do want to say he has been a tremendous advocate for appropriate cost containment and careful evaluation of military programs throughout his career.

First of all, regarding our cap that we propose, which of course is a figure the Navy proposed in the first place, that $8.8 billion is only for over a 4-year period. It is not a permanent cap. Second, if there is a need for new technologies, as has been posited by the Senator from Michigan, if something comes up that absolutely has to be done—we are here. We are not going anywhere. If something dramatic happens that requires additional technology, we are in a position to respond to that. In fact, the amendment I have proposed allows a number of flexibilities. It is not an absolute $8.8 billion cap.

It allows cost increases and decreases for inflation. It allows changes for compliance in Federal, State, and local law, and it also contemplates the possibility of quantity changes in the number of planes within the scope of the multiyear contract, which we all know can dramatically affect the cost of a plane.

There is substantial flexibility built into this amendment, and if there is a need for the new technology, we are here and able to respond to that. Otherwise, all we are doing, as I indicated earlier, by including this language for new technology, we are essentially gutting our own amendment. We are removing the cost cap provision in our amendment.

How many people would do that? If you are buying a car, if a car manufacturer says: Well, we reserve the right, if we come up with a new thing to put on this car, to charge you a couple more thousand bucks after we cut the contract, after we cut the deal. I do not think we should be doing business that way. We have built flexibility into this amendment.

Again, I indicate that all this is is the Navy's own figure of $8.8 billion. We did a similar cost cap on the same plane previously.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALLARD). Who yields time? The Senator from Virginia.

Mr. WARNER. Mr. President, I am hopeful this matter can be resolved in a matter of minutes. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Eden Murrie in Senator LIEBERMAN's office and Dana Krupa in Senator BINGAMAN's office be granted the privilege of the floor for the remainder of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time on the amendment?

Mr. WARNER. Mr. President, I yield 1½ minutes to myself for a statement unrelated to the amendment.

The PRESIDING OFFICER. Time remaining is 25 seconds.

Mr. WARNER. I yield to the chairman of the subcommittee, the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, on the second Feingold amendment, we are attempting to work some accommodation so we can accept the amendment. I ask unanimous consent that the yeas and nays which were ordered on the second Feingold amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, I assume it is the intent of the Senator that if we do not work it out, there will be no problem getting a rollcall vote.

Mr. SANTORUM. Absolutely.

Mr. FEINGOLD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Let's give the number of that amendment so there is absolute clarity.

The PRESIDING OFFICER. No. 444 is the second Feingold amendment.

Mr. WARNER. Mr. President, we are still on track to start our series of two votes now at approximately 11:50. To keep Senators advised, the ranking member and I are rapidly clearing amendments. I know of only a few remaining amendments that will require rollcall votes. I am anxious to complete the bill, as are all Senators. I see now that possibility taking place perhaps early to mid-afternoon. We will be addressing the Senate on that after the two votes.

The PRESIDING OFFICER. Under the previous order, the two votes have been ordered at 11:50 with 2 minutes evenly divided before each vote.

Mr. WARNER. I think we waived the 2 minutes before the first vote and we will proceed to the vote.

Are the yeas and nays ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the first vote as well as the second vote.

The Senator from Michigan.

Mr. LEVIN. The 2-minute request was between the first and the second vote, not before the first vote.

Mr. WARNER. It is clear now.

We are proceeding to the vote for the full period of time. At the conclusion of that, I will, in all probability, ask the next vote be 10 minutes, and then there will be a period of time, 2 minutes total, prior to the second vote.

VOTE ON AMENDMENT NO. 442

The PRESIDING OFFICER. The question is on agreeing to amendment No. 442. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

McCain
Specter

The amendment (No. 442) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the next vote be 10 minutes in length.

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 443

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the Feingold amendment.

Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this amendment is a straightforward, commonsense measure that establishes accountability in the Super Hornet program. It holds the Navy to the $8.8 billion over the next 5 years to procure the Super Hornet. My amendment simply sets a cost cap at that level and holds them to that amount.

Again, this amendment holds the Navy to the $8.8 billion, its own figure. It doesn't terminate the funding, it doesn't hold the money up, it doesn't even restrict the use of the money, it just holds them to the amount they say they need. I hope the body will use common sense in procuring this aircraft.

The amendment does nothing more than set a cost cap using the exact dollar amount put forward by the Navy; nothing more, nothing less. We owe it to our naval aviators and to the taxpayers to make sure we provide a modernized plane that does what it is supposed to do within the parameters the Navy has set forth itself.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, the F/A-18E/F is a fixed-price contract. It is a fixed-price contract for the extent of the contract. What the Senator from Wisconsin does is put a price cap on a fixed-price contract. Fine. I am willing to accept that. But what he did not include in his amendment was a provision for technology insertion. In other words, if we come up with a new radar system that can improve the quality of the aircraft, under his amendment we could not buy that improvement and put it on the aircraft. I was willing to accept his amendment, if he would allow for that technical improvement insertion provision. But he refused to do so.

So, unfortunately, while I think the amendment is somewhat meaningless because it is a fixed price contract, I have to oppose the amendment, and would ask, for the sake of our naval aviators to make sure they have the best equipment to fly, that my colleagues join in supporting the motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 443. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

Mr. REID. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—87

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Kennedy
Kerrey
Kerry
Kyl

Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—11

Boxer
Feingold
Harkin
Jeffords
Johnson
Kohl
Moynihan
Reid
Schumer
Wellstone
Wyden

NOT VOTING—2

Lautenberg
Specter

The motion was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have a unanimous consent request.

Mr. WARNER. I, likewise, but I will defer.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Bob Perrett, a congressional fellow in my office, be allowed the privilege of the floor during the consideration of the Defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 394, AS MODIFIED

Mr. WARNER. Mr. President, with respect to amendment No. 394, I ask a modification to the amendment be accepted. I send the modification to the desk.

The amendment (No. 394), as modified, is as follows:

On page 387, below line 24, add the following:

SEC. 1061. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) Notice to Congress of Investigations.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) Notice to Congress of Certain Export Waivers.—The President shall promptly notify Congress whenever an export waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the waiver.

(c) Notice in Applications.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

"(d) Protection of Classified and Other Sensitive Information.—The Senate and the House of Representatives shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to Congress pursuant to this section.

"(e) Exception.—The requirements of subsections (a) and (b) shall not apply if the President determines that notification of Congress would jeopardize an ongoing criminal investigation. If the President makes such a determination, he shall provide written notification to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Such notification shall include a justification for any such determination."

SEC. 1062. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(7) to provide, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence program within the Agency as part of its satellite launch monitoring program.

(b) Annual Report on Implementation of Satellite Technology Safeguards.—(1) The Secretary of Defense and the Secretary of State shall each submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

(2) Each report under paragraph (1) shall be submitted in classified form and unclassified form.

SEC. 1063. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide, consistent with the need to protect classified, law enforcement, or other sensitive information, timely notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

SEC. 1064. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.

(a) Consultation with DCI.—The Secretary of State and Secretary of Defense shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) Advisory Group.—The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) Annual Reports on Efforts To Acquire Sensitive United States Technology and Technical Information.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) Intelligence Community Defined.—In this section, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1065. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1066. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1067. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China;

(2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1068. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

"(9) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have previously been determined to be suitable for release to the public are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.".

On page 541, line 22, insert "(A)" after "(4)".

On page 542, between lines 2 and 3, insert the following:

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike "(3)" and insert "(2)".

On page 564, between lines 17 and 18, insert the following:

SEC. 3164. CONDUCT OF SECURITY CLEARANCES.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking "the Civil Service Commission" each place it appears in subsections a., b., and c. and inserting "the Federal Bureau of Investigation".

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) by striking subsections d. and f.; and

(2) by redesignating subsections e., g., and h. as subsections d., e., and f., respectively; and

(3) in subsection d., as so redesignated, by striking "determine that investigations" and all that follows and inserting "require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.".

(c) COMPLIANCE.—The Director of the Federal Bureau of Investigation shall have one year from the date of the enactment of this Act to meet the responsibilities of the Bureau under section 145 of the Atomic Energy Act of 1954, as amended by this section.

(d) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the implementation of the responsibilities of the Bureau under section 145 of the Atomic Energy Act of 1954, as so amended.

(e) TECHNICAL AMENDMENT.—Subsection f. of that section, as so redesignated, is amended by striking "section 145 b." and inserting "subsection b. of this section".

SEC. 3165. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. LEVIN. Section 1061(a) of the amendment would require the President to promptly notify Congress whenever an "investigation" is undertaken. The term "investigation" is not defined in the amendment.

I am concerned that some could interpret this to require the President to report to Congress every time the executive branch receives an allegation, even before the Justice Department or others have an opportunity to determine whether the allegations are based in fact. Such an interpretation could lead to the disclosure of a flood of unsubstantiated allegations to Congress, with a resulting injustice to innocent individuals who may be the subject of such allegations.

Mr. LOTT. I thank the Senator for his comments and I appreciate his concerns. I am pleased to agree to work closely with the Senator from Michigan during the conference on this bill, and to solicit the views of the administration, on how this provision will be implemented and in an effort to address his concerns.

Mr. WARNER. Mr. President, the amendment has been cleared on both sides. I urge the Senate to adopt this amendment.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 394), as modified, was agreed to.

Mr. LEVIN. Mr. President, on that amendment I ask Senator BAUCUS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, with regard to the remaining business, I am hopeful the leadership clears a unanimous consent request, agreed upon between Mr. LEVIN and myself. It is in the process now. It will give clarity to the balance of the day.

At the moment, there are two Senators who have been waiting for 3 days. I want to accommodate them. The Senator from Mississippi, Mr. COCHRAN, would like to lay down an amendment and speak to it for 10 minutes. The amendment is not cleared, so I reserve 10 minutes for the opposition to that amendment prior to any vote that is required.

AMENDMENT NO. 444

The PRESIDING OFFICER. There is a pending amendment. The Chair tells the distinguished Senator the pending amendment at the desk is No. 444 by the Senator from Wisconsin.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. My understanding is the various Senators have negotiated agreement on this, and it is acceptable on both sides. As modified, the Senate is prepared to accept it.

AMENDMENT NO. 444, AS MODIFIED

The PRESIDING OFFICER. Will the Senator send the modification to the desk.

Mr. FEINGOLD. I send the modification to the desk.

The amendment (No. 444), as modified, is as follows:

On page 26, strike lines 20 through 25, and insert the following:

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A-18E/F aircraft or authorize entry of the F/A-18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives the results of operational test and evaluation of the F/A-18E/F aircraft.

(2) The Secretary of Defense—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters appropriate to that version of aircraft in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997, except that with respect to the range performance parameter a deviation of 1 percent shall be permitted.

The PRESIDING OFFICER. Without objection, the amendment is modified and agreed to.

The amendment (No. 444), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Now, it is the request of the manager that Mr. COCHRAN be recognized for not to exceed 10 minutes to lay down an amendment. If that amendment cannot be agreed upon by a voice vote, we would just lay it aside with the understanding there is 10 minutes for opposition at some point in the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The Senator from Florida has waited very patiently for about 2 or 3 days. He has an amendment which is to be laid down following the Cochran amendment. I ask there be a period of 30 minutes, 15 minutes under the control of the Senator from Florida, 15 minutes under the joint control of Senators SHELBY and ROBERT KERREY.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I guess that is the end of the ability to move things. We just have to put that request in abeyance.

The PRESIDING OFFICER. The distinguished Senator from Mississippi is recognized.

AMENDMENT NO. 445

(Purpose: To authorize the transfer of a naval vessel to Thailand)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 445.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In title X, at the end of subtitle B, insert the following:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. COCHRAN. Mr. President, for the information of the Senate, this amendment would authorize the transfer of a naval vessel to Thailand and would authorize the Secretary of the Navy to receive in exchange a ship that is now in the fleet of Thailand. The purpose of the amendment is to provide authority to the Secretary of the Navy to give a retiring U.S. Navy Cyclone class ship to the Government of Thailand in exchange for a former U.S. Navy ship which served in World War II in the Pacific. That ship is the LCS 102, LCS stands for landing craft support. It is presently in the service of the Royal Navy of Thailand.

For some history on this subject, 3 years ago in Public Law 104-201, the Congress went on record in favor of trying to bring back to the United States the LCS 102. It is the last surviving ship of its class. This ship saw heavy combat action in the western Pacific during World War II. It was transferred after the war to Japan and then later was transferred to Thailand where she has been in service for 30 years. This ship is of great historical significance. It is the last one of its kind in existence in the world. Just a few years ago, it was entered on the Register of the World Ship Trust.

Many sailors from World War II might not recognize this class of ship, because it was one of many different types of amphibious ships used in the Pacific during World War II. But it was highly appreciated by the Navy admirals and the Marines because it was a heavily armed gunboat which gave close-in fire support to the Marines in amphibious landings. In fact, the LCS ships had more firepower per ton than an Iowa class battleship.

These ships were in the thick of it in Iwo Jima, Okinawa, the Philippines, and New Guinea. They also served in an anti-aircraft role against kamikaze aircraft at Okinawa and Iwo Jima, because of their tremendous firepower.

Mr. President, 26 of the 130 LCSs that were built were sunk, or badly damaged in the first 6 months of their duty in the Pacific. Historians have begun to write about these ships and the role they played in the successful war in the Pacific. There is one illustrative title, "Mighty Midgets At War: The Saga of the LCS(L) Ships from Iwo Jima to Vietnam," by Robert L. Reilly.

Our distinguished former colleague, who was chairman of the Armed Services Committee, John Tower of Texas, served aboard the LCS 112. He was chief bosun's mate during World War II on that ship. Also, former Secretary of the

Navy William Middendorf served as an officer abroad LCS 53 and former Secretary of the Navy John Lehman's father served as commanding officer of LCS 18 in the Pacific. He received the Bronze Star for bravery during his service at Okinawa.

In addition, the commanding officer of LCS 122, then lieutenant, Richard M. McCool, who now resides in Bainbridge Island in the State of Washington, received the Congressional Medal of Honor from President Truman for his service during a kamikaze attack at Okinawa.

There are several former LCS sailors from my State who have written me in support of this transfer: Robert Wells of Ocean Springs, MS, recently wrote me a letter saying he was the only medical officer abroad LCS 31. Here is what else he said in his letter:

> . . . The LCS-31, along with approximately 20 other LCSs, invaded Iwo Jima in February, 1945, assisting the Marines in landing.
>
> From there, the LCS 31 went to Okinawa and fought suicide planes on radar picket duty where the #31 shot down 6 suicide planes and was hit by 3, killing 9 sailors and wounding 15. The 31 received the Presidential Unit Citation for their efforts. Please help in returning the LCS 102 to the United States and receiving the recognition that the LCSs deserve.

Mr. President, these ships were a part of the U.S. Navy that fought and won the war in the Pacific. The LCS 102 is the last remaining ship of its class, and I believe it would be appropriate for it to come home and serve as a floating museum and a monument to the brave service of tens of thousands of sailors who served on these ships with the nickname "Mighty Midgets."

Since the Congress adopted an amendment 3 years ago urging the Secretary of Defense to bring home the LCS 102, the Navy has determined that the Thai Navy will give up the LCS from its fleet for a return to the United States, but they need a replacement ship to fulfill the shallow water mission now accomplished by the LCS 102.

This year, the Navy is retiring a small, fast gunboat from our fleet that would meet the Thai Navy's requirement. The ship is a Cyclone class ship. It could be made available to the Thai Navy in exchange for the LCS 102. This amendment authorizes the Secretary of the Navy to offer a Cyclone class ship to the Thai Navy. It does not mandate that the trade be consummated; it simply authorizes the trade if it can be negotiated and legal hurdles and other details can be worked out.

There is an urgency to this issue because World War II veterans are aging. Most of them are now in their seventies and eighties. If we are going to help the LCS association realize its dream and ambition of bringing home the last ship of its class, then we need to do it now. There are LCS sailors living today all over the country in almost all 50 States, and they would appreciate a vote in support of this amendment.

Funds will be raised from the private sector to put this ship in condition to serve as a museum, and there are still many details to be worked out before the LCS can be brought home. But by approving this amendment, which is necessary as a first step, the Senate will go on record in support, as we did 3 years ago when we suggested this should be done by the Navy.

I hope my colleagues will support the amendment and join the Chief of Naval Operations, Jay Johnson, who has written me a letter in support of this amendment. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> CHIEF OF NAVAL OPERATIONS,
> *May 26, 1999.*
>
> Hon. THAD COCHRAN,
> *U.S. Senate,*
> *Washington, DC.*
>
> DEAR SENATOR COCHRAN: I wanted to offer my thanks and support for your proposed amendment to help return the last ex-LCS 102 from Thailand to the United States. This ship would make an excellent public memorial in honor of those who served in ships like her during WWII. Further, it would provide an additional monument for generations to come of the sacrifices of this special generation.
>
> My staff stands ready to brief yours on the details involved in making the transfer of a retiring Cyclone-class Patrol Craft (PC) come about. Thank you again for your support. If I may be of further assistance, please do not hesitate to let me know.
>
> Sincerely,
>
> JAY L. JOHNSON,
> *Admiral, U.S. Navy.*

Mr. COCHRAN. Mr. President, for the information of Senators, I want to read just one sentence from this letter:

> This ship would make an excellent public memorial in honor of those who served in ships like her during World War II.
>
> Adm. JAY JOHNSON,
> *Chief of Naval Operations.*

Mr. REID. Will the Senator yield?

Mr. COCHRAN. I am happy to yield if I have any time.

Mr. REID. The Senator has made very clear this is not a mandate; is that right?

Mr. COCHRAN. That is right. It is authorizing legislation.

Mr. REID. Also, on page 2 of the Senator's amendment, it says "on a grant basis." Is it clear that it could also be done on a sale basis, lease basis or a lease with an option to buy basis?

Mr. COCHRAN. We want to swap it. We want to swap the Cyclone for the LCS 102. It authorizes the trade.

Mr. REID. It says, "the transfer shall be made on a grant basis."

Mr. COCHRAN. That is a legal word of art. I have explained the meaning of it. If we had been able to get the committee to adopt the amendment as we had hoped they would, there would be report language in the committee report. I will be happy to give the Senator a copy of that which further explains. If he will let me, I will read it:

> The committee recommends that the Secretary of the Navy be authorized to transfer to the Government of Thailand one Cyclone class patrol vessel for the purpose of supporting Thailand's counterdrug and counterpiracy operations. The committee intends this transfer to replace the former LCS 102 currently in service with the Royal Thai Navy, should the discussions urged in section 1025 of PL 104-201 result in the Government of Thailand's decision to return LCS 102 to the Government of the United States. The committee understands that the Secretary of the Navy supports the return of LCS 102 to the United States for public display as a naval museum.

Mr. REID. Will the Senator yield for another question?

Mr. COCHRAN. I will be happy to yield.

Mr. REID. This is just to give the Secretary more options—sale, lease, lease option. It will give more discretion to the Secretary rather than saying the transfer shall be made by grant. There are other ways it can be done. I think it would be in the best interest of all concerned if these other options are available. I repeat: sale, lease, lease with an option to buy.

Mr. COCHRAN. I will be happy to consider that, and I appreciate the Senator raising it as an alternative.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

The Senator from Virginia is recognized.

Mr. WARNER. Let me clarify, Mr. President, there still remains some time in opposition to the amendment of the Senator from Mississippi; am I correct in that?

The PRESIDING OFFICER. The Chair observes that Senators said there would be 10 minutes allotted to the opposition of the Senator's amendment. It was not stated in the form of a request.

Mr. WARNER. Mr. President, I think some time should be reserved. I indicate for the RECORD, I support the Senator from Mississippi, but I am sure time should be reserved on this side, 10 minutes, and then we will determine whether or not a recorded vote is necessary in this matter, or it may be voice voted. I put that in the form of a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I rise to support the amendment of the Senator from Mississippi. This amendment deserves the support of every Senator because it is the right thing to do.

During World War II more than 10,000 Americans served their country on LCS ships, and these ships were heavily involved in combat in the Pacific. There is only one LCS left in the world, and a group of World War II sailors wants to bring that ship back to the United States and make it a floating museum.

Three years ago, I sponsored an amendment to the Defense authorization bill urging the Secretary of Defense to seek the expeditious return of the LCS 102 from Thailand. That amendment passed the Congress and became part of Public Law 104-201.

For three years not much has happened because the Thai Navy still needed the LCS 102, even though it is now more than 55 years old. Thai officials have indicated that they would be prepared to return the LCS 102 to the United States if we could provide a suitable ship to take its place. The U.S. Navy is planning to retire just such a ship this year, and that is what this amendment is about.

The ranks of those World War II sailors is thinning each year, and there is a need to move expeditiously. We need to bring this historic ship home before all of our World War II veterans are gone.

Let me list briefly some facts about LCS ships and their service to our country.

These ships were born out of desperate need. In the early years of World War II, our Navy and Marine Corps discovered that they needed more close-in gunfire support to protect our troops as they went ashore in amphibious landings. With typical American ingenuity, a new small gunboat was designed and quickly moved into production. The result was the LCS(L) which stood for Landing Craft Support Ship (Large).

This newly designed ship had more firepower per ton than a battleship, and it was capable of going all the way in to the beach and providing close-in fire support for our troops going ashore.

One hundred and thirty of these ships were built and rushed into service in 1944 and 1945. These ships and their brave crews helped save the lives of countless soldiers and Marines by providing heavy close-in firepower to support amphibious landings at Okinawa, Iwo Jima, and many other Pacific Islands. Twenty-six of these ships were sunk or badly damaged in the Pacific campaign.

These ships were nicknamed the "Mighty Midgets" because of their firepower and their service in World War II. These ships, like so many others, received little notice when the history books were written because Carriers, Battleships, and Cruisers took most of the glory. However, the sailors aboard LCSs served bravely and well, and their part of World War II needs to be preserved as a part of our Navy's history.

LCS sailors received many decorations for their service during World War II. A young Lieutenant by the name of Richard McCool from Washington State received the Congressional Medal of Honor from President Truman for his service at Okinawa. A young Lieutenant by the name of John F. Lehman received a bronze star for his service at Okinawa, as well. His son, John, Jr. served as a naval officer many years later and became Secretary of the Navy under President Reagan.

Since the mid-1990s, several books have been published covering the history of the LCS ships. Former Secretary of the Navy John F. Lehman, Jr. wrote the foreword to one of those books. This foreword provides eloquent summary of the service to our Nation provided by LCSs and their brave sailors.

Finally, Mr. President, a distinguished former Senator who served as Chairman of the Armed Services Committee in this body served ably as a Boatswain's Mate on an LCS during World War II. John Tower served his nation in World War II on an LCS.

This body needs to honor his service and that of all the LCS sailors by helping to save the LCS 102—the only one left in the world.

I urge my colleagues to support this amendment and to do what they can to help in the task of bringing this ship home to the United States to serve as a museum and a memorial to the valiant service of thousands of LCS sailors.

Mr. WARNER. Mr. President, I want to propound a unanimous consent request, which is agreed upon on the other side, with regard to a procedural matter. As soon as that is concluded, then I want to state a UC request on behalf of my two colleagues, Mr. DOMENICI and Mr. KYL, on this side. I think we can work it out.

Mr. MURKOWSKI. Mr. President, I also am a sponsor of this legislation and would like to be recognized.

Mr. WARNER. First, with regard to the balance of the afternoon: I ask unanimous consent that all remaining first-degree amendments be offered by 2:30 p.m. today, and at 2:10 p.m., Senator LEVIN be recognized to offer and lay aside amendments for Members on his side of the aisle, and at 2:20 p.m., the chairman of the committee be recognized to offer and lay aside amendments for Members on his side of the aisle, and that those amendments be subject to relevant second-degree amendments. I further ask that all first-degree amendments must be relevant to the text of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, in light of this agreement, all first-degree amendments must be relevant and offered by 2:30 p.m. today. It is the intention of the managers and leaders to complete action on this bill, hopefully, no later than 5 o'clock today.

We have had a number of Senators patiently waiting. The Senator from Florida is willing to accommodate the chairman in his request that a period of 30 minutes, under the control of the Senator from Arizona and the Senator from New Mexico, be allocated for an amendment which they will lay down within that period of time, and at the conclusion of the 30-minute period, that amendment will be laid aside for the purpose of an amendment to be laid down by the Senator from Florida, which amendment will require 30 minutes of debate, 15 minutes under the control of the Senator from Florida, 15 minutes under the control of the Senator from Alabama, Mr. SHELBY, and that 15 minutes will be shared between Mr. SHELBY and Mr. KERREY, the ranking member of the Intelligence Committee.

I propose that to the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. That being in order, we will now proceed with the 30 minutes.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The distinguished Senator from Arizona is recognized.

Mr. KYL. Thank you.

Under the agreement just announced by Senator WARNER, it would be the intention of Senator DOMENICI and Senator MURKOWSKI and myself to divide the next half-hour into roughly 10 minute segments. I would appreciate an indication from the Chair when we have achieved those three milestones, if the Chair would, please.

AMENDMENT NO. 446

Mr. KYL. At this time I send an amendment to the desk on behalf of myself, Senator DOMENICI, Senator MURKOWSKI, Senator SHELBY, Senator HUTCHINSON, and Senator HELMS.

Mr. REID. Would the Senator yield for a parliamentary inquiry?

Mr. KYL. I am happy to yield.

Mr. REID. I say to the manager of the bill, the chairman of the committee, there has been no unanimous consent agreement regarding the Domenici amendment.

Mr. WARNER. My understanding is that the Senator from Virginia propounded a UC to give the three Senators Senator KYL just designated 30 minutes in which to lay down an amendment, and at the end of the 30 minutes the amendment be laid aside. There is no restriction whatsoever on the remainder of the time with respect to further consideration of the amendment, I say to my distinguished colleague.

Mr. REID. I appreciate the Senator yielding.

Mr. KYL. Thank you.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. SHELBY, Mr. HUTCHINSON, and Mr. HELMS, proposes an amendment numbered 446.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike Section 3158 and insert the following:

"SEC. 3158(A). ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.

"(1) OFFICE OF COUNTERINTELLIGENCE.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"'OFFICE OF COUNTERINTELLIGENCE

"'SEC. 213. (a) There is within the Department an Office of Counterintelligence.

"'(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence.

"'(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

"'(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee within the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

"'(4) The Director of the Office of Counterintelligence shall report directly to the Secretary.

"'(c)(1) The Director of the Office of Counterintelligence shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

"'(2) The Director of the Office of Counterintelligence shall be responsible for the administration of the personnel assurance programs of the Department.

"'(3) The Director of the Office of Counterintelligence shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"'(4) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

"'(5) The Director of the Office of Counterintelligence shall not be required to obtain the approval of any officer or employee of the Department of Energy for the preparation or delivery to Congress of any report required by this section; nor shall any officer or employee of the Department of Energy or any other Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.

"'(d)(1) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Commerce of the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

"'(2) Each report shall include for the year covered by the report the following:

"'(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"'(B) The adequacy of the Department of Energy's procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

"'(C) Whether each Department of Energy national laboratory is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring such laboratory into compliance.

"'(D) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

"'(i) the number of violations that were investigated; and

"'(ii) the number of violations that remain unresolved.

"'(E) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

"'(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

"'(e) Every officer or employee of the Department of Energy, every officer or employee of a Department of Energy national laboratory, and every officer or employee of a Department of Energy contractor, who has reason to believe that there is an actual or potential significant threat to, or loss of, national security information shall immediately report such information to the Director of the Office of Counterintelligence.

"'(f) Thirty days prior to the report required by subsection d(2)(C), the Director of each Department of Energy national laboratory shall certify in writing to the Director of the Office of Counterintelligence whether that laboratory is in full compliance with all Departmental national security information protection requirements. If the laboratory is not in full compliance, the Director of the laboratory shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

"'(g) Within 180 days of the date of enactment of this Act, the Secretary of Energy shall report to the Senate and the House of Representatives on the adequacy of the Department of Energy's procedures and policies for protecting national security information, including national security information at the Department's laboratories, making such recommendations to Congress as may be appropriate.

"'OFFICE OF INTELLIGENCE

"'SEC. 214. (a) There is within the Department an Office of Intelligence.

"'(b)(1) The head of the Office shall be the Director of the Office of Intelligence.

"'(2) The Director of the Office shall be a senior executive service employee of the Department.

"'(3) The Director of the Office of Intelligence shall report directly to the Secretary.

"'(c) The Director of the Office of Intelligence shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

"'NUCLEAR SECURITY ADMINISTRATION

"'SEC. 215. (a) There shall be within the Department an agency to be known as the Nuclear Security Administration, to be headed by an Administrator, who shall report directly to, and shall be accountable directly to, the Secretary. The Secretary may not delegate to any Department official the duty to supervise the Administrator.

"'(b)(1) The Assistant Secretary assigned the functions under section 203(a)(5) shall serve as the Administrator.

"'(2) The Administrator shall be responsible for the executive and administrative operation of the functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, (C) the distribution of business among personnel and among administrative units of the Administration, and (D) the procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code. The Secretary shall provide to the Administrator such support and facilities as the Administrator determines is needed to carry out the functions of the Administration.

"'(c)(1) The personnel of the Administration, in carrying out any function assigned to the Administrator, shall be responsible to, and subject to the supervision and direction of, the Administrator, and shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of any other part of the Department of Energy.

"'(2) For purposes of this subsection, the term "personnel of the Administration" means each officer or employee within the Department of Energy, and each officer or employee of any contractor of the Department, whose—

"'(A) responsibilities include carrying out a function assigned to the Administrator; or

"'(B) employment is funded under the Weapons Activities budget function of the Department.

"'(d) The Secretary shall assign to the Administrator direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories. The functions assigned to the Administrator with respect to the nuclear weapons production facilities and the national laboratories shall include, but not be limited to, authority over, and responsibility for, the following:

"'(1) Strategic management.

"'(2) Policy development and guidance.

"'(3) Budget formulation and guidance.

"'(4) Resource requirements determination and allocation.

“‘(5) Program direction.

“‘(6) Safeguard and security operations.

“‘(7) Emergency management.

“‘(8) Integrated safety management.

“‘(9) Environment, safety, and health operations.

“‘(10) Administration of contracts to manage and operate the nuclear weapons production facilities and the national laboratories.

“‘(11) Oversight.

“‘(12) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

“‘(13) Each of the functions described in subsection (f).

“‘(e) The head of each nuclear weapons production facility and of each national laboratory shall report directly to, and be accountable directly to, the Administrator.

“‘(f) The Administrator may delegate functions assigned under subsection (d) only within the headquarters office of the Administrator, except that the Administrator may delegate to the head of a specified operations office functions including, but not limited to, providing or supporting the following activities at a nuclear weapons production facility or a national laboratory:

“‘(1) Operational activities.

“‘(2) Program execution.

“‘(3) Personnel.

“‘(4) Contracting and procurement.

“‘(5) Facility operations oversight.

“‘(6) Integration of production and research and development activities.

“‘(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

“‘(g) The head of a specified operations office, in carrying out any function delegated under subsection (f) to that head of that specified operations office, shall report directly to, and be accountable directly to, the Administrator.

“‘(h) In each annual authorization and appropriations request under this Act, the Secretary shall identify the portion thereof intended for the support of the Administration and include a statement by the Administrator showing (1) the amount requested by the Administrator in the budgetary presentation to the Secretary and the Office of Management and Budget, and (2) an assessment of the budgetary needs of the Administration. Whenever the Administrator submits to the Secretary, the President, or the Office of Management and Budget any legislative recommendation or testimony, or comments on legislation prepared for submission to the Congress, the Administrator shall concurrently transmit a copy thereof to the appropriate committees of the Congress.

“‘(i) As used in this section:

“‘(1) The term ‘nuclear weapons production facility’ means any of the following facilities:

“‘(A) The Kansas City Plant, Kansas City, Missouri.

“‘(B) The Pantex Plant, Amarillo, Texas.

“‘(C) The Y–12 Plant, Oak Ridge, Tennessee.

“‘(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

“‘(E) The Nevada Test Site, Nevada.

“‘(2) The term “national laboratory” means any of the following laboratories:

“‘(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

“‘(B) The Lawrence Livermore National Laboratory, Livermore, California.

“‘(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

“‘(3) The term “specified operations office” means any of the following operations offices of the Department of Energy:

“‘(A) Albuquerque Operations Office, Albuquerque, New Mexico.

“‘(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

“‘(C) Oakland Operations Office, Oakland, California.

“‘(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

“‘(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.’.

“(b) In General.—Section 203 of such Act (42 U.S.C. 7133) is amended by adding at the end of the following new subsection:

“‘(c) The Assistant Secretary assigned the functions under section (a)(5) shall be a person who, by reason of professional background and experience, is specially qualified—

“‘(1) to manage a program designed to ensure the safety and reliability of the nuclear weapons stockpile;

“‘(2) to manage the nuclear weapons production facilities and the national laboratories;

“‘(3) protect national security information; and

“‘(4) to carry out the other functions of the Administrator of the Nuclear Security Administration.’.

“(c) Clerical Amendment.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following items:

“‘213. Office of Counterintelligence.

“‘214. Office of Intelligence.

“‘215. Nuclear Security Administration’.”

Mr. KYL. Mr. President, I express my gratitude to Senator GRAHAM for permitting us to take this next half hour to at least lay this down to begin setting the framework for the discussion.

Mr. BINGAMAN. Would the Senator yield for a procedural question?

Mr. KYL. Yes. I hope this will not come out of the 30 minutes.

Mr. BINGAMAN. I am not intending to take long. I just ask, since we have no time allotted during this time, will the sponsors be available later in the afternoon to answer questions about the amendment, because we have not seen the amendment.

Mr. KYL. Mr. President, absolutely. We will be pleased to answer any and all questions and discuss this at whatever length the Senator would like to discuss it.

Mr. BINGAMAN. Thank you.

Mr. WARNER. If the Senator will yield for a moment, it was the decision of the manager of the bill that the importance of this amendment was such that the sooner it was shared on both sides of the aisle the better, because this is an important amendment. We are making progress towards completing this bill by the hour of 5 o'clock. This is simply the one unknown quantity that we have to assess. This procedure, in my judgment, enables the Senate to get an assessment of the probability of the resolution of this amendment.

Mr. BINGAMAN. Mr. President, I thank the manager for that statement. I am certainly not trying to object, but it is a very large unknown quantity since we have not seen the amendment.

Mr. KYL. Mr. President, I ask unanimous consent that the 30 minutes Senator WARNER asked for begin at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Thank you.

Mr. President, let me briefly describe the purpose of this amendment. I will acknowledge right up front that Senator DOMENICI, from New Mexico, has been a primary motivating factor in addressing this subject, based upon his expertise with our National Laboratories and his concerns about national security. A lot of folks sat down to try to determine what the best course of action would be for us to begin to take steps to ensure the security of our National Laboratories. Certainly, Senator DOMENICI is the person one would first turn to for that kind of consideration.

Next, Senator MURKOWSKI, the chairman of the Energy Committee, is someone who has jurisdiction and who has held hearings and who has a great deal to offer with respect to the organization of the Department of Energy, in particular the weapons programs, so we can ensure that we have security over those programs.

Naturally, Senator SHELBY, the chairman of the Intelligence Committee, has also had his input into this amendment, as have others.

It will be important that each of these key chairmen has an opportunity to discuss this bill. But I especially thank Senator DOMENICI for his efforts in doing literally hundreds of hours of research on the best possible approach to secure our National Laboratories.

That is what this amendment is all about. This amendment is, actually, the second step we will have taken in this defense authorization bill to begin to rebuild the security of our National Laboratories.

In the Armed Services Committee, a provision that deals with this subject was included in the bill. We have incorporated that part of their bill into this amendment. In addition to that, the Secretary of Energy, Secretary Richardson, has some ideas about his organization. The centerpiece of his ideas we have also incorporated into this amendment.

What we are trying to do here is to get the best ideas that everybody has to offer, and thereby ensure that when we finally finish this legislative session, and finish discussing this with the administration, we will have the best possible approach to security at our National Laboratories.

The essence of this amendment is to establish, in the Department of Energy, a new Office of Counterintelligence which would be headed by a senior executive from the FBI. I will come back to that. But that office has been identified in the defense authorization bill. We simply flush out the provisions of that office in that bill and ensure that that officer will have total authority here to deal with issues of counterintelligence at our National Laboratories.

Then the second part of this amendment is to address the longstanding management problems of the Department of Energy, especially relating to the nuclear weapons complex and reorganizing the Department of Energy in such a way that there is a very clear line of authority over the nuclear weapons programs, with a person at the top of that, an administrator, who has the responsibility over all of these nuclear programs, and nothing else, within the Department. And, by the same token, nobody else in the Department, except those who are senior to him, including the Secretary of the Department of Energy, would have any authority over his programs.

In effect, what we are replacing in the Department of Energy is a situation in which all of the rules and regulations and management policies, and everything else that applies to everybody within the Department—including the weapons complex—have created a situation in which, literally, they have not been able to focus on the management of the nuclear weapons complexes, especially with regard to security.

So what this amendment does—in the intelligence community terminology—is to create a "stovepipe" within the Department of Energy. At the top, of course, is the Secretary of Energy. Below him is a person with the rank of Assistant Secretary, called the "administrator," who would, within that stovepipe, have the total authority to operate the Department of Energy weapons programs, including the security functions of those programs.

He would be doing this, of course, in coordination with the office that would be created by the language put in the bill by the Armed Services Committee relating to counterintelligence, with the FBI presence here, and the two of them would coordinate the national security portions of this program.

In this way, you do not have people within the Department of Energy responsible for all kinds of other things. Somebody talked about refrigerator standards and powerplant issues and all of the rest of it. Those people would not have anything to do with this. This group would not have anything to do with them. This would be a discrete function within the Department that would have nothing to do except manage our nuclear weapons programs, including, first and foremost, the security of those programs.

We will have much more to say about the details of this after a bit. Certainly Senator DOMENICI can go into many of the reasons he has helped to craft this in the way that organizationally it will work.

Let me just make two concluding points.

First of all, I do not think we can emphasize enough the need to do something about security at the Laboratories now. One of the concerns that has been raised about the amendment we have offered here is that it is premature, that we should hold hearings, and we should take a long time so we can "do this right."

We have since 1995. And this administration has not done it right. It is time for the Senate to get involved in this issue and begin the debate by putting this amendment out there. We will have plenty of time to deal with this before this bill ever goes to the President of the United States.

This is our approach to the best management for this weapons program. We believe that to delay anymore is to engage in the same obfuscation and delay and, frankly, dereliction of duty that has characterized this administration's approach to national security at our Nation's Laboratories, our nuclear weapons programs. We can't delay any longer.

If I were to go home over this Memorial Day recess, the first thing my constituents would talk to me about is, what about this Chinese espionage? What about security at the Laboratories? If I say to them, well, we were in such a hurry to get this Department of Defense authorization bill done that we didn't really do anything about security at our Nation's Laboratories, we are going to take our time and do that later, I think I would be pilloried, and so would all the rest of my colleagues. Our constituents expect us to act with alacrity. I don't see how we can complain about the Department of Energy and about the administration taking their sweet time to deal with this problem if we don't address it up front and right now.

The second point I make in closing is, with regard to a previous draft of this legislation, the Secretary of Energy is indicating that he doesn't approve of everything in here and might even recommend a veto of the legislation. I am sure by the time he is done hearing the debate and conferring with us and reading the actual language of the amendment, he will be willing to cooperate with us rather than threaten vetoes. We need to work together on this.

I commend Secretary Richardson because from the time he has come in, he has tried to do the job of making reforms at the Department of Energy. But it will not do to say that he is the only one who has any ideas that could work here and for the Congress to but out, thank you.

The Congress has held numerous hearings, both in the House and the Senate. We have a lot of good ideas. Frankly, this management proposal, which has gone through a great deal of thought process about how to provide security at our National Laboratories, is going to be part of that reorganization. I know my colleagues and I look forward to working with the Secretary of Energy to make this work.

As I conclude, might I ask how much time we have remaining?

The PRESIDING OFFICER. Twenty-one minutes remaining.

Mr. KYL. Within 1 minute, I will close. I will come back with more discussion of the rationale for the specific changes we have made in here.

I close by saying this: The only way we are going to be able to guarantee security for the nuclear programs at our National Laboratories in the future is to have somebody with laser-like focus, full responsibility over those programs in the Department of Energy, responsible for nothing else, and nobody else in the Department responsible for these programs. This person should be able to report directly to the Secretary of Energy and to the President of the United States, which is what our amendment calls for. Finally, he should be able to work very closely with the Office of Counterintelligence established in the other part of this bill.

That is the essence of what this does. It detracts nothing from what Secretary Richardson is trying to do. As a matter of fact, it fits very nicely with what the Secretary is trying to do. I believe that, working together, we can provide security at our Nation's Laboratories and, therefore, security for the people of the United States.

I thank the Chair, and I yield to Senator DOMENICI from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the Chair will advise me when I have used 10 minutes so there will be 10 minutes remaining for Senator MURKOWSKI.

The PRESIDING OFFICER. The Chair will be more than happy to do that.

Mr. DOMENICI. Mr. President, I note the presence on the floor of my distinguished colleague from New Mexico, Senator BINGAMAN. He can rest assured that we intend to answer any questions he might have, debate any amendments he might have, and do this in a way that all of us can feel is right.

Nobody was more saddened than this Senator when the Cox report was issued and when many of the facts broke in the New York Times and other newspapers about a Chinese espionage effort.

I have been working with these Labs for a long time. I believe we are very fortunate as a people to have these National Laboratories in our midst. Looking at the science they practice, the technology they develop, and the way they have protected and preserved our nuclear options during a long cold war, with a formidable opponent who chose another route in terms of making nuclear weapons but is nonetheless formidable both in capacity and number, we are very fortunate that up until this time in history, with a few times when it wasn't true, almost without limit the very best scientists in America cherished working at one of these three great Labs and at the defense portion of the Lab in Tennessee at Oak Ridge. Great scientists, great Nobel laureates serving America well.

The problem now is, it has become obvious that for a long time, with the biggest emphasis here in the last 3 or 4 years, the Chinese, the People's Republic of China, and their spies and cohorts have engaged in a solid effort on many fronts to extract as many secrets as they could from these Laboratories. We now know there is a high probability that they have succeeded and that our children in the future will have a much more formidable Communist Chinese leadership confronting the world with a much more formidable set of rockets, delivery systems, and nuclear weapons.

All of their sabotage did not occur, all of their efforts to spy did not occur, at just the Laboratories. They have had a concerted effort across our land. But there is an adage that says, if it ain't broke, don't fix it. The counter one to that is, if it is broke, fix it. Frankly, before the day is out, as I attempt to answer questions about this approach, I will read to the Senate reams of reports, many of which have occurred in the last 4 or 5 years, telling us that we must change the way we manage the nuclear defense part of the Department of Energy. Now we have a reason to do it and a reason to get on with that business.

Frankly, I have struggled mightily to try to figure out what is the best approach under these circumstances. I am firmly convinced that with the assault on the Laboratories and our scientists that is coming from the Congress and coming from across this land, we had better take a giant step right now to move in the right direction and to assure people and assure the Laboratories that we are not going to do anything to hurt their science base and their professionalism and their capacity to stay on the cutting edge for us and our children and our future.

The Laboratories, under this proposal, will retain their multiple-use approach. They can do work beyond and outside of what they do for the nuclear deterrent part of this bill.

I am very disturbed when I hear that the President of the United States is against this, that he may have even made a few phone calls. I figured those are coming because his trusted friend, the Secretary, who is also my friend, Bill Richardson, wants to make all of the changes in the Department part of an administrative change.

Let me say loud and clear, as good as he is, as hard as he is trying, as much autonomy as the President gives him, the Secretary of Energy cannot fix this problem without congressional help. That is what we are trying to do here today. We are trying to fix something so our nuclear deterrent will have a better chance of remaining the best in the world and as free as humanly possible from espionage and spying.

Frankly, before the afternoon is finished, I will read excerpts from three reports in the past 5 years just crying out to fix it.

We piled together various functions and put them in the Energy Department. We created a bunch of rules within the Department that do not distinguish between the management of nuclear deterrent affairs and the management of such things as refrigerator efficiency research. They are all in the same boat, all subject to the same management team, hundreds of functions that have nothing to do with nuclear deterrence. Yet security was left in a position where the right hand didn't know what the left hand was doing.

And if you look at how it is structured, you can probably figure out that there is some justification for it being in such a state of chaos. There is not enough focus on the seriousness of the issue. Even when signs and signals came forth, there have been people within the Department of Energy who didn't do their job right. There have been people at the Laboratories who didn't do it right. There have been people at the FBI who clearly messed up, and there have been people in the White House who surely didn't rise up strongly enough and say something must be done now.

Essentially, what we are doing in this bill is to carve out within the Department of Energy—carve out kind of an agency, for lack of a better word. It is going to be called the Security Administration, or Security Administrator, and an Assistant Secretary will run it and be responsible to the Secretary and in total charge. That one individual will be in total charge of the nuclear deterrent effort, as defined in this bill.

There will be an extra reporting system that Senator MURKOWSKI asked us to put in with reference to security breaches being transmitted to the President of the United States and to the Congress, as soon as they are known, by this Assistant Secretary who is totally in charge of this new administration within the Department of Energy. They will have their rules and regulations, and they will conduct the affairs singularly and purposefully to make sure our nuclear deterrent is handled correctly and that the security apparatus is done efficiently and appropriately.

Once again, I say to the Senators on the other side of the aisle, including my friend Senator BINGAMAN, and the Secretary of Energy, who, obviously, is working hard to defeat this amendment, we ought not to defeat this amendment. If you have some constructive changes, let's get them before us. We ought to send to that conference at least something that is much more formidable and apt to do the job than we have done in this bill, because we are apt to find some very serious suggestions coming from the House.

If this bill goes there with no serious changes in the Department of Energy, they are apt to be changed by the House. We ought to have our input, and I am very proud that every chairman of every committee on our side of the aisle who will have anything to do with this in the future has signed onto this amendment—the Intelligence Committee chairman, the Energy and Natural Resources chairman, Government Operations, and I am the Senator who appropriates the money. We are all on board asking that we take this step in the direction of real reform and that we can go home saying this defense bill, when it finally comes out, may indeed start us down a path that not only the Chinese, but nobody will be able to breach the security the way they have in the past.

Now, from my standpoint, there is not going to be a perfect structure ever designed for the nuclear deterrent work, nuclear weapons work, of the Department of Energy. It is complicated, it is complex. That Department is complicated and complex, but there is nothing within that Department more important than this. I have been listening, as people have ideas about what ought to happen, and I am worried about some of those ideas. I am not worried about this idea.

I am not worried about this idea; this idea will work. What I am worried about are ideas that are talking about putting these Laboratories in the Department of Defense, which started from Harry Truman on down that it was something we thought we should not do as a Nation. I am worried when this bill goes to conference and, in the heat of all this, we will do something we should not do. If they adopted this amendment, I would feel very comfortable, as a Senator, with these Laboratories. I have probably worked longer and harder on these issues than any Senator around, and I would be comfortable that we are starting down a path to make it work and yet keep alive that enormous prestige and scientific prowess that has served us so well.

Before the afternoon is finished, we will have more remarks. I yield the remainder of my time to the chairman of the Energy and Natural Resources Committee and thank him for his efforts in this regard.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the senior Senator from New Mexico. I rise to join with Senators KYL, DOMENICI, and SHELBY to offer an amendment which I feel confident creates accountability in the Department of Energy for protecting our country's national security information.

Mr. President, it is clear that the Cox committee report and the Senate's investigation of Chinese espionage at the Labs highlighted, in a sense, a dysfunctional Department of Energy. Even though the Department of Energy's chief of intelligence, Notra Trulock, was ringing alarm bells starting back in 1995, it simply seems that nobody was listening. Today, we find that nobody is accountable.

We recognize the structure of the system simply didn't work. For Mr. Trulock to get approval to brief senior officials, he had to go through more junior officials. He could not brief the Congress without approval. He didn't have access to the executive branch. What the amendment that is pending creates is real accountability—accountability at DOE, accountability for the President, and accountability for the Congress. It puts into law an Office of Counterintelligence and mandates that the director report to the Secretary, the President, and the Congress, any actual or potential threat to or loss of national security information.

We have seen a situation where the individual responsible simply didn't have the capability to get the message through the process—to any of the four Secretaries of Energy whom we could identify for the record.

Further, this would require a report once a year to the Congress regarding the adequacy of the Department of Energy's procedures and policies for protecting national security information, and whether each Department of Energy Lab is in full compliance with all Department of Energy security requirements. The National Labs clearly had different security arrangements previously.

The amendment also would prohibit any officer or employee of the Department of Energy or any other Federal agency from interfering with the director's reporting. No interference, Mr. President.

Secretary Richardson has introduced several initiatives aimed at correcting the security problems at the Labs. I commend him for his efforts. I welcome the Secretary's initiative, energy, and enthusiasm, but without a legislative overhaul, I doubt his ability to change the mindset at the Department of Energy which has plagued every other reform initiative.

It is kind of interesting to go back and look at the attempted reforms. Victor Rezendes, a director of the GAO, who has closely followed security initiatives at the Labs, made the following observation:

> DOE has often agreed to take corrective action, but the implementation has not been successful.

A former head of security at Rocky Flats weapons plant, David Ridenour, was more blunt. He was quoted in USA Today on May 19:

> It's all the same people and I think they'll continue to fall back into old ways. If there's a problem, classify it, hide it and get rid of the people who brought it up.

Recall the so-called Curtis plan, which was put forth by Deputy Secretary Curtis. A good plan, but after Mr. Curtis left the Department, it was either disregarded or forgotten. It was so quickly forgotten, as a matter of fact, that Mr. Curtis' successor as Deputy Secretary wasn't even informed of its existence. There is no excuse for that.

The New York Times reported that a November 1998 counterintelligence report contained some shocking warnings, including that foreign spies "rightly view the Department of Energy as an inviting, diverse and soft target that is easy to access and that employees are willing to share information."

So change is necessary. I think creating this new line of responsibility will help change the mindset at the Department of Energy. The amendment puts the DOE on the road to accountability by creating under the law an Office of Counterintelligence, an Office of Intelligence, and a Nuclear Security Administration.

More legislation, obviously, is going to be needed. We simply don't have all of the answers now. But the Cox report fills in some of the shocking details. After months of investigation, they have revealed frightening information about the true ineptness of the espionage investigation.

I understand that the Secretary of Energy opposes this amendment. I am sorry to hear that. I gather he sent a letter up here indicating that he will recommend that the President veto the bill because Congress is taking action to fix the problem. But what does he want Congress to do? Wait to take action until U.S.-designed nuclear weapon warheads are launched at U.S. cities?

The problem is precisely that serious. After what we have learned about security failures at the Department of Energy, I dare—I dare—the President to veto this legislation.

It is time for action, and that is what we are talking about with this amendment.

If one looks at where we are today, I am struck by three revelations.

First, we have in the Cox report stunning information about a compromise of our national security that was self-inflicted. We can blame the Chinese for spying. But this happened as a consequence of our own failure to maintain adequate security in the Laboratories. Security of our most important Laboratories has been marginal at best.

We find that U.S. companies—Loral and Hughes—allowed their commercial interests to override our national security interests. We gave the Chinese a roadmap on how to shoot their missiles straight and how to arm those missiles with nuclear weapons. Aimed at whom? Well, that is another concern.

Second, how much of this happened on President Clinton's watch?

Third, the balance of power in the Asia-Pacific region could be affected by the information they have obtained.

Based on these finding, I believe now is the time for Congress to demand accountability from those who allowed this to happen. We should not allow the administration to simply promise change with reforms that in previous efforts have been tried but have failed.

One would not respond to, say, a burglary by saying that the robber is irrelevant. Our Nation has been robbed. Years of research and hundreds of billions of taxpayer dollars are lost to the Chinese. Who is responsible?

What should be done is that the Attorney General should testify in public and tell the American people why the Department of Justice denied requests for access to computer and wiretaps.

FBI Director Freeh should testify in public as to why the FISA warrant was inadequate. Director Freeh should also explain the so-called "misinformation" on Wen Ho Lee's signed waiver of consent to access his computer.

Sandy Berger should testify. He might require a subpoena. So be it. The public is entitled to his testimony. Mr. Berger was briefed in April of 1996 and July of 1997. Berger should be forced to testify as to what precisely he told the President and when.

Congress should also subpoena the written summary of the Cox report to President Clinton, which the President received in January of 1999.

Let us judge whether the President was being forthcoming in his March 1999 statement when he said:

> To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the laboratories during my presidency.

What did the Vice President know? When did he know it?

The Vice President told the American people on March 10:

> Please keep in mind that the [alleged espionage] happened during the previous administration.

Now the Vice President is rather silent. What was he told by his National Security Adviser, Leon Fuerth, who was briefed in 1995 and 1996?

I have held six Energy Committee hearings. At another time I want to detail what I have learned from those hearings. But let me summarize very briefly.

Our Laboratories have not and still are not totally prepared to protect our Nation's nuclear secrets.

The DOE put our national security at risk by not searching Wen Ho Lee's computer in 1996 in spite of information about Chinese targeting of lab computers.

The FBI investigation was bureaucratic bungling. The right hand never knew what the left hand was doing.

Regarding the waiver, we have learned that on March 22, 1995, the Los Alamos Lab issued a policy to all employees, including Wen Ho Lee, stating that "the laboratory or Federal Government may without notice audit or access any user's computer."

On April 19, 1995, Wen Ho Lee signed a waiver at the DOE Lab to allow his computer to be accessed. This is the actual copy of the waiver that Wen Ho Lee signed on April 19, 1995. My committee heard testimony from the Los Alamos Lab director, the DOE attorney, the DOE director of counterintelligence. All agreed that Lee's computer could be searched because of these waivers.

Why wasn't his computer searched and the loss of our nuclear secrets prevented? Because the FBI claimed that the DOE told them there was no waiver. The FBI then assumed that they needed a warrant to search.

Here is how the Los Alamos Lab director summed it up.

> The FBI and the Department of Justice decided they should seek court approval before accessing the subject's (Lee's) computer. The Labortary's policy seems clear to be sufficient for FBI access, but the legal framework affecting the FBI's actions, as viewed by them, apparently prevented this.

What is the result? Lee's computer could have been searched but instead was not searched for 3 long years. Yet there was a waiver. This waiver was there the entire time, and the FBI didn't know it.

And then there was DOJ's role: DOJ thwarted investigation by refusing to approve FISA warrants—not once, not twice, but three times! Still have not heard a reasonable explanation.

What's frightening, as well as frustrating, is that no one put our national security as a priority. FBI and DOJ more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history.

The events involved throughout the Lee case are not only irresponsible—they're unconscionable.

That is why we must have this security change. This is why this amendment must prevail.

Mr. President, I ask unanimous consent that the "Rules of Use" which Wen Ho Lee signed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF USE

X-DIVISION OPEN LOCAL AREA NETWORK

WARNING: To protect the LAN systems from unauthorized use and to ensure that the systems are functioning properly, activities on these systems are monitored and recorded and subject to audit. Use of these systems is expressed consent to such monitoring and recording. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil penalties.

Passwords. User passwords are assigned by the X-Division Computing Services (XCS) Team. Exceptions may only be granted by the CSSO. Users may not use their unclassified ICN password. Passwords must be changed each year in cooperation with an Open LAN Computer Security Officer or network administrator. Passwords will not be given out or shared with any other person. Users may not change their passwords. Users will protect passwords according to Laboratory requirements.

Classified Computing. No classified information or computing is allowed on the X-Division Open LAN.

User Responsibilities. Users are responsible for:

Ensuring that information, especially sensitive information, is properly protected.

Restricting access to their workstation or terminal when it is not attended. The workstation or terminal should be set to a state where a user password is required to gain access (e.g., lockscreen software) or the office door is locked.

Using the X-Division Open LAN only for official business purposes.

Properly reviewing, marking, protecting, accounting for, and disposing of their computer output containing sensitive unclassified information. See X-Division Guidance on Computers, available from the XCS Team, for more information.

Properly labeling and logging of all recording media, including local storage devices. See X-Division Guidance on Computers for more information.

Installing and using virus control programs, if applicable to their system.

Reporting security-related anomalies or concerns to the X-Division Computer Security Officers.

Promptly reporting changes in the location, ownership, or configuration of their workstation to the X-Division Computing Services Team.

Promptly registering all computer systems (open, classified, standalone, networked, and portable) with the X-Division Computing Services Team to comply with DOE and Laboratory orders.

Posting their Rules of Use and workstation information addendum next to their workstations.

User Restrictions. Users are not permitted to:

Use a workstation or terminal to simultaneously access resources in different security partitions. Workstations which move between different security partitions must be sanitized according to the X-Division Computer Sanitization Policy which must be posted next to such workstations.

Install or modify software which has an adverse effect on the security of the LAN.

Add other users or systems without the prior approval of an X-Division Computer Security Officer.

I understand and agree to follow these rules in my use of X-Division OPEN LAN. I assume full responsibility for the security of my workstation. I understand that violations may be reported to my supervisor or FSS-14, that I may be denied access to the LAN, and that I may receive a security infraction for a violation of these rules.

Signed: Wen Ho Lee.

Date: April 19, 1995.

Mr. MURKOWSKI. I thank my friend, the floor manager, for the time.

I wish the President a good day.

Mr. WARNER. Mr. President, we have negotiated the amendment of the Senator from Florida. I ask unanimous consent to speak for 2 minutes on this amendment prior to going to the amendment of the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I strongly support this amendment. I view it as an augmentation of what we have in the defense bill. I understand my colleague from New Mexico addressed the defense bill. I ask the question of my colleague from Alaska. The provision in the defense bill is a direct product of the working group assembled by the majority leader, Senator LOTT. I am not entirely sure what Senator DOMENICI said about the provisions of the defense bill. But the Senator from Alaska incorporated a portion of that in his bill. So there is some redundancy. But I look upon the two as joining forces and, indeed, putting forth what is essential at this point in time.

Does the Senator share that view?

Mr. MURKOWSKI. I share that view with the senior Senator from Virginia. It is my understanding that the leader is still prepared to go ahead with his amendment known as the Lott amendment.

Mr. WARNER. Mr. President, I wish to advise my colleague that the amendment has been agreed to and is in the bill now.

Mr. MURKOWSKI. Good.

Mr. WARNER. There are really three components: One, the Armed Services' position; Leader LOTT's position; and the position recited by the three Senators who are sponsors of this amendment. But it all comes together as a very strong package. I hope it will be accepted on the other side.

I yield the floor.

Mr. President, I hope that Senators SHELBY and ROBERT KERREY are aware that this amendment is now up, and they have 15 minutes under their joint control reserved.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

AMENDMENT NO. 447

(Purpose: To establish a commission on the counterintelligence capabilities of the United States)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida (Mr. GRAHAM) proposes an amendment numbered 447.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I also ask unanimous consent that Sandi Dittig of our staff be allowed on the floor for the duration of the debate on the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, thank you.

Mr. President, I have presented the Senate with an amendment to the Defense Department authorization bill. The amendment would establish a national commission to conduct an indepth assessment of our Government's counterintelligence programs.

The discussion we just had for the past 30 minutes I think underscores the necessity of the amendment I am offering. I am afraid we are about to be put into a position in which there is a rush to action. It is almost analogous to the metaphor of firing before you aim.

We have in the defense bill, as an example, a very comprehensive commission on safeguarding security and counterintelligence at the Department of Energy facilities. That begins on page 540 of the committee bill. Among other things, it states that the commission will determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats of the disclosure of such information, processes, and activities.

In the same bill where we are establishing a commission to review those issues of process, we are now about to adopt an amendment which countermands this commission by making a decision based on 30 minutes of floor debate for answers to provide greater security at the Department of Energy.

I suggest these proposals have not received the thought and consideration which their importance to the Nation deserves. I also am concerned that there is a highly partisan atmosphere being developed.

In today's Roll Call magazine there is an article which quotes one congressional staffer as saying,

> We're going to milk this [the Chinese espionage issue] for all it's worth.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately after my remarks a copy of that article.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, as members of the Congress, we need to accept our responsibility and accept the importance of counterintelligence to our national security. The country cannot afford a partisan debate. We cannot afford a piecemeal solution to what is a complex set of issues. Yet with the amendments that are being offered in both Houses, that is exactly what we are getting.

My amendment represents an attempt to transform a potentially destructive partisan debate into a nonpartisan, objective, dispassionate, and comprehensive review of current counterintelligence policies—not just at the Department of Energy, but across the government—a review that is long overdue.

Such a review would address a number of issues: What is the nature of the counterintelligence threat? The nature of the threat goes far beyond China and it goes far beyond our Department of Energy National Laboratories. For example, there are 24 countries on the Department of Energy's sensitive country list. Those countries include those that we would expect to be on such a list—China, Cuba, Iran, Iraq—but the list also includes India, Israel, and Taiwan—countries, I suspect, many Americans would be surprised to find on that list.

Another example of the threat relates to the missile programs in India, Pakistan, and North Korea. To what extent have their programs benefited from American technology and knowhow gleaned from our Labs or other high-tech institutions? What leads us to believe that our only vulnerability is from China?

The threat goes beyond the traditional security parameters of guns, gates, and guards at the Department of Energy. We must include an indepth look across the government and at the new areas of security vulnerability.

I have a report from the General Accounting Office issued to the Congress on May 20, 1999. This was an analysis of the vulnerability of the NASA, the National Aeronautics and Space Administration, about the vulnerability of its system to security penetration. I will read a paragraph titled "Results in Brief."

> We successfully penetrated several mission-critical systems, including one responsible for calculating detailed positioning data for Earth orbiting spacecraft and another that processes and distributes the scientific data received from these spacecraft. Having obtained access to these systems, we could have disrupted NASA's ongoing command and control operations and stolen, modified, or destroyed systems software and data.

That is just another example of our national vulnerability.

Who should assess this threat? I believe that the commission that should be established by this amendment would appropriately represent the interests of the American people through the administration and the legislative branches and would necessarily include persons with strategic vision and specific counterintelligence experience. I have used as the model for the establishment of this commission, a commission which was established by the Congress in 1994 under the leadership of Senator WARNER, a commission which became known as the Aspin-Brown Commission, to look at our intelligence community.

Like that commission, this would have 17 members. The President would appoint 9, the leadership of the Senate and the House—majority and minority—would appoint a total of 8 commissioners.

The commission would be charged with assessing the current counterintelligence threat and the adequacy of resources being applied to that threat. Commissioners would also examine current personnel levels and training oversight—both executive and legislative—coordination among government agencies, the laws now on the books and their adequacy, the adequacy of current investigative techniques and, last but not least, attempt to determine whether vigorous counterintelligence capability can coexist with important work carried out by our National Laboratories and other important technological institutions.

It is important that we keep counterintelligence problems and possible solutions in some perspective. There is no doubt that counterintelligence deficiencies of the Department of Energy are longstanding. They have been excruciatingly well documented over a long period of time. We should have addressed these issues years ago. But as serious as our counterintelligence weaknesses are at the Department of Energy and at our National Laboratories, effective focus on counterintelligence issues must take into account many other agencies of the government. It must do this if we are to construct a comprehensive and effective counterintelligence response.

Those agencies, of course, include those belonging to the intelligence community, but also must include agencies such as NASA, whose vulnerability I have just outlined, and the Department of Commerce, which has had the responsibility for reviewing highly technical decisions on whether it is appropriate to license for export particular dual-use machinery that might serve a military purpose.

These reviews of agencies like NASA and the Department of Commerce have not been viewed in the past as warranting the degree of counterintelligence focus which I believe they deserve. For those who argue that we can't wait for the commission, that we must act today, I point out that the immediate counterintelligence issues facing our Department of Energy National Labs are being addressed.

According to Ed Curran, a highly respected 37-year FBI veteran who now heads the Department of Energy's Counterintelligence Office, 75 to 80 percent of the Tier One recommendations resulting from a 1998 FBI evaluation of Lab counterintelligence are now in place. The remainder will be in place within 7 months. These are important steps that will go a long way in the short term to protect the work going on at the Labs.

In the heat of the moment, numerous recommendations are being put forward to improve counterintelligence at the Department of Energy. Some of them may be useful. Others, such as placing counterintelligence at the Labs under the FBI's control, may not be. All recommendations deserve careful, objective, and dispassionate attention. I believe a commission of the type that this amendment would establish would be the appropriate place to begin such a comprehensive reexamination.

I suggest that we draw a collective breath, that we step back, that we take a serious indepth look at this very complicated issue, and that we reach a consensus as Americans on the best way to proceed. I am convinced if we force solutions and force them beyond our current analysis and rush our deliberations, that we are likely to end up asking the wrong questions and coming up with the wrong answer. America will be disserved by this pattern of action and the Congress will be the culprit.

EXHIBIT 1

[From Roll Call, May 27, 1999]

COX REPORT SPARKS WAVE OF GOP INITIATIVES

(By John Bresnahan)

This week's release of the report on Chinese espionage by the select House committee chaired by Rep. Christopher Cox (R-Calif.) has triggered a wave of legislative initiatives.

Senate Republicans are pounding on senior administration officials, including Attorney General Janet Reno, for their perceived failure to address some of the most serious allegations dealing with the scandal, including the Justice Department's refusal to go along with an FBI wiretap of a scientist suspected of transferring sensitive nuclear data to the Chinese government.

Reno is scheduled to appear today before the senate Judiciary Committee in closed session to talk about her role in the denial of the wiretap request.

Wen Ho Lee, a Taiwanese-born scientist, was fired recently from his job at the Los Alamos National Laboratory in New Mexico due to his alleged involvement with Chinese intelligence officials.

Lee first came under scrutiny in 1996 after U.S. intelligence officials learned the Chinese government may have acquired data on an advanced U.S. nuclear weapons systems. The following year, the Justice Department declined to seek a warrant to conduct electronic surveillance on him, with officials arguing that they did not have sufficient evidence to approve such a step.

Senate Majority Leader Trent Lott (R-Miss.) now believes Reno personally denied the FBI request for electronic surveillance on Lee, a reversal of his earlier position that he did not think she was directly involved in the controversy.

"It looks to me like the line goes directly to her," said Lott. "Clearly, it's indefensible in my mind these two [search] requests were turned down."

Lott, though, backed away from any suggestion that Reno should step down from her post.

"I have not called for [her] resignation," noted the Majority Leader.

Sen. Richard Shelby (R-Ala.), the chairman of the Select Committee on Intelligence, has already called on Reno to resign.

Reno could also face tough questioning from Sen. Robert Torricelli (D-N.J.), who has been highly critical of Reno's behavior, during her Thursday appearance.

"I believe President Clinton needs to make an assessment whether Janet Reno is properly administering the department and whether she has any culpability for this failure to find probable cause to issue this warrant," Torricelli said this week.

National Security Adviser Sandy Berger has also come under fire from GOP Congressional leaders for his role in the scandal.

Senate Republicans plan a broad legislative offensive on China, possibly including new restrictions on the ability of the Chinese officials to travel within the United States during visits here, although they are promising to move slowly on the issue. Republicans are using the recommendations included in an earlier Intelligence Committee report, as well as the Cox report, as the basis for the legislation, said GOP staffers.

But Lott is still hedging on whether to set up a special Senate investigative committee to look into Chinese espionage, despite calls from some Senate Republicans to do just that.

Sen. Bob Smith (R-N.H.) introduced a bill this week calling for a special committee, while Sens. Tim Hutchinson (R-Ark.) and Arlen Specter (R-Pa.) support the idea, according to GOP sources.

The GOP staffers say senior Republicans, including several committee chairmen, are opposed to the idea, believing that Clinton and the Democrats may use the panel as an opportunity to attack Republicans for conducting a witch hunt for Chinese spies.

"This idea is not dead," said a senior Senate GOP staffer. "It's going back and forth. It's still percolating."

Lott has inaugurated weekly meetings of his China task force, which includes Shelby, Armed Services Chairman John Warner (R-Va.), Foreign Relations Chairman Jesse Helms (R-N.C.), Governmental Affairs Chairman Fred Thompson (R-Tenn.), Energy and Natural Resources Chairman Frank Murkowski (R-Alaska), as well as GOP Sens. Specter, Thad Cochran (Miss.), Pete Domenici (N.M.), Jon Kyl (Ariz.), Tim Hutchinson (Ark.) and Craig Thomas (Wyo.).

That group is giving Lott weekly updates on China, although the Mississippi Republican also wants to get the most political mileage he can out of the Cox report.

"We're going to milk this for all its worth," said one Senate GOP staffer. "What we do next is still being considered."

Senate Minority Leader Tom Daschle (D-S.D.) has been echoing the White House line that past administrations, including those of former Presidents Ronald Reagan and George Bush, were guilty of lax oversight of Chinese intelligence activities within the United States.

Daschle cited an 1988 internal Energy Department study that found "a significant amount of important technology may have been lost to potential adversaries through visits" that took place in the early 1980s.

Mr. WARNER. Mr. President, I ask that amendments sent prior to the passage of the bill—that the chairman and ranking minority member be recognized to offer a managers' package of amendments, notwithstanding the previous consent agreement with respect to the 2:30 p.m. deadline today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I rise unfortunately to speak in opposition to the amendment offered by the Senator from Florida, Senator GRAHAM. Let me say, first of all, I think the intent of this bipartisan commission is right on target; that is, that we take care not to rush to judgment, and in our rush to judgment——

Mr. WARNER. Mr. President, could I ask the Senator to yield for one administrative announcement? I ask all Senators and their staff to pay attention to a hotline call, which will come very shortly, to clarify the earlier unanimous consent agreement regarding filing of first-degree amendments. That includes the need for the offices to resubmit certain amendments that may have otherwise been informally sent over to the floor staff. So a complete submission is necessary as indicated on the hotline. I thank the Senator.

Mr. KERREY. Mr. President, the Senator from Florida has identified a very serious potential problem, which is that we have now, in the aftermath of the report that was produced and made public by Congressman COX and Congressman DICKS, a great deal of interest in doing something, to take some action to look like we are solving the problem.

What I understand the Senator from Florida to be saying is we should take a collective deep breath, and I quite agree with him. Because I think not only is it possible, it is likely, if we are not careful, we will, in our actions, do things that will make the country less safe, not more safe and secure.

Perhaps the most important thing to be saying about the Cox and the Dicks report is that there is a lot less there than meets the eye. By that, I don't mean to say I am critical of the report, although there are three or four conclusions they reach with which I do not agree, that I do not think are supported by the classified report they have filed. I see in the Cox-Dicks report—and in fact in their own evaluation they say: This was not a comprehensive study; there were a lot of things we were not able to check out.

I believe that is essentially what the Senator from Florida is saying. There is still a lot that neither the Cox-Dicks committee, the Temporary Special Committee, nor the House and the Senate Select Committees on Intelligence, have examined. Indeed, one of the people we asked to do an evaluation of the damage, Admiral Jeremiah, has said in the report he gave to us it is terribly important that we do a net assessment; we try to establish what the gains were, what the losses were, before we move on.

I am just not persuaded, I say to my friend from Florida, that this commission he is proposing—that would be essentially similar to the Brown-Aspin Commission; I think it is modeled after that commission—is the right way to do it.

I propose as an alternative, No. 1, the Senate Select Committee on Intelligence try to come up with a scope of study similar to the Jeremiah study, try to put it in the intelligence authorization bill, but, in other words, challenge our committee to do something similar to what we did with Admiral Jeremiah. He started to do a damage assessment for us.

I think much more needs to be done before the Congress knows for certain, A, what the damage was and, B, for certain what exactly it is we ought to do.

I know the majority leader has, and I am cosponsoring with him, some changes he is recommending that we will be recommending to be made. But these are pretty limited. Many of these things can be done administratively. They really are just based upon what we know right now. So, while I find myself unpersuaded by this amendment—although maybe with a little bit more time I could have been persuaded—I am not persuaded we need a commission of this kind. I am persuaded we do need further examination, in fact a more thorough examination, than done to date.

The damage has been done. So we make certain in our response to this story of espionage and story of lax security, not just at the Labs but in monitoring and watching the satellites that were being launched in the Chinese Long March program, and the whole export regime we have established to make certain we do not export things that are then used against us in some fashion, that we do not presume, in short, that we know everything that happened and we do not take action that could make the problem worse.

I believe what the Senator from Florida is suggesting to us is right on target. We have to be very careful that we do not rush to judgment and do things that will make things worse. So I recommend an alternative that I think will enable us to accomplish the same objective.

Again, I have great respect for the Senator from Florida and what he is trying to do. I think I vote with him 9 out of 10 times and do not like to be in a position where I am opposing his amendment.

Mr. GRAHAM. Will the Senator from Nebraska yield for a question?

Mr. KERREY. It depends on the question.

Mr. GRAHAM. One of the principal purposes of this commission starts with a recognition that our counterintelligence problems, or vulnerabilities, are not limited to Chinese penetration and are not limited to Department of Energy Laboratories. In fact, I have quoted from a study by the General Accounting Office that is less than 10 days old about a major potential penetration in NASA of its computer systems.

The question: "Would the Senator agree that whatever form Congress took to look at this issue, in addition to being rational, prudent, thoughtful, that it should also be comprehensive, in terms of the agencies of the Federal Government and the potential sources of efforts to penetrate those agencies?"

Mr. KERREY. I answer emphatically yes. It needs to be Governmentwide. Indeed, I would say to the Senator, as he no doubt knows, there is also vulnerability with contractors, current and former employees. There is a significant amount of vulnerability.

Let me point out in the case of the transfer of these designs that have been reported to the public, we are not 100 percent certain that they were transferred out of Los Alamos. That is the problem. This design was held by many other people other than Los Alamos. So that is one of the problems here. When you take this particular situation, if you are 100 percent certain it is Los Alamos, tighten up security at the Lab. If you are not 100 percent certain and we tighten up security in the Lab, we may be tightening up security in a place that is not the problem.

So I think there is reason to believe the changes that have been suggested thus far will not damage us. But I think what the Senator is saying is exactly right. It needs to be Governmentwide. It needs to look at the contractors.

Another thing I think needs to be considered, there was an op-ed piece written by Edward Teller, published in the New York Times. Mr. Teller can best be described as somebody whose lifetime has been devoted to the task of making certain the United States of America has a robust nuclear deterrent and that nuclear deterrent was adequate to protect the people of the United States of America and our interests.

Mr. Teller says, and I agree with him, by the way, by the time you put all other security measures in place, the most important deterrent against losing our technological superiority is not defensive measures but making certain we allocate enough for research and development and we keep the pointy edge of our technological spear sharp. So long as we continue in research and development, not just in design but construction and deployment, Mr. Teller is saying you decrease the possibility that espionage or some other transfers—in some cases transfers you do not even think about—will do damage to the security of the United States of America.

Mr. GRAHAM. Mr. President, will the Senator from Nebraska yield for another question?

Mr. KERREY. Yes.

Mr. GRAHAM. The Senator's last point about trade-offs highlights the fact that we risk making our nation less secure if we are not careful with our solutions. We could potentially be lured into doing what Hitler did in the 1930s and 1940s; that is, prevent intelligent and capable people from participating in our nation's government and society on the basis of their ethnicity. So we do not want, as some have suggested, ethnic standards determining who will have an opportunity to access our laboratories. In my judgement, security should be based on the individual who is involved, not on that individual's membership in a larger ethnic group. The danger of denying our nation a pool of talent due to ethnic stereotyping illustrates the complexity of this issue.

Would the Senator agree also that in order to sort through all of those complexities——

The PRESIDING OFFICER. The 7½ minutes of the Senator is up.

Mr. GRAHAM. Since I don't think Senator SHELBY has arrived——

Mr. KERREY. He is here.

Mr. GRAHAM. I ask unanimous consent to complete my question and give Senator KERREY 2 minutes to respond.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAHAM. Does the Senator agree that in order to sort through those complexities, we would need a group of Americans who can look at this both from a strategic perspective as well as from the technical competencies of what is required to do appropriate counterintelligence protective processes and methods?

Mr. KERREY. Yes, I do. I have to answer the first part of the Senator's question no. I do not think we are in any danger of following Adolf Hitler's example, but I do think we need to be careful that in an effort to restrict who gets to know things we do not create an additional security problem.

We have had many examples, as we try to figure out what goes wrong with a national security decision, especially intelligence, where we discover that the problem was Jim knew it; Mary didn't know it. Neither one of them had a right or need to know what each other was doing. As a consequence of them simply walking from one cubicle to the other talking, a mistake is made.

We have to be very careful in exercising our judgment in what ought to be done in tightening things that we do not actually create additional security problems.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. SHELBY. Mr. President, I oppose the Graham amendment as the chairman of the Senate Intelligence Committee. We should, as an institution, oppose all efforts to devolve the authority and the responsibility of any congressional committee to an outside group, such as this commission, when there is no compelling reason to do so, and there is certainly no compelling reason to do so in this instance at this time.

As my colleagues probably know, the Intelligence Committee is already aware of the state of our counterintelligence capabilities. I have worked with the vice chairman, Senator KERREY, and other Members on both sides of the aisle, in dealing with our counterintelligence capabilities because we are engaged in the committee now in an ongoing legislative oversight of the intelligence community's approach to counterintelligence activities and espionage investigations. That is an ongoing, very much alive investigation.

We have a tremendous staff, I believe—and I believe the Senator from Nebraska, the vice chairman, joins me in saying this —a very able staff on the Senate Intelligence Committee that is deeply involved in a bipartisan way in this investigation.

The committee has recommended, and will continue to recommend as our investigation unfolds, substantive changes in this area. We are working with the majority leader, with the minority leader, and their staffs in this regard.

I believe the Intelligence Committee is completely capable—and I believe the vice chairman has already indicated this—of addressing this relatively small but very, very critical area within the National Foreign Intelligence Program.

Most important, though, this legislation presumes the failure of congressional oversight, and that did not happen. It did not happen in this instance, and the Senator from Nebraska, who has just come back on the floor, was very involved as the vice chairman of this committee in pushing for more money for counterintelligence. That goes without saying.

The failure of congressional oversight, as far as the Intel Committee is concerned, did not happen. For nearly 10 years, the Intelligence Committee has repeatedly directed the intelligence community to improve its counterintelligence capabilities communitywide and specifically at the Department of Energy where our most precious Labs, our most important Labs are located.

I believe this is really a case of the executive branch failing to heed congressional warnings, and I think we will see more and more of this as the investigation unfolds.

Finally, counterintelligence has been a specific priority of the Intelligence Committee in the Senate and will continue to be a high priority, as it should, as long as I am chairman and as long as I am involved.

This amendment ignores the past and ongoing work of the Intelligence Committee in the Senate. I urge my colleagues to oppose it.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Time is under the control of the Senator from Alabama and the Senator from Florida. Who yields time?

Mr. WARNER. Mr. President, we are trying to work this out right now.

The Senator from Florida has authorized the managers to make a request on his behalf that this amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I see the distinguished minority whip.

Mr. REID. Mr. President, this is a question—more of a statement—for the purpose of understanding the schedule for the rest of the day. I say at this time, so there are no surprises later on, as you know, there has been an amendment offered by the Senator from Arizona and the Senator from New Mexico which is pending. I want the body to know that this amendment is not satisfactory with the minority and with the administration.

The debate on this amendment is going to take a very, very long time. I want everyone to understand that. I have several hours of information that I need to explain to the body. Senator BINGAMAN and others wish to speak at length in this regard.

It is getting late in the day, and I did not want at 3 or 4 o'clock for people to ask: Why didn't you tell us earlier? I have suggested to both managers of the bill that this amendment causes some problem over here, in addition to the fact the President said he will veto it. In short, I will not belabor the point other than to say I hope we can finish this bill, but this amendment is going to prevent us from doing so in an expeditious fashion.

Mr. DURBIN. Will the Senator yield?

Mr. REID. Yes, I yield.

Mr. DURBIN. I have not taken much time to debate. I admire the leadership of the Senators from Virginia and Michigan. But I have to concur with what the Senator from Nevada said. If we are going into this new debate topic about security at the Laboratories, we are going to have to give it an adequate amount of time, and that will be substantial. I hope the Senator understands and will advise his side of the aisle.

Mr. WARNER. Mr. President, I hear very clearly what our two colleagues have said. I believe that information was imparted to the three sponsors of the amendment earlier today. We will just have to await their response. At the moment, the Kyl-Domenici amendment is laid down. It is the pending business; am I not correct?

The PRESIDING OFFICER. It has been laid aside but it is still pending.

Mr. WARNER. I see other Senators anxious to speak to the Senate. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer amendments from the other side.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Michigan yield for a question by the Senator from Texas?

Mr. LEVIN. I would ask unanimous consent that the Senator from Texas be recognized, and then we return to the previous order. But before offering that suggestion, I ask the Senator what her amendment is.

Mrs. HUTCHISON. This is the amendment to ask for the report from the President on the foreign deployments with a report on where these deployments could be categorized as low priority and where there can be consolidation for reductions in troop commitments.

Mr. WARNER. Mr. President, might I inquire of the Senator—I am privileged to be a cosponsor of this important amendment. However, in the course of the last hour we have had a chance to make a suggestion to the Senator from Texas. Has she incorporated that suggestion?

Mrs. HUTCHISON. No. I say to the distinguished cosponsor of my amendment, I discussed that particular issue and was told that it would be put in an addendum that would be classified if there were any such missions that needed to be disclosed.

Mr. LEVIN. Mr. President, reserving the right to object, it is my understanding now from my staff—staffs have been working on this and are still working on it. I ask that the Senator withhold that until we can see whether or not that can be worked out, because my staff indicates that they were actually in the process of discussion, and we are not sure what version it is that the Senator is offering.

So I would not be able to agree to a change in our order unless we take a few minutes here to see if we can first work it out. Then I would assure the Senator that if it is not worked out—I know our good friend from Virginia would assure you as well—there would be an opportunity to offer the amendment.

Mrs. HUTCHISON. I would want to be assured from both the distinguished chairman and ranking member that if we go past the 2:30 unanimous consent deadline I would be allowed to offer my amendment if there is not an agreement.

Mr. WARNER. Mr. President, I assure my colleague that her amendment will be included in the 2:30 unanimous consent agreement. But I thought perhaps the Senator from Texas could address the general content of the amendment for a few minutes, and perhaps within that period we can work out a resolution.

I note the Senator from Alabama was anxious to speak to the Senate. I do not see him at the moment. He has an amendment which I think is going to be accepted. He wants to speak to it.

I yield the floor at this time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I am in no need of speaking to my amendment until I am able to offer it.

Mr. WARNER. We ask that she withhold it, but will consider it to be within the deadline.

Mrs. HUTCHISON. As long as I am assured I will be able to offer it.

Mr. WARNER. Mr. President, I believe the managers are prepared to submit to the Chair a package of amendments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 376, 386, 387, 398, 399, AND 403

Mr. LEVIN. Pursuant to the prior unanimous consent agreement, I now call up the following amendments at the desk:

The Kerrey amendment, No. 376; the two Sarbanes amendments, Nos. 386 and 387; two Harkin amendments, Nos. 398 and 399; and one Boxer amendment, No. 403.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for other Senators, proposes amendments numbered 376, 386, 387, 398, 399 and 403.

The amendments are as follows:

AMENDMENT NO. 376

(Purpose: To strike section 1041, relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems)

On page 357, strike line 13 and all that follows through page 358, line 4.

AMENDMENT NO. 386

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility (NRTF) towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers)

At the end of subtitle E of title XXVIII, add the following:

SEC. . ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—Notwithstanding any other provision of law, the Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting facility (NRTF) towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting facility towers described in this subsection are the three southeastern most naval radio transmitting facility towers located at Naval Station, Annapolis, Maryland, that are scheduled for demolition as of the date of the enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary shall transfer to the State of Maryland, or to Anne Arundel County, Maryland, all right, title, and interest of the United States in and to the towers described in subsection (b) if the State of Maryland or Anne Arundel County Maryland, as the case may be, agrees to accept such right, title, and interest from the United States during the one-year period referred to in subsection (a).

AMENDMENT NO. 387

(Purpose: To modify land conveyance authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland)

On page 459, between lines 17 and 18, insert the following:

SEC. 2844. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.

Section 1 of Public Law 99–596 (100 Stat. 3349) is amended—

(1) in subsection (a), by striking "subsections (b) through (f)" and inserting "subsections (b) through (e)";

(2) by striking subsection (b) and inserting the following new subsection (b):

"(b) CONSIDERATION.—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be with consideration or without consideration from the State of Maryland, at the election of the Secretary.

"(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the historic buildings on the property. The total amount of the reduction of consideration under this paragraph may not exceed $500,000.";

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

AMENDMENT NO. 398

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program, and to offset the cost of implementing that program by striking the $18,000,000 provided for procurement of three executive (UC–35A) aircraft for the Navy)

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

On page 17, line 6, reduce the amount by $18,000,000.

AMENDMENT NO. 399

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations)

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

AMENDMENT NO. 403

(Purpose: To authorize transfers to allow for the establishment of additional national veterans cemeteries)

In title X, at the end of subtitle A, add the following:

SEC. 10 . TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.

(a) AUTHORITY.—Of the amounts appropriated for the Department of Defense for fiscal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer $100,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of title 38, United States Code, national cemeteries in areas in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

The PRESIDING OFFICER. Under the order the amendments will be set aside.

Mr. WARNER. Mr. President, I will just have to ask the indulgence of my colleague for a minute or two. I hope that can be achieved.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 448 THROUGH 457

Mr. LEVIN. Mr. President, on behalf of Senator REID, I send an amendment to the desk; on behalf of Senator BRYAN, I send an amendment to the desk; on behalf of Senators HARKIN and BOXER, I send an amendment to the desk; on behalf of Senator LEAHY, I send an amendment to the desk; on behalf of Senator CONRAD, I send three amendments to the desk; on behalf of Senator LAUTENBERG, I send two amendments to the desk; and on behalf of Senator SARBANES, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for other Senators, proposes amendments numbered 448 through 457.

The amendments are as follows:

AMENDMENT NO. 448

(Purpose: To designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter)

On page 387, below line 24, add the following:

SEC. 1061. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

AMENDMENT NO. 449

(Purpose: To authorize $11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKMF983014))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base	$11,600,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$639,733,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,928,791,000".

On page 419, line 19, strike "$628,133,000" and insert "$639,733,000".

On page 420, line 17, strike "$628,133,000" and insert "$639,733,000".

AMENDMENT NO. 450

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program, and to offset the cost of implementing that program by striking the $18,000,000 provided for procurement of three executive (UC-35A) aircraft for the Navy)

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

On page 17, line 6, reduce the amount by $18,000,000.

AMENDMENT NO. 451

At the appropriate place in the bill, insert the following:

SEC. . TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in paragraph (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

AMENDMENT NO. 452

(Purpose: To require a report regarding National Missile Defense)

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 453

(Purpose: To encourage reductions in Russian nonstrategic "tactical" nuclear arms, and to require annual reports on Russia's non-strategic nuclear arsenal)

In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) Annual Reporting Requirement.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104–106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) Views of the Director of Central Intelligence.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

AMENDMENT NO. 454

(Purpose: To require a study and report regarding the options for Air Force cruise missiles)

In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) Study.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) Report.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

AMENDMENT NO. 455

(Purpose: To require conveyance of certain Army firefighting equipment at Military Ocean Terminal, New Jersey)

In title X, at the end of subtitle D, add the following:

SEC. 1061. CONVEYANCE OF FIREFIGHTING EQUIPMENT AT MILITARY OCEAN TERMINAL, BAYONNE, NEW JERSEY.

(a) Purpose.—The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) Authority To Convey.—The Secretary of the Army shall, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) Equipment To Be Conveyed.—The equipment to be conveyed under subsection (a) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995, Pierce Job #E–9378, VIN#4PICt02D9SA000653.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994, Pierce Job #E–8032, VIN#PICA0262RA000245.

(3) Pierce, manufactured 1993, Pierce Job #E–7509, VIN#1FDRYR82AONVA36015.

(4) Ford E–350, manufactured 1992, Plate #G3112693, VIN#1FDKE3OM6NHB37026.

(5) Ford E–302, manufactured 1990, Plate #G3112452, VIN#1FDKE3OM9MHA35749.

(6) Bauer Compressor, Bauer-UN 12–E#5000psi, manufactured November 1989.

(d) Other Costs.—The conveyance and delivery of the property shall be at no cost to the United States.

(e) Other Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 456

(Purpose: To authorize a land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey)

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvement thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, the former family housing site for Nike Battery 80. The purpose of the conveyance is to permit the Township to develop the parcel for affordable housing and for recreational purposes.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined in a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 457

(Purpose: To authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) One-Year Delay.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) Covered Towers.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) Transfer of Towers.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

The PRESIDING OFFICER. Under the order, the amendments will be set aside.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 458

(Purpose: To prohibit the United States from negotiating a peace agreement relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) with any individual who is an indicted war criminal)

Mr. SPECTER. Mr. President, of course, within the unanimous consent agreement which requires submission of amendments before 2:30—and it is now 2:17—I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 458.

The amendment is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. PROHIBITION ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—The United States, as a member of NATO, may not negotiate with Slobodan Milosevic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

The PRESIDING OFFICER. The amendment will be set aside.

Mr. SPECTER. Mr. President, parliamentary inquiry. Is there any established procedure for the consideration of amendments like the one I just sent to the desk?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We are trying to repose as much discretion in the managers as possible. Your amendment will be treated equally with the others. But at the moment we are not going to try to sequence the deliberation.

Mr. SPECTER. I thank my colleague.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 459

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placeholder to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review)

Mr. LEVIN. On behalf of Senator BINGAMAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. BINGAMAN, proposes an amendment numbered 459.

The amendment is as follows:

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

"TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

"SEC. 2901. FINDINGS.

"The Congress finds that—

"(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

"(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

"(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

"(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

"(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November, 2001; and

"(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

"SEC. 2902. SENSE OF THE SENATE.

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.".

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 460

Mr. WARNER. Mr. President, on behalf of the Senator from Virginia, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 460.

The amendment is as follows:

SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

The PRESIDING OFFICER. The amendment will be set aside.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 461

(Purpose: To authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence)

Mr. LEVIN. On behalf of Senator ROBB, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. ROBB, proposes an amendment numbered 461.

The amendment is as follows:

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADELINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person association with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) [Placeholder for Thurmond language].

The PRESIDING OFFICER. The amendment will be set aside.

Mr. WARNER. Mr. President, I just wish to thank all Senators. We are receiving cooperation with regard to the unanimous consent request and making progress.

I think the Senator from Alabama will seek recognition shortly to make a presentation to the Senate regarding an amendment that he has. I say to the Senator, with his indulgence, we may have to interrupt from time to time to send amendments to the desk.

If you will forbear for a moment.

Mr. LEVIN. If the Senator would yield to me for that purpose.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 462

Mr. LEVIN. I send an additional amendment to the desk on behalf of Senator LINCOLN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mrs. LINCOLN, proposes an amendment numbered 462.

The amendment is as follows:

Amend the tables in section 2301 to include $7.8 Million for C130 squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2304 to so include the adjustments.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 463

(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

Mr. WARNER. I send to the desk an amendment on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. SMITH of New Hampshire, proposes an amendment numbered 463.

The amendment is as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$168,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000.

On page 412, in the table line Total strike out "$744,140,000" and insert "$747,990,000."

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,865,000".

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,810,000".

On page 414, line 18, strike out "$66,299,000" and insert in lieu thereof "$66,581,000".

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 464

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from North Carolina, Mr. HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HELMS, proposes an amendment numbered 464.

The amendment is as follows:

Insert at the appropriate place in the bill:

SEC. . DISPOSITION OF WEAPONS-GRADE MATERIAL.

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) detailing plans for United States implementation of such agreement;

(2) identifying the number of United States warhead "pits" of each type deemed "excess" for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

The PRESIDING OFFICER. The Helms amendment will be set aside.

AMENDMENT NO. 465

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau and to exclude those officers from a limitation on number of general and flag officers)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 465.

The amendment is as follows:

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "rear admiral".

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

"(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

"(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

The PRESIDING OFFICER. The Sessions amendment will be set aside.

AMENDMENT NO. 466

(Purpose: To authorize, with an offset, an additional $59,200,000 for drug interdiction and counterdrug activities of the Department of Defense)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Ohio, Mr. DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. Warner], for Mr. DEWINE, for himself and Mr. COVERDELL, proposes an amendment numbered 466.

The amendment is as follows:

On page 62, between lines 19 and 20, insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P–3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

(c) OFFSET.—Of the amounts authorized to be appropriated by this Act, the total amount available for .

The PRESIDING OFFICER. The DeWine amendment will be set aside.

AMENDMENT NO. 467

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 467.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . ORDNANCE MITIGATION STUDY.

(a) the Secretary of Defense is directed to undertake a study, and to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justifying the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

The PRESIDING OFFICER. The Voinovich amendment will be set aside.

AMENDMENT NO. 468

(Purpose: To strike the portions of the military lands withdrawals relating to lands located in Arizona)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 468.

The amendment is as follows:

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike "(except those lands within a unit of the National Wildlife Refuge System)".

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike "section 2902(c) or 2902(d)" and insert "section 2902(b) or 2902(c)".

In section 2908(b), as so redesignated, strike "section 2909(g)" and insert "section 2907(g)".

In section 2910, as so redesignated, strike ", except that hunting," and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike "subsections (b), (c), and (d)" and insert "subsections (a), (b), and (c)".

In section 2911(a)(2), as so redesignated, strike ", except that lands" and all that follows and insert a period.

At the end, add the following:

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

The PRESIDING OFFICER. The McCain amendment will be set aside.

AMENDMENT NO. 469

(Purpose: To improve the bill)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from North Carolina, Mr. HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HELMS, for himself and Mr. BIDEN, proposes an amendment numbered 469.

The amendment is as follows:

On page 153, line 18, strike "the United States" and insert "such".

On page 356, line 7, insert after "Secretary of Defense" the following: ", in consultation with the Secretary of State,".

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

On page 359, line 8, strike "(c)" and insert "(b)".

On page 359, line 16, strike "(d)" and insert "(c)".

The PRESIDING OFFICER. The Helms amendment will be set aside.

AMENDMENT NO. 470

(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature)

Mr. WARNER. Mr. President, once again, a number of these amendments we are now sending to the desk, the two managers, pursuant to the unanimous consent request, are ones which we are in the process of clearing—not all of them but some. I urge my colleagues, once again, there is no assurance that an amendment that was sent to the staff in the last 72 hours is included in the unanimous consent request automatically. It has to be resubmitted. We are being very careful and very fair about that.

Now, Mr. President, on behalf of the Senator from Missouri, Mr. BOND, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BOND, for himself and Mr. KERRY, proposes an amendment numbered 470.

The amendment is as follows:

On page 281, at the end of line 13, add the following: "However, the commercial services so designated by the Secretary shall not be treated under the pilot program as being commercial items for purposes of the special simplified procedures included in the Federal Acquisition Regulation pursuant to the section 2304(g)(1)(B) of title 10, United States Code, section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)), and section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)).".

On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns,".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 284, between lines 6 and 7, insert the following:

(4) The term "HUBZone small business concern" has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

The PRESIDING OFFICER. The Bond amendment will be set aside.

AMENDMENT NO. 471

(Purpose: To set aside $600,000 for providing procurement technical assistance for Indian reservations out of the funds authorized to be appropriated for the Procurement Technical Assistance program)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 471.

The amendment is as follows:

In title III, at the end of subtitle A, add the following:

SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated under section 301(5) for carrying out the provisions of chapter 142 of title 10, United States Code, $600,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

The PRESIDING OFFICER. The McCain amendment will be set aside.

AMENDMENT NO. 472

(Purpose: To require a report on the Air force distributed mission training)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator HATCH of Utah.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HATCH, proposes an amendment numbered 472.

The amendment is as follows:

At the appropriate place, insert the following new section:

AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) In General.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) A transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(b) Covered Institutions.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or

(5) other educational purposes.

(c) Available Facilities.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) Defintiions.—In this section:

(1) The term "base closure laws" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "tax-supported educational institution" means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

The PRESIDING OFFICER. The Hatch amendment will be set aside.

AMENDMENT NO. 473

(Purpose: To express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones)

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator EDWARDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. EDWARDS, proposes an amendment numbered 473.

The amendment is as follows:

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

The PRESIDING OFFICER. The Edwards amendment will be set aside.

AMENDMENT NO. 474

(Purpose: To commemorate the victory of Freedom in the Cold War)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. GRAMM of Texas.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON, proposes an amendment numbered 474.

The amendment is as follows:

On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) Findings.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) Designation of Victory in the Cold War Day.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

(c) Cold War Victory Medal.—Chapter 57 of Title 10, United States Code, is amended by adding at the end the following:

"§ 1133. Cold War medal: award; issue

"(a) There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War."

"(b) Design.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Reagan–Truman Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) Period of Cold War.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award; issue.".

(d) Participation of Armed Forces in Celebration of Anniversary of End of Cold War.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) Commission on Victory in the Cold War.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of seven individuals, as follows:

(A) Three shall be appointed by the President, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) Two shall be appointed by the Majority Leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

The PRESIDING OFFICER. The Gramm amendment will be set aside.

AMENDMENT NO. 475

(Purpose: To require a report on military-to-military contacts between the United States and the People's Republic of China and the United States)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 475.

The amendment is as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memoranda for the record, after-action reports, and final itineraries, and any receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 476

(Purpose: To improve implementation of the Federal Activities Inventory Reform Act)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THOMAS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THOMAS, proposes an amendment numbered 476.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.

The Federal Activities Inventory Reform Act of 1998 (P.L. 105–270) shall be implemented by an Executive Order issued by the President.

The PRESIDING OFFICER. The Thomas amendment will be set aside.

AMENDMENT NO. 477

(Purpose: To require the President to submit to Congress a proposal to prioritize and begin disengaging from non-critical overseas missions involving U.S. combat forces)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 477.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a): Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames;"

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements;

(3) The United States has 120,000 troops permanently assigned to those theaters;

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries;

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment;

(6) The United States has diverted permanent assigned resources from other theaters to support operations in the Balkans;

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades;

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent;

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in FY98, 28,000 U.S. Army soldiers were deployed to more than 70 countries for over 300 separate missions;

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a "stop loss" program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force;

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service;

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) Sense of Congress:

(1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

(B) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) Report Requirement.

(1) Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can:

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce U.S. troop commitments worldwide;

(3) end low priority missions.

The PRESIDING OFFICER. The Hutchison amendment will be laid aside.

AMENDMENT NO. 478

(Purpose: Relating to chemical demilitarization activities)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. WYDEN and Mr. SMITH of Oregon.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of Oregon, for himself, and Mr. WYDEN, proposes an amendment numbered 478.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Wyden-Smith amendment will be set aside.

AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 479.

The amendment is as follows:

At the appropriate place insert the following:

SEC. ___. SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMENS' FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU–154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU–154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

The PRESIDING OFFICER. The Thurmond amendment will be set aside.

AMENDMENT NO. 480

(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 480.

The amendment is as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$168,340,000."

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000.

On page 412, in the table line Total strike out "$744,140,000" and insert "$747,990,000."

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,865,000".

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,810,000".

On page 414, line 18, strike out "$66,299,000" and insert in lieu thereof "$66,581,000".

The PRESIDING OFFICER. The Domenici amendment will be set aside.

Mr. WARNER. Mr. President, I believe we have all the amendments in under the prescribed time agreement. Two colleagues have been waiting patiently to speak, and there is a third. We will allocate the time that each Senator desires. Could the Senators from Texas and Alabama indicate who will go first and how much time each will take?

Mrs. HUTCHISON. I would be happy with 5 minutes, and I would be happy for the Senator from Alabama to go first.

Mr. WARNER. How much time for the Senator from Alabama?

Mr. SESSIONS. Five.

Mr. WARNER. I understand 20 minutes is needed by our colleague from New Mexico.

Mr. REID. Mr. President, what are we dividing time up on?

Mr. LEVIN. We are sequencing speeches.

Mr. REID. I am not going to agree to anything. I have been waiting to speak on the Kyl-Domenici amendment, and I was here early this morning.

Mr. WARNER. I will withdraw the request. I was asked to enter that. Could my two colleagues complete their remarks and then we will go to the distinguished minority whip?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 465

Mr. SESSIONS. Mr. President, today the valiant men and women of our Armed Forces are in their third month of deployment for Operation Allied Force in Yugoslavia and Kosovo. However, in these final months of this Century, when you say Armed Forces, you are not referring merely to our Active Duty forces. In nearly every situation concerning our Nation's defense forces, when you speak of Armed Forces you also must include the Reserve Components. As Secretary Cohen and General Shelton have asserted, the Armed Forces cannot undertake any significant deployment without the citizen-soldiers of the Reserves and the National Guard, together we call them the Reserve Components. For example, 2,937 reservists are currently deployed world-wide on operational deployments; 1,000 reservists have supported Operation Uphold Democracy in Haiti; 12,000 reservists have deployed to Bosnia; annually 20,000 reservists deploy to world-wide training sites. When we look at these figures in light of the major missions the reserves have been involved in since Desert Storm to Operation Southern Watch , for instance, reserve participation has gone up for some elements from a Desert Storm high of 33% to a high of 51% of the overall force deployed in later operations. To bring this point even closer to home, the President just called up two weeks ago 33,100 reservists for duties in support of the air operations over Kosovo and Serbia.

So, for those of us who find it imperative to provide our Armed Forces with the resources that they need to carry out our Nation's increasingly diverse military responsibilities, this means providing all of our components, Active, Reserve, and National Guard with the leadership structure that they need.

Mr. President, it would be my wish to tell you today that we could count on the leadership of the Department of Defense to provide all of the components of our Armed Forces with the resources they need, be it equipment, personnel, or training. Unfortunately, while the leadership means well, and I am sure is trying to do the right thing for each component, in a number of areas at the end of the day the Active Components are doing far better from a resourcing standpoint than are the Reserve Components. This is because when the services sit down at the table to allocate resources the cards are stacked, I am afraid, heavily in favor the active component missions and requirements.

How this happens can be attributed to the inequity of the rank those officers who make the resource decisions at the senior levels. It is at these levels that the Active Duty forces have an overwhelming advantage rank and in the power of the advocates who design the missions, provide and train the manpower, and who get establish the requirements for equipment and resources, as well as installations from which they project combat power.

In the Armed Forces there is a very simple way to measure power, you can count the senior officers—specifically the generals and admirals who make the decisions for their components. In the Army there are a total of 307 general officers. In the Air Force the number is 282. When compared to the 118 United States Army Reserve General Officers and the 75 United States Air Force Reserve General Officers or the 195 Army National Guard General Officers of whom only 92 have Federal Recognition there appears to be an inequity when it comes to the Reserve Components. In the case of the Army, Air Force, Marine and Navy Reserves, there are no four or three star positions. In the case of the National Guard, the answer is one three star—the Chief of the National Guard Bureau who represents both the Army and the Air National Guard. This means that in the case of the Army, Navy, Air Force, and Marine Corps Reserves and the Army and Air Force National Guard, each component's home team advocate is merely a two-star.

I do not choose the phase "merely a two-star" by accident. "Merely" is an apt word when you are talking about the fight for resources in the Pentagon. When programming and budgeting decisions are made within the services, the existing rank structure excludes the Reserve chiefs from what I consider to be full participation in deliberations, which are the realm of three-star participants. The Reserve chiefs are relegated to the periphery and must rely on a higher-ranking participant at the table to champion their cause. They cannot speak for themselves or their components unless asked. Now, this is wrong in my opinion and a classic example of how the Reserve chiefs are restricted from actively participating in the decision making process.

Furthermore, the two-star Reserve Component commanders exercise their preeminent authority over other senior commanders of their components who also wear two stars. While the Reserve and Guard chiefs, by necessity, have made this situation work, this arrangement is considered exceptional everywhere but in the Reserve Components.

Let me give you a compelling example of the inequity I am speaking of by looking closely at but one of our Reserve Components, the Army Reserve: The Chief, Army Reserve, or the CAR as he is commonly known, is responsible for more than 20 percent of the Army's personnel. The same applies for the Chief of the Navy Reserve. The CAR commands a total Army Reserve force of over a million soldiers. Of those soldiers over 415,000 are in the Ready Reserve and of those billets, nearly 205,000 are in the ever more frequently deployed Selected Reserve. Don't let anybody use the outdated pejorative "weekend warrior" for these citizen soldiers. Granted, when not deployed, they are not 24-hour-a-day troops. Nevertheless, the CAR also commands nearly 19,000 full-time support personnel plus nearly 4,400 Department of the Army Civilians, or DA civilians. In contrast an Active Component four-star, yes, a four-star general in the field commands an average of 48,400 troops plus DA civilians. An active component three-star general in the field commands lesser number of troops, plus civilians, but only 3 percent of that commanded by the Chief, Army Reserve.

The Chief, Army Reserve, in the exercise of his preeminent authority over the other senior commanders of his component is also responsible for evaluating 57 brigadier generals and 42 major generals. In contrast an active component four-star, yes, four-star general in the field is responsible for evaluating an average of 31 brigadier generals and 10 major generals. An active component three-star general or admiral in the field is responsible for evaluating an average of only 7 brigadier generals and only 2 major generals.

The Chief, Army Reserve has full responsibility for $3.5 billion of fiscal year 1999 appropriations—nearly triple that ($1.2 billion) of a three-star general in the field and over 62% of that ($5.6 billion) of a four-star general in the field.

Currently the Army National Guard provides 54 percent of the Army's combat forces, 46 percent of the Combat Support capability, and about one third of the Combat Service Support forces. Likewise, the Air National Guard is a fully integrated partner in the Air Force providing 49 percent of the theater airlift capability, 45 percent of the aerial tanker forces, 34 percent of the fighters and 36 percent of the Air Rescue resources.

The Air Force Reserve, 74,000 strong, notably has been the second largest major command in the USAF since it was elevated to that status in 1997. Only the Air Combat Command, with its 90,000 personnel is larger, and, of the other eight major Air Force commands, seven are commanded by 4-star generals. Only the smallest, the Special Operations Command with fewer than 10,000 personnel, is commanded by a major general. Prior to Desert Storm the Air Force Reserve had been involved in 10 contingencies. However, since the Gulf War, it has been involved in over 30 contingency, nation-building and peacekeeping operations. The Air Force Reserve provides the Air Force 20 percent of its capability. Air Force Reserve Command aircrews serve over 125 days a year on average; support personnel serve over 60.

The Commander Naval Reserve serves in a billet that, in the past, actually was filled by a vice admiral and reports directly to the Chief of Naval Operations, which is not even typical for a Navy three-star admiral. He is responsible for software development and acquisition for the Navy's Manpower and Personnel information systems. The Naval Reserve is responsible for: five percent of the Navy's total complement of ships and aircraft, 100 percent of intra-theater air logistics, 100 percent of the Navy's harbor surface and subsurface surveillance forces, 90 percent of the Navy's Expeditionary Logistics Support Force, 47 percent of the Navy's combat search and rescue capability, and 35 percent of the Navy's total airborne ocean surveillance capability.

The Commander, Marine Force Reserve commands over 40,000 personnel and provides 20 percent of all U.S. ground divisions and 13 percent of all U.S. tactical air. The Marine Corps Reserve provides the Marine Corps the following: 100 percent of the adversary aircraft, 100 percent of the civil affairs groups, 50 percent of the theater missile defense, 50 percent of the tanks, 40 percent of the force reconnaissance, 40 percent of the air refueling, and 30 percent of the artillery. We find similar core competencies in the Army Reserve where the USAR provides 97% of Civil Affairs units, 81% of all psychological units, 100% of Chemical Brigades, 75% of Chemical battalions; and 85% of all medical brigades or roughly 47% of all Army Combat Service Support.

What are the implications for the Reserve Components?

Well, when reserve commanders, by virtue of their ranks, are outgunned so to speak by active counterparts, it means that the men and women in the Reserve Components, which are deploying with ever-increasing frequency, might be deploying with less than the best resources because of the type of unit, where it fits in the equipping matrix or the deployment matrix. I am gravely concerned that ALL TROOPS regardless of component receive the training they need before they deploy. I am concerned you see because I was an Army reservist for 13 years and understand what it means to be on the short end of things they need like professional development training or speciality training.

Admittedly, in some cases there are valid reasons for these disparities. In other cases there are not. What is clearly needed is a level playing field to ensure that the limited defense resources, whether equipment, personnel, or training slots, are fairly distributed.

Because the nation has come to depend to such a great extent on the readiness of the Reserves and the National Guard, decisions taken within the Pentagon must be discussed, made and agreed to among individuals more nearly alike in authority. To expect a two-star major general to compete equally with three- and four-star generals is unrealistic. To not compete for funds on an equal basis is to guarantee the component is under-capitalized for the mission it is asked to perform.

The need for three star ranks for the Reserve and Guard chiefs has been understood for years. In 1989, a study by General William Richardson recommended elevation of the Chief, Army Reserve to (four-star) general. In 1992 the Hay Group, which reviewed all Reserve Component general and flag officer billets, specifically recommended elevation of the Chiefs of the Army, Navy and Air Force Reserves and the Directors of the Army and Air Force National Guard to three-star rank. In 1992, an independent commission chaired by General John Foss, USA (Ret) recommended elevation of the CAR to lieutenant general. The 1997 Defense Authorization Act directed the Secretary of Defense report to Congress not later than six months after enactment the recommended grades for the Reserve and Guard chiefs. It is now May 1999 and we have yet to see the report called for in the 1997 statute. So, you can see my point. We have waited patiently for DoD to send us a report upon which to make a full evaluation on general officer positions and it hasn't arrived. More deliberation and delay is sought. I say NO. It is time to take action—NOW.

This is why I am offering this command equity amendment to the National Defense Authorization Act for Fiscal Year 2000.

My amendment will make the positions of the Chiefs of the Army, Navy, Air Force, and Marine Corps Reserve and the Directors of the Army and Air National Guard carry the three-star ranks. Each of them absolutely must have it to ensure success and proper resources given the realities of today. Incumbents will be promoted and their successors will be promoted to three-star ranks upon confirmation by this body.

A valid argument can be made that the Army and Air Force already have all the three-star generals (45 and 37 respectively) that they need and while the active army, for instance, has reduced its overall general officers from a 407 in 1991 to 307 in 1999 to correspond with changes in force structure and missions, the reserves conversely need these grade increases to correspond with increases in assigned world-wide missions, contingency deployments and need for greater share of resources.

Accordingly, my command equity amendment, while creating a few more three star positions, does not exacerbate that situation by increasing the overall numbers of senior officers in the Army or Air Force. This over abundance of high grade officers is not the case for the Navy and the Marines, who are not now flush with senior grade billets; therefore, my amendment does provide new billets that the Navy and Marines really would need.

Mr. President, I am very pleased today that Chairman WARNER, Senator LEVIN, and others who have been working on this bill have seen it fitting to agree and to accept as an amendment that there will be a series of three-star ranks given to the Reserve Forces of the United States. That is a critically important matter.

For a few minutes, I would like to explain why it is equitable and fair and why this will be an important step forward for the Reserves. I served for 13 years in the Army Reserve. In the unit I served there was a chief of staff. I remember getting out after 13 years and he remained in and was activated for 6 months for Desert Storm. Reservists all over America, like those in the 11-84 transportational unit, are being deployed; 33,000 have now been called up for the Kosovo activities.

In Desert Storm, in Kuwait, the Iraq war, 33 percent of the forces committed to that war were Reserves or National Guard. I am including National Guard when I talk about the Reserve components. They play a critical role. Yet, in our allocation of rank, they have not been treated, in my opinion, fairly. It impacts on them when they seek to make sure that the interests of the National Guard and Reserves are properly taken care of. When the brass sits around the table and decides how we are going to deal with the limited amount of resources available, the Army Reserve, the Naval Reserve, the Air Force Reserve and the Marine Reserve—their officers sit there with just two stars. They do not have the same level of clout that they would otherwise have.

I would like to share a few things with you. I have some charts that deal primarily with the United States Army Reserve, but the numbers are similar regarding the Navy, Air Force, and the National Guard units. The Chief of the Army Reserve is now a two-star general. In the course of his duties, he is required to evaluate 57 brigadier generals. That is one star, and there are 42 major generals with two stars just like himself. That is a responsibility he has, whereas in the Active Army a four-star general is only required to evaluate 31 brigadier generals, one star, and ten major generals, two stars.

This shows you what a four-star has responsibility for and what the Chief of Army Reserve has. In the Active Army, a three-star general is responsible for evaluating an average of just seven brigadier generals and two major generals, but he has a higher rank than the Chief of the Army Reserve who has to rate 57 brigadiers and 42 major generals.

It strikes me that we have gone a little bit too far in containing the rank available for the important position of Chief of Army Reserve.

The Chief of the Army Reserve also, for example, has full responsibility for $3.372 billion in the fiscal year 1999 appropriations. That is nearly triple that of a field three-star general, and over 62 percent, almost as much, as a four-star field active-duty general. An active three-star general's prorated share of the Active Army 1999 appropriations is a mere $1 million.

Let me show you this chart. I think it again adds some impact to what I am saying.

The General Chief of the Army Reserve commands over 1 million total Army reserves. Those include those who are in retired status, subject to being recalled; the active reservists, which has 200,000; the ready reserves, which are subject to a more immediate callup; plus 18,000 FTS personnel and nearly 4,300 civilian personnel; whereas a field Active Army four-star commands an average of only 48,000 troops plus civilians.

So you can begin to see the situation we are facing. I do not believe it reflects a proper balance.

Two years ago, the Appropriations Committee asked the Department of Defense to submit an analysis of this situation for improvement. That report has not been received as requested.

It seems to me plainly obvious that we need at least three-star generals in charge of the Army Reserve and the Naval Reserve—a three-star general for Army Reserve, Naval Reserve, and Air Force Reserve, Marine Reserve. There is one three-star general in the National Guard. Because of their large size—they are bigger than any one of the other components—we believe they need two three-star generals. With that, I believe we will have a more appropriate balance in the leadership and rank in our Defense Department.

I thank the Chair.

Mr. WARNER. I ask unanimous consent for 2 minutes to speak in support of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I commend our colleague. He is a very valuable member of the committee.

I was privileged to be in the Pentagon when Secretary Melvin Laird devised the total force concept, which means the United States of America looks to its national security in terms of not only the Active Forces but the Reserve and the Guard. That was the turning point, a recognition for those men and women who so proudly and in a great deal of sacrifice in terms of their private lives—because they have to balance a full-time job in most instances together with Reserve and Guard commitments requiring them very often to forgo their vacations—contribute that time to their desired slots in the Reserve and the Guard.

Therefore, I strongly support this amendment.

I want to clarify one thing. This does not add any more numbers of general or flag officers to the total number now in the Pentagon. The numbers that will be used for these promotions are to be drawn from a number within the ranks of each of the departments of the military.

Am I not correct on that?

Mr. SESSIONS. That is correct. In fact, there are 45, now, three-star generals in the Army. This would only involve two of those.

Mr. WARNER. Just by way of quick anecdote, when I was Secretary of Navy, I felt so strongly about the Naval Reserve that I promoted the then two-star admiral to the grade of three, and he served in that grade throughout my tenure. The day after I left the Department, the third star disappeared, and it never reappeared again until this moment when we agree to this amendment. I hope it will become law.

I commend the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 477

Mrs. HUTCHISON. Thank you, Mr. President.

I call up amendment No. 477.

The PRESIDING OFFICER. The amendment is now pending.

Mrs. HUTCHISON. Thank you, Mr. President.

This amendment requires that the President and the Department of Defense come forward and report on the missions we have throughout the world.

One thing that has become very clear to me as I have visited with our troops—whether it is in Saudi Arabia or Kuwait, whether it is in Bosnia or in Albania just 2 weeks ago—is that our troops are overdeployed.

Secretary Bill Cohen said in testimony just last week to the Defense Appropriations Committee that we have either too few people or too many missions. The fact is that this is beginning to show the wear and tear on our military. Between 1986 and 1998, the number of American military deployments per year nearly tripled at the same time that the Department of Defense budget was reduced by 38 percent. There is no question that our military is stretched. No one disagrees with that.

The Department of Defense is asking for help. Congress realizes that this is a problem and has continually tried to increase the military spending, including pay raises for our military to give them more chances to live a quality of life. But the fact is that we have to do something about either overdeployment or too few numbers. In fact, our present military strategy is to deter and defeat large-scale cross-border aggression in two distant theaters in an overlapping timeframe.

We have the deterrence of Iraq and Iran in southwest Asia and the deterrence of North Korea in northeast Asia. That represents two such potentially large-scale cross-border theater requirements. In addition to that, we have 120,000 troops permanently assigned to those theaters and 70,000 in addition to that assigned to non-NATO, nonspecific-threat foreign countries. The United States has more than 6,000 in Bosnia-Herzegovina and many others around the world. What we need to do is to start to prioritize where our missions are and where American troops should be deployed.

On May 27 of this year, the Secretary of the Air Force announced a stop-loss program that places a temporary hold on transfers, separation, and retirement from the Air Force. This is a decision that is normally reserved for wartime or severe conflicts. And, yet, we now have in place that no one can separate from the Air Force.

My amendment says it is the sense of Congress that the readiness of our U.S. military forces to execute the national security strategy is being eroded from a combination of declining defense budgets and expanded mission. It says to the President that we must have a report that prioritizes ongoing global missions, that the President shall include a report on the feasibility and analysis of how the United States can shift resources from low-priority missions in support of high-priority missions, and consolidate the use of U.S. troop commitments worldwide, and end low-priority missions. This is a report that the President would make through the Department of Defense to prioritize these missions.

I believe the Department of Defense has been looking for this type of opportunity to prioritize and to say we are going to look at the wear and tear on our military and we are going to have to make some final decisions.

I think when we get this report we will be able to see if, in fact, we need more military and we need to "ramp up" the military force strength in our country or whether we can prioritize the overseas missions and stop the overdeployment and the mission fatigue that so many of our military people have.

I am very pleased to offer this amendment. I think it is a step in the right direction. It is a positive step toward relieving our very stretched military. Certainly, as we are watching events unfold in Kosovo and we are seeing more and more of our military being called up, I think it is time for Members to assess everywhere we are in the world and ask the President to prioritize those. Then Congress can work with the President to determine if we need to ramp up our military force structure or ramp down the number of deployments that we have around the world.

I ask that the amendment be agreed to.

Mr. WARNER. I commend the Senator from Texas. This is a very important amendment. I am a cosponsor. I believe it is acceptable on this side.

Mr. LEVIN. Mr. President, the amendment is acceptable here. It performs a useful purpose. The Defense Department has in the past given the Senate these lists, but this updates it and gives us a little more detail. I think it is very important we know all of our missions and how many people are involved around the world.

We have no objection to it at all.

The PRESIDING OFFICER (Mr. FITZGERALD). The question is on agreeing to the amendment.

The amendment (No. 477) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent that we return to the amendment numbered 446. I also ask unanimous consent that the two-speech rule not apply to the remarks about which I am about to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 446

Mr. REID. Mr. President, the country established the independence of the weapons laboratory directors for a reason. We are lucky to have had the weapons laboratories that have been such an important, integral part of this country. They are one of the main reasons the cold war ended. They have been established independently so that the President and the Congress could expect independent and objective reporting of the directors' honest judgment regarding assessment of the safety and reliability of nuclear weapon stockpile. We are talking about thousands of nuclear warheads.

The problem in the world today is the fact that we have too many nuclear warheads, but those that we have must be maintained to be safe and reliable. It is a responsibility of our weapon laboratories to make sure that, in fact, is the case.

This amendment, No. 446, strips our laboratory directors of this independent objective status. The amendment makes the laboratory directors directly subject to the supervision and direction of the administration.

What this means, in very direct language, is that we will get the opinion of the administration regarding stockpile safety and reliability—not the lab director's expertise and, therefore, their opinion. They will say what the President tells them to say, what the administration tells them to say—not what their scientists and engineers tell them is appropriate with these weapons of mass destruction. There will no longer be any reason to believe that stockpile assessments are founded on scientific and technical fact.

If this amendment comes to be we should just declare the stockpile adequate and simply not bother evaluating it for safety and reliability. This would be a tragedy not only for this country but the world.

That is the reason that the Secretary of Energy, Bill Richardson, wrote a letter yesterday to the chairman of the Armed Services Committee, the senior Senator from Virginia. He said, among other things in this letter, "The proposal would effectively cancel my 6-month effort to strengthen security at the Department in the wake of the Chinese espionage issue," and he goes on to say if this proposal is adopted by the Congress, "I will recommend to the President he veto the defense authorization bill."

This has gone a step further, separate and apart from the letter—the President will veto this bill if this language is in the bill.

This proposal would reverse reforms in the Department of Energy. According to the Secretary of Energy, still referring to this letter to Chairman WARNER:

> This proposal would reverse reforms in the Department of Energy going back to the Bush Administration by placing oversight responsibilities within defense programs. A program would be in charge of its own security oversight, its own health oversight and its own safety oversight.

He says the fox will, in fact, be guarding the chicken coop.

Secretary Richardson says in the final paragraph of this letter:

> In short, the security mission cuts across the entire Department, not just defense programs facilities. We need a structure that gives this important function proper visibility and focus and provides the means to hold the appropriate line manager responsible.

The Secretary of Energy is a person who served in the Congress of the United States for about 16 years, who served as the Ambassador to the United Nations, who has been involved in some of the most responsible and sensitive negotiations in the last 10 years that have taken place in this country, traveling all over the world, working to free hostages, and doing other things upon the recommendation and under the auspices of the President.

We are told that this bill, in effect, is going nowhere if this amendment is in there.

Why? This isn't the way to legislate. The legislative process is an orderly process, or should be an orderly process. If there is a bill that is to be heard, there should be hearings held on that bill, especially one as sensitive as this that deals with the nuclear stockpile of the United States. We have had no hearings. There are multiple committees that have jurisdiction. We know that the Energy and Natural Resources Committee has jurisdiction. We know the Armed Services Committee has jurisdiction.

The Cox-Dicks report—which was a bipartisan report and we should treat it as such—said the problems with the laboratories as far as the espionage problems go back at least three administrations. Secretary Richardson has reported this past week that 85 percent of the report's recommendations are already adopted or in the process of being adopted and, in fact, the report was one that most everyone agrees did a good job. Congressman COX and Congressman DICKS did a good job.

I don't think it is appropriate that we go charging forth for political reasons to attempt to embarrass the administration or to embarrass Secretary Richardson. This deals with the most sensitive military resources we have—management of nuclear weapons. To change how that takes place, while keeping them safe and reliable, in an amendment being discussed in the few hours prior to a congressional recess, is not the way to go, especially when there have been no congressional hearings. This committee deserves to take a look at calling witnesses.

In short, I rise in strong opposition to this amendment. As I have said earlier today, this amendment is not going to go away. This deals with the security of this Nation. When I finish speaking, there are other Senators wishing to speak. I see the junior Senator from New Mexico who is going to speak, the senior Senator from Illinois said he will speak, we will have Senator BOXER from California speak. It will take a considerable period of time before enough is said about this amendment.

If adopted, this amendment would make the most sweeping changes in the Department structure and management since the Department's creation in 1977. This amendment fundamentally overturns the most basic organizational decisions made about the Department when it was created. It does it without any congressional hearings, without any oversight hearings, without any investigations having taken place. These changes will result in long-term damage to the Department of Energy. The defense National Laboratories will be tremendously compromised as scientific institutions.

The weapons laboratories have always been held out as being scientific institutions, not political institutions. Those who deal with these laboratories—and I had the good fortune the last 3 years to be the ranking member of the Energy and Water Subcommittee that appropriates money for these laboratories—I have found the people that work in these laboratories to be some of the most nonpolitical people I have ever dealt with in my entire political career. They are not involved in politics. They are involved in science. We shouldn't change that.

Today, their work—that is, the work of the National Laboratories on national security—is underpinned by scientific excellence, in a wide range of civilian programs that sustained needed core competency at the laboratories.

This amendment, No. 446, will result in the Department of Energy's defense-related laboratories losing their multipurpose character to the detriment of the laboratories themselves as scientific institutions and to the detriment of their ability to respond to defense needs.

This change reverses management improvements made at DOE by a series of Secretaries of Energy under both Republican and Democratic administrations. These improvements were made after careful consideration and review by these Secretaries. They looked at the management deficiencies they encountered during their tenures. There were hearings held in the Congress before the rightful committees, and decisions were made as to what changes the Secretaries recommended should be made in permanent law. That is how we should do things. That is not how we are doing things with this bill.

These improvements made part of the law have been made by careful review by the Secretaries of the management deficiencies they encountered during their tenures. This amendment re-creates dysfunctional management relationships at the Department of Energy that have proven in the past not to work. I repeat, these sweeping changes are being proposed on the floor of the Senate without any input from the committees of jurisdiction over general department management—that is, the Committee on Energy and Natural Resources, or the committee with specific jurisdiction over atomic energy defense activities—this committee, the Committee on Armed Services.

The two managers of this bill have worked very, very hard. As I said the other day, on Monday evening, I do not know of two more competent managers we could have for a piece of legislation. They have dedicated their lives to Government. They have dedicated much of their adult lives to making sure the United States is safe and secure. They have worked very hard to have a bill that should be completed today, a very important bill dealing with the armed services of the United States. We should not let this stand in its way. We should not have a bill that comes out of here that is vetoed. We do not need this information in the bill.

To this point, this bill has been proceeding forward on a bipartisan basis. This is the way legislation should move forward. We have been working on this bill for a few short days. In the past, it has taken as many as 14 days of floor activity to complete this legislation.

These two very competent managers are completing this bill, if we get rid of this, completing this bill in 4 days. We should go forward.

There are so many important things in this bill that need to be completed that we should do that. If my friends on the other side—my friends, the Senator from Arizona and the senior Senator from New Mexico—if they really think there are problems in this regard I will work with them. I will work from my position as the ranking member of the Energy and Water Subcommittee. I will do whatever I can to make sure, if they believe a bill needs to come forward on the floor dealing with these things, we would not object to a motion to proceed, that they could bring this bill forward on the floor. We do not want to hold up this bill. But the bill is being held up, not because of anything we are doing on this side but because of this mischievous legislation.

I say to my two friends, the Senator from Arizona and the Senator from New Mexico—who are not on the floor; they are two Senators for whom I have the greatest respect—this is not the way to proceed on this. No matter how strongly they feel about what went on with the Chinese espionage, whatever the reasons might be, let's work together and see if, in fact, after we go through the normal legislative process, with hearings, with committees of jurisdiction, that their method is the way to proceed. Certainly, we are not going to proceed on an afternoon with a bill of this importance, without, I repeat, committee hearings and the other things that go into good legislation.

These sweeping changes are being proposed with no supporting analysis, no public record. Indeed, the changes to be made fly in the face of past recommendations made by distinguished experts and past reports of congressional hearings on the subject—DOE Organization, Reorganization and Management.

These changes are firmly opposed, and that is an understatement, by the administration, and I think we should pull this amendment so we can go forward with this bill. The absurdity of this amendment is even more striking when you see who the senior management officials in the Department of Energy are at this time. Think of this. The current Under Secretary of Energy is Dr. Ernest Moniz, who, if not the top nuclear physicist in the country is one of the top nuclear physicists in the whole country. This man is the former chairman of the Massachusetts Institute of Technology's physics department—the most prestigious, famous institution of science in this country, especially their physics department.

Under this amendment, Secretary Moniz would be forbidden by law from helping Secretary Richardson, whose office is 40 feet away, manage and direct this program. He could not exercise any role in the management of the Department's nuclear weapons research and development. Is this a crazy result? The answer is, obviously, yes, it is a crazy result.

The safety and reliability of our nuclear stockpile is absolutely critical to our national security and to the U.S. policy and strategy for international peace and nonproliferation. My friend from New Mexico, the junior Senator from New Mexico, is going to talk about why this amendment substantively is so bad. I want to talk more about procedurally why it is so bad. I have tried to lay that out. It is procedurally bad because we should not be here today talking about this as we are now. There should be a bill introduced, referral to committee or committees and a committee hearing or hearings with people coming forward to talk about this issue.

This is not whether we are going to change the way boxing matches are held in this country or how much money we are going to give to highways in this country. This deals with approximately 6,000 nuclear warheads, any one of which, as a weapon of mass destruction, would cause untold damage to both people and property. So this is not how we should proceed on this legislation. We should proceed on this legislation in an orderly fashion.

I say to my friends, the Senator from New Mexico and the Senator from Arizona, if they are right—which I certainly do not think they are—but if they are right, then let's have this legislation in the openness of a legislative hearing, the openness of the legislative process.

This amendment No. 446 causes us to be in the midst of protracted debate when we should be trying to complete this most important legislation.

We are in the midst of a major change in the way we ensure this critical stockpile safety and reliability because we can no longer demonstrate weapons performance with nuclear tests.

We have had approximately 1,000 nuclear weapons tests in the State of Nevada—approximately 1,000. Some of these tests were set off in the atmosphere. We did not know, at the time, the devastation these nuclear devices would cause, not to the area where the devices were detonated, but what happened with the winds blowing radioactive fallout into southern Utah, creating the highest rates of cancer anyplace in the United States as a result.

I would awaken in the mornings as a little boy and watch the tests, watch the detonation, and see that orange flash in the sky. It was a long way from where I was, but not so far that you could not see this orange ball, over 100 miles away or more, that would light up the morning sky. It was not far enough away that you could not hear the noise. Still, we were very fortunate in that the wind did not blow toward Searchlight, my hometown; it blew the other way.

We have set off over 1,000 of these nuclear weapons in the air, underground, in tunnels, shafts. We cannot do that anymore. We cannot do it because there has been an agreement made saying we are no longer going to test in that manner. We have to manage our nuclear stockpile using science and computer simulation instead of nuclear testing. This is a terribly, terribly complex job. The greatest minds in the world are trying to figure out how they can understand these weapons of mass destruction to make sure they are safe and reliable.

It needs all of our attention and energy because we must demonstrate with high confidence that this job can be done without returning to nuclear testing. We have not proven that the stockpile can be maintained without nuclear testing, but we are doing everything we can to succeed.

We have developed a program called subcritical testing. What does that mean? It means that components of a nuclear device are tested in a high explosive detonation. The fact is, the components cannot develop into a critical mass, necessary for a nuclear detonation. It is subcritical. As a result of computerization, they are able to determine what would have happened had the tests become critical. We are working on that. We think it works, but there is a lot more we need to do. We need, for example, to develop computers that are 100 times faster than the ones now in existence. Some say, we need computers 1,000 times faster than the ones now in existence to ensure these nuclear weapons, nuclear devices, are safe and reliable.

This tremendously demanding job is made even more difficult by all the other problems with managing the nuclear stockpile. For example, we have to clean up the legacy of the cold war at our production facilities. We are spending billions of dollars every year doing that. We need to develop the facilities and skills for stockpile stewardship. We need to maintain an enduring, skilled workforce.

The people who worked in this nuclear testing for so long are an aging population. We have to make sure we have people who have the expertise and the ability to continue ensuring that these weapons are safe and reliable. We need to provide the special nuclear materials for the stockpile, because the material that makes up a nuclear weapon does not last forever. Tritium, for example, has a life expectancy in a weapon of maybe 12 years. Weapons have to be continually monitored to determine if they are safe and reliable.

All these things are complicated by the discovery that some of our most closely guarded nuclear secrets about our stockpile have been compromised over the past 20 years. That makes it even more difficult and makes it even more important that we proceed to ensure that in the future our nuclear stockpile is safe, that it is not seen by eyes that should not see the secrets that go into our nuclear stockpile. We should not be determining the afternoon before the Memorial Day recess how we are going to do that.

Secretary Richardson is one of the most open, available Secretaries with whom I have dealt in my 17 years. He is open to the majority; he is open to the minority. We should not do this to him. He is a dedicated public servant. We need to concentrate on the most important things right now, not later.

I do not think an ill-conceived administrative change—and that is what it is; we are legislating administrative changes in the way that this most important, difficult job is being managed —is the most important thing we can do right now. Clearly, it is not. We have far more pressing matters to attend to in the nuclear stockpile.

We talk about the stockpile, but it is a nuclear stockpile. It is something we have to maintain closely, carefully, to make sure it is safe and reliable. We need to improve our computational capability; I said by 100, others say by 1,000 or more, beyond the advances we have already made. That is where we need to direct our attention. We need to develop new simulation computer programs that will make effective use of these higher performance machines.

I have been in the tunnels where these subcritical tests are conducted. I have been in the tunnels where the critical tests were conducted. We need to continue, I repeat, making sure these weapons of mass destruction are safe and reliable.

We need to design, as I say, advanced experimental facilities to provide the data for this advanced simulation capability.

We need to hire and train the next generation of weapons physicists and technicians before our experienced workforce really withers away.

We have to continue the training of these individuals, not only continue the training but have work for them to do, which we will surely do.

We need to establish better and more effective controls in how we do these jobs to ensure no further environmental contamination at our working sites. Hanford, that is an environmental disaster; Savannah River, environmental disaster. We cannot let that take place anymore.

We should be directing our attention to those efforts, not legislating on a bill that we should have completed by now. We could have completed this bill, and I think we will if we can figure out some way to get rid of this amendment.

We need to establish better and more effective controls in how we do those jobs, making sure we do not have Savannah Rivers or Hanford, WA, sites where we are spending billions upon billions of dollars to make those places environmentally sensitive and clean.

Just as important—maybe more important—we need to implement effective security measures that will protect our secrets without unnecessary interference in this very important work. Whatever we do in this terribly important job, we need to do it right.

There is neither the time nor the money to make mistakes. This proposed change in management of the nuclear weapons program is not the right thing to do right now. I feel fairly confident, having spent considerable time speaking to Secretary Richardson, that he is really dedicated to doing the right thing. He does not want to remedy the problems in the weapons labs with our weapons systems in a Democratic fashion—I am talking in the form of a party—or a Republican fashion. He wants to do it in a bipartisan fashion.

This amendment No. 446 would make the most sweeping changes in the Department of Energy structure and management since its creation in 1977. These drastic changes would be made with no consideration or suggestions, I repeat, by the committee of jurisdiction. They would be made with no consideration or suggestions by the committee that has general management jurisdiction; that is, the Committee on Energy and Natural Resources; or the committee that has jurisdiction over atomic energy defense activities, the Armed Services Committee.

There have been no hearings and testimony by proponents and opponents of a change, and not just this proposed change, but other proposed changes as well.

These jurisdictional considerations and testimony by credible witnesses are mandatory for such a change, because what is being proposed is not obviously better than the present program management framework.

I want to take this opportunity to compliment the Secretary of Energy—with whom I came to Congress in the same year—for his energetic response to the problems that have come to light since he assumed his responsibilities. I think his public and private statements regarding the possible compromise by the Chinese or others have been outstanding. I think he has done extremely well. No Secretary in my memory has taken such forthright and aggressive actions to remedy problems in this most complex and, I repeat, important Department. He is searching out the Department's problems. He is doing everything he can to correct these deficiencies.

Let's give him a chance to succeed. I am confident he will. I know the Secretary has an outstanding relationship with one of the authors of this legislation, the senior Senator from New Mexico. Secretary Richardson is from New Mexico. He served in Congress for many years from New Mexico. He has a good working relation with the junior Senator from New Mexico and, frankly, with most everyone in this body. Let's give him a chance to be successful.

This amendment has not been given, I believe, enough thought. There are obvious deficiencies in this proposal. Damage to our weapons laboratories' capabilities would surely occur under the terms of this amendment. The National Weapons Laboratories are truly multiprogram laboratories, providing their skills and facilities, unmatched anywhere in the world.

We talk about how proud we are of our National Institutes of Health, and we should be, because it does the finest medical research that has ever been done in the history of the world. That is going on as we speak. But likewise, the National Laboratories are truly unmatched anywhere in the world for the solution of critical defense and nondefense problems as well.

We think of the Laboratories as only working with nuclear weapons. But the genome research was started in one of our National Laboratories. Many, many things that are now being developed and worked on in the private sector were originally developed with our National Laboratories.

Enactment of this amendment would isolate these multiprogram national assets, making their contributions to other than defense work very difficult, if not impossible. This isolation would reduce and erode the technical scope and skills within the weapons laboratories, and that might result in missing an important national defense opportunity.

I am absolutely confident that the directors of the weapons labs will testify to the enormous defense benefits that accompany the opportunity to attack important nondefense problems. I repeat that. There is no doubt in my mind that the directors of the National Laboratories would testify privately or publicly to the enormous defense benefits that accompany the opportunity they have had in the past and continue to have to attack important nondefense problems. That opportunity exists because the weapons program is not isolated within the Department, as it would be in this amendment.

There is a critical need to rebuild our confidence that necessary work can be done in a secure way and within a secure environment. I am very uncomfortable with placing the management of security in a position where it might compete with the management of the technical program. That critical function needs to exist independently of the program function so that these two equally important matters can be managed without conflict.

This amendment would require unnecessary duplication and redundancy of activities in the Department of Energy. Security of nuclear materials and information is necessary for activities that would not be included in the administration proposed by this amendment. This would require separate security organizations to undertake the same and other very similar functions. There is not enough money to allow this kind of inefficiency to creep into the weapons program.

The Secretary of Energy and the President of the United States oppose this amendment. The President promises to veto the defense authorization bill if it is included in the bill. I personally oppose this proposal for the reasons I have mentioned, and many other reasons that at the right time I will be happy to discuss.

I have worked with the senior Senator from New Mexico now for 3 years as ranking member, and many other years as a member of his subcommittee. I just think there is a better way to do this. I know of the time and effort he has spent with the National Laboratories. I believe this amendment compromises the National Laboratories.

I urge my colleagues to vote against this amendment or to vote for the motion to table, which I am sure will precede an opportunity to vote on this ill-conceived and untimely measure.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that my remarks not count against the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first just say that I have had a chance now to read the amendment. We received it at about 1:15, about 10 minutes into the description of the amendment by the Senator from Arizona.

I have had that chance to read it. It is really three separate provisions. I just want to briefly point out that two of them are totally acceptable to this Senator, at least as I see it.

The first, of course, would put into statute the provision establishing an Office of Counterintelligence in the Department of Energy. This is something which was done as a result of Presidential Decision Directive 61 in February of 1998. It is something which the previous Secretary of Energy has done administratively. This Secretary has carried through on that. Clearly, this is a good thing to do, and putting it in statutory form is also helpful.

So I have no problem with that part of the amendment at all. I would support that. In fact, I point out that those provisions, with very few changes, are in the underlying bill. But I can certainly agree to whatever changes the authors of this amendment would like to see in that section.

The second part of the three parts in this bill is establishing the Office of Intelligence. Again, I believe this is totally appropriate. Again, this is something that the administration has already done administratively, but clearly there can be a good argument made that we should put this in statute. I have no problem with that. Again, the underlying bill which we are considering has in it the establishment of the Office of Intelligence. So if this version of that legislative provision has some improvements in it, that certainly is appropriate. I do not oppose that.

The third part of the amendment is the part which I find very objectionable. Let me use the rest of my time to just describe the nature of my concern about the rest of it.

The third part of the amendment is the part designated "Nuclear Security Administration." This sets up a totally new organizational structure within the Department of Energy which is, as my good friend and colleague from Nevada said, by far the most far-reaching reorganization of the Department of Energy since that Department was created 22 years ago in 1977.

The reasons I object to this provision, as it now stands, are several. Let me start by saying that I object to it because of the procedure we followed in getting to where we are today. This is an important proposal. It has far-reaching ramifications. Much of what we do here in the Senate is impacted by the law of unintended consequences, and this is a prime example of something that is going to produce substantial unintended consequences, in my opinion.

We have had many studies about the problems in the Department of Energy. Some of those have been very useful. None of those studies have suggested that we solve the problems with this solution.

The last time we had a hearing on the problems of organization in the Department of Energy was in September of 1996. That was nearly 3 years ago. I sit on the committee, as does my colleague from New Mexico, as do many of us involved in this discussion. I sit on the committee that has jurisdiction over this Department, the Energy and Natural Resources Committee. In that committee, we have had a great many hearings on the Chinese espionage problem. We have had six hearings in that committee alone. We have had one joint hearing with the Armed Services Committee, which I also sit on. That is seven hearings.

In none of those hearings have we considered any of this set of recommendations. In none of those hearings have we asked the Secretary of Energy to come forward and explain what changes he thinks might be appropriate or whether or not these kinds of proposals might be appropriate as a way to fix the problem.

My friend, the Senator from Arizona, said it would be a derogation of our duty if we didn't go ahead and pass this this afternoon. I say it is almost a derogation of our duty if we do pass it this afternoon, because we will not have given the administration a chance to react. We will not have given the administration a chance to explain why they oppose this. I think that is the only reasonable course to follow.

Another suggestion was made by my colleague from Arizona that although Secretary Richardson had objected to an earlier draft, he was fairly confident that those problems had been resolved in the latest bill, which is the one we received at 1:15.

I have in my hand here—I will ask unanimous consent that it be printed in the RECORD—a letter from Secretary Richardson just received a few minutes ago in which he says:

> I have reviewed the latest version of the amendment being offered by Senator DOMENICI to the Defense Authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve security in the wrong direction. I remain firmly opposed to the amendment, and I want to reiterate my intention to recommend to the President that he veto the Defense Authorization bill if this proposal is adopted by the Congress.

He goes on to explain in more detail why that is his view.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, May 27, 1999.

HON. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I have reviewed the latest version of the amendment being offered by Senator Domenici to the defense authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve security in the wrong direction. I remain firmly opposed to the amendment and want to reiterate my intention to recommend to the President that he veto the defense authorization bill if this proposal is adopted by the Congress.

As I stated in my letter of May 25, 1999, our security program deserves a senior departmental advocate, with no missions "conflict of interest" to focus full time on the security mission. The requirements of the security program should not compete with other programmatic priorities in Defense Programs for the time and attention of the senior management of that program, as well as for budgetary resources. Resource competition has been a core problem of Department of Energy security for decades, and we have seen firsthand that inherent conflicts arise and security suffers when the office that must devote resources to the security mission has a competing primary mission, such as Stockpile Stewardship. It is critical that we have a separate office setting security policy and requirements in order to avoid financial and other pressures from limiting security requirements and operations.

Also, it is important to recognize that the Environmental Management Program has significant security responsibilities for securing large quantities of nuclear weapons materials at its sites—Rocky Flats, Hanford, and Savannah River. Under this proposal, if the security function were exclusively located in Defense Programs, it would undermine my ability to hold my top line manager for the clean-up sites accountable.

In short, the security mission cuts across the entire department, not just Defense Programs facilities. We need a structure that gives this important function proper visibility and focus and provides the means to hold the appropriate line managers responsible.

I appreciate your attention to this serious matter.

Yours sincerely,

BILL RICHARDSON.

Mr. BINGAMAN. So procedurally, we should not be here on a Thursday afternoon, where the very distinguished manager of the bill, the chairman of the Armed Services Committee, has said we need to finish this bill in the next hour and a half. We need to leave town. Everyone has their plane reservations. We have to fly out. And by the way, before we leave, let's reorganize the Department of Energy.

This is not a responsible way for us to proceed. Accordingly, I do object to the procedure.

Let me talk about the substance. My friend from Arizona, who is a prime sponsor on the bill, described the bill fairly accurately when he said, this bill, this provision, the third part of the amendment that I have said is objectionable, the establishment of this Nuclear Security Administration, says this bill creates a stovepipe. That is his exact quote. I agree that that is what happens.

Let me use this chart beside me here to describe very briefly how the Department of Energy functions now.

The Secretary of Energy is in charge of the Department of Energy. There are, under the Secretary, various subdepartments. We have defense programs. We have environmental management, energy efficiency, nuclear nonproliferation, fossil energy and science.

With regard to each of those, the Secretary has established—and much of this has been done by Secretary Richardson in the 6 months he has been there—some crosscutting responsibilities. Some people with crosscutting responsibilities are directly answerable to the Secretary. One is the director of counterintelligence. This was a major step forward, and I think everybody who sat through these hearings would acknowledge that this was a major step forward. This was one of the actions that was taken, really, by Secretary Richardson's predecessor, when Ed Curran, who is the gentleman who has been put in the Office of Director of Counterintelligence, was hired. This was in April of 1998.

That individual, the director of counterintelligence, under the administrative procedure now in place, and under the provisions of this bill, has crosscutting responsibility for counterintelligence in each of the parts of the Department of Energy; in fact, in each laboratory. Mr. Curran has testified to various of the committees up here that he will have a person who is responsible to him and who has authority by virtue of his position to demand certain actions on the issue of counterintelligence in each of our National Laboratories. That is as it should be. That is putting accountability into the counterintelligence system. It is a good step forward. That is a step in the right direction.

A second crosscutting responsibility is the security czar on security policy. A third is this independent Safety and Security Oversight Office that Secretary Richardson has established.

So at the present time there are those three entities that report directly to the Secretary of Energy on these issues related to security.

These are the reforms that Secretary Richardson has been trying to put into place. These are the reforms that are called for under Presidential Decision Directive-61, and then additional administrative steps that have been taken by this Secretary of Energy. I believe the system is structured in a way that makes some sense.

Let me now show the stovepipe organizational chart, because we have one of those as well. This, as Senator KYL indicated, is a major change, this third part; the establishment of this Nuclear Security Administration is a major change in the way the Department operates.

What essentially is done is you eliminate the defense programs portion of the Department of Energy and you rename that the "Nuclear Security Administration." You put that in the so-called stovepipe. You say there will be no independent counterintelligence authority over how that agency functions. There will be no independent security oversight over how that agency, that independent agency or administration functions. There will be no environmental oversight, through the Department, on that. And there will be no oversight regarding health and safety factors relating to workers.

Under that we put all of the facilities that relate to nuclear weapons. One reason why I am particularly concerned, frankly, about this, is that the two National Laboratories in my State would be in this stovepipe. I do not know that that is good for them long term. I have great doubts that that is good for them long term. I really do have doubts as to whether that is a wise course for us to follow.

One problem—and I think the Senator from Nevada referred to this—is that under this new arrangement, it makes it very clear with very specific language here; it says the administrator of this new stovepipe agency, who shall report directly to and shall be accountable directly to the Secretary, "the secretary may not delegate to any department official the duty to supervise the administrator."

Presumably, what that means is that Secretary Richardson could not ask his Under Secretary, in this case Dr. Moniz, to take on any of the responsibility for supervising what is going on in this so-called stovepipe agency. Regardless of the experience or the qualifications of Secretary Moniz, or any other Under Secretary, Secretary Richardson would have to personally exercise that oversight, or it would not be exercised. That is clearly not a good management arrangement.

This stovepipe agency, as it is contemplated in this Nuclear Security Administration, eliminates the ability of the Secretary of the Interior to integrate important work on nuclear weapons with other important scientific work going on in the Department of Energy.

I believe very strongly that our laboratories and our nuclear weapons program are strengthened by the interaction that scientists and engineers in that nuclear weapons program have with other scientists and other engineers working elsewhere in the Department of Energy. That would be stopped. That would be much more difficult under this kind of a stovepipe arrangement. There is no prohibition against it happening here, but it is very clear that the head of this Nuclear Security Administration has all authority, and exclusive authority, for what goes on in his department, and there is very little incentive for anyone else to try to put work in those laboratories or interact necessarily with those laboratories on nonnuclear weapons activity.

As a result of this, I fear very much—and I know my good friend and colleague from New Mexico, Senator DOMENICI, who is a cosponsor of this amendment, says he believes that something like this amendment should be adopted by the Senate because it will keep the Congress, ultimately, after we conference with the House, from going even further and taking a step toward shifting some of this nuclear weapons responsibility to the Department of Defense.

My fear is somewhat different. My fear is that this is a first and sort of a logical step toward going in that direction, and that if you are going to set up all of this nuclear weapons activity in a stovepipe and it is going to be cordoned off from the rest of the Department of Energy, as is proposed in this bill, I think it is very easy to go from that point to the point of saying let's just cut this loose entirely from the Secretary of Energy and make it responsible to the Secretary of Defense.

I think that would be a serious mistake. That is a mistake that our predecessors had the wisdom to avoid. President Truman had the wisdom to avoid that. Those who set up the nuclear weapons program in this country decided early on that it should be in a civilian agency, it should not be in a Department of Defense agency; and, clearly, the closer we move toward making this defense-specific, defense-only, I think we would be making a mistake.

Creating the stovepipe, in my view, does threaten the long-term vitality of our laboratories. I believe it threatens the long-term ability to attract people we need to these laboratories, to keep them world-class, cutting-edge scientific institutions.

I may be overdramatizing, but my own view is that we have seen the stovepipe model in action. Two years ago, I went to the Soviet Union and visited Chelyabinsk-70, also referred to as Shnezinsk. Shnezinsk is one of the nuclear cities, one of the secret cities. When you go there, you see how stovepipe organizations function. There is nobody there doing any research on solar energy. There is nobody there worrying about environmental problems that might be a result of research or work going on at that facility. There is nobody there interacting with much of anyone.

That is one of the big problems. That is why we have the nuclear cities initiative in this bill that we are trying to get going, to help these laboratories in Russia break out of the stovepipe and begin to interact with other elements in the society, with other scientists, and begin to apply their talents to other activities.

So I am sure this is well intentioned. I am sure this proposal is well intentioned, and I would like very much to have some hearings and bring in some experts to tell us what they think of this and allow the administration to give us their point of view. I think that is an appropriate course for us to follow. But my initial reaction, after reading it here for the last hour and a half, or 2 hours that I have had this, is that it does not do what the sponsors intend. It does not solve the problem of Chinese espionage. It does create or result in many other unintended consequences that will be long-term adverse to our nuclear weapons program.

Mr. President, I have great problems about it. I have a series of questions I was going to raise about it. I see my colleague from New Mexico wishing to speak. Maybe he would like to speak and I could ask him a few questions about this.

I yield the floor.

Mr. DOMENICI. Mr. President, how much time has been used on the other side of the aisle with reference to this amendment?

The PRESIDING OFFICER. There is no time limit on this amendment.

Mr. DOMENICI. I understand that, but did somebody keep time?

The PRESIDING OFFICER. We will check the records.

Mr. DOMENICI. There is no need to do that. Let me say to Senator BINGAMAN, first of all, I believe that over the past 15 years—certainly within the last 6 or 7—and I am not casting aspersions in any way on anybody else, but I believe I have had as much to do with keeping the labs diversified as any single Member of Congress.

I believe we have done an exciting job in dealing with the cards that were dealt to us when we decided not to do anymore underground testing. And I believe what Senator REID spoke about, which has the very fancy words surrounding it—"science-based stockpiled stewardship"—you have no idea how long it was difficult for me to put all four of those words together. I used to leave half of them off. But I think I have got it now. It was a very complicated concept. It was imposed on a laboratory system that, I regret to say to you and everybody, was broken down.

In fact, I am going to quote from some reports—all current ones, because they go back years—saying the Department of Energy, in terms of doing its work right for the nuclear weapons part—I haven't seen an analysis about solar, but that is a little program, whether they run it or fund it. I have not seen a report in the last decade, and there are two within the last 6 years, that does not say the Department of Energy's ability to handle nuclear weapons development is not broken to the core. That is principally because it is stuck in a department with so many other things to do that are, with reference to urgency, much different and much easier and not as important as nuclear weaponry and all that goes with it.

Yet, decisionmakers are making decisions on refrigerator efficiency, and then they move over and make a decision on nuclear weapons. I would almost say with certainty—but I am not going to say I will predict—if they don't adopt this amendment—and we are going to stay here for a while and see if we are going to adopt it. Maybe some of you want to filibuster it. Some of you haven't filibustered yet, so it might be exciting. But I can tell you, either this model or a totally independent department for nuclear weapons is going to be the aftermath of this espionage.

I am not worried that it is going to be the Department of Energy managing this because I think too many people have spoken out about that. But when those looking at the management end up saying it cannot fit in a department of the type that is the Department of Energy and be run in a regular, ordinary chain of command decisionmaking, which is what I call this proposal—you can allude to it as stovepipe. I choose the Marine concept that is chain of command—I almost would predict today—but not quite—that it will be one of those, freestanding. When, finally, it is determined what I have been frustrated with for years about the ability to manage that Department, perhaps you can manage the other aspects that are not so critical, but you can't manage the nuclear part under the current environment. It needs dramatic change.

The reason we are on the floor and the reason we are going to finally get it done is because we are scared, because now it is not a question of efficiency and how long it takes to make decisions for nuclear weaponry. It is because we are frightened that we are getting kicked to death. So being frightened, we are going to fix something. This fix is not going to be a little tiny fix as we have done in the past. If anybody chooses to say this is the most dramatic change in 22 years since it was created from its former underpinnings called ERDA, which was another department put together with bits and pieces from everywhere, they are right. It is the most significant proposal to streamline nuclear weaponry that has ever been put forward.

But let me suggest that this administration has had two reports, or three, suggesting that dramatic changes ought to be made, and nothing has been done of any significance.

Secretary Richardson, in the aftermath of what some have called the "greatest espionage" in our whole history, is busy and is to be admired and respected for trying to reform. But if you try to reform it, and you are the Secretary of Energy, and you are as diligent as Bill Richardson—and one who likes to run a lot of things, which I admire him for, and one who is a good politician, so he wants to do things politically acceptable, especially for the White House and those he works for—you will never come to the conclusion that this Department should be streamlined such that the Secretary has only one person to be responsible for the nuclear weapons and they will run it inside out, because in a sense it diminishes the role of the Secretary.

I don't know whether Secretary Richardson does or not. But they are not in office more than 6 months, and they run around calling these great laboratories, including those in my State, "my laboratories." It is just like: Isn't this great? The Secretary of Energy has this big, $3 billion laboratory, and he calls it "my laboratory."

I did not say Secretary Richardson does that. I have not heard him. But, if he did, he would be consistent with the other ones.

We have a suggestion here that is probably going to make it a little more difficult for Secretaries of Energy to run around and call them "my laboratories," because they are going to be a laboratory system run by an administrator within the Department, whether he ends up being an Under Secretary or an Assistant Secretary who is going to run the whole show.

For those who do not think there are models such as this, there are. You can take a look at DARPA. You can take a look within the Energy Department at the nuclear Navy. It is different than this, but if you want to look at a model that is within a big department where you have something structured to handle a very important role and mission, there are such models. As a matter of fact, there are experts who say this is a good model, if you want to keep it within the department.

I want to address two other things, and I want to read some notes.

First, if this Senator thought for 1 minute that the implementation of this approach would minimize the diversification and versatility of these three major laboratories to do outside work for the government and others, I would pull it this afternoon. I don't believe that will happen. I don't believe it is inherent in this amendment. I believe that if there is concern it can be fixed with language, because the fact that it is so poorly managed under this structure that we have is not what is contributing one way or another to its versatility. It is the efficiency and effectiveness of the scientists that are making these laboratories multiuse, multipurpose, multifaceted and that do work beyond nuclear work.

Since my colleague asked that his first speech not be counted as two speeches, which I didn't object to, I gather that the other side doesn't intend to let us vote on this. I don't know what we should do about that. I will meet with our leadership. If it is just up to me, I will debate it as long as we can tonight, and I will go home without the bill completed and bring it up and take another week on it when we come back.

The time is now to fix this tremendous deficiency in terms of how our nuclear weapons and everything attendant to it are managed.

Secretary Richardson is doing a mighty job, but he will never fix it without reorganization and streamlining and chain of command that is provided in this amendment, which is not perfect and not the only one. But this is what it is intended to do.

Let me just read a couple of things. This is Admiral Chiles' report, the so-called Chiles report of March 1, 1999:

> Establish clear lines of authority in DOE. The commission believes that the disorderly organization within DOE has a pervasive and negative impact on the working environment. Therefore, on recruitment and retention, accordingly the commission recommends that the Secretary of Energy organize defense programs——

That is what we are talking about——

> consistent with the recommendations of the 120-day study. We recommend three structural changes.

They recommend three, for starters.

I use this because anybody, including my colleagues and Senator REID, who has today spoken about how well the laboratories have done, would almost have to admit that they have done well in spite of the absolute chaotic condition with reference to sustained accountability within the laboratories as a piece of DOE.

Frankly, I have appropriated for 5 years—this is my sixth—the Committee on Energy and Water, which funds totally the laboratories, to some extent, not totally, with reference to nuclear work and to some extent on nonnuclear.

There were Congressmen asking that we create some new regional centers for headquarters, Albuquerque, for example, or a greater region somewhere in Texas and the like. We asked, rather than do that, that the appropriations fund a 120-day study. That was done. I am sure my colleague has that. If he doesn't, his staff does.

I am going to quote from the executive summary of this, which is dated, incidentally, February 27, 1997. Still reports are saying "fix it, fix it."

At the bottom of page ES–1, "These practices"—after describing practices within this Department of Energy as it pertains to nuclear weaponry—"are constipating the system."

I am quoting.

> They undermine accountability, making the entire system less safe. Further, the process prevents timely decisions and their implementation. Untold millions of dollars are wasted on idle plants and equipment awaiting approvals of various types, or on investments which age and become obsolete and expensive to maintain without ever having been used for the original productive purposes. Finally, the defense program has a job to do—maintenance of a nuclear deterrent, which is not well served by the ES&H review and approval process that drags on forever.

That is the current system of environmental safety and health review in this Department.

People worry about what this amendment is going to do.

Let me tell you. This report says that we are not well served by that which exists in the Department now, and an approval process that drags on forever helps no one.

There is much more to be read in the most current studies that kind of clamor for doing something dramatic and different.

> The largest problem [says this same 120-day study on page ES–1] uncovered is that the defense program practices for managing safety, health and environmental concerns are based on nonproductive, hybrid, or centralized and decentralized management practices that have evolved over the past decade. It goes on to say that because they have evolved doesn't mean they are effective or operative.

I very much am pleased that Senator BINGAMAN yielded so I could have a few words. Senator, I will be back shortly, but I am called to the majority leader's office to discuss this issue. It will not take me over 15 minutes, and I will return.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I rise to speak on behalf of an amendment I sponsored that was agreed to previously as part of the managers' package.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I rise in support of the Kyl amendment, which brings new security accountability and intelligent administration to the Department of Energy's (DOE) nuclear weapons program.

The Cox report has shown us that we have ceded design information on all of our most sensitive nuclear warheads and the neutron bomb to China. These designs, our legacy codes, and our computer data have been lost because of lax security at our national labs (Los Alamos, Lawrence Livermore, Oak Ridge, and Sandia), incompetent administrations, and possibly, obstructions of investigations.

What have we lost because of this espionage? According to the Cox report, "Information on seven U.S. thermonuclear warheads, including every currently deployed thermonuclear warhead in the U.S. ballistic missile arsenal." These warheads are the W–88, W–87, W–78, W–76, W–70, W–62, and W–56. China has also obtained information on a number of associated reentry vehicles. But it does not end there. China also has classified design information for the neutron bomb, which no nation has yet deployed. Other classified information, not available to the pubic, has also been stolen.

With this information, China has made a quantum leap in the modernization of its nuclear arsenal. China will now be able to deploy a mobile nuclear force, with its first deployment as soon as 2002.

The cost of these nuclear thefts is the security of the U.S. and the security of our allies in the Asia-Pacific. The ability to miniaturize and place multiple warheads on a single ballistic missile will have serious destabilizing effects in the region. India is watching China warily, as are Japan, South Korea, and Taiwan.

I hope that our troops in the Asia-Pacific will not have to suffer for a domestic security failure. I hope that we will not have to pay for these thefts in American lives.

But the costs will not be limited to the Asia-Pacific region. We can bet that this information will not stay in the hands of China. China has supplied Iran, Pakistan, Saudi Arabia, North Korea, and Libya with sensitive military technology in the past. We have no real guarantees that China will not spread our lost secrets again.

This fiasco of security did not happen by accident. There was a concerted effort on behalf of the Chinese government to obtain this information and a lack of effort on part of certain individuals to protect those secrets. Janet Reno must be held accountable if she denied her own FBI the authority to investigate suspected spies. Likewise, Sandy Berger must be held accountable if he delayed notification of the President of the United States or if he delayed action on these security breaches.

Mr. President, for two decades we have left the door to our DOE facilities open to thieves. We have exposed our most sensitive details to China. It is time to secure the door of security.

We cannot reverse what has taken place. We cannot take back the information that has been stolen. But we must prevent further theft of our secrets.

The Kyl amendment takes necessary steps in enhancing security at our DOE facilities. It establishes increased reporting requirements to Congress and the President, as well as layers of checks and balances to knock down the stone walls of silence. This amendment also gives the Assistant Secretary of Energy for Nuclear Weapons programs statutory authority to competently administer our nuclear programs and enforce regulations.

But we must also recognize that this measure is not an iron sheath for our weapons secrets. Beyond espionage at our national labs, there have also been illegal transfers of sensitive missile design information by Loral and Hughes, two U.S. satellite manufacturers, to China. With this information, China can improve its military command and control through communications satellites.

In its efforts to engage a "strategic partner," the Clinton Administration loosened export controls, allowing satellite and high performance computer experts. Within two years of relaxing export controls, a steady stream of high performance computers flowed from the U.S. to China, giving China 600 supercomputers. Once again, China is using these supercomputers to advance its military capabilities. These high performance computers are useful for enhancing almost every sector of the military, including the development of nuclear weapons.

We have not reached the bottom of this pit of security failures. The investigations will continue and Congress will hold the Administration accountable. In the meantime I urge my colleagues to support the Kyl amendment.

AMENDMENT NO. 418

Ms. SNOWE. Mr. President, Members of the Senate, last night the Senate did pass an amendment I drafted establishing a policy that would require the President to establish a multinational embargo against adversary nations once our Armed Forces have become engaged in hostilities. I thank the chairman of the Senate Armed Services Committee, Senator WARNER, and Senator LEVIN, as well as minority and majority staffs of the Armed Services Committee and the Foreign Relations Committee for working with me on this initiative.

This amendment would impose a requirement on Presidents to seek multilateral economic embargoes, as well as foreign asset seizures, against governments with which the United States engages in armed hostilities.

After 1 month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia's interior oil-refining capacity. At approximately the same point in time, we had the Secretary of State acknowledging that the Serbians had continued to fortify with imported oil their hidden armed forces in the province.

Just 3 weeks ago, the allies first agreed to an American proposal, one which had been put forward by this administration, to intercept petroleum exports bound for Serbia but then declined to enforce the ban against their own ships.

On May 1, 5 weeks after the Kosovo operation had begun, the President finally signed an Executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet, NATO and the United States have paid a steep price for failing to impose a comprehensive economic sanction on Serbia from the beginning of the air campaign, which started in March.

As recently as May 13, a Government source told Reuters that the Yugoslavian Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Clark gave the alliance a plan for the interdiction of oil tankers coming into the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, the Yugoslavians had imported 450,000 barrels containing 19 million gallons of petroleum vital to their war effort. Let me repeat: 450,000 barrels, containing 19 million gallons of oil, that supported the war effort. Half of those 19 million gallons of oil would support them for 2 months; half of the 19 million gallons of oil supported the Serbian war effort for 2 months, yet we allowed 11 shipments to come through since the beginning of this air campaign.

Unfortunately, it has been economic business as usual for the Serbians as our missiles try to grind their will. The President declared on March 24 the beginning of the NATO campaign and set a goal of deterring a bloody offensive against the Moslem civilians. We know what happened.

I have a chart that illustrates a chronology of the situation when it comes to economic business as usual. We started the air campaign March 24. Then on April 13, while we were adding more aircraft to the engagement, Serbia had reached the midpoint of receiving 11 shipments of oil from abroad.

Of course, on April 27, General Clark announced:

> We have destroyed his oil production capacity.

NATO estimates of displaced Kosovars rise to 820,000. Serbia receives 165,000 barrels of imported fuel over a 24-hour period.

While we were adding more aircraft, it now had been a month later since the campaign began, we find they are still bringing in more oil. A month after the start, they were at the midpoint of receiving 450,000 barrels of oil.

By the close of April, General Clark confirmed the destruction of Yugoslavia's oil production capacity. On the same day, however, the Serbs took in 165,000 barrels of imported oil. As I mentioned earlier in this chronology, while we are still bringing in the aircraft, they are still bringing in the oil.

Interestingly enough, just today, in the Financial Times of London, General Wesley Clark was understood to have expressed concern about the oil issue when he briefed NATO ambassadors yesterday on the progress of the 9-week-old air campaign. He has expressed disappoint that U.S. proposals for using force to support the embargo, at least in the Adriatic, were rejected by other allies—notably France. NATO is still working out how the details of a voluntary "visit and search" regime under which the alliance warships would check on ships sailing up the Adriatic Sea. Let me repeat, they are still working out the details of a voluntary visit and search regime.

Now we are in the ninth week of the campaign, well over 400 aircraft, 23, 24 Apache helicopters, the President has called up 33,000 reservists, and they have yet to establish procedures for an oil embargo. They are still working out the details.

The article goes on to say the North Atlantic Council agreed this week to introduce the regime but has to approve the rules of engagement.

It is clear that the air campaign is still being operated, and, obviously, the oil embargo, according to committee.

On May 1, when the President signed the Executive order barring oil and software receipts, there were 11 foreign oil shipments of 450,000 barrels. Milosevic has now received the last of the 11 April oil shipments, for a total of 450,000 barrels on the day when the President signed the Executive order barring the oil and software imports.

As of 3 weeks ago, the number of displaced Kosovars had topped 1 million, and NATO acknowledges the continuation—as we have certainly learned today in the most recent news updates—of energy imports by the enemy. These imported energy reserves play a significant role in supporting Serbian ground operations.

The U.S. Energy Information Agency estimates that Yugoslavian forces consume about 4,000 barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only one half of the imported fuel just from the month of April alone, they could have operated for nearly 2 months, just half the amount they imported in April, yet as we well know, the air campaign began on March 24.

It took nearly 1 month after the start of the NATO campaign, however, for Milosevic to uproot the vast majority of the ethnic Albanian population of the province. By the timeframe that NATO had claimed to destroy Serbia's oil refining capacity, which was mid to late April, as we have seen here when General Clark announced it on April 27, the Yugoslavians still managed to perpetrate Europe's the worst humanitarian crisis since World War II. We now face the strategic and operational challenge of uprooting dispersed tank, artillery and, infantry units in Kosovo. This challenge confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example teaches us that military victory involves more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the United States and its allies.

Iraq invaded Kuwait on August 1, 1991. Five days later, on August 6, the United Nations Security Council, with only Cuba and Yemen in opposition, passed a resolution directing "all States" to bar Iraqi commodity and product imports. This action first helped to freeze Saddam in Kuwait before he could move into Saudi Arabia. The wartime coalition subsequently faced the more manageable task of expelling this dictator from a small country rather than the entire Arabian peninsula.

The point is, during Operation Desert Storm the President of the United States had worked in concert with the allies to establish an embargo. That was effective. What is difficult to understand is why the President and the NATO alliance did not agree to this at the outset? Why, at a time when we were conducting—initiating an air campaign, this oil embargo was not in place? We must always try to damage or destroy the offensive military apparatus of a hostile State, but as the Persian Gulf war taught us, it should also be starved of its resources.

No law can mandate an immediate multinational embargo. But this amendment that will be included in this reauthorization will make it more difficult for future Presidents to repeat President Clinton's mistake, the alliance's mistake of waiting a month—and actually it is even more than that, because we do not have it in full force. There is no immediate impact of a voluntary embargo currently, as we have obviously heard today with General Clark's concerns about this issue that continues to fortify Milosevic's defenses. So we do not want future Presidents to repeat the mistake of waiting a month, waiting longer to allow the enemy to conserve fuel, to get more fuel and to be able to become more entrenched on the ground as we have seen Milosevic has done in Kosovo, and to cloud the prospects for victory.

The United States, as a matter of standing policy, should pursue an international embargo immediately. In fact, that should have been done even before the campaign had been initiated. That should have been part of the planning process. It should not have been an afterthought. It should not have been ad hoc. It should not have been a few days later we will get to it. In this case, obviously, it was more than a month and it is still running. It should be done immediately. If we are willing to place our men and women and weaponry in harm's way in the middle of a conflict, in the midst of hostilities, then at the very least the ability of any adversaries to reinforce their military machine should cease. Dictators, tyrants, would further know in advance that we would wage a parallel diplomatic and trade campaign next to the military one to disable their war machinery.

This amendment is not micromanaging policy, but it provides increased assurances of victory and averts a delay in the interception of war materiel. In the case of Kosovo, the administration and the alliance admits this was helpful to the enemy. We keep seeing that time and time again. We keep hearing it is helpful. That should have been done long ago. It does beg the question why this was not considered as part of the planning process before we initiated the air campaign. It seems to me it would be very logical.

This amendment will not constrain but strengthen future Presidents in organizing the international community against regional zealots like Milosevic. We must remember the European Union states declined to enforce the Adriatic Sea embargo, against the advice of the United States. Obviously, that is what General Clark is stating, in terms of his concerns. Obviously, the NATO alliance does not have the rules of engagement for even doing a voluntary search and seizure process.

So I think this amendment will be helpful to lend the force of law to future Presidents in order to strengthen their hand in implementing an embargo and to seek international agreement with those countries with whom we are engaged in a military effort so we can force an aggressor into military and economic bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide their forgotten tools of aggression. But this amendment signals that the United States will not only remember these tools, but take decisive action to break them. It signals we should not bomb only so the enemy can trade and hide and can conduct business as usual. It has been business as usual for Mr. Milosevic, regrettably.

So I hope this amendment will enforce greater clarity in our strategies of isolating our adversaries of tomorrow.

I am pleased the Senate has given its unanimous support of this amendment.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LEVIN. Object.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. There is a quorum call in progress.

Mr. REID. I object.

The legislative clerk continued with the call of the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that the quorum call be put in effect after I finish this statement. It will take about 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1159 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask that Senator REED be recognized to talk about the bill for 10 minutes and that then the quorum call be reinstated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

PRIVILEGE OF THE FLOOR

Mr. REED. Mr. President, as a preliminary matter, I ask unanimous consent that Herb Cupo, a fellow in Senator ROBB's office, and that Sheila Jazayeri and Erin Barry of Senator JOHNSON's staff be granted floor privileges during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise today in support of S. 1059, the fiscal year 2000 defense authorization bill. As a new member of the Senate Armed Services Committee, I would like to thank Chairman WARNER and Ranking Member LEVIN for their leadership on this legislation and, also, the subcommittee chairmen and ranking members who have been very helpful. The staff of the committee has also given us able support and assistance throughout this process.

This bill represents a significant increase in funding for national defense, $288.8 billion. This is an $8.3 billion increase over the request of the Administration. I must admit that although I recognize the need for increasing defense spending, this is a substantial increase that puts tremendous pressure on other priorities of the nation. Nevertheless, I think at this time in our history it is important to reinvest in our military forces to give them the support they need to do the very critical job they perform every day to defend the United States.

I am also pleased that, given this increase, the committee has very wisely allocated dollars to needs of the services that are paramount. We have been able, for example, to increase research and development by $1.5 billion. In an increasingly technological world, we have to continue to invest in research and development if our military forces are going to have the technology, equipment and the sophisticated new weapons systems that they need to be effective forces in the world.

In addition, we have added about a billion dollars to the operation and maintenance accounts. These are critical accounts because equipment needs to be maintained and our troops need to be trained. All of these operations are integral parts of an effective fighting force, and we have made that commitment.

In addition, we have tried with those extra dollars to fund, as best we can, the Service Chiefs' unfunded requirements. Those items they have identified—the Chiefs of Staff of the Army, Air Force, CNO of the Navy—are critical systems they think are vital to the performance of their service's mission.

In addition, we have also looked at and dealt with a very critical problem, and that is recruitment and retention of the military forces. We are finding ourselves each month, in many services, falling behind our goals for enrolling new enlistees to the military services and retaining the valuable members of the military services coming up for reenlistment.

This bill, which incorporates many provisions of S. 4, increases pay by 4.8 percent and significantly changes the retirement provisions that were adopted in the 1980s to more favorably represent a retirement system for our military. It also will incorporate the provisions of Senator CLELAND's bill with respect to Montgomery G.I. bill benefits, making them more flexible for military personnel so they can be used for a spouse or child. This is a very important development, not only because of the substance, but also in the fact that it represents that type of innovative thinking about dealing with the problem of recruitment and retention, not simply by doing the obvious, but something that is innovative and, in the long term, helpful. I commend the Senator from Georgia for his great leadership on this issue.

What we are also recognizing here is that among the quality of life issues that affect the military is the issue of health care. I am pleased to note that we have attempted to deal with a nagging problem with the military, and that is the difficulty of obtaining assistance regarding the TriCare system—that is the HMO, if you will, that military families and personnel use. We have heard numerous complaints about TriCare. Indeed, they are many of the same complaints we hear about civilian HMOs from constituents back home.

It is interesting to note that this legislation incorporates an ombudsman program for TriCare. There will be an 800 number where a military person can call with a complaint, with a question, or with a concern, and we will have an individual at that number who will help the person negotiate and navigate through the intricate system of managed care. This is such an interesting program, and, indeed, we are working on this in the context of civilian health care. Senator WYDEN and I introduced legislation to create an ombudsman program for all managed care in the United States. Our program would authorize States to set up ombudsman programs to assist our constituents in dealing with problems just as real and just as complicated as problems facing military personnel in the TriCare system.

I hope that our unanimous support of this provision today in this legislation will be a beacon of hope as we consider managed care reform on this floor in the days ahead so that we can, in fact, adopt an ombudsman provision for our civilian programs as well as our military TriCare program.

I am also pleased to note that we have actively supported the nonproliferation provisions in this legislation.

The Cooperative Threat Reduction program is absolutely essential to our national security. We authorize $475 million, an increase of $35 million.

The crucial area of concern obviously is the stockpile of nuclear weapons in the newly independent states of the former Soviet Union. We want to make sure that they safeguard that system. We want to also make sure that we can work with them to dismantle those systems which will lead both to their security and our security and the security of the world.

I am somewhat regretful, however, that the Senate chose to table Senator KERREY's amendment which would strike the requirement that the United States maintain strategic force levels consistent with START I until START II provisions come into effect. We all agree that the United States needs to maintain a robust deterrent force, although I argue that this can be best accomplished at the START II level. Mandating that the United States maintain a START I level is another example of how we sometimes overmanage and hobble the Department of Defense. I think we can, and should have, adopted the amendment of the Senator from Nebraska, Senator KERREY. It would have been a valuable contribution to this overall legislation.

We also are fortunate that we have in fact pushed ahead on another provision which touches on our nuclear security and a strategic posture, and that is the approval of the decision of the Department of Defense to reduce our Trident submarine force from 18 ships to 14 ships. That is a step in the right direction towards the START II level.

I am also pleased that this bill will authorize funding to begin design activity regarding the conversion of those four Trident ballistic nuclear submarines to conventional submarines which are more in line with the current situation in the world. In fact, when I have talked to commander in chiefs throughout the world, they say they are continually asked to use those submarines for conventional missions. This will give us four more very high quality platforms to use in conventional situations. I think that is an improvement, both in our strategic posture in terms of nuclear forces and also in terms of our conventional posture.

I am, however, also disappointed with respect to another issue. And that is the failure to adopt a base closing amendment as proposed by Senator McCAIN and Senator LEVIN. We are maintaining a cold war infrastructure in the post-cold-war world. We reduced our forces but we can't reduce our real estate. It is not effective.

Until we give our Secretary of Defense and our military chiefs the flexibility in the base closing process to identify and to close excess military installations, we will be spending money that we don't have. And we will be taking that money from readiness, from modernization, and from our forces in the field. They do not deserve that reduction in resources, but in fact deserve the shift of those resources from real estate that is excess to the real needs of our fighting forces. The real needs are taking care of their families, being ready for the mission, and having equipment to do the mission. And every dollar that we continue to invest in resources and installations that we don't need is one dollar less that we don't have for the real needs of our soldiers, sailors, airmen and marines who are out in harm's way standing up and protecting this great country.

I hope we can pass a base closing amendment. I am encouraged that we have more support this year than last year. I hope that we can do so, because it is the one way we cannot only eliminate excess space but also do it in a way that is not political. I know there have been many charges on this floor about politicization. As I hear these charges and these arguments against base closings, I fear that we are the ones that are the issue, that we are the ones that are letting politics get in the way of national security policy. The longer we do that, the more detrimental will be our impact upon the true interests of the country and the needs of our military forces.

Again, let me say in conclusion that this effort, led by Senator WARNER and Senator LEVIN, by the ranking Members, and the Chairpersons of the subcommittees and assisting agencies, results, I think, in excellent legislation. I encourage all of my colleagues to support this bill.

I yield the floor.

I note the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I have a unanimous consent request that I will propound at this time. I do think the issue which has been before the Senate is a very important issue. I have shown my interest and my concern regarding security and more reports with regard to China, satellite technology, and security of our labs. We have added a significant amount of language into this bill. I also think an important part of making sure we have secure labs in the future and that the administration is handled properly will involve reorganization at the Department of Energy. Obviously, what is now in place is not working. But this is not about organization; this is about security.

I ask unanimous consent that there be 1 hour for debate to be equally divided on amendment No. 446, the amendment by Senators KYL, DOMENICI, and others; following that time, the Senate proceed to vote on or in relation to the amendment, with no amendments in order prior to the vote.

I might add before the Chair rules, this agreement is the same type of agreement that we have been reaching for dozens of amendments throughout the consideration of the DOD bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. LOTT. I ask consent that a vote occur on or in relation to this amendment with the same parameters as outlined above, but the vote occur at a time to be determined by the majority leader after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. I inquire of the assistant Democratic leader, is the Senator objecting because he does not want a direct vote on the amendment No. 446, or is there some other problem with that request?

Mr. REID. I say with the deepest respect for the majority leader, I have spent considerable time here this afternoon indicating why I think this is the wrong time for this amendment. I have stated there are parts of the amendment that I think are acceptable and agreeable to the minority, but this is not the time for a full debate on reorganizing the Department of Energy. This is on the eve of the recess for the Memorial Day weekend. We have had no congressional hearings; we have not heard from the Secretary of Energy, except over the telephone. This is not the appropriate way to legislate.

For these and other reasons, I ask there be other arrangements made so that we can proceed to this most important bill, the defense authorization bill.

Mr. LOTT. Mr. President, in light of that objection, I ask consent that when the Senate considers H.R. 1555—that is the intelligence authorization bill—following the opening statement by the manager, Senator KYL be recognized to offer an amendment relative to national security at the Department of Energy; I further ask consent that if this agreement is agreed to, amendment No. 446 be withdrawn, following 60 minutes of debate to be equally divided between Senators KYL and DOMENICI and REID and LEVIN, or their designees.

Mr. REID. Reserving the right to object, and I shall not object, I do say to the majority leader, I appreciate on behalf of the minority, very much, this arrangement being made. This we acknowledge is important legislation. It is an important amendment, one that deserves the consideration of this body, I think, at an appropriate time. As indicated, H.R. 1555 will be the time we can fully debate this issue.

So I say to the sponsors of the amendment, Senators KYL, DOMENICI, MURKOWSKI, we look forward to that debate and express our appreciation for resolving this most important legislation today. There is no objection from this side.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. Leader, would you take the time you have allotted to the two of us, the Arizona Senator and myself, and add Senator MURKOWSKI, equally divided?

Mr. LOTT. I will so amend my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, in light of this agreement, then we will continue. The managers have some work they need to do with regard to some amendments that are still pending. During this 60 minutes of debate, I hope that can be resolved. We are expecting that final passage on the Department of Defense authorization bill would occur this evening, hopefully before 8 o'clock. If we can make it any sooner than that, certainly we will try to, but 8 o'clock is still our goal.

Just one final point. I must say, I do not like having to pull aside this amendment. I thought we should have full debate, that it was a very important amendment and we should have had a vote on it. But we will have an opportunity. This is an issue that is important. It does go to the fundamental question of security at our energy and nuclear labs. But I think this Department of Defense authorization bill is the best defense authorization bill we have had in several years. A lot of good work has been done and I thought it would not have been wise to leave tonight without this Department of Defense authorization bill being completed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank both leaders for arranging for this bill to go forward now.

Senators will recall, pursuant to an earlier unanimous consent, we asked Senators to send to the desk such amendments and file them, as have not been as yet cleared by the managers. We are continuing to work on those amendments, but we cannot guarantee we will be able to include all of them into the package.

So once we finish this debate, it is the intention of the managers to move to third reading unless Senators come down with regard to these amendments that are pending at the desk.

I will be on the floor, as will Senator LEVIN, continuously to try to work out as many as we possibly can. But it is essential, as the majority leader said, we try to vote this bill at 8 o'clock right now.

Mr. LEVIN. If the Senator will yield, I concur with his suggestion that those who have amendments that have not been cleared come over. We do not want to raise false hopes that we will be able to clear many more of them because we have cleared, I believe, a goodly number.

Mr. WARNER. There were about 40.

Mr. LEVIN. We are doing the best we can, but it is going to get more and more difficult to clear additional amendments. We have, I believe, cleared about 25 of the 40, roughly, that were sent to the desk. We just may not be able to clear many more because of differences on both sides.

Mr. WARNER. But we both want to be eminently fair to our colleagues. The bulk of the amendments remaining at the desk are ones that we, at this time, either on Senator LEVIN's side or my side, find unacceptable.

Mr. LEVIN. At this moment that is correct. We are going to do our best to see if we cannot get a few more to be acceptable, but it is getting difficult.

Mr. WARNER. I thank the Chair and yield the floor.

AMENDMENT NO. 446

The PRESIDING OFFICER. Who yields time on the pending Kyl amendment? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I would greatly appreciate it if you notify me when I have used up 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. DOMENICI. Mr. President, I first want to say how sorry I am at the treatment of this amendment, the first major, significant effort to put our nuclear weapons development house in order and stop the espionage we have been hearing about. The American people are now very fearful of the consequences of this situation. There can be all the talk the other side wants that the Secretary of Energy is going to fix this. The truth of the matter is, the Secretary of Energy is lobbying very hard against this, even calling the President about it. I think it is because the Secretary wants to fix it himself.

As good a friend as I am of his, and as complimentary as I am about his work, the truth of the matter is he cannot fix what is wrong with the Department of Energy as it pertains to nuclear weapons development and maintenance.

Second, he cannot correct the lack of accountability among those various elements of the Department that are charged with security transgression activities. It is impossible under the current structure of the Department.

Some have said this is being done too quickly with not enough notice. One of my fellow Senators was saying the Chinese did not give us very much notice when they set about to steal our secrets. We already know the right hand doesn't know what the left hand is doing. We already know about that. It is not going to get better until we decide to change things dramatically and raise, within the Department, the concern about the tremendous value of nuclear secrets and nuclear weapons development information. It cannot any longer be dealt with in the same way we deal with all the other things in the Department of Energy. There are hundreds of energy issues in that Department that take up the same time of the same people, the same regulators who are supposed to be concerned about nuclear weapons. That must stop. Sooner or later something like we proposed here is going to take shape.

I hear some have said it is the status quo. It is the opposite of the status quo. I understand our Secretary has said it is the status quo. It is the very opposite of it. I understand some have said it gives the nuclear part of this, the nuclear weapons people, total control where they are not responsible to anyone. That is not true. The Secretary is still in charge. The truth of the matter is, if we made them a little less responsible for all the goings on in this monster department, we would all be better off. So in that regard, we will take some credit for that.

There are others who suggest this has not previously been thought of in this way. I want to read from a 1990 report of the Defense Committee in the House.

> We concur with the recommendation of the Clark task force group to "strengthen DOD's management attention to national security responsibilities." These steps should include raising the stature of nuclear weapons programs management within DOE, for example by establishing a separate organizational entity and administration with a clearly enunciated budget, reporting directly to the Secretary.

That is precisely what we have done.

I want to close tonight by saying this issue will be revisited. We can say to the Secretary and the Democratic whip, and those on that side who would not let us vote—who did not bother to try to amend this, just decided they would threaten a filibuster and be prepared to do it—that they have not seen the last day of this approach. Because it is imperative, if our country is going to do justice to the future and be fair with our children and their children, we cannot continue down the path we have been on with reference to nuclear weapons and nuclear weapons design and development. We must do better.

If you were to design a system calculated to give the most important and most effective part of the Department the least attention, that is what you would do. You would do it like we are doing it.

Or if you were to decide that the most important function for our future should be treated along with other functions that are rather irrelevant to our future, you would design this Department and you would be here fighting this amendment because you would have that situation that I just described right on top of the most important function of the Department of Energy.

So, with a lot of care and attention, I worked on this. I will continue to work on it. I know a lot about it, but I do not assume that I know more than other people. We ought to all work on it. But I suggest to the President and to Secretary Richardson, they better get with suggesting to Congress some real ways that we can be involved in stopping what has been going on in the Department of Energy on both fronts, the sabotage and the stealing of secrets, which we will never correct unless we change the structure, making the nuclear weapons system the most important function of the Department of Energy, bar none, second to none, at the highest elevation, not fettered or burdened by all these other functions of the Department.

If you can imagine that the bureaucracy within that Department worries about—I said a couple times on the floor—refrigerators and their ability to be more energy efficient, and those who worry about that are the same group of people who worry about the same kind of things as pertains to nuclear energy. They do not belong in the same league. They should be separated.

Our suggestion, for accountability and more direct reporting, more opportunity for committees in Congress and the President himself to know when security violations are occurring and are serious, must at some point be adopted.

Frankly, none of this is said with any idea that my good colleague, Senator BINGAMAN, is anything but totally concerned about this issue. He has different views than I tonight, but clearly I do not in any way claim that he has anything but the highest motives in his lack of support for the amendment on which I have worked.

Neither do I think the distinguished minority whip in his remarks should have said about this amendment that it will put the national security at risk and that it will put our nuclear weapons and development of them at risk. He should retract that statement and take it out of there. If anything, any management team would say it would improve the situation.

I yield the floor and reserve my 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I do not know if the other proponents of the amendment want to speak at this time. I gather they do not since they are not on the floor, so I will take a very few minutes of our time and make a few moments.

First of all, I think this is a good result we have come up with that allows for a reasoned and deliberate consideration of this proposal. I certainly repeat what I said earlier today, which is, I question nobody's motives. I am sure everyone's motives are the same as mine, and that is, how do we improve the security of our nuclear weapons program and, at the same time, maintain the good things about our nuclear weapons program in our National Laboratories in our Department of Energy.

I, for one, started this from the proposition that the Stockpile Stewardship Program, which is the program that is essentially responsible for maintaining our nuclear deterrent, has been a success. That is my strong impression, and the suggestion that it has been fettered and burdened—I believe that is the language that was used—by other activities in the Department, I do not believe is true.

My strong impression is that the Stockpile Stewardship Program is alive and well, that our nuclear deterrent is secure and reliable, and that in fact there is a lot we can point to with pride in that regard. Clearly, there have been security lapses. Clearly, classified information has been stolen, and we need to put in place safeguards against that ever recurring. I favor that, and I believe we have some strong provisions in this underlying bill which will accomplish that and will move us in the direction of accomplishing that.

Maybe there should be more. I am not totally averse to considering reorganization in parts of the Department of Energy. That may be a very constructive suggestion for us to look into. But I do believe that the way to do it is through hearings.

Hopefully, we can have hearings in the Armed Services Committee. This is the appropriate committee, I believe. I serve on that committee. Perhaps Senator WARNER can schedule some hearings as early as the week after next when we return, if there is a sense of urgency, and I share a sense of urgency about doing all that is constructive to do.

I am not in any way arguing that we should not look into this issue. I believe if we have hearings, we should give the Secretary of Energy the chance to testify. I do believe that if we are going to embark upon a major reorganization of the Department of Energy, the logical thing to do is to ask the Secretary of Energy his reaction to our proposed reorganization. That is the kind of responsible, deliberate action that our constituents expect of us. That is what the Secretary of Energy has a right to expect. That is what the President expects. I hope that is the course we follow.

I will briefly respond to the point my colleague, Senator DOMENICI, made about a 1990 report by the Clark task force. I am not personally familiar with that report, but I point out to my colleagues that in 1990 the Secretary of Energy was Admiral Watkins. That was not a Democratic administration; that was a Republican administration. Admiral Watkins was a very, very qualified individual to be our Secretary of Energy. His credentials for line management and command and control and maintaining military security cannot be questioned.

Admiral Watkins, of course, evidently did not think the recommendations from that Clark task force alluded to should be followed up and implemented, and did not do that. There have been a lot of capable people in the Department of Energy, some in the position of Secretary, who have spent substantial time looking at this problem. They have made some improvements. Perhaps more are needed, and I certainly will embrace additional improvements if that is the case.

I do, once again, make the point I made earlier today, and that is that we do not want to do something that has not been thoroughly discussed, has not been thoroughly analyzed, and which can have very, very adverse consequences, unintended adverse consequences, on the strength of our National Laboratories, on our ability to retain, to maintain, and to recruit the top scientists and engineers in this country to work on these programs and to work in these laboratories.

Mr. President, I yield the floor and reserve the remainder of my time to see if other of my colleagues wish to speak on this issue as well.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am really appalled at the state of affairs on the floor. Earlier today, I asked that an order for a quorum call be rescinded in order to discuss further the Kyl amendment which Senator DOMENICI, Senator KYL, and I have participated in developing. I was really disappointed we were denied that opportunity. I am pleased we have this limited time available to us.

When we offered the amendment, we each had 10 minutes. That is not very much time to explain it. I had hoped the minority would have granted more time. I can only assume the minority is very much opposed to a full discussion of the circumstances surrounding the greatest breach of our national security, as evidenced by the Cox report which came down yesterday.

I am further shocked that the administration has succeeded in temporarily derailing this amendment. And that is what they have done; they have derailed the amendment. The administration seems to be more concerned about how the bureaucracy within the Department of Energy is organized than whether the national security of the United States is protected. We had an obligation prior to this recess to initiate a corrective action within the Department of Energy. The minority has precluded us from proceeding with that opportunity today.

As chairman of the Energy and Natural Resources Committee, I have held seven hearings. These hearings have revealed the shocking, dismal state of security at our weapons labs. Those on the other side do not want to repair it now; they want to study. How long have they studied it? It has gone through at least four Secretaries, that we know of. It has gone back a decade. Why, for the life of me, do we delay now? I don't know.

The pending Kyl amendment would have provided some assurances to the Congress and the American people that this will not happen again. This amendment was about accountability—accountability by the Department of Energy, accountability by the Department of Energy laboratories, accountability by the Secretary of Energy, accountability by the President—because it would provide, if you will, reporting not just to the Secretary but to the Congress and to the President.

This would have provided accountability to the people of the United States. They are entitled to it. But not now. The administration and the minority have succeeded in derailing it.

The opponents of the amendment claim that it would make the DOE, the Department of Energy, bureaucracy unworkable. Well, I have news for you. Unworkable? It is already unworkable. That bureaucracy is so unworkable, it has allowed all our secrets—all our secrets—that we have spent billions of dollars on, to simply pass over to the Chinese, and perhaps other nations as well.

The Department of Energy's bureaucracy has proven time and time again that no matter how diligent any individual Secretary of Energy is, the bureaucracy can outwait the Secretary, the bureaucracy can ignore the Secretary, the bureaucracy can do whatever it pleases without fear of any consequences.

Let me just give you one example.

In 1996, the Deputy Secretary of Energy, Charles Curtis, implemented the so-called Curtis Plan. It was a security plan. It was a good plan. It was a plan to enhance security at the DOE laboratories.

But in early 1997 he left the Department of Energy. And guess what. Not only did the Department of Energy bureaucracy ignore the Curtis Plan, the DOE bureaucracy did not even tell the new Secretary about the Curtis Plan.

I have had the opportunity in hearings to personally ask the new Secretary if he was familiar with the Curtis Plan. The specific response was: Well, it was never transmitted.

Why wasn't it transmitted?

Well, we don't know. We just have fingers pointing the fingers back and forth.

I certainly commend Secretary Richardson for his efforts to improve security. He has improved security. But the plans, the traditional Department of Energy security plans, seem to have the life of a fruit fly.

The loss of our nuclear weapons secrets is just too important to ignore or to trust to the bureaucracy of an agency that has time and time again proven that it simply cannot be trusted, because the bureaucracy does not work, the checks and balances are not there.

So I am extremely disappointed that the Secretary has said in a letter he will demand that the President veto the bill because Congress is taking action—Congress is taking action—to fix the problem. Can you imagine that? We are taking action to fix the problem, and they are saying it is too hasty, we should not fix the problem.

This is just part of the problem. This amendment is just part of the answer. But at least we are trying to do something. The Democrats on the other side say: Oh, no, you're too early.

The pending amendment would have created accountability and responsibility for protecting the national security at the Department of Energy; but not now, as a result of the administration's objections.

The pending amendment would have created three new organizations within the Department of Energy to protect our national secrets; but not now, as a result objections from the minority and the administration.

The pending amendment would require the Department of Energy to fully inform the President and the Congress about any threat to or loss of national security information; but not now, as a result of the objections of the minority and the administration.

President Clinton will rightfully be able to claim ignorance—claim ignorance—again on what is going on, because he will be ignorant of what is going on.

The amendment would have prohibited anyone in the Department of Energy or the administration from interfering with reporting to Congress about any threat to or loss of our Nation's national security information; but not now, as a result of the objections of the minority and the administration.

The amendment would have required the Department of Energy to report to Congress every year regarding the adequacy of the Department of Energy's procedures and policies for protection of national security information and whether each DOE laboratory is in full compliance with all the DOE security requirements; but not now, as a result of the objections of the minority and the administration.

The amendment would have required each Department of Energy laboratory director to certify in writing whether that laboratory is in full compliance with all departmental national security information protection requirements; but not now, as a result of the objections of the minority and the administration.

In short, this amendment would have gone far—not all the way—but it would have gone far in preventing further loss of our nuclear weapons secrets to China; but not now—well, it is evident—as a result of the objections by the minority and by the administration.

I suggest that the administration has made a tragic mistake, that the minority has made a tragic mistake. The American people expect a response from the Congress, the Senate, now in this matter—not next week or next month.

Mr. President, I reserve the remainder of my time.

I ask what the time remaining is.

The PRESIDING OFFICER (Mr. SESSIONS). Two minutes 13 seconds.

Mr. MURKOWSKI. I thank the Chair. I believe there are other Senators wishing to speak at this time.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, might I inquire, was the time on the Republican side equally divided, 10 minutes each, among Senators MURKOWSKI, DOMENICI, and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. KYL. In that event, I suggest that Senator MURKOWSKI yield the remainder of his time to Senator HUTCHINSON—he has comments to make—unless Senator MURKOWSKI has further comments.

Mr. MURKOWSKI. I will need another 30 seconds to a minute at the end. You have 10 minutes.

Mr. KYL. Mr. President, let me yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. HUTCHINSON. I thank Senator KYL and Senator MURKOWSKI for their efforts in this area.

I, along with every Member of this body, received the three volumes of the Cox report. I share the absolute shock at the indescribable breach of our national security at our labs. I think it is inexcusable that we would leave for the Memorial Day recess without taking even this step.

Senator KYL has presented to us—and I am glad to cosponsor the amendment—an amendment that makes eminent good sense. It calls for the head of DOE counterintelligence to report immediately to the President and the Congress on any actual or potential significant loss or threatened loss of national security information. That is an indisputable need. It is clear in the Cox report that that was one area of failure.

For the Democrats, at a time when this Nation is at war, to threaten that they are going to block, through filibuster, a national security reauthorization bill because they do not want us to debate an amendment to address this shocking failure of security, I think is inexplicable, disappointing, and is going to be hard to explain to our constituents.

I wish we had debated the Kyl amendment, had enough time to spend on it, have a vote on it, and take the kind of step Senator KYL has proposed in this amendment.

I leave with disappointment and dismay that such a filibuster would be threatened on an amendment that is so important to the security of the United States.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes 30 seconds. The Senator from Michigan has 15 minutes.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator LEVIN's time be assigned to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me respond to a few of the points that have been made. Then I will yield, because I know the Senator from Arizona, who is the prime sponsor on the amendment, is here and wishes to speak.

The suggestion that we are leaving without knowing anything about security in our National Laboratories in the Department of Energy is just wrong.

I am on the Armed Services Committee. I participated in the drafting of the language that is included in this bill. We have 24 pages in the defense authorization bill which is the best—the best—we could come up with in the Armed Services Committee to deal with this problem of security and put in place more safeguards.

We start on page 540, establishing a Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities. We go on; that commission is established. We move on to increase the background investigations of certain personnel at the Department of Energy facilities. We move on to requiring a plan for polygraph examinations of certain personnel at the

Department of Energy facilities. We then go on to establish civil monetary penalties for violations of the Department of Energy regulations related to safeguarding and security of restricted data.

We have a moratorium on lab-to-lab and foreign visitors and assignment programs unless there is a certification made by the head of the FBI, the head of the CIA, the Secretary of Energy himself as to the fact that safeguards are in place.

We increase penalties for misuse of restricted data. We establish the Office of Counterintelligence in statute, which is essentially a third of the amendment that the Senator from Arizona is proposing. So two of the three parts of the amendment the Senator from Arizona and my colleague from New Mexico are proposing are included in this amendment.

It is just not accurate to say we are leaving here without having done anything. We also provide for increased protection for whistle-blowers in the Department. We provide for investigation and remediation of alleged reprisals for disclosure of certain information to Congress. We provide for notification to Congress of certain security and counterintelligence failures at the Department of Energy facilities. All of these provisions are in the bill the way it now reads.

I say again what I said before: Maybe there should be more. I hope very much we will have some hearings in the Armed Services Committee, perhaps on the Energy Committee. I know my colleague from Alaska, the chairman of the Energy Committee, expressed his great concern that we are not moving ahead this afternoon on this. Since we have already had seven hearings on this China espionage issue, we should go ahead and have an eighth hearing, hopefully the week after next, and we should look at this proposal or similar proposals to see what can be done.

One other minor item: There has been reference made to the failure to implement the recommendations that Charles Curtis, our former Under Secretary, made with regard to security. I agree, this was a failing. The information was not properly passed from one group of appointed officials to the next group of appointed officials when they came into office. That is a very unfortunate lapse. Under this amendment, Secretary Curtis would have been stripped of any authority over the nuclear weapons program. It would be prohibited for the Secretary of Energy to allow the Under Secretary any authority over that program under this proposal.

One of our outstanding Secretaries of Energy, since I have been serving in the Senate, has been Secretary Watkins. He is known for his attention to the detail of management and administration. During the time he was Secretary of Energy, he issued a great many management directives or "notices," as he called them. I have here a notebook containing 37 of these management directives that Secretary Watkins issued. They are all related to the organization and management of the Department of Energy. None of them contain the provisions or anything like the provisions that are contained in here.

I hope when we have hearings in the Armed Services Committee, in the Energy Committee, in whatever committee the majority would like to hold hearings, let's call Secretary Watkins, Admiral Watkins, to come and explain to us his view of this proposal. Surely we cannot question his commitment to dealing with safeguards and security and with the problem of Chinese espionage. If some of my colleagues want to imply that Members on the Democratic side are less than concerned, let us call Secretary Watkins and see whether he is less than concerned about some of these issues.

I am persuaded that he is very concerned. I am persuaded that all of my colleagues in the Senate, Democrat and Republican, are very concerned. We need to do the right thing. We need to be sure that whatever we legislate helps, rather than hinders, our ability to deal with this problem.

I yield the floor at this point and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I just address the Senate to say that Senator LEVIN and I are still working with regard to the managers' package and reviewing such amendments at the desk when Senators come and discuss them. It is the intention of this Senator to move to third reading very shortly, just minutes following the debate on the current amendment by the distinguished Senator from Arizona, Mr. KYL.

Mr. KYL. Mr. President, is there anybody else on the Democratic side who wishes to speak at this point?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the time now is being controlled by Senator BINGAMAN. I ask him for 1 minute.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BINGAMAN. I yield the Senator such time as he wants.

Mr. LEVIN. Mr. President, Senator BINGAMAN has just put in the RECORD the extensive actions that are taken in this bill in order to enhance security at these labs, actions which were taken after some very thoughtful debate and discussion by the Armed Services Committee. Senator BINGAMAN has outlined those for the RECORD and for the Nation.

I want to put in the RECORD at this time the summary of the amendment that we adopted here today. Senator LOTT offered an amendment earlier today. It was modified somewhat. In essence, it does some of the following things:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of export control laws. It would require the President to notify Congress whenever an export license or waiver is granted on behalf of any person who is the subject of a criminal investigation. It would require the Secretary of Defense to undertake certain actions that would enhance the performance and effectiveness of the Department of Defense program for monitoring so-called satellite launch campaigns. It would enhance the intelligence community's role in the export license review process. It proposes a mechanism for determining the extent to which the classified nuclear weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees.

These are a long list of actions which are now in this bill, that started off in this bill from the Armed Services Committee that had been improved on the floor today. To suggest that we are not doing anything relative to trying to clamp down on espionage activities which have been going on for 20 years at these labs, it seems to me, is a total misstatement of what is in this bill that we will be voting on in a few minutes.

I ask unanimous consent that a summary of the Lott amendment, again, slightly modified since this list has been prepared, but that a summary of the Lott amendment be printed in the RECORD at this time.

Mr. WARNER. Reserving the right to object—I do not intend to—could you describe who prepared the summary?

Mr. LEVIN. This was prepared by Senator LOTT's staff. Again, there were some slight modifications in this, which Senator LOTT agreed to, which I proposed prior to the adoption of the amendment. This, in essence, is the summary of the Lott amendment. This, plus the numerous provisions in the Senate bill that came out of the Armed Services Committee, a commission on safeguarding security, counterintelligence at the facility, background check investigations now going on that had not been taking place, polygraph examinations, monetary penalties to be added to the criminal penalties, moratorium on laboratory-to-laboratory and foreign visitors in assignment programs, counterintelligence and intelligence program activities being organized, whistle-blower protection, notification of Congress of certain security and counterintelligence failures at these labs.

This is a significant effort on the part of the Armed Services Committee. It was supplemented by the full Senate today. I don't think we ought to denigrate this effort on the part of the Armed Services Committee or of the Senate in adopting the amendment we adopted today by just suggesting we are not doing anything because in a few hours prior to a recess, without one hearing on the subject, we are not reorganizing the Department of Energy without even hearing from the Secretary of Energy. I think that suggestion is a denigration of what is in this bill, which was thoughtfully placed in this bill by the Armed Services Committee, and a denigration of the amendment of the majority leader, which we adopted here this morning on this floor.

We should not characterize these kinds of efforts and diminish these kinds of efforts by sort of saying we are not doing anything before we are going home on recess. We are doing an awful lot, and there is more to be done. But we ought to do it in a way that will do credit to this institution, the Senate. We ought to do it promptly after the recess. We ought to do it after a hearing, where the Secretary of Energy is heard. The head of the Department should at least be heard. We received a letter from him today. Do we not want to hear from him prior to reorganizing the Department? That is not thoughtful.

That is not the way to proceed to close the hole. That is a way of precipitously trying to do something and trying to get some advantage from the refusal of others to go along with that kind of precipitous action. But more important, I believe it would denigrate the significant steps that are in this bill, both as it came to the floor and as it was added by the majority leader with modifications, which I suggested, and that work is significant. It will close, we hope, most of the holes that have been in these labs in terms of trying to protect against espionage for 20 years, where nothing was done until finally last year the President issued a Presidential directive that started the process of tightening up the security at these laboratories.

We should be proud of these efforts. They were done thoughtfully in committee by the majority leader, by Senators on the floor. We should not denigrate them and simply slough them off because there is not a precipitous reorganization of the entire Department 2 hours before the recess, without even having a hearing on the subject and hearing from the Secretary of the Department.

That is more than 1 minute, Mr. President. I ask unanimous consent that the summary of the Lott amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOTT AMENDMENT SUMMARY

First, this amendment would require the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin. It also would require the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Second, this amendment would require the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called "satellite launch campaigns" in China and elsewhere.

Third, this amendment would enhance the Intelligence Community's role in the export license review process, and would require a report by the DCI on efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, this amendment expresses the Sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime (MTCR) as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the elimination of legal or regulatory barriers to long-term competitiveness. The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch.

Sixth, this amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied.

Seventh, this amendment also would require the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year.

Eighth, the amendment proposes a mechanism for determining the extent to which classified nuclear weapons information has been released by the Department of Energy.

Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees, versus the OPM.

Tenth, the amendment proposes increased counter-intelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges.

AMENDMENT NO. 458, AS MODIFIED

Mr. WARNER. Mr. President, I send a modification of amendment No. 458 to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 458), as modified, is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF THE SENATE ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—It is the sense of the Senate that the United States as a member of NATO, should not negotiate with Slobodan Milosevic, an indicted war criminal, or any other indicted war criminal with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia

(b) YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. KYL. Mr. President, will you advise us as to the time remaining?

The PRESIDING OFFICER. The junior Senator from New Mexico has 11 minutes; the senior Senator from New Mexico has 2 minutes; the Senator from Alaska has 2 minutes 13 seconds; and the Senator from Arizona has 8 minutes 25 seconds.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we have had a lot of conversation here on the floor as we have looked at the examples of finger-pointing. It is apparent also that we have had bungling at the very highest level.

I'd like to share a couple of examples with my colleagues. Why wasn't Wen Ho Lee's computer searched to prevent the loss of our secrets? Because the FBI claims that the DOE told the FBI that there was no waiver. The FBI then assumed they needed a warrant to search.

Well, Wen Ho Lee did sign a computer access waiver. This is the waiver on this chart. I can't tell you how many days of communication it took to get this waiver, because the first explanation was that it didn't exist. When the FBI asked the Department of Energy if there was a waiver on Wen Ho Lee, the Department of Energy examined their records and they could not find a waiver. Here is a waiver signed by Wen Ho Lee, April 19, 1995. It says:

> These systems are monitored and recorded and subject to audit. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil penalties. I understand and agree to follow these rules.

There it is. We found it. What is the result? Lee's computer could have been searched, but instead was not searched for 3 long years. There was a waiver the entire time. What is the excuse of the bureaucrats for that? They point to one another.

Then there is the role of the Justice Department. The Justice Department thwarted the investigation by refusing to approve a warrant, not once, twice, but three times. We still have not heard a reasonable explanation. The Attorney General owes to the American people and the taxpayers an explanation as to why it was turned down.

What is frightening, as well as frustrating, is that nobody put our national security as the priority. The FBI and the Department of Justice were more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history. The events involved throughout the Lee case are not only irresponsible, they are unconscionable.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BINGAMAN. Mr. President, I agree that there was substantial bungling by various officials and, clearly, that computer should have been investigated. Maybe we ought to have an amendment out here to reorganize the FBI. Maybe that is the solution to this problem, and we can consider it tonight before we leave town. Clearly, there is no disagreement between Democrats and Republicans about the fact that serious problems exist and they need correcting.

The question is, Should we do a major reorganization of the Department of Energy with no hearings, no opportunity for the Secretary of Energy to come forward, and do so here as everyone is trying to rush out to National Airport and fly home? In my view, that is clearly not the responsible way to proceed. Accordingly, we did object to that portion of the amendment. I think that is the right thing to do. After hearings, after consideration and meaningful discussion with the Department and with other experts about how to proceed, we may well find some ways to improve that Department through changes in its organization. If we do find those, I will certainly be the first to support such a proposal. But I do think it is appropriate for us, at this stage, to stay with what we know will help and continue to look for other ways to help in the weeks and days ahead.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I suggest that the example of the FBI and the Department of Energy not knowing that this waiver existed that Senator MURKOWSKI spoke about is the perfect case of the right hand not knowing what the left hand was doing, and it is precisely what this amendment seeks to correct. There is an old debate technique called the "red herring."

If you can't meet the real argument of your opponent, throw something out there that you can defeat and pretend like that is the issue.

Members of the Democratic side have said, why, there are all kinds of security provisions in this bill. How dare the Republicans suggest that we haven't done anything about security in the bill.

The security provisions in the bill were put there by Republicans. We know full well that we have security provisions in the bill. Virtually every one of them were put there by Republicans. And I am informed that in the Armed Services Committee, Democrats fought many of them. Now they come to the floor very proud of what is in the bill—not having sponsored them, having opposed some of them, but now contend that we have solved the problems, because the Republicans on the Armed Services Committee put some provisions in the bill, and because the Republican majority leader, Senator Lott, brought a whole series of things to the floor. Much of what was quoted by the Democrats came from the Lott amendment. In fact, Senator LEVIN even put into the RECORD a summary of the Lott amendment.

I am glad. These are all very good provisions. Republicans are serious about our national security.

But to suggest that what was done there is the end of it, now we can go home, is to quit way before this problem has been solved.

The Kyl-Domenici-Murkowski amendment is an amendment that seeks to get to the core of the problem. As Senator BINGAMAN said, two-thirds of the Armed Services Committee amendments were incorporated into our amendment. That is true. We did that for stylistic purposes.

What is the problem? It is the remaining one-third. They don't want to get to the core of the problem, which is the organization of the Department of Energy.

Here is what it boils down to: Who do you trust? Do you trust the Clinton administration with the national security of the United States saying: Trust us; we will do the reorganization down here at the Department of Energy. We are going to get this figured out.

Is that who you trust?

I don't think the American people can afford to continue to put their trust in an administration which has known about this problem since 1995, and only in 1999 did it begin to do anything about it because of public pressure. From the management review report of the Department of Energy itself, as recently as last month, it recognized that, "significant problems exist in that the roles and responsibilities are unclear."

That is precisely what we are trying to fix—to get these roles and responsibilities straight.

Only a month before, a congressionally created administration said, "The Assistant Secretary of Defense programs should be given direct line management over all aspects of the nuclear weapons complex." That is our amendment.

The GAO report—a whole list of reports, all highly critical of the management at the Department of Energy and the defense weapons complex.

I finally conclude with this point: The GAO testified that the continuing management problems at the Department "were a key factor contributing to security problems at the laboratories and a major reason why DOE has been unable to develop long-term solutions to the recurring problems reported by advisory groups."

Is that who you want to trust to clean this up and fix it up, and make sure that we don't have any more problems? I think not. I think it is time for Congress to get involved.

What is so amazing to me tonight is that the Democrat minority would hold up the defense authorization bill at a time when we are at war in Kosovo, because they don't even want to debate our amendment. They called a quorum call and wouldn't take it off so, that Republican Members couldn't even come to the floor. Senator DOMENICI asked to be allowed to speak on our amendment. He is a coauthor. The minority refused him the opportunity even to speak.

So not only will they not allow us to vote on our amendment, but they won't even allow it to be debated. Yet their ostensible reasoning for opposing it is not because they don't think it has some good ideas in it but because we have to have a lot more discussion and debate about this; we haven't had hearings; we need to talk about this.

We have offered them the opportunity to talk about it, but they don't want to talk about it. They don't want to talk about it because it gets right to the guts of the problem—the Department of Energy has to be reformed. This amendment does that.

The national security of the United States cannot be protected until we do that. And the suggestion of the distinguished minority whip that now is not the time, on the eve of the Memorial Day recess, is astounding. What is more important, that Members get to go home for the Memorial Day recess, or that we act with alacrity to fix the problems of national security at our laboratories?

I am astonished that the Democratic minority would take this kind of cavalier approach to the national security of the United States—we need to talk about it more, but we are not going to let you talk about it. We need to get out of town for the recess. So withdraw your amendment.

Only because the Department of Defense needs the authorization bill are the authors of this amendment willing to withdraw it at this time.

There is a war in Kosovo. It is irresponsible for the minority to threaten to filibuster this bill until kingdom come while that war is going on, because they don't even want to talk about an amendment that would guarantee the security at our National Laboratories.

This is a sad day for those who are opposing this amendment. It is a sad day when Members of this Senate won't let their colleagues talk about this amendment, won't allow a vote on it, and can't wait to get out of town to brag about whatever it is that they have done, but without doing the unfinished business of protecting the security of our National Laboratories.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent not to take from the time of the debate and to continue to work on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished Senator from Florida has debated an amendment today. Senator SHELBY and Senator Robert KERREY replied to that debate.

I am now informed that they will consider the amendment of the Senator from Florida at such time as the intelligence bill is brought up, and that basically meets the requirements of the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 447

Mr. GRAHAM. Mr. President, I ask unanimous consent that when the Senate considers H.R. 1555 I be recognized to offer an amendment relative to counterintelligence, and I further ask consent that if this agreement is agreed to that amendment 447 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I will shortly send a managers' package to the desk. I don't know that that package is ready at this moment. We hope very much to start the final vote before 8 o'clock. There are a number of our colleagues whose plans can be greatly enhanced if we can start this vote as quickly as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Nine minutes 40 seconds.

Mr. BINGAMAN. Mr. President, let me make some comments, and then I will be prepared to yield the remainder of our time. Perhaps I will not be able to with my colleague from Nevada here.

But let me just make a few comments at least, and then return the remainder of the time over to him for any comments he has.

I think that trying to characterize this problem which exists in our Department of Energy and in our National Laboratories as this "administration's problem" rather than all of our problem is just a rewriting of history.

I have a list that, once I have completed my statement, I will offer or ask unanimous consent to add to the RECORD. It is called "Security Concerns at America's Nuclear Facilities," excerpts from GAO Reports, 1980 through 1993.

When you go through this and look at just the titles of these reports, you see that the problems we are debating—the problems of adequate safeguards for nuclear secrets, and for these facilities—have been with us a long time—long before I ever came to the Senate.

From a GAO report, March of 1980: Adequate safeguards to prevent the theft or diversion of weapons usable material from commercial nuclear fuel reprocessing plants have not yet been deployed.

May, 1986: DOE has insufficient control over nuclear technology exports.

March of 1987: DOE reinvestigation of employees has not been timely.

August of 1987: Department of Energy needs tighter controls over reprocessing information.

December of 1987: DOE needs a more accurate and efficient security clearance program.

June of 1989: Better controls needed over weapons-related information and technology.

These are the titles of GAO reports. These are all GAO reports that were issued in the 1980s before this administration ever came to town, before this administration was ever heard of.

To try to say this is a problem that this administration created and that now, this afternoon, we have to get this problem solved because otherwise we would be in derogation of our duty, I think is just clearly wrong.

There are significant improvements in security and safeguards of secure information and classified information in this bill and there are additional safeguards put in place in the Lott amendment which we all agree to.

I was at the Armed Services Committee markup. I can say without qualification that the Democrats did not object to the provisions that were offered and that are now included in this bill. I believe that we Democrats—and I was one of them in that committee markup—substantially improved the provisions which wound up in the final bill. I think we worked with the majority, we tried very hard to be constructive and to come up with proposals that were workable and that were effective in improving security. I think we have done that.

I look forward to going through the very same process on this question of reorganization of the Department of Energy. We should consider the provisions in this amendment which relate to reorganization of the Department of Energy and we should do so with hearings. We can have them as soon as the week after next. I am happy to stay next week and have them, if the Senator is suggesting we are trying to leave town without doing our duty to the country. I am happy to have them next week in the committees I serve on. If the Energy Committee and the Armed Services Committee schedule hearings next week, I will be there and I will do all I can to help make whatever legislative provisions we propose out of those committees be constructive and effective in improving the security of our National Laboratories and our Department of Energy, generally, and improving the organization of that Department.

It is highly improper, in my view, to try to legislate something here without allowing the Secretary of Energy to testify, without allowing him to give his input into it, and without looking at how other Secretaries of Energy feel about some of these major, far-reaching changes as well.

We should do this right. We should do it quickly. We should take whatever action we determine makes sense for the country's good, and we should not play politics with this issue. This is not a Democrat or Republican issue. We are all very concerned about our national security. We are all anxious to do the right thing—Secretary Richardson as much as anyone in this body, and we need to ask his advice. We need to talk to all the experts we can find. I hope we can come up with some good solutions here.

I yield the floor.

Mr. REID. Parliamentary inquiry. How much time remains on this unanimous-consent request?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes, the Senator from Arizona 1 minute 42 seconds.

Mr. REID. Mr. President, the junior Senator from Arizona, in my absence, talked about how I had improperly held up this bill. I complied with every Senate rule. The rules of the Senate have been in effect for a long time.

I think what we should understand is that it appears there was some kind of game playing here, that late in the day this amendment would be offered and because people wanted to go home —and I am not one of those Senators who had some desire to rush out of here; I had no airplane today—there would be a capitulation to this amendment which was filed late in the game. It was filed at a time when there were no congressional hearings, there had been no time to review this responsibly. The minority would not cave in to that.

We are not talking about Memorial Day recess. We are talking about good legislation. This is not good legislation. We have acknowledged that there are certain pieces of this amendment we are willing to accept, but the rest of it we are not. We are not going to be compelled to do so. We complied with the Senate rules, as we always try to do.

We shouldn't be dealing with this on a partisan basis. The Cox-Dicks report dealing with the espionage at one of the National Laboratories was done on a bipartisan basis. If we are going to do something to change the way the Department of Energy is administered, it should be done on a bipartisan basis.

There may be feelings hurt in this matter; certainly my feelings are not hurt. I did what was appropriate to protect the prerogatives of a Senator and a minority. That is a reason the Senate has fared so well over the two centuries or more that it has been in existence—that the rights of the minority can be protected. This is the body to do it. We did protect our rights.

I look forward to the day when we can debate this again. I think it will be an interesting debate.

I have said this before: I commend and applaud the managers of this bill. They have done an outstanding job to get rid of this very, very important, big piece of legislation. They could not have done it with this amendment pending.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the assistant Democratic leader. Senator LEVIN and I have been able to move this bill, but it is because of the cooperation we have had from the leadership and all Senators. This is my 21st armed services authorization bill and Senator LEVIN's 21st. I don't know of a smoother one. We have had few quorum calls and excellent cooperation.

I wish to say to my distinguished friend and assistant Democratic leader, the timing of the bringing up of the Kyl-Domenici amendment I am largely responsible for. I worked with them and said I recognized that this could begin to slow the bill down. It wasn't a last-minute type of thing.

Mr. REID. I accept that explanation, but I think it underscores what I said about the capabilities of the two managers of this bill. Had this come up earlier, this bill would not be completed now.

Mr. WARNER. I thank the leader, and I certainly want to pay my respect to Senator LOTT. He has worked on this issue knowing the interest of all parties relating to this important amendment. He has worked with us for some several days on it.

Mr. President, we are ready to begin to wrap things up.

AMENDMENTS NOS. 482 THROUGH 536, EN BLOC

Mr. WARNER. On behalf of myself and the ranking member, the Senator from Michigan, I send 56 amendments to the desk. This package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.

I send the amendments to the desk at this time and I ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes amendments Nos. 482 through 536, en bloc.

The amendments are as follows:

AMENDMENT NO. 482

(Purpose: To add an exception to a requirement to reimburse a mentor firm under the Mentor-Protege Program)

On page 273, line 20, strike "a period;" and insert "', except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.';".

AMENDMENT NO. 483

(Purpose: To provide for the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York)

On page 417, in the table preceding line 1, strike "$12,800,000" in the amount column of the item relating to Rome Laboratory, New York, and insert "$25,800,000".

On page 420, between lines 17 and 18, insert the following:

SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2301(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

AMENDMENT NO. 484

(Purpose: To provide for the repair and conveyance of the Red Butte Dam and Reservoir, Salt Lake City, Utah, to the Central Utah Water Conservancy District)

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 485

(Purpose: To provide $3,000,000 (in PE 62234N) for the Navy for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding), and to provide an offset)

On page 29, line 11, increase the amount by $3,000,000.

On page 29, line 14, increase the amount by $3,000,000.

AMENDMENT NO. 486

(Purpose: To add $3,000,000 (in PE 65326A) for the Army Digital Information Technology Testbed)

On page 29, line 10, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

Mr. ROBERTS. Mr. President, housed at Fort Leavenworth's Center for Army Lessons Learned (CALL), the Digital Information Technology Test Bed (DITT) established the pilot test bed and core capabilities for the Army's University After Next (UAN) and the Joint and Army Virtual Research Library (VRL). In May 1997, the Office of Secretary of Defense designated the DITT as the DoD functional prototype to conduct concept exploration, operational prototyping, and full requirements definition for multimedia research libraries (multimedia national and tactical imagery) in support of technology-assisted learning, intelligence analysis, C2, and operational decision making. DITT systems can further support warfighting capabilities by fielding innovative systems and methods to store, retrieve, declassify, and destroy DoD-held data. In FY 1999, Congress authorized and appropriate $3.5 million for the DITT program. However, continued funding is needed in FY 2000 and I ask colleagues' support for adding $3 million to the Army FY 2000 budget specifically for the DITT program.

AMENDMENT NO. 487

At the end of Title 8 insert:

SEC. [SC099.447]. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

EXTENSION OF REQUIREMENT.—Subsection (k) of section 2323 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003".

AMENDMENT NO. 488

(Purpose: To authorize payment of special compensation to certain severely disabled uniformed services retirees)

At the end of subtitle D of title VI, add the following new section:

SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§1413. Special compensation for certain severely disabled uniformed services retirees

"(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term 'service-connected' has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has adopted my amendment to S. 1059, the National Defense Authorization Act for Fiscal Year 2000, to authorize special compensation for severely disabled military retirees who suffer under an existing law regarding "concurrent receipt." As many of my colleagues know, current law requires military retirees who are rated as disabled to offset their military retired pay by the amount they receive in veterans' disability compensation. This requirement is discriminatory and wrong.

Today, America's disabled military retirees—those individuals who dedicated their careers to military service, and who suffered disabling injuries in the course of that service—cannot receive concurrently their military retirement pay, which they have earned through at least 20 years of service in the Armed Forces, and their veterans' disability compensation, which they are owed due to pain and suffering incurred from military service. In other words, the law penalizes the very men and women who have sacrificed their physical or psychological well-being in uniformed service to their country.

My amendment does not provide for full payment to eligible veterans of both the disability compensation and the retired pay they have earned. I regret that such a proposal, which I support in principle, would be far more expensive than many of my colleagues could accept. I learned that lesson the hard way in the course of sponsoring more ambitious concurrent receipt proposals in previous Congresses.

The amendment instead authorizes special compensation for the most severely disabled retired veterans—those who have served for at least 20 years, and who have disability ratings of between 70 and 100 percent. More specifically, it would authorize monthly payments of $300 for totally disabled retired veterans; $200 for retirees rated as 90 percent disabled; and $100 for retirees with disability ratings of 70–80 percent.

These men and women suffer from disabilities that have kept them from pursuing second careers. If we cannot muster the votes to provide them with their disability pay and retired pay concurrently, the least we can do is authorize a modest special compensation package to demonstrate that we have not forgotten their sacrifices.

The Military Coalition, an organization of 30 prominent veterans' and retires' advocacy groups, supports this legislation, as do many other veterans' service organizations, including the American Legion and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

The existing requirement that military retired pay be offset dollar-for-dollar by veterans' disability compensation is inequitable. I firmly believe that non-disability military retired pay is post-service compensation for services rendered in the United States military. Veterans' disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered and the other for physical or mental "pain and suffering." This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

Concurrent receipt is, at its core, a fairness issue, and present law simply discriminates against career military people. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected. The Senate has made important progress toward that end with the adoption of this amendment.

I continue to hope that the Pentagon, once it finally understands our message that it cannot continue to unfairly penalize disabled military retirees, will provide Congress with a fair and equitable plan to properly compensate retired service members with disabilities. It is hard to disagree with the simple logic that disabled veterans both need and deserve our full support after the untold sacrifices they made in defense of this country.

I look forward to the day when our disabled retirees are no longer unduly penalized by existing limitations on concurrent receipt of the benefits they deserve. And I thank Senators WARNER and LEVIN, the managers of S. 1059, for accepting my amendment to provide special compensation for severely disabled retired veterans, who deserve our ongoing support and gratitude.

AMENDMENT NO. 489

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations)

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) Sufficient Resourcing Required.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) Condition.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) Report.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) Replacement Decoration Defined.—For the purposes of this section, the term "decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

AMENDMENT NO. 490

(Purpose: To clarify the relationship between the pilot program for commercial services and existing law on the transportation of supplies by sea)

On page 283, line 18, strike "(h)" and insert the following:

(h) Relationship to Preference on Transportation of Supplies.—Nothing in this section shall be construed as modifying, superseding, impairing, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

(i)

Mr. LOTT. Mr. President, I offer this amendment to clarify the applicability of the Cargo Preference Act to the acquisition streamlining authority found in section 805 of S. 1059. Section 805 creates a new pilot acquisition program for commercial services, one of which is "transportation, travel and relocation services." Although cargo preference or preference waivers are not mentioned, this pilot program could potentially be used to permit waivers of cargo preference law found in 10 U.S.C. 2631. In the absence of cargo preferences, DOD would have to acquire an immense organic fleet and use very scarce uniformed manpower at enormous cost of more than $800 million per year. This would dwarf any acquisition reform savings. This amendment would ensure the waivers of 10 U.S.C. 2631 for commercial service contracts are not authorized under this pilot program.

AMENDMENT NO. 491

(Purpose: To require a report on the use of the facilities and electronic infrastructure of the National Guard for support of the provision of veterans services)

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.

(a) Report.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) Transmittal Date.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

Mr. BINGAMAN. Mr. President, I rise to offer an amendment that promises to extend to the Nation's veterans an improved, more accessible way to submit and process claims for benefits and other services. Recently, in my state of New Mexico, complaints about processing claims for veterans benefits reached high volume. Billboards appeared around the city of Albuquerque that the Albuquerque regional office of the Veterans Administration was the "worst VA office in the country." I was very concerned about those charges and looked into the situation. Information provided by the Albuquerque office essentially confirmed the accusations I read on the billboard. Statistics show that the system is broken and needs fixing. Compensation for completed claims in New Mexico takes 301.6 days on average; the nationwide average is 192.9 days. Pension compensation claims average 149.9 days in Albuquerque versus 108.8 days nationwide. "Cases Pending Over 180 Days" in Albuquerque are about 31 percent of the total. Nationwide, only about 22 percent fall into that category.

The system appears to be broken and the situation is ripe for creative new ways to solve our beleaguered veterans' problems.

I recently received a briefing that I thought might go a long way to serving veterans' needs, particularly in rural States such as New Mexico. The proposal suggested that veterans be permitted to use National Guard armories and communications infrastructure to receive counsel on a wide range of veterans problems and programs. As you are aware, National Guard armories are typically used during weekends for exercises and training, but often are underutilized during the week. The proposal suggested that the National Guard and the Veterans Administration coordinate ideas and concerns into a program which could take advantage of the considerable resources already in place at the armories. The wide dispersion or armories, particularly among rural communities, would provide a considerably more convenient venue for receiving veterans services than the long commute to major metropolitan areas such as Albuquerque that is now required.

My amendment requires the National Guard in consultation with the Veterans Administration to examine this idea, and to report their findings regarding costs and benefits to the Secretary of Defense, who, having reviewed the report, would submit it and any additional findings to the Congress. I am optimistic that the analysis will show that investing resources in this project would pay major dividends to the veterans community which is experiencing considerable difficulty in settling benefit claims under the current process.

I am pleased to introduce this idea to my fellow Senators and appreciate its acceptance as an agreed amendment in this year's defense bill.

In title II, t the end of subtitle C, add the following:

SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.

It is the Sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy funding balance between ballistic missile defense technology development and ballistic missile defense acquisition programs;

(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs;

(3) the Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense major defense acquisition programs; and

(4) the Secretary should submit a report to the congressional defense committees by March 15, 2000, on the Secretary's plan for dealing with the matters identified in this section.

Mr. SESSIONS. Mr. President, funding for Ballistic Missile Defense Technology has been in a steady decline since Fiscal Year 1992, with the Army part of the budget down approximately 70% during this period. All indications are that it appears technology funding is headed for further descent in the future.

The Ballistic Missile Defense Technology program is in the category of research and development, a category that bridges the gap between basic research and full-scale weapon system development and it is critical to preventing technical obsolescence and to meeting emerging threats.

Historically, this applied research in the area of ballistic Missile Defense has been vital to the evolution of systems that are being developed and deployed today to meet an ever-growing missile threat. It is the wellspring of new defense systems and the source of demonstrated technology that is needed to make upgrades to systems already in the field.

The emphasis in the Ballistic Defense Technology program for the past 7 to 8 years has been on acquisition, getting systems developed and fielded. Following Desert Storm in 1991, it was clear that ballistic missiles were a real threat and that the problem of proliferation of these missiles would be of grave concern for many years to come. There were understandable calls to rapidly build defense systems to counter this threat.

While this emphasis is on deployment certainly justified by the pace and scale of the threat, it has resulted in a serious reduction in the advanced development budget. This means the missile defense systems entering the inventory today are the products of laboratories of the services over a number of years, in some cases over a span of 20 or more years.

If we are to remain the world's leader in missile systems, it is imperative that we do all we can to stop this dramatic erosion of Ballistic Missile Defense Advanced Technology funding and strengthen the chain of development upon which future defense capability depends. We are indeed "eating our seed corn" when we pull from our research efforts to fund the deployment of systems or carry out other military missions such as those found in the contingency operation arena such as Bosnia or Kosovo.

This Sense of the Congress calls upon the Secretary of Defense to take a hard look at the Future Years Defense Program to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic defense major defense acquisition and improvement programs. To that end we look forward to the Secretary's report by March 15th, 2000 on his plan for dealing with the matters identified in the amendment.

AMENDMENT NO. 493

(Purpose: To require a report regarding National Missile Defense)

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 494

(Purpose: To require a report from the Comptroller General on the closure of the Rocky Flats Environmental Technology Site, Colorado)

On page 578, below line 21, add the following:

SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

AMENDMENT NO. 495

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CLELAND. Mr. President, this dynamic legislative year has seen some monumental events. This body began the year by passing S. 4, the Soldiers, Sailors', Airmen's and Marines' Bill of Rights Act of 1999. With an overwhelming vote of 91–8, the United States Senate did not hesitate to show this great Nation that we appreciate the sacrifices and contributions of our service men and women. We also sent a message to the senior leaders of our military services that their pleas for assistance in stemming the flow of highly qualified service members from the military would not go unanswered.

The Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999 included a 4.8% pay raise, pay table reform, REDUX repeal, a thrift savings plan, and improvements to the current GI Bill. These GI Bill improvements included an increase in GI Bill benefits from $528 to $600 per month, elimination of the now-required $1200 service member contribution, permission to accelerate lump sum benefits and finally, authority to transfer GI Bill benefits to immediate family members. While the bill we are considering today addresses pay and retirement system reforms, it does not address the GI Bill enhancements. You, my distinguished colleagues, showed your support for these GI Bill enhancements earlier this year. I, and the members of our armed services—and their families, asks for your support again.

Since the end of the Cold War, our military services have been reduced by one-third, yet worldwide commitments have increased fourfold. Our forces are poised in Asia, standing guard in the Sinai, providing assistance in south America and Haiti, flying combat missions in Iraq, and engaged in war in Kosovo. They are providing invaluable humanitarian assistance to those who have been devastated by a number of natural disasters around the world. And, members of our Guard and Reserve components will be this country's sole providers of a "Homeland Defense" against the challenge of weapons of mass destruction presented by this uncertain world.

Sadly, these men and women who sacrifice so much for our country are bearing the brunt of these competing demands. By improving pay and benefits, as well as providing for increases in equipment upgrades, weapons procurement and replenishment, and spare parts funding, we can show America's brightest that we value their service and recognized their sacrifices.

In my opinion, improvements to the GI Bill may be the single most important step the Congress can take in assisting the recruiting and retaining of America's best. Data we are seeing indicate that education benefits are an essential component in attracting young people to join the armed services. As the costs of college tuition rise, we must remain in step by increasing in GI Bill benefits, or the benefits themselves will become less effective over time. The transferability option, under which service members would be allowed to transfer their GI Bill benefits to their spouse or children, is an innovative, powerful tool that sends the right message to those young people we are trying to attract into the military and those we are trying to retain.

This Nation changed dramatically, and for the better, under the original GI Bill. Now we have another chance to address future national needs by creating the GI Bill of the 21st Century. I ask that you join me as we choose the right path at this important historical crossroads.

AMENDMENT NO. 496

(Purpose: To amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older)

In title VI, at the end of subtitle D, add the following:

SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.".

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. President, my amendment is the text of S. 763 as introduced on April 12. It would increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older. I am pleased to have join me as cosponsors of the amendment: Senators LOTT, BURNS, COCHRAN, CLELAND, COLLINS, HUTCHINSON of Arkansas, MACK, MCCAIN and SNOWE.

Mr. President, as our Armed Forces are engaged in operations over Yugoslavia, it is appropriate for the Congress to correct a long-standing economic injustice to the widows of our military retirees. My amendment would immediately increase for survivors over the age 62 the minimum Survivor Benefit Plan annuity from 35 percent to 40 percent of the Survivor Benefit Plan-covered retired pay. The amendment would provide a further increase to 45 percent of covered retired pay as of October 1, 2004.

Mr. President, I expect every member of the Senate has received mail from military spouses expressing dismay that they would not be receiving the 55 percent of their husband's retirement pay as advertised in the Survivor Benefit Plan literature provided by the military. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount of the Survivors Social Security benefit or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as the constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation in troubled spots throughout the world undergo when they learn of the annuity reduction.

Mr. President, when the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent. Contrast this with the federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

Mr. President, 2 years ago, with the significant support from the Members of the Senate Armed Services Committee, I was successful in gaining approval from the Congress in enacting the Survivor Benefit Plan benefits for the so-called Forgotten Widows. This is the second step toward correcting the Survivors Benefit Plan and providing the surviving spouses of our military personnel earned and paid for benefits.

Mr. President, I urge the adoption of the amendment.

Thank you, Mr. President.

AMENDMENT NO. 497

(Purpose: To authorize the award of the Navy Combat Action Ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between December 7, 1941, and March 1, 1961)

On page 134, between lines 2 and 3, insert the following:

SEC. 552. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy and Marine Corps for participation in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

Mr. DORGAN. Mr. President, I rise today to offer an amendment for myself and Senator SMITH of New Hampshire, to ensure that Navy and Marine Corps Combat veterans get the recognition they deeply deserve.

The ongoing action in Kosovo reminds us of the dangers our men and women in uniform face when called upon during a time of conflict. In recognition of their service, they are awarded campaign and combat decorations to identify them as those who have faced this nation's fiercest challenge—enemy fire. America's combat veterans risk their lives to preserve our freedoms, and carry out the orders of the President in answering the challenges to our nation's security.

During World War II, the Army created the combat infantry badge to identify those soldiers who had faced combat. The Navy had no similar award until the 1960's. Although the Navy awarded Combat Stars prior to that point, the Combat Action Ribbon was created as a way to better recognize those who had served in combat. Recently, legislation was introduced in the House of Representatives to make Navy and Marine combat veterans who served in combat for any period after July 4, 1943, and before March 1, 1961, eligible for the Navy Combat Action Ribbon. In response to this legislation, a Pearl Harbor survivor from my state wrote to me and pointed out that the dates included in the legislation exclude many of the combat veterans who served in the war's fiercest naval battles, Pearl Harbor and Midway among them.

In response to this oversight, our legislation will make eligible for the Navy Combat Action Ribbon those Navy and Marine combat veterans who served in combat for any period after December 6, 1941, and before March 1, 1961, The Secretary of the Navy will review those who apply for these awards to ensure that those who have not yet been recognized are not forgotten. We believe it is only appropriate that we honor those who were willing to sacrifice their lives for this country.

AMENDMENT NO. 498

(Purpose: To authorize Coast Guard participation in DOD education programs, and for other purposes)

At the appropriate place, insert the following:

SEC. . COAST GUARD EDUCATION FUNDING.

Section 2006 of title 10, United States Code, is amended—

(1) by striking "Department of Defense education liabilities" in subsection (a) and inserting "armed forces education liabilities";

(2) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) The term 'armed forces educational liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.";

(3) by inserting "Department of Defense" after "future" in subsection (b)(2)(C);

(4) by striking "106" in subsection (b)(2)(C) and inserting "1606";

(5) by inserting "and the Secretary of the Department in which the Coast Guard is operating" after "Defense" in subsection (c)(1);

(6) by striking "Department of Defense" in subsection (d) and inserting "armed forces";

(7) by inserting "the Secretary of the Department in which the Coast Guard is operating" in subsection (d) after "Secretary of Defense.";

(8) by inserting "and the Department in which the Coast Guard is operating" after "Department of Defense" in subsection (f)(5);

(9) by inserting "and the Secretary of the Department in which the Coast Guard is operating" in paragraphs (1) and (2) of subsection (g) after "The Secretary of Defense"; and

(10) by striking "of a military department" in subsection (g)(3) and inserting "concerned.".

SEC. . TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.

TITLE 10 AMENDMENT.—Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking "the Department of Defense" and inserting "an agency named in section 2303 of this title."

AMENDMENT 499

(Purpose: To designate the officials to administer the defense reform initiative enterprise pilot program for military manpower and personnel information)

In title V, at the end of subtitle F, add the following:

SEC. 582. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

Ms. LANDRIEU. Mr. President, just a little over a week ago, I had the privilege of traveling with the Secretary of Defense down to my home state. It was a terrific trip and I believe the Secretary was very impressed with the work that we are doing in Louisiana at our military installations and with our defense industry. One of the real highlights of the trip was the ribbon cutting ceremony for the Naval Information Technology Center in New Orleans. This facility, hosted by the University of New Orleans, is home to the Defense Integrated Military Human Resources System, as well as other personnel software projects for the Navy.

The DIHMRS project is one of those rare proposals that instantly captures the support of those that understand it. The military services have spent countless billions of dollars in developing and supporting "stove pipe" personnel software systems, that were out-of-date before they were complete, had no capacity for interconnectivity and did not provide the breadth of personnel information to be of real utility to our military leadership.

DIHMRS seeks to change all of that. It will provide an integrated system of personnel information, that will ultimately tie all the services all the personnel systems and records, and do so in a easily accessible fashion that will give commanders the information about training and experience that they need to make deployment decisions. This project fits perfectly into our efforts to craft smaller, faster and more flexible force structures. One of the key ingredients to creating smaller, more effective forces, is the ability to quickly identify individuals with the experience and training that needed for particular missions. This is daunting task for any service now, it becomes more so if you are trying to put together an inter-service task force. When fully operational DIHMRS will address this need.

These advantages do not even address the enormous savings that the Department of Defense will realize by terminating the innumerable individual human resource computer systems that track only one kind of data for one branch of the military. Thus, this project is a boon to both readiness and economic efficiency.

For that reason, I have introduced an amendment which emphasizes the Senate Armed Service Committee's support for this effort. It is important to note that a project like DIHMRS requires innovation and division. Thus, the management structure for the program has also required a degree of innovation and flexibility. I believe that the unique structure adopted for the DIHMRS project is critical for its ultimate success. For that reason, the amendment reemphasizes the support for the present management structure expressed in Section 8147 of Public Law 105–262. That appropriations law directed the Department to establish a Defense Reform Initiative enterprise program for military manpower, personnel, training and compensation using a revised DIHMRS project as the baseline. Additionally, the amendment also expresses the intention that the DoD maintain this enterprise project, and the management and executive responsibility be contained within the Systems Executive Office for Manpower and Personnel.

The President's budget request includes $65 million dollars for DIHMRS. I believe that these monies must be used according to the direction given in last year's Defense Appropriation's conference report to maintain the success of the program. Specifically, these funds should be used to: (1) address modernization and migration systems support for service information systems within the enterprise of manpower, personnel, training and compensation; (2) to continue support for infrastructure improvements at the Naval Information Technology Center; and, (3) to continue Navy central design activity consolidations and relocations already begun under the Systems Executive Officer and the Naval Reserve Information Systems Office.

The consolidation of the personnel information reform efforts is necessary for both budgetary concerns, and valuable as a tool for managing our soldiers, sailors and airmen better. I believe that DIHMRS will make an invaluable contribution to that effort. I thank the mangers for accepting this amendment, and I look forward to working with the Navy to make this project a real success.

AMENDMENT NO. 500

(Purpose: To authorize a demonstration program on open enrollment in managed care plans of the former uniformed services treatment facilities)

In title VII, at the end of subtitle A, add the following:

SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

"(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover designated providers selected by the Department of Defense and the service areas of the designated providers.

"(2) Any demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

"(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollments in the managed care plans of designated providers permanently.".

Ms. SNOWE. Mr. President, access to quality health care concerns many of our military men and women, both active and retired. My amendment would allow the Department of Defense to start a pilot project allowing continuous open enrollment in managed health care plans form military retirees at 2 sites selected by the Defense Department.

The term "continuous enrollment" means the opportunity for military beneficiaries to join the Prime option in TRICARE at any time. Currently, military retirees and their beneficiaries wishing to enroll in the Uniformed Services Family Health Plan (USFHP) may only do so during an annual 30-day long, open session.

This arrangement inconsistent with the enrollment rules under TRICARE Prime option. These same beneficiaries can join TRICARE Prime on a continuous basis, but are *restricted* from joining the USFHP to joint once a year for a 30-day period.

Coupled with the many changes in TriCare, including new enrollment fees and higher copayments, many military beneficiaries are confused and unsure if the HMO option in TriCare, either Prime through the managed care support contractor of the USFHP, is the right choice for them and their families. Thus, as I have been informed by physicians from my own state, many beneficiaries and their families have decided not to join either program.

What this restriction means in practical terms for retirees is that they are not able to take advantage of health are providers that may practice in close proximity to their residences, but instead travel significant distances to a military treatment facility. In locations where there are no TriCare Prime network providers, the retirees are aced with limited choices and higher costs.

The Department of Defense has indicate that this open enrollment would be too costly; however, there is limited data to support their contention that this provision will generate a significant influx of new enrollees in the program. DOD's key concerns are based on two factors; the possible increase in cost due to the number of enrollees, and the risk adjustment in the Medicare program scheduled to take effect January 1, 2000. However, based on a review of the actual enrollment data the number of people enrolled in the USFHP program has actually declined from 29,256 in October 1997 to 26,950 in March 1999.

This trend represents a *decline* of 7.6% over eighteen months and an annual rate of decline of 5.0%.

As of June 1, six of seven designated providers which operate the USFHP will have completed "open season" enrollment. The preliminary results show a net increase of 3,754 individuals enrolled in the USFHP. Of this number, approximately 18% or 676, were 65 and older. This is a much lower percentage—18% compared to 28%—than the 65 and older enrollees were as a percentage of enrollment before the current open season started.

This amendment would authorize the Department of Defense to demonstrate the continuous open enrollment program at a minimum of two sites for a two year period. During the second year of the demonstration period, DOD would submit a report to Congress evaluation the benefits of the program and a recommendation concerning whether the authorize open enrollments in the managed care plans on a permanent basis.

This proposal is supported by numerous organizations such as the National Military Family Association and the National Military and Veterans Alliance. The national Military and Veterans Alliance includes organizations such as: The Retired Officers Association, Non-Commissioned Officers Association, Naval Reserve Association, National Association of Uniformed Services, the Reserve Enlisted Association and the Korean War Veterans Association.

In testimony before the Personnel Subcommittee earlier this year, representatives from many of these organizations have emphasized that access to quality health care is one of their primary concerns.

Finally, I believe that this amendment is a measured step, but one that leads us toward a fair and good faith effort to address the inconsistency in providing our retirees access to health care on an equal basis with TriCare Prime.

AMENDMENT NO. 501

(Purpose: To require a report on the D-5 missile program)

On page 28, below line 21, add the following:

SEC. 143. D-5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D-5 missile program.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D-5 missile program covering the life of the program, including—

(A) the location of D-5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(2) The cost of

(A) terminating procurement of D-5 missiles for each fiscal year prior to the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D-5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with less than 24 D-5 missiles; and

(B) reducing the flight test rate for D-5 missiles: and

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

The Secretary's plan for maintaining D-5 missiles and Trident Submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be reduced under such treaties.

AMENDMENT NO. 502

(Purpose: To provide $10,000,000 (in Budget Activity 1: Operating Forces) for Navy Operations and Maintenance Funding for Operational Meteorology and Oceanography and UNOLS, and to provide an offset)

Of the funds authorized to be appropriated in section 301(2), an additional $10 million may be expended for Operational Meteorology and Oceanography and UNOLS.

AMENDMENT NO. 503

(Purpose: To require that due consideration be given to according a high priority to attendance of military personnel of the new member nations of NATO at professional military education schools and programs of the Armed Forces)

In title X, at the end of subtitle D, add the following:

SEC. 1061. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.

(a) FINDING.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic, the new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

Mrs. HUTCHISON. Mr. President, I am offering this amendment on behalf of myself and Senator LAUTENBERG. The purpose of this amendment is to encourage the Secretaries of each military department to give due consideration to providing a higher priority to the officers from Poland, Hungary and the Czech Republic for attendance at our military schools and training programs. Our professional military schools and training programs including the service academies, the senior service colleges and the command and general staff colleges provide an outstanding opportunity for these officers to become fully immersed in our military doctrine and develop a deeper understanding for the American military culture. As new member nations of NATO, it is important that the officers of these countries become fully integrated as quickly as possible. The professional friendships and the mutual understanding which results from attendance at these courses is invaluable for both American officers and for foreign military officers.

I recently led a Congressional delegation to the Balkans. In Budapest we met with Hungarian Chief of Defense Staff, General Ferenc Vegh, who was proud to inform the delegation that he was a graduate of the United States Army War College in Carlisle, Pennsylvania. As a direct result of the professional association gained as a student at the War College, General Vegh has been key in directing Hungary's rapid integration into NATO. His story is simply one example among many of how the United States and the NATO Alliance has reaped an enormous benefit by providing the opportunity for foreign officer attendance at our military schools.

Attendance at our service academies on a priority basis will also provide an outstanding opportunity for future officers from our new NATO allies to foster long-term relationships with future U.S. military leaders. Historically, the relationships fostered through attendance at the Military Academy, the Naval Academy and the Air Force Academy among American and foreign cadets over the four-year curriculum at the service academies have formed the basis for closer long-term military-to-military relations. Numerous foreign cadets who have graduated from our service academies have gone on to serve at the very highest levels as military and civilian leaders, including many heads of state.

It is my expectation that this legislation will encourage the Secretaries of our military departments to give the officers and cadets from Poland, Hungary and the Czech Republic, our new NATO allies, a priority for attendance at our professional military schools and academies.

AMENDMENT NO. 504

(Purpose: To enhance the technology of health care quality surveillance and accountability)

In title VII, at the end of subtitle B, add the following:

SEC. 717. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) PURPOSE.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR MEDICAL INFORMATICS AND DATA.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DOD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Secretary of Defense shall establish a Medical Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector. Specific areas of responsibility shall include:

(A) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) Coordination of key components of medical informatics systems including digital patient records both within the federal government, and between the federal government and the private sector.

(C) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member as an officer or employee of the Federal Government.

(7) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, the following:

(1) Health outcomes.

(2) Extent of use of health report cards.

(3) Extent of use of standard clinical pathways.

(4) Extent of use of innovative processes for surveillance.

(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal year 2000 by other provisions of this Act, that are available to carry out subsection (b), there is authorized to be appropriated for the Department of Defense for such fiscal year for carrying out this subsection the sum of $2,000,000.

AMENDMENT NO. 505

(Purpose: To guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections)

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 1999".

SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at he end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to sue absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election."

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

AMENDMENT NO. 506

(Purpose: To express the sense of Congress regarding United States-Russian cooperation in commercial space launch services)

In title X, at the end of subtitle D, add the following:

SEC. . SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should agree to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch service providers if the Government of the Russian Federation demonstrates a sustained commitment to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile;

(2) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile; and

(3) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile.

(b) DEFINITIONS.—

(1) IN GENERAL.—The terms "commercial space launch services" and "Russian space launch service providers" have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993.

(2) QUANTITATIVE LIMITATIONS APPLICABLE TO COMMERCIAL SPACE LAUNCH SERVICES.—The term "quantitative limitations applicable to commercial space launch services" means the quantitative limits applicable to commercial space launch services contained in Article IV of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

Mrs. FEINSTEIN. Mr. President, I rise to offer an amendment to the Department of Defense Authorization bill regarding Russian nonproliferation and U.S.-Russian cooperation on commercial space launch service.

This amendment is very simple: It states that a sustained Russian commitment to cooperation with the United States in preventing the proliferation of ballistic missile technology to Iran can provide the basis for an increase in the current quota limit on commercial space launches. Lifting the launch quota is an important incentive for Russia to cooperate with the U.S. on this issue.

This amendment also demands continued Russian cooperation on non-proliferation, and calls on the United States to take every appropriate measure to encourage the Russian government to seek out and prevent the illegal transfer of fissile material or missile equipment or any other technology necessary for the acquisition or development of nuclear weapons or ballistic missiles.

I offer this amendment because I believe that there may be no greater long term threat to peace and stability in the Middle East than an Iran actively seeking ballistic missile and nuclear weapons.

Preventing the transfer of illegal nuclear and missile technology from Russia to Iran must be at the top of the U.S. policy agenda.

There have been numerous reports over the past several years of Russian missile technology reaching Iran, sometimes with a semi-official wink from government authorities in Moscow, sometimes by rogue operators.

Either way, the Russian Government must put a stop to these transfers.

As much as we want good relations with Russia, cooperation in this area is crucial. In some ways, I believe it is a litmus test of what sort of player Russia wants to be in the post-cold war international system.

There is ample reason for concern. According to a Congressional Research Service report:

> Despite pledges by Soviet leaders in 1990 and by various Russian leaders since then to ban missile exports, President Yeltsin's 1994 agreement to refrain from new arms sales to Iran, and Russia's entry into the Missile Technology Control Regime in October 1995, there are recurring reports that Russian companies are selling missile technology to Iran and other countries.

On February 6, 1997, Vice President Gore issued a diplomatic warning to then-Premier Chernomyrdin regarding Russian transfers to Iran of parts and technology associated with SS–4 medium-range ballistic missiles. Over the next several months, press reports indicated that Russian enterprises provided Iran specialty steels and alloys, tungsten coated graphite, wind tunnel facilities, gyroscopes and other guidance technology, rocket engine and fuel technology, laser equipment, machine tools, and maintenance manuals.

Russian assistance has apparently helped Iran overcome a number of obstacles and advance its missile development program faster than expected. The Rumsfeld Commission said, "The ballistic missile infrastructure in Iran is now more sophisticated than that of North Korea and has benefitted from broad, essential assistance from Russia. * * *"

In February 1998, the Washington Times reported that Russia's Federal Security Service (FSB, a successor to the KGB) was still working with Iran's intelligence service to pass technology through a joint research center, Persepolis, with facilities in St. Petersburg and Tehran.

In March 1998, the State Department listed (but did not make public) 20 Russian entities suspected of transferring missile technology to Iran.

Lastly, there are still unanswered questions about Russian-Iranian nuclear cooperation raised by the January, 1995 contract signed by the Russian nuclear agency MINATOM to finish one unit of the Bushehr nuclear power project. Although the Bushehr plant itself is not considered a source of weapons material, the project is viewed as a proliferation risk because it entails massive involvement of Iranian personnel in nuclear technology, and extensive training and technological support from Russian nuclear experts.

Last year, the American Jewish Committee released a report, "The Russian Connection: Russia, Iran, and the Proliferation of Weapons of Mass Destruction" which provides an excellent overview of Russia's record in this area, as well as U.S.-Russian cooperation.

In addition to the troubling questions raised by some of Russia's past actions, however, there are also indications that the Russian government is making efforts to control the proliferation of missile and nuclear technology to Iran.

Although initially Moscow denied that its missiles or missile technology had been transferred to Iran, in September 1997, Russian officials reportedly stated that such transfers were being made without the consent of the government.

In January 1998, in response to concerns raised by numerous U.S. officials, Yuri Koptev, head of the Russian space agency, said of 13 cases raised by the U.S. Government, 11 had no connection to technology transfers related to weapons of mass destruction (nuclear, biological, or chemical) that were banned under a 1996 agreement.

On July 15, 1998, Russian authorities announced that nine Russian entities were being investigated for suspected violation of laws governing export of dual-use technologies. The nine include the Inor NPO, Polyus Research Institute, and Baltic State Technical University cited earlier, plus the Grafit Research Institute, Tikhomirov Institute, the MOSO Company, the Komintern plant (Novosibirsk), Europalace 2000, and Glavcosmos.

Also last year, Russia announced the cancellation of a 1997 contract between a Russian entity, NPO Trud, and Iran in which rocket engine components were to have been shipped under the guise of gas pipeline compressors.

According to an April 15 letter I received from the Vice President, which I would like to submit for the RECORD, U.S. Special Ambassador Gallucci and Mr. Koptev have agreed to a work plan that addresses many of the concerns the U.S. has about missile proliferation, including the establishment of internal compliance offices at several of the entities of concern.

U.S. experts have also developed a work plan with the Russian Ministry of Atomic Energy on measures to sever the links between NIKIET, a leading Russian nuclear institute, and Iran, according to the Vice President.

I believe that we should try to build on Russia's record of cooperation, and that the best and most effective way to work with Russia on this issue is to offer them a carrot—lifting the launch quota—as an inducement to continued cooperation on this vital matter.

The current quota on commercial space launches is set at sixteen. Pending Russian cooperation, I believe that this quota can be raised to 20 and, if Russia continues to cooperate, incrementally raised again in the coming years. Each launch provides Russia with approximately $100 million in hard currency—a good incentive to cooperate.

This amendment also states, however, that the United States must continue to demand full and complete cooperation from Russia on this issue, and that the United States should take every appropriate measure to assure that the government of Russia continues to cooperate on this issue.

Russia must understand that just as we are willing to offer inducements to cooperate, there will also be a price to be paid for non-cooperation on this critical issue.

This amendment, I believe, is rather simple and straightforward in its make-up. But it is also essential and far reaching in its impact. I urge my colleagues to support this amendment.

I ask unanimous consent the letter I received dated April 15, 1999, from the Vice President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE VICE PRESIDENT,
Washington, DC, April 15, 1999.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your recent letter requesting that I raise the issue of non-proliferation with Russian Prime Minister Primakov during his planned visit to Washington. Cutting off the flow of missile and nuclear technologies from Russian entities to Iran is one of the Administration's most important national security objectives. As you know, I have engaged my Russian counterparts on this issue for the past several years, most recently in January when I saw Prime Minister Primakov in Davos.

It was my intention to raise this issue again with the Prime Minister last month, but our planned meeting was postponed. I can report, however, that over the past several weeks United States and Russian experts developed concrete plans to curtail cooperation by Russian entities with Iran's nuclear and missile programs. Because of intelligence and security consideration, I will outline only the core elements of the work plans in this letter. My staff can arrange a classified briefing if that would be helpful.

U.S. Special Ambassador Gallucci and Yuri Koptev, head of the Russian Space Agency, agreed to a work plan that addresses some of our most pressing concerns about missile proliferation. As a central element of this plan—and as a direct result of my earlier intercession with Mr. Primakov—Mr. Koptev agreed to cancel a contract with Iran's missile program and to establish on a priority basis internal compliance offices at several entities of concern. These internal compliance offices would be staffed by individuals specially trained in export control procedures and techniques, and would have access to the records they need to do their jobs. The United States Government has offered technical assistance to help these entities set up the necessary export control procedures. The Russian government has committed to take effective measures to prohibit Iranian missile specialists from operating in Russia and to facilitate the early adoption of the Russian export control law.

The missile work plan represents some forward movement and in my judgment reflects Russia's intense desire to see the launch quota increased and sanctions lifted. It is not, however, a complete accounting for past problems. It may create a credible foundation to inhibit future cooperation. I have underscored that we will be watching Russian implementation of the agreement closely. I have also made clear that a solid track record is needed for us to consider an increase in the launch quota.

United States experts have also developed a work plan with the Russian Ministry of Atomic Energy on measures to sever the links between NIKIET, a leading Russian nuclear institute, and Iran. Again, the key principle underlying this work plan is performance, which we are in a position to judge through our intelligence information. If we are satisfied that Russia's commitments are being implemented, we can begin to incrementally lift our sanctions against NIKIET, beginning with the nuclear reactor safety projects that have been suspended.

The work plans I have described could represent a path forward if the Russian government acts effectively and quickly. I am by no means ready to suggest that we have resolved either the missile or the nuclear proliferation problem. However, we now have a clear delineation of steps in that direction which we are in a position to verify. Positive, concrete actions by Russia will be the basis for any decisions we take to increase commercial and other forms of cooperation with Russian space and nuclear entities.

I will continue to raise this issue in discussions with my Russian counterparts until I am satisfied that all our concerns have been addressed.

Sincerely,

AL GORE.

AMENDMENT NO. 507

At the appropriate place in the bill, insert the following:

Of the funds in section 301a(5), $23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

AMENDMENT NO. 508

(Purpose: To require the Department of Defense and the Department of Veterans Affairs to carry out joint telemedicine and telepharmacy demonstration projects)

On page 272, between lines 8 and 9, insert the following:

SEC. 717. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.

(3) Referral services.

(4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(C) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

Mr. CLELAND. Mr. President, I am offering an amendment to create a Department of Defense (DoD) and Department of Veterans Affairs (VA) collaborative demonstration research pilot for at least five sites nationwide. These funded projects would create and expand current telemedicine and telepharmacy research efforts. In these times of concern over health care resources, telemedicine and telepharmacy studies are crucial to determining the best use of health care clinicians.

My amendment would authorize $5 million a year for three years for five DoD/VA Telemedicine and Telepharmacy demonstration projects. Under my proposal DoD/VA researchers and clinicians will develop rigorous, outcome-oriented telemedicine and telepharmacy research projects that will benefit military and veteran study participants and potentially future servicemembers and veteran recipients of health care.

Telemedicine is technology's version of the "doctor's housecall." Many recipients of care, such as the homebound, find making a visit to the doctor a very difficult and often painful experience. Health care outreach is needed in the home, remote deployment sites, rural clinics and other underserved areas. I also propose a telepharmacy project, which will study more efficient ways to bring drug and pharmaceutical expertise, as well as supplies, to the patient. For example, the Navy has reported its Battlegroup Telemedicine Program as cost-saving and groundbreaking in providing onboard ship medical treatment of military personnel, thus preventing unnecessary transport.

Support of collaborative endeavors between DoD and VA to reduce escalating health care costs and for more accessible, quality care has already been strongly advocated and discussed in the 1999 Report of the Congressional Commission on Servicemembers and Veterans Transition assistance and endorsed by the Congress in the Cleland-Kempthorne Bill, S. 1334, which was made part of the Strom Thurmond National Defense Authorization Act (P. L. 105–261).

I urge my colleagues to support my amendment to further advance DoD/VA collaboration, to explore innovative ways of providing health care for veterans and members of the Armed Services and possible cost-reduction strategies, and to help military and veterans' health care set an example of quality health care.

AMENDMENT NO. 509

(Purpose: To permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program)

On page 254, between lines 3 and 4, insert the following:

SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

"§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

"(a) Notwithstanding any other provision of law, an individual who—

"(1) either—

"(A)(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(ii) disenrolled from participation in that program before that date; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section;

"(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on the date of the enactment of this section;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

"(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

"(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic educational assistance under this chapter—

"(A) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

"(i) $1,200, in the case of an individual described in subsection (a)(1)(A); or

"(ii) $1,500, in the case of an individual described in subsection (a)(1)(B); or

"(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

"(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

"(d)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election described in subsection (a)(5), except that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

"(2) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.".

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking "or 3018C" and inserting "3018C, or 3018D".

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

Mr. FRIST. Mr. President, this amendment is meant to assist the men and women serving in our armed forces in attaining an education. This amendment is targeted at a group serving in our military that has been forgotten since the passage of the Montgomery GI Bill.

Before the GI Bill was enacted in 1985, new servicemen were invited to participate in a program called the Veterans' Educational Assistance Program or VEAP. This program offered only a modest return on the service member's investment and, as a consequence, provided little assistance to men and women in the armed services who wanted to pursue additional education. It was and is inferior to the Montgomery GI Bill that every new serviceman is offered today.

My amendment would allow active duty members of the armed services who entered the service after December 31, 1976 and before July 1, 1985 and who are or were otherwise eligible for the Veterans' Educational Assistance Program to participate in the Montgomery GI bill. This group of military professionals largely consists of the mid-career and senior noncommissioned officer ranks of our services—the exact group that new recruits have as mentors and leaders.

If we really believe in the importance of providing our service men and women with the education opportunities afforded by the Montgomery GI bill, it is critical that we offer all service members the opportunity to participate if they choose.

It is important to remember that much of the impetus for the creation of the Montgomery GI Bill was that the Veterans' Educational Assistance Program was not doing the job. It was not providing sufficient assistance for young men and women to go to college. It was expensive for them to participate, and provided little incentive for young men and women to enter the military.

The Montgomery GI Bill offers those serving in the military a significant increase in benefits over its predecessor and has been one of the most important recruiting tools over the last decade. It is essential that active military still covered under VEAP but not by the Montgomery GI Bill be brought into the fold.

The injustice that my bill attempts to address is that new recruits are eligible for a better education program than the noncommissioned officers responsible for their training and well-being. Expanding Montgomery Bill eligibility to those currently eligible for VEAP would, in many cases, help mid-career and senior noncommissioned officers, who are the backbone of our force and set the example for younger troops, become better educated. This legislation is modest in its scope and approach, but is enormously important for the individual attempting to better himself through education.

Moreover, this legislation sends a meaningful message to those serving to protect the American interest that Congress cares. S. 4, the Soldiers, Sailors, Airman, and Marines Bill of Rights Act which I was proud to cosponsor was an enormous step in this direction, and my legislation complements that effort.

Some of the common sense provisions of this amendment are:

1. Regardless of previous enrollment or disenrollment in the VEAP, active military personnel may choose to participate in the GI Bill.

2. Participation for VEAP-eligible members in the GI Bill is to be based on the same "buy in requirements" as are currently applicable to any new GI Bill participant. For example, an active duty member is required to pay $100 a month for twelve months in order to be eligible for the Montgomery GI Bill. The same would be required of someone previously eligible for VEAP.

3. Any active duty member who has previously declined participation in the GI bill may also participate.

4. There will be a one year period of eligibility for enrollment.

I believe that if we are to maintain the best trained, and most capable military force in the world, we must be committed to allowing the people that comprise our armed forces to pursue further education opportunities. I believe that the modest amendment will have a positive effect on morale and give our noncommissioned officers additional opportunities for self-improvement and life-long learning. I ask for my colleagues support in this effort. thank you Mr. President.

AMENDMENT NO. 510

(Purpose: To authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks)

On page 254, between lines 3 and 4, insert the following:

SEC. 676. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

Mr. DEWINE. Mr. President, this amendment, which I offer along with Senator VOINOVICH, would fix an unintended oversight in veterans' educational benefits. This amendment is similar to legislation I introduced along with my distinguished Ohio colleague in the House of Representatives, Congressman BOB NEY, who is the leader of this effort.

Currently, the law allows qualified veterans to receive their monthly educational assistance benefits when they are enrolled at educational institutions during periods between terms, if the period does not exceed 4 weeks. This allowance was established to enable enrolled veterans to continue to receive their benefits during the December/January holidays.

The problem with the current time period is that it only covers veterans enrolled at educational institutions that operate on the semester system. Obviously, many educational institutions, including several in Ohio, work on the quarter system, which can have a vacation period of eight weeks between the first and second quarters during the winter holiday season. As a result, many veterans unfairly lose their benefits during this period because of the institution's course structure.

Mr. President, it is my understanding that some educational institutions that have a sizable veteran enrollment frequently create a one credit hour course on military history or a similar topic specifically geared towards veterans in order for them to remain enrolled and eligible for their educational benefits. It is my understanding that, the cost of extending the current eligibility period to eight weeks would have a minimal, if not negligible, cost.

The Department of Veterans' Administration has recognized the need to correct this oversight and assisted in the drafting of this legislation and has given it their full support.

I have no doubt that this very simple fix will be well-received by our veterans and the educational institutions that operate under the quarter system. I already know that Wright State University, Bowling Green State University, Ohio University and Methodist Theological School in Ohio have expressed their support for this legislation.

I urge my colleagues to support this common sense fix and allow all veterans to receive the uninterrupted educational assistance they earned.

AMENDMENT NO. 511

(Purpose: To authorize the transfer of a naval vessel to Thailand)

In title X, at the end of subtitle B, insert the following:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

AMENDMENT NO. 512

(Purpose: to authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence)

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretay shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(6) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) Construction.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) RESOLUTION OF OTHER CLAIMS.—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comparable settlement of the claims arising from the death of the United States servicemen caused by the collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia, on September 13, 1997.

AMENDMENT NO. 513

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau, and to exclude those officers from a limitation on number of general and flag officers)

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "rear admiral".

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

"(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

"(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

AMENDMENT NO. 514

(Purpose: To express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones)

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

Mr. EDWARDS. Mr. President, this amendment expresses the Sense of the Senate that income received by a member of the Armed Forces of the United States while receiving special pay should be tax exempt.

Currently, members of the U.S. Armed Forces who serve in a "combat zone" receive special tax exemptions. For example, they do not have to pay excise taxes on phone calls that they make from the combat zone. Nor do they have to pay income taxes on the money earned while in that zone.

My amendment expresses the Sense of the Senate that the tax exemptions should be triggered when the Secretary of Defense designates his employees as eligible for "special pay" based on hostile conditions. Members of the Armed Forces receive special pay under Title 37, United States Code, Section 310 when: (a) subject to hostile fire; (b) on duty in which he, or others with him, are in imminent danger of such fire; (c) were killed, injured or wounded by hostile fire or (d) were on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

The original tax exemption for combat pay was put in place during the Korean War. But given the current uses of our Armed Forces, it makes sense to update the provision for soldiers in hostile zones.

And I also believe that making this change in the Tax Code would correct an inequity. I think it is only right that soldiers in the Kosovo engagement are receiving the tax exemptions. But during a recent visit to Fort Bragg, many soldiers and their families commented that the same benefits should have been extended to the soldiers who served in Haiti and in Somalia. I have to say that I agreed with them. Indeed, I will introduce legislation after Memorial Day to implement this Sense of the Senate.

This Sense of the Senate addresses the new realities of the post-cold war world that repeatedly affects the members of our armed forces and their families. As the Senate knows all too well, the end of the cold war brought with it a significant drawdown in the size of our armed forces and a withdrawal from an overseas based force to one based primarily in the United States. Almost concurrently, our national security strategy has lead us into an era of seemingly continuous deployments. In the 40 years between 1950 and 1990, the U.S. Army was deployed 10 times. In the less than 10 years since the fall of the Berlin Wall, the Army has been deployed 33 times. The Navy's responses have doubled in the 90's. The Air Force has seen its deployed forces rise 400 percent while its active duty personnel dropped 33 percent. Some of these deployments are a few months in duration; some are part of a continuous presence—such as our forces in the Sinai. All work hardship on both the members deployed and their families, particularly when there are repeated or back-to-back deployments.

Again, as the Senate well knows these demands are contributing to both recruitment and retention problems. In recognition of these demands and of the likelihood that we will continue to see more of these deployments, this Sense of the Senate recognizes that we need to bring our Tax Code up to date so that it too acknowledges these new realities.

As we approach Memorial Day, I ask the Senate to approve this amendment as a means of acknowledging the sacrifices demanded of our service members and their families.

AMENDMENT NO. 515

(Purpose: To increase the funding for the Formerly Used Defense Sites account)

(1) On page 56, line 16, add "$40,000,000".

(2) On page 55, line 15, reduce "$40,000,000".

AMENDMENT NO. 516

(Purpose: To strike the portions of the military lands withdrawals relating to lands located in Arizona)

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike "(except those lands within a unit of the National Wildlife Refuge System)".

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike "section 2902(c) or 2902(d)" and insert "section 2902(b) or 2902(c)".

In section 2908(b), as so redesignated, strike "section 2909(g)" and insert "section 2907(g)".

In section 2910, as so redesignated, strike ", except that hunting," and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike "subsections (b), (c), and (d)" and insert "subsections (a), (b), and (c)".

In section 2911(a)(2), as so redesignated, strike ", except that lands" and all that follows and insert a period.

At the end, add the following:

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

Mr. CHAFEE. Mr. President, I thank my distinguished colleague from Arizona for sponsoring his amendment relating to the withdrawal of lands from the Cabeza Prieta National Wildlife Refuge. I am happy to cosponsor it, and I look forward to working with him in the future on this issue.

The amendment removes the provision in Title 29 relating to the Goldwater Range, and includes nothing more than a placeholder for subsequent consideration of the withdrawals. It is no more than a means to ensure that the Administration expeditiously completes its review process regarding the withdrawals. It is not intended in any way to prejudice this process, or to shape the substance of the provisions ultimately adopted by Congress.

Mr. President, my colleague from Arizona and I have agreed to work openly and collaboratively on this provision. As the National Wildlife Refuge System is within the jurisdiction of the Environment and Public Works Committee, I have a strong interest in the withdrawals of lands from the Cabeza Prieta National Wildlife Refuge, as well as the Desert National Wildlife Refuge, which will be considered later.

Again, I would like to extend my sincere gratitude to my distinguished colleague from Arizona. I thank him for his willingness to address my concerns and to sponsor this amendment. It is always a great pleasure to work with him and his staff, and I am delighted to have this opportunity to do so again.

Mr. MCCAIN. Mr. President, this amendment would remove from Title 29 of the bill all references to renewing the withdrawal from public use of the Barry M. Goldwater Range in Arizona. In place of the stricken language, I am proposing a "sense of the Senate" provision that expresses the clear desire to complete the legislative process of renewing the withdrawal of this land this year, both because of its vital importance to military readiness and the environmental and cultural resources that will be preserved and protected by its continued withdrawn status.

I offer this amendment reluctantly, but in full recognition of the unintended controversy caused by its inclusion in the bill at this time. My intention in including these provisions in the Defense Authorization bill this year was to create a meaningful placeholder in the bill to ensure that legislation withdrawing the Goldwater Range could be enacted during this session of Congress. Based on repeated assurances and testimony before Congress, I believe the Administration shares that goal, and I intend to pursue inclusion of a final legislative package, developed with input from all interested parties, in the conference agreement on this legislation.

Unfortunately, my attempt to craft language which remained neutral on the few controversial aspects of the proposed withdrawal appears to have been inadequate. In addition, concerns about the process by which this legislation was developed have also been raised. Therefore, in order to ensure that all interested parties have a full opportunity to participate in the drafting of the final legislation withdrawing the Goldwater Range, I am proposing this amendment to replace the existing language with a "sense of the Senate" provision expressing the desire to complete the withdrawal process this year.

As I have said, there has been some controversy about the language of title 29.

I appreciate the concerns raised by the leadership of the Energy and Natural Resources Committee and the Environment and Public Works Committee concerning their jurisdiction, respectively, over public lands management and wildlife refuges. In no way was the inclusion of this language in the bill intended to preclude the ability of those Committees to conduct oversight hearings and provide input in the final legislation to withdraw the Goldwater and other ranges covered in Title 29. In full respect, however, of these Committees' interest in ensuring this bill in no way prejudices the outcome of the legislative process, I agree that a placeholder which simply expresses the desire to the Senate to enact legislation this year is more appropriate at this time. I fully expect to work closely with all members of the Senate and interested outside parties to reach a consensus on legislation that can be re-inserted in this bill in conference.

I also sympathize with the concerns raised by several organizations regarding future environmental stewardship of the Goldwater Range, just as I fully appreciate and support the need to maintain the availability of the range for essential military training.

Let me reiterate what I said more fully in my additional views filed with the bill. This language was intended simply to be a placeholder to ensure that, if an Administration proposal is submitted to Congress this year for the withdrawal of these lands, it can be appropriately considered in the normal legislative process. I have been and will remain committed to ensuring that all viewpoints are heard and respected in crafting the final language of the withdrawal legislation, both because of the importance of the Goldwater Range as a military training facility, and to preserve and protect the unique environmental and cultural resources in this 2.7 million acre area.

The placeholder language in Title 29 of the Committee-reported bill is generally based on Public Law 99–606, which is the law that currently governs the status of these lands and which expires in 2001. However, the language is intentionally silent on many of the difficult issues that must be resolved before this legislation can be enacted. For example, the Committee-approved provision does not specify a length of time for the withdrawal of the Goldwater Range. The provision is deliberately ambiguous, as is the language of Public Law 99–606 which currently governs these lands, about whether the Cabeza Prieta is withdrawn or not, and it is silent on the issue of which federal agency manages all or part of the land.

At the same time, through the Committee process, the language was amended to include several additional provisions, not in the current law, to improve environmental protection and resource management of the lands. It mandates at least the same level of resource management and preservation be maintained at the range, and requires the Secretary of the Interior to provide a report on any additional recommended management measures. It precludes changes in the memorandum of understanding between the Department of Defense and Department of the Interior that governs the management of the Cabeza Prieta without notifying Congress 90 days in advance. It also includes a provision requiring a study and recommendation, to be submitted to Congress within two years, on the proposal to designate the Goldwater Range as part of a Sonoran Desert National Park.

The language would have been subject to further negotiation and amendment, pending submission of the Administration's legislative proposal to Congress. However, respecting the concerns raised by others about the content of the placeholder legislation, I am proposing that it be stricken.

Mr. President, it is vitally important that the Administration complete the process for renewing the withdrawal of these lands and provide a final legislative proposal to Congress this year. Delaying this issue unnecessarily puts at risk both the tremendous efforts to protect the natural and cultural resources on these lands and the critical need to conduct military training, both of which would end with the expiration of the current law.

The Administration has stated their desire to complete the legislative process for withdrawal of these lands during this session of the Congress—a goal which I and the Committee fully support—and has now committed to send a final legislative proposal to Congress by approximately June 9, 1999. I urge the Administration to finalize and submit a legislative proposal as early as possible so that all interested parties may review it carefully and efforts can be undertaken quickly to achieve a consensus on legislation that can be enacted this year in this bill.

Mr. President, I hope this amendment can be accepted. I believe I have the support of the able Chairman of the Armed Services Committee, Senator WARNER, to try to work out acceptable language on the Goldwater Range withdrawal, as well as the Chairmen of the Environment and Energy Committees. I look forward to working with the relevant committees and interested parties to reach a consensus on a final legislative package regarding the Goldwater Range that can be included in the conference agreement on this bill.

AMENDMENT NO. 517

(Purpose: To increase by $2,000,000 the amount authorized for the Navy for procurement of MJU–52/B air expendable countermeasures and to offset the increase by a decrease by $2,000,000 of the amount authorized for the Army for UH–1 helicopter modifications)

On page 16, line 17, strike "$1,500,188,000" and insert "$1,498,188,000".

On page 17, line 18, strike "$540,700,000" and insert "$542,700,000".

AMENDMENT NO. 518

(Purpose: To authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC: ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) One-Year Delay.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) Covered Towers.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) Transfer of Towers.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

AMENDMENT NO. 519

(Purpose: To impose certain requirements relating to the recovery and identification of remains of World War II servicemen in the Pacific theater of operations)

In title X, at the end of subtitle D, add the following:

SEC. 1061. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN.

(a) RESPONSIBILITIES OF THE SECRETARY OF THE ARMY.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30,

2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

Mr. SMITH of New Hampshire. Mr. President, I want to thank the managers of this bill for accepting this amendment, and I thank all of my colleagues for their support.

Let me say this is a very simple amendment, but one that becomes profoundly relevant as we approach Memorial Day next Monday, especially for the families of unaccounted for servicemen from World War II.

The amendment instructs the Secretary of the Army to make every reasonable effort to search for, recover, and identify the remains of U.S. servicemen from World War II crashsites in the South Pacific. As many of my colleagues know, the Army is DoD's executive agent for this kind of recovery work.

Mr. President, earlier this month I attended a military funeral for a World War II Army Air Corps pilot from Worcester, Massachusetts. I can't begin to tell you how moved I was to attend this funeral and listen to the eulogy about this young pilot, who joined the Army the day after Pearl Harbor, went on to get his wings in the Army Air Corps, married his sweetheart, only to have to leave her two days later. He was never to come home. He was lost over the jungles of New Guinea flying his P–47 Thunderbolt in 1943.

Fifty-three years later, in 1996, his remains inside his crashed plane were accidently located by a private American citizen, Mr. Fred Hagen, who was searching for his great uncle's B–25 bomber.

Only then, did the emotional rollercoaster ride for the surviving elderly family members really begin because it took almost 3 additional years, and my continuous intervention along the way, for the remains to be formally recovered and identified by the Army. There was political instability in New Guinea at one point, and that delayed things, and there were also competing priorities that the Army was trying to balance.

That case is now behind us, but I am aware that there are other World War II crashsites in New Guinea where the remains of American servicemen are presently located, yet they have not been formally recovered by the Army. Indeed, Mr. President, I would like to enclose for the record a letter I received yesterday from one American who has located several crash sites in New Guinea.

All this amendment does, Mr. President, is ensure that the Army works hard at locating, excavating, and identifying remains from these crash sites. By passing this amendment, we increase the likelihood that some of these families of missing World War II aviators will finally have a grave at which to lay flowers during a future Memorial Day. It's the least we can do, Mr. President, to honor those who made the ultimate sacrifice, and their aging family members.

Accounting for missing servicemen from World War II is just as important as accounting for missing servicemen from the Vietnam or Korean Wars. Each of these brave men made the ultimate sacrifice for their country. This amendment makes sure every effort is made to account for these missing servicemen.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALFRED (FRED) HAGEN,
Philadelphia, PA.

Senator SMITH,
c/o Dino Carluccio.

DEAR SIR: In September, 1998 Cil-Hi apparently flew over the site of a B–25 that I found in November, 1997 and decided that the site should not be recovered due to the danger of landslides and the difficulty of working on the precipitous slope. If Cil-Hi does not change their position on this matter, I plan to organize a private team and recover the site myself.

We were able to identify the plane as a B–25D–I, #41–30182, 38th Bomb Group, 71st Bomb Squadron. The B–25 had departed Saidor on a shuttle flight to Nadzab on July 1, 1944@0907. There were 9 persons aboard:

They were: Pilot, Richard Hurst, 1st Lt.; Co-Pilot, James Henderson, 1st Lt.; Navigator, Aloysius Steele, 2nd Lt.; Radio/Gunner, John Creighton, Pfc.; Gunner, Henry Miga, Sgt.; Passenger, A. Milazzo, TEC 5; Passenger, B. Durham, Pfc.; Passenger, S. Russell: Pfc.; Passenger, G. Norris, Cpl.

Their exact fate had been unknown until Friday, November 7th, 1997. I picked up the bones of what turned out to be partial remains of three men and put them in my backpack. The remains had already been moved by the natives and no site integrity was lost by my action. I returned the remains to the US Ambassador in Port Moresby.

After years of searching, I also located the wreckage of the B–25 in which my late relative Major Bill Benn was killed in 1957. The spot was located in very rugged terrain in 1957 and was visited by an Australian who performed a cursory "look around", salvaged a few bones and left. The site is littered with remains. I returned a number of bones to Cil-Hi after my June 1998 visit and requested that they do a formal site investigation. The site has never been visited by a US serviceman, in fact, there is little doubt in my mind that no one had re-visited the site until my team located in it 1998. The scarce remains of the crew were interred in a single box in Zachary Taylor National Cemetery (chosen due to its central location). I would like all the recoverable remains to come home, the 1957 burial site exhumed and all the remains to be segregated utilizing today's DNA technology. It would be very meaningful to my family to be able to give Bill Benn a proper burial in Arlington, minutes away from the residence of his widow and daughter.

I don't think that is too much to ask for a man who received the following commendation from General Kenney "No one in the theatre made a greater contribution to victory than Bill Benn". He has subsequently been forgotten by the world but not by his family.

This may not be a high priority for Cil-Hi because the case is supposedly already resolved. The bulk of remains appear to still be in New Guinea, however, and the question is whether it is good enough to appear to recover remains or whether the US military is committed enough to recover all possible remains. I cut a large heli-pad nearby and the site is readily accessible. I am also willing to accompany the team to guide them and render any assistance possible.

I appreciate your interest and assistance. I understand that you are busy and probably not available on short notice but I want to invite you to attend the burial of another P-47 pilot that I discovered in New Guinea named George Gaffney. He is being buried at Arlington on June 9th, 1999. After I found Desilets, Gaffney's daughter contacted me and asked me to look for her father. In what can only be described as a "miraculous" turn of good fortune, I succeeded in finding his remains.

Thank you so much.

FRED HAGEN.

AMENDMENT NO. 520

(Purpose: To make technical and clarifying amendments)

On page 33, beginning on line 3, strike "that involve" and insert ", as well as for use for".

On page 278, line 4, strike "1998" and insert "1999".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 368, line 14, strike "$40,000,000" and insert "$85,000,000".

On page 397, beginning on line 2, strike "readily accessible and adequately preserved artifacts and readily accessible representations" and insert "adequately visited and adequately preserved artifacts and representations".

On page 411, in the table below line 12, strike the item relating to "Naval Air Station Atlanta, Georgia".

On page 412, in the table above line 1, strike "$744,140,000" in the amount column in the item relating to the total and insert "$738,710,000".

On page 413, in the table following line 2, strike the first item relating to Naval Base, Pearl Harbor, Hawaii, and insert the following new item:

	Naval Base, Pearl Harbor	133 Units	$30,168,000

On page 414, line 6, strike "$2,078,015,000" and insert "$2,072,585,000".

On page 414, line 9, strike "$673,960,000" and insert "$668,530,000".

On page 429, line 20, strike "$179,271,000" and insert "$189.639,000".

On page 429, line 21, strike "$115,185,000" and insert "$104,817,000".

On page 429, line 23, strike "$23,045,000" and insert "$28,475,000".

On page 509, line 10, strike "$892,629,000" and insert "$880,629,000".

On page 509, line 16, strike "$88,290,000" and insert "$100,290,000".

On page 509, between lines 16 and 17, insert the following:

Project 00–D– , Transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

Project 00–D–400, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $1,306,000.

On page 541, line 22, strike "The" and insert "After five members of the Commission have been appointed under paragraph (1), the".

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike "(3)" and insert "(2)".

On page 577, line 16, strike "**PROJECT**" and insert "**PLANT**".

On page 577, line 23, strike "Project" and insert "Plant".

On page 578, line 3, strike "Project" and insert "Plant".

On page 578, line 6, strike "Project" and insert "Plant".

On page 578, line 14, strike "Project" and insert "Plant".

On page 578, strike lines 17 through 21, and insert the following:

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

AMENDMENT NO. 521

(Purpose: To require a report on military-to-military contacts between the United States and the People's Republic of China)

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation such as memoranda for the record, official reports, and final itineraries, and receipts for expenses over $1,000 concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

AMENDMENT NO. 522

(Purpose: To authorize the Secretary of Defense to transfer to the Attorney General quantities of lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness, Fort McClellan, Alabama)

In title X, at the end of subtitle D, add the following:

SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

AMENDMENT NO. 523

SEC. . ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection(a).

AMENDMENT NO. 524

(Purpose: To require a study and report regarding the options for Air Force cruise missiles)

In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

AMENDMENT NO. 525

(Purpose: To encourage reductions in Russian nonstrategic nuclear arms, and to require annual reports on Russia's nuclear arsenal)

In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104–106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

AMENDMENT NO. 526

(Purpose: To make technical corrections)

On page 153, line 19, strike "the United States" and insert "such."

On page 356, line 7, insert after "Secretary of Defense" the following: ", in consultation with the Secretary of State,".

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

On page 359, line 8, strike "(c)" and insert "(b)".

On page 359, line 16, strike "(d)" and insert "(c)".

AMENDMENT NO. 527

(Purpose: To To authorize $4,000,000 for construction of a control tower at Cannon Air Force Base, New Mexico, and $8,000,000 for runway improvements at Cannon Air Force Base, and to offset such authorizations by striking a military family housing project at Holloman Air Force Base, New Mexico, and by reducing the amount authorized for the United States share of projects of the NATO Security Investment program)

On page 417, in the table preceding line 1, insert after the item relating to McGuire Air Force Base, New Jersey, the following new items:

New Mexico	Cannon Air Force Base	$4,000,000
	Cannon Air Force Base	$8,100,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$640,233,000".

On page 418, in the table following line 5, strike the item relating to Holloman Air Force Base, New Mexico.

On page 418, in the table following line 5, strike "$196,088,000" in the amount column of the item relating to the total and insert "$186,248,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,919,451,000".

On page 419, line 19, strike "$628,133,000" and insert "$640,233,000".

On page 420, line 7, strike "$343,511,000" and insert "$333,671,000".

On page 420, line 17, strike "$628,133,000" and insert "$640,233,000".

On page 429, line 5, strike "$172,472,000" and insert "$170,472,000".

AMENDMENT NO 528

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placeholder to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review)

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

"TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

"SEC. 2901. FINDINGS.

"The Congress finds that—

"(1) Public Law 99–606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

"(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

"(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

"(4) the future uses of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

"(5) the public land withdrawals authorized in 1986 under Public Law 99–606 were for a period of 15 years, and expire in November, 2001; and

"(5) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99–606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

"SEC. 2902. SENSE OF THE SENATE.

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999."

AMENDMENT NO. 529

(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

On page 429, line 5, strike out "$172,473,000" and insert in lieu thereof "$168,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000

On page 412, in the table line Total strike out "744,140,000" and insert "$747,990,000."

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,865,000".

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,810,000".

On page 414, line 18, strike out "$66,299,000" and insert in lieu thereof "$66,581,000".

AMENDMENT NO. 530

(Purpose: To authorize $11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKMF983014))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base $11,600,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$639,733,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,928,791,000".

On page 419, line 19, strike "$628,133,000" and insert "$639,733,000".

On page 420, line 17, strike "$628,133,000" and insert "$639,733,000".

AMENDMENT NO. 531

At the end of Section E of Title XXVIII insert the following:

SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.— Section 2603 of the National Defense Authorization Act for fiscal year 1998 (P.L. 105–85) is amended as follows: With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

AMENDMENT NO. 532

(Purpose: To authorize, with an offset, an additional $59,200,000 for drug interdiction and counterdrug activities of the Department of Defense)

On page 62, between lines 19 and 20, insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P–3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

Mr. DEWINE. Mr. President, last year the Congress provided an $800 million down payment to restore viability to our counter drug eradication and interdiction strategy in the region. This funding was the first installment of the Western Hemisphere Drug Elimination Act, which was passed as part of last year's omnibus appropriations bill. Our goal is to reduce significantly the flow of cocaine and heroine flowing into the United States. This would be done by driving up drug trafficking costs, reducing drug availability, and ultimately keeping these horrendous drugs out of the reach of our children.

We made great progress last year to secure the funds for an enhanced counter-drug strategy. Today, I am seeking additional resources for this important national security interest.

Today, Senator COVERDELL and I are offering an amendment that would authorize more funds for Defense counter-drug programs. This amendment is taken from a provision contained in S. 5, the Drug Free Century Act, which I introduced with seven of my Senate colleagues.

Mr. President, since the late 1980's, the Department of Defense has been called upon to support counter narcotics activities in transit areas in the Caribbean, and these dedicated members of our armed services have done an extraordinary job. Unfortunately, we in the Congress, and those all over the United States, are keenly aware that the Armed Forces of the United States are being stretched too thin. With the ongoing hostilities against Saddam Hussein in Iraq, and the enormous air campaign against Slobodan Milosevic in Kosovo, material and manpower dedicated to the interdiction of drugs entering our country have been diverted to these "higher priority" duties, leaving the drug transit areas vulnerable and unguarded.

In addition, this year we have seen the closure of Howard Air Force Base in Panama, which causes the United States to lose a premier airfield for conducting counter-drug aerial detection and monitoring missions. Without this aerial surveillance of the coca fields and production sites in Colombia, and the major transit areas for bringing cocaine into the United States, timely and actionable intelligence cannot be relayed to the Colombian government forces in time for seizure and eradication actions.

Fortunately, the current bill already would authorize $42.8 million for the creation of forward operating locations to replace the capability lost with the closure of Howard Air Force Base. These sites will be critical to the continuing ability of the U.S. Armed Forces and law enforcement agencies to effectively detect and interdict illegal drug traffic. However, it will take time to get these sites identified and operational.

Mr. President, that is why this amendment is timely and important. Our amendment would shore up deficient funding in the critical areas of intelligence gathering, monitoring, and tracking of suspect drug activity heading toward the United States.

This amendment would provide authorization for an additional $59.2 million in counter-drug intelligence gathering and interdiction operations.

We need to have a reliable and efficient means of monitoring, identifying, and tracking suspect traffickers before assigning interdiction aircraft or marine craft to intercept. The key to our success is accurate intelligence. Without accurate intelligence, we are wasting time and valuable resources.

This amendment would enable such intelligence gathering technologies as a CONUS-based, over-the-horizon radar that could be used in detecting and tracking both air and maritime targets in the eastern Pacific and Mexico. This technology would greatly enhance the ability of law enforcement agencies of both the United States and Mexico to interdict and disrupt shipments of narcotics destined for the United States.

This amendment also would authorize funds for enhanced intelligence capabilities such as signals intelligence, collections, and translation that would significantly improve the overall effectiveness of the counter drug effort.

Mr. President, it is time to renew drug interdiction efforts, provide the necessary equipment to our drug-enforcement agencies, and make the issue a national priority once again. I urge my colleagues to support this amendment and help turn the tide of the drug crisis in our country.

AMENDMENT NO. 533

(Purpose: Expressing the Sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997)

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMENS' FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road,

Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states 'unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU–154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU–154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

AMENDMENT NO. 534

(Purpose: To commemorate the victory of freedom in the Cold War)

On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR MEDAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§ 1133. Cold War medal: award

"(a) AWARD.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States armed forces during the Cold War in order to recognize the contributions of such individual to United States victory in the Cold War.

"(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) PERIOD OF COLD WAR.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award.".

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Minority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

(5) The Commission shall be chaired by two individuals as follows:

(A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2);

(B) one selected by and from among those appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

Mr. LEVIN. It is my understanding that the creation of a medal under this section is solely at the discretion of the Secretary of Defense.

AMENDMENT NO. 535

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).''.

AMENDMENT NO. 536

(Purpose: To provide $4,000,000 for testing of airblast and improvised explosives (in PE 63122D), and to offset that amount by reducing the amount provided for sensor and guidance technology (in PE 63762E)

In title II, at the end of subtitle B, add the following:

SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under section 201(4)—

(1) $4,000,000 is available for testing of airblast and improvised explosives (in PE 63122D); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by $4,000,000.

The PRESIDING OFFICER. Is there further debate on the amendments?

Mr. WARNER. I ask unanimous consent that the amendments be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 482 through 538) were agreed to.

Mr. WARNER. Mr. President, I ask all remaining amendments at the desk be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. It is the intention of the managers to move to third reading momentarily.

Mr. LEVIN. We are ready.

Mr. WARNER. In the moment I have here, I just want to acknowledge, again, the tremendous cooperation and the spirit with which my distinguished colleague from Michigan and I—we have worked together for these many years—came together. We were supported by superb staffs; our staff directors, I tell you, they are pretty tough. At this moment we will withhold that, but the balance of the staffs on both sides have done magnificent work.

Mr. LEVIN. Mr. President, I join my dear friend, the chairman, in that sentiment about our staffs and our colleagues. This is a very complex bill. I think we have done it in record time, but it has taken the cooperation of all of our colleagues, the leadership on both sides, and of course our staff made it possible. We will have more to say about that after final passage. I think we are now waiting for the final high-sign from our staff that everything has been cleared.

Mr. WARNER. Mr. President, of course we include Les Brownlee and David Lyles in those accolades.

Mr. KYL. Mr. President, I inquire how much time is remaining?

The PRESIDING OFFICER. There remain 1 minute 42 seconds.

Mr. KYL. The minority has yielded back its time?

Mr. REID. We have not yielded it back, but I don't think we will use it. We will wait and see what the Senator has to say.

Mr. KYL. I ask unanimous consent Senator DOMENICI's time be folded in with my time and then I will close our side of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 3 minutes 42 seconds.

Mr. KYL. Mr. President, let me just clarify about three things that were said by Members of the minority a moment ago.

Senator BINGAMAN said we should not be playing politics with national security. We could not agree more with that. He, then, began discussing how these problems have been around a long time, under Republican administrations as well as Democrat administrations. That is true. It is not political; it is true. Of course, that is what the Cox Commission report said, but that has nothing to do with whether we should begin to solve those problems now.

Once this administration became aware of the espionage in about 1995, it was important to begin the work of cleaning up the mess at the Department of Energy. What we are saying is if that is not going to be done by the administration, we are prepared to help do that with the amendment we have offered.

Second, Senator BINGAMAN indicated that Democrats did not object to the Republican security amendments in the Armed Services Committee, which were then included in the bill and which Members of the Democratic side have been talking about as a good thing in this bill.

I just asked staff to note a couple of the specifics to which there was objection. The minority, for example, objected to the requirement that DOE employees who have access to nuclear weapons data have a full background investigation. They watered it down by delaying implementation and also requiring an analysis of costs. They weakened the restrictions on the lab-to-lab program, section 3156 or 3158, I have forgotten. There were more. Not to quibble, but the point is the security provisions in this bill were put there by the Members of the Republican side, by and large. The primary section that was discussed was the section put in by Senator LOTT, the majority leader.

But there is one more important piece of unfinished business and that is the Kyl-Domenici-Murkowski amendment, and that is what the Democrats will not let each of us talk about let alone debate about, except for the unanimous consent to close the debate here this evening.

Senator REID concluded by saying he did not improperly hold up the bill. He, in fact, used the rules of the Senate to protect the prerogatives of one Senator and his side. That is certainly true. He knows the rules. He used the rules. He was able to use the rules to prevent us from speaking, from debating our amendment, and from voting on it. The only way we could bring the defense authorization bill to a close and conclude this very important piece of business for the American people was for us to withdraw this important amendment.

I hope all of our colleagues and the American people understand what happened here. Because we could not discuss or vote on the Kyl-Domenici-Murkowski amendment, and because it was important to conclude the work on the defense authorization bill, we were required to withdraw our amendment. That important piece of unfinished business to protect the security of the National Laboratories, therefore, remains unfinished business and will have to be taken up in the future.

I do not know of a higher priority for the Senate at this time than trying to ensure the security of our National Laboratories and our most sophisticated weapons. This amendment would go a long way toward doing that. It is not the total answer. I am just hopeful in the days and weeks to come we will not hear the continuing wails that it is not time, we do not have time to discuss this, we should have lots of hearings about it.

We are prepared to have all kinds of discussions. We need to have those discussions. If we are not able to have those discussions in future times here, then the next time it will not be withdrawn and we will have to deal with it one way or the other.

I urge my colleagues to work together, try to resolve these important security issues for the safety and defense of the United States of America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 399

Mr. HARKIN. Mr. President, I want to briefly speak on an amendment I offered today that was accepted by unanimous consent in the Defense authorization bill. My amendment will address an unfulfilled obligation to our nation's veterans. The problem is a substantial backlog of requests by veterans for replacement and issuance of military medals. At a time when our troops are engaged overseas, and with the Memorial Day weekend approaching, it is all the more important to ensure we are recognizing the sacrifices of our veterans.

Believe it or not, it can take years for veterans to receive medals earned through their service to our nation. My state offices are involved in a number of current cases where veterans have been waiting two to three years for medals they earned, but were never awarded. While my staff and I pursue these cases aggressively, the reality is that no amount of pressure and follow-through can overcome what is essentially a resource problem.

The medal issue revolves around a huge backlog of requests. The personnel centers, which process applications for the separate services for never-issued awards and replacement medals, have accumulated huge backlogs of requests by veterans. In one personnel center alone, 98,000 requests have been allowed to back up, resulting in years of waiting time. These time delays have denied veterans across the nation the medals and honors they have rightfully earned through heroic actions.

Let me briefly share the story of Mr. Dale Holmes, a Korean War veteran. I have shared this story on the floor before, but I think it bears repeating. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years on her own, through the normal Department of Defense channels, to get the medals her father earned and deserved. Ms. Groff turned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve this issue favorably until September 1997.

Ms. Groff made a statement about the delays that sum up my sentiments perfectly: "I don't think it's fair. My dad deserves, everybody deserves, better treatment than that." Ms. Groff could not be more correct. Our veterans deserve better from the country they served so courageously.

DOD claims that it does not have the people or resources to speed up the process. But it would not take much to make a dent in the problem. For example, the Navy Liaison Office was averaging a relatively quick turnaround time of only four to five months when it had five personnel working cases. Now that it has only three people in the office, it is having a hard time keeping up with the crush of requests. DOD must make putting more resources towards this problem a priority. However, it seems like the same old story—our government forgets the sacrifices servicemen and women have made as soon as they leave military duty. We can do better.

Last year, during the debate over the FY99 Defense Appropriations bill, the Senate passed my amendment urging the DOD to end the backlog of unfulfilled military medal requests. Unfortunately, the Pentagon has not moved to fix the problem. In fact, according to my information, the problem has worsened.

Therefore, here I am again. My amendment directs the Secretary of Defense to establish and carry out a plan to make available the funds and resources necessary to eliminate the backlog in decoration requests.

Specifically, my amendment says the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem.

My amendment also directs that funding and resources should not come at the expense of other personnel service and support activities within DOD. It is a commonsense approach which will allow DOD to structure a quick and direct solution to the problem.

Our veterans are not asking for much. Their brave actions in time of war deserve our highest respect, recognition, and admiration. My amendment will help expedite the recognition they so richly deserve. Our veterans deserve nothing less.

I thank the Veterans of Foreign Wars for strongly supporting this amendment. Their support meant a great deal to my efforts.

I thank the managers of the Defense Authorization bill, Senator WARNER and Senator LEVIN, for their cooperation and understanding in agreeing to accept this important amendment.

While this is only a small change to the Defense authorization bill, it will send a clear message to our Nation's veterans and active duty personnel: we recognize and value the sacrifices you have made on our behalf.

AMENDMENT NO. 394

Ms. COLLINS. Mr. President, I rise today as a cosponsor of the majority leader's amendment to the defense authorization bill. The amendment takes important steps to improve the monitoring of the export of advanced U.S. satellite technology and to strengthen security and counterintelligence measures at Department of Energy facilities.

As a Senator, I have been privy to a wide range of classified and unclassified information relating to efforts by the People's Republic of China to acquire our sensitive technology and influence our political process. As a United States citizen, I am gravely concerned.

As a member of the Governmental Affairs Committee, I learned during the campaign finance investigation ably lead by Chairman THOMPSON that China developed and implemented a plan to influence U.S. politicians and elections. And from Charlie Trie and John Huang, both of whom have recently plead to felony offenses and agreed to cooperate with the Justice Department, I suspect we could learn more. More recently, I reviewed the Cox report, and just yesterday, listened to testimony concerning the report during a hearing of the Subcommittee on International Security, Proliferation, and Federal Services. The evidence is clear that China stole very sensitive military secrets involving virtually all of our nuclear weapons. What is more, I believe that the lax security at our government labs is completely inexcusable as is the Clinton Administration's abject failure to take swift and strong action when it became aware of evidence of serious breaches in our national security.

This administration is faced now with the opportunity to focus the country on constructive solutions to our problems concerning espionage and undue foreign influence. I fear, however, that we will be mired for a long time to come in the details of what happened, because those who know will not tell. Instead of a swift accounting of what went wrong, I am afraid we can expect the stonewalling and lack of cooperation we received during the campaign finance inquiry.

Yet there are things Congress can do now to improve security at our national labs, and the majority leader's amendment is one of them. The Amendment increases the exchange of information between the Administration and the Congress and requires changes at the Departments of State, Energy, Defense as well as other intelligence agencies. These changes will help strengthen security checks, licensing procedures, and access to classified information. I am hopeful that these provisions will enhance the security and protection of our most vital technological secrets and ensure that if violations do occur, swift and decisive action is taken to correct them.

I urge my colleagues to support this measure.

BQM–74 TARGET DRONE PROCUREMENT

Mr. CONRAD. Mr. President, I ask unanimous consent on behalf of myself, Senator DORGAN, and Senator BINGAMAN to engage the Chairman and Ranking Member of the Armed Services Committee in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the chair. Mr. President, Senator DORGAN, Senator BINGAMAN, and I have come to the Senate floor today to discuss with the Armed Services Committee's able leadership how the Congress might go about ensuring funding for procurement in fiscal year 2000 of the BQM–74, a Navy target drone.

Mr. DORGAN. I understand that the Senator from New Mexico has some expertise on this subject.

Mr. BINGAMAN. I have been pleased to support the BQM–74. This target drone plays an important role in Navy air-to-air and surface warfare training, representing enemy fighters, bombers, and cruise missiles during live-fire training operations. The Chief of Naval Operations has a requirement that at least 240 of these drones be kept in the active inventory. We have maintained this number in the past, and I hope that the Navy will be able to continue to do so.

Mr. CONRAD. I wonder if I could direct a question to my colleague from North Dakota, who also has some familiarity with this program. Senator DORGAN, am I correct to understand that a lack of BQM-74 procurement in fiscal year 2000 could result in the Navy's inventory falling below the CNO's requirement?

Mr. DORGAN. My colleague from North Dakota is entirely correct. I am informed that no production in the coming fiscal year would likely result in a dangerous reduction to the inventory, and could force Navy training operations to be curtailed as early as 2002. This would clearly not be in our nation's interest. I am additionally informed that a gap in production next year could drive up unit cost sharply.

Mr. CONRAD. This is most distressing. I wonder, could the Senator from New Mexico provide some background on the BQM-74's current funding status?

Mr. BINGAMAN. As my colleagues may be aware, the Navy had allocated 435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. DORGAN. The Office of the Secretary of Defense clearly did not act prudently in this regard, and I am pleased to report that this week the Senate Defense Appropriations Subcommittee—on which I serve—added 430 million for procurement of this target drone. This move followed an authorization by the House Armed Services Committee of $27 million for BQM-74 procurement.

Mr. CONRAD. In light of the unquestioned importance of the BQM-74 and the action taken by the House authorizers and Senate appropriators, I wonder if the distinguished Chairman of the Senate Armed Services Committee believes that this matter can be addressed in conference.

Mr. WARNER. I thank the Senators for their valuable input. The BQM-74 is one of several critical defense priorities that will be addressed in conference.

Mr. DORGAN. Senator LEVIN, might I ask if you concur with the Chairman?

Mr. LEVIN. the issue will certainly have to be addressed in conference. The BQM-74 target drone is important to peacetime training and readiness. I know that the House Armed Services Committee authorized funding, and the Senate Appropriations Committee has recommended funding. It is my intention to work with the Chairman and our House counterparts in the upcoming conference to try to provide authorization funding for BQM-74 procurement in fiscal year 2000.

Mr. CONRAD. On behalf of myself, Senator DORGAN, and Senator BINGAMAN, I thank the distinguished Chairman and Ranking Members for their important assurances.

WARTIME EMBARGO

Ms. SNOWE. Mr. President, this amendment imposes a straightforward but neglected requirement on the administration to seek multilateral economic embargoes as well as foreign asset seizures against governments with which the United States engages in armed hostilities.

After one month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia's internal oil refining capacity.

But the Secretary of State then acknowledged that the Serbians continued to fortify their hidden armored forces in the province with imported oil.

And just three weeks ago, the allies first agreed to an American proposal to intercept petroleum exports bound for Serbia on the high seas but then declined to enforce the ban against their own ships!

On May 1st, five weeks after the Kosovo operation had begun, the President finally signed an executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet NATO and the United States have paid a steep price for failing to impose comprehensive economic sanctions on Serbia from the beginning of the air campaign in late March. As recently as May 13th, an anonymous U.S. government source told Reuters that the Yugoslavian Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Wesley Clark, NATO's Supreme Commander, gave the alliance a plan for the interdiction of oil tankers streaming in the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, as this chronology shows, the Yugoslavians had imported 450,000 barrels containing 19 million gallons of petroleum vital to their war efforts. One Russian vessel alone deposited more than four million gallons of this amount.

Unfortunately, Mr. President, it has been economic business as usual for the Serbians as our missiles try to grind their will. The President declared on March 24th the beginning of the NATO campaign and set a goal of deterring a bloody offensive against Moslem civilians.

Less than four weeks later, with more than 400 planes flying over 400,000 internally displaced Kosovars, Belgrade reached the mid-point of receiving 11 shipments of oil from abroad.

By the close of April, General Clark confirmed the destruction of Yugoslavia's oil production capacity. On the same day, however, the Serbs took in 165,000 barrels of imported fuel.

And on May 1st, when the President signed the executive order banning U.S. trade with Yugoslavia, Milosevic had received the last of the 11 April oil shipments for a total of 450,000 barrels.

As of three weeks ago, the number of displaced Kosovars had topped one million and NATO acknowledged the continuation of energy imports by the enemy.

These imported energy reserves play a significant role in supporting Serbian ground operations. The U.S. Energy Information Agency estimates that Yugoslav forces consume about four thousand barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only *one-half* of the *imported* fuel just from April, they could have operated for nearly two months.

It took barely one month after the start of the NATO campaign, however, for President Milosevic to uproot the vast majority of the ethnic Albanian population of the province. So by the time frame that NATO had claimed to destroy Serbia's oil refining capacity, mid-to-late April, the Yugoslavians still managed to perpetrate Europe's worst humanitarian crisis since World War II.

We now face the strategic and operational challenge of uprooting dispersed tank, artillery, and infantry units in Kosovo. This challenge confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example, Mr. President, teaches us that military victory involves more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the United States and its allies.

Iraq invaded Kuwait on August 1, 1990. Five days later, on August 6th, the United Nations Security Council, with only Cuba and Yemen in opposition, had passed a resolution directing "all states" to bar Iraqi commodity and product imports. This action first helped to freeze Saddam in Kuwait before he could move into Saudi Arabia. The wartime coalition subsequently faced the more manageable task of expelling this dictator from a small country rather than the entire Arabian Peninsula.

We must always try to damage or destroy the offensive military apparatus of a hostile state. But as the Persian Gulf War taught us, it should also be starved of resources.

Efforts to establish multilateral embargoes will always encounter resistance and lapses in enforcement. My amendment, however, puts the tyrants of the globe on notice that as a matter of policy, the United States will take immediate steps to deprive them of the finances and the imports to wage war should America and its international partners engage in hostilities against them.

The language of this provision instructs the President to "seek the establishment of a multinational economic embargo" against an enemy government upon the engagement of our Armed Forces in hostilities. If the conflict continues for more than 14 days, the President must also report to Congress on the actions taken by the administration to implement the embargo and to publish any foreign sources of trade and revenue that sustain an adversary's war-making capabilities.

This amendment will not constrain, but strengthen, future Presidents in organizing the international community against regional zealots like Milosevic. We must remember that the European Union states declined to enforce the Adriatic Sea embargo against the advice of the United States. But if we lend the force of law to administration's embargo efforts from the outset of a war, we could gain more allied partners to force an aggressor into military bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide their forgotten tools of aggression. But this seamless embargo amendment signals that the United States will not only remember these tools, but take decisive action to break them. It signals that we should not bomb only so the enemy can trade and hide.

To enforce greater clarity in our strategies of isolating the nation's armed adversaries of tomorrow, Mr. President, I urge the Senate's unanimous support for this amendment.

NATO'S MISSION

Mr. DOMENICI. Mr. President, I rise today to discuss three interrelated aspects of our country's security at the brink of the new millenium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It is important to reflect on NATO's mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must evaluate threats globally, and we must be vigilant in safeguarding our security and defense capabilities.

In April, we celebrated NATO's 50th Anniversary. Despite the circumstances, we had good reason to celebrate. After the horrors of World War I and II, U.S. decisionmakers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I. Europe was and is a precarious continent. Twice in the first 50 years of this century, America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective evolved as a de facto result of Stalinist expansion into Central Europe.

Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changed era and very different world, NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I have just talked about should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The administration repeatedly suggests that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, a Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time, was a small nation fighting for independence within a crumbling Austian-Hungarian Empire.

Due to Russia's alliance with Serbia and Germany's open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—the rest were locked in polarized blocs that set the Triple Alliance against the Triple Entente.

Such polarized blocs do not exist today. Serbai's aggression against Kosovar Albanians can and has created regional instabilities. But this would not lead to World War Three.

This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded the views others of their own security. Our actions in Kosovo may yet unravel any gains achieved in nuclear arms reductions and cooperative security alliances since the Soviet Union collapsed.

Furthermore, NATO's response in Kosovo has accelerated and exacerbated regional instability. We have managed to create a humanitarian crisis, while not achieving any of our military objectives. Of course, any rational person could see that an air campaign from 20,000 feet would not prevent executions, rapes, and purges on the ground. This is especially true given the 5 months of time we gave President Milosevic to plan, prepare, and position his forces.

One relevant aspect of today's world that the administration failed to mention in their arguments for involvement in this campaign is the impact this would have on U.S.-Russian relations. We have a tendency to believe that Russia is so weak and needs our money so bad that we can disregard their views or interests.

I ask you to consider two key facts:

as Russia's conventional military declines, reliance on their nuclear arsenal increases;

global stability cannot be achieved without cooperation between the U.S. and Russia.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be reversed. Russia has recently announced its intent to redeploy components of its tactical nuclear arsenal. We were on a path through arms reduction and steps toward increased transparency to addressing tactical weapons. These gains are steadily unraveling.

The administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next few years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next.

According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This war will have profoundly negative impact on the relationship between Russia and the U.S. for a long time.

The U.S. was supposedly not fighting for either side. We were trying to be the honest broker, at least in the beginning. Our actions have created enemies. These enemies have historical ties to Russia. Russia's economy is in tatters, but Russia still controls the only means to obliterate the United States.

We feel we are in the right, because we are fighting a tyrant, one capable of great evil. I don't disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia's political future, as well as our future relationship with Russia.

There are those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO's terms.

Russia is edging closer to China, and India. Our blatant disregard of the security needs of others and perceptions may culminate in a Eurasian bloc allied against us—against NATO. And election campaigns in Russia will begin very soon.

As European leaders converged to celebrate NATO's 50th birthday, they spent much time debating and deliberating on NATO's future. NATO's present reflects poor policy decisions and an ineffective military approach.

I also take this opportunity to discuss the grievous situation of our military today. Recent actions in Kosovo underscore the self-inflicted damage we have done to our national security in the years since the Cold War.

I was one of many Senators during the 1980's who supported seeing our Nation's defenses bolstered in order to bring the Soviet Union to its knees. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy.

The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union's economy. Their political and economic institutions unraveled in light of America's clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait, U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a ground and air war. It was a full blown offensive.

And at no time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitment in the Gulf. Never did we hear of depleted munitions stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 60 days of an air campaign in the Kosovo region. In less than forty days of what have been limited air strikes, respected officials reported that U.S. defenses are spread too thin. If North Korea or Saddam wanted to capitalize on our distraction in the Balkans, we currently would not have the means to defend our interests.

We have been forced to divert resources from other regions in the world to meet NATO's needs in the Balkans. Our transport capabilities are insufficient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scramble to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining "superpower." Our global economic and military dominance was unquestioned. That time was, in the words of respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. could defend its interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match the threats to our national interests.

Many years of self-indulgence and inattention to our nation's defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I'm committed to ensuring that our nation's defenses are not further eroded. I'm fed up with the complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, the best training, and are afforded a quality of life sufficient to keep them in the military. This cannot be done by sitting on our hands and hoping that the world remains calm.

Additions to readiness accounts, ammunition, and missile stocks in the emergency supplemental for Kosovo will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense authorization bill before us takes additional steps in the right direction. I commend Senator WARNER and his diligent staff on the hard work they have done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military's most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional $1.2 billion in operations and maintenance funding.

The bill also includes over $740 million for DoD and Department of Energy programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in our world today.

The $3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator Stevens indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient manning were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it is something we can address. As more conclusions come to light, we can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have neither.

Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for a strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

THE NUCLEAR CITIES INITIATIVE

Mr. BINGAMAN. Mr. President, I would like to clarify a provision, section 3136(b), of the National Defense Authorization Bill for Fiscal Year 2000, concerning the Nuclear Cities Initiative (NCI). The Nuclear Cities Initiative is a Department of Energy cooperative effort with Russia to assist Russia in downsizing its nuclear weapons complex. The report accompanying the Defense Bill, Senate Report 106–50, states that Russia has not agreed to close or dismantle weapons-related facilities at the nuclear complexes receiving U.S. technical and financial assistance. As a result, Section 3136 of the Defense Authorization bill contains a provision the would prohibit the obligation or expenditure of funding until the Secretary of Energy certifies to the Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

Because of several past interpretations by the Department of Defense of the wording similar to that in section 3136(b), I believe that the wording of this provision would effectively prevent the implementation of the Nuclear Cities Initiative.

While I share the goal of Senator ROBERTS, to ensure that the Russian weapons complex is downsized, I am concerned that the specific certification is unachievable. Russia has publicly committed to shut down or downsize some of its nuclear weapons complexes or related facilities. Even if the certification is achievable, the logistics of the required certification process could delay the program for a very long time.

The Nuclear Cities program is just getting started, but has already made some real progress. To stop the funding in fiscal year 2000, particularly since Russian officials have already announced their intent to close some facilities seems to me to be counterproductive. If funding were suspended, program activities would be halted and the cooperative program itself placed in jeopardy. Given the shared concerns that Senator ROBERTS and I have with respect to prevention of the spread of nuclear weapons technology and information, I would like to ask my esteemed colleague whether that is the intent behind this provision in the bill.

Mr. ROBERTS. I thank the Senator. The NCI was intended to be a joint program with the Russian government. At one point the Russians said that they would provide $30 million to the NCI. Due to the current economic crisis in Russia, any Russian assistance to the NCI program will be in the form of inkind contributions, such as labor and buildings. The NCI has the potential to provide the Russian government with significant economic benefit. According to the Department of Energy, the benefit to the United States is to have the Russian government close or dismantle the nuclear weapons complexes in those ten cities. However, the Russian government has not agreed to close or dismantle weapons-related facilities in these cities in exchange for United States' assistance. In the absence of such a Russian agreement, this initiative could result in great financial benefit for the Russians without any reduction in Russian weapons capability. The provision in question requires that, as a prerequisite for U.S. funding for the Nuclear Cities Initiative, the Russian government agree to close facilities engaged in work on weapons of mass destruction.

I assure the Senator from New Mexico that it is not the intention behind this provision to result in the termination of this program. Rather, it is to secure a commitment from the Russian government to do more to support the nonproliferation goals of the NCI effort. It is important to ensure that the Russians participate in the implementation of this program in an equitable way. I believe that the requirement for an agreement will ensure that the Russians participate equitably through inkind contributions and through the closure of weapons of mass destruction facilities. I believe the provision contained in this bill will afford benefits to the U.S. national security and will assure that the program is on firm footing in the foreseeable future. I look forward to working with Senator BINGAMAN in overseeing the implementation of the Nuclear Cities Initiative.

Mr. BINGAMAN. I thank the Senator from Kansas for that assurance, and promise to work closely with you and the Department of Energy to see that the Nuclear Cities Initiative continues to move forward.

Mr. KERRY. Mr. President, I too wish to thank the Senator from Kansas for clarifying his intentions with regard to the language in this bill as it relates to funding for the Department of Energy's Nuclear Cities Initiative.

There is no more important national security issue facing America today than preventing the proliferation of weapons of mass destruction. Through the Nuclear Cities Initiative, the United States and Russia are working together to downsize Russia's nuclear weapons complex and prevent the dispersal of the scientific and technical legacy that remains in Russia today. In the short term, this will require the creation of alternate industries and new employment for as many as 50,000 scientists and technicians who are under tremendous financial burdens and might be tempted to offer their nuclear expertise to rogue governments and others who are all too willing to pay top dollar for that information. Over the long run, it will require sustainable economic development to allow Russia's scientific and technological assets to be put to peaceful, prosperous use. Mr. President, the Nuclear Cities Initiative is an integral part of our ongoing counterproliferation efforts. I join my colleague from New Mexico in pledging to continue to work with the Senator from Kansas and the Department of Energy in support of this program. I yield the floor.

HEALTH CARE CHOICE FOR MILITARY RETIREES

Mr. GORTON. Mr. President, I thank the Chairman, Mr. Warner, for including an amendment that directs a demonstration project for TRICARE Designated Providers to enroll new military beneficiaries on a 12-month continuous basis.

This is a compromise amendment sponsored by Senator SNOWE, which I have agreed to cosponsor. I personally would have preferred a straight-forward amendment that would have permitted beneficiaries the same opportunities to enroll in the Uniformed Services Family Health Plan provided by Designated Providers as is currently available for TRICARE Prime. For the sake of providing fairness to the beneficiaries and affording more health care choices, beneficiaries should be able to enroll at a Designated Provider at anytime during the year. I note that eleven groups representing military retirees recently wrote the Chairman in support of this proposal for open continuous enrollment for the Designated Providers.

My preferred amendment, however, was not acceptable to the Committee. However, I am pleased that a compromise advanced by my colleague from Maine was agreeable, which directs a two-year demonstration of continuous open enrollment for the Designated Providers. I urge the Department of Defense to faithfully carry out this demonstration by including as many of the TRICARE Designated Providers in the demonstration as possible. The agreed-to amendment does not restrict the size of the demonstration. Since the seven Designated Providers run the same Uniformed Services Family Health Program, I believe it makes sense to include all of them in the demonstration.

At a minimum, I urge the Department to include the PacMed Clinics in my state in this demonstration. The PacMed Clinics pioneered managed health care for military beneficiaries and have provided quality care to military families for a generation. Beneficiaries should have the opportunity to enroll at PacMed during any time of the year, just like TRICARE Prime. Accordingly, the demonstration mandated by this amendment should include the PacMed clinics and as many of the other Designated Provider as possible.

Mr. SMITH of New Hampshire. Mr. President, I rise today to express my strong support for S. 1059, the National Defense Authorization Bill for Fiscal Year 2000. As Chairman of the Strategic Subcommittee, I want to briefly summarize the Strategic Subcommittee portion of the Armed Services Committee markup and the philosophy that it is based on. As in the past, the Strategic Subcommittee has reviewed the adequacy of programs and policies in five key areas: (1) ballistic and cruise missile defense; (2) national security space programs; (3) strategic nuclear delivery systems; (4) military intelligence; and (5) Department of Energy activities regarding the nuclear weapons stockpile, nuclear waste cleanup, and other defense activities.

This year, the subcommittee's review included two field hearings—one at the Lawrence Livermore National Laboratory on DOE weapons programs, and one at U.S. Space Command in Colorado Springs on U.S. national security space programs. In addition, the subcommittee visited the U.S. Army Space and Missile Defense Command in Huntsville Alabama, Barksdale Air Force Base in Louisiana, the Capistrano High Energy Laser Test facility in California, Beale Air Force Base in California, and a variety of military facilities in the Denver and Colorado Springs area. These visits greatly enhanced my understanding of the issues under the subcommittee's jurisdiction and significantly influenced the bill before us today.

The Strategic Subcommittee recommended funding increases for critical programs under the subcommittee's jurisdiction by approximately $850 million, including an increase of $500 million for Ballistic Missile Defense programs, $220 million for national security space programs, $110 million for strategic forces, and $50 million for military intelligence.

The Strategic Subcommittee also supported the full amount requested by the Department of Energy with the exception of the Formerly Utilized Sites Remedial Action Program. Let me highlight the key funding and legislative issues.

In the area of missile defense the Strategic Subcommittee included the following funding: An increase of $120 million to accelerate the Navy Upper Tier program and provide for continued development of advanced radar concepts. An increase of $212 million to fix the Patriot PAC-3 funding shortfall so the program can begin production during fiscal year 2000. An increase of $60 million to begin production of the Patriot Anti-Cruise missile program, which will provide an upgraded seeker for older Patriot missiles.

In the area of space programs and technologies, the Strategic Subcommittee included the following funding: An increase of $92 million, which the Administration requested, to fully fund the revised Space Based Infrared System (High) program. An increase of $111 million for advanced space technology development, including funds for space control technology, microsatellite technology, and space maneuver vehicle development.

In the area of strategic nuclear delivery systems, the Strategic Subcommittee included the following funding: An increase of $40 million for the Minuteman III Guidance Replacement Program to put the program on a more efficient production schedule. An increase of $52.4 million for bomber upgrades based on the Air Force's unfunded priorities list, including funding for the B-2 Link-16 program and B-52 radar upgrades.

In the area of military intelligence programs the Strategic Subcommittee included a number of funding increases, including an increase of $25 million for U-2 cockpit and defensive system upgrades. I would note that the Strategic Subcommittee toured the U-2 base at Beale Air Force base and witnessed first hand the serious deficiencies associated with the U-2.

In the area of DOD legislative provisions, the Strategic Subcommittee included the following: A provision addressing DOD's proposed TMD Upper Tier strategy, which reverses DOD's decision to compete Navy Upper Tier and THAAD. A provision establishing a commission to assess U.S. national security space organization and management, which is modeled after the Rumsfeld Commission. A provision limiting the Retirement of strategic nuclear delivery systems, which extends last year's law on this matter, but also allows the Navy to retire 4 older Trident submarines while modernizing the remaining fleet to carry the D-5 missile. A provision regarding the Airborne Laser program, which requires a number of tests, certifications, and acquisition strategy modifications before the program can move into successive phases of its development. A provision regarding the Space Based Laser program, which requires near-term focus on an Integrated Flight Experiment.

In the Department of Energy section of the markup, the Strategic Subcommittee provided the full amount of the Administration's request with the exception of the Formerly Utilized Sites Remedial Action Program. I took great pains to examine the budget request and eliminate those funding items that do not support organizational mission requirements. In the weapons program, my goal was to ensure DOE has a well planned and funded stockpile life extension program that is capable to remanufacturing and certifying every warhead in the enduring U.S. nuclear stockpile. My goal in the cleanup program was to maintain the pace of clean-up at DOE facilities and continue to press for earlier deployment of innovative technologies to lower out-year costs.

The Strategic Subcommittee included the following recommendations regarding DOE funding: An increase of $55 million for the four traditional weapons production plants. An increase of $15 million for the tritium production program. A reduction of $30.0 million to the Advanced Strategic Computing Initiative. An increase of $35 million to support security and counter-intelligence activities. An increase of $17 million to increase security investigations in support of security clearances at DOE.

In the area of DOE legislative provisions, the Strategic Subcommittee included the following: A substantial package of legislation dealing with security and counter-intelligence at DOE. A provision regarding tritium production, which would require DOE to implement the Secretary's tritium production decision.

Mr. President, in closing let me reiterate my strong support for S. 1059. This is a good bill that deserves strong bipartisan support.

PROPERTY CONVEYANCE AT NIKE BATTER BASE 80 IN EAST HANOVER, NEW JERSEY

Mr. LAUTENBERG. I would like to call up my amendment regarding property conveyance at Nike Battery Base 80 Family Housing Site in East Hanover Township, New Jersey. This provision would convey roughly 14 acres to the Township of East Hanover for the development of low and moderate income housing, senior housing, and parkland. Using this land for these purposes is consistent with the 1994 Base Closure and Community Redevelopment Homeless Assistance Act. The Township needs this land to fulfill its obligation to provide such housing under New Jersey state law. I understand a similar provision exists in the bill reported from the House Armed Service Committee. In the interest of expediting the Senate's consideration of this bill, I am willing to withdraw my amendment contingent upon a commitment from the managers of the bill that they will give the House position full consideration in conference.

Mr. LEVIN. I thank the senior Senator from New Jersey for his willingness to expedite our consideration of this bill. We understand the House has a similar provision. During conference, we will give full consideration to the project as the Senator from New Jersey has recommended.

Mr. WARNER. I concur with my distinguished colleague from Michigan.

Mr. LIEBERMAN. Mr. President, I rise to discuss several provisions within the FY2000 Defense Authorization Act. These provisions can be found in Title II, Subtitle D, Sections 231–239 within the FY2000 Defense Authorization Act. The provisions are intended to stimulate intense technical innovation within our military research and development (R&D) enterprise and hence lay the foundation for revolutionary changes in future warfare concepts. Before giving an extended introduction to these defense innovation provisions, I would like to thank Senator ROBERTS and Senator BINGAMAN and the staff who have worked on this subtitle—particularly Pamela Farrell, Peter Levine, John Jennings, Frederick Downey, Merrilea Mayo, and William Bonvillian—for their hard and thoughtful work on this legislation. The technical superiority of our military is something we have come to take for granted, yet it is founded in an R&D system that has seen little change since the cold war era. These defense innovation provisions attempt to reposition our R&D system so that it can keep up with the pace of technological change in the very different world we are in today.

It is my belief that the explosive advances in technology may provide the basis for not just a "revolution in military affairs," but a complete paradigm shift. With advanced communication and information systems, it may become possible to fight a war without concentrating forces, making force organizations impossible to kill. With advances in robotics and miniaturization, it may become possible to fight a ground war with far fewer people. With advances in nuclear power, hydrolysis, and hydrogen storage, it may be possible to create virtually unlimited sources of on-site power. These opportunities are complemented by numerous challenges, also brought forth by technology: urban warfare, space warfare, electronic/information warfare, chemical, nuclear, and biological warfare, and warfare relying on underground storage centers and facilities. As the variety of opportunities and threats continues to climb, and as increasing numbers of nations emerge into the high tech arena, I believe the military arms race of the past will be replaced by a military technology race. Instead of simply accumulating ever greater numbers of conventional armaments against a well-established foe, as we did in the Cold War era, we will have to concentrate on producing fewer, but ever more rapidly evolving, and ever more specialized weapons systems to counter specific asymmetric threats.

To meet these new challenges, we need to transform our R&D enterprise from its antiquated Cold War structure to a fast-moving, well-integrated R&D machine that can seize the leading edge of techno-warfare. For this reason Senator ROBERTS, Senator BINGAMAN and I have inserted provisions within Title II, Subtitle D of the FY2000 Defense Authorization Act whose purpose is to stimulate a much greater and faster degree of technical innovation within the military.

The defense innovation provisions address three goals—establishing a new vision for military R&D, changing the structure of the military R&D enterprise, and correcting the driving forces for R&D in our current system. For the first task, establishing a new vision, Section 231 of the FY2000 Defense Authorization Act requires DoD to determine the most dangerous adversarial threats we will likely face two to three decades from now, and what technologies will be needed on our part to prevail against those threats. Given that it takes 20–30 years to translate basic science to fielded application, our R&D vision needs to be founded on a set of required operational capabilities that is equally distant in time, and far beyond the 5 year vision of our current Program Objective Memorandums (POM's). We need not strive for perfect clairvoyance in this exercise; however, we should be able to create an open conceptual architecture which successfully frames the many potential future opportunities and threats. Once the far future threats and hence far future operational capabilities are outlined, Section 231 asks DOD to give Congress a roadmap of future systems hardware and technologies our services will have to deploy within two to three decades to assure US military dominance in that time frame. From the first roadmap, we are requesting DOD derive a second roadmap—the R&D path that DOD, in cooperation with the private sector, will have to follow to obtain these new defense technologies and systems. To add depth and perspective to the results, I encourage the Secretary of Defense to utilize an independent review panel of outside experts in these exercises, to complement the work done by in-house personnel. The broader our vision, the more likely it is to be inclusive of whatever surprises the actual future may bring.

A second goal of the defense innovation provisions, Subtitle D, is to lay the groundwork for a new organizational structure for R&D. Unless we fix the innovation structure, we will be unable to deliver to DOD the rapid technological advances it will need to secure and maintain world dominance. To meet the challenges of the upcoming decades, the Defense Science Board has recommended that at least one third of the technologies pursued by DoD be ones that offer 5 to 10 fold improvements in military capabilities. However, the current structure, which was founded on Cold War realities, will require large organizational change to enable it to pursue revolutionary, rather than evolutionary, technology goals. The segregated and insulated components of the military R&D system will need to be seamlessly interwoven, and the system as a whole will need to be much more flexible in its interactions with the outside world. We can learn from the success of the commercial sector, which takes advantage of temporary alliances between competitors and peers to develop technologies at a breathtaking pace.

The defense innovation provisions ask DoD to formulate a modern blueprint for the structure, of not only its laboratories, but of the extended set of policies, institutions, and organizations which together make up its entire innovation system. As noted earlier, the Defense Science Board has called for the military R&D system to increase its focus on revolutionary new technologies. The overarching goal of the new structural plan requested by Section 233 is to deliver the conceptual architecture for an innovation system that is capable of routinely providing such revolutionary advances. Section 239 requests an analysis by the Defense Science Board of overlaps and gaps within the current system. Section 233 asks the Under Secretary of Defense for Acquisition to develop the plan for the future innovation system, one which ensures that joint technologies, technologies developed in other government laboratories, and technologies developed in the private sector can readily flow into and across the military R&D labs and the broader innovation structure as a whole. Section 233 emphasizes the need to develop better processes for identifying private sector technologies of military value, and military technologies of commercial value. Once identified, there also need to be efficient processes in place for transfer of those technologies, so that the military may reap the respective military and economic gains. Also in Section 233, the Under Secretary is requested to deliver a solution to the major structural gap which currently exists between the R&D pipeline and the acquisition pipeline. Development of the best technologies in the world will not help our future military posture if those technologies are never adopted, or even seen, by the acquisition arms of our services. Finally, to better merge the strategic and technological threads within the military's decision making process, Section 233 in the FY2000 Defense Authorization Act requests a DoD plan for modifying the ongoing education of its future military leadership (i.e., its uniformed officers) so they may better understand the technological opportunities and threats they face.

The laboratories themselves could and should play a crucial role in our future military. Ideally, the military laboratories are the place where the minds of the brightest scientists meet the demands of the most experienced warfighters. Out of this intense dialogue would then come a clearer understanding of future warfare possibilities, as well as the technological breakthroughs critical to changing the face of warfare as we know it. For various reasons, however, that vision is in danger of becoming lost. One specific problem is DoD's rigid personnel system and the corresponding lack of performance-based compensation, which is causing the labs to rapidly hemorrhage talent to the more competitive and less bureaucratic private sector. To address these issues, a defense innovation provision within the FY2000 Defense Authorization Act—specifically, Section 237—repeals several of the labs' restrictive personnel regulations. The intent of this Section is to drastically reduce hiring times and eliminate artificial salary constraints to the point where defense laboratories can hire new talent in a time frame and at a salary level that is similar to that offered by the private and university sectors. Currently, the two processes are not even close to competitive: the military R&D labs take several months to over a year to extend an offer, with the result that the laboratories, over and over again, lose the hiring race to private sector interests which can hire top-notch talent in one or two weeks. As noted by the Defense Science Board report, the salaries which can be offered by the laboratories are also about 50 percent lower (for higher grade new hires), compared to the salaries those same new hires could obtain in the private sector. It is significant that the hiring time problem, as well as the high grade caps problem, were universally cited by laboratory managers as the key obstacles in upgrading their laboratory talent.

In addition to improving the quality of the laboratories' effort by attracting and retaining highly qualified personnel, the defense innovation provisions ask the Secretary of Defense to improve the quality of work itself by developing a system of modern business performance metrics which can be implemented within and across all military laboratories (Section 239(b)).

Such metrics can help ensure that the best work and the best talent are identified, so that they may be rewarded, nurtured and used accordingly. As a word of caution, the ultimate impact of science and technology innovation is very hard to measure, especially in the early stages. Overly mechanical assessments inevitably do much more harm than good. Nevertheless, advanced technology companies have been making great strides in better assessing (and assisting) their innovation efforts, and DOD is encouraged to work with industry R&D leaders in implementing this section. Examples of metrics which may be useful for DOD labs include measurement of lab quality through formal annual peer reviews of its divisions, measurement of technical relevance through required customer approval/evaluation of R&D projects both before and after they are undertaken, and measurement of organizational relevance through annual board meetings of senior military with the heads of the R&D laboratories. The first of these metrics can help capture and bring attention to promising work in its earliest stages, while the last two can help bridge the gap between later stage innovation and new products.

The need for structural reform within the laboratories is a pressing one. The above-mentioned reforms are intended to be jump started with a pilot program, found in Section 236 of the Defense Authorization Provisions. This pilot program may address any of the issues mentioned above but is particularly focused on the problem of attracting and retaining the best possible talent for the laboratories. To be more competitive with working conditions in the commercial sector, this pilot program may include such innovations as pay for performance, starting bonuses (e.g., in the form of equipment start-up funds) for attracting key scientists, ability to alter reduction in force (RIF) retention rules to favor high performers, broadbanding of pay grades, simplified employee classification, educational programs which allow employees to receive advanced degrees while still employed, modification of priority placement procedures, and creation of employee participation and reward programs.

To attract the best possible outside talent for collaborations with the laboratories, Section 236 also encourages expansion of exchange programs at both the personal and institutional level. Programs for exchanges within DoD, with the private sector, and with academic institutions are all encouraged. Examples of such programs include the sponsorship of talented students through college or graduate school in exchange for later work commitments to the laboratories, expansion of the federated laboratory concept, increased exchanges between the defense laboratories and the war colleges, training programs, and extension of IPA authority to hire commercial sector employees. The Defense Science Board has strongly recommended that the laboratories emulate DARPA in its mix of temporary and permanent workers in order to be able to quickly bring in relevant talent when needs shift. Section 236(a)(2) creates this option and can be used in conjunction with other provisions in Subtitle D.

A new structure and a new vision are all well and good, but if there is no motivation for the new structure to proceed towards the new vision, nothing is gained. Consequently, the third goal of the defense innovation provisions is to correct current forces which tend to drive DoD away from technical innovation. Three of these driving forces are described below.

The first "counter-innovation" driving force is the lack of a well-defined customer within the military for far future military technologies. Ideally, this customer would be at the Joint Chiefs level, so that broadly sweeping strategies which capitalize on novel technologies can be rapidly incorporated into our existing military structure, doctrine, and systems. Unfortunately, there is little connection at present between that level and the service laboratories. Section 239(b) should be used to improve this situation. Furthermore, as part of the legislation's mandated study on improving the structure of our R&D system (Section 233), we also request the Under Secretary of Defense to address the issue of a suitable internal customer for truly long range R&D. For maximum impact and credibility, this customer—whether it be a person, position, or organization—should be a bona fide paying customer who has responsibility not just for the long range technology itself, but for the unconventional military options such technology provides.

The lack of an internal customer for long range R&D is one driving force pulling the military away from technical innovation. The second is the vacuum-like force created by the absence of an intimate connection between the R&D customers and producers within the later stages of R&D. Specifically, there is an insufficient connection between the program managers who sponsor product development and the R&D workforce performing later stage R&D. In contrast, the industrial experience has shown that if the customer, researchers, and designers share in all product development decisions from the very initial stages of concept design, the degree of innovation is much higher, the product acceptance rate is much higher, and, ultimately, the pace of technological change is dramatically accelerated. Section 233(b)(5) directs the Under Secretary of Defense to identify how new technologies can be rapidly transitioned from late stage R&D to product development and prepare an appropriate plan for doing so. One sub-issue within this larger problem is this need to create a DoD customer—DoD researcher—DoD designer interaction that is early enough and robust enough to ensure that maturing innovations can be drawn into product lines on a time scale similar to that experienced in the commercial sector. This sub-issue should be addressed in the Under Secretary's plan under Section 233(b)(5).

The third force which drives the military away from technological innovation is the lack of a customer outside the military for innovative military technologies. Were such a customer present, it might partially make up for the lack of the other two drivers in terms of motivating innovation. Currently, the most important external customer for military R&D is the industrial half of the military-industrial complex. However, the structure of our procurement regulations give virtually identical profit margins to these companies no matter how difficult the technical path or how many risks are undertaken in the process of producing a military system. Therefore, the continued production of legacy systems is guaranteed to be profitable, while gambling with innovative new systems is not. Essentially, our procurement regulations are a direct disincentive to innovation, giving the defense industry a strong vested interest in adhering to incremental change. The resulting lobbying by industry, aimed squarely at preserving the "state-of-yesterday's-art," then significantly slows the rate at which the military can innovate. Accordingly, one of the defense innovation provisions, specifically Section 234, Subtitle D, Title II of the FY 2000 Defense Authorization Act, calls for DoD to change its profit margins for acquisitions in order to alter the innovation incentives for industry. Given substantially higher profit levels for the development of innovative systems, than for the continued production of legacy systems, industry could become much more receptive to the idea of cultivating innovation in fielded hardware. Substantive, consistent economic rewards are critical to incentivizing companies to take the necessary and serious technological risks required to produce the innovations DOD must have.

In closing, I thank my colleagues Senators ROBERTS and BINGAMAN for joining me in develoing a set of stimulating and thought-provoking defense innovation provisions within Subtitle D, Title II of the FY2000 Defense Authorization bill. These provisions should launch us towards a new vision, a new structure, and a new set of driving forces for military R&D. In the past 48 years, DoD has funded the preaward research of 58 percent of this country's Nobel laureates in Chemistry, and 43 percent of this country's Nobel laureates in Physics. This is a phenomenal base on which to build. However, the Cold War structure and rationale for our R&D enterprise needs to be shed so that leading edge techno-warfare can emerge. The time to do this is now, because, in many senses, the future is already here. The military systems of 2020 and 2030 will be founded on the science of the year 2000.

Mr. KOHL. Mr. President, I come to the floor today to draw the Senate's attention to the CBO cost estimate on the Defense Authorization bill. In the Budget Resolution Congress agreed that the national defense account would have $288 billion in Budget authority and $276 in outlays for fiscal year 2000.

The CBO estimates that the Defense Authorization bill as it currently stands in the Senate, would exceed the outlay level by almost $7 billion. The Budget Committees of the House and Senate have told CBO to reduce their score of the outlays by $10 billion in order that the bill fit under the caps. While this changes the scoring number, it does not change the fact that the bill still authorizes the Department of Defense to spend $284 billion next year, $7 billion over the caps.

Whether someone agrees with the Budget Resolution or not, these sorts of end runs are destructive to the process by undermining popular confidence in the institution.

If there is not enough money for Defense in the Budget Resolution, then members should not have supported it back in March. If there was enough in March, nothing has changed, and it should be enough now. The Congress recently passed a Supplemental Appropriations bill that include $11 billion for funding for the Kosovo operation, almost $5 billion over the President's request, so there should be plenty of money for our operation in Europe. Now, if members grudgingly supported the Resolution because of the assurances of the Budget Committee Chairman that he would "fix the outlay problem" I ask them to show me the fix. It looks as thought the Budget Committee did nothing but allow Defense spending to exceed the budget caps without letting any other program do the same.

Congress should own up to the fact that the Budget caps are being exceeded. They are being quietly raised by hiding the increase in a scoring gimmick. Members should take notice that the way to get more money for your appropriations priorities is to petition the Budget Committee for an "outlay fix".

There is going to be a train wreck at the end of this year, and we all know it. There is going to be a train wreck, and it will happen because no one is driving the train, we are all just nervously looking out the window admiring the scenery and trying not to think of our impending doom.

I have faith that the American people will eventually figure out how much we are going to spend next year. The increases in Defense spending will no doubt be joined by a tremendous amount of last minute spending at the end of the year. The American people will look at what Congress told them we would spend at the beginning of the year, and what we will eventually agree to at the close of the year and they will be very surprised at the difference. I hope they hold us accountable.

It is worth noting that we do not have to be in this situation. Congress could take action to cut unnecessary spending in the defense account. This would reduce the pressure on the discretionary budget, and free up resources for other needs around the country.

Another two rounds of base closures for example, while increasing outlays in the short run, would yield savings of $4 billion over ten years according to the Congressional Budget Office. I co-sponsored Senator McCAIN's legislation on this matter, and I co-sponsored the McCain-Levin amendment, which would only authorize one additional round. I was disappointed the Senate refused to support this worthy alternative. The military has come to the Senate time and again pleading with us to give them the authority to close bases through the Commission process in a manner isolated from political pressures. Had we supported base closure rounds when they were initially requested we might not now be pushing so tightly against the budget caps, while straining under draconian cuts in the non-defense accounts.

Senator KERREY has also offered an amendment that could help reduce the need to rely on budget gimmickry without reducing our capacity overseas. He would simply allow the Department of Defense to reduce our nuclear forces below the START I levels of 6,500 warheads. According to CBO, if we reduce our warheads to the START II level of 3,500 the Department of Defense could save $12.7 billion by 2009. All that savings would come without reducing our conventional capability one iota. While nuclear deterrence is still important, it can be accomplished with many fewer missiles, and at less cost.

My point, Mr. President, is defense spending does not have to be this high. It is only this high because Congress and the Department of Defense are unwilling to make the tough choices to bring the cost of defending our nation and international interests down to a sustainable level. When our troops are deployed overseas, and in harms way, it is hard to critically look at the defense budget for unnecessary or unwise spending. Our instinct is to give our brave men and women whatever they need and then some to get the job done. I would argue, however, that it is even more important now than ever to closely examine our spending priorities. We need to stretch every defense dollar as far as it can go, and to do that we need to look for efficiencies and cut wasteful projects and items that contribute little to our defense.

Careful spending is the way to reduce outlays, not budget gimmicks. Congress needs to be more critical, not more clever.

Mr. ASHCROFT. Mr. President, I rise today to speak for a few moments about the F-15 Eagle, the finest fighter plane in the world. The F-15 arguably has been the most successful fighter in the history of U.S. aviation warfare. Unfortunately, the United States is in danger of losing this aircraft. The Administration is well aware of the performance record of the F-15, but in not taking the steps necessary to save the line.

The Senator from Wisconsin, Senator FEINGOLD, and I had a debate this morning on congressional oversight of the Department of Defense. I agreed with the Senator from Wisconsin that Congress has oversight responsibilities for the Pentagon, but disagreed with abdicating that responsibility to GAO.

In the case of the F/A-18E/F, Congress has exercised its oversight responsibilities. Three of the four oversight committees already have approved the multiyear contract for the E/F, and the House appropriators are expected to next month.

But Congress does have a responsibility to address deficiencies in judgment within the Defense Department when it sees them. The loss of the F-15 is just such a case. General Richard Hawley, Commander of the Air Force's Combat Command, stated just this month that ". . . the F-15 is the most stressed fighter in Air Combat Command's inventory right now in terms of its use in engagements and the operational tempo of the aircrews."

Given the nature of the threats we face today, which require the strike, range, and versatility of the F-15, it is easy to see why this fighter is the most tasked plane in the Air Force. The loss of the F-15 will harm national security and harm my home state of Missouri. Seven thousand highly skilled aerospace workers will lose their jobs if the F-15 line closes. Those workers and their knowledge is a national security asset that must not be lost.

On almost every front, the arguments are compelling for maintaining this national security asset. There is plenty of work for the F-15 to do. Purchasing more planes provides a critical fighter to the Air Force. Purchasing more planes would preserve the production capability of this critical national security asset. Finally, Congress wants to encourage budgetary discipline in other tactical fighter programs. Purchasing more F–15s would encourage budgetary discipline in the F–22 program.

I and many of the members from the Missouri and Illinois delegations have written to the President requesting a meeting regarding the F–15. We have not received a reply. We have asked the President that he take the steps necessary to keep the F–15 line open. Unfortunately, the Clinton administration has blocked efforts to do so.

The F–15 program was initiated with a Request for Proposal in December 1968. The first model, the F–15A, entered operational service in 1976. The F–15A was a single mission, air superiority fighter with a maximum gross weight of 56,000 pounds.

The F–15 entered the world stage as the dominant air superiority fighter in 1976, and the evolution of the program demonstrates just how much this great fighter improved over the years. After twelve years and subsequent models of the F–15 were developed, the latest model, the F–15E, was delivered to the Air Force in 1988.

The F–15E's gross weight was 45 percent greater than the A model. Engineers increased fuel capacity over 50 percent to 34,000 pounds, giving the aircraft record range. Payload was enhanced and the dominant air-to-air platform was given critical air-to-ground capabilities. Avionics, engine, and weapons technology were also upgraded.

The F–15 is arguably the most versatile and effective fighter in the history of the U.S. Air Force. The F–15 has never lost in air-to-air combat. It has the best air-to-air kill ratio of any fighter in the history of U.S. aviation warfare: 96.5 to 0. That was certainly the case in Desert Storm, where F–15s destroyed 33 of the 35 fixed-wing aircraft Iraq lost in air combat. The F–15E maintained a 95.5 percent average mission capable rate, the highest of any fighter in the war. The F–15's stellar performance also has been on display in Kosovo. General Johnny Jumper, Commander of U.S. Air Forces Europe, has lauded the performance of the F–15 as the workhorse of the operation.

In addition, the F–15 has the best safety record of any Air Force fighter: 2.42 losses per 100,000 flying hours. With a record like that—the best safety record, the most successful air-to-air combat record, the most versatile aircraft in the Air Force inventory—it is not difficult to see why the plane is in such demand.

One of the major concerns about the F–15 is the cost of the airplane. When you compare a $50 million F–15 to an F–22 that costs over $100 million, the F–15 doesn't look so bad. But even against the cheaper F–16, the cost differential is not as great as it appears.

The greater capabilities of the F–15 over the F–16 negate much of the cost differential. RAND completed a study for the Air Force entitled "Measuring Effects of Payload and Radius Differences of Fighter Aircraft." Let me mention several of the major conclusions of the report which were made in light of the nature of future conflicts.

First, increasing the use of inertially/GPS-aided weapons could exploit the inherent payload carriage advantage of the F–15E. Second, most regional conflict scenarios involve long distances from bases to targets, favoring aircraft having greater combat radius. Third, as the fighter force structure contracts, higher quality systems can help maintain force capability.

Each of those conclusions point to the desirability of the F–15. A major conclusion of the report was that "Over a wide spectrum of cases, our analysis suggests that an equal cost but smaller force of F–15s is a more cost effective carrier of weapons to the target area than an alternative larger force of F–15Cs. Looking to the future, the employment characteristics of future precision weapons, the size of many potential regional conflict theaters, and the reality of expected force structure contractions seem consistent with the capabilities offered by large payload, long radius vehicles such as the F–15E."

Another reason to maintain the production capability of the F–15 is uncertainty over the future of the F–22 and Joint Strike Fighter. These fighter programs may have additional developmental difficulties. The F–22 is not expected to be in operational service until 2005. The Joint Strike Fighter will not be in service until 2010 or later. Remember, these are the best case scenarios.

Since its inception, the F–22 program has been restructured three times, with a 50 percent reduction in the number of planes to be procured. The F–22 is up against a budget cap and has run out of political capital in Congress. Additional, significant increases in cost could jeopardize the program, which still has five years to go to Initial Operational Capability.

Because the Air Force has had to reduce the number of F–22s it will buy, it will need to rely more on the F–15. Colonel Frederick Richardson, chief of F–22 requirements at Air Combat Command, states "From a pure numbers standpoint, we're clearly not going to be able to replace the F–15 with F–22s on a one-to-one basis, which means we'll have to assume some more risks and probably keep the F–15 around for longer than 23 planned." But if the F–15 line is shut down, there won't be the production capabilities to fill the gap.

To conclude, Mr. President, the F–15 is the best fighter in the world. Its unique capabilities have made it the most heavily tasked aircraft in the force today, according to General Hawley, Commander of the Air Force's Combat Command.

The RAND study concludes that the F–15E is the kind of airplane we need to meet the security threats of the future. The Air Force is not infallible. The RAND study itself encourages the Air Force to pursue a better mix of fighter aircraft, stating that "To maintain force capability as its force structure contracts, the Air Force may need to strive for a higher quality mix of forces. The Air Force should be alert to opportunities for maintaining and in some cases enhancing overall force effectiveness despite cuts in force structure" (From the report "Measuring Effects of Payload and Radius Differences of Fighter Aircraft).

By purchasing additional F–15Es, not only are we taking appropriate steps to meet our current force needs, we are preserving a critical national security asset for an uncertain future. I reiterate my call on the President to take the necessary steps to keep the F–15 line open.

Mr. LIEBERMAN. Mr. President, I rise in support of the FY 2000 defense authorization bill. As the challenges facing us today demonstrate, the effectiveness of our military, and its readiness to act immediately to protect our national interests, must always be a priority concern for Congress. The $288.8 billion proposed in this bill is a 2 percent real increase over last year's budget and is the first real increase in topline defense funding since FY 1985, the middle of the Reagan administration. After fourteen years of declining, or flat defense spending, we increased authorization for readiness programs by $1.1 billion, we increased authorizations for procurement by $2.9 billion, and we increased authorizations for reasearch and development by $1.5 billion. I firmly believe this bill makes an important statement at a critical time, affirming our commitment to having the best trained, best equipped, and most effective military in the world, both today and tomorrow.

Under the excellent leadership of our colleagues, Senator JOHN WARNER, chairman of the Senate Armed Services Committee, and the ranking Democrat, Senator CARL LEVIN, we stepped up to our responsibility to provide what our soldiers, sailors, and airmen need today, and we took some very important steps to move toward the military that will protect our nation in the next century.

The past 14 years of inadequate defense spending has taken a toll on the readiness of our force today. We simply were not able to keep our training and maintenance at the levels that our role as a superpower demands. The struggle to do so, and the increasing need to use our forces to meet the many challenges of the post cold war world has taken its toll not just on equipment, but on our people in uniform. Simply put, the morale of our forces is suffering. This past year, we not only sought out and listened to our nation's top military leaders as they outlined the problems facing our military, but in this bill we addressed the most critical of those problems, including falling recruitment and retention in critical skill areas; aging equipment that costs more to keep operating at acceptable levels of reliability; a need for more support services for a force with a high percentage of married personnel.

So I am pleased and proud that we reversed the 14 years of declining defense dollars and added the money to readiness and procurement to fix the most urgent near-term readiness problems. But many of these problems are not simple to address, and simply adding money to budget lines will not fix them any more than adding money to welfare programs fixed the underlying welfare problem in America. Adding money was necessary, but it won't be enough. How we spend the money we spend is as important as how much money we spend. We will have to be sure that we are alert to how well the provisions we have included here are working to have a positive effect on those critical problems we must solve.

This will be more difficult than it has been in the past. We are now in an era of fundamental change for our security and our military. The collapse of the Soviet Union in 1991 and the unprecedented explosion in technology are now redefining what it is we are asking our military to do, the threats that it must overcome to do what we ask of it, and the capabilities that our military will bring to bear to successfully accomplish its mission. This body has been in the forefront of demanding rigorous assessments about our needs and our potential. We directed, in the Military Force Structure Review Act of 1996, the Secretary of Defense to complete a comprehensive assessment of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense policies and programs with a view toward determining and expressing the defense strategy of the United States and establishing a revised program. This assessment, completed by the Secretary of Defense in 1997, declared that our future force will be different in character than our current force, and placed great emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology and transforming the force toward that envisioned in Joint Vision 2010. The independent National Defense Panel report published in December 1997 concluded "the Department of Defense should accord the highest priority to executing a transformation strategy for the U.S. military, starting now." These assessments, and others that have come to our attention, have reinforced the wisdom of Congress in passing in 1986, over the Pentagon's strenuous objections, the Goldwater-Nichols act and have provided us here with a compelling argument that the future security environment will be different and that environment requires new capabilities. In last year's defense authorization bill we sent a strong signal to the Pentagon that we must begin to build the fundamentally different military by including a provision strongly supporting Joint Experimentation to objectively examine our future needs and how we can best fulfill them.

This year, once again, Congress is stepping up to the responsibility to ensure our future security. By establishing this year the Emerging Threats and Capabilities Subcommittee, Senator WARNER addressed the growing consensus that transformation of our military to deal with the uncertain future we face is one of our most important objectives and that promoting innovation is among our greatest challenges. Under the leadership of the subcommittee chairman, Senator ROBERTS and the Ranking Member, Senator BINGAMAN, we focused on the critical threats facing our nation and the emerging capabilities to deal with these threats. I would like to highlight what I think are important legislative provisions that this new subcommittee placed in this bill that further both transformation and innovation. An ongoing initiative of transformation supported by this bill is joint experimentation. The committee recognized the program's progress in developing joint service warfighting requirements, doctrinal improvements, and in promoting the values and benefits of joint operations for future wars and contingency operations. We need to continue to identify and assess interdependent areas of joint warfare which will be key in transforming the conduct of future U.S. military operations, and expanding projected joint experimentation activities this year will be a strong base for future efforts. To this end the committee approved provisions that built on its previous support for Joint Experimentation by adding $10 million to accelerate the establishment of the organization responsible for joint experimentation, and to accelerate the conduct of the initial joint experiments. The committee also modified the reporting requirements of the commander responsible for joint experimentation to send a strong signal that we expect him to make important and difficult recommendations about future requirements for forces, organizations, and doctrine and that we expect the Secretary of Defense fully inform us about what action he takes as a result of these recommendations. The bill also includes very important provisions to stimulate a greater degree of technical innovation faster within the military. It is my belief that the explosive advances in technology provide the basis for not just a "revolution in military affairs," but ultimately a complete paradigm shift. The opportunities provided by technology give us the promise of achieving an order of magnitude increase in military capability over that which we have today. The U.S. military of 2020 and 2030 will be based on the science we begin to develop in the year 2000. But to take advantage of this promise and defend ourselves against its use against us by future adversaries, we need to transform our R&D enterprise from its antiquated cold war structure to a fast-moving, better-integrated structure and a process that can seize the leading edge of techno-warfare. The Defense Innovation provisions in this bill establish a new vision for military R&D that is based more on how we want to fight in the future, and begin to change the structure of the military R&D enterprise to achieve that objective through better integration and less inefficiency.

To help establish a new vision, the provisions require the Secretary of Defense to determine the most dangerous adversarial threats we will likely face two to three decades from now and what technologies will be needed on our part to prevail against those threats, and merge the strategic and technological decision-making processes. To help lay the groundwork for a new organizational structure for R&D, the Department of Defense is to develop a plan which ensures the crossflow of technologies into and across R&D labs, and close the gap between the R&D pipeline and the acquisition pipeline, to ensure the customer is involved in the entire R&D process. Our R&D structure needs to be revamped now so that leading edge techno-warfare can emerge.

Along the same lines as innovation, this bill has provisions that ensure we continue to step up to our responsibility to oversee the transformation of our military to the future force that will protect our security in the 21st century. We need a permanent requirement that the Secretary of Defense conduct a Quadrennial Defense Review at the beginning of each new administration to determine and express the defense strategy of our nation, and establish a revised defense plan for the next 10 to 20 years. Complementing the QDR will be a National Defense Panel that would conduct an assessment of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies established under the previous quadrennial defense review. Based on our previous experiences with the QDR and NDP, and the debate they raised, it is obvious that any one time assessment is not going to provide all the answers we need. Periodic assessments as prescribed by this legislation will continue to provide Congress with a compelling forecast of the future security environment and the military challenges we will face.

The requirement for the provisions I have mentioned is paramount. The need for renewed emphasis on innovation and transformation has never been more apparent to me than after my time this year as the Ranking Member on the AirLand Subcommittee. That committee, under the excellent leadership of Senator RICK SANTORUM, examined many modernization issues affecting the Army and the Air Force. Some of the findings were disturbing, and reinforce the fact that despite the widespread and growing consensus that transformation is essential to our military, our budgets continue to look much as they have for a decade, focused on today's force at the expense of tomorrow. I would like to discuss some of the disturbing findings, and some of the important provisions we included in the bill to begin to address these concerns.

We found that some responsible voices are concerned that the United States Army is facing a condition of deteriorating strategic relevance. The Army force structure is essentially still a cold war force structure built around very heavy weapons systems. The Army modernization program is based on incremental improvements to this force and is largely unfunded due to hard choices made in the past. This has resulted in inefficient programs and extended program timelines. Consequently we have a force that looks essentially the same today as it did yesterday, and that doesn't have enough money to maintain an increasingly expensive current force and invest in the Army After Next which is the future. Kosovo is an example of the future the Army will surely face; operations that are increasingly urbanized, with growing deployment and access problems, and the need for lighter weight, self-deployable systems becomes compelling. We reviewed the Army's modernization plan to understand the relationship between the current service modernization program and projected land force challenges. The Army's modernization plans do not appear adequately address these issues. So we have required the Army to take a renewed look at its modernization plans generally, and its armor and aviation modernization programs specifically, to address these challenges and to provide us with modernization plans that are complete and that will be fully funded in future budgets. We direct this analysis include the operational capabilities that are necessary for the Army to prevail against the future land force challenges, including asymetrical threats, and the key capabilities and characteristics of of the future Army systems needed to achieve these operational capabilities. We are especially concerned about the ability of the Army to maintain the current fleet of helicopters that is rapidly aging and we have included a provision to require them to provide a complete and funded program that would upgrade, modernize, or retire the entire range of aircraft currently in the fleet, or provide an alternative that is sufficient and affordable. Similarly, the Army's armor modernization plan seems to be inadequate to modernize the current armor force while designing the tank of the future, and leads me to believe that the Army must reassess armor system plans and provide us with the most appropriate path to accelerate the development of the future combat vehicle.

The Air Force has fewer apparent modernization problems than the Army, but I wonder if their modernization plan is on the right track. Our hearings strongly suggest that the Department of Defense needs to answer several questions about our tactical air requirements, not the least of which is the characteristics, mix, and numbers of aircraft best suited for future conflicts. Kosovo is an example of how important the right mix of platforms and weapons really is to success on the battlefields of the future. We are embarked on three new TAC air programs which may report increasing costs coming dangerously close to the cost caps we have established, and in the case of the F–22 we must be alert to the danger that we will delay critical testing in order to not exceed the caps. And in the out years, the combined costs of these programs will consume a very large share of the overall procurement budget. We must make sure that we are not sacrificing other leading-edge capabilities, like unmanned aerial vehicles, information technology, or space technology. The specific aircraft programs will require close scrutiny as will the strategy for their use as we attempt to decide on the right course in future authorization bills.

We must overcome our cold war mentality and further examine and direct our trek into the 21st century. The provisions in this bill concerning innovation and transformation lay the foundation for the required changes in our defense mind set that will become mandatory as we face far different conflicts in the future—and, as we see on CNN everyday, much of that future is already here.

In closing, I express my appreciation to the committee for agreeing to include in the bill a provision to extend and expand the highly successful Troops to Teachers program, which I joined Senators MCCAIN and ROBB in sponsoring.

As my colleagues may know, this program was initially authorized by Congress several years ago to help transition retiring and downsized military personnel into jobs where they could continue their commitment to public service and bring their valuable skills to bear for the benefit of America's students.

To date Troops to Teachers has placed more than 3,000 retired or downsized service members in public schools in 48 different states, providing participants with assistance in obtaining the proper certification or licensing and matching them up with prospective employers. In return, these new teachers bring to the classroom what educators say our schools need most: mature and disciplined role models, most of them male and many of them minorities, well-trained in math and science and high tech fields, highly motivated, and highly capable of working in challenging environments.

The legislation we introduced earlier in the year, and which the President has endorsed, aims to build on this success by encouraging more military retirees to move into teaching. It would do so by offering those departing troops new incentives to enter the teaching profession, particularly for those who are willing to serve in areas with large concentrations of at-risk children and severe shortages of qualified teaching candidates.

Even with the new incentives we are creating, which we hope will recruit as many as 3,000 new teachers each year, we recognize that Troops to Teachers will still only make a modest dent in solving the national teacher shortage. The Department of Education estimates that America's public schools will need to hire more than two million new teachers over the next decade.

But we are confident that, with an extremely modest investment, we will make a substantial contribution to our common goals of not just filling classroom slots, but doing so in way that raises teaching standards and helping our children realize their potential. I can't think of a better source of teaching candidates than the pool of smart, disciplined and dedicated men and women who retire from the military every year.

What's more, with this bill, we may well galvanize support for a recruitment method that, as Education Secretary Richard Riley has suggested, could serve as a model for bringing many more bright, talented people from different professions to serve in our public schools. This really is an ingenious idea, helping us to harness a unique national resource to meet a pressing national need, and I think we would be well served as country to build on it.

In putting together this bill, once again hard choices had to be made. We closely examined and analyzed the critical defense issues, and we ended up with are effective and affordable defense authorization bill which meets the growing readiness and retention challenges facing our armed forces, and augments our investment in the research, development, and procurement of the weapon systems necessary to maintain our military superiority well into the 21st Century. This bill compensates our most valuable resource, our service men and women, plus lays the groundwork for a sensible and executable programs for our military. I urge all of my colleagues to support this legislation and send an unequivocal message of support to our troops and their families.

Mr. CONRAD. Mr. President, I rise in support of the bill before us.

In this bill the Armed Service Committee has done a good job of reconciling important yet competing needs for defense funding under daunting fiscal constraints. This bill will be an important contribution to our efforts to strengthen our already first-class military, and enhance important benefits for American military personnel, their dependents, retirees, and veterans.

I am especially pleased that this legislation includes my amendments concerning Russia's tactical nuclear stockpile, National Missile Defense, and Air Force cruise missiles. I would offer to the distinguished Chairman and Ranking Member my most sincere thanks for working with me on these important amendments, as I would for the assurances they offered regarding the Navy's BQM-74 in a colloquy with Senator DORGAN, Senator BINGAMAN, and myself.

Before reviewing several of the bill's provisions, I would like to reflect for a moment on the context in which the Senate is considering this year's defense authorization bill.

Mr. President, I have had the honor and privilege of serving the people of North Dakota and the nation in the United States Senate for 13 years. However, this is the first time during my tenure that the Senate has taken up a defense authorization bill while our forces are engaged in hostilities. I know I am not alone in being especially mindful of the fact that the provisions we approve here today will have a significant impact on our brave men and women in uniform as they do their jobs in Balkans and over Iraq. I am pleased that several sections of this bill address concerns and needs that have been identified during Operation Desert Fox and the current air campaign against Yugoslavia.

Now, Mr. President, allow me to highlight several particularly good provisions of this bill, for which Chairman WARNER and Senator LEVIN should be congratulated.

First, this measure wisely provides full funding for vital missile defense programs. National Missile Defense that is affordable, makes sense in the context of our arms control agreements, and utilizes proven technology has always had my support, and it is encouraging to see that it has been fully funded for fiscal year 2000. After damaging cuts in recent years, the revolutionary Airborne Laser program has also been fully supported this year by the Committee.

Chairman WARNER and Senator LEVIN must also be praised for including many of the provisions passed earlier this year by the Senate as part of S. 4, the Soldier's Sailor's, Airmen's, and Marine's Bill of Rights. Several of the most beneficial include a base COLA of 4.8 percent for all personnel, coupled with reform of the pay tables. Servicemembers will also now be able to participate in a Thrift Savings Plan.

Third, the bill recommends significant funding boosts for vital strategic forces. The Minuteman III Guidance Replacement Program will be kept on schedule with a $40 million hike, and $41.4 million has been wisely added for B-52 upgrades identified as top unfunded priorities by the Air Force.

Additionally, the Committee has also supported important housing improvement projects at Minot and Grand Forks Air Force Bases in North Dakota, and acted to accelerate construction of a $9.5 million apron extension at Grand Forks.

Finally, I am pleased that the Strategic Forces Subcommittee has recommended a reduction in the minimum START I Trident submarine force level that must be maintained until START II is ratified by the Russian Duma. The Commander in Chief of the U.S. Strategic Command has assured me that we can meet our deterrence needs with 14 Trident boats, and that retirement of four submarines will not adversely affect our nation's security.

All of these provisions are steps in the right direction, but there are a number of matters in this bill of great concern.

First, the Committee yet again did not provide adequate funding for the B-52H bomber force. Today, part of the fleet is deployed to keep an eye on Saddam, and 15 B-52s are participating in Operation Allied Force. The B-52 is the backbone of the long range bomber force, and it is my hope that the Committee will review its decision not the fund the entire force during conference. As I have said many times before, no airborne platform can deliver a greater quantity or quality of nuclear and conventional munitions as far without refueling at as little cost to taxpayers than today's thoroughly modernized, battle-tested B-52. I applaud Senator STEVENS and Senator INOUYE—the distinguish leadership of the Defense Appropriations Subcommittee—for acting to fund all 94 B-52s in the fiscal year 2000 defense appropriations bill.

Additionally, the bill unnecessarily increases spending on the Space Based Laser by $25 million. One day we will likely do the NMD mission from space. But that time is not now, when ground-based NMD will soon be available. Today, the SBL is unaffordable, a clear violation of the ABM Treaty, and simply not feasible. I hope the extra funding is reallocated in conference.

Despite these drawbacks, this is a good bill. But it is a better bill in light of the addition of the amendments I offered today. Briefly, I would like to summarize each in turn.

First, the 1999 Conrad Russian tactical nuclear weapons amendment responds to Russia's extremely disturbing announcement last month that it will not reduce its massive tactical nuclear stockpile, but rather will retain and redeploy many of these ill-secured thermonuclear weapons.

My amendment includes a Sense of the Senate calling on the President to urge the Russians to match U.S. tactical nuclear cuts. Additionally, my amendment requires regular reports on Russia's tactical arsenal, which could be larger than ours by a factor of eight to one, and is not covered by any arms control treaty. My amendment builds on the bipartisan amendment I authored last year, and supports the related provisions in the bill before us.

I thank the able leadership of the Armed Services Committee for supporting this amendment, as I do for accepting my amendment concerning NMD. As a result of this measure, the Secretary of Defense will be required to study the advantages of a two-site NMD system, as opposed to a single site, as is now being considered by the Administration.

Although we may be able to defend all 50 states from a single site, there may be advantages from a two-site system related to defensive coverage, system security, and economies of scale. My amendment will make sure these are fully explored. Two sites are also not incompatible with arms control. In fact, the ABM Treaty as originally drafted included two sites, and it may be appropriate to go back to such an idea.

The third amendment I offered here today responds to growing concern on the part of our military commanders about the rapidly diminishing supply of conventional air launched cruise missiles, or CALCMs.

Simply put, the CALCM has performed brilliantly in Operation Allied Force. Its range of more than 1,500 miles, ability to carry a 3,000 pound warhead, and dead-on accuracy are unmatched by any other air-delivered cruise missile in the world. It represents a capability we will continue to need, long after the 60 or so left in the inventory, and the 320 now being converted from nuclear missions, have been expended.

My amendment will require the Secretary of the AF to report to Congress on how the Air Force plans to meet the long-range, large warhead, high accuracy cruise missile requirement once the CALCMs are expended.

In particular, three options will be reviewed: restarting the CALCM line, developing and acquiring a new variety of cruise missile with the same or better performance characteristics, and upgrading planned munitions. The time to start planning on this matter is now, and again I thank Chairman WARNER and Senator LEVIN for working with me on this amendment.

In closing, Mr. President, I would reiterate that the bill before us is a good one, and deserves the support of every Senator.

No bill is perfect in every respect, but I am confident that this defense authorization bill will strengthen our armed forces and require studies that will enhance our national security. At a time when we are at war in the Balkans, ready for another on the Korean Peninsula, and continue an open-ended air campaign against Iraq, we owe our brave men and women in uniform no less.

Mr. FEINGOLD. Mr. President, I voice my strong opposition to the fiscal year 2000 Department of Defense Authorization Act.

It is with disgust and sorrow that we are forced to bear witness to a defense bill that fails, once again, to understand the 21st century reality of national defense. So we set the foundation for our national defense in the new millennium to serve the needs of the Cold War era.

Mr. President, this bill exemplifies the Pentagon's utter failure to adapt its priorities to the post-Cold War era. It promotes a pervasive Pentagon mind set that sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive weapons systems are always better. And even then, the prohibitive cost of the new weapons systems necessary means that we can't replace, on a one-to-one basis, old weapons for newer replacements. No matter how much money we throw at this problem, we won't find a solution. Short of a true shift in the paradigm at the heart of our national defense strategy, this problem will continue unabated.

Mr. President, I start with a perennial culprit of misguided defense strategy; that is the continued spending of billions of dollars on wasteful and unnecessary programs. But this year, it's been taken a step further.

For the past year, Mr. President, we've heard the call to address our military's readiness crisis from virtually all quarters. We were told that foremost among the readiness shortfalls were operations and maintenance as well as pay and allowances accounts. This 288.8 billion dollar bill would have us increase O&M by all of $1.1 billion, with $1.8 billion for a pay raise and a retirement benefit change. That works out to about 1 percent. I'm sure that our men and women in uniform are not impressed.

Mr. President, even the pay raise and retirement change is fraught with uncertainty and was addressed in a less than proper manner. In February, this body passed the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights. We did so without benefit of hearings, prior to the budget resolution, and prior to the issuance of three reports on whether such changes would improve recruitment and retention in our armed forces.

Then, this month, we paid for the entire $1.8 billion price tag for the pay raise and benefit reform in the emergency supplemental bill. Yet we still await reports from the General Accounting Office, the Congressional Budget Office, and the Department of Defense on the efficacy of that action. Earlier this year, GAO offered preliminary data on a study showing that money has been overstated as a factor affecting decisions to stay in or leave the military.

Instead, GAO found that issues like a lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leaders have at least as much effect on retention, if not more, then pay issues. These are the same concerns that I have heard from the men and women out on the front lines.

Mr. President, there's no question that certain services have a recruiting and retention problem. For a variety of reasons, officers and enlisted members are leaving the Army, Navy, and Air Force, and these services are having problems bringing enough new people on board. Serious questions remain unresolved about the cause of this problem, or its best solution, yet we will authorize and appropriate the entire $1.8 billion in an extraordinary and inappropriate manner. This is a quick fix that fails to address the recruitment and retention problem in a comprehensive and thoughtful manner.

I agree that many service members need a raise. These men and women have chosen to represent our country. They deserve to be paid adequately.

Meanwhile, in this bill, Mr. President, programs that didn't even warrant DoD's request will receive $3.3 billion. Additionally, weapons procurement is up $2.9 billion beyond DoD's request. Missile defense programs, that paragon of efficiency and effectiveness, is up $509 million. These and other provisions raise the question, just how important does the Pentagon think our men and women in uniform are?

Mr. President, the bill authorizes 2.9 billion dollars for the Navy's F/A–18E/F Super Hornet program. It also authorizes the Navy to enter into a five-year $9 billion multi-year procurement contract for the Super Hornet. It's no secret that I have numerous concerns about the program, but I am also troubled by the manner in which the Pentagon and the Navy have moved the Super Hornet forward. And my concerns are not addressed in the least by this bill. In fact, this bill makes them worse.

The Super Hornet program hasn't even begun its Operational Test and Evaluation, yet we're ready to authorize a five-year, $9 billion procurement contract. The program has 29 unresolved, major deficiencies, yet we're ready to authorize a five-year, $9 billion procurement contract. The program still fails significantly to improve on the existing F/A–18C aircraft, yet we're poised to blindly authorize a five-year, $9 billion procurement contract. Mr. President, the logic is baffling.

The current Hornet program has been proven reliable and cost-effective. Why do we want to replace the Hornet with a bloated, cost-prohibitive aircraft that offers marginal benefits over a reliable fighter?

Mr. President, this bill has some remarkable budgetary issues. Essentially, we can't pay for what this bill authorizes, and remain under the budget caps. The bill meets the fiscal year 2000 Budget Resolution target for budget authority, but current estimates state that the bill exceeds the outlay target in the Budget Resolution by $2 to $3 billion. Even by Washington standards, that is real money.

Mr. President, one concern goes to the heart of the entire debate on our national defense. The underlying question is this: Why should the Pentagon receive billions dollars more in funding when it has failed utterly to manage its budget?

In a 1998 audit of the Department of Defense, GAO, the official auditors for the U.S. Congress, could not match more than $22 billion in DoD expenditures with obligations; it could not find over $9 billion in inventory; and it documented millions in overpayments to contracts. GAO concluded that "no major part of DoD has been able to pass the test of an independent audit." Throwing good money after bad without accountability is not the answer.

Instead, Mr. President, we will sharply increase defense spending. The fiscal year 1999 DoD authorization bill assumed a budget of $250.6 billion. Since that time, the Congress has added $17 billion in emergency spending for defense. That spending boost is not offset and takes money directly from the Social Security Trust Fund.

Mr. President, we have done a tremendous job of eliminating our budget deficit. We're staring a huge budget surplus in the face, but we can't seem to handle the temptation to spend it. To spend it before we address Social Security and Medicare is irresponsible, Mr. President.

Mr. President, a large part of that success has been due to the willingness of both the Congress and the President to do more with less, to trim excessive spending wherever possible and maintain important services with fewer resources. We have begun to succeed in many areas of government—education, health care, veterans' care, welfare benefits, environmental programs—but not in defense spending, where we continue to build destroyers the Navy does not ask for and continue to build bombers the Air Force does not want. This bill continues this sad tradition.

I yield the floor.

Mr. KENNEDY. Mr. President, I support the National Defense Authorization bill for fiscal year 2000. This past year has demonstrated once again how important it is for the nation to maintain a well-prepared military. There is no doubt that the Nation's armed forces are more active today than they were during cold war. Our servicemen and women are currently conducting combat operations in Kosovo and Iraq. They are serving as peacekeepers in Bosnia, and as humanitarian support personnel in Central America. All of this is taking place in addition to the day-to-day routine operations and exercises in which the military participates throughout the year in this country and in many other parts of the globe.

The Nation is also calling on its National Guard and Reserve units at an increased rate. This past year, Guard and Reserve units from Massachusetts were deployed in support of operation Northern Watch in Iraq, Hurricane Mitch relief in Central America, and most recently Operation Allied Force in the Balkans. Our country is proud of their service and grateful for the sacrifices that they, their families and their civilian employers are making for all of us.

Our armed forces continue to do all that is asked of them. This year, many of us in Congress have been concerned about the effects that these increased operations tempo are having on our service personnel and equipment. We have no doubt about the dedication and skills of our .14 million men and women in the Army, Navy, Air Force and Marine Corps who make our military the most capable fighting force in the world today. But there are increasing questions about whether they are receiving the full support they need to do their job well.

This bill addresses many of the current concerns about declining readiness, insufficient equipment, and inadequate recruitment and retention. It provides greater support for our military forces, while maintaining a realistic balance between readiness to take care of immediate needs, and the investments needed to develop and procure the best systems for the future.

The cornerstone of the Nation's military preeminence rests on many factors, but the most critical is its people. Without men and women willing to volunteer for military duty, the Nation would not be able to respond to crises around the globe as it does today. We need to have cutting-edge weapon systems, but we also need dedicated service members to operate these systems. It is imperative for us to provide effectively for our troops and their families.

Today's force is truly an all volunteer force. Its ranks contain well-educated professionals who have chosen to serve their country in the armed forces. We must treat them as professionals or we will lose them.

The bill provides a fully-funded and well-deserved 4.8% pay raise for military personnel, as well as expanded authority to offer additional pay and other incentives to critical military specialities. The bill also improves retirements benefits for those who are serving by addressing concerns with the current system and allowing servicemen and women to participate in a Thrift Savings Plan.

The bill also enhances the very successful Troops-to-Teachers Program. Troops-to-Teachers was established by Congress in 1993 and has enabled over 3,000 service men and women to go into the teaching profession. These teachers have filled positions in high-need schools in 48 states. The bill shifts the responsibility for this program to the Department of Education in order to see that it is coordinated as effectively as possible with our overall education reform initiatives.

Well over half of today's military is married. In many cases both parent are employed. The military also contains many single mothers and fathers. Each of these constituencies has unique characteristic and need that must be recognized so that we can encourage continued service and careers in the Nation's armed forces.

The bill contains a provision which I strongly support to authorize the Secretary of Defense to provide financial assistance for child care services and youth programs for members of the armed services. These expanded provisions will ensure that many more military families have access to adequate child care and worthwhile activities for their children.

The Nation's service men and women operate in a demanding and stressful environment that is being exacerbated by the increased operations of the last decade. One unfortunate result has been an increase in domestic violence involving military families. We have a responsibility to these families to help them cope more effectively with this problem. An important provision in this year's bill require the Secretary of Defense to appoint a military-civilian task force to review domestic violence in the military. In addition, the bill takes other steps to guarantee that the Services are more sensitive to this problem and take steps to prevent it.

This bill also moves on many fronts to address modernization requirements that have been deferred for too long. As the ranking member on the Seapower Subcommittee, I am pleased that this bill takes needed steps to ensure that the Nation's naval forces have the vessels and equipment they need to sustain naval operations throughout the world.

The bill authorizes the extension of the DDG–51 destroyer procurement for fiscal year 2002 and 2003 and increases multiyear procurement from 12 to 18 ships. The bill also authorizes the Navy to enter into a 5-year multiyear procurement contract for the F/A–18E/F Super Hornet. In addition, it increases the budget request for the Marine Corps' MV–22 Osprey tilt-rotor aircraft from 10 to 12. These are all strong steps in strengthening the readiness of the Nation's Navy-Marine Corps team.

Last year, the Defense authorization bill called for a 2 percent annual increase in military spending on science and technology from 2000 to 2008. Unfortunately, the Department's proposed Fiscal Year 2000 budget reduced spending on science and technology programs. The Air Force, alone, was slated for $95 million in cuts in science and technology funding. Such a decline would be detrimental to national defense, particularly when the battlefield environment is becoming more and more reliant on technology. Fortunately, under the leadership of the Chairman of the Emerging Threats and Capabilities Committee, Senator ROBERTS, this bill restores $70 million in Air Force Science and Technology funding, to ensure that sufficient scientists and engineers are available to conduct research to address the Defense Department's technology needs for the future.

One of the most important technology fields is in the area of cyber-security. The growing frequency and sophistication of attacks on the Department of Defense's computer systems are cause for concern, and they highlight the need for improved protection of the Nation's critical defense networks. This bill includes a substantial increase in research and development on defenses against cyber attacks. This increase will greatly improve the Department's focus on this emerging threat.

Existing threats from the cold war are also addressed in this legislation. The efforts to provide financial assistance to the former Soviet Union for nonproliferation programs such as the Nunn-Lugar Comprehensive Threat Reduction programs are essential for our national security. I commend the administration's plans to continue funding these valuable initiatives and the committee's support for them.

One of the greatest threats to our national security is the danger of terrorism, particularly using weapons of mass destruction. We must do all we can to prevent our enemies from acquiring these devastating weapons and from being able to conduct successful terrorist attacks on the Nation. Significant progress has been made toward strengthening the Nation's response to such attacks, but more must be done. This bill strengthens counter-terrorism activities and increases support for the National Guard teams that are part of this important effort.

I commend my colleagues on the committee for their leadership in dealing with the many challenges facing us on national defense. This measure is important to our national security in the years ahead and I urge the Senate to approve it.

Mr. REID. Mr. President, I thank my colleagues for their hard work over the last few days on this very important bill. The events in Kosovo underscore the importance of the work that we are doing here.

I think that we have worked to put together a good bill. It doesn't satisfy everyone, I myself have some concerns about some parts of it, but overall I think that it is a good bill.

I want to make a brief statement clarifying the substance of one of the amendments in the manager's package that we passed today.

I want to make it clear that the amendment relating to the authorization of $4,500,000 for the procurement and development of a hot gas decontamination facility, is directed to the development of such a facility at Hawthorne Army Depot in Hawthorne, Nevada. That reflects the prior agreement of the managers. The text of the amendment does not specify the location of the facility, and I want to make it clear in the record of the proceedings associated with this bill where that facility is to be located and how that money is intended by this Congress to be appropriated and spent.

Mr. THURMOND. Mr. President, I rise to enter into a colloquy with the distinguished chairman of the Armed Services Committee, Senator WARNER, concerning his amendment, No. 439, on radio frequency spectrums.

Mr. WARNER. Mr. President, I am pleased to enter into this colloquy with the distinguished President Pro Tempore and former Chairman of the Armed Services Committee.

Mr. THURMOND. Mr. President, it is important and I support the Chairman's efforts to protect critical DOD systems from harmful interference. Some concerns have been raised whether the amendment is intended to have an adverse impact on cellular, PCS, and other wireless systems that millions of Americans rely upon. I ask the Chairman whether I am correct in my understanding that that is not his intended effort.

Mr. WARNER. Mr. President, the gentleman from South Carolina is correct in his assessment.

Mr. THURMOND. Mr. President, I look forward to working with the distinguished Chairman during Conference with the House to ensure the successful use of radio frequency spectrum by the military, appropriate government agencies, and the private sector.

Mr. WARNER. Mr. President, I will be pleased to work with my friend from South Carolina to ensure that this important amendment has its intended affect.

Mr. THURMOND. Mr. President, I yield the floor.

AMENDMENT NO. 461

Mr. ROBB. Mr. President, the amendment I have offered today is about accepting responsibility. On February 3, 1998, a United States Marine Corps EA-6B Prowler severed a ski gondola cable near Cavalese, Italy, plummeting twenty people nearly 400 feet to their deaths. We later learned, to our great disappointment, that the pilot and the navigator conspired to destroy evidence of the circumstances leading to the accident.

This amendment, cosponsored by Senators SNOWE, BINGAMAN, LEAHY and KERREY, upholds the honor of the United States Marine Corps and our military both here and abroad, permits the United States to accept responsibility for this tragic accident, and sends an unambiguous message that we will not tolerate efforts to cover-up our mistakes.

The Congress has already authorized payment to rebuild the gondola we destroyed. We have not yet authorized payment to help rebuild the lives of the families we destroyed. This amendment allows the Secretary of Defense to compensate the victims' families both for the accident and the effort to hide evidence of the accident.

A similar amendment was passed by the Senate during consideration of the Emergency Supplemental. The amendment passed unanimously, but was dropped during Conference consideration. I urge the Senate to adopt the amendment and allow the families of the victims to begin healing.

Mr. THURMOND. Mr. President, I am in opposition to the amendment offered by the Senator from Virginia. I understand his desire to settle claims resulting from the accident involving a Marine Corps aircraft, which resulted in the unfortunate deaths of civilians in Italy. I note, Mr. President, that this case is covered by the Status of Forces Agreement or SOFA, which provides a mechanism for the settlement of claims. The Robb amendment would provide additional compensation, above and beyond that which might be provided by a SOFA settlement.

While, I have sympathy for the families of the victims of that tragedy, I must bring to the attention of my colleagues another tragic occurrence which took the lives of nine American servicemen. I spoke in some detail on this matter last month, when I introduced Senate Resolution 83. Let me summarize the facts of this accident.

On September 13, 1997, a German Luftwaffe Tupelov TU-154M collided with a U.S. Air Force C-141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine United States Air Force Servicemen were killed. Accident investigations conducted by the United States and Germany both assigned responsibility for the collision and deaths to the German crew, who not only filed an inaccurate flight plan, but were flying at the wrong altitude.

The families of the nine victims, having endured tremendous suffering and significant financial losses, are seeking compensation from the German government. Sadly, the German government has not been fully cooperative. Because these claims do not fall under the Status of Forces Agreement, the families were instructed to file their claims with Germany and wait for German adjudication.

The German government has an obligation to these American families who lost loved ones because of negligence and fault of the German Air Force. This is a simple matter of fairness.

To address this matter, I introduced a Sense of the Senate Resolution calling upon the German government to make quick and generous compensation to the families of the U.S. Servicemen. In addition, it prohibits payment to the families of any German national killed in the gondola accident caused by the United States Marine Corps aircraft until the German government has made comparable restitution to the families of the U.S. air crew killed in September 1997. My Resolution will not block payment to the families of any victim who is not a German national.

Mr. President, I addressed my concerns on this matter to the Secretary of Defense. I requested that he give this matter his attention and raise this issue with the German Ministry of Defense. In addition, I have invited the German Ambassador to meet with me and family members of those killed in the air collision. To date, the Ambassador has not accepted my invitation.

Mr. President, the Robb amendment is unnecessary at this time. The claims of family members of those killed in the ski gondola accident should first go through the SOFA process. In the meantime, the German government should quickly and fairly settle the claims of Americans killed as a result of the negligence of the German Air crew. I reiterate that the American claims do not fall under SOFA.

My amendment expresses the Sense of the Senate that the Government of Germany should promptly settle with the families of members of the United States Air Force killed in a collision between a United States C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 12, 1997. My amendment also states the Sense of the Senate that the United States should not make any payment to citizens of Germany as settlement of such citizens claims for deaths arising from the accident involving the United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the German Government and the American service members' families.

Mr. DOMENICI. Mr. President, I rise today to discuss three interrelated aspects of our country's security at the brink of the new millennium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It's important to reflect on NATO's mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must evaluate threats globally, and we must be vigilant in safeguarding our security and defense capabilities.

In April we celebrated NATO's 50th Anniversary. Despite the circumstances, we had good reason to celebrate. After the horrors of World War I and II, U.S. decision makers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I. Europe was and is a precarious continent. Twice in the first fifty years of this century America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective evolved as a de facto result of Stalinist expansion into Central Europe.

Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changed era and very different world, NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I've just talked about should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The Administration repeatedly suggests that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, A Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time was a small nation fighting for independence within a crumbling Austrian-Hungarian Empire.

Due to Russia's alliance with Serbia and Germany's open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—the rest were locked in polarized blocs that set the Triple Alliance against the Triple Entente.

Such polarized blocks do not exist today. Serbia's aggression against Kosovar Albanians can and has created regional instabilities. But this would not lead to World War Three.

This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded others' views of their own security. Our actions in Kosovo may yet unravel any gains achieved in nuclear arms reductions and cooperative security alliances since the Soviet Union collapsed.

Furthermore, NATO's response in Kosovo has accelerated and exacerbated regional instability. We've managed to create a humanitarian crisis, while not achieving any of our military objectives. Of course, any rational person could see that an air campaign from 20,000 feet would not prevent executions, rapes, and purges on the ground. This is especially true given the five months of time we gave President Milosevic to plan, prepare, and position his forces.

One relevant aspect of today's world that the Administration failed to mention in their arguments for involvement in this campaign is the impact this would have on U.S.-Russian relations. We have a tendency to believe that Russia is so weak and needs our money so bad that we can disregard their views or interests.

I ask you to consider two key facts: as Russia's conventional military declines, reliance on their nuclear arsenal increases; global stability cannot be achieved without cooperation between the U.S. and Russia.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be reversed. Russia has recently announced its intent to redeploy components of its tactical nuclear arsenal. We were on a path through arms reduction and steps toward increased transparency to addressing tactical weapons. These gains are steadily unraveling.

The Administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next five years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next.

According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This war will have profoundly negative impact on the relationship between Russia and the U.S. for a long time.

The U.S. was supposedly not fighting for either side. We were trying to be the honest broker, at least in the beginning. Now, our actions have created enemies. These enemies have historical ties to Russia. Russia's economy is in tatters, but Russia still controls the only means to obliterate the United States.

We feel we're in the right, because we are fighting a tyrant, one capable of great evil. I don't disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia's political future, as well as our future relationship with Russia.

There are those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO's terms.

Russia is edging closer to China, and India. Our blatant disregard of other's security needs and perceptions may culminate in a Eurasian bloc allied against us—against NATO. And election campaigns in Russia will begin very soon.

As European leaders converged to celebrate NATO's 50th birthday, they spent much time debating and deliberating on NATO's future. NATO's present reflects poor policy decisions and an ineffective military approach.

Mr. President, I'd also like to take this opportunity to discuss the grievous situation of our military today. Recent actions in Kosovo underscore the self-inflicted damage we have done to our national security in the years since the Cold War.

I was one of many Senators during the 1980s who supported seeing our nation's defenses bolstered in order to bring the Soviet Union to its knees. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy.

The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union's economy. Their political and economic institutions unraveled in light of America's clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait, U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a ground and air war. It was a full blown offensive.

And at no time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitment in the Gulf. Never did we hear of depleted munitions stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 60 days of an air campaign in the Kosovo region. In less than forty days of what have been limited air strikes, respected officials reported that U.S. defenses are spread too thin. If North Korea or Saddam wanted to capitalize on our distraction in the Balkans, we currently would not have the means to defend our interests.

We've been forced to divert resources from other regions in the world to meet NATO's needs in the Balkans. Our transport capabilities are insufficient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scramble to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining "Superpower." Our global economic and military dominance was unquestioned. That time was, in the words of respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. could defend its interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match the threats to our national interests.

Many years of self-indulgence and inattention to our nation's defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I'm committed to ensuring that our nation's defenses are not further eroded. I'm fed up with the complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, the best training, and are afforded a quality of life sufficient to keep them in the military. This cannot be done by sitting on our hands and hoping that the world remains calm.

Additions to readiness accounts, ammunition, and missile stocks in the emergency supplemental for Kosovo will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense Authorization bill before us takes additional steps in the right direction. I commend Senator Warner and his diligent staff on the hard work they've done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military's most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional $1.2 billion in operations and maintenance funding.

The bill also includes over $740 million for DoD and Department of Energy (DoE) programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in our world today.

The $3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator STEVENS indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient manning were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it's something we can address. As more conclusions come to light, we can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have neither.

Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

Mr. DODD. Mr. President, I rise to state my views on the Fiscal Year 2000 Defense Authorization bill. First, I congratulate the Chairman, Senator WARNER, and the Ranking Member, Senator LEVIN, for their work on this bill. Together they helped move this bill through the Senate in record time. The broad support for this bill provides a promising beginning to Senator WARNER's tenure as Chairman of the committee, and it is a tribute to Senator LEVIN's ability to work with members from both parties on matters of national defense.

This bill provides an increase in defense spending that will maintain this nation's superpower status as we enter the 21st Century. As always, this defense bill relies heavily on Connecticut—the Provisions State. In procurement and modernization, Blackhawk helicopters, Comanche helicopters, the F-22 program, the Joint Strike Fighter program, Joint STARS aircraft, and submarine programs were all funded at or above the President's request. For our military personnel, this bill authorizes much deserved pay and pension increases. Other important programs that this bill funds include: military construction, cooperative threat reduction and ballistic missile defense.

I commend the Senate Armed Services Committee for increasing the number of H-60 helicopters requested in this bill from 21 to 33. The Committee added nine UH-60L Blackhawk helicopters for a total of 15 that will begin to fill the Guard's requirement for 90 Blackhawks. I feel strongly that it is important to fill this requirement, especially as we continue to call up our Guard and Reserve forces to serve in the Balkans. Those forces deserve to have the most modern equipment that this country can provide. The Committee also added three CH-60 helicopters, the Navy version of the Blackhawk. The CH-60 will replace several models of the Navy's helicopter fleet and will perform all the missions for which those models were responsible.

The committee gave a vote of confidence to the Comanche helicopter program by adding over $56 million in research and development funding to the Administration's request. Likewise, it supported the purchase of a fifteenth Joint STARS aircraft. Those aircraft are performing magnificently in the Balkans, and I feel that this nation should continue to build these aircraft until the Air Force has the 19 aircraft it needs.

The guided missile submarine concept received a boost by this committee in the form of $13 million in needed research and development funding. The concept proposes converting four Trident submarines into guided missile submarines which would be capable of launching more tomahawk missiles than any ship afloat today. As important as the funding authorization was the provision the committee included in the bill to reduce the lower threshold of our Trident submarine force. That action will allow the Navy to reduce the number of Trident submarines from 18 to 14, an adjustment to the fleet that the Chief of Naval Operations has requested. By including the provision, the committee surmounted an obstacle to implementing the submarine concept and saved taxpayers billions of dollars which would have gone towards upgrading Trident missiles.

This bill authorizes important increases in military pay and pensions that this nation's servicemen and servicewomen deserve. I note that this bill not only calls for more pay and higher pensions, but it also identifies how this nation will pay for those important increases. Furthermore, through the regular hearings with Defense Department officials over the last few months, the Department has had ample opportunity to air its views with respect to provisions of this bill that address pay and pension issues. I am proud to support these provisions.

As for the prospect of additional military base closures, a minority of the Senate once again sought to mandate another Base Realignment and Closure round in 2001. I opposed that amendment for a few reasons. Even after a Defense Department report and a General Accounting Office report, there is no clear accounting of how much this nation saves from base closure rounds. Furthermore, the long-term environmental clean-up costs are virtually impossible to estimate. I think that before we put communities across the country through the wrenching experience of another base closure round, we must better understand the costs and benefits of another round. Finally, I want to remind my colleagues that some of the bases ordered to be closed under previous rounds have yet to be closed. Of those that have been closed, some have not yet been turned over to the surrounding communities. I would like to know the full impact of the previous rounds, and I will not put communities in my state at risk by rushing into another round without being absolutely certain that this nation is ready.

The Senate wisely voted to table an amendment offered by Senator SPECTER which would have sent a dangerous signal to Slobodan Milosevic that the United States is not committed to ending his horrific campaign of genocide. As we debate these issues, we must be cognizant of the fact that our men and women in uniform are risking their lives in the Balkans. They deserve to know that our Nation's leaders, including the Senate, stand firmly behind them. An amendment which limits our Commander-in-Chief's ability to act sends exactly the opposite message. It tells every soldier, sailor and airman and woman that the United States Senate is wavering in our support for their efforts and sacrifices. That is a statement we must never send.

Similarly, we must remember that there are innocent men, women and children, desperately looking to the United States and NATO for relief from Slobodan Milosevic's hateful campaign of genocide. Approval of the ill-advised amendment would have likewise sent a signal to the 1.4 million ethnic-Albanians who have been displaced from their homes that we were wavering at the moment they needed us most.

As I have said time and time again, we must be mindful of the United States role as a world leader and the degree to which our NATO allies look to us for guidance. The Specter amendment would have precluded the President and our military from effectively responding to urgent military requirements and putting an end to Slobodan Milosevic's murderous campaign as expeditiously as possible. It would also have precluded the United States from taking the lead on an important potential avenue to bringing a lasting peace to the Balkans.

In closing, I again commend the managers of this bill for their efforts. This legislation is a fitting tribute to our soldiers, sailors, airmen and marines who protect this Nation's freedom and liberty. It comes at an appropriate time—just before Memorial Day when we will honor the sacrifices that the members of our armed forces have made.

Mr. McCAIN. Mr. President, as my colleagues in the Senate know, I make a point of going through spending bills very carefully and compiling lists of programs added at the request of individual members that were not included in the Defense Department's budget request. I should state at the outset that I believe Chairman WARNER and Senator LEVIN, the ranking member, should be commended for their efforts at producing a bill that addresses a number of very serious readiness problems. As American pilots continue to fly missions over Yugoslavia and Iraq while maintaining commitments in virtually every part of the globe, the care and maintenance of the armed forces cannot be taken for granted—not if we wish to avoid imperiling our vital national interests.

I would be remiss in my responsibilities, however, were I not to illuminate the large number of programs that were added primarily for parochial reasons. With our military stretched perilously thin after more than a decade of declining budgets and expanding commitments, we can ill afford the business-as-usual practice of adding programs not requested by the military. It is for that reason that the list of unrequested programs that I would like to submit for the record, totaling more than $4 billion, is so troubling.

While I continue to have concerns about the integrity of the process by which the service unfunded priorities lists are produced, I have this year chosen to respect their legitimacy and have excluded from the compilation of unrequested projects I am submitting for the RECORD those items added by members that are reflected on the unfunded priority lists.

To wit, while I have to question the reverse economies of scale achieved on the C-40 program—in effect, why do two aircraft cost more on a unit cost basis than did the one aircraft included in the budget submission—I have not included the second aircraft, added by the committee, on this list because of its inclusion on the Navy's unfunded priority list. Similarly, I have omitted from my list two KC-130J aircraft because they are on the Marine Corps unfunded priority list despite the incredible surplus in C-130 frames already in the U.S. inventory. I will mention these programs no more today.

Let me be very clear, however, that the process by which budgets are put together is seriously flawed and both fiscal responsibility and national security dictate that we strive to improve it. After so many years of going through this exercise, though, I find it difficult to be optimistic.

I am, for instance, bewildered by the continued annual addition to the budget request of $18 million for MK-19 automatic grenade launchers. The repeated addition by Congress of the MK-19 to the defense budget forces to me to wonder whether someone hasn't stockpiled these things out of some psychological need to accumulate grenade launchers as a substitute for balls of string. What on earth does someone think the Marines are doing with its automatic grenade launchers that compels this body to repeatedly add them to the budget? How do we justify continuing to allocate significant amounts of money for a program that the Corps does not even include on its unfunded priorities list?

Every single year we add funding—this year, $15 million—for the NULKA anti-ship missile decoy system. An Israeli destroyer during the Six Day War, a British destroyer during the battle for the Falklands, and the USS Stark incident are all testimony to the threat of anti-ship missiles. That only one U.S. ship has been so targeted since World War II, however, and under rather unique circumstances at that, makes it difficult to understand why we spend so much money every year for decoys.

I have been critical in the past about earmarking funds for the National Automotive Center, an odd member-created entity that has taken on a life of its own. The bill includes $6.5 million for development of a Smart Truck, with half of the money earmarked for the National Automotive Center. Presumably, this will be a really smart truck, inasmuch as it is taking us for over $6 million. I can only hope it will be able to change its own oil.

The Administration's military construction request was a true exercise in

Byzantine budgeting. Incrementally funding the entire military construction program was not somebody's better idea, and I applaud the committee's rejection of that proposal. I must condemn, however, that same committee's decision to add $923 million in projects not requested by the services. A new $3.6 million C–17 simulator building at Jackson Airport; a new $8.9 million C–130J simulator building at Keesler Air Force Base; a new $6 million visiting officers' quarters at Niagara Falls; $17 million to replace family housing at the Marine Corps Air Station at Yuma; and an addition of $10 million for a new education center and library at Ellsworth are just a few of the items added to the budget by members for parochial reasons.

Let me note at this junction that many of these projects may very well be meritorious upon further review. For example, I know there is a dire need for new family housing at the Marine base in Yuma, Arizona. But is that need greater than exists at some other base? The method by which that project was added does not allow for the kind of comparative analysis that should be an integral part of the process by which these budgets are drafted.

Of particular interest is the $241 million for ammunition demilitarization facilities, none of which was requested by the military. I recognize the legitimate need to expeditiously dismantle aging chemical weapons and deal with the environmental contamination resulting from their construction and storage over many years. My concern lies in the perpetually uncertain environment in which spending bills are prepared. Are each of these facilities necessary, and does each one need to be funded during a fiscal year for which funding for it was not requested? Chemical demilitarization has been an important priority for the Armed Services Committee, but the case has not been made that these programs had to be added to this bill.

Mr. President, I may make light of some of these programs, but the issue is deadly serious. Our armed forces are stretched perilously thin as global commitments grow and operations like those in Kosovo and the continuing operation in Bosnia continue to take their devastating toll on our ability to remain prepared for the major regional contingencies that are inarguably tied to our vital national interests. Not every program on the list that I am submitting for the RECORD is impractical or worthy of ridicule. But to argue their worth individually and in a vacuum is to miss the point.

I do not include on these lists most programs related to defense against weapons of mass destruction, and generally give classified programs a free ride. The nature of the process, however, is such that a certain amount of skepticism is warranted. It is too much a matter of routine practice that items are added for primarily parochial reasons under headings that sound logical and yet which are low or no priority for the services. As absolutely important as areas like chemical and biological defense are, it is equally important that funds allocated to deal with those threats are not wasted on programs added to the budget solely because a contractor convinced his or her senator that they deserve $2 million to investigate that program's potential when other higher priority programs already exist to fulfill the requirement.

I have respected the unfunded priority lists this year because they provide the only roadmap as to where the services would allocate additional dollars if such funding were made available. It is far from a perfect process, but it is all we have. That there are still over $4 billion in member adds in this bill is testament to the indomitable will of members of this body to force projects into a strained defense budget in defiance of fiscal prudence and operational requirements. That is not intended as a compliment; it is simple acknowledgment that there is still ample room for improvement.

Finally, let me also note for the record my concerns regarding the amendment offered by Senator LOTT to narrow the scope of the Pilot Program for Commercial Services. I believe the amendment will restrict the ability of the Secretary of Defense to explore all options for fair and reasonable procurement of transportation services. This will continue to artificially inflate the Defense Department's transportation cost and will directly impact the findings of the program.

Mr. President, I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000 MEMBER ADD-ONS, INCREASES & EARMARKS

Army Procurement	
Aircraft Procurement, Army (page 25):	
LONGBOW	$45.0
UH–1 Mods	72.5
ASE Mods (ATIRCM)	8.1
ASE Infrared CM	6.6
Missile Procurement, Army (page 27):	
PATRIOT mods	60.0
Procurement of W&TCV, Army (page 29):	
M109A6 155mm Howitzer mods	20.0
Field Artillery Ammunition Support Vehicle PIP	20.0
M88 Improved Recovery Vehicle	72.0
Heavy Assault Bridge mod	14.0
MK–19 40mm Grenade Launcher	18.3
Procurement of Ammunition, Army (page 31):	
40mm, all types	8.0
60mm mortar, all types	9.0
102mm HE M934 w/mo fuse	4.0
105mm ARTY DPICM	10.0
Wide Area Munitions	10.0
Arms Initiative	14.0
Other Procurement, Army (page 35):	
High Mobility Multi-Purpose Vehicle	17.0
Army Data Distribution System	25.9
SINGCARS Family	70.0
ACUS mod program	50.0
Standard Integrated CMD Post System	9.2
Lightweight Maintenance Enclosure	3.2
Combat Training Centers Support	7.0
Modification of In-Service Equipment	8.1
Acquisition Stability Reserve Construction Equip	29.6
Army RDT	
Basic Research in Counter-Terrorism	15.0
AAN Materials	2.5
Scramjet Technologies	2.0
Smart Truck	6.5
Medteams	1.8
PEPS	8.0
Virtual Retinal Eye Display Technology	5.0
Future Combat Vehicle Development	10.0
Digital Situation Mapboard	2.0
Accoustic Technology Research	4.0
Radar Power Technology	4.0
OICW	14.8
FIREFINDER Accel. TBM Cueing Requirement	7.9
Directed Energy Testbed (HELTF)	5.0
HIMARS	30.6
Space Control Technology	41.0
Navy Procurement	
Aircraft Procurement, Navy (page 61):	
UC–35 (3)	18.0
EA–6 Series	25.0
H–1 Series	15.0
Common ECM Equipment	16.0
Weapons Procurement, Navy (page 64):	
Drones and Decoys	10.0
Weapons Industrial Facilities	7.7
Shipbuilding & Conversion, Navy:	
LPD–17 (1)	375.0
Other Procurement, Navy (page 71):	
WSN–7 Ring Laser Inertial Navigation Gear	15.0
Items less than $5 million	30.9
Radar Support AN/BPS–15/16H ECDIS–N	8.0
Integrated Combat System Test Facility	5.0
JEDMICS	9.0
Navy Shore Communications	30.7
Info Systems Security Program (ISSP)	12.0
Aviation Life Support	18.1
NULKA Anti-Ship Missile Decoy System	15.3
Procurement, Marine Corps (page 83):	
Comm and Elec. Infrastructure Support	54.5
5/4T Truck HMMWV (MYP) (668)	40.0
Navy RDT	
Non-Traditional Warfare Initiatives	5.0
Hyperspectral Research	3.0
Heatshield Research	2.0
Free Electron Laser	10.0

Waveform Generator	3.0
Power Node Control Centers	3.0
Composite Helicopter Hangar	5.0
Virtual Testbed for Advanced Electrical Systems	5.0
BURRO	5.0
Advanced Lightweight Grenade Launcher	1.0
Vehicle Tech Demo	0.5
Ocean Modeling for Mine and Submarine Warfare	9.0
Low Observable Stack	5.0
Vector Thrust Ducted Propeller	4.0
Integrated Combat Weapons Systems for CM Ships	18.0
Advanced Water-Jet Technology	2.0
Enhanced Performance Motor Brush	2.3
Standard for the Exchange for Product Model Data	3.0
Trident SSGN Design	13.0
Common Command and Decision Systems	5.0
Advanced Amphibious Assault Vehicle	26.4
Non-lethal Weapons—Innovation Initiative	3.0
NAVCIITI	4.0
Parametric Airborne Dipping Sonar	15.0
H-1 Upgrades, 4BN/4BW Helicopter Upgrade Program	26.6
Multi-Purpose Processor	11.0
Non-Propulsion Electronic Systems	10.0
Smart Propulsor Product Model	2.0
NULKA Anti-Ship Missile Decoy System	4.4
Advanced Deployable System	22.0
Battle Force Tactical Training	7.5

Air Force Procurement

Aircraft Procurement, Air Force (page 100):	
EC-130J	30.0
E-8C	46.0
F-15	20.0
T-43	3.1
C-20 Mods	12.2
DARP	82.0
E-4	6.9
Missile Procurement, Air Force (page 107):	
MM III Modifications	40.0
Other Procurement, Air Force (page 110):	
Truck Tank Fuel R-11	18.0
Items less than $5 million	2.4

Air Force RDT

Materials—Resin Systems	3.0
Materials—Titanium Matrix	2.2
Materials—Friction Welding	2.0
Aerospace Propulsion—Science and Engineering	0.775
Solid State Electrolyte Oxygen Generator	2.0
Variable Displacement Vane Pump	4.0
Multi-spectral Battlespace Simulation	5.0
Hypersonic Technology Programs	16.6
Post-boost Control Systems	2.9
Missile Propulsion Technology	1.7
Tactical Missile Propulsion	3.0
Orbit Transfer Propulsion	3.0
Tropo-Weather	2.5
Space Survivability	0.6
HIS Spectral Sensing	0.8
HAARP	10.0
Lidar for Standoff/Detection for Chem Weapons	5.0
Electro-Magnetic Technology	9.3
Polymeric Foam Technology	3.0
Panoramic Night Vision Goggles	2.0
Advanced Spacecraft Technology—SMV	35.0
Advanced Spacecraft Technology—MSTRS	5.0
Standard Protocol Interpreter	2.0
Space-Board Laser	25.0
Space Control Technology—Program Increase	10.0
Joint Strike Fighter—Alternative Engine	15.0
ICBM Dem/Val RSLP	19.2
EW Development—PLAID	7.0
EW Development—DIRCM	7.0
SBIRS—High EMD	92.0
Correction of WCMD Testing Problems	3.9
Aircrew Laser Eye Protection	0.4
Inflatable Restraints	2.5
EELV Composite Payload Dispenser	4.5
Big Crow	5.0
Micro Satellite Technology	25.0
B-52 Radar Warning Upgrades	15.4
COMPASS CALL TRACS	8.0
JSTARS—Radar Technology Insertion Program	48.0
Advanced Program Evaluation	18.0
Theater Missile Defenses—TAWS	17.3
Airborne Recon. Systems—JSAF-LBSS	17.4
Manned Recon. Systems—SYERS Polarization	5.0
Distributed Common Ground Systems—Eagle Vision	21.0

Defense-Wide Procurement

Procurement, Defense-Wide (page 124):	
Information Systems Security	20.0
PATRIOT PAC-3	60.0
SOF Ordnance Replenishment	6.0
SOF Small Arms and Weapons	15.75
Chem/Bio Individual Protection	18.9
Chem/Bio Decontamination	1.5
Chem/Bio Contamination Avoidance	10.0
National Guard & Reserve Equipment (page 128):	
Chem Agents & Munitions Destruction—RDT	334.0
Chem Agents & Munitions Destruction—Procurement	241.5
Chem Agents & Munitions Destruction—O&M	595.5

Defense RDT

Applied Research—HFSWR	5.0
Applied Research—Wide Band Gap Technologies	14.0
Medical Free Electron Laser Research	4.0
Computer Security	1.0
Chem/Bio Defense Program—Safeguard	5.0
WMD Related technology—Deep Digger	5.0
Advanced Technology—Atmospheric Interceptor Tech.	30.0
Scorpius	5.0
Excalibur	5.0
Special Technical Support—Complex Systems Dev.	5.0
Product Data Engineering Tools	5.0
Joint Warfighting Program—Joint Experimentation	10.0
High Performance Computing—Visualization Research	3.0
Joint Robotics Program	3.0
CALS Intitiative—Integrated Data Environment	2.0
NTW—Acceleration	70.0
NTW—Radar Development	50.0
Liquid Target Development	5.0
BMD Technical Ops—Advanced Research Center	3.0
Chem/Bio—CBIRF	9.2
PATRIOT PAC-3—EMD	152.0
Foreign Material Acquisition and Exploitation	40.0
C3I—Information Assurance Test Bed	5.0
Joint Mapping Tool Kit	8.0
C3I—Strategic Technology Assessment	5.0
Maxwell AFB—Off. Transient Student Dormitory	10.6
Anniston AD—Ammo Demilitarization Facility	7.0
Redstone Aresenal—Unit Training Equip. Site	8.9
Dannelly Field—Med. Training & Dining Facility	6.0
Fort Wainright—Ammo Surveillance Facility	2.3
Fort Wainright—MOUT Collective Trng. Facility	17.0
Elmendorf AFB—Alter Roadway, Davis Highway	9.5
Pine Bluff Arsenal—Ammo. Demilitarization Facility	61.8
Pueblo AD—Ammo. Demilitarization Facility	11.8
West Hartford—ADAL Reserve Center	17.525
Orange ANGS—Air Control Squadron Complex	11.0
Dover AFB—Visitor's Quarters	12.0
Smyrna—Readiness Center	4.381
Pensacola—Readiness Center	4.628
Fort Stewart—Contingency Logistics Facility	19.0
NAS Atlanta—BEQ-A	5.43
Bellows AFS—Regional Training Institute	12.105
Gowen Field—Fuel Cell & Corrosion Control Hgr	2.3
Newport AD—Ammo. Demilitarization Facility	61.2
Fort Wayne—Med. Training & Dining Facility	7.2
Sioux City IAP—Vehicle Maintenance Facility	3.6
Fort Riley—Whole Barracks Renovation	27.0
McConnell AFB—Improve Family Housing Area Safety	1.363
Fort Campbell—Vehicle Maintenance Facility	17.0
Blue Grass AD—Ammo. Demilitarization Facility	11.8
Fort Polk.—Organization Maintenance Shop	4.309
Lafayette—Marine Corps Reserve Center	3.33
NAS Belle Chase—Ammunition Storage Igloo	1.35
Andrews AFB—Squadron Operations Facility	9.9
Aberdeen P.G—Ammo. Demilitarization Facility	66.6
Hanscom AFB—Acquisition Man. Fac. Renovation	16.0
Camp Grayling—Air Ground Range Support Facility	5.8
Camp Ripley—Combined Support Maintenance Shop	10.368
Columbus AFB—Add to T-1A Hangar	2.6
Keesler AFB—C-130J Simulator Facility	8.9
Miss. Army Ammo Pl.—Land/Water Ranges	3.3
Camp Shelby—Multi-purpose Range	14.9
Vicksburg—Readiness Center	5.914
Jackson Airport—C-17 Simulator Building	3.6

Rosencrans Mem APT—Upgrade Aircraft Parking Apron	9.0
Malmstrom AFB—Dormitory	11.6
Great Falls IAP—Base Supply Complex	1.4
Hawthorne Army Dep.—Container Repair Facility	1.7
Fort Monmouth—Barracks Improvement	11.8
Kirtland AFB—Composite Support Complex	9.7
Niagara Falls—Visiting Officer's Quarters	6.3
Fort Bragg—Upgrade Barracks D-Area	14.4
Grand Forks AFB—Parking Apron Extension	9.5
Wright Patterson—Convert to Physical Fitness Ctr.	4.6
Columbus AFB—Reserve Center Addition	3.541
Springfield—Complex	1.77
Tinker AFB—Repair and Upgrade Runway	11.0
Vance AFB—Upgrade Center Runway	12.6
Tulsa IAP—Composite Support Complex	10.8
Umatilla DA—Ammo. Demilitarization Facility	35.9
Salem—Armed Forces Reserve Center	15.255
NFPC Philadelphia—Cating Pits Modification	13.320
NAS Willow Grove—Ground Equipment Shop	0.6
Johnstown Cambria—Air Traffic Control Facility	6.2
Quonset—Maintenance Hangar and Shops	16.5
McEntire ANGB—Replace Control Tower	8.0
Ellsworth AFB—Education/library Center	10.2
Henderson—Organization Maintenance Shop	1.976
Dyess AFB—Child Development Center	5.5
Lackland AFB—F-16 Squadron Ops Flight Complex	9.7
Salt Lake City IAP—Upgrade Aircraft Main. Complex	9.7
Northfield—Multi-purpose Training Facility	8.652
Fort Pickett—Multi-purpose Training Range	13.5
Fairchild AFB—Flight Line Support Facility	9.1
Fairchild AFB—Composite Support complex	9.8
Eleanor—Maintenance Complex	18.521
Eleanor—Readiness Center	9.583
Forward Deployment—Facilities Upgrade	4.88
Forward Deployment—Facilities Upgrade	6.726
Forward Deployment—Facilities Upgrade	31.229
MCAS Yuma—Replace Family Housing (100 units)	17.0
MCB Hawaii—Replace Family Housing (84 units)	22.639
Holloman AFB—Replace Family Housing (76 units)	9.84

CHEMICAL DEMILITARIZATION

Mr. SMITH of Oregon. On behalf of the Senior Senator from Oregon and myself, I wish to engage in a colloquy with the Honorable Chairman and Ranking Member of the Senate Armed Services on the issue of Chemical Demilitarization,

Oregon is one of the eight states with chemical weapons stored and awaiting destruction required by the Chemical Weapons Convention.

Our local communities surrounding the Umatilla depot have serious concerns about the pending demilitarization program. These concerns include the safety of the local population and the impact on the local communities of undertaking a huge demilitarization effort to destroy 3700 tons of chemical agent.

This effort will require the influx of nearly one thousand workers to build and operate the destruction facility over a period of eight years. These workers will require the communities to provide facilities, infrastructure and services to accommodate them. These efforts will cost money, and we are concerned that the economic impact of this effort will be a huge drain on the local communities. We are concerned that, while there may be a considerable impact on the local communities, there has not been adequate attention given this issue by the Department of Defense.

Would the distinguished Chairman and Ranking Member of the Committee agree to work with us to look into this situation so we can better understand the problem, and in so doing, find a solution?

Finally, I mentioned my concerns to the Secretary of Defense. He expressed his willingness to work with us. I would ask that the Chairman and Ranking Member discuss this problem with the Secretary of Defense and consider including language in the Conference Report on the issue of impact. I understand from the Office of the Secretary that the Army will work with us to include some acceptable report language. We want to make it clear that any discussion of impact would be restricted to the chemical demilitarization program and account. Again, I thank the honorable Chairman and Ranking Member.

Mr. WARNER. Mr. President. I thank Senators SMITH and WYDEN for raising this issue and bringing it to our attention.

I understand that Senators SMITH and WYDEN have serious concerns about this situation, and that the local communities are worried about the impact that this process may have on them. I would be happy to work with the Senators in looking into this situation and helping to obtain information that will provide us with a fuller understanding of the issues relating to chemical demilitarization.

Mr. WYDEN. I want to thank you on behalf of the people of Oregon for your willingness to work with us on this very important issue. There are indeed serious concerns surrounding chemical demilitarization, but Oregonians are committed to working with the Army and the Chemical Demilitarization Program to meet the obligations under the Chemical Weapons Convention. The future and success of the Chemical Demilitarization program will depend on the communication we enter into, and the cooperative solutions that we produce. This is a very challenging program for both the Army and the good people of the depot states. We acknowledge and appreciate all the hard work that has been done thus far, and very much look forward to the completion of the chemical demilitarization project in Oregon.

Mr. BYRD. Mr. President, the United States is engaged in a dangerous air war against Yugoslavia. More than 30,000 members of the U.S. military have been deployed to the Balkans to prosecute this campaign. While we read the latest news from the front every morning in the comfort of our homes and offices, American men and women in uniform are living the harrowing details day in and day out.

It is fitting that the Senate, in the midst of this conflict, enact without delay the National Defense Authorization Bill. This bill— which includes a significant pay raise for the military as well as a healthy increase in funding intended to improve military readiness—sends a strong signal of support to the men and women of the United States military, and to their families.

I commend Senator WARNER, the new and capable Chairman of the Senate Armed Services Committee, and Senator LEVIN, the able ranking minority member, for their leadership in producing an excellent bill. This legislation bears testament to the skills and willingness of both of these distinguished Senators to craft meaningful policy decisions in the context of bipartisan consensus.

Earlier this week, the Senate Appropriations Committee, of which I am the ranking member, approved a Defense Appropriations Bill for Fiscal Year 2000 that goes hand-in-glove with this measure. Last week, Congress sent to the President an emergency supplemental appropriations bill to fund the Kosovo operation. Together, these bills take great strides toward giving our military forces the tools that they need and the support that they deserve to protect the national security of the United States and to execute the military's many critical missions both at home and overseas.

While the air war over Yugoslavia is on the front pages of the newspapers every day, we must never forget that behind the headlines, scores of other U.S. forces are engaged in difficult, and often dangerous, missions around the globe. From the peacekeeping patrols in Bosnia to the dangerous skies over Iraq to the tense border between North and South Korea, U.S. military personnel face the potential peril of combat every day. Resources have been stretched thin while operating tempos are constantly being accelerated. These are difficult times for the military, and I salute the dedication of the men and women who serve their nation so diligently. These are the individuals who stake their very lives on the policies and programs that we debate here in the Senate. These are the individuals to whom we must dedicate our best legislative efforts.

Mr. President, this bill delivers the goods. It includes a 4.8 percent pay raise for the military, and it restores full retirement benefits to service members. It adds more than $1.2 billion to the nuts-and-bolts readiness accounts—base operations, infrastructure repairs, training, and ammunition—that are so vitally needed to improve the long term readiness of the armed forces. It funds the purchase of essential equipment and weapons systems. And, through the efforts of the newly established and forward looking Emerging Threats and Capabilities Subcommittee, on which I am pleased to serve, it invests in programs to combat the ever increasing threat to the United States of terrorist attack, information warfare, and chemical and biological weapons.

Mr. President, we cannot put a price on the sacrifices and contributions of our military, but we can make sure that the best fighting forces in the world have the necessary tools of their trade. That is the purpose of this bill. We are sending a message to the troops that we have heard their concerns and we have responded to them. I urge the Senate to move quickly to pass this legislation.

I yield the floor.

BRAC

Mr. HATCH. Mr. President, when Congress enacted the BRAC legislation, it left little doubt that the local community was intended to be the prime beneficiary of surplused facilities. Agencies were designed and created to determine the best use of the facilities deemed surplus by BRAC. In many cases, it has been determined that local school districts are the best recipient for use of these facilities.

Unfortunately, local school districts and other public education entities today face a barrier in acquiring the surplused facility.

This barrier is a highly punitive fee established by the Department of Education that can actually discourage local education entities from acquiring surplus defense facilities.

ED has determined that certain noninstructional uses of these facilities, such as the vaguely defined "research" disqualify the district for a 100 percent exemption from the costs of acquiring the surplus facility. Similarly, ED has determined that certain other uses of these facilities, such as storage, even if directly related to instruction, warrants payment of a fee.

For example, if a school district wants to use 70% of a facility for instructional purposes and 30% for storage of teaching related supplies, this district could be charged upwards of $300,000.

Additionally, Mr. President, I find it somewhat ironic that, when the President's own education agenda calls for another federal program and more federal funding to provide school construction funds, the Clinton administration's Department of Education has concocted this schedule of fees to charge local school districts who wish to use surplus military property.

I know that in my state of Utah, we have a great need for additional facilities. For example, of Utah's 461,000 students, 22,255 of them—or nearly 5% take classes in portable classrooms. That is unacceptable and the arbitrary requirements that the Department of Education has set for districts to acquire disposed defense facilities are onerous and should be corrected.

I believe every public education entity ought to be eligible for a 100% exception from the payment of costs to acquire the facility when the surplus defense facility is used for instruction or other educational purposes.

I understand that the distinguished Chairman of the Armed Services Committee does not have jurisdiction over the Education Department. He does, however, have jurisdiction over the underlying statute that the Department of Education has a role in carrying out.

Mr. WARNER. I agree with my good friend from Utah that BRAC procedures should produce reasonable opportunities for communities to turn facilities into productive use. I believe the Defense Base Closure and Realignment Act of 1990 provision does that, by allowing a cost-free transfer for economic development. I don't believe anything in the provision's language poses an obstacle to what the Senator from Utah wishes to accomplish.

Mr. HATCH. The problem with the language is that it's too vague. For the past two days, I have asked OSD, the Army General Counsel, and the real Property Administrator at the Department of Education to tell me how a local school district could benefit from the President's proposal that is in this provision of the bill. They could not explain it to me. I ask unanimous consent to have printed in the RECORD a copy of my letter to the Army General Counsel.

There being no objection, the letter was ordered to be printed in the Record, as follows:

UNITED STATES SENATE,
Washington, DC, May 26, 1999.

MR. EARL STOCKDALE,
Office of General Counsel, Department of the Army, Washington, DC.

DEAR MR. STOCKDALE: Your assistance is requested in clarifying the intent of the President's recent request to amend the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, 10 U.S.C. 2687 note) as it relates to a filing made by the Ogden-Weber School District ["District"] for a warehouse facility on the former Defense Depot Ogden ["DDO"], a Utah military installation closed under a prior BRAC action.

In amending sec. 2905(b)(4), the President would "authorize the Secretary of Defense to transfer property to the local redevelopment authority, without consideration, provided that LRAs reuse plan provides for the property to be used for job creation and the LRA uses the economic benefits from the property to reinvest in the economic redevelopment of the installation and the surrounding community." The change does not appear to remove the LRA's decisional authority from compliance with other statutes or regulations by which DOD overseas and approves the actions of the LRA.

My interest in this matter extends to the Ogden-Weber School District which was granted eligibility by the Ogden LRA to acquire a DDO warehouse. The District applied for a public benefit allowance ["PBA"] to the Department of Education ["ED"] under the Federal Property and Administrative Services Act (40 U.S.C. 484(k)(1)(A)); in applying 34 CFR 12.15, ED allotted a 70 percent PBA, asserting that the balance of the intended use did not serve an educational purpose. I believe that ED misapplied the rule in failing to realize that the balance of the facility, in fact, intended an education-related use by storing materials directly related to education.

The principal use of the facility was clearly educational in nature but involved a complex vocational program to train automated material handling equipment operators. This function required shelving, bins, conveyors, and warehouse vehicles that consumed great amounts of space.

My question, therefore, is twofold. First, can the District make a "split" request for an educational PBA, with a second PBA sought under the economic development category for the balance of the space that did not qualify for the education PBA? Second, whether the split filing procedure is allowable or not, will the application for the PBA under the economic development category, for whole or for part of the facility, remain subject to the Federal Property and Administrative Services Act, in that the appropriate Federal agency with jurisdiction rather than the Secretary of Defense will determine the PBA? Or does the LRA make that determination with final approval authority resting with the Secretary of the Army?

Your reply is requested at the earliest possible time so that I may advise the District accordingly.

I send my high regards.

Sincerely,

ORRIN G. HATCH.

Mr. HATCH. What I'm saying, and I know the Senator from Virginia agrees, is that public education is no less important than economic development. And, when it comes to pushing the desperately underfunded school district to a position where it must purchase its facility, while some undefined economic development function gets a free conveyance, I can only conclude that the President has his priorities badly reversed, despite his rhetoric on the importance of education.

At a time when we all seem to agree that we should do everything we can to help our state and local education agencies, we ought to be eliminating the requirement that local school districts jump through hoops just to be able to use surplus property—surplus because the community has already been hit by an economically devastating base closing.

Mr. WARNER. Mr. President, I ask for the third reading of this historic bill.

The PRESIDING OFFICER. The clerk will conduct a third reading.

The bill (S. 1059) was read the third time.

Mr. WARNER. Mr. President, I urge my colleagues to support this historic piece of legislation. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Indiana (Mr. LUGAR) are necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "aye."

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—92

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—3

Feingold
Kohl
Wellstone

NOT VOTING—5

Hollings
Lautenberg
Lugar
Mack
Moynihan

The bill (S. 1059) as amended, was passed.

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. 1060 through S. 1062—that is Calendar Order Nos. 115, 116, and 117—that all after the enacting clause be stricken and the appropriate portion of S. 1059, as amended, be inserted in lieu thereof, according to the schedule which I send to the desk; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The bill (S. 1060) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2000

The bill (S. 1061) to authorize appropriations for fiscal year 2000 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2000

The bill (S. 1062) to authorize appropriations for fiscal year 2000 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. ROBERTS. Mr. President, I ask unanimous consent, with respect to S. 1059, S. 1060, S. 1061, and S. 1062 just passed by the Senate, that if the Senate receives a message with respect to any one of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees; and that the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING RETIREMENT OF UTILITY EXECUTIVE

Mr. LOTT. Mr. President, on July 1, 1999, Donald E. Meiners will retire from Entergy Mississippi after 39 years of service. Don started as a salesman in Jackson and culminated as the president and chief executive officer.

Mr. Meiners rose rapidly in the company and quickly became one of its officers. He has worked in marketing, operations and customer services, and within various subsidiaries of the company requiring frequent moves. Entergy recognized his leadership capabilities early, and he excelled at each challenge.

He has also been very involved in the civic aspects of his community. He has taken on different roles from steering various United Way Campaigns to chairing the Chambers of Commerce for Jackson and Vicksburg, to leading MetroJackson's Housing Partnership and the Newcomen Society of Mississippi. Don has also supported the Executive Women's International Night, Mississippi Museum of Art, International Ballet Competition, Jackson Symphony Orchestra, and the Boys and Girls Club of America. His efforts have ensured that all Mississippians can be exposed to the full richness of the Magnolia State's culture.

Mr. Meiners has made a personal commitment to education by serving on the boards of the Mississippi State University Foundation, Tougaloo College, Jackson State, and the Mississippi University for Women. Through these post-secondary institutions, he wanted to foster an atmosphere that inspired all Mississippians to reach up and participate in our national prosperity by having essential educational skills. He has also served or is currently serving on the boards of the Trustmark National Bank, Institute for Technology Development and Mississippi Manufacturers Association. Here, his focus has been to promote the right type of job producing capacity in my home state.

As a result of his contributions to Mississippi, Mr. Meiners has been recognized as the Governor's Volunteer of the Year, Mississippi's Economic Development Outstanding Volunteer of the Year, Goodwill's Outstanding Volunteer, and he received the Hope Award from Mississippi's Multiple Sclerosis Chapter. It is clear that he has given his time and energy to all facets of Mississippi.

Mr. Meiners is a family man caring for four generations of his relatives. He is devoted to Patricia Stone, his high school sweetheart and wife for 42 years. He also cares for his 90-year-old father. His sons, Christopher and Charles, have truly made him proud, and his two granddaughters, Hannah and Mallory light up his life. He is also an active member of Christ United Methodist Church.

I must not forget to mention that Don is a Mississippi State University Bulldog with a degree in electrical engineering. This Rebel found a way to look past this personal educational flaw. No, seriously, I am proud to call Don, a Hazlehurst native, my friend. I respect his professionalism and dedication to Mississippi. He is a true southern gentleman, and he will be missed. I wish Don and Pat the best as they pursue a well-earned retirement.

HONORING SOUTH DAKOTA'S SMALL BUSINESSMAN OF THE YEAR

Mr. DASCHLE. Mr. President, the values and spirit that helped early settlers thrive and prosper in the harsh conditions of life on the prairie are alive and well today in South Dakota.

Yesterday, I had the opportunity to meet someone who embodies many of the values and ideals that the great state of South Dakota was built upon. Phillip Clark, owner and President of Hansen Manufacturing Corporation of Sioux Falls, is one of 53 persons honored this week by the Small Business Administration as part of its celebration of National Small Business Week. For over two decades, Phil has guided his company through a variety of complex challenges and built a thriving business. In the process, he has made an important contribution to our state, and to the city of Sioux Falls.

As a manufacturer of conveyer belt assemblies, Phil invented an enclosed belt conveyor system. Anyone who has worked in or around a grain elevator knows the importance of minimizing dust; it is one of the most important safety steps that can be taken to prevent fires and explosions. This enclosed belt system has helped a number of grain facilities improve the safety of their operations, and dramatically changed the way that grain and other bulk materials are moved.

Phil was able to develop this system because he listened to what his customers wanted, and he acted to fill that need. it is a basic lesson that every successful business owner must know: listen to your customer.

While Phil has maintained a clear focus on his company's future, he has also taken the steps necessary to position his company to deal with current business conditions. As a manufacturer of conveyor belt systems, Hansen Manufacturing derives much of its business from grain elevators, feed manufacturers, and other companies that process agricultural goods and other bulk materials. Because of the continued crisis in our agricultural markets, many of these companies have faced extremely difficult business conditions over the past few years, resulting in equally difficult times for their suppliers. Furthermore, domestic weakness has been compounded by weakness in foreign markets, which have become increasingly important for Hansen Manufacturing.

While short-term business conditions have been challenging, Phil has been able to successfully grow his business while making critical investments in new product lines. His successful stewardship of Hansen Manufacturing serves as an example to all small business people in South Dakota. I commend the Small Business Administration for recognizing his outstanding work.

In South Dakota, almost all businesses are small businesses, and that's true nationwide. But in South Dakota small businesses are big business. I thank the Small Business Administration for its work with business owners such as Phil Clark, and I congratulate Phil for his hard work and his outstanding contributions to his community and state.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 26, 1999, the federal debt stood at $5,602,150,880,889.93 (Five trillion, six hundred two billion, one hundred fifty million, eight hundred eighty thousand, eight hundred eighty-nine dollars and ninety-three cents).

One year ago, May 26, 1998, the federal debt stood at $5,506,917,000,000 (Five trillion, five hundred six billion, nine hundred seventeen million).

Five years ago, May 26, 1994, the federal debt stood at $4,596,085,000,000 (Four trillion, five hundred ninety-six billion, eighty-five million).

Ten years ago, May 26, 1989, the federal debt stood at $2,779,342,000,000 (Two trillion, seven hundred seventy-nine billion, three hundred forty-two million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,822,808,880,889.93 (Two trillion, eight hundred twenty-two billion, eight hundred eight million, eight hundred eighty thousand, eight hundred eighty-nine dollars and ninety-three cents) during the past 10 years.

ESSAY ON PARENTS AND TEENS

Mr. STEVENS. Mr. President, a young Alaskan, a freshman in Colony High School in the Matanuska Valley town of Wasilla, wrote an opinion piece in the Anchorage Daily news this week which shows thoughtfulness and wisdom well beyond his 15 years.

Travis Johnson sat down at his computer the day after the tragedy at Columbine High School, and wrote from the heart his feelings and his ideas on how to prevent further tragedies like Columbine.

He showed the essay to his parents who were moved and impressed with their youngster's effort. His mother, a physician, and his dad, an insurance executive, grew up in Anchorage. While they are not hunters themselves, they have friends and family who are gun owners and who hunt.

After Travis shared his essay with his English teacher, his dad suggested that he send it to the Anchorage Daily News.

Travis refutes the ideas that guns and violence on television and in films are responsible for incidents like Columbine.

Travis believes that parents must be more and more involved with their children. He asks the parents who read his opinion piece to "talk to your kids, even though you may not want to, and your kids may act like they don't want to talk to you." And he tells teens to talk to their parents.

Mr. President, Travis Johnson's observations and ideas are important insights into how to avoid further incidents like those in Colorado and Georgia, from a teen who understands how teens feel.

I ask unanimous consent that his column from the May 25 Anchorage Daily News, titled "Parents Are the Only Answer to Teens' Problems" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:]

[From the Anchorage Daily News, May 25, 1999]

PARENTS ARE THE ONLY ANSWER TO TEENS' PROBLEMS

(By Travis Johnson)

I'm sure all of those who are reading this paper have heard of the recent Columbine High School shooting incident in which two students walked into the school and started a massacre that left 15 people dead. My heart goes out to those families and their loss. Upon hearing about this incident, I found myself very disturbed. How could two seemingly "normal" high school students (I use the term lightly because there is really no such thing as a normal high school student) be capable of doing something like this? I listened to television reports about what might be responsible for this incident. The two that seemed to be most stressed were harassment from peers and guns. It seemed as though the combination of those two automatically justified a killing spree.

First, let's think about the issue of harassment from peers. Every day I go to school, and I am judged. So is everybody else around me. I know that I've withstood my fair share of insults, and they still keep coming. And I know many people around me have it worse than I do, especially my school's own group of trench coat wearers, commonly referred to as "Goths." I'm willing to admit there are firearms in my household; I'm even proud of it. I'm not especially popular, and I could easily find out how to make bombs on the Internet. I'm sure many of the "Goths" at my school have access to the same materials. Given this information, I think that it's time I or someone else at my school went on a homicidal rampage, don't you think? I don't think so! Just because people are harassed doesn't justify a killing.

In the real world, people are harassed all the time. I think it's just life. There are mean people out there. Live with it. The killers at Columbine High School were lacking something in their personalities to do something like this. That is self-control, self-esteem and an understanding of the value of life. I think this has less to do with harassment and more with the killers themselves. If the killers had better values, this never would have happened.

Maybe firearms are to blame? I'm sure many people noticed that immediately after this incident, a series of gun-control laws were proposed, including a proposal to raise the age limit to own a handgun from 18 to 21. Do people really think that if the handgun age limit was higher, this incident would have never happened?

I hate to say it, but welcome to politics. In the world today, what people want to see is action. It has to be quick, it has to be cheap and it has to keep them from being responsible. Politicians realize this, so immediately they come up with a "solution" that fits these criteria. It doesn't have to work; the people just have to think it does. So what happens? Well, they scream, "Guns are the problem!" and we all lose more rights.

The truth is, if somebody wants to kill someone with a firearm laws banning guns aren't going to stop them. A lot of guns used in robberies and murders are stolen. Well, if we got rid of the runs in the world, then we would have a solution, right! Nope, people would use other homemade weapons, bombs, knives, etc.

A gun is a tool, not a weapon. It is a tool for hunting, recreation and protection. It can be a historical piece, it can be a keepsake, it can represent something. Guns are not to blame for the Columbine High School incident.

By now you might be asking yourself what is to blame. Unfortunately, it's a problem not many people want to face. It starts at the home. It starts with a lack of discipline, a lack of love, and a lack of values. I'm sure that if the parents of the boys involved in this shooting incident has been more involved with their kids, this incident would have never occurred.

The parents are not completely to blame. Today's violent televised society illustrates this violence as a normal everyday thing. This makes it difficult to draw the line between right and wrong. These things, added together, resulted in the final problem: The boys responsible for this shooting. In the end, it is they who are responsible.

So, what can be done to prevent another tragedy like this one? To all the parents who are reading this talk to your kid! Even though you may not want to and your kids may act like they don't want to talk to you, just their knowing you're willing to talk often helps. Spend time with them, draw them to activities that keep them busy and feeling wanted such as sports, church, even target shooting! If parents teach their kids how to use and respect a firearm, they'll be less likely to abuse it than if their parents avoid telling them about guns.

To all of the kids and teens reading this: talk to your parents. They can be a valuable source of information and can help you when you feel there is no one else to turn.

Other things you can do include complimenting people instead of insulting them, always remembering that you are important, having good friends, and reporting to authorities if anyone you know makes dangerous threats against you or anyone else. By doing this we might be able to prevent another incident like the one that occurred at Columbine High School. I hope that everyone reading this will pray for the families affected by the shooting and take my advice to heart.

RECOGNITION OF SERVICE TO THE SENATE

Mr. DOMENICI. Mr. President, it is with some sadness but also with some pride, that I stand before the Senate today to recognize Austin Smythe—a longstanding and highly respected member of the Senate Budget Committee staff. After nearly 15½ years of service to the Senate and the Congress, Austin will begin employment in the private sector at the end of this week.

Those who know Austin in this Chamber, know he is a Senator's dream staffer. Austin is dedicated, loyal, intelligent, and above all else possessing integrity beyond reproach. He came to the Senate Budget Committee in December 1983, as the committee's energy budget expert. Over the years, he gradually took on more responsibilities to where today, as he leaves the Senate, he is my staff director's right-hand man on issues related to the budget act, process reform issues, and the often arcane world of budget score keeping.

He has been instrumental in the passage of many a budget resolution and reconciliation bills over these last many years. He has also taken the lead on helping to reform the process by his work on the Federal Credit Reform Act of 1990, the Unfunded Mandates Control Act of 1995, and the Line Item Veto Act of 1996—that unfortunately was ruled unconstitutional. He has been my key budget committee staffer on my quest to get Congress to change its appropriation and budget process into a biennial system—that work, I promise you Austin, will continue.

Along the way, Austin was able to find the time to get married and start a family. It is his wife, Katie, and his two young girls that have borne the real burden of Austin's dedicated service to the Senate and his country.

The American public is unaware of the role staff play in helping us elected officials "to do the right thing." Sometimes even with good staff, we get it wrong, and of course, when it doesn't come out right we blame our staff. But if the legislation advances public policy in an affirmative way, we will take the credit for success. In truth, of course, it is to staff like Austin Smythe, who work under very difficult circumstances, long hours, and sleepless nights, that we—and indeed the country—all owe a tremendous debt of gratitude. For without Austin's dedication, and staff like him, the things we have gotten right would never have happened.

I wish Austin and his family the best. And on behalf of all the Budget Committee members, the committee staff, and indeed the entire Senate, thank you Austin for a job well done. We all will miss you.

KIDNAPPING OF SENATOR CORDOBA IN COLOMBIA

Mr. KENNEDY. Mr. President, I rise today to express my deep concern over the kidnapping of Colombian Senator Piedad Córdoba de Castro. Senator Córdoba was abducted on May 21 by paramilitary forces under the command of Carlos Castaño. I urge the Government of Colombia to take all appropriate measures to obtain her safe release and to bring those responsible for this kidnapping to justice.

Senator Córdoba, as President of the Colombian Senate's Human Rights Commission, is a strong voice in Colombia for the promotion of human rights. She has also been a leader in efforts to bring peace to Colombia after fifty years of political violence. Senator Córdoba's role as a leading advocate of human rights and peace makes this crime particularly shocking.

UN Secretary-General Kofi Annan has also condemned the kidnapping of Senator Córdoba and has urged the Colombian authorities to do everything possible to obtain her release. Secretary-General Annan called Senator Córdoba "a firm supporter of peace" who had "performed invaluable work towards the achievement of fundamental rights and freedom".

It is extremely disturbing to see that paramilitary forces and guerrilla groups involved in Colombia's internal conflict continue to resort to kidnapping as a means of political pressure. This violent action against a prominent human rights advocate emphasizes the importance of the efforts of President Pastrana to eliminate all links between the Colombian Government and the paramilitaries.

I urge the Government of Colombia to take all necessary and appropriate measures to break these links, obtain Senator Córdoba's release, and bring to justice those responsible for her kidnapping.

COSPONSORSHIP OF THE MOTOR VEHICLE RENTAL FAIRNESS ACT

Mr. McCAIN. Mr. President, yesterday, I introduced two bills, S. 1130, the Motor Vehicle Rental Fairness Act and S. 1125, the Telecommunications Merger Review Act of 1999. Later in the day, I asked that Senator CONNIE MACK be added as an original cosponsor to the Motor Vehicle Rental Fairness Act. Despite the fact that my request specifically stated "the Motor Vehicle Rental Fairness Act", the Bill Clerk's office inadvertently added Senator MACK as a cosponsor to the Telecommunications Merger Review Act. It is my understanding that this error has been corrected. I want the record to reflect that Senator MACK was an original Cosponsor of the Motor Vehicle Rental Fairness Act.

"SHALL ISSUE" LAWS

Mr. LEVIN. Mr. President, I rise today to discuss concealed weapons laws. Currently, in Michigan, if a person wants to obtain a permit for a concealed weapon, he or she must apply at the local county gun board. Each one of these gun boards is made up of three members: the local sheriff, county prosecutor and a designee of the state police. The gun boards base their decisions on a person's demonstrated need for a gun, and that person's criminal record, if any, and on local conditions.

Local decisionmaking makes sense. Local law enforcement officials know the local environment, local citizens, and can best assess the local impact of increasing the numbers of weapons carried in public. Last night, the Michigan State Senate passed a bill that, if signed into law, would take discretion away from local gun boards and put more weapons on our streets and in public places. In my view, eliminating the authority of local gun boards would be detrimental to public safety in Michigan and take us in the opposite direction than we are heading in Congress. More important than my opinions are the views of the law enforcement community in Michigan. Every major law enforcement agency in the state of Michigan including the State Police, Michigan Association of Chiefs of Police, Michigan Prosecuting Attorneys Association, Michigan Municipal League as well as many other organizations such as the Michigan Municipal League have made statements opposing this bill.

One of the bills that is now before a conference committee of the Michigan Legislature is referred to as a "shall issue" bill. The NRA has been lobbying Michigan legislators to support a "shall issue" policy. The legislation is called "shall issue" because it mandates that if a person passes an FBI Federal background check, the gun board "shall issue" him a permit to carry a concealed weapon, without requiring a show of need or the condition of other local circumstances.

This legislation goes in the wrong direction. It would increase the danger of gun violence in our communities. I have seen no evidence, that people who have a legitimate need to carry a gun for protection are being denied the ability to do so. The numbers demonstrate that the overwhelming majority of requests for concealed weapons permits are approved. It's important for public safety that local gun boards continue to make such judgments.

Here in Congress, we are working hard to reduce the easy availability of lethal weapons to people who should not have them. I do not want to see my State go in the other direction by passing a law that encourages the spread of concealed weapons in public places.

Michigan has not been the only state targeted for these NRA-backed concealed weapons bills. Yet, despite the best efforts of the NRA, the "shall issue" policy has been rejected by a bipartisan group of legislators in more than 10 States. That's because of the power of people in those States who united to demand action. Voters in the State of Missouri recently defeated a "shall issue" proposal much like the one in the Michigan Legislature. Missourians voted to keep in place prudent regulations for carrying concealed weapons—regulations that were first enacted in reaction to the days of Jesse James and the outlaw gangs.

I believe the majority of Michigan's citizens feel the same way.

MEMORIAL DAY COMMEMORATION REMARKS

Mr. SPECTER. Mr. President, in anticipation of Memorial Day this coming Monday, I wish to honor the memories of the 1.1 million Americans who gave their lives in defense of America and American ideals. Americans have fought and died in various wars spanning over two centuries. Her fallen soldiers have left indelible marks on the annals of history in conflicts notable for the good attained over the evil vanquished: independence over monarchial tyranny; freedom over slavery; and democracy over fascism and communism. Indeed, in this century alone, American servicemembers can be hailed for turning the tide of history's two world wars. As we head towards the dawn of a new millennium, I ask my colleagues to join with me to give homage to America's patriots, in deed as well as word.

I believe the best way to commemorate the spirit of those who gave their lives is to honor, respect, and care for the 26 million American veterans living today. As Chairman of the Committee on Veterans' Affairs, I have striven to accomplish this goal through a number of legislative measures and processes. After a successful battle over the budget resolution, I and 52 of my Senate colleagues signed on to a letter urging the Appropriation's Committee to match the budget resolution's recommendation of an additional $1.66 billion for veterans' health care. This funding is vital to ensure that our nation's veterans get the highest quality of health care available. I have also pushed for enactment of legislation which would increase veterans' education benefits; allow for a Medicare Subvention demonstration project; require additional national cemeteries to be built in areas with high veteran populations; and ensure that construction of the World War II Memorial begins next year.

The Athenian leader Pericles had these words to say about those who lost their lives in the Peloponnesian War over 24 centuries ago: "Not only are they commemorated by columns and inscriptions, but there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men." This Memorial Day, I challenge my colleagues to make a commitment to engrave the memory of 1.1 million Americans not only in our hearts, but in the legislation we enact for veterans and servicemembers during the remainder of the 106th Congress.

ELECTION OF EHUD BARAK AS PRIME MINISTER OF ISRAEL

Mr. DODD. Mr. President, I rise to congratulate Ehud Barak, on his victory in the recent Prime Ministerial election in Israel. Mr. Barak is a man of courage and a proven leader. He is eminently capable of leading our closest ally in the Middle East at this important juncture in its history. His resounding victory reaffirmed the Israeli people's strong desire for peace.

Not only was the election a victory for Mr. Barak, it was also a victory for Israeli democracy. Nearly four out of five Israeli citizens over the age of 18 cast ballots on May 17, 1999. That figure is even more astounding when you consider that Israelis—even those living oversees—are not permitted to cast absentee ballots. More than ten thousand Israelis purchased airline tickets and traveled great distances in order to exercise their right to vote. This dedication to the most basic pillar of democracy is enviable, for if people fail to exercise their right to vote they quickly lose their voice.

This election also marked an important milestone. For the first time in Israel's history, an Arab campaigned for Prime Minister. Although Azmi Bishara withdrew from the race shortly before the election in order to boost the chances of Mr. Barak, he should be commended for his courage in running. While members of Israel's Arab minority have long been represented in the Knesset—Israel's parliament—Mr. Bishara's campaign demonstrated that

Arabs are welcome in all segments of Israel's political life.

Mr. Barak is both a true son of Israel and a worthy leader of the only democracy in the Middle East. Born on a Kibbutz six years before Israel's independence, he has served his country well as its most decorated soldier, Chief of Staff of the Israeli Defense Forces, Member of the Knesset, Minister of the Interior and Foreign Minister.

After the polls closed on May 17th, when it was clear that he had been elected, Mr. Barak traveled to Rabin Square in the center of Tel Aviv. Standing just feet from the spot where an assassin's bullet struck Prime Minister Yitzhak Rabin three and a half years ago, the Prime Minister-elect renewed his commitment to the Peace Process Prime Minister Rabin courageously began. It was a fitting tribute to Israel's fallen leader.

Making peace is not an easy endeavor. Indeed, it is often more difficult to make peace than to wage war. As Prime Minister Rabin often said, one does not make peace with one's friends, one makes peace with one's enemies. Barak, like Rabin, has proven himself a great general on the battlefield. Now he must prove himself worthy of the even more exalted title of peacemaker. I am confident that Ehud Barak will indeed earn that title, making Israel's second fifty-years devoid of the wars which characterized its first fifty years.

Mr. President, the United States is one of Israel's closest allies. Under the stewardship of Mr. Barak, I am confident that relationship will only grow stronger. I look forward to a close collaboration between our two nations on issues ranging from security to trade. Most importantly, however, is the struggle to bring peace to a region which has seen far too many wars.

MEMORIAL DAY OBSERVANCE

Mr. DORGAN. Mr. President, I received a very touching letter from a Vietnam Veteran from my state, who was recently awarded the Silver Star for his bravery during the Vietnam Conflict.

Helping Al Myers get that Silver Star and the recognition he deserved for so long was a very rewarding experience. Al sent me this letter. It is a fictional remembrance of a soldier who's name is on the Vietnam Memorial.

The letter defines the importance of paying tribute to our nation's honored soldiers who have fought for, won, and kept our freedom, whether that tribute comes in the form of our nation building a great "Black Granite Wall," or simply a family member putting flowers on a beloved white tombstone at a veteran's cemetery. It exemplifies the strength, dedication, and sacrifice our nation's military men and women, and their families, make. We are forever indebted to them, and it fills me with great pride and humility to honor those who have made the ultimate sacrifice to preserve our way of life as Americans.

I thought it was very important to read it in honor of the Memorial Day Observance on Monday. It touched my heart and I wanted to share it here on the Floor today. It is called "The Wall from the Other Side."

THE WALL FROM THE OTHER SIDE

(Pat Camunes)

At first there was no place for us to go until someone put up that "Black Granite Wall." Now, every day and night, my Brothers and Sisters wait to see the many people from places afar file in front of this "Wall." Many people stopping briefly and many for hours and some that come on a regular basis. It was hard at first, not that it's gotten any easier, but it seems that many of the attitudes towards that Vietnam War we were involved in have changed. I can only pray that the ones on the other side have learned something, and more "Walls" as this one, needn't be built.

Several members of my unit, and many that I did not recognize, have called me to The Wall by touching my name engraved upon it. The tears aren't necessary, but are hard even for me to hold back. Don't feel guilty for not being with me, my Brothers. This was my destiny as it is yours to be on that side of The Wall. Touch The Wall, my Brothers, so that I can share in the memories that we had. I have learned to put the bad memories aside and remember only the pleasant times that we had together. Tell our other Brothers out there to come and visit me, not to say Good-bye but to say Hello and be together again . . . even for a short time . . . and to ease that pain of loss that we all still share.

Today, an irresistible and loving call summons me to The Wall. As I approach, I can see an elderly lady . . . and as I get closer, I recognize her—It's Momma! As much as I have looked forward to this day, I have also dreaded it, because I didn't know what reaction I would have.

Next to her, I suddenly see my wife and immediately think how hard it must have been for her to come to this place, and my mind floods with the pleasant memories of 30 years past. There's a young man in a military uniform standing with his arm around her—My God!—he has to be my son! Look at him trying to be the man without a tear in his eye. I yearn to tell him how proud I am, seeing him stand tall, straight and proud in his uniform.

Momma comes closer and touches The Wall, and I feel the soft and gentle touch I had not felt in so many years. Dad has crossed to this side of The Wall, and through our touch, I try to convince her that Dad is doing fine and is no longer suffering or feeling pain. I see my wife's courage building as she sees Momma touch The Wall and she approaches and lays her hand on my waiting hand. All the emotions, feelings and memories of three decades past flash between our touch and I tell her that . . . it's all right . . . carry on with your life and don't worry about me . . . I can see as I look into her eyes that she hears and a big burden has been lifted from her on wings of understanding.

I watch as they lay flowers and other memories of my past. My lucky charm that was taken from me and sent to her by my CO . . . a tattered and worn teddy bear that I can barely remember having as I grew up as a child . . . and several medals that I had earned and were presented to my wife. One is the Combat Infantry badge that I am very proud of, and I notice that my son is also wearing this medal. I had earned mine in the jungles of Vietnam and he had probably earned his in the deserts of Iraq.

I can tell that they are preparing to leave, and I try to take a mental picture of them together, because I don't know when I will see them again. I wouldn't blame them if they were not to return, and can only thank them that I was not forgotten. My wife and Momma near The Wall for one final touch, and so many years of indecision, fear and sorrow are let go. As they turn to leave, I feel my tears that had not flowed for so many years, form as if dew drops on the other side of The Wall.

They slowly move away with only a glance over their shoulders. My son suddenly stops and slowly returns. He stands straight and proud in front of me and snaps a salute. Something draws him near The Wall and he puts his hand upon the etched stone and touches my tears that had formed as dew drops on the face of The Wall . . . and I can tell that he senses my presence and the pride and love that I have for him. He falls to his knees and the tears flow from his eyes and I try my best to reassure him that it's all right, and the tears do not make him any less of a man. As he moves back wiping the tears from his eyes, he silently mouths, "God Bless you, Dad . . ."

God Bless You, Son . . . we Will meet someday, but in the meanwhile go on your way . . . there is no hurry at all.

As I see them walk off in the distance, I yell loud to Them and Everyone there today, as loud as I can: Thank You For Remembering. . . . Thank You All For Remembering . . . and as others on this side of The Wall join in, I notice the U.S. Flag, Old Glory, that so proudly flies in front of us everyday, is flapping and standing proudly straight out in the wind from our gathering numbers this day . . . and I shout again, and . . . again . . . and again . . .

Thanks for Remembering!
Thanks for Remembering!
Thanks for Remembering!

THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES

Mr. ABRAHAM. Mr. President, with Memorial Day soon upon us, I wanted to share with my colleagues some of the testimony from yesterday's Senate Immigration Subcommittee hearing on "The Contribution of Immigrants to America's Armed Forces." It featured some dramatic testimony from both immigrants and native-born individuals.

Let me begin by quoting the testimony of Elmer Compton, a native of Indiana who served in Vietnam.

When I look at my wife, son and daughter, I cannot keep from thinking of one particular immigrant by the name of Al Rascon and the contribution he made to me and my family on March 16, 1966. The heroic and gallant actions of Al Rascon on that day, I believe saved my life, as well as other members of my team.

On March 16, 1966, Al Rascon was with the Recon Platoon on a search and destroy mission known as Operation Silver City. My

> team had engaged a well-armed enemy force. The enemy force had fire superiority that immediately pinned down the entire point squad with heavy machine gun fire and numerous hand grenades. Through the intense fire of automatic weapons and grenades, Rascon made his way to point where my squad was pinned down and could not move in any direction. Wounded himself, Rascon continued to work his way to my position, attending to wounded as he did.
>
> After reaching my position I could see that he was in great pain. He began to patch me up. As I was placing M16 fire in the direction of the enemy, two or three hand grenades were thrown in the direction of Rascon and myself, landing no more than a few feet away. Without hesitation, Rascon jumped on me, taking me to the ground and covering me with his body. He received numerous wounds to his body and face.
>
> I truly believe his actions that day saved my life. What more can a person do for God, Country and his fellow man.
>
> In closing, I think of the Military Code of Conduct. The First Code, I am an American fighting man, I serve in the forces which guard our Country and our way of life. And I am prepared to give my life in its defense.' The immigrants I had the privilege to know and serve with upheld this Code. Again, thank you for this opportunity.

Erick A. Mogollon, a Guatemalan-born immigrant and Gulf War veteran, is a Senior Chief Petty Officer with the U.S. Navy. At the hearing he summed up the views of many immigrant soldiers and sailors when he testified,

> After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrant American's can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the
>
> Untied States. They know, first hand, how it is to live without the protection and security they now count on, and will give their lives to protect it.

The statement of Paul Bucha, president of the Congressional Medal of Honor Society, also included some strong declarations that I believe are worth sharing. Mr. Bucha testified,

> Tens of thousands of immigrants and hundreds of thousands of the descendants of immigrants have died in combat fighting for America. I put to you that there is a standard, a basic standard, by which to judge whether America is correct to maintain a generous legal immigration policy: Have immigrants and their children and grandchildren been willing to fight and die for the United States of America? The answer—right up to the present day—remains a resounding "yes."

I ask unanimous consent that the full text of the testimony delivered by Mr. Bucha and Senior Chief Mogollon be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF AVIATION BOATSWAIN'S MATE (HANDLING) SENIOR CHIEF (AW), ERICK A. MOGOLLON, UNITED STATES NAVY, SUBCOMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, ON "THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES" MAY 26, 1999

Mr. Chairman and distinguished members of the Committee, I am honored to appear before you today to talk about immigrant American's contribution to the Armed Forces and our national defense. I'd like to share with you a few thoughts on how I became an American and why I joined the United States Navy.

I was born in Guatemala City, Guatemala on 24 January 1960 and immigrated to the United States with my family in 1970. My mother, three brothers and one sister lived outside of Boston in Milford, Massachusetts. In 1973, I moved to East Douglas and attended Douglas High School. I am proud to say I graduated in 1979 with high honors. While in high school, I entered the Delayed Entry Program and shipped out to boot camp in September 1979. I joined because of the opportunity to excel and to give of myself in gratitude for what this great country of ours has done for me and my family. I'd like to acknowledge the support of my wife, Marilyn and my children, Solines (15), Erick (12), Elias (9) and Marilyn (6) throughout my career. Sailors go to sea, but the family must always remain behind.

Being able to qualify for service was itself an accomplishment that encouraged me to do my best. I graduated at the top of my class from "A" school and was assigned to the world's best aircraft carrier, the U.S.S. *John F. Kennedy* (CV–67). After serving on *Kennedy*, I was assigned to VR–22 and VQ–2 in Rota, Spain. I have enjoyed the opportunity of overseas service and earned my qualification as an Aviation Warfare Specialist. While in Spain, I was fortunate and honored to receive the Commander-in-Chief, U.S. Naval Forces Europe, Leadership Award for Petty Officers. Being chosen from thousands of highly qualified shipmates was truly rewarding. The most important highlight of this tour was my citizenship. On June 17, 1985, I became a United States Citizen at Fanuiel Hall in Boston, Massachusetts.

After leaving Spain, I asked for reassignment to the U.S.S. *John F. Kennedy* (CV–67). I am proud of the ship and our combat service during Operations Desert Shield and Desert Storm. As a newly promoted Chief Petty Officer, I served as a flight deck chief during the war and was directly responsible for the launching and recovery of our combat aircraft. During the war, U.S.S. *John F. Kennedy* aircraft participated in over 120 combat strike missions and flew nearly 4000 strike sorties. I am proud to say we did not lose any pilots or aircrew during the war. The pride, professionalism and dedication of our sailor's was evident in daily operations.

After the war, I was assigned to U.S.S. *America* (CV–66) as the Leading Chief Petty Officer for V–3 division and was able to experience the contributions of many immigrant Americans who are dedicated to the defense of our nation. I now teach leadership to the senior enlisted force and am assigned to the Submarine School in Groton, CT. This highlight gives me the opportunity to instill pride and commitment to others.

After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrant American's can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the Untied States. They know, first hand, how it is to live without the protection and security they now count on, and will give their lives to protect it.

TESTIMONY OF PAUL BUCHA, PRESIDENT, CONGRESSIONAL MEDAL OF HONOR SOCIETY, BEFORE THE SUBCOMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, CONCERNING "THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES" MAY 26, 1999, 10 A.M., DIRKSEN 226

My name is Paul Bucha, President of the Congressional Medal of Honor Society, and I have asked Charles MacGillivary, a past president of the society, to present my testimony. I want to thank you Senator ABRAHAM for holding this hearing and, more importantly, for displaying leadership on the immigration issue and reminding us of America's great tradition as a nation of immigrants.

Let me state my position clearly: All of us owe our freedom and our prosperity to the sacrifices of immigrants who gave of themselves so that we might have more. We are fortunate and we are forever indebted to those who have gone before.

The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the U.S. Armed Services. Generally presented to its recipient by the President in the name of Congress, it is often called the Congressional Medal of Honor. In 1946, the Medal of Honor Society was formed to perpetuate and uphold the integrity of the Medal of Honor and to help its recipients. In 1957, Congress passed legislation, later signed by President Eisenhower, that incorporated the Congressional Medal of Honor Society.

A review of the records shows that 715 of the 3,410 Congressional Medal of Honor recipients in America's history—more than 20 percent—have been immigrants. I would like to share the stories of some of these individuals so the committee can better understand the sacrifices made by these and other immigrants.

Lewis Albanese, an immigrant from Italy served during the Vietnam War as a private first class in the U.S. Army. On December 1, 1966, Albanese's platoon advanced through dense terrain. At close range, enemy soldiers fired automatic weapons. Albanese was assigned the task of providing security for the platoon's left flank so it could move forward.

Suddenly, an enemy in a concealed ditch opened fire on the left flank. Realizing his fellow soldiers were in danger, Albanese fixed his bayonet, plunged into the ditch and silenced the sniper fire. This allowed the platoon to advance in safety toward the main enemy position.

The ditch that Lewis Albanese had entered was filled with a complex of defenses designed to inflict heavy damage on any who attacked the main position. The other members of the platoon heard heavy firing from the ditch and some of them saw what happened next: Albanese moved 100 meters along the trench and killed six snipers, each of whom were armed with automatic weapons. But soon, Albanese, out of ammunition, was forced to engage in hand-to-hand combat with North Vietnamese soldiers. He killed two of them. But he was mortally wounded in the attack.

"His unparalleled action saved the lives of many members of his platoon who otherwise would have fallen to the sniper fire," reads the official citation. "Private First Class Albanese's extraordinary heroism and supreme dedication to his comrades were commensurate with the finest traditions of the military service and remain a tribute to himself, his unit, and the U.S. Army." Lewis Albanese was 20 years old.

Mexican-born immigrant Marcario Garcia was acting squad leader of Company B (22nd Infantry) near Grosshau, Germany during World War II. Garcia was wounded and in pain as he found his company pinned down by the heavy machine gun fire of Nazi troops and by an artillery and mortar barrage. Garcia crawled forward up to one of the enemy's positions. He lobbed hand grenades into the enemy's emplacement, singlehandedly assaulted the position, and destroyed the gun, killing three German soldiers.

Shortly after returning to his company, another German machine gun started firing. Garcia returned to the German position and again singlehandedly stormed the enemy, destroying the gun, killing three more German soldiers, and capturing four prisoners.

Finally, Lieutenant John Koelsch was a London-born immigrant who flew a helicopter as part of a Navy helicopter rescue unit during the Korean War. On July 3, 1951, he received word that the North Koreans had shot down a U.S. marine aviator and had him trapped deep inside hostile territory. The terrain was mountainous and it was growing dark. John Koelsch volunteered to rescue him.

Koelsch's aircraft was unarmed and due to the overcast and low altitude he flew without a fighter escort. He drew enemy fire as he descended beneath the clouds to search for the downed aviator.

After being hit, Koelsch kept flying until he located the downed pilot, who had suffered serious burns. While the injured pilot was being hoisted up, a burst of enemy fire hit the helicopter, causing it to crash into the side of the mountain. Koelsch helped his crew and the downed pilot out of the wreckage, and led the men out of the area just ahead of the enemy troops. With Koelsch leading them, they spent nine days on the run evading the North Koreans and caring for the burned pilot. Finally, the North Koreans captured Koelsch and his men.

"His great personal valor and heroic spirit of self-sacrifice throughout sustain and enhance the finest traditions of the U.S. Naval Service," his citation for the Medal of Honor reads. That self-sacrifice, the citation notes, included the inspiration of other prisoners of war, for during the interrogation he "refused to aid his captors in any manner" and died in the hands of the North Koreans.

These and other immigrant Medal of Honor recipients tell the story not only of America's wars but of America's people. After all, we must never forget that all of us are either immigrants are the descendants of immigrants.

Tens of thousands of immigrants and hundreds of thousands of the descendants of immigrants have died in combat fighting for America. I put to you that there is a standard, a basic standard, by which to judge whether America is correct to maintain a generous legal immigration policy: Have immigrants and their children and grandchildren been willing to fight and die for the United States of America? The answer—right up to the present day—remains a resounding "yes."

DETROIT FREE PRESS ARTICLE ON GUN-RELATED PROSECUTIONS

Mr. ABRAHAM. Mr. President, I rise today to call attention to a Detroit Free Press article, published on Tuesday of this week, entitled, "Federal gun cases decrease: Decline in Michigan greater than in U.S." This article notes that from 1993 to 1997, there has been a very significant decline in the number of gun prosecutions brought in Detroit.

Mr. President, over the last two weeks, we in this body engaged in lengthy debate on the question of how effective or useful different proposals to regulate firearms were likely to be in stemming violent crime, most especially juvenile crime. I supported some of the proposals and opposed others. This article, however, brings home another important point raised in this debate: no matter what laws this Congress passes, their effect on violent crime will almost certainly be negligible if the Administration is not willing to use them to prosecute violent criminals. Unfortunately, the Free Press article provides little ground for optimism on this score.

According to the Free Press, between 1993 and 1997 the number of people prosecuted in Detroit in cases investigated by the BATF dropped by 55%, compared with a 36% drop nationally. The Free Press also reports that there has been a nearly 50% decrease in prosecutions involving the three largest categories of federal gun laws, from 221 to 112 respectively.

When asked about this, U.S. Attorney Saul Green of Detroit reportedly stated that the decrease in prosecutions in the Eastern District of Michigan follows a downward trend in crimes. In fact, however, while there has been some improvement on that score, Detroit's violent crime rate has been falling significantly less than that of most large metropolitan areas, and it remains unacceptably high. Meanwhile, the much more dramatic decline of violent crime in Richmond, Virginia, where federal officials have pursued a policy of vigorous prosecution of gun offenders, strongly suggests that if the Administration were following the same course in Detroit, we would be doing better.

As the Detroit Free Press article points out, police records show that there were 559 murders in Detroit in 1993, compared to 453 in 1998. But that still left Detroit with the highest murder rate per capita for cities with a population of approximately one million or more—and the sixth highest among the U.S.'s 225 largest cities.

Moreover, while in 1998 the rate of reported violent crimes decreased 6% nationally, in Detroit it actually increased by 13%, according to FBI figures. Nor is this simply a one-year anomaly.

In 1997, the number of murders in Detroit increased by 9% from 1996 and Detroit's murder rate ranked 5th worst among the U.S.'s 225 largest cities. Meanwhile, our rate of serious crime decreased by only 1%, compared to a 3.2% decrease nationally. Similarly, in 1996, Detroit's rate of violent crimes decreased by only 3%, compared to a 7% decrease nationally.

Nor is Detroit's relatively small numerical improvement explained by the fact that it is a major metropolitan area. To the contrary, it is mostly the biggest cities, like New York, that have seen the largest drops in crime rates over the past few years.

The fact that Detroit is lagging behind the nation's improving violent crime rates, along with the fact that it is continually among nation's 5–7 worst cities with respect to its homicide rate, clearly indicates that this is no time for anyone in Detroit, including the federal government, to be relaxing our crime-fighting efforts. Meanwhile, recent data from Richmond, Virginia's Project EXILE strongly suggest that aggressive prosecution and severe punishment of gun law violations would be of major help. In 1998, the year following the implementation of Project Exile in Richmond, the homicide rate in Richmond decreased by approximately 1/3. The rate of firearm-related homicides in Richmond dropped even more—66%, from 122 in 1997 to 78 in 1998.

This takes me back to where I started. I voted in favor of several of the measures the Senate adopted last week because I believe that they can be useful tools in stopping gun violence. But quite simply, no gun laws, either those currently on the books or any new ones that Congress may enact, can be effective if the Attorney General does not enforce them through aggressive prosecution. The Detroit Free Press's article of two days ago confirms that right now, both in Detroit and nationally, aggressive prosecution is not what we are seeing. For our children's sake, it is high time for it to begin.

Mr. President, I ask unanimous consent that the full text of the Detroit Free Press article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, May 25, 1999]

FEDERAL GUN CASES DECREASE

DECLINE IN MICHIGAN GREATER THAN IN U.S.

(By Tim Doran)

Federal gun law prosecutions declined sharply in the eastern half of Michigan between 1993 and 1997.

The number of people prosecuted in cases investigated by the federal Bureau of Alcohol, Tobacco and Firearms plummeted 55 percent. Nationally, prosecutions were down 36 percent, according to data analyzed by the Free Press.

For the three largest categories of gun law violations, the number of people prosecuted in eastern Michigan dropped from 221 in 1993 to 112 in 1997.

The analysis comes at a time when Congress is debating legislation to tighten access to guns, and the state Legislature is considering laws to make it easier to get a concealed weapons permit.

If the federal government wants to reduce gun crime, it should enforce existing laws, said Dave LaCourse, public affairs director for the Second Amendment Foundation, which supports gun ownership.

"But the agency that's set up to put the screws to the bad guy is almost being cut in half," LaCourse said.

Last month, Wayne County and the City of Detroit sued gun manufacturers and dealers, saying they used a strategy of "willful blindness," looking the other way when guns are sold illegally. A sting by county law enforcement alleged that nine of 10 dealers sold guns to people who indicated they were buying on behalf of a minor or felon with them.

Both U.S. Attorney Saul Green of Detroit and Special Agent Michael Morrisey, head of the ATF in Michigan, dispute the numbers from the Free Press study. The reports analyzed for the study came from the Executive Office for U.S. Attorneys and are made public by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University.

"The numbers have gone down," Green said. But he said he does not accept the data the Free Press analyzed as definitive.

Green said that the decline follows a general downward trend in crimes.

For example, according to police records, Detroit had 559 homicides in 1993 and 453 in 1998.

The increased use of local-federal task forces may play a role in the decreased federal gun cases, he said. "We have a lot more cooperation than we had in the past and some of the cases developed might go to local prosecution, rather than federal."

Morrisey and ATF officials in Washington said the bureau shifted its investigative strategy, targeting more serious violators.

The number of ATF investigators on the street declined both nationally and in Michigan, and some of the remaining agents have taken on added duties.

The number of licensed gun dealers in the state has dropped, from about 11,000 in the early 1990s to 2,498 as of earlier this month, and violent crime is down.

"We're doing more with less," Morrissey said. "I think we're doing better quality with less, too."

And a program started in the last two months in Detroit could reverse the downward trend. Operation Countdown hopes to use tough federal gun laws to take felons caught with guns off the streets.

REDUCTIONS DEBATED

Green and Morrissey disputed TRAC's numbers, but reports from other sources, including the ATF's national office in Washington, show a drop in prosecutions.

In March, U.S. Sen. Jeff Sessions, R-Ala., released figures showing federal gun prosecutions under one program dropped 46 percent between 1992 and 1998.

"The senator's message is: We've seen a reduction in violent crime rates overall," said his spokesman John Cox. "But not the reduction that we want. The effectiveness of federal prosecution of gun crimes has got to be utilized."

ATF's own national figures show the number of cases the bureau referred for prosecution to state and federal prosecutors dropped by about 48 percent from 1993–1997, said agent Jeff Roehm, chief of the public information division of the ATF in Washington. Numbers for 1998 show a slight increase.

Between 1993 and 1997, the median prison term for those convicted after investigation by the ATF stayed fairly constant at around 30 months, which suggests if agents were targeting more serious violators, they did not receive greater prison time.

"We gather the facts and present them to the U.S. Attorney for prosecution. It is up to the court to decide the sentence," Morrissey said. "And often times, the sentences fall under guidelines enacted by Congress."

While the number of people prosecuted declined in eastern Michigan, agents in the district referred more people for prosecution in 1997 than in any other federal district. The eastern district had a high number of referrals in 1993–1996 as well.

The Eastern District of Michigan covers the eastern half of the Lower Peninsula.

In the Western District of Michigan, which covers the rest of the state, the number of federal prosecutions fluctuated but the annual totals were much less than in the east.

If recent undercover investigations in Wayne County are an indication, finding illegal gun sales would not be difficult.

Between March 24 and April 14, undercover teams who told gun dealers they were juveniles and convicted felons bought weapons from nine out of 10 dealers.

Morrissey, who took over ATF Michigan operations last August, said his bureau can inspect gun dealers only once a year unless the bureau has probable cause to suspect a crime.

His figures show the number of cases referred to prosecutors by the ATF in Michigan have fluctuated between 1993 and 1997 but remained fairly constant. They do show, however, a downward trend in prosecutions.

In the early 1990s, when the numbers were higher, the bureau targeted more felons with guns, Morrissey said.

"Those are as easy as going out and picking blades of grass," he said.

But the number of guns on the street did not decline, Morrissey said. The ATF began concentrating on licensed and unlicensed dealers who supply guns illegally and violent felons. One dealer can supply guns used in many crimes, he said.

The ATF has 33 fewer agents on the streets of Michigan this year than it had in 1992, he said. And some of those agents have more duties related to their specialized training in arson and explosives.

Some are assigned to state task forces, so the criminals they help arrest might not show up in the ATF's statistics, he said.

The ATF also assigns agents to gang reduction programs in schools, and the bureau investigates cigarette bootlegging, arson fires and explosions, not just gun violations.

IT WORKS IN RICHMOND

While the ATF has shifted its emphasis nationally away from individual felons with guns, one city that strictly enforced federal firearms laws saw a reduced murder rate.

In Richmond, federal prosecutors began in March 1997 to prosecute every gun case in the city of 200,000, said Jim Comey, executive assistant U.S. attorney. Officials advertise the tougher enforcement of Project Exile on billboards and television, Comey said.

"We have been selling deterrence the way they usually sell Wrangler jeans," he said.

It has worked, Comey said. Defendants ask lawyers to stop their cases from going "Exile." When cops pat down suspects on traffic stops, some say they are not stupid enough to carry a gun.

It has also helped change the murder rate. The city had 140 homicides in 1997 and 95 in 1998, he said. The number of firearm-related homicides dropped from 122 in 1997 to 78 in 1998.

Comey doesn't give Project Exile all the credit. Crack is waning in popularity; the state abolished parole three years ago, and drug enforcement has increased. He and others say it should not be seen as the answer for every city, although both gun-rights and gun-control advocates support it.

Local and federal officials in Detroit have joined to start a similar program. Operation Countdown, which began about two months ago,is operating in a few precincts. Already eight cases have been referred to federal prosecutors, said Bob Agacinski, deputy chief in charge of career criminals for the Wayne County Prosecutor's Office.

He said the program, which involves the ATF and Detroit police, has strong support from both Green and Wayne County Prosecutor John O'Hair.

"I think it's going better than we thought," Agacinski said.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 33

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 26, 1999.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON

THE WHITE HOUSE, *May 26, 1999.*

REPORT OF THE NOTICE OF THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1999, and the emergency declared with respect to the situation in Kosovo is to continue in effect beyond June 9, 1999.

On December 27, 1995, I issued Presidential Determination 96-7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris, France, on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law. Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 1999.

On June 9, 1998, I issued Executive Order 13088, "Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo." Since then, the government of President Milosevic has rejected the international community's efforts to find a peaceful settlement for the crisis in Kosovo and has launched a massive campaign of ethnic cleansing that has displaced a large percentage of the population and been accompanied by an increasing number of atrocities. President Milosevic's brutal assault against the people of Kosovo and his complete disregard for the requirements of the international community pose a threat to regional peace and stability.

President Milosevic's actions continue to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond June 9, 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 27, 1999.*

REPORT RELATIVE TO THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Senate of the United States:

I understand that the Congress, in creating the Internal Revenue Service Oversight Board (Oversight Board), designated one Board member to be an employee representative. I agree that the role of an employee representative is crucial to the success of this Board. Therefore, I have chosen to use the authority the Congress has given me to waive the conflict of interest rules that would otherwise impede Robert Tobias from serving on this Board while continuing to serve as President of the National Treasury Employees Union (NTEU) until August 1999 and as a part-time NTEU employee thereafter.

I care deeply about the ethics laws that preserve the public trust and confidence in the integrity of Federal employees as they carry out the Government's business. In this unique instance, however, I find it necessary to exercise the express authority granted to me to waive appropriate provisions of Chapter 11 of Title 18, United States Code, in order to remove the impediment to Robert Tobias' service on the Oversight Board.

Therefore, it is my intent to issue the following waivers to Robert Tobias upon his confirmation as an Oversight Board member:

—To the extent that the interests of the National Treasury Employees Union (NTEU) would, pursuant to 18 U.S.C. §208(a), prohibit you from participating as a member of the Internal Revenue Service Oversight Board in particular matters affecting the financial interests of the NTEU, I hereby waive that restriction for only those interests, pursuant to I.R.C. §7802(b)(3)(D).

—To the extent I.R.C. §§7802(b)(3)(C)(i)(I–III) would otherwise prohibit you from representing the NTEU before the Department of the Treasury, the Internal Revenue Service, or the Department of Justice on any matter that is not pending before the Oversight Board, I hereby waive those provisions until August 6, 1999, or until you no longer serve as NTEU President, whichever is sooner.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 27, 1999.*

MESSAGES FROM THE HOUSE

At 9:45 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 249. An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office."

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and unversities outside the District of Columbia, and for other purposes.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois.

H.R. 1251. An act to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building".

H.R. 1377. An act to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building".

H.R. 1833. An act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

At 1:52 p.m., a message from the House of Representatives, delivered by Mr. Hanranhan, one of its reading clerks, announced that the House had agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

S. Con. Res. 35. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

ENROLLED BILLS SIGNED

At 2:00 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1183. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1121. An act to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse."

H.R. 1183. An act to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasterners and eliminate unnecessary requirements, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania; to the Committee on Governmental Affairs.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office"; to the Committee on Governmental Affairs.

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage ares; to the Committee on the Judiciary.

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois; to the Committee on Governmental Affairs.

H.R. 1251. An act to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1377. An act to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1833. An act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; to the Committee on Finance.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 438. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1138. A bill to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3346. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electricity Produced from Certain Renewable Resources; Calendar Year 1999 Inflation Adjustment Factor and Reference Prices" (Notice 99-26), received May 24, 1999; to the Committee on Finance.

EC-3347. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99-28), received May 24, 1999; to the Committee on Finance.

EC-3348. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-32, Election to Claim Education Tax Credit" (Notice 99-32), received May 24, 1999; to the Committee on Finance.

EC-3349. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April–June Bond Factor Amounts" (Revenue Rule 99-24), received May 24, 1999; to the Committee on Finance.

EC-3350. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Uniform Closing Agreement Procedures for Modified Endowment Contracts" (Rev. Proc. 99-27), received May 18, 1999; to the Committee on Finance.

EC-3351. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-31, Guidance Regarding Section 664 Regulations" (OGI-108611-99), received May 20, 1999; to the Committee on Finance.

EC-3352. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8820: Section 467 Rental Agreements; Treatment of Rent and Interest Under Certain Agreements for the Lease of Tangible Property" (RIN1545–AU11), received May 18, 1999; to the Committee on Finance.

EC-3353. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled the "Medicare Contracting Reform Amendments of 1999"; to the Committee on Finance.

EC-3354. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3355. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, -200, -300, -SP, and -400F Series Airplanes; Docket No. 97-NM-325-AD; Amendment 39-11116; AD 99-08-10" (RIN2120–AA64), received April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3356. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

Boeing Model 747–100, 747–200, and 747–SP Series Airplanes and Military Type E–4B Airplanes; Docket No. 97–NM–100–AD; Amendment 39–11162; AD 99–10–09" (RIN2120–AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3357. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 98–NM–292–AD; Amendment 39–11125; AD 99–08–19" (RIN2120–AA64), received April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3358. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Series Airplanes; Docket No. 97–NM–53–AD; Amendment 39–11161; AD 99–10–08" (RIN2120–AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3359. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200 Series Airplanes; Docket No. 98–NM–37–AD; Amendment 39–11146; AD 99–09–13" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3360. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Eurocopter France Model SE 3130, SE313B, SA3180, SA318B, and SA318C Helicopters; Docket No. 98–SW–54–AD" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3361. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Eurocopter France Model AS332L2 Helicopters; Docket No. 98–SW–09–AD" (RIN2120–AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3362. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B200T, B200CT, 300, B300, B300C, and A200CT Airplanes; Docket No. 98–CE–104–AD" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3363. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Corporation Model Beech 2000 Airplanes; Final Rule; Request for Comments; Docket No. 99–CE–17–AD" (RIN2120–AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3364. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes; Docket No. 99–NM–50–AD; Amendment 39–11152; AD 99–09–19" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3365. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes; Docket No. 98–NM–175–AD; Amendment 39–11115; AD 99–08–09" (RIN2120–AA64), received April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3366. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes; Docket No. 98–CE–80–AD" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3367. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes; Docket No. 98–NM–214–AD; Amendment 39–11145; AD 99–09–12" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3368. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASH 26E Sailplanes; Docket No. 98–CE–98–AD" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3369. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–CE–03–AD" (RIN2120–AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3370. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes; Docket No. 99–NM–219–AD; Amendment 39–11098; AD 99–07–13" (RIN2120–AA64), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3371. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes; Docket No. 99–NM–202–AD; Amendment 39–11151; AD 99–09–18" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3372. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–87–AD; Amendment 39–11138; AD 99–08–51" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3373. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes; Docket No. 97–NM–87–AD; Amendment 39–11097; AD 99–07–12" (RIN2120–AA64), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3374. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–200, –300 and –400 Series Airplanes; Docket No. 98–NM–286–AD; Amendment 39–11163; AD 99–10–10" (RIN2120–AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3375. A communication from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations–William D. Ford Federal Direct Loan Program" (RIN1840–AC57), received May 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3376. A communication from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitative Research" (84.133), received May 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3377. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Aminoethoxyvinylglyycine; Temporary Pesticide Tolerance (FRL #6080–4)", "Aspergillis flavis AF36; Pesticide Tolerance Exemption (FRL #6081–2)", "Clomazone; Extension of Tolerance for Emergency Exemptions (FRL #6080–6)" and "Pesticide Tolerance Processing Fees (FRL #6056–6)", received May 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3378. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investment Management" (RIN3052–AB76), received May 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3379. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Revised Format for Materials Being Incorporated by Reference (FRL #63325–8)", received May 14, 1999; to the Committee on Environment and Public Works.

EC–3380. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Wyoming (FRL #6344–2)", received May 14, 1999; to the Committee on Environment and Public Works.

EC–3381. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese (FRL #6345–7)", received May 14, 1999; to the Committee on Environment and Public Works.

EC–3382. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories; National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production (FRL #6345–47)", received May 14, 1999; to the Committee on Environment and Public Works.

EC–3383. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Fenhexamid; Pesticide Tolerance (FRL #6082–7)" and "Terbacil; Extension of Tolerance for Emergency Exemptions (FRL #6080–5)", received May 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3384. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Eliminating Racial and Ethnic Disparities in Health"; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 1143: An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–55).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget for Fiscal Year 2000" (Rept. No. 106–56).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 920: A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001 (Rept. No. 106–57).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI (for herself, Mr. Dodd, Mr. Hollings, Mr. Jeffords, Mr. Kennedy, Mrs. Murray, and Mr. Wellstone):

S. 1142. A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY:

S. 1143. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. VOINOVICH (for himself, Mr. Chafee, Mr. Jeffords, Mr. Moynihan, Mr. Warner, Mrs. Hutchison, Mr. Reid, Mr. Lautenberg, and Mr. Leahy):

S. 1144. A bill to provide increased flexibility in use of highway funding, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. Inouye, Mr. Sarbanes, Mr. Reid, Mr. Robb, Mr. Akaka, Mr. Schumer, Mrs. Feinstein, and Mr. Edwards):

S. 1145. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. Rockefeller):

S. 1146. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans Affairs.

By Mr. GRAHAM (for himself, Mr. Jeffords, Mr. Kohl, and Mrs. Hutchison):

S. 1147. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax employers who provide child care assistance for dependents of their employees, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. Kerrey):

S. 1148. A bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes; to the Committee on Indian Affairs.

By Mr. LAUTENBERG:

S. 1149. A bill to amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. Baucus, Mrs. Feinstein, Mr. Kyl, Mr. Robb, and Mr. Bingaman):

S. 1150. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. Lieberman, Mr. Warner, and Mr. Levin):

S. 1151. A bill to amend the Office of Federal Procurement Policy Act to streamline the application of cost accounting standards; to the Committee on Governmental Affairs.

By Ms. SNOWE:

S. 1152. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

By Mr. HARKIN (for himself, Mr. Daschle, Mr. Dorgan, Mr. Baucus, Mr. Conrad, Mr. Wellstone, Mr. Johnson, Mr. Wyden, Mr. Reid, Mr. Kerrey, Mr. Rockefeller, and Mrs. Murray):

S. 1153. A bill to establish the Office of Rural Advocacy in the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VOINOVICH (for himself, Mr. Graham, Mr. Bayh, Mr. Cochran, and Mr. DeWine):

S. 1154. A bill to enable States to use Federal funds more effectively on behalf of young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. Warner, Mr. Harkin, Mr. Kerrey, Mr. Lugar, Mr. McConnell, Mr. Johnson, and Mr. Enzi):

S. 1155. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND (for himself and Mr. Kerry):

S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on Small Business.

By Mr. SMITH of New Hampshire (for himself, Mr. Inhofe, Mr. Thurmond, Mr. Nickles, Mr. Helms, and Mr. Cochran):

S. 1157. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 1158. A bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. Cochran, Mr. Inouye, Mr. Hagel, Mr. Bingaman, Mr. Shelby, Mr. Levin, Mr. Dodd, and Mr. Thurmond):

S. 1159. A bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mrs. Feinstein):

S. 1160. A bill to amend the Internal Revenue Code of 1986 to provide marriage penalty relief, incentives to encourage health coverage, and increased child care assistance, to extend certain expiring tax provisions, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 1161. A bill to establish procedures for the consideration and enactment of unilateral economic sanctions legislation and for the use of authority to impose sanctions under law; to the Committee on Foreign Relations.

By Mr. LEAHY:

S. 1162. A bill to provide supplemental foods and nutrition education to low-income pregnant, postpartum, and breastfeeding women, infants, and children of military families stationed outside the United States that are similar to supplemental foods and nutrition education provided in the United States under special supplemental nutrition program for women, infants, and children; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mrs. Murray, Mr. Schumer, and Mr. Torricelli):

S. 1163. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. Baucus, and Mr. Mack):

S. 1164. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself, Mrs. Feinstein, Mr. Murkowski, Mr. Breaux, Mr. Gramm, Mr. Robb, Mr. Chafee, Mr. Graham, Mr. Bryan, Mr. Torricelli, Mr. Warner, Mr. Thurmond, Mr. Grams, Mr. Kyl, Mr. Helms, Mr. Hutchinson, Mr. Lugar, and Mr. Cochran):

S. 1165. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.

By Mr. NICKLES:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. Smith of Oregon, and Mr. Craig):

S. 1167. A bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 1168. A bill to eliminate the social security earnings test for individuals who have attained retirement age, to protect and preserve the social security trust funds, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Cochran, and Mr. Burns):

S. 1169. A bill to require that certain multilateral development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

By Mr. TORRICELLI:

S. 1170. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend the length of the school year; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COVERDELL (for himself, Mrs. Feinstein, Mr. DeWine, Mr. Helms, Mr. Lott, Mr. Torricelli, Mr. Craig, Mr. Graham, and Mr. Reid):

S. 1171. A bill to block assets of narcotics traffickers who pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:

S. 1172. A bill to provide a patent term restoration review procedure for certain drug products; to the Committee on the Judiciary.

S. 1173. A bill to provide for a teacher quality enhancement and incentive program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 1174. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS:

S. 1175. A bill to amend title 49, United States Code, to require that fuel economy labels for new automobiles include air pollution information that consumers can use to help communities meet Federal air quality standards; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBB (for himself, Mr. Warner, and Mr. Sarbanes):

S. 1176. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

By Mr. HARKIN (for himself, Mr. Kerrey, and Mr. Grassley):

S. 1177. A bill to amend the Food Security Act of 1985 to permit the harvesting of crops on land subject to conservation reserve contracts for recovery of biomass used in energy production; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE:

S. 1178. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1179. A bill to amend title 18, United States Code, to prohibit the sale, delivery, or other transfer of any type of firearm to a juvenile, with certain exceptions; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Dodd, Mr. Daschle, Mrs. Murray, Mr. Schumer, Mr. Levin, and Mr. Dorgan):

S. 1180. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 1181. A bill to appropriate funds to carry out the commodity supplemental food program and the emergency food assistance program during fiscal year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 1182. A bill to authorize the use of flat grave markers to extend the useful life of the Santa Fe National Cemetery, New Mexico, and to allow more veterans the honor and choice of being buried in the cemetery; to the Committee on Veterans Affairs.

By Mr. NICKLES:

S. 1183. A bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. Kyl):

S. 1184. A bill to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. Lieberman, Mr. Hatch, Mr. McCain, Mr. McConnell, Mr. Lott, Mr. Bond, Mr. Ashcroft, Mr. Coverdell, Mr. Nickles, Mr. Brownback, Mr. Gorton, Mr. Grassley, Mr. Sessions, Mr. Burns, Mr. Inhofe, Mr. Helms, Mr. Allard, Mr. Hagel, Mr. Mack, Mr. Bunning, Mr. Jeffords, Mr. DeWine, Mr. Craig, Mr. Hutchinson, and Mr. Enzi):

S. 1185. A bill to provide small business certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. Frist, Mr. Hutchinson, Mr. Lautenberg, Mr. Mack, and Mr. Lieberman):

S. Res. 109. A resolution relating to the activities of the National Islamic Front government in Sudan; to the Committee on Foreign Relations.

By Mrs. HUTCHISON (for herself, Mrs. Feinstein, Mr. Lott, Mr. Daschle, Mr. Mack, Mr. Domenici, Mr. Abraham, Mr. Ashcroft, Mr. Bayh, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Bryan, Mr. Bunning, Mr. Burns, Mr. Campbell, Ms. Collins, Mr. DeWine, Mr. Enzi, Mr. Gorton, Mr. Gramm, Mr. Grassley, Mr. Helms, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mr. Lautenberg, Mr. Levin, Mrs. Lincoln, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reid, Mr. Robb, Mr. Sarbanes, Mr. Schumer, Mr. Smith of Oregon, Ms. Snowe, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Torricelli, Mr. Warner, Mr. Wyden, Mr. Baucus, Mr. Brownback, Mr. Durbin, Mr. Roth, Mr. Lieberman, Mr. Wellstone, Mr. Allard, Mr. Biden, and Mr. Edwards):

S. Res. 110. A resolution designating June 5, 1999, as "National Race for the Cure Day"; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. Burns, Mr. Sarbanes, Mr. Smith of Oregon, Mrs. Murray, Mr. Bond, Mr. Daschle, Mr. DeWine, Mr. Roberts, Mr. Specter, Ms. Mikulski, Mr. Mack, Mr. Thurmond, Mr. Edwards, Mr. Voinovich, Mr. Torricelli, Mr. Craig, Mr. Johnson, Mr. Grassley, Ms. Landrieu, Ms. Snowe, Mr. Levin, Mr. Warner, Mr. Robb, Mr. Enzi, Mr. Lautenberg, Mr. Crapo, Mr. Akaka, Mr. Gorton, Mr. Dodd, Mr. Domenici, Mr. BREAUX, Mr. STEVENS, Mr. CLELAND, Mr. HAGEL, Mr. KENNEDY, Mr. ABRAHAM, Mr. DORGAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. REID, Mr. DURBIN, Mr. CONRAD, Mr. BYRD, Mr. INOUYE, Mr. BAYH, Mr. BINGAMAN, Mr. BRYAN, Mr. LIEBERMAN, Mr. WYDEN, Mr. HOLLINGS, and Mr. HATCH):

S. Res. 111. A resolution designating June 6, 1999, as "National Child's Day"; considered and agreed to.

By Mr. FEINGOLD:

S. Res. 112. A resolution to designate June 5, 1999, as "Safe Night USA"; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. MOYNIHAN, Mr. BROWNBACK, Mr. MACK, and Mr. LIEBERMAN):

S. Con. Res. 36. A concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mr. DODD, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mrs. MURRAY, and Mr. WELLSTONE):

S. 1142. A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SENIORS' ACCESS TO CONTINUING CARE ACT OF 1999

• Ms. MIKULSKI. Mr. President, I rise today to introduce the "Seniors' Access to Continuing Care Act of 1999", a bill to protect seniors' access to treatment in the setting of their choice and to ensure that seniors who reside in continuing care communities, and nursing and other facilities have the right to return to that facility after a hospitalization.

As our population ages, more and more elderly will become residents of various long term care facilities. These include independent living, assisted living and nursing facilities, as well as continuing care retirement communities (CCRCs), which provide the entire continuum of care. In Maryland alone, there are over 12,000 residents in 32 CCRCs and 24,000 residents in over 200 licenced nursing facilities.

More and more individuals and couples are choosing to enter continuing care communities because of the community environment they provide. CCRC's provide independent living, assisted living and nursing care, usually on the same campus—the Continuum of Care. Residents find safety, security and peace of mind. They often prepay for the continuum of care. Couples can stay together, and if one spouse needs additional care, it can be provided right there, where the other spouse can remain close by.

Most individuals entering a nursing facility do so because it is medically necessary, because they need a high level of care that they can no longer receive in their homes or in a more independent setting, such as assisted living. But residents are still able to form relationships with other residents and staff and consider the facility their "home". I have visited many of these facilities and have heard from both residents and operators. They have told me about a serious and unexpected problem encountered with returning to their facility after a hospitalization.

Hospitalization is traumatic for anyone, but particularly for our vulnerable seniors. We know that having comfortable surroundings and familiar faces can aid dramatically in the recovery process. So, we should do everything we can to make sure that recovery process is not hindered.

Today, more and more seniors are joining managed care plans. This trend is likely to accelerate given the expansion of managed care choices under the 1997 Balanced Budget Act. As more and more decisions are made based on financial considerations, choice often gets lost. Currently, a resident of a continuing care retirement community or a nursing facility who goes to the hospital has no guarantee that he or she will be allowed by the managed care organization (MCO) to return to the CCRC or nursing facility for post acute follow up care. The MCO can dictate that the resident go to a different facility that is in the MCO network for that follow up care, even if the home facility is qualified and able to provide the needed care.

Let me give you a few examples:

In the fall of 1996, a resident of Applewood Estates in Freehold, New Jersey was admitted to the hospital. Upon discharge, her HMO would not permit her to return to Applewood and sent her to another facility in Jackson. The following year, the same thing happened, but after strong protest, the HMO finally relented and permitted her to return to Applewood. She should not have had to protest, and many seniors are unable to assert themselves.

A Florida couple in their mid-80's were separated by a distance of 20 miles after the wife was discharged from a hospital to an HMO-participating nursing home located on the opposite side of the county. This was a hardship for the husband who had difficulty driving and for the wife who longed to return to her home, a CCRC. The CCRC had room in its skilled nursing facility on campus. Despite pleas from all those involved, the HMO would not allow the wife to recuperate in a familiar setting, close to her husband and friends. She later died at the HMO nursing facility, without the benefit of frequent visits by her husband and friends.

Collington Episcopal Life Care Community, in my home state of Maryland, reports ongoing problems with its frail elderly having to obtain psychiatric services, including medication monitoring, off campus, even though the services are available at Collington—how disruptive to good patient care!

On a brighter note, an Ohio woman's husband was in a nursing facility. When she was hospitalized, and then discharged, she was able to be admitted to the same nursing facility because of the Ohio law that protected that right.

Seniors coming out of the hospital should not be passed around like a baton. Their care should be decided based on what is clinically appropriate, NOT what is financially mandated. Why is that important? What are the consequences?

Residents consider their retirement community or long term care facility as their home. And being away from home for any reason can be very difficult. The trauma of being in unfamiliar surroundings can increase recovery time. The staff of the resident's "home" facility often knows best about the person's chronic care and service needs. Being away from "home" separates the resident from his or her emotional support system. Refusal to allow a resident to return to his or her home takes away the person's choice. All of this leads to greater recovery time and unnecessary trauma for the patient.

And should a woman's husband have to hitch a ride or catch a cab in order to see his recovering spouse if the facility where they live can provide the care? NO. Retirement communities and other long term care facilities are not just health care facilities. They provide an entire living environment for their residents, in other words, a home. We need to protect the choice of our seniors to return to their "home" after a hospitalization. And that is what my bill does.

It protects residents of CCRC's and nursing facilities by: enabling them to return to their facility after a hospitalization; and requiring the resident's insurer or MCO to cover the cost of the care, even if the insurer does not have a contract with the resident's facility.

In order for the resident to return to the facility and have the services covered by the insurer or MCO: 1. The service to be provided must be a service that the insurer covers; 2. The resident must have resided at the facility before hospitalization, have a right to return, and choose to return; 3. The facility must have the capacity to provide the necessary service and meet applicable licensing and certification requirements of the state; 4. The facility must be willing to accept substantially similar payment as a facility under contract with the insurer or MCO.

My bill also requires an insurer or MCO to pay for a service to one of its beneficiaries, without a prior hospital stay, if the service is necessary to prevent a hospitalization of the beneficiary and the service is provided as an additional benefit. Lastly, the bill requires an insurer or MCO to provide coverage to a beneficiary for services provided at a facility in which the beneficiary's spouse already resides, even if the facility is not under contract with the MCO, provided the other requirements are met.

In conclusion, Mr. President, I am committed to providing a safety net for our seniors—this bill is part of that safety net. Seniors deserve quality, affordable health care and they deserve choice. This bill offers those residing in retirement communities and long term care facilities assurance to have their choices respected, to have where they reside recognized as their "home", and to be permitted to return to that "home" after a hospitalization. It ensures that spouses can be together as long as possible. And it ensures access to care in order to PREVENT a hospitalization. I want to thank my cosponsors Senators DODD, HOLLINGS, JEFFORDS, KENNEDY, MURRAY and WELLSTONE for their support. I urge my colleagues to join me in passing this important measure to protect the rights of seniors and their access to continuing care.●

By Mr. VOINOVICH (for himself, Mr. CHAFEE, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. WARNER, Mrs. HUTCHISON, Mr. REID, Mr. LAUTENBERG, and Mr. LEAHY):

S. 1144. A bill to provide increased flexibility in use of highway funding, and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION ACT OF 1999

Mr. VOINOVICH. Mr. President, I am pleased today to introduce the Surface Transportation Act of 1999 along with my colleagues, Chairman CHAFEE of the Senate Environment and Public Works Committee, Senators MOYNIHAN, JEFFORDS, REID, WARNER, HUTCHISON, REID, LAUTENBERG and LEAHY. The purpose of this bill is to provide additional flexibility to the States and localities in implementing the Federal transportation program.

Let me briefly describe the three most significant provisions of the bill.

(1) *State infrastructure banks*—the bill authorizes all 50 states to participate in the State Infrastructure Bank (SIB) program. SIBs are revolving funds, capitalized with Federal and State contributions, which are empowered to make loans and provide other forms of non-grant assistance to transportation projects. Before TEA–21 was enacted, transferring Federal highway funding to a State Infrastructure Bank was an option available to all 50 states, with 39 states actively participating. Regrettably, TEA–21 limited the SIB program to just four states. This section would restore the program as it existed prior to TEA–21.

The American Association of State Highway and Transportation Officials (AASHTO), the National Association of State Treasurers, and numerous industry groups, including the American Road & Transportation Builders (ARTBA), strongly support legislation giving all states the opportunity to participate in the SIB program.

The availability of SIB financial assistance has attracted additional investment. According to the U.S. Department of Transportation, SIBs made 21 loans and signed agreements for another 33 loans as of November 1, 1998. Together, these 54 projects are scheduled to receive SIB loan disbursements totaling $408 million to support project investments of more than $2.3 billion—resulting in a leverage ratio of about 5.6 to 1 (total project investment to amount of SIB investment).

(2) *High priority project flexibility*—the bill includes a provision that allows States the flexibility to advance a "high priority" project faster than is allowed by TEA–21, which provides the funding for high priority projects spread over the six-year life of TEA–21. This provision would allow States to accelerate the construction of their "high priority" projects by borrowing funds from other highway funding categories (e.g., NHS, STP, CMAQ). The flexibility is particularly important for states who are ready to construct some of the high priority projects in the first few years of TEA–21, and without this provision, may need to defer completion until the later years of TEA–21.

(3) *Funding flexibility for Intercity passenger rail*—the bill also gives States the option to use their National Highway System, Congestion Mitigation and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with intercity passenger rail service, including high-speed rail service. The National Governors' Association, has passed a resolution requesting this additional flexibility for states to meet their transportation needs. In testimony before the committee, the U.S. Conference of Mayors and the National Council of State Legislatures also requested this additional flexibility.

In closing, I would like to encourage my colleagues to support this bill, especially for members whose states who are supportive of the State Infrastructure Bank program, have high priority projects that are ready-to-go, or would like the option of using available Federal transportation funding to support intercity passenger rail needs in their state.

I encourage my colleagues to support this important legislation. I ask that a section by section description of the bill be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE SURFACE TRANSPORTATION ACT OF 1999

Summary

The purpose of this bill is to provide additional flexibility to States and localities in implementing the Federal transportation program. This bill does not affect the funding formula agreed to in TEA 21 or modify the overall level of funding for any program.

SECTION BY SECTION

Section 1—Short Title

Section 2—State Infrastructure Banks

This section authorizes all 50 states to participate in the State Infrastructure Bank (SIB) program. SIBs are revolving funds, capitalized with Federal and State contributions, which are empowered to make loans and provide other forms of non-grant assistance to transportation projects. Before the Transportation Equity Act for the 21st Century (TEA 21) was enacted, transferring Federal highway funding to a State Infrastructure Bank was an option available to all 50 states, with 39 states actively participating. Regrettably, TEA 21 took the program backwards and limited the SIB program to just four states. This section would restore the program as it existed prior to TEA 21. The bill extends thru FY 2003 the SIB program, which was authorized in the National Highway System Designation Act.

The American Association of State Highway and Transportation Official (AASHTO), the National Association of State Treasurers, and numerous industry groups, including the American Road & Transportation Builders (ARTBA), strongly support legislation giving all states the opportunity to participate in the SIB program. At their annual meeting in November 1998, AASHTO members adopted a resolution supporting expansion of the SIB program.

Availability of SIB financial assistance has attracted additional investment. According to U.S. DOT, SIBs made 21 loans and signed agreements for another 33 loans as of November 1, 1998. Together, these 54 projects are scheduled to receive SIB loan disbursements totaling $408 million to support project investments of more than $2.3 billion—resulting in a leverage ratio of about 5.6 to 1 (total project investment to amount of SIB investment).

Section 3—High Priority Project Flexibility

Subsection (a) allows States the flexibility to advance a "high priority" project faster than is allowed by TEA 21, which provides the funding for high priority projects spread over the six-year life of TEA 21. This provision would allow States to accelerate the construction of their "high priority" projects by borrowing funds from other highway funding categories (e.g., NHS, STP, CMAQ). This flexibility is particularly important for states who are ready to construct some of the high priority projects in the first few years of TEA 21, and without this provision may need to defer completion until the later years of TEA 21.

Section 4—Funding Flexibility and High Speed Rail Corridors

Subsection (a) gives States the option to use their National Highway System, Congestion Mitigation and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with intercity passenger rail service, including high-speed rail service. The National Governors' Association, has passed a resolution requesting this additional flexibility for states to meet their transportation needs. In testimony before the committee, the U.S. Conference of Mayors and the National Council of State Legislatures also requested this additional flexibility.

Subsection (b) specifies how funds transferred for intercity passenger rail services are to be administered.

Section 5—Historic Bridges

This section eliminates a restriction that caps the amount of Federal-aid highway funds that can be spent on a historic bridge to an amount equal to the cost of demolition. The restriction unnecessarily limits States' flexibility to preserve historic bridges, and limits spending on these historic bridges for the enhancements program for alternative transportation uses. A similar provision was included in the Senate-passed version of the reauthorization, but was not considered by the conferees due to time constraints.

Section 6—Accounting Simplification

This section makes a minor change to the distribution of the Federal-aid obligation limitation that simplifies accounting for states. Currently, a very small amount of the obligation authority directed to the minimum guarantee program is made available for one-year even though the overwhelming majority is made available for several years. This section would make all obligation authority for this program available as multiyear funding. Therefore, this section eliminates the need to account for the States to plan for the small amount of funding separately.

By Mr. LEAHY (for himself, Mr. INOUYE, Mr. SARBANES, Mr. REID, Mr. ROBB, Mr. AKAKA, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1145. A bill to provide for the appointment of addition Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDGESHIP ACT OF 1999

• Mr. LEAHY. Mr. President, today I am introducing the Federal Judgeship Act of 1999. I am pleased that Senators INOUYE, SARBANES, REID, ROBB, AKAKA, and SCHUMER are joining me as original cosponsors of this measure.

Our bill creates 69 new judgeships across the country to address the increased caseloads of the Federal judiciary. Specifically, our legislation would: create 7 additional permanent judgeships and 4 temporary judgeships for the U.S. Courts of Appeal; create 33 additional permanent judgeships and 25 temporary judgeships for the U.S. District Courts; and convert 10 existing temporary district judgeships to permanent positions.

This bill is based on the recommendations of the Judicial Conference of the United States, the nonpartisan policy-making arm of the judicial branch. Federal judges across the nation believe that the continuing heavy caseload of our courts of appeals and district courts merit these additional judges. Indeed, the Chief Justice of the United States in his 1998 year-end report of the U.S. Judiciary declared: "The number of cases brought to federal courts is one of the most serious problems facing them today."

Chief Justice Rehnquist is right. The filings of cases in our Federal courts has reached record heights. For instance, criminal case filings in Federal courts rose 15 percent in 1998—nearly tripling the 5.2 percent increase in 1997. The number of criminal cases filed since 1991 increased 25 percent with the number of criminal defendants rising 21 percent. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933.

Federal civil caseloads have similarity increased. For the past eight years, total civil case filings have increased 22 percent in our Federal courts. This increase includes jumps of 145 percent in personal injury product liability cases, 112 percent in civil rights filings, 71 percent in social security cases, 49 percent in copyright, patent and trademark filings, and 29 percent prisoner petitions from 1991 to 1998.

But despite these dramatic increases in case filings, Congress has failed to authorize new judgeships since 1990, thus endangering the administration of justice in our nation's Federal courts.

Historically, every six years Congress has reviewed the need for new judgeships. In 1984, Congress passed legislation to address the need for additional judgeships. Six years later, in 1990, Congress again fulfilled its constitutional responsibility and enacted the Federal Judgeship Act of 1990 because of a sharply increasing caseload, particularly for drug-related crimes. But in the last two Congresses, the Republican majority failed to follow this tradition. Two years ago the Judicial Conference requested an additional 55 judgeships to address the growing backlog. My legislation, based on the Judicial Conference's 1997 recommendations, S. 678, the Judicial Judgeship Act of 1997, languished in the Judicial Committee without action during both sessions of the last Congress.

It is now nine years since Congress last seriously reexamined the caseload of the federal judiciary and the need for more federal judges. Congress ignores the needs of the Federal judiciary at the peril of the American people. Overworked judges and heavy caseloads slow down the judicial process and delay justice. In some cases, justice is in danger of being denied because witnesses and evidence are lost due to long delays in citizens having their day in court.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government. They deserve our respect and our support.

Let us act now to ensure that justice is not delayed or denied for anyone. I urge the Senate to enact the Federal Judgeship Act of 1999 without further delay.•

By Mr. DASCHLE (for himself and Mr. ROCKEFELLER):

S. 1146. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

THE VETERANS' ACCESS TO EMERGENCY CARE ACT OF 1999

Mr. DASCHLE. Mr. President, the American people continue to say they want a comprehensive, enforceable Patients' Bill of Rights. Toward that goal, several of my Democratic colleagues and I introduced S. 6, the Patients' Bill of Rights Act of 1999, earlier this year. That legislation, which we first introduced in the 105th Congress, addresses the growing concerns among Americans about the quality of care delivered by health maintenance organizations. I am disappointed that some of my colleagues on the other side of the aisle prevented the Senate from considering managed care reform legislation last year. But I remain hopeful that the Republican leadership will allow an open and honest debate on this important issue this year.

I am hopeful that my colleagues will also take a moment to listen to veterans in this country who are raising legitimate concerns about the medical care they receive from the Department of Veterans Affairs (VA). Many veterans are understandably concerned that the Administration requested approximately $18 billion for VA health care in FY00—almost the same amount it requested last year. They fear that if this flat-lined budget is enacted, the VA would be forced to make significant reductions in personnel, health care services and facilities. I share their concerns and agree that we simply cannot allow that to happen. On the contrary, Congress and the Administration need to work together to provide the funds necessary to improve the health care that veterans receive.

Toward that end, and as we prepare to celebrate Memorial Day, I am reintroducing the Veterans' Access to Emergency Care Act of 1999. I am pleased that Senator ROCKEFELLER, the distinguished Ranking Member of the Senate Veterans' Affairs Committee, is joining me in this effort. This legislation, which was S. 2619 last year, calls for veterans to be reimbursed for emergency care they receive at non-VA facilities.

The problem addressed in the bill stems from the fact that veterans who rely on the VA for health care often do not receive reimbursement for emergency medical care they receive at non-VA facilities. According to the VA, veterans may only be reimbursed by the VA for emergency care at a non-VA facility that was not pre-authorized if all of the following criteria are met:

First, care must have been rendered for a medical emergency of such nature that any delay would have been life-threatening; second, the VA or other federal facilities must not have been feasibly available; and, third, the treatment must have been rendered for a service-connected disability, a condition associated with a service-connected disability, or for any disability of a veteran who has a 100-percent service-connected disability.

Many veterans who receive emergency health care at non-VA facilities are able to meet the first two criteria. Unless they are 100-percent disabled, however, they generally fail to meet the third criterion because they have suffered heart attacks or other medical emergencies that were unrelated to their service-connected disabilities. Considering the enormous costs associated with emergency health care, current law has been financially and emotionally devastating to countless veterans with limited income and no other health insurance. The bottom line is that veterans are forced to pay for emergency care out of their own pockets until they can be stabilized and transferred to VA facilities.

During medical emergencies, veterans often do not have a say about whether they should be taken to a VA or non-VA medical center. Even when they specifically ask to be taken to a VA facility, emergency medical personnel often transport them to a nearby hospital instead because it is the closest facility. In many emergencies, that is the only sound medical decision to make. It is simply unfair to penalize veterans for receiving emergency medical care at non-VA facilities. Veterans were asked to make enormous sacrifices for this country, and we should not turn our backs on them during their time of need.

There should be no misunderstanding. This is a widespread problem that affects countless veterans in South Dakota and throughout the country. I would like to cite just three examples of veterans being denied reimbursement for emergency care at non-VA facilities in western South Dakota.

The first involves Edward Sanders, who is a World War II veteran from Custer, South Dakota. On March 6, 1994, Edward was taken to the hospital in Custer because he was suffering chest pains. He was monitored for several hours before a doctor at the hospital called the VA Medical Center in Hot Springs and indicated that Edward was in need of emergency services. Although Edward asked to be taken to a VA facility, VA officials advised him to seek care elsewhere. He was then transported by ambulance to the Rapid City Regional Hospital where he underwent a cardiac catheterization and coronary artery bypass grafting. Because the emergency did not meet the criteria I mentioned previously, the VA did not reimburse Edward for the care he received at Rapid City Regional. His medical bills totaled more than $50,000.

On May 17, 1997, John Lind suffered a heart attack while he was at work. John is a Vietnam veteran exposed to Agent Orange who served his country for 14 years until he was discharged in 1981. John lives in Rapid City, South Dakota, and he points out that he would have asked to be taken to the VA Medical Center in Fort Meade for care, but he was semi-conscious, and emergency medical personnel transported him to Rapid City Regional. After 4 days in the non-VA facility, John incurred nearly $20,000 in medical bills. Although he filed a claim with the VA for reimbursement, he was turned down because the emergency was not related to his service-connected disability.

Just over one month later, Delmer Paulson, a veteran from Quinn, South Dakota, suffered a heart attack on June 26, 1997. Since he had no other health care insurance, he asked to be taken to the VA Medical Center in Fort Meade. Again, despite his request, the emergency medical personnel transported him to Rapid City Regional. Even though Delmer was there for just over a day before being transferred to Fort Meade, he was charged with almost a $20,000 medical bill. Again, the VA refused to reimburse Delmer for the unauthorized medical care because the emergency did not meet VA criteria.

The Veterans' Access to Emergency Care Act of 1999 would address this serious problem. It would authorize the VA to reimburse veterans enrolled in the VA health care system for the cost of emergency care or services received in non-VA facilities when there is "a serious threat to the life or health of a veteran." Rep. LANE EVANS introduced similar legislation in the House of Representatives earlier this year. I am encouraged that the Administration's FY00 budget request includes a proposal to allow veterans with service-connected disabilities to be reimbursed by the VA for emergency care they receive at non-VA facilities. This is a step in the right direction, but I think that all veterans enrolled in the VA's health care system—whether or not they have a service-connected disability—should be able to receive emergency care at non-VA facilities. I look forward to continuing to work with Senator ROCKEFELLER and my colleagues on both sides of the aisle to ensure that veterans receive the health care they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Access to Emergency Care Act of 1999".

SEC. 2. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) DEFINITIONS.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title."; and

(2) by adding at the end the following new paragraph:

"(10) The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

"(B) serious impairment to bodily functions; or

"(C) serious dysfunction of any bodily organ or part.".

(b) CONTRACT CARE.—Section 1703(a)(3) of such title is amended by striking "medical emergencies" and all that follows through "health of a veteran" and inserting "an emergency medical condition of a veteran who is enrolled under section 1705 of this title or who is".

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) of such title is amended—

(1) by striking "or" before "(D)"; and

(2) by inserting before the semicolon at the end the following: ", or (E) for any emergency medical condition of a veteran enrolled under section 1705 of this title".

(d) PAYMENT PRIORITY.—Section 1705 of such title is amended by adding at the end the following new subsection:

"(d) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am pleased to offer my support to the Veterans' Access to Emergency Care Act of 1999. This bill will authorize VA to cover emergency care at non-Department of Veterans Affairs (VA) facilities for those veterans who have enrolled with VA for their health care. I join my colleague, Senator DASCHLE, in cosponsoring this valuable initiative and thank him for his leadership.

Currently, VA is restricted by law from authorizing payment of comprehensive emergency care services in non-VA facilities except to veterans with special eligibility. Most veterans must rely on other insurance or pay out of pocket for emergency services.

I remind my colleagues that VA provides a standard benefits package for all veterans who are enrolled with the VA for their health care. In many ways, this is a very generous package, which includes such things as pharmaceuticals. Enrolled veterans are, however, missing out on one essential part of health care coverage: the standard benefits package does not allow for comprehensive emergency care. So, in effect, we are asking veterans to choose VA health care, but leaving them out in the cold when it comes to emergency care.

Mr. President, we have left too many veterans out in the cold already. When veterans call their VA health care provider in the middle of the night, many reach a telephone recording. This recording likely urges that veterans who have emergencies dial "911." Veterans who call for help are then transported to non-VA facilities. After the emergency is over, veterans are presented with huge bills. These are bills which VA cannot, in most cases, pay and which are, therefore, potentially financially crushing. We cannot abandon these veterans in their time of need.

Let me tell my colleagues about some of the problems that veterans face because of the restriction on emergency care. In January of this year, a low income, non-service-connected, World War II veteran with a history of heart problems, from my State of West Virginia, presented to the nearest non-VA hospital with severe chest pain. In an attempt to get the veteran admitted to the VA medical center, the private physician placed calls to the Clarksburg VA Medical Center, where the veteran was enrolled, on three separate occasions, over the course of three days. The response was always the same—"no beds available."

Ultimately, a different VA medical center, from outside the veteran's service area, accepted the patient, and two days later transferred him back to the Clarksburg VA Medical Center where he underwent an emergency surgical procedure to resolve the problem. By this time, however, complications had set in, and the veteran was critically ill.

The veteran's wife told me that "no one should have to endure the pain and suffering" they had to endure over a five-day period to get the emergency care her husband needed. But in addition to that emotional distress, the veteran now also faces a medical bill of almost $800 at the private hospital, the net amount due after Medicare paid its portion. This is an incredible burden for a veteran and his wife whose sole income are their small Social Security checks.

In another example from my state, in February 1998, a 100 percent service-connected veteran with post-traumatic stress disorder suffered an acute onset of mid-sternal chest pain, and an ambulance was called. The ambulance took him to the nearest hospital, a non-VA facility. Staff at the private facility contacted the Clarksburg VA Medical Center and was told there were no ICU beds available and advised transferring the patient to the Pittsburgh VA Medical Center.

When contacted, Pittsburgh refused the patient because of the length of necessary transport. A call to the Beckley VAMC was also fruitless. The doctor was advised by VA staff that the trip to Beckley would be "too risky for the three hour ambulance travel."

The veteran was kept overnight at the private hospital for observation, and then was billed for the care—$900, after Medicare paid its share.

Two more West Virginia cases quickly come to mind involving 100 percent service-connected combat veterans, both of whom had to turn to the private sector in emergency situations.

One veteran had a heart attack and as I recall, his heart stopped twice before the ambulance got him to the closest non-VA hospital. The Huntington VA Medical Center was his health care provider and it was more than an hour away from the veteran's home. This veteran had Medicare, but he was still left with a sizeable medical bill for the emergency services that saved his life.

The other veteran suffered a fall that rendered him unconscious and caused considerable physical damage. He also was taken to the closest non-VA hospital—and was left with a $4,000 bill after Medicare paid its share.

Both contacted me to complain about the unfairness of these bills. As 100 percent service-connected veterans, they rely totally on VA for their health care. I can assure you that neither of them, nor the other two West Virginia veterans I referred to, ever expected to be in the situation in which they all suddenly found themselves—strapped with large health care bills because they needed emergency treatment in life-threatening situations, when they were miles and miles from the nearest VA medical center.

Coverage of emergency care services for all veterans is supported by the consortium of veterans services organizations that authored the Independent Budget for Fiscal Year 2000—AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars. The concept is also included in the Administration's FY 2000 budget request for VA and the Consumer Bill of Rights, which President Clinton has directed every federal agency engaged in managing or delivering health care to adopt.

To quote from the Consumer Bill of Rights, "Consumers have the right to access emergency health care services when and where the need arises. Health plans should provide payment when a consumer presents to an emergency department with acute symptoms of sufficient severity—including severe pain—such that a 'prudent layperson' could reasonably expect the absence of medical attention to result in placing their health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part." This "prudent layperson" standard is included in the Veterans' Access to Emergency Care Services Act of 1999 and is intended to protect both the veteran and the VA.

To my colleagues who would argue that this expansion of benefits is something which the VA cannot afford, I would say that denying veterans access to care should not be the way to balance our budget. The Budget Resolution includes an additional $1.7 billion for VA. I call on the appropriators to ensure that this funding makes its way to VA hospitals and clinics across the country.

Truly, approval of the Veterans' Access to Emergency Services Act of 1999 would ensure appropriate access to emergency medical services. Thus, we would be providing our nation's veterans greater continuity of care.

Mr. President, veterans currently have the opportunity to come to VA facilities for their care, but they lack coverage for the one of the most important health care services. I look forward to working with my colleagues on the House and Senate Committees on Veterans' Affairs to make this proposal a reality.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. KOHL, and Mrs. HUTCHISON):

S. 1147. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax employers who provide child care assistance for dependents of their employees, and for other purposes; to the Committee on Finance.

WORKSITE CHILD CARE DEVELOPMENT ACT OF 1999

Mr. GRAHAM. Mr. President, I am extremely proud to introduce the "Worksite Child Care Development Act of 1999" with Senators HUTCHISON, KOHL, and JEFFORDS. This measure will make child care more accessible and affordable to the many millions of Americans who find it not only important, but necessary, to work.

This legislation would grant tax credits to employers who assist their employees with child care expenses by providing:

A one-time 50 percent tax credit not to exceed $100,000 for startup expenses, including expansion and renovations of an employer-sponsored child care facility;

A 50 percent tax credit for employers not to exceed $25,000 annually for the operating costs to maintain a child care facility; and

A 50 percent tax credit yearly not to exceed $50,000 for this employers who provide payments or reimbursements for their employees' child care costs.

Why is this legislation important?

First, the workplace has changed over the years. In 1947, just over one-quarter of all mothers will children between 6 and 17 years of age were in the labor force. By 1996, their labor force participation rate had tripled.

Indeed, the Bureau of Labor Statistics reports that 65 percent of all women with children under 18 years of age are now working and that the growth in the number of working women will continue into the next century.

Second, child care is one of the most pressing social issues of the day. It impacts every family, including the poor, the working poor, middle class families, and stay-at-home parents.

Last June, I hosted a Florida statewide summit on child care where over 500 residents of my State shared with me their concerns and frustration on child care issues.

They told me that quality child care, when available, is often not affordable.

Those who qualify told me there are often long waiting lists for subsidized child care.

They told me that working parents struggle to find ways to cope with the often conflicting time demands of both work and child care.

They told me that their school-age children are at risk because before and after-school supervised care programs are not readily available.

Mr. President, quality child care should be a concern to all Americans. The care and nurturing that children receive early in life has a profound influence on their future—and their future is our future.

In the 21st century, women will comprise more than 60 percent of all new entrants into the labor market. A large proportion of these women are expected to be mothers of children under the age of 6.

The implications for employers are clear. They understand that our Nation's work force is changing rapidly and that those employers who can help their employees with child care will have a competitive advantage. In Florida, for instance, Ryder System's Kids' Corner in Miami has enrolled approximately 100 children in a top-notch day care program.

I commend the many corporations in Florida and across the nation that have taken the important step of providing child care for its employees. Many smaller businesses would like to join them, but do not have the resources to offer child care to employees. Our legislation would help to lower the obstacle to on-site child care.

Mr. President, we believe that this legislation will assist businesses in providing attractive, cost-effective tools for recruiting and retaining employees in a tight labor market.

We believe that encouraging businesses to help employees care for children will make it easier for parents to be more involved in their children's education.

Most of all, Mr. President, we believe that this bill is good for employers and families and will go far in addressing the issue of child care for working families of America. I urge all of my colleagues to support this important piece of legislation.

Mr. President, I ask unanimous consent that letters of support from the Chief Executive Officers of the Ryder Corporation and Bright Horizons Corporation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIGHT HORIZONS,
FAMILY SOLUTIONS,
May 6, 1999.

Hon. ROBERT GRAHAM,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: Thank you for allowing our company the opportunity to review and comment on the Worksite Child Care Development Center Act of 1999. We strongly support this bill and want to do all that we can to support you as the primary sponsor.

We applaud your strategy of targeting tax credits for small businesses. Your approach makes perfect sense. Experience has shown that employer-supported child care is not as financially feasible for many small businesses. Since the majority of working parents work for small businesses, their needs have not been adequately addressed. We believe that your bill will have far reaching impact by making it possible for a greater number of working parents to benefit from support offered by their employers.

For your consideration, we respectfully submit comments and suggestions, which we think will strengthen the impact of your bill. I welcome the opportunity to share our experience with you and to discuss these or any other ideas you may have, so please feel free to call me.

Thank you for your willingness to champion the cause for more and better child care for today's working families. Our company shares this important mission with you. We look forward to supporting you in your efforts to pass this historic legislation.

All my best,'

ROGER H. BROWN,
President.

RYDER SYSTEM, INC.
Miami, FL, April 29, 1999.

Hon. BOB GRAHAM,
U.S. Senate, Hart Building,
Washington, DC.

DEAR BOB: I am writing to commend you on your introduction of the Worksite Child Care Development Center Act of 1999. The problem of finding high quality, affordable child care is one of the most difficult challenges faced by the modern American workforce. Companies should be encouraged to provide these services on site—as Ryder has done with great success at our Kids' Corner facility—whenever possible. Your bill will provide incentives for other businesses to do just that. We wish you great success with this important legislation.

Sincerely,

TONY.

By Mr. DASCHLE (for himself and Mr. KERREY):

S. 1148. A bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes; to the Committee on Indian Affairs.

YANKTON SIOUX TRIBE AND SANTEE SIOUX TRIBE OF NEBRASKA DEVELOPMENT TRUST FUND ACT

Mr. DASCHLE. Mr. President, today I am introducing legislation to compensate the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for losses the tribes suffered when the Fort Randall and Gavins Point dams were constructed on the Missouri River over four decades ago.

As a result of the construction of these dams, more than 3,259 acres of land owned by the Yankton Sioux Tribe was flooded or subsequently lost to erosion. Approximately 600 acres of land located near the Santee village and 400 acres on the Niobrara Island of the Santee Sioux Tribe Indian Reservation also was flooded. The flooding of these fertile lands struck a significant blow at the economies of these tribes, and the tribes have never adequately been compensated for that loss. Passage of this legislation will help compensate the tribes for their losses by providing the resources necessary to rebuild their infrastructure and their economy.

To appreciate fully the need for this legislation, it is important to understand the historic events that preceded its development. The Fort Randall and Gavins Point dams were constructed in South Dakota pursuant to the Flood Control Act (58 Stat. 887) of 1944. That legislation authorized implementation of the Missouri River Basin Pick-Sloan Plan for water development and flood control for downstream states.

The Fort Randall dam, which was an integral part of the Pick-Sloan project, initially flooded 2,851 acres of tribal land, forcing the relocation and resettlement of at least 20 families, including the traditional and self-sustaining community of White Swan, one of the four major settlement areas on the reservation. On other reservations, such as Crow Creek, Lower Brule, Cheyenne River, Standing Rock and Fort Berthold, communities affected by the Pick-Sloan dams were relocated to higher ground. In contrast, the White Swan community was completely dissolved and its residents dispersed to whatever areas they could settle and start again.

The bill I am introducing today is the latest in a series of laws that have been enacted in the 1990s to address similar claims by other tribes in South Dakota for losses caused by the Pick-Sloan dams. In 1992, Congress granted the Three Affiliated Tribes of Fort Berthold Reservation and the Standing Rock Sioux Tribe compensation for direct damages, including lost reservation infrastructure, relocation and resettlement expenses, the general rehabilitation of the tribes, and for unfulfilled government commitments regarding replacement facilities. In 1996 Congress enacted legislation compensating the Crow Creek tribe for its losses, while in 1997, legislation was enacted to compensate the Lower Brule tribe. The Yankton Sioux Tribe and Santee Sioux Tribe have not yet received fair compensation for their losses. Their time has come.

Mr. President, the flooding caused by the Pick-Sloan projects touched every aspect of life on the Yankton and Santee Sioux reservations, as large portions of their communities were forced to relocate wherever they could find shelter. Never were these effects fully considered when the federal government was acquiring these lands or designing the Pick-Sloan projects.

The Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act represents an important step in our continuing effort to compensate fairly the tribes of the Missouri River Basin for the sacrifices they made decades ago for the construction of the dams. Passage of this legislation not only will right a historic wrong, but in doing so it will improve the lives of Native Americans living on these reservations.

It has taken decades for us to recognize the unfulfilled federal obligation to compensate the tribes for the effects of the dams. We cannot, of course, remake the lost lands that are now covered with water and return them to the tribes. We can, however, help provide the resources necessary to the tribe to improve the infrastructure on their reservations. This, in turn, will enhance opportunities for economic development that will benefit all members of the tribe. Now that we have reached this stage, the importance of passing this legislation as soon as possible cannot be stated too strongly.

I strongly urge my colleagues to approve this legislation this year. Providing compensation to the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska for past harm inflicted by the federal government is long-overdue and any further delay only compounds that harm. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;

(3) the Fort Randall project (including the Fort Randall Dam and Reservoir)—

(A) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation; and

(B) has caused the erosion of more than 400 acres of prime land on the Yankton Sioux Reservation adjoining the east bank of the Missouri River;

(4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies the eastern boundary of the Santee Sioux Tribe;

(5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe and the Santee Sioux Tribe remain undeveloped;

(6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall and Gavins Point projects by condemnation proceedings;

(7) the Federal Government did not give Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations of those Indian tribes such an opportunity;

(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);

(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and

(10) in addition to the financial compensation provided under the settlement agreements referred to in paragraph (9)—

(A) the Yankton Sioux Tribe should receive an aggregate amount equal to $34,323,743 for—

(i) the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program; and

(ii) the use value of 408.40 acres of Indian land on the reservation of that Indian tribe that was lost as a result of stream bank erosion that has occurred since 1953; and

(B) the Santee Sioux Tribe should receive an aggregate amount equal to $8,132,838 for the loss value of—

(i) 593.10 acres of Indian land located near the Santee village; and

(ii) 414.12 acres on Niobrara Island of the Santee Sioux Tribe Indian Reservation used for the Gavins Point Dam and Reservoir.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) PROGRAM.—The term "Program" means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(3) SANTEE SIOUX TRIBE.—The term "Santee Sioux Tribe" means the Santee Sioux Tribe of Nebraska.

SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Yankton Sioux Tribe Development Trust Fund" (referred to in this section as the "Fund"). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) FUNDING.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit $34,323,743 into the Fund not later than 60 days after the date of enactment of this Act.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO YANKTON SIOUX TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning at the end of the first fiscal year in which interest is deposited into the Fund, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO YANKTON SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Yankton Sioux

Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) Limitation.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under section 6.

(C) Use of payments by Yankton Sioux Tribe.—The Yankton Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.

(D) Pledge of future payments.—

(i) In general.—Subject to clause (ii), the Yankton Sioux Tribe may enter into an agreement under which that Indian tribe pledges future payments under this paragraph as security for a loan or other financial transaction.

(ii) Limitations.—The Yankton Sioux Tribe—

(I) may enter into an agreement under clause (i) only in connection with the purchase of land or other capital assets; and

(II) may not pledge, for any year under an agreement referred to in clause (i), an amount greater than 40 percent of any payment under this paragraph for that year.

(e) Transfers and Withdrawals.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. SANTEE SIOUX TRIBE OF NEBRASKA DEVELOPMENT TRUST FUND.

(a) Establishment.—There is established in the Treasury of the United States a fund to be known as the "Santee Sioux Tribe of Nebraska Development Trust Fund" (referred to in this section as the "Fund"). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) Funding.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit $8,132,838 into the Fund not later than 60 days after the date of enactment of this Act.

(c) Investments.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) Payment of Interest to Santee Sioux Tribe.—

(1) Withdrawal of interest.—Beginning at the end of the first fiscal year in which interest is deposited into the Fund, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) Payments to Santee Sioux Tribe.—

(A) In general.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) Limitation.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Santee Sioux Tribe has adopted a tribal plan under section 6.

(C) Use of payments by Santee Sioux Tribe.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.

(D) Pledge of future payments.—

(i) In general.—Subject to clause (ii), the Santee Sioux Tribe may enter into an agreement under which that Indian tribe pledges future payments under this paragraph as security for a loan or other financial transaction.

(ii) Limitations.—The Santee Sioux Tribe—

(I) may enter into an agreement under clause (i) only in connection with the purchase of land or other capital assets; and

(II) may not pledge, for any year under an agreement referred to in clause (i), an amount greater than 40 percent of any payment under this paragraph for that year.

(e) Transfers and Withdrawals.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 6. TRIBAL PLANS.

(a) In General.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under section 4(d) or 5(d) (referred to in this subsection as a "tribal plan").

(b) Contents of Tribal Plan.—Each tribal plan shall provide for the manner in which the tribe covered under the tribal plan shall expend payments to the tribe under subsection (d) to promote—

(1) economic development;

(2) infrastructure development;

(3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or

(4) any combination of the activities described in paragraphs (1), (2), and (3).

(c) Tribal Plan Review and Revision.—

(1) In general.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with procedures established by the tribal council.

(2) Updating of tribal plan.—Each tribal council referred to in subsection (a) may, on an annual basis, revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.

SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

(a) In General.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Yankton Sioux Tribe or Santee Sioux Tribe is otherwise entitled because of the status of the tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of a tribe under paragraph (1) is entitled because of the status of the individual as a member of the tribe.

(b) Exemptions From Taxation.—No payment made pursuant to this Act shall be subject to any Federal or State income tax.

(c) Power Rates.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

SEC. 8. STATUTORY CONSTRUCTION.

Nothing in this Act may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this Act, any treaty right that is in effect on the date of enactment of this Act, any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as may be necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 4 and the Santee Sioux Tribe of Nebraska Development Trust Fund under section 5.

Mr. KERREY. Mr. President, today, I join with my colleagues to introduce the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska Development Trust Fund Act. This legislation will provide compensation to the Yankton and Santee Sioux Tribes for damages incurred by the development of the Pick-Sloan Missouri River Basin program.

As a result of the construction of Pick-Sloan development projects on tribally-held land adjacent to the Missouri river, Tribes were subjected to forced land takings, involuntary resettlement of families, and the loss of irreplaceable reservation resources.

The Santee Sioux Tribe of Nebraska lost approximately 600 acres of Indian land located near the Santee village and an additional 400 acres on the Nebraska Island of the Santee Sioux Tribe Indian Reservation.

Congress provided compensation to other Native American Tribes for losses caused by the Pick-Sloan projects. However, the Yankton and the Santee Sioux Tribes were not provided opportunities to receive compensation by Congress. Instead, they received settlements for the appraised value of their property through condemnation proceedings in U.S. District Court. But these Tribes did not receive rehabilitation compensation. As a result, the Yankton and Santee Sioux Tribes are entitled to this additional compensation.

This legislation seeks to utilize revenues from the sale of hydropower generated by the Pick-Sloan dams to redress tribal claims for land takings. Congress has endorsed this approach on three separate occasions by enacting legislation which established compensation for several other Tribes adversely impacted by the Pick-Sloan projects.

We propose to establish trust funds for the Yankton and Santee Sioux Tribes from a portion of the revenues of hydropower sales made by the Western Areas Power Administration. More specifically, the Santee Sioux Tribe of Nebraska would received a yearly payment of interest earned on the principal in the trust fund. Our legislation encourages the Santee Sioux Tribe to craft an economic development plan for use of the interest income. This self-governance approach will enable the Santee Sioux Tribe to continue to address improving the quality of life of its tribal members.

This legislation values the importance of redressing tribal claims and self-governance for Nebraska Native American Tribes. It will enable the Santee Sioux Tribe of Nebraska to address past grievances and look forward to investing in its future.

By Mr. LAUTENBERG:

S. 1149. A bill to amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes; to the Committee on Environment and Public Works.

THE DRINKING WATER RIGHT-TO-KNOW ACT OF 1999

Mr. LAUTENBERG. Mr. President, I am introducing today the Drinking Water Right-To-Know Act of 1999. This legislation is designed to give the public the Right to Know about contaminants in their drinking water that are unregulated, but still may present a threat to their health.

Mr. President, when we passed the Safe Drinking Water Act Amendments of 1996, I praised the bill because I believed it would enhance both the quality of our drinking water and America's confidence in its safety. While the bill did not require that states perform every measure necessary to protect public health, it provided tremendous flexibility and discretion to allow the states to do so.

I was especially hopeful that in my state—the most densely-populated state in the country, a state with an unfortunate legacy of industrial pollution, a state in which newspaper articles describing threats to drinking water seem to appear every few days—that our state agencies would exercise their discretion to be more protective of public health than the minimum required under our 1996 bill.

Mr. President, I am sad to say I have been disappointed. I am sad to say that in my state, and probably in some of my colleagues' as well, the state agency has clung too closely to the bare minimum requirements. A good example of this is in the "Source Water Assessment Plan," proposed by the state of New Jersey last November, as required by the 1996 law.

Under the law, the state is required to perform Source Water Assessments to identify geographic areas that are sources of public drinking water, assess the water systems' susceptibility to contamination, and inform the public of the results. The state's Source Water Assessment Plan describes the program for carrying out the assessments.

An aggressive Source Water Assessment program is essential if a state is going to achieve the goals we had for the 1996 Safe Drinking Water Act. Source Water Assessment is the keystone of the program by which the state will prevent—not just remediate and treat, but prevent—contamination of our drinking water resources. Source Water Assessment also underpins what I believe will be the most far-reaching provisions of the law—those giving the public the Right to Know about potential threats to its drinking water.

Mr. Chairman, there are serious deficiencies in my state's proposed Source Water Assessment Plan. These are deficiencies that I fear may characterize other states' plans as well.

First, under the proposed plan, the state will not identify and evaluate the threat presented by contaminants unless they are among the 80 or so specifically regulated under the Safe Drinking Water Act. Under its proposed plan, the state might ignore even contaminants known to be leaching into drinking water from toxic waste sites. For example, the chemical being studied as a possible cause of childhood cancer at Toms River, New Jersey would not be evaluated under the state's plan. Radium 224, recently discovered in drinking water across my state, might not be evaluated under the state's plan until specifically regulated. With gaps like that in our information, what do I tell the families when they want to know what is in their drinking water?

In addition, under its proposed plan, the state would not consult the public in identifying and evaluating threats to drinking water. This exclusion would almost certainly result in exclusion of the detailed information known to the watershed groups and other community groups which exist across New Jersey and across the country. Also, the state's plan to disclose the assessments are vague and imply that only summary data would be made available to the public. The public must have complete and easy access to assessments for the Right to Know component of the drinking water program to be effective.

The Drinking Water Right-To-Know Act of 1999 will address these deficiencies by amending the Safe Drinking Water Act to improve Source Water Assessments and Consumer Confidence Reports. First, under my bill, when the state performs Source Water Assessments, it will assess the threat posed, not just by regulated contaminants, but by certain unregulated contaminants believed by EPA and U.S. Geological Survey to cause health problems, and contaminants known to be released from local pollution sites, such as Superfund sites, other waste sites, and factories. The bill will also require the state to identify potential contamination of groundwater, even outside the immediate area of the well, perform the assessments with full involvement from the public, and update the assessments every five years.

Second, the Drinking Water Right-To-Know Act of 1999 will make several improvements to the "Consumer Confidence Reports" required under the 1996 law to notify the public of water contamination. The bill will require monitoring and public notification, not only of regulated contaminants, but of significant unregulated contaminants identified through the Source Water Assessments, and of sources of contamination. The bill will not require local water purveyors to monitor for every conceivable contaminant—only those identified by the state as posing a threat and having been released by a potentially significant source. In addition, the bill will require notification of new or sharply-increased contamination within 30 days. The bill will also require reporting not just to "customers," but to "consumers," such as apartment-dwellers, who do not receive water company bills. Finally, the bill will require that consumers be provided information on how they can protect themselves from contamination in their drinking water.

Third, the bill will require that testing for the presence of radium 224 take place within 48 hours of sampling the drinking water, so that public water supplies can have an accurate assessment of this rapidly-decaying radioactive contaminant.

Mr. President, the public has the Right-to-Know about the full range of contaminants they might find in their tap water. The Drinking Water Right-To-Know Act of 1999 will guarantee them that right. I urge my colleagues to co-sponsor this legislation.

Thank you, Mr. President. I ask unanimous consent that the text of the bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Drinking Water Right-to-Know Act of 1999".

SEC. 2. RADIUM 224 IN DRINKING WATER.

Section 1412(b)(13) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(13)) is amended by adding at the end the following:

"(H) RADIUM 224 IN DRINKING WATER.—A national primary drinking water regulation for radionuclides promulgated under this paragraph shall require testing drinking water for the presence of radium 224 not later than 48 hours after taking a sample of the drinking water.".

SEC. 3. CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.

Section 1414(c)(4) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "The Administrator" and inserting the following:

"(i) IN GENERAL.—The Administrator";

(B) in the first sentence—

(i) by striking "customer of" and inserting "consumer of the drinking water provided by"; and

(ii) by inserting before the period at the end the following: "that includes a report on the level of each contaminant that—

"(I) may be difficult to detect in finished water; and

"(II) may be present at levels that present a public health concern in finished water;";

(C) in the second sentence, by striking "Such regulations shall provide" and inserting the following:

"(ii) REGULATIONS.—The regulations shall—

"(I) provide";

(D) by striking "contaminant. The regulations shall also include" and inserting "contaminant;

"(II) include";

(E) by striking "water. The regulations shall also provide" and inserting "water;

"(III) provide";

(F) by striking the period at the end of the subparagraph and inserting "; and"; and

(G) by adding at the end the following:

"(IV) direct public water systems to mail consumer confidence reports to residential consumers and mail consumer confidence reports suitable for posting to customers providing water to non-residential consumers, in addition to other methods provided for by the regulations.";

(2) in subparagraph (B), by inserting after clause (vi) the following:

"(vii) The requirement that each community water system shall report to consumers of drinking water supplied by that community water system—

"(I) any detection of a contaminant described in section 1453(a)(2)(D);

"(II) any known or potential health effects of each contaminant detected in the drinking water, to the maximum level of specificity practicable, including known or potential health effects of each contaminant on children, pregnant women, and other vulnerable subpopulations, as determined by the Administrator;

"(III) known or suspected sources of contaminants detected in the drinking water identified by name and location; and

"(IV) information on any health advisory issued for the contaminant, including actions that consumers can take to protect themselves from contamination in the drinking water supplied by the community water system.";

(3) in subparagraph (C)—

(A) in clause (i), by striking "its customers" and inserting "consumers of drinking water provided by the system"; and

(B) in clause (iii), by striking "customers of" and inserting "consumers of its drinking water";

(4) in clause (ii) of the second sentence of subparagraph (D), by striking "of its customers" and inserting "consumer of its drinking water"; and

(5) by adding at the end the following:

"(F) NOTICE OF NEWLY DETECTED CONTAMINATION WITH POTENTIAL TO HAVE ADVERSE HEALTH EFFECTS.—The procedures under subparagraph (D) shall specify that a public water system shall provide written notice to each consumer by mail or direct delivery—

"(i) as soon as practicable, but not later than 30 days after the date of discovery of new contamination or a significant increase in contamination (as compared to the level of contamination reported in any previous consumer confidence report) by a regulated contaminant that is above the maximum contaminant level goal for that contaminant; or

"(ii) as soon as practicable, but not later than 30 days after the date of the discovery of new contamination or the detection of a significant increase in contamination (as compared to the level of contamination reported in any previous consumer confidence report) by an unregulated contaminant.

"(G) DEFINITION OF CONSUMER.—In this paragraph, the term 'consumer' includes—

"(i) a customer of a public water system; and

"(ii) the ultimate consumer of the drinking water.".

SEC. 4. SOURCE WATER ASSESSMENTS.

(a) IN GENERAL.—Section 1453(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-13(a)(2)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) assess the susceptibility of each public water system in the delineated areas to any contaminant that—

"(i) is subject to a national primary drinking water regulation promulgated under section 1412;

"(ii) is included on a list of unregulated contaminants that is published under section 1412(b)(1)(B);

"(iii) is the subject of a health advisory that has been published by the Administrator;

"(iv) is monitored under the source water assessment program established under this subsection;

"(v) is known or suspected to be from a pollution source, including—

"(I) a nonpoint source;

"(II) a facility subject to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

"(III) a factory or other operating facility that generates, treats, stores, disposes of, or releases a material regulated or reported under—

"(aa) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(bb) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(cc) the Clean Air Act (42 U.S.C. 7401 et seq.); or

"(dd) section 313 of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11023); or

"(vi) is monitored by the United States Geological Survey under the National Water Quality Assessment program;

"(D) identify each contaminant described in subparagraph (C) that the State determines presents a threat to public health;

"(E) for each assessment under subparagraph (C), require monitoring for contaminants described in subparagraph (C) if the State determines that a contaminant may have been released by a potentially significant source;

"(F) identify, with the maximum specificity practicable, known or suspected sources of pollution that may threaten public health;

"(G) apply to wellheads, groundwater recharge areas, watersheds, and other assessment areas determined to be appropriate by the Administrator; and

"(H) be developed, updated, and implemented in cooperation with members of the general public that are served by each source water assessment area included in the program.".

(b) PUBLIC AVAILABILITY.—Section 1453(a)(7) of the Safe Drinking Water Act (42 U.S.C. 300j-13(a)(7)) is amended by inserting "and all documentation related to the assessments" after "assessments".

(c) PLANS.—Section 1453(a) of the Safe Drinking Water Act (42 U.S.C. 300j-13(a)) is amended by adding at the end the following:

"(8) PLANS.—

"(A) INITIAL PLAN.—Not later than 1 year after the date of enactment of this paragraph, the State shall submit to the Administrator the plan of the State for carrying out this subsection.

"(B) UPDATES.—Not later than 5 years after the date of the initial submission of the plan and every 5 years thereafter, the State shall update, and submit to the Administrator, the plan of the State for carrying out this subsection.".

By Mr. HATCH (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. KYL, Mr. ROBB, and Mr. BINGAMAN):

S. 1150. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

THE SEMICONDUCTOR EQUIPMENT INVESTMENT ACT OF 1999

Mr. HATCH. Mr. President, I rise today to introduce the Semiconductor Investment Act of 1999. I am joined by Senators BAUCUS, FEINSTEIN, KYL, ROBB, and BINGAMIN. This bill is designed to help the American semiconductor industry compete globally by shortening the depreciable life of semiconductor manufacturing equipment from 5 years to 3.

The U.S. semiconductor industry employs more than 275,000 Americans, sells over $67 billion of products annually, and currently controls 55 percent of the $122 billion world market. Its products form the foundation of practically every electronic device used today. Growth in this industry translates directly into new employment opportunities for American workers and to economic growth for the nation as a whole.

The American semiconductor industry is a success story because it has invested heavily in the most productive, cutting-edge technology available, and currently spends 14% of its revenues on research and development and 19% on capital investment. Unfortunately, Mr. President, our semiconductor industry is threatened.

While the equipment used to manufacture semiconductors has a useful life of only about 3 years, current tax depreciation rules require that cost of the equipment be written off over a full 5 years. The Semiconductor Investment Act would correct this flaw, Mr. President, by allowing equipment used in the manufacture of semiconductors to be depreciated over a more appropriate 3-year period. Given the massive level of investment in the semiconductor industry, accurate depreciation is critical to industry success.

The key reason for this 3-year depreciation period is that the equipment used to make semiconductors grows technologically obsolete more quickly than other manufacturing equipment. Research indicates that semiconductor manufacturing equipment almost completely loses its ability to produce sellable products after less than 3 years. Today's 5-year period simply doesn't reflect reality. A quicker write-off period would help semiconductor manufacturers finance the large investment in equipment they need for the next generation of products.

The National Advisory Committee on Semiconductors reinforced this conclusion. Congress founded the committee in 1988, and it consisted of Presidential appointees from both the public and private sectors. In 1992, the committee recommended a 3-year schedule would increase the industry's annual capital investment rate by a full 11 percent.

By comparison, Japan, Taiwan, and Korea employ much more generous depreciation schedules for similar equipment, and all three nations provide stiff competition for America's semiconductor manufacturers. For example, under Japanese law, a company can depreciate up to 88 percent of its semiconductor equipment cost in the first year, while United States law permits a mere 20-percent depreciation over the same period. When multinational semiconductor firms are deciding where to invest, a depreciation gap this large can be decisive.

This legislation will help ensure that America's semiconductor industry retains its hard-earned preeminence, a preeminence that yields abundant opportunities for high-wage, high-skill employment. Mr. President, my home State of Utah, provides an outstanding example of the industry's job-creating capacity. Thousands of Utahns earn their living in the State's flourishing semiconductor industry. Firms such as Micron Technology, National Semiconductor, Intel, and Varian have reinforced Utah's strong position in high-technology industries. With the fair tax treatment this bill brings, all Utahns can look forward to a more secure and prosperous future.

Mr. President, the Semiconductor Investment Act of 1999 will help level the playing field between U.S. and foreign semiconductor manufacturers, and provides fair tax treatment to an industry that is one of the Nation's greatest success stories of recent years. I hope that my fellow Senators will join me in supporting this legislation. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Semiconductor Equipment Investment Act of 1999".

SEC. 2. 3-YEAR DEPRECIABLE LIFE FOR SEMICONDUCTOR MANUFACTURING EQUIPMENT.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any semiconductor manufacturing equipment."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) by striking clause (ii),

(B) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively, and

(C) by striking "clause (vi)(I)" in the last sentence and inserting "clause (v)(I)".

(2) Subparagraph (B) of section 168(g)(3) of such Code is amended by striking the items relating to subparagraph (B)(ii) and subparagraph (B)(iii) and inserting the following:

"(A)(iv) 3
"(B)(ii) .... 9.5".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to equipment placed in service after the date of the enactment of this Act.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN):

S. 1151. A bill to amend the Office of Federal Procurement Policy Act to streamline the application of cost accounting standards; to the Committee on Governmental Affairs.

COST ACCOUNTING STANDARDS AMENDMENTS OF 1999

Mr. THOMPSON Mr. President, I rise today to introduce a bill on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee's ranking minority member, and Senators WARNER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. This legislation will benefit the procurement process in all agencies across the Federal government.

In recent years, Congress has enacted two major acquisition reform statutes—the Federal Acquisition Streamlining Act of 1994 (FASA) and the Clinger-Cohen Act of 1996. These statutes changed the trend in government contracting toward simplifying the government's acquisition process and eliminating many government-unique requirements. The goal of these changes in the government's purchasing processes has been to modify or eliminate unnecessary and burdensome legislative mandates, increase the use of commercial items to meet government needs, and give more discretion to contracting agencies in making their procurement decisions.

Since the early 1900's, the Federal government has required certain unique accounting standards or criteria designed to protect it from the risk of overpaying for goods and services by directing the manner or degree to which Federal contractors apportion costs to their contracts with the government. The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards (CAS) Board, a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contracts to government contracts, or from fixed-priced contracts to cost-type contracts.

FASA and the Clinger-Cohen Act took significant steps to exempt commercial items from the applicability of the CAS standards. Nonetheless, executive agencies, particularly the Department of Defense, and others in the public and private sectors continue to identify the CAS standards as a continuing barrier to the integration of commercial items into the government marketplace. Advocates of relaxing the CAS standards argue that they require companies to create unique accounting systems to do business with the government in cost-type contracts. They believe that the added cost of developing the required accounting systems has discouraged some commercial companies from doing business with the government and led others to set up separate assembly lines for government products, substantially increasing costs to the government.

This bill carefully balances the government's need for greater access to commercial items, particularly those of nontraditional suppliers, with the need for a strong set of CAS standards to protect the taxpayers from overpayments to contractors. The bill would modify the CAS standards to streamline their applicability, while maintaining the applicability of the standards to the vast majority of contract dollars that are currently covered. In particular, the bill would raise the threshold for coverage under the CAS standards from $25 million to $50 million; exempt contractors from coverage if they do not have a contract in excess of $5 million; and exclude coverage based on firm, fixed price contracts awarded on the basis of adequate price competition without the submission of certified cost or pricing data.

The bill also would provide for waivers of the CAS standards by Federal agencies in limited circumstances. This would allow contracting agencies to handle this contract administration function, in limited circumstances, as part of their traditional role in administering contracts. Our intent is that waivers would be available for contracts in excess of $10 million only in "exceptional circumstances." The "exceptional circumstances" waiver may be used only when a waiver is necessary to meet the needs of an agency, and i.e., the agency determines that it would not be able to obtain the products or services in the absence of a waiver.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.SHORT TITLE.

This Act may be cited as the "Cost Accounting Standards Amendments of 1999".

SEC. 2. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) APPLICABILITY.—Paragraph (2) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following:

"(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor or subcontractor, respectively, in the previous fiscal year (or other one-year cost accounting period) was less than $50,000,000.

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

"(i) Contracts or subcontracts for the acquisition of commercial items.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) Contracts or subcontracts with a value that is less than $5,000,000.".

(b) WAIVER.—Such section is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

"(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

"(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

"(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

"(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

"(D) The Federal Acquisition Regulation shall include the following:

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

"(ii) The specific circumstances under which such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.".

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A–21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

By Ms. SNOWE:

S. 1152. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

OSTEOPOROSIS FEDERAL EMPLOYEE HEALTH BENEFITS STANDARDIZATION ACT

● Ms. SNOWE. Mr. President, I rise today to reintroduce legislation that will standardize coverage for bone mass measurement for people at risk for osteoporosis under the Federal Employee Health Benefits Program. This legislation is similar to my bill which was enacted as part of the Balanced Budget Act to standardize coverage of bone mass measurement under Medicare. The bill I reintroduce today guarantees the same uniformity of coverage to Federal employees and retirees as Congress provided to Medicare beneficiaries two years ago.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass; 80 percent of its victims are women. This devastating disease causes 1.5 million fractures annually at a cost of $13.8 billion—$38 million per day—in direct medical expenses. In their lifetime, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. Amazingly, a woman's risk of a hip fracture is equal to her combined risk of contracting breast, uterine, and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass were detected early and treated. Though we now have drugs that promise to reduce fractures by 50 percent and new drugs have been proven to actually rebuild bone mass, a bone mass measurement is the only way to diagnose osteoporosis and determine one's risk for future fractures. And we have learned that there are some prominent risk facts: age, gender, race, a family history of bone fractures, early menopause, risky health behaviors such as smoking and excessive alcohol consumption, and some medications all have been identified as contributing factors to bone loss. But identification of risk factors alone cannot predict how much bone a person has and how strong bone is—experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed.

Unfortunately, coverage of bone density tests under the Federal Employee Health Benefit Program (FEHBP) is inconsistent. Instead of a comprehensive national coverage policy, FEHBP leaves it to each of the nearly 500 participating plans to decide who is eligible to receive a bone mass measurement and what constitutes medical necessity. Many plans have no specific rules to guide reimbursement and cover the tests on a case-by-case basis. Some plans refuse to provide consumers with information indicating when the plan covers the test and when it does not and some plans cover the test only for people who already have osteoporosis.

Mr. President, we owe the people who serve our Government more than that. We know that osteoporosis is highly preventable, but only if it is discovered in time. There is simply no substitute for early detection. My legislation standardizes coverage for bone mass measurement under the FEHBP and I urge my colleagues to support this legislation.●

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. WELLSTONE, Mr. JOHNSON, Mr. WYDEN, Mr. REID, Mr. KERRY, Mr. ROCKEFELLER, and Mrs. MURRAY):

S. 1153. A bill to establish the Office of Rural Advocacy in the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RURAL TELECOMMUNICATIONS IMPROVEMENT ACT OF 1999

Mr. HARKIN. Mr. President, today I am introducing important legislation to assist rural America, the Rural Telecommunications Improvement Act of 1999. I am pleased to be joined in this effort by our distinguished Democratic leader, Senator DASCHLE, as well as Senators DORGAN, BAUCUS, CONRAD, WELLSTONE, JOHNSON, WYDEN, REID, KERREY, ROCKEFELLER and MURRAY. I would like to thank each of them for joining me in this effort to promote the interests of rural America within the Federal Communications Commission (FCC).

Our legislation will establish an Office of Rural Advocacy within the FCC to promote access to advanced telecommunications in rural areas. The Rural Advocate will be responsible for focusing the Commission's attention on the importance of rural areas to the future of American prosperity, as well as on ensuring that Universal Service provisions mandated by the Communications Act and the Telecommunications Act are being met and implemented.

Our proposal is modeled on the Small Business Administration's Office of Advocacy, which has been very successful in promoting the interests of small business within the U.S. government.

Under our bill, the Office of Rural Advocacy will have 9 chief responsibilities:

To promote access to advanced telecommunications service for populations in the rural United States;

To develop proposals to better fulfill the commitment of the Federal Government to universal service and access to advanced telecommunications services in rural areas;

To assess the effectiveness of existing Federal programs for providers of telecommunications services in rural areas;

To measure the costs and other effects of Federal regulations on telecommunication carriers in rural areas;

To determine the effect of Federal tax laws on providers of telecommunications services in rural areas;

To serve as a focal point for the receipt of complaints, criticisms and suggestions concerning policies and activities of any department or agency of the Federal Government which affect the receipt of telecommunications services in rural areas;

To counsel providers of telecommunications services in rural areas;

To represent the views and interests of rural populations and providers of telecommunications services in rural areas; and

To enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in providing information about the telecommunications programs and services of the Federal Government which benefit rural areas and telecommunications companies.

Mr. President, such an office within the FCC is needed for one very important reason, no bureau or Commissioner at the FCC has as an institutional role with the responsibility to promote the interests of rural telecommunications. The FCC has a great number of issues to consider due to the ever changing role of communications.

Our legislation will ensure the FCC has the resources necessary to focus the Commission's attention on rural issues and will help establish an agenda at the FCC to address rural America's telecommunications needs, something the Commission has not done in the recent past. For example, the FCC's report on Advanced Telecommunications Services stated "deployment of advanced telecommunications generally appear, at present, reasonable and timely." I can tell you Mr. President, this is not the case in Iowa where, according to the Iowa Utilities Board (IUB), approximately 8% of our exchanges have no access to the Internet. Additionally, access in many rural areas is of low speed and poor quality. This doesn't even include access to broadband, or high-speed Internet access, which is not available in numerous rural areas and small towns in Iowa and across the country.

Other examples of the FCC's lack of focus on rural issues include a failure to understand how rural telephone cooperatives interact with their members, such as preventing rural telephone cooperatives from calling members to check on long distance preference changes, and an FCC definition that establishes a 3000 hertz level of basic voice grade service, when such a low level prevents Internet access on longer loops in rural areas.

In order to effectively influence policy on rural telecommunications, this legislation gives the Rural Advocate the rank of a bureau chief within the FCC. The Rural Advocate will also have the authority to file comments or reports on any matter before the Federal Government affecting rural telecommunications without having to clear the testimony with the OMB or the FCC. Additionally, the Rural Advocate can file reports with the Administration, Congress and the FCC to recommend legislation or changes in policy. Finally, the Rural Advocate will be appointed directly by the President and confirmed by the Senate.

Mr. President, in short, this legislation would allow rural America to enter the fast lane of the Information Superhighway. Again, thank you to my colleagues who have joined me in sponsoring this proposal. I urge all Senators to consider joining us in moving this initiative forward.

I ask unanimous consent that a copy of our proposal be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Telecommunications Improvement Act of 1999".

SEC. 2. ESTABLISHMENT OF OFFICE OF RURAL ADVOCACY IN THE FEDERAL COMMUNICATIONS COMMISSION.

(a) ESTABLISHMENT.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

"SEC. 12. OFFICE OF RURAL ADVOCACY.

"(a) ESTABLISHMENT.—There shall be in the Commission an office to be known as the 'Office of of Rural Advocacy'. The office shall not be a bureau of the Commission.

"(b) HEAD OF OFFICE.—(1) The Office shall be headed by the Rural Advocate of the Federal Communications Commission. The Rural Advocate shall be appointed by the President, by and with the advice and consent of the Senate, from among citizens of the United States.

"(2) The Rural Advocate shall have a status and rank in the Commission commensurate with the status and rank in the Commission of the heads of the bureaus of the Commission.

"(c) RESPONSIBILITIES OF OFFICE.—The responsibilities of the Office are as follows:

"(1) To promote access to advanced telecommunications service for populations in the rural United States.

"(2) To develop proposals for the modification of policies and activities of the departments and agencies of the Federal Government in order to better fulfill the commitment of the Federal Government to universal service and access to advanced telecommunications services in rural areas, and submit such proposals to the departments and agencies.

"(3) To assess the effectiveness of existing Federal programs for providers of telecommunications services in rural areas, and make recommendations for legislative and non-legislative actions to improve such programs.

"(4) To measure the costs and other effects of Federal regulations on the capability of telecommunication carriers in rural areas to provide adequate telecommunications services (including advanced telecommunications and information services) in such areas, and make recommendations for legislative and non-legislative actions to modify such regulations so as to minimize the interference of such regulations with that capability.

"(5) To determine the effect of Federal tax laws on providers of telecommunications services in rural areas, and make recommendations for legislative and non-legislative actions to modify Federal tax laws so as to enhance the availability of telecommunications services in rural areas.

"(6) To serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning policies and activities of any department or agency of the Federal Government which affect the receipt of telecommunications services in rural areas.

"(7) To counsel providers of telecommunications services in rural areas on the effective resolution of questions and problems in the relationships between such providers and the Federal Government.

"(8) To represent the views and interests of rural populations and providers of telecommunications services in rural areas before any department or agency of the Federal Government whose policies and activities affect the receipt of telecommunications services in rural areas.

"(9) To enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the telecommunications programs and services of the Federal Government which benefit rural populations and providers of telecommunications services in rural areas.

"(d) STAFF AND POWERS OF OFFICE.—

"(1) STAFF.—

"(A) IN GENERAL.—For purposes of carrying out the responsibilities of the Office under this section, the Rural Advocate may employ and fix the compensation of such personnel for the Office as the Rural Advocate considers appropriate.

"(B) Pay.—

"(i) In general.—The employment and compensation of personnel under this paragraph may be made without regard to the provisions of title 5, United States Code, governing appointments in the civil service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification of positions and General Schedule pay rates.

"(ii) Maximum rate of pay.—The rate of pay of personnel employed under this paragraph may not exceed the rate payable for GS–15 of the General Schedule.

"(C) Limitation.—The total number of personnel employed under this paragraph may not exceed 14.

"(2) Temporary and intermittent services.—The Rural Advocate may procure temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code, for purposes of the activities of the Office under this section.

"(3) Consultation with experts.—The Rural Advocate may consult with individuals and entities possessing such expertise as the Rural Advocate considers appropriate for purposes of the activities of the Office under this section.

"(4) Hearing.—The Rural Advocate may hold hearings and sit and act as such times and places as the Rural Advocate considers appropriate for purposes of the activities of the Office under this section.

"(e) Assistance of Other Federal Departments and Agencies.—

"(1) In general.—Any department or agency of the Federal Government may, upon the request of the Rural Advocate, provide the Office with such information or other assistance as the Rural Advocate considers appropriate for purposes of the activities of the Office under this section.

"(2) Reimbursement.—Assistance may be provided the Office under this subsection on a reimbursable basis.

"(f) Reports.—

"(1) Annual report.—The Rural Advocate shall submit to Congress, the President, and the Commission on an annual basis a report on the activities of the Office under this section during the preceding year. The report may include any recommendations for legislative or other action that the Rural Advocate considers appropriate.

"(2) Other reports.—The Rural Advocate may submit to Congress, the President, the Commission, or any other department or agency of the Federal Government at any time a report containing comments on a matter within the responsibilities of the Office under this section.

"(3) Direct submittal.—The Rural Advocate may not be required to submit any report under this subsection to any department or agency of the Federal Government (including the Office of Management and Budget or the Commission) before its submittal under a provision of this subsection.".

(b) Executive Schedule Level IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Rural Advocate, Federal Communications Commission.".

(c) Report on Initial Activities.—Not later than 180 days after the date of the appointment of the Rural Advocate of the Federal Communications Commission, the Rural Advocate shall submit to Congress a report on the actions taken by the Rural Advocate to commence carrying out the responsibilities of the Office of Rural Advocacy of the Federal Communications Commission under section 12 of the Communications Act of 1934, as added by subsection (a).

By Mr. VOINOVICH (for himself, Mr. GRAHAM, Mr. BAYH, and Mr. COCHRAN):

S. 1154. A bill to enable States to use Federal funds more effectively on behalf of young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PRENATAL, INFANT AND CHILD DEVELOPMENT ACT OF 1999

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with several of my Senate colleagues that will address the physical, cognitive and social development of an often-overlooked segment of our nation's population—children from prenatal to three years old.

Our bill, the "Prenatal, Infant and Child Development Act of 1999," will give states the necessary tools to help children cultivate the basic learning patterns and abilities that they will use throughout their lives. We need to do all that we can to create healthy, early childhood development systems across the country, and Senator GRAHAM and I believe it is within the most important years of a child's life—prenatal to three—that the most beneficial influence can be provided by parents, grandparents and caregivers.

Every field of endeavor has peak moments of discovery, when past knowledge converges with new information, new insights and new technologies to produce startling opportunities for advancement. For the healthy development of young children—we are faced with one such moment. Today, thanks to decades of research on brain chemistry and sophisticated new technologies, neuroscientists have the data that tells us the experiences that fill a baby's first days, months, and years have a decisive impact on the architecture of the brain and on the nature and extent of one's adult capabilities. It is the education, the love and the nurturing that our children receive during the years prenatal to three that will help determine who they become 10, 20 and 30 years down the road.

Consequently, a tremendous opportunity exists to assist those individuals and families most at risk in the area of prenatal care through age three. We must work to create systems that support and educate families expecting a baby and those already with young children. We must present a message that is perfectly clear—education does not and cannot begin in kindergarten, or even in a quality preschool.

Mr. President, in 1997, I served as Chairman of the National Governors' Association (NGA). My focus during my tenure as Chairman, was the National Education Goal One, that by the year 2000, all children in America will start school ready to learn.

We developed goals, model indicators, and measures of performance of child and family well-being in order to impact school readiness. The results-oriented goals focused states on the improved conditions of young children and their families. We encouraged state and local governments to look across a variety of delivery systems—health care, child care, family support, and education—to make sure these systems would work together effectively for young children and their families. Based on that effort, between 1997 and 1998, 42 governors made early childhood development a keynote issue as they outlined their state agendas.

Improving education is really about the process of "lifelong learning," which includes efforts based on what doctors and researchers have said about the importance of positive early childhood learning experiences. The traditional primary and secondary education community needs to recognize that investments in early childhood aid their ultimate goal—that is, a classroom that can continue to move the learning process forward. To achieve that goal, a significant tenet of our education agenda must be to ensure that our children enter school ready to learn. Thus, we must support parents and caregivers, to help them understand that day-to-day interaction with young children helps children develop cognitively, socially and emotionally.

To ensure that children have the best possible start in life, supports must exist to help parents and other adults who care for young children. Supports that are critical for young children from prenatal through age three include health care, nutrition programs, childcare, early development services adoption assistance, education programs, and other support services.

There are three ways we can enhance these supports and create new ones. The first is to build on existing programs well underway in the states and the local communities by protecting and increasing federal commitments to worthwhile programs such as WIC (Women, Infants, and Children), CCDBG (Child Care and Development Block Grant), and S-CHIP (State-Children's Health Insurance Program).

The second is to improve coordination among federal agencies in the administration of early childhood programs. As Chairman of the Senate Government Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, I am taking steps to ensure, for example, that the Department of Education and the Department of Health and Human Services communicate with each other about the early childhood programs for which they are responsible in order to determine which are duplicative and which are most successful.

The Results Act contemplates that agencies should be using their Performance Plans to demonstrate how daily activities, including coordination, contribute to the achievement of strategic goals. GAO evaluated the Departments of Education and Health and Human Services 5-year Strategic Plans, and FY 1999 and FY 2000 Annual Performance Plans with regard to their coordination efforts. GAO found that both departments' plans are not living up to their full potential. While they address the issue of coordination, the plans provide little detail about their intentions to implement such coordination efforts. I met with both departments and asked that they submit an amended Performance Plan that provided a more detailed compilation of coordination activities and examples. We should emerge from this exercise with a consensus on the most promising programs for our children.

The third way to improve support services is to encourage states to make prenatal to three development a priority. Our bill gives state and local governments additional resources to provide these necessary support services. At the same time, it recognizes that tight spending restraints limit available resources. Consequently, it is a modest, incremental bill that encourages collaboration and integration among existing programs and services and provides additional flexibility to states and local governments if they implement programs to provide coordinated services dedicated to meeting the needs of young children.

Most child advocacy groups rank collaboration on the local level as fundamental and essential to successful programs for healthy childhood development. Under the bill, funds will be provided through the CCDBG program and will reward states that initiate such collaboration in creating state and local councils. It will also encourage states with existing collaboratives to help them expand their focus to social, emotional and cognitive development so that children have the best possible start in life. Funds could be used for a variety of coordinated services, such as child care, child development, pediatric literacy, parent education, home visits, or health services. States will lay out plans that identify ways to further promote the importance of early childhood care and education. Plans should also identify existing supports available for these children and ways that state and local councils can work with already established early development programs.

In addition, the bill focuses on three particular areas to increase public awareness and enhance training opportunities for parents and other adults caring for young children.

The first would provide funding to expand a satellite television network nationally. In order to help parents and caregivers do a better job of creating an environment where kids can learn, the legislation provides funds to support satellite television network services directly connected to child care centers, preschools, colleges, Early Head Start sites and the Internet. These services include high quality training, news, jobs and medical information dedicated to the specific needs of the Head Start staff and others in the early childhood community. In my state of Ohio, we already have networks in place at 1,500 sites.

The bill provides for a partnership between at least one non-profit organization and other public or private entities specializing in broadcast programs for parents and professionals in the early childhood field. The goal is to blend the latest in satellite technology with sound "prenatal to three" information and training principles, potentially reaching more than 140,000 caregivers and parents each month.

The second would provide financial incentives for child-care workers to pursue credentialing or accreditation in early childhood education. Although many states do not have formal credentialing standards, there are several national organizations with accreditation curricula. The legislation encourages caregivers to pursue skills-based training (including via satellite or on the Internet) that leads to credentialing or accreditation by the state or national organization. Whatever qualified incentive program is initiated, employers would be required to match each dollar of the Federal contribution.

The third would reauthorize and expand the multimedia parenting resources through video, print and interactive resources in the PBS "Ready to Learn" initiative. These resources include:

Expanded Internet offerings that enable parents to reinforce PBS' "Ready to Learn" curriculum at home. "Ready to Learn" material would be directly accessible from the web for parents to utilize in reinforcing their child's appreciation of public television programs prior to and after program viewing.

Expanded national programming, such as Mr. Rogers and Sesame Street.

Formalized and expanded "Ready to Learn Teachers" training and certificate programs using "The Whole Child" video courseware, collateral print materials and the development of new video and print courseware.

Expanded caregiver/parent training which would include workshops, distribution of material, and broadcasting of educational video vignettes regarding developmentally appropriate activities for young children.

Deployment of a 24-hour channel of Ready to Learn-based children's programming and parenting training through digital technology.

Our bill would also allow the Temporary Assistance for Needy Families (TANF) program to serve young children in a more effective manner by allowing states the ability to transfer up to 10 percent of a state's TANF grant to the Social Services Block Grant (SSBG). Originally, the 1996 welfare reform bill allowed states this flexibility. However, this was restricted in 1998 to allow states to transfer just 4.25 percent of their TANF grant as an offset to help pay for new highway investments in TEA-21. Social Services Block Grants (Title XX of the Social Security Act) are a flexible source of funds that states may use to support a wide variety of social services for children and families, including child day care, protective services for children, foster care, and home-based services.

The bill would also allow an additional 15 percent transfer of TANF money to the Child Care and Development Block Grant (CCDBG) for expenditures under a state early childhood collaboration program. Currently, states are permitted to transfer up to 30 percent of TANF to a combination of the CCDBG and SSBG. The Welfare Reform Act restructured federal childcare programs, repealed three welfare-related childcare programs and amended the Child Care Development Block Grant (CCDBG). Under current law, states receive a combination of mandatory and discretionary grants, part of which is subject to a state match. These funds would allow states to create or expand local early childhood development coordination councils (10 percent of the transfer authority), or to enhance child care quality in existing programs (5 percent of the transfer authority).

Using these new resources, states can implement coordinated programs at the local level, such as "one-stop shopping" for parents with young children. Under this particular program, parents could have a well-baby care visit, meet with a counselor to discuss questions and concerns about the baby's development or receive referrals for help in enrollment in child-care.

Further, the legislation would alter the high performance bonus find within TANF to include criteria related to child welfare. The current criteria are based upon the recommendations of the National Governors' Association (NGA) high performance bonus fund work group. The bonus fund currently provides $200 million annually to states for meeting certain work-related performance targets, such as improvement of long-term self-sufficiency rates by current and former TANF recipients. The performance targets should be expanded to include family- and child-related criteria, such as increases in immunization rates, literacy and preschool participation.

Finally, our bill encourages States to use their Maternal and Child Health Services Block Grant to target activities that address the needs of children from prenatal to three. The Maternal and Child Health Services Block Grant funds a broad range of health services to mothers and children, particularly those with low income or limited access to health services. Its goals are to reduce infant mortality, prevent disease and handicapping conditions among children and increase the availability of prenatal, delivery and postpartum care to mothers.

States are required to use 30 percent of their block grant for preventive and primary care services for children, 30 percent for services to children with special health care needs, and 40 percent at the states' discretion for either of these groups or for other appropriate maternal and child health activities. Using this existing funding, this legislation encourages states to design programs to address the social and emotional development needs of children under the age of five. It encourages states to provide coordinated early development services, parent education, and strategies to meet the needs of state and local populations. It does not mandate any specific model, nor does it require that states set-aside a specific amount of money from this block grant. Rather, it is intended to give states flexibility in finding money to devote more resources to existing or new healthy early childhood development systems.

Mr. President, the pace at which children grow and learn during the first three years of life makes that period the most critical in their overall development. Children who lack proper nutrition, health care and nurturing during their early years tend to also lack adequate social, motor and language skills needed to perform well in school.

I believe that all children, parents, and caregivers should have access to coordinated information and support services appropriate for healthy early childhood development in the first three years of life. The changing structure of the family requires that states streamline and coordinate healthy early childhood development systems of care to meet the needs of parents and children in the 21st century.

The Federal Government's role in the development of these systems of care is minimal; it must give states the flexibility to implement programs that respond to local needs and conditions. Although it's just a modest step, that's exactly what our bill does.

Our children are our most precious natural resource. They are our hope and they are our future. Therefore, I encourage my colleagues to co-sponsor our legislation, and I urge the Senate during the 106th Congress to make prenatal to three a priority for the sake of our children.

Thank you, Mr. President, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prenatal, Infant, and Child Development Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—FUNDS PROVIDED UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM

Sec. 101. Authority to transfer funds for other purposes.
Sec. 102. Bonus to reward high performance States.

TITLE II—EXPANSION OF THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT

Sec. 201. Authority to provide State programs for the development of children under age 5.

TITLE III—SATELLITE TRAINING

Sec. 301. Short title.
Sec. 302. Revision of part C of title III of the Elementary and Secondary Education Act of 1965.
Sec. 303. Satellite television network.

TITLE IV—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE

Sec. 401. Block grants to States for healthy early childhood development systems of care.

TITLE V—CREDENTIALING AND ACCREDITATION

Sec. 501. Definitions.
Sec. 502. Authorization of appropriation.
Sec. 503. State allotments.
Sec. 504. Application.
Sec. 505. State child care credentialing and accreditation incentive program.
Sec. 506. Administration.
Sec. 507. Credentialing, accreditation, and retention of qualified child care workers.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Babies are born with all of the 100,000,000,000 brain cells, or neurons, that the babies will need as adults.

(2) By age 3, children have nearly all of the necessary connections, or synapses, between brain cells that cause the brain to function properly.

(3) The pace at which children grow and learn during the first years of life makes that period the most critical in their overall development.

(4) Children who lack proper nutrition, health care, and nurturing during their first years tend to also lack adequate social, motor, and language skills needed to perform well in school.

(5) All young children, and parents and caregivers of these children, should have access to information and support services appropriate for promoting healthy early childhood development in the first years of life, including health care, early intervention services, child care, parenting education, and other child development services.

(6) The changing structure of the family requires that States streamline and coordinate healthy early childhood development systems of care to meet the needs of parents and children in the 21st century.

(7) The Federal Government's role in the development of these systems of care should be minimal. The Federal Government must give States the flexibility to implement systems involving programs that respond to local needs and conditions.

TITLE I—FUNDS PROVIDED UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM

SEC. 101. AUTHORITY TO TRANSFER FUNDS FOR OTHER PURPOSES.

(a) TRANSFER OF FUNDS FOR BLOCK GRANTS FOR SOCIAL SERVICES.—

(1) ELIMINATION OF REDUCTION IN AMOUNT TRANSFERABLE FOR FISCAL YEAR 2001 AND THEREAFTER.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on October 1, 1999.

(b) TRANSFER OF FUNDS FOR EARLY CHILDHOOD COLLABORATIVE EFFORTS UNDER THE CCDBG.—

(1) IN GENERAL.—Section 404(d) of the Social Security Act (42 U.S.C. 604(d)) is amended—

(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2), the following:

"(3) ADDITIONAL AMOUNTS TRANSFERABLE TO EARLY CHILDHOOD COLLABORATIVE COUNCILS.—The percentage described in paragraph (1) may be increased by up to 10 percentage points if the additional funds resulting from that increase are provided to local early childhood development coordinating councils described in section 659H of the Child Care and Development Block Grant Act of 1990 to carry out activities described in section 659J of that Act.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 1999.

(c) TRANSFER OF FUNDS TO ENHANCE CHILD CARE QUALITY UNDER THE CCDBG.—

(1) IN GENERAL.—Section 404(d) of the Social Security Act (42 U.S.C. 604(d)), as amended by subsection (b), is amended—

(A) in paragraph (1), by striking "and (3)" and inserting "(3), and (4)";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3), the following:

"(4) ADDITIONAL AMOUNTS TRANSFERABLE FOR THE ENHANCEMENT OF CHILD CARE QUALITY.—The percentage described in paragraph (1) (determined without regard to any increase in that percentage as a result of the application of paragraph (3)) may be increased by up to 5 percentage points if the additional funds resulting from that increase are used to enhance child care quality under a State program pursuant to the Child Care and Development Block Grant Act of 1990.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 1999.

SEC. 102. BONUS TO REWARD HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:

"(i) IN GENERAL.—Not later";

(2) by inserting "The formula shall provide for the awarding of grants under this paragraph based on core national and State-selected measures in accordance with clauses (ii) and (iii)." after the period; and

(3) by adding at the end the following:

"(ii) CORE NATIONAL MEASURES.—The majority of grants awarded under this paragraph shall be based on employment-related national measures using data that are consistently available in all States.

"(iii) STATE-SELECTED MEASURES.—Not less than $20,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on optional, State-selected measures that are related to the status of families and children. States may choose to compete from among such measures according to the policy priorities of the State and the ability of the State to provide data. Such State-selected measures may include—

"(I) successful diversion of applicants from a need for cash assistance under the State program under this title;

"(II) school attendance records of children in families receiving assistance under the State program under this title;

"(III) the degree of participation in the State in the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.) or public preschool programs;

"(IV) improvement of child and adult literacy rates;

"(V) improvement of long-term self-sufficiency rates by current and former recipients of assistance under the State program funded under this title;

"(VI) child support collection rates under the child support and paternity establishment program established under part D;

"(VII) increases in household income of current and former recipients of assistance under the State program funded under this title; and

"(VIII) improvement of child immunization rates.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to each of fiscal years 2000 through 2003.

TITLE II—EXPANSION OF THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT

SEC. 201. AUTHORITY TO PROVIDE STATE PROGRAMS FOR THE DEVELOPMENT OF CHILDREN UNDER AGE 5.

(a) IN GENERAL.—Section 501(a)(1) of the Social Security Act (42 U.S.C. 701(a)(1)) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting after subparagraph (A), the following:

"(B) to design programs to address the physical, cognitive, and social developmental needs of infants and children under age 5 by providing early child development services, parent education, and other tailored strategies to meet the needs of State and local populations;".

(b) CONFORMING AMENDMENTS.—Paragraphs (1)(C) and (3)(B) of section 505(a) of the Social Security Act (42 U.S.C. 705(a)) are each amended by striking "501(a)(1)(D)" and inserting "501(a)(1)(E)".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

TITLE III—SATELLITE TRAINING

SEC. 301. SHORT TITLE.

This title may be cited as the "Digital Education Act of 1999".

SEC. 302. REVISION OF PART C OF TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.) is amended to read as follows:

"PART C—READY-TO-LEARN DIGITAL TELEVISION

"SEC. 3301. FINDINGS.

"Congress makes the following findings:

"(1) In 1994, Congress and the Department collaborated to make a long-term, meaningful and public investment in the principle that high-quality preschool television programming will help children be ready to learn by the time the children entered first grade.

"(2) The Ready to Learn Television Program through the Public Broadcasting Service (PBS) and local public television stations has proven to be an extremely cost-effective national response to improving early childhood development and helping parents, caregivers, and professional child care providers learn how to use television as a means to help children learn, develop, and play creatively.

"(3) Independent research shows that parents who participate in Ready to Learn workshops are more critical consumers of television and their children are more active viewers. A University of Alabama study showed that parents who had attended a Ready to Learn workshop read more books and stories to their children and read more minutes each time than nonattendees. The parents did more hands-on activities related to reading with their children. The parents engaged in more word activities and for more minutes each time. The parents read less for entertainment and more for education. The parents took their children to libraries and bookstores more than nonattendees. For parents, participating in a Ready to Learn workshop increases their awareness of and interest in educational dimensions of television programming and is instrumental in having their children gain exposure to more educational programming. Moreover, 6 months after participating in Ready to Learn workshops, parents who attended generally had set rules for television viewing by their children. These rules related to the amount of time the children were allowed to watch television daily, the hours the children were allowed to watch television, and the tasks or chores the children must have accomplished before the children were allowed to watch television.

"(4) The Ready to Learn (RTL) Television Program is supporting and creating commercial-free broadcast programs for young children that are of the highest possible educational quality. Program funding has also been used to create hundreds of valuable interstitial program elements that appear between national and local public television programs to provide developmentally appropriate messages to children and caregiving advice to parents.

"(5) Through the Nation's 350 local public television stations, these programs and programming elements reach tens of millions of children, their parents, and caregivers without regard to their economic circumstances, location, or access to cable. In this way, public television is a partner with Federal policy to make television an instrument, not an enemy, of preschool children's education and early development.

"(6) The Ready to Learn Television Program extends beyond the television screen. Funds from the Ready to Learn Television Program have funded thousands of local workshops organized and run by local public television stations, almost always in association with local child care training agencies or early childhood development professionals, to help child care professionals and parents learn more about how to use television effectively as a developmental tool. These workshops have trained more than 320,000 parents and professionals who, in turn, serve and support over 4,000,000 children across the Nation.

"(7)(A) The Ready to Learn Television Program has published and distributed millions of copies of a quarterly magazine entitled 'PBS Families' that contains—

"(i) developmentally appropriate games and activities based on Ready to Learn Television programming;

"(ii) parenting advice;

"(iii) news about regional and national activities related to early childhood development; and

"(iv) information about upcoming Ready to Learn Television activities and programs.

"(B) The magazine described in subparagraph (A) is published 4 times a year and distributed free of charge by local public television stations in English and in Spanish (PBS para la familia).

"(8) Because reading and literacy are central to the ready to learn principle Ready to Learn Television stations also have received and distributed millions of free age-appropriate books in their communities as part of the Ready to Learn Television Program. Each station receives a minimum of 200 books each month for free local distribution. Some stations are now distributing more than 1,000 books per month. Nationwide, more than 300,000 books are distributed each year in low-income and disadvantaged neighborhoods free of charge.

"(9) In 1998, the Public Broadcasting Service, in association with local colleges and local public television stations, as well as the Annenberg Corporation for Public Broadcasting Project housed at the Corporation for Public Broadcasting, began a pilot program to test the formal awarding of a Certificate in Early Childhood Development through distance learning. The pilot is based on the local distribution of a 13-part video courseware series developed by Annenberg Corporation for Public Broadcasting and WTVS Detroit entitled 'The Whole Child'. Louisiana Public Broadcasting, Kentucky Educational Television, Maine Public Broadcasting, and WLJT Martin, Tennessee, working with local and State regulatory agencies in the child care field, have participated in the pilot program with a high level of success. The certificate program is ready for nationwide application using the Public Broadcasting Service's Adult Learning Service.

"(10) Demand for Ready To Learn Television Program outreach and training has increased dramatically, with the base of participating Public Broadcasting Service member stations growing from a pilot of 10 stations to nearly 130 stations in 5 years.

"(11) Federal policy played a crucial role in the evolution of analog television by funding the television program entitled 'Sesame Street' in the 1960's. Federal policy should continue to play an equally crucial role for children in the digital television age.

"SEC. 3302. READY-TO-LEARN.

"(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3303(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

"(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

"SEC. 3303. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under section 3302 to eligible entities to—

"(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

"(A) educational programming for preschool and elementary school children; and

"(B) accompanying support materials and services that promote the effective use of such programming;

"(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

"(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

"(A) to the widest possible audience appropriate to be served by the programming; and

"(B) by the most appropriate distribution technologies.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

"(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children and their parents and caregivers; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children and their parents and caregivers.

"(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"SEC. 3304. DUTIES OF SECRETARY.

"The Secretary is authorized—

"(1) to award grants, contracts, or cooperative agreements to eligible entities described in section 3303(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(D) developing and disseminating training materials, including—

"(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based day care providers, early childhood development personnel, elementary school teachers, public libraries, and after- school program personnel caring for preschool and elementary school children;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) to coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3305. APPLICATIONS.

"Each entity desiring a grant, contract, or cooperative agreement under section 3302 or 3304 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3306. REPORTS AND EVALUATION.

"(a) ANNUAL REPORT TO SECRETARY.—An eligible entity receiving funds under section 3302 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under section 3302, including—

"(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of activities assisted under section 3303(a); and

"(2) a description of the training materials made available under section 3304(1)(D), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 3307. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 3303, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

"SEC. 3308. DEFINITION.

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications (including through the Internet).

"SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3303.".

SEC. 303. SATELLITE TELEVISION NETWORK.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

"PART G—SATELLITE TELEVISION NETWORK

"SEC. 3701. NETWORK.

"(a) IN GENERAL.—The Secretary of Education and the Secretary of Health and Human Services shall award a grant to or enter into a contract with an eligible organization to establish and operate a satellite television network to provide training for personnel of Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.) and other child care providers, who serve children under age 5.

"(b) ELIGIBLE ORGANIZATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall—

"(1) administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, within the meaning of section 648(e) of the Head Start Act (42 U.S.C. 9843(e)); and

"(2) demonstrate that the organization has entered into a partnership, to establish and operate the training network, that includes—

"(A) a nonprofit organization; and

"(B) a public or private entity that specializes in providing broadcast programs for parents and professionals in fields relating to early childhood.

"(c) Application.—To be eligible to receive a grant or contract under subsection (a), an organization shall submit an application to the Secretary of Education and the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretaries may require.

"(d) Cooperative Agreement.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a cooperative agreement to carry out this section.

"(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this part $20,000,000 for fiscal year 2000 and such sums as may be necessary for each subsequent fiscal year.".

TITLE IV—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE

SEC. 401. BLOCK GRANTS TO STATES FOR HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE.

(a) Block Grant.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) by inserting after the subchapter heading the following:

"PART 1—CHILD CARE ACTIVITIES;

and

(2) by adding at the end the following:

"PART 2—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE

"SEC. 659. PURPOSE.

"The purposes of this part are—

"(1) to help families seeking government assistance for their children, in a manner that does not usurp the role of parents, but streamlines and coordinates government services for the families;

"(2) to establish a framework of support for local early childhood development coordinating councils that—

"(A) develop comprehensive, long-range strategic plans for early childhood education, development, and support services; and

"(B) provide, through public and private means, high-quality early childhood education, development, and support services for children and families; and

"(3)(A) to support family environments conducive to the growth and healthy development of children; and

"(B) to ensure that children under age 5 have proper medical care and early intervention services when necessary.

"SEC. 659A. DEFINITIONS.

"In this part:

"(1) Child in poverty.—The term 'child in poverty' means a young child who is an eligible child described in section 658P(4)(B).

"(2) Healthy early childhood development system of care.—The term 'healthy early childhood development system of care' means a system of programs that provides coordinated early childhood development services.

"(3) Early childhood development services.—The term 'early childhood development services' means education, development, and support services, such as all-day kindergarten, parenting education and home visits, child care and other child development services, and health services (including prenatal care), for young children.

"(4) Eligible state.—The term 'eligible State' means a State that has submitted a State plan described in section 659E to the Secretary and obtained the certification of the Secretary for the plan.

"(5) Governor.—The term 'Governor' means the chief executive officer of a State.

"(6) Indian tribe; tribal organization.—The terms 'Indian tribe' and 'tribal organization' have the meanings given the terms in section 658P.

"(7) Local council.—The term 'local council' means a local early childhood development coordinating council established or designated under section 659H.

"(8) Secretary.—The term 'Secretary' means the Secretary of Health and Human Services.

"(9) State.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(10) State council.—The term 'State council' means a State early childhood development coordinating council established or designated under section 659D.

"(11) Young child.—The term 'young child' mean an individual under age 5.

"SEC. 659B. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to carry out this part $200,000,000 for each of fiscal years 2000 through 2004.

"(b) Availability of Funds.—Funds appropriated for a fiscal year under subsection (a) shall remain available for the succeeding 2 fiscal years.

"SEC. 659C. ALLOTMENT TO STATES.

"(a) Reservation.—The Secretary shall reserve not less than 1 percent, and not more than 2 percent, of the funds appropriated under section 659B for each fiscal year for payments to Indian tribes and tribal organizations to assist the tribes and organizations in supporting healthy early childhood development systems of care under this part. The Secretary shall by regulation issue requirements concerning the eligibility of Indian tribes and tribal organizations to receive funds under this subsection, and the use of funds made available under this subsection.

"(b) Allotment.—From the funds appropriated under section 659B for a fiscal year, the Secretary shall allot to each eligible State, to pay for the Federal share of the cost of supporting healthy early childhood development systems of care under this part, the sum of—

"(1) an amount that bears the same ratio to 50 percent of such funds as the number of young children in the State bears to the number of such children in all eligible States; and

"(2) an amount that bears the same ratio to 50 percent of such funds as the number of children in poverty in the State bears to the number of such children in all eligible States.

"(c) Federal Share.—The Federal share of the cost described in subsection (b) shall be 75 percent. The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment or services (provided from State or local public sources or through donations from private entities).

"SEC. 659D. STATE COUNCIL.

"(a) In General.—The Governor of a State seeking an allotment under section 659C may, at the election of the Governor—

"(1) establish and appoint the members of a State early childhood development coordinating council, as described in subsection (b); or

"(2) designate an entity to serve as such a council, as described in subsection (c).

"(b) Appointed State Council.—The Governor may establish and appoint the members of a State council that—

"(1) may include—

"(A) the State superintendent of schools, or the designee of the superintendent;

"(B) the chief State budget officer or the designee of the officer;

"(C) the head of the State health department or the designee of the head;

"(D) the heads of the State agencies with primary responsibility for child welfare, child care, and the medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or the designees of the heads;

"(E) the heads of other State agencies with primary responsibility for services for young children or pregnant women, which may be agencies with primary responsibility for alcohol and drug addiction services, mental health services, mental retardation services, food assistance services, and juvenile justice services, or the designees of the heads;

"(F) a representative of parents or consumers;

"(G) representatives of early childhood development agencies; and

"(H) the Governor; and

"(2) may, in the discretion of the Governor, include other members, including representatives of providers.

"(c) Designated State Council.—The Governor may designate an entity to serve as the State council if the entity—

"(1) includes members that are substantially similar to the members described in subsection (b); and

"(2) provides integrated and coordinated early childhood development services.

"(d) Chairperson.—The Governor shall serve as the chairperson of the State council.

"(e) Duties.—In a State with a State council, the State council—

"(1) shall submit the State plan described in section 659E;

"(2) shall make the allocation described in section 659F(b);

"(3) may carry out activities described in section 659F(c); and

"(4) shall prepare and submit the report described in section 659F(e).

"SEC. 659E. STATE PLAN.

"(a) In General.—To be eligible to receive an allotment under section 659C, a State shall submit a State plan to the Secretary at such time, and in such manner, as the Secretary may require, including—

"(1) in the case of a State in which the Governor elects to establish or designate a State council, sufficient information about the entity established or designated under section 659D to enable the Secretary to determine whether the entity complies with the requirements of such section;

"(2) a description of the political subdivisions designated by the State to receive funds under section 659G and carry out activities under section 659J;

"(3)(A) comprehensive information describing how the State will carry out activities described in section 659F and how political subdivisions in the State will carry out activities described in section 659J; and

“(B) State goals for the activities described in subparagraph (A);

“(4) such information as the Secretary shall by regulation require on the amount and source of State and local public funds, and donations, expended in the State to provide the non-Federal share of the cost of supporting healthy early childhood development systems of care under this part; and

“(5) an assurance that the State shall annually submit the report described in section 659F(e).

“(b) SUBMISSION.—At the election of the State, the State may submit the State plan as a portion of the State plan submitted under section 658E. With respect to that State, references to a State plan—

“(1) in this part shall be considered to refer to the portions of the plan described in this section; and

“(2) in part 1 shall be considered to refer to the portions of the plan described in section 658E.

“(c) CERTIFICATION.—The Secretary shall certify any State plan that meets the broad goals of this part.

“SEC. 659F. STATE ACTIVITIES.

“(a) IN GENERAL.—A State that receives an allotment under section 659C shall use the funds made available through the allotment to support healthy early childhood development systems of care, by—

“(1) making allocations to political subdivisions under section 659G; and

“(2) carrying out State activities described in subsection (c).

“(b) MANDATORY RESERVATION FOR LOCAL ALLOCATIONS.—The State shall reserve 85 percent of the funds made available through the allotment to make allocations to political subdivisions under section 659G.

“(c) PERMISSIBLE STATE ACTIVITIES.—The State may use the remainder of the funds made available through the allotment to support healthy early childhood development systems of care by—

“(1) entering into interagency agreements with appropriate entities to encourage coordinated efforts at the State and local levels to improve the State delivery system for early childhood development services;

“(2) advising local councils on the coordination of delivery of early childhood development services to children;

“(3) developing programs and projects, including pilot projects, to encourage coordinated efforts at the State and local levels to improve the State delivery system for early childhood development services;

“(4) providing technical support for local councils and development of educational materials;

“(5) providing education and training for child care providers; and

“(6) supporting research and development of best practices for healthy early childhood development systems of care, establishing standards for such systems, and carrying out program evaluations for such systems.

“(d) ADMINISTRATION.—A State that receives an allotment under section 659C may use not more than 5 percent of the funds made available through the allotment to pay for the costs of administering the activities carried out under this part.

“(e) REPORT.—The State shall annually prepare and submit to the Secretary a report on the activities carried out under this part in the State, which shall include details of the use of Federal funds to carry out the activities and the extent to which the States and political subdivisions are making progress on State or local goals in carrying out the activities. In preparing the report, a State may require political subdivisions in the State to submit information to the State, and may compile the information.

“SEC. 659G. ALLOCATION TO POLITICAL SUBDIVISIONS.

From the funds reserved by a State under section 659F(b) for a fiscal year, the State shall allot to each eligible political subdivision in the State the sum of—

“(1) an amount that bears the same ratio to 50 percent of such funds as the number of young children in the political subdivision bears to the number of such children in all eligible political subdivisions in the State; and

“(2) an amount that bears the same ratio to 50 percent of such funds as the number of children in poverty in the political subdivision bears to the number of such children in all eligible political subdivisions in the State.

“SEC. 659H. LOCAL COUNCILS.

“(a) IN GENERAL.—The chief executive officer of a political subdivision that is located in a State with a State council and that seeks an allocation under section 659G may, at the election of the officer—

“(1) establish and appoint the members of a local early childhood development coordinating council, as described in subsection (b); or

“(2) designate an entity to serve as such a council, as described in subsection (c).

“(b) APPOINTED LOCAL COUNCIL.—The officer may establish and appoint the members of a local council that may include—

“(1) representatives of any public or private agency that funds, advocates the provision of, or provides services to children and families;

“(2) representatives of schools;

“(3) members of families that have received services from an agency represented on the council;

“(4) representatives of courts; and

“(5) private providers of social services for families and children.

“(c) DESIGNATED LOCAL COUNCIL.—The officer may designate an entity to serve as the local council if the entity—

“(1) includes members that are substantially similar to the members described in subsection (b); and

“(2) provides integrated and coordinated early childhood development services.

“(d) DUTIES.—In a political subdivision with a local council, the local council—

“(1) shall submit the local plan described in section 659I;

“(2) shall carry out activities described in section 659J(a);

“(3) may carry out activities described in section 659J(b); and

“(4) shall submit such information as a State council may require under section 659F(e).

“SEC. 659I. LOCAL PLAN.

“To be eligible to receive an allocation under section 659G, a political subdivision shall submit a local plan to the State at such time, in such manner, and containing such information as the State may require.

“SEC. 659J. LOCAL ACTIVITIES.

“(a) MANDATORY ACTIVITIES.—A political subdivision that receives an allocation under section 659G shall use the funds made available through the allocation—

“(1) to provide assistance to entities carrying out early childhood development services through a healthy early childhood development system of care, in order to meet assessed needs for the services, expand the number of children receiving the services, and improve the quality of the services, both for young children who remain in the home and young children that require services in addition to services offered in child care settings; and

“(2)(A) to establish and maintain an accountability system to monitor the progress of the political subdivision in achieving results for families and children through services provided through the healthy early childhood development system of care for the political subdivision; and

“(B) to establish and maintain a mechanism to ensure ongoing input from a broad and representative set of families who are receiving services through the healthy early childhood development system of care for the political subdivision.

“(b) PERMISSIBLE ACTIVITIES.—A political subdivision that receives an allocation under section 659G may use the funds made available through the allocation—

“(1) to improve the healthy early childhood development system of care by enhancing efforts and building new opportunities for—

“(A) innovation in early childhood development services; and

“(B) formation of partnerships with businesses, associations, churches or other religious institutions, and charitable or philanthropic organizations to provide early childhood development services on behalf of young children; and

“(2) to develop and implement a process that annually evaluates and prioritizes services provided through the healthy early childhood development system of care, fills service gaps in that system where possible, and invests in new approaches to achieve better results for families and children through that system.”.

(b) CONFORMING AMENDMENTS.—Part 1 of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) in section 658A(a) (42 U.S.C. 9801 note), by striking “This subchapter” and inserting “This part”;

(2) except as provided in the last sentence of section 658E(c)(2)(F) (42 U.S.C. 9858c(c)(2)(F)) and in section 658N(a)(3)(C) (42 U.S.C. 9858l(a)(3)(C)), by striking “this subchapter” and inserting “this part”; and

(3) in section 658N(a)(3)(C), by striking “under this subchapter” and inserting “under this part”.

TITLE V—CREDENTIALING AND ACCREDITATION

SEC. 501. DEFINITIONS.

In this title:

(1) ACCREDITED CHILD CARE FACILITY.—The term “accredited child care facility” means—

(A) a facility that is accredited, by a child care credentialing or accreditation entity recognized by a State or national organization described in paragraph (2)(A), to provide child care (except children who a tribal organization elects to serve through a facility described in subparagraph (B));

(B) a facility that is accredited, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization;

(C) a facility that is used as a Head Start center under the Head Start Act (42 U.S.C. 9831 et seq.) and is in compliance with applicable performance standards established by regulation under such Act for Head Start programs; or

(D) a military child development center (as defined in section 1798(1) of title 10, United States Code) that is in a facility owned or leased by the Department of Defense or the Coast Guard.

(2) Child care credentialing or accreditation entity.—The term "child care credentialing or accreditation entity" means a nonprofit private organization or public agency that—

(A) is recognized by a State agency, a tribal organization, or a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility or credentials an individual to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State and local licensing requirements, or standards described in section 658E(c)(2)(E)(ii) of the Child Care and Development Block Grant Act (42 U.S.C. 9858c(c)(2)(E)(ii)), as appropriate, for the facility or individual;

(iii) outside monitoring of the facility or individual; and

(iv) criteria that provide assurances of—

(I) compliance with age-appropriate health and safety standards at the facility or by the individual;

(II) use of age-appropriate developmental and educational activities, as an integral part of the child care program carried out at the facility or by the individual; and

(III) use of ongoing staff development or training activities for the staff of the facility or the individual, including related skills-based testing.

(3) Credentialed child care professional.—The term "credentialed child care professional" means—

(A) an individual who—

(i) is credentialed, by a child care credentialing or accreditation entity recognized by a State or a national organization described in paragraph (2)(A), to provide child care (except children who a tribal organization elects to serve through an individual described in subparagraph (B)); or

(ii) successfully completes a 4-year or graduate degree in a relevant academic field (such as early childhood education, education, or recreation services);

(B) an individual who is credentialed, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization; or

(C) an individual certified by the Armed Forces of the United States to provide child care as a family child care provider (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)) in military family housing.

(4) Child in poverty.—The term "child in poverty" means a child that is a member of a family with an income that does not exceed 200 percent of the poverty line.

(5) Poverty line.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(6) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(7) State; tribal organization.—The terms "State" and "tribal organization" have the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

SEC. 502. AUTHORIZATION OF APPROPRIATION.

There is authorized to be appropriated to carry out this title, $20,000,000 for each of fiscal years 2000 through 2004.

SEC. 503. STATE ALLOTMENTS.

From the funds appropriated under section 502 for a fiscal year, the Secretary shall allot to each eligible State, to pay for the cost of establishing and carrying out State child care credentialing and accreditation incentive programs, an amount that bears the same ratio to such funds as the number of children in poverty under age 5 in the State bears to the number of such children in all States.

SEC. 504. APPLICATION.

To be eligible to receive an allotment under section 503, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 505. STATE CHILD CARE CREDENTIALING AND ACCREDITATION INCENTIVE PROGRAM.

(a) In General.—A State that receives an allotment under section 503 shall use funds made available through the allotment to establish and carry out a State child care credentialing and accreditation incentive program. In carrying out the program, the State shall make payments to child care providers who serve children under age 5 to assist the providers in making financial assistance available for employees of the providers who are pursuing skills-based training to—

(1) enable the employees to obtain credentialing as credentialed child care professionals; or

(2) enable the facility involved to obtain accreditation as an accredited child care facility.

(b) Application.—To be eligible to receive a payment under subsection (a), a child care provider shall submit an application to the State at such time, in such manner, and containing such information as the State may require including, at a minimum—

(1) information demonstrating that an employee of the provider is pursuing skills-based training that will enable the employee or the facility involved to obtain credentialing or accreditation as described in subsection (a); and

(2) an assurance that the provider will make available contributions toward the costs of providing the financial assistance described in subsection (a), in an amount that is not less than $1 for every $1 of Federal funds provided through the payment.

SEC. 506. ADMINISTRATION.

A State that receives an allotment under section 503 may use not more than 5 percent of the funds made available through the allotment to pay for the costs of administering the program described in section 505.

SEC. 507. CREDENTIALING, ACCREDITATION, AND RETENTION OF QUALIFIED CHILD CARE WORKERS.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

(1) by inserting "and payments to encourage child care providers who serve children under age 5 to obtain credentialing as credentialed child care providers or accreditation for their facilities as accredited child care facilities or to encourage retention of child care providers who serve those children and have obtained that credentialing or accreditation, in areas that the State determines are underserved" after "referral services"; and

(2) by adding at the end the following: "In this section, the terms 'credentialed child care provider' and 'accredited child care facility' have the meanings given the terms in section 501 of the Prenatal, Infant, and Child Development Act of 1999.".

• Mr. BAYH. Mr. President, today I rise as an original co-sponsor of the Prenatal Child and Infant Development Act, a bipartisan bill to provide states with the flexibility they need to address the needs of children during their formative years.

Children are born into this world with all the potential they need to make their dreams come true. The ages of birth to 3 are the most critical for a child's development both mentally and socially. They have all the 100 billion brains cells they will need as adults. By age three, children have nearly all the necessary connections between the brain cells needed for the brain to function fully and properly. It is up to us, families, teachers, childcare providers, and communities to help our children live up to their potential. It is important that our children are ready to learn and we allow them the opportunity to maximize their potential. What income bracket a child is born into should not determine that child's future. If a child is not provided with proper health care, nutritional food, and a nurturing environment to grow up in, we are leading down a very dark path.

Sadly, it has been confirmed that children who lack proper nutrition, health care, and nurturing during their first years also lack the adequate social, motor, and language skills needed to perform well in school and in life. That is why I have joined efforts with Senator VOINOVICH and Senator GRAHAM and support the Prenatal Child and Infant Development Act. This initiative has bipartisan support because it is important legislation that addresses something we should all have in common, helping our children prepare for the future. A child birth to 3 years old that is in need of assistance can not do it on her own.

Specifically, this bill will allow States to transfer up to 45% of the money they receive for Temporary Assistance for Needy Families to the Child Care Development Block Grant or the Social Services Block Grant. The 15% increase in transferability will go towards increasing local early childhood development coordination councils and to enhance child care quality under the existing Child Care Development Block Grant. This new flexibility will allow states to spend the money needed to ensure our children are not sentenced to unfulfillment of their dreams just because they were denied child care services during their most vital development stages.

In Indiana, there are over 488,000 children under the age of six. 70% of those children are in child care. Indiana is one of those states that has transferred the entire amount currently allowed from Temporary Assistance for Needy Families funds to the Child Care Development Block Grant for child care services and quality initiatives. Even after the State was able to provide services for 65,185 children, there still remains a need to help at least an additional 267,500 children. There is a need in my State to have the flexibility to transfer and utilize funds that otherwise are not being spent so these children can be served.

One of the programs this new flexibility will allow to expand in Indiana is the Building Bright Beginnings Coalition. This coalition is focused on assisting children that are prenatal to four years old. They have reached over 150,000 parents of newborns through their publication "A Parent's Guide to Raising Health, Happy Babies". The coalition has implemented the "See and Demand Quality Child Care" campaign consisting of public service announcements, billboards, pamphlets, and a toll-free telephone line for parent information in cooperation with local resources and referral agencies. It also makes loans available to child care providers who are considered non-traditional borrowers, and it has formed an institute that creates a public private partnership with higher education as well as the health, education, and early childhood communities. In the short time this program has been in place, it has helped over 100,000 parents of newborns be better informed, over 10,000 new public private partnerships have been formed, and it has directly impacted the lives of over 15,000 children. We need more programs like this and in order for them to exist States need more flexibility with their funding streams.

These quality initiatives are administered by Indiana's Step Ahead Councils. Step Ahead Councils are the types of councils this bill hopes to promote. Indiana has had a council in each of its 92 counties since 1991. These councils allow for locally focused solutions and initiatives to locally based challenges with child care, parent information, early intervention, child nutrition and health screening. Local responses to local problems can create better solutions. This bill encourages such local involvement.

In addition, there are several other important goals this bill helps to accomplish. It will allow more programs to address the needs of prenatal to three year olds, it will increase satellite training for Head Start and other childhood program staff, it will increase direct child care and health services, and will encourage States to implement training programs for childcare providers.

As a Senator and a father of two 3½ year old boys, I am proud to support this bill and publically voice the need to invest in all children. There is no better way to utlize a dollar than to invest it in our future. Thank you Senator VOINOVICH and Senator GRAHAM for initiating this legislation. I urge my colleagues, when the time comes, to support this bill and the message behind it.●

By Mr. BOND (for himself and Mr. KERRY):

S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS ADVOCACY REVIEW PANEL TECHNICAL AMENDMENTS ACT OF 1999

Mr. BOND. Mr. President, I rise today to introduce "The Small Business Advocacy Review Panel Technical Amendments Act of 1999." I am pleased to be joined by Senator KERRY, the Ranking Member on the Small Business Committee, which I chair. Our bill is simple and straightforward. It clarifies and amends certain provisions of law enacted as part of my "Red Tape Reduction Act," the Small Business Regulatory Enforcement Fairness Act of 1996. In 1996, this body led the way toward enactment of this important law. With a unanimous vote, we took a major step to ensure that small businesses are treated fairly by federal agencies.

Like the Regulatory Flexibility Act, which it amended, the Red Tape Reduction Act is a remedial statute, designed to redress the fact that uniform federal regulations impose disproportionate impacts on small entities, including small business, small not-for-profits and small governments. A recent study conducted for the Office of Advocacy of the Small Business Administration documented, yet again, that small businesses continue to face higher regulatory compliance costs than their big-business counterparts. With the vast majority of businesses in this nation being small enterprises, it only makes sense for the rulemaking process to ensure that the concerns of such small entities get a fair airing early in the development of a federal regulation.

The bill Senator KERRY and I are introducing focuses on Section 244 of the Small Business Regulatory Enforcement Fairness Act of 1996, which amended chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act). As a result, each "covered agency" is required to convene a Small Business Advocacy Review Panel (Panel) to receive advice and comments from small entities. Specifically, under section 609(b), each covered agency is to convene a Panel of federal employees, representing the Office of Information and Regulatory Affairs within the Office of Management and Budget, the Chief Counsel of Advocacy of the Small Business Administration, and the covered agency promulgating the regulation, to receive input from small entities prior to publishing an initial Regulatory Flexibility analysis for a proposed rule with a significant economic impact on a substantial number of small entities. The Panel, which convenes for 60 days, produces a report containing comments from the small entities and the Panel's own recommendations. The report is provided to the head of the agency, who reviews the report and, where appropriate, modifies the proposed rule, initial regulatory analysis or the decision on whether the rule significantly impacts small entities. The Panel report becomes a part of the rulemaking record.

Consistent with the overall purpose of the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act, the objective of the Panel process is to minimize the adverse impacts and increase the benefits to small entities affected by the agency's actions. Consequently, the true proof of each Panel's effectiveness in reducing the regulatory burden on small entities is not known until the agency issues the proposed and final rules. So far, the results are encouraging.

Under current law, the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) are the only agencies currently covered by the Panel process. Our bill adds the Internal Revenue Service (IRS) as a covered agency. In 1996, the Red Tape Reduction Act expressly included the IRS under the Regulatory Flexibility Act; however, the Treasury Department has interpreted the language in the law in a manner that essentially writes them out of the law. The Small Business Advocacy Review Panel Technical Amendments Act of 1999 clarifies which interpretative rules involving the internal revenue code are to be subject to compliance with the Regulatory Flexibility Act, for those rules with a significant economic impact on a substantial number of small entities, the IRS would be required to convene a Small Business Advocacy Review Panel.

If the Treasury Department and the IRS had implemented the Red Tape Reduction Act as Congress originally intended, the regulatory burdens on small businesses could have been reduced, and small businesses could have been saved considerable trouble in fighting unwarranted rulemaking actions. For instance, with input from the small business community early in the process, the IRS' 1997 temporary regulations on the uniform capitalization rules could have had taken into consideration the adverse effects that inventory accounting would have on farming businesses, and especially nursery growers. Similarly, if the IRS had conducted an initial Regulatory

Flexibility, it would have learned of the enormous problems surrounding its limited partner regulations prior to issuing the proposal in January 1997. These regulations, which became known as the "stealth tax regulations," would have raised self-employment taxes on countless small businesses operated as limited partnerships or limited liability companies, and also would have imposed burdensome new recordkeeping and collection of information requirements.

Specifically, the bill strikes the language in section 603 of title 5 that included IRS interpretative rules under the Regulatory Flexibility Act, "but only to the extent that such interpretative rules impose on small entities a collection of information requirement." The Treasury Department has misconstrued this language in two ways. First, unless the IRS imposes a requirement on small businesses to complete a new OMB-approved form, the Treasury says Reg Flex does not apply. Second, in the limited circumstances where the IRS has acknowledged imposing a new reporting requirement, the Treasury has limited its analysis of the impact on small businesses to the burden imposed by the form. As a result, the Treasury Department and the IRS have turned Reg Flex compliance into an unnecessary, second Paperwork Reduction Act.

To address this problem, our bill revises the critical sentence in Section 603 to read as follows:

> In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.

Coverage of the IRS under the Panel process and the technical changes I have just described are strongly supported by the Small Business Legislative Council, the National Association for the Self-Employed, and many other organizations representing small businesses. Even more significantly, these changes have the support of the Chief Counsel for Advocacy. I ask unanimous consent to include in the RECORD following this statement copies of letters and statements from these small business advocates.

The remaining provisions of our bill address the mechanics of convening a Panel and the selection of the small entity representatives invited to submit advice and recommendations to the Panel. While these provisions are very similar to the legislation introduced in the other body (H.R. 1882) by our colleagues Representatives TALENT, VELÁZQUEZ, KELLY, BARTLETT, and EWING, Senator KERRY has expressed some specific concerns regarding the potential for certain provisions to be misconstrued. I have agreed to work with him to address his concerns in report language and, if necessary, with minor revisions to the bill text.

Our mutual goal is to ensure that the views of small entities are brought forth through the Panel process and taken to heart by the "covered agency" and other federal agencies represented on the Panel—in short, to continue the success that EPA and OSHA have shown this process has for small businesses. I thank the Senator from Massachusetts for his support, and ask unanimous consent that the Small Business Advocacy Review Panel Technical Amendments Act of 1999 be printed, following this statement.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Advocacy Review Panel Technical Amendments Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Small businesses bear a disproportionate share of regulatory costs and burdens.

(3) Federal agencies must consider the impact of their regulations on small businesses early in the rulemaking process.

(4) The Small Business Advocacy Review Panel process that was established by the Small Business Regulatory Enforcement Fairness Act of 1996 has been effective in allowing small businesses to participate in rules that are being developed by the Environmental Protection Agency and the Occupational Safety and Health Administration.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide a forum for the effective participation of small businesses in the Federal regulatory process.

(2) To clarify and strengthen the Small Business Advocacy Review Panel process.

(3) To expand the number of Federal agencies that are required to convene Small Business Advocacy Review Panels.

SEC. 3. ENSURING FULL ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES PROPOSED BY CERTAIN AGENCIES.

Section 609(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Before the publication of an initial regulatory flexibility analysis that a covered agency is required to conduct under this chapter, the head of the covered agency shall—

"(A) notify the Chief Counsel for Advocacy of the Small Business Administration (in this subsection referred to as the 'Chief Counsel') in writing;

"(B) provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected; and

"(C) not later than 30 days after complying with subparagraphs (A) and (B)—

"(i) with the concurrence of the Chief Counsel, identify affected small entity representatives; and

"(ii) transmit to the identified small entity representatives a detailed summary of the information referred to in subparagraph (B) or the information in full, if so requested by the small entity representative, for the purposes of obtaining advice and recommendations about the potential impacts of the draft proposed rule.

"(2)(A) Not earlier than 30 days after the covered agency transmits information pursuant to paragraph (1)(C)(ii), the head of the covered agency shall convene a review panel for the draft proposed rule. The panel shall consist solely of full-time Federal employees of the office within the covered agency that will be responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs of the Office of Management and Budget, and the Chief Counsel.

"(B) The review panel shall—

"(i) review any material the covered agency has prepared in connection with this chapter, including any draft proposed rule;

"(ii) collect advice and recommendations from the small entity representatives identified under paragraph (1)(C)(i) on issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c); and

"(iii) allow any small entity representative identified under paragraph (1)(C)(i) to make an oral presentation to the panel, if requested.

"(C) Not later than 60 days after the date a covered agency convenes a review panel pursuant to this paragraph, the review panel shall report to the head of the covered agency on—

"(i) the comments received from the small entity representatives identified under paragraph (1)(C)(i); and

"(ii) its findings regarding issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c).

"(3)(A) Except as provided in subparagraph (B), the head of the covered agency shall print in the Federal Register the report of the review panel under paragraph (2)(C), including any written comments submitted by the small entity representatives and any appendices cited in the report, as soon as practicable, but not later than—

"(i) 180 days after the date the head of the covered agency receives the report; or

"(ii) the date of the publication of the notice of proposed rulemaking for the proposed rule.

"(B) The report of the review panel printed in the Federal Register shall not include any confidential business information submitted by any small entity representative.

"(4) Where appropriate, the covered agency shall modify the draft proposed rule, the initial regulatory flexibility analysis for the draft proposed rule, or the decision on whether an initial regulatory flexibility analysis is required for the draft proposed rule.".

SEC. 4. DEFINITIONS.

Section 609(d) of title 5, United States Code, is amended to read as follows:

"(d) For the purposes of this section—

"(1) the term 'covered agency' means the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Internal Revenue Service of the Department of the Treasury; and

"(2) the term 'small entity representative' means a small entity, or an individual or organization that represents the interests of 1 or more small entities.".

SEC. 5. COLLECTION OF INFORMATION REQUIREMENT.

(a) DEFINITION.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (5) by inserting "and" after the semicolon;

(2) in paragraph (6) by striking "; and" and inserting a period; and

(3) by striking paragraphs (7) and (8).

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—The fourth sentence of section 603 of title 5, United States Code, is amended to read as follows: "In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary, and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.".

SEC. 6. EFFECTIVE DATE.

This Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, May 24, 1999.
Hon. KIT BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Small Business Legislative Council (SBLC), I would like to offer our strong support for your legislation to expand the Small Business Regulatory Enforcement Fairness Act (SBREFA) to encompass more of the activities of the Internal Revenue Service (IRS).

As you know, there is nothing more annoying to the small business community than when the IRS issues a proposed rule and it is obvious the authors have little or no understanding of the business practices of the small businesses to be covered by the rule.

OSHA and the EPA have also been identified in the past as agencies guilty of acting without a solid understanding of an industry. Thanks to your leadership, the 104th Congress fixed the problem in the case of EPA and OSHA by enacting SBREFA. Those two agencies must go out and collect information on small business before they finish development of a proposed rule. The law requires the OSHA and EPA to increase small business participation in agency rulemaking activities by convening a Small Business Advocacy Review Panel for a proposed rule with a significant economic impact on small entities. For such rules, the agencies must notify SBA's Chief Counsel of Advocacy that the rule is under development and provide sufficient information so that the Chief Counsel can identify affected small entities and gather advice and comments on the effects of the proposed rule. A Small Business Advocacy Review Panel, comprising Federal government employees from the agency, the Office of Advocacy, and OMB, must be convened to review the proposed rule and to collect comments from small businesses. Within 60 days, the panel must issue a report of the comments received from small entities and the panel's findings, which become part of the public record.

As we have said many times before, we believe your "red tape cutting" law, SBREFA, is one of the most significant small business laws of all time. As you know first hand, for a variety of reasons, the IRS was not included. This omission should be corrected. If there is one agency with ongoing rulemaking responsibilities that have an impact on small business, it is the IRS.

In addition, the other provisions of SBREFA apply only to the IRS when the interpretative rule of the IRS will "impose on small entities a collection of information requirement." We already know the IRS has embraced an extraordinarily narrow interpretation of that phrase. We should take this opportunity to amend SBREFA to ensure the IRS complies with SBREFA any time it issues an interpetative regulation.

As you know, the SBLC is a permanent, independent coalition of eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, tourism and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

As always, we appreciate your outstanding leadership on behalf of small business.

Sincerely,
DAVID GORIN,
Chairman.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL
Air Conditioning Contractors of America
Alliance for Affordable Services
Alliance for American Innovation
Alliance of Independent Store Owners and Professionals
American Animal Hospital Association
American Association of Equine Practitioners
American Bus Association
American Consulting Engineers Council
American Machine Tool Distributors Association
American Nursery and Landscape Association
American Road & Transportation Builders Association
American Society of Interior Designers
American Society of Travel Agents, Inc.
American Subcontractors Association
American Textile Machinery Association
American Trucking Associations, Inc.
Architectural Precast Association
Associated Equipment Distributors
Associated Landscape Contractors of America
Association of Small Business Development Centers
Association of Sales and Marketing Companies
Automotive Recyclers Association
Automotive Service Association
Bowling Proprietors Association of America
Building Service Contractors Association International
Business Advertising Council
CBA
Council of Fleet Specialists
Council of Growing Companies
Direct Selling Association
Electronics Representatives Association
Florists' Transworld Delivery Association
Health Industry Representatives Association
Helicopter Association International
Independent Bankers Association of America
Independent Medical Distributors Association
International Association of Refrigerated Warehouses
International Formalwear Association
International Franchise Association
Machinery Dealers National Association
Mail Advertising Service Association
Manufacturers Agents for the Food Service Industry
Manufacturers Agents National Association
Manufacturers Representatives of America, Inc.
National Association for the Self-Employed
National Association of Home Builders
National Association of Plumbing-Heating-Cooling Contractors
National Association of Realtors
National Association of RV Parks and Campgrounds
National Association of Small Business Investment Companies
National Association of the Remodeling Industry
National Chimney Sweep Guild
National Community Pharmacists Association
National Electrical Contractors Association
National Electrical Manufacturers Representatives Association
National Funeral Directors Association, Inc.
National Lumber & Building Material Dealers Association
National Moving and Storage Association
National Ornamental & Miscellaneous Metals Association
National Paperbox Association
National Society of Accountants
National Tooling and Machining Association
National Tour Association
National Wood Flooring Association
Organization for the Promotion and Advancement of Small Telephone Companies
Petroleum Marketers Association of America
Printing Industries of America, Inc.
Professional Lawn Care Association of America
Promotional Products Association International
The Retailer's Bakery Association
Saturation Mailers Coalition
Small Business Council of America, Inc.
Small Business Exporters Association
Small Business Technology Coalition
SMC Business Councils
Society of American Florists
Turfgrass Producers International
Tire Association of North America
United Motorcoach Association

OFFICE OF ADVOCACY,
U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, May 26, 1999.
Hon. KIT BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BOND: This is in response to your request for my views as to whether the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) should be amended to include more activities of the Internal Revenue Service (IRS).

The proposed amendments to SBREFA are constructive. In particular, applying the requirement that IRS convene Small Business Advocacy Review Panels to consider the impact of proposed rules involving the internal revenue laws is a goal that certainly would give small businesses a stronger voice in a process that affects them so dramatically.

The panel process has applied since 1996 to the Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA). A panel, comprising the administrator of EPA or OSHA, the Chief

Counsel for Advocacy of the Small Business Administration, and the director of the Office of Information and Regulatory Affairs, collects comments from representatives of small entities. Then the panel issues a report on the comments and the panel's findings within 60 days. This process has been extremely helpful in identifying the likely impact of major rules on small entities, yet its tight timetable has assured that needed rules are not delayed unduly.

Tax regulations impose the most widespread burdens on small business. Therefore, it is important to have small business input at the earliest possible stage of rulemaking. This amendment builds on an existing panel process that is working well. The panel process would bring a new level of scrutiny to tax regulations, some of which have added immensely to small entity burdens in the past.

At the same time, I am mindful that this expansion will add significantly to the workload of both the Office of Advocacy and the IRS, and I hope suitable staffing adjustments to accommodate this important added work will be made.

Thank you for soliciting my views.

Sincerely,

JERE W. GLOVER,
Chief Counsel for Advocacy.

Mr. KERRY. Mr. President, as Ranking Democrat on the Committee on Small Business, I join Committee Chairman BOND in introducing the Small Business Advocacy Review Panel Technical Amendments Act of 1999. While there are a few minor points that Chairman BOND and I have agreed to work out before the Committee considers the bill, we both agree that this is an important piece of legislation which should be enacted promptly to facilitate the Small Business Enforcement Fairness Act process. This process enables small entity representatives to participate in rulemakings by the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and, under this bill, the Internal Revenue Service (IRS) of the Department of Treasury.

This bill improves and enhances the Small Business Regulatory Enforcement Fairness Act of 1996, which has not only reduced regulatory burdens that otherwise would have been placed on small businesses, but also has begun to institute a fundamental change in the way Federal agencies promulgate rules that could have "a substantial economic impact on a substantial number of small businesses." Federal agencies are required under existing law to form so-called SBREFA panels in conjunction with the Office of Information and Regulatory Affairs in the Office of Management and Budget, and with small entities, or their representatives. These SBREFA panels are charged with creating flexible regulatory options that would allow small businesses to continue to operate without sacrificing the environmental, or health and safety goals of the proposed rule.

These panels have been highly effective in saving small businesses regulatory compliance costs. To date, seventeen (17) Small Business Regulatory Enforcement Fairness Act panels have been convened by the EPA, and three (3) by the OSHA. According to SBA's Office of Advocacy, since the law's enactment in 1996, the EPA SBREFA panels have saved small businesses almost $1 billion, and the OSHA SBREFA panels have saved small businesses about $2 billion.

While the process has obviously worked well to date, there are a few technical changes that we are proposing to help the process work even better. These changes were recommended by selected small entity representatives who have experience with the SBREFA panel process, and who testified at a joint hearing held by the House Small Business Committee's Subcommittees on Regulatory Reform and Paperwork Reduction, and Government Programs and Oversight on March 11, 1999.

Let me take a minute to describe the provisions of the bill.

This bill would lengthen by thirty (30) days the time that small entity representatives have to review the usually technical and voluminous materials to be considered during panel deliberations. For those small businessmen and women who would like to participate but do not have a great deal of time to review technical data, the bill requires OSHA, EPA and IRS to prepare detailed summaries of background data and information.

The bill would also allow a small entity representative, if he or she so chooses to, make an oral presentation to the panel.

Many small entities have expressed their interest in reviewing the panel report before the rule is proposed, and this bill would require the panel report to be printed in the Federal Register either as soon as practicable or with the proposed rule, but in no case, later than six (6) months after the rule is proposed.

Moreover, the bill would add certain rules issued by Internal Revenue Service to the panel requirements of SBREFA. Many small businesses complain that they are overwhelmed with the large burdens that the IRS places on them. It is the goal of this bill to hold the IRS accountable for the interpretative rules they issue that have a major impact on small business concerns, and to open up the rulemaking process so small entities can participate.

This new authority would significantly increase the workload of SBA's Office of Advocacy, the Federal office charged with monitoring agency compliance with the Regulatory Flexibility Act, including SBREFA. Chairman BOND and I agree that it is important that the Office of Advocacy have adequate resources to fulfill the new responsibilities mandated by this bill. Therefore, we plan to send a letter jointly to Appropriations Subcommittee on Commerce, Justice and State Chairman and Ranking Member Senators GREGG and HOLLINGS requesting them to approve additional funding for the Office of Advocacy to handle these additional responsibilities under the law.

I am proud to support this legislation. I believe it will result in significant savings for small businesses and will improve the mechanism for their voices to be heard.

Finally, I would like to thank Chairman BOND and his staff for their efforts working with me and my staff to produce this important bill.

By Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. THURMOND, Mr. NICKLES, Mr. HELMS, and Mr. COCHRAN):

S. 1157. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Health, Education, Labor, and Pensions.

DAVIS-BACON REPEAL ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce the Davis-Bacon Repeal Act of 1999. This legislation would repeal the Davis-Bacon Act of 1931, which guarantees high wages for workers on Federal construction projects, and the Copeland Act, which imposes weekly payroll reporting requirements.

Davis-Bacon requires contractors on Federal construction projects costing over $2,000 to pay their workers no less than the "prevailing wage" for comparable work in their local area. The U.S. Department of Labor has the final say on what the term "prevailing wage" means, but the prevailing wage usually is based on union-negotiated wages.

My bill would allow free market forces, rather than bureaucrats at the Labor Department in Washington, DC., to determine the amount of construction wages. There is simply no need to have the Labor Department dictating wage rates for workers on Federal construction projects in every locality in the United States.

The Department of Labor's Office of the Inspector General recently issues a devastating report showing that inaccurate information had been used in Davis-Bacon wage determinations in several states. The errors caused wages or fringe benefits to be overstated by as much as $1.00 per hour, in some cases. If Davis-Bacon were repealed, American taxpayers would save more than $3 billion over a 5-year period, according to the Congressional Budget Office.

Davis-Bacon also stifles competition in Federal bidding for construction projects, especially with respect to small businesses. Small construction companies are not knowledgeable about Federal contracting procedures; and they simply cannot afford to hire the staff needed to comply with Davis-Bacon's complex work rules and reporting requirements.

Congress passed Davis-Bacon during the Great Depression, a period in which work was scarce. In those days, construction workers were willing to take what jobs they could find, regardless of the wage rate; most construction was publicly financed; and there were no other Federal worker protections on the books.

Conditions in the construction industry have changed a lot since then, however. Today, unemployment rates are low, and public works construction makes up only about 20 percent of the construction industry's activity. Also, we now have many Federal laws on the books to protect workers. Such laws include the Fair Labor Standards Act of 1938, which imposes a general minimum wage, the Occupational Safety and Health Act of 1970, the Miller Act of 1935, the Contract Work House and Safety Standards Act of 1962, and the Social Security Act.

Yet the construction industry still has to operate under Davis-Bacon's inflexible 1930s work requirements and play by its payroll reporting rules. Under the law's craft-by-craft requirements, for example, contractors must pay Davis-Bacon wages for individuals who perform a given craft's work. In many cases, that means a contractor either must pay a high wage to an unskilled worker for performing menial tasks, or he must pay a high wage to an experienced worker for these menial tasks. These requirements reduce productivity.

A related problem with Davis-Bacon is that it reduces entry-level jobs and training opportunities for the disadvantaged. Because the law makes it costly for contractors to hire lower-skilled workers on construction projects, the statute creates a disincentive to hire entry-level workers and provide on-the-job training.

The Congressional Budget Office raised this issue in its analysis, "Modifying the Davis-Bacon Act: Implications for the Labor Market and the Federal Budget." As stated in that 1983 study:

> Although the effect of Davis-Bacon on wages receives the most attention, the Act's largest potential cost impact may derive from its effect on the use of labor. For one thing, DOL wage determinations require that, if an employee does the work of a particular craft, the wage paid should be for the craft.
>
> For example, carpentry work must be paid for at carpenters' wages, even if performed by a general laborer, helper or member of another craft.

Moreover, the General Accounting Office has maintained that the Davis-Bacon Act is no longer needed. GAO began to openly question Davis-Bacon in the 1960s; and in 1979, it issued a report calling for the Act's repeal. Titled "The Davis-Bacon Act Should Be Repealed," the report states: "[o]ther wage legislation and changes in economic conditions and in the construction industry since the law was passed make the law obsolete; and the law is inflationary."

To those who remain unconvinced that Davis-Bacon is bad public policy, I urge a review of the Act's legislative history. Some early supporters of Davis-Bacon advocated its passage as a means to discriminate against minorities. For instance, Clayton Allgood, a member of the 71st Congress, argued on the House floor that Davis-Bacon would keep contractors from employing "cheap colored labor" on construction projects. As stated by Congressman Allgood on February 28, 1931, "it is labor of that sort that is in competition with white labor throughout the country." Unfortunately, Davis-Bacon still has the effect of keeping minority-owned construction firms from competing for Federal construction contract, because many such firms are small businesses.

Early supporters of Davis-Bacon also believed that the law would prevent outside contractors from undermining local firms in the Federal bidding process. In practice, however, Davis-Bacon wages hurt local businesses and make it more likely that outside contractors will win bids for Federal projects.

Mr. President, for all of the above reasons, I believe that the Davis-Bacon Act should be repealed. I urge my colleagues to support the Davis-Bacon Repeal Act of 1999.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAVIS-BACON ACT.

(a) REPEAL.—The Act of March 3, 1931 (40 U.S.C. 276a et seq.) (commonly referred to as the Davis-Bacon Act) is repealed.

(b) REFERENCES.—Any reference in any law to a wage requirement of the Act of March 3, 1931, shall after the date of the enactment of this Act be null and void.

SEC. 2. COPELAND ACT.

Section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) (commonly referred to as the "Copeland Act") is repealed.

SEC. 3. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall take effect 30 days after the date of the enactment of this Act but shall not affect any contract in existence on such date of enactment or made pursuant to invitation for bids outstanding on such date of enactment.

Mr. NICKLES. Mr. President, I am happy to join Senator BOB SMITH as a cosponsor of the Davis-Bacon Repeal Act of 1999.

I believe Davis-Bacon repeal is long overdue. This 68-year-old legislation requires contractors to pay workers on federally-subsidized projects what the Labor Department determines is the local prevailing wage. What Davis-Bacon actually does is cost the Federal Government billions of dollars, divert funds out of vitally important projects, and limit opportunities for employment.

In my own State of Oklahoma, it has been proven that many "prevailing wages" have been calculated using fictitious projects, ghost workers, and companies established to pay artificially high wages. Oklahoma officials have reported that many of the wage survey forms submitted to the U.S. Department of Labor to calculate Federal wage rates in Oklahoma were wrong or fraudulent.

Records showed that an underground storage tank was built using 20 plumbers and pipefitters paid $21.05 an hour but no such tank was ever built. In another case, several asphalt machine operators were reported to have been employed at $15 an hour to build a parking lot but the lot was made of concrete, there were no asphalt operators, and the actual Davis-Bacon wage should have been $8 an hour. Ultimately, the Oklahoma Secretary of Labor established that at least two of the inflated Oklahoma reports were filled out by union officials.

The Davis-Bacon Act also diverts urgently needed Federal funds. After the 1995 bombing of the Murrah Federal building in Oklahoma City, Mayor Ron Norick of Oklahoma City estimated that the city could have saved $15 million in construction costs had the President waived the Davis-Bacon Act.

This money could have been used to provided additional assistance to those impacted by the bombing and to further rebuild the area around the Murrah site. The Federal role in disaster situations should be to empower communities and foster flexibility so that rebuilding efforts can proceed in the best manner possible.

The Congress should repeal a law that discourages, rather than encourages, the employment of lower skilled or non-skilled workers.

Davis-Bacon began as a way to keep small and minority businesses out of the government pie, and today it still does, reaching even further. Repeal of the act will take wage setting out of the hands of bureaucrats and return the determination of labor costs on construction projects to the efficiencies of the competitive marketplace. This would result in a more sound fiscal policy through payment of actual market-based local wage rates; more entry-level jobs in construction industry for youth, minorities, and women; and more small businesses bidding on Federal contracts.

The Davis-Bacon Repeal Act will provide increased job opportunities for those who might not ordinarily have the chance to enter the workforce, the opportunity to learn a trade, and the opportunity to climb the economic ladder.

I applaud Senator SMITH for his efforts and appreciate the chance to cosponsor this bill.

By Mr. HUTCHINSON:

S. 1158. A bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

● Mr. HUTCHINSON. Mr. President, it is my honor today to introduce the "Fair Access to Indemnity and Reimbursement Act" (the "FAIR Act"), which will amend the National Labor Relations Act and the Occupational Safety and Health Act to provide that a small employer prevailing against either agency will be automatically entitled to recover the attorney's fees and expenses it incurred to defend itself.

The FAIR Act is necessary because the National Labor Relations Board ("NLRB") and Occupational Safety and Health Agency ("OSHA") are two aggressive, well-funded agencies which share a "find and fine" philosophy. The destructive consequences that small businesses suffer as a result of these agencies' "find and fine" approach are magnified by the abuse of "salting" or the placement of paid union organizers and their agents in non-union workplaces for the sole purpose of disrupting the workforce. "Salting abuse" occurs when "salts" create labor law violations or workplace hazards and then file frivolous claims with the NLRB or OSHA. Businesses are then often forced to spend thousands and sometimes hundreds of thousands of dollars to defend themselves against NLRB or OSHA as these agencies vigorously prosecute these frivolous claims. Accordingly, many businesses, when faced with the cost of a successful defense, make a bottom-line decision to settle these frivolous claims rather than going out of business or laying off employees in order to finance costly litigation.

The "FAIR Act" will allow these employers to defend themselves rather than settling, and, more importantly, it will force the NLRB or OSHA to ensure that the claims they pursue are worthy of their efforts. The FAIR Act will accomplish this by allowing employers with up to 100 employees and a net worth of up to $7,000,000 to recover their attorneys fees and litigation expense directly from the NLRB or OSHA, regardless of whether those agencies' decision to pursue the case was "substantially justified" or "special circumstances" make an award of attorneys fees unjust. Thus, the Congressional intent behind the broadly supported, bi-partisan "Equal Access to Justice Act" ("EAJA") to "level the playing field" for small businesses will finally be realized.

The "FAIR Act" is solid legislation; it is a common sense attempt to give small businesses the means to defend themselves against unfair actions. Accordingly, I ask my colleagues for their cooperation and assistance as I work to ensure that the "FAIR Act" is enacted into law.●

By Mr. STEVENS (for himself, Mr. COCHRAN, Mr. INOUYE, Mr. HAGEL, Mr. BINGAMAN, Mr. SHELBY, Mr. LEVIN, Mr. DODD, and Mr. THURMOND):

S. 1159. A bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students; to the Committee on Health, Education, Labor, and Pensions.

PHYSICAL EDUCATION FOR PROGRESS ACT

Mr. STEVENS. Mr. President, today I send to the desk and introduce the Physical Education for Progress—or "PEP"—Act. My bill would provide incentive grants for local school districts to develop minimum weekly requirements for physical education, and daily physical education if possible.

Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. Children need to know that physical activity can help them feel good, be successful in school and work, and stay healthy.

Engaging in sports activities provides lessons about teamwork and dealing with defeat. In my judgment, physical activity and sports are an important educational tool, and the lessons of sports may help resolve some of the problems that lead to violence in schools.

Regular physical activity produces short-term health benefits and reduces long-term risks for chronic disease, disability and premature death. Despite the proven benefits of being physically active, more than 60 percent of American adults do not engage in levels of physical activity necessary to provide health benefits.

More than a third of young people in our country aged 12 to 21 years do not regularly engage in vigorous physical activity, and the percentage of overweight young Americans has more than doubled in the past 30 years. Daily participation in high school physical education classes dropped from 42 percent in 1991 to 27 percent in 1997. Right now, only one state in our union—Illinois—currently requires daily physical education for grades K through 12. I think that is a staggering statistic. Only one State requires daily physical education for our children.

The impact of our poor health habits is staggering: obesity-related diseases now cost the Nation more than $100 billion per year, and inactivity and poor diet cause more than 300,000 deaths per year in the United States.

We know from the Centers for Disease Control and others that lifelong health-related habits, including physical activity and eating patterns, are often established in childhood. Because ingrained behaviors are difficult to change as people grow older, we need to reach out to young people early, before health-damaging behaviors are adopted.

To me, schools provide an ideal opportunity to make an enormous, positive impact on the health of our Nation. The PEP Act, to me, is an important step toward improving the health of our Nation. The PEP Act would help schools get regular physical activity back into their programs. We can, and should, help our youth establish solid health habits at an early age.

The incentive grants provided for by my bill could be used to provide physical education equipment and support to students, to enhance physical education curricula, and to train and educate physical education teachers.

The future cost savings in health care for emphasizing the importance of physical activity to a long and healthy life, to me, are immense.

By Mr. GRASSLEY (for himself and Mrs. FEINSTEIN):

S. 1160. A bill to amend the Internal Revenue Service Code of 1986 to provide marriage penalty relief, incentives to encourage health coverage, and increased child care assistance, to extend certain expiring tax provisions, and for other purposes; to the Committee on Finance.

TAX RELIEF FOR WORKING AMERICANS ACT OF 1999

Mr. GRASSLEY. Mr. President, today I am being joined by Senator FEINSTEIN in introducing the "Tax Relief for Working Americans Act of 1999". Congresswoman NANCY JOHNSON is introducing companion legislation in the House. We're here today to declare victory in the debate over whether or not we should have significant tax relief for the American people. The President and most congressional Democrats have now joined Republicans in support of cutting taxes. The question now is not whether there should be tax cuts, but what kind, and how much. I can't think of a better problem to have.

With our core tax cut plan, we're proposing a major first step in sending hard-earned dollars out of Washington and back to the taxpayer. I support an across the board tax cut. But, I'm afraid that if we do that first, we won't have any money left over to pay for tax cuts that people are telling me they really want, like addressing the marriage penalty, providing health care tax relief, and more help for education. They want these problems in the tax code fixed first. An across the board cut won't fix these problems, it'll only compound them. That isn't fair. And we're saying fairness should come first.

The President only offered modest tax cuts, along with a new retirement savings proposal that nobody understands, and many question whether it will work. And then, he wants to raise other taxes to pay for it. The President wants it both ways. He wants to be able to take credit for a tax cut on the one hand, while he's raising taxes on the other. We deserve what we get, if we let him get away with the double talk we all know so well.

We have two alternatives. One is to push for an across the board tax cut first, and let the President and some in Congress play the class warfare card they play so well. And in the end, we probably end up with no tax relief. Senator FEINSTEIN and I are saying that we should take the initiative and push for major tax relief that people really want and both Republicans and Democrats support. Our package will provide close to $300 billion in tax relief over ten years. I, for one, view this as a very strong starting point in determining how the coming on-budget surplus will be used.

Among other things, our bill will provide tax relief for senior citizens, those who are married, those who need to buy their own health insurance, and those who purchase long-term care insurance. Moreover, it will include provisions to ensure that parents who make use of education or child care tax credits are not hurt by the Alternative Minimum Tax. We also hope to improve the living standards of Americans through tax relief for urban revitalization, rural preservation, rental housing, and economic growth. We also provide needed tax assistance to farmers by shielding them from the Alternative Minimum Tax, and allowing them to set up special tax-deferred savings accounts to help them weather the ups and downs of farming. And, we help improve the environment by extending the production tax credit for wind energy and expanding the credit for biomass. I've strongly supported both of these alternative energies since taking the lead on them back in 1992.

We think this package is a good start in the process of delivering tax relief to the American people, and I urge my colleagues to join us in this effort.

Mrs. FEINSTEIN. Mr. President, I rise, along with my colleague from Iowa, to introduce the Tax Relief for Working Americans Act—what I consider to be a "fair share" tax plan. This bill, while protecting our Social Security and Medicare needs, will also allow all Americans to benefit from our economic prosperity.

The American people are responsible for the more than $4 trillion in budget surpluses over the next 15 years, so it makes sense to give them some needed and deserved tax relief.

The Tax Relief for Working Americans Act is a sensible and moderate bill that provides needed tax relief for working families. It does so, moreover, in a fiscally responsible manner which protects Social Security and Medicare. This tax plan is estimated to provide tax relief of $271 billion over ten years, fitting within the budget framework set out by the President to protect Social Security and Medicare.

The legislation will provide relief to 21 million working couples who incur the marriage penalty by increasing the standard deduction to put them on equal footing with unmarried couples. A married couple in the 28% bracket, for example, will save $392.

It includes tax incentives for the over 30 million Americans who purchase their own health insurance or who pay more than 50% of their employer provided health care insurance. This means a family that earns $60,000 and pays $4,000 a year for health insurance will receive a tax credit of $2,400.

And it will raise the Social Security Earnings test to $30,000, so that the 1.1 million seniors between the ages of 65 and 69 who earn more than $15,500 would be able to keep more of their hard earned dollars. For a 67 year old secretary who earns $30,000 a year this would mean she will save nearly $5,000.

Under this legislation, millions of Americans who struggle to afford decent child care, will receive increased benefits from the Dependent Care Tax Credit. The credit will increase from 30% to 50% by 2004 and millions more will qualify for the maximum credit. When fully in effect, a family which earns $30,000 and spends $5,000 a year on child care for their two children will receive a $2,400 tax credit which should eliminate any federal tax liability.

This legislation will also help to expand our economy by making permanent the Research and Development tax credit. Research and development is the backbone of our new technology driven economy. It is creating millions of high wage, high skilled jobs. The R&D credit has been extended 9 times since 1981, but it has been allowed to expire 4 times during that period. Now is the time to make it permanent.

There are also other important provisions in this legislation to promote long-term care, create more affordable housing, make education more affordable, and to help our farmers.

I believe that this tax plan is one which can, and will, receive broad bipartisan support. It is a tax plan which Congress can pass and the President can sign. I urge my colleagues to work with the Senator from Iowa and myself, and to pass the Tax Relief for Working Americans Act.

By Mr. BENNETT (for himself, Mrs. MURRAY, Mr. SCHUMER, and Mr. TORRICELLI):

S. 1163. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; to the Committee on Health, Education, Labor, and Pensions.

LUPUS RESEARCH AND CARE AMENDMENTS OF 1999

• Mr. BENNETT. Mr. President, I rise today to introduce the Lupus Research and Care Amendments of 1999. This legislation would authorize additional funds for lupus research and grants for state and local governments to support the delivery of essential services to low-income individuals with lupus and their families. The National Institute of Health (NIH) spent about $42 million less than one half of one percent of its budget on lupus research last year. I believe that we need to increase the funds that are available for research of this debilitating disease.

Lupus is not a well-known disease, nor is it well understood. Yet, at least 1,400,000 Americans have been diagnosed with lupus and many more are either misdiagnosed or not diagnosed at all. More Americans have lupus than AIDS, cerebral palsy, multiple sclerosis, sickle-cell anemia or cystic fibrosis. Lupus is a disease that attacks and weakens the immune system and is often life-threatening. Lupus is nine times more likely to affect women than men. African-American women are diagnosed with lupus two to three times more often than Caucasian women. Lupus is also more prevalent among certain minority groups including Latinos, Native Americans and Asians.

Because lupus is not well understood, it is difficult to diagnose, leading to uncertainty on the actual number of patients suffering from lupus. The symptoms of lupus make diagnosis difficult because they are sporadic and imitate the symptoms of many other illnesses. If diagnosed early and with proper treatment, the majority of lupus cases can be controlled. Unfortunately, because of the difficulties in diagnosing lupus and inadequate research, many lupus patients suffer debilitating pain and fatigue. The resulting effects make it difficult, if not impossible, for individuals suffering from lupus to carry on normal everyday activities including the demands of a job. Thousands of these debilitating cases needlessly end in death each year.

Title I of the Lupus Research and Care Amendments of 1999 authorizes $75 million in grants starting in fiscal year 2000 to be earmarked for lupus research at NIH. This new authorization would amount to less than one half of one percent of NIH's total budget but would greatly enhance NIH's research.

Title II of the Lupus Research and Care Amendments of 1999 authorizes $40 million in grants to state and local governments as well as to nonprofit organizations starting in fiscal year 2000. These funds would support the delivery of essential services to low-income individuals with lupus and their families. I would urge all my colleagues, Mr. President, to join Senator MURRAY, Senator TORRICELLI, Senator SCHUMER, and myself in sponsoring this legislation to increase funding to fight lupus.●

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK)

S. 1164. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT OF 1999

Mr. HATCH. Mr. President, I rise today with my friend and colleagues Senators BAUCUS and MACK to introduce the International Tax Simplification for American Competitiveness Act of 1999. This bill will provide much-needed tax relief from complex and inconsistent tax laws that burden our American-owned companies attempting to complete in the world marketplace.

Our foreign tax code is in desperate need of reform and simplification. The rules in this arena are way too complex and, often, their results are perverse.

Mr. President, the American economy has experienced significant growth and prosperity. That success, however, is becoming more and more intertwined with the success of our business in the global marketplace. This has become even more obvious during the recent financial distress in Asia and Latin America. Yet, most people still do not realize the important contributions to our economy from U.S. companies with global operations. We have seen the share of U.S. corporate profits attributed to foreign operations rise from 7.5 percent in the 1960's to 17.7 percent in the 1990's.

As technology blurs traditional boundaries, and as competition continues to increase from previously lesser-developed nations, it is imperative that American-owned businesses be able to compete effectively.

It seems to me that any rule, regulation, requirement, or tax that we can alleviate to enhance competitiveness will inure to the benefit of American companies, their employees, and shareholders.

There are many barriers that the U.S. economy must overcome in order to remain competitive that Congress cannot hurdle by itself. For example, we have international trade negotiators working hard to remove the barriers to foreign markets that discourage and hamper U.S. trade. It is ironic, therefore, that one of the largest trade barriers is imposed by our own tax code on American companies operating abroad. Make no mistake: the complexities and inconsistencies in this section of the Tax Code have an appreciable adverse effect on our domestic economy.

The failure to deal with the barriers in our own backyard will serve only to drive more American companies to other countries with simple, more favorable tax treatment. We just saw this occur with the merger of Daimler Benz and Chrysler. The new corporation will be headquartered in Germany due to the complex international laws of the United States.

The business world is changing at an increasingly rapid pace. Tax laws have failed to keep pace with the rapid changes in the world technology and economy. Too many of the international provisions in the Internal Revenue Code have not been substantially debated and revised in over a decade. Since that time, existing international markets have changed significantly, and we have seen new markets created. The U.S. Tax Code needs to adapt to the changing times as well. Our current confusing and archaic tax code is woefully out of step with commercial realities as we approach the 21st century.

U.S. businesses frequently find themselves at a competitive disadvantage to their foreign competitors due to the high taxes and stiff regulations they often face. A U.S. company selling products abroad is often charged a higher tax rate by our own government, than a foreign company is. For example, when Kodak sells film in the U.K. or Germany, they pay higher taxes than their foreign competitor Fuji does for those same sales.

If we close American companies out of the international arena due to complex and burdensome tax rules on exports and foreign production, then we are denying them the ability to compete. Dooming them, and ourselves, to anemic economic growth and all its adverse subsidiary effects.

The bill we are introducing today is not a comprehensive solution, neither is it a set of bold new initiatives. Instead, this bill contains a set of important intermediate steps which will take us a long way toward simplifying the rules and making some sense of the international tax regime. The bill contains provisions to simplify and update the tax treatment of controlled foreign corporations, fix some of the rules relating to the foreign tax credit, and make other changes to international tax law.

Some of these changes are in areas that are in dire need of repair, and others are changes that take into consideration the changes we have seen in international business practices and environments during the last decade.

One example of the need for updating our laws is the financial services industry. This industry has seen rapid technological and global changes that have transformed the very nature of the way these corporations do business both here and abroad. This bill contains several provisions to help adapt the foreign tax regime to keep up with these changes.

In the debate about the globalization of our economy, we absolutely cannot forget the taxation of foreign companies with U.S. operations and subsidiaries. These companies are an important part of our growing economy. They employ 4.9 million American workers. In my home state of Utah, employees at U.S. subsidiaries constitute 3.6 percent of the work force. We must ensure that U.S. tax law is written and fairly enforced for all companies in the United States.

This bill is not the end of the international tax debate. If we were to pass every provision it contains, we would still not have a simple Tax Code. We would need to make more reforms yet. We cannot limit this debate to only the intermediate changes such as those in this bill. We must not lose sight of the long term. I intend to urge broader debate about other areas in need of reform such as interest allocation, issues raised by the European Union, and subpart F itself. I believe that we must address these concerns in the next five years if we are to put U.S. corporations and the U.S. economy in a position to maintain economic position in the global economy of tomorrow.

This bill is important to the future of every American citizen. Without these changes, American businesses will see their ability to compete diminished, and the United States will have an uphill battle to remain the preeminent economic force in a changing world. This modest, but important package of international tax reforms will help to keep our businesses and our economy competitive and a driving force in the world economic picture. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Tax Simplification for American Competitiveness Act of 1999".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—TREATMENT OF CONTROLLED FOREIGN CORPORATIONS

Sec. 101. Permanent subpart F exemption for active financing income.
Sec. 102. Study of proper treatment of European Union under same country exceptions.
Sec. 103. Expansion of de minimis rule under subpart F.
Sec. 104. Subpart F earnings and profits determined under generally accepted accounting principles.
Sec. 105. Clarification of treatment of pipeline transportation income.
Sec. 106. Subpart F treatment of income from transmission of high voltage electricity.
Sec. 107. Look-through treatment for sales of partnership interests.
Sec. 108. Effective date.

TITLE II—PROVISIONS RELATING TO FOREIGN TAX CREDIT

Sec. 201. Extension of period to which excess foreign taxes may be carried.
Sec. 202. Recharacterization of overall domestic loss.
Sec. 203. Special rules relating to financial services income.
Sec. 204. Look-thru rules to apply to dividends from noncontrolled section 902 corporations.
Sec. 205. Application of look-thru rules to foreign tax credit.
Sec. 206. Ordering rules for foreign tax credit carryovers.
Sec. 207. Repeal of limitation of foreign tax credit under alternative minimum tax.
Sec. 208. Repeal of special rules for applying foreign tax credit in case of foreign oil and gas income.

TITLE III—OTHER PROVISIONS

Sec. 301. Deduction for dividends received from certain foreign corporations.
Sec. 302. Application of uniform capitalization rules to foreign persons.
Sec. 303. Treatment of military property of foreign sales corporations.
Sec. 304. United States property not to include certain assets acquired by dealers in ordinary course of trade or business.
Sec. 305. Treatment of certain dividends of regulated investment companies.
Sec. 306. Regulatory authority to exclude certain preliminary agreements from definition of intangible property.
Sec. 307. Airline mileage awards to certain foreign persons.
Sec. 308. Repeal of reduction of subpart F income of export trade corporations.
Sec. 309. Study of interest allocation.
Sec. 310. Interest payments deductible where disqualified guarantee has economic effect.
Sec. 311. Modifications of reporting requirements for certain foreign owned corporations.

TITLE I—TREATMENT OF CONTROLLED FOREIGN CORPORATIONS

SEC. 101. PERMANENT SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) BANKING, FINANCING, OR SIMILAR BUSINESSES.—Section 954(h) (relating to special rule for income derived in the active conduct of banking, financing, or similar businesses) is amended by striking paragraph (9).

(b) INSURANCE BUSINESSES.—Section 953(e) (defining exempt insurance income) is amended by striking paragraph (10) and by redesignating paragraph (11) as paragraph (10).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of a foreign corporation beginning after December 31, 1999, and to taxable years of United States shareholders with or within which such taxable years of such foreign corporation end.

SEC. 102. STUDY OF PROPER TREATMENT OF EUROPEAN UNION UNDER SAME COUNTRY EXCEPTIONS.

(a) STUDY.—The Secretary of the Treasury or the Secretary's delegate shall conduct a study on the feasibility of treating all countries included in the European Union as 1 country for purposes of applying the same country exceptions under subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986. Such study shall include consideration of methods of ensuring that taxpayers are subject to a substantial effective rate of foreign tax in such countries if such treatment is adopted.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under subsection (a), including recommendations (if any) for legislation.

SEC. 103. EXPANSION OF DE MINIMIS RULE UNDER SUBPART F.

(a) IN GENERAL.—Subparagraph (A) of section 954(b)(3) (relating to de minimis, etc., rules) is amended—

(1) by striking "5 percent" in clause (i) and inserting "10 percent", and

(2) by striking "$1,000,000" in clause (ii) and inserting "$2,000,000".

(b) TECHNICAL AMENDMENTS.—

(1) Clause (ii) of section 864(d)(5)(A) is amended by striking "5 percent or $1,000,000" and inserting "10 percent or $2,000,000".

(2) Clause (i) of section 881(c)(5)(A) is amended by striking "5 percent or $1,000,000" and inserting "10 percent or $2,000,000".

SEC. 104. SUBPART F EARNINGS AND PROFITS DETERMINED UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

(a) IN GENERAL.—Section 964(a) (relating to earnings and profits) is amended by striking "rules substantially similar to those applicable to domestic corporations, under regulations prescribed by the Secretary" and inserting "generally accepted accounting principles in the United States".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions during, and the determination of the inclusion under section 951 of the Internal Revenue Code of 1986 with respect to, taxable years of foreign corporations beginning after December 31, 1999.

SEC. 105. CLARIFICATION OF TREATMENT OF PIPELINE TRANSPORTATION INCOME.

Section 954(g)(1) (defining foreign base company oil related income) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) the pipeline transportation of oil or gas within such foreign country."

SEC. 106. SUBPART F TREATMENT OF INCOME FROM TRANSMISSION OF HIGH VOLTAGE ELECTRICITY.

Section 954(e) (relating to foreign base company services income) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION FOR INCOME FROM TRANSMISSION OF HIGH VOLTAGE ELECTRICITY.—The term 'foreign base company services income' does not include income derived in connection with the performance of services which are related to the transmission of high voltage electricity."

SEC. 107. LOOK-THROUGH TREATMENT FOR SALES OF PARTNERSHIP INTERESTS.

(a) IN GENERAL.—Section 954(c) (defining foreign personal holding company income) is amended by adding at the end the following new paragraph:

"(4) LOOK-THROUGH RULE FOR CERTAIN PARTNERSHIP SALES.—

"(A) IN GENERAL.—In the case of any sale by a controlled foreign corporation of an interest in a partnership with respect to which such corporation is a 10-percent owner, such corporation shall be treated for purposes of this subsection as selling the proportionate share of the assets of the partnership attributable to such interest.

"(B) 10-PERCENT OWNER.—For purposes of this paragraph, the term '10-percent owner' means a controlled foreign corporation which owns 10 percent or more of the capital or profits interest in the partnership. The constructive ownership rules of section 958(b) shall apply for purposes of the preceding sentence."

(b) CONFORMING AMENDMENT.—Section 954(c)(1)(B)(ii) is amended by inserting "except as provided in paragraph (4)," before "which".

SEC. 108. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply to taxable years of controlled foreign corporations beginning after December 31, 1999, and taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

TITLE II—PROVISIONS RELATING TO FOREIGN TAX CREDIT

SEC. 201. EXTENSION OF PERIOD TO WHICH EXCESS FOREIGN TAXES MAY BE CARRIED.

(a) GENERAL RULE.—Section 904(c) (relating to carryback and carryover of excess tax paid) is amended by striking "in the first, second, third, fourth, or fifth" and inserting "in any of the first 10".

(b) EXCESS EXTRACTION TAXES.—Paragraph (1) of section 907(f) is amended by striking "in the first, second, third, fourth, or fifth" and inserting "in any of the first 10".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to excess foreign taxes arising in taxable years beginning after December 31, 1999.

SEC. 202. RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.

(a) GENERAL RULE.—Section 904 is amended by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (l) respectively, and by inserting after subsection (f) the following new subsection:

"(g) RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.—

"(1) GENERAL RULE.—For purposes of this subpart, in the case of any taxpayer who sustains an overall domestic loss for any taxable year beginning after December 31, 1999, that portion of the taxpayer's taxable income from sources within the United States for each succeeding taxable year which is equal to the lesser of—

"(A) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

"(B) 50 percent of the taxpayer's taxable income from sources within the United States for such succeeding taxable year,

shall be treated as income from sources without the United States (and not as income from sources within the United States).

"(2) OVERALL DOMESTIC LOSS DEFINED.—For purposes of this subsection and section 936—

"(A) IN GENERAL.—The term 'overall domestic loss' means any domestic loss to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding taxable year by reason of a carryback. For purposes of the preceding sentence, the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

"(B) TAXPAYER MUST HAVE ELECTED FOREIGN TAX CREDIT FOR YEAR OF LOSS.—The term 'overall domestic loss' shall not include any loss for any taxable year unless the taxpayer chose the benefits of this subpart for such taxable year.

"(3) CHARACTERIZATION OF SUBSEQUENT INCOME.—

"(A) IN GENERAL.—Any income from sources within the United States that is treated as income from sources without the United States under paragraph (1) shall be allocated among and increase the income categories in proportion to the loss from sources within the United States previously allocated to those income categories.

"(B) INCOME CATEGORY.—For purposes of this paragraph, the term 'income category' has the meaning given such term by subsection (f)(5)(E)(i).

"(4) COORDINATION WITH SUBSECTION (f).—The Secretary shall prescribe such regulations as may be necessary to coordinate the provisions of this subsection with the provisions of subsection (f)."

(b) CONFORMING AMENDMENTS.—

(1) Section 535(d)(2) is amended by striking "section 904(g)(6)" and inserting "section 904(h)(6)".

(2) Subparagraph (A) of section 936(a)(2) is amended by striking "section 904(f)" and inserting "subsections (f) and (g) of section 904".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses for taxable years beginning after December 31, 1999.

SEC. 203. SPECIAL RULES RELATING TO FINANCIAL SERVICES INCOME.

(a) EXCEPTION FOR INTEREST ON CERTAIN SECURITIES.—Section 904(d)(2)(B) (relating to high withholding tax interest) is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

"(iii) EXCEPTION FOR INTEREST ON DEALER PROPERTY.—The term 'high withholding tax interest' shall not include any interest on a security (within the meaning of section 475(c)(2)) which is received or accrued by a person that holds the security in connection with the holder's activities as a dealer in securities (within the meaning of section 475(c)(1))."

(b) FINANCIAL SERVICES INCOME IN EXCESS OF 80 PERCENT OF GROSS INCOME.—Section 904(d)(2)(C) (relating to financial services income) is amended by adding at the end the following new clause:

"(iv) INCOME EXCEEDING 80 PERCENT OF GROSS INCOME.—If the financial services income (as defined in clause (i)) of any person exceeds 80 percent of gross income, the entire gross income for the taxable year shall be treated as financial services income."

(c) EXCEPTION FOR INCOME ON DEALER PROPERTY.—Subsection 904(g) (relating to source rules in case of United States-owned foreign corporations) is amended by redesignating paragraph (11) as paragraph (12) and by adding after paragraph (10) the following new paragraph:

"(11) EXCEPTION FOR INCOME ON DEALER PROPERTY.—Paragraph (1) shall not apply to any amount derived from a United States-owned foreign corporation that is derived from income on a security (within the meaning of section 475(c)(2)) which is received or accrued by a person that holds the security in connection with the holder's activities as a dealer in securities (within the meaning of section 475(c)(1))."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

(2) DEEMED PAID CREDITS.—In the case of any credit under section 901 of the Internal Revenue Code of 1986 by reason of section 902 or 960 of such Code, the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1999, and to taxable years of United States shareholders in such corporations with or within which such taxable years of foreign corporations end.

SEC. 204. LOOK-THRU RULES TO APPLY TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.

(a) IN GENERAL.—Section 904(d)(4) (relating to look-thru rules apply to dividends from noncontrolled section 902 corporations) is amended to read as follows:

"(4) LOOK-THRU APPLIES TO DIVIDENDS FROM CONTROLLED SECTION 902 CORPORATIONS.—

"(A) IN GENERAL.—For purposes of this subsection, any dividend from a noncontrolled section 902 corporation with respect to the taxpayer shall be treated as income in a separate category in proportion to the ratio of—

"(i) the portion of earnings and profits attributable to income in such category, to

"(ii) the total amount of earnings and profits.

"(B) SPECIAL RULES.—For purposes of this paragraph—

"(i) IN GENERAL.—Rules similar to the rules of paragraph (3)(F) shall apply.

"(ii) EARNINGS AND PROFITS.—

"(I) IN GENERAL.—The rules of section 316 shall apply.

"(II) REGULATIONS.—The Secretary may prescribe regulations regarding the treatment of distributions out of earnings and profits for periods before the taxpayer's acquisition of the stock to which the distributions relate."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 904(d)(1), as in effect both before and after the amendments made by section 1105 of the Taxpayer Relief Act of 1997, is hereby repealed.

(2) Section 904(d)(2)(C)(iii), as so in effect, is amended by striking subclause (II) and by redesignating subclause (III) as subclause (II).

(3) The last sentence of section 904(d)(2)(D), as so in effect, is amended to read as follows: "Such term does not include any financial services income."

(4) Section 904(d)(2)(E) is amended by striking clauses (ii) and (iv) and by redesignating clause (iii) as clause (ii).

(5) Section 904(d)(3)(F) is amended by striking "(D), or (E)" and inserting "or (D)".

(6) Section 864(d)(5)(A)(i) is amended by striking "(C)(iii)(III)" and inserting "(C)(iii)(II)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 205. APPLICATION OF LOOK-THRU RULES TO FOREIGN TAX CREDIT.

(a) INTEREST, RENTS, AND ROYALTIES.—

(1) NONCONTROLLED SECTION 902 CORPORATION.—Section 904(d)(4)(A), as amended by section 204, is amended to read as follows:

"(A) IN GENERAL.—For purposes of this subsection—

"(i) any applicable dividend shall be treated as income in a separate category in proportion to the ratio of—

"(I) the portion of the earnings and profits attributable to income in such category, to

"(II) the total amount of earnings and profits, and

"(ii) any interest, rent, or royalty which is received or accrued from a noncontrolled section 902 corporation with respect to the taxpayer shall be treated as income in a separate category to the extent it is properly allocable (under regulations prescribed by the Secretary) to income of such corporation in such category."

(2) PARTNERSHIPS.—Section 904(d)(6)(C) (relating to regulations) is amended—

(A) by inserting "or (4)(A)(ii)" after "paragraph (3)(C)", and

(B) by inserting "or noncontrolled section 902 corporations, whichever is applicable" after "controlled foreign corporations".

(3) CONFORMING AMENDMENT.—The heading for section 904(d)(4), as amended by section 204, is amended by inserting ", INTEREST, RENTS, OR ROYALTIES" after "DIVIDENDS".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 206. ORDERING RULES FOR FOREIGN TAX CREDIT CARRYOVERS.

(a) IN GENERAL.—Section 904(c) (relating to carryback and carryover of excess tax paid), as amended by section 201, is amended to read as follows:

"(c) CARRYBACK AND CARRYOVER OF EXCESS TAX PAID.—

"(1) IN GENERAL.—If the sum of—

"(A) the foreign tax credit carryovers under this subsection to a taxable year, plus

"(B) the amount of all taxes paid to foreign countries or possessions of the United States for the taxable year and for which the taxpayer elects to have the benefits of this subpart apply,

exceeds the limitation under subsection (a), such excess (to the extent attributable to the taxes described in subparagraph (B)) shall be a foreign tax credit carryback to each of the 2 preceding taxable years and a foreign tax credit carryforward to each of the 10 following taxable years.

"(2) ORDERING RULES.—For purposes of any provision of the title where it is necessary to ascertain the extent to which the credits to which this subpart applies are used in a taxable year or as a carryback or carryforward, such taxes shall be treated as used—

"(A) first from carryovers to such taxable year,

"(B) then from credits arising in such taxable year, and

"(C) finally from carrybacks to such taxable year.

"(3) LIMITATIONS ON CARRYOVERS.—

"(A) CREDIT ONLY.—A credit may be carried to a taxable year under this subsection only if the taxpayer chooses for such taxable year to have the benefits of this subpart apply to taxes paid or accrued to foreign countries or any possessions of the United States. Any amount so carried may be availed of only as a credit and not a deduction.

"(B) LIMITATION TO APPLY.—The amount of the credit carryforward or carryback to a taxable year (the 'carryover year') from a taxable year under this subsection shall not exceed the excess (if any) of—

"(i) the limitation under subsection (a) for the carryover year, over

"(ii) the sum of—

"(I) the credits arising in the carryover year, plus

"(II) carryforwards and carrybacks to the carryover year from taxable years earlier than the taxable year from which the credit is being carried (whether or not the taxpayer chooses to have the benefits of this subpart apply with respect to such earlier taxable year)."

(b) EFFECTIVE DATE.—The amendment made by this section applies to taxable years beginning after December 31, 1999.

SEC. 207. REPEAL OF LIMITATION OF FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 59(a) (relating to alternative minimum tax foreign tax credit) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—Section 53(d)(1)(B)(i)(II) is amended by striking "and if section 59(a)(2) did not apply".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 208. REPEAL OF SPECIAL RULES FOR APPLYING FOREIGN TAX CREDIT IN CASE OF FOREIGN OIL AND GAS INCOME.

(a) IN GENERAL.—Section 907 (relating to special rules in case of foreign oil and gas income) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Each of the following provisions are amended by striking "907,":

(A) Section 245(a)(10).

(B) Section 865(h)(1)(B).

(C) Section 904(d)(1).

(D) Section 904(g)(10)(A).

(2) Section 904(f)(5)(E)(iii) is amended by inserting ", as in effect before its repeal by the International Tax Simplification for American Competitiveness Act of 1999" after "section 907(c)(4)(B)".

(3) Section 954(g)(1) is amended by inserting ", as in effect before its repeal by the International Tax Simplification for American Competitiveness Act of 1999" after "907(c)".

(4) Section 6501(i) is amended—

(A) by striking ", or under section 907(f) (relating to carryback and carryover of disallowed oil and gas extraction taxes)", and

(B) by striking "or 907(f)".

(5) The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by striking the item relating to section 907.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE III—OTHER PROVISIONS

SEC. 301. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS.

(a) CONSTRUCTIVE OWNERSHIP RULES TO APPLY IN DETERMINING 80-PERCENT OWNERSHIP.—Section 245 (a)(5) (relating to post-1986 undistributed U.S. earnings) is amended by adding at the end the following flush sentence:

"Section 318(a) shall apply for purposes of subparagraph (B)."

(b) DIVIDENDS TO INCLUDE SUBPART F DISTRIBUTIONS.—Section 245(a) (relating to dividends from 10-percent owned foreign corporations) is amended by adding at the end the following new paragraph:

"(12) SUBPART F INCLUSIONS TREATED AS DIVIDENDS.—For purposes of this subsection, the term 'dividend' shall include any amount the taxpayer is required to include in gross income for the taxable year under section 951(a)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 302. APPLICATION OF UNIFORM CAPITALIZATION RULES TO FOREIGN PERSONS.

(a) IN GENERAL.—Section 263A(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

"(7) FOREIGN PERSONS.—This section shall apply to any taxpayer who is not a United States person only for purposes of applying sections 871(b)(1) and 882(a)(1)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999. Section 481 of the Internal Revenue Code of 1986 shall not apply to any change in a method of accounting by reason of such amendment.

SEC. 303. TREATMENT OF MILITARY PROPERTY OF FOREIGN SALES CORPORATIONS.

(a) IN GENERAL.—Section 923(a) (defining exempt foreign trade income) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 304. UNITED STATES PROPERTY NOT TO INCLUDE CERTAIN ASSETS ACQUIRED BY DEALERS IN ORDINARY COURSE OF TRADE OR BUSINESS.

(a) IN GENERAL.—Section 956(c)(2) (relating to exceptions from property treated as United States property) is amended by striking "and" at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting "; and", and by adding at the end the following new subparagraph:

"(L) securities acquired and held by a controlled foreign corporation in the ordinary course of its business as a dealer in securities if (i) the dealer accounts for the securities as securities held primarily for sale to customers in the ordinary course of business, and (ii) the dealer disposes of the securities (or such securities mature while held by the dealer) within a period consistent with the holding of securities for sale to customers in the ordinary course of business."

(b) CONFORMING AMENDMENT.—Section 956(c)(2) is amended by striking "and (K)" in the last sentence and inserting ", (K), and (L)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1999, and to taxable years of United States shareholders or with or within which such taxable years of foreign corporations end.

SEC. 305. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) TREATMENT OF CERTAIN DIVIDENDS.—

(1) NONRESIDENT ALIEN INDIVIDUALS.—Section 871 (relating to tax on nonresident alien individuals) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) EXEMPTION FOR CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

"(1) INTEREST-RELATED DIVIDENDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1)(A) of subsection (a) on any interest-related dividend received from a regulated investment company.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

"(i) to any interest-related dividend received from a regulated investment company by a person to the extent such dividend is attributable to interest (other than interest described in subparagraph (E) (i) or (iii)) received by such company on indebtedness issued by such person or by any corporation or partnership with respect to which such person is a 10-percent shareholder,

"(ii) to any interest-related dividend with respect to stock of a regulated investment company unless the person who would otherwise be required to deduct and withhold tax from such dividend under chapter 3 receives a statement (which meets requirements similar to the requirements of subsection (h)(5)) that the beneficial owner of such stock is not a United States person, and

"(iii) to any interest-related dividend paid to any person within a foreign country (or any interest-related dividend payment addressed to, or for the account of, persons within such foreign country) during any period described in subsection (h)(6) with respect to such country.

Clause (iii) shall not apply to any dividend with respect to any stock which was acquired on or before the date of the publication of the Secretary's determination under subsection (h)(6).

"(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph, an interest-related dividend is any dividend (or part thereof) which is designated by the regulated investment company as an interest-related dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated with respect to dividends paid after the close of the taxable year described in section 855) is greater than the qualified net interest income of the company for such taxable year, the portion of each distribution which shall be an interest-related dividend shall be only that portion of the amounts so designated which such qualified net interest income bears to the aggregate amount so designated.

"(D) QUALIFIED NET INTEREST INCOME.—For purposes of subparagraph (C), the term 'qualified net interest income' means the qualified interest income of the regulated investment company reduced by the deductions properly allocable to such income.

"(E) QUALIFIED INTEREST INCOME.—For purposes of subparagraph (D), the term 'qualified interest income' means the sum of the following amounts derived by the regulated investment company from sources within the United States:

"(i) Any amount includible in gross income as original issue discount (within the meaning of section 1273) on an obligation payable 183 days or less from the date of original issue (without regard to the period held by the company).

"(ii) Any interest includible in gross income (including amounts recognized as ordinary income in respect of original issue discount or market discount or acquisition discount under part V of subchapter P and such other amounts as regulations may provide) on an obligation which is in registered form; except that this clause shall not apply to—

"(I) any interest on an obligation issued by a corporation or partnership if the regulated investment company is a 10-percent shareholder in such corporation or partnership, and

"(II) any interest which is treated as not being portfolio interest under the rules of subsection (h)(4).

"(iii) Any interest referred to in subsection (i)(2)(A) (without regard to the trade or business of the regulated investment company).

"(iv) Any interest-related dividend includable in gross income with respect to stock of another regulated investment company.

"(F) 10-PERCENT SHAREHOLDER.—For purposes of this paragraph, the term '10-percent shareholder' has the meaning given such term by subsection (h)(3)(B).

"(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1)(A) of subsection (a) on any short-term capital gain dividend received from a regulated investment company.

"(B) EXCEPTION FOR ALIENS TAXABLE UNDER SUBSECTION (a)(2).—Subparagraph (A) shall not apply in the case of any nonresident alien individual subject to tax under subsection (a)(2).

"(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph, a short-term capital gain dividend is any dividend (or part thereof) which is designated by the regulated investment company as a short-term capital gain dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated with respect to dividends paid after the close of the taxable year described in section 855) is greater than the qualified short-term gain of the company for such taxable year, the portion of each distribution which shall be a short-term capital gain dividend shall be only that portion of the amounts so designated which such qualified short-term gain bears to the aggregate amount so designated.

"(D) QUALIFIED SHORT-TERM GAIN.—For purposes of subparagraph (C), the term 'qualified short-term gain' means the excess of the net short-term capital gain of the regulated investment company for the taxable year over the net long-term capital loss (if any) of such company for such taxable year. For purposes of this subparagraph—

"(i) the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividend includible in gross income with respect to stock of another regulated investment company as a short-term capital gain, and

"(ii) the excess of the net short-term capital gain for a taxable year over the net long-term capital loss for a taxable year (to which an election under section 4982(e)(4) does not apply) shall be determined without regard to any net capital loss or net short-term capital loss attributable to transactions after October 31 of such year, and any such net capital loss or net short-term capital loss shall be treated as arising on the 1st day of the next taxable year.

To the extent provided in regulations, clause (ii) shall apply also for purposes of computing the taxable income of the regulated investment company."

(2) FOREIGN CORPORATIONS.—Section 881 (relating to tax on income of foreign corporations not connected with United States business) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) TAX NOT TO APPLY TO CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

"(1) INTEREST-RELATED DIVIDENDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1) of subsection (a) on any interest-related dividend (as defined in section 871(k)(1)) received from a regulated investment company.

"(B) EXCEPTION.—Subparagraph (A) shall not apply—

"(i) to any dividend referred to in section 871(k)(1)(B), and

"(ii) to any interest-related dividend received by a controlled foreign corporation (within the meaning of section 957(a)) to the extent such dividend is attributable to interest received by the regulated investment company from a person who is a related person (within the meaning of section 864(d)(4)) with respect to such controlled foreign corporation.

"(C) TREATMENT OF DIVIDENDS RECEIVED BY CONTROLLED FOREIGN CORPORATIONS.—The rules of subsection (c)(5)(A) shall apply to any interest-related dividend received by a controlled foreign corporation (within the meaning of section 957(a)) to the extent such dividend is attributable to interest received by the regulated investment company which is described in clause (ii) of section 871(k)(1)(E) (and not described in clause (i) or (iii) of such section).

"(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—No tax shall be imposed under paragraph (1) of subsection (a) on any short-term capital gain dividend (as defined in section 871(k)(2)) received from a regulated investment company."

(3) WITHHOLDING TAXES.—

(A) Section 1441(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

"(12) CERTAIN DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES.—

"(A) IN GENERAL.—No tax shall be required to be deducted and withheld under subsection (a) from any amount exempt from the tax imposed by section 871(a)(1)(A) by reason of section 871(k).

"(B) SPECIAL RULE.—For purposes of subparagraph (A), clause (i) of section 871(k)(1)(B) shall not apply to any dividend unless the regulated investment company knows that such dividend is a dividend referred to in such clause. A similar rule shall apply with respect to the exception contained in section 871(k)(2)(B)."

(B) Section 1442(a) (relating to withholding of tax on foreign corporations) is amended—

(i) by striking "and the reference in section 1441(c)(10)" and inserting "the reference in section 1441(c)(10)", and

(ii) by inserting before the period at the end the following: ", and the references in section 1441(c)(12) to sections 871(a) and 871(k) shall be treated as referring to sections 881(a) and 881(e) (except that for purposes of applying subparagraph (A) of section 1441(c)(12), as so modified, clause (ii) of section 881(e)(1)(B) shall not apply to any dividend unless the regulated investment company knows that such dividend is a dividend referred to in such clause)".

(b) ESTATE TAX TREATMENT OF INTEREST IN CERTAIN REGULATED INVESTMENT COMPANIES.—Section 2105 (relating to property without the United States for estate tax purposes) is amended by adding at the end the following new subsection:

"(d) STOCK IN A RIC.—

"(1) IN GENERAL.—For purposes of this subchapter, stock in a regulated investment company (as defined in section 851) owned by a nonresident not a citizen of the United States shall not be deemed property within the United States in the proportion that, at the end of the quarter of such investment company's taxable year immediately preceding a decedent's date of death (or at such other time as the Secretary may designate in regulations), the assets of the investment company that were qualifying assets with respect to the decedent bore to the total assets of the investment company.

"(2) QUALIFYING ASSETS.—For purposes of this subsection, qualifying assets with respect to a decedent are assets that, if owned directly by the decedent, would have been—

"(A) amounts, deposits, or debt obligations described in subsection (b) of this section,

"(B) debt obligations described in the last sentence of section 2104(c), or

"(C) other property not within the United States."

(c) TREATMENT OF REGULATED INVESTMENT COMPANIES UNDER SECTION 897.—

(1) Paragraph (1) of section 897(h) is amended by striking "REIT" each place it appears and inserting "qualified investment entity".

(2) Paragraphs (2) and (3) of section 897(h) are amended to read as follows:

"(2) SALE OF STOCK IN DOMESTICALLY CONTROLLED ENTITY NOT TAXED.—The term 'United States real property interest' does not include any interest in a domestically controlled qualified investment entity.

"(3) DISTRIBUTIONS BY DOMESTICALLY CONTROLLED QUALIFIED INVESTMENT ENTITIES.—In the case of a domestically controlled qualified investment entity, rules similar to the rules of subsection (d) shall apply to the foreign ownership percentage of any gain."

(3) Subparagraphs (A) and (B) of section 897(h)(4) are amended to read as follows:

"(A) QUALIFIED INVESTMENT ENTITY.—The term 'qualified investment entity' means any real estate investment trust and any regulated investment company.

"(B) DOMESTICALLY CONTROLLED.—The term 'domestically controlled qualified investment entity' means any qualified investment entity in which at all times during the testing period less than 50 percent in value of the stock was held directly or indirectly by foreign persons."

(4) Subparagraphs (C) and (D) of section 897(h)(4) are each amended by striking "REIT" and inserting "qualified investment entity".

(5) The subsection heading for subsection (h) of section 897 is amended by striking "REITS" and inserting "CERTAIN INVESTMENT ENTITIES".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after the date of the enactment of this Act.

(2) ESTATE TAX TREATMENT.—The amendment made by subsection (b) shall apply to estates of decedents dying after the date of the enactment of this Act.

(3) CERTAIN OTHER PROVISIONS.—The amendments made by subsection (c) (other than paragraph (1) thereof) shall take effect on the date of the enactment of this Act.

SEC. 306. REGULATORY AUTHORITY TO EXCLUDE CERTAIN PRELIMINARY AGREEMENTS FROM DEFINITION OF INTANGIBLE PROPERTY.

(a) In General.—Section 936(h)(3)(B) (defining intangible property) is amended by adding at the end the following new sentence: "The Secretary shall by regulation provide that such term shall not include any preliminary agreement which is not legally enforceable."

(b) Effective Date.—The amendment made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 307. AIRLINE MILEAGE AWARDS TO CERTAIN FOREIGN PERSONS.

(a) In General.—The last sentence of section 4261(e)(3)(C) (relating to regulations) is amended by inserting "and mileage awards which are issued to individuals whose mailing addresses on record with the person providing the right to air transportation are outside the United States" before the period at the end thereof.

(b) Effective Date.—The amendment made by this section shall apply to amounts paid, and benefits provided, after December 31, 1997.

SEC. 308. REPEAL OF REDUCTION OF SUBPART F INCOME OF EXPORT TRADE CORPORATIONS.

(a) In General.—Subpart G of part III of subchapter N of chapter 1 (relating to export trade corporations) is repealed.

(b) Treatment of Certain Actual Distributions.—

(1) In general.—For purposes of applying sections 959 and 960(b) of the Internal Revenue Code of 1986, in the case of any actual distribution of export trade income made after December 31, 1986, by an export trade corporation (or former export trade corporation that was an export trade corporation on December 31, 1986), notwithstanding any other provision of chapter 1 of such Code, the earnings and profits attributable to amounts which have been included in the gross income of a United States shareholder under section 951(a) of such Code shall be treated as including an amount equal to the amount of export trade income that was included in gross income as a dividend. If a distribution is excluded from gross income by application of this subsection, the amount of such distribution shall be treated as an amount described in section 951(a)(2)(B) of such Code that reduces the amount described in section 951(a)(2)(A) of such Code for the taxable year.

(2) Definitions.—For purposes of this subsection—

(A) Export trade corporation.—The term "export trade corporation" has the meaning given such term by section 971(a) of the Internal Revenue Code of 1986 (as in effect before the amendment made by subsection (a)).

(B) Export trade income.—The term "export trade income" has the meaning given such term by section 971(b) of the Internal Revenue Code of 1986 (as so in effect).

(c) Conforming Amendments.—

(1) Section 865(e)(2)(A) is amended by striking the last sentence.

(2) Section 1297(b)(2)(D) is amended by striking "or export trade income of an export trade corporation (as defined in section 971)".

(3) The table of parts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart G.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 309. STUDY OF INTEREST ALLOCATION.

(a) Study.—The Secretary of the Treasury or the Secretary's delegate shall conduct a study of the rules under section 864(e) of the Internal Revenue Code of 1986 for allocating interest expense of members of an affiliated group. Such study shall include an analysis of the effect of such rules, including the effects such rules have on different industries.

(b) Report.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under subsection (a), including recommendations (if any) for legislation.

SEC. 310. INTEREST PAYMENTS DEDUCTIBLE WHERE DISQUALIFIED GUARANTEE HAS ECONOMIC EFFECT.

(a) In General.—Section 163(j)(6)(D)(ii) (relating to exceptions to disqualified guarantee) is amended by striking "or" at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ", or", and by inserting after subclause (II) the following new subclause:

"(III) if, in the case of a guarantee by a foreign person, the taxpayer establishes to the satisfaction of the Secretary that the loan giving rise to the indebtedness would have been made by the unrelated person without regard to the guarantee and that the guarantee resulted in a reduction in the interest payable on the loan."

(b) Effective Date.—The amendments made by this section shall apply to guarantees issued on and after the date of the enactment of this Act.

SEC. 311. MODIFICATIONS OF REPORTING REQUIREMENTS FOR CERTAIN FOREIGN OWNED CORPORATIONS.

(a) De Minimis Exception.—Section 6038A(b) (relating to required information) is amended by adding at the end the following new flush sentence:

"The Secretary shall not require the reporting corporation to report any information with respect to any foreign person which is a related person if the aggregate value of the transactions between the corporation and the related person (and any person related to such person) during the taxable year does not exceed $5,000,000."

(b) Time for Providing Translations of Specific Documents.—Notwithstanding Internal Revenue Service Regulation §1.6038A-3(f)(2), a taxpayer shall have at least 60 days to provide translations of specific documents it is requested to translate. Nothing in this subsection shall limit the right of a taxpayer to file a written request for an extension of time to comply with the request.

(c) Effective Dates.—

(1) Exception.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

(2) Translations.—Subsection (b) shall apply to requests made by the Internal Revenue Service after December 31, 1999.

By Mr. MACK (for himself, Mrs. Feinstein, Mr. Murkowski, Mr. Breaux, Mr. Gramm, Mr. Robb, Mr. Chafee, Mr. Graham, Mr. Bryan, Mr. Torricelli, Mr. Warner, Mr. Thurmond, Mr. Grams, Mr. Kyl, Mr. Helms, Mr. Hutchinson, Mr. Lugar, and Mr. Cochran):

S. 1165. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.

DEFENSE JOBS AND TRADE PROMOTION ACT OF 1999

Mr. MACK. Mr. President, I rise to introduce the Defense Jobs and Trade Promotion Act of 1999. This bill, cosponsored by Senator Feinstein and 16 of our colleagues, will eliminate a provision of tax law which discriminates against United States exporters of defense products.

Other nations have systems of taxation which rely less on corporate income taxes and more on value-added taxes. By rebating the value-added taxes for products that are exported, these nations lower the costs of their exports and provide their companies a competitive advantage that is not based on quality, ingenuity, or resources but rather on tax policy.

In an attempt to level the playing field, our tax code allows U.S. companies to establish Foreign Sales Corporations (FSCs) through which U.S.-manufactured products may be exported. A portion of the profits from FSC sales are exempted from corporate income taxes, to mitigate the advantage that other countries give their exporters through value-added tax rebates.

But the tax benefits of a FSC are cut in half for defense exporters. This 50% limitation is the result of a compromise enacted 23 years ago as part of the predecessor to the FSC provisions. This compromise was not based on policy considerations, but instead merely split the difference between members who believed that the U.S. defense industry was so dominant in world markets that the foreign tax advantages were inconsequential, and members who believed that all U.S. exporters should be treated equally.

Today, U.S. defense manufacturers face intense competition from foreign businesses. With the sharp decline in the defense budget over the past decade, exports of defense products play a prominent role in maintaining a viable U.S. defense industrial base. It makes no sense to allow differences in international tax systems to stand as an obstacle to exports of U.S. defense products. We must level the international playing field for U.S. defense product manufacturers.

The fifty percent exclusion for sales of defense products makes even less sense when one considers that the sale of every defense product to a foreign government requires the determination of both the President and the Congress that the sale will strengthen the security of the United States and promote world peace. This is more than a matter of fair treatment for all U.S. exporters. National security is enhanced when our allies use U.S.-manufactured military equipment, because of its compatibility with equipment used by our armed forces.

The Department of Defense supports repeal of this provision. In an August

26, 1998 letter, Deputy Secretary of Defense John Hamre wrote Treasury Secretary Rubin about the FSC. Hamre wrote, "The Department of Defense (DoD) supports extending the full benefits of the FSC exemption to defense exporters * * * [P]utting defense and non-defense companies on the same footing would encourage defense exports that would promote standardization and interoperability of equipment among our allies. It also could result in a decrease in the cost of defense products to the Department of Defense."

The bill we are introducing today supports the DoD recommendation. It repeals the provision of the Foreign Sales Corporation laws that discriminates against U.S. defense product manufacturers, enhancing both the competitiveness of U.S. companies in world markets and our national security.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Jobs and Trade Promotion Act of 1999".

SEC. 2. REPEAL OF LIMITATION ON RECEIPTS ATTRIBUTABLE TO MILITARY PROPERTY WHICH MAY BE TREATED AS EXEMPT FOREIGN TRADE INCOME.

(a) IN GENERAL.—Subsection (a) of section 923 of the Internal Revenue Code of 1986 (defining exempt foreign trade income) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. NICKLES:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

NATURAL GAS CLASSIFICATION LEGISLATION

Mr. NICKLES. Mr. President, today I have introduced legislation to clarify the proper depreciation of natural gas gathering lines. While depreciation is an arcane and technical area of the tax laws, continued uncertainty regarding the proper depreciation of these assets is having real and adverse impacts on members of the natural gas industry.

The purpose of this bill is quite simple—to clarify that natural gas gathering lines are assets that are properly depreciated over seven years. The legislation would codify the seven-year treatment of these assets as well as providing a sufficient definition for the term "natural gas gathering line" to distinguish these lines from transmission pipelines for depreciation purposes.

I believe that these assets should currently be depreciated over seven years under existing law, and that this is the long standing practice of members of the industry. However, it has come to my attention that the Internal Revenue Service has been asserting both on audits and in litigation that seven-year depreciation is available only for gathering assets owned by producers. The IRS has asserted that all other gathering equipment is to be depreciated as transmission pipelines over a fifteen-year period. This confounding position ignores not only the plain language of the asset class guidelines governing depreciation, but would result in disparate treatment of the same assets based upon ownership for no discernible policy reason. Moreover, this position ignores the fundamental distinction between gathering and transmission of natural gas long enshrined in energy regulation and recognized by the Federal Energy Regulatory Commission as well as other state and federal regulatory bodies.

Nonetheless, the IRS' position on this issue has resulted in the past in a division of authority among the lower courts. Although the United States Court of Appeals for the Tenth Circuit recently held that the seven-year cost recovery period was properly applied to natural gas gathering systems under existing law, this legislation is needed to provide certainty and uniformity regarding the proper depreciation of these assets throughout the country. With extensive gathering systems totaling many thousands of miles, we cannot afford to allow the proper depreciation of these substantial investments to remain subjects of dispute. I urge my fellow Senators to join me in securing the adoption of this important legislation.

By Mr. MCCAIN:

S. 1168. A bill to eliminate the social security earnings test for individuals who have attained retirement age, to protect and preserve the social security trust funds, and for other purposes; to the Committee on Finance.

PROTECT SOCIAL SECURITY NOW LEGISLATION

Mr. MCCAIN: Mr. President, today I rise to introduce legislation which will give older Americans the freedom to work and protect the Social Security system by taking it off budget, putting it in the black, and keeping it out of the hands of politicians. Our seniors and all working Americans deserve nothing less.

The promise of Social Security is sacred and must not be broken. Millions of Americans count on Social Security to provide the bulk of their retirement income, because that is what the system has promised them. Allowing the federal government to continue spending the tax dollars in the Social Security Trust Fund on more government threatens the financial security of our nation's retirement system.

The legislation I am introducing today will finally stop the government from stealing money from Social Security. It will lock up the Trust Fund and shore it up with the excess taxes collected by the federal government. It will guarantee that today's seniors who have worked and invested in the Social Security system will receive the benefits they were promised, without placing an unfair burden on today's workers.

The legislation does three simple, but very important things.

First, it repeals the burdensome and unfair Social Security earnings test that penalizes Americans between the ages of 65 and 70 for working and remaining productive after retirement. Under the current law, a senior citizen loses $1 of Social Security benefits for every $3 earned over the established limit, which is $15,500 in 1999.

Because of this cap on earnings, our senior citizens are burdened with a 33.3 percent tax on their Social Security benefits. When this is combined with Federal, State, local and other Social Security taxes on earned income, it amounts to an outrageous 55 to 65 percent tax bite on their total income, and sometimes it can be even higher. An individual who is struggling to make ends meet by holding a job where they earn just $15,500 a year should not be faced with an effective marginal tax rate which exceeds 55 percent.

What is most disturbing about the earnings test is the tremendous burden it places upon low-income senior citizens. Many older Americans need to work in order to cover their basic expenses: food, housing and health care. These lower-income seniors are hit hardest by the earnings test, while most wealthy seniors escape unscathed. This is because supplemental "unearned" income from stocks, investments and savings is not affected by the earnings test.

For too long, many have given lip service to eliminating the earnings test, but to no avail. It is time that we finally eliminate this ridiculous policy. In his State of the Union speech, President Clinton indicated that he may finally be ready to repeal the unfair Social Security earnings test, as originally promised during his 1992 campaign. However, the President did not include repeal of the earnings test in his budget proposal for 2000.

Hard-working senior citizens who need to work to help pay for their food, rent, prescription drugs, and daily living expenses are tired of empty promises. They are tired of being penalized for working. Repealing the unfair earnings test, as proposed in this legislation, is the right thing to do.

Seond, the bill protects the money in the Social Security Trust Funds by taking Social Security "off budget" and keeping this money out of the hands of politicians. This provision is similar to other "lock box" proposals, except that it eliminates all the loopholes and exceptions, and truly locks up the money.

I support and applaud the efforts of my Republican colleagues to move forward on the Social Security Lock Box legislation that has been delayed by members of the other party. However, I am concerned that it contains loopholes which would allow Social Security funds to be spent on items other than retirement benefits for seniors. It includes exceptions for emergencies, including economic recession, and allows the surpluses to be used to reduce the public debt. While I understand the intent of these provisions, I believe that we must stop making exceptions and lock up Social Security funds for Social Security purposes only.

For too long, Social Security funds have been used to pay for existing federal programs, create new government programs, and to mask our nation's deficit. We must stop using Social Security to fund general government activities. We must save Social Security to pay retirement benefits to hard-working Americans, as promised in the law.

The legislation I am introducing puts the Social Security trust fund surpluses safely away in a "lock box" without holes, so that neither we nor our successors can spend the people's retirement money on anything other than their retirement.

Finally, the legislation requires that 62 percent of the non-Social Security budget surpluses from fiscal year 2001 through 2009 be transferred into the Social Security Trust Funds to strengthen and extend the solvency of the system. This amounts to $514 billion, based on current estimates of the non-Social Security surplus, which would shore up the system and ensure the availability of benefits for today's seniors and those working and paying into the system today.

Locking up the Social Security Trust Fund and shoring up the fund with $514 billion in new money will extend the solvency of the system until about 2057, more than 20 years beyond the date when the system is currently expected to be bankrupt. This bill will provide senior citizens with the peace of mind that their Social Security checks will continue arriving each and every month. It will provide time for the Administration, the Congress, and the American people to develop and agree upon a structural reform plan which will save Social Security for future generations.

Mr. President, I would like to note that the National Committee to Preserve Social Security and Medicare has reviewed this legislation and has provided a letter in support of it that I would like to insert in the RECORD at this point.

Mr. President, this is legislation that will truly preserve and protect Social Security for the future, and it will remove the unfair tax on working seniors. I urge my colleagues to support the bill and I intend to work for its passage this Congress.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ELIMINATION OF SOCIAL SECURITY EARNINGS TEST

SEC. 101. SHORT TITLE.

This title may be cited as the "Older Americans Freedom to Work Act".

SEC. 102. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3)—

(A) by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),"; and

(B) by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(2) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(A) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(B) in clauses (i) and (ii), by striking "corresponding" each place it appears; and

(C) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. (f)(8)(D)) is repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(3) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4)(A) of the Social Security Act (42 U.S.C. 423(d)(4)(A)) is amended by striking "if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted" and inserting the following: "if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Senior Citizens' Freedom to Work Act of 1999 had not been enacted".

(d) EFFECTIVE DATE.—The amendments and repeals made by this section shall apply with respect to taxable years ending after December 31, 1998.

TITLE II—PROTECTING AND PRESERVING THE SOCIAL SECURITY TRUST FUNDS

SEC. 201. SHORT TITLE.

This title may be cited as the "Protecting and Preserving the Social Security Trust Funds Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should not use the social security trust funds surpluses to balance the budget or fund existing or new non-social security programs;

(3) all surpluses generated by the social security trust funds must go towards saving and strengthening the social security system; and

(4) at least 62 percent of the on-budget (non-social security) surplus should be reserved and applied to the social security trust funds.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust

funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—Balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used solely for paying social security benefit payments as promised to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) Social Security Surplus Protection Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that would cause or increase an on-budget deficit for any fiscal year.

"(l) Subsequent legislation.—

"(1) In general.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of the bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of the bill or resolution in the form recommended in the conference report;

would cause or increase an on-budget deficit for any fiscal year.

"(2) Exception to point of Order.—This subsection shall not apply to social security reform legislation that would protect the social security system from insolvency and preserve benefits as promised to beneficiaries.".

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(j), 301(k), 301(l), 305(b)(2)".

SEC. 204. SEPARATE BUDGET FOR SOCIAL SECURITY.

(a) Exclusion.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be excluded from—

(1) any official documents by Federal agencies regarding the surplus or deficit totals of the budget of the Federal Government as submitted by the President or of the surplus or deficit totals of the congressional budget; and

(2) any description or reference in any official publication or material issued by any other agency or instrumentality of the Federal Government.

(b) Separate Budget.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be submitted as a separate budget.

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

TITLE III—SAVING SOCIAL SECURITY FIRST

SEC. 301. DESIGNATION OF ON-BUDGET SURPLUS.

(a) In General.—Notwithstanding any other provision of law, not less than the amount referred to in subsection (b) for a fiscal year shall be reserved for and applied to the social security trust funds for that fiscal year in addition to the Social Security Trust Fund surpluses.

(b) Amount Reserved.—The amount referred to in this subsection is—

(1) for fiscal year 2001, $6,820,000,000;
(2) for fiscal year 2002, $36,580,000,000;
(3) for fiscal year 2003, $31,620,000,000;
(4) for fiscal year 2004, $42,160,000,000;
(5) for fiscal year 2005, $48,980,000,000;
(6) for fiscal year 2006, $71,920,000,000;
(7) for fiscal year 2007, $83,080,000,000;
(8) for fiscal year 2008, $90,520,000,000; and
(9) for fiscal year 2009, $102,300,000,000.

SEC. 302. SENSE OF THE SENATE ON DEDICATING ADDITIONAL SURPLUS AMOUNTS.

It is the sense of the Senate if the budget surplus in future years is greater than the currently projected surplus, serious consideration should be given to directing more of the surplus to strengthening the social security trust funds.

National Committee to Preserve
Social Security and Medicare,
Washington, DC, May 26, 1999.

Hon. John McCain,
Russell Building, U.S. Senate,
Washington, DC.

Dear Senator McCain: On behalf of the approximately five million members and supporters of the National Committee, I commend your leadership on the issue of protecting the Social Security trust funds and eliminating the Social Security earnings test.

The National Committee's members earnestly believe in the future of the Social Security system and its critical importance to America's hard working families.

Your legislation would not only safe-guard the Social Security surpluses and reaffirm Social Security's off-budget status, but would also strengthen the program's solvency by committing 62 percent of projected off-budget surpluses to Social Security. Using the off-budget surpluses to fortify Social Security is fiscally responsible and will help our nation better meet the challenge of the baby-boom generation's retirement.

We also commend you for your long commitment to eliminating the earnings test for individuals who have reached normal retirement age. Encouraging seniors to remain in the work force as long as they are willing and able to work strengthens their ability to remain financially independent throughout their retirement years.

Sincerely,

Max Richtman,
Executive Vice President.

By Mr. McCAIN (for himself, Mr. COCHRAN, and Mr. BURNS):

S. 1169. A bill to require that certain multilateral development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

COMPETITION IN FOREIGN COMMERCE ACT OF 1999

Mr. McCAIN. Mr. President, I along with Senators COCHRAN and BURNS are proud to introduce the Fair Competition in Foreign Commerce Act of 1999, to address the serious problem of waste, fraud and abuse resulting from bribery and corruption in international development projects. This legislation will set conditions for U.S. funding through multilateral development banks. These conditions will require the country receiving aid to adopt substantive procurement reforms and independent third-party procurement monitoring of their international development projects.

During the cold war, banks and governments often looked the other way as pro-western leaders in developing countries treated national treasuries as their personal treasury troves. Today, we cannot afford to look the other way when we see bribery and corruption running rampant in other countries because these practices undermine our goals of promoting democracy and accountability, fostering economic development and trade liberalization, and achieving a level playing field throughout the world for American businesses.

The United States is increasingly called upon to lead multilateral efforts to provide much-needed economic assistance to developing nations. The American taxpayers make substantial contributions to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund.

However, it is critical that we take steps to ensure that Americans' hard-earned tax dollars are being used appropriately. The Fair Competition in Foreign Commerce Act of 1999 is designed to decrease the stifling effects of bribery and corruption in international development contracts. By doing so, we will (1) enable U.S. businesses to become more competitive when bidding against foreign firms which secure government contracts through bribery and corruption; (2) encourage additional direct investment to developing nations, thus increasing their economic growth, and (3) increase opportunities for U.S. businesses to export to these nations as their economies expand and mature.

Multilateral lending efforts are only effective in spurring economic development if the funds are used to further the intended development projects, not to line the pockets of foreign bureaucrats and their well-connected political allies.

When used for its intended purpose, foreign aid yields both short- and long-term benefits to U.S. businesses. Direct foreign aid assists developing nations to develop their infrastructure. A developed infrastructure is vital to creating and sustaining a modern dynamic economy. Robust new economies create new markets to which U.S. businesses can export their goods and services. Exports are key to the U.S. role in the constantly expanding and increasingly competitive global economy.

The current laws and procedures designed to detect and deter corruption after the fact are inadequate and meaningless. This bill seeks to ensure that U.S. taxpayers' hard-earned dollars contributed to international projects are used appropriately, by detecting and eliminating bribery and corruption before they can taint the integrity of international projects. Past experience illustrates that it is ineffective to attempt to reverse waste, fraud, and abuse in large-scale foreign infrastructure projects, once the abuse has already begun. Therefore, it is vital to detect the abuses before they occur.

The Fair Competition in Foreign Commerce Act of 1999 requires the United States Government, through its participation in multilateral lending institutions and in its disbursement of non-humanitarian foreign assistance funds, to: (1) require the recipient international financial institution to adopt an anti-corruption plan that requires the aid recipient to use independent third-party procurement monitoring services, at each stage of the procurement process to ensure openness and transparency in government procurements, and (2) require the recipient nation to institute specific strategies for minimizing corruption and maximizing transparency in procurements at each stage of the procurement process. The legislation directs the Secretary of the Treasury to instruct the United States Executive Directors of the various international institutions to use the voice and vote of the United States to prevent the lending institution from providing funds to nations which do not satisfy the procurement reforms criteria.

This Act has two important exceptions. First, it does not apply to assistance to meet urgent humanitarian needs such as providing food, medicine, disaster, and refugee relief. Second, it also permits the President to waive the funding restrictions with respect to a particular country, if making such funds available is important to the national security interest of the United States.

Independent third-party procurement monitoring is a system where an uninvolved entity conducts a program to eliminate bias, to promote transparency and open competition, and to minimize fraud and corruption, waste and inefficiency and other misuse of funds in international procurements. The system does this through an independent evaluation of the technical, financial, economic and legal aspects of each stage of a procurement, from the development and issuance of technical specifications, bidding documents, evaluation reports and contract preparation, to the delivery of goods and services. This monitoring takes place throughout the entire term of the international development project.

Mr. President, this system has worked for other governments. Procurement reforms and third-party procurement monitoring resulted in the governments of Kenya, Uganda, Colombia, and Guatemala experiencing significant cost savings in recent procurements. For instance, the Government of Guatemala experienced an overall savings of 48% when it adopted a third-party procurement monitoring system and other procurement reform measures in a recent contract for pharmaceuticals.

Mr. President, bribery and corruption have many victims. Bribery and corruption hamper vital U.S. interests. Both harm consumers, taxpayers, and honest traders who lose contracts, production, and profits because they refuse to offer bribes to secure foreign contracts.

Bribery and corruption have become a serious problem. A World Bank survey of 3,600 firms in 69 countries showed 40% of businesses paying bribes. More startling is that Germany still permits its companies to take a tax deduction for bribes. Commerce Secretary Daley summed up the serious impact of bribery and corruption upon American businesses ability to compete for foreign contracts in 1997:

> Since mid-1994, foreign firms have used bribery to win approximately 180 commercial contracts valued at nearly $80 billion. We estimate that over the past year, American companies have lost at least 50 of these contracts, valued at $15 billion. And since many of these contracts were for groundbreaking projects—the kind that produce exports for years to come—the ultimate cost could be much higher.

Since then American companies have continued to lose international development contracts because of unfair competition from businesses paying bribes. This terrible trend must be brought to a halt.

Exports will continue to play an increasing role in our economic expansion. We can ill afford to allow any artificial impediments to our ability to export. Bribery and corruption significantly hinder American businesses' ability to compete for lucrative overseas government contracts. American businesses are simply not competitive when bidding against foreign firms that have bribed government officials to secure overseas government contracts. Openness and fairness in government contracts will greatly enhance opportunities to compete in the rapidly expanding global economy. Exports equate to jobs. Jobs equate to more money in hard-working Americans' pockets. More money in Americans' pockets means more money for Americans to save and invest in their futures.

Bribery and corruption also harm the country receiving the aid because bribery and corruption often inflate the cost of international development projects. For example, state sponsorship of massive infrastructure projects that are deliberately beyond the required specification needed to meet the objective is a common example of the waste, fraud, and abuse inherent in corrupt procurement practices. Here, the cost of corruption is not the amount of the bribe itself, but the inefficient use of resources that the bribes encourage.

Bribery and corruption drive up costs. Companies are forced to increase prices to cover the cost of bribes they are forced to pay. A 2% bribe on a contract can raise costs by 15%. Over time, tax revenues will have to be raised or diverted from other more deserving projects to fund these excesses. Higher taxes and the inefficient use of resources both hinder growth.

The World Bank and the IMF both recognize the link between bribery and corruption, and decreased economic growth. Recent studies also indicate that high levels of corruption are associated with low levels of investment and growth. Furthermore, corruption lessens the effectiveness of industrial policies and encourages businesses to operate in the unofficial sector in violation of tax and regulatory laws. More important, corruption breeds corruption and discourages legitimate investment. In short, bribery and corruption create a "lose-lose" situation for the U.S. and developing nations.

The U.S. recognizes the damaging effects bribery and corruption have at home and abroad. The U.S. continues to combat foreign corruption, waste, and abuse on many fronts—from prohibiting U.S. firms from bribing foreign officials, to leading the anti-corruption efforts in the United Nations, the Organization of American States, and the Organization for Economic Cooperation and Development ("OECD"). The U.S. was the first country to enact legislation (the Foreign Corrupt Practices Act) to prohibit its nationals and corporations from bribing foreign public officials in international and business transactions.

However, we must do more. The Foreign Corrupt Practices Act prevents U.S. nationals and corporations from bribing foreign officials, but does nothing to prevent foreign nationals and corporations from bribing foreign officials to obtain foreign contracts. Valuable resources are often diverted or squandered because of corrupt officials or the use of non-transparent specifications, contract requirements and the like in international procurements for goods and services. Such corrupt practices also minimize competition and prevent the recipient nation or agency from receiving the full value of the goods and services for which it bargained. In addition, despite the importance of international markets to U.S.

goods and service providers, many U.S. companies refuse to participate in international procurements that may be corrupt.

This legislation is designed to provide a mechanism to ensure, to the extent possible, the integrity of U.S. contributions to multilateral lending institutions and other non-humanitarian U.S. foreign aid. Corrupt international procurements, often funded by these multilateral banks, weaken democratic institutions and undermine the very opportunities that multilateral lending institutions were founded to promote. This will encourage and support the development of transparent government procurement systems, which are vital for emerging democracies constructing the infrastructure that can sustain market economies.

Mr. President, on behalf of the millions of Americans who will benefit from increased opportunities for U.S. businesses to participate in the global economy, and the billions of people in developing nations throughout the world who are desperate for economic assistance, I urge my colleagues to support this legislation and demonstrate their continued commitment to the orderly evolution of the global economy and the efficient use of American economic assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Competition in Foreign Commerce Act of 1999".

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) Findings.—Congress finds that—

(1) The United States makes substantial contributions and provides significant funding for major international development projects through the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the African Development Fund, and other multilateral lending institutions.

(2) These international development projects are often plagued with fraud, corruption, waste, inefficiency, and misuse of funding.

(3) Fraud, corruption, waste, inefficiency, misuse, and abuse are major impediments to competition in foreign commerce throughout the world.

(4) Identifying these impediments after they occur is inadequate and meaningless.

(5) Detection of impediments before they occur helps to ensure that valuable United States resources contributed to important international development projects are used appropriately.

(6) Independent third-party procurement monitoring is an important tool for detecting and preventing such impediments.

(7) Third-party procurement monitoring includes evaluations of each stage of the procurement process and assures the openness and transparency of the process.

(8) Improving transparency and openness in the procurement process helps to minimize fraud, corruption, waste, inefficiency, and other misuse of funding, and promotes competition, thereby strengthening international trade and foreign commerce.

(b) Purpose.—The purpose of this Act is to build on the excellent progress associated with the Organization on Economic Development and Cooperation Agreement on Bribery and Corruption, by requiring the use of independent third-party procurement monitoring as part of the United States participation in multilateral development banks and other lending institutions and in the disbursement of nonhumanitarian foreign assistance funds.

SEC. 3. DEFINITIONS.

(a) Definitions.—In this Act:

(1) Appropriate committees.—The term "appropriate committees" means the Committee on Commerce, Science, and Technology of the Senate and the Committee on Commerce of the House of Representatives.

(2) Independent third-party procurement monitoring.—The term "independent third-party procurement monitoring" means a program to—

(A) eliminate bias,

(B) promote transparency and open competition, and

(C) minimize fraud, corruption, waste, inefficiency, and other misuse of funds,

in international procurement through independent evaluation of the technical, financial, economic, and legal aspects of the procurement process.

(3) Independent.—The term "independent" means that the person monitoring the procurement process does not render any paid services to private industry and is neither owned nor controlled by any government or government agency.

(4) Each stage of procurement.—The term "each stage of procurement" means the development and issuance of technical specifications, bidding documents, evaluation reports, contract preparation, and the delivery of goods and services.

(5) Multilateral development banks and other lending institutions.—The term "multilateral development banks and other lending institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund.

SEC. 4. REQUIREMENTS FOR FAIR COMPETITION IN FOREIGN COMMERCE.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall transmit to the President and to appropriate committees of Congress a strategic plan for requiring the use of independent third-party procurement monitoring and other international procurement reforms relating to the United States participation in multilateral development banks and other lending institutions.

(b) Strategic Plan.—The strategic plan shall include an instruction by the Secretary of the Treasury to the United States Executive Director of each multilateral development bank and lending institution to use the voice and vote of the United States to oppose the use of funds appropriated or made available by the United States for any non-humanitarian assistance, until—

(1) the recipient international financial institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement; and

(2) the recipient country institutes specific strategies for minimizing corruption and maximizing transparency in each stage of the procurement process.

(c) Annual Reports.—Not later than June 29 of each year, the Secretary of the Treasury shall report to Congress on the progress in implementing procurement reforms made by each multilateral development bank and lending institution and each country that received assistance from a multilateral development bank or lending institution during the preceding year.

(d) Restrictions on Assistance.—Notwithstanding any other provision of law, no funds appropriated or made available for nonhumanitarian foreign assistance programs, including the activities of the Agency for International Development, may be expended for those programs unless the recipient country, multilateral development bank or lending institution has demonstrated that—

(1) procurement practices are open, transparent, and free of corruption, fraud, inefficiency, and other misuse, and

(2) independent third-party procurement monitoring has been adopted and is being used by the recipient.

SEC. 5. EXCEPTIONS.

(a) National Security Interest.—Section 4 shall not apply with respect to a country if the President determines with such respect to such country that making funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(b) Other Exceptions.—Section 4 shall not apply with respect to assistance to—

(1) meet urgent humanitarian needs (including providing food, medicine, disaster, and refugee relief);

(2) facilitate democratic political reform and rule of law activities;

(3) create private sector and nongovernmental organizations that are independent of government control; and

(4) facilitate development of a free market economic system.

By Mr. TORRICELLI:

S. 1170. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend the length of the school year; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATION TO PROVIDE DEMONSTRATION GRANTS TO LOCAL AGENCIES

• Mr. TORRICELLI. Mr. President, I rise today to introduce legislation authorizing funding for extended school day and extended school year programs across the country. The continuing gap between American students and those in other countries, combined with the growing needs of working and the growing popularity of extending both the school day and the school year, have made this educational option a valuable one for many school districts.

Students in the United States currently attend school an average of only 180 days per year, compared to 220 days in Japan, and 222 days in both Korea and Taiwan. American students also receive fewer hours of formal instruction per year compared to their counterparts in Taiwan, France, and Germany. We cannot expect our students to remain competitive with those in other industrialized countries if they must learn the same amount of information in less time.

Our school calendar is based on a no longer relevant agricultural cycle that existed when most American families lived in rural areas and depended on their farms for survival. The long summer vacation allowed children to help their parents work in the fields. Today, summer is a time for vacations, summer camps, and part-time jobs. Young people can certainly learn a great deal at summer camp, and a job gives them maturity and confidence. However, more time in school would provide the same opportunities while helping students remain competitive with those in other countries. As we debate the need to bring in skilled workers from other countries, the need to improve our system of education has become increasingly important.

In 1994, the Commission on Time and Learning recommended keeping schools open longer in order to meet the needs of both children and communities, and the growing popularity of extended-day programs is significant. Between 1987 and 1993, the availability of extended-day programs in public elementary schools has almost doubled. While school systems have begun to respond to the demand for lengthening the school day, the need for more widespread implementation still exists. Extended-day programs are much more common in private schools than public schools, and only 18 percent of rural schools have reported an extended-day program.

This bill would authorize $25 million per year over the next five years for the Department of Education to administer a demonstration grant program. Local education agencies would then be able to conduct a variety of longer school day and school year programs, such as extending the school year, studying the feasibility of extending the school day, and implementing strategies to maximize the quality of extended core learning time.

The constant changes in technology, and greater international competition, have increased the pressure on American students to meet these challenges. Providing the funding for programs to lengthen the school day and school year would leave American students better prepared to meet the challenges facing them in the next century.•

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. HELMS, Mr. LOTT, Mr. TORRICELLI, Mr. CRAIG, Mr. GRAHAM, and Mr. REID):

S. 1171. A bill to block assets of narcotics traffickers who pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO BLOCK ASSETS OF NARCOTICS TRAFFICKERS

• Mr. COVERDELL. Mr. President, I am pleased to join my colleague from California, Senator FEINSTEIN, in introducing legislation that will intensify our fight against the terrible scourge of drugs. A version of this bill was originally introduced on March 2. Since then, we have conferred with various agencies, including the Department of the Treasury's Office of Foreign Assets Control, the Department of Justice, and the Office of National Drug Control Policy. All are supportive of this concept. The current bill includes some of their comments and suggestions.

Simply put, Mr. President, this legislation decertifies the drug kingpins by preventing them, and any of their associates or associated campanies, from conducting business with the United States. The bill codifies and expands a 1995 Executive Order created under the International Emergency Economic Powers Act (IEEPA), which targeted Colombia drug traffickers. The bill expands the existing Executive Order to include other foreign drug traffickers considered a threat to our national security. The bill freezes the assets of the identified drug traffickers and their associates and prohibits these individuals and organizations from conducting any financial or commercial dealings with the United States.

In the case of the Cali cartel in Colombia, this tool was remarkably effective in weakening the drug kingpins. The United States targeted over 150 companies and nearly 300 individuals involved in the ownership and management of the Colombian drug cartels' non-narcotics business empire, everything from drugstores to poultry farms. Once labeled as drug-linked businesses, these companies found themselves financially isolated. Banks and legitimate companies chose not to do business with the blacklisted firms, cutting off key revenue flows to the cartels.

The goal is to isolate the leaders of the drug cartels and prevent them from doing business with the United States. Taking legitimate U.S. dollars out of drug dealers' pockets is a vital step in destroying their ability to traffick narcotics across our borders. This is a bold but necessary new tool to wage war against illegal drugs and to curb the increasing power of the drug cartels.•

By Mr. TORRICELLI:

S. 1173. A bill to provide for a teacher quality enhancement and incentive program; to the Committee on Health, Education, Labor, and Pensions.

TEACHER QUALITY ENHANCEMENT INCENTIVE ACT

• Mr. TORRICELLI. Mr. President, today I am introducing the Teacher Quality Enhancement and Incentive Act. I rise to focus the nation's attention on the potentially critical shortage of school teachers we will be facing in upcoming years. While K–12 enrollments are steadily increasing the teacher population is aging. There is a need, now more than ever, to attract competent, capable, and bright college graduates or mid-career professionals to the teaching profession.

The Department of Education projects that 2 million new teachers will have to be hired in the next decade. Shortage, if they occur, will most likely be felt in urban or rural regions of the country where working conditions may be difficult or compensation low. We cannot create a high quality learning environment for our students if they are forced into over-crowded classrooms with under-qualified instructors. If our students are to receive a high quality education and remain competitive in the global market we must attract talented and motivated people to the teaching profession in large numbers.

Law firms, technology firms, and many other industries typically offer signing bonuses in order to attract the best possible candidates to their organizations. Part of making the teaching profession competitive with the private sector is to match these institutional perks.

This bill would authorize $15 million per year over the next five years for the Department of Education to award grants to local educational agencies (LEAs) for the purpose of attracting highly qualified individuals to teaching. These grants will enable LEAs in high poverty and rural areas to award new teachers a $15,000 tax free salary bonus, spread over their first two years of employment, over and above their regular starting salary. These bonuses will attract teachers to districts where they are most needed.

On an annual basis, LEAs will use competitive criteria to select the best and brightest teaching candidates based on objective measures, including test scores, grade point average or class rank and such other criteria as each LEA may determine. The number of bonuses awarded depends upon the number of students enrolled in the LEA.

Teachers who receive the bonus will be required to teach in low income or rural areas for a minimum of four years. If they fail to work the four year minimum they will be required to repay the bonus they received.

By making this funding available. America's schools will better be able to compete with businesses for the best and brightest college graduates. These new teachers will, in turn, produce better students and lower the risk of a possible teacher shortage. With arguably the most successful economy of any nation in history, we should be doing more to make teaching an attractive career alternative for qualified and motivated individuals. The Teacher Quality Enhancement and Incentive Act will be an excellent first step.●

By Ms. COLLINS:

S. 1175. A bill to amend title 49, United States Code, to require that fuel economy labels for new automobiles include air pollution information that consumers can use to help communities meet Federal air quality standards; to the Committee on Commerce, Science, and Transportation.

AUTOMOBILE EMISSIONS CONSUMER INFORMATION ACT OF 1999

Ms. COLLINS. Mr. President, I rise today to introduce a bill that will give consumers important information many will want to factor into their decisions when they shop for a new vehicle. My legislation will ensure that consumers have the information they need to compare the pollution emissions of new vehicles. The Automobile Emissions Consumer Information Act of 1999 simply takes data already collected by the Environmental Protection Agency and requires that this information be presented to consumers in an understandable format as they purchase cars. This proposal, if enacted into law, will benefit both the consumer and the environment.

This measure is modeled after existing requirements for gas mileage information. It ensures that emissions information will be on the window stickers of new cars just as fuel efficiency information is currently displayed. Additionally, emissions information for all new vehicles will be published by the EPA in an easy-to-understand booklet for consumers.

This information is already collected by the EPA, but is disseminated in an extremely burdensome way. First, consumers must pro-actively request emissions information. Then, after securing the relevant EPA documents, the consumer is presented with an overload of complicated data in spreadsheet form. Furthermore, the EPA organizes emissions data by engine type and not by the more commonly compared model and make categories.

Let me refer to a page from the EPA's 1999 Annual Certification Test Results of emission standards. As my colleagues can see, it is an extraordinarily difficult document to read and interpret. The complicated nature of this document becomes increasingly apparent when this table is compared with the simplified information currently provided to consumers about fuel mileage. The federal government should be aiding consumers who want to consider emissions in choosing which vehicle to purchase. This bill will do just that.

Mr. President, this is not a new idea. The Clean Air Act Amendments of 1970 mandated that the EPA make available to the public the data collected from manufacturers on emissions. The 1970 Amendments further required, "Such results shall be described in such non-technical manner as will responsibly disclose to prospective ultimate purchasers of new motor vehicles and new motor vehicle engines the comparative performance of the vehicles and engines tested." Mr. President, clearly, the EPA is not abiding by the letter and spirit of the 1970 law.

It is important to note that the Automobile Emissions Consumer Information Act of 1999 does not require either motor vehicle manufacturers or the EPA to conduct new tests. Manufacturers must already test emissions of all new vehicles and submit the test results to the EPA. Unfortunately, the gathering of this information does not translate into useful information for consumers.

While all vehicles must meet the Federal standards, some vehicles exceed the standards. Consumers who are concerned about vehicle emissions deserve to be able to exercise their right to buy from manufacturers who take extra steps in reducing emissions, if they so chose.

Representative BRIAN BILBRAY of California is introducing this bill in the House of Representatives today. I greatly appreciate his leadership on this issue and his bringing this common-sense proposal to my attention. He is clearly committed to protecting both consumers and the environment.

Mr. President, I urge my colleagues to join me in enacting the Automobile Emissions Consumer Information Act, and I ask unanimous consent that one page from the EPA's 1999 Annual Certification Test Results of emissions standards be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CERTIFICATION AND FUEL ECONOMY INFORMATION SYSTEM (CFEIS), 1999 ANNUAL CERTIFICATION TEST RESULTS, ALL SALES AREA—LIGHT DUTY VEHICLES AND LIGHT DUTY TRUCKS

[Manufacturer: 20; DaimlerChrysler; Engine Family/Test Group: XCRXA0318H11; Engine System: 1; Evaporative/Refueling Family: RXE0174G4H; Evap System: 1]

Division	Car line tested	Emission control	Eng. disp	Trn	ETW	HP	Axle Rat	Tst Prc	Fl Ty	SA Cd	UL	Emission	Cert level	Std	Tier	DF
Dodge	Ram 1500, Pickup 4WD	20/99///	5.2	L4	5500	14.8	3.55	34	6	CA	12	HC–TEV–3D	.7	2.5	T1	.05+
Do	Ram 1500, Pickup 2WD	20/99///	5.2	L4	5500	13.9	3.55	35	23	CA	50	CO	2.0	4.4	T1	1.156*
								35	23	CA	50	HC–NM	.15	0.32	T1	1.055*
								35	23	CA	50	NOX	.4	0.7	T1	1.28*
								35	23	CA	120	CO	2.4	6.4	T1	1.393*
								35	23	CA	120	HC–NM	.16	0.46	T1	1.139*
								35	23	CA	120	NOX	.6	0.98	T1	1.706*
Do	Ram 1500, Pickup 4WD	20/99///	5.2	L4	5500	16.2	3.55	35	23	CA	50	CO	1.9	4.4	T1	1.156*
								35	23	CA	50	HC–NM	.17	0.32	T1	1.055*
								35	23	CA	50	NOX	.2	0.7	T1	1.28*
								35	23	CA	120	CO	2.3	6.4	T1	1.393*
								35	23	CA	120	HC–NM	.18	0.46	T1	1.139*
								35	23	CA	120	NOX	.3	0.98	T1	1.706*
Do	do	20/99///	5.2	L4	5500		3.55	11	24	CA	50	CO–COLD	5.6	12.5	N/A	1.156*

By Mr. ROBB (for himself, Mr. WARNER, and Mr. SARBANES):

S. 1176. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

CHILD CARE SERVICES FOR FEDERAL EMPLOYEES

Mr. ROBB. Mr. President, today I'm introducing legislation to assist federal workers seeking affordable care for their young children.

Many federal facilities provide child care centers for their employees' use. But for many lower and middle income employees, these services are simply unaffordable—their costs put them beyond the reach of these families. The bill I am introducing today, along with Senators WARNER and SARBANES, will make this option affordable for these employees.

This legislation authorizes federal agencies to use appropriated funds to help lower and middle income federal workers better afford the child care services they need. Let me emphasize that these funds have already been appropriated, meaning no new government spending is involved. This is a modest, cost-effective solution that will certainly ease the minds of parents who are understandably concerned about their child care needs.

Our federal employees should not have to choose between their desire for public service and their need for child care services.

By Mr. DASCHLE:

S. 1178. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the

Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

THE BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 1999

Mr. DASCHLE. Mr. President, I am today introducing the Blunt Reservoir and Pierre Canal Land Conveyance Act of 1999. This proposal is the culmination of more than 2 years of discussion with local landowners, the South Dakota Water Congress, the U.S. Bureau of Reclamation, local legislators, representatives of South Dakota sportsmen groups and affected citizens. It lays out a plan to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project in South Dakota to the Commission of School and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, and provides the option to preferential leaseholders to purchase their original parcels from the Commission.

In order to more fully understand the issues addressed by the legislation, it is necessary to review some of the history related to the Oahe Unit of the Missouri River Basin project in South Dakota.

The Oahe Unit was originally approved as part of the overall plan for water development in the Missouri River Basin that was incorporated in the Flood Control Act of 1944. Subsequently, Public Law 90–453 authorized construction and operation of the initial stage. The purposes of the Oahe Unit as authorized were to provide for the irrigation of 190,000 acres of farmland, conserve and enhance fish and wildlife habitat, promote recreation and meet other important goals.

The project came to be known as the Oahe Irrigation Project, and the principal features of the initial stage of the project contained the Oahe pumping plant located near Oahe Dam to pump water from the Oahe Reservoir, a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir, and the establishment of regulating reservoirs, including the Blunt Dam and Reservoir located approximately 35 miles east of Pierre, South Dakota.

Under the authorizing legislation, 42,155 acres were to be acquired by the Federal government in order to construct and operate the Blunt Reservoir feature of the Oahe Irrigation Project. Land acquisition for the proposed Blunt Reservoir feature began in 1972 and continued through 1977. A total of 17,878 acres actually were acquired from willing sellers.

The first land for the Pierre Canal feature was purchased in July 1975 and included the 1.3 miles of Reach 1B. An additional 21-mile reach was acquired from 1976 through 1977, also from willing sellers.

Organized opposition to the Oahe Irrigation Project surfaced in 1973 and continued to build until a series of public meetings were held in 1977 to determine if the project should continue. In late 1977, the Oahe project was made a part of President Carter's Federal Water Project review process.

The Oahe project construction was then halted on September 30, 1977, when Congress did not include funding in the FY1978 appropriations.

Thus, all major construction contract activities ceased and land acquisition was halted. The Oahe Project remained an authorized water project with a bleak future and minimal chances of being completed as authorized. Consequently, the Department of Interior, through the Bureau of Reclamation, gave to those persons who willingly had sold their lands to the project the right for them and their descendants to lease those lands and use them as they had in the past until needed by the Federal government for project purposes.

During the period from 1978 until the present, the Bureau of Reclamation has administered these lands on a preference lease basis for those original landowners or their descendants and on a non-preferential basis for lands under lease to persons who were not preferential leaseholders. Currently, the Bureau of Reclamation administers 12,978 acres as preferential leases and 4,304 acres as non-preferential leases in the Blunt Reservoir.

As I noted previously, the Oahe Irrigation Project is related directly to the overall project purposes of the Pick-Sloan Missouri Basin program authorized under the Flood Control Act of 1944. Under this program, the U.S. Army Corps of Engineers constructed four major dams across the Missouri River in South Dakota. The two largest reservoirs formed by these dams, Oahe Reservoir and Sharpe Reservoir, caused the loss of approximately 221,000 acres of fertile, wooded bottomland which constituted some of the most productive, unique and irreplaceable wildlife habitat in the State of South Dakota. This included habitat for both game and non-game species, including several species which are now listed as threatened or endangered. Merriweather Lewis, while traveling up the Missouri River in 1804 on his famous expedition, wrote in his diary, "Song birds, game species and furbearing animals abound here in numbers like none of the party has ever seen. The bottomlands and cottonwood trees provide a shelter and food for a great variety of species, all laying their claim to the river bottom."

Under the provisions of the Wildlife Coordination Act of 1958, the State of South Dakota has developed a plan to mitigate a part of this lost wildlife habitat as authorized by Section 602 of Title VI of Public Law 105–277, October 21, 1998, known as the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

The State's habitat mitigation plan has received the necessary approval and interim funding authorizations under Sections 602 and 609 of Title VI.

The State's habitat mitigation plan requires the development of approximately 27,000 acres of wildlife habitat in South Dakota. Transferring the 4,304 acres of non-preferential lease lands in the Blunt Reservoir feature to the South Dakota Department of Game, Fish and Parks would constitute a significant step toward satisfying the habitat mitigation obligation owed to the state by the Federal government and as agreed upon by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the South Dakota Department of Game, Fish and Parks.

As we developed this legislation, many meetings occurred among the local landowners, South Dakota Department of Game, Fish and Parks, business owners, local legislators, the Bureau of Reclamation, as well as representatives of sportsmen groups. It became apparent that the best solution for the local economy, tax base and wildlife mitigation issues would be to allow the preferential leaseholders (original landowner or descendant or operator of the land at the time of purchase) to have an option to purchase the land from the Commission of School and Public Lands after the preferential lease parcels are conveyed to the Commission. This option will be available for a period of 10 years after the date of conveyance to the Commission. During the interim period, the preferential leaseholders shall be entitled to continue to lease from the Commissioner under the same terms and conditions they have enjoyed with the Bureau of Reclamation. If the preferential leaseholder fails to purchase a parcel within the 10-year period, that parcel will be conveyed to the South Dakota Department of Game, Fish and Parks to be used to implement the 27,000-acre habitat mitigation plan.

The proceeds from these sales will be used to finance the administration of this bill, support public education in the state of South Dakota, and will be added to the South Dakota Wildlife Habitat Mitigation Trust Fund to assist in the payment of local property taxes on lands transferred from the Federal government to the state of South Dakota.

In summary, Mr. President, the State of South Dakota, the Federal government, the original landowners, the sportsmen and wildlife will benefit from this bill. It provides for a fair and just resolution to the private property and environmental problems caused by the Oahe Irrigation Project some 25 years ago. We have waited long enough to right some of the wrongs suffered by our landowners and South Dakota's wildlife resources.

I am hopeful that the Senate will act quickly on this legislation. Our goal is to enact a bill that will allow meaningful wildlife habitat mitigation to begin, give certainty to local landowners who sacrificed their lands for a defunct federal project they once supported, ensure the viability of the local land base and tax base, and provide well maintained and managed recreation areas for sportsmen. I ask unanimous consent that the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944")(58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the purpose of the Oahe Irrigation Project was to meet the requirements of that Act by providing irrigation above Sioux City, Iowa;

(3) the principle features of the Oahe Irrigation Project included—

(A) a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir; and

(B) the establishment of regulating reservoirs, including the Blunt Dam and Reservoir, located approximately 35 miles east of Pierre, South Dakota;

(4) land to establish the Pierre Canal and Blunt Reservoir was purchased from willing sellers between 1972 and 1977, when construction on the Oahe Irrigation Project was halted;

(5) since 1978, the Commissioner of Reclamation has administered the land—

(A) on a preferential lease basis to original landowners or their descendants; and

(B) on a nonpreferential lease basis to other persons;

(6) the 2 largest reservoirs created by the Pick-Sloan Missouri River Basin Program, Lake Oahe and Lake Sharpe, caused the loss of approximately 221,000 acres of fertile, wooded bottomland in South Dakota that constituted some of the most productive, unique, and irreplaceable wildlife habitat in the State;

(7) the State of South Dakota has developed a plan to meet the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to mitigate the loss of wildlife habitat, the implementation of which is authorized by section 602 of title VI of Public Law 105-277 (112 Stat. 2681-660); and

(8) it is in the interests of the United States and the State of South Dakota to—

(A) provide original landowners or their descendants with an opportunity to purchase back their land; and

(B) transfer the remaining land to the State of South Dakota to allow implementation of its habitat mitigation plan.

SEC. 3. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Irrigation Project authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665), as part of the Pick-Sloan Missouri River Basin Program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State of South Dakota.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is under lease to a person other than a preferential leaseholder as of the date of enactment of this Act.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Irrigation Project authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665), as part of the Pick-Sloan Missouri River Basin Program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a leaseholder of a parcel of land who is—

(A) the person from whom the Secretary purchased the parcel for use in connection with the Blunt Reservoir feature or the Pierre Canal feature;

(B) the original operator of the parcel at the time of acquisition; or

(C) a descendant of a person described in subparagraph (A) or (B).

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is under lease to a preferential leaseholder as of the date of enactment of this Act.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) CONVEYANCE.—The Secretary shall convey all of the preferential lease parcels to the Commission, without consideration, on the condition that the Commission honor the purchase option provided to preferential leaseholders under subsection (d).

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on 1 of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) 10 percent of that value.

(ii) Installment purchase, with 20 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 10 years after the date of the conveyance under subsection (c) to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Commission the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of conveyance.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be determined to be, at the election of the preferential leaseholder—

(i) the amount that is equal to—

(I) the number of acres of the preferential lease parcel; multiplied by

(II) the amount of the per-acre assessment of adjacent parcels made by the Director of Equalization of the county in which the preferential lease parcel is situated; or

(ii) the amount of a valuation of the preferential lease parcel for agricultural use made by an independent appraiser.

(B) COST OF APPRAISAL.—If a preferential leaseholder elects to use the method of valuation described in subparagraph (A)(ii), the cost of the valuation shall be paid by the preferential leaseholder.

(5) CONVEYANCE TO THE STATE OF SOUTH DAKOTA.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Commission shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Of the proceeds of sales of land under this subsection—

(A) not more than $500,000 shall be used to reimburse the Secretary for expenses incurred in implementing this Act;

(B) an amount not exceeding 10 percent of the cost of each transaction conducted under this Act shall be used to reimburse the Commission for expenses incurred implementing this Act;

(C) $3,095,000 shall be deposited in the South Dakota Wildlife Habitat Mitigation Trust Fund established by section 603 of division C of Public Law 105-277 (112 Stat. 2681-663) for the purpose of paying property taxes on land transferred to the State of South Dakota;

(D) $100,000 shall be provided to Hughes County, South Dakota, for the purpose of supporting public education;

(E) $100,000 shall be provided to Sully County, South Dakota, for the purpose of supporting public education; and

(F) the remainder shall be used by the Commission to support public schools in the State of South Dakota.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) IN GENERAL.—The Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(2) WILDLIFE HABITAT MITIGATION.—Land conveyed under paragraph (1) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(f) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State of South Dakota for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(2) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order of priority:

(A) Exchanges with current lessees for nonpreferential lease parcels.

(B) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(g) EASEMENT FOR IRRIGATION PIPE.—A preferential leaseholder that purchases land at Pierre Canal or exchanges land for land at Pierre Canal shall to allow the State of South Dakota to retain an easement on the land for an irrigation pipe.

(h) FUNDING OF THE SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603(b) of title VI of Public Law 105–277 (112 Stat. 2681–663) is amended by striking "$108,000,000" and inserting "$111,095,000".

By Mrs. BOXER.

S. 1179. A bill to amend title 18, United States Code, to prohibit the sale, delivery, or other transfer of any type of firearm to a juvenile, with certain exceptions.

YOUTH ACCESS TO FIREARMS ACT OF 1999

• Mrs. BOXER. Mr. President, last week during consideration of the juvenile justice bill, the Senate passed some reasonable, common-sense proposals to control the proliferation of guns in this country. I believe the Senate's action was an important first step. But there is more to be done. And, today, I am introducing legislation to prohibit the sale and transfer of any gun to a juvenile, unless it comes from a parent, grandparent, or legal guardian.

Let me start, Mr. President, with a review of current law. A federally licensed firearms dealer—that is, someone who runs a gun store—cannot sell a handgun to someone under the age of 21 and cannot sell any other type of gun to someone under the age of 18.

The law is different, however, for private transactions. Those are sales or transfers by unlicensed individuals at gun shows, at flea markets, or in a private home. Since 1994, it has been illegal for anyone under the age of 18 to buy a handgun in these cases. But it is not illegal for a juvenile to buy a long-gun—that is, a rifle, a shotgun, or a semiautomatic assault weapon—in a private transaction. And, it is not illegal for a long-gun to be transferred—given—to a juvenile.

This is not right. An 18-year-old cannot buy a can of beer. An 19-year-old cannot buy a bottle of liquor or a bottle of wine. Anyone under 18 cannot buy a pack of cigarettes. And, as I mentioned, since 1994, if you are under 18, you cannot buy a handgun.

There is a reason for this. There is a reason we keep certain things away from juveniles. And, it does not make sense to me to say that it is illegal to sell cigarettes, alcohol, and handguns to a kid, but it is okay to sell them a rifle or a shotgun or a semiautomatic assault weapon.

So, my bill—the Youth Access to Firearms Act—simply says that it would be illegal to sell, deliver, or transfer any firearm to anyone under the age of 18.

Now, in recognition of the culture and circumstances in many areas of this country, my bill does contain some exceptions to this prohibition.

First, the bill would not make possession of a long-gun by a juvenile a crime. It would only make the sale or transfer illegal.

Second, the bill would not apply to a rifle or shotgun given to a juvenile by that person's parent, grandparent, or legal guardian.

Third, it would not apply to another family member giving a juvenile a rifle or shotgun with the permission of the juvenile's parent, grandparent, or legal guardian.

Fourth, it would not apply to a temporary transfer—a loan—of a rifle or shotgun for hunting purposes.

And, fifth, it would not apply to the temporary transfer of a gun to a juvenile for employment, target shooting, or a course of instruction in the safe and lawful use of a firearm, if the juvenile has parental permission.

I have put these exceptions into the bill to make it clear what I am trying to do here. I am not trying to stop teenagers from having or responsibly using a rifle or a shotgun. I am not trying to stop teenagers from going hunting. I am not trying to prevent a parent or grandparent from giving a rifle or shotgun as a birthday present. But, what I am saying is that juveniles should not be able to buy a gun on their own—or be given one without the knowledge of their parents.

This is precisely what happened in Littleton, Colorado. The two teenage boys who shot up Columbine High School used four guns. Three of those four guns—two shotguns and a rifle—were given to them by an 18-year-old female friend. Under federal law, that was perfectly legal.

I should not be. You should not be able to sell a gun to a juvenile. And you should not be able to give a gun to a juvenile, unless you are the parent or grandparent.

As I said earlier, there are certain things that are legally off-limits to juveniles. Selling and giving them guns, if you are not their parent, should be one of those things.

I urge my colleagues to support this bill.•

By Mr. KENNEDY:

S. 1180. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999

Mr. KENNEDY. Mr. President, it is a privilege to introduce President Clinton's proposal for reauthorizing the Elementary and Secondary Education Act, the "Educational Excellence for All Children Act of 1999," along with Senators DODD, DASCHLE, MURRAY, SCHUMER, LEVIN, and DORGAN. This is another strong step by the President to ensure that all children have the benefit of the best possible education.

Since 1993, President Clinton has consistently led the way on improving schools and making sure that all children meet high standards.

Today, as a result, almost every state has established high standards for its students. "High standards" is no longer just a term for academics experts and policy makers—it is becoming a reality for the nation's schools and students.

The recently released National Assessment of Title I shows that student achievement is improving—and that the federal government is an effective partner in that success. This result is good news for schools, good news for parents, and good news for students—and it should be a wake up call to Congress. We need to do more to build on these emerging successes to ensure that every child has the opportunity for an excellent education.

At dinner tables and boardrooms across America, the topic of discussion is education. As a result of the progress we have made the past few years, we can look at the education glass on the table and say it's "half full"—not "half empty" as critics of public schools would have the country believe.

Since the reauthorization of Title I in 1994, a non-partisan Independent Review Panel of twenty-two experts from across the country has been overseeing the evaluation of the program. As the largest federal investment in improving elementary and secondary schools, Title I is improving education for 11 million children in 45,000 schools with high concentrations of poverty. It helps schools provide professional development for teachers, improve curriculums, and extend learning time, so that students meet high state standards of achievement.

Under the 1994 amendments to Title I, states were no longer allowed to set lower standards for children in the poorest communities than for students in more affluent communities. The results are clear. Students do well when expectations are set high and they are given the support they need and deserve.

Student achievement in reading and math has increased—particularly the achievement of the poorest students. Since 1992, reading achievement for 9-year- olds in the highest poverty schools has increased by one whole grade level nationwide. Between 1990 and 1996, math scores of the poorest students also rose by a grade level.

Students are meeting higher state standards. According to state-reported results, students in the highest poverty elementary schools improved in 5 of 6 states reporting three-year data in reading and in 4 out of 5 states in math. Students in Connecticut, Maryland, North Carolina, and Texas made progress in both subjects.

Many urban school districts report that achievement also improved in their highest-poverty schools. In 10 of 13 large urban districts that report three-year trend data, more elementary students in the highest poverty schools are now meeting district or state standards of proficiency in reading or math. Six districts, including Houston, Dade County, New York, Philadelphia, San Antonio, and San Francisco, made progress in both subjects.

Federal funds are increasingly targeted to the poorest schools. The 1994 amendments to Title I shifted funds away from low-poverty schools and into high-poverty schools. Today, 95 percent of the highest-poverty schools receive Title I funds, up from 80 percent in 1993.

In addition, Title I funds help improve teaching and learning in the classroom. 99 percent of Title I funds go to the local level. 93 percent of those federal dollars are spent directly on instruction, while only 62 percent of all state and local education dollars are spent on instruction.

The best illustrations of these successes are in local districts and schools. In Baltimore County, Maryland, all but one of the 19 Title I schools increased student performance between 1993 and 1998. The success has come from Title I support for extended year programs, implementation of effective programs in reading, and intensive professional development for teachers.

At Roosevelt High School in Dallas, Texas, where 80 percent of the students are poor, Title I funds were used to increase parent involvement, train teachers to work more effectively with parents, and make other changes to bring high standards into every classroom. Student reading scores have nearly doubled, from the 40th percentile in 1992 to the 77th percentile in 1996. During the same period, math scores soared from the 16th to the 73rd percentile, and writing scores rose from the 58th to the 84th percentile.

In addition to the successes supported by Title I, other indicators demonstrate that student achievement is improving. U.S. students scored near the top on the latest international assessment of reading. American 4th graders out-performed students from all other nations except Finland.

At Baldwin Elementary School in Boston, where 80 percent of the students are poor, performance on the Stanford 9 test rose substantially from 1996 to 1998 because of increases in teacher professional development and implementation of a whole-school reform plan to raise standards and achievement for all children. In 1996, 66 percent of the 3rd grade students scored in the lowest levels in math. In 1998, 100 percent scored in the highest levels. In 1997, 75 percent of 4th graders scored in the lowest levels in reading. In 1998, no 4th graders scored at the lowest level, and 56 percent scored in the highest levels.

The combined verbal and math scores on the SAT increased 19 points from 1982 to 1997, with the largest gain of 15 points occurring between 1992 and 1997. The average math score is at its highest level in 26 years.

Students are taking more rigorous subjects than ever—and doing better in them. The proportion of high school graduates taking the core courses recommended in the 1983 report, A Nation At Risk, had increased to 52 percent by 1994, up from 14 percent in 1982 and 40 percent in 1990. Since 1982, the percentage of graduates taking biology, chemistry, and physics has doubled, rising from 10 percent in 1982 to 21 percent in 1994. With increased participation in advanced placement courses, the number of students that scored at 3 or above on the AP exams has risen nearly five-fold since 1982, from 131,871 in that year to 635,922 in 1998.

Clearly, the work is not done. These improvements are gratifying, but there is no cause for complacency. We must do more to ensure that all children have a good education. We must do more to increase support for programs like Title I to build on these successes and make them available to all children.

President Clinton's "Educational Excellence for All Children Act of 1999" builds on the success of the 1994 reauthorization of ESEA, which ensured that all children are held to the same high academic standards. This bill makes high standards the core of classroom activities in every school across the country—and holds schools and school districts responsible for making sure all children meet those standards. The bill focuses on three fundamental ways to accomplish this goal: improving teacher quality, increasing accountability for results, and creating safe, healthy, and disciplined learning environments for children.

This year, the nation set a new record for elementary and secondary student enrollment. The figure will reach an all-time high of 53 million students—500,000 more students than last year. Communities, the states, and Congress must work together to see that these students receive a good education.

Serious teacher shortages are being caused by the rising student enrollments, and also by the growing number of teacher retirements. The nation's schools need to hire 2.2 million public school teachers over the next ten years, just to hold their own. If we don't act now, the need for more teachers will put even greater pressure in the future on school districts to lower their standards and hire more unqualified teachers. Too many teachers leave within the first three years of teaching—including 30–50% of teachers in urban areas—because they don't get the support and mentoring they need. Veteran teachers need on-going professional development opportunities to enhance their knowledge and skills, to integrate technology into the curriculum, and to help children meet high state standards.

Many communities are working hard to attract, keep, and support good teachers—and often they're succeeding. The North Carolina Teaching Fellows Program has recruited 3,600 high-ability high school graduates to go into teaching. The students agree to teach for four years in the state's public schools, in exchange for a four-year college scholarship. School principals in the state report that the performance of the fellows far exceeds that of other new teachers.

In Chicago, a program called the "Golden Apple Scholars of Illinois" recruits promising young men and women into teaching by selecting them during their junior year of high school, then mentoring them through the rest of high school, college, and five years of actual teaching. 60 Golden Apple scholars enter the teaching field each year, and 90 percent of them stay in the classroom.

Colorado State University's "Project Promise" recruits prospective teachers from fields such as law, geology, chemistry, stock trading and medicine. Current teachers mentor graduates in their first two years of teaching. More than 90 percent of the recruits go into teaching, and 80 percent stay for at least five years.

New York City's Mentor Teacher Internship Program has increased the retention of new teachers. In Montana, only 4 percent of new teachers in mentoring programs left after their first year of teaching, compared with 28 percent of teachers without the benefit of mentoring.

New York City's District 2 has made professional development the central component for improving schools. The idea is that student learning will increase as the knowledge of educators grows—and it's working. In 1996, student math scores were second in the city.

Massachusetts has invested $60 million in the Teacher Qualfty Endowment Fund to launch the 12-to-62 Plan for Strengthening Massachusetts Future Teaching Force. The program is a comprehensive effort to improve recruitment, retention, and professional development of teachers throughout their careers.

Congress should build on and support these successful efforts across the country to ensure that the nation's teaching force is strong and successful in the years ahead.

The Administration's proposal makes a major investment in ensuring quality teachers in every classroom, especially in areas where the needs are greatest. It authorizes funds to help states and communities improve the recruitment, retention, and on-going professional development of teachers. It will provide states and local school districts with the support they need to recruit excellent teacher candidates, to retain and support promising beginning teachers through mentoring programs, and to provide veteran teachers with the on-going professional development they need to help all children meet high standards of achievement. It will also support a national effort to recruit and train school principals.

In recognition of the national need to recruit 2.2 million teachers over the next decade, the Administration's proposal will fund projects to recruit and retain high-quality teachers and school principals in high-need areas. The Transition to Teaching proposal will continue and expand the successful "Troops to Teachers" initiative by recruiting and supporting mid-career professionals in the armed forces as teachers, particularly in high-poverty school districts and high-need subjects.

The proposal holds states accountable for having qualified teachers in the classroom. It requires that within four years, 95 percent of all teachers must be certified, working toward full certification through an alternative route that will lead to full certification within three years, or are fully certified in another state and working toward meeting state-specific requirements. It also requires states to ensure that at least 95 percent of secondary school teachers have academic training or demonstrated competence in the subject area in which they teach.

Parents and educators across the country also say that reducing class size is at the top of their priorities for education reform. It is obvious that smaller class sizes, particularly in the early grades, improve student achievement. We must help states and communities reduce class sizes in the early grades, when individual attention is needed most. Congress made a downpayment last year on helping communities reduce class size, and we can't walk away from that commitment now.

The Educational Excellence for All Children Act authorizes the full 7 years of this program, so that communities will be able to hire 100,000 teachers across the country.

We know qualified teachers in small classes make a difference for students. There is also mounting evidence that the President and Congress took the right step in 1994 by making standards-based reform the centerpiece of the 1994 reauthorization. In schools and school districts across the country that have set high standards and required accountability for results, student performance has risen, and the numbers of failing schools has fallen.

Nevertheless, 10 to 15 percent of high school graduates today—up to 340,000 graduates each year—do not continue their education. Often, they cannot balance a checkbook or write a letter to a credit card company to explain an error on a bill. Even worse, 11 percent of high school students never make it to graduation.

We are not meeting our responsibility to these students—and it is unconscionable to continue to abdicate our responsibility. Every day, children—poor children, minority children, English language learners, children with disabilities—face barriers to a good education, and also face the high-stakes consequences of failing in the future because the system is failing them now.

Schools and communities must do more to see that students obtain the skills and knowledge they need in order to move on to the next grade and to graduate. If students are socially promoted or forced to repeat the same grade without changing the instruction that failed the first time, they are more likely to drop out. Clearly, these practices must end.

The Administration's proposal makes public schools the centers of opportunity for all children—and holds schools accountability for providing this opportunity.

It requires schools, school districts, and states to provide parents with report cards that include information about student performance, the condition of school buildings, class sizes, quality of teachers, and safety and discipline in their schools. These report cards give parents the information they need to see that their schools are improving and their children are getting the education they deserve.

The proposal also holds schools and districts accountable for children meeting the standards. The bill requires schools and districts to end the unsound educational practices of socially promoting children or making them repeat a grade. States must collect data on social promotion and retention rates as an indicator of whether children are meeting high standards, and schools must implement responsible promotion policies. The proposal is designed to eliminate the dismal choice between social promotion and repeating a grade. It does so in several ways—by increasing support for early education programs, by improving early reading skills, by improving the quality of the teaching force, by providing extended learning time through after-school and summer-school programs, and by creating safe, disciplined learning environments for children.

Last year in Boston, School Superintendent Tom Payzant ended social promotion and traditional grade retention. With extensive community involvement, Mayor Menino, Superintendent Payzant, and the School Committee implemented a policy to clarify for everyone—schools, teachers, parents, and students—the requirements needed to advance from one grade to the next, and to graduate from a Boston public school.

The call for a new promotion and retention policy came primarily from middle and high schools, where teachers were facing students who had not mastered the skills they needed in order to go on to a higher grade. Now, all students will have to demonstrate that they have mastered the content and skills in every grade. If they fail to do so, schools and teachers must intervene with proven effective practices to help the students, such as attending summer-school and after-school programs, providing extra help during the regular school day, and working more closely with parents to ensure better results. In ways like these, schools and teachers are held accountable for results.

The Administration's proposal gives children who have fallen behind in their school work the opportunities they need to catch up, to meet legitimate requirements for graduation, to master basic skills, and meet high standards of achievement. A high school diploma should be more than a certificate of attendance. It should be a certificate of achievement.

Finally, the President's proposal helps create safe, disciplined, and healthy environments for children. Last year, President Clinton led a successful effort to increase funding for after-school programs in the current year. But far more needs to be done.

Effective programs are urgently needed for children of all ages during the many hours they are not in school each week and during the summer. The "Home Alone" problem is serious, and deserves urgent attention. Every day, 5 million children, many as young as 8 or 9 years old, are left alone after school. Juvenile crime peaks in the hours between 3 p.m. and 8 p.m. A recent study of gang crimes by juveniles in Orange County, California, shows that 60 percent of all juvenile gang crimes occur on schools days and peak immediately after school dismissal. Children left unsupervised are more likely to be involved in illegal activities and destructive behavior. We need constructive alternatives to keep children off the streets, away from drugs, and out of trouble.

We need to do all we can to encourage communities to develop after-school activities that will engage children. The proposal will triple our investment in after-school programs, so that one million children will have access to worthwhile activities.

The Act also requires school districts and schools to have sound discipline policies that are consistent with the Individual with Disabilities Education Act, are fair, and are developed with the participation of the school community. In addition, the Safe and Drug-Free Schools and Communities Act is strengthened to support research-based prevention programs to address violence and drug-use by youth.

In order to develop a healthy environment for children, local school districts will be able to use 5 percent of their funds to support coordinated services, so that children and their families will have better access to social, health, and educational services necessary for students to do well in school.

In all of these ways and more ways, President Clinton's proposal will help schools and communities bring high standards into every classroom and ensure that all children meet them. Major new investments are needed to improve teacher quality—hold schools, school districts, and states accountable for results—increase parent involvement—expand after-school programs—reduce class size in the early grades—and ensure that schools meet strict discipline standards. With investments like these, we are doing all we can to ensure that the nation's public schools are the best in the world.

Education must continue to be a top priority in this Congress. We must address the needs of public schools, families, and children so that we ensure that all children have an opportunity to attend an excellent public school now and throughout the 21st Century.

President Clinton's proposal is an excellent series of needed initiatives, and it deserves broad bipartisan support. I look forward to working with my colleagues to make it the heart of this year's ESEA Reauthorization Bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999—SECTION-BY-SECTION ANALYSIS

Section 2. Table of Contents. Section 2 of the bill would set out the table of contents for the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 *et seq.*, hereinafter in the section-by-section analysis referred to as "the ESEA") as it would be amended by the bill.

Section 3. America's Education Goals. Section 3 of the bill would rename the National Education Goals (currently in Title I of the Goals 2000: Educate America Act, P.L. 103-227), as "America's Education Goals" and update the Goals to reflect our Nation's continuing need for the Goals. Even though all the Goals will not have been reached by the year 2000 as originally hoped, nor accomplished to equal degrees, the Goals were purposely designed to set high expectations for educational performance at every stage of an individual's life, and there is a continued need to reaffirm these Goals as a benchmark to which all students can strive and attain. With policymakers, educators, and the public united in an effort to achieve America's Education Goals, the Nation will be able to raise its overall level of educational achievement.

Section 3(a) of the bill would contain findings concerning America's Education Goals, as well as descriptions of areas in which the Nation as a whole, as well as individual States, have been successful (or unsuccessful) at making progress toward achieving the various Goals during the last decade.

In order to reflect the overarching importance to America's Education Goals, section 3(b) of the bill would amend the ESEA to place the Goals in a proposed new section 3 of the ESEA. Proposed new section 3(a) of the ESEA would state the purpose of America's Education Goals as: setting forth a common set of national goals for the education of our Nation's students that the Federal Government and all States and local communities will work to achieve; identifying the Nation's highest education priorities related to preparing students for responsible citizenship, further learning, and the technological, scientific, economic, challenges of the 21st century; and establishing a framework for educational excellence at the national, State, and local levels. Proposed new section 3(b) of the ESEA would state the Goals.

Title I of the Goals 2000: Educate America Act, the current authority for the National Education Goals, would be repealed by section 1211 of the bill.

Section 4. Transition. Section 4 of the bill would specify the actions that the Secretary must, and a recipient of ESEA funds may, take as part of the transition between the requirements of the ESEA as in effect the day before the date of enactment of the Educational Excellence for All Children Act of 1999, and the requirements of the ESEA as amended by the bill.

Under section 4(a) of the bill, the Secretary would be required to take such steps as the Secretary determines to be appropriate to provide for the orderly transition to programs and activities under the ESEA, as amended by the bill, from programs and activities under the ESEA, as it was in effect the date before the date of enactment of the bill.

Under section 4(b) of the bill, a recipient of funds under the ESEA, as it was in effect the date before the date of enactment of the bill, may use such funds to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs and activities under the ESEA, as amended by the bill.

Section 5. Effective Dates. Section 5 of the bill would set out the effective dates for the bill. The bill would take effect July 1, 2000, except for those amendments made by the bill that pertain to programs administered by the Secretary on a competitive basis, and the amendments made by Title VIII of the bill (Impact Aid), which would take effect with respect to appropriations for fiscal year 2001 and subsequent fiscal years, and amendments made by section 4 of the bill (transition requirements), which would take effect upon enactment.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Section 101, declaration of policy and statement of purpose [ESEA, § 1001]. Section 101(a) of the bill would amend the statement of policy in section 1001(a) of the ESEA by deleting paragraph (2), which called for an annual increase in appropriations of at least $750 million from fiscal year 1996 through 1999.

Section 101(b) would amend the statement of need in section 1001(b) of the ESEA to reflect the bill's proposal to move the text of the National Education Goals from the Goals 2000: Educate America Act to section 3 of the ESEA, and to add a paragraph (6) noting the benefits of holding local educational agencies (LEAs) and schools accountable for results.

Section 101(c) would update the statement, in section 1001(c), of what has been learned, to reflect experience and research since that statement was enacted in 1994, including the addition of six new findings.

Section 101(d) would add, to the list of activities through which Title I's purpose is to be achieved, promoting comprehensive schoolwide reforms that are based on reliable research and effective practices.

Section 102, authorization of appropriations [ESEA, § 1002]. Section 102 of the bill would restate, in its entirety, section 1002 of the ESEA, which authorizes the appropriation of funds to carry out the various Title I programs. As revised, section 1002 would authorize the appropriations of "such sums as may be necessary" for fiscal years 2001 through 2005 for grants to LEAs under Part A, the Even Start program under Part B, the education of migratory children under Part C, State agency programs for neglected or delinquent children under Part D, the Reading Excellence program (to be transferred to Part E from Title II), and certain Federal activities under section 1502 (to be redesignated as section 1602). Funds would no longer be authorized for capital expenses relating to the provision of Title I services to children in private schools. In addition, certain school-improvement activities would be funded by requiring States to dedicate a portion of their Title I grants to those activities, rather than through a separate authorization as in current law.

Section 103, reservations for accountability and evaluation [ESEA, §1003]. Section 103 of the ESEA, to require each SEA to reserve 2.5 percent of its annual Basic Grant under Part A of Title I to carry out the LEA and school improvement activities described in sections 1116 and 1117 in fiscal years 2001 and 2002, and 3.5 percent of that amount for that purpose in subsequent fiscal years. This requirement, which is an important component of the bill's overall emphasis on accountability for results, will ensure that each participating State devotes a sufficient portion of its Part A funds to the critical activities described in those sections. In addition, the SEA would have to allocate at least 70 percent of the reserved amount directly to LEAs in accordance with certain specified priorities or use at least that portion of the reserved amount to carry out an alternative system of school and LEA improvement and corrective action described in the State plan and approved by the Secretary.

Section 1003(b) of the ESEA would permit the Secretary to reserve up to 0.30 percent of each year's Title I appropriation to conduct evaluations and studies, collect data, and carry out other activities under section 1501.

PART A—basic grants

Section 111, State plans [ESEA, §1111). Section 111(1)(A) of the bill would amend section 1111(a)(1) of the ESEA, which requires a State that wishes to receive a Basic Grant under Part A of Title I to submit a State plan to the Secretary of Education (the Secretary). Section 111(1)(A)(i) would add language emphasizing that the purpose of a State's plan is to help all children achieve to high State standards and to improve teaching and learning in the State.

Section 111(1)(A)(ii) would add, to the list of other programs with which the plan must be coordinated, a specific reference to the Individuals with Disabilities Education Act (IDEA) and the Carl D. Perkins Vocational and Technical Education Act of 1998. This section would also delete a reference to the Goals 2000: Educate America Act, which another provision of the bill would repeal, and delete a cross-reference to a section in Title XIV that another provision of the bill would repeal.

Section 111(1)(B) would improve the readability of section 1111(a)(2), which permits a State to submit its Part A plan as part of a consolidated plan under section 14302 (to be redesignated as §11502).

Section 111(2)(A) would add a reference to accountability to the heading of section 1111(b), to reflect the proposed addition of language on that topic as section 1111(b)(3).

Section 111(2)(B)(i) would streamline section 1111(b)(1)(B), which requires that the challenging content and student-performance standards each State must use in carrying out Part A be the same standards that the State uses for all schools and children in the State, to reflect the progress that States are expected to have made under current law by the effective date of the bill.

Section 111(2)(B)(ii) would delete outdated language from section 1111(b)(1)(C), which provides that, if a State has not adopted content and student-performance standards for all students, it must have those standards for children served under Part A in subjects determined by the State, which must include at least mathematics and reading or language arts.

Section 111(2)(C) would delete current section 1111(b)(2), which requires States to describe, in their plans, what constitutes adequate yearly progress by LEAs and schools participating in the Part A program. This requirement would be replaced by the new provisions on accountability in section 1111(b)(3), described below. Section 111(2)(C) would also redesignate paragraph (3) of section 1111(b), relating to assessments, as paragraph (2).

Section 111(2)(D)(i) would clarify that States must start using the yearly assessments described in current paragraph (3) of section 1111(b) (which the bill would redesignate as paragraph (2)) no later than the 2000–2001 school year.

Section 111(2)(D)(ii) would amend subparagraph (F) of current section 1111(b)(3), relating to the assessments of limited English proficient (LEP) children. Clauses (iv) and (v) would be added to require, respectively, that: (1) LEP students who speak Spanish be assessed with tests written in Spanish, if Spanish-language tests are more likely than English-language tests to yield accurate and reliable information on what those students know and can do in content areas other than English; and (2) tests written in English be used to assess the reading and language arts proficiency of any student who has attended school in the United States for three or more consecutive years.

Section 111(2)(E) would add a new provision on accountability as section 1111(b)(3). It would replace the current requirement that States establish criteria for "adequate yearly progress" in LEAs and schools with a requirement that they submit an accountability plan as part of their State applications, reflecting the critical role that accountability plays as a component of overall systems. In particular, each State would have to have an accountability system that is based on challenging standards, includes all students, promotes continuous improvement, and includes rigorous criteria for identifying and intervening in schools and districts in need of improvement. This proposal addresses concerns that many current accountability systems focus only on overall school performance and divert attention away from the students who need the greatest help.

Section 111(2)(F) would make a conforming amendment to section 1111(b)(4).

Section 111(2)(G) would delete paragraphs (5), (6), and (7) from section 1111(b). Paragraph (5) requires States to identify languages other than English that are present in the participating school population, to indicate the languages for which assessments are not available, and to make every effort to develop those assessments. This provision is burdensome and unnecessary. Paragraph (6) describes the schedule, established in 1994, for States to develop the necessary standards and assessments, while paragraph (7) governs the transition period during which States were not required to have "final" standards and assessments in place. These provisions would be obsolete by the time the bill takes effect. Instead, section 112(2)(G) would enact a new paragraph (5), providing that while a State may revise its assessments at any time, it must comply with the statutory timelines for identifying, assisting, and taking corrective action with respect to, LEAs and schools that need to improve.

Section 111(2) (H) and (I) would redesignate paragraph (8) of section 1111(b) as paragraph (6) and make conforming amendments to cross-references in that paragraph.

Section 111(3) of the bill would amend section 1111(c) of the ESEA, to significantly shorten the list of assurances that each State must include in its plan.

Section 111(4)(A) would delete section 1111(d)(2), relating to withholding of funds from States whose plans don't meet section 1111's requirements. That provision duplicates Part D of the General Education Provisions Act, which establishes uniform procedures and rules for withholding and other enforcement actions across a broad range of programs, including the ESEA programs, administered by the Department of Education.

Section 111(4)(B) would make technical amendments to section 1111(d)(1).

Section 111(4)(C) would amend current section 1111(d)(1)(B) to require the Secretary to include experts on educational standards, assessments, accountability, and the diverse educational needs of students in the peer-review process used to review State plans.

Section 111(5) would amend section 1111(e) to require each State to submit its plan to the Secretary for the first year for which Part A is in effect following the bill's enactment.

Section 111(6) would replace subsection (g) of section 1111, which is obsolete by its terms, with language permitting the Secretary to take any of the actions described in proposed section 11209 if the Secretary determines that a State is not carrying out its responsibilities under the new accountability provisions in section 1111(b)(3). These actions, which apply under section 11209 in the case of a State that fails to carry out its responsibilities under proposed Part B of Title XI (relating to teacher quality, social promotion, LEA and school report cards, and school discipline) would afford the Secretary a broad range of actions, ranging from providing technical assistance to withholding funds.

Section 112, local educational agency plans [ESEA, §1112] Section 112(1) of the bill would amend section 1112(a)(1) of the ESEA, which requires an LEA that wishes to receive subgrants under Part A of Title I to have a plan on file with, and approved by, the State educational agency. The bill would add, to the list of other programs with which the plan must be coordinated, a specific reference to the IDEA and the Carl D. Perkins Vocational and Technical Education Act of 1998. The bill would also delete a reference to the Goals 2000: Educate America Act, which another provision of the bill would repeal, and delete an inappropriate cross-reference.

Section 112(2)(A) would add language to section 1112(b) to emphasize that the purpose of an LEA's plan is to help all children achieve to high standards.

Section 112(2)(B) would amend section 1112(b)(1), relating to any student assessments that the LEA uses (other than those described in the State plan under section 1111), to require the LEA's plan to describe any such assessments that it will use to determine the literacy levels of first graders and their need for interventions and how it will ensure that those assessments are developmentally appropriate, use multiple measures to provide information about the variety of relevant skills, and are administered to students in the language most likely to yield valid results.

Section 112(2)(C) would amend section 1112(b)(3) to require an LEA's professional development strategy under Part A to also be a component of its professional development plan under the new Title II, if it receives Title II funds.

Section 112(2)(D) would amend section 1112(b)(4)(B) to remove an obsolete reference; conform that provision to the proposed repeal of Subpart 2 of Part 2 of Title I, relating to local programs for neglected or delinquent children; and include Indian children served under Title IX of the ESEA in the categories of children for whom an LEA's plan must describe the coordination of Title I services with other educational services those children receive.

Section 112(2)(F) would amend section 1112(b)(9), relating to preschool programs, to replace language in that provision with a cross-reference to new language that the bill would add to section 1120B.

Section 112(2)(G) would amend section 1112(b) to require LEAs to include two additional items in their plans: (1) a description of the actions it will take to assist its low-performing schools, if any, in making the changes needed to educate all children to the State standards; and (2) a description of how the LEA will promote the use of extended learning time, such as an extended school year, before- and after-school programs, and summer programs.

Section 112(3) would amend section 112(c), which describes the assurances that an LEA must include in its application, to conform to other provisions in the bill and to delete obsolete provisions relating to the Head Start program. Instead, the new Head Start standards would be incorporated into proposed section 1120B. Section 112(3) would also require that an LEA include new assurances that it will: (1) annually assess the English proficiency of all LEP children participating in Part A programs, use the results of those assessments to help guide and modify instruction in the content areas, and provide those results to the parents of those children; and (2) comply with the requirements of section 119 regarding teacher qualifications and the use of paraprofessionals.

Section 112(4) would amend section 1112(d), relating to the development and duration of an LEA's plan, to require the LEA to submit the plan for the first year for which Part A, as amended by the bill, is in effect, and to require an LEA to submit subsequent revisions to its plan to the LEA for its approval.

Section 112(5) would amend section 1112(e), relating to State review and approval of LEA plans, to require that States use a peer-review process in reviewing those plans, and to remove some obsolete language.

Section 113, eligible school attendance areas [ESEA, §1113]. Section 113(1) of the bill would amend section 1113, relating to eligible school attendance areas, to clarify language relating to waivers of the normal requirements for school attendance areas covered by State-ordered or court-ordered desegregation plans approved by the Secretary.

Section 113(2)(C) would restore to section 1112 the authority for an LEA to continue serving an attendance area for one year after it loses its eligibility. This language, which was removed from the Act in 1994, would give LEAs flexibility to prevent the abrupt loss of services to children who can clearly benefit from them, as individual attendance areas move in and out of eligibility from year to year.

Section 113(3)(A) would add, as section 1113(c)(2)(C), language to clarify that an LEA may allocate greater per-child amounts of Title I funds to higher-poverty areas and schools than it provides to lower-poverty areas and schools.

Section 113(3)(B) would amend section 1113(c)(3) to require an LEA to reserve sufficient funds to serve homeless children who do not attend participating schools, not just when the LEA finds it "appropriate". Some LEAs have invoked the current language as a justification for failing to provide services that they should provide.

Section 114, schoolwide programs [ESEA, §1114]. Section 114(a)(1) and (2) of the bill would amend section 1114(a) of the ESEA, which describes the purposes of, and eligibility for, schoolwide programs under section 1114, by revising the subsection heading to more accurately reflect subsection (a)'s contents, and to delete current paragraph (2), which is obsolete.

Section 114(a)(3)(A) would make a conforming amendment to section 1114(a)(4)(A) to reflect the bill's redesignation of section 1114(b)(2) as section 1114(c).

Section 114(a)(3)(B) would amend the prohibition on using IDEA funds to support a schoolwide program to reflect the fact that section 613(a)(2)(D) of the IDEA, as enacted by the IDEA Amendments of 1997, now permits funds received under Part B of that Act to be used to support schoolwide programs, subject to certain conditions.

Section 114(a)(4) would delete paragraph (5) of section 1114(a), relating to professional development in schoolwide programs. That topic is addressed by other applicable provisions, including the revised statement of the required elements of schoolwide programs. See, especially, proposed sections 1114(b)(2)(C) and 1119.

Section 114(b)(1) would delete section 1114(c), which duplicates other provisions relating to school improvement, and section 114(b)(2) would redesignate current subsection (b)(2) as subsection (c). Under this revised structure, subsection (b) would list the required components of a schoolwide program, and subsection (c) would describe the contents of a plan for a schoolwide program.

Section 114(c) would revise the statement of the elements of a schoolwide program in section 1114(b) in its entirety. The revised statement would strengthen current law, to reflect experience and research over the past several years, including significant aspects of the Comprehensive School Reform Demonstration program.

Section 114(d)(1)–(4) would amend the requirements of section 1114 relating to plans for schoolwide programs (current subsection (b)(2), which the bill would redesignate as subsection (c)), to delete an obsolete reference and make technical and conforming amendments.

Section 114(d)(5) would add, as section 1114(c)(3), language requiring peer review and LEA approval of a schoolwide plan before the school implements it.

Section 115, targeted assistance schools [ESEA, §1115]. Section 115(1)(A)(i)(I) would make a technical amendment to section 1115(b)(1)(A) of the ESEA.

Section 115(1)(A)(ii) would delete the requirement that children be at an age at which they can benefit from an organized instructional program provided at a school or other educational setting in order to be eligible for services under section 1115. This change would make clear that preschool children of any age may be served under Part A as long as they can benefit from an organized instructional program.

Section 115(1)(B)(i) would amend section 1115(b)(2), which addresses the eligibility of certain groups of children, by deleting references to children who are economically disadvantaged. The current reference to that category of children is confusing, because it erroneously assumes that there are specific eligibility requirements for them.

Section 115(1)(B)(ii) would clarify that children who, within the prior two years, had received Title I preschool services are eligible for services under Part A, as are children who participated in a Head Start or Even Start program in that period.

Section 115(1)(B)(iii) and (iv) would amend section 1115(b)(2)(C) and (D) to clarify that certain other groups of children are eligible for services under section 1115.

Section 115(2)(C) would streamline section 1115(c)(1)(E), relating to coordination with, and support of, the regular education program.

Section 115(2)(D) would amend section 1115(c)(1)(F) to emphasize that instructional staff must meet the standards set out in revised section 1119.

Section 115(2)(E) would make a technical amendment to section 1115(c)(1)(G).

Section 115(2)(F) would correct an error in section 1115(c)(1)(H).

Section 115(3) would delete section 1115(e)(3), relating to professional development, because other provisions of Part A would address that topic.

Section 115A, school choice (ESEA, §1115A). Section 115A of the bill would make a conforming change to section 1115A(b)(4) of the ESEA.

Section 116, assessment and local educational agency and school improvement [ESEA, §1116]. Section 116(a) of the bill would revise subsections (a) through (d) of section 1116 of the HSEA, in their entirety, as follows:

Section 1116(a), relating to LEA reviews of schools served under Part A, would be revised to conform to amendments that the bill would make section 1111 (State plans).

Section 1116(b) would provide examples of the criteria a State could use in designating Distinguished Schools, and would delete the cross-reference to section 1117, to reflect the bill's streamlining of that section.

Section 1116(c)(1)–(3), relating to an LEA's obligation to identify participating schools that need improvement, and to take various actions to bring abut that improvement, would be strengthened, consistent with the bill's overall emphasis on greater accountability. In particular, section 1116(c)(3)(A) would require each school so identified by an LEA, within three months of being identified, to develop or revise a school plan, in consultation with parents, school staff, the LEA, and a State school support team or other outside experts. The plan would have to have the greatest likelihood of improving the performance of participating children in meeting the State student performance standards, address the fundamental teaching and learning needs in the school, identify and address the need to improve the skills of the school's staff through effective professional development, identify student performance targets and goals for the next three years, and specify the responsibilities of the LEA and the school under the plan. The LEA would have to submit the plan to a peer-review process, work with the school to revise the plan as necessary, and approve it before it is implemented.

Section 1116(c)(5)(C) would be revised to make clear that, with limited exceptions, an LEA would have to take at least one of a list of specified corrective actions in the case of a school that fails to make progress within three years of its identification as being in need of improvement. The list would be limited to four possible actions, each of which is intended to have serious consequences for the school, to ensure that the LEA takes action that is likely to have a positive effect.

Section 116(d), relating to SEA review of LEA programs, would similarly be revised to conform to other provisions of the bill relating to accountability for achievement; to remove obsolete provisions; and to require an LEA that has been identified by the SEA as needing improvement to submit a revised Part A plan to the SEA for peer review and approval. In addition, the bill would strengthen and clarify language relating to the corrective actions that SEAs must take in the case of an LEA that fails to make sufficient progress within three years of being identified by the SEA as in need of improvement.

Section 117, State assistance for school support and improvement [ESEA, §1117]. Section 117 of the bill would substantially streamline section 1117 of the ESEA, relating to State support for LEA and school support and improvement. Much of current section 1117 is needlessly prescriptive and otherwise unnecessary, particularly in light of the strengthened provisions on LEA and school improvement and corrective actions in revised sections 1003(a)(2) and 1116.

Section 1117(a) would retain the requirement of current law that each SEA establish a statewide system of intensive and sustained support and improvement for LEAs and schools, in order to increase the opportunity for all students in those LEAs and schools to meet State standards.

Section 1117(b) would replace the statement of priorities in current section 1117(1) with a 3-step statement of priorities. The SEA would first provide support and assistance to LEAs that it has identified for corrective action under section 1116 and to individual schools for which an LEA has failed to carry out its responsibilities under that section. The SEA would then support and assist other LEAs that it has identified as in need of improvement under section 1116, but that it has not identified as in need of corrective action. Finally, the SEA would support and assist other LEAs and schools that need those services in order to achieve Title I's purpose.

Section 1117(c) would provide examples of approaches the SEA could use in providing support and assistance to LEAs and schools.

Section 1117(d) would direct each SEA to use the funds available to it for technical assistance and support under section 1003(a)(1) (other than the 70 percent or more that it reserves under section 1003(a)(2)) to carry out section 1117, and would permit the SEA to also use the funds it reserves for State administration under redesignated section 1701(c) (current section 1603(c)) for that purpose.

Section 118, parental involvement [ESEA, §1118]. Section 118 (1), (2), and (3) would make conforming amendments to section 1118, relating to parental involvement in Part A programs.

Section 118(4) would amend section 1118(f) so that the requirement to provide full opportunities for participation by parents with limited English proficiency and parents with disabilities, to the extent practicable, applies to all Part A activities, not just to the specific provisions relating to parental involvement.

Section 118(5) would repeal subsection (g) of section 1118, to reflect the bill's proposed repeal of the Goals 2000: Educate America Act.

Section 119, teacher qualification and professional development [ESEA, §1119]. Section 119(1) would change the heading of section 1119 to "High-Quality Instruction" to reflect amendments made to this section that are designed to ensure that participating children receive high-quality instruction.

Section 119(2) of the bill would delete subsection (f) of section 1119, which is not needed, and redesignate subsections (b) through (e) and (g) of that section as subsections (d) through (h).

Section 119(3) would insert a new subsection (a) in section 1119 to require that each participating LEA hire qualified instructional staff, provide high-quality professional development to staff members, and use at least five percent of its Part A grant for fiscal years 2001 and 2002, and 10 percent of its grant for each year thereafter, for that professional development.

Section 119(4) would insert new subsections (b) and (c) in section 1119 to specify the minimum qualifications for teachers and for paraprofessionals in programs supported with Part A funds. These requirements are designed to ensure that participating children receive high-quality instruction and assistance, so that they can meet challenging State standards.

Section 119(5)(A) would revise the list of required professional development activities in current section 1119(b), which would be redesignated as section 1119(c), to reflect experience and research on the most effective approaches to professional development.

Section 119(5)(B)(iii) would add child-care providers to those with whom an LEA could choose to conduct joint professional development activities under redesignated section 1119(d)(2)(H) (current section 1119(b)(2)(H)).

Section 119(6) would make a conforming amendment to section 1119(g), which would be redesignated as section 1119(h), relating to the combined use of funds from multiple sources to provide professional development.

Section 120, participation of children enrolled in private schools [ESEA, §1120]. Section 120(1)(A) of the bill would add, to section 1120(a)'s statement of an LEA's responsibility to provide for the equitable participation of students from private schools, language to make clear that the services provided those children are to address their needs, and that the teachers and parents of these students participate on an equitable basis in services and activities under sections 1118 and 1119 (parental involvement and professional development).

Section 120(1)(B) would amend section 1120(a)(4) to give each LEA the option of determining the number of poor children in private schools every year, as under current law, or every two years.

Section 120(2)(A) (ii) and (iii) would amend section 1120(b)(1), relating to the topics on which an LEA consults with private school officials about services to children in those schools, to include: (1) how the results of the assessments of the services the LEA provides will be used to improve those services; (2) the amounts of funds generated by poor children in each participating attendance area; (3) the method or sources of data that the LEA uses to determine the number of those children; and (4) how and when the LEA will make decisions about the delivery of services to those children.

Section 120(2)(B)(i) would amend section 1120(b)(2) to require that an LEA's consultation with private school officials include meetings. Consultations through telephone conversations and similar methods, while still permissible, would not, by themselves, be sufficient.

Section 120(2)(B)(ii) would amend section 1120(b)(2) to clarify that LEA-private school consultations are to continue throughout the implementation and assessment of the LEA's Part A program.

Section 120(3) would revise cross-references in section 1120(d)(2) to reflect the redesignation of sections by other provisions of the bill.

Section 120(4) would delete subsection (e) of section 1120(b), which authorizes the award of separate grants to States to help them pay for capital expenses that States and LEAs incur in providing services to children who attend private schools. In light of the Supreme Court's 1997 decision in *Agostini* v. *Felton*, which allows LEAs to provide Title I services on the premises of parochial schools, this authority is no longer needed.

Section 120A, fiscal requirements [ESEA, §1120A]. Section 120A(1) of the bill would make a conforming amendment to a cross-reference in section 1120A(a) of the ESEA, which requires an LEA to maintain fiscal effort as a condition of receiving Part A funds.

Section 120a(2) would amend section 1120A(c) of the ESEA, which requires a participating LEA to ensure that it provides services in Title I schools, from State and local sources, that are at least comparable to the services it provides in its other schools.

Section 120a(2)(A) would amend section 1120A(c)(2) to replace the current criteria for determining comparability with three criteria that would capture the concept of comparability more fairly and thoroughly. LEAs would be given until July 1, 2002, to comply with these new criteria.

Section 120A(2)(B) would amend section 1120A(c)(3)(B) to require LEAs to update their records documenting compliance with the comparability requirement annually, rather than every two years.

Section 120B, preschool services and coordination requirements [ESEA, §1120B]. Section 120B(1) of the bill would amend the heading of section 1120B of the ESEA to read "Preschool Services; Coordination Requirements" to more accurately reflect its content.

Section 120B(2) would make a technical amendment to section 1120B(c), relating to coordination of Title I regulations with Head Start regulations issued by the Department of Health and Human Services, to reflect enactment of the Head Start Amendments of 1998.

Section 120B(3) would add a subsection (d) to section 1120B to provide additional direction to preschool programs carried out with Part A funds, and to ensure that those programs are of high quality. This language replaces, and builds on, current section 1112(c)(1)(H).

Section 120C, allocations [ESEA, §§1121–1127]. Section 120C(a) of the bill would amend section 1121(b) of the ESEA, which authorizes assistance to the outlying areas, to correct an internal cross-reference in paragraph (1) and to make the $5 million total for assistance to the Freely Associated States (FAS) a maximum rather than a fixed annual amount. The Secretary should have the flexibility to determine that an amount less than the full $5 million may be warranted for the FAS in any given year, particularly in light of possible revisions to their respective compacts of free association.

Section 120C(b) would amend section 1122 of the ESEA, which governs the allocation of Part A funds to the States, by: (1) removing provisions that have expired; (2) describing the amount to be available for targeted assistance grants under section 1125; (3) providing for proportionate reductions in State allocations in case of insufficient appropriations; and (4) retaining the provisions on "hold-harmless" amounts that apply to fiscal year 1999. Most of the substance of law that is currently applicable would be retained, but the section as a whole would be significantly shortened.

Section 120C(c)(1)(A) would clarify (without substantive change) section 1124(a)(1), relating to the allocation of basic grants to LEAs.

Section 120C(c)(1)(B) would redesignate paragraphs (3) and (4) of section 1124(a) as paragraphs (4) and (5).

Section 120C(c)(1)(C) would revise, in their entirety, the statutory provisions governing the calculation of LEA basic grants in section 1124(a)(2) and move some of those provisions to section 1124(a)(3) to improve the section's structure and readability. As amended, section 1124(a)(2)(A) would direct the Secretary to make allocations on an LEA-by-LEA basis, unless the Secretary and the Secretary of Commerce (who is responsible for the decennial census and other activities of the Bureau of the Census) determine the LEA-level data on poor children is unreliable or that its use would otherwise be inappropriate. In that case, the two Secretaries would announce the reasons for their determination, and the Secretary would make allocations on the basis of county data, rather than LEA data, in accordance with new paragraph (3).

For any fiscal year for which the Secretary allocates funds to LEAs, rather than to counties, section 1124(a)(2)(B) would clarify that the amount of a grant to any LEA with a population of 20,000 or more is the amount determined by the Secretary. For LEAs with fewer people, the SEA could either allocate the amount determined by the Secretary or use an alternative method, approved by the Secretary, that best reflects the distribution of poor families among the State's small LEAs.

For any fiscal year for which the Secretary allocates funds to counties, rather than to LEAs, section 1124(a)(3) would direct the States to suballocate those funds to LEAs, in accordance with the Secretary's regulations. A State could propose to allocate funds directly to LEAs without regard to the county allocations calculated by the Secretary if a large number of its LEAs overlap county boundaries, or if it believes it has data that would better target funds than allocating them initially by counties.

In general, paragraphs (2) and (3) of section 1124(a) would retain current law, while eliminating extraneous or obsolete provisions, and making this portion of the statute much easier to read and understand than current law.

Section 120C(c)(1)(D) would revise language relating to Puerto Rico's Part A allocation (current section 1124(a)(3), which the bill would redesignate as section 1124(a)(4)) so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations to the 50 States and the District of Columbia.

Section 120C(c)(2) would amend section 1124(b), relating to the minimum number of poor children needed to qualify for a basic grant, to improve its readability and to delete obsolete language.

Section 120C(c)(3)(A)(ii) would amend section 1124(c)(1), which describes the children to be counted in determining an LEA's eligibility for, and the amount of, a basic grant, to delete subparagraph (B), which permits the inclusion of certain children whose families have income above the poverty level. The number of these children is now quite small, and collection of reliable data on them is burdensome.

Section 120C(c)(3)(A)(iii) would amend section 1124(c)(1)(C), relating to counts of certain children who are neglected or delinquent, to give the Secretary the flexibility to use the number of those children for either the preceding year (required by current law) or for the second preceding year.

Section 120C(c)(3)(B)(ii) would delete the 3rd and 4th sentences of section 1124(c)(2), which provide a special, and unwarranted, benefit to a single LEA.

Section 120C(c)(3)(C) would update section 1124(c)(3), relating to census updates.

Section 120C(c)(3)(D) would repeal section 1124(c)(4), relating to a study by the National Academy of Sciences, which has been completed, and redesignate paragraphs (5) and (6) of section 1124(c) as paragraphs (4) and (5).

Section 120C(c)(3)(E)(i) would delete the first sentence of current section 1124(c)(5), which the bill would redesignate as section 1124(c)(4). This language, relating to counts of certain children from families with incomes above the poverty level, would no longer be needed in light of the deletion of these children from the count of children under section 1124(c)(1), described above.

Section 120C(c)(3)(E)(iii) and (F) would move, from current section 1124(c)(6) to current section 1124(c)(5) (to be redesignated as section 1124(c)(4)) a sentence about the counting of children in correctional institutions. This provides a more logical location for this provision.

Section 120C(c)(4)(B) would make a conforming amendment to section 1124(d).

Section 120C(d)(1)(A)(i) would remove obsolete language from section 1124A(a)(1)(A) of the ESEA, which sets eligibility criteria for LEAs to receive concentration grants under section 1124A. The current eligibility criteria would be retained.

Section 120C(d)(1)(A)(ii) would make conforming amendments to section 1124A(a)(1)(B), relating to minimum allocations to States.

Section 120C(d)(1)(B) would replace the lengthy and complicated language in section 1124A(a)(4), relating to calculation of LEA concentration grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them. In addition, the revised section 1124A(a)(4)(B) would retain the authority, unique to the allocation of concentration grants, under which a State may use up to two percent of its allocation for subgrants to LEAs that meet the numerical eligibility thresholds but are located in ineligible counties.

Section 120C(d)(2) would delete subsections (b) and (c) from section 1124A and redesignate subsection (d) as subsection (b). Subsection (b), relating to the total amount available for concentration grants, would be replaced by section 1122(a)(2). Subsection (c), providing for ratably reduced allocations in the case of insufficient funds, duplicates proposed section 1122(c).

Section 120C(e)(1) would make conforming amendments to section 1125(b) of the ESEA, relating to the calculation of targeted assistance grants under section 1125.

Section 120C(e)(2) would amend section 1125(c), which establishes weighted child counts used to calculate targeted assistance grants for both counties and LEAs, by deleting obsolete provisions and making technical and conforming amendments.

Section 120C(e)(3) would replace the lengthy and complicated language in section 1125(d), relating to calculation of targeted assistance grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them.

Section 120C(e)(4) would make a conforming amendment to section 1125(e).

Section 120C(f) would repeal section 1125A(e) of the ESEA, which authorizes appropriations for education finance incentive programs under section 1125A, and make conforming amendments to that section. Appropriations for this provision would be covered by the general authorization of appropriations for Part A of Title I in section 1002(a).

Section 120C(g) would make a conforming amendment to section 1126(a)(1), relating to allocations for neglected children.

Section 120D, program indicators [ESEA, §1131]. Section 120D of the bill would add a new Subpart 3, Program Indicators, to Part A of Title I of the ESEA. Subpart 3 would contain only one section, §1131, which would identify 7 program indicators relating to schools participating in the Part A program, on which States would report annually to the Secretary.

Part B—Even Start

Part B of Title I of the bill would amend Part B of Title I of the ESEA, which authorizes the Even Start program.

Section 121, statement of purpose [ESEA, §1201]. Section 121 of the bill would amend the Even Start statement of purposes in section 1201 of the ESEA by requiring that the existing community resources on which Even Start programs are built be of high quality, and by adding a requirement that Even Start programs be based on the best available research on language development, reading instruction, and prevention of reading difficulties. These amendments would reflect amendments made to other provisions of the Even Start statute in 1998 and enactment of the Reading Excellence Act (Title II, Part C of the ESEA) in that same year.

Section 122, program authorized [ESEA, §1201]. Section 122(1) of the bill would amend section 1202(a) of the ESEA, which directs the Secretary to reserve 5 percent of each year's Even Start appropriation for certain populations and areas. As revised, section 1202(a) would emphasize that programs funded under the 5-percent reservation are meant to serve as national models; retain the current requirement to support projects for the children of migratory workers, Indian tribes and tribal organizations, and the outlying areas; specify that the amount reserved each year for the outlying areas is one-half of one percent of the available funds; and permit the Secretary to fund projects that serve additional populations (such as homeless families, families that include children with severe disabilities, and families that include incarcerated mothers of young children). The latter provision would replace the current requirement to award a grant for a program in a woman's prison when appropriations reach a certain level.

Section 122(2) of the bill would amend section 1202(b) of the ESEA, which authorizes the Secretary to reserve up to 3 percent of each year's appropriation for evaluation and technical assistance. Because other provisions of the bill would provide a new authority to fund evaluations across the entire range of ESEA programs, the specific reference to evaluations would be deleted here, and the maximum set-aside for technical assistance (the remaining activity under this provision) would be one percent. In addition, section 1202(b) would permit the Secretary to provide technical assistance directly, as well as through grants and contracts.

Section 122(3) of the bill would amend section 1202(c) of the ESEA, which directs the Secretary to spend $10 million each year on competitive grants for interagency coordination of statewide family literacy initiatives, to make these awards permissive rather than mandatory, and to remove the specific dollar amount that must be devoted to these awards each year. The Secretary should have the flexibility to determine the ongoing need for these awards, as well as the amount devoted to them, and whether program funds should be devoted instead to services to children and families.

Section 122(4) and (5) would make technical and conforming amendments to section 1202(d) and (e).

Section 122(5)(A) would amend the definition of "eligible organization" in section 1202(e)(2) to permit for-profit, as well as nonprofit, organizations to qualify as providers of technical assistance under section 1202(b). The current limitation unnecessarily limits the pool of providers, excluding some who are highly qualified.

Section 123, State programs [ESEA, §1203]. Section 123(1) of the bill would redesignate subsections (a) and (b) of section 1203 of the ESEA as subsections (b) and (c) and insert a new subsection (a) relating to State plans. New subsection (a)(1) would require a State that wants an Even Start grant to submit a State plan to the Secretary, including certain key information specified in the bill, including the State's indicators of program quality, which the 1998 amendments require each State to develop. Subsection (a)(2) would parallel language relating to State plans under Part A of Title I by providing that each State's plan would cover the duration of its participation in the program and requiring the State to periodically review it and revise it as necessary.

Section 123(3) and (4) of the bill would make technical and conforming amendments to section 1203.

Section 124, uses of funds [ESEA, §1204]. Section 124(1) of the bill would amend section 1204(a) of the ESEA, relating to the permissible uses of Even Start funds, by replacing a reference to "family-centered education programs" with "family literacy services". "Family literacy services" is the term used elsewhere in the statute and defined in section 1202(e)(3).

Section 124(2) would make a conforming amendment to section 1204(b)(1).

Section 125, program elements [ESEA, §1205]. Section 125 of the bill would restate, in its entirety, section 1205 of the ESEA, which lists the required elements of each Even Start program. This restatement would provide helpful clarification and greater readability for some of these elements; reorder the elements in a more logical sequence; add some new elements; and move certain requirements that now apply to local applications and State award of subgrants (under sections 1207(c)(1) and 1208(a)(1)) to the list of program elements, where they more logically belong.

In particular, career counseling and job-placement services would be added to the examples of services that can be offered as a way to accommodate participants' work schedules and other responsibilities under paragraph (3). Paragraph (4) would be revised to require that instructional programs integrate all the elements of family literacy services and use instructional approaches that, according to the best available research, will be most effective. Paragraph (5) would contain new requirements relating to the qualifications of instructional staff and paraprofessionals that parallel the requirements proposed, under section 1119, for Part A and that are designed to ensure that Even Start participants receive high-quality services. Paragraph (6) (currently (5)) would add a new requirement that staff training be aimed at helping staff obtain certification in relevant instructional areas, as well as the necessary skills. Paragraph (8) (currently (9)) would add (to language incorporated from current section 1207(c)(1)(E)(ii)) a specific reference to individuals with disabilities as included among those who may be most in need of services. Paragraph (9) would clarify and consolidate, into a single element, the various statutory provisions that promote the retention of families in Even Start programs, including the requirement of current paragraph (7) to operate on a year-round basis, the requirement of current section 1208(a)(1)(C) to provide services for at least a 3-year age range, and the language in current section 1207(c)(1)(E)(iii) about encouraging participating families to remain in the program for a sufficient period of time to meet their program goals.

This updated statement of program elements reflects experience and research over the past several years. It will promote better program planning and higher quality programs, with better results for participating families.

Section 126, eligible participants [ESEA, §1206]. Section 126 of the bill would amend section 1206(a)(1)(B) of the ESEA to restore the eligibility of teenage parents who are attending school, but who are above the State's age for compulsory school attendance. As amended in 1994, the current statute terminates a parent's eligibility when he or she is no longer within the State's age range for compulsory school attendance, excluding many teen parents and their children who could benefit from Even Start services.

Section 127, applications [ESEA, §1207]. Section 127(a) of the bill would amend section 1207(c) of the ESEA, relating to local Even Start plans, by emphasizing the importance of continuous program improvement; requiring a local program's goals to include outcome goals for participating children and families that are consistent with the State's program indicators; emphasize that the program must address each of the program elements in the revised section 1205; and require each program to have a plan for rigorous and objective evaluation. Current subparagraphs (E) and (F) of section 1207(c)(1) would be deleted because the substance of those provisions would be addressed in the revised statement of program elements in section 1205.

Section 127(b) of the bill would delete subsection (d) of section 1207, which purports to allow an eligible entity to submit its local Even Start plan as part of an SEA's consolidated application under Title XIV of the ESEA. This provision has had no practical effect.

Section 128, award of subgrants [ESEA, §1208]. Section 128(a)(1) of the bill would amend section 1208(a)(1) of the ESEA, relating to a State's criteria for selecting local programs for Even Start subgrants, by deleting subparagraph (C), which refers to a three-year age range for providing services, because that provision would be converted to a program element under section 1205. Section 128(a)(1) would also make technical and clarifying amendments to section 1208(a)(1).

Section 128(a)(2) would amend section 1208(a)(3) to require a State's review panel to include an individual with expertise in family literacy programs, to enhance the quality of the panel's review and selections. Inclusion of one or more of the types of individuals described in section 1208(a)(3)(A)–(E) would be made optional, rather than mandatory.

Section 128(b) of the bill would add a new authority, as section 1208(c), for each State to continue Even Start funding, for up to two years beyond the statutory 8-year limit, for not more than two projects in the State that have been highly successful and that show substantial potential to serve as models for other projects throughout the Nation and as mentor sites for other family literacy projects in the State. This would allow States and localities to learn valuable lessons from well-tested, proven programs.

Section 129, evaluation [ESEA, §1209]. Section 129 of the bill would delete paragraph (3) from the national evaluation provisions in section 1209 of the ESEA. That paragraph describes certain technical assistance activities that are more appropriately addressed under section 1202(b).

Section 130, program indicators [ESEA, §1210]. Section 130 of the bill would amend section 1210 of the ESEA to set a deadline of September 30, 2000 for States to develop the indicators of program quality required by the 1998 amendments. Those amendments did not include any deadline for the development of those indicators. In addition, the bill would add, to the current indicators that States are to develop, indicators relating to the levels of intensity of services and the duration of participating children and adults needed to reach the outcomes the States specifies for the currently required indicators.

Section 130A, repeal and redesignation [ESEA, §§1211 and 1212]. Section 131(a) of the bill would repeal section 1211 of the ESEA, relating to research. The essential elements of this section would be incorporated into the revised section on evaluations (§1209). Section 131(b) of the bill would redesignate section 1212 of the ESEA as section 1211.

Part C—Education of migratory children

Part C of Title I of the bill would amend Part C of Title I of the ESEA, which authorizes grants to State educational agencies to establish and improve programs of education for children of migratory farmworkers and fishers, to enable them to meet the same high academic standards as other children.

Section 131, State allocations [ESEA, §1301]. Section 131(1) of the bill would amend section 1303(a) of the ESEA, which describes how available funds are allocated to States each year. The bill would replace the current provisions relating to the count of migratory children, which are based on estimates and full-time equivalents (FTE) of these children. These provisions are ambiguous, and require either a burdensome collection of data or the continued use of increasingly dated FTE adjustment factors based on 1994 data. The bill would base a State's child count on the number of eligible children, aged 3 thru 21, residing in the State in the previous year, plus the number of those children who received services under Part C in summer or intersession programs provided by the State. This approach would be simple to understand and administer, minimize data-collection burden on States, and encourage the identification and recruitment of eligible children. The double weight given to children served in summer or intersession programs would reflect the greater cost of those programs, and would encourage States to provide them.

Section 131(1) would also add, to section 1303(a), a new paragraph (2), which would establish minimum and maximums for annual State allocations. No State would be allocated more than 120 percent, or less than 80 percent, of its allocation for the previous year, except that each State would be allocated at least $200,000. The link to a State's prior-year allocation would ameliorate the disruptive effects of substantial increases and decreases in State child counts from year to year, which are typical among migratory children. The $200,000 minimum would ensure that each participating State receives enough funds to carry out an effective program, including the costs of finding eligible children and encouraging them to participate in the program.

Section 131(2) would revise subsection (b), which describes the computation of Puerto Rico's allocation, so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States.

Section 131(3) would delete subsections (d) and (e) of section 1303, relating to certain consortia formed by LEAs and the mehods the Secretary must follow to detemine the estimated number of migratory children in each State, respectively. Subsection (d) is unduly burdensome for States and the Department to administer, and consortia can be addressed more effectively through incentive grants under section 1308(d). Subsection (e) would have no further relevance under the revised child-count provisions of section 1303(a)(1).

Section 132, State applications [ESEA, §1304]. Section 132 of the bill would amend section 1304 of the ESEA, which requires States to submit applications for grants under the Migrant Education program, describes the children who are to be given priority for services, and authorizes the provision of services to certain categories of children who are no longer migratory.

Section 131(1)(A) would amend section 1304(b)(1) to require the State's application to include certain material that is now required to be in its comprehensive plan (but not in its application) under section 1306(a). This reflects the proposed repeal of the requirement for a comprehensive service-delivery plan that is separate from the State's application for funds, in order to streamline program requirements and reduce paperwork burden on States.

Section 132(1)(B) would amend section 1304(b)(5) to clarify the factors that States are to consider when making subgrants to local operating agencies.

Section 132(1)(C) would redesignate paragraphs (5) and (6) of section 1304(b) as paragraphs (6) and (7), respectively.

Section 132(1)(D) would insert a new paragraph (5) in section 1304(b) to require a State's application to describe how the State will encourage migratory children to participate in State assessments required under Part A of Title I.

Section 132(2)(A) and (B) would make technical and conforming amendments to section 1304(c)(1) and (2).

Section 132(2)(C) would strengthen the requirements of section 1304(c)(3) relating to the involvement of parents and parent advisory councils.

Section 132(2)(D) would make a conforming amendment to section 1304(c)(7) to reflect the bill's amendments relating to child counts.

Section 133, authorized activities [ESEA, §1306]. Section 133 of the bill would restate, in its entirety, section 1306 of the ESEA, to delete the requirement that a participating State develop a comprehensive service-delivery plan that is separate from its application for funds under section 1304. The important elements of this plan would be incorporated into section 1304, as amended by section 132 of the bill. In addition, section 1306(a) would clarify current provisions regarding priority in the use of program funds; the use of those funds to provide services described in Part A to children who are eligible for services under both the Migrant Education program and Part A; and the prohibition on using program funds to provide services that are available from other sources.

Section 134, coordination of migrant education activities [ESEA, §1308]. Section 134 of the bill would amend section 1308 of the ESEA, which authorizes various activities to support the interstate and intrastate coordination of migrant-education activities.

Section 134(1)(A) would make for profit entities eligible for awards under section 1308(a). The current restriction to nonprofit entities has made it difficult to find organizations with the necessary technical expertise and experience to carry out certain important activities, such as the 1–800 help line and the program support center.

Section 134(1)(B) would make a technical amendment to section 1308(a)(2).

Section 134(2) would amend section 1308(b) to remove obsolete provisions relating to the records of migratory children and to conform to the proposed deletion of references in section 1303 to the "full-time equivalent" numbers of those students in determining child counts.

Section 134(3) would increase, from $6,000,000 to $10,000,000, the maximum amount that the Secretary could reserve each year from the appropriation for the Migrant Education program to support coordination activities under section 1308. This increase would be consistent with the Department's appropriations Acts for the two most recent fiscal years, increase the amount available for State incentive grants under section 1308(d), and make funds available to assist States and LEAs in transferring the school records of migratory students.

Section 134(4) would amend section 1308(d), which authorizes incentive grants to States that form consortia to improve the delivery of services to migratory children whose education is interrupted. These grants would be permitted, rather than required as under current law, so that the Secretary would have the flexibility to determine, from year to year, whether funds ought to be devoted to other activities under section 1308. The maximum amount that could be reserved for these grants would be increased from $1.5 million to $3 million so that, in years when these grants are warranted, they can be made to more than a token number of States. The requirement to make these awards on a competitive basis would be deleted because it is needlessly restrictive and results in an unduly complicated process of determining the merits of applications in relation to each other in years when all applications warrant approval and sufficient funds are available. Deleting this requirement would provide the Secretary with flexibility to, for example, award equal amounts to each consortium with an approvable application, or to provide larger awards to consortia including States that receive relatively small allocations under section 1303.

Section 135, definitions [ESEA, §1309). Section 135 of the bill would delete two references to a child's guardian in the definition of "migratory child" in section 1309(2) of the ESEA, because the term "parent", which is also used in that section, is defined in section 14101(22) of the ESEA (which the bill would redesignate as section 11101(22)) to include "a legal guardian or other person standing in loco parentis".

Part D—Neglected and delinquent

Part D of Title I of the bill would amend Part D of Title I of the ESEA, which authorizes assistance to States and, through the States, to local agencies, to provide educational services to children and youth who are neglected or delinquent.

Section 141, program name. Section 141 of the bill would amend the heading of Part D of Title I of the ESEA to read, "State Agency Programs for Children and Youth Who Are Neglected or Delinquent". This name would more accurately reflect the bill's proposed deletion of the authority for local programs in Subpart 2 of Part D.

Section 142 findings; purpose; program authorized [ESEA, §1401]. Section 142(a) of the bill would update the findings in section 1401(a) of the ESEA, and shorten them to reflect the proposed deletion of Subpart 2.

Section 142(b) would amend the statement of purpose in section 1401(b) to reflect the proposed deletion of Subpart 2.

Section 142(c) would amend the statement of the program's authorization in section 1401(b) to reflect the proposed deletion of Subpart 2.

Section 143, payments for programs under Part D [ESEA, §1402]. Section 143 of the bill would delete section 1402(b) of the ESEA, which requires that States retain funds generated throughout the State under Part A of Title I (Basic Grants) on the basis of youth residing in local correctional facilities or attending community day programs for delinquent children and youth, and use those Part A funds for local programs under subpart 2 of Part D. This conforms to the bill's proposal to delete Subpart 2. Section 142 would also make other conforming amendments to section 1402.

Section 144, allocation of funds [ESEA, §1412]. Section 144 of the bill would amend section 1412(b) of the ESEA, which describes the computation of Puerto Rico's allocation under Part D, so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States. Section 144 would also make conforming and technical amendments to section 1412(a).

Section 145, State plan and State agency applications [ESEA, §1414]. Section 145(2)(A) of the bill would amend section 1414(a)(2) of the Act, relating to the contents of a State's plan, to require the plan to provide that participating children will be held to the same challenging academic standards, as well as given the same opportunity to learn, as they would if they were attending local public schools. Section 145 would also correct erroneous citations in section 1414.

Section 146, use of funds [ESEA, §1415]. Section 146 of the bill would correct an erroneous citation in section 1415 of the ESEA, relating to the permissible use of Part D funds.

Section 147, local agency programs [ESEA, §§1412–1426]. Section 147 of the bill would repeal Subpart 2 (Local Agency Programs) of Part D and redesignate Subpart 3 (General Provisions) as Subpart 2. The local agency program is unduly complicated for States to administer and does not promote effective services for children who are, or have been, neglected or delinquent. Those services are better provided through other local, State, and Federal programs, including other ESEA programs, such as Basic Grants under Part A.

Section 148, program evaluations [ESEA, §1431]. Section 148(1) of the bill would amend section 1431(a) of the ESEA, relating to the scope of evaluations under Part D, to conform to the proposed repeal of Subpart 2.

Section 148(2) would amend section 1431(b) to require that the multiple measures of student progress that a State agency must use in conducting program evaluations, while consistent with section 1414's requirement to provide participating children the same opportunities to learn and to hold them to the same standards that would apply if they were attending local public schools, must be appropriate for the students and feasible for the agency. This modification would recognize that, for a variety of reasons, it may not be appropriate to administer the same tests to students who are, or have been, neglected or delinquent, as are given to children of the same age who are in traditional public schools.

Section 148(3) of the bill would amend section 1431(c), relating to the results of evaluations, to reflect the proposed repeal of Subpart 2.

Section 149, definitions [ESEA, §1432]. Section 149 of the bill would delete the definition of "at-risk youth" in paragraph (2) of section 1432, and renumber the remaining paragraphs. The deleted term is used only in Subpart 2, which would be repealed.

Part E—Federal evaluations, demonstrations, and transition projects

Section 151, evaluations, management information, and other Federal activities [ESEA, §1501]. Section 151 of the bill would amend, in its entirety, section 1501 of the ESEA, which authorizes the Secretary to conduct evaluations and assessments, collect data, and carry out other activities that support the Title I programs and provide information useful to those who authorize and administer that title. As revised, section 1501 would support the activities that are essential for the Secretary to carry out over the next several years: evaluating Title I programs; helping States, LEAs, and schools develop management-information systems; carrying out applied research, technical assistance, dissemination, and recognition activities; and obtaining updated census information so that funds are allocated using the most up-to-date information about low-income families. Section 1501 would also provide for the continued conduct of the national assessment of Title I and the national longitudinal study of Title I schools.

Section 1502, demonstrations of innovative practices. Section 152 of the bill would make conforming amendments to section 1502 of the ESEA.

Part F—General provisions

Section 161, general provisions [ESEA, §§1601–1604]. Section 161(1) of the bill would repeal sections 1601 and 1602 of the ESEA. Section 1601 sets out highly prescriptive requirements relating to regulations under Title I that should not be retained. Instead, Title I, like other ESEA programs, should remain subject to the rulemaking requirements of the Administrative Procedure Act and of section 437 of the General Education Provisions Act. Section 1602 requires the Secretary to issue a program assistance manual and to respond to certain inquiries within 90 days. These are similarly inappropriate and unwarranted restrictions on the Secretary's discretion in administering the Title I program.

Section 161(2) would redesignate sections 1603 and 1604 as sections 1601 and 1602.

Part G—Reading excellence

Section 171, reading and literacy grants to State educational agencies [ESEA, §2253]. Section 171 of the bill would amend section 2253 of the ESEA (which directs the Secretary to award grants to SEAs to carry out the reading and literacy activities described in Part C of Title II of the ESEA), which section 178(B)(1) of the bill would transfer to Part E of Title I, as follows:

Paragraph (1) would amend the current limit of one grant per State, in section 2252(a)(2)(A), to permit a State to receive sequential, but not simultaneous, grants. Thus, a State could receive a second grant after its first grant period is over.

Paragraph (2) would add, to the State application requirements in section 2253(b)(2)(B), a clause (ix) to require an SEA's application to include the process and criteria it will use to review and approve LEA applications for the two types of subgrants available under this part: local reading improvement subgrants under section 2255 and tutorial assistance subgrants under section 2256, including a peer-review process that includes individuals with relevant expertise.

Paragraph (3) would clarify the unclear language in section 2253(c)(2)(C), which requires the Federal peer-review panel, in making funding recommendations to the Secretary, to give priority to States that have modified, are modifying, or will modify their teacher certification requirements to require effective training of prospective teachers in methods of reading instruction that reflect scientifically based reading research.

Paragraph (4) would make a technical amendment to section 2253(d)(3), which permits States to use certain consortia or similar entities that it formed before enactment of the Reading Excellence Act on October 21, 1998, in lieu of a partnership that meets that Act's requirements.

Section 172, use of amounts by State educational agencies [ESEA, §2254]. Section 172 of the bill would amend section 2254 of the ESEA so that the State's cost of administering the program of tutorial assistance subgrants under section 2256 would be subject to the overall five percent limit on State administrative costs. That amount should be sufficient for all the State's costs of administering the Reading Excellence program. Any amounts set aside under the 15 percent limit in section 2254(2) would have to be used for the actual subgrants to LEAs and not for State administrative expenses.

Section 173, local reading improvement subgrants [ESEA, §2255]. Section 173(a) of the bill would amend section 2255(a) of the ESEA, which describes the LEAs that are eligible to apply for a local reading improvement subgrant under section 2255, to limit eligibility to LEAs that operate schools for grades 1 through 3. LEAs that serve only middle and/or high school students should not be eligible for this program, which is intended to help children read well and independently by the third grade.

Section 173(b) would amend section 2255(d)(i), which describes the activities that an LEA may carry out with its subgrant, to require that the schools in which reading instruction is provided serve children in the first through third grades. As with the provision described above relating to LEA eligibility, this amendment will ensure that the program's objective of helping children to read by the 3rd grade is met.

Section 174, tutorial assistance subgrants [ESEA, §2256]. Section 174(a) and (b) of the bill would make amendments to section 2256 of the ESEA, which authorizes subgrants to LEAs for tutorial assistance, that correspond to the amendments to section 2255 (local reading improvement subgrants) that ensure that the program focuses on its intended age range, children from pre-kindergarten through 3rd grade.

Section 174(a) would also make the following amendments to section 2256:

Paragraph (1)(B) would delete subsection (a)(1)(A), which makes an LEA eligible for a tutorial assistance subgrant if any school in its jurisdiction is located in an empowerment zone or enterprise community, because LEAs are not eligible through this route for local reading improvement subgrants under section 2255. Making the eligibility criteria the same for the two types of subgrants, as provided by this amendment, will increase the likelihood that tutorial activities are carried out in the same LEAs that receive local reading improvement subgrants, promoting the coordination of the activities supported by the two types of subgrants.

Paragraph (5) would delete, from current section 2256(a)(2)(B), which the bill would redesignate as section 2256(a)(3)(B), language conditioning the receipt of all Title I funds by each LEA that is currently eligible under section 2256 on its providing public notice of the tutorial assistance program to parents and possible providers of tutoring services. This provision is grossly disproportionate in its severity and is not logically related to the large amounts of funds it affects under the other Title I programs. Any failure to provide the notice described in this section should be subject to the same range of consequences that attach to possible noncompliance with any other requirement of the statute.

Paragraph (6) would make conforming amendments to current section 2256(a)(3), which the bill would redesignate as section 2256(a)(4), to reflect the proposed deletion of eligibility of LEAs on the basis of having a school located in an empowerment zone or enterprise community under section 2256(a)(1)(A).

Paragraph (7) would make technical and conforming amendments to current subsection (a)(4), which the bill would redesignate as subsection (a)(5).

Section 175, national evaluation [ESEA, §2257). Section 175 of the bill would amend section 2257 of the ESEA, which provides for a national evaluation of the program under this part, to remove a cross-reference to a current provision that earmarks funds for the evaluation. Other provisions of the will would provide the Secretary with authority to pay for evaluations of all ESEA programs, removing the need for individual evaluation earmarks.

Section 176 information dissemination [ESEA, §2258]. Section 176(1) of the bill would amend section 2258 of the ESEA, which provides for the dissemination of program information, to reflect the transfer of the program's authorization of appropriations to section 1002(e) of the ESEA. It would also add authority for the National Institute for Literacy, which administers section 2258, to use up to five percent of the amount available each year to pay for the costs of administering that section.

Section 176(2) would add, as subsection (c) of section 2258, authority for the Secretary to reserve up to one percent of each fiscal year's appropriation for the Reading Excellence program for technical assistance, program improvement, and replication activities.

Section 177, authorization of appropriations [ESEA, §2260]. Section 177 of the bill would repeal section 2260 of the ESA, which authorizes appropriations for the program, to reflect the transfer of the program's authorization of appropriations to section 1002(e) of the ESEA.

Section 178, transfer and redesignations. Section 178 of the bill would transfer the authority for the Reading Excellence program, currently in Part C of Title II of the ESEA, to Part E of Title I, redesignate current Parts E and F of Title I as Parts F and G, and make other technical and conforming amendments.

TITLE II—HIGH STANDARDS IN THE CLASSROOM

Section 201 of the bill would amend Title II of the ESEA in its entirety, as follows:

Part A—Teaching to high standards

Part A of Title II would authorize a new program in the ESEA by consolidation the existing Eisenhower State Grants (Title II) and Innovative Education Program Strategies (Title VI) programs in the ESEA and Title III of the Goals 2000: Educate America Act.

Subpart 1—Findings, purpose and Authorization of appropriations

Section 2111, findings. Section 2111 would set out findings for Part A.

Section 2112, purpose. Section 2112 would state that the purpose of Part A is to: (1) Support States and LEAs in continuing the task of developing challenging content and student performance standards and aligned assessments, revising curricula and teacher certification requirements, and using challenging content and student performance standards to improve teaching and learning; (2) ensure that teachers and administrators have access to professional development that is aligned with challenging State content and student performance standards in the core academic subjects; (3) provide assistance to new teachers during their first three years in the classroom; and (4) support the development and acquisition of curricular materials and other instructional aids that are not normally provided as part of the regular instructional program and that will advance local standards-based school reform efforts.

Section 2113, authorizations of appropriations. Section 2113 would authorize the appropriation of such sums as may be necessary for each of the two operational subparts of Part A for fiscal years 2001, through 2005.

Subpart 2—State and local activities.

Section 2121, allocations to States. Section 2121 would provide for allocations to the States, including the District of Columbia and Puerto Rico; the outlying areas; and schools operated or funded by the Bureau of Indian Affairs (BIA). The Secretary would reserve a total of one percent for the outlying areas and the BIA. The remaining funds would be allocated to States, based one-half on each State's share of funds under Part A of Title I for the previous fiscal year and one-half on each state's relative share of the population aged 5 to 17. No State may receive a grant that is less than one-half of one percent of the amount available for State grants.

Section 2122, priority for professional development in mathematics and science. Section 2122(a) would establish rules for the use of Part A funds for professional development in mathematics and science at various appropriations levels. A key priority of the Teaching to High Standards proposal is directing Federal sources to support professional development that strengthens instruction in the core academic content areas, instead of professional development that uses general strategies for improving classroom instruction that are not based on academic content. Toward that end, the bill would require States and LEAs to use funds for professional development only in the academic content areas and would increase the current Eisenhower program's $250 million set-aside for professional development in mathematics and science to $300 million. This "trigger" means that if the annual appropriation for Part A is $300 million or less, each State would be required to devote its entire allocation to supporting professional development in mathematics and science (including all funds retained at the State level and those distributed by the SEA and the State agency for higher education (SAHE) as grants to LEAs). For years in which the appropriation is higher than $300 million, each State would be required to allocate a percentage of its funding toward mathematics and science professional development that is at least as much as the State would have received had the appropriation been $300 million. The SEA and the SAHE would jointly determine how the State would structure the use of State-level funding and grants to LEAs to meet this requirement.

Section 2122(b) would provide that, for purposes of meeting the priority requirements of subsection (a), professional development in mathematics and science may include interdisciplinary activities, as long as these activities include a strong focus on mathematics and science. Subsection (c) would require that funds in excess of the $300 million appropriation be used in one or more of the core academic subjects, including mathematics and science.

Section 2123, State application. Section 2123 would require each State to submit an application that is developed by the SEA in consultation with the SAHE, community-based and other nonprofit organizations with experience in providing professional development, and institutions of higher education (IHEs). This section would also describe what States must include in their applications. The Secretary would have to approve a State application if a peer-review panel determines that it satisfactorily addresses the application requirements and holds reasonable promise of achieving the purposes of the program.

Section 2124, annual State reports. Section 2124 would require a State to submit annual reports to the Secretary that describe its activities under this program, report on the progress of subgrant recipients against program performance indicators that the Secretary identifies and any other indicators that the State requires, and contain other information that the Secretary requires.

Section 2125, within-State allocations. Section 2125 would allow an SEA to reserve up to 10 percent of the State allocation for State-level activities, program evaluations, and administration. Not more than one third of this reservation could be used for administration. The SEA would also have to make available to the SAHE an amount equal to what the State's allocation would be if the amount of the appropriation for this subpart were $60 million. From the amount remaining, the SEA would make formula and competitive subgant awards to LEAs. Of the amount that is reserved for LEAs, the SEA would allocate 50 percent to LEAs in proportion to the relative numbers of children, aged 5 to 17, from low-income families within the LEA and award 50 percent to LEAs on a competitive basis.

Section 2126, State-level activities. Section 2126 would provide examples of activities that SEAs could carry out with the funds they reserve for State-level activities to promote high-quality instruction.

Section 2127, subgrants to partnerships of institutions of higher education and local educational agencies. Section 2127 would allow SAHEs to reserve not more than 3⅓ percent of their allocation for administrative activities and program evaluations and require them, in cooperation with the SEA, to award competitive subgrants to, or enter into contracts or cooperative agreements with, IHEs or nonprofit organizations to provide professional development in the core academic subjects. These awards would be for 3 years (which would be extended for 2 more years if the subgrantee is making substantial progress) and made using a peer-review process. The SAHE would give priority to projects that focus on teacher induction programs and could make awards only to projects that include an LEA, are coordinated with activities carried out under Title II of the Higher Education Act of 1965 (if the LEA or IHE is participating in that program), and involve the IHE's school or department of education and the school or departments in the specific disciplines in which the professional development will be provided.

Section 2127 would also describe the activities that award recipients must carry out and require them to submit an annual report to the SAHE, beginning with fiscal year 2002, on their progress against indicators of program performance that the Secretary may establish. The SAHE would provide the SEA with copies of these reports.

Section 2128, competitive local awards. Section 2128 would require SEAs to award competitive subgrants to LEAs from the funds reserved for that purpose under section 2125. The SEA would use a peer-review process that includes reviewers who are knowledgeable in the academic content areas. SEAs would award subgrants based on the quality of the applicants' proposals and their likelihood of success, and on the demonstrated need of applicants, based on specified criteria.

Section 2128 would also require SEAs to adopt strategies to ensure that LEAs with the greatest need are provided a reasonable opportunity to receive an award. Subgrants would be for a three-year period, which the SEA would extend for an additional two years if it determines that the LEA is making substantial progress toward meeting the goals in the LEA's district-wide plan for raising student achievement against State standards and against the performance indicators identified by the Secretary under section 2136.

Section 2129, local applications. Section 2129 would require an LEA to submit an application to the SEA in order to be eligible to receive a formula or competitive subgrant. The application would include a district-wide plan that describes how the LEA will raise student achievement against State standards by: (1) supporting the alignment of curricula assessments, and professional development to challenging State and local content standards. (2) providing professional development in the core academic content areas; (3) carrying out activities to assist new teachers during their first three years in the classroom; and (4) ensuring that teachers employed by the LEA are proficient in teaching skills and content knowledge.

In addition, the LEA application would: (1) identify specific goals for achieving the purposes of the program; (2) describe how the LEA will address the needs of high-poverty, low-performing schools; (3) describe how the LEA will address the needs of teachers of students with limited English proficiency and other students with special needs; (4) include an assurance that the LEA will collect data that measures progress toward the indicators of program performance that the Secretary identifies; (5) describe how the LEA will coordinate funds under this subpart with professional development activities funded through other State and Federal programs; (6) describe how the LEA will use its subgrant funds awarded by formula to address the items in the district-wide plan described above; and (7) describe how it would use the additional funds from a competitive subgrant, if it is applying for one, to implement that plan.

Section 2130, uses of funds. Section 2130 would describe the activities an LEA may conduct with program funds in order to implement its district-wide plan.

Section 2131, local accountability. Section 2131 would require each LEA to submit an annual report to the SEA, beginning in fiscal year 2002, that contains: (1) information on its progress against the indicators of program performance that the Secretary identifies and against the LEA's program goals; (2) data disaggregated by school poverty level, as defined by the Secretary; and (3) a description of the methodology the subgrantee used to gather the data.

Section 2132, local cost-sharing requirement. Section 2132 would provide that the Federal share of activities carried out under Subpart 2 with funds received by formula may not exceed 67 percent for any fiscal year. The Federal share of activities carried out under this subpart with funds awarded on a competitive basis could not exceed 85 percent during the first year of the subgrant, 75 percent during the second year, 65 percent during the third year, 55 percent during the fourth year, and 50 percent during the fifth year.

Section 2133, maintenance of effort. Section 2133 would require each participating LEA to maintain its fiscal effort for professional development at the average of its expenditures over the previous three years.

Section 2134, equipment and textbooks. Section 2134 would provide that subgrantees may not use program funds for equipment, computer hardware, textbooks, telecommunications fees, or other items, that would otherwise be provided by the LEA or State, or by a private school whose students receive services under the program.

Section 2135, supplement, not supplant. Section 2135 would require an LEA to use program funds only to supplement the level of funds or resources that would otherwise be made available from non-Federal sources, and not to supplant those non-Federal funds or resources.

Section 2136, program performance indicators. Section 2136 would require the Secretary to identify indicators of program performance against which recipients would report their progress.

Section 2137, definitions. Section 2137 would define "core academic subjects", "high-poverty local educational agency", "low-performing school", and "professional development".

Subpart 3—National activities for the improvement of teaching and school leadership

Section 2141, program authorized. Section 2141 would authorize the Secretary to make awards to a wide variety of public and private agencies and entities to support: (1) activities of national significance that are not supported through other sources and that the Secretary determines will contribute to the improvement of teaching and school leadership in the Nation's schools; (2) activities of national significance that will contribute to the recruitment and retention of highly qualified teachers and principals in high-poverty LEAs; (3) a national evaluation of the Part A program; and (4) the National Board for Professional Teaching Standards. Section 2141(b)(5) would direct the Secretary to provide support for the Eisenhower National Clearinghouse for Mathematics and Science Education under section 2142.

Section 2142, Eisenhower National Clearinghouse for Mathematics and Science Education. Section 2142 would retain, with few changes, the authority in current section 2102(b) for the Eisenhower National Clearinghouse for Mathematics and Science Education, as follows:

Subsection (a) would provide authority for the Clearinghouse.

Subsection (b) would authorize activities and establish certain requirements related to the Clearinghouse, including the application and award process, the duration of the grant or contract, the activities the award recipient must carry out, the submission of materials to the Clearinghouse, and the establishment of a steering committee.

Part B—Transition to teaching; troops to teachers

Section 2111, findings. Section 2211 of the ESEA would set out the Congressional findings for the new Part B. In the next decade, school districts will need to hire more than 2 million teachers, especially in the areas of math, science, foreign languages, special education, and bilingual education. The need for teachers able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers

Nearly 28 percent of teachers of academic subjects have neither a major nor a minor in their main assignment fields. This problem is even more actuate in high-poverty areas, where the out-of-field percentage is 39.

Additionally, the Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics, and next to last in math. Based mainly on TIMSS data, it is also evident that a stronger emphasis needs to be placed on the academic preparation of our children in math and science.

Further, one-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

Many career-changing professionals with strong content-area skills are interested in making a transition to a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience. The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty school districts.

Section 2212, purpose. Section 2212 of the ESEA would establish the statement of purpose for the program, which would be to address the need of high-poverty school districts for highly qualified teachers in subject areas such as mathematics, science, foreign languages, bilingual education, and special education needed by those school districts. This would be accomplished by continuing and enhancing the Transition to Teaching model for recruiting and supporting the placement of such teachers, and by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that would help them become such teachers.

Section 2213, program authorized. Section 2213 of the ESEA would establish the program authority and the authorization of appropriations for the Transition to Teaching program. Under section 2213(a), the Secretary would be authorized to use funds appropriated under section 2213(c) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this part.

Section 2213(b)(1)(A) would provide that, before making any awards under section 2213(a), the Secretary would be required to consult with the Secretaries of Defense and Transportation with respect to the appropriate amount of funding necessary to continue and enhance the Troops to Teachers program. Additionally, section 2213(b)(1)(B) would provide that, upon agreement, the Secretary would transfer the amount under section 2213(b)(1)(A) to the Department of Defense to carry out the Troops to Teachers program. Further, section 2213(b)(2) would allow the Secretary to enter into a written agreement with the Department of Defense and Transportation, or take such steps as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

Finally, section 2213(c) would authorize the appropriation of such sums as may be necessary to carry out Part B for fiscal years 2001 through 2005.

Section 2214, application. Section 2214 of the ESEA would establish the application requirements. Section 2214 would provide that an applicant that desires a grant under Part B must submit to the Secretary an application containing such information as the Secretary may require. Applicants would be required to: (1) include a description of the target group of career-changing professionals on which they would focus in carrying out their programs under this part, including a description of the characteristics of that target group that shows how the knowledge and experience of its members is relevant to meeting the purpose of this part; (2) describe how it plans to identify and recruit program participants; (3) include a description of the training program participants would receive and how that training would relate to their certification as teachers; (4) describe how it would ensure that program participants were placed and would teach in high-poverty LEAs; (5) include a description of the teacher induction services that program participants would receive throughout at least their first year of teaching; (6) include a description of how the applicant would collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this part, including evidence of the commitment of the institutions, agencies, or organizations to the applicant's program; (7) include a description of how the applicant would evaluate the progress and effectiveness of its program, including the program's goals and objectives, the performance indicators the applicant would use to measure the program's progress, and the outcome measures that would be used to determine the program's effectiveness; and (8) submit an assurance that the applicant would provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this part.

Section 2215, uses of funds and period of service. Section 2215 of the ESEA would describe the activities authorized under Part B. Under section 2215(a), Part B funds could be used to: (1) recruit program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them; (2) authorize training stipends and other financial incentives for program participants, not to exceed $5,000, in the aggregate, per participant; (3) assist institutions of higher education or other providers of teacher training to meet the particular needs of professionals who are changing their careers to teaching; (4) authorize placement activities, including identifying high-poverty LEAs with needs for particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those LEAs; and (5) authorize post-placement induction or support activities for program participants.

Section 2215(b) would establish the required period of service for program participants. Under section 2215(b), a program participant who completes his or her training would be required to teach in a high-poverty LEA for at least three years. Section 2215(c) would allow the Secretary to establish appropriate requirements to ensure that program participants who receive a training stipend or other financial incentive, but fail to complete their service obligation, repay all or a portion of such stipend or other incentive.

Section 2216, equitable distribution. Section 2216 of the ESEA would require the Secretary, to the extent practicable, to make awards under Part B that support programs in different geographic regions of the Nation.

Section 2217, definitions. Section 2217 of the ESEA would establish definitions for the program. Section 2217(1) would define the term "high-poverty local educational agency" as an LEA in which the percentage of children, ages 5 though 17, from families below the poverty line is 20 percent or greater, or the number of such children exceeds 10,000. Section 2217(2) would define the term "program participants" as career-changing professionals who hold at least a baccalaureate degree, demonstrate interest in, and commitment to, becoming a teacher, and have knowledge and experience relevant to teaching a high-need subject area in a high-poverty LEA.

Part C—Early childhood educator professional development

Section 2301, purpose. Section 2301 of the ESEA would establish the purpose of the new Part C program, which is to support the national effort to attain the first of America's Education Goals by enhancing school readiness and preventing reading difficulties in young children, through early childhood education programs that improve the knowledge and skills of early childhood educators working in high-poverty communities. The program would help meet the need for early childhood educators in high-poverty communities with limnited acess to early childhood education and to high-quality early childhood education professionals.

Section 2302, program authorized. Section 2302(a) of the ESEA would authorize the Secretary to make competitive grants to eligible partnerships. An eligible partnership would consist of: (1) at least one institution of higher education that provides professional development for early childhood educators who work with children from low-income families in high-need communities, or another public or private, nonprofit entity that provides that professionals development; and (2) at least one other public or private nonprofit agency or organization, such as an LEA, an SEA, a State human services agency, a State or local agency administering programs under the Child Care and Development Block Grant Act of 1990, or a Head Start agency.

Section 2302(b) would direct the Secretary to give a priority to applications from partnerships that include at least one LEA that operates early childhood programs for children from low-income families in high-need communities.

Section 2302(c) would authorize grants for up to four years, and limit each grantee to one grant under this program.

Section 2303, applications. Section 2303 of the ESEA would set out requirements for applications for funds. Among other information, each application would include a description of the high-need community to be served; information on the quaity of the early childhood educator professional development program currently being conducted by a member of the partnership; the results of the applicant's assessment of the professional development needs of early childhood education providers to be served by the partnership and in the broader community and how the project will address those needs; a description of how the proposed project would be carried out; descriptions of the project's specific objectives and how progress toward those objectives will be measured; how the applicant plans to institutionalize project activities once Federal funding ends; an assurance that, where applicable, the project will provide appropriate professional development to volunteer staff, as well as to paid staff; and an assurance that the applicant consulted with, and will consult with, relevant agencies and organizations that are not members of the partnership.

Section 2304, selection of grantees. Section 2304 of the ESEA would require the Secretary to select grantees according to both the community's need for assistance and the quality of applications, and seek to ensure that communities in urban and rural communities and in difference regions of the Nation are served.

Section 2305, uses of funds. Section 2305 of the ESEA would require that, in general, grant recipients use grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs serving concentrations of poor children in high-need communities. Allowable professional development activities for early childhood educators include, but would not be limited to, activities that: familiarize early childhood educators with recent research on child, language, and literacy development and on early childhood pedagogy; train them to work with parents, and with children with limited English proficiency, disabilities, and other special needs; assist educators during their first three years in the field; development and implementation of professional development programs for early childhood educators using distance learning and other technologies; and data collection, evaluation, and reporting activities necessary to meet program accountability requirements.

Section 2306, accountability. Section 2306(a) of the ESEA would require the Secretary to announce performance indicators, designed to measure the quality of the professional development on the early childhood education provided by the individuals trained, and such other measures of program impact as the Secretary determines. Section 2306(b) would require projects to report annually on their progress in meeting these performance indicators. The Secretary could terminate a grant if the grantee is not making satisfactory progress against the Secretary's indicators.

Section 2307, cost-sharing. Section 2307 of the ESEA would require each grantee to contribute at least half of the overall cost of its project, including at least 20 percent in each year, from other sources, which may include other Federal sources. The Secretary could waive or modify this requirement in the case of demonstrated financial hardship.

Section 2308, definitions. Section 2308 of the ESEA would define the terms "high-need community", "low-income family", and "early childhood educator".

Section 2309, Federal coordination. Section 2309 of the ESEA would direct the Secretaries of Education and Health and Human Services to coordinate activities of this program and other early childhood programs that they administer.

Section 2310, authorization of appropriations. Section 2310 of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years to carry out Part C.

Part D—Technical assistance programs

Section 2401, findings. Section 2401 of the ESEA would state the Congressional findings for Part D as follows: (1) sustained, high-quality technical assistance that responds to State and local demand supported by widely disseminated, research-based information on what constitutes high-quality technical assistance and how to identify high-quality technical assistance providers, can enhance the opportunity for all children to achieve to challenging State academic content and student performance standards; (2) an integrated system for acquiring, using, and supplying technical assistance is essential to improving programs and affording all children this opportunity; (3) States, LEAs, tribes, and schools serving students with special needs, such as educationally disadvantaged students and students with limited English proficiency, have clear needs for technical assistance in order to use funds under the ESEA to provide those students with opportunities to achieve to challenging State academic content standards and student performance standards; (4) current technical assistance and dissemination efforts are insufficiently responsive to the needs of States, LEAs, schools, and tribes for help in identifying their particular needs for technical assistance and developing and implementing their own integrated systems for using the various sources of funding for technical assistance activities under the ESEA (as well as other Federal, State, and local resources) to improve teaching and leaning and to implement more effectively the programs authorized by the ESEA; and (5) the Internet and other forms of advanced telecommunications technology are an important means of providing information and assistance in a cost-effective way.

Section 2402, purpose. Section 2402 of the ESEA would state the purpose for Part D as being to create a comprehensive and cohesive, national system of technical assistance and dissemination that is based on market principles in responding to the demand for, and expanding the supply of, high-quality technical assistance. This system would support States, LEAs, tribes, schools, and other recipients of funds under the ESEA in implementing standards-based reform and improving student performance through: (1) the provision of financial support and impartial, research-based information designed to assist States and high-need LEAs to develop and implement their own integrated systems of technical assistance and select high-quality technical assistance activities and providers for use in those systems; (2) the establishment of technical assistance centers in areas that reflect identified national needs, in order to ensure the availability of strong technical assistance in those areas; (3) the integration of all technical assistance and information dissemination activities carried out or supported by the Department of Education in order to ensure comprehensive support for school improvement; (4) the creation of a technology-based system, for disseminating information about ways to improve educational practices throughout the Nation, that reflects input from students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation's educational system; and (5) national evaluations of effective technical assistance.

Subpart 1—Strengthening the capacity of State and local educational agencies to become effective, informed consumers of technical assistance

Section 2411, purpose. Section 2411 of the ESEA would state the purposes of Subpart 1 of Part D of Title II. Section 2411(1) would state one such purpose as being to provide grants to SEAs and LEAs in order to: (1) respond to the growing demand for increased local decisionmaking in determining technical assistance needs and appropriate technical assistance services; (2) encourage SEAs and LEAs to assess their technical assistance needs and how their various sources of funding for technical assistance under the ESEA and from other sources can best be coordinated to meet those needs (including their needs to collect and analyze data); (3) build the capacity of SEAs and LEAs to use technical assistance effectively and thereby improve their ability to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards; and (4) assist SEAs and LEAs in acquiring high-quality technical assistance.

Section 2411(2) would state the other purpose of Subpart 1 as being to establish an independent source of consumer information regarding the quality of technical assistance activities and providers, in order to assist SEAs and LEAs, and other consumers of technical assistance that receive funds under the ESEA, in selecting technical assistance activities and providers for their use.

Section 2412, allocation of funds. Section 2412 of the ESEA would describe how funds appropriated to carry out Subpart 1 would be allocated. From those appropriations for any fiscal year, the Secretary would first allocate one percent of the funds to the Bureau of Indian Affairs and the Outlying Areas, in accordance with their respective needs for such funds (as determined by the Secretary) to carry out activities that meet the purposes of Subpart 1. The Secretary would allocate two-thirds of the remaining funds to SEAs in accordance with the formula described in section 2413 and allocate one-third of the remaining funds to the 100 LEAs with the largest number of children counted under section 1124(c) of the ESEA, in accordance with the formula described in section 2416.

Section 2413, formula grants to State educational agencies. Section 2413 of the ESEA would set out the formula for awarding grants to States. The Secretary would allocate funds among the States in proportion to the relative amounts each State would have received for Basic Grants under Subpart 2 of Part A of Title I of the ESEA for the most recent fiscal year, if the Secretary had disregarded the allocations under that subpart to LEAs that are eligible to receive direct grants under new section 2416. This allocation would be adjusted as necessary to ensure that, of the total amount allocated to States and to LEAs under section 2416, the percentage allocated to a State under section 2413 and to localities in the State under section 2416 is at least the percentage used for the small-State minimum under section 1124(d) for the previous fiscal year. The Secretary would also reallocate to other States any amount of any State's allocation under section 2413 of the ESEA that would not be required to carry out the activities for which such amount has been allocated for a fiscal year.

Section 2414, State application. Section 2414 of the ESEA would describe the application requirements for State formula grants. Each State seeking a grant under Subpart 1 would be required to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each such application would be required to describe: (1) the State's need for, and the capacity of the SEA to provide, technical assistance in implementing programs under the ESEA (including assistance on the collection and analysis of data) and in implementing the State plan or policies for comprehensive, standards-based education reform; (2) how the State will use the funds provided under this subpart to coordinate all its sources of funds for technical assistance, including all sources of such funds under the ESEA, into an integrated system of providing technical assistance to LEAs, and other local recipients of funds under the ESEA, within the State and implement that system; (3) the SEA's plan for using funds from all sources under the ESEA to build its capacity, through the acquisition of outside technical assistance and other means, to provide technical assistance to LEAs and other recipients within the State; (4) how, in carrying out technical assistance activities using funds provided from all sources under the ESEA, the State will assist LEAs and schools in providing high-quality education to all children served under the ESEA to achieve to challenging academic standards, give the highest priority to meeting the needs of high-poverty, low-performing LEAs (taking into consideration any assistance that the LEAs may be receiving under section 2416), and give special consideration to LEAs and other recipients of funds under the ESEA serving rural and isolated areas. The Secretary would be required to approve a State's application for funds if it meets these requirements and is of sufficient quality to meet the purposes of Subpart 1. In determining whether to approve a State's application, the Secretary would be required to take into consideration the advice of peer reviewers, and could not disapprove any application without giving the State notice and opportunity for a hearing.

Section 2415, State uses of funds. Section 2415 of the ESEA would describe the permissible uses of State formula grant funds under Subpart 1. The SEA could use these funds to: (1) build its capacity (and the capacity of other State agencies that implement ESEA programs) to use ESEA technical assistance funds effectively through the acquisition of high-quality technical assistance, and the selection of high-quality technical assistance activities and providers, that meet the technical assistance needs identified by the State; (2) develop, coordinate, and implement an integrated system that provides technical assistance to LEAs and other ESEA recipients within the State, directly, through contracts, or through subgrants to LEAs, or other ESEA recipients of funds, for activities that meet the purposes of Subpart 1, and uses all sources of funds provided for technical assistance, including all ESEA sources; and (3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards, and to implement the State's plan or policies for comprehensive standards-based education reform.

A State's integrated system of providing technical assistance could include assistance on such activities as: (1) implementing State standards in the classroom, including aligning instruction, curriculum, assessments, and other aspects of school reform with those standards; (2) collecting, disaggregating, and using data to analyze and improve the implementation, and increase the impact, of educational programs; (3) conducting needs assessments and planning intervention strategies that are aligned with State goals and accountability systems; (4) planning and implementing effective, research-based reform strategies, including schoolwide reforms, and strategies for making schools safe, disciplined, and drug-free; (5) improving the quality of teaching and the ability of teachers to serve students with special needs (including educationally disadvantaged students and students with limited English proficiency); and (6) planning and implementing strategies to promote opportunities for all children to achieve to challenging State academic content standards and student performance standards.

Section 2416, Grants to large local educational agencies. Section 2416 of the ESEA would describe the formula for providing grants under Subpart 1 to the 100 largest, high-need LEAs. Under section 2416, the Secretary would allocate funds among the LEAs described in section 2412(2)(B) in proportion to the relative amounts allocated to each such LEA for Basic Grants under Subpart 2 of Part A of Title I for the most recent fiscal year. As under the State formula in section 2413, the Secretary would be required to reallocate unused LEA allocations.

Section 2417, local application. Section 2417 of the ESEA would detail the application requirements that the LEAs must meet to receive direct grants under Subpart 1. Each LEA would be required to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each application would be required to describe: (1) the LEA's need for technical assistance in implementing ESEA programs (including assistance on the use and analysis of data) and in implementing the State's, or its own, plan or policies, for comprehensive standards-based education reform; (2) how the LEA will use the grant funds to coordinate all its various sources of funds for technical assistance, including all ESEA sources and other sources, into an integrated system for acquiring and using outside technical assistance and other means of building its own capacity to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards implementing programs under the ESEA, and implement that system. In determining whether to approve a State's application, the Secretary would be required to take into consideration the advice of peer reviewers, and could not disapprove any application without giving the State notice and opportunity for a hearing.

Section 2418, local uses of funds. Section 2418 of the ESEA would describe the ways in which an LEA could use direct grant funds awarded under Subpart 1. The LEA could use those funds to: (1) build its capacity to use ESEA technical assistance funds through the acquisition of high-quality technical assistance and the selection of high-quality technical assistance activities and providers that meet its technical assistance needs; (2) develop, coordinate, and implement an integrated system of providing technical assistance to its schools using all sources of funds provided for technical assistance, including all ESEA sources; and (3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards and to implement the State's, or its own, plan or policies for comprehensive standards-based education reform. An LEA may use these funds for technical assistance activities such as those described in section 2415(b) of the ESEA.

Section 2419, equitable services for private schools. Section 2419 of the ESEA would describe how equitable services would be provided to private schools. First, if an SEA or LEA uses funds under Subpart 1 to provide professional development for teachers or school administrators, the SEA or LEA would be required to provide for professional development for teachers or school administrators in private schools located in the same geographic area on an equitable basis. Similarly, if an SEA or LEA uses funds under Subpart 1 to provide information about State educational goals, standards, or assessments, the SEA or LEA would be required to provide that information, upon request to private schools located in the same geographic area. However, if an SEA or LEA is prohibited by law from meeting these requirements, or the Secretary determines the SEA or LEA has substantially failed or is unwilling to comply with these requirements, the Secretary shall waive these requirements and arrange for the provision of professional development services for the private school teachers or school administrators, consistent with applicable State goals and standards and section 11806 of the ESEA.

Section 2419A, consumer information. Section 2419A of the ESEA would require the Secretary to establish, through one or more contracts, an independent source of consumer information regarding the quality and effectiveness of technical assistance activities and providers available to States, LEAs, and other recipients of funds under the ESEA, in selecting technical assistance activities and providers for their use. Such a contract could be awarded for a period of up to five years, and the Secretary could reserve, from the funds appropriated to carry out Subpart 1 for any fiscal year, such sums as the Secretary determines necessary to carry out section 2419A.

Section 2419B, authorization of appropriations. Section 2419B of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out Subpart 1.

Subpart 2—Technical assistance centers serving special needs

Section 2421, general provisions. Section 2421 of the ESEA would set out the general provisions applicable to all technical assistance providers that receive funds under Subpart 2, all consortia that receive funds under proposed Subpart 2 of Part B of Title III of the ESEA (as amended by Title III of the bill), and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act. Each provider, consortium, laboratory or clearinghouse would be required to: (1) participate in a technical assistance network with the Department and other federally supported technical assistance providers in order to coordinate services and resources; (2) ensure that the services they provide are high-quality, cost-effective, reflect the best information available from research and practice, and are aligned with State and local education reform efforts; (3) in collaboration with SEAs in the States served, educational service agencies (where appropriate), and representatives of high-poverty, low-performing urban and rural LEAs in each State served, develop a targeted approach to providing technical assistance that gives priority to providing intensive, ongoing services to high-poverty LEAs and schools that are most in need of raising student achievement (such as schools identified as in need of improvement under section 1116(c) of the ESEA); (4) cooperate with the Secretary in carrying out activities (including technical assistance activities authorized by other ESEA programs) such as publicly disseminating materials and information that are produced by the Department and are relevant to the purpose, expertise, and mission of the technical assistance provider; and (5) use technology, including electronic dissemination networks and Internet-based resources, in innovative ways to provide high-quality technical assistance.

Section 2422, centers for technical assistance on the needs of special populations. Section 2422 of the ESEA would authorize the Secretary to award grants, contracts, or cooperative agreements to public or private nonprofit entities (or consortia of those entities) to operate two new centers to provide technical assistance to SEAs, LEAs, schools, tribes, community-based organizations, and other recipients of funds under the ESEA concerning how to address the specific linguistic, cultural, or other needs of limited English proficient, migratory, Indian, and Alaska Native students, and educational strategies for enabling those students to achieve to challenging State academic content and performance standards. An entity could receive an award to operate a center only if it demonstrates, to the satisfaction of the Secretary, that it has expertise in these needs and strategies, and an award under section 2422 could be up to 5 years in duration.

Under section 2422(c), each center would be required to maintain appropriate staff expertise, and provide support, training, and assistance to SEAs, tribes, LEAs, schools, and other ESEA funding recipients in meeting the needs of the students in these special populations, including the coordination of other Federal programs and State and local programs, resources, and reforms. Each center would be required to give priority to providing services to schools, including Bureau of Indian Affairs-funded schools, that educate the students described in subsection (a)(1)(A) and have the highest percentages or numbers of children in poverty and the lowest student achievement levels.

Under section 2422(d), the Secretary would be required to: (1) develop a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under the ESEA for students in the special populations described; (2) conduct surveys every two years of entities to be served under this section to determine if they are satisfied with the access to, and quality of, the services provided; (3) collect, as part of the Department's reviews of ESEA programs, information about the availability and quality of services provided by the centers, and share that information with the centers; and (4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include termination of an award under this part, the selection of a new center, and any necessary interim arrangements. All of these activities are designed to ensure the quality and effectiveness of the proposed centers.

Section 2422(e) would authorize the appropriation of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out the purposes of section 2422.

Section 2423, parental information and resource centers. Section 2423 of the ESEA would authorize Parental Information and Resource Centers (PIRCs), which are currently authorized under Title IV of the Goals 2000: Educate America Act.

Section 2423(a) would authorize the Secretary to award grants, contracts, or cooperative agreements to nonprofit organizations that serve parents (particularly those organizations that make substantial efforts to reach low-income, minority, or limited English proficient parents) to establish PIRCs. The PIRCs would coordinate the efforts of Federal, State, and local parent education and family involvement initiatives. In addition, the PIRCs would provide training, information, and support to SEAs, LEAs (particularly LEAs with high-poverty and low-performing schools), schools (particularly high-poverty and low-performing schools), and organizations that support family-school partnerships (such as parent teacher organizations). In making awards, the Secretary would be required, to the greatest extent possible, to ensure that each State is served by at least one award recipient. Currently, there are PIRCs in all 50 States. The District of Columbia, Puerto Rico, and each territory.

Section 2423(b) would establish the application requirements for the PIRCs. Applicants desiring assistance under section 2423 would be required to submit an application at such time, and in such manner, as the Secretary shall determine. At a minimum, the application would include: a description of the applicant's capacity and expertise to implement a grant under section 2423; a description of how the applicant would use its award to help SEAs and LEAs, schools, and non-profit organizations in the State (particularly those organizations that make substantial efforts to reach a large number or percentage of low-income minority, or limited English proficient children) to: (1) identify barriers to parent or family involvement in schools, and strategies to overcome those barriers; and (2) implement high-quality parent education and family involvement programs that improve the capacity of parents to participate more effectively in the education of their children, support the effective implementation of research-based instructional activities that support parents and families in promoting early language and literacy development and support schools in promoting meaningful parent and family involvement; a description of the applicant's plan to disseminate information on high-quality parent education and family involvement programs to LEAs, schools, and nonprofit organizations that serve parents in the State; a description of how the applicant would coordinate its activities with the activities of other Federal, State, and local parent education and family involvement programs and with national, State and local organizations that provide parents and families with training, information, and support on how to help their children prepare for success in school and achieve to high academic standards; a description of how the applicant would use technology, particularly the Worldwide Web, to disseminate information; and a description of the applicant's goals for the center, as well as baseline indicators for each of the goals, a timeline for achieving the goals, and interim measures of success toward achieving the goals.

Section 2423(c) would limit the Federal share to not more than 75 percent of the cost of a PIRC. The non-Federal share may be in cash or in kind. Under current law, a grant recipient must provide a match in each fiscal year after the first year of the grant, but does not specify the amount of the match.

Section 2423(d)(1) would establish the allowable uses for program funds. Recipients would be required to use their awards to support SEAs and LEAs, schools, and non-profit organizations in implementing programs that provide parents with training, information, and support on how to help their children achieve to high academic standards. Such activities could include: assistance in the implementation of programs that support parents and families in promoting early language and literacy development and prepare children to enter school ready to succeed in school; assistance in developing networks and other strategies to support the use of research-based, proven models of parent education and family involvement, including the "Parents as Teachers" and "Home Instruction Program for Preschool Youngsters" programs, to promote children's development and learning; assistance in preparing parents to communicate more effectively with teachers and other professional educators and support staff, and providing a means for on-going, meaningful communication between parents and schools; assistance in developing and implementing parent education and family involvement programs that increase parental knowledge about standards-based school reform; and disseminating information on programs, resources, and services available at the national, State, and local levels that support parent and family involvement in the education of their school-age children.

Section 2423(d)(2) would require that each recipient use at least 75 percent of its award to support activities that serve areas with large numbers or concentrations of low-income families. Currently, recipients are required to use 50 percent of their funds to provide services to low-income areas.

Section 2423(e) would authorize the Secretary to reserve up to 5 percent of the funds appropriated for section 2423 to provide technical assistance to the PIRCs and to carry out evaluations of program activities.

Section 2423(f) of the ESEA would set out three definitions, taken from current law, for purposes of section 2423. The term "parent education" would be defined to include parent support activities, the provision of resource materials on child development, parent-child learning activities and child rearing issues, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home.

The term "Parents as Teachers program" would be defined as a voluntary childhood parent education program that: is designed to provide all parents of children from birth through age 5 with the information and support that such parents need to give their child a solid foundation for school success; is based on the Missouri Parents as Teachers model, with the philosophy that parents are their child's first and most influential teachers; provides regularly scheduled personal visits with families by certified parent educators; provides regularly scheduled developmental screenings; and provides linkage with other resources within the community to provide services that parents may want and need, except that such services are beyond the scope of the Parents As Teachers program.

The term "Home Instruction for Preschool Youngsters program" would be defined as a voluntary early-learning program for parents with one or more children between the ages of 3 through 5 that provides support, training, and appropriate educational materials necessary for parents to implement a school-readiness, home instruction program for their child. Such a program also includes: group meetings with other parents participating in the program; individual and group learning experiences with the parent and child; provision of resource materials on child development and parent-child learning activities; and other activities that enable the parent to improve learning in the home.

Section 2423(g) would require each PIRC to submit an annual report on its activities. The report would include at least: the number and types of activities supported by the recipient with program funds; activities supported by the recipient that served areas with high numbers or concentrations of low-income families; and the progress made by the PIRC in achieving the goals included in its application.

Section 2423(h) would prohibit any individual from being required to participate in any parent education program or developmental screening supported by program funds. In addition, PIRCs would be prohibited from infringing on the right of a parent to direct the education of their children. Finally, the requirements of section 444(c) of the General Education Provisions Act, relating to procedures protecting the rights of privacy of students and their families in connection with surveys or data-gathering activities, would apply to PIRCs. All of these protections would be continued from current law.

Section 2423(i) would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out the PIRC program.

Section 2424, Eisenhower Regional Mathematics and Science Education Consortia. Section 2424 of the ESEA would authorize the establishment and operation of the Eisenhower Regional Mathematics and Science Education Consortia. The Eisenhower Consortia are currently authorized under Part C of Title XIII of the ESEA. In addition to updating current law to eliminate outdated or unnecessary provisions and making structural changes, section 2424 would eliminate some of the current authorized uses of funds for the Eisenhower Consortia in order to focus the uses of funds more closely on the program's core purposes. Section 2424 would also authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out the Eisenhower Consortia.

Subpart 3—Technology-based technical assistance information dissemination

Section 2431, Web-based and other information dissemination. Section 2431 of the ESEA would authorize the Secretary to carry out, through grants, contracts, or cooperative agreements, a national system, through the Worldwide Web and other advanced telecommunications technologies, that supports interactive information sharing and dissemination about ways to improve educational practices throughout the Nation. In designing and implementing this proposed information dissemination system, the Secretary would be required to create opportunities for the continuing input of students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation's educational system.

The proposed new information dissemination would include information on: (1) stimulating instructional materials that are aligned with challenging content standards; and (2) successful and innovative practices in instruction, professional development, challenging academic content and student performance standards, assessments, effective school management, and such other areas as the Secretary determines are appropriate.

Under section 2431(a)(3)(A), the Secretary could require the technical assistance providers funded under proposed Part D of Title II of the ESEA (as amended by Title III of the bill), or the educational laboratories and clearinghouses of the Educational Resources Information Center supported under the Educational Research, Development, Dissemination, and Improvement Act, to: (1) provide information (including information on practices employed in the regions or States served by the providers) for use in the proposed information dissemination system; (2) coordinate their activities in order to ensure a unified system of technical assistance; or (3) otherwise participate in the proposed information dissemination system. Under section 2431(a)(3)(B), the Secretary would be required to ensure that these dissemination activities are integrated with, and do not duplicate, the dissemination activities of the Office of Educational Research and Improvement (OERI), and that the public has access, through this system, to the latest research, statistics, and other information supported by, or available from, OERI.

Section 2431(b) would authorize the Secretary to carry out additional activities, using advanced telecommunications technologies where appropriate, to assist LEAs, SEAs, tribes, and other ESEA recipients in meeting the requirements of the Government Performance and Results Act of 1993. This assistance could include information on measuring and benchmarking program performance and student outcomes.

Section 2432 would authorize the appropriate of such sums as may be necessary for fiscal years 2001 through 2005 to carry out Subpart 3.

Subpart 4—National evaluation activities

Section 2441, national evaluation activities. Section 2441 of the ESEA would require the Secretary to conduct, directly or through grants, contracts, or cooperative agreements, such activities as the Secretary determines necessary to: (1) determine what constitutes effective technical assistance; (2) evaluate the effectiveness of the technical assistance and dissemination programs authorized by, or assisted under, Part E of Title II of the ESEA, and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act, (notwithstanding any other provision of such Act); and (3) increase the effectiveness of those programs.

TITLE III-TECHNOLOGY FOR EDUCATION

Section 301. Short Title. Section 301 of the bill would amend section 3101 of the ESEA to change the short title for Title III of the ESEA to the "Technology For Education Act."

Section 302. *Findings.* Section 302 of the bill would update the findings in section 3111 of the ESEA to reflect progress that has been made in achieving the four national technology goals and identify those areas in which progress still needs to be made.

Section 303. Statement of Purpose. Section 303 of the bill would amend section 3112 of the ESEA to better align the purposes of Title III of the ESEA to the national technology goals and the Department's goals for the use of educational technology to improve teaching and learning. The purposes for this title are to: (1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies; (2) help ensure access to, and effective use of, educational technology in all classrooms through the provision of sustained and intensive, high-quality professional development that improves teachers' capability to integrate educational technology effectively into their classrooms by actively engaging students and teachers in the use of technology; (3) help improve the capability of teachers to design and construct new learning experiences using technology, and actively engage students in that design and construction; (4) support efforts by SEAs and LEAs to create learning environments designed to prepare students to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies, (5) support technical assistance to State educational agencies, local educational agencies, and communities to to help them use technology-based resources and information systems to support school reform and meet the needs of students and teachers; (6) support the development of applications that make use of such technologies as advanced telecommunications, hand-held devices, web-based learning resources, distance learning networks, and modeling and simulation software; (7) support Federal partnerships with business and industry to realize more rapidly the potential of digital communications to expand the scope of, and opportunities for, learning; (8) support evaluation and research on the effective use of technology in preparing all students to achieve to challenging State academic content and performance standards, and the impact of technology and performance standards, and the impact of technology on teaching and learning; (9) provide national leadership to stimulate and coordinate public and private efforts, at the national, State and local levels, that support the development and integration of advanced technologies and applications to improve school planning and classroom instruction; (10) support the development, or redesign, of teacher preparation programs to enable prospective teachers to integrate the use of technology in teaching and learning; (11) increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools; (12) promote the formation of partnerships and consortia to stimulate the development of; and new uses for, technology in teaching and learning; (13) support the creation or expansion of community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and (14) help to ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency.

Section 304. Prohibition Against Supplanting. Section 304 of the bill would repeal section 3113 of the ESEA, which currently contains the definitions applicable to Title III of the ESEA. Definitions would instead be placed in the part of the title to which they apply. In its place, section 304 of the bill would add a new section 3113 to the ESEA that would require a recipient of funds awarded under this title to use that award only to supplement the amount of funds or resources that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of the programs authorized under Title III of the ESEA, and not to supplant those non-Federal funds or resources.

Part A—Federal leadership and national activities

Section 311. Structure of Part. Section 311 of the bill would make technical changes to Title III of the ESEA to eliminate the current structure of Part A of Title III of the ESEA and add a new heading for Part A, Federal Leadership and National Activities. This section also would repeal the current Product Development program, which has never received funding.

Section 312. National Long-Range Technology Plan. Section 312 of the bill would amend section 3121 of the ESEA, which currently requires the Secretary to publish a national long-range technology plan within one year of the enactment of the Improving America's School Act of 1994. Instead, section 312(1) of the bill would amend section 3121(a) of the ESEA to require the Secretary to update the national long-range technology plan within one year of the enactment of the bill and to broadly disseminate the updated plan.

Section 312(2) of the bill would amend section 3121(c) of the ESEA, which establishes the requirements for the national long-range technology plan, by adding the requirements that the plan describe how the Secretary will: promote the full integration of technology into learning, including the creation of new instructional opportunities through access to challenging courses and information that would otherwise not have been available, and independent learning opportunities for students through technology; encourage the creation of opportunities for teachers to develop, through the use of technology, their own networks and resources for sustained and intensive, high-quality professional development; and encourage the commercial development of effective, high-quality, cost-competitive educational technology and software.

Section 313. Federal Leadership. Section 313 of the bill would amend section 3122 of the ESEA, which authorizes a program of Federal leadership in promoting the use of technology in education. Section 313(1) of the bill would amend 3122(a) of the ESEA by eliminating a reference to the United States National Commission on Libraries and Information Systems, and replacing it with the White House Office of Science and Technology Policy, on the list of agencies with which the Secretary consults under this program.

Section 313(2) of the bill would amend section 3122(b)(1) of the ESEA by removing the reference to the Goals 2000: Educate America Act, which would be repealed by another section of this bill. The National Education Goals would be renamed America's Education Goals and added to the ESEA by section 2 of the bill.

Section 313(3) of the bill would amend current 3122(c) of the ESEA by eliminating the authority for the Secretary to undertake activities designed to facilitate maximum interoperability of educational technologies. Instead, the Secretary would be authorized to develop a national repository of information on the effective uses of educational technology, including its use of sustained and intensive, high-quality professional development, and the dissemination of that information nationwide.

Section 314. Repeals; Redesignations; Authorization of Appropriations. Section 314 of the bill would repeal sections 3114 (Authorization of Appropriations), 3115 (Limitation on Costs), and 3123 (Study, Evaluation, and Report of Funding Alternatives) of the ESEA. As amended by the bill, an authorization of appropriations section would be included in the part of Title III of the ESEA to which it applies. These changes would also eliminate the current statutory provision that requires that funds be used for a discretionary grant program when appropriations for current Part A of Title III of the ESEA are less than $75 million, and for a State formula grant program when the appropriation exceeds that amount. This provision must currently be overridden in appropriation language each year in order to operate both the Technology Literacy Challenge Fund and the Technology Innovation Challenge Grants program.

Section 314(b) of the bill would redesignate several sections of the ESEA, and would add new sections 3101 and 3104 of the ESEA. Proposed new section 3101 of the ESEA ("National Evaluation of Education Technology") would require the Secretary to develop and carry out a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology. This national evaluation strategy would be designed to better inform the Federal role in supporting the use of educational technology, in stimulating reform and innovation in teaching and learning with technology, and in advancing the development of more advanced and new types and applications of such technology. As part of this evaluation strategy, the Secretary would be authorized to: conduct long-term controlled studies on the effectiveness of the uses of educational technology; convene panels of experts to identify uses of educational technology that hold the greatest promise for improving teaching and learning, assist the Secretary with the review and assessment of the progress and effectiveness of projects that are funded under this title, and identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software; conduct evaluations and applied research studies that examine how students learn using educational technology, whether singly or in groups, and across age groups, student populations (including students with special needs, such as students with limited English proficiency and students with disabilities) and settings, and the characteristics of classrooms and other educational settings that use educational technology effectively; collaborate with other Federal agencies that support research on, and evaluation of, the use of network technology in educational settings; and carry out such other activities as the Secretary determines appropriate. The Secretary would be authorized to use up to 4 percent of the funds appropriated to carry out Title III of the ESEA for any fiscal year to carry out national evaluation strategy in that year.

Proposed new section 3104 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the national evaluation strategy, national plan, and Federal Leadership activities for fiscal years 2001 through 2005.

PART B—Special projects

Section 321. Repeals; Redesignations; New Part. Section 321 of the bill would make several structural and conforming changes to

Title III of the ESEA. Section 321(a) of the bill would repeal Part B, the Star Schools Program, and Part E, the Elementary Mathematics and Science Equipment Program. Section 321(b) of the bill would redesignate current Part C of Title III of the ESEA, Ready-To-Learn Television, as Subpart 2 of Part B of Title III of the ESEA, and redesignate current Part D of Title III of the ESEA, Telecommunications Demonstration Project for Mathematics as Subpart 3 of Part B of Title III of the ESEA.

Section 321(d) of the bill would add a new Subpart 1, Next-Generation Technology Innovation Awards, to Part B of Title III of the ESEA.

Proposed new section 3211 of the ESEA ("Purpose; Program Authority") would state, in subsection (a), that it is the purpose of the program to: (1) expand the knowledge base about the use of the next generation of advanced computers and telecommunications in delivering new applications for teaching and learning; (2) address questions of national significance about the next generation of technology and its use to improve teaching and learning; and (3) develop, for wide-scale adoption by SEAs and LEAs, models of innovative and effective applications in teaching and learning of technology, such as high-quality video, voice recognition devices, modeling and simulation software (particularly web-based software and intelligent tutoring), hand-held devices, and virtual reality and wireless technologies, that are aligned with challenging State academic content and performance standards. These purposes would focus the projects funded under this proposed new subpart on developing "cutting edge" applications of educational technology.

Proposed new section 3211(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants. Proposed new section 3211(c) of the bill would state that those awards could be made for a period of not more than five years.

Proposed new section 3212 of the ESEA ("Eligibility") would specify the eligibility and application requirements for the proposed new program. Under proposed new section 3212(a) of the ESEA, in order to be eligible to receive an award an applicant would have to be a consortium that includes: (1) at least one SEA or LEA; and (2) at least one institution of higher education, for-profit business, museum, library, other public or private entity with a particular expertise that would assist in carrying out the purposes of the proposed new subpart.

Under proposed new section 3212(b) of the ESEA, applicants would be required to provide a description of the proposed project and how it would carry out the purposes of the program, and a detailed plan for the independent evaluation of the program, which must include benchmarks to monitor progress toward the specific project objectives.

Proposed new section 3212(c) of the ESEA would allow the Secretary, when making awards, to set one or more priorities. Priorities could be provided for: (1) applications from consortia that consist of particular types of the members described in proposed new section 3212(a) of the ESEA; (2) projects that develop innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the Internet), and online-learning resources; (3) projects serving more than one State and involving large-scale innovations in the use of technology in education; (4) projects that develop innovative models that serve traditionally underserved populations, including low-income students, students with disabilities, and students with limited English proficiency; (5) projects in which applicants provide substantial financial and other resources to achieve the goals of the project; and (6) projects that develop innovative models for using electronic networks to provide challenging courses, such as Advanced Placement courses.

Proposed new section 3213 of the ESEA ("Uses of Funds") would require award recipients to use their program funds to develop new applications of educational technologies and telecommunications to support school reform efforts, such as wireless and web-based telecommunications, hand-held devices, web-based learning resources, distributed learning environments (including distance learning networks), and the development of educational software and other applications. In addition, recipients would also be required to use program funds to carry out activities consistent with the purposes of the proposed new subpart, such as: (1) developing innovative models for improving teachers' ability to integrate technology effectively into course curriculum, through sustained and intensive, high-quality professional development; (2) developing high-quality, standards-based, digital content, including multimedia software, digital video, and web-based resources; (3) using telecommunications, and other technologies, to make programs accessible to students with special needs (such as low-income students, students with disabilities, students in remote areas, and students with limited English proficiency) through such activities as using technology to support mentoring; (4) providing classroom and extracurricular opportunities for female students to explore the different uses of technology; (5) promoting school-family partnerships, which may include services for adults and families, particularly parent education programs that provide parents with training, information, and support on how to help their children achieve to high academic standards; (6) acquiring connectivity linkages, resources, distance learning networks, and services, including hardware and software, as needed to accomplish the goals of the project; and (7) collaborating with other Department of Education and Federal information technology research and development programs.

Proposed new section 3214 of the ESEA ("Evaluation") would authorize the Secretary to: (1) develop tools and provide resources for recipients of funds under the proposed new subpart to evaluate their activities; (2) provide technical assistance to assist recipients in evaluating their projects; (3) conduct independent evaluations of the activities assisted under the proposed new subpart; and (4) disseminate findings and methodologies from evaluations assisted under the proposed new subpart, or other information obtained from such projects that would promote the design and implementation of effective models for evaluating the impact of educational technology on teaching and learning. This evaluation authority would enable the Department to provide projects with tools for evaluation and disseminate the findings from the individual project evaluations.

Proposed new section 3215 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out this part of fiscal years 2001 through 2005.

Section 322. Ready To Learn Digital Television. Section 322 of the bill would amend the subpart heading for Subpart 2 of Part B of Title III of the ESEA (as redesignated by section 321(b) of the bill) to reflect advances in technology by replacing the reference to "television" with a reference to "digital television."

In addition, section 322 of the bill would amend the provisions of this subpart to reflect the redesignations made by section 321(c) of the bill, and to authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

Section 323. Telecommunications Program for Professional Development in the Core Content Areas. Section 323(a) of the bill would amend the heading for Subpart 3 of Part B of Title III (as redesignated by section 321(b) of the bill) from the current "Telecommunications Demonstration Project for Mathematics" to "Telecommunications Program for Professional Development in the Core Content Areas."

Section 323(b) of the bill would amend section 3231 of the ESEA (as redesignated by section 321(c) of the bill), which currently states the purpose of this part as carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics and to assist elementary and secondary school teachers in preparing all students for achieving State content standards. As amended by section 323(b) of the bill, this program would no longer be only a demonstration project, and its purposes would be expanded to assist elementary and secondary school teachers in preparing all students to achieve to challenging State academic content and performance standards through a national telecommunications-based program to improve teaching in all core content areas, not just mathematics.

Section 323(c) of the bill would amend the application requirements in section 3232 of the ESEA (as redesignated by section 321(c) of the bill) to eliminate references to the program as a demonstration project, update the references to technology, expand the types of entities with which recipients would be required to coordinate their efforts, and make conforming changes.

Section 323(d) of the bill would amend section 3233 of the ESEA (as redesignated by section 321(c) of the bill) to authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

Section 324. Community Technology Centers. Section 324 of the bill would add a new Subpart 4, Community Technology Centers, to Part B of Title III of the ESEA.

Proposed new section 3241 of the ESEA ("Purpose; Program Authority") would state, in subsection (a), that the purpose of this proposed new subpart is to assist eligible applicants to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training and provide technical assistance and support to community technology centers.

Proposed new section 3241(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants to carry out the purposes of the proposed new subpart. The Secretary could make these awards for a period of not more than three years.

Proposed new section 3242 of the ESEA ("Eligibility and Application Requirements") would set out the eligibility and application requirements for the proposed new subpart. Under proposed new section 3242(a) of the ESEA, to be eligible an applicant must: (1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and (2) be an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organizations, community-based organization, an institution of higher education, an SEA, and LEA, or a consortium of these entities.

Under the application requirements in proposed new section 3242(b) of the ESEA, an applicant would be required to submit an application to the Secretary at such time, and containing such information, as the Secretary may require, and that application must include: (1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community; (2) a demonstration of the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project, and the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community; (3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and (4) a plan for the evaluation of the program, including benchmarks to monitor progress toward specific project objectives.

Under proposed new section 3242(c) of the ESEA, the Federal share of the cost of any project funded under the proposed new subpart could not exceed 50 percent, and the non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

Proposed new section 3243 of the ESEA ("Uses of Funds") would describe the required and permissible uses of funds awarded under the proposed new subpart. Under proposed new section 3243(a) of the ESEA, a recipient would be required to use these funds for creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities, and evaluating the effectiveness of the project.

Under proposed new section 3243(b) of the ESEA, a recipient could use funds awarded under the proposed new subpart for activities that it described in its application that carry out the purposes of this subpart such as: (1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships; (2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and (3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development job preparation activities.

Proposed new section 3244 of the Act ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the proposed new subpart for each of the fiscal years 2001 through 2005.

Part C—Preparing tomorrow's teachers to use technology

Section 331. New Part. Section 331 of the bill would amend Title III of the ESEA by adding a new Part C, Preparing Tomorrow's Teachers To Use Technology.

Proposed new section 3301 of the ESEA ("Purpose; Program Authority") would state, in subsection (a), that the purpose of the proposed new part is to assist consortia of public and private entities in carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards.

Proposed new section 3301(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in developing or redesigning teacher preparation programs to enable prospective teachers to use technology effectively in their classrooms. The Secretary could make these awards for a period of not more than five years.

Proposed new section 3302 of the ESEA ("Eligibility") would detail the eligibility, application, and matching requirements for the proposed new part. To be eligible under proposed new section 3302(a), an applicant must be a consortium that includes at least one institution of higher education that offers a baccalaureate degree and prepares teachers for their initial entry into teaching, and at least one SEA or LEA. In addition, each consortium must include at least one of the following entities: an institution of higher education (other than the institution described above); a school or department of education at an institution of higher education; a school or college of arts and sciences at an institution of higher education; a private elementary or secondary school; or a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity with the capacity to contribute to the technology-related reform of teacher preparation programs.

The application requirements in proposed new section 3302(b) of the ESEA would require an applicant to submit an application to the Secretary at such time, and containing such information, as the Secretary may require, and that application would be required to include: a description of the proposed project, including how the project would ensure that individuals participating in the project would be prepared to use technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; a demonstration of the commitment, including the financial commitment, of each of the members of the consortium to the proposed project; a demonstration of the active support of the leadership of each member of the consortium for the proposed project; a description of how each member of the consortium would be included in project activities; a description of how the proposed project would be sustained once the Federal funds awarded under this part end; and a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

Proposed new section 3302(c)(1) of the ESEA would limit the Federal share of any project funded under this part to no more than 50 percent of the cost of the project. The non-Federal share may be in cash or in kind, except as required under proposed new section 3302(c)(2) of the ESEA, which would limit, to not more than 10 percent of the funds awarded for a project under this part, the amount that may be used to acquire equipment, networking capabilities or infrastructure, and would require that the non-Federal share of the cost of any such acquisition be in cash.

Proposed new section 3303 of the ESEA ("Uses of Funds") would establish the required and permissible uses of funds awarded under the proposed new part. Under proposed new section 3303(a) of the ESEA, recipients would be required to: create programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; and evaluate the effectiveness of the project.

Under proposed new section 3303(b), recipients would be permitted to use funds for activities such as: developing and implementing high-quality teacher preparation programs that enable educators to learn the full range of resources that can be accessed through the use of technology, integrate a variety of technologies into the classroom in order to expand students' knowledge, evaluate educational technologies and their potential for use in instruction, and help students develop their own digital learning environments; developing alternative teacher development paths that provide elementary and secondary schools with well-prepared, technology-proficient educators; developing performance-based standards and aligned assessments to measure the capacity of prospective teachers to use technology effectively in their classrooms; providing technical assistance to other teacher preparation programs; developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and acquiring equipment, networking capabilities, and infrastructure to carry out the project.

Proposed new section 3304 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the proposed new part for each of the fiscal years 2001 through 2005.

Part D—Regional, State, and local educational technology resources

Section 341. Repeal; New Part. Section 341 of the bill would add a new Part D, Regional, State, and Local Educational Technology Resources, to Title III of the ESEA that would consist of two subparts: Subpart 1, the Technology Literacy Challenge Fund (TLCF), and Subpart 2, Regional Technology in Education Consortia (RTECs).

Proposed new section 3411 of the ESEA ("Purpose") would state that it is the purpose of the TLCF to increase the capacity of SEAs and LEAs to improve student achievement, particularly that of students in high-poverty, low-performing schools, by supporting State and local efforts to: (1) make effective use of new technologies and technology applications, networks, and electronic resources; (2) utilize research-based teaching practices that are linked to advanced technologies; and (3) promote sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of educational technology into instruction. These purposes would focus program efforts on activities that have been proven to improve teaching and learning.

Section 342. Allotment and Reallotment. Section 342 of the bill would amend section 3131(a)(2) of the ESEA, which pertains to the allotment and reallotment of TLCF funds. First, for purposes of section 3131 of the ESEA, "State educational agency" would be defined to include the Bureau of Indian Affairs (BIA). This change is necessary because the current definition is in section 3113 of the ESEA, which is proposed for repeal in section 3004 of the bill.

Next, section 342 of the bill would amend section 3131(a)(2) of the ESEA by modifying the minimum TLCF State grant amount in two ways. First, the minimum amount would be the lesser of one-half of one percent of the appropriations for TLCF for a fiscal year, or $2,250,000. Second, the new minimum amount would apply in the aggregate to the amount received by the Outlying Areas. Currently, this aggregate minimum amount for the Outlying Areas is accomplished through appropriations language each year.

Section 343. Technology Literacy Challenge Fund. Section 343 of the bill would amend current 3132(a)(2) of the ESEA to require an SEA to award not less than 95 percent of its allocation to eligible local applicants (from which up to 2 percent of its total allocation could be used for planning subgrants to LEAs that need assistance in developing local technology plans). An SEA could use the remainder of its allocation for administrative costs and technical assistance. This change is necessary because section 314 of the bill would repeal current 3115 of the ESEA, which limited the amount of any grant that could be used for administrative expenses.

Section 343 of the bill would also require an SEA to provide a priority for eligible local applicants that are partnerships. ("Eligible local applicant" is defined in proposed new section 3417 of the ESEA, as added by section 348 of the bill.)

Section 343(3) of the bill would amend 3132(b)(2) of the ESEA, which currently requires SEAs to provide technical assistance in developing applications for program funds to LEAs with high concentrations of poor children and a demonstrated need for such assistance. In addition to this requirement, the amended section 3132(b)(2) of the ESEA would also require that an SEA provide an eligible local applicant with assistance in forming partnerships to apply for program funds and developing performance indicators.

Section 344. State Application. Section 344 of the bill would completely revise the application requirements for the State formula grant program in section 3133 of the ESEA. As revised, section 3133 of the ESEA would require an SEA to: (1) provide a new or updated State technology plan that is aligned with the State plan or policies for comprehensive standards-based education reform; (2) describe how I will meet the national technology goals; (3) describe its long-term strategies for financing educational technology, including how it would use other Federal and non-Federal funds, including E-Rate funds; (4) describe and explain its criteria for identifying an LEA as high-poverty and having a substantial need for technology; (5) describe its goals for using educational technology to improve student achievement; (6) establish performance indicators for each of its goals described in the plan, baseline performance data for the indicators, a timeline for achieving the goals, and interim measures of success toward achieving the goals; (7) describe how it would ensure that grants awarded under this subpart are of sufficient size, scope, and quality to meet the purposes of this subpart effectively; (8) describe how it would provide technical assistance to eligible local applicants and its capacity for providing that assistance; (9) how it would ensure that educational technology is accessible to, and usable by, all students, including students with special needs, such as students who have disabilities or limited English proficiency; and (10) how it would evaluate its activities under the plan. The application requirements would better align the information required from States with the purposes for the program.

Section 345. Local Uses of Funds. Section 345 of the bill would amend section 3134 of the ESEA, which describes the local uses of funds under the TLCF. These local uses of funds would be: adapting or expanding existing and new applications of technology; providing sustained and intensive, high-quality professional development in the integration of advanced technologies into curriculum; enabling teachers to use the Internet to communicate with other teachers and to retrieve web-based learning resources; using technology to collect, manage, and analyze data for school improvement; acquiring advanced technologies with classroom applications; acquiring wiring and access to advanced telecommunications; using web-based learning resources, including those that provide access to challenging courses such as Advanced Placement courses; and assisting schools to use technology to promote parent and family involvement, and support communications between family and school.

Section 346. Local Applications. Section 346 of the bill would amend section 3135 of the ESEA to make an "eligible local applicant," rather than an LEA, the entity eligible to apply for TLCF subgrants. This change is aligned with the proposed change to target program funds to LEAs with large numbers or percentages of poor children and a demonstrated need for technology, or a consortium that includes such an LEA. Eligible local applicants that are partnerships would also be required to describe the membership of the partnership, their respective roles, and their respective contributions to improving the capacity of the LEA.

In addition to making several updating and conforming changes, section 346 of the bill would also amend section 3135 of the ESEA regarding what must be included in the subgrant application. An applicant would be required to describe how the applicant would use its funds to improve student achievement by making effective use of new technologies, networks, and electronic learning resources, using research-based teaching practices that are linked to advanced technologies, and promoting sustained and intensive, high-quality professional development. This requirement would focus local efforts on activities that have demonstrated the greatest potential for improving teaching and learning.

In addition, an applicant would also be required to describe: its goals for educational technology, as well as timelines, benchmarks, and indicators of success for achieving the goals; its plan for ensuring that all teachers are prepared to use technology to create improved classroom learning environments; the administrative and technical support it would provide to schools; its plan for financing its local technology plan; how it would use technology to promote communication between teachers; how it would use technology to meet the needs of students with special needs, such as students with disabilities or limited English proficiency; how it will involve parents, public libraries, and business and community leaders in the development of the local technology plan; and if the applicant is a partnership, the members of the partnership and their respective roles and contributions.

Finally, an applicant would be required to provide an assurance that, before using any funds received under this subpart for acquiring wiring or advanced telecommunications, it would use all the resources available to it through the E-Rate. This would ensure that districts were using their E-Rate funds, which have more limited uses than TLCF funds, for wiring and telecommunications fees before using TLCF funds for those purposes.

Section 347. Repeals; Conforming Changes; Redesignations. Section 347 of the bill would repeal current sections 3136 and 3137 of the ESEA. Section 3136 of the ESEA currently authorizes the National Challenge Grants for Technology in Education, and its purposes would be accomplished under the Next-Generation Technology Innovation Awards program proposed as the new Subpart 1 of Part C of Title III of the ESEA. Section 3137 of the ESEA contains now outdated evaluation requirements. Section 347 of the bill would also make several conforming changes to, and redesignations of, provisions in Title III of the ESEA.

Section 348. Definitions; Authorization of Appropriations. Section 348 of the bill would add two new sections to Title III of the ESEA. Proposed new section 3417 of the ESEA ("Definitions") would define "eligible local applicant" and "low-performing school." The definitions would be included to better target funds on high-poverty schools with the greatest need for educational technology.

An "eligible local applicant" would be defined as: (1) an LEA with high numbers or percentages of children from households living in poverty, that includes one or more low-performing schools, and has a substantial need for educational technology; or (2) a partnership that includes at least one LEA that meets those requirements and at least one LEA that can demonstrate that teachers in schools served by that agency are using technology effectively in their classrooms; institution of higher education; for-profit organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology; or public or private non-profit organization with demonstrated experience in the application of educational technology.

A "low-performing school" would be defined as a school identified for school improvement under section 1116(c) of the ESEA, or in which a substantial majority of students fail to meet State performance standards.

Proposed new section 3418 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

Section 349. Regional Technology in Education Consortia. Section 349(a) of the bill would add a new subpart heading and designation, Subpart 2, Regional Technology In Education Consortia (RTECs), to Part B of Title III of the ESEA. This proposed new subpart is based on current section 3141 of the ESEA, as amended by this section of the bill.

Section 349(b) of the bill would amend section 3141 of the bill in several ways. First, section 349(b)(1) of the bill would amend section 3141(a) of the ESEA to authorize the Secretary to enter into contracts and cooperative agreements, in addition to the Secretary's current authority to award grants, to carry out the purposes of the proposed new subpart. In addition, the priority for various regional entities would be eliminated, although the Secretary would still be required to ensure, to the extent possible, that each geographic region of the United States is served by a project funded under this program.

Section 349(b)(1)(C) of the bill would add a new section 3141(a)(2)(B) of the ESEA that would require the RTECs to meet the generous provisions relating to technical assistance providers contained in proposed new section 2421 of the ESEA. Section 349(b) of the bill would also make several conforming changes and update the references in section 3141 of the ESEA, including updating provisions to reflect recent advances in technology.

Section 349(b)(2)(B)(ii) of the bill would amend section 3141(b)(2)(A) of the ESEA, which currently requires RTECs, to the extent possible, to develop and implement technology-specific, ongoing professional development. Section 349(b)(2)(B)(ii) of the bill would revise that requirement to require the consortia to develop and implement sustained and intensive, high-quality professional development that prepares educators to be effective developers, users, and evaluators of educational technology. As amended, this section of the ESEA also would require that the professional development is to be provided to teachers, administrators, school librarians, and other education personnel.

Section 349(b)(2)(B)(iv) of the bill would amend section 3141(b)(2)(F) of the ESEA, which currently requires the RTECs to assist colleges and universities to develop and implement preservice training programs for students enrolled in teacher education programs. As amended, this provision would require the RTECs to coordinate their activities in this area with other programs supported under Title III of the ESEA. This coordination is particularly important with respect to the Preparing Tomorrow's Teachers To Use Technology program (proposed new part C of Title III of the ESEA, as added by section 331 of the bill).

Section 349(b)(2)(B)(v)(I) of the bill would amend 3141(b)(2)(G) of the ESEA, which currently requires the RTECs to work with local districts and schools to develop support from parents and community members for educational technology programs. The amendments made by section 349(b)(2)(B)(v) of the bill would require the RTECs to work with districts and schools to increase the involvement and support of parents and community members for educational technology programs.

Section 349(b)(2)(C)(iv) of the bill would amend section 3141(b)(3) of the ESEA by eliminating the requirement that the RTECs coordinate their activities with organizations and institutions of higher education that represent the interests of the region served as such interests pertain to the application of technology in teaching, learning, and other activities.

Section 349(b)(2)(C)(vi) of the bill would amend section 3141(b)(3) of the ESEA by adding a new requirement that each RTEC maintain, or contribute to, a national repository of information on the effective uses of educational technology, including for professional development, and to disseminate the information nationwide.

Section 349(b)(2)(D) would revise section 3141(b)(4) of the ESEA, which requires the RTECs to coordinate their activities with appropriate entities. As revised, section 3141(b)(4) of the ESEA would require each consortium to: (1) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the Department; (2) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region regarding the application of technology to teaching, learning, instructional management, dissemination, the collection and distribution of educational statistics, and the transfer of student information; and (3) collaborate with the Department and recipients of funding under other technology programs of the Department, particularly the Technology Literacy Challenge Fund and the Next-Generation Technology Innovation Grant Program (as added by sections 343 and 341(d) of the bill, respectively), to assist the Department and those recipients as requested by the Secretary.

Finally, section 349(c) of the bill would redesignate section 3141 of the ESEA as section 3421 of the ESEA, and section 349(d) of the bill would amend Title III of the ESEA by inserting proposed new section 3422 of the ESEA ("Authorization of Appropriations"), which would authorize the appropriation of such sums as may be necessary for this subpart for fiscal years 2001 through 2005.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT

Section 401. Safe and Drug Free Schools and Communities. Section 401 of the bill would amend and restate Title IV of the ESEA, which authorizes assistance to States, LEAs, and other public entities and nonprofit organizations for programs to create and maintain drug-free, safe, and orderly schools, as described below.

Proposed new section 4001 ("Short Title") of the ESEA would rename Title IV of the ESEA as the "Safe and Drug-Free Schools and Communities Act" to update the short title of "Safe and Drug-Free Schools and Communities Act of 1994" in the current law.

Proposed new section 4002 ("Findings") of the ESEA would update the findings in section 4002 of the current law to focus on the need for program quality and accountability.

Proposed new section 4003 ("Purpose") of the ESEA would revise the statement of purpose in section 4003 of the current law to reflect the following overarching changes proposed in Title IV of the bill: (1) a more focused program emphasis on supporting activities for creating and maintaining drug-free, safe, and orderly environments for learning in and around schools, as compared to the more current, general emphasis on supporting activities to prevent youth from using drugs and engaging in violent behavior any time, anywhere; (2) improved targeting of resources, through the requirement that SEAs award funds competitively to LEAs with a demonstrated need for funds and the highest quality proposed programming, as compared to the current noncompetitive awarding of funds to all LEAS in the State, based on student enrollment; and (3) stronger coordination between programs funded by the Governors and the SEAs, by requiring that programs funded by the Governors directly complement and support LEA programs, and by requiring Governors and SEAs to reserve funds at the State level for joint capacity-building and technical assistance, and accountability services, to improve the effectiveness of, and institutionalize, State and local Safe and Drug-Free Schools and Communities (SDFSC) programs.

Proposed new section 4004 ("Authorization of Appropriations") of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out proposed new Title IV of the ESEA.

Part A—State grants for drug and violence prevention programs

Proposed new section 4111 ("Reservations and Allotments") of the ESEA would describe the way in which funds would be distributed under this title. Proposed new section 4111(a) would retain the requirements in the current law for the Secretary to reserve, from each fiscal year's appropriation for SDFSC (Safe and Drug-Free Schools and Communities) State grant funds, 1 percent for the Outlying Areas, 1 percent for programs for Indian youth, and 0.2 percent for programs for Native Hawaiians, and would increase the amount of SDFSC State Grant funds the Secretary may reserve each fiscal year for evaluation to $2 million (up from $1 million under the current law) to support more intensive evaluations that are needed to demonstrate program outcomes and effectiveness.

Proposed new section 4111(a)(2)(A)(i) of the ESEA would prohibit the Outlying Areas from consolidating their SDFSC funds with other Department of Education program funds, as would otherwise be permitted under Insular Areas Consolidated Grant Authority in Title V of P.L. 95–134. This language would ensure that the ESEA and Governor of each Outlying Area can coordinate their SDFSC programs as required elsewhere in this part. Without this prohibition, a Governor or SEA may choose to spend its SDFSC funds on other eligible program(s), making it impossible for the Governor and SEA to meet these SDFSC program coordination requirements. This section would, however, permit the Governor of an Outlying Area to consolidate its SDFSC funds with the Area's SDFSC SEA funds, and allow the Outlying Area to administer both SDFSC funding streams under the statutory requirements applicable to SDFSC SEA programs. This provision would address the reduced program flexibility and increased administrative burden the Outlying Areas may experience from the prohibition in proposed new section 4111(a)(2)(i) of the ESEA.

Proposed new section 4111(a)(2) would also: (1) explicitly make applicable to the Outlying Areas the same SDFSC requirements concerning authorized programs and activities, applications for funding, and coordination between the Governor and the SEA that are applicable to the States; (2) explicitly make applicable to the Secretary of the Interior the same SDFSC requirements concerning authorized programs and activities for SDFSC programs for Indian youth that are applicable to the States; and (3) authorize SDFSC programs for Native Hawaiians (which are currently authorized under section 4118 of the ESEA) and explicitly make applicable to these programs the same SDFSC requirements concerning authorized programs and activities that are applicable to the States. This section would also delete the language in section 4118 of the ESEA requiring the Governor of the State of Hawaii to recognize organizations eligible for funding under the SDFSC Native Hawaiian set-side, and add language requiring that programs funded under this set-aside by coordinated with the Hawaii SEA.

Proposed new section 4111(b) of the ESEA would retain the provisions in current law; (1) requiring the Secretary to allocate State grant funds half on the basis of school-aged population, and half on the basis of State shares of ESEA Title I funding for the preceding year; (2) that no State receive less than one-half of one percent of all State grant funding; (3) permitting the Secretary to redistribute to other States, on the basis of the formula in section 4111(b)(1), any amount of State grant funds the Secretary determines a State will be unable to use within two year of the initial award; and (4) defining "State" and "local educational agency."

Proposed new section 4112 ("State Applications") of the ESEA would set forth the State grant application procedure for this title. Proposed new section 4112(a) of the ESEA would change the current State grant application requirements to require that the Governor and SEA apply jointly for funds, to ensure increased coordination between the Governor and SEA, consistent with the new program requirements in proposed new sections 4113(b)(4) and 4115(b)(3) of the ESEA.

This jointly submitted application would contain: (1) a description of how SDFSC State grant funds will be coordinated with other Federal education and drug prevention programs; (2) a list of the State's outcome-based performance indicators for drug and violence prevention that are selected from a core set of indicators to be developed by the Secretary in consultation with State and local officials; and (3) a description of the procedures the State will use to inform its LEAs of the State's performance indicators under this program and for assessing and publicly reporting progress toward meeting those indicators (or revising them as needed), and how the procedures the State will use to select LEAs and other entities for SDFSC State grant funding will support the attainment of the State's results-based performance indicators. These changes would address the program that, under current law, many States have weak goals and objectives for their SDFSC programs that are entirely process-oriented and do not tie strategically to the State's needs in this area.

The proposed new State grant application would also contain a description of the procedures the SEA will use for reviewing applications and awarding funds to LEAs competitively, based on need and quality as required by proposed new section 4113(c)(2) of the ESEA, as well as a description of the procedures the SEA will use for reviewing applications and awarding funds to LEAs noncompetitively, based on need and quality as permitted by section 4113(c)(3) of the ESEA. These changes constitute a significant departure from current law, under which SEAs award funds to LEAs on the basis of student enrollment and on State-determined "greatest need" criteria.

Under proposed new section 4112(a) of the ESEA, the Governor must include in its SDFSC State grant applications a description of the procedures the Governor will use for reviewing applications and awarding funds to eligible applicants competitively, based on need and quality, as required by section 4115(c) of the ESEA. These changes would significantly strengthen the current law, which does not specify any criteria for how Governors must award their funds under this program.

States would also be required to include in their applications a description of how the SEA and Governor will use the funds reserved under proposed new sections 4113(b) and 4115(b) of the ESEA for coordinated capacity-building, technical assistance, and program accountability services and activities at the State and local levels, including how they will coordinate their activities with law enforcement, health, mental health, and education programs and officials at the State and local levels.

The proposed new State grant application would add a new requirement for States to describe in their applications how the SEA will provide technical assistance to LEAs not receiving SDFSC State grant funds to improve their programs, consistent with the requirement in proposed new section 4113(b)(4)(B)(ii) that, to the extent practicable SEAs and Governors use a portion of the funds they reserve for State-level activities to provide capacity building and technical assistance and accountability services to all LEAs in the State, including those that do not receive SDFSC State grant funds. Finally, this proposed new section would retain the assurances in current law that: (1) States develop their applications in consultation and coordination with appropriate State officials and representatives of parents, students, and community-based organizations; and (2) States will cooperate with, and assist the Secretary in conducting national impact evaluations of programs required by proposed new section 4117(a).

Proposed new section 4112(b) of the ESEA would retain the language in the current law under section 4112(d) requiring the Secretary to use a peer review process in reviewing SDFSC State grant applications.

Proposed new section ("State and Local Educational Agency Programs") of the ESEA would describe the SEA and LEA programs to be carried our under this part. Proposed new section 4113(a) of the ESEA would retain the requirement in current law that 80 percent of the funds allocated to each State under section 4111(b) of the ESEA be awarded to SEAs for use by the SEAs and LEAs, with minor changes in language conforming with the revised statement of purpose in proposed new section 4003 of the ESEA that the funds be used to carry out programs and activities that are designed to create and maintain drug-free, safe, and orderly learning environments for learning in and around schools.

Proposed new section 4113(b) of the ESEA would depart from the current statute by establishing a new authority requiring SEAs to reserve between 10 percent and 20 percent of their allocations under proposed new section 4113(a) for State-level activities. Under this new authority, SEAs may use the reserved funds to plan, develop, and implement, jointly with the Governor, capacity building and technical assistance and accountability services to support the effective implementation of local drug and violence prevention activities throughout the State and promote program accountability and improvement. Within this 20 percent cap, but in addition to the 10 percent minimum for State-level activities, SEAs may also use up to 5 percent of their funding (i.e., up to 25 percent of the amount they reserve for State-level activities) for program administration. This increased allowance for SEA State administrative costs is provided to accommodate the increased administrative responsibilities of running a State grant competition under proposed new section 4113(c) of the ESEA, and would provide greater assistance to LEAs for program improvement than under the current law.

Proposed new section 4113(b)(4)(A) of the ESEA would require SEAs and Governors to jointly use the amount reserved under sections 4113(b)(3) and 4114(b)(3) to plan, develop, and implement capacity building and technical assistance and accountability services designed to support the effective implementation of local drug and violence prevention activities throughout the State, as well as promote program accountability and prevention.

Proposed new section 4113(b)(4)(B)(i) of the ESEA would add new language to the statute clarifying that the SEA and Governor may carry out the services and activities required under proposed new section 4113(b)(4)(A) directly, or through subgrants or contracts with public and private organizations, as well as individuals.

Proposed new section 4113(b)(4)(B)(ii) of the ESEA would add new language to the statute requiring that, to the extent practicable, SEAs and Governors use funds under proposed new section 4113(b)(4)(A) to provide capacity building and technical assistance and accountability services and activities to all LEAs in the State, not just those that receive SDFSC State grants, in order to ensure that: (1) LEAs receiving SDFSC funds receive adequate help to implement and institutionalize high-quality programs; and (2) States can provide at least some program assistance to LEAs that will no longer receive SDFSC awards once funding is limited to 50 percent of LEAs in each State under the targeting provisions proposed in new section 4113(c)(2)(D) of the ESEA.

Proposed new section 4113(b)(4)(B)(iii) of the ESEA would permit he SEA and Governor to provide emergency intervention services to schools and communities following a traumatic crisis, such as a shooting or major accident that has disrupted the learning environment.

Proposed new section 4113(b)(4)(C) of the ESEA would add definitions of "capacity building" and "technical assistance and accountability services" to clarify the meaning of these terms in the statute.

Proposed new section 4113(c)(1) of the ESEA would specify that SEAs must use at least 80 percent of their funding for local-level activities, as described in proposed new sections 4113(c)(2) and (3), rather than awarding at least 91 percent of their funding to LEAs as is required under current law.

Proposed new section 4113(c)(2)(A) of the ESEA would require SEAs to use at least 70 percent of their total SDFSC State grant funding for competitive awards to LEAs that the SEA determines have need for assistance, rather than the current law approach of awarding at least 91 percent of their funding to LEAs in the State by formula, based on enrollment (70 percent) and "greatest need" (30 percent).

Proposed new section 4113(c)(2)(B) of the ESEA would make minor wording changes to the nine "need" factors in the current statute, and add three additional factors relating to local fiscal capacity to fund drug and violence prevention programs without Federal assistance; the incidence of drug paraphernalia in schools; and the high rates of drug-related emergencies or deaths.

Proposed new section 4113(c)(2)(C) of the ESEA would depart from the current statute to require SEAs to base their competition under proposed new section 4113(c)(2)(A) on the quality of an LEA's proposed program and how closely it is aligned with the following principles of effectiveness: (1) the LEA's program is based on a thorough assessment of objective data about the drug and violence problems in the schools and communities to be served; (2) the LEA has established a set of measurable goals and objectives aimed at ensuring that all schools served by the LEA have a drug-free, safe, and orderly learning environment, and has designed its program to meet those goals and objectives; (3) the LEA has designed and will implement its programs for youth based on research or evaluation that provides evidence that the program to be used will prevent or reduce drug use, violence, delinquency, or disruptive behavior among youth; and (4) the LEA will evaluate its program periodically to assess its progress toward achieving its goals and objectives, and will use evaluation results to refine, improve, and strengthen its program, and refine its goals and objectives, as needed.

Proposed new section 4113(c)(2)(D) of the ESEA would require SEAs to make competitive awards under proposed new section 4113(c)(2)(A) to no more than 50 percent of the LEAs in the State, unless the State demonstrates in its application that the SEA can make subgrants to more than 50 percent of the LEAs in the State and still comply with proposed new subparagraph (E) of this section.

Proposed new section 4113(c)(2)(E) of the ESEA would require SEAs to make their competitive awards to LEAs under proposed new section 4113(c)(2) of sufficient size to support high-quality, effective programs and activities that are designed to create safe, disciplined, and drug-free learning environments in schools and that are consistent with the needs, goals, and objectives identified in the State's plan under proposed new section 4112.

Proposed new section 4113(c)(3)(A) of the ESEA would depart from the current statute to permit SEAs to use up to 10 percent of their total SDFSC State grant funding for non-competitive awards to LEAs with the greatest need for assistance, as described in proposed new section 4113(c)(2)(B), that did not receive a competitive award under section 4113(c)(2)(A). LEAs would be eligible to receive only one subgrant under this paragraph.

Proposed new section 4113(c)(3)(B) of the ESEA would require, for accountability purposes, that in order for an SEA to make a non-competitive award to an LEA under proposed new section 4113(c)(3)(A), the SEA must assist the LEA in meeting the information requirements under proposed new section 4116(a) of the ESEA pertaining to LEA needs assessment, results-based performance measures, comprehensive safe and drug-free schools plan, evaluation plan, and assurances, and provide continuing technical assistance to the LEA to build its capacity to develop and implement high-quality, effective programs consistent with the principles of effectiveness in proposed new section 4113(c)(2)(C)(ii) of the ESEA.

Proposed new section 4113(d) of the ESEA would provide that LEA awards under section 4113(c) be for a project period not to exceed three years, and require that, in order to receive funds for the second or third year of a project, the LEA demonstrate to the satisfaction of the SEA that the LEA's project is making reasonable progress toward its performance indicators under proposed new section 4116(a)(3)(C) of the ESEA. This proposed new section would also make technical changes to the local allocation formula in current law.

Proposed new section 4114 ("Local Drug and Violence Prevention Programs") of the ESEA would describe the local drug and violence prevention services and activities that may be carried out under this title. Proposed new section 4114(a) of the ESEA would require that each LEA that receives SDFSC funding use those funds to support research-based drug and violence prevention services and activities that are consistent with the principles of effectiveness in proposed new section 4113(c)(2)(C)(ii) of the ESEA.

Proposed new section 4114(b) ("Other Authorized Activities") of the ESEA would permit an LEA that receives an SDFSC subgrant to use those funds for activities other than research-based programming, so long as the LEA meets the requirements in proposed new section 4114(a), and those additional activities are carried out in a manner that is consistent with the most recent relevant research and with the purposes of this title. Proposed new section 4114(b)(1) of the ESEA would also include an illustrative list of 13 such activities.

Proposed new section 4114(b)(2) of the ESEA would retain the 20 percent cap on SDFSC subgrant funds that LEAs may spend for the acquisition or use of metal detectors and security personnel, but would permit SEAs to waive this cap for an LEA that demonstrates, to the satisfaction of its SEA, in its application for funding under proposed new section 4116 of the ESEA, that it has a compelling need to do so.

Proposed new section 4115 ("Governor's Program") of the ESEA would establish the Governor's Program. Proposed new section 4115(a) would retain the requirement in the current law that 20 percent of the funds allocated to each State under proposed new section 4111(b) be awarded to the Governor, but require the Governor to use these funds to support community efforts that directly complement the efforts of LEAs to foster drug-free, safe, and orderly learning environments for learning in and around schools.

Proposed new section 4115(b) of the ESEA would establish a new authority requiring Governors to reserve between 10 percent and 20 percent of their allocations under proposed new section 4115(a) for State-level activities to plan, develop, and implement, jointly with the SEA, capacity building, technical assistance, and accountability services to support the effective implementation of local drug and violence prevention activities throughout the State and promote program accountability and improvement, as described in proposed new section 4113(b)(4) of the ESEA. Within this 20 percent cap, but in addition to the 10 percent minimum for State-level activities, the Governors could use up to 5 percent of their total funding (i.e., up to 25 percent of the amount they reserve for State-level activities) for direct or in direct administrative costs.

Proposed new section 4115(c) of the ESEA would specify that a Governor must use at least 80 percent of SDFSC State grant funding under proposed new section 4111(b) to make competitive subgrants to community-based organizations, LEAs, and other public entities and private non-profit organizations to support community efforts that directly complement the efforts of LEAs to foster drug-free, safe, and orderly learning environments in and around schools. Proposed new section 4115(c)(1)(B) of the ESEA would require that, to be eligible for a subgrant, an applicant (other than a LEA applying on its own behalf) must include in its application its written agreement with one or more LEAs, or one or more schools within an LEA, to provide services and activities in support of these LEAs or schools, as well as an explanation of how those services and activities will complement or support the LEAs' or schools' efforts to provide a drug-free, safe, and orderly school environment. Proposed new section 4115(c)(1)(C) of the ESEA would require a Governor to base the competition for these subgrants on: (1) the quality of the applicant's proposed program and how closely it is aligned with the principles of effectiveness described in section 4113(c)(2)(C)(ii); and (2) on objective criteria, determined by the Governor, on the needs of the schools for LEAs to be served.

Subgrants made by Governors under proposed new section 4115(c) of the ESEA may support community efforts on a Statewide, regional, or local basis and may support the efforts of LEAs and schools that do not receive subgrants. Recipients of these subgrants would use these funds generally to support research-based drug and violence prevention services and activities that are consistent with the principles of effectiveness, and may use subgrant funds for activities other than research-based programming, provided that these additional activities are carried out in a manner that is consistent with the most recent relevant research and with the purposes of this title. Proposed new section 4115(c)(2)(B) of the ESEA also includes an illustrative list of 5 such activities.

Proposed new section 4116 ("Local Applications") of the ESEA would: (1) retain language in the current statute, with minor technical changes, requiring applicants for subgrants from the SEA to submit an application to the SEA at such time, and include such other information, as the SEA may require; and (2) add a corresponding requirement not in the current statute, requiring applicants for subgrants from the Governor to submit an application to the Governor at such time, and includes such other information, as the Governor may require.

Proposed new section 4116(a)(2)(A) of the ESEA would retain the current law requirement that LEAs applying for SEA subgrants under proposed new section 4113(c)(2), 4113(c)(3), or 4115(c) of the ESEA develop their applications in consultation with a local or regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, public school personnel, mental health service providers, appropriate State agencies, private schools, law enforcement, community-based organizations, and other groups interested in, and knowledgeable about, drug and violence prevention. Proposed new section 4116(a)(2)(B) of the ESEA would add similar consultation requirements for the development of applications by entities other than LEAs seeking subgrants, under the Governor's program authorized by proposed new section 4115(c) of the ESEA.

Proposed new section 4116(a)(3) of the ESEA would: (1) make technical changes to strengthen the current LEA application requirements for the SEA formula grant program by increasing the emphasis on the applicant's need for assistance and the quality of its proposed programming; and (2) make these strengthened requirements applicable to LEAs seeking subgrants under the proposed new competitive subgrant authority in proposed new section 4113(c)(2) of the ESEA, or the non-competitive subgrant authority in proposed new section 4113(c)(3) of the ESEA, as well as to LEAs that apply to Governors under the subgrant authority in proposed new section 4115(c) of the ESEA.

Proposed new section 4116(a)(4) of the ESEA would add a requirement that each LEA (or consortium of LEAs, if applying jointly) that applies to its SEA under the competitive subgrant authority in proposed new section 4113(c)(2) of the ESEA, or the non-competitive subgrant authority in proposed new section 4113(c)(3) of the ESEA, include in its application assurances that it: (1) has a policy, consistent with State law, that requires the expulsion of students who posses a firearm at school consistent with the Gun-Free Schools Act; (2) has, or will have, a full- or part-time program coordination whose primary responsibility is planning, designing, implementing, and evaluating the applicant's programs (unless the applicant demonstrates in its application, to the satisfaction of the SEA, that such a program coordinator is not needed); (3) will evaluate its program every two years to assess its progress toward meeting its goals and objectives, and will use the results of its evaluation to improve its program and refine its goals and objectives, as needed; and (4) has, or the schools to be served have, a comprehensive Safe and Drug-Free Schools plan that includes: (a) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students, and that mandates predetermined consequences, sanctions, or interventions for specific offenses; (b) school security procedures at school and while students are on the way to and from school which may include the use of metal detectors and the development and implementation of formal agreements with law enforcement officials; (c) early intervention and prevention activities of demonstrated effectiveness designed to create and maintain safe, disciplined, and drug-free environments; (d) school readiness and family involvement activities; (e) improvements to classroom management and school environment, such as efforts to reduce class size or improve classroom discipline; (f) procedures to identify and intervene with troubled students, including establishing linkages with, and referring students to, juvenile justice, community mental heath, and other service providers; (g) activities that connect students to responsible adults in the community, including activities such as after-school or mentoring programs; and (h) a crisis management plan for responding to violent or traumatic incidents on school grounds which provides for addressing the needs of victims, and communicating with parents, the media, law enforcement officials, and mental health service providers.

Proposed new section 4116(a)(5) of the ESEA would add a requirement that any eligible entity that applies to the Governor for a subgrant under proposed new section 4115(c) include in its application: (1) a description of how the services and activities to be supported will be coordinated with relevant SDFSC State grant programs that are supported by SEAs, including how recipients will share resources, services, and data; (2) a description of how the applicant will coordinate its activities under this part with those implemented under the Drug-Free Communities Act, if any; and (3) an assurance that it will evaluate its program every two years to assess its progress toward meeting its goals and objectives, and will use the results of its evaluation to improve its program and refine its goals and objectives as needed (if the applicant is not an LEA), or the assurances under proposed new section 4116(a)(4) of the ESEA (if the applicant is an LEA.)

Proposed new section 4116(b) of the ESEA would modify the current requirement that Governors use a peer review process in reviewing local applications for SDFSC subgrants, by giving Governors the flexibility to use other methods to ensure that applications under proposed new section 4116 of the ESEA are funded on the basis of need and quality, while requiring SEA to use a peer review process.

Proposed new section 4117 ("National Evaluations and Data Collections") of the ESEA would authorize the Secretary to provide for national evaluations on the quality and impact of programs under this title, make minor technical changes to current law to give the Secretary increased flexibility in meeting the national evaluation and data collection requirements in this section, and add a new requirement for the Secretary and the Attorney General to publish an annual report on school safety.

Proposed new section 4117(b) of the ESEA would make minor technical changes to the current law to refocus the State reports required by this section on the State's progress toward attaining its performance indicators for achieving drug-free, safe, and orderly learning environments in its schools, consistent with the changes proposed throughout proposed new Part A of Title IV of the ESEA. This section would also add a new requirement for States to report, in such form as the Secretary, in consultation with the Secretary of Health and Human Services, may require, all school-related suicides and homicides within the State, whether at school or at a school sponsored function, or on the way to or from school or a school-sponsored function, within 30 days of the incident. This requirement will enable the Federal Government to collect longitudinal data on this statistic more cost-effectively, and will impose little administrative burden on the States.

Proposed new section 4117(c)(1)(A) of the ESEA would make minor technical changes to the current law to refocus the local reports required by this section on the LEA's progress toward attaining its performance indicators for achieving drug-free, safe, and orderly learning environments in its schools, consistent with the changes proposed for the corresponding State reports under proposed new section 4117(a) of the ESEA, would add a new requirement that the LEA include in this report a statement of any problems the LEA has encountered in implementing its program that warrant the provision of technical assistance by the SEA, to assist the SEA in planning its technical assistance activities. These changes would apply to LEAs that receive SDFSC subgrants through their SEA under proposed new sections 4113(c)(2) or 4113(c)(3).

Proposed new section 4117(c)(1)(B) of the ESEA would add a new requirement that SEAs review the annual LEA reports, and terminate funding for the second or third year of an LEA's program unless the SEA determines that the LEA is making reasonable progress toward meeting its objectives.

Proposed new section 4117(c)(2) of the ESEA would add new language to the ESEA requiring that Governors' award recipients under proposed new section 4115(c) of the ESEA submit an annual progress report to the Governor and to the public containing the same type of information required for LEA progress reports under proposed new section 4117(c)(1)(A) of the ESEA. The Governor would be required to review the annual progress reports, and to terminate funding for the second or third year of a subgrantee's program unless the Governor determines that the subgrantee is making reasonable progress toward meeting its objectives.

PART B—National programs

Proposed new section 4211 ("National Activities") of the ESEA would authorize national programs. Proposed new section 4211(a) of the ESEA would, with only minor changes, authorize the Secretary to use national programs funds for programs to promote drug-free, safe, and orderly learning environments for students at all educational levels, from preschool through the postsecondary level and for programs that promote lifelong physical activity. The Secretary would be authorized to carry out the national programs authorized under proposed new section 4211(a) directly, or through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies, and to coordinate with other Federal agencies as appropriate.

Proposed new section 4211(b)(2) of the ESEA would streamline the list of authorized national programs activities to the following examples: (1) one or more centers to provide training and technical assistance for teachers, school administrators and staff, and others on the identification and implementation of effective strategies to promote safe, orderly, and drug-free learning environments; (2) programs to train teachers in innovative techniques and strategies of effective drug and violence prevention; (3) research and demonstration projects to test innovative approaches to drug and violence prevention; (4) evaluations of the effectiveness of programs funded under this title, and of other programs designed to create safe, disciplined, and drug-free environments; (5) direct services and technical assistance to schools and schools systems, including those afflicted with especially severe drug and violence problems; (6) developing and disseminating drug and violence prevention materials and information in print, audiovisual, or electronic format, including information about effective research-based programs, policies, practices, strategies, and curriculum and other relevant materials to support drug and violence prevention education; (7) recruiting, hiring, and training program coordinators to assist school districts in implementing high-quality, effective, research-based drug and violence prevention programs; (8) the development and provision of education and training programs, curricula, instructional materials, and professional training for preventing and reducing the incidence of crimes or conflicts motivated by bullying, hate, prejudice, intolerance, or sexual harassment and abuse; (9) programs for youth who are out of the education mainstream, including school dropouts, students who have been suspended or expelled from their regular education program, and runaway or homeless children and youth; (10) programs implemented in conjunction with other Federal agencies that support LEAs and communities in developing and implementing comprehensive programs that create safe, disciplined, and drug-free learning environments and promote healthy childhood development; (11) services and activities that reduce the need for suspension and expulsion in maintaining classroom order and discipline; (12) services and activities to prevent and reduce truancy; (13) programs to provide counseling services to troubled youth, including support for the recruitment and hiring of counselors and the operation of telephone help lines; and (14) other activities that meet emerging or unmet national needs consistent with the purposes of this title.

Proposed new section 4211(c)(1) of the ESEA would authorize the Secretary to carry out programs for students that promote lifelong physical activity directly, or through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies, and to coordinate with the Centers for Disease Control and Prevention, the President's Council on Physical Fitness, and other Federal agencies as appropriate. Such programs could include: conducting demonstrations of school-based programs that promote lifelong physical activity, with a particular emphasis on physical education programs that are a part of a coordinated school health programs; training, technical assistance, and other activities to encourage States and LEAs to implement sound school-based programs that promote lifelong physical activity; and activities designed to build State capacity to provide leadership and strengthen schools' capabilities to provide school-based programs that promote lifelong physical activity.

Proposed new section 4211(d) of the ESEA would retain the requirement in the current statute that the Secretary use a peer review process in reviewing applications for funds under proposed new section 4211(a) of the ESEA.

Part C—School emergency response to violence

Proposed new section 4311 ("Project SERV") of the ESEA would authorize Project SERV, a program designed to provide education-related services to LEAs in which the learning environment has been disrupted due to a violent or traumatic crisis, such as a shooting or major accident. The Secretary would be authorized to carry out Project SERV directly, through contracts, grants, or cooperative agreements with public and private organizations, agencies, and individuals, or through agreements with other Federal agencies.

Under proposed new section 4311(b) of the ESEA, Project SERV would provide: (1) assistance to school personnel in assessing a crisis situation, including assessing the resources available to the LEA and community in response to the situation, and developing a response plan to coordinate services provided at the Federal, State, and local level; (2) mental health crisis counseling to students and their families, teachers, and others in need of such services; (3) increased school security; (4) training and technical assistance for SEAs and LEAs, State and local mental health agencies, State and local law enforcement agencies, and communities to enhance their capacity to develop and implement crisis intervention plans; (5) services and activities designed to identify and disseminate the best practices of school- and community-related plans for responding to crises; and (6) other needed services and activities that are consistent with the purposes of Project SERV.

Proposed new section 4311(b) of the ESEA would require the Secretary of Education, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency, to establish criteria and application requirements as may be needed to select which LEAs are assisted under Project SERV, and permit the Secretary to establish reporting requirements for uniform data and other information from all LEAs assisted under Project SERV.

Proposed new section 4311(c) of the ESEA would require the establishment of a Federal Coordinating Committee on school crises comprised of the Secretary (who shall serve as chair of the Committee), the Attorney General, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, the Director of the Office of National Drug Control Policy, and such other members as the Secretary shall determine. This committee would be charged with coordinating the Federal responses to crises that occur in schools or directly affect the learning environment in schools.

Part D—Related provisions

Proposed new section 4411 ("Gun-Free Schools Act") of the ESEA would authorize the Gun-Free Schools Act as proposed new Part D of Title IV of the ESEA because of its close relationship with the SDFSC program. The Gun-Free Schools Act is currently authorized under Part F of Title XIV of the ESEA.

Proposed new section 4411(b) of the ESEA would continue, with minor technical changes, the current requirement that each State receiving Federal funds under the ESEA have in effect a State law requiring LEAs to expel from school, for a period of not less than one year, a student who is determined to have possessed a firearm at school under the jurisdiction of the LEA in that State, and that such State law allow the chief administering officer of that LEA to modify the expulsion requirement for a student on a case-by-case basis. It would also define the term 'firearm' as that term is defined in section 921 of title 18, United States Code (which includes bombs).

Proposed new section 4411 of the ESEA would contain: (1) a special rule that the provisions of this section be construed in a manner consistent with the Individuals with Disabilities Education Act; (2) local reporting requirements requiring each LEA requesting assistance from the SEA under the ESEA to provide to the State in its application: (a) an assurance that such LEA is in compliance with the State law required by proposed new section 4411(b); (b) a description of the circumstances surrounding any expulsions imposed under the State law required by proposed new section 4411(b), including the name of the school concerned, the number of students expelled from such school (disaggregated by gender, race, ethnicity, and educational level); and (c) the type of weapons concerned; (3) the number of students referred to the criminal justice or juvenile justice system as required in section 4412(a)(1), and the instances in which the chief administering officer of an LEA modified the expulsion requirement described in section 4411(b)(1) on a case-by-case basis; and (4) a requirement that each State report the information described in proposed new section 4411(d) to the Secretary on an annual basis.

Proposed new section 4412 ("Local Policies") of the ESEA would restate, with minor technical changes, the current prohibition against ESEA funds being awarded to any LEA unless it has a policy ensuring referral to the criminal justice or juvenile delinquency system of any student who possesses a firearm at a school served by such agency. It would also add two new additional requirements that no funds may be made available under the ESEA to any LEA unless: (1) it has a policy ensuring that a student who possesses a firearm at school is referred to a mental health professional for assessment as to whether he or she poses an imminent threat of harm to himself, herself, or others and needs appropriate mental health services before readmission to school; and (2) it has a policy that a student who possesses a firearm at school who has been determined by a mental health professional to pose an imminent threat of harm to himself, herself, or others receive, in addition to appropriate services under section 11206(9) of the ESEA, appropriate mental health services before being permitted to return to school.

Proposed new section 4412(b) of the ESEA would restate the current Gun-Free Schools Act requirement that proposed new section 4412 be construed in a manner consistent with the Individuals with Disabilities Education Act, and proposed new section 4413(c) of the ESEA would restate the current definitions of the terms "firearm" and "school."

Proposed new section 4413 ("Materials") of the ESEA would restate the current requirement that drug prevention programs supported under Title IV of the ESEA convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

Proposed new section 4413(b) of the ESEA would continue, with minor changes, the current law provision that the Secretary shall not prescribe the use of particular curricula for programs under Title IV of the ESEA, but may evaluate and disseminate information about the effectiveness of such curricula and programs.

Proposed new section 4414 ("Prohibited Uses of Funds") of the ESEA would restate the current prohibition against the use of Title IV ESEA funds for: (1) construction (except for minor remodeling needed to accomplish the purposes of this part; and (2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who use alcohol, tobacco, or drugs.

Proposed new section 4415 ("Drug-Free, Alcohol-Free, and Tobacco-Free Schools") of the ESEA would add a new requirement that each SEA and LEA that receives Title IV, ESEA funds have a policy that prohibits possession or use of tobacco, and the illegal use of drugs or alcohol, in any form, at any time, and by any person, in school buildings, on school grounds, or at any school-sponsored event. Each LEA requesting assistance under the ESEA must include in its application for funding an assurance that it is in compliance with this new requirement, and each SEA would be required to report annually to the Secretary if any of its LEAs is not in compliance with this new requirement.

Proposed new section 4416 ("Prohibition on Supplanting") of the ESEA would require that funds under this title be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this title, be made available for programs and activities authorized under this title, and in no case to supplant such State, local, and other non-Federal funds.

Proposed new section 4417 ("Definitions of Terms") of the ESEA would restate the current law definitions for the terms "drug and violence prevention" and "hate crime," and definitions for the terms "drug treatment" and "drug rehabilitation" and "medical services."

TITLE V—PROMOTING EQUITY, EXCELLENCE, AND PUBLIC SCHOOL CHOICE

Among other things, proposed new Title V of the Educational Excellence for All Children Act of 1999 would: (1) improve the Magnet Schools Assistance program by adding emphasis on projects that consider the diversity of the student populations and that have the capacity to continue after the Federal grant has run out; (2) reauthorize the Women's Educational Equity program, currently in Part B of Title V of the ESEA, but move it to Part D of Title V of the ESEA; (3) repeal the Assistance to Address School Dropout Problems program, currently in Part C of Title V of the ESEA; (4) move Charter Schools, from Part C of Title X of the ESEA, to Part B of Title V of the ESEA; and (5) add a new initiative, "Options: Opportunities to Improve Our Nation's Schools", to be new Part C of that Title that would provide a flexible authority to support SEAs and LEAs in experimenting with different kinds of public elementary and secondary schools, such as worksite and college-based schools.

Section 501. Renaming the Title. Section 501 of the bill would change the name of Title V of the ESEA to "Promoting Equity, Excellence, and Public School Choice".

MAGNET SCHOOL ASSISTANCE

Section 502. Findings. Section 502 of the bill would amend Part A (Magnet School Assistance) of Title V of the ESEA. Section 502(a) of the bill would make editorial changes to, and update, section 5101 of the ESEA, the findings for the Magnet School Assistance Program.

Section 502(b) of the bill would amend section 5102(3) of the ESEA (Statement of Purpose) to clarify that the purpose of providing financial assistance to develop and design innovative educational methods and practices is to promote diversity and increase choices in public elementary and secondary schools and educational programs.

Section 502(c) of the bill would amend section 5106(b)(1)(D) of the ESEA (Information and Assurances), a part of the application requirements, to eliminate reference to the Goals 2000: Educate America Act and to make an editorial change.

Section 502(d) of the bill would amend section 5107 of the ESEA (Priority) to eliminate the current priorities for greatest need and new, or significantly revised, projects. These priorities are not well defined and have not helped to determine which grant applications are most deserving. Section 502(d) would also add a new priority for projects that propose activities, which may include professional development, that will build local capacity to operate the magnet program once Federal assistance has ended.

Section 502(e) of the bill would amend section 5108(a) of the ESEA (Uses of Funds) to: (1) revise paragraph (3) to allow for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State, and instructional staff who have expertise and professional skills necessary for the conduct of programs in magnet schools or who demonstrate knowledge, experience, or skills in the relevant field of expertise; and (2) allow grantees to use funds for activities, including professional development, that will build the applicant's capacity to operate the magnet program once Federal assistance has ended.

Section 502(f) of the bill would repeal section 5111 of the ESEA (Innovative Programs). Activities are subsumed under the new Public School Choice program.

Section 502(g) of the bill would redesignate current section 5112 of the ESEA (Evaluation, Technical Assistance, and Dissemination) as section 5111, and incorporate its requirements into proposed new section ("Evaluation, Technical Assistance, and Dissemination") that would authorize the Secretary to reserve not more than five percent (rather than two percent) of appropriated funds in any fiscal year to evaluate magnet schools programs, as well as provide technical assistance to applicants and grantees and collect and disseminate information on successful magnet school programs. Section 502(g) of the bill would also require each evaluation, in addition to current items, to address the extent to which magnet school programs continue once grant assistance under this part ends.

Section 502(h) of the bill would amend section 5113(a) of the ESEA (Authorization) to authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to be appropriated to carry out the part. Section 501(h) of the bill would also redesignate section 5113 as section 5112.

WOMEN'S EDUCATIONAL EQUITY

Section 503. Amendments to the Women's Educational Equity Program. Section 503(a)(1)(A) of the bill would amend section 5201(a) of the ESEA (Short Title) to update and change the short title from the "Women's Educational Equity Act of 1994" to the "Women's Educational Equity Act."

Section 503(a)(1)(B) of the bill would amend section 5201(b) of the ESEA (Findings) to make it clear, in paragraph (3)(B), that classroom textbooks and other educational materials continue not to reflect sufficiently the experiences, achievements, or concerns of women and girls. Little progress has been made in this area since 1994. Section 5201(b) of the ESEA would also be amended by slightly editing paragraph (3)(C) and adding a recent finding to that paragraph that girls are dramatically underrepresented in higher-level computer science courses.

Section 503(a)(2)(A) of the bill would amend section 5204 of the ESEA (Applications) to change several internal section references to conform section numbers to the part redesignation and to clarify that the application requirements in which these references appeal apply only to implementation grants. Section 503(a)(2)(B) of the bill would amend section 5204(b)(2) of the ESEA to change a reference to "the National Education Goals" to "America's Education Goals." Section 503(a)(2)(C) of the bill would eliminate section 5204(4) of the ESEA, which requires an application description of how program funds would be used in a consistent manner with the School-to-Work Opportunities Act of 1994. The School-to-Work Opportunities Act sunsets in 2001, and this reference will be obsolete. Paragraphs (5) through (7) in the section would be redesignated.

Section 503(a)(3) of the bill would conform a section reference to a later redesignation.

Section 503(a)(4) of the bill would repeal section 5206 of the ESEA (Report). The report required by this section will be submitted soon, satisfying the requirement and making it obsolete.

Section 503(a)(5) of the bill would amend section 5207 of the ESEA (Administration) by eliminating subsection (a), requiring the Secretary to conduct an evaluation of materials and programs developed under the program and to submit a report to Congress by January 1, 1998. Congress did not provide funding for the mandated evaluation, and the report was not done.

Section 503(a)(6) of the bill would amend section 5208 of the ESEA to authorize appropriations of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out this part. Because the appropriation for the Women's Educational Equity program has been small in recent years, using two thirds of this appropriation for local implementation grants (rather than national research and development grants) has not been the most effective and development grants) has not been the most effective use of program resources.

Section 503(b) of the bill would redesignate Part B of Title V of the ESEA as Part D of the Title and redesignate sections 5201, 5202, 5203, 5204, 0505, 5207, and 5208 of the ESEA as sections 5401, 5402, 5403, 5404, 5405, 5406, and 5407, respectively.

ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

Section 504. Repeal of the Assistance to Address School Dropout Problems Program. Section 504 of the bill would repeal the "Assistance to Address School Dropout Problems" program in Part C of Title V of the ESEA.

PUBLIC CHARTER SCHOOLS

Section 505. Redesignation of the Public Charter Schools Program. Section 505 of the bill would redesignate the Public Charter Schools Program, which is currently Part C of Title X of the ESEA, as Part B of Title V of the ESEA. Section 505 would also make necessary conforming changes to carry out the redesignation.

OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

Section 506. Options: Opportunities to Improve Our Nation's Schools. Section 506 of the bill would amend Title V of the ESEA to add a proposed new Part C ("Options: Opportunities to Improve Our Nation's Schools") that would authorize a flexible, competitive grant program to help SEAs and LEAs provide innovative, high-quality public public school choice programs.

Proposed new section 5301 of the ESEA would set forth the findings of the proposed new part and state that its purpose is to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and dissemination of information about, public school choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

Proposed new section 5302(a) of the ESEA would authorize the Secretary, from funds appropriated under section 5305(a) and not reserved under section 5305(b), to make grants to SEAs and LEAs to support programs that promote innovative approaches to high-quality public school choice. Proposed new section 5302(b) of the ESEA would prohibit grants under this part from exceeding three years.

Proposed new section 5303(a) of the ESEA would authorize funds under the part to be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to broaden public school choice. Examples of such approaches at the school, district, and State levels would be: (1) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools; (2) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions; (3) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit; (4) worksite satellite schools, in which SEAs or LEAs form partnerships with public or private employers, to create public schools at parents' places of employment; and (5) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

Proposed new section 5303(b) of the ESEA would require that funds under this part: (1) supplement, and not supplant, non-federal funds expended for existing programs; (2) not be used for transportation; and (3) not be used to fund projects that are specifically authorized under Part A or B of the title.

Proposed new section 5304(a) of the ESEA would require a SEA or LEA desiring to receive a grant under this part to submit an application to the Secretary, in such form and containing such information, as the Secretary may require. Each application would be required to include a description of the program for which funds are sought and the goals for such program, a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-federal projects, and, if the program includes partners, the name of each partner and a description of its responsibilities. Also, each application would be required to include a description of the policies and procedures the applicant will use to ensure its accountability for results, including its goals and performance indicators, and that the program is open and accessible to, and will promote high-academic standards for, all students. This will help ensure broad access to high-quality schools, while allowing, for example, public-private partnerships to create public worksite schools that allow children of employees at the worksite to attend such a school. The Secretary would be required to give a priority to applications for projects that would serve high-poverty LEAs, and would be authorized to give a priority to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

Proposed new section 5305(a) of the ESEA would authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out the part. Proposed new section 5305(b) of the ESEA would, from amounts appropriated for any fiscal year, authorize the Secretary to reserve not more than five percent to carry out evaluations, provide technical assistance, and disseminate information. Proposed new section 5305(c) of the ESEA would authorize the Secretary to use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part. Those evaluations would, at a minimum, address: (1) how and the extent to which the programs supported with funds under the part promote educational equity and excellence; and (2) the extent to which public schools of choice supported with funds under the part are held accountable to the public, effective in improving public education, and open and accessible to all students.

TITLE VI—CLASS-SIZE REDUCTION

Section 601, class-size [ESEA, Title VI]. section 601 of the bill would replace Title VI of the ESEA with a multi-year extension of the 1-year initiative, enacted in the Department's appropriations Act for fiscal year 1999, to help States and LEAs improve educational outcomes through reducing class sizes in the early grades, as follows:

ESEA, §6001, findings. Section 6001 of the ESEA would set out 8 findings in support of the new Title VI.

ESEA, §6002, purpose. Section 6002 of the ESEA would provide that the purpose of Title VI is to help States and LEAs recruit, train, and hire 100,000 additional teachers, in order to: (1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per regular classroom; and (2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

ESEA, §6003, authorization of appropriations. Section 6003 of the ESEA would authorize the appropriations of such sums as may be necessary to carry out Title VI for fiscal years 2001 through 2005.

ESEA, §6004, allocations to States. Section 6004(a) of the ESEA would direct the Secretary to reserve a total of not more than 1 percent of each year's appropriation for Title VI to make payments, on the basis of their respective needs, to the several outlying areas and to the Secretary of the Interior for activities in schools operated or supported by the Bureau of Indian Affairs (BIA).

After reserving funds for the outlying areas and the BIA, section 6004(b) would direct the Secretary to allocate the remaining amount among the States on the basis of their respective shares under Part A of Title I of the ESEA or under Title II of the ESEA, whichever was greater, for the previous fiscal year. Because these allocations would exceed the amount available, they would then be proportionately reduced. If a State chooses not to participate in the program, or fails to submit an approvable application, the Secretary would reallocate that State's allocation to the remaining States.

ESEA, §6005, applications. Section 6005(a) of the ESEA would require the SEA of each State desiring to receive a Title VI grant to submit an application to the Secretary.

Subsection (b) would require each application to include: (1) the State's goals for using program funds to reduce average class sizes in regular classrooms in grades 1 through 3; (2) a description of the SEA's plan for allocating program funds within the State; (3) a description of how the State will use other funds, including other Federal funds, to reduce class sizes and improve teacher quality and reading achievement within the State; and (4) an assurance that the SEA will submit such reports and information as the Secretary may reasonably require.

Subsection (c) would direct the Secretary to approve a State's application if it meets the requirements of subsections (a) and (b) and holds reasonable promise of achieving the program's purposes.

ESEA, §6006, within-State allocations. Section 6006(a) of the ESEA would permit participating States to reserve up to one percent of each year's Title I allocation for the cost of administering the program, and direct them to distribute all remaining funds to LEAs. A State would distribute 80 percent of its allocation on the basis of the relative number of children from low-income families in LEAs, and the remaining 20 percent on the basis of school-age children enrolled in public and private nonprofit schools in LEAs.

Subsection (b) would provide for the reallocation of an LEA's award to other LEAs if it chooses not to participate or fails to submit an approvable application.

ESEA, §6007, local applications. Section 6007 of the ESEA would require each LEA that wishes to receive Title VI funds to submit an application to its SEA that describes its program to reduce class size by hiring qualified teachers.

ESEA, §6008, uses of funds. Section 6008(a) of the ESEA would permit each participating LEA to use up to 3 percent of its subgrant for the costs of administering its Title VI program.

Subsection (b) would permit each LEA to use up to a total of 15 percent of each year's Title VI funds to: (1) assess new teachers for their competency in content knowledge and teaching skills; (2) assist new teachers to take any tests required to meet State certification requirements; and (3) provide professional development to teachers.

Subsection (c) would require each LEA to use the rest of its Title IV funds to recruit, hire, and train certified teachers for the purpose of reducing class size in grades 1 through 3 to 18 children.

Subsection (d) would prohibit an LEA from using its Title VI funds to increase the salary of, or to provide benefits to, a teacher who it already employs (or has employed).

Subsection (e) would permit an LEA that has already reduced class size in grades 1 through 3 to 18 or fewer children to use its Title VI funds to make further class-size reductions in grades 1 through 3, reduce class sizes in other grades, or for activities, including professional development, to improve teacher quality.

Subsection (f) would permit and LEA whose subgrant is too small to pay the starting salary for a new teacher to use its subgrant funds to form a consortium with one or more other LEAs for the purpose of reducing class size; to help pay the salary of a full-time or part-time teacher hired to reduce class size; or, if the subgrant is less than $10,000, for professional development.

ESEA, §6009, cost-sharing requirement. Section 6009(a) of the ESEA would allow program funds to pay the full cost of local programs under the Act in LEAs with child-poverty rates greater than 50 percent. The maximum Federal share for LEAs with child-poverty rates below 50 percent would be 65 percent.

Subsection (b) would require an LEA to provide the non-Federal shares of a project through cash expenditures from non-Federal sources. However, an LEA operating one or more schoolwide programs under section 1114 of the ESEA could use funds under Part A of Title I of that Act to pay the non-Federal share of activities under this program that benefit those schoolwide programs, so long as the LEA meets the Title I requirement to ensure that services provided with State and local funds in Title I schools are at least comparable to services provided with State and local funds in non-Title I schools. This option would not, however, be available with respect to schools operating schoolwide programs through a waiver of the normal eligibility rules governing schoolwide programs (current section 1114(a)(1)(B), which the bill would re-enact as section 1114(a)(2)).

ESEA, §6010, nonsupplanting. Section 6010 of the ESEA would require each participating LEA to use its Title VI funds to increase the overall amount of its expenditures for the combination of: (1) teachers in regular classrooms in schools receiving assistance; (2) assessing new teachers and assisting them to take tests required for State certification; and (3) professional development for teachers.

ESEA, §6011, annual State reports. Section 6011 of the ESEA would require each participating state to submit an annual report to the Secretary on its activities under Title VI.

ESEA, §6012, participation of private school teachers. Section 6012 of the ESEA would require each LEA to provide for the equitable participation of teachers from private schools in professional development activities it carriers out with program funds.

ESEA, §6013, definition. Section 6013 of the ESEA would define "State", for the purpose of Title VI, as meaning each of the 50 States, the District of Columbia, and Puerto Rico. The outlaying areas, which would otherwise be treated as States under the definition in current §14101(27) (to be redesignated as §11101(27)), would be funded through the special reservation in section 6004(a), rather than through the formula allocations to States in section 6004(b).

TITLE VII—BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND LANGUAGE ACQUISITION PROGRAMS

Title VII of the bill would revise Title VII (Bilingual Education, Language Enhancement, and Language Acquisition Programs) of the ESEA to enhance and make more effective the accountability provisions for those receiving grants under Subpart 1 of the title and improve the professional development programs under Subpart 2 of Title VII by eliminating overlap among the different authorized activities and targeting activities on specific areas where assistance is most needed. Other program improvements are also proposed.

BILINGUAL EDUCATION

Section 701. Findings, Policy, and Purpose. Section 701 of the bill would amend sections 7102(a) (Findings) and (b) (Policy) of the ESEA to incorporate recent research findings and to add the policy that limited English proficient students be tested in English after three consecutive years in United States' schools. This requirement is consistent with the school accountability requirements associated with limited English proficient students in section 1111(b)(2)(F)(v) of Title I of the ESEA. Section 701 of the bill would also amend section 7102(c) (Purpose) of the ESEA to add helping to ensure that limited English proficient students master English as a stated purpose and to make minor editorial changes.

Section 702. Authorization of Appropriations for Part A. Section 702 of the bill would amend section 7103(a) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out programs under Part A of the Title from fiscal year 2001 through 2005.

Section 703. Program Development and Enhancement Grants. In order to simplify and improve administration of instructional services grants, section 703 of the bill would amend section 7113 of the ESEA (Enhancement Grants) to consolidate the activities of the Program Development and Implementation Grants program (currently in section 7112 of the ESEA and repealed in section 730 of the bill) and the Enhancement Grants program into a new three-year grant program, "Program Development and Enhancement Grants."

Section 703(3) of the bill would require grants to be used to: (1) develop and implement comprehensive, preschool, elementary, or secondary education programs for children and youth with limited English proficiency, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services; (2) provide high-quality professional development; and (3) require annual assessment of student progress in learning English. Section 703(3) of the bill would also amend current language on allowable activities to emphasize effective instructional practice and the use of technology in the classroom.

Section 703(4) of the bill would authorize the Secretary to give priority to applicants that enroll fewer than 10,000 students and that have limited or no experience in serving limited English proficient students.

Section 704. Comprehensive School Grants. Section 704 of the bill would amend section 7114 of the ESEA that authorizes five-year Comprehensive School Grants for school-wide instructional programs. Section 704(1) of the bill would revise the purpose of the program. The purpose would be to implement school-wide education programs, in coordination with Title I of the ESEA, for children and youth with limited English proficiency to assist such children and youth to learn English and achieve to challenging State content and performance standards, and to improve, reform, and upgrade relevant programs and operations in schools with significant concentrations of such students or that serve significant numbers of such students.

Section 704(2) of the bill would amend section 7114(b)(2) of the ESEA to replace the termination provisions with a clearer system of accountability requiring the Secretary, before making a continuation award for the fourth year of a program under this section, to determine if the program is making continuous and substantial progress in assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards. The Secretary would base such determination on the indicators established and data and information collected under the annual evaluations under section 7118 (as redesignated) and such other data and information as the Secretary may require. If the Secretary determines that a recipient requesting a fourth-year continuation award under this section is not making continuous and substantial progress, the recipient would be required to promptly develop and submit to the Secretary a program improvement plan for its program. The Secretary would be required to approve a program improvement plan only if he or she determines that it held reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 704(3) of the bill would establish required activities. The required activities would, among other things, include the annual assessment of student progress in learning English. Section 704(3) of the bill would also amend current language on allowable activities to, among other things, emphasize effective instructional practice and the use of technology in the classroom.

Section 704(4) of the bill would limit the period during which grant funds may be used for planning to 90 days and limit the number of schools that may be included in the grant to two. These changes would ensure more effective use of Federal assistance.

Section 705. Systemwide Improvement Grants. Section 705 of the bill would amend section 7115 (Systemwide Improvement Grants) of the ESEA that authorizes five-year grants for projects within an entire school district. Section 705(1) of the bill would amend section 7115(a) of the ESEA to make editorial and conforming changes to that subsection.

Section 705(2) of the bill would amend section 7115(b)(2) of the ESEA to replace the termination provisions with a clearer system of accountability requiring the Secretary, before making a continuation award for the fourth year of a program under this section, to determine if the program is making continuous and substantial progress in assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards. The Secretary would base such determination on the indicators established and data and information collected under the annual evaluations under section 7118 (as redesignated), and such other data and information as the Secretary may require. If the Secretary determines that a recipient requesting a fourth-year continuation award under this section is not making continuous and substantial progress, the recipient would be required to promptly develop and submit to the Secretary a program improvement plan for its program. The Secretary would be required to approve a program improvement plan only if he or she determines that it held reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 705(3) of the bill would establish required activities, including building school district capacity to continue to operate similar instructional programs once Federal funding is no longer available, aligning programs for limited English proficient students with school, district, and State reform efforts and coordinating with other relevant programs (such as Title I), and annually assessing student progress in learning English. The required activities would help ensure that projects effectively promote educational reform for limited English proficient students. Section 705(3) of the bill would also amend current language on allowable activities to, among other things, emphasize effective instructional practice, developing student proficiency in two languages, and the use of technology in the classroom.

Section 706. Applications for Awards under Subpart 1. Section 706 of the bill would amend section 7116 of the ESEA (Applications) to make changes designed to increase program accountability.

Section 706(1) of the bill would amend section 7116(b) of the ESEA (State Review and Comments) to clarify that SEAs must not only review Subpart 1 applications, but also transmit that review in writing to the Department.

Section 706(2) of the bill would amend section 7116(f) of the ESEA (Required Documentation) to require documentation that the leadership of each participating school had been involved in the development and planning of the program in the school.

Section 706(3) of the bill would amend section 7116(g) of the ESEA (Contents) to reorganize paragraph (A) and to add to the list of data to be included in the application, data on: (1) current achievement data of the limited English proficient students to be served by the program (and in comparison to their English proficient peers) in reading or language arts (in English and in the native language if applicable) and in math; (2) reclassification rates for limited English proficient students in the district; (3) the previous schooling experiences of participating students; and (4) the professional development needs of the instructional personnel who will provide services for limited English proficient students, including the need for certified teachers; and (5) how the grant would supplement the basic services provided to limited English proficient students. Many school districts already collect such data and its collection would help ensure that data submitted with the application could be used to establish a baseline against which instructional progress could be measured.

Section 706(3) of the bill would also make editorial changes to section 7116(g)(1)(B) of the ESEA and require, in section 7116(g)(1)(E) of the ESEA, an assurance that the applicant will employ teachers in the proposed program who individually, or in combination, are proficient in the native language of the majority of students they teach, if instruction in the program is also in the native language.

Section 706(4) of the bill would amend section 7116(i) of the ESEA (Priorities and Special Rules) to add two new priorities for applicants that experience a dramatic increase in the number of limited English proficient students enrolled and demonstrate that they have a proven record of success in helping children and youth with limited English proficiency learn English and achieve to high academic standards and make editorial revisions.

Section 707. Evaluations under Subpart 1. Section 707(1) of the bill would amend current section 7123(a) of the ESEA (Evaluation) to require that grantees conduct an annual, rather than biennial, evaluation. This change would enhance the Department's ability to hold projects accountable for teaching English to limited English proficient students and to determine the extent to which these students are achieving to State standards.

Section 707(2) of the bill would revise the list of evaluation components, in section 7123(c) of the ESEA, to require a recipient to: (1) use the data provided in the application as baseline data against which to report academic achievement and gains in English proficiency for students in the program; (2) report on the validity and reliability of all instruments used to measure student progress; and (3) enable results to be disaggregated by such relevant factors as a student's grade, gender, and language group and whether the student has a disability. Evaluations would be required to include: (1) data on the project's progress in achieving its objectives; (2) data showing the extent to which all students served by the program are achieving to the State's student performance standards; (3) program implementation indicators that address each of the program's objectives and components, including the extent to which professional development activities have resulted in improved classroom practices and improved student achievement; (4) a description of how the activities funded under the grant are coordinated and integrated with the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and (5) such other information as the Secretary may require. This revision is necessary to ensure that grantees submit data needed to make a determination on whether the project should be continued at the end of the third year or at the end of the fourth year, and also provide the Department with data needed to assess grantee progress towards meeting goals established for the Bilingual Education program under the Government Performance and Results Act (GPRA).

Section 707(3) of the bill would add a new subsection (d) (Performance Measures) that would require the Secretary to establish performance indicators to determine if programs under sections 7113 and 7114 (as redesignated) are making continuous and substantial progress, and allow the Secretary to establish such indicators to determine if programs under section 7112 (as redesignated) are making continuous and substantial progress, toward assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards.

Section 708. Research. Section 708 of the bill would amend current section 7231 of the ESEA (Research) to support the use of the research authority to gather data needed to assess the Department's progress in meeting goals established for the Bilingual Education program under GPRA.

Section 708(1) of the bill would amend sections 7132 (a) (Administration) and (b) (Requirements) of the ESEA to eliminate the requirement that research be conducted through the Office of Educational Research and Improvement in collaboration with the Office of Bilingual Education and Minority Languages Affairs and also to provide a list of allowable research activities (including data collection needed for compliance with GPRA and identifying technology-based approaches that show effectiveness in helping limited English proficient students reach challenging State standards).

Section 708(3) of the bill would make conforming changes to sections 7321 (c)(1) and (2) of the ESEA and eliminate the authorization for grantees under Subparts 1 and 2 to submit research applications at the same time as their applications under Subparts 1 and 2. The current provision unnecessarily complicates the conduct of these grant competitions. Section 708(4) of the bill would eliminate section 7132(e) (Data Collection) since data collection is an activity authorized in subsection (a).

Section 709. Academic Excellence Awards. Section 709 of the bill would replace current section 7133 of the ESEA (Academic Excellence) that authorizes grants, contracts, and cooperative agreements to promote the adoption of promising instructional and professional development programs, with a State discretionary grant program. Under the new program, the Secretary would be authorized to make grants to SEAs to assist them in recognizing LEAs and other public and non-profit entities whose programs have demonstrated significant progress in assisting limited English proficient students to learn English and to meet the same challenging State content standards expected of all children and youth, within three years. The expanded State role proposed in these amendments is designed to encourage and reward exceptional programs and help disseminate information on effective instructional practices for serving limited English proficient students.

Section 710. State Grant Program. Section 710 of the bill would amend subsection (c) (Uses of Funds) of section 7134 (State Grant Program) of the ESEA to require State to use funds under the section to: (1) assist LEAs with program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students that are aligned with State reform efforts; and (2) collect data on limited English proficient populations in the State and the educational programs and services available to such populations. This amendment is designed to improve the quality of data collected by LEAs relating to services for limited English proficient students.

Section 711. National Clearinghouse on the Education of Children and Youth with Limited English Proficiency. Section 711 would amend section 7135 of the ESEA (National Clearinghouse for Bilingual Education) to rename the Clearinghouse the "National Clearinghouse for the Education of Children and Youth with Limited English Proficiency", and to eliminate ambiguous and burdensome requirements that the Clearinghouse be administered as an adjunct to the Educational Resources Information Center Clearinghouse system, develop a data base management and monitoring system, and develop, maintain, and disseminate a listing of bilingual education professionals.

Section 712. Instructional Materials Development. Section 712 of the bill would amend section 7136 of the ESEA (Instructional Materials) to expand the current authorization for grants to develop, publish, and disseminate instructional materials. The current authorization is limited to Native American, Native Hawaiian, Native Pacific Islanders, and other languages of outlying areas. The amendment would add other low-incidence languages in the United States for which instructional materials are not readily available. The kinds of materials that may be developed would also be expanded to include materials on State content standards and assessments for dissemination to parents of limited English proficient students. The proposed amendment recognizes that instructional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become more involved in the education of their children.

Section 712 of the bill would also require the Secretary to give priority to applications for developing instructional materials in languages indigenous to the United States or to the outlying territories and for developing and evaluating instructional materials that reflect challenging State and local content standards, in collaboration with activities assisted under Subpart 1 and section 7124.

Section 713. Purpose of Subpart 3. Section 713 of the bill would amend section 7141 (Purpose) of Subpart 3 (Professional Development) of Part A of the title to eliminate a reference to dissemination of information. This activity is not directly related to professional development.

Section 714. Training for all Teachers Program. Section 714 of the bill would amend section 7142 of the ESEA (Training for all Teachers Program) to limit grants to ongoing professional development. This change would provide greater focus to the activity since the current statute covers both inservice and preservice professional development. The Secretary would be authorized to award grants to LEAs or to one or more LEAs in consortium with one or more institutions of higher education, SEAs, or nonprofit organizations. This change would help ensure that the professional development supported by the grant directly addresses the staffing needs of one or more LEAs.

Section 7142 of the ESEA would be further amended to reduce the grant period from 5 to 3 years, thus allowing the program to assist a greater number of communities. Also, funded professional development activities would be required to be of high-quality and long-term in nature, thus no longer could they be simply a few weekend seminars. The list of allowable activities would be expanded to, among other things, include induction programs, clarifying that grantees may use grants to cover the costs of coaching by teachers experienced in serving limited English proficient students for teachers who are preparing to serve these students, and support for teacher use of education technologies. The proposed amendments reflect current research findings on effective professional development practices.

Section 715. Bilingual Education Teachers and Personnel Grants. Section 715 of the bill would amend section 7143 of the ESEA (Bilingual Education Teachers and Personnel Grants) to limit grants to institutions of higher education for preservice professional development. This change would provide greater focus to the activity since the current statute covers both inservice and preservice professional development.

Also, section 715(3) of the bill would add a new subsection (d) to section requiring that funds be used to put in place a course of study that prepares teachers to serve limited English proficient students, integrate course content relating to meeting the needs of limited English proficient students into all programs for prospective teachers, assign tenured faculty to train teachers to serve limited English proficient students, incorporate State content and performance standards into the institution's coursework, and expand clinical experiences for participants. The new subsection would also authorized grantees to use funds for such activities as supporting partnerships with LEAs, restructuring higher education course content, assisting other institutions of higher education to improve the quality of relevant professional development programs and expanding recruitment efforts for students who will participate in relevant professional development programs.

The proposed amendments recognize that all prospective teachers should have a basic understanding of effective methods for serving limited English proficient students. Because of the rapid growth in this population, all teachers can expect to have limited English proficient students in their classrooms at some point in their teaching career. These amendments also recognize the importance of creating a closer link between schools of education that produce new teachers and the schools that hire them.

Section 716. Bilingual Education Career Ladder Program. Section 716 of the bill would amend section 7144 of the ESEA (Bilingual Education Career Ladder Program) to authorize grants to a consortia of one or more institutions of higher education and one or more institutions of higher education and one or more SEAs or LEAs to develop and implement bilingual education career ladder programs. A bilingual education career ladder program would be a program designed to provide high-quality, pre-baccalaureate coursework and teacher training to educational personnel who do not have a baccalaureate degree and that would lead to timely receipt of a baccalaureate degree and certification or licensure of program participants as bilingual education teachers or other educational personnel who serve limited English proficient students. Recipients of grants would be required to coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment and retention of bilingual students in postsecondary programs to train them to become bilingual educators, and make use of all existing sources of student financial aid before using grant funds to pay tuition and stipends for participating students.

Also, section 716(4) of the bill would amend section 7144(d) of the ESEA (Special Considerations) to eliminate the current special considerations and require the Secretary, instead, to give special consideration to applications that provide training in English as a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts.

Section 717. Graduate Fellowships in Bilingual Education Program. Section 717 of the bill would amend section 7145(a) of the ESEA (Authorization) in the Graduate Fellowships in Bilingual Education Program, to eliminate the authorization for fellowships at the post-doctoral level and the requirement that the Secretary make a specific number of fellowship awards in any given year. Masters and doctoral level fellows are more likely to provide a direct benefit to classroom instruction than fellows at the post-doctoral level.

Section 718. Applications for Awards under Subpart 3. Section 718 of the bill would amend section 7146 of the ESEA (Application) to clarify that the State educational agency must review and submit written comments on all applications for professional development grants, with the exception of those for fellowships, to the Secretary.

Section 719. Evaluations under Subpart 3. Section 719 of the bill would amend section 7149 of the ESEA (Program Evaluations) to require an annual evaluation and to clarify evaluation requirements. The purpose of these proposed amendments is to increase project accountability and ensure that the Department receives data from grantees that is required to address performance goals established under the GPRA.

Section 720. Transition. Section 720 of the bill would amend section 7161 of the ESEA (Transition) to provide that a recipient of a grant under subpart 1 of Part A of this title that is in its third or fourth year of the grant on the day preceding the date of enactment of the Educational Excellence for All Children Act of 1999 shall be eligible to receive continuation funding under the terms and conditions of the original grant.

EMERGENCY IMMIGRANT EDUCATION PROGRAM

Section 721. Findings of the emergency Immigrant Education Program. Section 721 of the bill would amend section 7301 (Findings and Purpose) of Part C (Emergency Immigrant Education Program) of Title VII of the ESEA to add an additional finding to better justify the program.

Section 722. State Administrative Costs. Section 722 of the bill would amend section 7302 of the ESEA (State Administrative Costs) to authorize States to use up to 2 percent of their grant for administrative costs if they distribute funds to LEAs within the State on a competitive basis. The current provision caps State administrative costs at 1.5 percent, which is insufficient to cover the costs of holding a State discretionary grant competition.

Section 723. Competitive State Grants to Local Educational Agencies. Section 723 of the bill would amend section 7304(e)(1) of the ESEA to eliminate the $50 million appropriations trigger on, and the 20 percent cap for, allowing States each year to reserve funds from their program allotments and award grants, on a competitive basis, to LEAs with the State. This change reflects current budget policy and practice of allowing State recipients the opportunity to allow LEAs to compete for funds.

Section 724. Authorization of Appropriations for Part C. Section 724 of the bill you amend section 7309 of the ESEA (Authorizations of Appropriations) to authorize the appropriation of such sums as may be necessary for each of fiscal years 2001 through 2005 to carry out Part C of Title VII.

GENERAL PROVISIONS

Section 725. Definitions. Section 725 of the bill would amend section 7501 (Definitions; Regulations) of Part E (General provisions) of Title VII of the ESEA to add a definition of "reclassification rate," a term used in the proposed amendments to the Applications and Evaluations sections of Subpart 1 of Part A of Title VII of the ESEA. The term would mean the annual percentage of limited English proficient students who have met the State criteria for no longer being considered limited English proficient. Also, the current definition of "Special Alternative Instructional Program", would be eliminated.

Section 726. Regulations, Parental Notification, and Use of Paraprofessionals. Section 726 of the bill would amend section 7502 (Regulations and Notification) of Part E to add requirements for projects funded under subpart 1 of Part A of the title relating to parental notification and the use of instructional staff who are not certified in the field in which they teach. Section 726(1) of the bill would amend the section heading to read: "REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS".

Section 726(2) of the bill would amend section 7502(b) (Parental Notification) of the ESEA by making conforming amendments in paragraphs (1)(A) and (C) of the subsection and amending paragraph (2)(A) of the subsection to change the paragraph heading to "Option to Withdraw" and to require a recipient of funds under Subpart 1 of Part A to provide a written notice to parents of children who will participate in the programs under that subpart, in a form and language understandable to the parents, that informs them that they may withdraw their child from the program at any time.

Section 726(3) of the bill would add a new subsection (c) to require that, on the date of enactment of the Educational Excellence for All Children Act of 1999, all new staff hired to provide academic instruction in programs supported under Part A, Subpart 1, will be in accordance with the requirements of section 1119(c) of the ESEA, relating to the employment of paraprofessionals. These amendments are designed to lead to an improvement of the professional skills of instructional staff providing services to limited English proficient students.

REPEALS, REDESIGNATIONS, AND CONFORMING AMENDMENTS

Section 727. Terminology. Section 727 of the bill would amend subparts 1 and 2 of Part A and section 7501(6) of the ESEA to conform references to bilingual education and special alternative instruction programs to instructional programs for children and youth with limited English proficiency.

Section 728. Repeals. Section 730 of the bill would repeal current sections 7112, 7117, 7119, 7120, 7121, 7147 and Part B of Title VII of the ESEA.

Section 7112 would no longer be needed since the authorized activity would be consolidated with the activity authorized by Section 7113.

Section 7117 (Intensified Instruction), 7119 (Subgrants), 7120 (Priority on Funding), and 7121 (Coordination) of the ESEA would be repealed since these sections repeat language appearing elsewhere in the statute or cover situations that are unlikely to occur.

Section 7147 (Program Requirements) of the ESEA would be repealed because it requires that all professional development grants assist educational personnel in meeting State and local certification requirements. This requirement is not relevant to all of the authorized professional development activities.

Part B of Title VII of the ESEA would be moved to new Part I of Title X of the ESEA.

Section 729. Redesignations and Conforming Amendments. Section 731 of the bill would provide for the redesignation of various sections of the ESEA and for conforming references to those sections and to other sections of the ESEA that have been changed.

TITLE VIII—IMPACT AID

Title VIII of the bill would amend Title VIII of the ESEA, which authorizes the Impact Aid program.

Section 801, purpose [ESEA, §8001]. Section 801 of the bill would amend section 8001 of the ESEA to provide that the purpose of the Impact Aid program is to provide assistance to certain LEAs that are financially burdened as a result of activities of the Federal Government carried out in their jurisdictions, in order to help those LEAs provide educational services to their children, including federally connected children, so that they can meet challenging State standards. This will provide a succinct statement of the program's purpose, as is typical of other programs, in place of the statement in the current statute, which is overly long and which refers to certain categories of eligibility that other provisions of the bill would repeal.

Section 802, payments relating to Federal acquisition of real property [ESEA, §8002]. Section 802 of the bill would amend section 8002 of the ESEA, which authorizes the Secretary to partially compensate certain LEAs for revenue lost due to the presence of non-taxable Federal property, such as a military base or a national park, in their jurisdictions. The amendments made by section 8002 would better target funds on the LEAs most burdened by the presence of Federal property, so that appropriations for section 8002, which are not warranted under current law, may be justified in the future.

Section 802(a)(1) of the bill would delete unneeded language in section 8002(a) of the ESEA that refers to the fiscal years for which payments under section 8002 are authorized. That issue is fully covered by the authorization of appropriations in section 8014 of the ESEA.

Section 802(a)(2) would delete an alternative eligibility criterion (current section 8002(a)(1)(C)(ii)), which was enacted to benefit a single LEA, and would add a requirement that the Federal property claimed as the basis of eligibility have a current aggregate assessed value (as determined under section 8002(b)(3)) that is at least 10 percent of the total assessed value of all real property in the LEA. (The current statutory requirement that Federal property constituted 10 percent of the total assessed value when the Federal Government acquired it would be retained.) The new provision will ensure that payments under section 8002 are made only to LEAs in which the presence of Federal property continues to have a significant effect on the local tax base.

Section 802(b) would repeal subsections (d) through (g) and (i) through (k) of section 8002. Each of these provisions was enacted for the benefit of a single LEA (or a limited number of LEAs) and describes a situation in which the burden, if any, from Federal property is not sufficient to warrant compensation from Federal taxpayers. The presence of these provisions reduces the amount of funds available to LEAs that legitimately request funds under this authority.

Section 802(c) would replace the soon-to-be obsolete "hold harmless" language in section 8002(h) of the ESEA with language providing for a three-year phase-out of payments to LEAs that received section 8002 payments for FY 1999, but that would no longer be eligible because of the new requirement, discussed above, that Federal property constitute at least ten percent of the current assessed value of all real property in the LEA. This phase-out will provide a fair and reasonable period for these LEAs to adjust to the loss of their eligibility, while making more funds available to those LEAs whose local tax bases continue to be affected by the presence of Federal property.

Section 802(d) would make minor conforming amendments to section 8002(b)(1).

Section 803, payments for eligible federally connected children [ESEA, §8003]. Section 803(a)(1) of the bill would amend the list of categories of children who may be counted for purposes of basic support payments under section 8003(a), by deleting the various categories of so-called "(b)" children, whose attendance at LEA schools imposes a much lower burden that does not warrant Federal compensation. As amended, these payments would be made on behalf of approximately 300,000 "(a)" students throughout the Nation, i.e.: (1) children of Federal employees who both live and work on Federal property; (2) children of military personnel (and other members of the uniformed services) living on Federal property; (3) children living on Indian lands; and (4) children of foreign military officers living on Federal property.

Section 803(a)(2) would conform the statement of weighted student units in section 8003(a)(2) to reflect the elimination of "(b)" students from eligibility.

Section 803(a)(3) would delete section 8003(a) (3) and (4), each of which relates to categories of children whose eligibility would be ended under paragraph (1)

Section 803(b)(1)(B) would delete the requirement that an LEA have at least 400 eligible students (or that those students constitute at least three percent of its average daily attendance) in order to receive a payment. Thus, any LEA with "(a)" children would qualify for a basic support payment.

Section 803(b)(1)(D) would amend section 8003(b)(1)(C) (which would be redesignated as subparagraph (B)) to delete two of the four options for determining an LEA's local contribution rate (LCR), which is used to compute its maximum payment, and to add a third method to the remaining two. These changes would make payments more closely reflect the actual local cost of educating students because each of the three options, unlike the two options that would be deleted, would include a measure of the amount or proportion of funds that are provided at the local level.

Section 803(b)(1)(E) would add a new subparagraph (C) to section 8003(b)(1) to provide that, generally, local contribution rates would be determined using data from the third preceding fiscal year. This is the most recent fiscal year for which satisfactory data on average per-pupil expenditures are usually available.

Section 803(b)(2)(B) would amend section 8003(b)(2)(B), which describes how the Secretary computes each LEA's "learning opportunity threshold" (LOT), a factor used in determining actual payment amounts when sufficient funds are not available, as is the norm, to pay the maximum statutory amounts. Under current law, an LEA's LOT is a percentage, which may not exceed 100, computed by adding the percentage of its students who are federally connected and the percentage that its maximum payment is of its total current expenditures. Under the amendments, an LEA's LOT would be 50 percent plus one-half of the percentage of its students who are federally connected. The proposed LOT would consistently favor LEAs with high concentrations of federally connected students, which face a disproportionately high burden as a result of Federal activities, unlike the current statute, which allows an LEA to reach a LOT of 100 percent even though the federally connected students constitute considerably less than 100 percent of its total student body. The revised LOT would also remove the current incentive for LEAs to reduce their local tax effort in order to earn a higher LOT.

Section 803(b)(2)(B)(i) would delete section 8003(b)(2)(B)(ii), which would no longer be needed in light of the changes to the LOT calculation described above. This section would also delete section 8003(b)(2)(B)(iii), which inappropriately benefits a single LEA by providing a different method of calculating its LOT that is not available to any other LEA.

Section 803(b)(2)(C) would amend section 8003(b)(2)(C) to clarify that payments are proportionately increased from the amounts determined under the LOT provisions (but not to exceed the statutory maximums) when available funds are sufficient to make payments above the LOT-based amounts.

Section 803(b)(3) would delete section 8003(b)(3), which provides an unwarranted benefit to a particular State in which there is only one LEA by requiring the Secretary to treat each of the administrative districts of that LEA as if they were individual LEAs. As with other LEAs (many of which have more students than the State in question and that also have internal administrative districts), this LEA's eligibility for a payment, and the amount of any payment, should be determined with regard to the entire LEA, not its administrative units.

Section 803(c) would make a technical amendment to section 8003(c) of the ESEA, which generally requires the use of data from the immediately preceding fiscal year in making determinations under section 8003, to reflect the addition of section 8003(b)(1)(C), which provides for the use of data from the third preceding fiscal year in determining LEA local contribution rates.

Section 803(d) would amend section 8003(d) of the ESEA, which authorizes additional payments to LEAs on behalf of children with disabilities, to conform to the deletion of "(b)" children from eligibility for basic support payments, and to reflect the fact that some of these children may be eligible for early intervention services, rather than a free appropriate public education, under the Individuals with Disabilities Education Act.

Section 803(e) would delete the "hold-harmless" provisions relating to basic support payments in section 8003(e) of the ESEA. By guaranteeing that certain LEAs continue to receive a high percentage of the amounts they received in prior years, without regard to current circumstances, these provisions inappropriately divert a substantial amount of funds from LEAs that have a greater need, based on the statutory criteria.

Section 803(f) of the bill would amend section 8003(f) of the ESEA, which authorizes additional payments to LEAs that are heavily impacted by the presence of federally connected children in their schools. In general, the amendments to this provision are designed to ensure that eligibility for these additional payments is restricted to those relatively few LEAs for whom it is warranted, and that the amounts of those payments accurately reflect the financial burden caused by a large Federal presence in those LEAs.

Under section 8003(f)(2), an LEA would have to meet each of three criteria to qualify for a payment. First, federally connected children (i.e., "(a)" children) would have to constitute at least 40 percent of the LEA's enrollment and the LEA would have to have a tax rate for general-fund purposes that is at least 100 percent of the average tax rate of comparable LEAs in the State. Any LEA whose boundaries are the same as those of a military installation would also qualify. Second, the LEA would have to be exercising due diligence to obtain financial assistance from the State and from other sources. Third, the State would have to make State aid available to the LEA on at least as favorable a basis as it does to other LEAs.

Section 8003(f)(3) would replace the highly complicated provisions of current law relating to the computation of payment amounts for heavily impacted LEAs, including its multiple formulas, with a single formula that, for each eligible LEA, would factor in per-pupil expenditures, the number of its federally connected children, the amount available to it from other sources for current expenditures, and the amount of basic support payments it receives under section 8003(b) and the amount of supplemental payments for children with disabilities it receives under section 8003(d).

Section 8003(f)(4) would direct the Secretary, in determining eligibility and payment amounts for heavily impact LEAs, to use data from the second preceding fiscal year, if those data are provided by the affected LEA (or the SEA) within 60 days of being requested by the Secretary to do so. If any of those data are not provided by that time, the Secretary would use data from the most recent fiscal year for which satisfactory data are available. This should provide ample time for LEAs (and States, as may be necessary for certain data) to provide that information so that the Secretary can make payments to LEAs, for whom these funds constitute a substantial portion of their budgets, on a timely basis.

Section 803(g) of the bill would delete section 8003(g) of the ESEA, which authorizes additional payments to LEAs with high concentrations of children with severe disabilities. (These payments are separate from the payments for children with disabilities under section 8003(d), which the bill would continue to authorize.) This complicated authority has never been funded.

Section 803(h) would amend section 8003(h) of the ESEA to prohibit an LEA from receiving a payment under section 8003 on behalf of federally connected children if Federal funds (other than Impact Aid funds) provide a substantial portion of their educational program. This provision, which would codify the Department's regulations (see 34 CFR 222.30(2)(ii)), recognizes that the responsibility for the costs of a child's basic education rests with an LEA and that, if the Federal Government is already paying a substantial portion of those costs through some other program, it should provide additional funds on behalf of that child through the Impact Aid program.

Section 803(i) of the bill would delete the requirement, in section 8003(i) of the ESEA, that LEAs maintain their fiscal efforts for education from year to year as a condition of receiving a payment under either section 8002 or section 8003. While appropriate in other Federal education programs that are meant to provide funds for supplemental services, or to benefit children with particular needs, a maintenance-of-effort requirement is not appropriate for the Impact Aid program, which is intended to help LEAs meet the local costs of providing a free public education to federally connected children.

Section 804, policies and procedures relating to children residing on Indian lands [ESEA, §8004]. Section 804(1) of the bill would change the heading of section 8004 of the ESEA to "Indian Community Participation", to reflect amendments the bill would make to this section.

Section 804(2) would retain the current requirements of section 8004(a) of the ESEA under which an LEA that claim children residing on Indian lands in its application for Impact Aid funds must ensure that the parents of Indian children and Indian tribes are afforded an opportunity to present their views and make recommendations on the unique educational needs of those children and how those children may realize the benefits of the LEA's educational programs and activities. Section 804(2) would also add language providing that an LEA that receives an Indian Education Program grant under Subpart 1 of Part A of Title IX shall meet the requirements described in the previous sentence through activities planned and carried out by the Indian parent committee established under the Indian Education program, and could choose to form such a committee for that purpose if it is not participating in the Title IX program. An LEA could meet its obligations under section 8004(a) by complying with the parental involvement provisions of Title I and must comply with those provisions for Indian children who it serves under Title I. Finally, an LEA could use any of its section 8003 funds (except for the supplemental funds provided on behalf of children with disabilities) for activities designed to increase tribal and parental involvement in the education of Indian children.

Section 804(3) would streamline the language in section 8004(b), relating to LEA retention of records to demonstrate its compliance with section 8004(a), without changing the substance of that provision.

Section 804(4) would delete subsection (c) of section 8004, which automatically waives the substantive requirement of subsection (a) and the record-keeping requirement of subsection (b) with respect to the children of any Indian tribe that provides the LEA a written statement that it is satisfied with the educational services the LEA is providing those children. The proposed amendments relating to community involvement are sufficiently important that all affected LEAs should comply with them and keep records to document their compliance. Removing this waiver provision would also be consistent with the prohibition on waiving any statutory or regulatory requirements relating to parental participation and involvement that applies to the Secretary's general authority to issue waivers across the entire range of ESEA programs. *See* §14401(c)(6) of the ESEA.

Section 805, applications for payments under sections 8002 and 8003 [ESEA, §8005]. Section 805 of the bill would amend section 8005 of the ESEA, relating to applications for payments under sections 8002 and 8003, by: (1) conforming a reference to the amended section 8004 in subsection (b)(2); (2) deleting a reference in subsection (d)(2) to section 8003(e), to reflect the proposed repeal of that "hold-harmless" provision; and (3) deleting subsection (d)(4), which provides an unwarranted benefit to a single State.

Section 806, payments for sudden and substantial increases in attendance of military dependents [ESEA, §8006]. Section 806 of the bill would repeal section 8006 of the ESEA, which authorizes payments to LEAs with sudden and substantial increases in attendance of military dependents. This authority has never been used and is not needed.

Section 807, construction [ESEA, §8007]. Section 807 of the bill would amend, in its entirety, section 8007 of the ESEA, which authorizes grants to certain categories of LEAs to support the construction or renovation of schools. As amended, section 8007(a) would authorize assistance only to an LEA that receives a basic support payment under section 8003 and in which children residing on Indian lands make up at least half of the average daily attendance (one of the current eligible categories). This limitation on eligibility would target limited construction funds on LEAs with substantial school-construction needs and severely limited ability to meet those needs.

Subsection (b) of section 8007 would require an interested LEA to submit an application to the Secretary, including an assessment of its school-construction needs.

Subsection (c) would provide that available funds would be allocated to qualifying LEAs in proportion to their respective numbers of children residing on Indian lands.

Subsection (d) would set the maximum Federal portion of the cost of an assisted project at 50 percent, and give an LEA three years after its proposal is approved to demonstrate that it can provide its share of the project's cost.

Subsection (e) would clarify that an LEA could use a grant under this section for the minimum initial equipment necessary for the operation of the new or renovated school, as well as for construction.

Section 808, facilities [ESEA, §8008]. Section 808 would make a conforming amendment to section 8008 of the ESEA, relating to certain school buildings that are owned by the Department but used by LEAs to serve dependents of military personnel, to reflect the revised authorization of appropriations in section 8014.

Section 809, State consideration of payments in providing State aid [ESEA, §8009]. Section 809 of the bill would amend section 8009 of the ESEA, which generally prohibits a State from taking an LEA's Impact Aid payments into account in determining the LEA's eligibility for State aid (or the amount of that aid) unless the Secretary certifies that the State has in effect a school-finance-equalization plan that meets certain criteria.

Section 809(2) would add, to section 8009(b)(1)'s statement of preconditions for State consideration of Impact Aid payments, a requirement that the average per-pupil expenditure (APPE) in the State be at least 80 percent of the APPE in the 50 States and the District of Columbia. This will help ensure that LEAs in States with comparatively low expenditures for education receive adequate funds before the State reduces State aid on account of Impact Aid payments.

Section 809 would also make technical and conforming amendments to section 8009.

Section 810, Federal administration [ESEA, §8010]. Section 810 of the bill would repeal subsection (c) of section 8010 of the ESEA. Subsection (c)(1) sets out a special rule that does not apply after fiscal year 1995. Subsections (c)(2) and (3) provide an unwarranted special benefit to a single LEA.

Section 811, administrative hearings and judicial review [ESEA, §8011]. Section 811 of the bill makes a technical amendment to section 8011(a) to streamline that provision.

Section 812, Forgiveness of overpayments [ESEA, §8012]. Section 812 of the bill makes a technical amendment to section 8012 to streamline that provision.

Section 813, definitions (ESEA, §8013]. Section 813(1) of the bill would conform the definition of "current expenditures" in section

8013(4) of the ESEA to conform to the proposed repeal of current Title VI and to a corresponding amendment to a similar definition of the term in current section 1410(11).

Section 813(2) would amend the definition of "Federal property"(an important basis of eligibility for Impact Aid payments) in section 8013(5) to delete references to certain property that would not normally be regraded as Federal property; these references were enacted for the special benefit of a small number of LEAs. This property does not merit payment under the Impact Aid program.

Section 813(3) through (7) would make technical and conforming amendments to other definitions in section 8013, and delete the definitions of "low-rent housing" and "revenue derived from local sources", which are respectively, no longer needed and an unwarranted special-interest provision.

Section 814, authorization of appropriations [ESEA, §8014]. Section 814 of the bill would amend section 8014 of the ESEA to authorize the appropriation of funds to carry out the various Impact Aid authorities through fiscal year 2005. New subsection (b) of section 8014 would provide that funds appropriated for school construction under section 8007 and for facilities maintenance under section 8008 would be available to the Secretary until expended. However, if appropriations acts, which normally contain provisions governing the applicability of the funds they appropriate, provide a different rule than the one in proposed section 8014(b), the appropriations acts would govern.

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Part A—Indian Education

Part A of Title IX of the bill would make various amendments to Part A of Title IX of the ESEA, which authorizes a program of formula grants to LEAs, as well as certain demonstration programs and related activities, to increase educational achievement of American Indian and Alaska Native students.

Section 901, findings and purpose [ESEA, §9101 and 9102]. Section 901 of the bill would amend the statements of findings and purpose in sections 9101 and 9102 of the ESEA by changing references to the "special educational and culturally related academic needs" of American Indian and Alaska Native students to refer instead to their "unique educational and culturally related academic needs."

Section 902, grants to local educational agencies [ESEA, §9112]. Section 902 of the bill would amend section 9112 of the ESEA, which authorizes formula grants to certain LEAs educating Indian children. Current section 9112(b) provides that when an eligible LEA does not establish the Indian parent committee required by the statute, an Indian tribe that represents at least half of the LEA's Indian students may apply for the LEA's grant and is to be treated by the Secretary as if it were an LEA. The amendment would codify the Department's interpretation that, in that situation, the tribe is not subject to the statutory requirements relating to the parent committee, maintenance of effort, or submission of its grant application to the State educational agency for review. These requirements would be inappropriate to apply to an Indian tribe, as they are, under section 9113(d), for schools operated or supported by the Bureau of Indian Affairs (BIA).

Section 903, amount of grants [ESEA, §9113]. Section 903(1) of the bill would make a technical amendment to section 9113(b)(2) of the ESEA, which allows consortia of eligible LEAs to apply for grants.

Section 903(2) would revise section 9113(d), relating to grants to schools operated or supported by the BIA, to clarify that those schools must submit an application to the Secretary and that they are generally to be treated as LEAs for the purpose of the formula grant program, except that they are not subject to the statutory requirements relating to parent committees, maintenance of effort, or submission of grant applications to the SEA for review. These requirements would be inappropriate to apply to these schools, as they would be for Indian tribes that receive grants (in place of an eligible LEA) under section 9112(b).

Section 904, applications [ESEA, §9114]. Section 904(1) of the bill would amend section 9114(b)(2)(A) of the ESEA, relating to the consistency of an LEA's comprehensive program to meet the needs of its Indian children with certain other plans, to remove a reference to the Goals 2000: Educate America Act (which would be consolidated into the new Title II of the ESEA) and to require that the LEA's plan be consistent with State and local plans under other provisions of the ESEA, not just plans under Title I.

Section 904(2) would amend section 9114(c) of the ESEA to require that the local assessment of the educational needs of its Indian students be comprehensive. This should help ensure that these assessments provide useful guidance to LEAs and parent committees in planning and carrying out projects.

Section 904(3)(A) would amend ambiguous language in section 9114(c)(4)(B) of the ESEA to clarify that a majority of each participating LEA's parent committee must be parents of Indian children.

Section 904(3)(B) would modify the standard for an LEA's use of funds under this program to support a schoolwide program under Title I of the ESEA, as is permitted by section 9115(c). Under the amendment, the parent committee would have to determine that using program funds in that manner would enhance, rather than simply not diminish, the availability of culturally related activities for American Indian and Alaskan Native students.

Section 905, authorized services and activities [ESEA, §9115]. Section 905(1) of the bill would make a conforming amendment to section 9115(b)(5) of the ESEA to reflect the renaming of the Perkins Act by P.L. 105–332.

Section 905(4) would add four activities to the examples of authorized activities in section 9115(b). These additions would encourage LEAs to address the needs of American Indian and Alaskan Native students in the areas of curriculum development, creating and implementing standards, improving student achievement, and gifted and talented education.

Section 906, student eligibility forms [ESEA, §9116]. Section 906(1) of the bill would make technical amendments to section 9116(f) of the ESEA.

Section 906(2) would amend section 9116(g) to permit tribal schools operating under grants or contracts from the BIA to use either their child counts that are certified by the BIA for purposes of receiving funds from the Bureau or to use a count of children for whom the school has eligibility forms (commonly referred to as "506 forms") that meet the requirements of section 9116. This choice would allow these schools to avoid the burden of two separate child counts.

Section 906(3) of the bill would add a new subsection (h) to section 9116 of the ESEA to allow each LEA to select either a particular date or period (up to 31 days) to count the number of children it will claim for purposes of receiving a grant.

Section 907, payments [ESEA, §9117]. Section 907 of the bill would delete obsolete language from section 9117 of the ESEA, relating to payment of grants to LEAs.

Section 908, State educational agency review [ESEA, §9118]. Section 908 of the bill would rewrite section 9118 of the ESEA, relating to the submission of applications to the Secretary and the review of those applications by SEAs, in its entirety. As revised, section 9118 would not contain current subsection (a), which requires LEAs to submit applications to the Secretary, since that duplicates the requirement in section 9114(a) of the ESEA, where it logically belongs. The revised section would also improve the clarity of the requirement that an LEA submit its application to the SEA for its possible review.

Section 909, improvement of educational opportunities for Indian children [ESEA, §9121]. Section 909 of the bill would amend section 9121 of the ESEA, which authorizes support for a variety of projects, selected on a competitive basis, to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities for Indian children. In particular, the bill would amend section 9121(d)(2), relating to project applications, to: (1) clarify that certain application requirements do not apply in the case of applicants for dissemination grants under subsection (d)(1)(D); and (2) require applications for planning, pilot, and demonstration projects to include information demonstrating that the program is either a research-based program or that it is a research-based program that has been modified to be culturally appropriate for the students who will be served, as well as a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over.

Section 910, professional development [ESEA, §9122]. Section 910 of the bill would amend section 9122 of the ESEA, which authorizes training of Indian individuals in profession in which they can serve Indian peoples. Section 910(1) of the bill would repeal section; 9122(e)(2) of the Act, which affords a performance to projects that train Indian individuals. This provision, which was carried over from a related program authorized before the 1994 amendments, has no practical effect, since the only projects that have been eligible since 1994 are those that train Indians.

Section 910(2) would amend section 9122(h)(1), which requires individuals who receive training under section 9122 to perform related work that benefits Indian people or repay the assistance they received, so that it would continue to apply to preservice training, but would not apply to in-service training. Individuals receiving in-service training are already serving Indian people, and that training is relatively inexpensive to the taxpayers, is generally of short duration, and frequently does not involve an established per-person cost of participating, such as the substantial tuition and fees that are charged by colleges for preservice degree courses and programs.

Section 910(3) of the bill would add to section 9122 a new authority for grants to consortia to provide in-service training to teachers in LEAs with substantial numbers of Indian children in their schools, so that these teachers can better meet the needs of Indian children in their classrooms. An eligible consortium would consist of a tribal college and an institution of higher education that awards a degree in education, or either or both of those entities along with one or more tribal schools, tribal educational agencies, or LEAs serving Indian children. This new authority will help ensure that classroom teachers are aware of, and responsive to, the unique needs of the Indian children they teach.

Section 911, repeal of authorities [ESEA, §§9123, 9124, 9125, and 9131]. Section 911 of the bill would repeal various sections of Part A of Title IX of the ESEA that have not been recently funded and for which the Administration is not requesting funds for fiscal year 2000. The goals of these provisions (fellowships for Indian students, gifted and talented education, tribal administrative planning and development, and adult education) are more effectively addressed through other programs. Because Subpart 3 of Part A would be repealed, section 911 would also redesignate the remaining subparts.

Section 912, Federal administration [ESEA, §§9152 and 9153]. Section 912 of the bill would make technical amendments to sections 9152 and 9153 of the ESEA, to reflect the proposed repeal of Subpart 3 and the redesignation of the remaining subparts.

Section 913, authorization of appropriations [ESEA, §9162]. Section 913 of the bill would amend section 9162 of the ESEA to authorize appropriations for the Indian education program under Part A of Title IX of the ESEA through fiscal year 2005.

Part B—Native Hawaiian Education Act

Sec. 921. Native Hawaiian Education. Section 901 of the bill would amend Part B of title IX of the ESEA in order to replace a series of categorical programs serving Native Hawaiian children and adults with a single, more flexible authority to accomplish those purposes. In addition to technical and conforming changes, section 901 of the bill would repeal sections 9204 through 9210 of the ESEA. In place of the repealed sections, section 901 of the bill would insert a new section 9204 of the ESEA that would permit all of the types of activities currently carried out under the program to continue. However, it would give the Department more flexibility in operating the program in a manner that meets the educational needs of Native Hawaiian children and adults.

Proposed new section 9204 ("Program Authorized") of the ESEA would authorize the new Native Hawaiian Education program. Proposed new section 9204(a) would authorize the Secretary to award grants or enter into contracts with, Native Hawaiian educational organizations, Native Hawaiian community-based organizations, public and private nonprofit organizations, agencies, or institutions that have experience in developing Native Hawaiian programs of instruction in the Native Hawaiian language, and consortia of these organizations, agencies, or institutions to carry out Native Hawaiian Education programs.

Permissible Native Hawaiian Education programs under Part B of Title IX of the ESEA would include: (1) the operation of one or more councils to coordinate the provisions of education and related services and programs available to Native Hawaiians; (2) the operation of family-based education centers; (3) activities to enable Native Hawaiians to enter and complete programs of postsecondary education; (4) activities that address the special needs of gifted and talented Native Hawaiian students; (5) activities to meet the special needs of Native Hawaiian students with disabilities; (6) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture; (7) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services; and (8) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

Proposed new section 9204(b) of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out Part B of Title IX of the ESEA.

Part C—Alaska Native Education

Sec. 931. Alaska Native Education. Section 902 of the bill would amend Part C of title IX of the ESEA in order to replace a series of categorical programs serving Alaska Natives with a single, more flexible authorization to accomplish those purposes. In addition to technical and conforming changes, section 902 of the bill would repeal sections 9304 through 9306 of the ESEA. In place of the repealed sections, section 902 of the bill would insert a new section 9304 of the ESEA that would permit all of the types of activities currently carried out under the program to continue. However, it would give the Department more flexibility in operating the program in a manner that meets the educational needs of Alaska Native children and adults.

Proposed new section 9304 ("Program Authorized") of the ESEA would authorize the new Alaska Native Education program. Proposed new section 9304(a) would authorize the Secretary to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and to consortia of these organizations and entities to carry out programs that meet the purposes of this part.

The activities that would be carried out under this section include: (1) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives; (2) development of curricula and educational programs to address the educational needs of Alaska Native students; (3) professional development activities for educators; (4) the development and operation of home instruction programs for Alaska Native preschool children; (5) the development and operation of student enrichment programs in science and mathematics; (6) research and data-collection activities to determine the educational status and needs of Alaska Native children and adults; and (7) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

Proposed new section 9304(b) of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out Part C of Title IX of the ESEA.

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

Section 1001. Fund for the Improvement of Education. Section 1001 of the bill would amend Part A of Title X of the ESEA, which authorizes funds to support nationally significant programs and projects to improve the quality of elementary and secondary education, to assist students to meet challenging State content standards and challenging State performance standards, and to contribute to the achievement of America's Education Goals.

Section 1001(1)(A) of the bill would amend section 10101(a) of the ESEA to emphasize that the Fund for the Improvement of Education (FIE) is a program focused on improving elementary and secondary education.

Section 1001(1)(B) of the bill would amend section 10101(b) of the ESEA to strengthen the program by focusing the authorized use of funds more narrowly. Authorized activities would include: (1) development, evaluation, and other activities designed to improve the quality of elementary and secondary education; (2) the development, implementation, and evaluation of programs designed to foster student community service, encourage responsible citizenship; and improve academic learning; (3) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; (4) activities to study and implement strategies for creating smaller learning communities; (5) programs under section 10102 and section 10103; (6) activities to promote family involvement in education; and (7) other programs that meet the purposes of this section.

Section 1001(1)(C) of the bill would amend section 10101(c) of the ESEA to require an applicant for an award to establish clear goals and objectives for its project and describe the activities it will carry out in order to meet these goals and objectives. It would also require recipients of funds to report to the Secretary such information as may be required, including evidence of its progress towards meeting the goals and objectives of its project, in order to determine the project's effectiveness. This change would emphasize the Department's desire to ensure that the effectiveness of all funded projects can be fully assessed. This language is also aligned with the performance indicators in the FIE plan under GPRA.

This section of the bill would also allow the Secretary to require recipients of awards under this part to provide matching funds from sources other than Federal funds, and to limit competitions to particular types of entities, such as State or local educational agencies.

Section 1001(1)(D) of the bill would amend section 10101(d) of the ESEA to authorize such sums as may be necessary to carry out this part through fiscal year 2005.

Section 1001(1)(E) of the bill would redesignate section 10101(d) of the ESEA as section 10101(e) and add a new requirement that each recipient of a grant under this section to submit a comprehensive evaluation on the effectiveness of its program in achieving its goals and objectives, including the impact of the program on students, teachers, administrators, and parents, to the Secretary, by the mid-point of the program, and no later than one year after completion of the program.

Section 1001(2) of the bill would repeal section 10102 of the ESEA.

Section 1001(3) of the bill would make substantial changes to section 10103 of the ESEA, relating to Character Education. It would provide for more funding flexibility by removing the limit of 10 character education grants per year and maximum award of $1 million to SEAs, and instead authorize the Secretary to make up to 5-year grants to SEAs, LEAs, or consortia of educational agencies for the design and implementation of character education programs. These programs would be required to be linked to the applicant's overall reform efforts, performance standards, and activities to improve school climate. Allowing LEAs and consortia of educational agencies to apply would increase flexibility to fund innovative programs in school districts where the State is not interested in making an application.

Section 1001(3) of the bill would also streamline the application requirements under current law. The application would include: (1) a description of any partnership and other collaborative effort between the applicant and other educational agencies; (2) a description of the program's goals and objectives; (3) a description of activities to be carried out by the applicant; (4) a description of how the programs will be linked to broader educational reforms being instituted by the applicant and applicable State and local standards for student performance; (5) a description of how the applicant will evaluate its progress in meeting its goals and objectives; and (6) such other information as the Secretary may require.

Finally, section 1001(3) of the bill would require the Secretary to make awards that serve different areas of the Nation, including urban, suburban, and rural areas.

Section 1001(4) of the bill would redesignate section 10103 of the ESEA, as amended by section 1001(3), as section 10102, and add a proposed new section 10103 of the ESEA. Specifically, proposed new section 10103 ("State and Local Character Education Program") of the ESEA would authorize a new program, under which the Secretary could make awards to SEAs, LEAs, institutions of higher education (IHEs), tribal organizations, and other public or private agencies to carry out research, development, dissemination, technical assistance, and evaluation activities that support character education programs under new section 10102 of the ESEA.

Proposed new section 10103(b) of the ESEA would authorize funds under this section to be used to: (1) conduct research and development activities; (2) provide technical assistance to the agencies receiving awards under the program, particularly on matters of program evaluation; (3) conduct a national evaluation of the character education program; and (4) compile and disseminate information on model character education programs, character education materials and curricula, research findings in the area of character education, and any other information that would be useful to character education program participants, and to other educators and administrators, nationwide.

Section 1001(5) of the bill would repeal sections 10104, 10105, 10106, and 10107 of the ESEA.

Section 1002. Gifted and Talented Children. Section 1002 of the bill would reauthorize and make minor improvements to Part B of Title X of the ESEA, which provides financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students.

Section 1002(1) would make a technical change to the program's short title.

Section 1002(2) of the bill would amend section 10204(c) of the ESEA to require the National Center for Research and Development in the Education of Gifted and Talented Children to focus the dissemination of the results of its activities to schools with high percentages of economically disadvantaged students. This modification would help to overcome the Center's current lack of targeting on low-income schools and school districts.

Section 1002(3) of the bill would amend section 10206(b) of the ESEA to require the Secretary to use a peer-review process in reviewing applications under this part, and ensure that the information on the activities and results of programs and projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations.

Section 1002(4) of the bill would amend section 10207 of the ESEA to authorize such sums as may be necessary to carry out the Gifted and Talented Children program through fiscal year 2005.

Section 1003. International Education Exchange. Section 1003 of the bill would: (1) move the International Education Exchange program from Title VI of the Goals 2000: Educate America Act (P.L. 103-227) to Part C of Title X of the ESEA; (2) authorize the appropriation of such sums as may be necessary to carry out this program through fiscal year 2005; and (3) add the Republic of Ireland, Northern Ireland, and any other emerging democracy in a developing country to the definition of "eligible country."

Section 1004. Arts in Education. Section 1004 of the bill would reauthorize and streamline Part D of Title X of the ESEA, which provides financial assistance to support education reform by strengthening arts education as in integral part of the elementary and secondary school curriculum.

Section 1004(1) of the bill would strike out the heading and designation of Subpart 1 of Part D of Title X of the ESEA.

Section 1004(2)(A) of the bill would amend section 10401(d) of the ESEA by adding a new authorized activity, model arts and cultural programs in the arts for at-risk children and youth, particularly programs that use arts and culture to promote students' academic progress, to the list of authorized activities of the Arts in Education program.

Section 1004(2)(B) of the bill would amend section 10401(f) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out this part through fiscal year 2005.

Section 1004(3) of the bill would repeal Subpart 2 of Part D of Title X of the ESEA. This subpart has never been funded, and the addition of the authorized activity in section 10401(d) of the ESEA, noted above, would provide a more flexible authorization for projects serving at-risk children and youth.

Section 1005. Inexpensive Book Distribution Program. Section 1005 of the bill would reauthorize without change Part E of Title X of the ESEA through fiscal year 2005. This program supports Reading is Fundamental, under which inexpensive books are distributed to students to motivate them to read.

Section 1006. Civic Education. Section 1006 of the bill would reauthorize and streamline Part F of Title X of the ESEA, which authorizes a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

Section 1006 of the bill would repeal the unfunded instruction in Civics, Government, and the Law program under section 10602 of the ESEA, authorize the appropriation of such sums as may be necessary to carry out this part through fiscal year 2005, and make conforming changes.

Section 1007. Allen J. Ellender Program. Section 1007 of the bill would repeal Part G of Title X of the ESEA.

Section 1008. 21st Century Community Learning Centers. Section 1008 of the bill would reauthorize and improve Part I of Title X of the ESEA, which authorizes grants to rural and inner-city public schools to plan, implement, or expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

Section 1008(1) of the bill would amend section 10902 of the ESEA to update the findings.

Section 1008(2)(A) of the bill would amend section 10903(a) of the ESEA by adding language to current law to clarify that the Secretary may award grants to LEAs and community based organizations (CBOs) (with up to 10% of the funds appropriated to carry out this part for any fiscal year) on behalf of public elementary or secondary schools in inner-cities, rural areas, and small cities. In both cases, awards would be limited to schools or CBOs that serve communities with a substantial need for expanded learning opportunities due to: their high proportion of low-achieving students; lack of resources to establish or expand community learning centers; or other needs consistent with the purposes of this part.

Section 1008(2)(B) of the bill would retain the current requirement in section 10903(b) for equitable distribution among the States and urban and rural areas of the United States, but would delete the provision requiring equitable distribution among urban and rural areas of a State.

Section 1008(2)(C) of the bill would amend section 10903(c) of the ESEA to change the duration of grants awarded under this part from 3-years to 5-years.

Section 1008(3)(A) of the bill would amend section 10904 of the ESEA to change the eligible applicant for a grant under this part from a school to an LEA (which would apply on behalf of one or more schools) or a community-based organization. This provision of the bill would also add a new requirement that the applicant provide information that it will provide at least 50 percent of the cost of the project from other sources, which may include other Federal funds and may be provided in cash or in kind, fairly evaluated. The applicant would also be required to provide an assurance that in each year of the project, it will expend, from non-Federal sources, at least as much for the services under this part as it expended for the preceding year and information demonstrating how the applicant will continue the project after completion of the grant.

Paragraph (3)(B) of section 1008 of the bill would amend section 10904(b) of ESEA to require the Secretary to give priority, in all competitions, to applications that offer a broad selection of services that address the needs of the community, and applications that offer significant expanded learning opportunities for children and youth in the community. This provision of the bill would also add a new requirement to section 10904 of the ESEA that an application submitted by a CBO must obtain evidence that affected LEAs concur with the project.

Section 1008(4) of the bill would amend section 10905 of the ESEA to require that applicants provide expanded learning opportunities and eliminate the requirement that applicants include at least four of the activities listed in this section. Instead, applicants must provide educational activities and may provide a range of other services to the community.

Section 1008(5) of the bill would amend section 10906 of the ESEA to clarify the definition of "community learning center" as an entity that provides expanded learning opportunities, and may also provide services that address health, social service, cultural, and recreational needs of the community. It would also add a special rule to require a community learning center operated by a local educational agency (but not a CBO) to be located within a public elementary or secondary school building.

Section 1008 (6) of the bill would amend section 10907 of the ESEA to authorize the appropriation of such sums as may be necessary to carry out this part through fiscal year 2005.

Section 1008(7) of the bill would add a proposed new section 10908 ("Continuation Awards") to the ESEA that would allow the Secretary to use funds appropriated under this part to make continuation awards for projects that were funded with fiscal year 1999 and 2000 funds, under the terms and conditions that applied to the original awards. This provision would have the effect of allowing the Department to provide continuous funding for the last year of 3-year grants made in fiscal year 1998 under the provisions of current law.

Section 1008(8) of the bill would redesignate Part I of Title X of the ESEA as Part G of that title and make conforming changes.

Section 1009. Urban and Rural Education Assistance. Section 1009 of the bill would repeal Part J of Title X of the ESEA.

Section 1010. High School Reform. Section 1010 of the bill would add a new Part H, High School Reform, to Title X of the ESEA.

Proposed new section 10801 ("Purposes") of the ESEA would state the congressional findings that support this new program. Subsection (b) would provide that the purposes of Part H are to: (1) support the planning and implementation of educational reforms in high schools, particularly in urban and rural high schools that educate concentrations of students from low-income families; (2) support the further development of educational reforms, designed specifically for high schools, that help students meet challenging State standards, and that increase connections between students and adults and provide safe learning environments; (3) create positive incentives for serious change in high schools, by offering rewards to participating schools that achieve significant improvements in student achievement; (4) increase the national knowledge base on effective high school reforms by identifying the most effective approaches and disseminating information on those approaches so that they can be adopted nationally; and (5) support the implementation of reforms in at least 5,000 American high schools by the year 2007.

Proposed new section 10802 ("Grants to Local Education Agencies") of the ESEA would authorize the Secretary to make competitive grants to LEAs to carry out the program's purposes in their high schools. Subsection (b) would establish a maximum grant period of three years for each grant. Subsection (c) would provide that a particular high school could not be assisted by more than one grant. An LEA could thus serve one or more of its high schools with one grant and one or more different high schools with a subsequent grant.

Proposed new section 10803 ("Applications") of the ESEA would require an LEA that desires a grant to submit an application and describe the information that must be included.

Proposed new section 10804 ("Selection of Grantees") of the ESEA would establish the procedures and criteria the Secretary would use in selecting grantees.

Proposed new section 10805 ("Principles and Components of Educational Reforms") of the ESEA would describe the outcomes that participating high schools are expected to achieve, and would identify the components of the educational reforms that would have to be carried out in those schools in order to attain those outcomes.

Proposed new section 10806 ("Private Schools") of the ESEA would provide for the equitable participation of personnel from private schools in any professional development carried out with Part H funds. A grantee that uses Part H funds to develop curricular materials would also be required to make information about those materials available to private schools at their request.

Proposed new section 10807 ("Additional Activities") of the ESEA would direct the Secretary to reserve funds from each year's appropriation for Part H to carry out certain activities relating to the program's purpose, including testing the effect of offering financial rewards to teachers and administrators in high schools if their students demonstrate significant gains in educational outcomes.

Proposed new section 10808 ("Definition") of the ESEA would define the term "high school" as used in part H.

Finally, proposed new section 10809 ("Authorization of Appropriations") of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out Part H.

Section 1011. Elementary School Foreign Language Assistance Program. Section 1011 of the bill would revise and move the "Foreign Language Assistance Program", currently in Part B of Title VII of the ESEA, to Title X of the ESEA, as new Part I. Proposed new Part I would seek to expand, improve the quality of, and enhance foreign language programs at the elementary school level by supporting State efforts to encourage and support such programs, local implementation of innovative programs that meet local needs, and identification and dissemination of information on best practices in elementary school foreign language education.

Proposed new section 10901 of the ESEA ("Findings; Purpose") would set forth the findings and purpose of the part.

Proposed new section 10902 of the ESEA ("Elementary School Foreign Language Assistance Program") would authorize the Elementary School Foreign Language Assistance Program. Proposed new section 10902(a) of the ESEA would authorized the Secretary, from funds appropriated under subsection (g) for any fiscal year, to make grants to SEAs and to LEAs for the Federal share of the cost of the activities set forth in subsection (b). Each grant under paragraph (1) would be awarded for a period of three years.

Under proposed new section 10902(a)(3), an SEA could receive a grant under the section if it: (1) has established, or is establishing, State standards for foreign language instruction; or (2) requires the public elementary schools of the State to provide foreign language instruction.

Under proposed new section 10902(a)(4), an LEA could receive a grant under the section if the program in its application: (1) shows promise of being continued beyond the grant period; (2) would demonstrate approaches that can be disseminated to, and duplicated by, other LEAs; (3) would include performance measurements and assessment systems that measure students' proficiency in a foreign language; and (4) would use curriculum that is aligned with State standards, if the State has such standards.

Proposed new section 10902(b)(1) would require that grants to SEAs under this section be used to support programs that promote the implementation of high-quality foreign language programs in the elementary schools of the State, which may include: (1) developing foreign language standards and assessments that are aligned with those standards; (2) supporting the efforts to institutions of higher education within the State to develop programs to prepare the elementary school foreign language teachers needed in schools within the State and to recruit candidates to prepare for, and assume, such teaching positions; (3) developing new certification requirements for elementary school foreign language teachers, including requirements that allow for alternative routes to certification; (4) providing technical assistance to LEAs in the State in developing, implementing, or improving elementary school foreign language programs, including assistance to ensure effective coordination with, and transition for students between, elementary, middle, and secondary schools; (5) disseminating information on promising or effective practices in elementary school foreign language instruction, and supporting educator networks that help improve that instruction; (6) stimulating the development and dissemination of information on instructional programs that use educational technologies and technology applications (including such technologies and applications as multimedia software, web-based resources, digital television, and virtual reality and wireless technologies) to deliver instruction or professional development, or to assess students' foreign language proficiency; and (7) collecting data on and evaluating the elementary school foreign language programs in the State and the activities carried out with the grant.

Proposed new section 10902(b)(2) would require that grants to LEAs under this section be used for activities to develop and implement high-quality, standards-based elementary school foreign language programs, which may include: (1) curriculum development and implementation; (2) professional development for teachers and other staff; (3) partnerships with institutions of higher education to provide for the preparation of the teachers needed to implement programs under this section; (4) efforts to coordinate elementary school foreign language instruction with secondary-level foreign language instruction, and to provide students with a smooth transition from elementary to secondary programs; (5) implementation of instructional approaches that make use of advanced educational technologies; and (6) collection of data on, and evaluation of, the activities carried out under the grant, including assessment, at regular intervals, of participating students' proficiency in the foreign language studied. Proposed new section 10902(b)(3) would allow efforts under the fourth LEA activity described above to include support for the expansion of secondary school instruction, so long as that instruction is part of an articulated elementary-through-secondary school foreign language program that is designed to result in student fluency in a foreign language.

Proposed new section 10902(c)(1) would require any SEA or LEA desiring to receive an grant under this section to submit an application to the Secretary at such time, in such form, and containing such information and assurances, as the Secretary may require. Each application would be required to include a description of: (1) the goals that the applicant will attempt to accomplish through the project; (2) the activities to be carried out through the project; and (3) how the applicant will determine the extent to which the project meets its goals.

Proposed new section 10902(d) would authorize the secretary, in awarding grants under this section, to establish one or more priorities consistent with the purpose of this part, including priorities of projects carried out by LEAs that include immersion programs in which instruction is in the foreign language for a major portion of the day or that promote the sequential study of a foreign language for students, beginning in elementary schools.

Proposed new section 10902(e) would require an SEA or LEA that receives a grant under this section to submit to the Secretary an annual report that provides information on the project's progress in reaching its goals. An LEA that receives a grant under this section would be required to include in its report information on students' gains in comprehending, speaking, reading and writing a foreign language, and compare such educational outcomes to the State's foreign language standards, if such State standards exist.

Proposed new section 10902(f) would require that the Federal share of a program under this section for each fiscal year be not more than 50 percent. The Secretary would be authorized to waive the requirement of cost sharing for any LEA that the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this section.

Proposed new section 10902(g)(1) would authorize appropriations of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years for the purpose of carrying out this section. Proposed new section 10902(g)(2) would, for any fiscal year, authorize the Secretary to reserve up to five percent of the amount appropriated to: (1) conduct independent evaluations of the activities assisted under this section; (2) provide technical assistance to recipients of awards under this section; and (3) disseminate findings and methodologies from evaluations required by, or funded under, this section and other information obtained from such programs.

Section 1012. National Writing Project. Section 1012 of the bill would reauthorize and improve Part K of Title X of the ESEA, which authorizes a grant to the National Writing Project for the improvement of the quality of student writing and learning, and the teaching of writing as a learning process.

Section 1012 of the bill would: (1) amend section 10991 of the ESEA to update the findings; (2) amend section 10992 of the ESEA to authorize the Secretary to conduct an independent evaluation of the National Writing Project program; (3) authorize the appropriation of such sums as may be necessary to carry out his program through fiscal year 2005; and (4) make conforming changes.

TITLE XI—GENERAL PROVISIONS, DEFINITIONS, AND ACCOUNTABILITY

Title XI of the bill would amend Title XIV of the ESEA containing general provisions relating to that Act.

Section 1101. Definitions. Section 1101 of the bill would amend various provisions of Part A of Title XIV of the ESEA to: (1) amend the definition of the term "covered program;" (2) add a new definition for the term "family literacy services;" and (3) make a number of cross-reference changes from provisions and parts in Title XIV of the ESEA to provisions and parts in Title XI of the ESEA to reflect the redesignation of Title XIV as Title XI by section 1109 of the bill. As amended, covered programs would be: Part A of Title I; Part C of Title I; Part A of Title II; Subpart 1 of Part D of Title III; Part A of Title IV (other than section 4115), the Comprehensive School Reform Demonstration Program, and Title VI of the ESEA. The term "family literacy services" would mean services provided to eligible participants on a voluntary basis that are of sufficient intensity, both in hours and duration, to make sustainable changes in a family, and that integrate interactive literacy activities between parents and their children, training for parents on how to be the primary teachers for their children and full partners in the education of their children, parent literacy training leading to self-sufficiency, and an age-appropriate education to prepare children for success in school and life experiences.

Section 1102. Administrative Funds. Section 1102 of the bill would amend various provisions of Part B of Title XIV of the ESEA to: (1) revise the list of programs that are subject to the authority to consolidate State administrative funds; (2) expand the list of additional uses for consolidated administrative funds; (3) clarify that local consolidated administrative funds may be used at the school district and school level; and (4) clarify the circumstances under which an LEA may transfer a portion of its funds under one covered program to another covered program.

Paragraph (1)(A) of section 1102 of the bill would revise the list of programs in section 14201(a)(2) of the ESEA whose administrative funds may be consolidated to include programs under Title I, Part A of Title II, Subpart 1 of Part D of Title III, and Part A of Title IV (other than section 4115) of the ESEA, the Comprehensive School Reform Demonstration Program, Title VI of the ESEA (Class Size Reduction), the Carl D. Perkins Vocational and Technical Education Act of 1998, and such other programs as the Secretary may designate.

Paragraph (1)(B) of section 1102 of the bill would amend section 14201(b)(2) of the ESEA to revise the list of additional uses for the consolidated administrative funds to include: (1) State level activities designed to carry out Title XI (the redesignated general provisions title) including Part B (accountability); (2) coordination of included programs with other Federal and non-Federal programs; (3) the establishment and operation of peer-review mechanisms under the ESEA; (4) collaborative activities with other State educational agencies to improve administration under the Act; (5) the dissemination of information regarding model programs and practices; (6) technical assistance under the included programs; (7) training personnel engaged in audit and other monitoring activities; and (8) implementation of the Cooperative Audit Resolution and Oversight Initiative. (Items (1), (4), (7), and (8) provide new authority.)

Paragraph (1)(C) of section 1102 of the bill would eliminate an outdated cross-reference to the Goals 2000: Educate America Act.

In addition to making conforming changes, section 1102(2) of the bill would make a clarifying change to section 14203 of the ESEA (Consolidation of Funds for Local Administration) to make clear that an LEA may use local consolidated funds at the school district and school levels for uses comparable to those described above for consolidated State administrative funds.

Paragraph (3) of section 1102 of the bill would repeal section 14204 of the ESEA (Administrative Funds Studies). Paragraph (4) of section 1102 of the bill would make conforming amendments.

Paragraph (5) of section 1102 of the bill would make conforming amendments, and would also amend section 14206(a) of the ESEA to authorize an LEA that determines for any fiscal year that funds under one covered program (other than Part A of Title I) would be more effective in helping all its students achieve the State's challenging standards if used under another covered program, to use such funds (not to exceed five percent of the LEA's total allotment under that program) to carry out programs or activities under the other covered program. The LEA would be required to obtain the approval of its SEA for this use.

Section 1103. Coordination of Programs. Section 1103 of the bill would amend provisions of Part C of Title XIV of the ESEA relating to consolidated State plans and consolidated local plans and add a new section on consolidated State reporting.

Section 1103(1) of the bill would make an editorial change to the heading for the Part. Section 1103(2) of the bill would substantially revise section 14302 of the ESEA (Optional Consolidated State Plans), which provides authority for an SEA to submit a consolidated State plan instead of separate State plans for the programs covered by that section.

Proposed new section 14302(a)(1) of the ESEA would direct the Secretary to establish procedures and criteria under which a State educational agency may submit a consolidated State plan meeting the requirements of proposed new section 14302. An SEA would be authorized to submit a consolidated State plan for any or all of the covered programs in which the State participates and the additional programs described in proposed new section 14302(a)(2) of the ESEA. These additional programs include: (1) the Even Start program under Part of Title I; (2) the Neglected or Delinquent program under Part D of Title I; (3) programs under Title Part A of Title II of the Carl D. Perkins Vocational and Technical Education Act of 1998; and (4) such other programs as the Secretary may designate.

Proposed new section 14302(a)(3) of the ESEA would provide for the State development and submission of a consolidated State plan. Under proposed new section 14302(a)(3)(A), an SEA desiring to receive a grant under two or more programs to which the section applies would be authorized to submit a consolidated State plan. Under proposed new section 14302(a)(3)(B) of the ESEA, that agency would not be required to submit a separate State plan for the programs included in the consolidated State plan. Proposed new section 14302(a)(3)(C) of the ESEA would provide that the SEA must comply with all legal requirements applicable to the programs included in the consolidated State plan as if it had submitted separate State plans.

Proposed new section 14302(a)(4) would specify that an SEA desiring to receive funds under a program subject to section 14302 of the ESEA for fiscal year 2001 and the succeeding four fiscal years must submit a new consolidated State plan meeting the requirements of that section.

Proposed new section 14302(b) of the ESEA would provide for the content of a consolidated State plan. Proposed section 14302(b)(1) would direct the Secretary to collaborate with SEAs and other named parties in establishing criteria and procedures. Through this collaborative process, the Secretary would establish for each program the descriptions and information that must be included in the plan. Proposed new section 14302(b)(1) of the ESEA would further direct the Secretary to ensure that a consolidated State plan contains, for each program included in the plan, the descriptions and information needed to ensure proper and effective administration of that program in accordance with its purposes. This provision is designed to strengthen the consolidated plan as an instrument of effective administration of each program included.

Proposed new section 14302(b)(2) of the ESEA would require an SEA to describe in its plan how funds under the included programs will be integrated to best serve the needs of the students and teachers intended to benefit and how such funds will be coordinated with other covered programs not included in the plan and related programs.

Proposed new section 14302(c) of the ESEA would require an SEA to include in its consolidated State plan any information required by the Secretary under proposed new section 11912 of the ESEA regarding performance indicators, benchmarks and targets and any other indicators or measures that the State determines are appropriate for evaluating its performance.

Proposed new section 14302(d) would require an SEA to include in its consolidated State plan a description of the strategies it will use under proposed new sections 11503(a)(4) and (5) (relating to State monitoring and data integrity).

Proposed new section 14302(e) of the ESEA would establish procedures for peer review and Secretarial approval. The Secretary would be required to establish a peer review process to assist in the review of consolidated State plans and provide recommendations for revision. To the extent practicable, the Secretary would be directed by proposed new section 14302(e)(1) to appoint individuals who: (1) are knowledgeable about the programs and target populations; (2) are representative of SEAs, LEAs, and teachers and parents of students served under the programs, and (3) have expertise on educational standards, assessment, and accountability.

Proposed new section 14302(e)(2) of the ESEA would direct the Secretary to approve a plan if it meets the requirements of the section and would authorize the Secretary to accompany such approval with one or more conditions. Under proposed new section 14302(e)(3) of the ESEA, if the Secretary determines that the plan does not meet those requirements, the Secretary would be required to notify the State of that determination and the reasons for it. Proposed new section 14302(e)(4) of the ESEA would require the Secretary, before disapproving a plan, to offer the State an opportunity to revise the plan, provide technical assistance, and provide a hearing.

Proposed new section 14302(f) of the ESEA would provide for revision and amendment of a consolidated State plan.

Section 1103(3) of the bill would amend section 14303(a) of the ESEA to provide for uniform State assurances regarding monitoring and data integrity. Paragraph (3)(B) of section 1103 of the bill would insert a new paragraph (4) in section 14303(a) of the ESEA, requiring the State to assure that it will monitor performance by LEAs to ensure compliance with the requirements of the ESEA and, in so doing, will: (1) maintain proper documentation of monitoring activities; (2) provide technical assistance when appropriate and undertake enforcement activities when needed; and (3) systematically analyze the results of audits and other monitoring activities to identify trends in funding and develop strategies to correct problems.

Paragraph (3)(B) of section 1103 of the bill would further amend section 14303(a) of the ESEA by adding a new paragraph (5) requiring the State to assure that the data the State uses to measure its performance (and that of its LEAs) under the ESEA are complete, reliable, an accurate, or, if not, the State will take such steps as are necessary to make those data complete, reliable and accurate.

Section 1103(4) of the bill would repeal section 14304 of the ESEA (Additional Coordination). Section 1103(5) of the bill would amend section 14305 of the ESEA ("Consolidated Local Plans"). Proposed new sections 14305(a) through (d) of the ESEA would clarify and modify current law. Under proposed section 14305(a), and LEA receiving funds under more than one covered program may submit plans to the SEA under such programs on a consolidated basis. Proposed new section 14305(b) of the ESEA would authorize an SEA that has an approved consolidated State plan to require its LEAs that receive funds under more than one program included in the consolidated State plan to submit consolidated local plans for such programs.

Proposed new section 14305(c) of the ESEA would require an SEA to collaborate with LEAs in the State in establishing criteria and procedures for the submission of the consolidated local plans. For each program under the ESEA that may be included in a local consolidated plan, proposed new section 14305(d) of the ESEA would authorize the Secretary to designate the descriptions and information that must be included in a local consolidated plan to ensure that each program is administered in a proper and effective manner in accordance with its purposes.

Section 1103(6) of the bill would make conforming amendments to section 14306 of the ESEA (General Assurances), and section 1103(7) of the bill would repeal section 14307 of the ESEA (Relationship of State and Local Plans to Plans under the Goals 2000: Educate America Act).

Section 1103(8) of the bill would amend Part C of Title XIV of the ESEA by adding a new section 14307 ("Consolidated Reporting") authorizing the Secretary to establish procedures and criteria under which an SEA must submit a consolidated State annual performance report. Proposed new section 14307 of the ESEA would require that the report include information about programs included in the report, including the State's performance under those programs, and other matters, as the Secretary determines. Submission of a consolidated performance report would take the place of individual performance reports for the programs subject to its.

Section 1104. Waivers. Section 1104 of the bill would amend section 14401 of the ESEA (Waivers).

Section 1104(1) of the bill would amend section 14401(a) of the ESEA to add the Carl D. Perkins Vocational and Technical Education Act of 1998 and Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act as programs to which section 14401 applies. Section 1104(2) of the bill would amend section 14401(b)(1) of the ESEA to require that an SEA, LEA, or Indian tribe that desires a waiver submit an application to the Secretary containing such information as the Secretary may reasonably require. Each such application would be required to: (1) indicate each Federal program affected and the statutory or regulatory requirements requested to be waived; (2) describe the purpose and expected results of the waiver; (3) describe, for each school year, specific, measurable goals for the SEA and for each LEA, Indian tribe, or school that would be affected; and (4) explain why the waiver would assist in reaching these goals. Section 1104(3) of the bill would make conforming amendments to section 14401(c) of the ESEA, relating to restrictions on the waiver authority, and would add health and safety to the list of requirements that may not be waived. Section 1104(4) of the bill would make conforming changes to section 14401(e)(4) of the ESEA, relating to reports to Congress.

Section 1105. Uniform provisions. Section 1105 of the bill would amend various provisions of Part E of Title XIV of the ESEA relating to uniform provisions concerning maintenance of effort and participation by private school children and teachers.

Section 1105(1) of the bill would amend section 14501(a) of the ESEA, relating to maintenance of effort, to make that section inapplicable to Part C of Title I of that Act.

Section 1105(2) of the bill would also amend section 14503(a)(1) of the ESEA, relating to the provision of equitable services to students in private schools, by adding language to clarify that those services should address the needs of those students.

Section 1105(2) of the bill would amend section 14503(b) to make it apply to programs under: Part C of Title I; Part E of Title I; Subpart 2 of Part A of Title II; Title III, Part A of Title IV–A (other than section 4115), and Part A of Title VII of the ESEA.

Section 1105(2) of the bill would also amend section 14503(c)(1) of the ESEA, with respect to the issues to be covered by consultation between designated public educational agencies and appropriate private school officials. Section 1105(2) of the bill would add two issues to be covered by such consultation: (1) to the extent applicable, the amount of funds received by the agency that are attributable to private school children; and (2) how and when the agency will make decisions about the delivery of services to these children.

Section 1105(2) of the bill would also amend section 14503(c)(2) of the ESEA to clarify the timing of such consultation. Under proposed new section 14503(c)(2) of the ESEA, such consultation would be required to include meetings of agency and private school officials, to occur before the LEA makes any decision that affects the opportunities of eligible private school children or their teachers to participate in programs under the ESEA, and to continue throughout the implementation and assessment of activities under section 14503 of the ESEA.

Paragraphs (3) and (4) of section 1105 of the bill would amend sections 14504 and 14506 of the ESEA to make conforming amendments to cross-references. Paragraph (5) of section 1105 of the bill would repeal sections 14513 and 14514 of the ESEA.

Section 1106. Gun Possession. Section 1106 of the bill would repeal Part F of Title XIV of the ESEA, the "Gun-Free Schools Act". These provisions, in modified form, would be included in proposed new title IV of the ESEA.

Section 1107. Evaluation and Indicators. Section 1107 of the bill would amend Part G of Title XIV to revise section 14701 of the ESEA (Evaluation) and to add a new section 14702 of the ESEA ("Performance Measures"), authorizing the Secretary to establish performance indicators for each program under the ESEA and Title VII–B of the Stewart B. McKinney Homeless Assistance Act.

Section 1107(1) of the bill would amend the heading of Part G to read: "EVALUATION AND INDICATORS." Section 1107(s) of the bill would add to section 14701(a)(1) of the ESEA new subparagraphs that would authorize the Secretary, with the funds reserved under the section, to: (1) conduct evaluations to carry out the purposes of the Government and Performance Results Act of 1993, and (2) work in partnership with the States to develop information relating to program performance that can be used to help achieve continuous improvement at the State, school district, and school level. Proposed new section 14701(b) of the ESEA would direct the Secretary to use reserved funds to conduct independent studies of programs under the ESEA and the effectiveness of those programs in achieving their purposes, to determine whether the programs are achieving the standards set forth in the subsection. Proposed new section 14701(c) of the ESEA would direct the Secretary to establish an independent panel to review these studies, to advise the Secretary on their progress, and to comment, if it so chooses, on the final report under proposed new section 14701(d).

Proposed new section 14701(d) would direct the Secretary to submit an interim report on the evaluations within three years of enactment of the Educational Excellence for All Children Act of 1999 and a final report with four years to the Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor and Pensions of the Senate. Proposed new section 14701(e) of the ESEA would authorize the Secretary to provide technical assistance to recipients under the ESEA to strengthen the collection and assessment of information relating to program performance and quality assurance at State and local levels. This proposed new subsection would require that the technical assistance be designed to promote the development, use and reporting of data on valid, reliable, timely, and consistent performance indicators, within and across programs, with the goal of helping recipients make continuous program improvement.

Section 1107(3) would add proposed new section 14702 ("Performance Measures") to the ESEA. Proposed new section 14702(a) of the ESEA would authorize the Secretary to establish performance indicators, benchmarks, and targets for each program under the Act and Subtitle B of Title VII-B of the McKinney Homeless Assistance Act, to assist in measuring program performance. It would further require that the indicators, benchmarks, and targets be consistent with the Government Performance and Results Act of 1993, strategic plans adopted by the Secretary under that Act, and section 11501 of the ESEA.

Proposed new section 14702(b) of the ESEA would direct the Secretary to collaborate with SEAs, LEAs and other recipients under the ESEA in establishing performance indicators, benchmarks, and targets. Proposed new section 14702(c) of the ESEA would authorize the Secretary to require an applicant for funds under the ESEA or the McKinney Act to (1) include in its plan or application information relating to how it will use the indicators, benchmarks and targets to improve its program performance and (2) report data relating to such performance indicators, benchmarks and targets to the Secretary.

Section 1108. Coordinated Services. Section 1108 of the bill would transfer Title XI of the ESEA, relating to coordinated services, to Part I of Title XI and would make conforming and other amendments to Title XI of current law.

Section 1108(b)(1) of the bill would revise section 11903 of the new Part I, as redesignated, (current section 11004 of the ESEA, relating to project development and implementation). Proposed new section 11903(a) would require each eligible entity desiring to use funds under section 11405(b) of the ESEA (for coordinated services) to submit an application to the appropriate SEA. Proposed new section 11903(b) of the ESEA would require an eligible entity that wishes to conduct a coordinated services project to maintain on file: (1) the results of its assessment of economic, social, and health barriers to educational achievement experienced by children and families in the community and of the services available to meet those needs; (2) a description of the entities operating coordinated services projects; (3) a description of its coordinated services project and other information related to the project; and (4) an annual budget that indicates the sources and amounts of funds under the Act that will be used for the project, consistent with section 11405(b) and the purposes for which the funds will be used.

Proposed new section 11903(b) of the ESEA would also require such an eligible entity to evaluate annually the success of the project; train teachers and appropriate personnel; and ensure that the coordinated services project addresses the health and welfare needs of migratory families. Proposed new section 11903(c) of the ESEA would provide that an SEA need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under section 11903 of the ESEA.

Section 1108(b)(2) of the bill would make conforming amendments to section 11904 of the ESEA, as redesignated. Section 1108(b)(3) of the bill would amend section 11905 of the ESEA, as redesignated (current section 11004 of the ESEA), to make clear that the authority under that section is placed in the SEA, rather than the Secretary, and to make other conforming changes.

Section 1109. Redesignations. Section 1109 of the bill would redesignate Title XIV of the ESEA as Title XI of the ESEA and would make conforming amendments to its parts and sections.

Sec. 1110. (ED-Flex Partnerships). Section 1110 of the bill would make minor revisions to the recently enacted Education Flexibility Partnership Act of 1999 (P.L. 106–25) and redesignate it as Part G of Title XI of the revised ESEA.

Paragraphs (1), (2), (3), and (4) of section 1110(a) would make minor changes to the short title, findings, and definitions of the Education Flexibility Partnership Act of 1999 to reflect its incorporation into the ESEA.

Paragraph (5) of section 1110(a) would, in addition to making minor editorial revisions, make State eligibility for ED-Flex status turn, in part, on whether the State has an approved accountability plan under proposed new section 11208 of the ESEA and is making satisfactory progress, as determined by the Secretary, in implementing its policies under proposed new sections 11204 (Student Progress and Promotion Policy) and 11205 (Ensuring Teacher Quality) of the ESEA. (A State would also have to be in compliance with various Title I accountability requirements and waive State statutory and regulatory requirements.) Paragraph (5) of section 1110(a) of the bill would also revise the conditions under which the Secretary may grant an extension of ED-Flex authority, beyond five years, to provide, in part, that the Secretary may grant such an extension only if he or she determines that the State has made significant statewide gains in student achievement and is closing the achievement gap between low- and high-performing students.

In addition, paragraph (5) of section 1110(a) of the bill would revise the list of Federal education programs that are subject to ED-Flex authority to reflect the amendments that would be made to the ESEA by the bill and to include Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act. Paragraph (5) would also clarify that, while States may grant waivers with respect to the minimum percentage of children from low-income families needed to permit a schoolwide program under section 1114 of the ESEA, in doing so they may not go below 40 percent. Finally, paragraph (5) would add a transition provision that makes clear that waivers granted under applicable ED-Flex authority prior to the effective date of proposed new Part G of Title XI of the ESEA would remain in effect in accordance with the terms and conditions that applied when those waivers were granted, and that waivers granted on or after the effective date of Part G would be subject to the provisions of Part G.

Paragraphs (6) and (7) of section 1110(a) of the bill would make editorial revisions and repeal, as no longer needed, certain amendatory provisions to other Acts (but without un-doing the substantive changes to those other Acts made by those amendatory provisions). Finally, section 1110(b) of the bill would make appropriate redesignations and add a part heading.

Section 1111. Accountability. Section 1111 of the bill would amend Title XI of the Act by adding a new Part B, Improving Education Through Accountability.

Proposed new section 11201 ("Short Title") of the ESEA would establish the short title of this part as the "Education Accountability Act of 1999."

Proposed new section 11202 ("Purpose") of the ESEA would set out the statement of purpose for the new part. Under proposed new section 11202, the purpose of the part would be to improve academic achievement for all children, assist in meeting America's Education Goals under section 2 of the ESEA, promote the incorporation of challenging State academic content and student performance standards into classroom practice, enhance accountability of State and local officials for student progress, and improve the effectiveness of programs under the ESEA and the educational opportunities of the students that they serve.

Proposed new section 11203 ("Turning Around Failing Schools") of the ESEA would require a State that receives assistance under the ESEA to develop and implement a statewide system for holding its LEAs and schools accountable for student performance, including a procedure for identifying LEAs and schools in need of improvement; intervening in those agencies and schools to improve teaching and learning; and implementing corrective actions, if those interventions are not effective.

Proposed new section 11204 ("Student Progress and Promotion Policy") of the ESEA would require any State that receives assistance under the ESEA to have in effect, at the time its submits its accountability plan, a State policy that is designed to ensure that students progress through school on a timely basis, having mastered the challenging material needed for them to reach high standards of performance and is designed to end the practices of social promotion and retention. Proposed new subsection (a)(2) would also define the terms "social promotion" and "retention."

Proposed new section 11204(b) would outline specific requirements for the State's policy under subsection (a). Under proposed new section 11204(b), a State policy must: (1) require its LEAs to implement continuing, intensive and comprehensive educational interventions as may be necessary to ensure that all students can meet the challenging academic performance standards required under section 1111(b)(A) of the ESEA, and require all students to meet those challenging standards before being promoted at three key transition points (one of which must be graduation from secondary school), as determined by the State, consistent with section 1111(b)(2)(D); (2) require the SEA to determine, through the collection of appropriate data, whether LEAs and schools are ending the practices of social promotion and retention; (3) require its LEAs to provide to all students educational opportunities in classrooms with qualified teachers who use proven instructional practices that are aligned to the State's challenging standards and who are supported by high-quality professional development; and (4) require its LEAs to use effective, research-based prevention and early prevention strategies to identify and support students who need additional help to meet those promotion standards.

Proposed new subsection (b) would also require the State policy to provide, with respect to students who have not demonstrated mastery of challenging State academic standards on a timely basis, for continuing, intensive, and age-appropriate interventions, including, but not limited to, extended instruction and learning time, such as afterschool and summer programs that are designed to help students master such material; for other specific interventions, with appropriate instructional strategies, to enable students with limited English proficiency and students with disabilities to master such material; for the identification of the knowledge and skills in particular subject areas that students have not mastered, in order to facilitate remediation in those areas; for the development, by schools, of plans to provide individualized attention to students who have not mastered such material; for full communication between the school and parents, including a description and analysis of the students' performance, how it will be improved, and how parents will be involved in the process; and, in cases in which significant numbers of students have failed to master such material, for a State review of whether corrective action with respect to the school or LEA is needed.

Finally, proposed new subsection (b) of section 11204 of the ESEA would require the State policy to require its LEAs to disseminate widely their policies under this subsection in language and in a format that is concise and that parents can understand and ensure that any assessments used by a State, LEA, or school for the purpose of implementing a policy under this subsection are aligned with the State's challenging academic content and student performance standards and provide coherent information about student progress towards attainment of such standards; include multiple measures, including teacher evaluations, no one of which may be assigned determinative weight in making adverse decisions about individual students; offer multiple opportunities for students to demonstrate that they meet the standards; are valid and reliable for the purposes for which they are used, and fairly and accurately measure what students have been taught; provide reasonable adaptations and accommodations for students with disabilities and students with limited English proficiency; provide that students with limited English proficiency are assessed, to the greatest extent practicable, in the language and form most likely to yield accurate and reliable information about what those students know and can do; and provide that Spanish-speaking students with limited English proficiency are assessed using tests written in Spanish, if Spanish-language assessments are more likely than English-language tests to yield accurate and reliable information on what those students know and can do.

Proposed new section 11204(c) of the ESEA would establish what a State must include in its accountability plan under proposed new section 11208 of the ESEA with respect to its promotion policy. A State would be required to include in its accountability plan a detailed description of its policy under proposed new subsection (b). Additionally, a State would be required to include in its plan the strategies and steps (including timelines and performance indicators) it will take to ensure that its policy is fully implemented no later than four years from the date of the approval of its plan. Finally, a State would also be required to address in its plan the steps that it will take to ensure that the policy will be disseminated to all LEAs and schools in the State and to the general public.

Proposed new section 11205 ("Ensuring Teacher Quality") of the ESEA would establish provisions to ensure teacher quality. Specifically, proposed new section 11205(a) would provide that a State that receives funds under the ESEA must have in effect, at the time it submits its accountability plan, a policy designated to ensure that there are qualified teachers in every classroom in the State, and that meets the requirements of proposed new sections 11205(b) and (c).

Proposed new section 11205(b) of the ESEA would establish requirements for the contents of the State's policy on teacher quality. Under proposed new section 11205(b), a policy to ensure teacher quality must include the strategies that the State will carry out to ensure that, within four years from the date of approval of its accountability plan, certain goals are met. Proposed new section 11205(b)(1) would require that a State include strategies to ensure that not less than 95% of the teachers in public schools in the State are either certified, have a baccalaureate degree and are enrolled in a program, such as an alternative certification program, leading to full certification in their field within three years, or have full certification in another State and are establishing certification where they are teaching. Proposed new section 11205(b)(2) would require the State to include strategies to ensure that not less than 95% of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach. A State would also have to include strategies to ensure that there is no disproportionate concentration in particular school districts of teachers who are not described in paragraphs (1) and (2) of proposed new section 11205(b). Additionally, a State would be required to include in its teacher quality policy strategies to ensure that its certification process for new teachers includes an assessment of content knowledge and teaching skills aligned with State standards.

Proposed new section 11205(c) of the ESEA would require a State to include in its accountability plan the performance indicators by which it would annually measure progress in two areas. Under proposed new section 11205(c)(1)(A), a State would be required to include the benchmarks by which it will measure its progress in decreasing the percentage of teachers in the State teaching without full licenses or credentials. Proposed new section 11205(c)(1)(B) would require a State to include the benchmarks by which it will measure its progress in increasing the percentage of secondary school classes in core academic subject areas taught by teachers who either have a postsecondary-level academic major or minor in the subject area they teach or a related field, or otherwise demonstrate a high level of competence through rigorous tests in their academic subject.

Finally, proposed new section 11205(c)(2) of the ESEA would require a State to assure in its accountability plan that in carrying out its teacher quality policy, it would not decrease the rigor or quality of its teacher certification standards.

Subsection (a) of proposed new section 11206 ("Sound Discipline Policy") of the ESEA would require a State that receives assistance under the ESEA; to have in effect, at the time it submits its accountability plan, a policy that would require its LEAs and schools to have in place and implement sound and equitable discipline policies, to ensure a safe, and orderly, and drug-free learning environment in every school. A State would also be required under section 11206(c) to include in its accountability plan an assurance that it has in effect a policy that meets the requirements of this section.

Under proposed new section 11206(b) of the ESEA, the required disciplinary policy would require LEAs and schools to implement disciplinary policies that focus on prevention and are coordinated with prevention strategies and programs under Title IV of the ESEA. Additionally, LEA and school policies would have to: apply to all students; be enforced consistently and equitably; be clear and understandable; be developed with the participation of school staff, students, and parents; be broadly disseminated; ensure that due process is provided; be consistent with applicable Federal, State and local laws; ensure that teachers are adequately trained to manage their classrooms effectively; and, in case of students suspended or expelled from school, provide for appropriate supervision, counseling, and educational services that will help those students continue to meet the State's challenging standards.

Subsection (a) of proposed new section 11207 ("Education Report Cards") of the ESEA would require a State that receives assistance under the ESEA, to have in effect, at the time it submits its accountability plan, a policy that requires the development and dissemination of annual report cards regarding the status of education and educational progress in the State and in its LEAs and schools. Under proposed new section 11207(a), report cards would have to be concise and disseminated in a format and manner that parents could understand, and focus on educational results.

Proposed new section 11207(b) of the ESEA would establish the information that, at a minimum, the State must include in its annual State-level report card. Under proposed new section 11207(b)(1), a State would be required to include information regarding student performance on statewide assessments, set forth on an aggregated basis, in both reading (or language arts) and mathematics, as well as any other subject area for which the State requires assessments. A State would also be required under proposed new section 11207(b)(1) to include in its report card information regarding attendance and graduation rates in the State's public schools, as well as the average class size in each of the State's school districts. A State would also be required to include information with respect to school safety, including the incidence of school violence and drug and alcohol abuse and the number of instances in which a student has possessed a firearm at school, subject to the Gun-Free Schools Act. Finally, a State would be required under proposed new section 11207(b)(1) to include in its report card information regarding the professional qualifications of teachers in the State, including the number of teachers teaching with emergency credentials and the number of teachers teaching outside their field of expertise.

Proposed new section 11207(b)(2) of the ESEA would require that student achievement data in the State's report card contain statistically sound, disaggregated results with respect to the following categories: gender; racial and ethnic group; migrant status; students with disabilities, as compared to students who are not disabled; economically disadvantaged students, as compared to students who are not economically disadvantaged; and students with limited English proficiency, as compared to students who are proficient in English. Under proposed new section 11207(b)(2), a State could also include in its report card any other information it determines appropriate to reflect school quality and student achievement. This could include information on: longitudinal achievement scores from the National Assessment of Educational Progress or State assessments; parent involvement, as determined by such measures as the extent of parental participation in school parental involvement activities; participation in extended learning time programs, such as after-school and summer programs; and the performance of students in meeting physical education goals.

Under proposed new section 11207(c) of the ESEA, a State would be required to ensure that each LEA and each school in the State includes in its annual report, at a minimum, the information required by proposed new sections 11207(b) (1) and (2). Additionally, a State would be required under proposed new section 11207(c) to ensure that LEAs include in their annual report cards the number of their low-performing schools, such as schools identified as in need of improvement under section 1116(c)(1) of the ESEA, and information that shows how students in their schools performed on statewide assessments compared to students in the rest of the State (including such comparisons over time, if the information is available), and schools include in their annual report cards whether they have been identified as a low-performing school and information that shows how their students performed on statewide assessments compared to students in the rest of the LEA and the State (including such comparisons over time, if the information is available). LEAs and schools could also include in their annual report cards the information described in proposed new section 11207(b)(3) and other appropriate information.

Proposed new section 11207(d) of the ESEA would establish requirements for the dissemination and accessibility of report cards. Under proposed new section 11207(d), State-level report cards would be required to be posted on the Internet, disseminated to all schools and LEAs in the State, and made broadly available to the public. LEA report cards would have to be disseminated to all their schools and to all parents of students attending these schools, and made broadly available to the public. School report cards would have to be disseminated to all parents of students attending that school and made broadly available to the public.

Under proposed new section 11207(e) of the ESEA, a State would be required to include in its accountability plan an assurance that it has in effect an education report card policy that meets the requirements of proposed new section 11207.

Proposed new section 11208 ("Education Accountability Plans") of the ESEA would establish the requirements for a State's education accountability plan. In general, each State that received assistance under ESEA, on or after July 1, 2000, would be required to have on file with the Secretary, an approved accountability plan that meets the requirements of this section.

Proposed new section 11208(b) would establish the specific contents of a State accountability plan. A State would be required to include a description of the State's system under proposed new section 11203; a description of the steps the State will take to ensure that all LEAs have the capacity needed to ensure compliance with this part; the assurances required by proposed new sections 11204(c), 11205(c), 11206(6), and 11207(e); information indicating that the Governor and the SEA concur with the plan; and any other information that the Secretary may reasonably require to ensure the proper and effective administration of this part.

Proposed new section 11208(c) of the ESEA would require a State to report annually to the Secretary, in such form and containing such information as the Secretary may require, on its progress in carrying out the requirements of this Part, and would be required to include this report in the consolidated State performance report required under proposed new section 11506 of the ESEA. Additionally, in reporting on its progress in implementing its student progress and social promotion policy under proposed new section 11204 of the ESEA, a State would be required to assess the effect of its policy, and its implementation, on improving academic achievement for all children, and otherwise carrying out the purpose specified in proposed new section 11202 of the ESEA.

Proposed new section 11208(d) of the ESEA would require a State that submits a consolidated State plan under section 11502 to include in that plan its accountability plan under this section. If a State does not submit a consolidated State plan, a State must submit a separate accountability plan.

Under proposed new section 11208(e) of the ESEA, the Secretary would approve an accountability plan under this section if the Secretary determined that it substantially complied with the requirements of this part. Additionally, the Secretary would have the authority to accompany the approval of a plan with conditions consistent with the purpose of this part. In reviewing accountability plans under this part, proposed new section 110208(e) of the ESEA would require that the Secretary use the peer review procedures under section 11502(e) of the ESEA. Finally, under proposed new section 11208(e) of the ESEA, if a State does not submit a consolidated State plan under section 11502 of the ESEA, the Secretary would, in considering that State's separate accountability plan under this section, use procedures comparable to those in section 11502(e).

Proposed new section 11209 ("Authority of Secretary to Ensure Accountability") of the ESEA would establish the Secretary's authority to ensure accountability. If the Secretary determines that a State has failed substantially to carry out a requirement of this part or its approved accountability plan, or that its performance has failed substantially to meet a performance indicator in its accountability plan, proposed new section 11209(a) of the ESEA would authorize the Secretary to take one or more of the following steps to ensure prompt compliance: (1) providing, or arranging for, technical assistance to the State educational agency; (2) requiring a corrective action plan; (3) suspending or terminating authority to grant waivers under applicable ED-Flex authority; (4) suspending or terminating eligibility to participate in competitive programs under the ESEA; (5) withholding, in whole or in part, State administrative funds under the ESEA; (6) withholding, in whole or in part, program funds under the ESEA; (7) imposing one or more conditions upon the Secretary's approval of a State plan or application under the ESEA; (8) taking other actions under Part D of the General Education Priorities Act; and (9) taking other appropriate steps, including referral to the Department of Justice for enforcement.

Proposed new section 11209(b) of the ESEA would require the Secretary to take one or more additional steps under proposed new section 11209(a) of the ESEA to bring the State into compliance if he determines that previous steps under that provision have failed to correct the State's non-compliance.

Proposed new section 11210 ("Recognition and Rewards") of the ESEA would require the Secretary to recognize and reward States that the Secretary determines have demonstrated significant, statewide achievement gains in core subjects, as measured by the National Assessment of Educational Progress for three consecutive years, are closing the achievement gap between low- and high-performing students, and have in place strategies for continuous improvement in reducing the practices of social promotion and retention. Such recognition and rewards would take into account all the circumstances, including the size of the State's gains in statewide achievement.

Proposed new section 11210(b) of the ESEA would require the Secretary to establish, through regulation, a system for recognizing and rewarding States described under proposed new section 11210(a) of the ESEA. Rewards could include conferring a priority in competitive programs under the ESEA, increased flexibility in administering programs under the ESEA (consistent with maintaining accountability), and supplementary grants or administrative funds to carry out the purposes of the ESEA. Proposed new section 11210(c) of the ESEA would authorize, for fiscal year 2001 and each of the four succeeding fiscal years, the appropriation of whatever sums are necessary to provide such supplementary funds.

Proposed new section 11211 ("Best Practices Model") of the ESEA would require the Secretary, in implementing this part, to disseminate information regarding best practices, models, and other forms of technical assistance, after consulting with State and LEAs and other agencies, institutions, and organizations with experience or information relevant to the purposes of this part.

Finally, proposed new section 11212 ("Construction") of the ESEA would provide that nothing in this Part may be construed as affecting home schooling, or the application of the civil rights laws or the Individuals with Disabilities.

Section 1112. America's Education Goals Panel. Section 1112 of the bill would move the authority for the National Education Goals Panel from Title II of the Goals 2000: Educate America Act to a new Part C of Title XI of the ESEA, and rename the panel the "America's Education Goals Panel." This conforms to the renaming of the National Education Goals as "America's Education Goals" and their placement in proposed new section 2 of the ESEA, as added by section 2(b) of the bill.

The statutory authority for the Goals Panel would be largely unchanged from current law, apart from some minor stylistic changes, updates, clarifications, and the elimination of current provisions relating to voluntary National content standards, voluntary National student performance standards and the work of the Panel's Resource and Technical Planning Groups on School Readiness.

The current authority for the National Education Goals Panel, Title II of the Goals 2000: Educate America Act, would be repealed by section 1201 of the bill.

Section 1113. Repeal. Section 1112 of the bill would repeal Title XII of the ESEA.

TITLE XII—AMENDMENTS TO OTHER LAWS; REPEALS

Part A—Amendments to other laws

Section 1201. Amendments to the Stewart B. McKinney Homeless Assistance Act. Section 1201 of the bill would set forth amendments to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 *et seq.*; hereinafter referred to in this section as the "Act"). Among other things, these amendments would improve the McKinney program by: (1) helping ensure that students are not segregated based on their status as homeless; (2) enhancing coordination at the State and local levels; (3) facilitating parental involvement; (4) clarifying that subgrants to LEAs are to be awarded competitively on the basis of the quality of the program and the need for the assistance; and (5) enhancing data collection and dissemination at the national level. The program would also be reauthorized for five years.

Section 1201(a) of the bill would amend section 721(3) of the Act (Statement of Policy), by changing the current statement to make it clear that homelessness alone is not sufficient reason to separate students from the mainstream school environment. This language, which is reflected in amendments that follow make a strong statement against segregating homeless children on the basis of their homelessness. This responds to some local actions being taken around the country to create separate, generally inferior, schools for homeless children. Homeless advocacy groups and State coordinators have strongly encouraged this action.

Section 1201(b) of the bill would amend section 722 of the Act (Grants for State and Local Activities for the Education of Homeless Children and Youth). Section 1201(b)(1) of the bill would amend sections 722(c)(2) and (3) of the Act, reserving funds for the territories and defining the term "State," to remove Palau from those provisions. Palau does not participate in the program since its Compact of Free Association was ratified. Section 1201(b)(2) of the bill would amend section 722(e) of the Act (State and Local Grants), to add a new paragraph (3) that would prohibit a State receiving funds under this subtitle from segregating a homeless child or youth, either in a separate school or in a separate program within a school, based on that child or youth's status as homeless, except as is necessary for short periods of time because of health and safety emergencies or to provide temporary, special supplementary services to meet the unique needs of homeless children and youth.

Section 1201(b)(3) of the bill would amend section 722(f) of the Act (Functions of the State Coordinator). Section 1201(b)(3)(A) of the bill would amend section 722(f)(1) of the Act to eliminate the requirement that the coordinator estimate the number of homeless children and youth in the State and the number of homeless children and youth served by the program. Section 1201(b)(3)(B) of the bill would amend section 722(f)(4) of the Act to eliminate the requirement that the Coordinator report on certain specific information and replace it with a more general requirement that the Coordinator collect and transmit to the Secretary such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State. Section 1201(b)(3)(C) of the bill would amend section 722(f)(6) of the Act to make editorial changes and require the Coordinator to collaborate, as well as to coordinate, with certain currently listed entities, as well as with LEA liaisons and community organizations and groups representing homeless children and youth and their families.

Section 1201(b)(4) of the bill would amend section 722(g) of the Act (State Plan). Paragraph (4)(A) of the bill would amend section 722(g)(1)(H) of the Act to require States to provide assurances in their plans that SEAs and LEAs adopt policies and practices to ensure that homeless children and youth are not segregated or stigmatized and that LEAs in which homeless children and youth reside or attend school will: (1) post public notice of the educational rights of such children and youth in places where such children and youth receive services under this Act; and (2) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth. Section 1201(b)(4)(B) of the bill would amend section 722(g)(3)(B) of the Act to require LEAs, in determining the best interest of the homeless child or youth, to the extent feasible, to keep a homeless child or youth in his or her school of origin, except when doing so is contrary to the wishes of his or her parent or guardian, and to provide a written explanation to the homeless child's or youth's parent or guardian when the child or youth is sent to a school other than the school of origin or a school requested by the parent or guardian.

Section 1201(b)(4)(C) of the bill would amend section 722(g)(6) of the Act to consolidate the coordination requirements currently in paragraphs (6) and (9) and require that the mandated coordination be designed to: (1) ensure that homeless children and youth have access to available education and related support services, and (2) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth. Section 1201(b)(4)(D) of the bill would amend section 722(g)(7) of the Act to require each LEA liaison, designated pursuant to section 722(g)(1)(H)(ii)(II) of the Act, to ensure that: (1) homeless children and youth enroll, and have a full and equal opportunity to succeed, in schools of that agency; (2) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible; and (3) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children. Section 722(g)(7) of the Act would be further amended by adding a new subparagraph (C) requiring LEA liaisons, as a part of their duties, to coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth. Section 1201(b)(4)(E) of the bill would eliminate section 722(g)(9) of the Act, which would be combined with section 722(g)(6) of the Act.

Section 1201(c) of the bill would amend section 723 of the Act (Local Educational Agency Grants for the Education of Homeless Children and Youth). Section 1201(c)(1) of the bill would amend section 723(a) of the Act to: (1) make certain editorial changes; (2) clarify that where services under the section are provided on school grounds, schools may use funds under this Act to provide the same services to other children and youth who are determined by the LEA to be at risk of failing in, or dropping out of, schools; and (3) prohibit schools from providing services, including those to at-risk children and youth, in settings within a school that segregate homeless children and youth from other children and youth, except as is necessary for short periods of time because of health and safety emergencies or to provide temporary, special supplementary services to meet the unique needs of homeless children and youth.

Section 1201(c)(2) of the bill would amend section 723(b) of the Act to require local applications for State subgrants to contain an assessment of the educational and related needs of homeless children and youth in their district (which may be undertaken as a part of needs assessments for other disadvantaged groups). Section 1201(c)(3) of the bill would amend section 723(c)(1) of the Act to clarify that State subgrants are to be awarded competitively on the basis of the need of such agencies for assistance under this subtitle and the quality of the application submitted. Section 1201(c)(3) of the bill would also add a new paragraph (3) to section 723(c) of the Act, requiring a SEA, in determining the quality of a local application for a subgrant, to consider: (1) the applicant's needs assessment and the likelihood that the program presented in the application will meet those needs; (2) the types, intensity, and coordination of the services to be provided under the program; (3) the involvement of parents or guardians; (4) the extent to which homeless children and youth will be integrated within the regular education program; (5) the quality of the applicant's evaluation plan for the program; (6) the extent to which services provided under this subtitle will be coordinated with other available services; and (7) such other measures as the SEA deems indicative of a high-quality program.

Section 1201(d) of the bill would amend section 724 of the Act (Secretarial Responsibilities). Section 1201(d) of the bill would replace current subsection (f) (Reports), with a new subsection (f) ("Information"), and a new subsection (g) ("Report"). Proposed new section 724(f) of the Act would require the Secretary, from funds appropriated under section 726 of the Act, and either directly or through grants, contracts, or cooperative agreements, to periodically collect and disseminate data and information on the number and location of homeless children and youth, the education and related services such children and youth receive, the extent to which such needs are being met, and such other data and information as the Secretary deems necessary and relevant to carry out this subtitle. The Secretary would also be required to coordinate such collection and dissemination with the other agencies and entities that receive assistance and administer programs under this subtitle. Proposed new section 724(g) of the Act would require the Secretary, not later than four years after the date of the enactment of the bill, to prepare and submit to the President and appropriate committees of the House of Representatives and the Senate a report on the status of education of homeless youth and children.

Section 1201(e) of the bill would amend section 726 of the Act to authorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out the subtitle.

Section 1202. Amendments to Other Laws. Section 1202 of the bill would make conforming amendments to other statutes that reflect the changes to the ESEA that are proposed in this bill.

Section 1202(a) of the bill would eliminate an outdated cross-reference in section 116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)).

Section 1202(b) of the bill would update a cross-reference in section 317(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(10)).

Section 1202(3) of the bill would amend the Pro-Children Act of 1994 (20 U.S.C. 6081 *et seq.*) to eliminate references to kindergarten, elementary, and secondary education services from the prohibition against smoking contained in that Act. Proposed new Title IV of the ESEA, as amended by Title IV of the bill, contains a comparable prohibition against smoking in facilities used for education services, and the education references in the Pro-Children Act are no longer necessary.

Part B—Repeals

Section 1211. Repeals. Section 1211 of the bill would repeal Title XIII of the ESEA, several parts and titles of the Goals 2000: Educate America Act (P.L. 103–227), and Title III of the Education for Economic Security Act (20 U.S.C. 3901 *et seq.*). These provisions have either accomplished their purpose, authorize activities that are more appropriately carried out with State and local resources, or have been incorporated into the ESEA as amended by the bill.

Title XIII, Support and Assistance Programs to Improve Education, of the ESEA would be repealed. Proposed new Part D of Title II of the ESEA contains the new ESEA technical assistance and information dissemination programs.

In the Goals 2000 statute, Title I, National Education Goals; Title II, National Education Reform Leadership, Standards, and Assessments, Title III, State and Local Education Systemic Improvement; Title IV, Parental Assistance; Title VII, Safe Schools; and Title VIII, Minority-focused Civics Education, would be repealed. Part B, Gun-free Schools, of Title X of the Goals 2000 statute would also be repealed.

Next, the Educational Research, Development, Dissemination, and Improvement Act of 1994 (Title IX of P.L. 103–227) would be amended by repealing Part F, Star Schools; Part G, Office of Comprehensive School Health Education; Part H, Field Readers; and Part I, Amendments to the Carl D. Perkins Vocational and Applied Technology Act.

Title III, Partnerships in Education for Mathematics, Science, and Engineering, of the Education for Economic Security Act would also be repealed by section 1211 of the bill.

By Mr. LEAHY:

S. 1181. A bill to appropriate funds to carry out the commodity supplemental food program and the emergency food assistance program fiscal year 2000 to the Committee on Agriculture, Nutrition, and Forestry.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Mr. LEAHY. Mr. President, I am proud to introduce a bill to increase funding for the Commodity Supplemental Food Program for Fiscal Year 2000. I look forward to working with Appropriate Committee members on this and other important matters through the appropriations process.

The Commodity Supplemental Food Program does exactly what its name suggests—it provides supplemental foods to states who distribute them to low-income postpartum, pregnant and breastfeeding women, infants, children up to age six, as well as senior citizens.

People participating in CSFP receive healthy packages of food including items such as infant formula juice, rice, pasta, and canned fruits and vegetables.

The Commodity Supplemental Food Program currently operates in twenty states and last year, more than 370,000 people participated in it every month. There still remains a great need to expand this program, as there is a waiting list of states—including my state of Vermont—who want to participate, but are not able to because of lack of funding. The bill I am introducing would fix this problem, by increasing the funding so that more women, children and seniors in need could participate. I look forward to working with the Vermont Congressional delegation on this matter.

The Commodity Supplemental Food Program has proven itself to be vitally important to senior citizens, as 243,000 of the 370,000 people who participate every month are seniors. There continues to be a great need for our seniors in Vermont, and in the rest of the nation.

This has been true for sometime, and still is the case. I successfully fought efforts a few years ago to terminate the Meals on Wheels Program. Ending that program would have been a disaster for our seniors.

According to an evaluation of the Elderly Nutrition Program of the Older Americans Act, approximately 67% to 88% of the participants are at moderate to high nutritional risk. It is further estimated that 40% of older adults have inappropriate intakes of three or more nutrients in their diets. And the results of nutritional programs on the health of seniors are amazing—for instance, it was estimated in a report that for every $1 spent on Senior Nutrition Programs, more than $3 is saved in hospital costs.

This Congress, I have taken a number of steps to address the nutritional problems facing our seniors, and have met with some success. In response to a budget request that I submitted last year, the Administration increased their funding request for the Elderly Nutrition Program by $10 million to $150 million for Fiscal year 2000. I will continue to work to see that the full $150 million is included in the final budget.

This past April I also cosponsored the Medicare Medical Nutrition Therapy Act, which provides for Medicare coverage of medical nutrition therapy services of registered dietitians and nutrition professionals. Medicare coverage of medical nutrition therapy would save money by reducing hospital admissions, shortening hospital stays, and decreasing complications.

I look forward to working with my colleagues to pass this measure into law through the normal appropriations process for fiscal year 2000.

By Mr. DOMENICI:

S. 1182. A bill to authorize the use of flat grave markers to extend the useful life of the Santa Fe National Cemetery, New Mexico, and to allow more veterans the honor and choice of being buried in the cemetery; to the Committee on Veterans' Affairs.

SANTA FE NATIONAL CEMETERY LEGISLATION

Mr. DOMENICI. Mr. President, it is with great pleasure and honor that I rise today to introduce a bill to extend the useful life of the Santa Fe National Cemetery in New Mexico.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery of their choosing. However, unless Congressional action is taken the Santa Fe National Cemetery will run out of space to provide casketed burials for our veterans at the conclusion of 2000.

I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39/100 of an acre to its current 77 acres. The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875.

Men and women who have fought in all of nation's wars hold an honored spot within the hallowed ground of the cemetery. Today the Santa Fe National Cemetery contains almost 27,000 graves that are mostly marked by upright headstones.

However, as I have already stated, unless Congress acts the Santa Fe National Cemetery will be forced to close.

The Bill I am introducing today allows the Secretary of Veterans Affairs to provide for the use of flat grave markers that will extend the useful life of the cemetery until 2008.

While I wish the practice of utilizing headstones could continue indefinitely if a veteran chose, my wishes are outweighed by my desire to extend the useful life of the cemetery. I would note that my desire is shared by the New Mexico Chapter of the American Legion, the Albuquerque Chapter of the Retired Officers' Association, and the New Mexico Chapter of the VFW who have all endorsed the use of flat grave markers.

Finally, this is not without precedent because exceptions to the law have been granted on six prior occasions with the most recent action occurring in 1994 when Congress authorized the Secretary of Veterans Affairs to provide for flat grave markers at the Willamette National Cemetery in Oregon.

Mr. President, I ask unanimous consent that a copy of the Bill and four letters of support for the use of flat grave markers be printed in the Record.

There being no objection, the materials were ordered to be printed in the Record, as follows:

S. 1182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO USE FLAT GRAVE MARKERS AT SANTA FE NATIONAL CEMETERY, NEW MEXICO.

(a) Findings.—Congress makes the following findings:

(1) The men and women who have served in the Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique in all civilization.

(2) The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

(3) These veterans at the very least deserve every opportunity to be buried in a National Cemetery of their choosing.

(4) The Santa Fe National Cemetery in New Mexico opened in 1868 and was designated a National Cemetery in April 1875.

(5) The Santa Fe National Cemetery now has 77 acres with almost 27,000 graves most of which are are marked by upright headstones.

(6) The Santa Fe National Cemetery will run out of space to provide for casketed burials at the end of 2000 unless Congress acts to allow the use of flat grave markers to extend the useful life of the cemetery until 2008.

(b) Authority.—Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary of Veterans Affairs may provide for flat grave markers at the Santa Fe National Cemetery, New Mexico.

The American Legion,
Department of New Mexico,
Albuquerque, NM, March 31, 1997.

Mr. Gil Gallo,
Director, Santa Fe National Cemetery,
Santa Fe, NM.

Dear Mr. Gallo: The American Legion has discussed your proposal on having a section of flat cemetery markers at the National Cemetery, which would decrease the size of the individual plots; therefore making more room for our veterans, at the National Cemetery.

We are in complete agreement and in support of this venture. If we can be of assistance in any way, please advise.

Sincerely,

Harry C. Rhizor,
Department Commander.

Albuquerque Chapter,
The Retired Officers' Association,
Albuquerque, NM. March 7, 1997.

Director,
Santa Fe National Cemetery,
Santa Fe, NM.

Dear sir, The Albuquerque Chapter of The Retired Officers Association supports your position to begin using flat grave markers for future interments.

Sincerely,

George Pierce,
LTC, USA, President.

VFW,
Department of New Mexico,
Albuquerque, NM, April 16, 1997.

Gill Gallo,
Director, Department of Veterans Affairs,
Santa Fe National Cemetery,
Santa Fe, NM.

Dear Mr. Gallo: This letter will acknowledge receipt of your informational letter concerning the Santa Fe National Cemetery dated April 4, 1997. Please be advised that I took the liberty to circulate the information to VFW Post Commanders located in Northern New Mexico. The following is our consensus.

Although we would want to continue with the upright marble headstones which are provided with the 5x10 grave site, we found it more important to extend the life of the National Cemetery therefore we support your efforts to utilize the granite markers and the recommended 4x8 grave sites. We are also in agreement with your recommendations for a columbarium for the burial of our cremated Comrades.

Please thank your staff for the outstanding work and service which they provide our departed Comrades and Veterans. Let me also thank you for providing us with the specific information needed to come to our decision.

As State Commander of the Veterans of Foreign Wars of the United States of America Department of New Mexico I pledge our full support of your recommendation and would ask that you forward this letter of support to your Washington Office.

May God Bless America and our men and women who served and serve in our military armed forces.

Yours in comradeship,

Robert O. Perea,
State Commander.

Department of Veterans Affairs,
Director National Cemetery System,
Washington, DC, January 9, 1998.

Michael C. D'Arco,
Director, New Mexico Veterans
Services Commission
Santa Fe, NM.

Dear Mr. D'Arco. I know that you are completing your study on the issue of veterans cemeteries in New Mexico. Following is information on the Santa Fe National Cemetery.

There is approximately a three-year inventory of casketed sites readily available for immediate use in the recently developed sections of the cemetery, sections 10, 11, and 12. If no other casketed sites are developed, then we would exhaust this inventory in 2001.

Based on our understanding that future flat marker gravesite sections on the east side of the cemetery are acceptable to veterans and the neighboring community, an additional seven-year inventory of sites can be developed in that portion of the cemetery. This would extend the useful life of the cemetery for casketed burials to the year 2008. While this is just a general estimate, and exact details will not be available until a more formal design is completed, we anticipate developing and using these sites. Accordingly, the 2008 date is the date to use in your study for casketed gravesite closure of the Santa Fe National Cemetery.

It is important to note that we anticipate being able to provide for inground cremation service well beyond the year 2030. Consideration will also be given toward columbarium development.

Incidentally, we are estimating Fort Bayard National Cemetery's closure date as 2027, but we are optimistic that potential exists beyond that date. I hope this information is useful to you. If you have any questions, please contact me or Roger R. Rapp on my staff at 202-273-5225.

Sincerely yours,

Jerry W. Bowen.

By Mr. NICKLES:

S. 1183. A bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; to the Committee on Energy and Natural Resources.

NIPER LEGISLATION

Mr. NICKLES. Mr. President, today I am introducing legislation that will transfer ownership of land owned by the Department of Energy (DOE) and known as the National Institute of Petroleum Energy Research (NIPER) to the City of Bartlesville for business and educational purposes.

The NIPER facility was originally established in 1918 as the Petroleum Experiment Station by the U.S. Bureau of Mines. Its purpose was to provide research targeted to oil and gas field problems. In 1936, as World War II approached, additions to the Work Project Administration building were erected. Its research was expanded to help the war effort. During the 1973–1974 energy crisis, the center was renamed the Bartlesville Energy Research Center. When the Center privatized in 1983, it was renamed the National Institute for Petroleum and Energy Research (NIPER). NIPER closed its operations on December 22, 1998.

According to the Surplus Property Act of 1949, excess federal property is screened for use by the following: Housing and Urban Development, Health and Human Services, and local and state organizations including nonprofit organizations. At the conclusion of the screening process, a negotiated sale is conducted. If the property is still undeclared it goes to auction.

Unfortunately this process can take many years, thus preventing the city of Bartlesville from realizing any near-term economic boost from NIPER's redevelopment. Consequently, this legislation is needed to ensure that the NIPER facilities are redeveloped as quickly as possible in order to provide a prompt economic boost to the community. This legislation also will ensure that the NIPER facilities do not deteriorate while the property is being processed through the lengthy steps of the Surplus Property Act and therefore make re-use impossible.

The City of Bartlesville intends to provide an educational facility and a place for business and industry that would facilitate job creation through technology and investment. The NIPER facility will also provide housing for administrative services for community development organization such as United Way, Women and Children in Crisis, and various homeless programs. This project enjoys the strong support of the Mayor of Bartlesville and other locally elected officials.

By Mr. DOMENICI (for himself and Mr. KYL):

S. 1184. A bill to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes; to the Committee on Energy and Natural Resources.

NATIONAL FOREST SYSTEM COMMUNITY PURPOSES ACT

Mr. DOMENICI. Mr. President, I rise to introduce important legislation, cosponsored by Senator KYL, that would allow the Forest Service to convey parcels of land to States and local governments, on the condition that it be used for a specific recreational or local public purpose. The National Forest System Community Purposes Act is patterned after an existing law that set in place one of the most successful local community assistance programs under the Bureau of Land Management (BLM).

That law, the Recreation and Public Purposes Act, was enacted in 1926. Under its authority, the BLM has been able to work cooperatively with States and communities to provide land needed for recreational areas and other public projects to benefit local communities in areas where Federal land dominates the landscape. With skyrocketing demands on the Forest Service and local communities to provide accommodations and other services for an ever-increasing number of Americans who take advantage of all the opportunities available in the national forests, I believe the time has come to provide this ability to the Forest Service.

In the 1996 Omnibus Parks and Public Lands Management Act, there were no fewer than 31 boundary adjustments, land conveyances, and exchanges authorized, many of which dealt with national forests. Had this legislation been enacted at that time, I cannot say for sure how many of these provisions would have been unnecessary, but I expect the number would have been reduced by at least one-third.

During the 105th Congress, I sponsored three bills that directed the Secretary of Agriculture to convey small tracts Forest Service land to communities in New Mexico. All three bills were subsequently passed in the Senate unanimously, but two of these bills were not enacted last year, and the Senate has once again seen fit to pass them in the 106th Congress. We now await action in the House. I know that other Senators are faced with a similar situation of having to shepherd bills through the legislative process simply to give the Forest Service the authority to cooperate with local communities on projects to meet local needs.

Over one-third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. Communities adjacent to and surrounded by National Forest System land have limited opportunities to acquire land for certain recreational and other local public purposes. In many cases, these recreational and other local needs are not within the mission of the Forest Service, but would not be inconsistent with forest plans developed for the adjacent national forest. To compound the problem, small communities are often unable to acquire land due to its extremely high market value resulting from the predominance of Federal land in the local area.

The subject of one of the bills I just alluded to provides an excellent example of the problem. That bill provided for a one-acre conveyance to the Village of Jemez Springs, New Mexico. The land is to be used for a desperately needed fire substation, which will obviously benefit public safety for the local community. Since over 70 percent of the emergency calls in this particular community are for assistance on the Santa Fe National Forest, however, the Forest Service would also benefit greatly from this new station.

In fairness, the Forest Service was very willing to sell this land to the village, but they were constrained by current law to charge the appraised fair market value. Herein lies the biggest problem for small communities like Jemez Springs. In this case, the appraised value of an acre of land along the highway, obviously necessary for this kind of a facility, was estimated to be around $50,000. Combined with the cost of building the station itself, this additional cost put the project out of reach of the community's 400 residents.

Through this example, it is clear to see that both the national forests and adjacent communities could mutually benefit from a process similar to that under the Recreation and Public Purposes Act. This program has worked so well for the BLM over the years, I see no reason for the Forest Service not to have the same kind of authority.

The National Forest System Community Purposes Act would give the Secretary of Agriculture the authority to convey or lease parcels of Forest Service land to States, counties, or other incorporated communities at a cost that could be less than fair market value. In order to obtain the land, the State or community would develop a plan of use that would be subject to Forest Service approval.

In closing, Mr. President, I think the time has come for this legislation. In fact, during a recent discussion I had with Forest Service Chief Dombeck, he was somewhat surprised to learn that the agency did not already have this authority. I would urge the Senate to provide this needed assistance to local communities around the country.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. HATCH, Mr. MCCAIN, Mr. MCCONNELL, Mr. LOTT, Mr. BOND, Mr. ASHCROFT, Mr. COVERDELL, Mr. NICKLES, Mr. BROWNBACK, Mr. GORTON, Mr. GRASSLEY, Mr. SESSIONS, Mr. BURNS, Mr. INHOFE, Mr. HELMS, Mr. ALLARD, Mr. HAGEL, Mr. MACK, Mr. BUNNING, Mr. JEFFORDS, Mr. DEWINE, Mr. CRAIG, Mr. HUTCHINSON, and Mr. ENZI):

S. 1185. A bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers; to the Committee on the Judiciary.

THE SMALL BUSINESS LIABILITY REFORM ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise today to introduce the Small Business Liability Reform Act of 1999, legislation that will provide targeted relief to small businesses nationwide.

Small businesses in Michigan and across this nation are faced with a daily threat of burdensome litigation, a circumstance which has created a desperate need for relief from unwarranted and costly lawsuits. While other sectors of our society and our economy also need relief from litigation excesses, small businesses by their very nature are particularly vulnerable to lawsuit abuse, and find it particularly difficult to bear the high cost of defending themselves against unjustified and unfair litigation.

Small businesses represent the engine of our growing economy and provide countless benefits to communities across America. The Research Institute for Small and Emerging Business, for example, has estimated that there are over 20 million small businesses in America, and that these small businesses generate 50 percent of our country's private sector output.

My small business constituents relate story after story describing the constraints, limitations and fear posed by the very real threat of abusive and unwarranted litigation. The real world impact translates into high-cost liability insurance, which wastes resources that could instead be used to expand small businesses, to provide more jobs, or to offer more benefits to employees. According to a recent Gallup survey, one out of every five small businesses decides not to hire more employees, expand its business, introduce a new product, or improve an existing product because of the fear of lawsuits—not entrepeneurial risk, not lack of capital resources, but lawsuits.

In the same vein, innocent product sellers—often small businesses like your neighborhood corner grocery store—have also described the high legal costs they incur when they are needlessly drawn into product liability lawsuits. The unfairness in these cases is astonishing—the business may not even produce a product, but is still sued for product defects. The reason? It is no secret that courts differ in how favorably they look upon product liability suits—some are receptive, others outright hostile. So even though a local store neither designs nor manufactures the product, it is routinely dragged into court because the plaintiff's attorney desires to pull manufacturers into a favorable forum. That's called "forum shopping" on the part of the plaintiff, and the practice causes needless financial damage to America's small businesses. And while the nonculpable product seller is rarely found liable for damages, it must still bear the enormous cost of defending itself against these unwarranted suits. Rental and leasing companies are in a similarly vulnerable position, as they are commonly held liable for the wrongful conduct of their customers even though the companies themselves are found to have committed no wrong.

The 105th Congress passed the Volunteer Protection Act, which provides specific protections from abusive litigation to volunteers. The Senate passed that legislation by an overwhelming margin of 99–1, and the President signed it, making it Public Law 105–19. That legislation provides a model for further targeted reforms for sectors of our economy that are particularly hard hit and in need of immediate relief. I believe it is high time for small business liability reform, time to take this small step, time to shield those not at fault from needless expense and unwarranted distress.

Mr. President, I'd like to take a moment and provide a little background on our effort, as I believe it will highlight the desperate need for reform. Small businesses shoulder an often unbearable load from unwarranted and unjustified lawsuits. Data from San Diego's Superior Court published by the Washington Legal Foundation reveals that punitive damages are requested in 41 percent of suits against small businesses. It is simply unfathomable that such a large proportion of our small businesses could be engaging in the sort of egregious misconduct that would warrant a claim of punitive damages. Similarly, the National Federal of Independent Business reports that 34 percent of Texas small business owners are sued or threatened with court action seeking punitive damages; again, the outrageously high rate of prayer for punitive damages simply cannot have anything to do with actual wrongdoing by the defendant.

The specifics of the cases are no better. In a case reported by the American Consulting Engineers Council, a drunk driver had an accident after speeding and bypassing detour signs. Eight hours after the crash, the driver still had a blood alcohol level of .09. Nonetheless, the driver sued the engineering firm that designed the road, the contractor, the subcontractor, and the state highway department. Five years later, and after expending exorbitant amounts on legal fees, the defendants settled the case for $35,000. The engineering firm, a small 15 person firm, was swamped with over $200,000 in legal costs—an intolerable amount for a small business to have to pay in defending an unwarranted lawsuit.

There are more examples. An Ann Landers column from October, 1995, reported a case in which a minister and his wife sued a guide-dog school for $160,000 after a blind man who was learning to use a seeing-eye dog stepped on the minister's wife's toes in a shopping mall. The guide-dog school, Southeastern Guide Dogs, Inc., which provided the instructor supervising the man, was the only school of its kind in the southeast. It trains seeing-eye dogs at no cost to the visually impaired. The couple filed their lawsuit 13 months after the so-called accident, in which witnesses reported that the woman did not move out of the blind man's way because she wanted to see if the dog would walk around her.

The experience of a small business in Michigan, the Michigan Furnace Company, is likewise alarming. The President of that company has reported that every lawsuit in the history of her company has been a nuisance lawsuit. She indicates that if the money the company spends on liability insurance and legal fees were distributed among employees, it would amount to a $10,000 annual raise. That's real money, and that's a real cost coming right out of the pocket of Michigan workers.

These costs are stifling our small businesses and the careers of people in their employ. The straightforward provisions of Title I of the Small Business Lawsuit Abuse Protection Act will provide small businesses with relief by discouraging abusive litigation. This section contains two principal reforms.

First, the bill limits punitive damages that may be awarded against a small business. In most civil lawsuits against small businesses, punitive damages would be available against the small business only if the claimant proves by clear and convincing evidence that the harm was caused by the small business through at least a conscious, fragrant indifference to the rights and safety of the claimant. Punitive damages would also be limited in amount to the lesser of $250,000 or two times the compensatory damages awarded for the harm. That formulation is exactly the same as that in the small business protection provision that was included in the Product Liability Conference Report passed in the 104th Congress.

Second, joint and several liability reforms for small businesses are included under the exact same formulation used in the Volunteer Protection Act passed in the 105th Congress and in the Protection Liability Conference Report passed in the 104th Congress. Joint and several liability would be limited such that a small business would be liable for noneconomic damages only in proportion to the small business's responsibility for causing the harm. If a small business is responsible for 100 percent of an accident, then it will be liable for 100 percent of noneconomic damages. But if it is only 70 percent, 25 percent, 10 percent or any other percent responsible, then the small business will be liable only for a like percentage of noneconomic damages.

Small businesses would still be jointly and severally liable for economic damages, and any other defendants in the action that were not small businesses could be held jointly and severally liable for all damages. But the intent of this provision is to provide some protection to small businesses, so that they will not be sought out as "deep pocket" defendants by trail lawyers who would otherwise try to get small businesses on the hook for harms that they have not caused. The fact is that many small businesses simply do not have deep pockets, and they frequently need all of their resources just to stay in business, take care of their employees, and make ends meet.

Other provisions in this title specify the situations in which its reforms apply. The title defines small business as any business having fewer than 25 employees, the same definition included in the Product Liability Conference Report. Like the Volunteer Protection Act, this title covers all civil lawsuits except those involving certain types of egregious misconduct. The limitations on liability would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, civil rights law violation, or natural resource damages, or damages that occurred while the defendant was under the influence of intoxicating alcohol or any drug. Any finally, like the Volunteer Protection Act, this title includes a State opt-out. A State would be able to opt out of these provisions provided that the State enacts a law indicating its election to do so and containing no other provisions. I do not expect that any State will opt-out of these provisions, but I feel it is important to include one out of respect for principles of federalism.

Title II of the Act addresses liability reform for non-culpable product sellers, commonly small businesses, who have long sought help in gaining a degree of protection from unwarranted lawsuits. Product sellers, like your corner grocery store, provide a crucial service to all of us by offering a convenient source for a wide assortment of goods. Unfortunately, current law subjects them to harassment and unnecessary litigation; in about twenty-nine states, product sellers are drawn into the overwhelming majority of product liability cases even though they play no part in the designing and manufacturing process, and are not to blame in any way for the harm. It is pointless to haul a product seller into the litigation when everyone in the system knows that the seller is not at fault. Dragging in the neighborhood convenience store helps no one, not the claimant, not the product seller, and certainly not the consumer. All it does is increase the cost to product sellers of doing business in our neighborhoods, because these businesses are unnecessarily forced to bear the cost of court expenses in their defense.

Again, the real-world background presents a compelling case. In one instance, a product seller was dragged into a product liability suit even though the product it sold was shipped directly from the manufacturer to the plaintiff. In the end, the manufacturer—not the product seller—had to pay compensation to the plaintiff. Unfortunately, this was after the product seller has been forced to. spend $25,000 in court expenses $25,000 that could have been used to expand the business or to provide higher salaries.

Title II would allow a plaintiff to sue a product seller only when the product seller is responsible for the harm or when the plaintiff cannot collect from the manufacturer. This limitation would cover all product liability actions brought in any Federal or State Court. However, we have specifically ensured that the provision does not apply to actions brought for certain commercial losses, and actions brought under a theory of dram-shop or third party liability arising out of the sale of alcoholic products to intoxicated persons or minors.

Additionally, rental or leasing companies are often unfairly subjected to lawsuits based on vicarious liability, which holds these companies responsible for acts committed by an individual rentee or lessee. In several states, these companies are subject to liability for the negligent tortious acts of their customers even if the rental company is not negligent and the product is not deffective. This type of fault-ignorant liability is detrimental to the economy because it increases non-culpable companies' costs, costs which are ultimately passed along to the rental customers.

Settlements and judgements from vicarious liability claims against auto rental companies cost the industry approximately $100 million annually. In Michigan, for example, a renter lost control of a car and drove off the highway. The care flipped over several times, killing a passenger who was not wearing a seat belt. The car rental company, which was not at fault, nevertheless settled for $1.226 million out of fear of being held vicariously liable for the passenger's death.

In another case, four British sailors rented a car from Alamo to drive from Fort Lauderdale to Naples. The driver fell asleep at the wheel, and his car left the road and ended up in a canal. The driver and two passengers were killed, while the fourth passenger was seriously injured. Although the Court found Alamo not to have acted negligently, Alamo was ordered by a jury to pay the plaintiffs $7.7 million solely due to Alamo's ownership of the vehicle.

Often even when the injured party and the driver are both at fault, it is the innocent rental company that has to bear the resulting expenses. For example, an individual in a rented auto struck a pedestrian at an intersection in a suburban commercial area on Long Island. The pedestrian, who was intoxicated, was jay-walking on her way from one bar to another. The driver was also intoxicated. The pedestrian unfortunately sustained a traumatic brain injury and was left in a permanent vegetative state. Although the auto rental company was clearly not at fault in this case, the result is predictable: the rental company was forced to settle for $8.5 million out of fear of a much larger jury award.

We believe that subjecting product renters and lessors to vicarious liability is not only unfair, but also increases the cost to all consumers. Title II resolves this problem by providing that product renters and lessors shall not be liable for the wrongful acts of another solely by reason of product ownership—product renters and lessors would only be responsible for their own acts.

I am pleased to have Senators LIEBERMAN, HATCH, MCCAIN, MCCONNELL, LOTT, BOND, ASHCROFT, COVERDELL. NICKLES, BROWNBACK, GORTON, GRASSLEY, SESSIONS, BURNS, INHOFE, HELMS, ALLARD, HAGEL, MACK, BUNNING, JEFFORDS, DEWINE, CRAIG, HUTCHISON, and ENZI as original cosponsors of the legislation and very much appreciate their support for our small businesses and for meaningful litigation reform. The list of business organizations supporting this bill is also impressive, and includes the following: National Federation of Independent Business, the National Restaurant Association, The National Association of Wholesalers, The National Retail Federation, The American Auto Leasing Association, The American Consulting Engineers Council, The Small Business Legislative Council, National Small Business United, The National Association of Convenience Stores. The American Car Rental Association, The International Mass Retail Association, the Associated Builders and Contractors, and the National Equipment Leasing Association.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Liability Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Limitation on punitive damages for small businesses.
Sec. 104. Limitation on several liability for noneconomic loss for small businesses.
Sec. 105. Exceptions to limitations on liability.
Sec. 106. Preemption and election of State nonapplicability.
Sec. 107. Effective date.

TITLE II—PRODUCT SELLER FAIR TREATMENT

Sec. 201. Findings; purposes.
Sec. 202. Definitions.
Sec. 203. Applicability; preemption.
Sec. 204. Liability rules applicable to product sellers, renters, and lessors.
Sec. 205. Federal cause of action precluded.
Sec. 206. Effective date.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

SEC. 101. FINDINGS.

Congress finds that—

(1) the United States civil justice system is inefficient, unpredictable, unfair, costly, and impedes competitiveness in the marketplace for goods, services, business, and employees;

(2) the defects in the civil justice system have a direct and undesirable effect on interstate commerce by decreasing the availability of goods and services in commerce;

(3) there is a need to restore rationality, certainty, and fairness to the legal system;

(4) the spiralling costs of litigation and the magnitude and unpredictability of punitive damage awards and noneconomic damage awards have continued unabated for at least the past 30 years;

(5) the Supreme Court of the United States has recognized that a punitive damage award can be unconstitutional if the award is grossly excessive in relation to the legitimate interest of the government in the punishment and deterrence of unlawful conduct;

(6) just as punitive damage awards can be grossly excessive, so can it be grossly excessive in some circumstances for a party to be held responsible under the doctrine of joint and several liability for damages that party did not cause;

(7) as a result of joint and several liability, entities including small businesses are often brought into litigation despite the fact that their conduct may have little or nothing to do with the accident or transaction giving rise to the lawsuit, and may therefore face increased and unjust costs due to the possibility or result of unfair and disproportionate damage awards;

(8) the costs imposed by the civil justice system on small businesses are particularly acute, since small businesses often lack the resources to bear those costs and to challenge unwarranted lawsuits;

(9) due to high liability costs and unwarranted litigation costs, small businesses face higher costs in purchasing insurance through interstate insurance markets to cover their activities;

(10) liability reform for small businesses will promote the free flow of goods and services, lessen burdens on interstate commerce, and decrease litigiousness; and

(11) legislation to address these concerns is an appropriate exercise of the powers of Congress under clauses 3, 9, and 18 of section 8 of article I of the Constitution of the United States, and the 14 amendment to the Constitution of the United States.

SEC. 102. DEFINITIONS.

In this title:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" has the same meaning as in section 2331 of title 18, United States Code.

(2) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 16 of title 18, United States Code.

(3) DRUG.—The term "drug" means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802(b)) that was not legally prescribed for use by the defendant or that was taken by the defendant other than in accordance with the terms of a lawfully issued prescription.

(4) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(5) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(6) HATE CRIME.—The term "hate crime" means a crime described in section 1(b) of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(7) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(8) SMALL BUSINESS.—

(A) IN GENERAL.—The term "small business" means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has less than 25 full-time employees.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—

(i) a parent corporation; and

(ii) any other subsidiary corporation of that parent corporation.

(9) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant through willful misconduct or with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages shall not exceed the lesser of—

(1) 2 times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) $250,000.

(c) APPLICATION BY COURT.—This section shall be applied by the court and shall not be disclosed to the jury.

SEC. 104. LIMITATION ON SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, the liability of each defendant that is a small business, or the agent of a small business, for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—In any civil action described in subsection (a)—

(A) each defendant described in that subsection shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable; and

(B) the court shall render a separate judgment against each defendant described in that subsection in an amount determined under subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the harm to the claimant, regardless of whether or not the person is a party to the action.

SEC. 105. EXCEPTIONS TO LIMITATIONS ON LIABILITY.

The limitations on liability under sections 103 and 104 do not apply to any misconduct of a defendant—

(1) that constitutes—

(A) a crime of violence;

(B) an act of international terrorism; or

(C) a hate crime;

(2) that results in liability for damages relating to the injury to, destruction of, loss of, or loss of use of, natural resources described in—

(A) section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or

(B) section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C));

(3) that involves—

(A) a sexual offense, as defined by applicable State law; or

(B) a violation of a Federal or State civil rights law; or

(4) if the defendant was under the influence (as determined under applicable State law) of intoxicating alcohol or a drug at the time of the misconduct, and the fact that the defendant was under the influence was the cause of any harm alleged by the plaintiff in the subject action.

SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this title preempts the laws of any State to the extent that State laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protections from liability for small businesses.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title does not apply as of a date certain to such actions in the State; and

(3) containing no other provision.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a small business, if the claim is filed on or after the effective date of this title, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE II—PRODUCT SELLER FAIR TREATMENT

SEC. 201. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce and consumers of the United States by increasing the cost of, and decreasing the availability of products;

(2) some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce;

(3) product liability awards may jeopardize the financial well-being of individuals and industries, particularly the small businesses of the United States;

(4) because the product lability laws of a State may have adverse effects on consumers

and businesses in many other States, it is appropriate for the Federal Government to enact national, uniform product liability laws that preempt State laws; and

(5) under clause 3 of section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce.

(b) PURPOSES.—The purposes of this Act, based on the powers of the United States under clause 3 of section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce, by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of all parties in the chain of production, distribution, and use of products; and

(2) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harms both plaintiffs and defendants.

SEC. 202. DEFINITIONS.

In this title:

(1) ALCOHOL PRODUCT.—The term "alcohol product" includes any product that contains not less than ½ of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term "claimant" means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) COMMERCIAL LOSS.—The term "commercial loss" means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(4) COMPENSATORY DAMAGES.—The term "compensatory damages" means damages awarded for economic and noneconomic losses.

(5) DRAM-SHOP.—The term "dram-shop" means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(7) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic loss.

(8) MANUFACTURER.—The term "manufacturer" means—

(A) any person who—

(i) is engaged in a business to produce, create, make, or construct any product (or component part of a product); and

(ii)(I) designs or formulates the product (or component part of the product); or

(II) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) that are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs and designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(10) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(11) PRODUCT.—

(A) IN GENERAL.—The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term "product" does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(12) PRODUCT LIABILITY ACTION.—The term "product liability action" means a civil action brought on any theory for any physical injury, illness, disease, death, or damage to property that is caused by a product.

(13) PRODUCT SELLER.—

(A) IN GENERAL.—The term "product seller" means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term "product seller" does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(14) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

SEC. 203. APPLICABILITY; PREEMPTION.

(a) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this title governs any product liability action brought in any Federal or State court.

(2) ACTIONS EXCLUDED.—

(A) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall be governed only by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(B) ACTIONS FOR NEGLIGENT ENTRUSTMENT; NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION; DRAM-SHOP.—

(i) NEGLIGENT ENTRUSTMENT.—A civil action for negligent entrustment shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(ii) NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION.—A civil action brought under a theory of negligence per se concerning the use of a firearm or ammunition shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(iii) DRAM-SHOP.—A civil action brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor shall not be subject to the provisions of this title, but shall be subject to any applicable Federal or State law.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes a State law only to the extent that the State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any State law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief, for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8))).

SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action covered under this Act, a product seller other than a manufacturer shall be liable

to a claimant only if the claimant establishes that—

(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;

(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) the intentional wrongdoing caused the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if—

(A) the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) DEFINITION.—For purposes of paragraph (2), and for determining the applicability of this title to any person subject to that paragraph, the term "product liability action" means a civil action brought on any theory for harm caused by a product or product use.

(2) LIABILITY.—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 202(13)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product.

SEC. 205. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under this title based on section 1331 or 1337 of title 28, United States Code.

SEC. 206. EFFECTIVE DATE.

This title shall apply with respect to any action commenced on or after the date of enactment of this Act without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before that date of enactment.

THE SMALL BUSINESS LIABILITY REFORM ACT OF 1999—SECTION-BY-SECTION ANALYSIS

A bill to offer small businesses and product sellers certain protections from litigation excesses.

TITLE I: SMALL BUSINESS LAWSUIT ABUSE PROTECTION

Section 101: Findings

This section sets out congressional findings concerning the litigation excesses facing small businesses, and the need for litigation reforms to provide certain protections to small businesses from abusive litigation.

Section 102: Definitions

Various terms used in this title are defined in this section. Significantly, for purposes of the legislation, a small business is defined as any business or organization with fewer than 25 full time employees.

Section 103: Limitation on punitive damages for small businesses

This section provides that punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant that is a small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

This section also limits the amount of punitive damages that may be awarded against a small business. In any civil action against a small business, punitive damages may not exceed the lesser of two times the amount awarded to the claimant for economic and noneconomic losses, or $250,000.

Section 104: Limitation on several liability for noneconomic loss for small business

This section provides that, in any civil action against a small business, for each defendant that is a small business, the liability of that defendant for noneconomic loss will be in proportion to that defendant's responsibility for causing the harm. Those defendants would continue, however, to be held jointly and severally liable for economic loss. In addition, any other defendants in the action that are not small businesses would continue to be held jointly and severally liable for both economic and noneconomic loss.

Section 105: Exceptions to limitations on liability

The limitations on liability included in this title would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, civil rights law violation, or natural resource damages, or which occurred while the defendant was under the influence of intoxicating alcohol or any drug.

Section 106: Preemption and election of State nonapplicability

This title preempts State laws to the extent that any such laws are inconsistent with it, but it does not preempt any State law that provides additional protections from liability to small businesses. The title also includes an opt-out provision for the States. A State may opt out of the provisions of the title for any action in State court against a small business in which all parties are citizens of the State. In order to opt out, the State would have to enact a statute citing the authority in this section, declaring the election of the State to opt, and containing no other provisions.

Section 107: Effective date

This title would take effect 90 days after the date of enactment, and would apply to claims filed on or after the effective date.

TITLE II: PRODUCT SELLER FAIR TREATMENT

Section 201: Findings

This section sets out congressional findings concerning the effect of damage awards in product liability actions on interstate commerce, the present inequities resulting from inconsistent product liability laws within and among the States, and the need for national, uniform federal product liability laws.

Section 202: Definitions

Various terms and phrases used in this title are defined.

Section 203: Applicability; preemption

This title applies to any product liability action brought in any Federal or State court. Civil actions for commercial loss; negligent entrustment; negligence per se concerning firearms and ammunition; and civil actions for dram shop liability are excluded from the applicability of this title.

This section further establishes that the preemption of state law by this title is congruent with coverage, and the limit of the preemptive scope of this title is detailed.

Section 204: Liability rules applicable to product sellers, renters and lessors

Product sellers other than the manufacturer (wholesaler-distributors and retailers, for example) may be held liable only if they are directly at fault for a harm; if the harm was caused by the failure of the product to conform to the product seller's own, independent express warranty; or if harm was the result of the product seller's intentional wrongdoing.

Product sellers shall "stand in the shoes" of a culpable manufacturer when the manufacturer is "judgement-proof." The statute of limitations in such cases is tolled.

Finally, product renters and lessors shall not be liable for the tortuous acts of another solely by reason of product ownership.

Section 205: Federal cause of action precluded

This title does not create Federal district court jurisdiction pursuant to Sections 1331 or 1337 of Title 28, United States Code.

Section 206: Effective date

This title shall apply to any action commenced on or after the date of enactment.

NAW ENDORSES ABRAHAM-LIEBERMAN LEGAL REFORM BILL

LEGISLATION WOULD REDUCE UNNECESSARY LITIGATION; COSTS

WASHINGTON, D.C.—The National Association of Wholesaler-Distributors (NAW) today gave its "enthusiastic and wholehearted support" to the Small Business Liability Reform Act of 1999, which would significantly reduce the exposure of wholesaler-distributors and retailers to unwarranted product liability lawsuits and legal costs.

The legislation, introduced in the U.S. Senate today by Senators Spencer Abraham (R-MI) and Joseph Lieberman (D-CT), would eliminate joint ("deep pockets") liability for "noneconomic loss" and limit punitive damage awards to $250,000 for employers with fewer than 25 full-time employees that become defendants in civil lawsuits. Neither of these provisions would apply to lawsuits involving certain egregious misconduct, and states would be able to opt-out by statute.

In product liability lawsuits, the bill would limit the liability of non-manufacturer product sellers such as wholesaler-distributors, retailers, lessors and renters to harms caused by their own negligence or intentional wrongdoing, the product's breech of the seller's own express warranty, and for the product manufacturer's responsibility when the manufacturer is judgment-proof.

"The product liability laws of a majority of states do not make the distinction between the differing roles of manufacturers and non-manufacturer product sellers. As a result, blameless wholesaler-distributors are routinely joined in product liability lawsuits simply because they are in the product's chain of distribution," explained George Keeley, NAW general counsel and senior partner in the firm of Keeley, Kuenn & Reid. "In the end, the staggering legal fees which cost the seller dearly do not benefit the claimant in any way. These costs will be significantly reduced if the Abraham-Lieberman bill is enacted."

"For too long, wholesaler-distributors have been among the victims of a product liability system that serves the interests of trial lawyers very well, at everyone else's expense," said Dirk Van Dongen, NAW's president. "For nearly two decades, NAW has vigorously advocated Federal legislation to rein-in these abuses. Enactment of the Small Business Liability Reform Act of 1999 is at the very top of our agenda for the 106th Congress and I commend Senators Abraham and Lieberman for their continuing, tireless leadership of this important effort."

NFIB Backs New Legal Reform Initiative

Washington, D.C.—The National Federation of Independent Business (NFIB) will champion a new legal reform proposal that aims to protect small-business owners from frivolous lawsuits and the threat of being "stuck with the whole tab" for damage awards arising from incidents in which they were only "bit players."

The nation's leading small-business advocacy group, NFIB hailed today's introduction of the Small Business Liability Reform Act of 1999. Sponsored by U.S. Sens. Spencer Abraham (Mich.) and Joseph Lieberman (Conn.), the proposal would limit the amount of punitive damages that might be sought from a small firm to two times the amount of compensatory damages or $250,000, whichever is less.

The measure also would eliminate joint-and-several liability for small firms, leaving them responsible for paying only their "proportionate" share of non-economic damages. Under the current doctrine of joint-and-several liability, defendants found to be as little as 1 percent "at fault" in a civil case may end up paying all assessed damages, if no other defendants are able to pay.

"This bill strikes a long-overdue blow on behalf of fairness, common sense and true justice," said Dan Danner, NFIB's vice president of federal public policy. "Limiting punitive damages and exposure to liability will make small businesses a much less lucrative—and, thus, a much less attractive—target for trial lawyers and others tempted to file frivolous lawsuits to extort settlements.

"Ending joint-and-several liability will improve justice by making sure small-business owners pay their fair share of damages—but not more," he continued. "Under the current doctrine, the effort to compensate one victim often creates yet another victim—the marginally-involved business owner who is left holding the bag for everyone else involved."

The Abraham-Lieberman bill would limit liability in all types of civil lawsuits for businesses with fewer than 25 employees. NFIB's Danner estimated the liability limitations would apply to "a little more than 90 percent" of all employing businesses. "Passage would bring relief to literally millions of small-business owners and their families," he said. "It would certainly ease Main Street's growing anxiety about being slapped with—and ruined by—a Mickey Mouse lawsuit."

"When we asked our members in Alabama to identify the biggest problem facing their businesses, the most frequent answer, by far, was 'cost of liability insurance/fear of lawsuits'," Danner noted. "Another problem, 'street crime,' drew only a third as many responses.

"There's something dreadfully wrong with our justice system when small-business owners are three times more fearful of being mugged by trial lawyers than by common street thugs."

A nationwide survey of NFIB's 600,000 members found virtually all (93 percent) favor capping punitive damages. "Small-business owners support any measures that will restore fairness, balance and common sense to our civil justice system," Danner said. "We have pledged our full support to Sens. Abraham and Lieberman in their efforts to do just that, through their Small Business Liability Reform Act."

Eliminating frivolous lawsuits is a priority in NFIB's Small Business Growth Agenda for the 106th Congress. To learn more about the Act of NFIB's Agenda, please contact McCall Cameron at 202/554–9000.

SBLC Applauds Senator Abraham's Small Business Liability Reform Legislation

Washington, D.C.—"We are pleased that Senator Spencer Abraham has introduced legislation that will have a significant impact on small business and the legal system," said David Gorin, Chairman of the Small Business Legislative Council (SBLC). Mr. Gorin's remarks refer to the Small Business Liability Reform Act of 1999, which Senator Abraham and Senator Joseph Lieberman have introduced today. The legislation proposes a $250,000 limit on punitive damages for small business as well as provide protection from product-related injuries for non-manufacturing product sellers.

Gorin continued, "For far too long, small businesses have been the losers in 'litigation lottery.' As our civil justice system has moved farther and farther away from common sense, small businessses have had to absorb an increasing hidden cost of doing business. That hidden cost is the result of making decisions and undertaking actions, not on the basis of what makes good business sense, but rather on the basis of 'will I be sued?' "

Gorin concluded, "The Small Business Legislative Council strongly supports Senator Abraham's legislation. SBLC believes the Small Business Liability Reform Act will restore common sense to the civil justice system and allow small businesses to make decisions on the basis of what's best for the economy, not the trial lawyers."

The SBLC is a permanent, independent coalition of nearly eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL.
Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance for American Innovation.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Equine Practitioners.
American Bus Association.
American Consulting Engineers Council.
American Machine Tool Distributors Association.
American Nursery and Landscape Association.
American Road & Transportation Builders Association.
American Society of Interior Designers.
American Society of Travel Agents, Inc.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Associations, Inc.
Architectural Precast Association.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Association of Sales and Marketing Companies.
Automotive Recyclers Association.
Automotive Service Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
CBA.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Formalwear Association.
International Franchise Association.
Machinery Dealers National Association.
Mail Advertising Service Association.
Manufacturers Agents for the Food Service Industry.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
National Association for the Self-Employed.
National Association of Home Builders.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Realtors.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of Surety Bond Producers.
National Association of the Remodeling Industry.
National Chimney Sweep Guild.
National Community Pharmacists Association.

National Electrical Contractors Association.

National Electrical Manufacturers Representatives Association.

National Funeral Directors Association, Inc.

National Lumber & Building Material Dealers Association.

National Moving and Storage Association.

National Ornamental & Miscellaneous Metals Association.

National Paperbox Association.

National Shoe Retailers Association.

National Society of Public Accountants.

National Tooling and Machining Association.

National Tour Association.

National Wood Flooring Association.

Opticians Association of America.

Organization for the Promotion and Advancement of Small Telephone Companies.

Petroleum Marketers Association of America.

Power Transmission Representatives Association.

Printing Industries of America, Inc.

Professional Lawn Care Association of America.

Promotional Products Association International.

The Retailer's Bakery Association.

Small Business Council of America, Inc.

Small Business Exporters Association.

SMC Business Councils.

Small Business Technology Coalition.

Society of American Florists.

Turfgrass Producers International.

Tire Association of North America.

United Motorcoach Association.

NSBU ENTHUSIASTICALLY SUPPORTS SMALL BUSINESS LIABILITY BILL

SMALL BUSINESS ASSOCIATION OF MICHIGAN ALSO LENDS THEIR SUPPORT

WASHINGTON, DC—National Small Business United (NSBU), the nation's oldest bipartisan small business advocacy organization, is pleased to announce their support for the Small Business Liability Reform Act of 1999. The Small Business Association of Michigan (SBAM), one of NSBU's affiliate groups, has also announced their support for the legislation which will provide protections to small business from frivolous and excessive litigation as well as limiting the product liability of non-manufacturer product sellers.

Senators Spencer Abraham (R-Mich.) and Joseph Lieberman (D-Conn.), both of whom sit on the Senate Committee on Small Business, will introduce this measure which provides critical and necessary restrictions upon litigation, while not prohibiting legitimate litigation.

"In today's litigious environment, small businesses are often used as a scapegoat. Everyday, small businesses are forced to shut down and close because of these frivolous, and often times, unnecessary lawsuits," said Tom Farrell, NSBU Chair and owner of Farrell Consulting, Inc. in Pittsburgh, PA. "The Small Business Liability Reform Act will finally place some common sense limitations on these unfounded lawsuits."

NSBU joins SBAM in applauding Senators Abraham and Lieberman for their pragmatic leadership on such an important issue for the small business community.

NRF SUPPORTS BILL TO PROTECT SMALL BUSINESSES FROM UNNECESSARY LITIGATION

WASHINGTON, DC—The National Retail Federation voiced its support for the Small Business Liability Reform Act of 1999. The bill, which is sponsored by Senators Spencer Abraham (R-MI) and Joseph Lieberman (D-CT), would help protect small businesses from frivolous litigation and exorbitant legal fees. Of particular interest to the retail industry are the bill's provisions to exclude small businesses from joint liability stemming from products they sell.

"Retailers often find themselves party to product liability lawsuits where no direct liability exists," said NRF Vice President and General Counsel, Mallory Duncan. "This bill would shift the responsibility for defective products to where it rightly belongs—the manufacturer."

The Small Business Liability Reform Act of 1999 would apply to businesses with 25 or fewer employees. According to Department of Commerce figures, more than 80 percent of the nation's retailers employ fewer than 25 individuals.

A recent Gallup survey suggests that some business owners' fear of litigation may impact critical operational decisions. The resulting "chilling effect" on the growth potential of small businesses underscores the need for reform, according to NRF.

"This bill would provide long-overdue and much needed relief to millions of entrepreneurs whose businesses could succeed or fail as the result of a single lawsuit," Duncan said. "Most small business owners lack the resources to both defend themselves against legal action and remain solvent. This bill would give them some piece of mind and the confidence to manage their business without undue fear of financial ruin."

The National Retail Federation (NRF) is the world's largest retail trade association with membership that comprises all retail formats and channels of distribution including department, specialty, discount, catalogue, Internet and independent stores. NRF members represent an industry that encompasses more than 1.4 million U.S. retail establishments, employs more than 20 million people—about 1 in 5 American workers—and registered 1998 sales of $2.7 trillion. NRF's international members operate stores in more than 50 nations. In its role as the retail industry's umbrella group, NRF also represents 32 national and 50 state associations in the U.S. as well as 36 international associations representing retailers abroad.

NATIONAL RESTAURANT ASSOCIATION BACKS ABRAHAM/LIEBERMAN EFFORT TO CRACK DOWN ON FRIVOLOUS LAWSUITS

SAYS SMALL RESTAURANTS NEED PROTECTION FROM COSTLY, EXCESSIVE LITIGATION

WASHINGTON, DC—Saying that just one costly lawsuit is enough to put a restaurant out of business, the National Restaurant Association today strongly endorsed a bill sponsored by Sens. Spence Abraham (R-MI) and Joseph Lieberman (D-CT) to protect small businesses from litigation abuse.

"The tendency for people today to sue for outlandish reasons is out of control," said Association Senior Vice President of Government and Corporate Affairs Elaine Z. Graham. "In recent years, many restaurants unfortunately have become targets for frivolous lawsuits. The reality is that it only takes one such lawsuit to drive a restaurant out of business. As a result, restaurants pay for high-priced liability insurance in an effort to arm themselves against the prospects of being sued.

"Our legal system needs to be reformed. We strongly support the Abraham/Lieberman bill and believe it will go a long way toward protecting smaller restaurants and curbing litigation abuse," she added.

The bill, the Small Business Lawsuit Abuse Protection Act, limits the amount of punitive damages that may be awarded against a business with 25 or fewer employees. Currently, many small businesses settle out of court and pay hefty awards—even if the claim is unfounded—because they are fearful of being hit with unlimited punitive damages. By putting a cap on punitive damages, the Abraham/Lieberman bill helps eliminate needless lawsuits and makes it easier for small businesses to get fair settlements, avoiding excessive legal fees.

The Association is urging members of Congress to support the Abraham/Lieberman bill.

NACS SUPPORTS SMALL BUSINESS LAWSUIT PROTECTION ACT

ALEXANDRIA, Virginia—The National Association of Convenience Stores (NACS) is pleased to endorse legislation authored by Senators Spencer Abraham (R–MI) and Joe Lieberman (D–CT) that would limit small businesses' exposure to damages and liability in civil cases.

The "Small Business Liability Reform Act of 1999" is broken into two sections: "Small Business Lawsuit Abuse Protection" and "Product Seller Fair Treatment." The Small Business Lawsuit Abuse Protection section would limit small business exposure to punitive damages and joint liability for non-economic damages, in any civil action (with some exceptions). The damages would be limited to a maximum of $250,000. Under the bill, small businesses are defined as having under 25 employees. The Product Seller Fair Treatment section would hold non-manufacturing product sellers (local wholesaler-distributors and neighborhood retailers) liable for product-related injuries only when the seller is directly responsible for the harm.

"More than 70 percent of the over 77,000 stores operated by NACS members are either one-store operations or part of a chain of 10 or fewer stores. These small business owners provide an essential service to their communities, contribute significantly to local economies and employ hundreds of thousands of people," said Lyle Beckwith, Director, Government Relations at NACS. "Because this bill protects those small business people from rising liability insurance costs and frivolous lawsuits, NACS will work proactively for its passage, and encourage other senators to follow the leadership of Senators Abraham and Lieberman."

ACEC SUPPORTS "SMALL BUSINESS LIABILITY REFORM ACT"

WASHINGTON, D.C.—The American Consulting Engineers Council (ACEC) strongly supports the "Small Business Liability Reform Act of 1999" which was introduced today by Senators Spencer Abraham (R–MI) and Joseph Lieberman (D–CT). The legislation, which builds on proposals that have earned strong bipartisan support in recent Congresses, will improve out nation's civil justice system through a package of carefully-targeted reforms—reforms that will deter unwarranted, frivolous, and needlessly wasteful litigation against employers, and particularly small businesses.

The threat of litigation and frivolous lawsuits continues to be a primary concern for consulting engineering firms according to ACEC's recent Professional Liability Survey report. Fully 75% of survey respondents indicated that the threat of litigation stifled the use of innovative techniques or technologies while working on projects. Over one-third of all claims filed against ACEC member firms resulted in no payment of any kind to the plaintiff, a fact which indicates that "frivolous" litigation remains a problem for the industry.

The Small Business Liability Reform Act would limit the exposure of small businesses to punitive damages and joint liability for non-economic damages in any civil action, with the exception of lawsuits involving certain types of egregious conduct. If passed, the bill would limit punitive damages to the lesser of two times the amount awarded to the claimant for economic and noneconomic losses, or $250,000.

Howard M. Messner, ACEC's Executive Vice President, applauded the Senators' decision to sponsor this legislation, saying "ACEC has long supported the types of reforms incorporated in this legislation. Our member firms have learned from direct experience that meritless lawsuits can cripple a professional's practice, especially when that professional is a small businessperson. For this reason, we will certainly support legislative initiatives designed to provide some much-needed relief from baseless lawsuits."

IMRA Hails Bill Limiting Retailers' Exposure to Product Liability Suits

ABRAHAM-LIEBERMAN BILL WOULD GUARD INNOCENT DISTRIBUTORS

ARLINGTON, VA—The International Mass Retail Association (IMRA) applauds today's introduction of the bipartisan "Small Business Liability Reform Act of 1999" by Senators Spencer Abraham (R–MI) and Joseph Lieberman (D–CT). The bill would shield from product liability lawsuits retailers and other distributors if they did not take part in the product's design and manufacture. It would generally hold retailers and other distributors responsible only for their own negligence, not for the actions of manufacturers.

"All too often, mass retailers are unfairly dragged into product liability lawsuits when they have had no part in designing or producing the item in question," said IMRA President Robert J. Verdisco. "Simply selling a product should not automatically bring the retailer or distributor into product liability lawsuits."

The Abraham-Lieberman bill would allow a product seller to be brought into Federal or state product liability lawsuits only if the plaintiff can show harm due to a retailer's or distributor's failure to exercise reasonable care with the product, failure to live up to its own express warranty, or deliberate wrongdoing. Retailers and distributors could also be brought in when the product maker cannot be brought into court or pay a judgment against it.

Verdisco called the Abraham-Lieberman measure "long-needed, common-sense reform to our nation's product liability system." He noted that the same provisions have been part of broader product liability reform bills for many years without prompting major controversy.

"Product safety is an important concern for the nation's mass retailers," Verdisco noted, "but groundless, costly product liability cases against retailers who have no involvement other than selling the product can jeopardize the wide selection and low prices that consumers have come to expect from mass retail stores." He added, "The Abraham-Lieberman bill would provide innocent retailers and distributors with fair and reasonable safeguards, while still allowing consumers to pursue claims they believe are meritorious against those most responsible for the product."

ABC Applauds Introduction of Small Business Liability Reform

WASHINGTON, D.C.—May 28, 1999—ABC applauded the introduction today of the Small Business Liability Reform Act of 1999 by Sens. Spencer Abraham (R-Mich.) and Joseph Lieberman (D-Conn.).

ABC President David Bush said, "ABC has long been supportive of lawsuit reform as a beneficial solution of the pressing problem of frivolous lawsuits which raise the cost of doing business and clog the nation's court systems."

The legislation would limit punitive damages and joint liability for non-economic damages against small businesses in any civil lawsuit. Under current law, punitive damage verdicts are commonplace as a result of vague substantive standards and unrestrained plaintiff's lawyers. Awards in non-economic cases compensate plaintiffs for "pain and suffering" or "emotional distress," and are not calculated on tangible economic loss. Multi-million dollar punitive damage awards are now routinely sought and frequently imposed in almost every type of civil case.

ABC has long been supportive of lawsuit reforms. The construction industry is particularly concerned about frivolous cases brought before the National Labor Relations Board as a result of "salting" abuses.

"ABC commends Sens. Abraham and Lieberman for introducing common-sense legislation that, if passed, will discourage costly and frivolous lawsuits against small business owners."

Mr. **McCONNELL**. Mr. President, I rise today to join my esteemed colleagues in the introduction of the Small Business Liability Reform Act of 1999.

Over the last 30 years, the American civil justice system has become inefficient, unpredictable and costly. Consequently, I have spent a great deal of my time in the United States Senate working to reform the legal system. I was particularly pleased to help lead in the efforts to pass the Volunteer Protection Act, which offers much-needed litigation protection for our country's battalion of volunteers. America's litigation crisis, however, goes well beyond our volunteers.

Lawsuits and the mere threat of lawsuits impede invention and innovation, and the competitive position our nation has enjoyed in the world marketplace. The litigation craze has several perverse effects. For example, it discourages the production of more and better products, while encouraging the production of more and more attorneys. In the 1950s, there was one lawyer for every 695 Americans. Today, in contrast, there is one lawyer for every 290 people. In fact, we have more lawyers per capita than any other western democracy.

Mr. President, don't get me wrong—there is nothing inherently wrong with being a lawyer. I am proud to be a graduate of the University of Kentucky College of Law. My point, however, is simple: government and society should promote a world where its more desirable to create goods and services than it is to create lawsuits.

The chilling effects of our country's litigation epidemic are felt throughout our national economy—especially by our small businesses. We must act to remove the litigation harness that constrains our nation's small businesses.

Small businesses are vital to our nation's economy. My state provides a perfect example of the importance of small business. In Kentucky, more than 85% of our businesses are small businesses.

The Small Business Lawsuit Abuse Protection Act is a narrowly-crafted bill which seeks to restore some rationality, certainty and civility to the legal system.

First, Title I of this bill would offer limited relief to businesses or organizations that have fewer than 25 full-time employees. Title I seeks to provide some reasonable limits on punitive damages, which typically serve as a windfall to plaintiffs. It also provides that a business's responsibility for non-economic losses would be in proportion to the business's responsibility for causing the harm.

The other Title in the bill includes liability reforms for innocent product sellers—which are very often small businesses. These businesses are often dragged into product liability cases even though they did not produce, design or manufacture the product, and are not in any way to blame for the harm that the product is alleged to have caused. Title II would help protect product sellers from being subjected to frivolous lawsuits when they are not responsible for the alleged harm.

Now, let me explain what this bill does not do. It does not close the courthouse door to plaintiffs who sue small businesses. For example, this bill does not limit a plaintiff's ability to sue a small business for an act of negligence, or any other act, for that manner. It also does not prevent a plaintiff from recovering from product sellers when those sellers are responsible for harm.

Mr. President, this is a sensible, narrowly-tailored piece of legislation that is greatly needed to free up the enterprising spirit of our small businesses. I look forward to the Senate's consideration of this important legislation.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DASCHLE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 13

At the request of Mr. ROBB, his name was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 42

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 51

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 97

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 97, a bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 288

At the request of Mr. ROBB, his name was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 317

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 344

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 434

At the request of Mr. ROBB, his name was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

At the request of Mr. BREAUX, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 434, supra.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 471

At the request of Mr. ROBB, his name was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. MACK), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 510

At the request of Mr. CAMPBELL, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 512

At the request of Mr. GORTON, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 546

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Indiana (Mr. BAYH) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 593

At the request of Mr. COVERDELL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 607

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 627

At the request of Mr. HUTCHINSON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 627, a bill to terminate the Internal Revenue Code of 1986.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 635

At the request of Mr. ROBB, his name was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 657

At the request of Mr. FRIST, his name was added as a cosponsor of S. 657, a bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. ROBB, his name was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 664, supra.

S. 712

At the request of Mr. LOTT, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 749

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 749, a bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 879

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements

S. 918

At the request of Mr. KERRY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 926

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 980, a bill to promote access to health care services in rural areas.

S. 1017

At the request of Mr. MACK, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1070

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1124

At the request of Ms. COLLINS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Ohio (Mr. DEWINE), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1124, a bill to amend the

Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers.

S. 1129

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1129, a bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day".

AMENDMENT NO. 394

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of amendment No. 394 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. LEVIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 394 proposed to S. 1059, supra.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 394 proposed to S. 1059, supra.

SENATE CONCURRENT RESOLUTION 36—CONDEMNING PALESTINIAN EFFORTS TO REVIVE THE ORIGINAL PALESTINE PARTITION PLAN OF NOVEMBER 29, 1947, AND CONDEMNING THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS FOR ITS APRIL 27, 1999, RESOLUTION ENDORSING PALESTINIAN SELF-DETERMINATION ON THE BASIS OF THE ORIGINAL PALESTINE PARTITION PLAN

Mr. SCHUMER (for himself, Mr. MOYNIHAN, Mr. BROWNBACK, Mr. MACK, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 36

Whereas United Nations General Assembly Resolution 181, which called for the partition of the British-ruled Palestine Mandate into a Jewish state and an Arab state, was declared null and void on November 29, 1947, by the Arab states and the Palestinians, who included the rejection of Resolution 181 as a formal justification for the May, 1948, invasion of the newly declared State of Israel by the armies of five Arab states;

Whereas the armistice agreements between Israel and Egypt, Lebanon, Syria, and Transjordan in 1949 made no mention of United Nations General Assembly Resolution 181, and the United Nations Security Council made no reference to United Nations General Assembly Resolution 181 in its Resolution 73 of August 11, 1949, which endorsed the armistice;

Whereas in 1967 and 1973 the United Nations adopted Security Council Resolutions 242 and 338, respectively, which call for the withdrawal of Israel from territory occupied in 1967 and 1973 in exchange for the creation of secure and recognized boundaries for Israel and for political recognition of Israel's sovereignty;

Whereas Security Council Resolutions 242 and 338 have served as the framework for all negotiations between Israel, Palestinian representatives, and Arab states for 30 years, including the 1991 Madrid Peace Conference and the ongoing Oslo peace process, and serve as the agreed basis for impending Final Status Negotiations;

Whereas senior Palestinian officials have recently resurrected United Nations General Assembly Resolution 181 through official statements and a March 25, 1999, letter from the Palestine Liberation Organization Permanent Observer to the United Nations Secretary-General contending that the State of Israel must withdraw to the borders outlined in United Nations General Assembly Resolution 181, and accept Jerusalem as a "corpus separatum" to be placed under United Nations control as outlined in United Nations General Assembly Resolution 181; and

Whereas in its April 27, 1999, resolution, the United Nations Commission on Human Rights asserted that Israeli-Palestinian peace negotiations be based on United Nations General Assembly Resolution 181: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) condemns Palestinian efforts to circumvent United Nations Security Council Resolutions 242 and 338, as well as violate the Oslo peace process, by attempting to revive United Nations General Assembly Resolution 181, thereby placing the entire Israeli-Palestinian peace process at risk;

(2) condemns the United Nations Commission on Human Rights for voting to formally endorse United Nations General Assembly Resolution 181 as the basis for the future of Palestinian self-determination;

(3) reiterates that any just and final peace agreement regarding the final status of the territory controlled by the Palestinians can only be determined through direct negotiations and agreement between the State of Israel and the Palestinian Liberation Organization;

(4) reiterates its continued unequivocal support for the security and well-being of the State of Israel, and of the Oslo peace process based on United Nations Security Council Resolutions 242 and 338; and

(5) calls for the President of the United States to declare that—

(A) it is the policy of the United States that United Nations General Assembly Resolution 181 of 1947 is null and void;

(B) all negotiations between Israel and the Palestinians must be based on United Nations Security Council Resolutions 242 and 338; and

(C) the United States regards any attempt by the Palestinians, the United Nations, or any entity to resurrect United Nations General Assembly Resolution 181 as a basis for negotiations, or for any international decision, as an attempt to sabotage the prospects for a successful peace agreement in the Middle East.

SENATE RESOLUTION 109—RELATING TO THE ACTIVITIES OF THE NATIONAL ISLAMIC FRONT GOVERNMENT IN SUDAN

Mr. BROWNBACK (for himself, Mr. FRIST, Mr. HUTCHINSON, Mr. LAUTENBERG, Mr. MACK, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 109

Whereas according to the United States Committee for Refugees (USCR), approximately 1,900,000 people have died in Sudan over the past decade due to war and war-related causes and famine, and millions more people in Sudan have been displaced from their homes and separated from their families, making this the deadliest war in the last decade in terms of mortality rates;

Whereas the war policy of the National Islamic Front government in southern Sudan and the Nuba Mountains has brought untold suffering on innocent civilians and threatens the very survival of a whole generation of southern Sudanese;

Whereas the people of the Nuba Mountains are at particular risk from this policy because they have been the specific target of a deliberate prohibition on international food aid, which has helped induce a man-made famine, and have been subject to the routine bombing of their civilian centers, including religious facilities, schools, and hospitals;

Whereas the National Islamic Front government is deliberately and systematically committing crimes against humanity in southern Sudan and the Nuba Mountains;

Whereas the National Islamic Front government has systematically and repeatedly obstructed the peace efforts of the Inter-governmental Authority for Development (IGAD) in Sudan over the past several years;

Whereas the Declaration of Principles put forth by Inter-governmental Authority for

Development mediators provides the most fruitful negotiating framework for resolving problems in Sudan and bringing lasting peace to Sudan;

Whereas humanitarian conditions in southern Sudan, especially in Bahr al-Ghazal, deteriorated in 1998 largely because of the decision of the National Islamic Front government to ban United Nations relief flights in those areas from February through April 1998;

Whereas the National Islamic Front government continues to deny access by United Nations relief flights to certain locations in Sudan, including a blanket prohibition on flights to the Nuba Mountains, resulting in deterioration of humanitarian conditions;

Whereas approximately 2,600,000 Sudanese were at risk of starvation in Sudan in late 1998, and the World Food Program currently estimates that 4,000,000 people are in need of emergency assistance in that area;

Whereas the relief effort in Sudan coordinated by the United Nations, Operation Lifeline Sudan (OLS), failed to respond in a timely fashion to the humanitarian crisis in Sudan at the height of that crisis in 1998 and has allowed the National Islamic Front government to manipulate and obstruct relief efforts in Sudan;

Whereas relief efforts in Sudan are further complicated by repeated airborne attacks by the National Islamic Front government on feeding centers, clinics, and other civilian targets in certain areas of Sudan;

Whereas such relief efforts are further complicated by the looting and killing of innocent civilians by militias sponsored by the National Islamic Front government;

Whereas these militias have carried out violent raids in Aweil East and West, Twic, and Gogrial counties in the Bahr al-Ghazal/Lakes Region, killing and displacing thousands of civilians, which reflects a deliberate ethic cleansing policy in these counties and in the Nuba Mountains;

Whereas the National Islamic Front government has perpetrated a prolonged campaign of human rights abuses and discrimination throughout Sudan;

Whereas the militias associated with the National Islamic Front government have engaged in the enslavement of innocent civilians, including children, women, and elderly;

Whereas slave raids are commonly undertaken by the militias of the Popular Defense Force of the National Islamic Front as part of a self-declared jihad, or holy war, against the predominately Christian and traditional believers of southern Sudan;

Whereas the Department of State in its report on Human Rights Practices for 1997 affirmed with respect to Sudan that "reports and information from a variety of sources after February 1994 indicate that the number of cases of slavery, servitude, slave trade, and forced labor have increased alarmingly";

Whereas the Department of State in its report on Human Rights Practices for 1998 states with respect to Sudan that "[c]redible reports persist of practices such as the sale and purchase of children, some in alleged slave markets";

Whereas the enslavement of people is considered a crime against humanity under international law;

Whereas it is estimated that tens of thousands of Sudanese have been enslaved by militias sponsored by the National Islamic Front government;

Whereas the former United Nations Special Rapporteur for Sudan, Gaspar Biro, and the present Special Rapporteur, Leonardo Franco, have reported on a number of occasions the routine practice of slavery in Sudan and the complicity of the National Islamic Front government in that practice;

Whereas the National Islamic Front government abuses and tortures political opponents and innocent civilians in northern Sudan, and many people in northern Sudan have been killed by that government over the years;

Whereas the vast majority of Muslims in Sudan do not prescribe to policies of National Islamic Front extremists, including the politicized practice of Islam, and moderate Muslims in Sudan have been specifically targeted by the National Islamic Front government;

Whereas the National Islamic Front government is considered by much of the world community as a rogue state because of its support for international terrorism and its campaign of terrorism against its own people;

Whereas according to the Department of State's Patterns of Global Terrorism Report, "Sudan's support to terrorist organizations has included paramilitary training, indoctrination, money, travel documentation, safe passage, and refuge in Sudan";

Whereas the National Islamic Front government has been implicated in the assassination attempt of Egyptian President Hosni Mubarak in Ethiopia in 1995 and the World Trade Center bombing in New York City in 1993;

Whereas the National Islamic Front government has permitted Sudan to be used by well known terrorist organizations as a refuge and training center;

Whereas Osama bin-Laden, the Saudi-born financier of extremist groups and mastermind of the bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, used Sudan as a base of operations for several years and continues to maintain economic interests there;

Whereas on August 20, 1998, United States naval forces struck a suspected chemical weapons facility in Khartoum, the capital of Sudan, in retaliation for those bombings;

Whereas relations between the United States and Sudan continue to deteriorate because of human rights violations, the war policy of the National Islamic Front government in southern Sudan, and that government's support for international terrorism;

Whereas in 1993 the United States Government placed Sudan on the list of seven states in the world that sponsor terrorism and imposed comprehensive sanctions on the National Islamic Front government in November 1997; and

Whereas the struggle by the people of Sudan, and opposition forces to the National Islamic Front government, is a just struggle for freedom and democracy against that government: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the National Islamic Front government in Sudan for its support for terrorism and its continued human rights violations;

(2) strongly deplores the slave raids in southern Sudan and calls on the National Islamic Front government to end immediately the practice of slavery in Sudan;

(3) calls on the United Nations Security Council—

(A) to condemn such slave raids and bring to justice those responsible for the crimes against humanity which such slave raids entail;

(B) to implement the existing air embargo, and impose an arms embargo, on the National Islamic Front government;

(C) to swiftly implement reforms of Operation Lifeline Sudan in order to enhance the independence of that operation from the National Islamic Front government; and

(D) to determine whether or not the war policy of the National Islamic Front government in southern Sudan and the Nuba Mountains constitutes genocide; and

(E) to implement the recommendations of the United Nations Special Rapporteur for Sudan, Leonardo Franco, who has called for the posting of human rights monitors throughout Sudan; and

(4) calls on the President to take leadership on policies—

(A) to increase support for relief organizations working outside the umbrella of Operation Lifeline Sudan, including, in particular, the dedication of programs to and an increase in resources of organizations serving the Nuba Mountains;

(B) to instruct the Agency for International Development (AID) and other appropriate agencies to—

(i) provide additional support to and coordinate activities with nongovernmental organizations involved in relief work in Sudan that work outside the umbrella of organizations supported by Operation Lifeline Sudan, including the Nuba Mountains; and

(ii) enhance the independence of Operation Lifeline Sudan from the National Islamic Front government, including by removing that government's power of automatic veto over its operation;

(C) to double the funds that are made available through the so-called STAR Program for the promotion of the rule of law to advance democracy, civil administration, and the judiciary, and the enhancement of infrastructure, in areas in Sudan that are controlled by the opposition to the National Islamic Front government;

(D) to instruct the Agency for International Development to provide humanitarian assistance, including food, directly to indigenous service groups in southern Sudan and the Nuba Mountains;

(E) to intensify and expand United States diplomatic and economic pressure on the National Islamic Front government in conjunction with and urging other countries to impose sanctions regimes on that government that are similar to sanction regime imposed on that government by the United States;

(F) to continue to enhance the peace process in Sudan supported by the Inter-governmental Authority for Development; and

(G) to report to Congress not later than three months after the adoption of this resolution regarding the efforts or plans of the President to promote the end of slavery in Sudan.

SENATE RESOLUTION 100—DESIGNATING JUNE 5, 1999, AS NATIONAL RACE FOR THE CURE DAY

Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. LOTT, Mr. DASCHLE, Mr. MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. DEWINE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HELMS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, Mr. BAUCUS, Mr. BROWNBACK, Mr. DURBIN, Mr. ROTH, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. ALLARD, Mr. BIDEN, and Mr. EDWARDS) submitted the following resolution; which was considered and agreed to:

S. RES. 110

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas every 3 minutes a woman will be diagnosed with breast cancer and every 12 minutes a woman will die of breast cancer;

Whereas the Komen National Race for the Cure is celebrating its 10th Anniversary during 1999;

Whereas the Komen National Race for the Cure Series, an event of the Susan G. Komen Breast Cancer Foundation, is the largest series of 5 kilometer races in the world;

Whereas there will be 98 Komen National Race for the Cure events throughout the United States during 1999; and

Whereas the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure Series have raised an estimated $136,000,000 to further the mission of eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment:

Now, therefore, be it

Resolved,

SECTION 1. COMMEMORATION AND DESIGNATION.

The Senate—

(1) commemorates the 10th Anniversary of the National Race for the Cure;

(2) designates June 5, 1999, as "National Race for the Cure Day"; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 111—DESIGNATING JUNE 6, 1999, AS "NATIONAL CHILD'S DAY"

Mr. GRAHAM (for himself, Mr. BURNS, Mr. SARBANES, Mr. SMITH of Oregon, Mrs. MURRAY, Mr. BOND, Mr. DASCHLE, Mr. DEWINE, Mr. ROBERTS, Mr. SPECTER, Ms. MIKULSKI, Mr. MACK, Mr. THURMOND, Mr. EDWARDS, Mr. VOINOVICH, Mr. TORRICELLI, Mr. CRAIG, Mr. JOHNSON, Mr. GRASSLEY, Ms. LANDRIEU, Ms. SNOWE, Mr. LEVIN, Mr. WARNER, Mr. ROBB, Mr. ENZI, Mr. LAUTENBERG, Mr. CRAPO, Mr. AKAKA, Mr. GORTON, Mr. DODD, Mr. DOMENICI, Mr. BREAUX, Mr. STEVENS, Mr. CLELAND, Mr. HAGEL, Mr. KENNEDY, Mr. ABRAHAM, Mr. DORGAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. REID, Mr. DURBIN, Mr. CONRAD, Mr. BYRD, Mr. INOUYE, Mr. BAYH, Mr. BINGAMAN, Mr. BRYAN, Mr. LIEBERMAN, Mr. WYDEN, Mr. HOLLINGS, and Mr. HATCH,) submitted the following resolution; which was considered and agreed to:

S. RES. 111

Whereas June 6, 1999, the first Sunday in the month, falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 6, 1999, as "National Child's Day"; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 112—TO DESIGNATE JUNE 5, 1999, AS "SAFE NIGHT USA"

Mr. FEINGOLD submitted the following resolution; which was considered and agreed to:

S. RES. 112

Whereas over 1,500,000 people, 220,000 of them juveniles, were arrested last year for drug abuse;

Whereas over 1,000,000 juveniles were victims of violent crimes last year;

Whereas local community prevention efforts are vital to reducing these alarming trends;

Whereas Safe Night began with 4,000 juvenile participants in Milwaukee during 1994 in response to a 300 percent increase in violent death and injury in that city between 1983 and 1993;

Whereas Safe Night involved over 10,000 Wisconsin participants and included over 100 individual Safe Nights throughout Wisconsin in 1996;

Whereas Safe Night has been credited as a factor in reducing the teenage homicide rate in Milwaukee by 60 percent in just the first 3 years of the program;

Whereas Wisconsin Public Television, the Public Broadcasting Service, Black Entertainment Television, the National Latino Children's Institute, the National Civics League, 100 Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, the Boys and Girls Club of America, the Community Anti-Drug Coalitions of America, the National 4-H Youth Council, Public Television Outreach, and the American Academy of Pediatrics have joined with Safe Night USA to lead this major violence prevention initiative;

Whereas community leaders, including parents, teachers, doctors, religious officials, and business leaders, will enter into partnership with youth to foster a drug-free and violence-free environment on June 5, 1999;

Whereas this partnership combines stress and anger management programs with dances, talent shows, sporting events, and other recreational activities, operating on only 3 basic rules: no weapons, no alcohol, and no arguments;

Whereas Safe Night USA helps youth avoid the most common factors that precede acts of violence, provides children with the tools to resolve conflict and manage anger without violence, encourages communities to work together to identify key issues affecting teenagers, and creates local partnerships with youth that will continue beyond the expiration of the project; and

Whereas June 5, 1999, will witness over 10,000 local Safe Night activities joined together in one nationwide effort to combat youth violence and substance abuse: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION.

The Senate—

(1) designates June 5, 1999 as "Safe Night USA"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Safe Night USA.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2000

WARNER (AND OTHERS) AMENDMENT NO. 411

Mr. WARNER (for himself, Mr. ROBB, Mr. INHOFE, and Mr. LEVIN) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 428, after line 19, insert the following new section:

SEC. . ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.

The Secretary of Defense in conjunction with the Pentagon Renovation Program is authorized to design and construct secure secretarial office and support facilities and security-related changes to the METRO entrance at the Pentagon Reservation. The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the total cost of the renovation of the Pentagon.

WARNER (AND LEVIN) AMENDMENT NO. 412

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 98, line 15, strike "$71,693,093,000." and insert in lieu thereof the following: "$71,693,093,000, and in addition funds in the total amount of $1,838,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 2012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31)."

ALLARD (AND CLELAND) AMENDMENT NO. 413

Mr. WARNER (for Mr. ALLARD, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.".

MACK (AND GRAHAM) AMENDMENT NO. 414

Mr. WARNER (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 12, increase the amount by $6,000,000.

On page 29, line 14, decrease the amount by $6,000,000.

WARNER AMENDMENT NO. 415

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

In title III, at the end of subtitle D, add the following:

SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

Section 112(a)(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

TORRICELLI AMENDMENT NO. 416

Mr. LEVIN (for Mr. TORRICELLI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are associated with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

CRAPO (AND LOTT) AMENDMENT NO. 417

Mr. WARNER (for Mr. CRAPO, for himself and Mr. LOTT) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike section 654, and insert the following:

SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

SNOWE AMENDMENT NO. 418

Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

HATCH AMENDMENT NO. 419

Mr. WARNER (for Mr. HATCH) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

REED (AND CHAFEE) AMENDMENT NO. 420

Mr. LEVIN (for Mr. REED, for himself and Mr. CHAFEE) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 48, line 5, after "laboratory", insert the following: ", and the director of one test and evaluation laboratory,".

On page 48, between lines 11 and 12, insert the following:

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

On page 48, line 12, strike "(B)" and insert "(C)".

On page 48, beginning on line 14, strike "subparagraph (A)" and insert "subparagraphs (A) and (B)".

GRAMS AMENDMENT NO. 421

Mr. WARNER (for Mr. Grams) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) Conveyance to City Authorized.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) Conveyance to County Authorized.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) Consideration.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

GRAHAM (AND MACK) AMENDMENT NO. 422

Mr. LEVIN (for Mr. Graham, for himself and Mr. Mack) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 459, between lines 17 and 18, insert the following:

SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.

(a) Conveyance Required.—The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

SESSIONS AMENDMENT NO. 423

Mr. WARNER (for Mr. Sessions) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.

Section 4683(a)(2) of title 10, United States Code, is amended to read as follows: .

"(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries.".

SNOWE AMENDMENT NO. 424

Mr. WARNER (for Ms. Snowe) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 25, between lines 17 and 18, insert the following:

(c) Other Funds for Advance Procurement.—Notwithstanding any other provision of this Act, of the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

SHELBY (AND SESSIONS) AMENDMENT NO. 425

Mr. WARNER (for Mr. Shelby, for himself and Mr. Sessions) proposed an amendment to the bill, S. 1059, supra; as follows:

In title I, at the end of subtitle B, add the following:

SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.

Of the funds authorized to be appropriated under section 101(2), $500,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

GRAMM AMENDMENT NO. 426

Mr. WARNER (for Mr. Gramm, for himself and Mrs. Hutchison) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 440, between lines 6 and 7, insert the following:

SEC. 2807. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) Definition of Eligible Entity.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.".

(b) General Authority.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) Direct Loans and Loan Guarantees.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking "persons in private sector" and inserting "an eligible entity"; and

(B) by striking "such persons" and inserting "the eligible entity"; and

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "an eligible entity"; and

(B) by striking "the person" and inserting "the eligible entity".

(d) Investments.—Section 2875 of such title is amended—

(1) in subsection (a), by striking "nongovernmental entities" and inserting "an eligible entity";

(2) in subsection (c)—

(A) by striking "a nongovernmental entity" both places it appears and inserting "an eligible entity"; and

(B) by striking "the entity" each place it appears and inserting "the eligible entity";

(3) in subsection (d), by striking "nongovernmental" and inserting "eligible"; and

(4) in subsection (e), by striking "a nongovernmental entity" and inserting "an eligible entity".

(e) Rental Guarantees.—Section 2876 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) Differential Lease Payments.—Section 2877 of such title is amended by striking "private".

(g) Conveyance or Lease of Existing Property and Facilities.—Section 2878(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) Clerical Amendments.—(1) The heading of section 2875 of such title is amended to read as follows:

"§ 2875. Investments".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2875 and inserting the following new item:

"2875. Investments.".

CLELAND AMENDMENT NO. 427

Mr. LEVIN (for Mr. Cleland) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 272, between lines 8 and 9, insert the following:

SEC. 717. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.

(a) Order to Active Duty Authorized.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

"§ 12322. Active duty for health care

"A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"12322. Active duty for health care.".

(b) MEDICAL AND DENTAL CARE FOR MEMBERS.—Subsection (e) of section 1074a of such title is amended to read as follows:

"(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

"(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days.".

(c) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:

"(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.".

THOMPSON (AND OTHERS) AMENDMENT NO. 428

Mr. WARNER (for Mr. THOMPSON for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title VIII, add the following:

SEC. 807. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) APPLICABILITY.—Paragraph (2) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following:

"(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor or subcontractor, respectively, in the previous or current fiscal year (or other one-year cost accounting period) was less than $50,000,000.

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

"(i) Contracts or subcontracts for the acquisition of commercial items.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) Contracts or subcontracts with a value that is less than $5,000,000.".

(b) WAIVER.—Such section is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

"(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

"(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

"(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

"(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

"(D) The Federal Acquisition Regulation shall include the following:

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

"(ii) The specific circumstances under which such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.".

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A–21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

SEC. 808. GUIDANCE ON USE OF TASK ORDER AND DELIVERY ORDER CONTRACTS.

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

(b) CONTENT OF GUIDANCE.—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multiagency contracts entered in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchases of information technology products and services;

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivery under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:

"(E) Installation services, maintenance services, repair services, training services, and other services if—

"(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

"(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.".

SEC. 810. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.

(a) EXTENSION OF AUTHORITY.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments take effect pursuant to section 4401(b)" and inserting "January 1, 2002".

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

SEC. 811. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000.

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

LIEBERMAN (AND SANTORUM) AMENDMENT NO. 429

Mr. LEVIN (for Mr. LIEBERMAN, for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 17, line 1, strike "$3,669,070,000" and insert "$3,647,370,000".

On page 29, line 10, strike "$4,671,194,000" and insert "$4,692,894,000".

GRASSLEY (AND DOMENICI) AMENDMENT NO. 430

Mr. WARNER (for Mr. GRASSLEY, for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 321, line 18, strike out "and".

On page 321, after line 24, insert the following:

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

On page 322, line 4, insert before the semicolon the following: "that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note)".

On page 322, between lines 17 and 18, insert the following:

(5) An internal controls checklist which, consistent with the authority in sections 3511 and 3512 of title 31, United States Code, the Comptroller General shall prescribe as the standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the department.

On page 323, line 14, before the period insert "or the certified date of receipt of the items".

On page 324, between the matter following line 20 and the matter on line 21, insert the following:

(c) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subjected to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(C) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(D) the estimated costs of implementing the processes and controls described in subparagraphs (A), (B), (C); and

(E) the period that would be required to implement the processes and controls.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit a report to Congress containing the results of the study required by paragraph (1).

(3) In this subsection, the term "electronic payment" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a debit or credit to a financial account.

On page 329, after line 25, insert the following:

SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—(1) Section 135 of title 10, United States Code, is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

"(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

"(2) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursement or accounting, to another officer, employee, or entity of the United States, the Under Secretary continues after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority.".

(2) Subsection (c)(1) of such section is amended by inserting "and to ensure accountability to the citizens of the United States, Congress, the President, and managers within the Department of Defense" before the semicolon at the end.

(b) MANAGEMENT OF CREDIT CARDS.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations governing the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall be consistent with regulations that apply government-wide regarding use of credit cards by Federal Government personnel for official purposes.

(2) The regulations shall include safeguards and internal controls to ensure the following:

(A) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder.

(B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Disputes and discrepancies are resolved in the manner prescribed in the applicable Governmentwide credit card contracts entered into by the Administrator of General Services.

(D) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(E) Rebates and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(c) REMITTANCE ADDRESSES.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on alteration of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(A) requested by the person to whom the disbursement is authorized to be remitted; and

(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

REID AMENDMENT NO. 431

Mr. WARNER (for Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 18, line 13, strike "$1,169,000,000" and insert "$1,164,500,000".

On page 29, line 14, strike "$9,400,081,000" and insert "$9,404,581,000".

COCHRAN AMENDMENT NO. 432

Mr. WARNER (for Mr. COCHRAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 11, increase the amount by $3,500,000.

On page 29, line 14, decrease the amount by $3,500,000.

ALLARD AMENDMENT NO. 433

Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title XI, add the following:

SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.

(a) LUMP-SUM PAYMENT OF SEVERANCE PAY.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 5597(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.".

LANDRIEU AMENDMENT NO. 434

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle F, add the following:

SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.

(a) Requirement.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall suspend exit surveys and interviews of that department during the period described in the first sentence.

(b) Survey Content.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

(c) Report.—Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the surveys. The report shall include an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans of those personnel. The Secretary shall utilize the report's findings in crafting future responses to declining retention and recruitment.

WARNER (AND LEVIN) AMENDMENT NO. 435

Mr. WARNER (for himself and Mr. Levin) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 574, strike lines 1 through 24 and insert the following:

SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.

(a) Authority To Use Amounts.—The Secretary of Energy may use an amount authorized to be appropriated for the payment of award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary—

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) Report on Use of Authority.—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

ABRAHAM (AND THURMOND) AMENDMENT NO. 436

Mr. WARNER (for Mr. Abraham, for himself and Mr. Thurmond) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) Waiver of Time Limitations.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) Action Described.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 50rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

THOMAS (AND ENZI) AMENDMENT NO. 437

Mr. WARNER (for Mr. Thomas, for himself and Mr. Enzi) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) Prohibition.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) Definitions.—In this section:

(1) Entity controlled by a foreign government.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) Veterans memorial object.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

WARNER (AND LEVIN) AMENDMENT NO. 438

Mr. WARNER (for himself and Mr. Levin) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle A, add the following:

SEC. 1009. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

WARNER AMENDMENT NO. 439

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

On page 371, at the end of line 13, add the following: "The preceding sentence does not apply to the operation, by a non-Department of Defense entity, of a communication system, device, or apparatus on any portion of the frequency spectrum that is reserved for exclusively non-government use.".

On page 372, line 3, insert "fielded" after "apparatus".

(d) This section does not apply to any upgrades, modifications, or system redesign to a Department of Defense communication system made after the date of enactment of this act where that modification, upgrade or redesign would result in interference with or receiving interference from a non-Department of Defense system.

BOND (AND KERRY) AMENDMENT NO. 440

Mr. WARNER (for Mr. Bond, for himself, and Mr. Kerry) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 281, line 13, after "Government." insert the following: "These items shall not be considered commercial items for purposes of Section 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 note).".

On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns,".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 284, between lines 6 and 7, insert the following:

(4) The term "HUBZone small business concern" has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

ROBERTS (AND OTHERS) AMENDMENT NO. 441

Mr. WARNER (for Mr. Roberts, for himself, Mr. Bingaman, Mr. Warner, and Mr. Levin) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.

(a) Authority.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

(2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(b) NATURE OF ASSISTANCE.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) REIMBURSEMENT.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that a waiver of the reimbursement is in the national security interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(d) LIMITATION ON FUNDING.—Not more than $10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) PERSONNEL RESTRICTIONS.—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(h) RELATIONSHIP TO OTHER AUTHORITY.—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) The term "threat of an act of terrorism" includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) The term "weapon of mass destruction" has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

KENNEDY (AND OTHERS) AMENDMENT NO. 442

Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. SCHUMER, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. KYL) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am 103 Flight over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya's national airline;

(B) a ban on flights into and out of Libya by other nations' airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, "Patterns of Global Terrorism; 1998", stated that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups, including the PIJ and the PFLP-GC".

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with U.S. law, the Secretary of State should kept Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorist groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

FEINGOLD AMENDMENTS NOS. 443–444

Mr. FEINGOLD proposed two amendments to the bill, S. 1059, supra; as follows:

AMENDMENT NO. 443

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A–18E/F aircraft program may not exceed $8,840,795,000.

(2) The Secretary of the Navy shall adjust the amount of the limitation under paragraph (1) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation occurring since September 30, 1999.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1999.

(C) The amounts of increases or decreases in costs resulting from aircraft quantity changes within the scope of the multiyear contract.

(3) The Secretary of the Navy shall annually submit to Congress, at the same time the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in paragraph (1) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in paragraph (2).

AMENDMENT NO. 444

On page 26, strike lines 20 through 25, and insert the following:

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A–18E/F aircraft or authorize entry of the F/A–18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that the F/A–18E/F aircraft has successfully completed initial operational test and evaluation;

(2) the Secretary of the Navy—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters in the operational requirements document for the F/A–18E/F program, as submitted on April 1, 1997; and

(B) certifies those results of operational test and evaluation; and

(3) the Comptroller General reviews those results of operational test and evaluation and transmits to the Secretary of the Navy the Comptroller General's concurrence with the Secretary's certification.

COCHRAN AMENDMENT NO. 445

Mr. COCHRAN proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle B, insert the following:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

KYL (AND OTHERS) AMENDMENT NO. 446

Mr. KYL (for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. SHELBY, Mr. HUTCHINSON, Mr. HELMS, and Mr. COVERDELL) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike Section 3158 and insert the following:

"SEC. 3158(a). ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.

‘‘(1) OFFICE OF COUNTERINTELLIGENCE.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

‘‘‘OFFICE OF COUNTERINTELLIGENCE

‘‘‘SEC. 213. (a) There is within the Department an Office of Counterintelligence.

‘‘‘(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence.

‘‘‘(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

‘‘‘(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee within the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

‘‘‘(4) The Director of the Office of Counterintelligence shall report directly to the Secretary.

‘‘‘(c)(1) The Director of the Office of Counterintelligence shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

‘‘‘(2) The Director of the Office of Counterintelligence shall be responsible for the administration of the personnel assurance programs of the Department.

‘‘‘(3) The Director of the Office of Counterintelligence shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

‘‘‘(4) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

‘‘‘(5) The Director of the Office of Counterintelligence shall not be required to obtain the approval of any officer or employee of the Department of Energy for the preparation or delivery to Congress of any report required by this section; nor shall any officer or employee of the Department of Energy or any other Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.

‘‘‘(d)(1) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Commerce of the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

‘‘‘(2) Each report shall include for the year covered by the report the following:

‘‘‘(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

‘‘‘(B) The adequacy of the Department of Energy's procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

‘‘‘(C) Whether each Department of Energy national laboratory is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring such laboratory into compliance.

‘‘‘(D) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

‘‘‘(i) the number of violations that were investigated; and

‘‘‘(ii) the number of violations that remain unresolved.

‘‘‘(E) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

‘‘‘(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex."

‘‘‘(e) Every officer or employee of the Department of Energy, every officer or employee of a Department of Energy national laboratory, and every officer or employee of a Department of Energy contractor, who has reason to believe that there is an actual or potential significant threat to, or loss of, national security information shall immediately report such information to the Director of the Office of Counterintelligence.

‘‘‘(f) Thirty days prior to the report required by subsection d(2)(C), the Director of each Department of Energy national laboratory shall certify in writing to the Director of the Office of Counterintelligence whether that laboratory is in full compliance with all Departmental national security information protection requirements. If the laboratory is not in full compliance, the Director of the laboratory shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

‘‘‘(g) Within 180 days of the date of enactment of this Act, the Secretary of Energy shall report to the Senate and the House of Representatives on the adequacy of the Department of Energy's procedures and policies for protecting national security information, including national security information at the Department's laboratories, making such recommendations to Congress as may be appropriate.

‘‘‘OFFICE OF INTELLIGENCE

‘‘‘SEC. 214. (a) There is within the Department an Office of Intelligence.

‘‘‘(b)(1) The head of the Office shall be the Director of the Office of Intelligence.

‘‘‘(2) The Director of the Office shall be a senior executive service employee of the Department.

"'(3) The Director of the Office of Intelligence shall report directly to the Secretary.

"'(c) The Director of the Office of Intelligence shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security."

"'NUCLEAR SECURITY ADMINISTRATION

"'SEC. 215. (a) There shall be within the Department an agency to be known as the Nuclear Security Administration, to be headed by an Administrator, who shall report directly to, and shall be accountable directly to, the Secretary. The Secretary may not delegate to any Department official the duty to supervise the Administrator.

"'(b)(1) The Assistant Secretary assigned the functions under section 203(a)(5) shall serve as the Administrator.

"'(2) The Administrator shall be responsible for the executive and administrative operation of the functions assigned to the Administration, including functions with respect to (A) the selection, appointment, (B) the supervision of personnel employed by or assigned to the Administration, (C) the distribution of business among personnel and among administrative units of the Administration, and (D) the procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code. The Secretary shall provide to the Administrator such support and facilities as the Administrator determines is needed to carry out the functions of the Administration.

"'(c)(1) The personnel of the Administration, in carrying out any function assigned to the Administrator, shall be responsible to, and subject to the supervision and direction of, the Administrator, and shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of any other part of the Department of Energy.

"'(2) For purposes of this subsection, the term "personnel of the Administration" means each officer or employee within the Department of Energy, and each officer or employee of any contractor of the Department, whose—

"'(A) responsibilities include carrying out a function assigned to the Administrator; or

"'(B) employment is funded under the Weapons Activities budget function of the Department.

"'(d) The Secretary shall assign to the Administrator direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories. The functions assigned to the Administrator with respect to the nuclear weapons production facilities and the national laboratories shall include, but not be limited to, authority over, and responsibility for, the following:

"'(1) Strategic management.

"'(2) Policy development and guidance.

"'(3) Budget formulation and guidance.

"'(4) Resource requirements determination and allocation.

"'(5) Program direction.

"'(6) Safeguard and security operations.

"'(7) Emergency management.

"'(8) Integrated safety management.

"'(9) Environment, safety, and health operations.

"'(10) Administration of contracts to manage and operate the nuclear weapons production facilities and the national laboratories.

"'(11) Oversight.

"'(12) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

"'(13) Each of the functions described in subsection (f).

"'(e) The head of each nuclear weapons production facility and of each national laboratory shall report directly to, and be accountable directly to, the Administrator.

"'(f) The Administrator may delegate functions assigned under subsection (d) only within the headquarters office of the Administrator, except that the Administrator may delegate to the head of a specified operations office functions including, but not limited to, providing or supporting the following activities at a nuclear weapons production facility or a national laboratory:

"'(1) Operational activities.

"'(2) Program execution.

"'(3) Personnel.

"'(4) Contracting and procurement.

"'(5) Facility operations oversight.

"'(6) Integration of production and research and development activities.

"'(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

"'(g) The head of a specified operations office, in carrying out any function delegated under subsection (f) to that head of that specified operations office, shall report directly to, and be accountable directly to, the Administrator.

"'(h) In each annual authorization and appropriations request under this Act, the Secretary shall identify the portion thereof intended for the support of the Administration and include a statement by the Administrator showing (1) the amount requested by the Administrator in the budgetary presentation to the Secretary and the Office of Management and Budget, and (2) an assessment of the budgetary needs of the Administration. Whenever the Administrator submits to the Secretary, the President, or the Office of Management and Budget any legislative recommendation or testimony, or comments on legislation prepared for submission to the Congress, the Administrator shall concurrently transmit a copy thereof to the appropriate committees of the Congress.

"'(i) As used in this section:

"'(1) The term 'nuclear weapons production facility' means any of the following facilities:

"'(A) The Kansas City Plant, Kansas City, Missouri.

"'(B) The Pantex Plant, Amarillo, Texas.

"'(C) The Y–12 Plant, Oak Ridge, Tennessee.

"'(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

"'(E) The Nevada Test Site, Nevada.

"'(2) The term 'national laboratory' means any of the following laboratories:

"'(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

"'(B) The Lawrence Livermore National Laboratory, Livermore, California.

"'(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

"'(3) The term 'specified operations office' means any of the following operations offices of the Department of Energy:

"'(A) Albuquerque Operations Office, Albuquerque, New Mexico.

"'(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

"'(C) Oakland Operations Office, Oakland, California.

"'(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

"'(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

"(b) IN GENERAL.—Section 203 of such Act (42 U.S.C. 7133) is amended by adding at the end of the following new subsection:

"'(c) The Assistant Secretary assigned the functions under section (a)(5) shall be a person who, by reason of professional background and experience, is specially qualified—

"'(1) to manage a program designed to ensure the safety and reliability of the nuclear weapons stockpile;

"'(2) to manage the nuclear weapons production facilities and the national laboratories;

"'(3) protect national security information; and

"'(4) to carry out the other functions of the Administrator of the Nuclear Security Administration.

"(c) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following items:

"'213. Office of Counterintelligence.

"'214. Office of Intelligence.

"'215. Nuclear Security Administration.'"

GRAHAM AMENDMENT NO. 447

Mr. GRAHAM proposed an amendment to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

TITLE XIII—COMMISSION ON COUNTERINTELLIGENCE CAPABILITIES OF THE UNITED STATES

SEC. 1301. ESTABLISHMENT.

There is established a commission to be known as the Commission on the Counterintelligence Capabilities of the United States Intelligence Community (in this title referred to as the "Commission").

SEC. 1302. COMPOSITION AND QUALIFICATIONS.

(a) MEMBERSHIP.—(1) The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community and no more than five of whom shall be members of the same political party.

(B) Two members shall be appointed by the majority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of the Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academy, journalism, or other profession, who have a substantial background in national security matters.

(b) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate two of the members appointed from private life to serve as Chairman and Vice Chairman, respectively, of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner as the original appointment.

(d) Deadline for Appointments.—The appointments required by subsection (a) shall be made within 45 days after the date of the enactment of this Act.

(e) Meetings.—(1) The Commission shall meet at the call of the Chairman.

(2) The Commission shall hold its first meeting not later than four months after the date of the enactment of this Act.

(f) Quorum.—Nine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.

(g) Security Clearances.—Appropriate security clearances shall be required for members of the Commission who are private United States citizens. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 90 days of the date such members are appointed.

(h) Application of Certain Provisions of Law.—(1) In light of the extraordinary and sensitive nature of its deliberations, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall not apply to the Commission.

(2) The provisions of section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), shall not apply to the Commission. However, records of the Commission shall be subject to the Federal Records Act and, when transferred to the National Archives and Records Administration, shall no longer be exempt from the provisions of such section 552.

SEC. 1303. DUTIES OF THE COMMISSION.

(a) In General.—It shall be the duty of the Commission—

(1) to review the efficacy and appropriateness of the counterintelligence capabilities the United States; and

(2) to prepare and transmit the reports described in section 1304.

(b) Implementation.—In carrying out subsection (a), the Commission shall specifically consider the following:

(1) Whether there should be established within the Federal Government a single entity responsible for the centralized oversight and coordination of government-wide counterintelligence policies and practices.

(2) Whether current personnel levels and training are adequate to meet the counterintelligence requirements of the United States.

(3) Whether current funding is adequate to meet the counterintelligence requirements of the United States.

(4) Whether current oversight of the counterintelligence activities of the United States by the executive branch and legislative branch is adequate, and, if not, what changes to such oversight are necessary.

(5) Whether current coordination of counterintelligence activities and issues among the departments and agencies of the Federal Government is adequate to meet the counterintelligence requirements of the United States.

(6) Whether current laws governing counterintelligence activities are appropriate for the counterintelligence requirements of the United States.

(7) Whether current investigative techniques (including the use of polygraph examinations, background investigations, and financial disclosure) are adequate for counterintelligence purposes.

(8) Whether and how a vigorous counterintelligence capability can coexist with the work which requires the exchange of scientists.

(9) Whether the current assessment of the counterintelligence threat to the United States is accurate, and if not, how the assessment might be modified in order to improve its accuracy.

SEC. 1304. REPORTS.

(a) Initial Report.—Not later than two months after the first meeting of the Commission, the Commission shall transmit to the congressional intelligence committees a report setting forth its plan for the work of the Commission.

(b) Interim Reports.—Prior to the submission of the report required by subsection (c), the Commission may issue such interim reports as it finds necessary and desirable.

(c) Final Report.—No later than January 15, 2001, the Commission shall submit to the President and to the congressional defense and intelligence committees a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for the enactment of legislation that the Commission considers advisable. To the extent feasible, such report shall be unclassified and made available to the public. Such report shall be supplemented as necessary by a classified report or annex, which shall be provided separately to the President and the congressional defense and intelligence committees.

SEC. 1305. POWERS.

(a) Hearings.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) Information From Federal Agencies.—The Commission may secure directly from any intelligence agency or from any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title. Upon request of the Chairman of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) Postal, Printing and Binding Services.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Subcommittees.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(e) Authority of Individuals To Act for Commission.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1306. PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is a private United States citizen shall be paid, if requested, at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are Members of Congress shall serve without compensation in addition to that received for their services as Members of Congress.

(b) Travel Expenses.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole. No member of the professional staff may be a current officer or employee of an intelligence agency, except that up to three current employees of intelligence agencies who are on rotational assignment to the Executive Office of the President may serve on the Commission staff, subject to the approval of the Commission as a whole.

(2) Compensation.—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) Detail of Government Employees.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions.

(e) Procurement of Temporary and Intermittent Services.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(f) Administrative and Support Services.—The Director of Central Intelligence shall furnish the Commission, on a non-reimbursable basis, any administrative and support services requested by the Commission consistent with this title.

SEC. 1307. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds available to the Director of Central Intelligence for the payment of compensation, travel allowances, and per diem allowances, respectively, of employees of the Central Intelligence Agency.

SEC. 1308. TERMINATION OF THE COMMISSION.

The Commission shall terminate one month after the date of the submission of the report required by section 1304(c).

SEC. 1309. DEFINITIONS.

In this title:

(1) The term "intelligence agency" means any agency, office, or element of the intelligence community.

(2) The term "intelligence community" shall have the same meaning as set forth in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term "congressional intelligence committees" refers to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

REID AMENDMENT NO. 448

Mr. LEVIN (for Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 387, below line 24, add the following:

SEC. 1061. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

BRYAN (AND REID) AMENDMENT NO. 449

Mr. LEVIN (for Mr. BRYAN, for himself and Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base	$11,600,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$639,733,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,928,791,000".

On page 419, line 19, strike "$628,133,000" and insert "$639,733,000".

On page 420, line 17, strike "$628,133,000" and insert "$639,733,000".

HARKIN (AND BOXER) AMENDMENT NO. 450

Mr. LEVIN (for Mr. HARKIN, for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

On page 17, line 6, reduce the amount by $18,000,000.

LEAHY AMENDMENT NO. 451

Mr. LEVIN (for Mr. LEAHY) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in paragraph (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

CONRAD AMENDMENTS NOS. 452–454

Mr. LEVIN (for Mr. CONRAD) proposed three amendments to the bill, S. 1059, supra; as follows:

AMENDMENT NO. 452

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 453

In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104–106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

AMENDMENT NO. 454

In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

LAUTENBERG AMENDMENT NO. 455

Mr. LEVIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. CONVEYANCE OF FIREFIGHTING EQUIPMENT AT MILITARY OCEAN TERMINAL, BAYONNE, NEW JERSEY.

(a) PURPOSE.—The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) AUTHORITY TO CONVEY.—The Secretary of the Army shall, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) EQUIPMENT TO BE CONVEYED.—The equipment to be conveyed under subsection (a) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995, Pierce Job #E–9378, VIN#4PICt02D9SA000653.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994, Pierce Job #E–8032, VIN#PICA0262RA000245.

(3) Pierce, manufactured 1993, Pierce Job #E–7509, VIN#1FDRYR82AONVA36015.

(4) Ford E–350, manufactured 1992, Plate #G3112693, VIN#1FDKE3OM6NHB37026.

(5) Ford E–302, manufactured 1990, Plate #G3112452, VIN#1FDKE3OM9MHA35749.

(6) Bauer Compressor, Bauer-UN 12–E#5000psi, manufactured November 1989.

(d) OTHER COSTS.—The conveyance and delivery of the property shall be at no cost to the United States.

(e) OTHER CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

LAUTENBERG AMENDMENT NO. 456

Mr. LEVIN (for Mr. LAUTENBERG) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvement thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, the former family housing site for Nike Battery 80. The purpose of the conveyance is to permit the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined in a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SARBANES AMENDMENT NO. 457

Mr. LEVIN (for Mr. SARBANES) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. . ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate or expand any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

SPECTER AMENDMENT NO. 458

Mr. WARNER (for Mr. SPECTER) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. PROHIBITION ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—The United States, as a member of NATO, may not negotiate with Slobodan Milosevic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

BINGAMAN AMENDMENT NO. 459

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

"TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

"SEC. 2901. FINDINGS.

"The Congress finds that—

"(1) Public Law 99–606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

"(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

"(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

"(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

"(5) the public land withdrawals authorized in 1986 under Public Law 99–606 were for a period of 15 years, and expire in November, 2001; and

"(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99–606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

"SEC. 2902. SENSE OF THE SENATE.

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999."

WARNER AMENDMENT NO. 460

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert:

SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Fund received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

ROBB AMENDMENT NO. 461

Mr. LEVIN (for Mr. ROBB) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 93, between lines 2 and 3, insert the following:

SEC. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) [Placeholder for Thurmond language].

LINCOLN AMENDMENT NO. 462

Mr. LEVIN (for Mrs. LINCOLN) proposed an amendment to the bill, S. 1059, supra; as follows:

Amend the tables in section 2301 to include $7.8 million for C130 squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2304 to so include the adjustments.

SMITH AMENDMENT NO. 463

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$156,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000

On page 412, in the table line Total strike out "$744,140,000" and insert "$747,990,000."

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,865,000".

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,810,000".

On page 414, line 18, strike out "$66,299,000" and insert in lieu thereof "$66,581,000".

HELMS AMENDMENT NO 464

Mr. WARNER (for Mr. HELMS) proposed an amendment to the bill, S. 1059, supra; as follows:

Insert at the appropriate place in the bill:

SEC. . DISPOSITION OF WEAPONS-GRADE MATERIAL

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) detailing plans for United States implementation of such agreement;

(2) identifying the number of United States warhead "pits" of each type deemed "excess" for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

SESSIONS AMENDMENT NO. 465

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 1059, supra; as follows:

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "rear admiral".

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

"(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

"(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

DEWINE (AND COVERDELL) AMENDMENT NO. 466

Mr. WARNER (for Mr. DEWINE, for himself and Mr. COVERDELL) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 62, between lines 19 and 20, insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P–3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5.000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

(c) OFFSET.—Of the amounts authorized to be appropriated by this Act, the total amount available for .

VOINOVICH (AND DEWINE) AMENDMENT NO. 467

Mr. WARNER (for Mr. VOINOVICH, for himself and Mr. DEWINE), proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

McCAIN AMENDMENT NO. 486

Mr. WARNER (for Mr. McCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike "(except those lands within a unit of the National Wildlife Refuge System)".

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike "section 2902(c) or 2902(d)" and insert "section 2902(b) or 2902(c)".

In section 2908(b), as so redesignated, strike "section 2909(g)" and insert "section 2907(g)".

In section 2910, as so redesignated, strike ", except that hunting," and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike "subsections (b), (c), and (d)" and insert "subsections (a), (b), and (c)".

In section 2911(a)(2), as so redesignated, strike ", except that lands" and all that follows and insert a period.

At the end, add the following:

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

HELMS (AND BIDEN) AMENDMENT NO. 469

Mr. WARNER (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 153, line 18, strike "the United States" and insert "such".

On page 356, line 7, insert after "Secretary of Defense" the following: ", in consultation with the Secretary of State,".

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

On page 359, line 8, strike "(c)" and insert "(b)".

On page 359, line 16, strike "(d)" and insert "(c)".

BOND (AND KERRY) AMENDMENT NO. 470

Mr. WARNER (for Mr. BOND, for himself and Mr. KERRY) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 281, at the end of line 13, add the following: "However, the commercial services so designated by the Secretary shall not be treated under the pilot program as being commercial items for purposes of the special simplified procedures included in the Federal Acquisition Regulation pursuant to the section 2304(g)(1)(B) of title 10, United States Code, section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)), and section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)).".

On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns,".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 284, between lines 6 and 7, insert the following:

(4) The term "HUBZone small business concern" has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

McCAIN AMENDMENT NO. 471

Mr. LEVIN (for Mr. McCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In title III, at the end of subtitle A, add the following:

SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated under section 301(5) for carrying out the provisions of chapter 142 of title 10, United States Code, $600,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

HATCH AMENDMENT NO. 472

Mr. LEVIN (for Mr. HATCH) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) IN GENERAL.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) A transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(b) COVERED INSTITUTIONS.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individual with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or

(5) other educational purposes.

(c) AVAILABLE FACILITIES.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term "base closure laws" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "tax-supported educational institution" means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

EDWARDS AMENDMENT NO. 473

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

GRAMM AMENDMENT NO. 474

Mr. WARNER (for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR VICTORY MEDAL.—Chapter 57 of Title 10, United States Code, is amended by adding at the end the following:

"§ 1133. Cold War medal: award; issue

"(a) There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War."

"(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Reagan-Truman Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) PERIOD OF COLD WAR.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award; issue.".

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of seven individuals, as follows:

(A) Three shall be appointed by the President, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) Two shall be appointed by the Majority Leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

SMITH AMENDMENT NO. 475

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memoranda for the record, after-action reports, and final itineraries, and any receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

THOMAS AMENDMENT NO. 476

Mr. WARNER (for Mr. THOMAS) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.

The Federal Activities Inventory Reform Act of 1998 (P.L. 105-270) shall be implemented by an Executive Order issued by the President.

HUTCHISON AMENDMENT NO. 477

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a): Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames;"

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements;

(3) The United States has 120,000 troops permanently assigned to those theaters;

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries;

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment;

(6) The United States has diverted permanently assigned resources from other theaters to support operations in the Balkans;

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades;

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent;

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in FY98, 28,000 U.S. Army soldiers were deployed to more than 70 countries for over 300 separate missions;

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a "stop loss" program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force;

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service;

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) Sense of Congress:

(1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

(B) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) Report Requirement.

(1) Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can:

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce U.S. troop commitments worldwide;

(3) end low priority missions.

SMITH (AND WYDEN) AMENDMENT NO. 478

Mr. WARNER (for Mr. SMITH of Oregon, for himself and Mr. WYDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Community-Army Cooperation Act of 1999".

SEC. 1302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104-208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army shall make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term "applicable payment period" means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) ALLOCATION OF PAYMENT—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) Computation of Payment.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) Interest on Untimely Payments.—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) Use of Payments.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

"(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

"(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

"(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

"(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

"(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

"(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

"(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

"(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

"(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

"(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.".

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) Limitation on Jurisdiction.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States.

(b) Limitations on Standing.—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decomissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within the positive action zone of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) Interim Relief.—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) Standards To Be Employed in Actions.—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) Participation in Actions as Bar to Payments.—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) Impleading of Contractors.—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) Chemical agent and munition.—The term "chemical agent and munition" has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

(2) Chemical weapons convention.—The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) Community.—The term "community" means a country, parish, or other unit of local government.

(4) Decommission.—The term "decommission", with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

THURMOND AMENDMENT NO. 479

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN'S FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU–154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU–154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

DOMENICI AMENDMENT NO. 480

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$168,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000

On page 412, in the table line Total strike out "$744,140,000" and insert "$747,990,000."

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,865,000".

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,810,000".

On page 414, line 18, strike out "$66,299,000" and insert in lieu thereof "$66,581,000".

A BILL TO MAKE MISCELLANEOUS AND TECHNICAL CHANGES TO VARIOUS TRADE LAWS, AND FOR OTHER PURPOSES

ROTH AMENDMENT NO. 481

Ms. SNOWE (for Mr. ROTH) proposed an amendment to the bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

Sec. 1001. Clerical amendments.
Sec. 1002. Obsolete references to GATT.
Sec. 1003. Tariff classification of 13-inch televisions.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

Sec. 2001. Reference.

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

Sec. 2101. Diiodomethyl-*p*-tolylsulfone.
Sec. 2102. Racemic dl-menthol.
Sec. 2103. 2,4-Dichloro-5-hydrazinophenol monohydrochloride.
Sec. 2104. ACM.
Sec. 2105. Certain snowboard boots.
Sec. 2106. Ethofumesate singularly or in mixture with application adjuvants.
Sec. 2107. 3-Methoxycarbonylaminophenyl-3′-methylcarbanilate (phenmedipham).
Sec. 2108. 3-Ethoxycarbonylaminophenyl-N-phenylcarbamate (desmedipham).
Sec. 2109. 2-Amino-4-(4-aminobenzoylamino)benzenesulfonic acid, sodium salt.
Sec. 2110. 5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide.
Sec. 2111. 3-Amino-2′-(sulfatoethylsulfonyl) ethyl benzamide.
Sec. 2112. 4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt.
Sec. 2113. 2-Amino-5-nitrothiazole.
Sec. 2114. 4-Chloro-3-nitrobenzenesulfonic acid.
Sec. 2115. 6-Amino-1,3-naphthalenedisulfonic acid.
Sec. 2116. 4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2117. 2-Methyl-5-nitrobenzenesulfonic acid.
Sec. 2118. 6-Amino-1,3-naphthalenedisulfonic acid, disodium salt.
Sec. 2119. 2-Amino-p-cresol.
Sec. 2120. 6-Bromo-2,4-dinitroaniline.
Sec. 2121. 7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt.
Sec. 2122. Tannic acid.
Sec. 2123. 2-Amino-5-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2124. 2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt.
Sec. 2125. 2-Amino-5-nitrobenzenesulfonic acid.
Sec. 2126. 3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid.
Sec. 2127. 4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid.
Sec. 2128. 4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt.
Sec. 2129. Pigment Yellow 154.
Sec. 2130. Pigment Yellow 175.
Sec. 2131. Pigment Red 187.
Sec. 2132. 2,6-Dimethyl-m-dioxan-4-ol acetate.
Sec. 2133. β-Bromo-β-nitrostyrene.
Sec. 2134. Textile machinery.
Sec. 2135. Deltamethrin.
Sec. 2136. Diclofop-methyl.
Sec. 2137. Resmethrin.
Sec. 2138. N-phenyl-N′-1,2,3-thiadiazol-5-ylurea.
Sec. 2139. (1R,3S)3[(1′RS)(1′,2′,2′,2′,-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-α-cyano-3-phenoxybenzyl ester.
Sec. 2140. Pigment Red 177.
Sec. 2141. Textile printing machinery.
Sec. 2142. Substrates of synthetic quartz or synthetic fused silica.
Sec. 2143. 2-Methyl-4,6-bis[(octylthio)methyl]phenol.
Sec. 2144. 2-Methyl-4,6-bis[(octylthio)methyl]phenol; epoxidized triglyceride.
Sec. 2145. 4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol.
Sec. 2146. (2-Benzothiazolylthio)butanedioic acid.
Sec. 2147. Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate].
Sec. 2148. 4-Methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).
Sec. 2149. Weaving machines.
Sec. 2150. Certain weaving machines.
Sec. 2151. DEMT.
Sec. 2152. Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl-.
Sec. 2153. 2H–3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)-.
Sec. 2154. Tebufenozide.
Sec. 2155. Halofenozide.

Sec. 2156. Certain organic pigments and dyes.
Sec. 2157. 4-Hexylresorcinol.
Sec. 2158. Certain sensitizing dyes.
Sec. 2159. Skating boots for use in the manufacture of in-line roller skates.
Sec. 2160. Dibutylnaphthalenesulfonic acid, sodium salt.
Sec. 2161. O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octylcarbonothioate.
Sec. 2162. 4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine.
Sec. 2163. O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]-dithiophosphate.
Sec. 2164. Ethyl [2-(4-phenoxyphenoxy)ethyl]carbamate.
Sec. 2165. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole.
Sec. 2166. 2,4-Dichloro-3,5-dinitrobenzotrifluoride.
Sec. 2167. 2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine.
Sec. 2168. Chloroacetone.
Sec. 2169. Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester.
Sec. 2170. Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester.
Sec. 2171. Mucochloric acid.
Sec. 2172. Certain rocket engines.
Sec. 2173. Pigment Red 144.
Sec. 2174. (S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b] [1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid, diethyl ester.
Sec. 2175. 4-Chloropyridine hydrochloride.
Sec. 2176. 4-Phenoxypyridine.
Sec. 2177. (3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid.
Sec. 2178. 2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone.
Sec. 2179. 2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone.
Sec. 2180. (S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid.
Sec. 2181. 2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride.
Sec. 2182. 3-(Acetyloxy)-2-methylbenzoic acid.
Sec. 2183. [R-(R*,R*)]-1,2,3,4-butanetetrol-1,4-dimethanesulfonate.
Sec. 2184. 9-[2-[[Bis[(pivaloyloxy)-methoxy]phosphinyl]methoxy] ethyl]adenine (also known as Adefovir Dipivoxil).
Sec. 2185. 9-[2-(R)-[[Bis[(isopropoxycarbonyl)oxy-methoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1).
Sec. 2186. (R)-9-(2-Phosphonomethoxypropyl)adenine.
Sec. 2187. (R)-1,3-Dioxolan-2-one, 4-methyl-.
Sec. 2188. 9-(2-Hydroxyethyl)adenine.
Sec. 2189. (R)-9H-Purine-9-ethanol, 6-amino-α-**methyl-.**
Sec. 2190. Chloromethyl-2-propyl carbonate.
Sec. 2191. (R)-1,2-Propanediol, 3-chloro-.
Sec. 2192. Oxirane, (S)-((triphenylmethoxy)methyl)-.
Sec. 2193. Chloromethyl pivalate.
Sec. 2194. Diethyl (((p - toluenesulfonyl)oxy) - methyl) phosphonate.
Sec. 2195. Beta hydroxyalkylamide.
Sec. 2196. Grilamid tr90.
Sec. 2197. IN–W4280.
Sec. 2198. KL540.
Sec. 2199. Methyl thioglycolate.
Sec. 2200. DPX–E6758.
Sec. 2201. Ethylene, tetrafluoro copolymer with ethylene (ETFE).
Sec. 2202. 3-Mercapto-D-valine.
Sec. 2203. p-Ethylphenol.
Sec. 2204. Pantera.
Sec. 2205. p-Nitrobenzoic acid.
Sec. 2206. p-Toluenesulfonamide.
Sec. 2207. Polymers of tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride.
Sec. 2208. Methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2- trifluoroethoxy)-1,3,5-triazin-2-yl]amino]-carbonyl]amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl).
Sec. 2209. Certain manufacturing equipment.
Sec. 2210. Textured rolled glass sheets.
Sec. 2211. Certain HIV drug substances.
Sec. 2212. Rimsulfuron.
Sec. 2213. Carbamic acid (V–9069).
Sec. 2214. DPX–E9260.
Sec. 2215. Ziram.
Sec. 2216. Ferroboron.
Sec. 2217. Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4] thiadiazolo[3,4-a]pyridazin-1-ylidene)amino]phenyl]- thio]-, methyl ester.
Sec. 2218. Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate.
Sec. 2219. Bentazon (3-isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide).
Sec. 2220. Certain high-performance loudspeakers not mounted in their enclosures.
Sec. 2221. Parts for use in the manufacture of certain high-performance loudspeakers.
Sec. 2222. 5-tert-Butyl-isophthalic acid.
Sec. 2223. Certain polymer.
Sec. 2224. 2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt.
Sec. 2225. Pigment Red 185.
Sec. 2226. Pigment Red 208.
Sec. 2227. Pigment Yellow 95.
Sec. 2228. Pigment Yellow 93.

CHAPTER 3—EFFECTIVE DATE

Sec. 2301. Effective date.

Subtitle B—Trade Provisions

Sec. 2401. Extension of United States insular possession program.
Sec. 2402. Tariff treatment for certain components of scientific instruments and apparatus.
Sec. 2403. Liquidation or reliquidation of certain entries.
Sec. 2404. Drawback and refund on packaging material.
Sec. 2405. Inclusion of commercial importation data from foreign-trade zones under the National Customs Automation Program.
Sec. 2406. Large yachts imported for sale at United States boat shows.
Sec. 2407. Review of protests against decisions of Customs Service.
Sec. 2408. Entries of NAFTA-origin goods.
Sec. 2409. Treatment of international travel merchandise held at customs-approved storage rooms.
Sec. 2410. Exception to 5-year reviews of countervailing duty or antidumping duty orders.
Sec. 2411. Water resistant wool trousers.
Sec. 2412. Reimportation of certain goods.
Sec. 2413. Treatment of personal effects of participants in certain world athletic events.
Sec. 2414. Reliquidation of certain entries of thermal transfer multifunction machines.
Sec. 2415. Reliquidation of certain drawback entries and refund of drawback payments.
Sec. 2416. Clarification of additional U.S. note 4 to chapter 91 of the Harmonized Tariff Schedule of the United States.
Sec. 2417. Duty-free sales enterprises.
Sec. 2418. Customs user fees.
Sec. 2419. Duty drawback for methyl tertiary-butyl ether ("MTBE").
Sec. 2420. Substitution of finished petroleum derivatives.
Sec. 2421. Duty on certain importations of mueslix cereals.
Sec. 2422. Expansion of Foreign Trade Zone No. 143.
Sec. 2423. Marking of certain silk products and containers.
Sec. 2424. Extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Mongolia.
Sec. 2425. Enhanced cargo inspection pilot program.
Sec. 2426. Payment of education costs of dependents of certain Customs Service personnel.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 3001. Property subject to a liability treated in same manner as assumption of liability.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

SEC. 1001. CLERICAL AMENDMENTS.

(a) TRADE ACT OF 1974.—(1) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) by aligning the text of paragraph (2) that precedes subparagraph (A) with the text of paragraph (1); and

(B) by aligning the text of subparagraphs (A) and (B) of paragraph (2) with the text of subparagraphs (A) and (B) of paragraph (3).

(2) Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(A) in paragraph (3) by striking "LIMITATION ON APPOINTMENTS.—"; and

(B) by aligning the text of paragraph (3) with the text of paragraph (2).

(3) The item relating to section 410 in the table of contents for the Trade Act of 1974 is repealed.

(4) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to section 411 in the table of contents for that Act, are repealed.

(5) Section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)) is amended by striking "For purposes of" and all that follows through "90-day period" and inserting "For purposes of sections 203(c) and 407(c)(2), the 90-day period".

(6) Section 406(e)(2) of the Trade Act of 1974 (19 U.S.C. 2436(e)(2)) is amended by moving subparagraphs (B) and (C) 2 ems to the left.

(7) Section 503(a)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)(A)(ii)) is amended

by striking subclause (II) and inserting the following:

"(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time it is entered.".

(8) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

(A) by striking "481(e)" and inserting "489"; and

(B) by inserting "(22 U.S.C. 2291h)" after "1961".

(9) Section 804 of the Trade Act of 1974 (19 U.S.C. 2494) is amended by striking "481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))" and inserting "489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h)".

(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking "and" after the semicolon.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

"TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

"Sec. 801. Short title.
"Sec. 802. Tariff treatment of products of uncooperative major drug producing or drug-transit countries.
"Sec. 803. Sugar quota.
"Sec. 804. Progress reports.
"Sec. 805. Definitions.".

(b) Other Trade Laws.—(1) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph (1) with the text of paragraph (2); and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(ii) by striking "subsection (a)(1) through (a)(8)" and inserting "paragraphs (1) through (8) of subsection (a)"; and

(ii) in subparagraph (C)(ii)(I) by striking "paragraph (A)(i)" and inserting "subparagraph (A)(i)".

(2) Section 3(a) of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81c(a)) is amended by striking the second period at the end of the last sentence.

(3) Section 9 of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81i) is amended by striking "Post Office Department, the Public Health Service, the Bureau of Immigration" and inserting "United States Postal Service, the Public Health Service, the Immigration and Naturalization Service".

(4) The table of contents for the Trade Agreements Act of 1979 is amended—

(A) in the item relating to section 411 by striking "Special Representative" and inserting "Trade Representative"; and

(B) by inserting after the items relating to subtitle D of title IV the following:

"Subtitle E—Standards and Measures Under the North American Free Trade Agreement

"Chapter 1—Sanitary and Phytosanitary Measures

"Sec. 461. General.
"Sec. 462. Inquiry point.
"Sec. 463. Chapter definitions.

"Chapter 2—Standards-related Measures

"Sec. 471. General.
"Sec. 472. Inquiry point.
"Sec. 473. Chapter definitions.

"Chapter 3—Subtitle Definitions

"Sec. 481. Definitions.

"Subtitle F—International Standard-Setting Activities

"Sec. 491. Notice of United States participation in international standard-setting activities.
"Sec. 492. Equivalence determinations.
"Sec. 493. Definitions.".

(5)(A) Section 3(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking "631(a)" and "1631(a)" and inserting "631" and "1631", respectively.

(B) Section 50(c)(2) of such Act is amended by striking "applied to entry" and inserting "applied to such entry".

(6) Section 8 of the Act of August 5, 1935 (19 U.S.C. 1708) is repealed.

(7) Section 584(a) of the Tariff Act of 1930 (19 U.S.C. 1584(a)) is amended—

(A) in the last sentence of paragraph (2), by striking "102(17) and 102(15), respectively, of the Controlled Substances Act" and inserting "102(18) and 102(16), respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))"; and

(B) in paragraph (3)—

(i) by striking "or which consists of any spirits," and all that follows through "be not shown,"; and

(ii) by striking ", and, if any manifested merchandise" and all that follows through the end and inserting a period.

(8) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 21(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking "disclosure within 30 days" and inserting "disclosure, or within 30 days".

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking "(c)" each place it appears and inserting "(h)".

(10) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) General note 3(a)(ii) to the Harmonized Tariff Schedule of the United States is amended by striking "general most-favored-nation (MFN)" and by inserting in lieu thereof "general or normal trade relations (NTR)".

SEC. 1002. OBSOLETE REFERENCES TO GATT.

(a) Forest Resources Conservation and Shortage Relief Act of 1990.—(1) Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(A) in paragraph (3) by striking "General Agreement on Tariffs and Trade" and inserting "GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)" ; and

(B) in paragraph (5) by striking "General Agreement on Tariffs and Trade" and inserting "WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(2) Section 491(g) of that Act (16 U.S.C. 620c(g)) is amended by striking "Contracting Parties to the General Agreement on Tariffs and Trade" and inserting "Dispute Settlement Body of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(b) International Financial Institutions Act.—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 262n-2(b)) is amended—

(1) in paragraph (1)(A) by striking "General Agreement on Tariffs and Trade or Article 10" and all that follows through "Trade" and inserting "GATT 1994 as defined in section 2(1)(B) of the Uruguay Round Agreements Act, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act"; and

(2) in paragraph (2)(B) by striking "Article 6" and all that follows through "Trade" and inserting "Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)".

(c) Bretton Woods Agreements Act.—Section 49(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286gg(a)(3)) is amended by striking "GATT Secretariat" and inserting "Secretariat of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(d) Fishermen's Protective Act of 1967.—Section 8(a)(4) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(4)) is amended by striking "General Agreement on Tariffs and Trade" and inserting "World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act) or the multilateral trade agreements (as defined in section 2(4) of that Act)".

(e) United States-Hong Kong Policy Act of 1992.—Section 102(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5712(3)) is amended—

(1) by striking "contracting party to the General Agreement on Tariffs and Trade" and inserting "WTO member country (as defined in section 2(10) of the Uruguay Round Agreements Act)"; and

(2) by striking "latter organization" and inserting "World Trade Organization (as defined in section 2(8) of that Act)".

(f) NOAA Fleet Modernization Act.—Section 607(b)(8) of the NOAA Fleet Modernization Act (33 U.S.C. 891e(b)(8)) is amended by striking "Agreement on Interpretation" and all that follows through "trade negotiations" and inserting "Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement".

(g) Energy Policy Act of 1992.—(1) Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(2) Section 1017(c) of such Act (42 U.S.C. 2296b–6(c)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(h) Energy Policy Conservation Act.—Section 400AA(a)(3) of the Energy Policy Conservation Act (42 U.S.C. 6374(a)(3)) is amended in subparagraphs (F) and (G) by striking "General Agreement on Tariffs and Trade" each place it appears and inserting "multilateral trade agreements as defined in section 2(4) of the Uruguay Round Agreements Act".

(i) TITLE 49, UNITED STATES CODE.—Section 50103 of title 49, United States Code, is amended in subsections (c)(2) and (e)(2) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)".

SEC. 1003. TARIFF CLASSIFICATION OF 13-INCH TELEVISIONS.

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking "33.02 cm" in the article description and inserting "34.29 cm":

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act;

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry; and

(C) that is—

(i) unliquidated;

(ii) under protest; or

(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

SEC. 2001. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

SEC. 2101. DIIODOMETHYL-P-TOLYLSULFONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.90	Diiodomethyl-*p*-tolylsulfone (CAS No. 20018–09–1) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2102. RACEMIC dl-MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.06	Racemic dl-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356–70–4) (provided for in subheading 2906.11.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOL MONOHY- DROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.28	2,4-Dichloro-5-hydrazinophenol monohy-drochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2104. ACM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.95	Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004–78–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2105. CERTAIN SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.64.04	Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.12	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225–79–6) (provided for in subheading 2932.99.08 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL-3′-METHYL-CARBANILATE (PHENMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.13	3-Methoxycarbonylamino-phenyl-3′-methylcarbanilate (phenmedipham) (CAS No. 13684-63-4) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2108. 3-ETHOXYCARBONYLAMINOPHENYL-N-PHENYL-CARBAMATE (DESMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.14	3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684-56-5) (provided for in subheading 2924.29.41)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2109. 2-AMINO-4-(4-AMINOBENZOYLAMINO)BENZENE-SULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.91	2-Amino-4-(4-aminobenzoyl-amino) benzenesulfonic acid, sodium salt (CAS No. 167614-37-1) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2110. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESUL- FONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.31	5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797-78-8) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2111. 3-AMINO-2′-(SULFATOETHYLSULFONYL) ETHYL BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.90	3-Amino-2′-(sulfatoethylsulfonyl) ethyl benzamide (CAS No. 121315-20-6) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2112. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.92	4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671-49-4) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2113. 2-AMINO-5-NITROTHIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.46	2-Amino-5-nitrothiazole (CAS No. 121-66-4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2114. 4-CHLORO-3-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.04	4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121-18-6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2115. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.21	6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118-33-2) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2116. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.24	4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691-19-9) (provided for in subheading 2904.90.40)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2117. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.23	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121-03-9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.45	6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976–35–7) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2119. 2-AMINO-P-CRESOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.20	2-Amino-p-cresol (CAS No. 95–84–1) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2120. 6-BROMO-2,4-DINITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.43	6-Bromo-2,4-dinitroaniline (CAS No. 1817–73–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.29	7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360–29–2) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2122. TANNIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.01	Tannic acid (CAS No. 1401–55–4) (provided for in subheading 3201.90.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.53	2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 30693–53–9) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2124. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.44	2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346–51–4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2125. 2-AMINO-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.54	2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96–75–3) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2126. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL)BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.19	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119–17–5) (provided for in subheading 2933.19.43)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2127. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.65	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117–46–4) (provided for in subheading 2924.29.75)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2128. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.72	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873–39–5) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2129. PIGMENT YELLOW 154.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.18	Pigment Yellow 154 (CAS No. 068134–22–5) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2002	".

SEC. 2130. PIGMENT YELLOW 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.19	Pigment Yellow 175 (CAS No. 035636–63–6) (provided for in subheading 3204.17.60) to be used in the coloring of motor vehicles and tractors	Free	No change	No change	On or before 12/31/2002	".

SEC. 2131. PIGMENT RED 187.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.32.22	Pigment Red 187 (CAS No. 59487–23–9) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2002	".

SEC. 2132. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.94	2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828–00–2) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2133. β-BROMO-β-NITROSTYRENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.92	β-Bromo-β-nitrostyrene (CAS No. 7166–19–0) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2134. TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.43	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2135. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.18	(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2136. DICLOFOP-METHYL.

Subchapter II of chapter 99 is amended by striking heading 9902.30.16 and inserting the following:

"	9902.30.16	Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338–27–3) (provided for in subheading 2918.90.20 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2137. RESMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.29	([5-(Phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453–86–8) (provided for in subheading 2932.19.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2138. N-PHENYL-N′-1,2,3-THIADIAZOL-5-YLUREA.

Subchapter II of chapter 99 is amended by striking heading 9902.30.17 and inserting the following:

"	9902.30.17	N-phenyl-N′-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.90.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2139. (1R,3S)3[(1′RS)(1′,2′,2′,2′,-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID, (S)-α-CYANO-3-PHENOXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.19	(1R,3S)3[(1′RS)(1′,2′,2′,2′,-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-α-cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2140. PIGMENT RED 177.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.58	Pigment Red 177 (CAS No. 4051–63–2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2141. TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.20	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2142. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.06	Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2143. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.14	2-Methyl-4,6-bis[(octylthio)- methyl]phenol (CAS No. 110553–27–0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2144. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.12	2-Methyl-4,6-bis[(octylthio)- methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2145. 4-[[4,6-BIS(OCTYLTHIO)-1,3,5-TRIAZIN-2-YL]AMINO] -2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.30	4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991–84–4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2146. (2-BENZOTHIAZOLYLTHIO)BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.31	(2-Benzothiazolylthio)butane-dioic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2147. CALCIUM BIS[MONOETHYL(3,5-DI-TERT-BUTYL-4-HYDROXYBENZYL) PHOSPHONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.16	Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140–91–2) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2148. 4-METHYL-γ-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.26	4-Methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2149. WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.46	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50), entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams	3.3%	No change	No change	On or before 12/31/2001	".

SEC. 2150. CERTAIN WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.10	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams	Free	No change	No change	On or before 12/31/2001	".

SEC. 2151. DEMT.

Subchapter II of chapter 99 is amended by striking heading 9902.32.12 and inserting the following:

"	9902.32.12	N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91–67–8) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2152. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.57	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	6%	No change	No change	On or before 12/31/2001	".

SEC. 2153. 2H–3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.56	2H–3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)- (CAS No. 154598–52–4) (provided for in subheading 2934.90.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2154. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.32	N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410–23–8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2155. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.36	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226–61–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2156. CERTAIN ORGANIC PIGMENTS AND DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.07	Organic luminescent pigments and dyes for security applications excluding daylight fluorescent pigments and dyes (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2157. 4-HEXYLRESORCINOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2158. CERTAIN SENSITIZING DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.37	Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.90.24, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2159. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.64.05	Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2160. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.34.02	Surface active preparation containing 30 percent or more by weight of dibutylnaphthalenesulfonic acid, sodium salt (CAS No. 25638–17–9) (provided for in subheading 3402.90.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2161. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYLCARBONOTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.08	O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate (CAS No. 55512–33–9) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2162. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPY-RIMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.50	4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2163. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADI-AZOL-3(2H)-YL-METHYL]DITHIOPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.51	O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]dithiophosphate (CAS No. 950–37–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2164. ETHYL [2-(4-PHENOXY-PHENOXY) ETHYL] CARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.52	Ethyl [2-(4-phenoxyphenoxy)-ethyl]carbamate (CAS No. 79127–80–3) (provided for in subheading 2924.10.80)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2165. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YLMETHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.74	[(2S,4R)/(2R,4S)]/[(2R,4R)/ (2S,4S)]-1-[2-[4-(4-Chloro- phenoxy)-2-chlorophenyl]-4- methyl-1,3-dioxolan-2-yl- methyl]-1H-1,2,4-triazole (CAS No. 119446–68–3) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2166. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.12	2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091–09–6) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2167. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.15	2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2168. CHLOROACETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.11	Chloroacetone (CAS No. 78–95–5) (provided for in subheading 2914.19.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2169. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.60	Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–2) (provided for in subheading 2933.40.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2170. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.19	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/ 2001	".

SEC. 2171. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.18	Mucochloric acid (CAS No. 87–56–9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/ 2001	".

SEC. 2172. CERTAIN ROCKET ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.12	Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00)	Free	No change	No change	On or before 12/31/ 2001	".

SEC. 2173. PIGMENT RED 144.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.11	Pigment Red 144 (CAS No. 5280–78–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/ 2001	".

SEC. 2174. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B] [1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.33	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b] [1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575–19–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/ 2001	".

SEC. 2175. 4-CHLOROPYRIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.34	4-Chloropyridine hydrochloride (CAS No. 7379–35–3) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/ 2001	".

SEC. 2176. 4-PHENOXYPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.35	4-Phenoxypyridine (CAS No. 4783–86–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/ 2001	".

SEC. 2177. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.36	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915–43–5) (provided for in subheading 2934.90.90)	Free	No Change	No Change	On or before 12/31/ 2001	".

SEC. 2178. 2-AMINO-5-BROMO-6-METHYL-4-(1H)-QUINAZOLI-NONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.37	2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone (CAS No. 147149–89–1) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/ 2001	".

SEC. 2179. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4(1H)-QUINAZOLINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.38	2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone (CAS No. 147149–76–6) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/ 2001	".

SEC. 2180. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.39	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575-17-6) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2181. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4-(1H)-QUINAZOLINONE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.40	2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride (CAS No. 152946-68-4) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2182. 3-(ACETYLOXY)-2-METHYLBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.41	3-(Acetyloxy)-2-methylbenzoic acid (CAS No. 168899-58-9) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2183. [R-(R*,R*)]-1,2,3,4-BUTANETETROL-1,4-DIMETH- ANESULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.42	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947-62-2) (provided for in subheading 2905.49.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2184. 9-[2-[[BIS- [(PIVALOYLOXY)METHOXY]PHOS- PHINYL]METHOXY] ETHYL]ADENINE (ALSO KNOWN AS ADEFOVIR DIPIVOXIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.01	9-[2-[[Bis[(pivaloyloxy)-methoxy]phosphinyl]- methoxy] ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340-99-6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2185. 9-[2-(R)-[[BIS[(ISOPROPOXYCARBONYL)OXY- METHOXY]-PHOSPHINOYL]METHOXY]-PROPYL]ADENINE FUMARATE (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.02	9-[2-(R)-[[Bis[(isopropoxycarbonyl)oxymethoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1) (CAS No. 202138-50-9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2186. (R)-9-(2-PHOSPHONOMETHOXYPROPYL)ADE- NINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.03	(R)-9-(2-Phosphonomethoxypropyl)adenine (CAS No. 147127-20-6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2187. (R)-1,3-DIOXOLAN-2-ONE, 4-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.04	(R)-1,3-Dioxolan-2-one, 4-methyl- (CAS No. 16606-55-6) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2188. 9-(2-HYDROXYETHYL)ADENINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.05	9-(2-Hydroxyethyl)adenine (CAS No. 707-99-3) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2189. (R)-9H-PURINE-9-ETHANOL, 6-AMINO-α-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.06	(R)-9H-Purine-9-ethanol, 6-amino-α-methyl- (CAS No. 14047-28-0) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2190. CHLOROMETHYL-2-PROPYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.07	Chloromethyl-2-propyl carbonate (CAS No. 35180–01–9) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2191. (R)-1,2-PROPANEDIOL, 3-CHLORO-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.08	(R)-1,2-Propanediol, 3-chloro- (CAS No. 57090–45–6) (provided for in subheading 2905.50.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2192. OXIRANE, (S)-((TRIPHENYLMETHOXY)METHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.09	Oxirane, (S)-((triphenylmethoxy)methyl)- (CAS No. 129940–50–7) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2193. CHLOROMETHYL PIVALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.10	Chloromethyl pivalate (CAS No. 18997–19–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2194. DIETHYL (((P-TOLUENESULFONYL)OXY)-METHYL)PHOSPHONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.11	Diethyl (((p-toluenesulfonyl)oxy)-methyl)phosphonate (CAS No. 31618–90–3) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2195. BETA HYDROXYALKYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.25	N,N,N',N'-Tetrakis-(2-hydroxyethyl)-hexane diamide (beta hydroxyalkylamide) (CAS No. 6334–25–4) (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2196. GRILAMID TR90.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.12	Dodecanedioic acid, polymer with 4,4'-methylenebis (2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2197. IN–W4280.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.51	2,4-Dichloro-5-hydroxy-phenylhydrazine (CAS No. 39807–21–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2198. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.54	Methyl 4-trifluoromethoxyphenyl-N- (chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2199. METHYL THIOGLYCOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.55	Methyl thioglycolate (CAS No. 2365–48–2) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2200. DPX–E6758.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.59	Phenyl (4,6-dimethoxy-pyrimidin-2-yl) carbamate (CAS No. 89392–03–0) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2201. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.68	Ethylene-tetrafluoro ethylene copolymer (ETFE) (provided for in subheading 3904.69.50)	3.3%	No change	No change	On or before 12/31/2001	”.

SEC. 2202. 3-MERCAPTO-D-VALINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.66	3-Mercapto-D-valine (CAS No. 52–67–5) (provided for in subheading 2930.90.45)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2203. P-ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.21	p-Ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2204. PANTERA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.09	(+/−)- Tetrahydrofurfuryl (R)-2[4-(6-chloroquinoxalin-2-yloxy)phenoxy] propanoate (CAS No. 119738–06–6) (provided for in subheading 2909.30.40) and any mixtures containing such compound (provided for in subheading 3808.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2205. P-NITROBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.70	p-Nitrobenzoic acid (CAS No. 62–23–7) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2206. P-TOLUENESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.95	p-Toluenesulfonamide (CAS No. 70–55–3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2207. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.04	Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2208. METHYL 2-[[[[4-(DIMETHYLAMINO)-6-(2,2,2- TRI- FLUOROETHOXY)-1,3,5-TRIAZIN-2-YL]AMINO]- CARBONYL]AMINO]SULFONYL]-3-METHYL- BENZOATE (TRIFLUSULFURON METHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.11	Methyl 2-[[[[[4- (dimethylamino)-6-(2,2,2- trifluoroethoxy)- 1,3,5-triazin-2-yl]amino]carbonyl]- amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2209. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.84.79	Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90 or 8420.99.90) and material holding devices or similar attachments thereto	Free	No change	No change	On or before 12/31/2001	".
	9902.84.81	Shearing machines to be used to cut metallic tissue for use in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or subheading 8466.94.85)	Free	No change	No change	On or before 12/31/2001	".
	9902.84.83	Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2001	".
	9902.84.85	Extruders to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2001	".
	9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2001	".
	9902.84.89	Sector mold press machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85)	Free	No change	No change	On or before 12/31/2001	".
	9902.84.91	Sawing machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or subheading 8466.92.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2210. TEXTURED ROLLED GLASS SHEETS.

Subchapter II of chapter 99 is amended by striking heading 9902.70.03 and inserting the following:

"	9902.70.03	Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheadings 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2211. CERTAIN HIV DRUG SUBSTANCES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.32.43	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057-17-0)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99	
	9902.32.44	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537-30-4)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99	
	9902.32.45	(3S)-1,2,3,4-Tetrahydroisoquinoline-3-carboxylic acid (CAS No. 74163-81-8)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99	".

SEC. 2212. RIMSULFURON.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.60	N-[[(4,6-Dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931-48-0) (provided for in subheading 2935.00.75)	7.3%	No change	No change	On or before 12/31/99	".

(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.60, as added by subsection (a), is amended—

(1) by striking "7.3%" and inserting "Free"; and

(2) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2213. CARBAMIC ACID (V-9069).

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.61	((3-((Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamic acid, phenyl ester (CAS No. 112006-94-7) (provided for in subheading 2935.00.75)	8.3%	No change	No change	On or before 12/31/99	".

(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.61, as added by subsection (a), is amended—

(1) by striking "8.3%" and inserting "7.6%"; and

(2) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2214. DPX-E9260.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.63	3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671-01-9) (provided for in subheading 2935.00.75)	6%	No change	No change	On or before 12/31/99	".

(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.63, as added by subsection (a), is amended—

(1) by striking "6%" and inserting "5.3%"; and

(2) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2215. ZIRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.28	Ziram (provided for in subheading 3808.20.28)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2216. FERROBORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.72.02	Ferroboron to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2217. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[(TETRA- HYDRO-3-OXO-1H,3H-[1,3,4]THIADIAZOLO[3,4-a]PYRIDAZIN-1-YLIDENE)AMINO]PHENYL]- THIO]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.66	Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo- [3,4-a]pyridazin-1-ylidene)amino]phenyl]thio]-, methyl ester (CAS No. 117337-19-6) (provided for in subheading 2934.90.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2218. PENTYL[2-CHLORO-5-(CYCLOHEX-1-ENE-1,2-DI- CARBOXIMIDO)-4-FLUOROPHENOXY]ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.66	Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (CAS No. 87546-18-7) (provided for in subheading 2925.19.40)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2219. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(3H)-ONE-2,2-DIOXIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.67	Bentazon (3-Isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) (CAS No. 50723-80-3) (provided for in subheading 2934.90.11)	5.0%	No change	No change	On or before 12/31/2001	".

SEC. 2220. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2001	".

SEC. 2221. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.21	Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2222. 5-TERT-BUTYL-ISOPHTHALIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.12	5-tert-Butyl-iso-phthalic acid (CAS No. 2359–09–3) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2223. CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.07	A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120–61–6); 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965–55–7); 1,2-ethanediol (ethylene glycol) (CAS No. 107–21–1); and 1,2-propanediol (propylene glycol) (CAS No. 57–55–6); with terminal units from 2-(2-hydroxyethoxy) ethanesulfonic acid, sodium salt (CAS No. 53211–00–0) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2224. 2-(4-CHLOROPHENYL)-3-ETHYL-2, 5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.16	2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697–71–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2225. PIGMENT RED 185.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.32.26	Pigment Red 185 (CAS No. 51920–12–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2002	".

SEC. 2226. PIGMENT RED 208.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.27	Pigment Red 208 (CAS No. 31778–10–6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2002	".

SEC. 2227. PIGMENT YELLOW 95.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.08	Pigment Yellow 95 (CAS No. 5280–80–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2228. PIGMENT YELLOW 93.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.13	Pigment Yellow 93 (CAS No. 5580–57–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

CHAPTER 3—EFFECTIVE DATE

SEC. 2301. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in subsection (b) and in this subtitle, the amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper written request filed with the Customs Service not later than 120 days after the date of the enactment of this Act, any entry of an article described in heading 9902.32.18, 9902.32.19, 9902.32.22, 9902.32.26, or 9902.32.27 of the Harmonized Tariff Schedule of the United States (as

added by sections 2129, 2130, 2131, 2225, and 2226, respectively) that was made—

(A) after December 31, 1996, and

(B) before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred after the date that is 15 days after the date of enactment of this Act.

(2) REQUIREMENTS FOR REQUEST.—For purposes of paragraph (1), the request shall contain sufficient information to enable the Customs Service to—

(A) locate the entry relevant to the request, or

(B) if the entry cannot be located, reconstruct the entry.

Subtitle B—Other Trade Provisions

SEC. 2401. EXTENSION OF UNITED STATES INSULAR POSSESSION PROGRAM.

(a) IN GENERAL.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

"3.(a) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided in paragraph (h) of additional U.S. note 5 to chapter 91, subject to the provisions and limitations of that note and of paragraphs (b), (c), and (d) of this note.

"(b) Nothing in this note shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or the quantitative limitation otherwise established pursuant to the requirements of, additional U.S. note 5 to chapter 91.

"(c) Nothing in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (h)(iv) of additional U.S. note 5 to chapter 91.

"(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances under which articles of jewelry shall be deemed to be 'units' for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

"(e) Notwithstanding any other provision of law, during the 2-year period beginning 45 days after the date of enactment of this note, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.".

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv)(A) of the Harmonized Tariff Schedule of the United States is amended by inserting "and additional U.S. note 3(e) of chapter 71," after "Tax Reform Act of 1986,".

(c) EFFECTIVE DATE.—The amendments made by this section take effect 45 days after the date of enactment of this Act.

SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.

(a) IN GENERAL.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: "The term 'instruments and apparatus' under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subdivision that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.".

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

"(d)(i) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus is being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made (but which, due to its size, cannot be feasibly imported in its assembled state), the Secretary shall report the findings to the Secretary of the Treasury and to the applicant institution, and all components of such foreign-origin instrument or apparatus shall remain dutiable.

"(ii) If the Secretary of Commerce determines that the instrument or apparatus for which application is made is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of such instrument or apparatus of a type that may be purchased, obtained, or imported separately is being manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant institution, and any component found to be domestically available shall remain dutiable.

"(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.".

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 120 days after the date of the enactment of this Act.

SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A–274–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
322 00298563	12/11/86	Los Angeles, California
322 00300567	12/11/86	Los Angeles, California
86–2909242	9/2/86	New Orleans, Louisiana
87–05457388	1/9/87	New Orleans, Louisiana

SEC. 2404. DRAWBACK AND REFUND ON PACKAGING MATERIAL.

(a) IN GENERAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking "Packaging material" and inserting the following:

"(1) IN GENERAL.—Packaging material";

(2) by moving the remaining text 2 ems to the right; and

(3) by adding at the end the following:

"(2) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce the packaging material.".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN-TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

"(c) FOREIGN-TRADE ZONES.—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.".

SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 484a the following:

"SEC. 484b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

"(b) DEFINITION.—As used in this section, the term 'large yacht' means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

"(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

"(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

"(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States.

"(d) PROCEDURES UPON SALE.—

"(1) DEPOSIT OF DUTY.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(e) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

"(1) IN GENERAL.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(2) ADDITIONAL REQUIREMENTS.—No extensions of the bond period shall be allowed. Any large yacht exported in compliance with the bond period may not be reentered for purposes of sale at a boat show in the United States (in order to receive duty deferral benefits) for a period of 3 months after such exportation.

"(f) REGULATIONS.—The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any large yacht imported into the United States after the date that is 15 days after the date of the enactment of this Act.

SEC. 2407. REVIEW OF PROTESTS AGAINST DECISIONS OF CUSTOMS SERVICE.

Section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)) is amended by inserting after the third sentence the following: "Within 30 days from the date an application for further review is filed, the appropriate customs officer shall allow or deny the application and, if allowed, the protest shall be forwarded to the customs officer who will be conducting the further review.".

SEC. 2408. ENTRIES OF NAFTA-ORIGIN GOODS.

(a) REFUND OF MERCHANDISE PROCESSING FEES.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1) by inserting "(including any merchandise processing fees)" after "excess duties".

(b) PROTEST AGAINST DECISION OF CUSTOMS SERVICE RELATING TO NAFTA CLAIMS.—Section 514(a)(7) of such Act (19 U.S.C. 1514(a)(7)) is amended by striking "section 520(c)" and inserting "subsection (c) or (d) of section 520".

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2409. TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE HELD AT CUSTOMS-APPROVED STORAGE ROOMS.

Section 557(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1557(a)(1)) is amended in the first sentence by inserting "(including international travel merchandise)" after "Any merchandise subject to duty".

SEC. 2410. EXCEPTION TO 5-YEAR REVIEWS OF COUNTERVAILING DUTY OR ANTIDUMPING DUTY ORDERS.

Section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) is amended by adding at the end the following:

"(7) EXCLUSIONS FROM COMPUTATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), there shall be excluded from the computation of the 5-year period described in paragraph (1) and the periods described in paragraph (6) any period during which the importation of the subject merchandise is prohibited on account of the imposition, under the International Emergency Economic Powers Act or other provision of law, of sanctions by the United States against the country in which the subject merchandise originates.

"(B) APPLICATION OF EXCLUSION.—Subparagraph (A) shall apply only with respect to subject merchandise which originates in a country that is not a WTO member.".

SEC. 2411. WATER RESISTANT WOOL TROUSERS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) that was made after December 31, 1988, and before January 1, 1995; and

(2) that would have been classifiable under subheading 6203.41.05 or 6204.61.10 of the Harmonized Tariff Schedule of the United States and would have had a lower rate of duty, if such entry or withdrawal had been made on January 1, 1995,

shall be liquidated or reliquidated as if such entry or withdrawal had been made on January 1, 1995.

SEC. 2412. REIMPORTATION OF CERTAIN GOODS.

(a) IN GENERAL.—Subchapter I of chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9801.00.26	Articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) exported within 3 years after the date of such previous importation, (2) sold for exportation and exported to individuals for personal use, (3) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (4) reimported as personal returns from those individuals, whether or not consolidated with other personal returns prior to reimportation, and (5) reimported by or for the account of the person who exported them from the United States within 1 year of such exportation	Free		Free	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods described in heading 9801.00.26 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that are reimported into the United States on or after the date that is 15 days after the date of enactment of this Act.

SEC. 2413. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.98.08	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women's World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow	Free	No change	Free	On or before 12/31/2002	".

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) NO EXEMPTION FROM CUSTOMS INSPECTIONS.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the Customs Service on or before the 90th day after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any article described in subheading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) after May 15, 1999, and

(B) before the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date of enactment of this Act.

SEC. 2414. RELIQUIDATION OF CERTAIN ENTRIES OF THERMAL TRANSFER MULTIFUNCTION MACHINES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.21.00 of the Harmonized Tariff Schedule of the United States (relating to indirect electrostatic copiers) or subheading 9009.12.00 of such Schedule (relating to indirect electrostatic copiers), at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8471.60.65 of the Harmonized Tariff Schedule of the United States (relating to other automated data processing (ADP) thermal transfer printer units) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Liquidation date
01/17/97	112-9638417-3	02/21/97
01/10/97	112-9637684-9	03/07/97
01/03/97	112-9636723-6	04/18/97
01/10/97	112-9637686-4	03/07/97
02/21/97	112-9642157-9	09/12/97
02/14/97	112-9641619-9	06/06/97
02/14/97	112-9641693-4	06/06/97
02/21/97	112-9642156-1	09/12/97
02/28/97	112-9643326-9	09/12/97
03/18/97	112-9645336-6	09/19/97
03/21/97	112-9645682-3	09/19/97
03/21/97	112-9645681-5	09/19/97
03/21/97	112-9645698-9	09/19/97
03/14/97	112-9645026-3	09/19/97
03/14/97	112-9645041-2	09/19/97
03/20/97	112-9646075-9	09/19/97
04/04/97	112-9647309-1	09/19/97
04/04/97	112-9647312-5	09/19/97
04/04/97	112-9647316-6	09/19/97
04/11/97	112-9300151-5	10/31/97
04/11/97	112-9300287-7	09/26/97
04/11/97	112-9300308-1	02/20/98
04/10/97	112-9300356-0	09/26/97
04/16/97	112-9301387-4	09/26/97
04/22/97	112-9301602-6	09/26/97
04/18/97	112-9301627-3	09/26/97
04/25/97	112-9301615-8	09/26/97
04/25/97	112-9302445-9	10/31/97
04/25/97	112-9302298-2	09/26/97
04/04/97	112-9302371-7	09/26/97
05/30/97	112-9306718-5	09/26/97
05/19/97	112-9304958-9	09/26/97
05/16/97	112-9305030-6	09/26/97
05/09/97	112-9303707-1	09/26/97
05/31/97	112-9306470-3	09/26/97
05/02/97	112-9302717-1	09/19/97
06/20/97	112-9308793-6	09/26/97

SEC. 2415. RELIQUIDATION OF CERTAIN DRAWBACK ENTRIES AND REFUND OF DRAWBACK PAYMENTS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, the Customs Service shall, not later than 180 days after the date of enactment of this Act, liquidate or reliquidate the entries described in subsection (b) and any amounts owed by the United States pursuant to the liquidation or reliquidation shall be refunded with interest, subject to the provisions of Treasury Decision 86–126(M) and Customs Service Ruling No. 224697, dated November 17, 1994.

(b) ENTRIES DESCRIBED.—The entries described in this subsection are the following:

Entry number:	Date of entry:
855218319	July 18, 1985
855218429	August 15, 1985
855218649	September 13, 1985
866000134	October 4, 1985
866000257	November 14, 1985
866000299	December 9, 1985
866000451	January 14, 1986
866001052	February 13, 1986
866001133	March 7, 1986
866001269	April 9, 1986
866001366	May 9, 1986
866001463	June 6, 1986
866001573	July 7, 1986
866001586	July 7, 1986
866001599	July 7, 1986
866001913	August 8, 1986
866002255	September 10, 1986
866002297	September 23, 1986
03200000010	October 3, 1986
03200000028	November 13, 1986
03200000036	November 26, 1986.

SEC. 2416. CLARIFICATION OF ADDITIONAL U.S. NOTE 4 TO CHAPTER 91 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

Additional U.S. note 4 of chapter 91 of the Harmonized Tariff Schedule of the United States is amended in the matter preceding subdivision (a), by striking the comma after "stamping" and inserting "(including by means of indelible ink),".

SEC. 2417. DUTY-FREE SALES ENTERPRISES.

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new subparagraph:

"(C) a port of entry, as established under section 1 of the Act of August 24, 1912 (37 Stat. 434), or within 25 statute miles of a staffed port of entry if reasonable assurance can be provided that duty-free merchandise sold by the enterprise will be exported by individuals departing from the customs territory through an international airport located within the customs territory.".

SEC. 2418. CUSTOMS USER FEES.

(a) ADDITIONAL PRECLEARANCE ACTIVITIES.—Section 13031(f)(3)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)(iii)) is amended to read as follows:

"(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions to provide preclearance services.".

(b) COLLECTION OF FEES FOR PASSENGERS ABOARD COMMERCIAL VESSELS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) in subsection (a), by amending paragraph (5) to read as follows:

"(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), $5.

"(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, $1.75"; and

(2) in subsection (b)(1)(A), by striking "(A) No fee" and inserting "(A) Except as provided in subsection (a)(5)(B) of this section, no fee".

(c) USE OF MERCHANDISE PROCESSING FEES FOR AUTOMATED COMMERCIAL SYSTEMS.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended by adding at the end the following:

"(6) Of the amounts collected in fiscal year 1999 under paragraphs (9) and (10) of subsection (a), $50,000,000 shall be available to the Customs Service, subject to appropriations Acts, for automated commercial systems. Amounts made available under this paragraph shall remain available until expended.".

(d) ADVISORY COMMITTEE.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

"(k) ADVISORY COMMITTEE.—The Commissioner of Customs shall establish an advisory committee whose membership shall consist of representatives from the airline, cruise ship, and other transportation industries who may be subject to fees under subsection (a). The advisory committee shall not be subject to termination under section 14 of the Federal Advisory Committee Act. The advisory committee shall meet on a periodic basis and shall advise the Commissioner on issues related to the performance of the inspectional services of the United States Customs Service. Such advice shall include, but not be limited to, such issues as the time periods during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. The Commissioner shall give consideration to the views of the advisory committee in the exercise of his or her duties.".

(e) National Customs Automation Test Regarding Reconciliation.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by adding at the end the following: "For the period beginning on October 1, 1998, and ending on the date on which the 'Revised National Customs Automation Test Regarding Reconciliation' of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative mid-point interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit data provided in this subsection.".

(f) Effective Date.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 2419. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL ETHER ("MTBE").

(a) In General.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended by striking "and 2902" and inserting "2902, and 2909.19.14".

(b) Effective Date.—The amendment made by this section shall take effect on the date of enactment of this Act, and shall apply to drawback claims filed on and after such date.

SEC. 2420. SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.

(a) In General.—Section 313(p)(1) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the matter following subparagraph (C) by striking "the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant." and inserting "drawback shall be allowed as described in paragraph (4).".

(b) Requirements.—Section 313(p)(2) of such Act (19 U.S.C. 1313(p)(2)) is amended—

(1) in subparagraph (A)—

(A) in clauses (i), (ii), and (iii), by striking "the qualified article" each place it appears and inserting "a qualified article"; and

(B) in clause (iv), by striking "an imported' and inserting "a"; and

(2) in subparagraph (G), by inserting "transferor," after "importer,".

(c) Qualified Article Defined, Etc.—Section 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking "liquids, pastes, powders, granules, and flakes" and inserting "the primary forms provided under Note 6 to chapter 39 of the Harmonized Tariff Schedule of the United States"; and

(B) in clause (ii)—

(i) in subclause (I) by striking "or" at the end;

(ii) in subclause (II) by striking the period and inserting ", or"; and

(iii) by adding after subclause (II) the following:

"(III) an article of the same kind and quality as described in subparagraph (B), or any combination thereof, that is transferred, as so certified in a certificate of delivery or certificate of manufacture and delivery in a quantity not greater than the quantity of articles purchased or exchanged.

The transferred merchandise described in subclause (III), regardless of its origin, so designated on the certificate of delivery or certificate of manufacture and delivery shall be the qualified article for purposes of this section. A party who issues a certificate of delivery, or certificate of manufacture and delivery, shall also certify to the Commissioner of Customs that it has not, and will not, issue such certificates for a quantity greater than the amount eligible for drawback and that appropriate records will be maintained to demonstrate that fact.";

(2) in subparagraph (B), by striking "exported article" and inserting "article, including an imported, manufactured, substituted, or exported article,"; and

(3) in the first sentence of subparagraph (C), by striking "such article." and inserting "either the qualified article or the exported article.".

(d) Limitation on Drawback.—Section 313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is amended by inserting before the period at the end the following: "had the claim qualified for drawback under subsection (j)".

(e) Effective Date.—The amendments made by this section shall take effect as if included in the amendment made by section 632(a)(6) of the North American Free Trade Agreement Implementation Act. For purposes of section 632(b) of that Act, the 3-year requirement set forth in section 313(r) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of enactment of this Act for which that 3-year period would have expired.

SEC. 2421. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.

(a) Before January 1, 1996.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1991, and before January 1, 1996, of mueslix cereal, which was classified in subheading 2008.92.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of Canada applied—

(1) shall be liquidated or reliquidated as if the column one special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

(b) After December 31, 1995.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1998, of mueslix cereal, which was classified in subheading 1904.20.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of special column rate applicable for Canada applied—

(1) shall be liquidated or reliquidated as if the column 1 special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.

(a) Expansion of Foreign Trade Zone.—The Foreign Trade Zones Board shall expand Foreign Trade Zone No. 143 to include areas in the vicinity of the Chico Municipal Airport in accordance with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(b) Other Requirements Not Affected.—The expansion of Foreign Trade Zone No. 143 under subsection (a) shall not relieve the Port of Sacramento of any requirement under the Foreign Trade Zones Act, or under regulations of the Foreign Trade Zones Board, relating to such expansion.

SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS AND CONTAINERS.

(a) In General.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) Marking of Certain Silk Products.—The marking requirements of subsections (a) and (b) shall not apply either to—

"(1) articles provided for in subheading 6214.10.10 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1997; or

"(2) articles provided for in heading 5007 of the Harmonized Tariff Schedule of the United States as in effect on January 1, 1997.".

(b) Conforming Amendment.—Section 304(j) of such Act, as redesignated by subsection (a)(1) of this section, is amended by striking "subsection (h)" and inserting "subsection (i)".

(c) Effective Date.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF MONGOLIA.

(a) Findings.—The Congress finds that Mongolia—

(1) has received normal trade relations treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary;

(3) has held 4 national elections under the new constitution, 2 presidential and 2 parliamentary, thereby solidifying the nation's transition to democracy;

(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;

(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

(6) has acceded to the Agreement Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia would enable the United States to avail itself of all rights under the World Trade Organization with respect to Mongolia; and

(7) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) Termination of Application of Title IV of the Trade Act of 1974 to Mongolia.—

(1) Presidential determinations and extensions of nondiscriminatory treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Mongolia; and

(B) after making a determination under subparagraph (A) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of application of title iv.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 2425. ENHANCED CARGO INSPECTION PILOT PROGRAM.

(a) In General.—The Commissioner of Customs is authorized to establish a pilot program for fiscal year 1999 to provide 24-hour cargo inspection service on a fee-for-service basis at an international airport described in subsection (b). The Commissioner may extend the pilot program for fiscal years after fiscal year 1999 if the Commissioner determines that the extension is warranted.

(b) Airport Described.—The international airport described in this subsection is a multi-modal international airport that—

(1) is located near a seaport; and

(2) serviced more than 185,000 tons of air cargo in 1997.

SEC. 2426. PAYMENT OF EDUCATION COSTS OF DEPENDENTS OF CERTAIN CUSTOMS SERVICE PERSONNEL.

Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the dependent children of deceased United States Customs Aviation Group Supervisor Pedro J. Rodriquez attending the Antilles Consolidated School System in Puerto Rico, to complete their primary and secondary education within this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable education expenses to cover these costs.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) Repeal of Property Subject to a Liability Test.—

(1) Section 357.—Section 357(a)(2) of the Internal Revenue Code of 1986 (relating to assumption of liability) is amended by striking ", or acquires from the taxpayer property subject to a liability".

(2) Section 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking "or acquired from the taxpayer property subject to a liability".

(3) Section 368.—

(A) Section 368(a)(1)(C) of such Code is amended by striking ", or the fact that property acquired is subject to a liability,".

(B) The last sentence of section 368(a)(2)(B) of such Code is amended by striking ", and the amount of any liability to which any property acquired from the acquiring corporation is subject,".

(b) Clarification of Assumption of Liability.—

(1) In general.—Section 357 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) Determination of Amount of Liability Assumed.—

"(1) In general.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

"(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability; and

"(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

"(2) Exception for nonrecourse liability.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

"(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy; or

"(B) the fair market value of such other assets (determined without regard to section 7701(g)).

"(3) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title.".

(2) Limitation on basis increase attributable to assumption of liability.—Section 362 of such Code is amended by adding at the end the following new subsection:

"(d) Limitation on Basis Increase Attributable to Assumption of Liability.—

"(1) In general.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

"(2) Treatment of gain not subject to tax.—Except as provided in regulations, if—

"(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee; and

"(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability.".

(c) Application to Provisions Other Than Subchapter C.—

(1) Section 584.—Section 584(h)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking ", and the fact that any property transferred by the common trust fund is subject to a liability," in subparagraph (A); and

(B) by striking clause (ii) of subparagraph (B) and inserting:

"(ii) Assumed liabilities.—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

"(C) Assumption.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply.".

(2) Section 1031.—The last sentence of section 1031(d) of such Code is amended—

(A) by striking "assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability" and inserting "assumed (as determined under section 357(d)) a liability of the taxpayer"; and

(B) by striking "or acquisition (in the amount of the liability)".

(d) Conforming Amendments.—

(1) Section 351(h)(1) of the Internal Revenue Code of 1986 is amended by striking ", or acquires property subject to a liability,".

(2) Section 357 of such Code is amended by striking "or acquisition" each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) of such Code is amended by striking "or acquired".

(4) Section 357(c)(1) of such Code is amended by striking ", plus the amount of the liabilities to which the property is subject,".

(5) Section 357(c)(3) of such Code is amended by striking "or to which the property transferred is subject".

(6) Section 358(d)(1) of such Code is amended by striking "or acquisition (in the amount of the liability)".

(e) Effective Date.—The amendments made by this section shall apply to transfers after October 18, 1998.

WARNER (AND LEVIN) AMENDMENT NO. 482

Mr. WARNER (for himself and Mr. Levin) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 273, line 20, strike "a period;" and insert "', except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.';".

SCHUMER AMENDMENT NO. 483

Mr. LEVIN (for Mr. Schumer) proposd an amendment to the bill, S. 1059, supra; as follows:

On page 417, in the table preceding line 1, strike "$12,800,000" in the amount column of the item relating to Rome Laboratory, New York, and insert "$25,800,000".

On page 420, between lines 17 and 18, insert the following:

SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2301(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

BENNETT AMENDMENT NO. 484

Mr. WARNER (for Mr. Bennett) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DESCRIPTION OF PROPERTY.—The legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

BIDEN AMENDMENT NO. 485

Mr. LEVIN (for Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 11, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

ROBERTS AMENDMENT NO. 486

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 10, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

KENNEDY AMENDMENT NO. 487

Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title 8 insert:

SEC. [SC099.447]. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

EXTENSION OF REQUIREMENT.—Subsection (k) of section 2323 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003".

McCAIN AMENDMENT NO. 488

Mr. WARNER (for Mr. McCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of subtitle D of title VI, add the following new section:

SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1413. Special compensation for certain severely disabled uniformed services retirees

"(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term 'service-connected' has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

HARKIN (AND OTHERS) AMENDMENT NO. 489

Mr. LEVIN (for Mr. HARKIN, for himself, Mr. FEINGOLD, and Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

LOTT AMENDMENT NO. 490

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 283, line 18, strike "(h)" and insert the following:

(h) RELATIONSHIP TO PREFERENCE ON TRANSPORTATION OF SUPPLIES.—Nothing in this section shall be construed as modifying, superseding, impairing, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

(i)

BINGAMAN AMENDMENT NO. 491

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.

(a) REPORT.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) TRANSMITTAL DATE.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

SESSIONS AMENDMENT NO. 492

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of the subtitle C, add the following:

SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.

It is the Sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy funding balance between ballistic missile defense technology development and ballistic missile defense acquisition programs;

(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs;

(3) the Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense acquisition programs; and

(4) the Secretary should submit a report to the congressional defense committees by March 15, 2000, on the Secretary's plan for dealing with the matters identified in this section.

CONRAD AMENDMENT NO. 493

Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

ALLARD AMENDMENT NO. 494

Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 578, below line 21, add the following:

SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

CLELAND AMENDMENT NO. 495

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in title VI, add the following:

Subtitle —Montgomery GI Bill Benefits and Other Education Benefits

PART I—MONTGOMERY GI BILL BENEFITS

SEC. 6 . INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "$528" and inserting "$600"; and

(2) in subsection (b)(1), by striking "$429" and inserting "$488".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, for fiscal year 2000.

SEC. 6 . TERMINATION OF REDUCTIONS OF BASIC PAY.

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of such title is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins on or after such date.

(b) TERMINATION OF REDUCTIONS IN PROGRESS.—Any reduction in the basic pay of an individual referred to in section 3011(b) of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3034(e)(1) of title 38, United States Code, is amended in the second sentence by striking "as soon as practicable" and all that follows through "such additional times" and inserting "at such times".

SEC. 6 . ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.

Section 3014 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary shall pay"; and

(2) by adding at the end the following new subsection (b):

"(b)(1) Whenever the Secretary determines it appropriate under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

"(2) The Secretary may pay basic educational assistance on an accelerated basis only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

"(3) If an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall—

"(A) pay on an accelerated basis the amount such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

"(B) pay on the date of the adjustment any additional amount of such assistance that is payable for the period as a result of the adjustment.

"(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

"(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

"(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

"(ii) in any amount requested by the individual concerned up to the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

"(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall specify the circumstances under which accelerated payments may be made and include requirements relating to the request for, making and delivery of, and receipt and use of such payments.".

SEC. 6 . TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES .

(a) Authority To Transfer to Family Members.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces

"(a)(1) Subject to the provisions of this section, the Secretary concerned may, for the purpose of enhancing recruiting and retention and at that Secretary's sole discretion, permit an individual described in paragraph (2) who is entitled to basic educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the dependents specified in subsection (b).

"(2) An individual referred to in paragraph (1) is any individual who is a member of the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement to educational assistance under this section.

"(3) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

"(b) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement to such assistance as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(c)(1) An individual transferring an entitlement to basic educational assistance under this section shall—

"(A) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

"(B) specify the period for which the transfer shall be effective for each dependent designated under subparagraph (A).

"(2) The aggregate amount of the entitlement transferable by an individual under this section may not exceed the aggregate amount of the entitlement of such individual to basic educational assistance under this subchapter.

"(3) An individual transferring an entitlement under this section may modify or revoke the transfer at any time before the use of the transferred entitlement begins. An individual shall make the modification or revocation by submitting written notice of the action to the Secretary concerned.

"(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided in under subsection (c)(1)(B) and subject to paragraphs (3) and (4), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(3) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(4) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

"(e) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(f) The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (d)(4) to a dependent to whom entitlement is transferred under this section.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces.".

SEC. 6 . AVAILABILITY OF EDUCATIONAL ASSISTANCE BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

Section 3002(3) of title 38, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following:

"(C) includes—

"(i) a preparatory course for a test that is required or utilized for admission to an institution of higher education; and

"(ii) a preparatory course for test that is required or utilized for admission to a graduate school.".

PART II—OTHER EDUCATIONAL BENEFITS

SEC. 6 . ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

"(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

"(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the Secretary concerned receives the person's request for payment on an accelerated basis; and

"(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

"(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

"(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

"(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

"(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid.

"(6) In this subsection, the term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of Army Reserve, with respect to members of the Army Reserve.

"(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

"(C) The Chief of Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.".

SEC. 6__. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.".

PART III—REPORT

SEC. 6 . REPORT ON EFFECT OF EDUCATIONAL BENEFITS IMPROVEMENTS ON RECRUITMENT AND RETENTION OF MEMBERS OF THE ARMED FORCES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the effects of the provisions of this subtitle, and the amendments made by such provisions, on the recruitment and retention of the members of the Armed Forces. The report shall include such recommendations (including recommendations for legislative action) as the Secretary considers appropriate.

THURMOND (AND OTHERS) AMENDMENT NO. 496

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle D, add the following:

SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.".

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

DORGAN (AND SMITH) AMENDMENT NO. 497

Mr. levin (for Mr. DORGAN for himself and Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 134, between lines 2 and 3, insert the following:

SEC. 552. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy and Marine Corps for participation in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

McCAIN (and HOLLINGS) AMENDMENT NO. 498

Mr. WARNER (for Mr. MCCAIN for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following:

SEC. . COAST GUARD EDUCATION FUNDING.

Section 2006 of title 10, United States Code, is amended—

(1) by striking "Department of Defense education liabilities" in subsection (a) and inserting "armed forces education liabilities";

(2) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) The term 'armed forces educational liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.";

(3) by inserting "Department of Defense" after "future" in subsection (b)(2)(C);

(4) by striking "106" in subsection (b)(2)(C) and inserting "1606";

(5) by inserting "and the Secretary of the Department in which the Coast Guard is operating" after "Defense" in subsection (c)(1);

(6) by striking "Department of Defense" in subsection (d) and inserting "armed forces";

(7) by inserting "the Secretary of the Department in which the Coast Guard is operating" in subsection (d) after "Secretary of Defense,";

(8) by inserting "and the Department in which the Coast Guard is operating" after "Department of Defense" in subsection (f)(5);

(9) by inserting "and the Secretary of Defense in which the Coast Guard is operating" in paragraphs (1) and (2) of subsection (g) after "The Secretary of Defense"; and

(10) by striking "of a military department." in subsection (g)(3) and inserting "concerned.".

SEC. . TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.

TITLE 10 AMENDMENT.—Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking "the Department of Defense" and inserting "an agency named in section 2303 of this title".

LANDRIEU AMENDMENT NO. 499

Mr LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle F, add the following:

SEC. 582. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

SNOWE (AND OTHERS) AMENDMENT NO. 500

Mr. WARNER (for Ms. SNOWE for herself and Mr. GORTON) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle A, add the following:

SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

"(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover designated providers selected by the Department of Defense, and the service areas of the designated providers.

"(2) Any demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

"(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollments in the managed care plans of designated providers permanently.".

DORGAN AMENDMENT NO. 501

Mr. LEVIN (for Mr. DORGAN) proposed an amendment to the bill S. 1059, supra; as follows:

On page 28, below line 21, add the following:

SEC. 143. D–5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D–5 missile program.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D–5 missile program covering the life of the program, including—

(A) the location of D–5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(A) The cost of terminating procurement of D–5 missiles for each fiscal year prior to the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D–5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with less than 24 D–5 missiles; and

(B) reducing the flight test rate for D–5 missiles; and

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

The Secretary's plan for maintaining D–5 missiles and Trident Submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be produced under such treaties.

LOTT AMENDMENT NO. 502

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 1059, supra; as follows:

Of the funds authorized to be appropriated in section 301(2), an additional $10 million may be expected for Operational Meteorology and Oceanography and UNOLS.

HUTCHISON AMENDMENT NO. 503

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.

(a) FINDING.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic, the new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

LIEBERMAN AMENDMENT NO. 504

Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) PURPOSE.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR MEDICAL INFORMATICS AND DATA.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DOD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Secretary of Defense shall establish a Medical Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector. Specific areas of responsibility shall include:

(A) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) Coordination of key components of medical informatics systems including digital patient records both within the federal government, and between the federal government and the private sector.

(C) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member as an officer or employee of the Federal Government.

(7) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, the following:

(1) Health outcomes.

(2) Extent of use of health report cards.

(3) Extent of use of standard clinical pathways.

(4) Extent of use of innovative processes for surveillance.

(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal year 2000 by other provisions of this Act, that are available to carry out subsection (b), there is authorized to be appropriated for the Department of Defense for such fiscal year for carrying out this subsection the sum of **$2,000,000.**

GRAMM (AND HUTCHISON) AMENDMENT NO. 505

Mr. WARNER (for Mr. GRAMM for himself and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 1999".

SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following:

"SEC. 704.(a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia".

SEC 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

FEINSTEIN AMENDMENT NO. 506

Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. . SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should agree to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch service providers if the Government of the Russian Federation demonstrates a sustained commitment to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile;

(2) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile; and

(3) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile.

(b) DEFINITIONS.—

(1) IN GENERAL.—The terms "commercial space launch services" and "Russian space launch service providers" have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993.

(2) QUANTITATIVE LIMITATIONS APPLICABLE TO COMMERCIAL SPACE LAUNCH SERVICES.—The term "quantitative limitations applicable to commercial space launch services" means the quantitative limits applicable to commercial space launch services contained in Article IV of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

NICKLES AMENDMENT NO. 507

Mr. WARNER (for Mr. NICKLES) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following:

Of the funds in section 301a(5), 23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

CLELAND AMENDMENT NO. 508

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 272, between lines 8 and 9, insert the following:

SEC. 717. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.

(3) Referral services.

(4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the

Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

FRIST (AND SPECTER) AMENDMENT NO. 509

Mr. WARNER (for Mr. Frist for himself and Mr. Specter) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 254, between lines 3 and 4, insert the following:

SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) Participation Authorized.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

“§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

“(a) Notwithstanding any other provision of law, an individual who—

“(1) either—

“(A)(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

“(ii) disenrolled from participation in that program before that date; or

“(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section;

“(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on the date of the enactment of this section;

“(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

“(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

“(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

“(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic educational assistance under this chapter—

“(A) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

“(i) $1,200, in the case of an individual described in subsection (a)(1)(A); or

“(ii) $1,500, in the case of an individual described in subsection (a)(1)(B); or

“(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be paid into the Treasury of the United States as miscellaneous receipts.

“(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

“(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

“(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

“(2) For each individual who is disenrolled from such program, the Secretary shall refund—

“(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

“(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

“(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

“(d)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election described in subsection (a)(5), except that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

“(2) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.”.

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

“3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.”.

(b) Conforming Amendment.—Section 3015(f) of that title is amended by striking “or 3018C” and inserting “3018C, or 3018D”.

(c) Sense of Congress.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

(DeWINE AND VOINOVICH) AMENDMENT NO. 510

Mr. WARNER (for Mr. DeWine for himself and Mr. Voinovich) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 254, between lines 3 and 4, insert the following:

SEC. 676. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) In General.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

“(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

COCHRAN AMENDMENT NO. 511

Mr. WARNER (for Mr. Cochran) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle B, insert the following:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) Thailand.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) Costs.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) Expiration of Authority.—The authority to transfer a vessel under subsection

(a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

ROBB (AND OTHERS) AMENDMENT NO. 512

Mr. LEVIN (for Mr. ROBB for himself, Ms. SNOWE, Mr. BINGAMAN, Mr. LEAHY, and Mr. KERREY) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 93, between lines 2 and 3, insert the following:

SEC. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) RESOLUTION OF OTHER CLAIMS.—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comparable settlement of the claims arising from the deaths of the United States servicemen caused by the collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia, on September 13, 1997.

SESSIONS AMENDMENT NO. 513

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "rear admiral".

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

"(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

"(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

EDWARDS AMENDMENT NO. 514

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

STEVENS AMENDMENT NO. 515

Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill, S. 1059, supra; as follows:

(1) On page 56, line 16, add "$40,000,000".

(2) On page 55, line 15, reduce "$40,000,000".

MCCAIN AMENDMENT NO. 516

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike "(except those lands within a unit of the National Wildlife Refuge System)".

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike "section 2902(c) or 2902(d)" and insert "section 2902(b) or 2902(c)".

In section 2908(b), as so redesignated, strike "section 2909(g)" and insert "section 2907(g)".

In section 2910, as so redesignated, strike ", except that hunting," and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike "subsections (b), (c), and (d)" and insert "subsections (a), (b), and (c)".

In section 2911(a)(2), as so redesignated, strike ", except that lands" and all that follows and insert a period.

At the end, add the following:

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

SANTORUM AMENDMENT NO. 517

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 16, line 17, strike "$1,500,188,000" and insert "$1,498,188,000".

On page 17, line 18, strike "$540,700,000" and insert "$542,700,000".

SARBANES AMENDMENT NO. 518

Mr. LEVIN (for Mr. SARBANES) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. . ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate to expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

SMITH AMENDMENT NO. 519

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN.

(a) RESPONSIBILITIES OF THE SECRETARY OF THE ARMY.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30, 2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

WARNER (AND LEVIN) AMENDMENT NO. 520

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 33, beginning on line 3, strike "that involve" and insert ", as well as for use for".

On page 278, line 4, strike "1998" and insert "1999".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 368, line 14, strike "$40,000,000" and insert "$85,000,000".

On page 397, beginning on line 2, strike "readily accessible and adequately preserved artifacts and readily accessible representations" and insert "adequately visited and adequately preserved artifacts and representations".

On page 411, in the table below line 12, strike the item relating to "Naval Air Station Atlanta, Georgia".

On page 412, in the table above line 1, strike "$744,140,000" in the amount column in the item relating to the total and insert "$738,710,000".

On page 413, in the table following line 2, strike the first item relating to Naval Base, Pearl Harbor, Hawaii, and insert the following new item:

	Naval Base, Pearl Harbor	133 Units	$30,168,000

On page 414, line 6, strike "$2,078,015,000" and insert "$2,072,585,000".

On page 414, line 9, strike "$673,960,000" and insert "$668,530,000".

On page 429, line 20, strike "$179,271,000" and insert "$189,639,000".

On page 429, line 21, strike "$115,185,000" and insert "$104,817,000".

On page 429, line 23, strike "$23,045,000" and insert "$28,475,000".

On page 509, line 10, strike "$892,629,000" and insert "$880,629,000".

On page 509, line 16, strike "$88,290,000" and insert "$100,290,000".

On page 509, between lines 16 and 17, insert the following:

Project 00–D–   , Transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

Project 00–D–400, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $1,306,000.

On page 541, line 22, strike "The" and insert "After five members of the Commission have been appointed under paragraph (1), the".

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike "(3)" and insert "(2)".

On page 577, line 16, strike "**PROJECT**" and insert "**PLANT**".

On page 577, line 23, strike "Project" and insert "Plant".

On page 578, line 3, strike "Project" and insert "Plant".

On page 578, line 6, strike "Project" and insert "Plant".

On page 578, line 14, strike "Project" and insert "Plant".

On page 578, strike lines 17 through 21, and insert the following:

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

SMITH AMENDMENT NO. 521

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation such as memoranda for the record after-action reports, and final itineraries, and receipts that equals over $1000, concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

SESSIONS AMENDMENT NO. 522

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.

(a) Authority To Transfer Agents.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) Annual Report.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) Non-Interference With Treaty Obligations.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) Chemical Weapons Convention Defined.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

VOINOVICH AMENDMENT NO. 523

Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section;

SEC. . ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the Federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

CONRAD (AND ASHCROFT) AMENDMENT NO. 524

Mr. LEVIN (for Mr. CONRAD for himself and for Mr. ASHCROFT) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) Study.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) Report.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

CONRAD AMENDMENT NO. 525

Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) Annual Reporting Requirement.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) Views of the Director of Central Intelligence.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

HELMS (AND BIDEN) AMENDMENT NO. 526

Mr. WARNER (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 153, line 19, strike "the United States" and insert "such."

On page 356, line 7, insert after "Secretary of Defense" the following: ", in consultation with the Secretary of State,".

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

DOMENICI AMENDMENT NO. 527

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 417, in the table preceding line 1, insert after the item relating to McGuire Air

Force Base, New Jersey, the following new items:

New Mexico	Cannon Air Force Base	$4,000,000
	Cannon Air Force Base	$8,100,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$640,233,000".

On page 418, in the table following line 5, strike the item relating to Holloman Air Force Base, New Mexico.

On page 418, in the table following line 5, strike "$196,088,000" in the amount column of the item relating to the total and insert "$186,248,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,919,451,000".

On page 419, line 19, strike "$628,133,000" and insert "$640,233,000".

On page 420, line 7, strike "$343,511,000" and insert "$333,671,000".

On page 420, line 17, strike "$628,133,000" and insert "$640,233,000".

On page 429, line 5, strike "$172,472,000" and insert "$170,472,000".

BINGAMAN AMENDMENT NO. 528

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On Page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

"TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS

"SEC. 2901. FINDINGS.

"The Congress finds that—

"(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

"(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

"(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

"(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November, 2001; and

"(5) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

"SEC. 2902. SENSE OF THE SENATE.

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999."

SMITH AMENDMENT NO. 529

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$168,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000

On page 412, in the table line Total strike out "$744,140,000" and insert "$747,990,000."

On page 414, line 6, strike out "$2,078,015,000" and insert in lieu thereof "$2,081,865,000".

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,810,000".

On page 414, line 18, strike out "$66,299,000" and insert in lieu thereof "$66,581,000".

BRYAN (AND REID) AMENDMENT NO. 530

Mr. LEVIN (for Mr. BRYAN for himself and Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

	Nellis Air Force Base	$11,600,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$639,733,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,928,791,000".

On page 419, line 19, strike "$628,133,000" and insert "$639,733,000".

On page 420, line 17, strike "$628,133,000" and insert "$639,733,000".

WARNER AMENDMENT NO. 531

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of Section E of Title XXVIII insert the following:

SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

Section 2603 of the National Defense Authorization Act for Fiscal Year 1998 (PL 105-85) is amended as follows:

With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

DEWINE (AND OTHERS) AMENDMENT NO. 532

Mr. WARNER (for Mr. DEWINE for himself, Mr. COVERDELL, and Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 62, between lines 19 and 20, insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

THURMOND AMENDMENT NO. 533

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN'S FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU–154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU–154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

GRAMM (AND OTHERS) AMENDMENT NO. 534

Mr. WARNER (for Mr. GRAMM for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR MEDAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§ 1133. Cold War medal: award

"(a) AWARD.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States armed forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

"(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) PERIOD OF COLD WAR.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award.".

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Minority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War;

(5) The commission shall be chaired by two individuals as follows:

(A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2).

(B) one selected by and from among those appointed pursuant to subparagraphs (D), and (E) of paragraph (2).

HARKIN (AND BOXER) AMENDMENT NO. 535

Mr. LEVIN (for Mr. HARKIN for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

DOMENICI AMENDMENT NO. 536

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of Subtitle B, add the following:

SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under section 201(4)—

(1) $4,000,000 is available for testing of airblast and improvised explosives (in PE 63122D); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by $4,000,000.

CONCERNING THE TENTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE OF JUNE 4, 1989, IN THE PEOPLE'S REPUBLIC OF CHINA

HUTCHINSON AMENDMENT NO. 537

Mr. HUTCHINSON proposed an amendment to the resolution (S. Res. 103) concerning the 10th anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China; as follows:

On page 3, strike line 15 and all that follows through page 4, line 5.

On page 4, line 6, strike "(C)" and insert "(A)".

On page 4, line 14, strike "(D)" and insert "(B)".

On page 4, line 19, strike "(E)" and insert "(C)".

PRISON HEALTH CARE SERVICES LEGISLATION

LEAHY AMENDMENT NO. 538

Mr. HUTCHINSON (for Mr. LEAHY) proposed an amendment to the bill (S. 704) to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs; as follows:

On page 8, strike lines 1 through 3 and insert the following:

"(4) the term 'health care visit'—

"(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and

"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or

"(ii) to obtain staff-approved follow-up treatment for a chronic condition;

On page 8, line 20, after "services" insert ", emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment".

On page 10, line 16, strike "2 years" and insert "1 year".

On page 10, line 21, strike "24-month" and insert "12-month".

On page 12, strike lines 6 through 9 and insert the following:

"(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, June 15, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the issues related to vacating the Record of Decision and denial of a Plan of Operations for the Crown Jewel Mine in Okanogan County, Washington.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 17, 1999, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1049, the "Federal Oil and Gas Lease Management Improvement Act of 1999".

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Dan Kish at (202) 224-8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on May 27, 1999 in SR-328A at 9:30 a.m. The purpose of this meeting will be to discuss "The New Petroleum: S. 935 the National Sustainable Fuels and Chemical Act of 1999."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday May 27, 1999. The purpose of this meeting will be to discuss the National Sustainable Fuels and Chemical Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, May 27, 1999 at 10 a.m. on S. 761—Millennium Digital Commerce Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 27, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this hearing is to consider the nomination of David L. Godwyn to be Assistant Secretary of Energy for International Affairs and James B. Lewis to be Director of the Office of Minority Economic Impact, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, May 27, 1999, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 27, 1999, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Reauthorization for the National Endowments of the Arts and Humanities" during the session of the Senate on Thursday, May 27, 1999, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on "Older Americans Act" during the session of the Senate on Thursday, May 27, 1999, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, May 27, 1999, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing on S. 1100, a bill to provide that the designation of critical habitat for endangered and threatened species be required as a part of the development of recovery plans for those species, Thursday, May 27, 10:30 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 27, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 244, a bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., for the planning and construction of the water supply system, and for other purposes; S. 623, a bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; S. 769, a bill to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam; S. 1027, a bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy; and H.R. 459, a bill to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NEW MILLENNIUM CLASSROOMS ACT

• Mr. ABRAHAM. Mr. President, I rise to call to the attention of the Senate a letter of endorsement given to my bill, the New Millennium Classrooms Act, by a group of 11 senior executives of Silicon Valley's leading technology and venture capital firms.

Mr. President, the New Millennium Classrooms Act, through tax-based incentives, would provide schools and companies the means by which partnerships can be created and computers, software, and related technological equipment can be brought to our schools.

Encouraging private investment and involvement, the New Millennium Classrooms Act achieves this important goal without unduly increasing Federal Government expenditures, creating yet another federal program or department and will keep control where it belongs—with the teachers, the parents, and the students.

Providing today's children with high technological equipment and software will provide them with the necessary and invaluable computer skills needed to ensure their future success and our nation's status as the technological and economic leader in the New Economy.

I ask that the letter from the Silicon Valley firms be printed in the RECORD.

The letter follows:

APRIL 15, 1999.

Hon. SPENCER ABRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR ABRAHAM: As senior executives of the nation's leading technology companies and venture capital firms, we write to commend you for your continued support of policies that will help to ensure our nation's technological and economic leadership. Specifically, we thank you for introducing the New Millennium Classrooms Act (S. 542), an important step toward making computers, software and the Internet available to American schoolchildren.

By relying on market-based incentives, your legislation will increase the supply of computer technology available to children in grades K–12. We are particularly supportive of enhanced provisions to encourage the donation of computers and equipment to schools that serve underprivileged students, allowing all American children the opportunity to prepare for the New Economy on equal footing. Your legislation will allow the potential of our nation's children to be fully realized in the 21st century, while maintaining fiscal responsibility.

Thank you for introducing this important legislation and for continuing your leadership on issues critical to the success of America's New Economy.

Sincerely,

Wilfred Corrigan, CEO, LSI Logic, Corp.; Carl Feldbaum, President, Biotechnology Industry Organization; Dr. Dwight D. Decker, President, Conexant Systems; Michael Goldberg, CEO, OnCare; Floyd Kvamme, Partner, Keiner Perkins Caufield & Byers; Willem Roelandts, CEO, Xilinx; Scott Ryles, Managing Director, Merrill Lynch; Ted Smith, Chairman, FileNet; Burt McMurtry, Partner, Technology Venture Investors; Michael Rowan, CEO, Kestrel Solutions; Dr. Henry Samueli, CTO & Co-Chairman, Broadcom.•

LETTER FROM A NURSING HOME

• Mr. DURBIN. Mr. President, I rise today to share a letter I received from my constituent, Ms. Shirley Roney of Bonnie, Illinois. Ms. Roney shared with me a letter she wrote to President Clinton on behalf of her grandmother, Vaneeta Allen. This "Letter from a Nursing Home" reminds us of some of the important issues many American families face every day.

Long-term care is a serious concern for many elderly and disabled Americans. Too many of our citizens face losing everything they have worked their whole lives for, just so they can pay for nursing home care. Medicare was not designed to provide coverage for long-term care, and long-term care insurance is often unavailable due to pre-existing medical conditions, or it is out of financial reach for seniors. We must continue to explore other options to assist those like Vaneeta Allen who must rely on nursing home care.

This letter does not have all of the answers, but we will never have the answers if we lose sight of the struggles and simple dignity of people like Mrs. Allen.

I ask the letter be printed in the RECORD.

The letter follows:

MARCH 30, 1999.

DEAR PRESIDENT CLINTON: for the past four months my grandmother has been in a nursing home. This has been a very "troubling time." I have spent the past four months learning about the way we have failed to adequately provide for those who built this country.

Actually this "Letter from a Nursing Home" came to me in the middle of a sleepless night when I was struggling to figure out some way to help my mom (grandmother) keep her home. It would have broken her heart to lose her home.

It came to me that the least I could do was express her feelings in words on paper. I was also her Power of Attorney. I wrote the letter on the 14th and before I could mail it, we, the family were called to her bedside. She died on March 18.

So I changed it from "Letter from a Nursing Home" to "Letter from Heaven" and read it as a eulogy at her funeral.

I appreciate the way you have always during your presidency tried to guarantee the rights our fathers fought for to all Americans.

SHIRLEY RONEY.

LETTER FROM A NURSING HOME

MARCH 14, 1999.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: My name is Vaneeta Allen. I will be 93 years of age on August 11, 1999, and for most of my adult life, I have lived independently in a house I have owned.

My dad was a sharecropper. When I was a child, we never owned our own home. It was my dream to own a home when I grew up. I was the second of nine surviving children, the first girl. I wanted to be a schoolteacher but had to quit school at 13 to go to work to help support myself and my brothers and sisters. The year was 1919.

When my children were little we lived through the Great Depression and we celebrated when Franklin D. Roosevelt raised the minimum wage so we could make as much as $1 a day in the factory.

And finally, we bought for $5 an acre a little farm southwest of Bonnie and moved ourselves and our two surviving children into a 2-room house. We built on two bedrooms and a bathroom and a kitchen. There, we, my husband and I, spent our working years. The year was 1941.

And we sent our son and son-in-law off to war. There in that home I stood with my ears to the radio listening to the troop movements as our sons marched across Europe, afraid we would lose our sons and maybe our country. Our sons saved our country. And my son came home, but our son-in-law was nearly killed in the Philippines and spent the rest of his short life as a totally disabled veteran in and out of veterans' hospitals. Our son was killed in a car crash on April 12, 1951, at 25 years of age.

Our family bought its citizenship with blood shed on two foreign soils. But it was the price of liberty. We taught our grandchildren, half of whom were fatherless and half of whom were the children of a totally disabled father that the great price they had paid was not in vain.

We taught them about the greatness of America and how all men and women could live free.

In the early 60s, we were forced to sell our farm to the government so they could build Rend Lake there. It was the end of our farming years anyway and we needed to move away from the farm. But our grandchildren cried because they didn't want to leave that farm.

We built and moved into a home in Bonnie, a mile and a half from our farm. And there we, my husband and I, lived together until his death in 1981, and I lived until late October 1998, when I was hospitalized after a fall and nearly died.

Now they tell me I cannot live independently. But I dream every day of going home just one more time. Now, not by choice, I am living in a nursing home. I have a nice room and I am surrounded by others who are just like me. But those of us who still are of sound mind want just to go home again.

When my husband and I retired, we thought we had adequate savings. But inflation and high medical costs have taken all of my savings. Perhaps I lived too long, but still I want to live.

Last year my total income from social security was $6,984, but I managed to keep my home and pay my bills with that. The only other income I had was less than $100 from renting some land. This year my monthly income from social security per month is $582. My checkbook total is now around $1500.

The cost of the nursing home is about $92 per day much of which goes to medical costs, not for expensive paid help. If anything, there needs to me more money for paid help.

I have been given two options to pay—either sell my home and give up any hope of ever returning or get Public Aid Assistance. In the hope of returning home, I applied for Public Aid. Since my total income is $582 month, out of that I must pay, to keep my home, electricity and gas $74, water and sewer $25, trash pick up $15, house insurance ($367 per year) or $32 per month. I also have paid and want to continue to pay $103 per month for a medicare supplement.

That leaves $334 out of my social security to pay the nursing home. And you know what is worse of all, I am made to feel like a failure because I cannot pay out of pocket $36,000 to $40,000 a year for a nursing home. And there are thousands, maybe millions of me throughout this country.

Once we could borrow money on just our good names. Now our homes have become the price of our aged care. Soon I fear there will be a "For Sale" sign in my front yard and the inexpensive treasures of my life will be divided or discarded.

I take no comfort in that I am just one of many of this nation's older citizens who once put a strap around our waist, put our hands to the plow and took this great agricultural nation from a horsepowered economy to the richest most plentiful nation in the world who can put a man on the moon at will.

Must we, the elderly, who helped build this country, have to live to see ourselves stripped of our most prized possessions, our homes, our dignity, our freedom and our pride?

I know that you and Congress are about to embark on a debate on Social Security and Medicare and other issues that affect those of us who still survive though in our 90's. I hope these debates will go beyond just economics and statistics and look into the faces of those of us who make up this population. We are more than statistics. We all have a story to tell. Once we were all children. Most of us have children and grandchildren and great grandchildren.

Once you wrote in a letter to my granddaughter Shirley Roney "I have worked throughout my life to empower people who historically have been excluded from political, economic and educational opportunities. I remain committed to achieving that goal."

In that particular letter you were speaking of racial relations. I believe you when you say you have done these things. I hope that in the remaining two years of your presidency, you will be able to finish what you have started in the areas of empowering all people who have been excluded from the opportunities for which our sons fought to guarantee to all Americans.

God Bless,

VANEETA ALLEN.●

CELLULAR TELECOMMUNICATIONS SAFETY WEEK

● Mr. ASHCROFT. Mr. President, in recent years the advent of the wireless phone began an extraordinary advance in the cellular telecommunications industry. As a result the cellular phone has become an accessory and a necessity in the modern technological world we currently live in. It has revolutionized communication, and has helped individuals to constantly stay connected. Today, there are over an estimated 200 million wireless phone users around the world. The wireless telephone gives individuals the powerful ability to communicate—almost anywhere, anytime.

With the ability of having a cellular phone comes responsibility. As National Wireless Safety Week comes to a conclusion, we must recognize the dangers of having and using cellular telephones, especially when driving. We must also recognize the benefits of having these phones in situations where they are desperately needed. Today, there are over 98,000 emergency calls made daily by people using wireless phones—saving lives, preventing crimes and assisting in emergency situations. Furthermore, according to a recent government study, decreasing notification time when accidents occurs saves lives—a wireless phone is a tool to reduce such a time.

The Cellular Telecommunications Industry Association (CTIA) is the international organization of the wireless communications industry for wireless carriers and manufactures. It is also the coordinator of Wireless Safety Week, and promotes using phones to summon assistance in emergency situations to save lives. It also promotes the concept that when driving a car, safety is one's first priority. The CTIA has six simple rules to driving safely while using a wireless phone, including:

Safe driving is one's first responsibility. Always buckle up; keep your hands on the wheel and your eyes on the road.

Make sure that one's phone is positioned where is easy to see and easy to reach. Be familiar with the operation of one's phone so that one is comfortable using it on the road.

Use the speed dialing feature to program-in frequently called numbers. Then one is able to make a call by touching only one or two buttons. Most phones will store up to 99 numbers.

When dialing manually without using the speed dialing feature first, dial only when stopped. If one cannot stop, or pull over, dial a few digits, then survey traffic before completing the call.

Never take notes while driving. Pull off the road to a safe spot to jot something down.

Be a wireless Samaritan. Dialing 9–1–1 is a free call for wireless subscribers, use it to report crimes in progress or other potentially life-threatening emergencies, accidents, or drunk driving.

In a recent national poll, it was found that over 60 percent of wireless phone users have called for help in cases of car trouble, medical emergency, or to report a drunk driving crime. Close to 90 percent of wireless phone users polled said safety and security were the best reasons for owning a wireless phone.

Mr. President. The bottom line is that individuals need to assume responsibility while behind the wheel of a car. No telephone call is important enough to risk the safety of the driver, passengers, and others on the road. Cellular phones can be a distraction while one is driving a car. I urge drivers to use common sense when driving, and ask that drivers continue to act as good Samaritans. I also want to recognize the efforts of the Cellular Telecommunications Industry Association, and congratulate them for a successful Wireless Safety Week.•

TRIBUTE TO BOB CLARKE

• Mr. LEAHY. Mr. President, today I rise to recognize Bob Clarke, who has served for nearly 15 years as President of Vermont Technical College in Randolph. Under Bob's leadership, VTC has seen its annual budget quadruple, its annual donations have increased twelve-fold, and VTC's standing in the community has grown immensely.

Bob brought to VTC a new perspective for technical education. He has established unique relationships between VTC and the high-tech community. Currently, Vermont Technical College is providing training to employees of companies such as IBM, BF Goodrich Aerospace, and Bell Atlantic. In addition, Bob has listened to the concerns of small businesses in the state. When Vermont faced a shortage of trained auto mechanics, he established a training program in automotive technology. His willingness to listen to the needs of the business community has resulted in increased opportunities for VTC students and alumni alike, and VTC has created a qualified pool of applicants to meet the growing needs of Vermont's high-tech industry.

Over the years, I have worked closely with Bob and VTC on issues including education, workforce retraining and business development. I have been most impressed with Bob's innovation in addressing the evolving needs of the business community. His work is truly inspiring and the results have been felt across the state. Bob has truly raised the bar for technical colleges around the country.

An article recently appeared in the Vermont Sunday Magazine which details Bob's accomplishments during his tenure as President of Vermont Technical College. I ask that this article be printed in the Record.

The article follows:

[From Vermont Sunday Magazine, May 23, 1999]

Cutting-Edge Clarke

(By Jack Crowl)

Bob Clarke doesn't exactly fit the central-casting image of a New England college president. He doesn't have an Ivy League degree; in fact he doesn't have a traditional academic Ph. D. at all. Neither does he have a particularly deferential air toward the life of the mind, nor the aversion to cozy relationships with businesses that many academic leaders fear might skew their priorities and jeopardize their indpendence.

Instead, the president of Vermont Technical College is best known for his impish grin, the twang in his speech—he's from the Eastern Shore of Maryland—a love of fast cars, and a passion for hard work and getting things done. Pass him on the street unknowingly and you'd likely say, "That guy must be a salesman."

Which he is. Largely by selling himself and his institution to a bevy of businesses, Clarke has transformed that small and sleepy two-year, engineering-technlogy school into a statewide dynamo with substantial influence in the highest circles of industry, education, and government.

In his nearly 15 years as head of VTC, Clarke has seen its annual budget grow from about $5 million to more than $21 million, plus more than $13 million in new or renovated buildings and facilities. Additionally, the college has spent more than $750,000 a year over the past decade on new equipment and for several years has boasted of a totally "wired" campus for the information age.

Gifts and grants that once amounted to a paltry $25,000 a year now total $3 million annually. And the endowment fund, which didn't even exist when Clarke arrived in 1984, now amounts to about $3.6 million. VTC employs nearly 500 people and offers two-year associate degrees in 18 different technical areas, plus two recently added bachelor's degrees.

But Clarke's contributions to Vermont are more significant than simply the upgrading of a single institution, important as that may be. In the process of selling VTC, he's also been selling the concept of higher education to more and more people. He's played a big role in changing the tenor of public discussion about the importance of higher education and helped move the debate from the theoretical realm of ideas to the practical world of jobs and profits.

At meetings large and small throughout the state, Clarke continually chants his twin mantras about the importance of techology in our modern society and the crucial role that higher education plays in a healthy economy because of that, "We have to have higher education as the centerpiece of our economic development plans or we're going to be in trouble when the next recession hits," he says.

Clarke was a member of Vermont's Higher Education Financing Commission, which last winter urged substantial increases in state funds for colleges and students, and whose recommendations have been taken seriously by the governor and legislature. He brought Massachusetts economist Paul Harrington, an adherent of using occupational-education programs to help boost the economy, to the attention of the panel. Harrington's ideas were important in its deliberations.

Some traditional academic types are somewhat dismissive of Clarke in private, calling him a "showboat" or an "empire builder." But he has big fans in business and government, and he has converted some of his harshest critics over the years. "If a college president's job is to promote the institution and raise money, then by God, he does the job well," says Russ Mills, a longtime VTC faculty member and former president of the state-college faculty union. "He does a good job of making the college indispensable to the business community," he adds.

And Clarke's boss, Chancellor Charles Bunting of the state-college system, calls the VTC president "an outstanding model of leadership."

Robert G. Clarke was born in Lewes, Del. (best known in the mid-Atlantic area as the terminus of a ferry line across Delaware Bay from Cape May, N.J.), but his family soon moved further south on the Eastern Shore to the tiny Maryland town of Snow Hill. After high school, he spent two years at nearby Salisbury State College, where he met his future wife.

He then joined the Air Force, where he spent seven years, picking up along the way a bachelor's degree in occupational education from Southern Illinois University and a master's degree in the same field from Central Washington State College.

In 1978, Clarke joined the faculty of Northampton Community College in Bethlehem, Penn., where in six years, he rose to Dean of Business, Engineering and Technology while also earning a doctorate in Higher Education Administration and Supervision at Lehigh University.

In 1984, VTC was in the doldrums. Its enrollment was declining. No new buildings had been built in 12 years. It had no endowment and few private gifts. The Vermont State College trustees tapped the 33-year-old Clarke, giving him the charge to rescue the college and lead it to new heights. The rest, as they say, is history.

Last fall, the state Chamber of Commerce honored Clarke as the 1998 Vermont Citizen of the Year and the accolades flew fast and furiously. Vermont's entire congressional delegation, state and college officials, and businesspeople of all stripes joined in paeans to Clarke's hard work, vision, and leadership. He was called, in no particular order, "A man who fixes things;". "A man in a hurry;" and "Not just a man with a plan, but a man who gets things done."

Said Gov. Howard Dean, who presented the award: "Bob Clarke was talking about workplace investments and public-private partnerships before anybody else knew what they were." And, he added, "What I know best about (him) is his ubiquity. I've never been to any meeting about education and jobs, in my 7½ years as governor, that he or someone who works for him wasn't either at the meeting or was next on the appointment list."

In his acceptance speech, Clarke noted that it was relatively rare for both an educator and a non-native-Vermonter to receive the coveted award, and that he was awed to be mentioned in the company of the other honorees—most of them governors, statesmen, or captains of industry. He unsurprisingly reviewed his college's accomplishments and thanked his colleagues. But he ended on a different, bolder note. "Much still needs to be done," he said. "Consider that:

"Vermont ranks 49th among the states in per capita support of higher education.

"Unlike most states, Vermont's two-year colleges receive no local support.

"Vermont has no post-secondary vocational education system.

"There is a tremendous state need for workforce education and training.

"There is a shortage of skilled Vermonters to fill high-paying jobs."

At the end of the banquet, the Chamber of Commerce's chair, Millie Merrill, announced that the organization's board that day had unanimously and strongly endorsed the concept of additional funds for higher education. When Clarke arrived the next morning at a meeting of the Higher Education Financing Commission, the assembled college presidents and state legislators gave him a standing ovation.

The chief feather in Clarke's off-campus cap is the IBM Educational Consortium, under which VTC, is partnership with the University of Vermont and the other state colleges, manages all employee education and training for the state's largest private employer. The consortium has 22 full-time employees on-site at IBM. Gov. Dean lauds it as "a model program, not only for the state but for the whole country."

Landing the IBM contract was a major coup for Clarke and VTC. The big computer manufacturer has for many years taken great pride in running its own training department, and it took some serious horse-trading and a trial period before IBM officials agreed to turn over all their training to the consortium.

In many other places, a small two-year college would be expected to be only a junior partner in such an arrangement, not the organizer. But, says Clarke, with obvious pride: "We do education and training. We're good at it. Often businesses are not. That's why I job out my campus food service and bookstore operations to outside experts."

That's not, of course, VTC's only business-training contract. Clarke has developed a slew of them, and he's been willing and able to make special arrangements for companies with different needs whenever traditional training programs seem unlikely to work. Two examples:

He's delivering a program that leads to a two-year degree in engineering technology on the premises of BF Goodrich Aerospace in Vergennes. In that partnership, Goodrich executives are working with the VTC faculty to develop the curriculum, and faculty members travel across the state to teach the courses.

He's arranged for selected Bell Atlantic employees, who are scattered all over the state, to come to the VTC campus in central Vermont once a week to work toward a degree in telecommunications technology. The telephone company orchestrates the work schedules of student-employees to accommodate the program.

Clarke likes to point out tat "90 per cent of Vermont companies have fewer than 20 employees. We need better training not linked to specific programs." So in 1992, the college took over the Vermont Small Business Development Center, which had been housed at the University of Vermont. Since then, it has served more than 7,000 clients, providing small Vermont companies with counseling, training, help in marketing and financial management, and assistance in finding money for startups or expansion. As part of its outreach program, the center maintains offices at five different sites around the state.

The center helps put on trade shows and seminars and works in conjunction with other colleges, state agencies, trade associations, and the federal Small Business Administration (which provides most of its operating funds).

It also maintains an environmental assistance program, which conducts workshops and confidential environmental assessments for businesses that Clarke maintains might be reluctant to deal directly with government agencies, which have the power to levy penalties for rules violations.

Vermont Interactive Television is another pioneering Clarke innovation. Headquartered on the VTC campus in Randolph, it coordinates 12 sites around the state, where businesses, government officials, educators, and non-profit organizations can conduct meetings, training, and hear and see what folks at the other sites are saying and doing, all without the costly statewide travel that can be onerous or even dangerous during winter.

VIT has been in operation for more than 10 years. It has a contract with the state for meetings and training, and it collects user fees for non-state-government meetings. Individual sites donate the use of their facilities. A 1996 study reported that the state government was saving some 55 percent on meetings conducted over VIT instead of having employees travel around the state to one central location. Many committees of the state legislature conduct public hearings via interactive television, so they can collect input from citizens without forcing them to travel to Montpelier.

A more recent innovation is the Vermont Manufacturing Extension Center, a joint venture among VTC, the state's Department of Economic Development, and a couple of units of the U.S. Department of Commerce. In three years, this center has worked with more than 500 Vermont manufacturers in projects involving a number of trade associations, colleges, and other non-profit organizations.

The center has been in the forefront of efforts to raise Vermonters' awareness about the potential problems of Y2K or the Millennium Bug, which could cause most computers to malfunction on Jan. 1, 2000, because they may not be able to recognize the date. VMEC is closely affiliated with the state's Y2K Council and it's working with manufacturers to identify and head off any computer problems that could occur.

Whenever his institution lacks the expertise to pull off a full-fledged training program on its own, Clarke develops partnerships with other post-secondary institutions. Too many exist to name here, but VTC currently has 18 such joint projects with the University of Vermont alone.

Meanwhile, back on the campus, Clarke encourages innovation, but he runs a tight ship. Too tight for some faculty members, who over the years have chafed at the directions he wants to take the school, the speed with which he likes to make changes, and his impatience with those who disagree with him.

Early in his tenure, one teacher who was vocally less than enthusiastic about Clarke's plans did not have his contract renewed, despite the strong support of the rest of the faculty, who felt he was an outstanding teacher. Incensed, the faculty called for Clarke's resignation by a two-to-one margin. Clarke refused to resign, and he was wholeheartedly backed by the state-college trustees. That ended the faculty rebellion, but left many teachers with a long-simmering dislike and distrust of the president.

Some faculty leaders now argue that Clarke has changed since that confrontation. They think he's a bit more fair-minded and can now consider others' points of view, even when he disagrees with them. "He's developed a delicate touch in personnel matters," says Russ Mills, the veteran faculty member, who thinks that, if confronted with the same situation again, Clarke would react differently today.

Nonetheless, there's no question that Clarke likes to be in control of what's happening on his campus. Even today, he boasts that he personally interviews all finalists for campus jobs.

A quick review of several campus innovations by Clarke and his academic colleagues offers some idea of the breadth of his interests and concerns:

Several years ago, the college took over the state's training programs for Licensed Practical Nurses. It continued to offer the standard one-year program at four sites throughout the state, but added a second year for students interested in becoming Registered Nurses. And it offers academic credit for its programs, so that nursing students who wish to get bachelor's degrees can transfer to a four-year institution.

In 1989, the Vermont Academy of Science and Technology was founded. Under that program, gifted Vermont high-school students can enroll at VTC and simultaneously complete their final year of high school and their first year of college work. VTC is accredited as a private high school for that purpose. Students who complete that year's work can continue there or transfer to another college.

The college plays host every summer to a Women-in-Technology program. About 250 young women spend a week on campus, where they engage in classes, seminars and workshops with female scientists and engineers, as a way of providing role models and encouraging more young women to consider careers in science and technology.

The Vermont Automobile Dealers' Association, worried about a critical shortage of auto technicians who can deal with the technology of modern cars, built and equipped an automotive technology center on the VTC campus, so that the college could add a two-year degree program in automotive technology. It now also provides scholarships for auto tech students.

Clarke seems to be willing to talk with just about any interest group that could conceivably help his institution. He once struck a deal with the state to buy a farm adjacent to the campus where officials wanted to locate a veterans' cemetery. He agreed to manage the cemetery—and VTC still does—in order to get the remainder of the land for campus expansion.

Not all such proposals come to fruition, however. Clarke offered land to the Woodstock-based Vermont Institute of Natural Science when it was looking for a new home last year (it decided to move elsewhere) and he had serious negotiations with Gifford Hospital in Randolph (where he once served on the board) to establish a nursing home that didn't work out, either. It was during that time, when negotiations were also under way for an early-childhood education program, that one faculty wag observed at a VTC meeting: "Now we can have it all—cradle to grave, without leaving campus."

What's next on the agenda for Clarke? For starters, he says he's committed to staying in Vermont. He admits that when he first took the job, he viewed it as a stepping stone, but he says the people here have been so welcoming and unlike the flinty New Englander stereotype, that he and his wife Glenda have fallen in love with the state and plan to stay. The college provides housing on the campus for the president, so the Clarkes built a "weekend" home in Addison, near Lake Champlain.

On the college front, he's planning more relationships with businesses. He's working to develop one with IDX, the Burlington-based medical-software company, which recently announced an expansion. He hopes to provide a six-month program of technical training to liberal-arts graduates.

Clarke also wants to assist Vermont businesses to get into what he calls "e-commerce," selling their wares over the Internet. "We know the technology and we can help," he says. "Most businesses are barely scratching the surface."

And he wants to encourage the state to come up with a coordinated effort to deal with vocational-technical education.

He applauds the efforts of the Higher Education Financing Commission on which he sat, but feels the key to having its recommendations work is a multi-year commitment by the state. For example, he notes that the new Trust Fund just passed by the Legislature is about $8 million to start and its use is limited to the earnings from the amount.

"It's an important first step," he says, "but one that will have marginal impact until it grows." For each of the state colleges, the fund will produce about $20,000 a year for scholarships as it now stands. He's disappointed, however, that there are no "workforce development" funds. Most states provide funds for training and re-training workers, but in Vermont the cost must be borne entirely by the companies.

Unless, of course, some clever entrepreneur somewhere—someone like Bob Clarke—can find the money and the backing to put a package together.•

HONORING COLORADO STATE SENATOR TILMAN BISHOP

• Mr. ALLARD. Mr. President, I'd like to take a moment to honor an individual who, for so many years, has exemplified the notion of public service and civic duty and an individual the western slope of Colorado will find difficult to replace.

Senator Tilman Bishop, a true Colorado native, represented Colorado's 7th District in the Colorado State Senate for 24 years and before that, 4 years in the Colorado House of Representatives. From 1993 to 1998 he also served as president pro tem of the senate. His years of service rank him 4th in the State's history for continuous years of service and he is the longest serving senator from the western slope of Colorado.

Senator Bishop has, for decades, selflessly given of himself and has always placed the needs of his constituents before his own. I had the honor of serving with Senator Bishop in the Colorado State Senate from 1983 to 1990 and have always valued his advice and counsel.

The numerous honors and distinction that Senator Bishop has earned during his years of outstanding service exemplify his dedication to the legislature and his constituents. Senator Bishop's wisdom and knowledge will be sorely missed.

Senator Bishop's tenure in the State legislature ended in 1998. There are too few people in elected office today who are prepared to serve in the selfless and diligent manner of Tilman Bishop. His constituents owe him a debt of gratitude and I wish him and his wife Pat the best in their well-deserved retirement.•

TRIBUTE TO TONY BURNS OF FLORIDA

• Mr. GRAHAM. Mr. President, I rise today to salute a special milestone involving one of America's premier business and civic leaders, Mr. Anthony "Tony" Burns of Miami, Florida.

A quarter-century ago, Tony Burns began his career with Ryder System, Inc. in 1974, as the Director of Planning and Treasurer. Under his guidance, Ryder expanded to become the largest truck leasing and rental company in the world, and the largest public transit management company in the United States. Now serving as Chairman, President and Chief Executive Officer, Tony celebrates his 25th anniversary with the firm on June 3, 1999.

While elevating Ryder's corporate status, Tony has helped lead the effort to make the workplace more family friendly. He has implemented programs such as Kids' Corner, the Diversity Council, and a flextime policy to allow parents greater schedule flexibility.

In addition, Tony Burns personifies community involvement, including service to the Boy Scouts of America.

Mr. President, as we approach a new millennium and look back on the all-but-completed Twentieth Century, we are reminded of the importance of the dedicated people who strive to improve both their workplace and their community. I commend Tony Burns for his business acumen, his leadership, and his commitment to his company and the south Florida community. As he prepares to celebrate his 25th anniversary with Ryder, I ask you to join me and his many friends in extending congratulations and best wishes.•

ON BEHALF OF THE LATE JIM BETHEL, DEAN EMERITUS OF THE UNIVERSITY OF WASHINGTON'S COLLEGE OF FOREST RESOURCES

• Mr. GORTON. Mr. President, I rise to acknowledge the passing of an eminent teacher, scientist and academic administrator in my state. On Tuesday, May 18, Jim Bethel, Dean Emeritus of the University of Washington's College of Forest Resources, died in a Seattle hospital.

Dean Bethel was one of the Nation's most prominent and influential forestry leaders and was recognized both nationally and internationally. During his 17-year tenure as Dean from 1964 to 1981, he was a principal architect of creative educational innovations and related research programs that have endured in one way or another to this day. Furthermore, his extensive experience and leadership in international forestry affairs has contributed greatly to the College's involvement in international academic and research activities.

As an administrator, Dean Bethel set an undeniably high standard for his successors, faculty and administrators to emulate. Dean Bethel was responsible for initiating the College's pulp and paper program and the Center for Quantitative Science. Under his leadership, the College was repeatedly ranked among the top five forestry institutions in the U.S. Incidentally, while Dean, Bethel never gave up teaching two undergraduate courses, conducting personal research and advising graduate students.

Bethel received a BS degree from the University of Washington and advanced degrees at Duke University. In fact, he was one of the first individuals to be granted a Doctor of Forestry. Bethel held faculty appointments at Pennsylvania State University and Virginia Polytechnic University. During a 10-year stint at North Carolina State University, he was Professor and the Director of the Wood Products Laboratory and acting Dean of the Graduate School. He worked at the National Science Foundation for three years prior to becoming the Associate Dean of the Graduate School at the University of Washington. He also served as Professor and subsequently the Dean of the College of Forest Resources.

Several organizations recognized Bethel's scientific contribution: he was elected fellow of the Society of American Foresters, the American Association for the Advancement of Science and the International Academy of Wood Sciences. He served on various boards and was a consultant to the National Academy of Sciences. Bethel also served on the President's Council on Environmental Quality. He was one of the founders of the Forest Products Research Society.

Bethel has significantly influenced the lives of many professional foresters. Perhaps his greatest and most enduring professional legacy are his graduate students who went on to responsible and successful positions, and the impressive list of professional journal articles and books.

Dean Bethel will be missed by those concerned about the scientific stewardship of forest resources in my State and the world.•

PLIGHT OF THE KURDISH PEOPLE

Mr. DODD. Mr. President, I rise today out of concern for the plight of the

Kurdish people living in Northern Iraq and Eastern Turkey. They have been victims of some of the most egregious human rights abuses in recent years including brutal military attack, random murder, and forced exile from their homes. While American efforts in Northern Iraq have greatly improved the plight of the Kurds, there is certainly much room for improvement both there and in Turkey.

In 1988, the world was stunned by the horrific pictures of the bodies of innocent Kurds disfigured by the effects of a poison gas attack by Saddam Hussein. We may never know exactly how many people died in that particular attack due to Saddam Hussein's efforts to cover up his culpability. The number of victims, however, is most likely in the thousands.

This was certainly not Iraq's first deplorable attack on the Kurds and, sadly, it was not destined to be the last. Yet, this attack continues to represent a stark milestone in the long list of deplorable deeds Saddam Hussein has perpetrated against his own people.

In recent years, however, the United States has come to the aid of the Kurds of Northern Iraq. At the conclusion of the Gulf War, the United States and our allies established "no-fly" zones over Northern and Southern Iraq. These zones, plus the damage the Iraqi military sustained during Operation Desert Storm, have mercifully curtailed Saddam Hussein's ability to attack the Kurds in Northern Iraq. Mr. President, the men and women of the United States Air Force who risk Iraqi anti-aircraft fire over Iraq each day in order to enforce these no-fly zones deserve our support and commendation. Not only do their efforts protect nations throughout the region and around the world from Saddam Hussein's aggression, but their daily flights serve as sentries against human rights abuses.

Mr. President, the United States has taken other, more direct actions to help the Kurds of Northern Iraq. Following the Gulf War, the United States Agency for International Development worked to provide important humanitarian assistance to Iraqi Kurds. When Iraqi incursions into the region once again threatened the lives of thousands of innocent civilians, the United States worked to evacuate more than 6,500 people to the safety of Guam. Many were later granted asylum in the United States.

Our relationship with the Kurdish people of Northern Iraq is not a one-way street. More than 2,000 of the Kurds who the United States evacuated in 1996 were either employees of American relief agencies or family members of those employees. Others have provided invaluable intelligence information to the United States.

As I mentioned earlier, many Kurds also live in Eastern Turkey. A minority of Turkish Kurds have taken up arms against the democratically elected Turkish government in a bid for independence. Unfortunately, both sides in this internal conflict are guilty of human rights abuses against innocent Kurdish civilians.

The Kurdistan Workers Party, or PKK, has devolved into a terrorist organization targeting not only Turkish military and police forces but innocent Kurdish civilians as well. While reliable estimates of the number of victims are extremely hard to come by, it is clear that thousands, probably tens of thousands, have died at the hands of the PKK.

As is often the case, neither side in the dispute holds a monopoly on human rights abuses. The PKK's actions unquestionably demand a response from the Turkish government. Rather than a measured and targeted response, however, Turkey has declared a state of emergency in a large portion of Eastern Turkey, directly affecting more than 4 million of its citizens.

Under the state of emergency, Turkey has severely rationed food, leading to great hardship amongst innocent civilians. In addition, Turkey has forced hundreds of thousands of people out of their homes, leaving more than 2,600 towns and villages mere ghost towns.

These actions are all aimed at suppressing the PKK's terrorism. Yet, the government has actively targeted not only known terrorists but those believed to agree with the PKK's goal of independence—although perhaps not their methods—as well. Even those who support neither the PKK's goals nor their means suffer at the hands of the Turkish military and police forces. Thus, Turkey's Kurdish population is under attack from both sides without any place to hide.

Turkey is both a democracy and an important ally of the United States. In Kosovo and Bosnia, Turkey has stood firmly with other NATO members against human rights abuses. In recent weeks, Turkey has opened its borders to tens of thousands of innocent Kosovars desperate to escape Slobodan Milosevic's murderous rampage. Turkey, along with our other NATO allies, deserves a great deal of credit for its principled stand in the Balkans. In fact, Turkey has allowed the United States to enforce the no-fly zone over Northern Iraq from our air force base on Turkish soil.

Yet, it would be inappropriate for us to overlook Turkey's human rights abuses against its own people simply because of its commendable actions elsewhere. Mr. President, the intentional murder of innocent non-combatants is an anathema to the United States regardless of where it occurs or who the perpetrator is. Thus, the PKK's efforts to intimidate others by random murder, certainly not indicative of all Kurds, deserves our condemnation as does Turkey's abuse of its own innocent citizens in the pursuit of terrorists.

Mr. President, we must never let our nation's commitment to the protection of human rights lapse. As we sit here today, the human rights of an entire race of people in Turkey and Iraq are under assault. I urge my colleagues to join me in condemning these abuses.●

TRIBUTE TO COGGESHALL ELEMENTARY SCHOOL ON ITS 100TH ANNIVERSARY

● Mr. REED. Mr. President, I rise to congratulate Coggeshall Elementary School of Newport, Rhode Island, which this year celebrates its 100th anniversary.

Coggeshall has seen much since it opened to students in 1899. It has seen the rise of the automobile, the invention of the airplane, and the emergence of the Internet. It has weathered the great hurricanes of 1938 and 1954. It was around for 5 Boston Red Sox World Series wins and all the summers and autumns of bitter defeat since the last in 1918. Coggeshall has seen its graduates serve in two World Wars. It has seen its female students earn the right to vote.

Since Coggeshall opened its doors, the sound barrier and the four minute mile were broken, Charles Lindburg traversed the Atlantic, Neil Armstrong walked on the moon, and Rosa Parks ignited the Civil Rights movement.

Mr. President, Coggeshall Elementary has not only experienced history, it has shaped it. Coggeshall and its teachers have had an impact on generations of Newport's students. The school's influence is certain to reach far into the future.

I want to take this opportunity to commend Coggeshall Elementary for its continuing legacy to Rhode Island—its students.

Recently, Jessica Perry, a fifth grade student at Coggeshall, penned a history of the school. I ask unanimous consent that her paper be printed in the RECORD, and I urge my colleagues to join me in congratulating Coggeshall Elementary on its 100th anniversary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORY OF COGGESHALL ELEMENTARY SCHOOL

(By Jessica Perry, Grade 5)

Coggeshall Elementary School was built beginning 1898. It opened to students in 1899. This year Coggeshall will be celebrating its 100th anniversary.

When Coggeshall was first opened there was a boys and girls entrance, boys had to go in one door and the girls had to go in the other door. Boys and girls almost always rode their bicycles so they had a bike room. Where the library is now is where the boys bike room was located. Where the kitchen is now was the girls bike room. There was no office. There were only four classrooms each on the 1st and 2nd floor.

The school had been open for a short period of time in the spring of 1899. June 24, 1899 was the formal dedication. The keys were given to mayor Boyle and Superintendent of Schools Baker. At the same time there was a graduation of Miss Gilpan's class. The girls wore white dresses and the stage was decorated with flowers. Lots of important people were there. Children sang and read their essays they had written, the newspaper said the school was the best constructed building of its kind they had ever seen. They said it had "tinted walls, high ceilings and pleasant prospects." Mr. Denniston and Mr. Belle donated the flag and flag pole.

From 1936–1971 there was a half-day kindergarten class as well as grades one to six. In the fall of 1976 grade six was moved to the Sullivan School. Now the sixth grade is located at the Thompson Middle School. Coggeshall has always had a kindergarten class until 1981. There was no kindergarten that year. In 1982 the kindergarten came back. It left again in 1990 for one year. In 1996 an all day kindergarten was begun at the school.

Throughout the years changes have been made to the school. There are new chimneys, we added a fire escape, new school sign, parking lot, new windows and shrubs. There are also telephone poles, electric wires and cars that were not here in 1899!

Since 1936 there have been 12 principals, the principal that was here the longest is Mary Ryan. She stayed for 14 years! The principal that stayed the shortest is Dr. Mary Koring. She worked here for only one year. In the early years the principals Charles Carter, Irvin Henshaw, and Leo Connerton was the principal of Sheffield School and Coggeshall School. After the 1950's the principal was only in charge of Coggeshall School. Mr. Borgueta is the Superintendent of Schools now and Mr. Frizelle is the principal.●

"NATIONAL SMALL BUSINESS WEEK

● Mr. GRAMS. Mr. President, I rise today to pay tribute to America's small businesses—the backbone of our nation's vibrant economy. As my colleagues may know, this week is recognized as "National Small Business Week."

As a former small businessman, I believe small businesses have always been one of the leading providers of jobs throughout our communities. Today, there are over 24 million small businesses that serve as the principal source of new jobs, employing more than 52 percent of the private workforce.

In particular, I am very proud of the tremendous growth in women-owned businesses over the last several years. According to the National Foundation for Women Business Owners, there are more than 166,000 women-owned businesses in my home state of Minnesota, employing 349,800 people and generating $42.3 billion in sales. Between 1987 and 1996 the number of women-owned businesses increased dramatically, by over 73 percent.

Mr. President, one of the unique aspects of Minnesota's small business community is the large number of high-tech companies throughout our state. I certainly envision an important role for small, high-technology businesses in meeting the nation's science and technology in the years ahead. Small businesses account for 28 percent of jobs in high-technology sectors and represent 96 percent of all exporters, underscoring the important role the small business community will have toward developing a 21st century economy that is globally and technologically driven.

During "National Small Business Week," I am proud to share with my colleagues the special recognition recently granted by the Small Business Administration to two dedicated Minnesotans: Comfrey Mayor Linda Wallin and Ms. Supenn Harrison, a restaurateur in Minneapolis.

Mr. President, in 1997 several communities in Minnesota were threatened by terrible tornadoes and floods. Almost immediately, Mayor Wallin provided courageous leadership to protect the community of Comfrey from this dangerous natural disaster. In addition to establishing a command center to coordinate efforts to rebuild and provide relief to residents, Mayor Wallin secured assistance from the SBA to rebuild a civic center, a new library, and an elementary school. This year, the SBA has honored her with the "Phoenix Award" for those who have displayed confidence, optimism, and love of community while surmounting near disaster.

Ms. Supenn Harrison, a successful CEO of Sawatdee, a Thai restaurant in Minneapolis, represents the finest of Minnesota's small business owners. Ms. Harrison is Minnesota's 1999 honoree as one of the fifty finalists to be considered for the National Small Business Person of the Year. Ms. Harrison's investment in her company and employees through constant efforts to update equipment, implement new marketing strategies, and encourage high employee morale underscores her commitment to a strong economy.

Mr. President, I am honored to recognize the contributions of Minnesota's small business community during "National Small Business Week." I look forward to working with my colleagues to promote an economic climate where small businesses can succeed through federal regulatory relief, tax reduction, a skilled workforce, and free trade policies.●

POLICE OFFICER PERRIN LOVE

● Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the heroism of Officer Perrin Love, a private in the Charleston Police Department. Officer Love died a tragic death last Saturday morning, when he was accidentally shot by his partner while pursuing an armed suspect.

Hard-working, dedicated, and courageous, Police Officer Perrin Love was a credit to the Force and the City of Charleston. All who knew him liked and respected him, and though he was only a rookie, everyone on the Charleston Police Force believed he had a bright future as a law enforcement officer. Officer Love graduated first in his class from the Police Academy in Portland, Oregon, and had earned high marks for his performance on the Charleston Force. He earned his first stripe earlier than most new officers on the Charleston Force.

Public service and devotion to duty were the hallmarks of Perrin Love's life. Before becoming a police officer, he served with distinction in the United States Navy. As the Charleston Post and Courier wrote in its memorial to Officer Love: "Officer Perrin 'Ricky' Love was doing exactly what he wanted when he died Friday. He was wearing a uniform, serving the public, and enforcing laws he believed in."

Mr. President, men and women like Officer Love are a credit to their families, to their uniforms, and to this nation. Law officers like Perrin Love always give me hope for our future. These brave souls continue to patrol our cities, enforce our laws, and protect our lives and property at great risk, asking nothing in return except the privilege to wear their uniforms and the knowledge that they have the hard-won respect of their neighbors and their peers.

According to his fellow officers, Officer Love embodied all the qualities one wants in an officer of the law: he was brave and dedicated to serving his fellow citizens and the law, but he also loved his community and worked hard to establish good relations with everyone on his beat. His tragic death is a blow to his family, to his fellow officers, and to the City of Charleston.

I join all the people of Charleston in mourning his passing and expressing my most sincere condolences to his sister, Jennifer Love, and his parents, Joshua and Nancy Love. I hope the knowledge that the entire community laments the loss of such an honorable and admirable man as Officer Love will be of some small comfort to them in their time of grief.●

TRIBUTE TO TEN YEARS OF SERVING THE SOUTH'S FINEST BARBEQUE

● Mr. COVERDELL. Mr. President, I rise today to commend Mr. Oscar Poole, affectionately known as "Colonel" in the north Georgia town of Ellijay, who on June 4th will be celebrating his tenth year of business as one of our great state's foremost authorities on barbecue. Throughout his ten years of service in this little town resting in the scenic foothills of the Appalachian Mountains, Colonel Poole has served customers both far and wide, from nearly every state in the Union, and more than several countries.

The grassy embankment behind this now landmark establishment, pays tribute to the many thousands of customers that have passed through the town of Ellijay to eat the Colonel's barbecue. The embankment, referred to as the "Pig Hill of Fame," is covered by nearly 4,000 personalized, painted, and pig shaped signs. Individuals, families, tour groups, friends, Sunday school classes, and celebrities have each had pigs erected to memorialize their visit to one of the South's greatest places for barbecue. In fact, I am fortunate enough to have a sign in my name on this famed hill. As many in the South know, politics and barbecue go hand in hand. Therefore, it comes as no surprise to learn that governors, congressmen, Senators, statesmen, and even Presidential candidates have made the voyage to Colonel Poole's.

Colonel Poole's reputation supersedes our state's boundaries. On three separate occasions he was the highlight of Capitol Hill. On his first trip to Washington, the Colonel arrived at the steps of the Capitol in his large yellow PigMobile and in his colorful and patriotic suit to deliver his hickory smoked pork to the entire Georgia delegation and their staffs. Much to the dismay of some in the delegation, word about real Georgia barbecue got around Washington so fast that the Colonel's rations, enough for 450 people, quickly ran out. On another occasion, I had the opportunity to serve what may be one of Georgia's finest kept secrets to several of my friends and colleagues here in the Senate who meet for a weekly lunch.

While most know the Colonel as a barbecue maestro, he is a wearer of many hats. His customers know he is also a pianist. Others know of him as a preacher. This man with a big heart is all of these things and more.

Inside his tin covered, pine wood restaurant the Colonel plays classical music, show tunes, and almost every customer request. Having learned to play the piano at an early age, Mr. Poole has long since appreciated his gift as a musician. His ability to play was good enough to put himself through the Methodist seminary where he was ordained a minister.

His work in the Church, as a preacher and a missionary, took him to many rural communities here in the South and to developing countries like Brazil. It was this sort of compassion that enabled a north Georgia gentleman named Wendell Cross to approach the Colonel for instruction on how to read. Mr. Cross, a sixty year old man, had spent his entire life not knowing how to read. That was until Mr. Poole took him under his wing and worked with him on a daily basis for nearly twelve months. Eventually Mr. Cross learned to read. The story of compassion and friendship received nationwide media coverage and was shown on the popular "Today Show."

More importantly, two days before the tenth anniversary of his business, Colonel Poole will be celebrating his 49th, I repeat, 49th year of marriage to his lovely wife, Edna Poole. This is a milestone that anyone would be extremely proud, and I am happy to report that the Poole's will have four sons—Michael, Greg, Keith, and Darvin—to help them celebrate this milestone.

Once again, Mr. President, I would like to commend Colonel Oscar Poole on his tenth year of business and his 49th year of marriage. During this time when there are discussions of the direction of today's culture, Colonel Poole is an example of how leading one's life by a core set of good, American values—faith, family, and country—will result in a life of many successes.•

WELCOME TO EDRINA AND LISELA DUSHAJ

• Mr. MOYNIHAN. Mr. President, it is with great pleasure that I rise today to tell the story of the Dushaj family. Several years ago Pranvera and Zenun Dushaj left their native Albania and were granted political asylum in the United States. They settled in the Bronx, New York where they found a place to live and both found jobs. Unfortunately, at the time they left Albania they could not bring their two young daughters, Edrina and Lisela, with them. They had to stay behind with their grandmother.

As soon as they were eligible, the Dushaj family applied for permission to bring their children to the United States. The family came to my office last year seeking assistance in getting the I–730 petitions approved. Last fall, the Immigration and Naturalization Service granted the petitions for both daughters.

All was set. The Dushaj children could now join their parents in this country. All they needed were immigrant visas, but therein lay the problem. Because of recent fighting and the threat of terrorist activity, consular services at our Embassy in Albania were all but shut down, providing only emergency services to American citizens. The embassy was no longer able to process the needed visas.

I note that this was occurring this March just as the conflict with Serbia was coming to a head. The Dushaj children were stuck in Albania and their parents were quite concerned. To make matters worse, they lived in Bijram-Curri, a city in the Tropoja region which is less than half an hour from the Kosovo border.

Albanians were being instructed to contact the American Embassy in Italy or Greece to obtain visas. This presented a problem for the Dushaj family. With the start of the NATO bombing campaign, it became nearly impossible to get from Albania to Italy, either by sea or air, and anti-American demonstrations outside our embassy in Athens made the Dushaj family reluctant to send their four and six year old daughters to Greece.

Fortunately, Zenun Dushaj has a cousin in Turkey and my office was able to work with the Dushaj family to have our embassy in Ankara accept jurisdiction in this matter. In April, Edrina and Lisela left Albania. Soon thereafter, they arrived at our embassy in Ankara where they applied for immigrant visas. They filled out the proper forms, underwent the necessary medical exams, provided the necessary documentation, and shortly thereafter their visa applications were processed.

I am very happy to report that on May 21, the Dushaj children landed in New York and were reunited with their parents. Pranvera and Zenun could not be more thrilled as their family starts a new life together in America. I am also proud that like so many immigrants before them, they will start that life in New York.

Many thanks are owed to Marisa Lino, our Ambassador in Albania, who I know is working under very trying conditions, and especially to Jacqueline Ratner, our Consul in Turkey. Ms. Ratner not only recognized that this was a situation where she could make something good happened, she followed up and sheparded the Dushaj children through the application process. I have no doubt that it was her fine work that made this happy outcome possible.

I also note the courage, ingenuity, and tenacity of the Dushaj parents and all their relatives in Albania and Turkey. They fought to bring these children to this country and no matter how desperate things looked, they never gave up hope. Most of all Mr. President, I would just like to say to Edrina and Lisela, welcome to America.•

1998 NATIONAL GUN POLICY SURVEY OF THE NATIONAL OPINION RESEARCH CENTER

• Mr. LAUTENBERG. Mr. President, the National Opinion Research Center at the University of Chicago recently released an informative survey which documents the attitudes of Americans on the regulation of firearms. I think that my colleagues will find the results of this survey to be valuable, and I ask that an executive summary of the survey be printed in the RECORD.

The summary follows:

1998 NATIONAL GUN POLICY SURVEY OF THE NATIONAL OPINION RESEARCH CENTER RELEASED MAY 6, 1999

EXECUTIVE SUMMARY

Results from a national survey indicate strong public support—including substantial majorities among gun owners—for legislation to regulate firearms, make guns safer, and reduce the accessibility of firearms to criminals and children.

Key findings of the 1998 National Gun Policy Survey include:

- Three-fourths of gun owners support mandatory registration of handguns, as does 85 percent of the general public.
- Government regulation of gun design to improve safety gets support from 63 percent of gun owners and 75 percent of the general public.
- Two thirds of gun owners and 80 percent of the general public favor mandatory background checks in private handgun sales, such as gun shows.

The survey was conducted by the National Opinion Research Center at the University of Chicago in collaboration with the Johns Hopkins Center for Gun Policy and Research with funding from the Joyce Foundation. The third in a series of surveys of American attitudes toward gun polices, it shows a continuation of an upward trend in public support for more control over firearms and more attention to making all firearms safer.

Other key findings include:

- Three quarters of those surveyed want Congress to hold hearings to investigate the practices of the gun industry, similar to the hearings held on the tobacco industry.,
- Sixty percent of Americans want licenses to carry concealed weapons to be issued only to those with special needs, e.g., private detectives. And 83 percent of the public believes that public places, including stores, theaters and restaurants, should be able to prohibit patrons from brining guns on the premises.
- Americans strongly support measures to keep guns from lawbreakers. 90 percent favor preventing those convicted of domestic violence from buying guns, 81 percent would stop gun sales to those convicted of simple assault, and 68 percent to those convicted of drunk driving.
- People are willing to pay higher taxes for measures to reduce gun thefts and root out illegal gun dealers, and they express a willingness to pay higher prices for guns that are designed for greater safety.
- Sixty-nine percent of those surveyed opposed importing guns from a country where those guns could not be legally sold. A total of 55 percent are against all gun imports.

Nearly nine out of ten Americans believe that all new handguns sold should be childproof, that is, designed so that a child's small hands cannot fire them.

Eighty percent of the people asked say owners should be liable for injuries if a gun is not stored to prevent misuse by children.

When asked if there should be a mandatory background check and a five-day waiting period in order to purchase a gun, 82 percent of the people owning a gun, as well as 85 percent of the general public, agreed that position was a good idea.

Nearly one out of ten adults report having carried a handgun away from home during the last months. About half of those did not have a permit for doing so, and about half of the handguns were loaded.

Just under half of adults who own a handgun obtained the gun through a "less regulated source," defined as pawnshops, private sales, gifts and inheritances.

The data were collected in the fall of 1998, before the recent school shootings in Colorado and Georgia, but following similar highly publicized shootings in Arkansas, Kentucky and Oregon. The telephone survey of 1,200 U.S. adults has a margin of error of three percent. The final report is entitled "The 1998 National Gun Policy Survey of the National Opinion Research Center: Research Findings."

Affiliated with the University of Chicago, NORC has conducted national surveys in the public interest for over 55 years. As a pioneer in the field of survey research, NORC is noted for the high quality of its survey designs, methods, and data.

The Johns Hopkins Center for Gun Policy and Research, established in 1995, is dedicated to preventing gun-related deaths and injuries. Located in The Johns Hopkins School of Public Health, the Center applies a science-based, public health approach to gun violence. It provides accurate information on firearm injuries and gun policy; develops, analyzes, and evaluates strategies to prevent firearm injuries; and conducts public health and legal research to identify gun policy needs.

Based in Chicago with assets of $947 million, the Joyce Foundation supports efforts to strengthen public policies in ways that improve the quality of life in the Great Lakes region. Since 1993, it has granted over $13 million to support public health approaches to reduce gun violence.

Full results of the survey are posted on the NORC web site at: *http://www.norc.uchicago.edu/*.●

A LIFETIME OF TEACHING

● Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. Joseph A. Klingler as he retires after 36 years of service to the students and families of my hometown, Franklin Lakes, New Jersey. He served as a teacher, a principal, a mentor, and a leader in the educational field.

Throughout his thirty-one years, Dr. Klingler has shown unparalleled support and caring for his pupils. He provided each school he taught at with a unique personality that demonstrates caring, respect, interest in others, and academic challenge. He always encouraged his students to take an active role in school, whether academically, athletically, or through community activities. Because of his encouragement, staff members applied for mini-grants which contributed to the success of several middle school activities such as the Show Choir, FAYM, and the Drama Club. Dr. Klingler understands the importance of parents becoming involved in their children's school and has formed a close alliance with the PTA.

Dr. Klingler shaped our definition of a middle school, with mission statements, team concepts, and quality programs. He was active in local and national education associations. He chaired the FLOW area Regional Education Council several times, and participated in the national program for evaluating elementary schools. He is a member of Phi Delta Kappa, the National Professional Educational Fraternity, the American Association of School Administrators, the National Association of Elementary School Principals, the New Jersey Principals and Supervisors Association, and the National Mathematics Teachers Association.

Dr. Klingler has served as a role model for community activities, coaching baseball in the local recreation program, volunteering at the Bergen Community Regional Blood Center, participating in the Environmental Commission Clean-Up Day, and chairing the Franklin Lakes Juvenile Committee. He encouraged his students to take an active role in their community.

As one of his former students I was directly influenced by his teaching and leadership. I would like to take this opportunity to thank Dr. Klingler for his years of service to all his students in Franklin Lakes. He will be dearly missed, but I am certain that the values he instilled in his students will live on.●

TRIBUTE TO ST. PHILOMENA SCHOOL: 1999 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

● Mr. REED. Mr. President, I rise today to recognize the achievement of St. Philomena School of Portsmouth, Rhode Island, which was recently honored as a U.S. Department of Education Blue Ribbon School.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, 266 of the very best public and private schools in the nation were identified as deserving this special recognition. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. That is what St. Philomena School is doing. St. Philomena is a kindergarten through eighth grade school that emphasizes student achievement.

Since opening in 1953, much has changed for St. Philomena. For a brief time, it offered a comprehensive education from elementary through high school. But since the late 1960s, St. Philomena has focused exclusively on elementary education, and its students have benefitted from this wise decision. While the school has grown in size—adding four new buildings to its facilities, its administration and faculty have taken a personalized approach to each student's education.

Mr. President, St. Philomena is dedicated to the highest standards. It is a school committed to a process of continuous improvement not only for students but for teachers as well. Indeed, St. Philomena's teachers hone their skills as educators by continuously pursuing educational opportunities of their own.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students and the techniques that can be replicated in other schools to help all students succeed. I am proud to say that in Rhode Island we can look to a school like St. Philomena. Under the leadership of its principal, Sister Ann Marie Walsh, its capable faculty, and its involved parents, St. Philomena School will continue to be a shining example for years to come.•

TRIBUTE TO MAJ. GEN. DAVID W. GAY

• Mr. DODD. Mr. President, I rise today to pay tribute to Major General David W. Gay, the Adjutant General of the Connecticut National Guard. General Gay will retire on June 1st, so this is an appropriate time to recognize his nearly 40 years of service to the National Guard and to recount his achievements during his seven years as head of Connecticut's Guard forces.

Members of General Gay's Air National Guard component—the 103rd Air Control Squadron—will soon travel from Orange, Connecticut to Italy in support of NATO operations in Kosovo. Like the nearly 5,000 National Guard members throughout the nation who have answered the call and are now overseas supporting the NATO mission, those men and women from Orange were engaged in their normal day-to-day lives one week and found themselves working in a massive, full-time military operation the next week. Such a scenario is not uncommon in the National Guard. Whether it is a military operation, a natural disaster, or civil unrest, our citizen soldiers in the Guard stand ready to put aside their private lives and report to their duty station, be it at home or abroad.

General Gay has dedicated his career to serving this country with a willingness to be called upon at any time to defend this nation and our way of life. He began his military service as a Marine in 1953. In 1960, he enlisted as a full-time member of the Connecticut National Guard, and, in 1962, he received his commission as a Second Lieutenant. His steady rise through the ranks led to command assignments in the Connecticut National Guard's artillery and infantry branches. In 1992, General Gay was appointed Adjutant General of the Connecticut National Guard, a position he has now held for seven years. During his career, the General earned two of the most prestigious awards this nation gives to its military officers—the Legion of Merit and the National Guard Bureau's Eagle Award.

Beyond his duties as Adjutant General, ranking member of the Governor's Military Staff and commissioner of the State Military Department, General Gay has committed himself and his troops to taking positive action to improve the communities of Connecticut. Most noteworthy are the host of youth programs that began under General Gay's tenure. Many of them are a part of the Drug Demand Reduction Program which brings National Guard personnel into the community to serve as role models for children, to encourage youth to excel in school, and to convince kids to avoid drugs. The various and ingenious offshoots of the program, including Take Charge, Character Counts Coalition, Safeguard Retreat, Aviation Role Models for Youth, and Say "Nay" To Drugs have swept the state. Last year alone, under General Gay's able leadership, those programs touched nearly 20,000 children in 88 towns across Connecticut.

Furthermore, General Gay serves as president of the Nutmeg State Games which feature Connecticut's finest young amateur athletes. Beyond his own time, he has committed the resources of the Guard to support the Games thereby enhancing the experience for athletes and spectators alike. Just as important, the General has promoted an excellent working relationship between the Guard and Connecticut's employers through the ESGR, or Employer Support of the Guard and Reserve. When personnel may be called upon in times of crisis to leave their jobs for months on end, strong bonds with affected employers are critical. The General has made it a priority to strengthen those bonds. Additionally, to assist federal and state agencies in training personnel, he initiated the Community Learning and Information Network which allows employees of such agencies to take advantage of the Guard's computer distance learning tools. Over the years, the Network classes have enabled numerous employees to acquire the desired training at minimal cost to government agencies.

General Gay's commitment to the community has been recognized by several awards and accolades, a Leadership Award from Eastern Connecticut State University and a Character Counts Centers of Influence Award top the list. I have deeply enjoyed working with the General over the past several years and look forward to continuing our relationship as he becomes the Chair of Connecticut's Y2K task force. I also give my best wishes to his wife, Nancy, and their three children, David, Jennifer, and Stephen.•

TRIBUTE TO JAMES K. KALLSTROM

• Mr. BIDEN. Mr. President, I want to say a few words today about a man who is one of America's finest civil servants and a man who I am proud to call a friend, Jim Kallstrom.

Jim Kallstrom had an illustrious career with the Federal Bureau of Investigation ("FBI"), one in which he played a major role in building up the Bureau's counter-terrorism capabilities. Jim Kallstrom led the successful FBI investigations into the World Trade Center bombing and the intended bombing of the Lincoln Tunnel. Those investigations broke the back of one of the most violent terrorist groups ever to operate in this country. Their speedy conclusion also did much to reassure the American public in the wake of the World Trade Center bombing, and they sent a message to terrorists around the world that no person or group can expect to get away with terrorist actions in the United States.

Assistant FBI Director for the New York Metropolitan Area, Jim Kallstrom led the Bureau's largest field office. He supervised agents handling many of the FBI's most sensitive criminal, counterintelligence and counterterrorist cases. He was, and is, a vigorous investigator—truly a cop's cop—and an effective administrator.

One of Jim Kallstrom's best known accomplishments—and his most controversial role—was his direction of the investigation of the TWA Flight 800 explosion of July 17, 1996. My colleagues will remember that 230 people died in that crash and that there was immediate and great suspicion that this was the result of a terrorist or criminal act. There was also a recurrent allegation that the U.S. armed forces had accidentally shot down the aircraft and were trying to cover up their role. That allegation was utterly false, but it acquired a life of its own despite the facts. It was, in fact, one of the first cases of a rumor spread and perpetuated by the Internet.

In the initial days of this case—as the desperate search for any survivors turned into a continuing and heroic mission to retrieve and identify the hundreds of bodies, and as a raft of local and federal agencies converged to handle a multitude of tasks—Jim Kallstrom stepped in and imposed order on the incipient chaos. Over the coming weeks and months, it was the determination and competence of Jim Kallstrom that reassured the American people and gave us all confidence that no stone would be left unturned in the search for any criminal evidence.

In recent weeks, one of my colleagues has raised the possibility that Jim Kallstrom, in the course of pursuing his counterterrorist investigation to the fullest, may have delayed or tried to delay the transmission to the National Transportation Safety Board of a report by the Bureau of Alcohol, Tobacco and Firearms ("BATF") that concluded that the TWA Flight 800 explosion appeared to be caused by a mechanical flaw in the center fuel tank.

Mr. Kallstrom denies that allegation. He insists that he forwarded the BATF report to the National Transportation Safety Board within a few days of receiving it. He admits that he was angry that BATF would issue its conclusions while the counterterrorist and criminal investigation was still ongoing.

I do not know whether Mr. Kallstrom delayed transmission of the BATF report, although I note that two FBI officials testified that he did not. What I do know is that Mr. Kallstrom was performing most admirably in a situation fraught with challenges.

Let me emphasize those challenges. Millions of Americans drew the initial conclusion that this explosion was caused either by a bomb or by a missile. There was an urgent need not only to conduct a thorough investigation into that possibility, but also to demonstrate to the American people that the United States Government was doing everything humanly possible to bring any perpetrators to justice, while still doing anything humanely possible to meet the needs of hundreds of bereaved families and showing proper respect for the dead.

This was no easy task, and no small one, either. Jim Kallstrom assumed those duties and brought the TWA Flight 800 investigation to a successful conclusion. I say "successful" very purposely, for the investigation did not fail to uncover any terrorist or criminal act. Rather, it eliminated those possibilities and gave the American people confidence that the explosion was instead a tragic accident.

Some have expressed concern that the FBI might have unwittingly delayed necessary action to correct safety flaws in U.S. commercial aircraft. I understand this concern and I would agree that recommendations of the National Transportation Safety Board have not been given sufficient attention by the Federal Aviation Administration. But safety board officials apparently reached the same conclusion as BATF weeks earlier, and they reportedly do not believe that any delay in receiving the BATF report hindered their ability to persuade the FAA to take corrective action.

Some people feel that the FBI was too determined to find evidence of a terrorist or criminal act. I don't doubt for a moment that some investigators found Jim Kallstrom rather intimidating in his determination to find any such evidence. The bad news is that Jim Kallstrom is sometimes intimidating. The good news is also that Jim Kallstrom is sometimes intimidating. He gets the job done. He also projects confidence and determination. That is what was needed of the head of the FBI's New York office, and that is what was needed by the head of the TWA Flight 800 investigation.

I am sorry if some investigators felt that Jim Kallstrom stepped on their toes. But I am happy as can be that he was the man to whom our nation turned when a conspicuously thorough investigation was needed—so as to catch and convict the murderers if there were any, and otherwise to give us complete confidence that the Flight 800 explosion was truly an accident. Jim Kallstrom accomplished that feat, and we are all in his debt for his tremendous service to his country.●

SECTION 201 TRADE ACTION FILED BY THE DOMESTIC LAMB INDUSTRY

● Mr. CRAIG. Mr. President, during the last 2 weeks, we have been hearing from our colleagues concerned about the lamb industry in the United States and the Section 201 trade action filed by them. I would like to join them in commenting on the situation and dispel some myths and confusion surrounding the Section 201 trade action filed by a coalition representing the domestic lamb industry.

The case now lies before the President, and I urge him to impose strong, effective restrictions that will curb the devastating surge of imports that has swamped the domestic lamb market and now threatens to drown an entire industry.

Some worry the nations of Australia and New Zealand may retaliate against the United States if we take action to protect our domestic industries. They won't because they can't—not for at least three years. That is because of the laws that govern the Section 201 case—laws that, let me be clear about this, are and have been a part of every single trade treaty this nation has signed since the Trade Act of 1974. That means all signatories to GATT also signed onto the Section 201 provisions.

Importers say they have not done anything unfair. The U.S. lamb industry never said they had. Frankly, the Section 201 rules don't pertain to unfair trading. It is never alleged, never argued, never considered. The only things that matter in a Section 201 case are whether imports have risen drastically over the recent time period.

There is also the question of harm. A section 201 case is a lot tougher to prove than dumping, or subsidies, or yes, unfair trading. The domestic industry is required to prove that imports are a "substantial cause" of significant injury or threat of significant injury.

You will hear arguments from importers about how their actions aren't to blame. About how their price undercutting, their deliberate decision to swamp the market with cheap, imported product, in the face of ample notice of the harm being done, isn't to blame for the financial ruin now snaking its way through the domestic lamb industry.

The International Trade Commission heard those arguments. They heard all about the Wool Act, about the coyotes, about grazing fees and organization. They heard it all, and those six Commissioners rejected those arguments. They rejected them when the Commission unanimously ruled that imports threaten the domestic lamb industry with irreparable harm. After that ruling, those arguments by importers are not a factor in this case.

You will also hear talk of cooperation. Of how the New Zealand and Australian industries want to work with the domestic industry. Let me ask you, why are we hearing about cooperation now? Where was the importers' cooperation when fourth-generation ranches faced bankruptcy? When processors were losing accounts left and right to cheap imports? When the leaders of the domestic industry publicly announced their intention to file the Section 201 trade case?

Nowhere, is the answer. As the domestic industry reeled under the unrelenting wave of cheap, imported lamb, the importers have been busy breaking records. Month after month in 1998, the imports flooded the domestic market, shattering records. When it ended, a record-making 70.2 million pounds of imported lamb had saturated the American market. But the importers are not finished yet. Even as the ITC conducted hearings, the level of imports were rising—in the first three months of 1999 alone, imports are up nine percent over 1998 levels, and an astonishing 34 percent above 1997 levels. If this pace keeps up, the record-making import levels of 1998 will be shattered, as will domestic sheep industry.

I urge the President to curb this devastating surge of cheap imports. The domestic industry won a fairly fought legal case governed by laws embedded in this nation's trade treaties. To do anything less than ordering strong, effective trade restrictions would signal to industries in the United States and abroad that our laws will not be enforced.

As I said before, the case now lies before the President. I urge him to act on the unanimous recommendation by the International Trade Commission for four full years of trade restrictions. This follows ITC's unanimous conclusion that the domestic lamb industry is seriously threatened by the deluge of imports that has swamped the U.S. marketplace and now absorbs one-third of all American lamb consumption.

The six Commissioners were unanimous in their recommendation for trade restriction, but offered three options on how it should be applied. The ITC's options range from a straight quota to a straight tariff to a tariff-rate quota.

The importers have already identified the one ITC recommendation which would do nothing to stop their already disastrous effect on the marketplace. A report of an interview with Australian Trade Minister Tim Fischer identified the ITC's tariff-rate quota as likely to have "minimal effect on present Australian exports."

Minimal effect. Esteemed colleagues, we did not create the 201 provision in our trade laws to have "minimal effect." We did not create a provision that is tougher to prove that dumping, than unfair trading. We created the 201 provision as a just way for a domestic industry that has been injured or threatened by imports to turn to its government for help.

The ITC offered three recommendations. The U.S. lamb industry has studied those recommendations and found the "common ground" among them.

The industry needs strong, effective relief. Here is what they are asking for:

A two-tier, four year tariff rate quota program with tariffs both below and above a set level of imports. In year one, tariffs would be 22 percent on lamb meat imports up to 52 million pounds, with a 42 percent tariff on imported lamb beyond the 52 million pound mark.

Year two calls for a 20 percent tariff up to 56 million pounds, and a 37.5 percent tariff above the 56 million.

Year three involves a 15 percent tariff up to 61 million pounds and a 30 percent tariff above the 61 million pounds.

Year four, the final year, calls for a 10 percent below-quota tariff up to 70 million pounds and an above quota tariff 20 percent above the 70 million pounds.

I join my colleagues in urging the President to order this request into action. It provides desperately needed, strong, effective relief to both curb this unprecedented, record-breaking, surge of imports and the devastating price undercutting that accompanies it.

This case is important for this nation's agriculture community. It's being watched throughout our rural towns, farms and ranches. If the President does not implement an effective remedy for the lamb industry, which has followed our laws and proved its case, an unmistakable signal would be sent to agriculture and rural interests throughout the United States.•

YOUNG MARINES

• Mr. DOMENICI. Mr. President, in the aftermath of the tragedy at Columbine High School, and in the midst of our debate on Juvenile Justice issues, I am proud to offer tribute to the youth group known as the Young Marines. The Young Marines is the official youth program of the Marine Corps League and the focal point for the Marine Corps Youth drug demand reduction effort. Its mission is to promote the mental, moral, and physical development of young Americans. All of its activities emphasize the importance of honesty, courage, respect, loyalty, dependability, and a sense of devotion to God, community, and family.

After World War II, members of the Marine Corps League discussed the possibility of establishing a Marine Corps League Youth program as a civic project for detachments and to create interest in the League. For historical purposes, the birth of the Young Marines was in Waterbury, Connecticut in 1958. The official charter was issued on 17 October 1965 and thereafter the program spread thought the country.

In this age where the youth of America has been labeled as troubled or misguided, their detractor's fail to notice that there are groups and organizations which do take the time to participate in the lives of our youth, to guide them in a world that is full of distractions, and of glorified violence. It makes me very proud to be able to identify an organization whose goals are to promote the mental, moral, and physical development of its members, to instill in its members the ideals of honesty, fairness, courage, to stimulate an interest in, and respect for, academic achievement and the history and traditions of the United States of America. The Young Marines work to promote physical fitness through the conduct of physical activities, including participation in athletic events and close order drill. Any maybe what is most important, the Young Marines stress a drug-free lifestyle through a continual drug prevention education program.

Much has been said about the troubles of today's youth, and recent events have illustrated what can happen when teens consider themselves outsiders or without purpose or guidance. I think it's time that we give the recognition and respect to the groups and the youth who do participate in these groups, that which they deserve. I believe that the guidance that groups such as the Young Marines provide is more effective than any legislation can possibly be. And maybe we can start producing real role models that teens can relate to, instead of offering them the glorification of violence and drug use which is so prevalent in the movies and on television. I welcome the opportunity to extend my support to the young people of New Mexico who are participants in this vital program. I firmly believe the experience as Young Marines will greatly contribute to their future success.•

TRIBUTE TO AUSTIN T. SMYTHE

• Mr. ABRAHAM. Mr. President, I rise to join the Chairman of the Budget Committee, Senator PETE DOMENICI, in recognizing Mr. Austin Smythe's service to the United States Senate. At the end of this week, Austin will join the private sector after 15 years as a key staff member of the Senate Budget Committee.

As a member of the Senate Budget Committee over the past 5 years, my staff and I have had the pleasure of working with Austin on a variety of budget-related issues. He has been extremely helpful to this Senator, offering his invaluable advice and expertise in the drafting of several bills and amendments that I have sponsored or cosponsored, most recently the Mandates Information Act and the Social Security Preservation and Debt Reduction Act. As Senator DOMENICI said in his statement, Austin is "a Senator's dream staffer"—extremely knowledgeable, hard-working, dedicated, and able to distill complex topics in terms even Senators can understand.

We will miss Austin Smythe's contribution to the U.S. Senate and to the Nation and wish him success in his new endeavors.•

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

Ms. SNOWE. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 17, H.R. 435.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 481

(Purpose: To provide a substitute amendment)

Ms. SNOWE. Mr. President, Senator ROTH has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for Mr. ROTH, proposes an amendment numbered 481.

Ms. SNOWE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. SNOWE. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 481) was agreed to.

Ms. SNOWE. I ask unanimous consent the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 435), as amended, was considered read a third time and passed.

Mr. ROTH. Mr. President, the Senate today passed the Miscellaneous Trade and Technical Corrections Act of 1999. This bill, which my friend Senator MOYNIHAN cosponsored, is similar to legislation that the Committee on Finance had reported out last year.

This legislation consists of over 150 provisions temporarily suspending or reducing the applicable tariffs on a wide variety of products, including chemicals used to make anti-HIV, anti-AIDS and anticancer drugs, pigments, paints, herbicides and insecticides, certain machinery used in the production of textiles, and rocket engines.

In each instance, there was either no domestic production of the product in question or the domestic producers supported the measure. By suspending or reducing the duties, we can enable American firms that use these products to produce goods in a more cost efficient manner, thereby helping create jobs for American workers and reducing costs for consumers.

The bill also contains a number of technical corrections and other minor modifications to the trade laws that enjoy broad support. One such measure would help facilitate Customs Service clearance of athletes that participate in world athletic events, such as the upcoming Women's World Cup. Another measure corrects certain outdated references in the trade laws.

For each of the provisions included in this bill, the House and Senate solicited comments from the public and from the administration to ensure that there was no controversy or opposition. Only those measures that were non-controversial were included in the bill.

I thank my colleagues, particularly Senator MOYNIHAN, for helping move this legislation. I am delighted that we were able to pass these commonsense measures that will provide real benefits for the American people.

Mr. MOYNIHAN, Mr. President, my great thanks to the Chairman of the Finance Committee for his efforts in bringing this legislation, the Miscellaneous Trade and Technical Corrections Act of 1999, to a successful conclusion. The technical work on this bill began 15 months ago, culminating in the Finance Committee's approval of the package last September. For reasons unrelated to the substance of the bill, the Senate was unable to complete work on the measure last year.

The Chairman made this the first order of business for the Finance Committee in the 106th Congress, and, accordingly, the Committee ordered this package of temporary duty suspensions and Customs provisions reported on January 21, 1999. Of particular importance to New Yorkers, the bill will authorize the United States Customs Service to station inspectors in a number of Canadian airports, to "preclear" passengers in advance of their arrival in New York, thus helping to reduce congestion at JFK International Airport. Passengers cleared in Canada can be routed through LaGuardia, where no further Customs formalities will be required. Passengers on flights routed through JFK will face shorter Customs processing times since many of the flights that would otherwise be routed through JFK will instead be directed to LaGuardia. Arriving in New York should become just a little easier.

The bill also suspends the duties on the personal effects of athletes participating in the Women's World Cup soccer games, their coaches and their families. The games will begin June 19, 1999. In addition, H.R. 435 reduces the tariffs that New York companies must pay on certain imported components not produced in the United States, such as high-purity glass and a number of synthetic organic chemicals used to manufacture rubber products, produce aircraft coatings, and inhibit corrosion on rail cars.

The Senate has now given its unanimous consent and the measure will return to the House for final approval. It is my hope that the House will take up the matter as soon as it returns from the Memorial Day recess.

TENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 103 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 103) concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 537

Mr. HUTCHINSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. HUTCHINSON) proposes and amendment numbered 537:

AMENDMENT NO. 537

(Purpose: To improve the resolution)

On page 3, strike line 15 and all that follows through page 4, line 5.

On page 4, line 6, strike "(C)" and insert "(A)".

On page 4, line 14, strike "(D)" and insert "(B)".

On page 4, line 19, strike "(E)" and insert "(C)".

Mr. HUTCHINSON. Mr. President, I rise today in support of S. Res. 103, a resolution concerning the 10th anniversary of the Tiananmen Square Massacre on June 4, 1999. This bipartisan resolution expresses sympathy for the families of those killed in the Tiananmen protests, and calls on the government of China to live up to international standards by releasing prisoners of conscience, ending harassment of Chinese citizens, and ratifying the International Covenant on Civil and Political Rights.

Mr. President, we must never forget. For the past ten years, the Tiananmen Square massacre has been a dark cloud hanging over China. Hundreds of democracy activists still languish in prison for their involvement in the demonstrations of 1989. We must not forget because to this very day, the U.S. is dealing with a regime that will not release these prisoners of conscience.

The Beijing protests began in April 1989 as a call for the government to explain itself—to explain its 1987 dismissal of Hu Yaobang, an official who had been sympathetic to students demanding political reform in 1986. The demonstrators, students and workers, asked that the government take action against corruption. Their demands eventually came to include freedom of the press, more money for education, and democratic reforms. Students of Beijing University and 40 other universities, as well as Beijing residents, protested in and around Tiananmen Square. They held hunger strikes and defied martial law. They were met with brutal repression.

Mr. President, we must never forget that heroic young man who stood in the path of a column of PLA tanks.

We must never forget the brave men like Wang Dan who spent years in prison for daring to exercise his inalienable right to self-expression.

We must never forget those students who were so inspired by our own experiment in self-government that they erected a 37 foot model of our statue of liberty.

We must never forget those who still languish in prison in China today for their democratic aspirations, for their religious convictions, for their desire to be free.

We must never forget men like Wang Wenjiang and Wang Zechen, members of the Chinese Democracy Party, detained for circulating a petition calling for a reassessment of the Tiananmen verdict. We must not forget prodemocracy activist, Yang Tao, who was arrested for planning a commemoration to mark the 10th anniversary of Tiananmen Square. We must not forget Jiang Qisheng, taken from his home in Beijing on May 18th for urging Chinese to light candles in commemoration of those killed in Tiananmen Square.

According to the Wall Street Journal, over 50 dissidents have been detained in the days leading up to the 10th anniversary of the Tiananmen Square massacre, and at least fourteen are still being held.

The Chinese government knows what is has done and it is afraid—afraid of its own people. Otherwise, these series of arrests would not occur.

This resolution asks the Chinese government to face reality, to listen to its people, to release prisoners of conscience.

On June 3, 1989, police officers attacked students with tear gas, rubber bullets, and electric truncheons. People's Liberation Army (PLA) officers armed with AK-47s opened fire on the innocent people who would dare stand in their way. They sent convoys of tanks to Tiananmen Square to absolutely crush the demonstrators. Their armored vehicles rammed the Goddess of Democracy, a 37 foot plaster likeness of the Statue of Liberty, knocking it down, flattening it beneath their steel treads. They killed a symbol of democracy and massacred their own people. On June 4, the PLA and security forces killed 1,500 and wounded 10,000. By June 7, the Chinese Red Cross reported 2,600 people aspiring to democracy dead. In the end, the Chinese government killed and wounded thousands of demonstrators. They imprisoned thousands more for their participation.

The simple fact is that the Chinese government is a totalitarian regime. President Clinton would do well to recognize this simple fact and recognize the failures of his engagement policy, rather than simply decrying any criticism as isolationism. If the hundreds of prisoners of conscience still languishing in prison today is not telling enough of the character of this regime, then perhaps the Chinese reaction to the embassy bombing is.

NATO's bombing of the Chinese embassy in Belgrade was a tragic accident. And the Chinese people had a reason to be upset. But there was no accident in the Chinese government's control of the media and manipulation of Chinese citizens to stir up anti-American sentiment. The Chinese government blocked reports of President Clinton's repeated apologies for the bombing. They bused students out from universities to orchestrated protests, pelting rocks at the U.S. embassy in Beijing, holding Ambassador Sasser and his staff hostage in the embassy, burning the American consulate in Chengdu.

It was no accident that after several days, the Chinese government made sure that the protests came to an end when they were no longer useful for the government's purposes.

Ethan Gutmann, a television producer living in Beijing, witnessed the protests.

"After a while, when the chanting lost its steam, the megaphone leader would strike up a short sing-along of the national anthem. This was the signal to leave, to shuffle along and give the next university its chance to demonstrate. The cycle continued, fresh waves of students, monotony. Several British journalists discussed the numbers." They felt it was low, about 3,000; in a kind of Chinese scarf trick, the same student groups kept reappearing after an hour or so. The students, when isolated and interviewed, were naively forthcoming; the university authorities had told them to come, told them to make banners, arranged the buses. The whole demonstration was canned . . ."

It was no accident that the Chinese government played the victim, trying to squeeze the Administration for concessions, trying to get the U.S. to exclude Taiwan from any defense umbrella in Asia.

It was no accident that the Chinese government called off its human rights dialogue and nonproliferation talks.

Mr. President, the moral high ground that the Chinese regime attempted to seize from the accidental bombing has no equivalency to its own treatment of its citizens, to the massacre of the students in Beijing ten years ago.

We must never forget the nature of the regime in China. The leaders may be different, but the treatment of Chinese citizens is the same.

Even this week, pro-democracy activist, Yang Tao, was arrested for planning a commemoration to mark the 10th anniversary of Tiananmen Square.

This week it was reported that police took Jiang Qisheng (chee sheng) from his home in Beijing on May 18 for urging Chinese to light candles in commemoration of those killed in Tiananmen Square.

I urge all of my colleagues to join with me in supporting this bipartisan resolution—to recognize this regime for what it truly is and to never forget the tragedy that occurred ten years ago on June 3 and June 4, 1989.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arkansas again for his leadership on this critical issue.

S. Res. 103 marks the 10th anniversary of the Tiananmen Square massacre, when a still unknown number of Chinese—some say hundreds, others, thousands—died at the hands of the People's Liberation Army.

Despite the significance of this tragedy, China's leaders remain unwilling to re-examine the events of June 4, 1989. Indeed, they would like nothing more than to have Tiananmen fade from the world's memory.

But today, the memory of Tiananmen remains vivid in our minds. In particular, we remember one man who defined the spirit of the day as he stood, with only freedom at his side, and faced down an army tank. We saw him then, and as we think of Tiananmen Square today, we see him still.

The memory of Tiananmen refuses to fade because the human rights situation in China remains abysmal. According to Amnesty International more than 200 individuals may remain in Beijing prisons for their role in the 1989 demonstrations. And hundreds, if not thousands, of individuals continue to be detained or imprisoned for their political or religious beliefs.

We face many issues with China—the recent embassy bombing, accession to the WTO, charges of espionage—but we can not let these issues silence our voices on the subject of human rights. China's human rights practices continue to be abhorrent, and we should not allow recent events to diminish our continued vigilance on such practices.

It is noteworthy that the recent demonstrations in China against the United States are perhaps the largest since the Tiananmen Square protests exactly 10 years ago. It is ironic that public protest is OK when it serves the government's interest, and not OK when it threatens the government's hold on power.

In fact, since the end of the bombing-related anti-U.S. demonstrations, China has resumed its crackdown on dissidents who could attempt to commemorate the anniversary of the Tiananmen Square massacre.

The failure to adopt a resolution condemning China's human rights practices at last month's UN Commission on Human Rights makes it all the more urgent that we continue to demand improvements in China's policies.

We cannot betray the sacrifices made by those who lost their lives in Tiananmen Square by tacitly condoning through our silence the abuses that continue to this day.

This resolution reminds the leaders in Beijing that we will not forget what was done 10 years ago and will not look the other way when they again deny the Chinese people their rights.

Until we see genuine progress on human rights, the memory of Tiananmen Square will continue to haunt us.

We must not forget. And we must never let the rulers in Beijing forget.

Mr. HUTCHINSON. Mr. President, I want to speak briefly in support of S. Res. 103, a resolution concerning the tenth anniversary of the Tiananmen Square massacre which occurred on June 4, 1989. This bipartisan resolution expresses sympathy for the families of those killed in the peaceful protests, calls on the Government of China to live up to international standards by releasing prisoners of conscience, ending the harassment of Chinese citizens, and calls upon the Chinese Government to ratify the International Covenant on Civil and Political Rights.

We must never forget the heroic young man who stood in the path of a column of PLA tanks 10 years ago. We must never forget the brave men like Wang Dan, who spent years in prison for daring to exercise his inalienable rights to self-expression. We must never forget those students who were so inspired by our own experiment in self-government and freedom and democracy that they erected a 37-foot model of our Statue of Liberty. We must never forget those who still languish in prison in China today, simply because they have democratic aspirations, because they have religious convictions, because they have a desire to be free.

We must never forget men like Wang Wenjiang and Wang Zechen, members of the Chinese Democracy Party, who were detained for circulating a petition calling for a reassessment of the Tiananmen verdict. We must never forget pro democracy activist Yang Tao arrested for planning a commemoration tomorrow of the tenth anniversary of the Tiananmen Square massacre. We must not forget Jiang Qisheng, who was taken from his home in Beijing on May 18 for urging the Chinese to light candles in commemoration of those killed in the massacre ten years ago. For asking for a peaceful memorial, the lighting of candles, he has been arrested.

According to the Wall Street Journal today, over 50 dissidents have been detained in recent days leading up to the tenth anniversary of the Tiananmen Square massacre, and at least 14 are currently being held. The Chinese government knows what it has done. It is afraid of its own people. Otherwise, these series of arrests would not have occurred. This resolution asks the Chinese government to face reality, listen to its people, and to release prisoners of conscience.

Mr. President, I am just afraid that in the midst of all of our talk of the espionage of the Chinese government—which well we should pay attention to—with all of the talk of the unfortunate, tragic bombing of the Chinese embassy, with all of the talk about accession of China to the WTO and a permanent normal trading status for China, we will forget that there are tens of thousands today who are oppressed, and hundreds remain in prison, and there are multitudes who desire freedom and want a better political system for their country, who want democracy, and I am afraid they will be forgotten in all of the milieu concerning our relationship with China.

So this resolution calls upon us to remember. And I will—if no one else does—offer this resolution year after year. It is a special anniversary. It is the tenth anniversary of the tragedy that occurred.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and finally, that any additional statements appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

The resolution (S. Res. 103), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the United States was founded on the democratic principle that all men and women are created equal and entitled to the exercise of their basic human rights;

Whereas freedom of expression and assembly are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the death of the former General Secretary of the Communist Party of the People's Republic of China, Hu Yaobang, on April 15, 1989, gave rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of prodemocracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas nonofficial sources, a Chinese Red Cross report from June 7, 1989, and the State Department Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, but agreed that hundreds, if not thousands, were killed and thousands more were wounded;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reported tortured;

Whereas human rights groups such as Human Rights Watch, Human Rights in China, and Amnesty International have documented that hundreds of those arrested remain in prison;

Whereas the Government of the People's Republic of China continues to suppress dissent by imprisoning prodemocracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner; and

Whereas June 4, 1999, is the tenth anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sympathy to the families of those killed as a result of their participation in the democracy protests of 1989 in the People's Republic of China, as well as to the families of those who have been killed and to those who have suffered for their efforts to keep that struggle alive during the past decade;

(2) commends all citizens of the People's Republic of China who are peacefully advocating for democracy and human rights; and

(3) condemns the ongoing and egregious human rights abuses by the Government of the People's Republic of China and calls on that Government to—

(A) release all prisoners of conscience, including those still in prison as a result of their participation in the peaceful prodemocracy protests of May and June 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in the People's Republic of China;

(B) put an immediate end to harassment, detention, and imprisonment of Chinese citizens exercising their legitimate rights to the freedom of expression, freedom of association, and freedom of religion; and

(C) demonstrate its willingness to respect the rights of all Chinese citizens by proceeding quickly to ratify and implement the International Covenant on Civil and Political Rights which it signed on October 5, 1998.

AMENDING THE OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1379 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:.

A bill (H.R. 1379) to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to an emergency supplemental appropriation for international narcotics control and law enforcement assistance.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1379) was read the third time, and passed.

DESIGNATING JUNE 5, 1999, AS "NATIONAL RACE FOR THE CURE DAY"

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 110, submitted earlier by Senator HUTCHISON, for herself and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 110) designating June 5, 1999, as "National Race for the Cure Day"

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HUTCHISON. Mr. President, this resolution, submitted by Senator FEINSTEIN and I, commemorates the Tenth Anniversary of the National Race for the Cure. We are pleased to be joined by over 40 other Senators, including Majority Leader LOTT and Minority Leader DASCHLE.

Mr. President, on June 5, 1999, the National Race for the Cure will take place in Washington, D.C. This will be the Tenth Anniversary of this Race—that has drawn national attention and thousands of volunteers and runners.

All are united by one goal—to eradicate breast cancer from our lives.

The Resolution we are introducing today will designate June 5th as National Race for the Cure Day.

This Race has very special meaning for me. The Race for the Cure was started by the Susan G. Komen Foundation which is located in my hometown, Dallas, Texas.

The Susan G. Komen Foundation was founded in 1982 by Nancy Brinker. The Foundation honors her sister, Susan Komen, who tragically died of breast cancer at the young age of 36. Nancy promised herself that she would fulfill Suzy's plea to help others confronted with this disease.

The mission of the Foundation is to eradicate breast cancer as a life-threatening disease by advancing research, education, screening and treatment.

Nancy Brinker's pledge to her sister has grown to be a major factor in fighting breast cancer. The Foundation has 35,000 volunteers and 106 offices across the United States.

The Komen Foundation's Grant Program is regarded as one of the most innovative in funding breast cancer research today. The Komen Foundation has financed 325 grants at 72 institutions in 25 states.

The Foundation's most public event, however, has become the Race for the Cure. The Race for the Cure has become the largest series of Five Kilometer Runs in the world.

The Race series stated as one event in Texas with 800 participants. But, this year, there will be 98 races across the United States with over 700,000 people participating.

The Komen Foundation and the Race for the Cure have raised over $136 million for breast cancer research.

On June 5th, the National Race for the Cure will celebrate its tenth anniversary. It is the largest of the Races across the U.S. In fact, there are more than 50,000 entrants already signed up for this race.

This resolution commemorates the Tenth Anniversary and it designates June 5th as National Race for the Cure Day.

Mr. President, I think it is fitting that the Senate recognize this unique day.

Breast cancer is the leading cause of death of women between the ages of 35 and 54. A woman in the United States will be diagnosed with breast cancer every three minutes, and every 12 minutes a woman will die of breast cancer.

The Race for the Cure is one day, when Americans of all walks of life, can come together united in a great cause to wipe out this terrible disease.

Mr. President. I would urge the Senate to adopt this resolution. Is also want to thank the numerous other Senators that were part of this effort. Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, today I am pleased to cosponsor with Senators KAY BAILEY HUTCHISON, PETE DOMENICI and CONNIE MACK a resolution commending the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure for their commitment to eradicating breast cancer. June 5 will be the Komen National Race for the Cure Day and this resolution urges the President to issue a proclamation calling upon the American people to observe the day with appropriate activities.

Washington, D.C., will host the Race and there will be 98 races across the country will over 700,000 people participating.

There are 2.6 million women in this country living with breast cancer and more than 178,000 women will be diagnosed with breast cancer. Over 43,000 will die.

Diagnostic tools for breast cancer are very limited. Treatments for breast cancer are at best imperfect. We don't know how to prevent it. We don't know how to cure it. We need to redouble our effort to stop breast cancer now.

Congress is taking some steps. During the FY 2000 appropriations process, I hope we can increase researching funding for all cancers. We must pass legislation, such as S. 784 which I have sponsored, to require Medicare coverage of routine costs of clinical research trials and S. 6, to require private insurance coverage of the routine costs of clinical research trials. We should enact legislation assuring access to specialists and coverage of second opinions. We should pass Medicaid coverage for women who are screened by CDC's breast and cervical cancer program but have no way to pay for treatment when they learn they have cancer.

I call on my colleagues to join us in supporting the 10th anniversary Race by supporting this resolution and sending it to the President. As new understandings of cancer emerge almost weekly, we must do all we can to support increased research and access to services to end this scourge.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

The Resolution, with its preamble, is as follows:

S. RES. 110

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas every 3 minutes a woman will be diagnosed with breast cancer and every 12 minutes a woman will die of breast cancer;

Whereas the Komen National Race for the Cure is celebrating its 10th Anniversary during 1999;

Whereas the Komen National Race for the Cure Series, an event of the Susan G. Komen Breast Cancer Foundation, is the largest series of 5 kilometer races in the world;

Whereas there will be 98 Komen National Race for the Cure events throughout the United States during 1999; and

Whereas the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure Series has raised an estimated $136,000,000 to further the mission of eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment: Now, therefore, be it

Resolved,

SECTION 1. COMMEMORATION AND DESIGNATION.

The Senate.—

(1) commemorates the 10th Anniversary of the National Race for the Cure;

(2) designates June 5, 1999, as "National Race for the Cure Day"; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

DESIGNATING JUNE 6, 1999, AS "NATIONAL CHILD'S DAY"

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 111, introduced earlier today by Senator GRAHAM and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 111) designating June 6, 1999, as "National Child's Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAHAM. Mr. President, this resolution designates the first Sunday of June as National Child's Day.

Our children are our future. Over 5 million children, however, go hungry at some point each month. There has been a 60 percent increase in the number of children needing foster care in the last ten years. Many children today face crises of grave proportions, especially as they enter their adolescent years.

The designation of National Child's Day helps us to focus on our children's needs and recognize their accomplishments. It encourages families to spend more quality time together and highlights the special importance of the child in the family unit.

In these crucial times, it is important that we show our support for the youth of America. It is our hope that this simple resolution will foster family togetherness and ensure that our children receive the attention they need and deserve.

I urge my colleagues to join me in designating the first Sunday in June as National Child's Day.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 111) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 111

Whereas June 6, 1999, the first Sunday in the month, falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 6, 1999, as "National Child's Day"; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

DESIGNATING JUNE 5, 1999, AS "SAFE NIGHT USA"

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 112, introduced earlier today by Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 112) to designate June 5, 1999, as "Safe Night USA."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Mr. President, I rise today to introduce a resolution designating June 5, 1999, as "Safe Night USA." Safe Night USA is an exciting program that is helping reduce youth violence, as well as drug and alcohol abuse, in my home state of Wisconsin and around the nation.

Safe Night is a low cost, high-profile way to focus national attention on the importance of providing young people with safe alternative activities and tools for conflict resolution, anger management and mediation. I am proud to report Mr. President that Safe Night first began in 1994 in Milwaukee, Wisconsin and in 1999 all fifty states, Puerto Rico, and the Virgin Islands will participate in this exciting program.

Mr. President, Olusegun Sijuwade, a Milwaukee Health Department educator and former police officer, developed Safe Night in response to more than 300% increase in violent death and injury in Milwaukee between 1983 and 1993. The Safe Night program in Wisconsin began with 4,000 youth in Milwaukee and by 1996 involved more than 10,000 participants in over 100 sites spread across the state. And now, on June 5, 1999, a million kids are expected to participate in Safe Night programs in 1,200 sites across the country.

Mr. President, as you know, last week Congress debated and voted on the Juvenile Justice bill. The resolution I am introducing today is indeed timely and an appropriate response to the juvenile crime statistics we were reminded of last week. These include the over 220,000 juveniles arrested last year for drug abuse and the over 1,000,000 juvenile victims of a violent crime. I believe community-based violence prevention models, like Safe Night USA, are extremely important to stem the rise in juvenile crime. By educating youth, community leaders and parents, Safe Night promotes secure environments for kids and families while reducing the alienation that so often leads to violent crime and substance abuse.

Very simply, Mr. President, Safe Night brings community partners together to provide a place for youth to have fun during high-risk evening hours, with three ground rules; no guns, no drugs and no fighting allowed. A typical Safe Night consists of a party, planned by kids and adults in the community, including police officials, church leaders, doctors, teachers, parents, and other volunteers. Held at a school, a church, or a community center, a Safe Night event could have a dance with a disc jockey, an athletic event, or a large dinner, usually interspersed with targeted violence-reduction activities. These activities include role playing, trust-building games, and other methods of teaching kids stress management and alternatives to violence.

Safe Night USA 1999 will occur in both rural and urban areas. The Public Broadcasting Service (PBS) and the Black Entertainment Television (BET) Network will broadcast the events nationally. The following community partners have joined with Safe Night USA: the Corporation for Public Broadcasting, National Civics League, 100 Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, American Academy of Pediatrics, Boys and Girls Clubs of America, Community Anti-Drug Coalitions of America and the National 4-H Youth Council.

Mr. President, it is critical that both families and communities understand that we are not powerless to help prevent destructive behaviors, such as drug abuse, in our children. Safe Night USA helps develop a strong, committed partnership between schools, community and families to foster a drug-free and violence-free environment for our youth. I believe Mr. President that Safe Night USA is a wise investment up front—it is a simple idea that works—and I am proud that it originated in my home state of Wisconsin. I thank my colleagues for their cooperation in passing this resolution and I wish the 10,000 local Safe Night USA events great success on June 5, 1999, as they join in one nationwide effort to combat youth violence and substance abuse.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto appear in the RECORD at the appropriate place as if read, without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 112

Whereas over 1,500,000 people, 220,000 of them juveniles, were arrested last year for drug abuse;

Whereas over 1,000,000 juveniles were victims of violent crimes last year;

Whereas local community prevention efforts are vital to reducing these alarming trends;

Whereas Safe Night began with 4,000 juvenile participants in Milwaukee during 1994 in response to a 300 percent increase in violent death and injury in that city between 1983 and 1993;

Whereas Safe Night involved over 10,000 Wisconsin participants and included 100 individual Safe Nights throughout Wisconsin in 1996;

Whereas Safe Night has been credited as a factor in reducing the teenage homicide rate in Milwaukee by 60 percent in just the first 3 years of the program.

Whereas Wisconsin Public Television, the Public Broadcasting Service, Black Entertainment Television, the National Latino Children's Institute, the National Civics League, 100 Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, the Boys and Girls Club of America, the Community Anti-Drug Coalitions of America, the National 4-H Youth Council, Public Television Outreach, and the American Academy of Pediatrics have joined with Safe Night USA to lead this major violence prevention initiative;

Whereas community leaders, including parents, teachers, doctors, religious officials, and business leaders, will enter into partnership with youth to foster a drug-free and violence-free environment on June 5, 1999;

Whereas this partnership combines stress and anger management programs with dances, talent shows, sporting events, and other recreational activities, operating on only 3 basic rules: no weapons, no alcohol, and no arguments.

Whereas Safe Night USA helps youth avoid the most common factors that precede acts of violence, provides children with the tools to resolve conflict and manage anger without violence, encourages communities to work together to identify key issues affecting teenagers, and creates local partnerships with you that will continue beyond the expiration of the project; and

Whereas June 5, 1999, will witness over 10,000 local Safe Night activities joined together in one nationwide effort to combat youth violence and substance abuse: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION.

The Senate—

(1) designates June 5, 1999 as "Safe Night USA"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. TRANSMITTAL OF RESOLUTION

The Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Safe Night USA.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 97, S. 704.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 704) to amend title 18, United States Code, to combat the over-utilization of prison health care services and control rising prisoner health care costs.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prisoner Health Care Copayment Act of 1999".

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§4048. Fees for health care services for prisoners

"(a) DEFINITIONS.—In this section—

"(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

"(2) the term 'Director' means the Director of the Bureau of Prisons;

"(3) the term 'health care provider' means any person who is—

"(A) authorized by the Director to provide health care services; and

"(B) operating within the scope of such authorization;

"(4) the term 'health care visit' means a visit, as determined by the Director, by a prisoner to an institutional or noninstitutional health care provider; and

"(5) the term 'prisoner' means—

"(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

"(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

"(b) FEES FOR HEALTH CARE SERVICES.—

"(1) IN GENERAL.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

"(2) EXCLUSION.—The Director may not assess or collect a fee under this section for preventative health care services, as determined by the Director.

"(c) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

"(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

"(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

"(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than $2.

"(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section.

"(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(1) the account of the prisoner is insolvent; or

"(2) the prisoner is otherwise unable to pay a fee assessed under this section.

"(g) USE OF AMOUNTS.—

"(1) RESTITUTION TO SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

"(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

"(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

"(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

"(h) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Federal Prisoner Copayment Act of 1999, and annually thereafter, the Director shall submit to Congress a report, which shall include—

"(1) a description of the amounts collected under this section during the preceding 24-month period; and

"(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"4048. Fees for health care services for prisoners.".

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

"(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

"(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

"(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

"(B) the fee—

"(i) is authorized under State law; and

"(ii) does not exceed the amount collected from State or local prisoners for the same services; and

"(C) the services—

"(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

"(ii) are provided at the request of the prisoner; and

"(iii) are not preventative health care services.

"(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(A) the account of the prisoner is insolvent; or

"(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.".

AMENDMENT NO. 538

(Purpose: To clarify certain provisions)

Mr. HUTCHINSON. Mr. President, Senator LEAHY has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. HUTCHINSON), for Mr. LEAHY, proposes an amendment numbered 538.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, strike lines 1 through 3 and insert the following:

"(4) the term 'health care visit'—

"(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and

"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or

"(ii) to obtain staff-approved follow-up treatment for a chronic condition;

On page 8, line 20, after "services" insert ", emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment".

On page 10, line 16, strike "2 years" and insert "1 year".

On page 10, line 21, strike "24-month" and insert "12-month".

On page 12, strike lines 6 through 9 and insert the following:

"(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment."

Mr. LEAHY. I want to thank Senator JOHNSON for his leadership on this matter and for bringing this matter to my attention. Vermont does not have a copayment requirement for prisoners' health care so the problems that his Marshal had brought to his attention last year, were not matters that had arisen in Vermont.

I also want to thank those at the Department of Justice who have made suggestions to improve the proposals on this subject over the last couple of years. I am glad the I have been able to contribute constructively to that process of improvement over the past weeks and again today.

A most important part of this bill is its protection against prisoners being refused treatment based on an inability to pay. I am glad to see my suggestion that the protection of section 2(f) in this regard be included in section 3 of the bill, as well, be incorporated in the substitute amendment accepted by the Judiciary Committee and reported to the Senate. I thank the Department of Justice for having included this suggestion in its recent April 27 letter.

Today we make additional improvements to the bill to ensure that it can serve the purposes for which it is intended. In particular, I have suggested language to make clear that since the goal of the bill is to deter prisoners from seeking unnecessary health care, copayment requirements should not apply to prisoner health care visits initiated and approved by custodial staff, including staff referrals and staff-approved follow-up treatment for a chronic condition. In addition, the amendments I have suggested adds to those health care visits excluded from the copayment requirement visits for emergency services, perinatal care, diagnosis or treatment of contagious diseases, mental health care and substance abuse treatment. Like preventative care, all these types of health care for prisoners should be encouraged and not discouraged by a copayment requirement. It would be harmful to custodial staff and detrimental the long term interests of the public to create artificial barriers to these health care services.

Finally, I have suggested that we review this new program and its impact next year rather than delaying evaluation for the 2-year period initially provided by the bill. The bill constitutes a shift in federal corrections and custodial policy and it is appropriate that the impact of these changes be evaluated promptly and adjusted as need be.

I continue to be concerned that we are imposing an administrative burden on the Bureau of Prisons greatly in excess of any benefit the bill may achieve. I wonder about alternatives to cut down on unnecessary health care visits besides the imposition of fees, many of which may go uncollected. The contemplated $5 a visit fee for prisoners compensated at a rate as low as 11 cents an hour seems excessive, but that is how the BOP wishes to proceed.

I also fear that the effort will lead to extensive litigation to sort out what it means and how it is implemented. As we impose duties and limitations on correctional authorities, that is one of the consequences of such duties.

I will be interested to see whether funds end up being received by victims of crime either with respect to restitution orders or by the Victims of Crime Fund through the elaborate mechanisms created by this legislation. I hope that victims will benefit from its enactment as opposed to experiencing another false promise. In this regard, I wonder why there is no benefit to victims from the fees collected from federal prisoners held in nonfederal institutions. If our policy is to benefit victims, the ownership of the facility ought not deter that policy. Surely the copayment fee is not designed as payment for the health care treatment itself or even payment for the administrative overhead of the system.

Despite my concerns, this bill does have the support of the BOP and U.S. Marshals Service. Just as I facilitated the bill being reported from this Committee, today I am acting to allow the Senate to pass an improved version of the bill.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, the bill read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was read the third time.

The bill (S. 704), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

REFERRAL OF S. 438

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 438, "To provide for the settlement of water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes," that the measure be referred to the Committee on Indian Affairs and that at such time as the Committee on Indian Affairs reports the measure, it be referred to the Committee on Energy and Natural Resources for a period not to exceed 60 calendar days and that if the Committee on Energy and Natural Resources has not reported the measure prior to the expiration of the 60-calendar-day period, the Energy Committee be discharged from further consideration of the measure and that the measure then be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FILING

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Wednesday, June 2, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE ANNOUNCEMENT

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will begin the DOD appropriations bill on Monday, June 7, and hopefully will complete action on that bill by close of business on Tuesday, June 8. In addition, on Monday, it will be the leader's intention to move to proceed to S. 1138, the new compromised Y2K bill on Monday and file a cloture motion on the motion for a cloture vote on Wednesday, June 9.

Also, on Tuesday, June 8, it will be the leader's intention prior to the recess or adjournment that evening to move to proceed to the lockbox issue and file a cloture motion on that matter for a cloture vote on Thursday, June 10. Members who have an interest in the important Social Security savings bill should plan to participate in that debate Tuesday evening and Tuesday night.

Needless to say, when the Senate reconvenes following the Memorial Day recess, there will be a tremendous amount of legislation needing passage by the Senate. Therefore, the leader wishes all Members a safe and restful Memorial Day and looks forward to the cooperation of all Members when the Senate reconvenes.

ORDERS FOR MONDAY, JUNE 7, 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon on Monday, June 7. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate be in a period of morning business for 2 hours equally divided between the majority leader, or his designee, and the Democratic leader, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, the Senate begin consideration of S. 1122, the Department of Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will be in a period of morning business from 12 noon until 2 p.m. on Monday. Following morning business, the Senate will begin consideration of the Department of Defense appropriations bill, with the expectation of completing the bill early in the week. Therefore, Senators should be prepared to offer amendments to the bill as early as possible next week.

ORDER FOR ADJOURNMENT

Mr. HUTCHINSON. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the provisions of S. Con. Res. 35, following the remarks of Senator LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

55TH ANNIVERSARY OF THE D-DAY LANDINGS

Mr. CAMPBELL. Mr. President, June 6, 1999, will be the 55th Anniversary of the historic Allied invasion of Europe on the beaches of Normandy, France, that spelled the beginning of the end for Nazi Germany.

In America today, with unprecedented prosperity and material comfort, it is hard to appreciate the American experience leading up to World War II and the war itself.

When the Japanese bombed Pearl Harbor in 1941, the United States was not only caught off guard, we were also caught unprepared for the war that loomed in Europe and in the Pacific that would involve the United States for 5 long years.

Still plagued by the Great Depression, unemployment sky high and poverty all around, Americans accepted the challenge and responded like no people ever had.

With scrap metal drives, rubber drives, gasoline and food rationing, and other efforts American men and women pulled together and contributed to the massive war effort.

Americans of all races, creeds, colors, and backgrounds joined the military, worked in industrial plants, and assisted in too many ways to mention as the Nation joined together to battle tyranny and oppression.

America's economic and military might was called on to produce hundreds of thousands of planes, tanks, trucks, ships, boats, and weapons. We not only produced the materials for our own efforts but kept our Allies supplied with civilian and military goods to ensure an Allied victory.

The "Arsenal of Democracy" was running at high gear from 1941 on, and all of these efforts came to a head in June, 1944.

Even after the successful Africa campaign showed that the German war machine was not invincible, America and her Allies looked for a "second front" to draw Nazi Germany's attention and resources into other battles.

Under the leadership of General Dwight D. Eisenhower, the Allies began planning for just such a front with an amphibious invasion in Europe and America's fighting forces made the necessary preparations.

Millions of men, and millions of tons of equipment, supplies, vehicles and weapons were delivered from the United States to England in preparation for the assault.

Postponed several times because of poor weather in the English Channel, on June 5, 1944, General Eisenhower gave the final order that would unleash the historic battle.

In the morning hours of June 6th, over 175,000 men from the streets of Philadelphia to Indian reservations of Arizona, from Alaska to Florida, landed on the beaches of Normandy, France.

In the years since that day, we have seen movies about this, the most ambitious amphibious invasion ever attempted in history. Just last year we saw it vividly replayed with the movie "Saving Private Ryan" in what the soldiers themselves said was an accurate portrayal what occurred so many years ago.

As a veteran, and having read many eyewitness accounts of that day, I think that the real horrors of that day, and especially the first minutes of that historic landing, are simply unimaginable to us.

Though the Allies enjoyed complete air superiority in the Normandy area, clouds shrouded the beaches diminishing the effect of Allied air power.

At the landing beach that quickly became known as "Bloody Omaha", the Americans took the brunt of the German defenses.

Entire companies of men were chopped down seconds after the doors dropped on the landing craft. The Germans poured fire down on the Americans, but they kept coming ashore wave after wave.

Only after an exhaustive day of fighting and dying, was the beachhead established.

In 1999, it is easy to think of the D-Day invasion and of the Allied success in World War II as pre-determined. In 1944, it just was not so and Eisenhower and the Allied leaders knew that at that point victory was not assured and that the war could still be lost.

It is humbling to read the never-delivered address General Eisenhower penned in case the Allies were driven back into the sea.

In it, Eisenhower assumed all fault for a failed invasion attempt. Thankfully, he never had to deliver that address.

From the beaches at Normandy, the Allies broke out, fought through the hedgerows, and went on to liberate Paris in July, 1944.

From Paris to the Battle of the Bulge in the Ardennes, through the low countries and ultimately sweeping on to Berlin the Allies—with the Americans taking the lead—secured victory over Nazi Germany in April, 1945.

It took four more months of island-to-island combat to defeat the Japanese Empire in August, 1945, and to achieve complete and total victory in World War II.

This Nation owes a great debt of gratitude to the men and women who made Normandy and the entire war effort the success it was.

With each day, scores of D-Day veterans, many in their late 70's and 80's, pass away. As a generation, this group was unique in living and making real their unspoken code: faithfulness and duty to God, family, and country.

The brave men of Normandy—both the survivors and those buried in the American Cemetery just up the hill from the landing beaches—from both humble and privileged beginnings, deserve to be honored by the Senate and the Nation as whole.

In this spirit I urge my colleagues to support me in honoring the veterans of D-Day and all veterans who have sacrificed for this great Nation.

DOD AUTHORIZATION

Ms. LANDRIEU. Mr. President, I rise after this very long but, I think, good debate on the defense authorization bill to thank the distinguished chairman of our committee, the Senator from Virginia, and our ranking member, the Senator from Michigan, for their hard work on this bill. I have to add all the staff that worked very hard too.

It is a huge authorization, as you know, Mr. President. It represents 16 percent of the total expenditures of our Government, for the Department of Defense. We fund and try to prepare for the finest military and strongest military operations in the world; over a million men and women—1.4 million active-duty men and women. This bill has provided, because of the hard work on both sides of the aisle, some significant and much-needed increases to support our men and women, to help our forces be even more ready, more professional, better trained and better prepared for all the new threats that we face in the world today.

So I thank them for their work, and acknowledge that in this bill that received an overwhelming vote, we had one of the largest increases of expenditures for the readiness of those active forces, pay provisions to help make the salaries more competitive with the booming economy we are currently enjoying here in the United States.

Thanks to the leadership of our great colleague from Georgia, Senator CLELAND, we were able to add some additional funding for GI benefit expansions, the first in over two generations, so the men and women in our armed services can share those benefits with their spouses and their children, improving educational opportunities across the board.

There are many other provisions funding the increase in technology, the first downpayment on our missile defense system, which has come a little bit too late for some and right on time for others. I think it is the right step for our Nation.

I join my colleagues in thanking the leadership that has brought this bill to final passage today. There is more work to be done. There were some disappointments, obviously some shortcomings, but no piece of legislation is perfect. We will have opportunities to work in the future, as this Congress progresses.

Because the floor was so busy earlier today I waited until now to take this opportunity, but I did not want this day to end without noting the historic event that took place today with the indictment of Yugoslavian President Milosevic by the International War Crime Tribunal. As was recorded earlier, Justice Louise Arbour announced that he and his four deputies and military leaders have in fact been indicted for the atrocities they have committed. This body passed almost unanimously—it was unanimously for those present—a resolution earlier this week, urging the Tribunal to act, saying the United States will put up what resources are necessary to make sure justice is done; that not only can war criminals be identified, but cases can be built in the proper and legal way so they can be successfully prosecuted for what has occurred.

I was particularly moved by an article I plan to pass around to the Members of the Senate and to send to family and supporters around the Nation, written by Carol Williams of the Los Angeles Times. That reported in horrific detail some of the crimes being committed against the Kosovars. What was particularly troubling in this article was her focus on the systematic use of rape as a weapon of war.

She recounted in great detail the experiences of a group of young women, young girls—very young, 12, 13, 14 and 15—who had been violated over and over again; sometimes, as she outlined in this article, within hearing distance—but not sight or comfort—of parents. In this particular part of the world, though, what makes this doubly horrific and horrifying and tough is that victims of rape often accuse themselves, as if they themselves committed the crime. There is shame that is brought, in this particular culture, to them and to their families. So after having barely lived, surviving this ordeal, they are then turned away, in many instances, from their fathers, their mothers, their brothers, their sisters.

So there is a tremendous injustice that is occurring. Many of the women in the Senate talked at great length today about this and were joined by our colleagues in various meetings throughout the day.

I just want to say, as we break for this Memorial Day, that while we may take a few days of rest from our work, as one Senator, I am prepared to come back and daily, weekly, monthly and for years if necessary, continue to come to this floor and talk about war crimes and justice and holding people accountable. Had we done a better job of this in Bosnia, I think we could have perhaps prevented the atrocities we are seeing in Kosovo today.

I hope the international community in every way—whether it is a large country or small country, and the people in the United States—will let their elected officials know we want these war criminals prosecuted, we want justice brought to these families, and we want the resources and the comfort and counseling available to these young women—women of all ages—who have lived through the horror and the terror of what has been wrought in that part of the world.

Thank God we live in this country. It is not perfect, terrible things have happened, but I can say on the eve of this Memorial Day recess how proud I am and mindful and grateful of the great sacrifice that has been made by men and women in uniform who have given their lives so that we, in this country, can live in relative peace and prosperity without fear of being pulled from our homes at night, having our homes burned and our family members violated or executed.

We have gone through periods of history of which we are not proud. But I am proud of the work this Congress does in putting forth legislation and finances to support efforts that are so important, like the one in which we are engaged. We will not stop until we have a military victory. We will not stop until the diplomatic means have been accomplished. We will not stop until we have been able to help the Kosovars move back into their nation and help this part of Europe join the mainstream of Europe so they can live in peace, prosperity, and democracy and, finally, until justice is done to the women, children, and families who have been so barbarically handled in the last several months.

Again, I thank the leadership for their good work on this legislation. I thank the Chair.

ADJOURNMENT UNTIL MONDAY, JUNE 7, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment, in accordance with the provisions of S. Con. Res. 35, until Monday, June 7, 1999, at 12 noon.

Thereupon, the Senate, at 8:36 p.m., adjourned until Monday, June 7, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 27, 1999:

THE JUDICIARY

Charles R. Wilson, of Florida, to be United States Circuit Judge for the Eleventh Circuit, vice Joseph W. Hatchett, retired.

Patricia A. Coan, of Colorado, to be United States District Judge for the District of Colorado vice Zita A. Weinshienk, retired.

Dolly M. Gee, of California, to be United States District Judge for the Central District of California vice John G. Davies, retired.

William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee vice Thomas A. Higgins, retired.

Victor Marrero, of New York, to be United States District Judge for the Southern District of New York vice Sonia Sotomayor, elevated.

Fredric D. Woocher, of California, to be United States District Judge for the Central District of California vice Kim McLane Wardlaw, elevated.

DEPARTMENT OF THE TREASURY

Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)

Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service

Oversight Board for a term of five years. (New Position)

James W. Wetzler, of New York, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. Brady Anderson, of South Carolina, to be Administrator of the Agency for International Development, vice J. Brian Atwood.

DEPARTMENT OF STATE

Donald Keith Bandler, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Johnnie Carson, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Bismarck Myrick, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

M. Osman Siddique, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

EXTENSIONS OF REMARKS

HONORING OUR ARMED FORCES ON MEMORIAL DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize and remember the millions of women and men who have given their lives to serve in our Nation's Armed Forces. Their courageous efforts have been honored at this time of year since the fighting of the Civil War. During the Civil War numerous families began their heartfelt commemorative efforts and since then the countless events which followed have generated an uncompromising level of respect and reverence for our beloved soldiers.

Yet we must not forget the reasons for which our Armed Forces have fought for our Nation: to preserve and protect the blanket of freedom under which we have rested with security for over 200 years. Since the end of the Civil War so much has changed, and yet so much in our society remains the same. Those Soldiers fought to protect our inalienable rights as humans and have continued to do so from that day to this.

Even today our men and women sacrifice their lives to protect our interests overseas. We must remember them in these times of conflict. Our sentiments go out not only to the soldiers who have fought in our conflicts of yesteryear. We must include today's Armed Forces in our thoughts and our prayers for they continue to struggle and rightfully defend our beliefs in life, liberty, and freedom in Europe and around the world.

Entering into the 21st century we look forward to a time of peace in which our decisions to take direction are reserved for reflection. I remind you Mr. Speaker that we do not remember in joy, but in sorrow. We do not reflect with happiness, we reflect in pain. The millions of men and women dedicated their lives to fight so that we can look forward to a time in which we shall fight no more and we must never forget them.

Since the first official commemoration of our soldiers of war on May 30, 1868, as Decoration Day, our Country has devoted a continuous and conscious effort to support our troops and the battles they have fought. In 1971, to recognize the weight of their importance, Congress declared Memorial Day a National holiday.

Mr. Speaker, to continue our recognition of our soldiers' tireless efforts, I am currently introducing a bill to grant the Korean Veterans Association a Federal Charter. Granting this Federal Charter is a small expression of appreciation that, we as a Nation, can offer to these men and women to show our continued support, one which will enable them to work as a unified front to ensure that the "Forgotten War" is forgotten no more.

Please join with me in expressing full recognition and thanks to those who have served our Nation and its Armed Forces on this Memorial Day. The respect and debt of gratitude we owe these honorable men and women for preserving our Nation and our freedom is immeasurable.

TRIBUTE TO DR. AARON S. GOLD: RABBI, TEACHER, SCHOLAR, SPIRITUAL LEADER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to congratulate Rabbi Dr. Aaron S. Gold on his retirement after serving the Rabbinate for 50 years, and for his dedication and service to the San Diego community. Rabbi Gold has been a spiritual and community leader to many individuals in San Diego—and I would like to take a moment to honor him and his accomplishments.

Rabbi Gold was born in Poland and came to America during the depression years, prior to World War II. He graduated from Wisconsin State College with Highest Honors in the English and Speech Departments. He later received his M.A. from Columbia University where he studied Education for Marriage and Family Life, and later completed his Ph.D in Family Education.

Rabbi Gold came to San Diego in 1974, and immediately became an active community leader. He was invited to join the boards of the United Jewish Federation, Jewish Community Relations Council and the Bureau of Jewish Education. He is particularly known for his work in promoting spiritual harmony and understanding among all religions, and has been active with the National Conference of Christians and Jews and the Ecumenical Council. He has also appeared on a number of radio and television shows to promote interfaith activities.

His initiation of a joint Thanksgiving Service with the San Carlos United Methodist Church was so successful that it became the annual Thanksgiving service for the Tifereth and many churches of the Navajo Interfaith Association—he is lovingly called "our Rabbi" by the members of the San Carlos United Methodist Church. His ecumenical efforts have been recognized with a number of plaques and citations.

Rabbi Gold has also reached out to the youth in our community by helping establish the Coalition for the Jewish Youth for San Diego, San Diego Jewish Academy and the Community High School of Jewish Studies.

He also served as the President of the San Diego Rabbinical Association for two years, and he and his wife Jeanne were Rabbinic Couple for Jewish Encounter weekend in the San Diego area, where they helped 1,000 couples enhance theirs and their childrens' lives.

In addition to his many contributions to the San Diego community, he has served our country as the Chaplain for Suffolk County Air Force Base in Long Island; Cancer patients in Long Island; the Boy Scouts Councils in Wisconsin, Long Island, Philadelphia, and Pennsylvania; and Nellis Air Force Base in Nevada.

Rabbi Gold has had an amazing life and an incredible career. He has touched the lives of many people and has served our country well. I congratulate Rabbi Gold on all of his accomplishments and wish him the best in his retirement.

CHELTENHAM ELEMENTARY SCHOOL, MCKINLEY ELEMENTARY SCHOOL, AND THOMAS FITZWATER ELEMENTARY SCHOOL ARE WINNERS OF THE BLUE RIBBON SCHOOLS AWARD

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the outstanding efforts of three elementary schools in Pennsylvania's Thirteenth Congressional District, which I am proud to represent.

On behalf of the entire Montgomery County community, I congratulate these schools for winning a national competition to earn recognition as Blue Ribbon Schools of excellence. The U.S. Department of Education recently named Cheltenham Elementary School in Cheltenham, Pennsylvania; McKinley Elementary School in Elkins Park, Pennsylvania; and Thomas Fitzwater Elementary School of Willow Grove, Pennsylvania as 1998–1999 winners of the prestigious Blue Ribbon Schools Award.

The Blue Ribbon Schools Program was established by the U.S. Secretary of Education in 1982 with three goals in mind: identify and recognize outstanding public and private schools across the United States, offer a comprehensive framework of key criteria for school effectiveness, and facilitate the sharing of best practices among schools. Over the years, the program has developed a reputation of offering a powerful tool for school improvement in addition to providing recognition.

Before winning the national Blue Ribbon Schools Award, Cheltenham, McKinley, and Thomas Fitzwater Elementary Schools all were named as Pennsylvania Blue Ribbon schools and were nominated for national recognition by the Pennsylvania Department of Education. Each school had to work very hard to earn the Blue Ribbon status, going through

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a demanding self-assessment experience that involved the entire school community, including students, teachers, parents, administrators, and business leaders.

Each of these schools have been judged particularly effective in meeting local, state, and national goals. In addition, each school displayed strong leadership, clear vision and a sense of mission shared by the entire school community, high quality teaching, challenging and up-to-date curriculum, policies that ensure a safe environment conducive to learning, family involvement, and equity in education to assure that all students are helped to achieve high standards.

Blue Ribbon schools do not rest on their laurels. Each is committed to sharing best practices with other schools, and to helping to identify their strengths and weaknesses.

Special congratulations are due to Cheltenham Elementary School for designing a curriculum that encourages students to research their community. Cheltenham students take field trips to historic homes, the police station, the township building, the library, and the local judge. Their learning also makes the students aware of needs of the less fortunate through activities such as providing food baskets and visits to nursing homes. As a result of these projects, Cheltenham students have gathered money to build a wall for a school in Ecuador and to purchase materials for a school devastated by a hurricane in Florida. They have also written letters to governments officials on behalf of a Native American group. Cheltenham students are learning civic responsibility at a young age.

McKinley Elementary School has demonstrated excellence in creating a safe school environment. The McKinley community understands that academic success can only grow in a violence-free class-rooms, and has been a leader in these issues. They have taken a proactive approach to violence prevention by developing non-violent conflict resolution strategies, peer mediation program, parenting workshops, and school and police collaboration. The importance of McKinley's work in this area has been underscored by recent tragedies in schools across the nation.

Thomas Fitzwater Elementary School has taken special steps to meet the needs of all students. This commitment to have every child experience success is exemplified by the programs and accomplishments such as Thomas Fitzwater's Support One Student initiative, a child advocacy program to assist at-risk students. Each identified student is matched with a volunteer staff member. These members include professional, custodial, secretarial, and cafeteria staff. Regular personal contact by caring and supportive staff member promotes a positive environment and guides the student away from inappropriate and possibly destructive behavior. Another example of Thomas Fitzwater's inclusive policies is the collaboration between the Montgomery County Intermediate Unit special education classes and the regular education classes in our school. Throughout the county, the Intermediate Unit provides classes for children with low-incidence handicaps. Four of these classes are housed in Thomas Fitzwater's school building. Regular education children assist in these classes and are very sensitive to these exceptional children's needs. As a result of this collaboration, many special education students have been integrated into regular education classes. McKinley sets the bar high with its motto, "Success for All Students," and every school in the country should endeavor to meet this standard.

INTRODUCTION OF THE MEDICARE COMMUNITY NURSING DEMONSTRATION EXTENSION ACT OF 1999

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RAMSTAD. Mr. Speaker, as a strong supporter of home- and community-based services for the elderly and individuals with disabilities, I rise to re-introduce legislation similar to that which I sponsored in the 104th and 105th Congresses to extend the demonstration authority under the Medicare program for Community Nursing Organization (CNO) projects.

CNO projects serve Medicare beneficiaries in home- and community-based settings under contracts that provide a fixed, monthly capitation payment for each beneficiary who elects to enroll. The benefits include not only Medicare-covered home care and medical equipment and supplies, but other services not presently covered by traditional Medicare, including patient education, case management and health assessments. CNOs are able to offer extra benefits without increasing Medicare costs because of their emphasis on primary and preventative care and their coordinated management of the patient's care.

The current CNO demonstration program, which was authorized by Congress in 1987 and extended for 2 years in the Balanced Budget Act of 1997, involves more than 6,000 Medicare beneficiaries in Arizona, Illinois, Minnesota, and New York. It is designed to determine the practicality of prepaid community nursing as a means to improve home health care and reduce the need for costly institutional care for Medicare beneficiaries.

To date, the projects have been effective in collecting valuable data to determine whether the combination of capitated payments and nurse-case management will promote timely and appropriate use of community nursing and ambulatory care services and reduce the use of costly acute care services. Authority for these effective programs is now set to expire on December 31, 1999.

Mr. Speaker, while I am glad Congress extended the demonstration authority for the CNO projects last session, I am disappointed that the Health Care Financing Administration is so anxious to terminate this important and effective program. In 1996, HCFA extended the demonstration for one year to allow them to better evaluate the costs or savings of the services available under the program, learn more about the benefits or barriers of a partially capitated program for post-acute care, review Medicare payments for out-of-plan services covered in a capitation rate, and provide greater opportunity for beneficiaries to participate in these programs.

Frankly, in order to do all this analysis of the program, we need more time to evaluate the extensive data that has been collected. We should not let the program die as the data is reviewed. We need to act now to extend this demonstration authority for another three years.

This experiment provides an important example of how coordinated care can provide additional benefits without increasing Medicare costs. For Medicare enrollees, extra benefits include expanded coverage for physical and occupational therapy, health education, routine assessments and case management services—all for an average monthly capitation rate of about $89. In my home State of Minnesota, the Health Seniors Project is a CNO serving over 1,600 enrollees in four sites, two of which are urban and two rural.

These demonstrations should also be extended in order to ensure a full and fair test of the CNO managed care concept. These demonstrations are consistent with our efforts to introduce a wider range of managed care options for Medicare beneficiaries. I believe we need more time to evaluate the impact of CNOs on patient outcomes and to assess their capacity for operating under fixed budgets.

Mr. Speaker, it is important to recognize that the extension of this demonstration will not increase Medicare expenditures for care. CNOs actually save Medicare dollars by providing better and more accessible care in home and community settings, allowing beneficiaries to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care oriented nursing practice can accomplish with enrollees who are elderly or disabled, CNOs are helping show us how to increase benefits, save scarce dollars and improve the quality of life for patients.

Mr. Speaker, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and health care-enhancing CNO demonstrations for another three years.

DEDICATION OF THE NEW CITY HALL

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. KINGSTON. Mr. Speaker, the volunteer efforts of so many people in Offerman have been so extraordinary that one is tempted to suggest that the federal government consider this method of putting up new buildings in order to save ourselves from the cost overruns, delays, and problems that seem to plague this kind of enterprise all too often.

The efforts of people like the Edward Daniel family, Mrs. Lucille Chancey, Mrs. Ethel Roberson, the Sam Cason family, the Ray Cason family, the Harvey Dixon family, the Ellis Denison family, and so many, many others have been so inspiring that the entire community has created a feeling of togetherness that is similar to the feeling one experiences at a family reunion.

And speaking of families, the extended Cason family contributed to the enterprise in a way that brought generations together.

Sam and Susie Cason helped with the painting, the carpentry, the sheet rock, the landscaping, the insulation, and countless other tasks.

And they were joined by their children, and the Ray Cason family and grandchildren, with some as young as the 1st grade helping with their little tool sets in the best way they could.

Many of those who volunteered their time had full-time jobs, and so they came to help on Saturdays.

Evenings and weekends—any time that was free—went into the task of completing a job whose progress was open to all to see.

Communities used to come together during the Middle Ages to construct spectacular cathedrals, for they were the center of public life and the beautiful churches they built were the pride of the community.

The cathedrals were often multi-year projects, and they called upon the labors of virtually everyone in the community.

The famous cathedrals of Notre Dame in Paris, for example, was built over a period of 157 years by the time it was finally completed.

It was the pride of kingdom, and artists and carpenters came from great distances to have the honor of participating in such a spectacular undertaking.

Another famous cathedral is the stunningly beautiful cathedral of Chartres, also in France.

50 years after it was built, it was completely destroyed by fire.

So the community decided it would have to be rebuilt—even better than before.

It took 26 years, but as generations to follow would attest, it was worth the effort.

The same spirit of common enterprise evident back then has been evident in the construction of Offerman's new city hall.

The entire community was involved, and for the past two years, there was no escaping the progress of the project, as the results were there for all to see.

Well, today we see the final result of so many labors.

The citizens of this great city have devoted time, materials, labor, and not a few blisters, overcoming many obstacles and unanticipated hiccups along the way.

This new addition to Offerman will be much more than a new building we call city hall.

It will include a branch library and computer facilities for students and adults; and it stands next to a public park with picnic and other recreational facilities that are tailor-made for Offerman families.

This facility promises to be a new center of public activity for the citizens of Offerman, and it is with great enthusiasm and pride that I join you in dedicating this new city hall and declaring "Open House" to all.

Thank you very much for allowing me an opportunity to share in the celebration of all your hard work and perseverance.

INTRODUCTION OF THE FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT (FAIR) ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GOODLING. Mr. Speaker, I rise today to introduce a bill that will level the playing field for small businesses as they face two aggressive federal agencies with vast expertise and resources—the National Labor Relations Board (NLRB) and the Occupational Safety and Health Administration (OSHA). The Fair Access to Indemnity and Reimbursement Act—the FAIR Act—is about being fair to small businesses. It is about giving small entities, including labor organizations, the incentive they need to fight meritless claims brought against them by intimidating bureaucracies that sometimes strong-arm those having limited resources to defend themselves.

The FAIR Act is similar to Title IV of my Fairness for Small Business and Employees Act from last Congress, H.R. 3246, which passed the House last March. This new legislation, however, amends both the National Labor Relations Act (NLRA) and the Occupational Safety and Health Act (OSH Act) to provide that a small business or labor organization which prevails in an action against the Board or OSHA will automatically be allowed to recoup the attorney's fees it spent defending itself. The FAIR Act applies to any employer who has not more than 100 employees and a net worth of not more than $7 million. It is these small entities that are most in need of the FAIR Act's protection.

Mr. Speaker, the FAIR Act ensures that those with modest means will not be forced to capitulate in the face of frivolous actions brought by the Board or OSHA, while making those agencies' bureaucrats think long and hard before they start an action against a small business. By granting attorney's fees and expenses to small businesses who know the case against them is a loser, who know that they have done nothing wrong, the FAIR Act gives these entities an effective means to fight against abusive and unwarranted intrusions by the Board and OSHA. Government agencies the size of the NLRB and OSHA—well-staffed, with numerous lawyers—should more carefully evaluate the merits of a case before bringing a complaint or citation against a small business, which is ill-equipped to defend itself against an opponent with such superior expertise and resources. The FAIR Act will provide protection for an employer who feels strongly that its case merits full consideration. It will ensure the fair presentation of the issues.

The FAIR Act says to these two agencies that if they bring a case against a "little guy" they had better make sure the case is a winner, because if the Board or OSHA loses, if it puts the small entity through the time, expense and hardship of an action only to have the business or labor organization come out a winner in the end, then the Board or OSHA will have to reimburse the employer for its attorney's fees and expenses.

The FAIR Act's 100-employee eligibility limit represents a mere 20 percent of the 500-employee/$7 million net worth limit that is in the Equal Access to Justice Act (EAJA)—an Act passed in 1980 with strong bipartisan support to level the playing field for small businesses by awarding fees and expenses to parties prevailing against agencies. Under the EAJA, however, the Board or OSHA—even if it loses its case—is able to escape paying fees and expenses to the winning party if the agency can show it was "substantially justified" in bringing the action.

When the EAJA was made permanent law in 1985, the Congress made it clear in committee report language that federal agencies should have to meet a high burden in order to escape paying fees and expenses to winning parties. Congress said that for an agency to be considered "substantially justified" it must have more than a "reasonable basis" for bringing the action. Unfortunately, however, courts have undermined that 1985 directive from Congress and have interpreted "substantially justified" to mean that an agency does not have to reimburse the winner if it had any "reasonable basis in law or fact" for bringing the action. The result of all this is that an agency easily is able to win an EAJA claim and the prevailing business is often left high and dry. Even though the employer wins its case against the Board or OSHA, the agency can still avoid paying fees and expenses under the EAJA if it meets this lower burden. This low threshold has led to egregious cases in which the employer has won its case—or even where the NLRB, for example, has withdrawn its complaint after forcing the employer to endure a costly trial or changed its legal theory in the middle of its case—and the employer has lost its follow-up EAJA claim for fees and expenses.

Since a prevailing employer faces such a difficult task when attempting to recover fees under the EAJA, very few even try to recover. For example, Mr. Speaker, in Fiscal Year 1996 for example, the NLRB received only eight EAJA fee applications, and awarded fees to a single applicant—for a little more than $11,000. Indeed, during the ten-year period from FY 1987 to FY 1996, the NLRB received a grand total of 100 applications for fees. This small number of EAJA applications and awards arises in an overall context of thousands of cases each year. In Fiscal Year 1996 alone, for example, the NLRB received nearly 33,000 unfair labor practice charges and issued more than 2,500 complaints, 2,204 of them settled at some point post-complaint. Similarly, at the OSHRC, for the thirteen fiscal years 1982 to 1994, only 79 EAJA applications were filed with 38 granted some relief. To put these numbers into context, of nearly 77,000 OSHA violations cited in Fiscal Year 1998, some 2,061 inspections resulting in citations were contested.

Since it is clear the EAJA is underutilized at best, and at worst simply not working, the FAIR Act imposes a flat rule: If you are a small business, or a small labor organization, and you prevail against the Board or OSHA, then you will automatically get your attorney's fees and expenses.

The FAIR Act adds new sections to the National Labor Relations Act and the Occupational Safety and Health Act. The new language simply states that a business or labor organization which has not more than 100 employees and a net worth of not more than $7 million and is a "prevailing party" against the NLRB or the OSHRC in administrative proceedings "shall be" awarded fees as a prevailing party under the EAJA "without regard to whether the position" of the Board or Commission was "substantially justified."

The FAIR Act awards fees and expenses "in accordance with the provisions" of the EAJA and would thus require a party to file a fee application pursuant to existing NLRB and OSHRC EAJA regulations, but the prevailing party would not be precluded from receiving an award by any burden either agency could show. If the agency loses an action against the small entity, it pays the fees and expenses of the prevailing party.

The FAIR Act applies the same rule regarding the awarding of fees and expenses to a small employer or labor organization engaged in a civil court action with the NLRB or OSHA. This covers situations in which the party wins a case against either agency in civil court, including a proceeding for judicial review of agency action. The Act also makes clear that fees and expenses incurred appealing an actual fee determination under the FAIR Act would also be awarded to a prevailing party without regard to whether or not the agency could show it was "substantially justified."

In adopting EAJA case law and regulations for counting number of employees and assessing net worth, an employer's eligibility under the FAIR Act is determined for Board actions as of the date of the complaint in an unfair labor practice proceeding or the date of the notice in a backpay proceeding. For Commission actions, eligibility is determined as of the date the notice of contest was filed, or in the case of a petition for modification of abatement period, the date the petition was received by the Commission. In addition, in determining the 100-employee limit, the FAIR Act adopts the NLRB and OSHRC EAJA regulations, which count part-time employees on a "proportional basis."

Mr. Speaker, the FAIR Act will arm small entities—businesses and labor organizations alike—with the incentive to defend themselves against these two agencies. The FAIR Act will help prevent spurious lawsuits and ensure that small employers have the ability to effectively fight for themselves when they have actions brought against them by a vast bureaucracy with vast resources.

If the NLRB or the OSHA wins its case against a small employer then it has nothing to fear from the FAIR Act. If, however, one of these agencies drags an innocent small employer through the burden, expense, heartache and intrusion of an action that the employer ultimately wins, reimbursing the employer for its attorney's fees and expenses is the very least that should be done. It's the FAIR thing to do. I urge my colleagues in the House to support this important legislation and look forward to working with all Members in both the House and Senate in passing this bill.

INTRODUCTION OF THE AMERICAN HANDGUN STANDARDS ACT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mrs. TAUSCHER. Mr. Speaker, today I am introducing the American Handgun Standards Act so we can finally eliminate junk guns from our streets by demanding that domestically produced handguns meet common sense consumer product protections standards. This bill is companion legislation to S. 193 introduced by Senator BARBARA BOXER.

I find it unbelievable that we subject toy guns to strict safety regulations, but we do not apply quality and safety standards to real handguns.

There are currently no quality and safety standards in place for domestically produced firearms. In fact, domestically produced handguns are specifically exempted from oversight by the Consumer Product Safety Commission; however, imported handguns are subject to quality and safety standards. This disparity in standards had led to the creation of a high-volume market for domestically manufactured junk guns.

Saturday night specials or junk guns are defined as non-sporting, low quality handguns with a barrel length of under three inches. These guns are not favored by sportsmen because their short barrels make them inaccurate and their low quality of construction make them dangerous and unreliable. These guns are favored by criminals because they are cheap and easy to conceal. The American Handgun Standards Act, will amend current law to define a "junk gun" as any handgun which does not meet the standard imposed on imported handguns.

According to the Bureau of Alcohol, Tobacco, and Firearms, in 1996 approximately 242 million firearms were either available for sale or were possessed by civilians in the United States. This total includes 72 million handguns, 76 million rifles and 64 million shotguns. Most guns available for sale in the US are produced domestically. We need to make sure these guns are subject to very strict safety standards. My legislation will make it unlawful for a person to manufacture, transfer, or possess a junk gun that has been shipped or transported in interstate or foreign commerce.

I urge my colleagues to support this bicarmeral, commonsense legislation.

HOTEL DOHERTY IS A SHINING PIECE OF MID-MICHIGAN'S HISTORY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. CAMP. Mr. Speaker, I rise today to speak about the Hotel Doherty, a building that has become a cherished landmark in the 4th Congressional District. I would like to bring to the attention of my colleagues this magnificent structure and the pride it has brought the people of Clare County.

In 1924, State Senator A.J. Doherty, grandfather of A.J. Doherty, built the hotel as a way to try to return to the people of Clare a fraction of what they had given to him. He had been given a piece of property in Clare with the sole requirement that he erect a hotel costing more than $60,000. Mr. Doherty far exceeded this sum, building a massive and remarkable hotel that featured every modern amenity possible at that time. Such marvels as radios, hot and cold running water in every room and an Otis Elevator were just a few of its attractions.

As time passed, the Hotel Doherty secured its place as a symbol of pride for Clare. For 75 years, the Hotel Doherty's guests have enjoyed its fine food and luxurious decor. It serves as a central meeting place in the state, as a respite for travelers and as a site for tourists. Even during tough economic times, the Doherty has maintained a level of excellence that has kept it among mid-Michigan's premier hotel and restaurant establishments.

The Hotel Doherty is also exceptional because it has remained family operated since it opened. Its current operators are Dean and Jim Doherty, the fourth generation of Dohertys to hold that honor.

Through the years, the hotel has changed with the times. It has undergone four expansions and renovations in its existence, but has still retained the charm and class that has made it an institution in mid-Michigan.

It is a special privilege for me to be the Representative for a district that has such a magnificent establishment as the Hotel Doherty. In our quickly changing world, it is comforting to know that the Hotel Doherty has been a shining piece of mid-Michigan's history for 75 years. I am confident that under the Doherty's stewardship, it will continue to be a vital part of its future for many years to come.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on Tuesday, May 25, 1999, I was unavoidably detained while conducting official business and missed rollcall votes 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157. Had I been present I would have voted "yea" on rollcall votes 147, 148, 149, and 150.

I would have voted "present" on rollcall vote 151, the Quorum Call of the Committee.

Finally, I would have voted "nay" on rollcall votes 152, 153, 154, 155, 156, and 157.

WORKERS MEMORIAL DAY: LEADERSHIP AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize Mary Grillo, as she is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO, with its Leadership Award.

Mary helped rebuild a small local union over the last ten years to become one of the largest, most visible and powerful unions in San Diego, the Service Employees International Local 2028. Her efforts have created a new and strong force in San Diego's labor and political landscape.

Mary has been an enormous inspiration, particularly to those unions who represent women, Latinos, African Americans and Asian constituencies.

She has fought the County of San Diego's Executive Bonus plan, forced the County to make changes and won a new and improved contract for thousands of county employees. She also won a big victory in the convalescent home industry.

Her work has been an inspiration and example for others and have produced one of the largest delegations to the Labor to Neighbor. This vital program educates and involves union members and their families in the campaign to protect jobs and the future of working people in San Diego and Imperial Counties.

My congratulations go to Mary Grillo for these significant contributions. I can personally attest to Mary's dedication and commitment and believe her to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL–CIO Leadership Award.

CONGRATULATIONS TO ABINGTON SENIOR HIGH SCHOOL

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the outstanding accomplishments of a High School in my District, Pennsylvania's Thirteenth Congressional District.

On behalf of the entire Montgomery County community, I congratulate Abington Senior High School in Abington, PA, for being selected by the Corporation for National Service as a National Service-Learning Leaders Schools. Abington is one of only two schools in Pennsylvania to receive this honor, and has been selected as part of the first-ever class of Service-Learning Leader Schools.

This designation is only awarded to schools that have broad-based service-learning activities throughout the school, and who have thoughtfully and effectively integrated service into school life and curriculum, promoted civic responsibility, improved school and student performance, and strengthened the surrounding communities with their participation.

National Service-Learning Leader Schools do not simply hold an honorary title. Along with the honor, Abington accepts responsibility for helping other schools integrate service into their curriculum. During Abington's 2-year term as a Service-Learning Leader, it will serve as a model of best practices to other schools and actively help them incorporate service-learning into their school life and curriculum. Specifically, Abington will lead, mentor, and coach other schools by sharing materials, making presentations, and participating in peer exchanges.

As part of its Service-Learning Leader activities, Abington will send representatives to Washington, DC this June in order to attend a Leader Schools Leadership Institute, during which delegates will receive specific training on establishing service programs in their schools, and in helping other schools to do the same.

Once again, congratulations to Abington Senior High School. The entire Thirteenth District is proud of them, and commends them for their excellent work in instilling civic responsibility in students and for serving the community.

INTRODUCTION OF H.R. 1977, THE HAROLD HUGHES, BILL EMERSON SUBSTANCE ABUSE TREATMENT PARITY ACT

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RAMSTAD. Mr. Speaker, every day, politicians talk about the goal of a "drug-free America."

Mr. Speaker, let's get real! We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for the 26 million American people presently addicted to drugs and/or alcohol.

That's right, Mr. Speaker. 26 million alcoholics and addicts in the United States today.

150,000 Americans died last year from drug and alcohol addiction.

Alcohol and drug addiction, in economic terms, cost the American people $246 billion last year. American taxpayers paid over $150 billion for drug-related criminal and medical costs alone in 1997—more than they spent on education, transportation, agriculture, energy, space and foreign aid combined.

According to the Health Insurance Association of America, each delivery of a new child that is complicated by chemical addiction results in an expenditure of $48,000 to $150,000 in maternity care, physicians' fees and hospital charges. We also know that 65 percent of emergency room visits are drug/alcohol related.

The National Center on Addiction and Substance Abuse found that 80 percent of the 1.7 million prisoners in America are behind bars because of drugs and/or alcohol addiction.

Another recent study showed that 85 percent of child abuse cases involve a parent who abuses alcohol or other drugs. 70 percent of all people arrested test positive for drugs. Two-thirds of all murders are drug-related.

Mr. Speaker, how much evidence does Congress need that we have a national epidemic of addiction? An epidemic crying out for a solution that works. Not more cheap political rhetoric. Not more simplistic, quick fixes that obviously are not working.

Mr. Speaker, we must get to the root cause of addiction and treat it like other diseases. The American Medical Association told Congress and the nation in 1956 that alcoholism and drug addiction are a disease that requires treatment to recover.

Yet today in America only 2 percent of the 16 million alcoholics and addicts covered by health plans are able to receive adequate treatment.

That's right. Only 2 percent of alcoholics and addicts covered by health insurance plans are receiving effective treatment for their chemical dependency, notwithstanding the purported "coverage" of treatment by their health plans.

That's because of discriminatory caps, artificially high deductibles and copayments, limited treatment stays as well as other restrictions on chemical dependency treatment that are different from other diseases.

If we are really serious about reducing illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. Providing equal access to chemical dependency treatment is not only the prescribed medical approach; it's also the cost-effective approach.

We have all the empirical data, including actuarial studies, to prove that parity for chemical dependency treatment will save billions of dollars nationally while not raising premiums more than one-half of one percent, in the worst case scenario!

It's well-documented that every dollar spent for treatment saves $7 in health care costs, criminal justice costs and lost productivity from job absenteeism, injuries and sub-par work performance.

A number of studies have shown that health care costs, alone, are 100 percent higher for untreated alcoholics and addicts compared to recovering people who have received treatment.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment. As a recovering person of almost 18 years, I am absolutely alarmed by the dwindling access to treatment for people who need it. Over half of the treatment beds are gone that were available 10 years ago. Even more alarming, 60 percent of the adolescent treatment beds are gone.

Mr. Speaker, we must act now to reverse this alarming trend. We must act now to provide greater access to chemical dependency treatment.

That's why today I am introducing the Harold Hughes, Bill Emerson Substance Abuse Treatment Parity Act—the same bill that had the broad, bipartisan support last year of 95 cosponsors.

This legislation would provide access to treatment by prohibiting discrimination against the disease of addiction. The bill prohibits discriminatory caps, higher deductibles and copayments, limited treatment stays and other restrictions on chemical dependency treatment that are different from other diseases.

This is not another mandate because it does not require any health plan which does not already cover chemical dependency treatment to provide such coverage. It merely says those which offer chemical dependency coverage cannot treat it differently from coverage for medical or surgical services for other diseases.

In addition, the legislation waives the parity for substance abuse treatment if premiums increase by more than 1 percent and exempts small businesses with fewer than 50 employees.

Mr. Speaker, it's time to knock down the barriers to chemical dependency treatment. It's time to end the discrimination against people with addiction.

It's time to provide access to treatment to deal with America's No. 1 public health and public safety problem.

We can deal with this epidemic now or deal with it later.

But it will only get worse if we continue to allow discrimination against the disease of addiction.

As last year's television documentary by Bill Moyers pointed out, medical experts and treatment professionals agree that providing access to chemical dependency treatment is the only way to combat addiction in America. We can build all the fences on our borders and all the prison cells that money can buy. We can hire thousands of new border guards and drug enforcement officers. But simply dealing with the supply side of this problem will never solve it.

That's because our nation's supply side emphasis does not adequately attack the underlying problem. The problem is more than illegal drugs coming into our country; the problem is the addiction that causes people to crave and demand those drugs. We need more than simply tough law enforcement and interdiction; we need extensive education and access to treatment.

Drug Czar Barry McCaffrey understands. He said recently, "Chemical dependency treatment is more effective than cancer treatment, and it's cheaper." General McCaffrey also said, "We need to redouble our efforts to insure that quality treatment is available."

Mr. Speaker, General McCaffrey is right and all the studies back him up. Treatment does work and it is cost-effective.

Last September, the first national study of chemical dependency treatment results confirmed that illegal drug and alcohol use are substantially reduced following treatment. This study, by the Substance Abuse and Mental Health Services Administration, shows that treatment rebuilds lives, puts families back together and restores substance abusers to productivity.

According to Dr. Ronald Smith, Captain, Navy Medical Corps and former Vice Chairman of Psychiatry at the National Naval Medical Center, the U.S. Navy substance abuse treatment program has an overall recovery rate of 75 percent.

The Journal of the American Medical Association (JAMA) on April 15, 1998 reported that a major review of more than 600 research articles and original data conclusively showed that "addiction conforms to the common expectations for chronic illness and addiction treatment has outcomes comparable to other chronic conditions." It states that relapse rates for treatment for drug/alcohol addiction (40%) compare favorably with those for 3 other chronic disorders: adult-onset diabetes (50%), hypertension (30%) and adult asthma (30%).

A March 1998 GAO report also surveyed the various studies on the effectiveness of treatment and concluded that treatment is effective and beneficial in the majority of cases.

A number of state studies also show that treatment is cost-effective and good preventive medicine.

A Minnesota study extensively evaluated the effectiveness of its treatment programs and found that Minnesota saves $22 million in annual health care costs because of treatment.

A California study reported a 17 percent improvement in other health conditions following treatment—and dramatic decreases in hospitalizations.

A New Jersey study by Rutgers University found that untreated alcoholics incur general health care costs 100 percent higher than those who receive treatment.

So, the cost savings and effectiveness of chemical dependency treatment are well-documented. But putting the huge cost-savings aside for a minute, what will treatment parity cost?

First, there is no cost to the federal budget. Parity does not apply to FEHBP, Medicare or Medicaid.

First, there is no cost to the federal budget. Parity does not apply to FEHBP, Medicare or Medicaid.

According to a national research study that based projected costs on data from states which have already enacted chemical dependency treatment parity, the average premium increase due to full parity would be 0.2 percent. (Mathematical Policy Research study, March 1998)

A Milliman and Robertson study projected the worst-case increase to be 0.5 percent, or 66 cents a month per insured.

That means, under the worst-case scenario, 16 million alcoholics and addicts could receive treatment for the price of a cup of coffee per month to the 113 million Americans covered by health plans. At the same time, the American people would realize $5.4 billion in cost-savings from treatment parity, according to the California Drug and Alcohol Treatment Assessment.

U.S. companies that provide treatment have already achieved substantial savings. Chevron reports saving $10 for each $1 spent on treatment. GPU saved $6 for every $1 spent. United Airlines reports a $17 return for every dollar spent on treatment.

And, Mr. Speaker, no dollar value can quantify the impact that greater access to treatment will have on the spouses, children and families who have been affected by the ravages of addiction. Broken families, shattered lives, messed-up kids, ruined careers.

Mr. Speaker, this is not just another policy issue. This is a life-or-death issue for 16 million Americans who are chemically dependent, covered by health insurance but unable to access treatment.

We know one thing for sure. Addiction, if not treated, is fatal. That's right—addiction is a fatal disease.

Last year, 95 House members from both sides of the political aisle co-sponsored this substance abuse treatment parity legislation.

This year, let's knock down the barriers to treatment for 16 million Americans.

This year, let's do the right thing and the cost effective thing and provide access to treatment.

This year, let's pass treatment parity legislation to deal with the epidemic of addiction in America.

Mr. Speaker, the American people cannot afford to wait any longer.

I urge all members to cosponsor the Harold Hughes, Bill Emerson Substance Abuse Treatment Parity Act.

SOUTHSIDE SAVANNAH RAIDERS—H.R. NO. 566

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. KINGSTON. Mr. Speaker, today, I rise to recognize the outstanding achievements of the Southside Savannah Raiders, and I present to you this resolution.

Whereas, the Southside Savannah Raiders, the terrific youth baseball team for boys 14 years old and under, won the 1998 State Baseball Championship promoted by the Georgia Association of Recreation and Parks Departments; and

Whereas, the victorious Raiders are sponsored by the Vietnam Veterans of America Chapter 671, but all of Savannah shared in their victory in Brunswick on July 18, 1998; and

Whereas, the Southside Savannah Raiders had an overall record of 32 wins and five losses during the 1998 season while clinching the League, City, District 2, and Georgia Games titles; and

Whereas, these fine young athletes demonstrated exceptional ability, motivation, and team spirit throughout their regiorous season, and the experience they have shared has provided them many wonderful memories, friendships, and values; and

Whereas, the members of the 1998 Raiders are Joey Boaen, Christopher Burnsed, Brady Cannon, Robert Cole, Brian Crider, Matthew Dotson, Kevin Edge, Michael Hall, Mark Hamilton, Garett Harvey, Zach Hillard, Bobby Keel, Corey Kesseler, Chris Palmer, Matt Thomas, and Ellis Waters; and the coaches are Linn Burnsed, Danny Boaen, and Gene Dotson, *now therefore, be it resolved by the House of Representatives;* that the members of this body congratulate the Southside Savannah Raiders on their state championship and wish each member of the team all the success in the future.

Be it further resolved that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the Southside Savannah Raiders.

CHILDREN'S LEAD SCREENING ACCOUNTABILITY FOR EARLY-INTERVENTION ACT OF 1999

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. MENENDEZ. Mr. Speaker, I am pleased today to introduce the Children's Lead Screening Accountability for Early-Intervention Act of 1999. This important legislation will strengthen federal mandates designed to protect our children from lead poisoning—a preventable tragedy that continues to threaten the health of our children.

Childhood lead poisoning has long been considered the number one environmental health threat facing children in the United States, and despite dramatic reductions in blood lead levels over the past 20 years, lead poisoning continues to be a significant health risk for young children. CDC has estimated that about 890,000, or 4.4 percent of children between the ages of one and five have harmful levels of lead in their blood. Even at low levels, lead can have harmful effects on a child's intelligence and his, or her, ability to learn.

Children can be exposed to lead from a number of sources. We are all cognizant of lead-based paint found in older homes and buildings. However, children may also be exposed to non-paint sources of lead, as well as lead dust. Poor and minority children, who typically live in older housing, are at highest risk of lead poisoning. Therefore, this health threat is of particular concern to states, like New Jersey, where more than 35 percent of homes were built prior to 1950.

In 1996, New Jersey implemented a law requiring health care providers to test all children under the age of 6 for lead exposure. But during the first year of this requirement, there were actually fewer children screened than the year before, when there was no requirement at all. Between July 1997 and July 1998, 13,596 children were tested for lead poisoning. The year before that more than 17,000 tests were done.

At the federal level, the Health Care Financing Administration (HCFA) has mandated that Medicaid children under 2 years of age be screened for elevated blood lead levels. However, recent General Accounting Office (GAO) reports indicate that this is not being done. For example, the GAO has found that only about 21% of Medicaid children between the ages of one and two have been screened. In the state of New Jersey, only about 39% of children enrolled in Medicaid have been screened.

Based on these reviews at both the state and federal levels, it is obvious that improvements must be made to ensure that children are screened early and receive follow up treatment if lead is detected. that is why I am introducing this legislation which I believe will address some of the shortcomings that have been identified in existing requirements.

The legislation will require Medicaid providers to screen children and cover treatment for children found to have elevated levels of lead in their blood. It will also require improved data reporting of children who re tested, so that we can accurately monitor the results of the program. Because more than 75%—or nearly 700,000—of the children found to have elevated blood lead levels are part of federally funded health care programs, our bill targets not only Medicaid, but also Head Start, Early Head Start and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Head Start and WIC programs would be allowed to perform screening or to mandate that parents show proof of screenings in order to enroll their children.

Education, early screening and prompt follow-up care will save millions in health care costs; but, more importantly will save our greatest resource—our children.

PERSONAL EXPLANATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Ms. STABENOW. Mr. Speaker, I was unavoidably detained on May 24, 1999 and was not able to vote on H.R. 1251 and H.R. 100.

Had I been present, I would have voted "yea" on H.R. 1251.

Had I been present, I would have voted "yea" on H.R. 100.

INTRODUCTION OF THE TEACHER EMPOWERMENT ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GOODLING. Mr. Speaker, today I am joining with the distinguished Chairman of the Subcommittee on Postsecondary Education, Training and Life-long Learning, Mr. MCKEON, Mr. CASTLE, the Speaker of the House, the Majority Leader, Mr. WATTS, Mr. BLUNT, Ms. PRYCE, and other distinguished Members of the House to introduce the Teacher Empowerment Act. As someone who has spent a lifetime in education as a parent, a teacher, a school administrator, and a Member of Congress, I know that after parents, the most important factor in whether a child succeeds in school is the quality of the teachers in the classroom. An inspirational, knowledgeable, and qualified teacher is worth more than anything else we could give a student to ensure academic achievement.

The Teacher Empowerment Act will go a long way toward helping local schools improve the quality of their teachers, or to hire additional qualified teachers, and to do this in the way that best meets their needs. The Teacher Empowerment Act will provide $2 billion per year over 5 years to States and local school districts to help pay for the costs of high quality teacher training and for the hiring of new teachers. We do this by consolidating the following programs: Eisenhower Professional Development, Goals 2000, and "100,000 New Teachers."

We have tried to develop legislation that will have bipartisan support, and we will continue to do so as the bill moves along. However, our approach differs significantly from the Administration's. The Administration's legislative proposal is prescriptive and centered on Washington. We lift restrictions and encourage local innovation.

The Administration's proposal is so focused on reducing class size that it loses sight of the bigger quality issue. We try to find the right balance between reducing class size, retaining, and retraining quality teachers. And in our bill, class size is a local issue, not a Washington issue.

In math and science, the Administration increases set-asides and makes no provision for local school districts that do not have significant needs in those areas. Our approach is different because we maintain the focus on math and science, but also provide additional flexibility for schools that have met their needs in those subject areas.

The Administration takes dollars from the classroom by allowing the Secretary of Education to maintain half of all funds for discretionary grants and to expand funding for national projects. Our bill reduces funding for national projects and sends 95 percent of the funds to local school districts.

The Administration wants to put 100,000 new teachers into classrooms, but requiring this would force States and local school districts to put many unqualified teachers in the classroom. We allow schools to decide whether they should use the funds to reduce class size, or improve the quality of their existing teachers, or hire additional special education teachers.

Finally, one point that I would like to make is that improving the quality of our teachers does not mean that we need national certification. In fact, our bill prohibits it. Again, it's a question of who controls our schools: bureaucracies in Washington, or people at the State and local level who know the needs of their communities.

The Teacher Empowerment Act is good legislation. It provides a needed balance between the quality and quantity of our teaching force. I hope that we can work together on this legislation, in a bipartisan manner, so that we see enactment of this legislation, along with our other reforms in ESEA, in this Congress.

RECTIFYING IRS RULING FOR VETERANS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mrs. TAUSCHER. Mr. Speaker, I am pleased to join with my colleague from California, Mr. BRIAN BILBRAY, to introduce a bill to rectify an unjust Internal Revenue Service (IRS) ruling which adversely affected our nation's veterans.

In a 1962 IRS ruling, an allowance was made for the deduction of flight training expenses from a veteran's income tax even if veterans' benefits were received to pay the training costs. Subsequently, many veterans used their G.I. benefits to go to flight school and correctly deducted these expenses on their income tax forms. In 1980, the IRS revised its 1962 ruling by terminating this tax deduction in Revenue Ruling 80–173. However, the IRS decided to apply this new ruling retroactively, which meant the veterans who had utilized this deduction would now have to pay back their tax refund to the IRS. This decision was detrimental to the taxpayers who took the deduction as instructed, and therefore simply unfair.

Naturally, these taxpayers took their case to court. In April 1985, the 11th Circuit Court of Appeals, in Baker v. United States, considered this issue and sided with the taxpayer. The IRS did not appeal the decision to the U.S. Supreme Court. Consequently, the veterans who fought the battle in the 11th Circuit Court of Appeals received refunds of the tax they had been required to pay. At the same time, however, veterans who suffered from the retroactive IRS ruling but who fell outside the purview of that court decision were not given refunds. Similarly situated veterans were therefore being treated differently by the IRS due to geographic location.

This bipartisan legislation will permit those veterans who settled with the IRS on less favorable terms or were precluded from having the IRS consider their claims because of the time limits in the law, a one-time opportunity to file for a refund. This way the remaining veterans and the IRS would have a second chance to come to a much more equitable settlement.

Nationwide, this legislation will affect the approximately 200 remaining veterans who have still not received an equitable settlement from the IRS—roughly ⅓ of these veterans reside in the State of California.

Basically this legislation boils down to restoring a sense of fairness. We need to do what is right and put an end to this inequitable situation once and for all. These veterans stood up for America—it's time we stand up for them.

TRIBUTE TO LIEUTENANT GENERAL LESTER L. LYLES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Ms. LEE. Mr. Speaker, I rise today to pay tribute to Lieutenant General Lester L. Lyles, United States Air Force, on the occasion of his promotion to General. On May 27, 1999, LTG Lyles will become only the 2nd African American four star commander in the United States Air Force currently on active duty.

LTG Lyles has fought tirelessly and contributed greatly to the defense of our nation and to equal opportunity for other soldiers of color.

He currently is serving as the director of the Ballistic Missile Defense Organization, Department of Defense at the Pentagon. The organization is presidentially chartered and mandated by Congress to acquire highly effective ballistic missile defense systems for forward-deployed and expeditionary elements of the U.S. Armed Forces.

LTG Lyles entered the Air Force in 1968 as a distinguished graduate of the Air Force Reserve Officer Training Corps program. He served in a variety of both tactical and staff positions throughout his illustrious career. In 1992, LTG Lyles became the vice-commander of Ogden Air Logistics Center, Hill Air Force Base. He served as commander of the center from 1993–1994, then was assigned to command the Headquarters Space and Missile Systems Center, Los Angeles Air Force Base. He served in this capacity until August 1996 when he assumed his current position.

LTG Lyles is a highly decorated soldier. He has received the department's Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit with oak leaf cluster, the Meritorious Service Medal with two oak leaf clusters, and a myriad of other awards.

LTG Lyles has an impressive educational background. He is a graduate of prestigious senior service schools including the Armed Forces Staff College, the National War College, and the Defense Systems Management College. He also holds a Bachelor of Science degree in mechanical engineering from Howard University, Washington, DC, and a Master of Science degree in mechanical and nuclear engineering from the Air Force Institute of Technology, at New Mexico State University, Las Cruces.

LGT Lyles serves proudly as a member of the United States Armed Forces. He is a distinguished soldier whose accomplishments reflect great credit upon himself, the United States Air Force, and the United States of America.

On this occasion, Mr. Speaker, I am honored to join his family, friends, and colleagues as we recognize LTG Lester Lyles on his promotion to four star General in the United States Air Force.

THE 150TH ANNIVERSARY OF THE DEATH OF FREDERIC CHOPIN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. DINGELL. Mr. Speaker, this year marks the occasion of the 150th anniversary of the death of one of the world's most enduring musicians. Frédéric Chopin. Chopin was born in Zelazowa Wola, a village six miles from Warsaw, Poland on March 1, 1810. He suffered from tuberculosis and died in Paris at the age of 39 on October 17, 1849. This year his life and work will be celebrated around the world, and it brings me and my Polish heritage great pride to recognize this event.

Chopin's abilities were recognized at an early age. At 9, he played a concerto at a public concert. He published his first composition at 15. And at the age of 21, Chopin moved to Paris where he was well-received. He taught piano lessons and often played in private homes, preferring this to public concerts.

One of the best-known and best-loved composers of the romantic period, Chopin was devoted to the piano, and his more than 200 compositions demonstrate his grace and skill. And his admirers included fellow composer Franz List and Robert Schumann. Chopin reportedly fell deeply in love with the novelist George Sand (Aurore Dudevant), and he described her as his inspiration.

His works include two sets of etudes, two sonatas, four ballads, many pieces he titled preludes, impromptus, or scherzos, and a great number of dances. Included among the latter are a number of waltzes, but also mazurkas and six polonaises, dances from his native Poland. Some of these dance pieces are among Chopin's best-known works, including the Polonaise in A-flat major and the Waltz in C-sharp minor.

Among Chopin's most engaging works are the Préludes. Intended to serve as improvised beginnings to an intimate recital, these pieces range from gentle melancholy to the dramatic. Many of Chopin's most beautiful compositions come from the series of short, reflective pieces he called nocturnes. His nocturnes were usually gentle with a flowing bass and demonstrate Chopin's flair for elegant, song-like melodies.

Indeed, Chopin composed some of the most beautiful piano music ever written, and I applaud those who will pay tribute to this remarkable composer and his Polish heritage in this important anniversary year.

TRIBUTE TO TEACHING FELLOWS FROM STANLY COUNTY, NORTH CAROLINA

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. HAYES. Mr. Speaker, it is my pleasure to congratulate four Stanly County students who are among the 1999 recipients of the North Carolina Teaching Fellows scholarships. Each Fellow receives a $26,000 scholarship loan from the state of North Carolina.

The full loan is forgiven after the recipient has completed 4 years of teaching in North Carolina public schools.

In addition, all Fellows take part in academic summer enrichment programs during their college careers.

The Teaching Fellows Scholarship program was created by the North Carolina General Assembly in 1986 and has become one of the top teacher recruiting programs in the country.

This innovative program attracts talented high school seniors to become public school teachers. This is a common sense, state based program that will help encourage our best and brightest to come back to their communities to teach.

The 1999 recipients from Stanly County, North Carolina are Catherine Ellen Hinson and Mai Lee Xiong, both of Albemarle High School, Adam Allen Cycotte of South Stanly High School, and Anna Beth Spence of West Stanly High School.

Mr. Speaker, I want to congratulate these individuals for the courage and desire to enter the teaching profession.

REMEMBRANCE OF OLD MARBLEHEAD

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. TIERNEY. Mr. Speaker, recently I had the pleasure of joining with my constituents to celebrate Marblehead, Massachusetts' 350th Anniversary! At the festivities a remarkable young eighth grader from Marblehead Middle School shared her poem, "Remembrance of Old Marblehead" with those assembled. I can attest to the fact that her words and delivery truly "stole the show" and I take great pride in sharing Ms. Katherine Fowley's fine work with my Colleagues:

REMEMBRANCE OF OLD MARBLEHEAD

I stand on the rocks and I listen to the ancient whispers of the sea,
They sing the songs of fishermen, of cannon fire, of boats rich with merchandise.
I lie on the banks of Fort Sewall.
Suddenly, the benches transform into cannons.
Trees become young soldiers.
Townspeople cheer as the proud bow of the Constitution steers into harbor.
At night men gather around a blazing fire.
Their triumphant songs rise to meet the surge of ocean waves.
When I walk on the old roads, I hear the drumming of Glover's Regiment marching over faded cobblestones.

On the steps of the Town House the crier is ringing his bell.
It calls out in the salty air like a foghorn leading sailors home. . . .
When I walk by the historic houses, I see the spirits of Marblehead.
A woman stands on a widow's walk. Her white dress flaps around her like the wings of wild seagulls.
She is waiting for her husband to return.
She is waiting to see the tall mast emerge from the fog.
She is waiting.
The aged bricks and wooden clapboards of these houses are filled with voices.
And the song of these voices is remember.

STATEMENT FOR THE RECORD ON THE INTRODUCTION OF A BILL TO CLARIFY THAT NATURAL GAS GATHERING LINES ARE 7-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am joined by Representatives MCCRERY, HOUGHTON, WATKINS, MCINNIS, and CAMP in the introduction of legislation that will clarify the proper treatment of natural gas gathering lines for purposes of depreciation.

For several years, a level of uncertainty has hampered the natural gas processing industry as well as imposed significant costs on the energy industry as a whole. Consequently, I have worked to bring certainty to the tax treatment of natural gas gathering lines. During this time, I have corresponded and met with a variety of people from the Department of Treasury in an effort to secure the issuance of much needed guidance for the members of the natural gas processing industry regarding the treatment of these assets.

Unfortunately, I have not received satisfactory responses. Protracted Internal Revenue Service audits and litigation on this issue continues without any end in sight. As a result, I chose to introduce legislation in the 105th Congress in order to clarify that, under current law, natural gas gathering lines are properly treated as seven-year assets for purposes of depreciation. This year, I introduced similar legislation, H.R. 674, as a part of the 106th Congress. Today's bill supersedes my earlier bill, H.R. 674, and contains a few minor technical changes that are necessary to ensure that this legislation achieves its intended effect.

This bill specifically provides that natural gas gathering lines are subject to a seven-year cost recovery period. In addition, the legislation includes a proper definition of a "natural gas gathering line" in order to distinguish these assets from pipeline transportation lines for depreciation purposes. While I believe this result is clearly the correct result under current law, my bill will eliminate any remaining uncertainty regarding the treatment of natural gas gathering lines.

The need for certainty regarding the tax treatment of such a substantial investment is obvious in the face of the IRS's and Treasury's refusal to properly classify these assets. The Modified Accelerated Cost Recovery System (MACRS), the current depreciation system, includes "gathering pipelines and related production facilities" in the Asset Class for assets used in the exploration for and production of natural gas subject to a seven-year cost recovery period. Despite the plain language of the Asset Class description, the IRS and Treasury have repeatedly asserted that only gathering systems owned by producers are eligible for seven-year cost recovery and all other gathering systems should be treated as transmission pipeline assets subject to a fifteen-year cost recovery period.

The IRS's and the Treasury's position creates the absurd result of the same asset receiving disparate tax treatment based solely on who owns it. The distinction between gathering and transmission is well-established and recognized by the Federal Energy Regulatory Commission and other regulatory agencies. Their attempt to treat natural gas gathering lines as transmission pipelines ignores the integral role of gathering systems in production, and the different functional and physical attributes of gathering lines as compared to transmission pipelines.

Not surprisingly, the United States Court of Appeals for the Tenth Circuit recently held that natural gas gathering systems are subject to a seven-year cost recovery period under current law regardless of ownership. The potential for costly audits and litigation, however, still remains in other areas of the country. Given that even a midsize gathering system can consist of 1,200 miles of natural gas gathering lines, and that some companies own as much as 18,000 miles of natural gas gathering lines, these assets represent a substantial investment and expense. The IRS should not force businesses to incur any more additional expenses as well. My bill will ensure that these assets are properly treated under our country's tax laws.

I urge my colleagues to join me as cosponsors of this important legislation.

HONORING THE ANNIVERSARY OF THE BIRTH OF SAMUEL S. SCHMUCKER

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GOODLING. Mr. Speaker, I rise today in recognition of the bicentennial of the birth of Samuel S. Schmucker, who made great contributions to American culture, religion, and education.

Mr. Samuel Schmucker was born 200 years ago on February 28, 1799 in Hagerstown, Maryland into a Lutheran parsonage family. At age ten, he moved with the family to York, Pennsylvania. As a young man at a time when there were no colleges under Lutheran auspices, Samuel Schmucker attended the University of Pennsylvania and Princeton Theological Seminary. While attending these schools, he demonstrated exceptional intelligence and leadership skills. After leaving school, Mr. Schmucker was determined to do everything within his power to improve education in his denomination and in his commonwealth. In 1821, at the young age of 22, Samuel Schmucker was ordained and he quickly began to instruct candidates for the ministry. He founded and served the Lutheran Theological Seminary by preparing hundreds of men for the Lutheran ministry.

In 1832 Mr. Schmucker became the chief founder of Gettysburg College, one of the 50 oldest colleges in the United States today. Although the college was under Lutheran influence, he insisted that no student or faculty member be denied admission based on their religion. Samuel Schmucker remained an active member of the College Board of Trustees for more than 40 years. Throughout his life, he was an ardent supporter of education for women and minorities. He so adamantly opposed slavery and was outspoken on the subject that when confederate soldiers swept across the seminary campus on July 1, 1863, his home and library were ransacked.

I am pleased to recognize the sponsors of this special event: Gettysburg College, the Lutheran Historical Society, and Lutheran Theological Seminary at Gettysburg and I commend them for acknowledging the importance of Samuel Schmucker's accomplishments.

I am very proud of Samuel Schmucker's contribution to the educational system and culture of Pennsylvania. His legacy of leadership has benefited many generations of Americans.

INTRODUCTION OF THE MEDICARE'S ELDERLY RECEIVING INNOVATIVE TREATMENTS (MERIT) ACT OF 1999

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to introduce legislation to promote the coverage of frail elderly Medicare beneficiaries enrolled in innovative Medicare+Choice programs.

This bill will exempt certain innovative programs specifically designed for the frail elderly living in nursing homes from being impacted by the new risk-adjusted payment methodology designed by the Health Care Financing Administration (HCFA) during its phase-in period.

While the concept of a risk-adjusted payment methodology would actually be beneficial for such programs, the interim methodology is limited in scope and is primarily based on hospital encounter data. This focus on hospitalizations will put programs that are designed to provide care in non-hospital settings, thus reducing the need for expensive hospitalizations, at a distinct disadvantage.

One such program is EverCare, an innovative health care program for the frail elderly in Minnesota and other states. A recent study by the Long Term Care Data Institute (LTCDI) has concluded that EverCare's revenue alone will decrease 42% under this new methodology. The program could not continue with such dramatic cuts.

Recognizing that EverCare and programs like it may be adversely impacted by the new methodology, HCFA granted certain programs limited exemptions. However, HCFA acknowledged that additional steps may be necessary by stating they would also be "assessing possible refinements to the risk adjustment methodology" as it relates to these programs and was considering developing a 'hybrid' payment methodology for them.

I appreciate HCFA's understanding of the uniqueness of the programs and the need to treat them differently than traditional Medicare+Choice plans. However, I am concerned that over four months have passed and we have not seen action on the part of HCFA to develop such a methodology. In addition, I am concerned that they have not applied the exemption to other similar programs specifically designed for the frail elderly living in nursing homes.

Along with the bill and statement today, I am submitting some testimonials I have received from those involved with this critical program. I believe they will do a better job than I could of explaining the uniqueness and importance of these programs.

Mr. Speaker, the risk adjusted payment methodology is intended to ensure reimbursements which reflect the health care status and needs of Medicare beneficiaries, not deny access to pioneering new programs.

That's why I urge my colleagues to cosponsor this legislation to ensure cost-effective and care-enhancing programs like these are not unintentionally and fatally impacted as HCFA gradually moves into an appropriate, comprehensive methodology. I urge my colleagues to cosponsor this MERITorious bill.

THE EVERCARE STORY—CLINICAL SUCCESS STORIES SUBMITTED BY SITE

PHOENIX SITE

Sara Roth was a 75 year old EverCare resident of Shadow Mountain Care Center. Sara's primary diagnosis was S/P frontotemporal craniotomy for a massive subdural hematoma. She was now essentially bedridden and as a result had pressure sores complicating her current medical status. Less than 9 months prior to her enrolling with EverCare, she had been essentially alert and dependent. Sara's family was pursuing legal interventions with her previous health care providers.

Sara's family felt isolated, tremendously frustrated and out of control prior to her enrolling in EverCare. Sue was able to help this family who had unrealistic expectations, make difficult, but informed decisions. Ultimately, Sara was able to die with compassion and dignity. The family was comforted and supported by the team during this difficult time, as their attached letter attests.

This example truly represents the unique aspects of the EverCare model in action—protecting the quality of life, and when this is no longer possible, creating the most therapeutic environment to protect life's end.

SCOTTSDALE, AZ
July 20, 1998.

Re Ms. Sue Freeman, nurse practitioner.

MS. KATHRYNE BARNOSKI,
Clinical Director,
EverCare, Phoenix, AZ.

DEAR MS. BARNOSKI: I write this letter to express our family's deep appreciation for all of Ms. Freeman's help in regard to our mother, Sara Roth, who passed away on July 1 at the Shadow Mountain Nursing Home in Scottsdale.

Prior to EverCare, our family felt alone and frustrated in dealing with all Sara's medical needs at Shadow Mountain. It was difficult reach a doctor or getting answers from her nurses regarding her condition or explanation of medications. EverCare became like a fairy godmother who orchestrated a wonderful team approach to caring for our mother. Communication between Dr. Sapp, Ms. Freeman and myself was excellent and that in itself did wonders for my peace of mind.

I would like to take this opportunity to thank one of your shining stars—Ms. Sue Freeman. What a wonderful woman! She is articulate, highly skilled, organized, professional, and has a great heart! I always felt like Sara was a top priority with Sue and for that, we will always be grateful.

EverCare works. That is important for you to know. God only knows what would have happened to Sara's quality of life without Dr. Sapp and Ms. Freeman.

Thank you from the bottom of our hearts.

Sincerely,

Eleanor Shnier.

Rose Dealba is an 82-year old female resident of Mi Casa, patient of Dr. Greco with a history of cervical myopathy and chronic diarrhea. Mrs. Dealba was essentially bedridden and total care because of her cervical myopathy. Of note—Mrs. Dealba is cognitively intact. Her inability to care for herself had added depression to her problem list. Her quality of life was less than optimal due to her inability to get herself to the bathroom, to feed herself, etc. The patient and her family felt there was not hope for improvement in Mrs. Dealba's condition.

With slow and progressive/incremental physical therapy, occupational therapy and restorative nursing, Mrs. Dealba was able to feed herself, transfer and ambulate to the bathroom with a walker and assist of one. Her chronic diarrhea has finally been controlled. With another round of PT she has become more independent in her transfers and ability to get to the bathroom. She is now able to go outside with her family.

Both Mrs. Dealba and her family are thrilled with her progress. With Mrs. Dealba's previous medical carrier, physical therapy had been denied. She has been able to maintain these gains with assistance of the restorative nursing program.

It is very difficult to report only one success story. Team members report successes in practicing the EverCare model on a daily basis. A recent event leading to a letter of appreciation for Mary Ann Allan is one of many examples. Mary Ann has grown especially close to her residents and their families in a very short time as she joined EverCare in June of 1998.

Elizabeth DeBruler is an 89-year old resident at the Glencroft Care Center with a primary diagnosis of S/P CVA and Hypertension. Elizabeth is alert, oriented and very functional with no stroke residual. She is up and about daily in the facility ambulating with her walker. Mary Ann and Dr. Kaczar are the Primary Care Team and work together to monitor Elizabeth's blood pressure and medications.

In December, the nursing staff reported to Mary Ann that Elizabeth was confused with decreased food and fluid intakes. Mary Ann examined her, ordered a workup to rule out a treatable cause, and discussed a treatment plan with Dr. Kaczar. Labs showed a urinary tract infection and dehydration. The BUN was 56, Creatinine 2.4. A family conference was convened with Elizabeth's daughter Arlene Latham, Dr. Kaczar, Mary Ann and the nursing staff. Potential treatments were discussed and Advanced Directives were reviewed. Elizabeth's wishes were considered as well as her daughter's. Everyone agreed on a plan. Antibiotics by mouth would be started and if no improvement in food/fluid intake short term, intravenous fluids for hydration would be given. Elizabeth would remain a do not resuscitate. Intravenous fluids would be given in the care center with full support of the Director of the Nursing and the staff rather than transport to the hospital. Elizabeth did not improve with antibiotics alone and did require intravenous fluids. Mary Ann contacted the Case Manager, Rose Larkin, and it was determined that Elizabeth would qualify for Intensive Service Days for a change in condition and to prevent a hospitalization. As Elizabeth improved, she was moved into a Skilled Nursing benefit. Mary Ann visited Elizabeth daily and updated Arlene on her condition. Elizabeth recovered with the assistance and support of the family, facility staff and the primary care team.

EVERCARE,
2222 E. Camelback Rd, Suite 120, Phoenix, AZ.

DEAR MS. BARNOSKI: I would like to express my appreciation for the interest taken and care given to my mother, Elizabeth DeBruler by Dr. Philip Kaczar and Mary Ann Allen. Dr. Kaczar's prompt attention to her recent physical problems have been commendable and the follow-up by Mary Ann has also been impressive. The close attention and efforts to make her comfortable have been very satisfying to me.

EverCare is to be commended for their foresight in selection of these individuals. I feel they are an asset to Ever Care and Glencroft Care Center.

Sincerely,

ARLENE LATHAM.

TAMPA SITE

AWAKENING

Coming "live" in a new facility is always an opportunity for everyone involved; the member and family, the facility, facility staff, EverCare staff, and the primary care team. There are many reservations. "Should I have signed my Mom up for this EverCare?" The staff is wondering how this will work. The nurse practitioner is thinking "how will I fit in with this group?"

One of my new members in a new facility was a 72-year-old woman. She lived there for six months, after suffering a severe CVA, leaving her aphasic, NPO with a feeding tube. She was dependent in all ADL's, and spent a good portion of her day in a geri chair, watching her soaps. She did respond by nodding her head, but it was extremely difficult to assess her level of orientation.

This member's son had a discussion with the primary care team and all of her medications, including cardiac and seizure, were discontinued, at his request. The member responded to this change, she woke up!

A team effort ensured. Physical therapy and occupational therapy screened the member and requested an evaluation. Indeed there were documented changes.

Therapy and the primary care team discussed a plan of care and put it into action. Case management became actively involved. Speech therapy came on board as the member demonstrated gains in other areas. Communication was the key to this plan.

The member worked very hard and made continual gains. She is now able to assist with bathing and grooming. She can propel her wheelchair throughout the facility and attends activities. She is able to use a pad to communicate some of her needs. She still likes her soaps. Best of all, she is no longer a tube feeder and can feed herself after set-up.

The member was not just "the CVA." The office staff could visualize our member and truly felt great as she made gains.

The outcome of this team effort was an increase in the quality of life for our EverCare member.

EverCare can make a difference!

43RD ANNUAL PITTSBURGH FOLK FESTIVAL TO TAKE PLACE FROM MAY 28–30, 1999

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. KLINK. Mr. Speaker, I rise to recognize an extraordinary event that will soon take place in Pittsburgh, Pennsylvania. From May 28–30, 1999, the Pittsburgh Folk Festival, Inc. will entertain the community with the 43rd Annual Pittsburgh Folk Festival. For nearly half a century, this non-profit organization has been dedicated to the preservation and sharing of international cultures and heritages in the Pittsburgh area.

Throughout this three-day festival, the music, dance, cuisine, and crafts of Latin American, Scandinavian, African, Asian, and European countries will be displayed for all to enjoy. The 43rd Annual Pittsburgh Folk Festival will provide not only entertainment, but will also be an opportunity for enlightenment and education about the cultures and heritages of the people of the Pittsburgh area and around the world.

Western Pennsylvania is filled with culturally and ethnically diverse people, and this gala event aims to recognize the different histories and heritages from which we come. Through this celebration, everyone involved will have the ability to learn and experience this multiculturalism.

Mr. Speaker, educating Americans about the diversity of this world must be a top priority. The Pittsburgh Folk Festival has championed this philosophy for 43 years, and I am confident it will continue to do so in the future. I ask my colleagues to please join me in applauding the dedication and hard work of the participants of the Pittsburgh Folk Festival. This organization deserves our thanks for its contributions to the education and enlightenment of my Congressional District and the national community.

HONORING MIMI MOSKOWITZ FOR HER SERVICE TO THE BAYSIDE JEWISH CENTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to note the accomplishments of Mimi Moskowitz, who will be honored by the Bayside Jewish Center, of Queens County, New York, at a testimonial dinner on Monday, June 7.

Mimi is stepping down after two years as President of the Sisterhood of the Bayside Jewish Center, but she will continue to play an active role in the synagogue, as she has done for the past 22 years.

Since moving to Bayside from the Bronx in 1977, Mimi Moskowitz has plowed her energy and her limitless talent into the fundraising efforts and entertainment programs of the Bayside Jewish Center. For many years, she co-chaired the synagogue's highly successful New Year's Eve Dinner Dances. These annual events were routinely sold out, and attracted party-goers throughout New York City and Long Island.

In addition, Mimi served the Bayside Sisterhood as Program Vice President and Ways and Means Vice President, prior to her tenure as Sisterhood President. She has coordinated numerous Shabbat Dinners, Holiday Hootenannies, This is Your Life tributes, and Purim Parties; has helped edit the synagogue newsletter, the Voice; and has produced countless promotional flyers. The hours of service she has spent volunteering in the synagogue office are too numerous to count.

Before arriving in Bayside, Mimi honed her talents in service to the B'nai B'rith of Co-op City, and the Sisterhood of the Castle Hill Jewish Community Center.

However, Mimi Moskowitz is perhaps best known for her inventive song parodies and poems, which have been the hit of many an enjoyable evening at Jewish Centers in Queens and the Bronx for more than four decades. Who can forget such classics as Passover is Coming to Town, It's Beginning to Look a Lot Like Purim, I'm Dreaming of a Full Sukka, or her seminal work, the full-length production of South Passaic? Indeed, Mimi is believed to be the only person ever to use the phrase Bronx Press Review in a rhyming lyric!

Mr. Speaker, Mimi's legions of friends will be flocking to the Bayside Jewish Center on June 7 to honor her for her tireless devotion, boundless energy and limitless service to her synagogue and her community. I ask all my colleagues in the House of Representatives to join me now in honoring Mimi Moskowitz, congratulating her on the occasion of her testimonial, and extending our best wishes to her for her future health and success.

WORKERS MEMORIAL DAY: LEADERSHIP AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to recognize Art Lujan, as he is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for his leadership in the San Diego labor movement.

As the Business Manager of the San Diego Building and Construction Trades Council, Art has worked many years at uniting the twenty-six diverse building trade unions in San Diego. As an officer of the Labor Council, he has brought that commitment to promoting a strong labor movement in the County.

Art successfully secured a Project Labor Agreement with the County Water Authority resulting in over $700 million in construction projects throughout the next eight years. As a result of these efforts, Art won a $750,000 grant from the Workforce Partnership to establish a groundbreaking pre-apprenticeship program that will create new pathways for low-income San Diegans—particularly women and people of color—into skilled construction jobs that pay living wages.

My congratulations go to Art Lujan for these significant contributions. I can attest to Art's dedication and commitment and believe him to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL–CIO Leadership Award.

THANK YOU TERRY VANSUMEREN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. BARCIA. Mr. Speaker, there is no doubt as to the value of the characteristics of dedication, loyalty and perseverance. These are traits that distinguish the ordinary from the extraordinary. Today, I rise to recognize Terry VanSumeren, an extraordinary individual who has served the Hampton Township community every day for the past 32 years.

Terry was born on September 19, 1937, to Lawrence and Mary VanSumeren. After growing up in the area where he would make a name for himself, he was hired by the Hampton Township Department of Public Works on June 5, 1967. This would begin one of the most impressive streaks ever by a local government employee. Since his date of hire, Terry VanSumeren has never taken a sick day—not one single day. Blessed with good health and an unmatched devotion to the residents of Hampton Township, Terry has been there every day for the people of his township. He has become a very well respected member of the community. Always looking to improve Hampton Township, he is an active member of the township board.

At a time when many people are skeptical about government, the excellent work done by Terry VanSumeren should instill a sense of confidence in the residents of Hampton Township. They have been extremely fortunate to have someone so hard working and devoted to attending to the needs of their community. Today, Terry retires as the Superintendent of the Hampton Township of Public Works, a position he has held for the past 15 years. There is no doubt that as he leaves this position, Terry has made the township a much stronger community. As he now enters into his retirement, Terry will have the opportunity to spend time in his workshop and, more importantly, to spend time with his charming wife, Margaret, his two daughters Kym and Keri, as well as his grandson Zane.

Mr. Speaker, dedication is defined as the act of being wholly committed to a particular course of thought or action. I know of no one who better exemplifies what it means to be dedicated than Terry VanSumeren. For the past 32 years, he has been wholly committed to the people of Hampton Township. I urge you and all of our colleagues to join with me to congratulate the outstanding accomplishments of Terry VanSumeren and to wish him continued health and happiness.

TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF HOLLOW HILLS FUNDAMENTAL SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Hollow Hills Fundamental School, in my hometown of Simi Valley, CA, recognition as a national Blue Ribbon School

Hollow Hills Fundamental School is a shining example of what can happen when parents, teachers and administrators collaborate on the best approaches for providing a quality education. The school's motto—Committed to Excellence—is not merely a slogan. It's a way of life that other campuses would be well served to follow. A combination of a structured, consistent learning environment with an emphasis on basic skills and traditional American values ensures intelligent, socially responsible students and future adults.

Mr. Speaker, the school will be honored at the Ronald Reagan Presidential Library in Simi Valley on Tuesday. It's a particularly fitting tribute to Hollow Hills. President Reagan once made this statement to a group of educators:

> Our leaders must remember that education doesn't begin with some isolated bureaucrat in Washington. It doesn't even begin with state or local officials. Education begins in the home, where it is a parental right and responsibility.

That principle is fully integrated into Hollow Hills' lesson plans. The school was founded in 1982 in collaboration with parents. Every year, Hollow Hills parents, students and educators formally rededicate themselves to quality education through a "Commitment to Excellence" agreement. The school boasts a strong PTA and dedicated parents who volunteer their spare time to enhance their children's education.

In addition to stressing basic reading and math skills, the school also emphasizes art, music and technology, guaranteeing students a well-balanced education.

Hollow Hills also stresses attributes that unfortunately are missing in many schools today: personal responsibility, diligence, courtesy, respect to authority, punctuality and respect for the law. These ingredients are just as important to raising intelligence and socially responsible adults.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our Blue Ribbon Schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Hollow Hills Principal Leslie Frank, her entire staff, and the parents and students of Hollow Hills for raising the bar and setting a strong example for others to follow.

HONORING OUR FALLEN MILITARY PERSONNEL AT GLENDALE CEMETERY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GREEN of Texas. Mr. Speaker, this weekend, in a solemn ceremony at Glendale Cemetery, families will gather to honor those who gave their lives so that future generations of Americans might live in freedom. America bows its head in thanks to our fallen heroes. With flags at half-mast, with flowers on a grave, and with quiet prayers, we take time to remember their achievements and renew our commitment to their ideals.

Across our country, Americans will be holding similar ceremonies in remembrance of those who have died under the colors of our Nation. We will remember the brave men and women whose sacrifices paved the way for us to live in a country like America. We will remember the families of our fallen heroes, and we will grieve for their losses. We will remember the men and women who are now serving in our Armed Forces.

Throughout our history, we have been blessed by the courage and commitment of Americans who were willing to pay the ultimate price. From Lexington and Concord to Iwo Jima and the Persian Gulf, on fields of battle across our nation and around the world, our men and women in uniform have risked—and lost—their lives to protect America's interests, to advance the ideals of democracy, and to defend the liberty we hold so dear.

For more than 200 years, the United States has remained the land of the free and the home of the brave. The NATO military operations in the former Yugoslavia have reaffirmed that international peace and security depend on our Nation's vigilance. Even in the post-Cold War era, we must be wary, for the world still remains a dangerous place.

This spirit of selfless sacrifice is an unbroken thread woven through our history. Wherever they came from, whenever they served, our fallen heroes knew they were fighting to preserve our freedom. On Memorial Day we remember them, and we acknowledge that we stand as a great, proud, and free Nation because of their devotion.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

REPORTS: STATE OFFICIALS WILL ADMIT THAT RACIAL PROFILING EXISTS

TRENTON, N.J. (AP).—State law enforcement officials this week will grudgingly admit that state troopers unfairly target minority motorists, according to published reports.

Officials in Gov. Christie Whitman's administration told several newspapers that a report prepared by the Attorney General's office will acknowledge that some troopers have engaged in the practice known as racial profiling.

The same officials said the state will drop its appeal of a 1996 court decision asserting that troopers demonstrated race bias in making arrests along the New Jersey Turnpike in Gloucester County.

Attorney General Peter Verniero's office said his findings on the State Police's training and practices are due out Tuesday or Wednesday.

The report is expected to confirm what civil rights activists said they have known for years.

"Racial profiling is the worst-kept secret in New Jersey," Black Ministers Council of New Jersey executive director Rev. Reginald Jackson told The Star-Ledger of Newark for Tuesday's editions. "I don't think anybody reasonable will say that it doesn't happen."

State Police leaders have consistently argued that the agency does not engage in racial profiling. The issue cost State Police Superintendent Col. Carl Williams his job earlier this year and threatens to impact the political fate of both Whitman, who is expected to run for the U.S. Senate, and Verniero, who has been nominated for the state Supreme Court.

State officials face a Wednesday deadline to decide if they want to continue their appeal of the 1996 decision in state Superior Court in Gloucester County. The court decision, which could affect dozens of pending criminal cases, found evidence of racial profiling.

The newspaper reports come one day after state officials announced official misconduct indictments against the two troopers involved in last year's controversial shooting along the Turnpike in Mercer County.

Troopers John Hogan and James Kenna allegedly made false statements on the race of motorists they pulled over. Such data was being gathered in a State Police traffic stop survey prompted by the 1996 court decision.

Authorities said the indictments against Hogan and Kenna were not directly related to their involvement in the shooting near Exit 7A. Three young minority men were wounded when the troopers fired 11 shots at their van. The troopers said the van had backed up toward them suddenly.

Lawyers for Hogan and Kenna have said the pair are being used as scapegoats in the broader debate over racial profiling. Another lawyer who often represents troopers, Philip Moran, suggested that the real blame lies with the State Police top brass.

"The problem with this is that they indict the troopers at the bottom end," Moran told the Philadelphia inquirer for Tuesday's editions. "They don't indict the supervisors—who taught them to profile, who required them to profile, and who congratulated them for profiling."

The four occupants of the van have said they plan to file civil rights lawsuits against the troopers and the State Police.

The indictments against Hogan and Kenna may prompt courts to dismiss criminal charges against 26 minority defendants arrested by the two troopers in the past two years. Attorneys representing those suspects said prosecutors will be reluctant to call Hogan and Kenna as witnesses now that they face charges themselves.

"I don't think these cases will ever go to trial," defense lawyer John Weichsel told The Record of Hackensack for Tuesday's editions.

Sources told The Star-Ledger that the Attorney General's report will recommend sweeping reforms and continued monitoring of the State Police.

The state legislature's Black and Latino Caucus on Tuesday will host the second round of its three-day hearings on racial profiling Tuesday in Newark.

Base Officials Investigate Racial Epithets Drawn on Sleeping Marine

Jacksonville, N.C. (AP).—Officials at Camp Lejeune are investigating allegations that three white Marines drew racial epithets on the face and arm of a black Marine assigned to their unit.

A 20-year-old black Marine whose name has not been released, reported to city police last week the other Marines wrote the words "KKK" and "nigger" on his forehead and "Go back to Africa" on his left arm as he slept in a motel room.

The Marine told police April 11 he work up and found the scrawls on his body.

The three white Marines had left the motel when officers responding to the call arrived, "but they left behind the drawing tools apparently used as well as photos they took of the victim as he slept," said Deputy Police Chief Sammy Phillips.

An Onslow County magistrate determined the white Marines could have been charged with assault inflicting injury and ethnic intimidation, a felony. But the victim decided not to press charges.

Instead, he asked Onslow County Magistrate Shelby Jones to contact his battalion commander.

"When he made that decision, I found no probable cause. I did tell him that if the military did not take care of it, the state would," Jones said last week.

Maj. Scott B. Jack, a spokesman on base, said the battalion commander has investigated the allegations and is considering disciplinary action.

"The Marine who was subjected to this indignity has expressed his satisfaction with the action currently being taken by his command," Jack said.

A staff judge advocate is reviewing the case to determine whether it should be turned over to the Naval Criminal Investigation Service.

All four Marines are from the same unit currently deployed with the 26th Marine Expeditionary Unit to the Mediterranean.

Waco, Oklahoma City Bombing Anniversary Keeps Nearly One-Third of Jasper Students at Home

Jasper, Texas (AP)—The school week is getting a later start for many students living near the East Texas scene of a dragging death.

Almost one-third of Jasper students stayed home, fearful that white supremacists would use the anniversary of the Branch Davidian fire in Waco and Oklahoma City bombing to stage another violent event.

Shannan Holmes sent her 8-year-old daughter, Meagan, to the baby sitter with her little brother, Monday instead of the second-grade class at Parnell Elementary.

"I just wanted the peace of mind," she told the Houston Chronicle. "There's all kinds of nasty rumors going around, but I just thought it was better to be safe. It's just one day."

Ms. Holmes said that her daughter could return to school today. Earlier this month, state officials revealed that a racist prison gang member called other like-minded individuals to gather in Jasper on the anniversary of the Oklahoma City bombing and Branch Davidian fire for "Jasper tractor pull and drag racing event."

Officials interpreted that to be a veiled reference to the June 7 murder of a Jasper black man, James Byrd Jr., whose body was found torn in two after being dragged behind a pickup truck for nearly three miles.

A pretrial hearing is scheduled today for the second of three white men accused in the murder of James Byrd Jr.

But at the Jasper County Courthouse on Monday, activity was slow. A handwritten sign taped inside the front door reminded the last person out to lock up.

An investigation found nothing to the inmate-generated threat, the school superintendent said Monday.

Nevertheless, worried parents kept 1,080 students, or 32 percent of those enrolled at Jasper's two elementary schools, the middle and high school, at home on Monday, said Doug Koebernick, superintendent of the Jasper Independent School District.

"Some parents picked up on that, so in the interest of the safety of their children, parents kept them from school," Koebernick said. "It was just rumor generated."

John William King, 24, an avowed white supremacist, was convicted and sentenced to death in February for Byrd's murder. Co-defendant Lawrence Russell Brewer, 32, faces the same fate when his capital murder trial begins May 17. A trial for the third defendant, 24-year-old Shawn Allen Berry, has not been scheduled.

Defense Begins Case in Trial of Two White Supremacists

Little Rock, Ark. (AP)—Defense attorneys for two white supremacists accused of murder and conspiracy to set up a whites-only nation have tried to deflect the prosecution's incriminating testimony by suggesting that others were responsible for the crimes.

This week, the defense gets to provide jurors a clearer view of its strategy for freeing Chevie Kehoe and Daniel Les, both 26, of the charges in federal court.

Kehoe, of Colville, Wash., and Lee, of Yukon, Okla., are charged with racketeering, conspiracy and murder. They are accused of killing three members of Arkansas gun dealer William Mueller's family as part of the plot.

Prosecutors say the two wanted to overthrow the federal government to set up a new nation in the Pacific Northwest, resorting to polygamy, gun trafficking, armed robbery, bombings and murder to carry out their plan.

The defense, which claims Kehoe and Lee are not dangerous racists, was scheduled to begin its case today.

Defense lawyers decided to delay opening statements until after the prosecution rested, which it did last Tuesday after Cheyne Kehoe, Kehoe's younger brother, testified to what he said Chevie told him about he and Lee murdering an Arkansas family three years ago.

Federal prosecutors and defense lawyers haven't been able to discuss the case because of a gag order. But during a hearing, Lee's lawyer, Cathleen Compton, argued that the government had little physical evidence to connect the men to the crimes or show that they were part of any grand conspiracy.

"I think, without any disrespect to the court or anyone else, if these boys were in charge of conspiring to overthrow the government, we're all safe," Compton said.

Prosecutors called more than 150 witnesses and wheeled in shoulder-high stacks of exhibits. They are seeking the death penalty.

In the indictment, Chevie Kehoe and Lee are accused of the January 1996 robbery and deaths of Mueller, his wife, Nancy Mueller, and her 8-year-old daughter Sarah Powell. Other crimes mentioned in the indictment include a 1996 bombing of the Spokane, Wash., City Hall; a 1997 Ohio shootout with police that was videotaped and broadcast nationally; and the slayings of two associates.

Four Men Plead Guilty to Cross Burning Emredon

Alexandria, La. (AP)—Four men pleaded guilty Monday to setting crosses afire in front of a north Louisiana home whose white owners took in an interracial couple and their family seeking refuge from a hurricane.

Gary Delane Norman, 25; James Norris Friday, 23; Matthew Ryan Morgan, 19, and Huey Kenneth Martin, 18, all of Goldonna, admitted to a federal civil rights conspiracy.

Each faces up to 10 years in prison and a $250,000 fine when sentenced July 21 by U.S. District Judge F.A. Little Jr. Mandatory sentencing guidelines are used in setting federal sentences, which are served without parole.

Authorities said crosses were burned in front of the house in Goldonna, where the family was staying on the nights of Sept. 27 and Sept. 28, 1998. The family had been given shelter after fleeing the approach of Hurricane Georges, authorities said.

The victims were a black man, his white wife and their children who were staying temporarily with the wife's sister after fleeing south Louisiana as Hurricane Georges approached.

The indictment alleged that one of the men said: "No blacks sleep in Goldonna."

Authorities alleged the scheme was hatched at a grocery store, After the cross was burned on the first night, a second, larger cross was built and burned the following night.

Whether a cross burning is illegal depends upon its purpose. Cross burning for ceremonial purposes is not illegal. But it is a federal crime to burn a cross for racial motives in an attempt to intimidate or oppress someone.

"While some may try to minimize this as nothing more than a prank, finding a burning cross on your front lawn in the middle of the night is no laughing matter," said U.S. Attorney Mike Skinner. "It is a tactic of federal and intimidation, and when it interferes with federally protected rights to every citizen, those responsible will be brought to justice."

Basketball Coaches Sue Texas City, Police Over Detainment

(By Sonja Barisic)

Norfolk, VA (AP)—A women's basketball coach, her husband and an assistant coach have filed a $30 million lawsuit alleging racial bias after being detained by police in Lubbock, Texas.

The lawsuit filed Monday contends that the city and its police engaged in racially discriminatory behavior when they stopped

Hampton University coach Patricia Bibbs, her husband, Ezell, and assistant coach Vanetta Kelso on Nov. 16.

All three, who are black, have said they believe race played a role in how they were treated when police detained them during an investigation of an alleged scam.

The suit also says police violated their constitutional rights of due process, equal protection and protection from unreasonable and illegal arrests, searches and seizures.

"The city of Lubbock and its police department have known and tolerated . . . the selection and retention of police officers who have exhibited racist attitudes toward African-Americans and other minorities," the lawsuit said.

Tony Privett, a spokesman for the city of Lubbock, would not comment.

The Bibbses and Kelso were detained outside a Lubbock Wal-Mart by officers responding to a customer's complaint that someone tried to scam her. The three were handcuffed and held for several hours.

The three were suspected of trying a "pigeon drop," where a thief claims to have found a purse with cash in it and persuades the victim to put up money for a lawyer so they can both lay claim to the cash—and then disappears with the victim's money.

Police studied security tapes from the store, determined that the Bibbses and Kelso had no contact with the shopper and said no charges would be filed.

The Bibbses and Kelso had no comment on the suit Monday, said Victoria L. Jones, a spokeswoman for the university in southeastern Virginia.

RACIAL PROFILING BILL HEADS TO HOUSE AGSTFPR

(By Adam Gorlick)

Hartford, CT (AP)—Two competing bills, both designed to prevent police from pulling over motorists based on their race, are making their way through the general assembly.

Sen. Alvin Penn's bill would require police officers to record their observations about the gender and race of every driver they pull over. That information would be gathered by the Chief State's Attorney's office and used to determine whether the problem, known as "racial profiling" exists.

Another bill passed to the House by the Judiciary Committee Monday does not have those requirements.

"It's an ill-fated bill," Penn, D–Bridgeport, said. "It's a compromise, and this is something you can't compromise on."

Rep. Michael Lawlor, co-chairman of the Judiciary Committee, said the bills are not at odds with each other. He said there are questions about how police officers could compile racially sensitive information about drivers without offending them or creating an avalanche of paperwork.

"By what system are you going to identify who's in what category?" he said. "we have to make it clear that its not OK to target people based on their race or ethnicity. If it is happening, lets figure out how to monitor it in a way that does not unnecessarily burden the jobs that the cops do."

Minority drivers have complained they are sometimes stopped and queried by police because of their race, especially when driving an expensive car or driving through affluent neighborhoods.

Penn, who says he was a target of profiling in Trumbull three years ago, also wants police departments to set up a system to deal with complaints about profiling. If they don't, he wants the towns to be fined.

Complaints that Trumbull police have illegally targeted black and Hispanic motorists have prompted an FBI probe.

The investigation follows complaints from minority drivers and a memo by police Chief Theodore Ambrosini suggesting officers watch for people who don't fit into the community.

MAYOR OPPOSES DESEGREGATION PROGRAM

Milwaukee (AP)—Racial guidelines in a court-approved desegregation plan for the Milwaukee School District ought to be abandoned, Mayor John O. Norquist said.

The Chapter 220 program was adopted in the 1970s by the district in response to a federal lawsuit to bus black children to suburban districts. Hundreds of Milwaukee white children are ineligible for the state-subsidized transportation.

The lack of opportunity for white children encourages their families to move to the suburbs, Norquist said Monday, recalling he opposed the Chapter 220 plan when the Legislature adopted it while he was a state senator.

"I don't think there should be any racial quotas," he said. Some members of the newly elected Milwaukee school board propose ending the racial guidelines. Gov. Tommy Thompson recommends the Legislature reduce the funding available to districts that participate in Chapter 220.

School administrators and the National Association for the Advancement of Colored People favor preserving the program.

More than 5,100 Milwaukee minority children attend suburban schools under the program this year while 540 suburban whites attend Milwaukee schools.

H.R. 1817: RURAL CELLULAR LEGISLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GILMAN. Mr. Speaker, today I'm introducing H.R. 1817, legislation to improve cellular telephone service in three rural areas located in Pennsylvania, Minnesota, and Florida. Joining me as cosponsors are Representatives Carolyn Maloney and Anna Eshoo.

Most rural areas of this country have two cellular licensees competing to provide quality service over their respective service territories. Competition between two licensees improves service for businesses, governments, and private users, at the same time, improves response times for emergency services.

Unfortunately, three rural service areas in Pennsylvania, Minnesota, and Florida do not enjoy the benefit of this competition. The Pennsylvania rural service area has only one cellular operator. The Minnesota rural service area and the Florida rural service area each have two operators, but one of the operators in each area is operating under a temporary license and thus lacks the incentive to optimize service. The reason for this lack of competition is that in 1992 the FCC disqualified three partnerships that had won the licenses, after finding that they had not complied with its "letter-perfect" application rule under the foreign ownership restrictions of the Communications Act of 1934. Significantly, the FCC has allowed other similarly situated licensees to correct their applications and, moreover, Congress repealed the relevant foreign ownership restrictions in the Telecommunications Act of 1996.

In the 105th Congress, former Representative Joe McDade, joined by Representative Anna Eshoo and former Representative Scott Klug, introduced H.R. 2901 to address this problem. In September 1998, the Telecommunications Subcommittee of the Commerce Committee held a hearing on FCC spectrum management that included testimony on and discussion of H.R. 2901. Later that month, the full Commerce Committee incorporated a modified version of H.R. 2901 into H.R. 3888, the Anti-Slamming bill. In October 1998, the House approved H.R. 3888, incorporating a further modified version of H.R. 2901, by voice vote on suspension (Congressional Record, Oct. 12, 1998, H10606–H10615). Unfortunately, the bill died in the Senate in the last few days prior to adjournment for reasons unrelated to the rural cellular provision.

H.R. 1817 is based on the rural cellular provision contained in H.R. 3888, as approved by the House. The legislation would direct the FCC to allow the partnerships denied licenses to serve the Pennsylvania, Minnesota, and Florida rural service areas to resubmit their application consistent with FCC rules and procedures. The partnerships would pay fees to the FCC consistent with previous FCC auctions and settlements with other similarly situated licensees. To ensure speedy service to cellular customers, the FCC would have 90 days from date of enactment to award permanent licenses, and if any company failed to comply with FCC requirements the FCC would auction the license. The licenses would be subject to a 5-year transfer restriction, and the Minnesota and Florida licenses would be subject to accelerated build-out requirements.

H.R. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.

(a) In General.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in subsection (c), the Commission shall—

(1) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(2) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(b) Exemption From Petitions To Deny.—For purposes of the amended applications filed pursuant to subsection (a)(2), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(c) Proceeding.—The proceeding described in this subsection is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P., Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

SEC. 2. CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.

(a) Award of Licenses.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(b) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to a covered rural service area licensing proceeding, the applicant shall provide cellular radio-telephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(c) CALCULATION OF LICENSE FEE.—

(1) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(A) the average price paid per price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(B) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(2) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by section 1(a)(2), the Commission shall notify each applicant of the fee established for the license associated with its application.

(d) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a).

(e) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to section 1(a)(2) of this Act, the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under subsection (b) of this section, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to section 1(a)(1)) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 3. PROHIBITION OF TRANSFER.

During the 5-year period that begins on the date that an applicant is granted any license pursuant to section 1, the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to section 1 from contracting with other licensees to improve cellular telephone service.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) APPLICANT.—The term "applicant" means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term "covered rural service area licensing proceeding" mean the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term "tentative selectee" means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

HONORING ROSE ANN VUICH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce a brief biography on Senator Rose Ann Vuich, who, for her ethical leadership, has been honored with an award in her namesake. The Rose Ann Vuich Ethical Leadership Award is designed to increase ethical sensitivity, raise expectations for behavior and acknowledge personal integrity. The first recipient of the award was Fresno County Supervisor Sharon Levy. This year's recipient is Lindsay Mayor Valeriano Saucedo.

Rose Ann Vuich was the daughter of immigrant parents who grew up on a farm in rural Tulare County. She became a small-town accountant and went on to the California State Senate as the first woman ever to serve in that body. Although at first she was reluctant to run for the office, she eventually (in her own words) "tore into that campaign and campaigned from morning till night, in my own grass-roots, down-to-earth way * * *" Rose Ann won the primary by only 242 votes and faced an uphill battle in the run-off. Despite comments from political pros that said she didn't have a chance, she kept moving forward in a very simple and effective campaign and eventually won the election by more than 2,600 votes in 1976.

Rose Ann's first election was the last hard-fought election she would face. She so handily beat her challengers in 1980 and 1984 that nobody ran against her in 1988. Had she chosen to run in 1992, it's likely she would have run unopposed again.

The reason she became progressively more unbeatable came not only out of the deep roots and wide networks she had in her home district, but because she served in public office in exactly the way she promised she would.

In 1992, after a 16-year career as one of the most respected and esteemed legislators in California history, Senator Vuich retired from office and returned to her home, here in the Valley.

Rose Ann Vuich was more than honest. She was a person of extremely high integrity who took her public responsibilities very seriously and believed in giving the voter, the constituent, what they deserve: fair, ethical consideration of issues and conscientious, cost-effective delivery of service.

In addendum to her biography, I would be remiss if I failed to recognize Rose Ann for the recent dedication to her of the Rose Ann Vuich Interchange. The Interchange, which links three major Fresno freeways, was named after the lawmaker who got it built. Vuich made the completion of Freeway 41 the centerpiece of her 1976 election campaign. Her vision has finally been realized.

Mr. Speaker, it is with great pleasure that I recognize Rose Ann Vuich, a woman of vision and integrity. I urge my colleagues to join me in wishing her a bright future, and many years of continued success.

CONGRATULATING THE CITY OF HALEYVILLE, ALABAMA AS THE HOME OF 911

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. ADERHOLT. Mr. Speaker, I would like to pay tribute to the City of Haleyville, Alabama as it holds the annual 911/Heritage Festival in June of each year. On Friday February 16, 1968 the Speaker of the Alabama House, Rankin Fite dialed 911 in Haleyville Mayor James Whitt's office and Congressman Tom Bevill picked up the receiver in the Haleyville Police Station resulting in America's first emergency dial telephone service.

Since that first call in 1968, the overall plan to establish this service nationwide has been implemented and become second nature to the American people. Today anyone can dial 911 in any type of emergency, such as sickness, fire, police, or ambulance and a policeman on duty will immediately summon the help needed. Although there are no specific figures available, it is clear the 911 service has saved countless lives across the country. This impressive accomplishment all began in the city of Haleyville which is in the Fourth Congressional District of Alabama. As a lifelong resident of the city of Haleyville, I am proud of this achievement and pay tribute to this accomplishment which is something we can all support.

HONORING ROBERT ROGERS' UPON HIS RETIREMENT FROM THE EWING MARION KAUFFMAN FOUNDATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor Robert "Bob" Rogers upon his retirement from the position of Chairman of the Board of the Ewing Marion Kauffman Foundation, which he has held since 1993. Fortunately, Mr. Rogers will continue to serve as the Chairman Emeritus on the Board and pursue his involvement in civic and community service at a national level. I know his valuable work will continue as he serves on the boards of the Independent Sector, the Council on Foundations, America's Promise, the Alliance for Youth, American College Testing, and the Corporation for National Service.

During his tenure as Chairman of the Board for the Ewing Marion Kauffman Foundation, Mr. Rogers was instrumental in the development of the strategic direction of both Foundation operating divisions: Youth Development and the Kauffman Center for Entrepreneurial Leadership. Under his guidance, these two divisions have effectively impacted youth development and entrepreneurial causes.

Before his career with Ewing Marion Kauffman, Mr. Rogers had a distinguished career in the private sector, working for Coopers and Lybrand, TWA, Waddell and Reed, and Gateway Sporting Goods. This experiences, as well as his personal life experiences have allowed him to shape and guide the Ewing Marion Kauffman Foundation to a position as an effective leader of youth development programming and entrepreneurship training into the new millennium.

Mr. Rogers is an inspiration to me—his dedication and commitment to public service serves as example to all of us who work to make our constituents lives better. Please join me in thanking him for his service to our community and the nation, Mr. Speaker.

A TRIBUTE TO THE MAXEY FAMILY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to the Maxey Family in the 4th District of Colorado. Started by Loren Maxey in 1969, Maxey Companies will celebrate their thirtieth anniversary this June.

When Maxey Companies was started thirty years ago it was comprised of one division. Today Carl Maxey, Loren's son, and his wife Marla have expanded the company to four divisions. This expansion took twelve years of labor which I believe mirrors the work ethic of Colorado's 4th District.

Today Maxey Companies' four divisions manufacture, equip, distribute and sell trailers, truck bodies, truck equipment and snow removal equipment. Mr. Speaker, on June 4th, 1999, Maxey Companies will officially open the doors to an expansion of Max-Air Trailer Sales, 9715 Brighton Road, Brighton, Colorado.

On a personal note Mr. Speaker, I have known the Maxey family for many years and am proud to count them among the best of my friends. The Maxeys are known widely as a family dedicated to their community.

The Maxeys are always there for their friends, neighbors and associates. I know of no family that outpaces the Maxeys when it comes to volunteerism and leadership. Loren, for example, has punctuated his community dedication by distinguished service on the Fort Collins City Council. Carl, has emerged as one of Fort Collins' most respected business leaders.

Kathy Maxey, and Marla Maxey have accumulated countless hours of volunteer time too, serving area youth and those suffering mental illness and developmental disabilities.

As a strong close-knit family, the Maxeys are the finest example of real America. The loving bond of the Maxey family is their trademark. A model for all, the Maxeys inspire those who know them through their honesty, hard work, generosity, kindness, and peity.

I hereby commend the examply of the Maxeys to my colleagues in Congress and salute this brilliant Colorado Family upon their great success.

The entire Maxey family, their business, employees, and their collective good works are truly among Colorado's greatest assets.

IN RECOGNITION OF ELMER LEE CHANEY ON THE OCCASION OF HIS RETIREMENT FROM JACKSONVILLE STATE UNIVERSITY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RILEY. Mr. Speaker, I rise today to recognize Elmer Lee Chaney, Professor of Educational Psychology and Educational Resources at Jacksonville State University, Jacksonville, Alabama, on the occasion of his retirement from the university after 37 years.

Elmer Chaney came to Jacksonville State University from North Carolina where he attained his Bachelor of Arts degree from Elon College and his Masters of Education and Guidance degree from the University of North Carolina. He was also certified as a Licensed Guidance Counselor in North Carolina. He started his teaching career as a teacher of English and French at Bethany High School and Wadesboro High School in North Carolina and was honored as Teacher of the Year at Bethany High School in 1958.

Elmer Chaney began his college teaching career at Jacksonville State University in 1962 as Assistant Professor of Educational Psychology. In addition to his duties as a professor, he has served on and chaired a number of committees at the university including screening committees for educational faculty members, the Committees for Educational Resources, the Off Campus Commuter College Committee, and the Assessment Committee.

Elmer Chaney has also been involved in community activities. He has always been a fundraiser for Big Brothers and Big Sisters, but his greatest contribution to the community is his love of the reed organ. Mr. Chaney is an accomplished organist and carilloneur at the Church of St. Michael and All Angeles in Anniston, Alabama. He is a member of the Reed Organ Society and owns a number of outstanding instruments.

Elmer Chaney has been a vital part of Jacksonville State University. His presence at the university is felt in so many ways. I salute him for his dedication to his students, to Jacksonville State University and to the field of Education.

JOHN F. BARRETT: BOYS HOPE/GIRLS HOPE HEART OF GOLD AWARD RECIPIENT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. PORTMAN. Mr. Speaker, I rise to recognize the contributions of John Barrett, a friend, distinguished constituent and community leader who will receive Cincinnati's Boys Hope/Girls Hope's highest honor the Heart of Gold Award, on June 1, 1999.

As a member of the Board of Boys Hope/Girls Hope in Cincinnati, John Barrett has given countless hours of his personal time to further the organization's important mission of helping vulnerable young people in our area. Boys Hope/Girls Hope works to overcome the obstacles of poverty, abuse and neglect and provide a structured, caring educational experience for those deserving students through high school and college. John's enthusiasm for this organization is contagious and he has been instrumental in attracting others in the business community to this most worthy cause.

John Barrett believes in giving back to his community and he is particularly committed to improving the lives of the young people in our area. In addition to the tremendous work he does for Boys Hope/Girls Hope, he serves on the boards of the Children's Hospital, the Dan Beard Council/Boy Scouts of America, and the Greater Cincinnati Scholarship Association.

All of us in Greater Cincinnati owe John a debt of gratitude and congratulate him on receiving the Heart of Gold Award.

INTRODUCTION OF THE FEDERAL OIL AND GAS LEASE MANAGEMENT IMPROVEMENT ACT OF 1999

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mrs. CUBIN. Mr. Speaker, production of oil and gas from our public lands is fast becoming a rarity. Today I am introducing a bill, together with Rep. JOE SKEEN of New Mexico, which we trust will stem this decline, and encourage investment in federal mineral leases. We call it the Federal Oil and Gas Lease Management Improvement Act of 1999. Senator MURKOWSKI has already introduced a companion bill in the other body.

The "oil patch" in the United States is in tough shape. Consumers blissfully enjoyed record low gasoline prices until very recently, but producers have suffered immeasurably from the diminished proceeds they have received for their crude oil for many, many months. Even the recent slow climb back to semi-respectable oil and gas prices in the last few weeks has turned back down again in the last week of trading. Our bill, is will provide some incentives to federal oil and gas lessees to "stay the course" when prices drop below $18 per barrel, or $2.30 per million BTU's for natural gas. Furthermore, our bill says to producers "you know better than the government what your make or break price threshold is, so if low prices are sustained your lease terms are suspended, *at your option*, not the Secretary of the Interior's."

But, Mr. Speaker, its not just producers who are being squeezed by today's global oil price environment. So are the oil patch states for which their share of federal mineral receipts are critical in meeting budget priorities. For many public land states, these receipts are dedicated to education trust funds, yet since 1991 these states have had to "share" in the burden of the federal government's costs to administer the Mineral Leasing Act before receiving their half of the remaining revenue. My home state of Wyoming has had over seven million dollars annually taken from the receipts flowing into its Treasury because of this law. And, these states, until now have had no option to take over the federal government's responsibilities and perform the same tasks more cost effectively.

That will change with the Federal Oil and Gas Lease Management Improvement Act. This bill offers states the opportunity to take over post-lease issuance duties from the federal Bureau of Land Management and allow the state's oil and gas conservation commission to perform those functions on federal leases within their borders, if they so choose. As an incentive to take over the fed program, thereby saving federal budget outlays, volunteering states would no longer have to share in the federal administrative burden which unfairly diminishes their school funds.

Mr. Speaker, I urge my colleagues from other public land states to cosponsor this legislation and work with me toward its passage. This bill seeks the balance necessary to keep a domestic oil and gas industry working to explore and develop our public mineral resources. Without such balance, the long term decline in domestic production will continue to worsen and the royalties the taxpayers receive for such production will decline as well. Our oil patch states have shown the way this year by passing numerous severance tax reductions and other legislation designed to keep production on-stream and the workers associated with that production paying taxes. The Federal Oil and Gas Lease Management Improvement Act of 1999 is a small step in that direction by the federal government, and I urge its adoption.

INTRODUCTION OF THE ANESTHESIA OUTCOMES STUDY ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. STARK. Mr. Speaker, I rise today with several of my colleagues from the Ways and Means Committee—Representative Matsui, Representative Lewis (GA), Representative Thurman, and Representative Becerra—to introduce the Anesthesia Outcomes Study Act of 1999.

When the Health Care Financing Administration issued regulations to remove a Federal requirement of physician supervision of nurse anesthetists and instead leave that decision up to State rules, it threw a technical, medical debate into the realm of Congress.

I have absolutely no idea who is right or wrong on the issue or whether there is a quality difference with or without physician supervision. Yet, we are being asked to choose sides and advocate for the nurse anesthetists or for the anesthesiologists on this matter. I am very uncomfortable with Congress making decisions about which type of health professional should provide which type of service.

My colleagues and I advocate that this issue be resolved on a scientific, rather than political, basis. For that reason, we are introducing the Anesthesia Outcomes Study Act of 1999. This bill calls for the Secretary of HHS to conduct a study of mortality and adverse outcome rates of Medicare patients by providers of anesthesia services. In conducting such a study, the Secretary is to take into account the supervision, or lack of physician supervision, on such mortality and adverse outcome rates. This report is due to the Congress no later than June 30, 2000.

Once again, our intent with this legislation is absolutely neutral. We are not medical experts and we do not know whether physician supervision is a factor in the provision of anesthesia services. This study will provide us with the facts that are lacking today so that the final decision on this matter is a medically appropriate decision. Congress should not take action without that data.

HONORING EMMA BUCK

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Emma Buck, who recently celebrated her 95th birthday at her farm in my congressional district.

To visit Miss Buck's farm and the stories that it bears, is also a visit to a quiet memory of the early American experience. This farm, a virtual self-contained world, is both the foundation and legacy of a woman for whom complete self-sufficiency is essential to survival.

Her family's story begins as many American families do. It starts with her great-grandparents, young and hopeful pioneers, who left their Native Germany aboard a ship with hundreds of other immigrants to America. Across the Mississippi River her maternal grandparents, the Henkes, and her paternal great-grandparents, the Bucks, both settled in neighboring communities in rural, southern Illinois.

Rather than fading to lore, as the heritage of many families do, Emma Buck embraced and sustained the life that her great-grandparents began in Monroe County. She still lives in the log cabin that her grandfather built. She still works in the farm that has provided so much for her family's sustenance for so long. This is not a farm transformed by the power of modern technology; rather it is one that honors the rudimentary tools of the past.

Miss Buck remains the sole curator of this farm, which was named a national landmark of our nation. As she has for over 90 years, in accordance with the methodical teaching of her father and grandfather, Emma rises each morning to the tasks at hand. She fixes the split-rail fences, she weeds the gardens, she prunes the trees. Farming has since been left to interested neighbors, but the fields, the tools, and the dedication of her ancestors remain in the Buck Farm's name.

As the 20th Century ends and the beginning of the new millennium approaches, Emma Buck reminds us of our nation's heritage. The advances in technology made each day continue to fortify our nation's capabilities, but it is the individual life stories of simplicity and complete fulfillment, in which our future generations may find inspiration.

Mr. Speaker, I ask my colleagues to join me in honoring Emma Buck, and in doing so honoring our nation's history.

TRIBUTE TO FRESNO ELKS LODGE #439

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Fresno Elks Lodge as they continue in their 100th year of service. The Fresno Elks Lodge was founded May 12, 1898, and has remained true to the mission of the "Benevolent and Protective Order of Elks," dedicated to responsible and charitable interaction in their communities, and the preservation of American heritage.

Maintaining its emphasis on charity, justice, brotherly love, and fidelity, the order provides millions of dollars in charitable goods and services. It services disabled children through the Elks Major Project by offering scholarships and in-home therapies. It provides active youth programs, veterans assistance programs, community service programs, drug abuse awareness education and alternative activity programs for inner-city youth. Also, the Elks are second to the Federal Government in providing scholarships to students pursuing a college education.

During times of national crisis such as natural disasters or the bombing of the Federal building in Oklahoma, the Elks are among the first to respond with offers of help both in manpower and money to communities and their families.

Proud of its patriotism, the order is the first to come to the defense of its nation and flag. From building and staffing the first V.A. Hospital in the United States, to helping to restore the Statue of Liberty, Elks continue to guide America forward.

Mr. Speaker, I rise today to congratulate and pay tribute to the Fresno Elks Lodge #439 on occasion of its 100th year of continued service. I urge my colleagues to join me in wishing the Fresno Elks Lodge continued success in their quest to uphold and improve the American community.

TRIBUTE TO DR. HOWARD CAREY: A GOOD NEIGHBOR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize the 30th anniversary of Dr. Howard Carey's commitment to the Neighborhood House Association and to his role as President and Chief Executive Officer since 1972. Dr. Carey brings more than 35 years of experience in the field of social work, from both administrative and program perspectives, to this leadership position.

Serving more than 300,000 San Diego residents, Neighborhood House is one of the largest non-profit organizations in San Diego, a multi-purpose social welfare agency whose goal is to improve the quality of life of the people served. Since Dr. Carey assumed leadership, Neighborhood House has grown from a budget of $400,000 and a staff of 35 to the current budget of $50 million with 800 employees.

Its multitude of services to strengthen families and to assist them in becoming self-sufficient include not only the two for which it is best known—Head Start which reaches 6500 preschoolers in 70 centers and its Food Bank Program which collects and distributes 12 million pounds of food annually—but also housing, counseling, adult day-care centers, emergency food and shelter, an inner city youth-enrichment program, employment training services, health services for the mentally ill and elderly, and a senior citizen service center.

Dr. Carey's motto—being a good neighbor—is emulated by the extended family of employees at Neighborhood House and reaches from the Mexican border to the northern reaches of San Diego County. His legacy is one of excellence. A professional in the best sense of this word, he is a man of honor, strength, and determination. He is dedicated to service and to making life better for his neighbors who are in need.

Dr. Carey is a native of Lexington, Mississippi, a graduate of Atlanta's Morehouse College, and holds graduate degrees from Atlanta University and United States International University. He became enchanted with San Diego during his four years of military service with the United States Navy and returned with his wife, the former Yvonne Arnold of Newnan, Georgia, a graduate of Spelman College. Dr. Carey and his wife are the parents of two adult children who are themselves graduates of Morehouse and Spelman.

One would think that his service to the community through his work at the Neighborhood House would fill his days. But Dr. Carey's service extends to leadership and participation in many community organizations and local activities. He is Chairman of the Board of Neighborhood National Bank, a San Diego based community bank which spurs development in inner city neighborhoods. He was a founding member of Union Bank of California's Community Advisory Board to advise bank managers on the financial needs of low income and under-served communities.

He has held policy-making and advisory positions at the Neighborhood Development Bank, San Diego Unified School District, United Way, the Minority Relations Committee, the Black Leadership Council, former San Diego Mayor Maureen O'Connor's Black Advisory Committee, a Congressional Black Affairs Subcommittee, the Black-Jewish Dialogue, the National Conference of Christians and Jews, the Coalition for Equity, and San Diego County's Child Care Task Force.

Professionally, he has contributed as a Professor at San Diego State University, as Lecturer at the University of California, San Diego (UCSD) and at National University of San Diego, and as Instructor for Wooster College in Ohio and at San Diego City College.

His further professional associations include charter membership in LEAD, the National Association of Social Workers, the National Association of Black Social Workers, founding member of the San Diego Chapter of Alpha Pi Phi Fraternity, Sigma Pi Phi Fraternity, Alpha Kappa Delta, Morehouse College Alumni Association (San Diego Chapter), San Diego Dialogue, and the National Conference of Social Welfare.

As impressive as this list is, it does not do justice to Dr. Carey. It is his passion for service that leads him into these activities. He knows that extraordinary measures are sometimes needed to strengthen communities and families, and he is willing to go that extra mile.

Because Dr. Carey and the work of Neighborhood House reaches deep into the hearts and minds of his neighbors and changes lives, his contributions to the community are far-reaching, long lasting and immeasurable. I sincerely appreciate this opportunity to honor Dr. Carey and his many contributions to San Diego during the past three decades.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. HINOJOSA. Mr. Speaker, on Tuesday, May 25, I had the pleasure of hosting President Clinton and Vice-President GORE in my congressional district. This resulted in my missing several votes. Had I been present I would have voted as follows:

S. 249, "yea."
H.R. 1833, "yea."
H. Res. 178 "yea."
Rollcall vote No. 152, "no."
Rollcall vote No. 153, "no."
Rollcall vote No. 154, "no."
Rollcall vote No. 155, "no."
Rollcall vote No. 156, "no."
Rollcall vote No. 157, "no."

TRIBUTE TO CAPTAIN STEPHEN ERIC BENSON OF THE UNITED STATES NAVY

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. PICKETT. Mr. Speaker, I rise today to pay tribute to Captain Stephen Eric Benson, Commanding Officer of Naval Air Station Oceana, who has served in the United States Navy for twenty-five years of faithful duty to his country.

For the past three years, Captain Benson has served as the Commanding Officer of Naval Air Station Oceana Virginia Beach, Virginia located in my congressional district. During his tenure as Commanding Officer, Captain Benson has distinguished himself by his exceptional efforts to establish and improve upon the relationship between the community and the Naval Air Station. It is a testimony to these efforts that as he leaves his post in June of this year, the relationship between the base and the City of Virginia Beach is one of the best in the nation.

The tenacious efforts of Captain Benson to enhance the cooperation with the surrounding community and his goal of serving as a "good neighbor" has not only helped the Navy achieve its mission, but also has made a direct contribution to the goals of the City of Virginia Beach. His open communication policy with both the Mayor of Virginia Beach and with the local congressional delegation has been exemplary and productive for all concerned.

Captain Benson has worked tirelessly to improve the quality of life for the sailors stationed under his command. New living quarters and recreational improvements have been either built or have been funded. With the assistance of congressional leadership, local political leaders and businesses, a new Barracks for enlisted personnel and a new recreational facility have either been funded or are near completion as he executes his next assignment.

Captain Benson has overseen the movement of ten F/A–18 squadrons and their families to Naval Air Station Oceana from Naval Air Station Cecil Field, Florida. A total of one hundred fifty-six aircraft and nearly nine thousand personnel and dependents have made the transition to their new home in Virginia Beach with minimum impact to operations and family members.

Again enhancing community relations, he has developed and nurtured the local Military Air show into a community affair, aligned with the City of Virginia Beach's Neptune Festival. This event, once known as the NAS Oceana Air Show is now known as the Neptune Festival Air Show. The show has been not only profitable to the Military Welfare and Recreation Fund which has a direct impact on the improvement of quality of life issues for the sailors at NAS Oceana, but was awarded the Best Military Air Show in North America for 1998 by the International Councl of Air Shows. This is a true win-win scenario which has brought recognition to not only the base, but to the community at large.

Captain Benson has personally conducted hundreds of community presentations fostering the best base-community relationships within the Hampton Roads region. He has been lauded by both the Mayor of the City of Virginia Beach and myself for his efforts in working with the local political groups and businesses for the betterment of all concerned.

Under his charge, Naval Air Station Oceana has won two consecutive Environmental Awards in 1998 and 1999 for efforts to maintain the environment on this installation. From these efforts, to rapid response teams for fuel spills, to responses to Environmental Protection Agency (EPA) inquiries, NAS Oceana has been praised on all fronts.

Captain Benson is an active member of the Hampton Roads Rotary and the City of Virginia Beach Neptune Festival Committee, further enhancing the cooperation and community leadership between the base and the public at large.

A totally dedicated professional, Captain Benson has set a superior personal example of all military leaders to emulate. His many contributions will continue to be felt for many years to come in the Hampton Roads area. Because of his outstanding and distinguished record of accomplishments, his tenacious efforts to keep the local community informed and his outgoing personality, Captain Benson is truly worthy of recognition. We will surely miss him at Oceana Naval Air Station.

IN RECOGNITION OF JOSEPH POSEDEL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased today to recognize Joseph F. Posedel who is retiring as Business Manager of Plumbers and Steamfitters Local 343 under the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry.

In his 36 years with the union, Mr. Posedel has worked to create a solid foundation for Local 343.

He joined the union in 1963 as a building trades apprentice. He became a trustee for the Trust Fund in 1970. Subsequently, he served as Vice President, President, Business Agent and Apprenticeship Coordinator for the union. In January 1996 he assumed the important leadership position of Business Manager.

As Business Manager, Mr. Posedel successfully negotiated an improved wage package, including health, welfare, and pension benefits, for union members.

Mr. Posedel is a native of the San Francisco Bay area. He grew up in Rodeo and attended St. Mary's High School, graduating in 1955. He also attended St. Mary's College in the same community.

He and his wife, Patricia, have been married for 39 years. They have three children and six grandchildren.

Following his retirement, Mr. Posedel will continue to serve Local 343 as a Trustee of the Trust Fund.

Mr. Speaker, because of Joseph F. Posedel's long and devoted service to Local 343 of the Plumbers and Steamfitters Union, it is fitting and proper to honor him today for his accomplishments, and to wish him well in his retirement.

THIRD ANNIVERSARY OF TAIWANESE PRESIDENT LEE IN OFFICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to convey to Taiwanese President Lee Teng-hui, on the eve of his third anniversary in office, our best wishes and congratulations. Taiwan is very fortunate to have Dr. Lee as its President.

A man of vision, President Lee supports the reunion of Taiwan and mainland China according to the principles of democracy, freedom, and the equitable distribution of wealth. During his tenure in office, he has made every effort to resume the cross Strait dialogue and to maintain peace and security in the Taiwan Strait.

Accordingly, I invite my colleagues to join in extending congratulations and best wishes to President Lee and we look forward to his continuing accomplishments in the coming years.

INTRODUCTION OF THE TEACHER EMPOWERMENT ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. McKEON. Mr. Speaker, today I am joining with the distinguished Chairman of the Committee on Education and the Workforce, Mr. GOODLING, Mr. CASTLE, the Speaker of the House, the Majority Leader, Mr. WATTS, Mr. BLUNT, Ms. PRYCE, and other distinguished Members of the House to introduce the Teacher Empowerment Act. This legislation will make a significant and positive impact on how we prepare our Nation's teaching force by providing States and local school districts with needed funding for the provision of high quality teacher training and for the hiring of new teachers, where necessary.

In the development of the Teacher Empowerment Act, we have made every effort to put together a bill that is in the best interests of children, parents, and teachers. We have also tried to include the best elements of teacher training proposals from the Governors, the Administration, and different Members of Congress, on a bipartisan basis. I hope that by the time this legislation is considered by the full House, we will have a bipartisan proposal that will vastly expand training opportunities for our Nation's teachers and increase the achievement of all of our Nation's students. I intend to work closely with Mr. Martinez, the Ranking Democrat Member on the Subcommittee on Postsecondary Education, Training and Life-long Learning, and others, on a bipartisan basis, to bring this bill to the floor of the House as rapidly as possible.

We believe that parents and other taxpayers have the right to information about student achievement and the quality of the teachers in their schools. Our bill holds schools accountable for raising student academic achievement, and we ensure that parents know the quality of their children's teachers.

We encourage intensive, long-term teacher training programs, focused on the subject matter taught by the teacher. We know that this works. If localities are unable to provide such professional development, teachers will be given the choice to select their own high quality teacher training programs. For the first time, we're giving teachers a choice in how they upgrade their skills. Our Teacher Opportunity Payments will empower individual teachers, or groups of teachers, to choose the training methods that best meets their classroom needs.

The Teacher Empowerment Act maintains an important focus on math and science, as under current law, but the legislation expands teacher training beyond just the subjects of math and science. The legislation ensures that teachers will be provided with training of the highest quality in all of the core academic subjects.

By combining the funding of several current Federal education programs, the Teacher Empowerment Act provides over $2 billion annually over the next five years to give States, and more importantly local school districts, the flexibility they need to improve both teacher quality and student performance. This legislation also encourages innovation in how schools improve the quality of their teachers. Some localities may choose to pursue tenure reform or merit-based performance plans. Others may want to try differential and bonus pay for teachers qualified to teach subjects in high demand. Still others may want to explore alternative routes to certification.

The Teacher Empowerment Act continues to support local initiatives to reduce class size. In fact, schools would be required to use a portion of their funds for hiring teachers to reduce class size. However, unlike the President's program, no set amount is required for the hiring of new teachers. Schools will be allowed to determine the right balance between quality teachers and reducing class size. Schools will also be allowed to hire special education teachers with these funds.

All of these are feasible in our legislation, because we don't try to tell schools what the approach should be. We don't want to impose any one system that every school must follow in order to upgrade the quality of its teachers. That won't work, because one size does not fit all.

The Teacher Empowerment Act is good, balanced legislation. It provides the flexibility that States and local school districts need to improve the quality of their teaching force with two goals in mind: increases in student achievement; and increases in the knowledge of teachers in the subjects they teach. I encourage all of my colleagues in the House to support this important legislation as we work to improve our nation's schools.

SAN FRANCISCO STATE UNIVERSITY'S CENTENNIAL YEAR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Ms. PELOSI. Mr. Speaker, I rise today to congratulate San Francisco State University and to celebrate the 100th anniversary of its founding. It has grown from a teacher training school in 1899 with a student body of 31, to its status today as a racially and ethnically diverse, major urban university serving more than 27,000 students. While San Francisco State University was founded on March 22, this year graduation will be held on May 29. As SFSU graduates its 100th class, I'd like to recognize their contributions during the last century.

Throughout its first century, this University has led the way in providing accessible higher education for California's residents, promoting excellence in teaching and learning, embracing diversity, and creating community partnerships that enrich the cultural and economic life of the Bay Area, while strengthening the educational experience of our students.

San Francisco State University should be commended for its many achievements including, making global headlines for discovering new planets outside our solar system; establishing the nation's first College of Ethnic Studies; creating the only academic research facility on the San Francisco Bay; building one of the nation's top two Conservation Genetics Laboratories; creating the largest multimedia studies program in the country; and housing nationally recognized biology, creative writing and journalism programs.

SFSU should be proud of the linkages that its programs and quality faculty have built for sustained community involvement and partnership throughout its history. SFSU serves as a national model of a community-engaged urban campus, housing more than 100 centers, institutes and other special programs and projects addressing such varied issues as the health of the San Francisco Bay; K–12 student math skills; and small business success and science skills for inner city youth throughout the state. The University has also sustained collaborative partnerships throughout San Francisco and the Bay Area, including the Valencia Health Clinic, Step to College, Community Science Workshops for California, the Vistiacion Valley Community Service Center, the Muir Alternative Teacher Education program, and the Community Outreach Partnership Center.

San Francisco State is truly a model institution, making significant contributions in the Bay Area and beyond. They deserve to be congratulated for all their successes during the last 100 years and we wish them the best for the next century.

HOUSE OF REPRESENTATIVES—*Monday, June 7, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 7, 1999.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 435. An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 704. An act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1060. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1061. An act to authorize appropriations for fiscal year 2000 for military construction, and for other purposes.

S. 1062. An act to authorize appropriations for fiscal year 2000 for defense activities of the Department of Energy, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member other than the majority or the minority leaders, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

GUN SAFETY LEGISLATION

Mr. BLUMENAUER. Mr. Speaker, at home this last week, and in Milwaukee, Wisconsin, this weekend, I heard from people from all across the country who want the Federal Government to be a better partner in promoting livable communities so that our families can be safe, economically secure and healthy. Reducing the threat of gun violence is at the core of what will make communities more livable, yet the apologists for gun violence have been hard at work during our recess seeking to derail the modest steps that would make our children safer from guns. People of conscience should push back.

During my 3 years in Congress, there have been nine multiple shooting deaths on our school campuses involving children shooting other children and their teachers. The epidemic of gun violence amongst our youth has tragic consequences in terms of loss of life, physical safety and the health of our communities. Yet for all the media attention given to Jonesboro, Springfield and the Littleton massacres, tragedies like this occur daily, with over 12 children being killed in a typical 24-hour period. The only difference is that unlike Littleton or Springfield, the pain is scattered from town to town in isolated bursts. Even though these tragedies occur without massive media attention, they nonetheless produce pain every bit as real and lasting in communities across the country.

This Sunday, in Milwaukee, the papers were full of a tragic example of a young man shooting his best friend. While I was reading that on the plane, a 3-year-old in Baltimore shot himself in the head and he lies in the hospital now, critically wounded.

These numbers are staggering and uniquely American. Each year more than 5,000 children are killed by firearms. By contrast, only 15 people in the entire Nation of Japan were murdered with handguns last year. At the same time, the apologists for gun violence contend that there are no useful government initiatives to reduce this violence other than simply stricter enforcement of the laws, more prison time for criminals and wider use of firearms. I strongly disagree.

We in the House of Representatives should vote and pass the three gun safety elements in the Senate legislation, which would require safety locks on all new handguns, background checks for sales at gun shows and a ban on the sale of ammunition magazines of more than 10 rounds. These are minor steps, but meaningful if they serve as a starting point for a more deliberate and comprehensive approach to ending gun violence.

An important bill which I was pleased to cosponsor with the gentlewoman from New York (Mrs. MCCARTHY) includes several measures designed to keep guns out of kids' hands. H.R. 1342 is being supported by a growing number of people of conscience on both sides of the aisle. It should be the vehicle that deals comprehensively with these concerns.

Another important approach is legislation that I just introduced today that takes a page from our successful efforts at reducing death and injury on our highways. Thirty years ago Congress started simple, common-sense legislation that has cut the death rate on our highways in half. We can do the same with handguns.

My legislation would, for instance, assure that the Consumer Product Safety Commission devotes as much time to regulating real guns as it does to toy guns. It would require new guns to have an indicator to show it is loaded. It would extend the Brady law to deny people with a history of violent and reckless behavior the ability to purchase and own firearms, and it would require the Federal Government to establish a date in the near future when all the guns that we purchase for our Federal employees are personalized so that those guns cannot be used against them or stolen.

The Speaker of the House has argued against extraneous riders dealing with gun safety laws. I find this ironic when we just passed an absolute abomination of a spending bill supposedly to finance our troops in Kosovo and other emergencies, but included everything from defining reindeer as livestock to relaxing environmental regulations on mining. Why is it that when it comes to the special interests we are willing to make exceptions, but not when it comes to our children? They should be at least as important as well-connected lobbyists.

It is time to pass comprehensive legislation to protect our children, our families and our communities from senseless gun violence, and we ought to do it now.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PRICE CONTROLS DO NOT WORK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to talk about prescription drugs. There has been a lot of talk lately about how expensive they are and how many people who need them cannot afford them. I understand these concerns, but like my colleagues, while I want to make sure that our constituents have greater access to prescription drugs, I am concerned about the debate that is evolving about prescription drugs here in the House.

Fixing drug prices could very well mean reducing discounts to the veterans and other Federal purchasers. In fact, a GAO study concluded that expanding access to the reduced prices could lead in fact to higher prices. This is what price controls do. The larger the market, the greater the economic incentive to raise prices to limit the impact of giving lower prices to more purchasers. That makes sense.

Ultimately that move, Mr. Speaker, could put veterans' access to health care at risk. While this type of legislation, these legislative initiatives that are coming here, could put the veterans' health care at risk, there is no guarantee that it will significantly reduce the cost of medicine for Medicare beneficiaries.

Therefore, I believe we need to figure out how to expand insurance coverage for drugs, not attempt to give the government the ability to fix prices. Price controls never work. All they do is reduce supply or eliminate discounts that are available to some. We have all seen this idea before. Their great idea, the people advocating price controls for prescription drugs, is it will expand the government discount for everyone, give everybody a chance for lower prices, and everyone will have access for cheap drugs. That is the basic appeal. But, my colleagues, that is socialism. Let us not forget who is getting the benefit of these discounts, and of course, we could put others at risk who are now getting them.

Last year there was a misguided attempt to expand the Federal supply discounts to State and local governments also. The Department of Veterans Affairs estimated that by expanding these discounts so broadly that makers of drugs would be forced to respond by reducing or eliminating the discounts they give to the Veterans Administration. The VA estimated this proposal would cost them as much as $250 million, or it would equal the cost of providing care to 50,000 veterans. And just so that we all understand, Mr. Speaker, if the drug companies are no longer able to give large discounts to the veterans, it means those very discounts will not be available to Medicare beneficiaries.

I believe we should be doing everything we can to help Medicare beneficiaries improve access to the drugs they need, but not through price controls. One of the easiest things that could be done right away is for the administration to move forward on regulation to expand Medicare Plus Choice plans. Because of the way the current Medicare managed care plans are paid, many areas, including portions of my district, do not have managed care plans available to them.

By simply enacting the Medicare Plus Choice program as part of the Balanced Budget Act of 1997 that we passed, Congress sought to expand Medicare beneficiaries' access to prescription drugs by allowing them to join HMOs that offer these benefits. Congress' goal in the Balanced Budget Act was to extend to Medicare beneficiaries the same range of choices that exist for all working Americans. Choosing between competing health care plans provides greater promise than price controls, giving them greater access. It is better than telling the pharmaceutical companies that they have to meet a price.

Mr. Speaker, the administration should no longer delay in expanding access to these plans. There was a bipartisan commission that developed a proposal that is really worth more discussion. It said that we should figure out how Medicare beneficiaries can take advantage of the change in health care delivery benefiting every privately insured person, including Members of Congress. That is the Federal Employee Health Benefit Program. We have discount pharmaceutical drugs. Why not adopt a program like the Federal Employee Health Benefit Program, something that we all have, Mr. Speaker, and the President and the Senators?

So why are we talking about this? We should stop talking about socialized medicine and the age-old false hope of price controls that have never worked.

Medicare beneficiaries need more from their Members of Congress than false promises of cheap drugs through price controls. We need to help them gain access to affordable prescriptions through insurance coverage and the truly effective price competition of an active marketplace. We also need to make sure that whatever reform we pass does not hurt those to whom we owe a great debt: veterans. Veterans should not be put at risk to give someone in this body a political win.

Mr. Speaker, I am certain we can find an answer that will help our Nation's senior citizens while at the same time protecting our veterans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

With gratefulness and praise we begin a new week imploring Your mercy upon us, O God, and seeking Your blessings. We especially pray for those who have committed themselves to the work of ending hostilities in our world, and we pray for all those who seek to alleviate suffering or hunger or loneliness. For all those who are involved in bringing food to the hungry, shelter for the homeless, a comforting word to those who are alone, we offer these words of thanksgiving and appreciation.

Bless, O God, those good people who in our own communities or in the world are agents of reconciliation and messengers of peace. For them we offer our prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker pro tempore's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 1, 1999 at 9:20 a.m.: That the Senate passed without amendment H.R. 1379.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Thursday, May 27, 1999:

H.R. 1034, to declare a portion of the James River and the Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and other maritime laws of the United States;

H.R. 1121, to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse"; and,

H.R. 1183, to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S. Code 276d, the Chair announces the Speaker's appointment on May 20, 1999, of the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Mr. Houghton of New York, Chairman, appointed on February 11, 1999:

Mr. GILMAN, New York, Vice Chairman;
Mr. OBERSTAR, Minnesota;
Mr. SHAW, Florida;
Mr. LIPINSKI, Illinois;
Ms. SLAUGHTER, New York;
Mr. UPTON, Michigan;
Mr. STEARNS, Florida;
Mr. PETERSON, Minnesota;
Ms. DANNER, Missouri;
Mr. MANZULLO, Illinois; and
Mr. ENGLISH, of Pennsylvania.

There was no objection.

APPOINTMENT AS MEMBER OF TWENTY-FIRST CENTURY WORKFORCE COMMISSION

The SPEAKER pro tempore. Pursuant to section 334(b)(1) of Public Law 105–220 and the order of the House of Thursday, May 27, 1999, and upon the recommendation of the minority leader, the Speaker on that day appointed the following member on the part of the House to the Twenty-First Century Workforce Commission:

Mr. David L. Stewart, St. Louis, Missouri.

CONGRATULATING ANDRE AGASSI ON WINNING FOUR GRAND SLAM VICTORIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it is my great honor and pleasure to come to the floor today and congratulate one of my constituents for his efforts in the French Open, and one effort which was described as one of the greatest moments ever seen in sports.

Nevada's most famous tennis superstar, Andre Agassi, yesterday earned a very special spot in tennis history, becoming the fifth man in history to win four Grand Slam victories.

Yesterday millions around the world watched Andre's impressive two-sets-down come-from-behind victory. In his own words, Andre, a No. 1 who dropped out of the top 100 not long ago and has steadily climbed back into the top 25 said, "What I have managed to accomplish is astounding. This was the greatest thing I could ever do."

So to Andre Agassi and his proud parents, Mike and Betty, and on behalf of the very proud State of Nevada, I want to congratulate you and wish you continued success. Nevada is indeed very proud of your accomplishments, and proud to call you one of our own.

SLEEPWALKING MURDERER NEEDS TO CATCH A FEW Z'S IN ELECTRIC CHAIR

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Scott Falater does not deny it. He admits that he stabbed his wife 44 times. He then held her underwater while she bled to death, and then he hid the evidence. But, after all that, Falater says he is not guilty because he was sleepwalking.

Unbelievable, Mr. Speaker. Are we to believe that Falater was just dreaming through his wife's screams? Are we to believe he was just walking in the park when he stabbed her 44 times?

Beam me up. I say it is time for Scott Falater to sleepwalk down murderer's row and catch a few Z's right in the electric chair. Sleep on that, Falater.

CHALLENGE TO NATO'S CONTINUED BOMBING, DESPITE RUSSIAN-FINNISH PEACE PLAN AND VICTORY TALK

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, NATO is risking reigniting a wider war by simultaneously insisting on troop withdrawals and continuing bombing attacks on the troops. If acceptance of the Russian-Finnish peace plan by the Serb Government means anything, then the bombing should have stopped. If it means nothing, then why did NATO officials declare victory because such a plan had been accepted?

Either NATO has a peace plan in its hand or it does not. If it does, then it should stop the bombing instead of this approach of putting one foot on the accelerator of war and the other on the brake of peace. When Japan sued for peace after the atomic bombs were dropped, the U.S. did not keep bombing.

The L.A. Times quoted an unnamed NATO diplomat as describing the agreed-upon exit of troops in these terms: "Take these routes, don't get off them, move quickly, do not stop to collect $200," in an apparent reference to the Monopoly game. The same diplomat was saying, "Anybody off the yellow brick road is subject to being bombed," a reference to the Wizard of Oz.

The undisguised attempts to trivialize the importance of troop withdrawals and the further threats to bomb military targets in retreat reveals an arrogance of power which is neither conducive to concluding a peaceful agreement, nor keeping a condition of peace. If NATO wants peace, it ought to show it by stopping the bombing.

CONGRATULATING PEOPLE OF GUAM ON CONTRIBUTIONS TO SOUTH PACIFIC GAMES

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I take this time on the floor to congratulate the people of Guam for their exemplary contributions to the management and the operation of the South Pacific Games.

The South Pacific Games occur every 4 years and invite a number of athletes from all the South Pacific independent nations, as well as territories under French control and under American control, for games which are actually part of a larger set of games qualifying for the Olympics.

I am happy to report that Governor Carl Gutierrez, as well as Clifford Guzman, Rick Goss and a number of other people from the Guam National Olympic Coordinating Committee, have done an exemplary job in welcoming over 3,000 athletes from throughout the Pacific Islands.

Right now Guam is number three in medals, but we still have a week left to go. I want to congratulate all of the fine athletes from Guam.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or under which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 6 p.m. today.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

Ms. DUNN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

Sec. 1001. Clerical amendments.
Sec. 1002. Obsolete references to GATT.
Sec. 1003. Tariff classification of 13-inch televisions.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

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Sec. 2218. Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate.
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TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 3001. Property subject to a liability treated in same manner as assumption of liability.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

SEC. 1001. CLERICAL AMENDMENTS.

(a) TRADE ACT OF 1974.—(1) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) by aligning the text of paragraph (2) that precedes subparagraph (A) with the text of paragraph (1); and

(B) by aligning the text of subparagraphs (A) and (B) of paragraph (2) with the text of subparagraphs (A) and (B) of paragraph (3).

(2) Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(A) in paragraph (3) by striking “LIMITATION ON APPOINTMENTS.—”; and

(B) by aligning the text of paragraph (3) with the text of paragraph (2).

(3) The item relating to section 410 in the table of contents for the Trade Act of 1974 is repealed.

(4) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to section 411 in the table of contents for that Act, are repealed.

(5) Section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)) is amended by striking “For purposes of” and all that follows through “90-day period” and inserting “For purposes of sections 203(c) and 407(c)(2), the 90-day period”.

(6) Section 406(e)(2) of the Trade Act of 1974 (19 U.S.C. 2436(e)(2)) is amended by moving subparagraphs (B) and (C) 2 ems to the left.

(7) Section 503(a)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)(A)(ii)) is amended by striking subclause (II) and inserting the following:

“(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time it is entered.”.

(8) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

(A) by striking “481(e)” and inserting “489”; and

(B) by inserting “(22 U.S.C. 2291h)” after “1961”.

(9) Section 804 of the Trade Act of 1974 (19 U.S.C. 2494) is amended by striking “481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))” and inserting “489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h)”.

(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking “and” after the semicolon.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

“TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

“Sec. 801. Short title.
“Sec. 802. Tariff treatment of products of uncooperative major drug producing or drug-transit countries.
“Sec. 803. Sugar quota.
“Sec. 804. Progress reports.
“Sec. 805. Definitions.”.

(b) OTHER TRADE LAWS.—(1) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph (1) with the text of paragraph (2); and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(ii) by striking “subsection (a)(1) through (a)(8)” and inserting “paragraphs (1) through (8) of subsection (a)”; and

(ii) in subparagraph (C)(ii)(I) by striking “paragraph (A)(i)” and inserting “subparagraph (A)(i)”.

(2) Section 3(a) of the Act of June 18, 1934 (commonly referred to as the “Foreign Trade Zones Act”) (19 U.S.C. 81c(a)) is amended by striking the second period at the end of the last sentence.

(3) Section 9 of the Act of June 18, 1934 (commonly referred to as the “Foreign Trade Zones Act”) (19 U.S.C. 81i) is amended by striking “Post Office Department, the Public Health Service, the Bureau of Immigration” and inserting “United States Postal Service, the Public Health Service, the Immigration and Naturalization Service”.

(4) The table of contents for the Trade Agreements Act of 1979 is amended—

(A) in the item relating to section 411 by striking “Special Representative” and inserting “Trade Representative”; and

(B) by inserting after the items relating to subtitle D of title IV the following:

“Subtitle E—Standards and Measures Under the North American Free Trade Agreement

“CHAPTER 1—SANITARY AND PHYTOSANITARY MEASURES

“Sec. 461. General.
“Sec. 462. Inquiry point.
“Sec. 463. Chapter definitions.

“CHAPTER 2—STANDARDS-RELATED MEASURES

“Sec. 471. General.
“Sec. 472. Inquiry point.
“Sec. 473. Chapter definitions.

“CHAPTER 3—SUBTITLE DEFINITIONS

“Sec. 481. Definitions.

"Subtitle F—International Standard-Setting Activities

"Sec. 491. Notice of United States participation in international standard-setting activities.
"Sec. 492. Equivalence determinations.
"Sec. 493. Definitions.".

(5)(A) Section 3(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking "631(a)" and "1631(a)" and inserting "631" and "1631", respectively.

(B) Section 50(c)(2) of such Act is amended by striking "applied to entry" and inserting "applied to such entry".

(6) Section 8 of the Act of August 5, 1935 (19 U.S.C. 1708) is repealed.

(7) Section 584(a) of the Tariff Act of 1930 (19 U.S.C. 1584(a)) is amended—

(A) in the last sentence of paragraph (2), by striking "102(17) and 102(15), respectively, of the Controlled Substances Act" and inserting "102(18) and 102(16), respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))"; and

(B) in paragraph (3)—

(i) by striking "or which consists of any spirits," and all that follows through "be not shown,"; and

(ii) by striking ", and, if any manifested merchandise" and all that follows through the end and inserting a period.

(8) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 21(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking "disclosure within 30 days" and inserting "disclosure, or within 30 days".

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking "(c)" each place it appears and inserting "(h)".

(10) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) General note 3(a)(ii) to the Harmonized Tariff Schedule of the United States is amended by striking "general most-favored-nation (MFN)" and by inserting in lieu thereof "general or normal trade relations (NTR)".

SEC. 1002. OBSOLETE REFERENCES TO GATT.

(a) FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1990.—(1) Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(A) in paragraph (3) by striking "General Agreement on Tariffs and Trade" and inserting "GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)" ; and

(B) in paragraph (5) by striking "General Agreement on Tariffs and Trade" and inserting "WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(2) Section 491(g) of that Act (16 U.S.C. 620c(g)) is amended by striking "Contracting Parties to the General Agreement on Tariffs and Trade" and inserting "Dispute Settlement Body of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(b) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 262n–2(b)) is amended—

(1) in paragraph (1)(A) by striking "General Agreement on Tariffs and Trade or Article 10" and all that follows through "Trade" and inserting "GATT 1994 as defined in section 2(1)(B) of the Uruguay Round Agreements Act, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act"; and

(2) in paragraph (2)(B) by striking "Article 6" and all that follows through "Trade" and inserting "Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)".

(c) BRETTON WOODS AGREEMENTS ACT.—Section 49(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286gg(a)(3)) is amended by striking "GATT Secretariat" and inserting "Secretariat of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(d) FISHERMEN'S PROTECTIVE ACT OF 1967.—Section 8(a)(4) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(4)) is amended by striking "General Agreement on Tariffs and Trade" and inserting "World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act) or the multilateral trade agreements (as defined in section 2(4) of that Act)".

(e) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5712(3)) is amended—

(1) by striking "contracting party to the General Agreement on Tariffs and Trade" and inserting "WTO member country (as defined in section 2(10) of the Uruguay Round Agreements Act)"; and

(2) by striking "latter organization" and inserting "World Trade Organization (as defined in section 2(8) of that Act)".

(f) NOAA FLEET MODERNIZATION ACT.—Section 607(b)(8) of the NOAA Fleet Modernization Act (33 U.S.C. 891e(b)(8)) is amended by striking "Agreement on Interpretation" and all that follows through "trade negotiations" and inserting "Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement".

(g) ENERGY POLICY ACT OF 1992.—(1) Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(2) Section 1017(c) of such Act (42 U.S.C. 2296b–6(c)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(h) ENERGY POLICY CONSERVATION ACT.—Section 400AA(a)(3) of the Energy Policy Conservation Act (42 U.S.C. 6374(a)(3)) is amended in subparagraphs (F) and (G) by striking "General Agreement on Tariffs and Trade" each place it appears and inserting "multilateral trade agreements as defined in section 2(4) of the Uruguay Round Agreements Act".

(i) TITLE 49, UNITED STATES CODE.—Section 50103 of title 49, United States Code, is amended in subsections (c)(2) and (e)(2) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)".

SEC. 1003. TARIFF CLASSIFICATION OF 13-INCH TELEVISIONS.

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking "33.02 cm" in the article description and inserting "34.29 cm":

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act;

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry; and

(C) that is—

(i) unliquidated;
(ii) under protest; or
(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

SEC. 2001. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

SEC. 2101. DIIODOMETHYL-p-TOLYLSULFONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.90	*Diiodomethyl-p-tolylsulfone (CAS No. 20018–09–1) (provided for in subheading 2930.90.10)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2102. RACEMIC DL-MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.06	*Racemic dl-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356–70–4) (provided for in subheading 2906.11.00)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOL MONOHY- DROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.28	*2,4-Dichloro-5-hydrazinophenol monohy-drochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2104. ACM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.95	*Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004–78–6) (provided for in subheading 2931.00.90)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2105. CERTAIN SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.64.04	*Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.12	*2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225–79–6) (provided for in subheading 2932.99.08 or 3808.30.15)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL-3′-METHYL-CARBANILATE (PHENMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.13	*3-Methoxycarbonylamino-phenyl-3′-methylcarbanilate (phenmedipham) (CAS No. 13684–63–4) (provided for in subheading 2924.29.47)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2108. 3-ETHOXYCARBONYLAMINOPHENYL-N-PHENYL-CARBAMATE (DESMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.14	*3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684–56–5) (provided for in subheading 2924.29.41)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2109. 2-AMINO-4-(4-AMINOBENZOYLAMINO)BENZENE-SULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.91	*2-Amino-4-(4-aminobenzoyl-amino) benzenesulfonic acid, sodium salt (CAS No. 167614–37–1) (provided for in subheading 2930.90.29)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2110. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESUL- FONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.31	*5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797–78–8) (provided for in subheading 2935.00.95)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2111. 3-AMINO-2′-(SULFATOETHYLSULFONYL) ETHYL BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.90	*3-Amino-2′-(sulfatoethylsulfonyl) ethyl benzamide (CAS No. 121315–20–6) (provided for in subheading 2930.90.29)*	Free	No change	No change	On or before 12/31/2001	".

SEC. 2112. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.92	4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671–49–4) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2113. 2-AMINO-5-NITROTHIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.46	2-Amino-5-nitrothiazole (CAS No. 121–66–4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2114. 4-CHLORO-3-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.04	4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121–18–6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2115. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.21	6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118–33–2) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2116. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.24	4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691–19–9) (provided for in subheading 2904.90.40)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2117. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.23	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.45	6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976–35–7) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2119. 2-AMINO-P-CRESOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.20	2-Amino-p-cresol (CAS No. 95–84–1) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2120. 6-BROMO-2,4-DINITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.43	6-Bromo-2,4-dinitroaniline (CAS No. 1817–73–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.29	7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360–29–2) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2122. TANNIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.01	Tannic acid (CAS No. 1401–55–4) (provided for in subheading 3201.90.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.53	2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 30693–53–9) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2124. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.44	2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346–51–4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2125. 2-AMINO-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.54	2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96–75–3) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2126. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL)BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.19	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119–17–5) (provided for in subheading 2933.19.43)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2127. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.65	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117–46–4) (provided for in subheading 2924.29.75)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2128. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.72	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873–39–5) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2129. PIGMENT YELLOW 154.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.18	Pigment Yellow 154 (CAS No. 068134–22–5) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2002	”.

SEC. 2130. PIGMENT YELLOW 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.19	Pigment Yellow 175 (CAS No. 035636–63–6) (provided for in subheading 3204.17.60) to be used in the coloring of motor vehicles and tractors	Free	No change	No change	On or before 12/31/2002	”.

SEC. 2131. PIGMENT RED 187.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.32.22	Pigment Red 187 (CAS No. 59487–23–9) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2002	”.

SEC. 2132. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.94	2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828–00–2) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2133. B-BROMO-B-NITROSTYRENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.92	β-Bromo-β-nitrostyrene (CAS No. 7166–19–0) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2134. TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.43	*Ink-jet textile printing machinery (provided for in subheading 8443.51.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2135. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.18	*(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918-63-5) (provided for in subheading 2926.90.30 or 3808.10.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2136. DICLOFOP-METHYL.

Subchapter II of chapter 99 is amended by striking heading 9902.30.16 and inserting the following:

“	9902.30.16	*Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2137. RESMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.29	*([5-(Phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453-86-8) (provided for in subheading 2932.19.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2138. N-PHENYL-N'-1,2,3-THIADIAZOL-5-YLUREA.

Subchapter II of chapter 99 is amended by striking heading 9902.30.17 and inserting the following:

“	9902.30.17	*N-phenyl-N'-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2139. (1R,3S)3[(1'RS)(1',2',2',2',-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID, (S)-A-CYANO-3-PHENOXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.19	*(1R,3S)3[(1'RS)(1',2',2',2',-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-α-cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841-25-6) (provided for in subheading 2926.90.30 or 3808.10.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2140. PIGMENT RED 177.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.58	*Pigment Red 177 (CAS No. 4051-63-2) (provided for in subheading 3204.17.04)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2141. TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.20	*Textile printing machinery (provided for in subheading 8443.59.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2142. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.06	*Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2143. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.14	*2-Methyl-4,6-bis[(octylthio)- methyl]phenol (CAS No. 110553-27-0) (provided for in subheading 2930.90.29)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2144. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.12	*2-Methyl-4, 6-bis[(octylthio) methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	”.

SEC. 2145. 4-[[4,6-BIS(OCTYLTHIO)-1,3,5-TRIAZIN-2-YL]AMINO] -2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.30	4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991-84-4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2146. (2-BENZOTHIAZOLYLTHIO)BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.31	(2-Benzothiazolylthio)butane-dioic acid (CAS No. 95154-01-1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2147. CALCIUM BIS[MONOETHYL(3,5-DI-TERT-BUTYL-4-HYDROXYBENZYL) PHOSPHONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.16	Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140-91-2) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2148. 4-METHYL-Γ-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.26	4-Methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054-89-0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2149. WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.46	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50), entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams	3.3%	No change	No change	On or before 12/31/2001	”.

SEC. 2150. CERTAIN WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.10	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2151. DEMT.

Subchapter II of chapter 99 is amended by striking heading 9902.32.12 and inserting the following:

“	9902.32.12	N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91-67-8) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2152. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.57	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80-54-6) (provided for in subheading 2912.29.60)	6%	No change	No change	On or before 12/31/2001	”.

SEC. 2153. 2H-3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.56	2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)- (CAS No. 154598-52-4) (provided for in subheading 2934.90.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2154. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.32	N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410-23-8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2155. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.36	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226–61–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2156. CERTAIN ORGANIC PIGMENTS AND DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.07	Organic luminescent pigments and dyes for security applications excluding daylight fluorescent pigments and dyes (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2157. 4-HEXYLRESORCINOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2158. CERTAIN SENSITIZING DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.37	Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.90.24, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2159. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.64.05	Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2160. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.34.02	Surface active preparation containing 30 percent or more by weight of dibutylnaphthalenesulfonic acid, sodium salt (CAS No. 25638–17–9) (provided for in subheading 3402.90.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2161. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYLCARBONOTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.08	O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate (CAS No. 55512–33–9) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2162. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPY-RIMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.50	4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2163. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADI-AZOL-3(2H)-YL-METHYL]DITHIOPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.51	O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]dithiophosphate (CAS No. 950–37–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2164. ETHYL [2-(4-PHENOXY-PHENOXY) ETHYL] CARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.52	Ethyl [2-(4-phenoxyphenoxy)-ethyl]carbamate (CAS No. 79127–80–3) (provided for in subheading 2924.10.80)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2165. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YLMETHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.74	[(2S,4R)/(2R,4S)]/[(2R,4R)/ (2S,4S)]-1-[2-[4-(4-Chloro- phenoxy)-2-chlorophenyl]-4- methyl-1,3-dioxolan-2-yl- methyl]-1H-1,2,4-triazole (CAS No. 119446–68–3) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2166. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.12	2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091–09–6) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2167. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.15	2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2168. CHLOROACETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.11	Chloroacetone (CAS No. 78–95–5) (provided for in subheading 2914.19.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2169. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.60	Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–2) (provided for in subheading 2933.40.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2170. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.19	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2171. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.18	Mucochloric acid (CAS No. 87–56–9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2172. CERTAIN ROCKET ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.12	Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2173. PIGMENT RED 144.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.11	Pigment Red 144 (CAS No. 5280–78–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2174. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B] [1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.33	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b] [1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575–19–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2175. 4-CHLOROPYRIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.34	4-Chloropyridine hydrochloride (CAS No. 7379–35–3) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2176. 4-PHENOXYPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.35	4-Phenoxypyridine (CAS No. 4783–86–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2177. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.36	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915-43-5) (provided for in subheading 2934.90.90)	Free	No Change	No Change	On or before 12/31/2001	".

SEC. 2178. 2-AMINO-5-BROMO-6-METHYL-4-(1H)-QUINAZOLI-NONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.37	2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone (CAS No. 147149–89–1) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/2001	".

SEC. 2179. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4(1H)-QUINAZOLINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.38	2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone (CAS No. 147149–76–6) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/2001	".

SEC. 2180. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.39	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575–17–6) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2181. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4-(1H)-QUINAZOLINONE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.40	2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride (CAS No. 152946–68–4) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2182. 3-(ACETYLOXY)-2-METHYLBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.41	3-(Acetyloxy)-2-methylbenzoic acid (CAS No. 168899–58–9) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2183. [R-(R*,R*)]-1,2,3,4-BUTANETETROL-1,4-DIMETH- ANESULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.42	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947–62–2) (provided for in subheading 2905.49.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2184. 9-[2-[[BIS[(PIVALOYLOXY) METHOXY]PHOS- PHINYL]METHOXY] ETHYL]ADENINE (ALSO KNOWN AS ADEFOVIR DIPIVOXIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.01	9-[2-[[Bis[(pivaloyloxy)-methoxy]phosphinyl]- methoxy] ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340–99–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2185. 9-[2-(R)-[[BIS[(ISOPROPOXYCARBONYL)OXY- METHOXY]-PHOSPHINOYL]METHOXY]-PROPYL]ADENINE FUMARATE (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.02	9-[2-(R)-[[Bis[(isopropoxycarbonyl)oxymethoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1) (CAS No. 202138–50–9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2186. (R)-9-(2-PHOSPHONOMETHOXYPROPYL)ADE- NINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.03	(R)-9-(2-Phosphonomethoxypropyl)adenine (CAS No. 147127–20–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2187. (R)-1,3-DIOXOLAN-2-ONE, 4-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.04	(R)-1,3-Dioxolan-2-one, 4-methyl- (CAS No. 16606–55–6) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2188. 9-(2-HYDROXYETHYL)ADENINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.05	9-(2-Hydroxyethyl)adenine (CAS No. 707–99–3) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2189. (R)-9H-PURINE-9-ETHANOL, 6-AMINO-A METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.06	(R)-9H-Purine-9-ethanol, 6-amino-α-methyl- (CAS No. 14047–28–0) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2190. CHLOROMETHYL-2-PROPYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.07	Chloromethyl-2-propyl carbonate (CAS No. 35180–01–9) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2191. (R)-1,2-PROPANEDIOL, 3-CHLORO-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.08	(R)-1,2-Propanediol, 3-chloro- (CAS No. 57090–45–6) (provided for in subheading 2905.50.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2192. OXIRANE, (S)-((TRIPHENYLMETHOXY)METHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.09	Oxirane, (S)-((triphenylmethoxy)methyl)- (CAS No. 129940–50–7) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2193. CHLOROMETHYL PIVALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.10	Chloromethyl pivalate (CAS No. 18997–19–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2194. DIETHYL (((P-TOLUENESULFONYL)OXY)-METHYL)PHOSPHONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.11	Diethyl (((p-toluenesulfonyl)oxy)- methyl)phosphonate (CAS No. 31618–90–3) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2195. BETA HYDROXYALKYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.25	N,N,N',N'-Tetrakis-(2-hydroxyethyl)-hexane diamide (beta hydroxyalkylamide) (CAS No. 6334–25–4) (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2196. GRILAMID TR90.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.12	Dodecanedioic acid, polymer with 4,4'-methylenebis (2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2197. IN–W4280.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.51	2,4-Dichloro-5-hydroxy-phenylhydrazine (CAS No. 39807–21–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2198. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.54*	*Methyl 4-trifluoromethoxyphenyl-N- (chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2199. METHYL THIOGLYCOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.55*	*Methyl thioglycolate (CAS No. 2365–48–2) (provided for in subheading 2930.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2200. DPX–E6758.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.33.59*	*Phenyl (4,6-dimethoxy-pyrimidin-2-yl) carbamate (CAS No. 89392–03–0) (provided for in subheading 2933.59.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2201. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.68*	*Ethylene-tetrafluoro ethylene copolymer (ETFE) (provided for in subheading 3904.69.50)*	*3.3%*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2202. 3-MERCAPTO-D-VALINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.66*	*3-Mercapto-D-valine (CAS No. 52–67–5) (provided for in subheading 2930.90.45)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2203. P-ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.31.21*	*p-Ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2204. PANTERA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.09*	*(+/−)- Tetrahydrofurfuryl (R)-2[4-(6-chloroquinoxalin-2-yloxy)phenoxy] propanoate (CAS No. 119738–06–6) (provided for in subheading 2909.30.40) and any mixtures containing such compound (provided for in subheading 3808.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2205. P-NITROBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.70*	*p-Nitrobenzoic acid (CAS No. 62–23–7) (provided for in subheading 2916.39.45)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2206. P-TOLUENESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.95*	*p-Toluenesulfonamide (CAS No. 70–55–3) (provided for in subheading 2935.00.95)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2207. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.39.04*	*Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2208. METHYL 2-[[[[4-(DIMETHYLAMINO)-6-(2,2,2- TRI- FLUOROETHOXY)-1,3,5-TRIAZIN-2-YL]AMINO]- CARBONYL]AMINO]SULFONYL]-3-METHYL- BENZOATE (TRIFLUSULFURON METHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.11*	*Methyl 2-[[[[4- (dimethylamino)-6-(2,2,2- trifluoroethoxy)- 1,3,5-triazin-2-yl]amino]carbonyl]- amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2209. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	*9902.84.79*	*Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90 or 8420.99.90) and material holding devices or similar attachments thereto*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".
	9902.84.81	*Shearing machines to be used to cut metallic tissue for use in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or subheading 8466.94.85)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".
	9902.84.83	*Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".
	9902.84.85	*Extruders to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".
	9902.84.87	*Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".
	9902.84.89	*Sector mold press machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".
	9902.84.91	*Sawing machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or subheading 8466.92.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2210. TEXTURED ROLLED GLASS SHEETS.

Subchapter II of chapter 99 is amended by striking heading 9902.70.03 and inserting the following:

"	*9902.70.03*	*Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheadings 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2211. CERTAIN HIV DRUG SUBSTANCES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	*9902.32.43*	*(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057–17–0)(provided for in subheading 2933.40.60)*	*Free*	*No change*	*No change*	*On or before 6/30/99*

9902.32.44	*(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537-30-4)(provided for in subheading 2933.40.60)*	*Free*	*No change*	*No change*	*On or before 6/30/99*	
9902.32.45	*(3S)-1,2,3,4-Tetrahydroisoquinoline-3-carboxylic acid (CAS No. 74163-81-8)(provided for in subheading 2933.40.60)*	*Free*	*No change*	*No change*	*On or before 6/30/99*	''.

SEC. 2212. RIMSULFURON.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.60	*N-[[(4,6-Dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931-48-0) (provided for in subheading 2935.00.75)*	*7.3%*	*No change*	*No change*	*On or before 12/31/99*	''.

(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.60, as added by subsection (a), is amended—

(1) by striking ''7.3%'' and inserting ''Free''; and

(2) by striking ''12/31/99'' and inserting ''12/31/2000''.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2213. CARBAMIC ACID (V-9069).

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.61	*((3-((Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamic acid, phenyl ester (CAS No. 112006-94-7) (provided for in subheading 2935.00.75)*	*8.3%*	*No change*	*No change*	*On or before 12/31/99*	''.

(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.61, as added by subsection (a), is amended—

(1) by striking ''8.3%'' and inserting ''7.6%''; and

(2) by striking ''12/31/99'' and inserting ''12/31/2000''.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2214. DPX-E9260.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.63	*3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671-01-9) (provided for in subheading 2935.00.75)*	*6%*	*No change*	*No change*	*On or before 12/31/99*	''.

(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.63, as added by subsection (a), is amended—

(1) by striking ''6%'' and inserting ''5.3%''; and

(2) by striking ''12/31/99'' and inserting ''12/31/2000''.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2215. ZIRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.28	*Ziram (provided for in subheading 3808.20.28)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	''.

SEC. 2216. FERROBORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.72.02	*Ferroboron to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	''.

SEC. 2217. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[(TETRAHYDRO-3-OXO-1H,3H-[1,3,4]THIADIAZOLO[3,4-A]PYRIDAZIN-1-YLIDENE)AMINO]PHENYL]-THIO]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.66	*Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo-[3,4-a]pyridazin-1-ylidene)amino]phenyl]thio]-, methyl ester (CAS No. 117337-19-6) (provided for in subheading 2934.90.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	''.

SEC. 2218. PENTYL[2-CHLORO-5-(CYCLOHEX-1-ENE-1,2-DI-CARBOXIMIDO)-4-FLUOROPHENOXY]ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.66	*Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (CAS No. 87546-18-7) (provided for in subheading 2925.19.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	''.

SEC. 2219. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(3H)-ONE-2,2-DIOXIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.67	*Bentazon (3-Isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) (CAS No. 50723–80–3) (provided for in subheading 2934.90.11)*	*5.0%*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2220. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.20	*Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2221. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.21	*Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2222. 5-TERT-BUTYL-ISOPHTHALIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.12	*5-tert-Butyl-iso-phthalic acid (CAS No. 2359–09–3) (provided for in subheading 2917.39.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2223. CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.07	*A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120–61–6); 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965–55–7); 1,2-ethanediol (ethylene glycol) (CAS No. 107–21–1); and 1,2-propanediol (propylene glycol) (CAS No. 57–55–6); with terminal units from 2-(2-hydroxyethoxy) ethanesulfonic acid, sodium salt (CAS No. 53211–00–0) (provided for in subheading 3907.99.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2224. 2-(4-CHLOROPHENYL)-3-ETHYL-2, 5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.16	*2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697–71–0) (provided for in subheading 2933.90.79)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2225. PIGMENT RED 185.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.32.26	*Pigment Red 185 (CAS No. 51920–12–8) (provided for in subheading 3204.17.04)*	*Free*	*No change*	*No change*	*On or before 12/31/2002*	".

SEC. 2226. PIGMENT RED 208.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.27	*Pigment Red 208 (CAS No. 31778–10–6) (provided for in subheading 3204.17.04)*	*Free*	*No change*	*No change*	*On or before 12/31/2002*	".

SEC. 2227. PIGMENT YELLOW 95.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.08	*Pigment Yellow 95 (CAS No. 5280–80–8) (provided for in subheading 3204.17.04)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

SEC. 2228. PIGMENT YELLOW 93.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.13	*Pigment Yellow 93 (CAS No. 5580–57–4) (provided for in subheading 3204.17.04)*	*Free*	*No change*	*No change*	*On or before 12/31/2001*	".

CHAPTER 3—EFFECTIVE DATE

SEC. 2301. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in subsection (b) and in this subtitle, the amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper written request filed with

the Customs Service not later than 120 days after the date of the enactment of this Act, any entry of an article described in heading 9902.32.18, 9902.32.19, 9902.32.22, 9902.32.26, or 9902.32.27 of the Harmonized Tariff Schedule of the United States (as added by sections 2129, 2130, 2131, 2225, and 2226, respectively) that was made—

(A) after December 31, 1996, and

(B) before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred after the date that is 15 days after the date of enactment of this Act.

(2) REQUIREMENTS FOR REQUEST.—For purposes of paragraph (1), the request shall contain sufficient information to enable the Customs Service to—

(A) locate the entry relevant to the request, or

(B) if the entry cannot be located, reconstruct the entry.

Subtitle B—Other Trade Provisions

SEC. 2401. EXTENSION OF UNITED STATES INSULAR POSSESSION PROGRAM.

(a) IN GENERAL.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

"3.(a) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided in paragraph (h) of additional U.S. note 5 to chapter 91, subject to the provisions and limitations of that note and of paragraphs (b), (c), and (d) of this note.

"(b) Nothing in this note shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or the quantitative limitation otherwise established pursuant to the requirements of, additional U.S. note 5 to chapter 91.

"(c) Nothing in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (h)(iv) of additional U.S. note 5 to chapter 91.

"(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances under which articles of jewelry shall be deemed to be 'units' for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

"(e) Notwithstanding any other provision of law, during the 2-year period beginning 45 days after the date of enactment of this note, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.".

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv)(A) of the Harmonized Tariff Schedule of the United States is amended by inserting "and additional U.S. note 3(e) of chapter 71," after "Tax Reform Act of 1986,".

(c) EFFECTIVE DATE.—The amendments made by this section take effect 45 days after the date of enactment of this Act.

SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.

(a) IN GENERAL.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: "The term 'instruments and apparatus' under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subdivision that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.".

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

"(d)(i) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus is being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made (but which, due to its size, cannot be feasibly imported in its assembled state), the Secretary shall report the findings to the Secretary of the Treasury and to the applicant institution, and all components of such foreign-origin instrument or apparatus shall remain dutiable.

"(ii) If the Secretary of Commerce determines that the instrument or apparatus for which application is made is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of such instrument or apparatus of a type that may be purchased, obtained, or imported separately is being manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant institution, and any component found to be domestically available shall remain dutiable.

"(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.".

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 120 days after the date of the enactment of this Act.

SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A-274-001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
322 00298563	12/11/86	Los Angeles, California
322 00300567	12/11/86	Los Angeles, California
86-2909242	9/2/86	New Orleans, Louisiana
87-05457388	1/9/87	New Orleans, Louisiana

SEC. 2404. DRAWBACK AND REFUND ON PACKAGING MATERIAL.

(a) IN GENERAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking "Packaging material" and inserting the following:

"(1) IN GENERAL.—Packaging material";

(2) by moving the remaining text 2 ems to the right; and

(3) by adding at the end the following:

"(2) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce the packaging material.".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN-TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

"(c) FOREIGN-TRADE ZONES.—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.".

SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 484a the following:

"SEC. 484b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

"(b) DEFINITION.—As used in this section, the term 'large yacht' means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

"(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

"(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

"(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00

of the Harmonized Tariff Schedule of the United States.

"(d) Procedures Upon Sale.—

"(1) Deposit of Duty.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(e) Procedures Upon Expiration of Bond Period.—

"(1) In general.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(2) Additional requirements.—No extensions of the bond period shall be allowed. Any large yacht exported in compliance with the bond period may not be reentered for purposes of sale at a boat show in the United States (in order to receive duty deferral benefits) for a period of 3 months after such exportation.

"(f) Regulations.—The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to any large yacht imported into the United States after the date that is 15 days after the date of the enactment of this Act.

SEC. 2407. REVIEW OF PROTESTS AGAINST DECISIONS OF CUSTOMS SERVICE.

Section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)) is amended by inserting after the third sentence the following: "Within 30 days from the date an application for further review is filed, the appropriate customs officer shall allow or deny the application and, if allowed, the protest shall be forwarded to the customs officer who will be conducting the further review.".

SEC. 2408. ENTRIES OF NAFTA-ORIGIN GOODS.

(a) Refund of Merchandise Processing Fees.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1) by inserting "(including any merchandise processing fees)" after "excess duties".

(b) Protest Against Decision of Customs Service Relating to NAFTA Claims.—Section 514(a)(7) of such Act (19 U.S.C. 1514(a)(7)) is amended by striking "section 520(c)" and inserting "subsection (c) or (d) of section 520".

(c) Effective Date.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2409. TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE HELD AT CUSTOMS-APPROVED STORAGE ROOMS.

Section 557(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1557(a)(1)) is amended in the first sentence by inserting "(including international travel merchandise)" after "Any merchandise subject to duty".

SEC. 2410. EXCEPTION TO 5-YEAR REVIEWS OF COUNTERVAILING DUTY OR ANTIDUMPING DUTY ORDERS.

Section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) is amended by adding at the end the following:

"(7) Exclusions from computations.—

"(A) In general.—Subject to subparagraph (B), there shall be excluded from the computation of the 5-year period described in paragraph (1) and the periods described in paragraph (6) any period during which the importation of the subject merchandise is prohibited on account of the imposition, under the International Emergency Economic Powers Act or other provision of law, of sanctions by the United States against the country in which the subject merchandise originates.

"(B) Application of exclusion.—Subparagraph (A) shall apply only with respect to subject merchandise which originates in a country that is not a WTO member.".

SEC. 2411. WATER RESISTANT WOOL TROUSERS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) that was made after December 31, 1988, and before January 1, 1995; and

(2) that would have been classifiable under subheading 6203.41.05 or 6204.61.10 of the Harmonized Tariff Schedule of the United States and would have had a lower rate of duty, if such entry or withdrawal had been made on January 1, 1995,

shall be liquidated or reliquidated as if such entry or withdrawal had been made on January 1, 1995.

SEC. 2412. REIMPORTATION OF CERTAIN GOODS.

(a) In General.—Subchapter I of chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9801.00.26	Articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) exported within 3 years after the date of such previous importation, (2) sold for exportation and exported to individuals for personal use, (3) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (4) reimported as personal returns from those individuals, whether or not consolidated with other personal returns prior to reimportation, and (5) reimported by or for the account of the person who exported them from the United States within 1 year of such exportation	Free		Free	".

(b) Effective Date.—The amendment made by subsection (a) applies to goods described in heading 9801.00.26 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that are reimported into the United States on or after the date that is 15 days after the date of enactment of this Act.

SEC. 2413. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.98.08	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women's World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow	Free	No change	Free	On or before 12/31/2002	".

(b) Taxes and Fees Not To Apply.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) No Exemption From Customs Inspections.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

(d) Effective Date.—

(1) In general.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

(2) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the Customs Service on or before the 90th day after the date of enactment of this Act, any

entry, or withdrawal from warehouse for consumption, of any article described in subheading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) after May 15, 1999, and

(B) before the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date of enactment of this Act.

SEC. 2414. RELIQUIDATION OF CERTAIN ENTRIES OF THERMAL TRANSFER MULTIFUNCTION MACHINES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.21.00 of the Harmonized Tariff Schedule of the United States (relating to indirect electrostatic copiers) or subheading 9009.12.00 of such Schedule (relating to indirect electrostatic copiers), at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8471.60.65 of the Harmonized Tariff Schedule of the United States (relating to other automated data processing (ADP) thermal transfer printer units) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Liquidation date
01/17/97	112-9638417-3	02/21/97
01/10/97	112-9637684-9	03/07/97
01/03/97	112-9636723-6	04/18/97
01/10/97	112-9637686-4	03/07/97
02/21/97	112-9642157-9	09/12/97
02/14/97	112-9641619-9	06/06/97
02/14/97	112-9641693-4	06/06/97
02/21/97	112-9642156-1	09/12/97
02/28/97	112-9643326-9	09/12/97
03/18/97	112-9645336-6	09/19/97
03/21/97	112-9645682-3	09/19/97
03/21/97	112-9645681-5	09/19/97
03/21/97	112-9645698-9	09/19/97
03/14/97	112-9645026-3	09/19/97
03/14/97	112-9645041-2	09/19/97
03/20/97	112-9646075-9	09/19/97
04/04/97	112-9647309-1	09/19/97
04/04/97	112-9647312-5	09/19/97
04/04/97	112-9647316-6	09/19/97
04/11/97	112-9300151-5	10/31/97
04/11/97	112-9300287-7	09/26/97
04/11/97	112-9300308-1	02/20/98
04/10/97	112-9300356-0	09/26/97
04/16/97	112-9301387-4	09/26/97
04/22/97	112-9301602-6	09/26/97
04/18/97	112-9301627-3	09/26/97
04/25/97	112-9301615-8	09/26/97
04/25/97	112-9302445-9	10/31/97
04/25/97	112-9302298-2	09/26/97
04/04/97	112-9302371-7	09/26/97
05/30/97	112-9306718-5	09/26/97
05/19/97	112-9304958-9	09/26/97
05/16/97	112-9305030-6	09/26/97
05/09/97	112-9303707-1	09/26/97
05/31/97	112-9306470-3	09/26/97
05/02/97	112-9302717-1	09/19/97
06/20/97	112-9308793-6	09/26/97

SEC. 2415. RELIQUIDATION OF CERTAIN DRAWBACK ENTRIES AND REFUND OF DRAWBACK PAYMENTS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, the Customs Service shall, not later than 180 days after the date of enactment of this Act, liquidate or reliquidate the entries described in subsection (b) and any amounts owed by the United States pursuant to the liquidation or reliquidation shall be refunded with interest, subject to the provisions of Treasury Decision 86-126(M) and Customs Service Ruling No. 224697, dated November 17, 1994.

(b) ENTRIES DESCRIBED.—The entries described in this subsection are the following:

Entry number:	Date of entry:
855218319	July 18, 1985
855218429	August 15, 1985
855218649	September 13, 1985
866000134	October 4, 1985
866000257	November 14, 1985
866000299	December 9, 1985
866000451	January 14, 1986
866001052	February 13, 1986
866001133	March 7, 1986
866001269	April 9, 1986
866001366	May 9, 1986
866001463	June 6, 1986
866001573	July 7, 1986
866001586	July 7, 1986
866001599	July 7, 1986
866001913	August 8, 1986
866002255	September 10, 1986
866002297	September 23, 1986
03200000010	October 3, 1986
03200000028	November 13, 1986
03200000036	November 26, 1986.

SEC. 2416. CLARIFICATION OF ADDITIONAL U.S. NOTE 4 TO CHAPTER 91 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

Additional U.S. note 4 of chapter 91 of the Harmonized Tariff Schedule of the United States is amended in the matter preceding subdivision (a), by striking the comma after "stamping" and inserting "(including by means of indelible ink),".

SEC. 2417. DUTY-FREE SALES ENTERPRISES.

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new subparagraph:

"(C) a port of entry, as established under section 1 of the Act of August 24, 1912 (37 Stat. 434), or within 25 statute miles of a staffed port of entry if reasonable assurance can be provided that duty-free merchandise sold by the enterprise will be exported by individuals departing from the customs territory through an international airport located within the customs territory.".

SEC. 2418. CUSTOMS USER FEES.

(a) ADDITIONAL PRECLEARANCE ACTIVITIES.—Section 13031(f)(3)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)(iii)) is amended to read as follows:

"(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions to provide preclearance services.".

(b) COLLECTION OF FEES FOR PASSENGERS ABOARD COMMERCIAL VESSELS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) in subsection (a), by amending paragraph (5) to read as follows:

"(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), $5.

"(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, $1.75"; and

(2) in subsection (b)(1)(A), by striking "(A) No fee" and inserting "(A) Except as provided in subsection (a)(5)(B) of this section, no fee".

(c) USE OF MERCHANDISE PROCESSING FEES FOR AUTOMATED COMMERCIAL SYSTEMS.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended by adding at the end the following:

"(6) Of the amounts collected in fiscal year 1999 under paragraphs (9) and (10) of subsection (a), $50,000,000 shall be available to the Customs Service, subject to appropriations Acts, for automated commercial systems. Amounts made available under this paragraph shall remain available until expended.".

(d) ADVISORY COMMITTEE.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

"(k) ADVISORY COMMITTEE.—The Commissioner of Customs shall establish an advisory committee whose membership shall consist of representatives from the airline, cruise ship, and other transportation industries who may be subject to fees under subsection (a). The advisory committee shall not be subject to termination under section 14 of the Federal Advisory Committee Act. The advisory committee shall meet on a periodic basis and shall advise the Commissioner on issues related to the performance of the inspectional services of the United States Customs Service. Such advice shall include, but not be limited to, such issues as the time periods during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. The Commissioner shall give consideration to the views of the advisory committee in the exercise of his or her duties.".

(e) NATIONAL CUSTOMS AUTOMATION TEST REGARDING RECONCILIATION.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by adding at the end the following: "For the period beginning on October 1, 1998, and ending on the date on which the 'Revised National Customs Automation Test Regarding Reconciliation' of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative mid-point interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit data provided in this subsection.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 2419. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL ETHER ("MTBE").

(a) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended by striking "and 2902" and inserting "2902, and 2909.19.14".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act, and shall apply to drawback claims filed on and after such date.

SEC. 2420. SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.

(a) IN GENERAL.—Section 313(p)(1) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the matter following subparagraph (C) by striking "the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant." and inserting "drawback shall be allowed as described in paragraph (4).".

(b) REQUIREMENTS.—Section 313(p)(2) of such Act (19 U.S.C. 1313(p)(2)) is amended—

(1) in subparagraph (A)—

(A) in clauses (i), (ii), and (iii), by striking "the qualified article" each place it appears and inserting "a qualified article"; and

(B) in clause (iv), by striking "an imported' and inserting "a"; and

(2) in subparagraph (G), by inserting "transferor," after "importer,".

(c) QUALIFIED ARTICLE DEFINED, ETC.—Section 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking "liquids, pastes, powders, granules, and flakes" and inserting "the primary forms provided under Note 6 to chapter 39 of the Harmonized Tariff Schedule of the United States"; and

(B) in clause (ii)—

(i) in subclause (I) by striking "or" at the end;

(ii) in subclause (II) by striking the period and inserting ", or"; and

(iii) by adding after subclause (II) the following:

"(III) an article of the same kind and quality as described in subparagraph (B), or any combination thereof, that is transferred, as so certified in a certificate of delivery or certificate of manufacture and delivery in a quantity not greater than the quantity of articles purchased or exchanged.

The transferred merchandise described in subclause (III), regardless of its origin, so designated on the certificate of delivery or certificate of manufacture and delivery shall be the qualified article for purposes of this section. A party who issues a certificate of delivery, or certificate of manufacture and delivery, shall also certify to the Commissioner of Customs that it has not, and will not, issue such certificates for a quantity greater than the amount eligible for drawback and that appropriate records will be maintained to demonstrate that fact.";

(2) in subparagraph (B), by striking "exported article" and inserting "article, including an imported, manufactured, substituted, or exported article,"; and

(3) in the first sentence of subparagraph (C), by striking "such article." and inserting "either the qualified article or the exported article.".

(d) LIMITATION ON DRAWBACK.—Section 313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is amended by inserting before the period at the end the following: "had the claim qualified for drawback under subsection (j)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 632(a)(6) of the North American Free Trade Agreement Implementation Act. For purposes of section 632(b) of that Act, the 3-year requirement set forth in section 313(r) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of enactment of this Act for which that 3-year period would have expired.

SEC. 2421. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.

(a) BEFORE JANUARY 1, 1996.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1991, and before January 1, 1996, of mueslix cereal, which was classified in subheading 2008.92.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of Canada applied—

(1) shall be liquidated or reliquidated as if the column one special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

(b) AFTER DECEMBER 31, 1995.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1998, of mueslix cereal, which was classified in subheading 1904.20.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of special column rate applicable for Canada applied—

(1) shall be liquidated or reliquidated as if the column 1 special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.

(a) EXPANSION OF FOREIGN TRADE ZONE.—The Foreign Trade Zones Board shall expand Foreign Trade Zone No. 143 to include areas in the vicinity of the Chico Municipal Airport in accordance with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(b) OTHER REQUIREMENTS NOT AFFECTED.—The expansion of Foreign Trade Zone No. 143 under subsection (a) shall not relieve the Port of Sacramento of any requirement under the Foreign Trade Zones Act, or under regulations of the Foreign Trade Zones Board, relating to such expansion.

SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) MARKING OF CERTAIN SILK PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply either to—

"(1) articles provided for in subheading 6214.10.10 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1997; or

"(2) articles provided for in heading 5007 of the Harmonized Tariff Schedule of the United States as in effect on January 1, 1997.".

(b) CONFORMING AMENDMENT.—Section 304(j) of such Act, as redesignated by subsection (a)(1) of this section, is amended by striking "subsection (h)" and inserting "subsection (i)".

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF MONGOLIA.

(a) FINDINGS.—The Congress finds that Mongolia—

(1) has received normal trade relations treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary;

(3) has held 4 national elections under the new constitution, 2 presidential and 2 parliamentary, thereby solidifying the nation's transition to democracy;

(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;

(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

(6) has acceded to the Agreement Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia would enable the United States to avail itself of all rights under the World Trade Organization with respect to Mongolia; and

(7) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Mongolia; and

(B) after making a determination under subparagraph (A) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 2425. ENHANCED CARGO INSPECTION PILOT PROGRAM.

(a) IN GENERAL.—The Commissioner of Customs is authorized to establish a pilot program for fiscal year 1999 to provide 24-hour cargo inspection service on a fee-for-service basis at an international airport described in subsection (b). The Commissioner may extend the pilot program for fiscal years after fiscal year 1999 if the Commissioner determines that the extension is warranted.

(b) AIRPORT DESCRIBED.—The international airport described in this subsection is a multimodal international airport that—

(1) is located near a seaport; and

(2) serviced more than 185,000 tons of air cargo in 1997.

SEC. 2426. PAYMENT OF EDUCATION COSTS OF DEPENDENTS OF CERTAIN CUSTOMS SERVICE PERSONNEL.

Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the dependent children of deceased United States Customs Aviation Group Supervisor Pedro J. Rodriquez attending the Antilles

Consolidated School System in Puerto Rico, to complete their primary and secondary education within this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable education expenses to cover these costs.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.—

(1) SECTION 357.—Section 357(a)(2) of the Internal Revenue Code of 1986 (relating to assumption of liability) is amended by striking ", or acquires from the taxpayer property subject to a liability".

(2) SECTION 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking "or acquired from the taxpayer property subject to a liability".

(3) SECTION 368.—

(A) Section 368(a)(1)(C) of such Code is amended by striking ", or the fact that property acquired is subject to a liability,".

(B) The last sentence of section 368(a)(2)(B) of such Code is amended by striking ", and the amount of any liability to which any property acquired from the acquiring corporation is subject,".

(b) CLARIFICATION OF ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Section 357 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—

"(1) IN GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

"(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability; and

"(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

"(2) EXCEPTION FOR NONRECOURSE LIABILITY.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

"(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy; or

"(B) the fair market value of such other assets (determined without regard to section 7701(g)).

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title.".

(2) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 of such Code is amended by adding at the end the following new subsection:

"(d) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—

"(1) IN GENERAL.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

"(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

"(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee; and

"(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability.".

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.—

(1) SECTION 584.—Section 584(h)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking ", and the fact that any property transferred by the common trust fund is subject to a liability," in subparagraph (A); and

(B) by striking clause (ii) of subparagraph (B) and inserting:

"(ii) ASSUMED LIABILITIES.—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

"(C) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply.".

(2) SECTION 1031.—The last sentence of section 1031(d) of such Code is amended—

(A) by striking "assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability" and inserting "assumed (as determined under section 357(d)) a liability of the taxpayer"; and

(B) by striking "or acquisition (in the amount of the liability)".

(d) CONFORMING AMENDMENTS.—

(1) Section 351(h)(1) of the Internal Revenue Code of 1986 is amended by striking ", or acquires property subject to a liability,".

(2) Section 357 of such Code is amended by striking "or acquisition" each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) of such Code is amended by striking "or acquired".

(4) Section 357(c)(1) of such Code is amended by striking ", plus the amount of the liabilities to which the property is subject,".

(5) Section 357(c)(3) of such Code is amended by striking "or to which the property transferred is subject".

(6) Section 358(d)(1) of such Code is amended by striking "or acquisition (in the amount of the liability)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after October 18, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington (Ms. DUNN) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Washington (Ms. DUNN).

GENERAL LEAVE

Ms. DUNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 435.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 435 would make miscellaneous and other technical and clerical corrections to trade laws. The House passed this bill on February 9, 1999. The Senate passed the bill with an amendment.

The bill contains over 130 provisions temporarily suspending or reducing duties on a wide variety of products. A number of the duties and suspensions relate to different chemicals to make anti-HIV, anti-AIDS and anti-cancer drugs. In each instance, there is either no domestic production of the product involved or the domestic producers have supported the measure.

By suspending or reducing these duties, we can enable U.S. companies that use these products to be more competitive and to function more cost efficiently. This would create jobs for American workers as well as reduce costs for consumers.

The bill also contains a number of technical trade corrections and miscellaneous trade provisions that have received broad bipartisan support and no opposition.

For example, the bill includes a provision that would provide duty-free treatment to participants and to individuals associated with world athletic events, such as the 1999 Women's World Cup soccer and the Special Olympics, which are being held throughout the United States. Other time-sensitive provisions refer to a variety of trade issues, including Customs preclearance activities and Customs user fees.

This package of trade bills has been thoroughly evaluated and commented on by all concerned parties, including the United States Customs Service, the Department of Commerce, the International Trade Commission, the United States Trade Representative, and those firms which may be affected by a tariff suspension on a product they do produce domestically.

The provisions that remain in the bill are completely noncontroversial. The Senate amendment would strike eight duty suspension provisions related to pigments. It would make one technical correction, and it would make adjustments to certain other pigment provisions. In addition, the amendment would ensure that all athletes participating in the Women's World Cup soccer and other sporting events are able to bring their equipment duty free.

Apart from these changes, the Senate amendment to H.R. 435 is essentially identical to the version of H.R. 435 passed by the House on February 9, 1999. I urge my colleagues to support this time-sensitive legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 435, the Miscellaneous Trade and Technical Corrections Act of 1999. The bill was passed by the House on February 9 of this year by a vote of 414 to 0. On May 27, the Senate passed the bill by unanimous consent.

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The Senate made only two amendments to the bill, neither of which should create concern for us in the House.

The first is that 8 dyes were deleted from the bill's duty suspension provisions. These eight provisions were not sought by Members of the House. Accordingly, their deletion under a compromise agreement in the other body should not present any concerns for us.

The second change is to make retroactive to May 15 provisions for ensuring the entry of the personal effects of athletes participating in the Women's Road Cup Soccer Tournament, the Special Olympics, and the 2000 Olympics.

As the gentlewoman from Washington (Ms. DUNN) mentioned, H.R. 435 is a bipartisan effort representing the collective input of many Members on both sides of the aisle, as well as the administration. The U.S. Customs Service, the Department of Commerce, the U.S. Trade Representative, and the U.S. ITC all have reviewed and commented on this bill to ensure that no domestic producers or other private sector interests would be adversely affected. Public input also has been incorporated into this bill.

The provisions of H.R. 435 fall into three categories.

First, the bill makes certain clerical corrections to the trade laws, such as amending and updating outdated provisions;

Second, the bill contains 112 various duty suspensions and tariff reductions. These suspensions and reductions relate to duties on certain anti-HIV, AIDS and cancer drugs and duties on chemicals, raw materials, and miscellaneous equipment. Suspension of these duties reduces prices for consumers and improves the competitiveness of domestic manufacturers by reducing their input costs.

H.R. 435 also allows for the duty-free entry of equipment and personal effects of participants in the 1999 Special Olympics, the Women's World Cup, and the 2002 Winter Olympics.

Let me just say a word about the efforts here. A number of Members on both sides of the aisle have worked hard to see this provision become law, including the ranking member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), another member of the committee, the gentlewoman from Florida (Mrs. THURMAN), and others, such as the gentleman from Massachusetts (Mr. MOAKLEY) and the gentlewoman from California (Ms. PELOSI).

Third, the bill includes additional tariff and trade provisions, such as authorization of custom user fees to maintain existing preclearance services for air and sea passengers arriving from Canada, the Caribbean, and Mexico.

These authorizations are essential to maintaining the preclearance services that expedite the processing of passengers at our airports and seaports. Miscellaneous trade provisions include extension of normal trade relations with Mongolia.

The small revenue loss resulting from a few provisions in the bill require an offset to meet budgetary requirements. This cost is offset by a provision in the bill that clarifies the tax treatment of certain corporate restructuring transactions where assets are transferred subject to a liability. The tax treatment under current law of these transactions is uncertain, and some taxpayers are restructuring transactions to take advantage of this uncertainty.

In some cases, taxpayers are claiming tax bases in excess of the value of assets with resulting excessive depreciation deductions. The provision in the bill would eliminate the uncertainty and tax these transactions by reference to their underlying economics.

The provisions of this bill have been thoroughly reviewed to ensure that they are noncontroversial and do not adversely affect U.S. consumers and U.S. industry.

Mr. Speaker, I urge my colleagues to support its final passage, and I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank my friend, the gentlewoman from Washington State (Ms. DUNN), for yielding time to me and giving me the opportunity to speak this afternoon on important legislation.

I also want to thank this House for bringing this important legislation before us today, and welcome the opportunity to speak about two very, very specific provisions included in this legislation.

This past year, Mr. Speaker, I introduced H.R. 4190 and H.R. 4191, legislation which temporarily suspends duties on the importation of pharmaceuticals which inhibit cancer and the spread of HIV and AIDS. This is important legislation. It is compassionate legislation which deserves bipartisan support, legislation which will help families reduce the cost of treating AIDS and cancer, benefiting thousands upon thousands of American families.

It is estimated that every year thousands of American men and women and children fall victim to these deadly diseases. In 1997, almost 17,000 new cases of HIV and AIDS were reported, making the total number affected almost 600,000 Americans. Today the average cost of treating someone with HIV or AIDS is approximately $17,500 a year, and the lifetime cost is almost $100,000.

Additionally, it is estimated that this year, in 1999, more than 1.2 million new cases of cancer will be diagnosed in the United States alone. More than 560,000 individuals will be lost to this disease, while millions of family members and friends will suffer great emotional loss.

Mr. Speaker, the average cost of treating a breast cancer patient is estimated to be about $37,000. This legislation, H.R. 435, suspends duties on important cancer inhibitors, helping reduce the financial toll of these terrible diseases on families and, of course, the victims.

Mr. Speaker, this is compassionate legislation. It deserves bipartisan support. This legislation, taking advantage of free trade, will help the victims and their families of HIV, AIDS, and cancer. I ask for bipartisan support.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H.R. 435, the Miscellaneous Trade and Technical Corrections Act of 1999 and I want to congratulate my colleagues Trade Subcommittee Chairman, PHIL CRANE and Ranking Democrat SANDER LEVIN for the Herculean effort that went into making passage of this bill possible today.

My colleagues, this is a day that I have long looked forward to. For over two years now, a number of members from both sides of the isle labored long and hard to defeat one obstacle after another to make it possible for this bill to become law. We were almost successful at the end of the last Congress but ran out of time before the other body was able to take up the bill.

Today I rise on behalf of my constituents to celebrate the passage of this bill because of what it could mean for our economy. The extension of the Insular Possession trade benefits which this bill provides, will mean that a significant number of new jobs will be created, in the Virgin Islands, as a direct result. Ten years ago, the Insular Possession trade benefits made it possible for almost 1,000 Virgin Islanders to be employed in the manufacturing of watches. Today, after several major hurricanes hit the islands there may be just over 200 persons employed in the industry.

That is why this bill is so very important to my constituents and me. It represents the first step in my legislative plan for revitalizing the economy of the Virgin Islands which, unfortunately has not yet reaped the benefits of the largest ever peace time economic expansion that the country as a whole is experiencing.

In closing, I want to again express my thanks to the Leadership of the Ways and Means Committee for their efforts on H.R. 425. In addition to Mr. CRANE and Mr. MATSUI, I also must thank the cosponsors of my original bill, the gentleman from New York, Mr. RANGEL, and the gentleman from Louisiana, Mr. JEFFERSON. I also want to thank, the Chairman of the full Ways and Means Committee, Mr. ACHER, for his support as well.

Mr. LEVIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. DUNN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Washington (Ms. DUNN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 435.

The question was taken.

Ms. DUNN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JENNIFER'S LAW

Mr. LAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1915) to provide grants to the States to improve the reporting of unidentified and missing persons.

The Clerk read as follows:

H.R. 1915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Jennifer's Law".

SEC. 2. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

SEC. 3. ELIGIBILITY.

(a) APPLICATION.—To be eligible to receive a grant award under this Act, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) CONTENTS.—Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State's jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person; and

(4) retain all such records pertaining to unidentified persons until a person is identified.

SEC. 4. USES OF FUNDS.

A State that receives a grant award under this Act may use such funds received to establish or expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 3(b).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $2,000,000 for each of fiscal years 2000, 2001, and 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking the Committee on the Judiciary for this bipartisan approach, for allowing us to bring this important legislation to the floor, and in particular, let me thank the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE) for his consideration in allowing this bill to go forward.

Let me begin by saying that I am the proud father of two beautiful daughters, Molly and Kelsey. I cannot imagine not having them in my life. What would I do without their smiling faces to welcome me home, their gifts of crayon drawings to brighten my day, or their heartwarming goodnight kisses? Every time I look at them I know how blessed I am.

But today, Mr. Speaker, we turn our focus to less fortunate families, families who have suffered the loss of a loved one. For these families we offer Jennifer's Law, legislation inspired by a tragic story of a still missing Long Islander whose mother and dad have been one of the motivating forces behind this legislation.

In 1993, 21-year-old Jennifer Wilmer left her family's suburban New York home for California in pursuit of a dream. It was a dream to make it on her own. Nine months later Jennifer's mom sent her a plane ticket to return home for a visit because she missed her.

All Jennifer had to do was to pick up the ticket from the office of the local travel agent. She left the house she shared with friends to pick up the ticket, but she never made it to that agency. She never came home. Mr. Speaker, Jennifer is still missing.

Unfortunately, this story is all too common. People report thousands of missing persons each year. Sadly, many of these people will never be found. In many instances, at least we have the information necessary to bring closure to some of these cases. Unfortunately, most of this information remains hidden, like a needle in a haystack.

In 1975, the FBI created the Missing Persons File within its National Crime Information Center to address the problems associated with collecting and organizing information on missing persons. This new file inspired the creation of the Unidentified Persons File 8 years later.

In theory, data on a missing person should be entered into the Missing Persons File at the time a missing persons report is filed with local law enforcement officials, and the same is true for John or Jane Does.

Unfortunately, the coordination of these two files that would make it possible to close thousands of missing person cases is not taking place. Why? Certainly it is the fact that the success of one search depends upon its connection to the other, and although local law enforcement officials enter the proper information into the Missing Persons File, they often fail to enter this information about John Does into the unidentified persons file. What kind of information I am talking about is fingerprint information, DNA information, various samples. Without up-to-date information in both files, most cases cannot be closed.

For example, last year New York reported more than 4,500 missing persons, but only 279 unidentified persons. Any one of these unidentified persons might also be a missing person, but without cross-referencing, this fact will never surface.

The ability to cross-reference within the NCIC has existed for 16 years, and this technology is available to all law enforcement agencies. The problem is, the system remains underutilized, so even if you have a county local law enforcement agency that is doing its job in terms of entering missing persons information, if another agency in another county in another State is not doing the job, they will never link up between missing persons and unidentified persons.

The issue is not negligence, but instead stems from inadequate funding. Jennifer's Law would authorize $2 million for States to apply for a competitive grant program to cover the costs associated with entering complete files of unidentified crime victims into the FBI's National Crime Information Center database. It is a true model of Federal, State, and local partnership.

If passed today, Jennifer's Law will help ease the suffering of families coping with the anguish of unanswered questions. It will reassure families that everything possible is being done to reunite them with loved ones. The funding for this project is a small price to pay compared to the cost of not knowing that someone you love has been found. Without this funding, Mr. Speaker, thousands of families will be deprived of a chance for closure, a chance to at least move on.

Mr. Speaker, crime is not just a statistic when it involves a family member. As a dad, I can only imagine the pain and torment experienced by families such as Jennifer's. I hope that Jennifer's Law will serve to somewhat lessen the incredible pain these families have in losing a child or a loved one.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this afternoon to talk about H.R. 1915, Jennifer's Law, which would help parents of missing children bring closure to their nightmare and begin the healing process.

As my colleague, the gentleman from New York (Mr. LAZIO) just said, the Committee on the Judiciary is to be commended and he, too, is to be commended for the work that he has done in bringing this bill to the floor of the House of Representatives, and to make sure that we can do everything that we can to correct the shortcomings that exist in present law.

Under current law, States are required to report information on missing children to the FBI so that data can be entered into the National Crime Information Center, NCIC, their missing persons file.

□ 1430

However, States are not required to report the information to the NCIC's Unidentified Person File whenever they recover an unidentified body. Unfortunately, a logical and complete cross-referencing of the missing person file and the unidentified person file does not currently exist.

Every week unidentified bodies of children are found, but the parents of missing children are not contacted to make positive identifications. Not knowing that the body of an unidentified child has been recovered, thousands of parents continue their heart-wrenching search for their missing loved one.

Jessica Cane is a young girl who was abducted, we assume abducted, perhaps murdered, we do not know her whereabouts, 3 weeks before her 18th birthday. Today her parents continue to search for her, believe that she is alive, hope that she is alive, and expect that she will return home one day. So with that hope, they travel from city to city, they spend their money, they spend their time, their waking hours hoping that Jessica will return to them.

As the chairman and founder of the Congressional Missing and Exploited Children's Caucus, I see the pain families of missing or abducted children endure firsthand. I can only imagine the agony of GiGi Arnett Harris' family and the agony that they suffered when this Houston, Texas family discovered that GiGi's body had remained unidentified in a morgue for 2 years while they unknowingly continued their search.

Well, stories like these would not occur if Jennifer's Law were enacted. This law would correct identification problems by encouraging States to report unidentified people to the NCIC in their jurisdiction in return for Federal grant funds.

It is time to bring comfort to families of missing children. It is the very least Congress can do to alleviate their suffering. I urge all of our colleagues to join me in voting in favor of H.R. 1915, the Jennifer's Law.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I thank the gentleman from Texas (Mr. LAMPSON) not just for his support for this particular piece of legislation, but for his work on behalf of missing and exploited children.

What he has done is a valuable public service in heading up the caucus, and obviously his work in the Committee on the Judiciary was very helpful in ensuring that this bill got to the floor. This is a bipartisan approach, Mr. Speaker.

I say as a dad and former prosecutor that this is a modest but very important way in which we could forge a stronger partnership with families, with advocates, with the law enforcement community, to do the right things for those who have an unimaginable tragedy in their life, losing a child or loved one and not knowing their whereabouts.

This effort is supported by the National Center for Missing and Exploited Children, and I have a letter in support, as well as the Jacob Wetterling Foundation in Minnesota, both important institutions in furthering the cause and building public awareness.

That being said, once again I want to thank the gentleman from Texas (Mr. LAMPSON), thank the Committee on the Judiciary, and ask for support for the bill.

Mr. LANTOS. Mr. Speaker, I rise today to acknowledge the courageous struggle and profound hope of my constituents JoAnn and Carl Rock in the search for their missing son, Robert, and to offer support for Jennifer's Law, H.R. 1915, introduced by my distinguished colleague Congressman RICK LAZIO. I thank Congressman LAZIO for introducing this bipartisan bill.

In 1995, 26-year-old Robert Rock, son of JoAnn and Carl Rock, disappeared, and he has not yet been found. Because he is a missing person over the age of 18, Missing Persons Agencies have given Robert's case a low priority. Robert's parents believe that their son may be an unidentified body in New York. JoAnn and Carl Rock's hope of discovering the fate of their son relies upon this Congress passing a bill encouraging all law enforcement agencies to report every unidentified body to a federal computer database.

Jennifer's Law consists of establishing a grant award in order to encourage that a State, to the greatest extent possible, will be involved in reporting to the National Crime Information Center throughout the State and other authorities regarding every deceased unidentified person, creating a complete profile of such unidentified person, and inputting a National Crime Information Center number on the death certificate of such an unidentified missing person. Furthermore, all such records must be retained until a person is identified as part of the application process for the grant.

I urge my colleagues to offer aid to all parents who may be on a search to locate a missing daughter or son by supporting H.R. 1915. Jennifer's Law is essential in bringing relief to families such as the Rock family, that face the pain inflicted by a life full of unanswered questions about the whereabouts of their child. H.R. 1915 provides invaluable hope to families whose sons and daughters have vanished and remain missing. I therefore ask that all my colleagues vote today in support of Jennifer's Law.

Mr. Speaker, Jennifer's Law is an example of exceptional legislation resulting in better government. The tragic story of Carl and JoAnn Rock demonstrates the need for comprehensive action on the behalf of the thousands of families searching for missing loved ones. H.R. 1915, Jennifer's Law, costs little, but it gives in return the priceless gift of human compassion.

Mr. PACKARD. Mr. Speaker, today I would like to express my strong support for H.R. 1915, otherwise known as Jennifer's Law. This legislation will grant states the necessary funds to assist them in entering files of unidentified victims into both the national Missing Persons File and the Unidentified Persons File.

"Jennifer's Law" is named after Jennifer Wilmer, who has been missing since September 13, 1993. When a person is missing, it touches the entire community. In the case of Jennifer, her mother Susan has become an aggressive advocate for consolidating federal databases on missing and unidentified persons. The fact is, involvement and cooperation at the local level is of the utmost importance in saving the lives of those classified as missing.

NCIC created the Missing Persons File in 1975, and eight years later the Unidentified Persons File was created as a database of NCIC. Currently, local law enforcement agencies under information into the Missing Persons File, but do not report cases to the Unidentified Persons File. This means the data is not being cross-referenced.

In an effort to promote cooperation at all levels, H.R. 1915 will require states to meet certain criteria before they receive these federal funds. States must report missing cases to the National Crime Information Center (NCIC) and law enforcement authorities throughout the state regarding every deceased unidentified person found. States will also be required to enter a profile of the unidentified person, the number assigned to the unidentified person on his or her death certificate and retain all of the records until the person is identified.

Mr. Speaker, the time has come for us to work together to find America's missing persons. Let's protect our loved ones and pass H.R. 1915.

Mr. KING. Mr. Speaker, I rise today in recognition of my constituents, Fred and Susan Wilmer of Baldwin, NY, whose daughter Jennifer Wilmer has been missing since September 13, 1993, to express my strong support for the Jennifer's Law Act.

I am pleased that Congress has made it a priority to support efforts to locate and identify all missing persons. This critical legislation will require all law enforcement agencies to cross reference missing person files with unidentified person files, which believe it or not is rarely done. It will also authorize $2 million in competitive grants so that states can cover the costs of providing this well needed service.

Thousands of Americans go through the daily anguish the Wilmer family experiences, wondering if they will ever see their loved ones again. I believe the Jennifer's Law Act will provide the opportunity for many of these families to find peace of mind and closure to their unfortunate tragedies.

Mr. Speaker, I would also like to express my gratitude to the Wilmers who have tirelessly transformed their personal grief into political action by committing themselves to helping other families with missing loved ones. They established "Finding Our Children Under Stress" FOCUS, an organization dedicated to supporting other parents in distress and promoting state and federal legislation to improve methods of locating missing persons.

Mr. Speaker, as an original cosponsor of this important legislation, I wholeheartedly urge my colleagues to support this crucial legislation today. The Jennifer's Law Act is a step in the right direction that will help more and more American families locate their loved ones and I strongly urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to strongly support the H.R. 1915 that would Improve Reporting of Unidentified & Missing Persons.

Aptly nicknamed "Jennifer's Law," this bill will provide much needed assistance to the National Crime Information Center (NCIC) and will help ease the pain of families who admirably continue to search for lost loved ones. I empathize with the families such as the family of the young woman this bill was named after. As a mother, I can understand the anguish of having a child move across the country, only to have that child disappear without a trace.

This measure helps to solve such disappearances by urging States to improve their reporting on unidentified persons, people found who have memory loss, or unidentified deceased persons.

By establishing a grant program under this measure, States would have the incentive to provide far more comprehensive information concerning unidentified deceased persons. States will receive these funds only if they report to NCIC and State law enforcement authorities every deceased unidentified person found in their jurisdiction, provide a complete profile of unidentified persons—including dental records, X-rays, and finger prints, enter the NCIC number assigned to deceased unidentified persons on their death certificates, and keep all records of about unidentified persons until they are identified.

This legislation is necessary to bolster the NCIC's current files for unidentified persons. Prior to H.R. 1915, unidentified records were woefully underreported. The proposed grant program would end this dearth of information and would allow the NCIC to provide better, and far more comprehensive, information to the American public.

This legislation provides a great service to the NCIC and the American public, and by passing this bill, perhaps we will stem future suffering amongst our families. It is my hope that legislation such as this will help reunite these families with their lost loved ones.

Mr. FARR of California. Mr. Speaker, on June 12, residents of the Central Coast of California were devastated to learn that Christina Williams hadn't returned to her family's home after walking the dog. Seven long months later her body was found less than three miles from her home.

I was pleased to become an original cosponsor of H.R. 1915, a bill that to provide $2 million in competitive grants to the States to improve the reporting of unidentified and missing children. In order to receive a grant, a state would report to the National Crime Information Center and (when possible to law enforcement authorities within the state) information on every deceased unidentified person, including dental records, x-rays and fingerprints. The states would then enter the National Crime Information Center registration number or other identifying number, on the unidentified person's death certificate.

This simple cross-referencing of missing persons files against unidentified persons files will bring closure to thousands of families who anxiously await information on their loved ones. In California alone, there are over 25,000 missing person files, and only some 1,800 unidentified persons files. While Christina was found close to home which made identification easier, there are thousands of families in California who teeter on the edge of the chasm of hope and despair who will benefit from passage of H.R. 1915.

I urge my colleagues to pass H.R. 1915 in memory of Christina Williams.

Mr. LAZIO. Mr. Speaker, I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, again I congratulate the gentleman from New York (Mr. Lazio) on the good work that he has done on this bill because it will make a difference for people like Susan Wilmer, the mother of Jennifer.

Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore (Mr. Petri). The question is on the motion offered by the gentleman from New York (Mr. Lazio) that the House suspend the rules and pass the bill, H.R. 1915.

The question was taken.

Mr. LAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceeding on this motion will be postponed.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1915.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess until approximately 6 p.m.

☐ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Ewing) at 6 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approval of the Journal and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approval of the Journal, de novo;

H.R. 435, concurring in Senate amendment, by the yeas and nays;

H.R. 1915, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the second such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question de novo of the Speaker pro tempore's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOSSELLA. Mr.Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 325, nays 42, answered "present" 3, not voting 63, as follows:

[Roll No. 167]

YEAS—325

Abercrombie
Allen
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich

Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Cook
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Pastor
Paul
Payne
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Tauzin
Terry
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Vento
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Woolsey
Wynn
Young (FL)

NAYS—42

Aderholt
Bilbray
Bonior
Brown (OH)
Clyburn
Costello
Crane
DeFazio
Dingell
English
Filner
Gephardt
Gibbons
Green (TX)
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Jackson-Lee (TX)
Kucinich
LoBiondo
McDermott
McNulty
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Pombo
Ramstad
Schaffer
Slaughter
Stupak
Tancredo
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Velázquez
Visclosky
Weller
Wolf

ANSWERED "PRESENT"—3

Carson
Conyers
Smith (MI)

NOT VOTING—63

Ackerman
Andrews
Archer
Bateman
Becerra
Berman
Bliley
Bono
Borski
Brown (CA)
Brown (FL)
Burton
Buyer
Cannon
Chenoweth
Clay
Coburn
Cooksey
Danner
DeGette
Ehrlich
Fletcher
Gejdenson
Gilchrest
Gillmor
Hall (OH)
Hulshof
Hunter
John
Kasich
Kilpatrick
Kingston
LaFalce
Largent
Lipinski
Lowey
Maloney (NY)
Martinez
McCollum
Meeks (NY)
Miller, George
Moore
Oxley
Pelosi
Pickett
Rangel
Rogers
Rush
Sabo
Sanders
Scarborough
Serrano
Sweeney
Tanner
Taylor (NC)
Thomas
Towns
Waters
Waxman
Weiner
Wise
Wu
Young (AK)

□ 1828

Mr. TERRY changed his vote from "nay" to "yea."

□ 1830

So the Journal was approved.

The result of the vote was announced as above recorded.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

The SPEAKER pro tempore (Mr. EWING). The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 435.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington (Ms. DUNN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 435, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 375, nays 1, not voting 57, as follows:

[Roll No. 168]

YEAS—375

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky

Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Barr

NOT VOTING—57

Ackerman
Andrews
Bateman
Becerra
Berman
Bliley
Bono
Borski
Brown (CA)
Brown (FL)
Burr
Burton
Buyer
Cannon
Chenoweth
Clay
Coburn
Cooksey
Danner
DeGette
Ehrlich
Fletcher
Gejdenson
Gilchrest
Gillmor
Hall (OH)
Hulshof
Hunter
John
Kasich
Kilpatrick
Kingston
LaFalce
Largent
Lipinski
Maloney (NY)
Martinez
McCollum
Miller, George
Moore
Oxley
Pickett
Rogers
Rush
Sabo
Sanders
Scarborough
Serrano
Tanner
Taylor (NC)
Thomas
Towns
Waters
Waxman
Weiner
Wise
Young (AK)

□ 1845

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JENNIFER'S LAW

The SPEAKER pro tempore (Mr. EWING). The pending business is the question of suspending the rules and passing the bill, H.R. 1915.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 1915, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 4, not voting 59, as follows:

[Roll No. 169]

YEAS—370

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—4

Metcalf
Paul
Royce
Sanford

NOT VOTING—59

Ackerman
Andrews
Bateman
Becerra
Berman
Bliley
Bono
Borski
Brown (CA)
Brown (FL)
Burton
Buyer
Cannon
Chenoweth
Clay
Coburn
Cooksey
Cox
Danner
DeGette
Dooley
Ehrlich
Fletcher
Frank (MA)
Gejdenson
Gilchrest
Gillmor
Hall (OH)
Hulshof
John
Kasich
Kilpatrick
Kingston
LaFalce
Largent
Lipinski
Maloney (NY)
Martinez
McCollum
Miller, George
Moakley
Moore
Oxley
Pickett
Rogers
Rush
Sabo
Sanders
Scarborough
Sweeney
Tanner
Taylor (NC)
Thomas
Towns
Waters
Waxman
Weiner
Wise
Young (AK)

□ 1853

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in the 15th Congressional District of Michigan, I was unable to record my vote for several measures considered today in the U.S. House of Representatives. Had I been present, I would have voted "aye" on approving the Journal; "aye" on H.R. 435, the Miscellaneous Trade and Technical Corrections Act of 1999; and "aye" on H.R. 1915, To Provide Grants to States to Improve the Reporting of Unidentified and Missing Persons.

PERSONAL EXPLANATION

Mrs. BONO. Mr. Speaker, unfortunately, due to an unavoidable travel delay, I missed today's rollcall votes. I wish to announce that if I were here I would have voted for passage for the following: the Speaker's approval of the Journal (rollcall vote No. 167); H.R. 435—Miscellaneous Trade and Technical Corrections Act (Agreeing to Senate Amendments) (rollcall vote No. 168); and H.R. 1915—"Jennifer's Law" Act (rollcall vote No. 169).

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes No. 167, 168, and 169 I was unavoidably detained. Had I been here I would have voted "yea" on rollcall vote No. 167, "yea" on rollcall No. 168, and "yea" on rollcall vote No. 169.

APPOINTMENT OF MEMBER TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Regents of the Smithsonian Institution:

Mr. MATSUI, California.

There was no objection.

IN SUPPORT OF H.R. 435 REGARDING 1999 WOMEN'S WORLD CUP

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, just briefly I want to commend the House for an action taken earlier on the passing of a suspension, which was the Miscellaneous Trade and Technical Corrections Act.

This would temporarily suspend customs duties on participants in upcoming athletic events being held in the United States, including the 1999 Women's World Cup. I commend the gentlewoman from Florida (Mrs. THURMAN) who sits on the Committee on Ways and Means for her leadership on this, as well as the gentleman from Michigan (Mr. LEVIN) who managed the bill here and the leadership on the Republican side, as well as the officials at the Women's World Cup organizing committee, especially their Chair Donna de Varona for their work to pass this provision.

All of the players, trainers, coaches and family members participating in the Women's World Cup have been on a long and challenging road to reach the finals. Representing six continents, these individuals are some of the best athletes in the world. I welcome, and I know this entire Congress joins in welcoming them to this country and wish them all the best of luck.

Our colleagues, in voting in favor of H.R. 435, welcome them indeed and help to ensure that the Women's World Cup is one of the most successful sporting events ever held. I thank my colleagues for their overwhelming vote.

Mr. Speaker, I rise today in support of an amended H.R. 435, the Miscellaneous Trade and Technical Corrections Act, the original version of which already passed the House by vote of 414 to 1.

I am pleased that H.R. 435 contains a provision to temporarily suspend customs duties on participants in upcoming athletic events being held in the United States, including the 1999 Women's World Cup.

I commend the dedicated efforts of my colleague from Florida, Representative THURMAN, who sits on the Ways and Means Committee, a well as of officials at the Women's World Cup Organizing Committee, namely their chair, Donna De Varona, for their work to pass this provision.

When the 1999 Women's World Cup officially kicks off in 12 days, it will be the largest women's sporting event in history. With 16 countries participating and over 400,000 tickets already sold, the United States will be host to an international contingent of some of the world's best athletes, as well as numerous foreign dignities. Preparations are currently being finalized to ensure that this event is an international success and that the United States remains the premier staging ground for international sporting events.

As a courtesy to participants in international athletic events, Congress has historically voted to temporarily suspend customs duties on the personal effects of participants in such athletic events and participants in the Women's World Cup deserve the same treatment. Suspending these duties will allow for a smoother entry process by ensuring that participants and their families do not have to pay entry duties on the equipment and other items they bring with them.

All of the players, trainers, coaches and family members participating in the Women's World Cup have been on a long and challenging road to reach the finals. Representing six continents, these individuals are some of the best athletes in the world. I welcome them to our country and wish them all the best of luck.

I urge my colleagues to vote in favor of H.R. 435 and thus help ensure that the Women's World Cup is one of the most successful sporting events ever held.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 111

Mr. FARR of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 111.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. EWING). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE SITUATION IN KASHMIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in the past few weeks tensions have increased in the area that is known as the "roof of the world," and that is India's state of Jammu and Kashmir, located in the western Himalayan Mountains. For years they have been victimized by foreign militants, mercenaries affiliated with Islamic extremist groups, and supported by Pakistan, who have imposed a reign of terror on the inhabitants of the state, and this spring the Pakistan-backed infiltrators took over Indian defensive positions located on India's side of the line of control near the town of Kargil. India has responded to this incursion on its territory by exercising its legitimate right of self-defense.

Mr. Speaker, recently Pakistan's Ambassador to the U.S. has complained of what he called a "bias in favor of the Indian position" by our State Department. Ambassador Kokhar was apparently upset about a statement made by State Department spokesman James Rubin at his regular press briefing in which Mr. Rubin described the Kashmiri Mujahideen as infiltrators from Pakistan on India's side of the line of control. Mr. Rubin also stated that insertion of any additional fighters from across the line of control will only increase tensions and prolong the fighting.

Mr. Speaker, I find it a little ironic that the Pakistani Ambassador complained about a pro-India tilt at the State Department, since for years the State Department has demonstrated what I consider to be a pronounced pro-Pakistan tilt. In fact, in the first few days of the current conflict, the State Department seemed to be going out of its way to suggest that both countries were equally guilty. At last week's briefing, the State Department spokesman was just stating the facts, describing the situation in Kashmir as it truly is. I hope that the State Department and other administration officials will not bow to Pakistani pressure in characterizing the current conflict in Kashmir. It is clear that Pakistan has had a major role in precipitating this current conflict. Pakistan has for years tried to internationalize its bilateral dispute with India over Kashmir, and it is a strategy we cannot allow to succeed.

Officially, Pakistan claims that it only provides political and moral support for militants in Kashmir, although I think it is highly inappropriate to use the term "moral" for a campaign of terror that has claimed thousands of victims, both Hindu and Muslim, and has made refugees of hundreds of thousands of Kashmiri pundits. Mr. Rubin's statement indicates a recognition of the obvious fact that the militants have crossed over from Pakistan. Indeed, Mr. Speaker, there are reports indicating that these well-trained mercenaries are not only supported by the Pakistani Army, but that Pakistani Army regulars may be participating in the infiltration of India.

The bottom line, Mr. Speaker, is that India has undertaken a defensive operation to repulse hostile infiltrators, and India has taken appropriate steps to keep its neighbor Pakistan and the world community informed about its actions. The militants are occupying strategic locations, threatening to alter the current line of control that was established by the U.N. in a negotiated cease-fire and which both countries officially recognize and honor, almost as a de facto international boundary. India could not stand by and allow this to continue.

During this conflict, India's Prime Minister Vajpayee has been in contact with his Pakastani counterpart, Prime Minister Sharif, and the Directors-General of Military Operations of India and Pakistan have been in contact with each other over the hotline installed to defuse tensions between the two countries. The U.S. Ambassador to India, Richard Celeste, has been briefed by both the Defense Department and the External Affairs Ministry in New Delhi. The week before last, India's Ambassador to the United States came up to Capitol Hill to brief Members of Congress, and other friendly governments have also been briefed.

Mr. Speaker, I have spoken out repeatedly about the need to repeal the economic sanctions that were imposed on India and Pakistan last year pursuant to the Glenn amendment after both countries conducted nuclear tests. In fact, I have introduced legislation to repeal these sanctions which have done nothing to promote nuclear nonproliferation or to build confidence between India and Pakistan. What the sanctions have accomplished is to cause American businesses to lose trade and investment opportunities with both India and Pakistan, to disrupt bilateral relations in many other areas not related to military or nuclear technology, and to block important development projects funded by international lending institutions.

The current situation in Kashmir should have nothing to do with our efforts to lift the sanctions imposed by the Glenn amendment.

But the current situation does point to an area where I believe U.S. sanctions should be maintained. The Pressler amendment bans U.S. military assistance to Pakistan unless the U.S. President certifies that Pakistan does not possess nuclear weapons. Late last month, Assistant Secretary of State for South Asian Affairs, Karl Inderfurth, testified before a Senate Foreign Relations subcommittee in support of repealing the Pressler amendment, and I greatly respect Rick Inderfurth, Mr. Speaker, but I believe he was wrong on this issue.

The justification for the Pressler amendment is Pakistan's long-term involvement in nuclear proliferation. Indeed, the Cox report contains several references to transfers of nuclear technology and missile technology between China and Pakistan. India's nuclear program, on the other hand, is an indigenous program, and India has not been involved in sharing this technology, and this is a very important distinction.

Now, Pakistan's involvement in supporting the militants that continually infiltrate India's territory is an example of how Pakistan promotes regional instability and commits or supports aggression against its neighbors. India is not involved in these kinds of hostile, destabilizing activities.

Mr. Speaker, our priority should be to do what we can to promote stability and economic opportunities in South Asia. The best way we can do that is to lift the sanctions imposed under the Glenn Amendment. While I obviously oppose repealing the Pressler Amendment, in any case we should be focusing now on lifting the sanctions imposed by the Glenn Amendment. We must not be pulled into intervening in the Kashmir issue, since India and Pakistan must resolve this conflict on a bilateral basis.

I urge that American statements on this issue continue to recognize which party is the destabilizing force and which one is trying to defend itself from outside aggression.

CALLING FOR CREATION OF THE NUCLEAR SECURITY ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. THORNBERRY) is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Speaker, there has been a lot of discussion about the loss of sensitive military information to China. We must take steps to make sure these losses do not happen again, but that responsibility is not just the administration's, it also falls on us in Congress to fix what is broken.

One of the things that is broken is the organizational structure and management of the nuclear weapons complex in the Department of Energy. Study after study, report after report, commission after commission have found that DOE's management of our nuclear weapons program has been a mess. In fact, I am personally aware of 18 studies over the past 10 years, all of which are highly critical of the management and organization of the DOE related to nuclear weapons.

Just in April, Secretary Richardson's own review team reported that roles and responsibilities are unclear, lines of authority and accountability are not well understood or followed, and this lack of clear accountability and lines of authority is a basic systemic problem which is partly responsible for the serious security lapses.

As serious as those lapses are, they are only one detrimental effect of the DOE management structure. The challenge of making sure that our nuclear weapons remain safe and reliable well beyond their design life without nuclear testing is enormously daunting. We simply will not be able to do the job, and our national security will not be protected if we fail to correct the management problems that have plagued DOE for 20 years. It is time to act. This is an opportunity we cannot afford to miss.

So, if the problem is so clear and undeniable, even according to DOE's own internal findings, why does not DOE fix the problem itself? After the most recent DOE internal management review, Secretary Richardson announced some reforms which do move in the right direction, but they do not move nearly far enough and still retain confusing, overlapping bureaucracies without one clear chain of command.

GAO has written a report devoted just to this question of why the DOE, fully knowing what the problem is, cannot fix itself, and the bottom line is that for 20 years DOE has not been able to solve the problem, and even with the best of intentions it will not be able to solve the problem alone. Congress must act, and we must act before it is too late.

I will also say that in my view the administration is more focused on containing the political damage arising from the spy scandal than it is on solving the underlying problems which allowed the spy scandal to take place. We in Congress cannot allow ourselves to just respond to today's headlines in a political way, we have to channel all of this energy and concern generated by the scandal into constructive solutions for a long-term problem.

Working with Senators and others, I have drafted a proposal which cuts to the heart of the problem and would set the nuclear weapons complex on the right path to do its job and protect our security. My proposal would create a new agency within the Department of Energy called the Nuclear Security Administration. That agency would be responsible for all aspects of development, testing and maintenance of our nuclear weapons and for the facilities which comprise our nuclear weapons complex. It would have only one person at the top who would be an Under Secretary of Energy, and that person would have the authority to do the job with a clear direct chain of command. If something goes wrong, the Secretary, the President, the Congress know who to hold accountable.

The essential elements of this proposal have been recommended time after time in study after study, and after all this study I think we would be negligent in our duties if we do not take advantage of those studies and reports and implement their recommendations.

I think there is one other point that is important. If the last year has taught us anything, it should have reminded us of the central role that nuclear weapons play in strategic relationships around the world. From India and Pakistan to China, we are reminded that nothing alters the balance of power faster than a change in nuclear capability. If we do not protect our own nuclear deterrent against espionage and against aging, the security of our Nation and ideals will be threatened. We should act today when the path is clear and the time is right.

WHITE HOUSE CONFERENCE ON MENTAL HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, today I had the great honor of taking part in the landmark White House Conference on Mental Health. This conference brought together mental health providers, consumers and people from the private sector, and our goal was to develop strategies to eliminate the existing stigmas and encourage an environment of health where people with mental illness can thrive. The conference highlighted promising practices to limit discrimination, improve prevention and treatment and explore new steps so that we can take positive direction in helping people with mental illness. The conference was downlinked to over 6,000 sites around this country, including one in Santa Barbara, California, so that communities can come together in these important issues.

Earlier this year I introduced House Resolution 133, a bipartisan resolution which currently has 100 cosponsors to focus public attention on this historic event. I was proud to have a constituent here to take part in the conference, Annmarie Cameron. She is the Executive Director of the Santa Barbara Mental Health Association, and brought her expertise from the central coast of California here to Washington, D.C. Working with the Santa Barbara Mental Health Association Board, Annmarie has been instrumental in affecting public policy on numerous issues. She has focused her considerable skills on increasing funding for mental health services, diverting persons with mental health disabilities from the criminal justice system, developing special needs housing for the homeless mentally ill. Her hands-on experience and professional expertise was a great asset to today's discussions.

I want to commend the President and especially Mrs. Tipper Gore for convening this conference. As Mental Health Policy Adviser to the President, Mrs. Gore brings knowledge and understanding of this complex subject and has devoted much of her life to raising awareness of mental health related issues. Just recently she took the brave step of publicizing her own battle with depression and her family history of mental illness. Her work will benefit people all around the country who have so long suffered in silence.

At today's conference I cochaired a panel on the Education and Training for Health Care Providers. There were many good panels. In ours, we focused how we can train our front-line medical providers as well as teachers to spot the signs of mental illness in children and then refer them for necessary care.

As a school nurse for 20 years, I know that the signs of mental illness are sometimes difficult to detect. The people who work with our kids and young adults need to be proactive in screening for mental illness. If we detect problems earlier, we have a much better chance of giving our children a better opportunity to live a healthier life.

As we think about the school environment we provide for our children and our local communities, we are mindful of the kind of resources our young people need as they grow and develop.

School violence is the tip of the iceberg, but of course it catches our attention, and it should. I have proposed increasing the funding within the Safe and Drug-Free Schools Act to provide more counselors for our middle schools. In California, we have the fewest number per student in the Nation.

At this time there are 10 million adults in our Nation who suffer serious and chronic effects from mental illness, but for years the problem of mental illness has been swept under the rug. Sadly, people in need of help fall through the cracks of our mental health system every day.

Some cases, like the shooting in the Capitol or the New York subway incident grab headlines, but this systemic failure is repeated all too often throughout our country in so many daily tragic situations for people who suffer from mental illness as well as their families, their friends, and their communities. Our goal must be to attain greater insight into the troubling nature of mental illness and formulate policies to address these needs.

Today's landmark conference was an excellent step in the right direction by engaging in meaningful dialog on these issues which affect so many Americans. We are educating ourselves. With education comes understanding, and hopefully with understanding will come treatment and relief for the millions of people and their families who suffer mental illness every day.

□ 1915

A POSITIVE SPIN ON AN UGLY WAR

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the Yugoslavian civil war, now going on for years, was near ending until NATO chose to enter on the side of the KLA seeking independence. Aggressively entering the fray by invading a foreign nation, in direct opposition to its charter, NATO has expanded the war and multiplied the casualties. The impasse now reached, although predictable, prompts only more NATO bombing and killing of innocent civilians on both sides. It is difficult to see how any good can come from this continuous march of folly, but I am going to try.

Number one, the U.N. has suffered a justified setback in its effort to be the world's governing body of the new world order, and that is good. By NATO refusing to seek a U.N. resolution of support for its war effort, it makes the U.N. look irrelevant. Now NATO is using the U.N. to seek a peace settlement by including the Russians, who agree to play the game as long as additional American tax dollars flow to them through the IMF. The U.N. looks weak, irrelevant, ignored, and used. The truth is winning out.

Number two, NATO is on the verge of self-destruction. Since the purpose of NATO to defend against a ruthless Soviet system no longer exists, that is good, NATO, in choosing to break its own rules looks totally ineffective and has lost credibility. The U.S. can get out of NATO, come home, save some money and let Europe tend to its own affairs, and we can then contribute to peace, not war.

Number three, Tony Blair's true character has now become known to the world. He has not only annoyed many Americans, but many Germans, French, Italians and Greeks as well. By Blair demanding more American bombs, money and the introduction of ground troops, many have become skeptical of his judgment. It is much easier now to challenge his influence over Bill Clinton and NATO, and that is not only good, but necessary.

Number four, more Americans every day are discovering that military spending is not equivalent to defense spending. This is a good start. It is clearly evident that when useless immoral wars are pursued, money is wasted, weapons are consumed, and national security is endangered, opposite to everything that is supposed to be achieved through defense spending. A foolish policy of foreign interventionism, no matter how much money is spent on the military, can never substitute for a sensible, pro-American policy of friendship and trade with all those countries willing to engage.

Number five, the ill-gotten war has shown once again that air power alone, and especially when pursued without a declaration of war and a determination to win, serves no useful purpose. Although most military experts have stated this for years, it is now readily apparent to anyone willing to study the issue. Many more Americans now agree that war not fought for the defense of one's country and for the preservation of liberty is immoral and rarely brings about victory. If we remember that in the future, that would be good.

Number six, NATO's war against Yugoslavia has made it clearly apparent that world leaders place relative value on human life. This is valuable information that should be helped to restore U.S. national sovereignty. According to NATO's policy, the lives of the Kosovars are of greater value than the Serbs, Rwandans, Kurds, Tibetans, or East Timorans. Likewise, oil and European markets command more bloodshed in support of powerful financial interests than the suffering of millions in Asia and Africa. This knowledge of NATO's hypocrisy should some day lead to a fair and more peaceful world.

Number seven, the issue of whether or not a President can initiate and wage an unconstitutional war without declaration and in violation of the War Powers Resolution has prompted a positive and beneficial debate in the Congress and throughout the Nation. This is a necessary first step to get Congress to regain its prerogatives over the issue of war.

Number eight, interventionism in the affairs of other nations when our national security is not threatened serves no benefit and causes great harm. Our involvement with NATO and Yugoslavia has once again forcefully shown this. Although our Founders knew this and advised against it, and American Presidents for over 100 years acted accordingly, this rediscovery of a vital truth can serve us well in future years.

Number nine, NATO's arrogance has once again restated another truth worth remembering: Might does not make right.

Number ten, the 19 nations' military actions against a tiny state shows that alliances to promote aggression do not work. The moral high ground is not achieved because despite the pronouncements of concerns for the suffering of the innocent, when survival is not at stake and when the defense against an aggressor is not an issue, war by committee is doomed to fail. This is a lesson that needs restating.

Number 11: NATO's blundering policy ironically will leave a legacy that will allow rebuilding after the new world order disintegrates.

To the bewilderment of their own leaders NATO has forcefully supported the notion of autonomy and independence for ethnic states. Instead of huge governments demanding ethnic diversity, the goal of establishing Kosovo's independence provides the moral foundation for an independent Kashmir Kurdistan, Palestine, Tibet, East Timor, Quebec, and North Ireland and anyone else that believes their rights as citizens would be better protected by small local government. This is in contrast to huge nation states and international governments that care only about controlling wealth, while forgetting about the needs and desires of average citizens.

12. Another lesson that will be learned from this misadventure, but unfortunately not soon enough, is that empires self-destruct out of their own weighty arrogance and blindness to the truth. Inevitably powerful empires—and it is said we are the only super power left and have great world-wide responsibilities—pursue a march of folly, a course upon which we inextricably find ourselves.

If these lessons are remembered, we will have a much better chance of achieving peace and prosperity throughout the world.

THE TRUE MEANING OF MEMORIAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, Congress has just returned from the Memorial Day recess, and it allowed, I think, every Member and all Americans to reflect upon what Memorial Day really was all about. In Staten Island and Brooklyn, which I represent, we had the great fortune of honoring our veterans, many of whom died to save us and save the world for freedom, and many of the things that came up in conversations, aside from, clearly, our support and commitment to those troops in harm's way right now, whether it be in Kosovo or Iraq, was to remind us all what it was all about. For example, those World War II veterans or veterans from Korea, Vietnam, essentially what they were fighting for was freedom, whether to bring freedom to others or to protect our own.

I think what too often we forget here in Washington is that ultimately the strengthening of personal freedom and individual liberty is really what we should be all about.

Right now, there are people back home that are paying the highest tax rates since World War II. That is just not right. There are people working two and three jobs just to put food on their table or pay for their child's education. That is not right.

What is right is that we reduce the tax burden on hard-working American people to promote economic growth and essentially allow them the freedom to spend, to save and to invest their hard-earned money as they see fit. Because there is an American spirit out there, whether it is in Staten Island or Brooklyn or anywhere across this country, that when given the right incentives, when given the right advice and guidance from the Federal Government, people will go out there and work hard, and they will produce wonders for the American economy, and they will produce wonders for businesses, both small and large.

And you know what? Congress does not have to intervene in every little decision-making. They do not need to look to raise taxes every chance they get. We should be pursuing a course of lowering the burden, really emphasizing limited government, truly articulating the need to remember what we all really should be supporting, and that is more freedom.

Frankly, the more we tax, whether it be at the Federal level, the State level or the local level, the more freedom we take away; and if we are committed to sending the right signal, not just to the people today but to future generations, that what the American spirit is all about, the notion of personal responsibility, of coming to our shores with hope and opportunity and hard work, when you do those things, the Federal Government will not penalize you or take away the fruits of your labor, that is when we will be sending a signal that America will remain strong and free forever; and the sacrifices of those veterans, too many of whom died to preserve freedom, too many of whom died to bring freedom to others, we will remind them that they did not die in vain.

REPORT ON CONFERENCE ON MENTAL HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to join my colleague, the gentlewoman from California (Mrs. CAPPS) and acknowledge that today we had a very momentous day. It was the first conference held by the White House on mental health and mental health issues.

I had the pleasure of cochairing the children's mental health segment, and I will tell you, Mr. Speaker, that we have opened a new day. I was very pleased to have with me Dr. Schnee from Harris County, Judge Eric Andell and Gerald Womack. Dr. Schnee and Gerald Womack were representing the MHMRA, Mental Health and Mental Retardation Agency for the County of Harris.

It is very interesting to note that crises bring about ideas and collaboration. I would hope that that was not the case, but I think the fact that we have been given the opportunity now to seize this moment, that we should begin to fight mental health issues in a way that we provide more resources, more insight and action.

In our session we found many interesting points that were made, and I would like to share some of those with you. One, we need to collaborate more, from the Department of Education, to Health and Human Resources, to the Department of Justice, but as well we need to collaborate with local and State government. All of us need to be concerned about providing more mental health services and more services to the American public.

We must fight against stigma. We must ensure in particular that our children who have been receiving special education do find that special education, albeit it is a very good program, it is not the only way out, that our children can have access to the needed mental health services that they may need to have.

We heard from Sue, an adoptive parent, who had 22 children. She asked us, do not leave out the parent. Provide the kind of holistic approach where parents can be included, so that children who are troubled with behavioral problems will be able to have a supportive home system.

We have found that 60 percent of the teenagers in juvenile detention have behavioral, mental or emotional problems. We are finding a large number of our teenagers have attempted suicide or committed suicide. This is particularly prevalent in all of our various racial and ethnic groups, and particularly in groups that, we were told, are immigrant groups, like the Pacific Asian population who are facing deportation. If, as a juvenile, they have committed some grievance and wind up being taken to a juvenile center, they have the potential now under the 1996 immigration law to be deported.

We are finding in youth who are gay and lesbian that they are being attacked as being different, and therefore have a high degree of suicide. No group should be left out, no group should be stigmatized.

We also determined that there are not enough child psychiatrists in our Nation. One community, one large county, had one half-time child psychiatrist. When they were referring children to get services, they went to the county and were told, "We can only take care of children ages 5 to 9. We do not have any services for children under 5 years old." It is well-known in the study of the brain that there is a great impact on babies, 0 to 3, and in fact that the fact that we have an ability to diagnose mental illness now and to do so by determining the brain's illnesses, if you will, so that we should not leave anyone out.

We also have found out unfortunately that with HMOs we have had less care as it relates to mental illness. There has not been a continuum of care. If a pediatrician sees a child that is troubled and refers that child to a psychologist or psychiatrist for help, with the parents' consent, the HMO willy-nilly may decide to change and not allow the continuum of care, and therefore that child breaks the cycle of care with that psychiatrist, which tells me that it is now time to pass the Patients' Bill of Rights. It is now time to ensure that there is a continuum of care and to realize that HMOs must serve us and we not serve them.

A parent from Indiana said we must stop forcing parents to hit their heads against a brick wall, to provide services for them that they can reach out to, that they can get to. It is all right to say take your child over here across town and you cannot get a bus or train or cannot get the resources to get them to that.

Then we must realize that the resources that parents have, that people of all economic levels have, must be consistent, so that Medicaid goes only to the cardiocare. So if you are a parent and you are a cardholder and have Medicaid, you may not be able to provide the kind of care you need for your child, or vice versa.

□ 1930

It is important that we talk to HCFA and others so that the continuing of funding sources will be provided.

Mr. Speaker, let me say that this was an eye-opening day. I will be offering a piece of legislation, Give a Kid a Chance omnibus mental health legislation for our children of America.

It is time to get to work. It is time to pass good health care and good mental health care.

TIME TO PASS COMMONSENSE GUN SAFETY LEGISLATION

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes as the designee of the minority leader.

THE WHITE HOUSE CONFERENCE ON MENTAL HEALTH

Ms. DELAURO. Mr. Speaker, before we begin our commentary this evening, I want to congratulate my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE) and my colleague from California who spoke earlier about the White House Conference on Mental Health.

I had the honor to participate in that event as well today, and just very, very quickly, I think it is clear that we need to focus on the issue of mental health. It is so critical in our society.

One, we cannot divorce the head from the rest of the body. We need to have the recognition that mental illness is an illness like other physical illnesses that people have. We need to destigmatize it.

We need to provide, most essentially, insurance coverage in the same way that we provide insurance coverage for physical illnesses. There needs to be parity for mental illnesses. We should consider that good mental health is good public health, and we need to promote that effort. So I compliment my colleague on her comments.

Mr. Speaker, this evening I am pleased to join with other colleagues, because we recognize that this is an important week for this Congress. Two weeks ago the United States Senate did the right thing. It is now time for the House of Representatives to do the right thing. That is to pass gun safety legislation for children in our country.

Thirteen children every single day are killed by guns in America. By comparison, there was an interesting statistic, that we lose one police officer every other day. That means it is more dangerous to be a child in America than it is to be a law enforcement officer. That is wrong. We need to pass commonsense gun safety laws in order to protect the children in this country.

Democrats in this body are a minority. We need votes from Republicans, from the other side of the aisle, to pass any piece of legislation. I believe that 85 percent of the Democrats in this body will vote for commonsense gun safety legislation to protect our youngsters. We need 20 percent of our Republican colleagues in the House to say no to their leadership and to join us to try to do the right thing.

We can in fact pass strong bipartisan gun safety legislation for children in this body. That has been the historical past. In 1995 with the Brady Bill, with an assault weapons ban, these pieces of legislation happened because thoughtful, reflective people came together on both sides of the aisle to say that this makes sense for our country. We have the opportunity to do that again this week. I happen to believe that American families and American children are counting on us to do our jobs.

What we have seen in the last couple of weeks, there were a number of us who wanted to try to pass this legislation before we left for the Memorial Day break, but we were told that we needed to come back to have hearings, that there needed to be a more thoughtful approach to how we dealt with this.

What has happened in the interim, and I think it is important to note this, unfortunately, the National Rifle Association, they asked for this delay and they received a two-week delay from the Republican leadership in this House.

That was designed to give the NRA time to generate a campaign of fear in an attempt to influence this vote, to water down the provisions that were passed by the United States Senate around which there was agreement that these were good pieces that everyone could agree to.

The NRA has generated that campaign of fear. That is what they have been doing. I just want to read briefly from a letter that was sent out over the weekend from the NRA. It is an astounding example of big money propaganda, but it has little relationship to the truth.

If I can just read one or two excerpts, and I quote, "What the Clinton-Gore-Lautenberg-Schumer legislation would do is to impose a cradle-to-grave massive Federal regulatory scheme on gun owners throughout America, and that is no exaggeration."

The second item, this legislation, "It gives the Federal Government open-ended authority to issue phone-book sized volumes of new Federal red tape on Americans who buy and sell firearms. It gives the Federal Government authority to keep names and addresses of citizens in FBI files, even after they are cleared as honest people entitled to buy firearms. It imposes virtually unlimited Federal fees across the board, whether you are selling guns, buying guns, or organizing or attending a gun show."

The final item, again I quote, "None of this has a thing to do with the Littleton or Georgia school attacks or any violent crime anywhere in America. It has everything to do with an attempt by gun haters and the enemies of your Second Amendment freedoms to dismantle the Second Amendment, one step at a time."

That they could comment to say that the Nation has not focused its mind, hearts, and energy on what happened in Littleton, Colorado, or in Conyers, Georgia, this is mind-boggling. They say it has nothing to do with this event. It has nothing to do with Georgia?

I say, I do not understand where these people come from. This has everything to do with Littleton, Colorado, and with Conyers, Georgia. This has everything to do with parents who today are afraid to send their children to schools. They are afraid of utilizing what has been the route to opportunity and success in this country, the classroom, the schoolroom.

I heard a fifth-grader last night in Orange, Connecticut, say that schools used to be the safest place to be. She, this little mite of a person, was reading her little statement at a town meeting, and she said, "I have had to ask myself and ask my classmates whether or not this could happen in my school. And I have to answer that yes. And it makes me sad and it makes me afraid."

All we are asking for in this body, again, on this side of the aisle, is let us pay attention to the hue and cry of the American public in asking us to try to do something to bring some sense out of fear and some sense out of chaos. Parents and teachers are pleading with us to respond. We are in the midst of a national crisis.

Frankly, in my view there is no need for this kind of propaganda where the safety of our kids is concerned. We do not need to be engaged in hyperbole. We need to be very careful about this issue. We need to be very thoughtful and reflective about this issue.

Our message to the NRA is that this is the people's House. This is not their House. The American people desperately want to see gun safety legislation for their children, and those of us who are charged with the responsibility of bringing their voices to this people's House have an obligation to try to do the will of the public. We should heed their voices this week.

I am optimistic that we will pass good gun safety legislation, because while the NRA was generating this campaign over the last few weeks, there was another campaign that was going on in this country, a campaign by moms and dads, and teachers and grandparents, a grass roots campaign in America, people writing, calling, and having town meetings like the one that I went to last night on a beautiful Sunday evening in Connecticut, in Orange, Connecticut; 200 people willing to sit for almost 3 hours to express their views on how we try to deal with youth violence in this country.

Everywhere that I go these days people come up and they ask me, what is Congress doing to try to address this issue of gun violence? I went to a meeting where I was talking about social security and Medicare, and a woman stopped me as I was leaving. She grabbed my arm and she said to me, Rosa, she says, you are going back to Congress next week. Is there anything that is going to be done about the violence? She says, can you do something about gun legislation?

She says, I have two grandchildren. Both of them were forced to leave school 2 weeks ago because they had to be evacuated out of school in Indiana. She lives in Connecticut, her grandchildren are in Indiana, scared to death because these kids had to be evacuated from their classroom because of the fear that is out there.

I remember reading a story in the wake of the Littleton shooting where a Colorado parent said that his 5-year-old asked him, and I quote, "Dad, are they just shooting the big kids, or are they shooting the little kids, too?" Do we want to live in a country where 5-year-olds fear for their lives? Our 5-year-olds should be learning the ABCs. They should be playing outside at recess. They should not be worrying about gun violence.

I view this week as a test for this institution as to whether or not we have the courage to act. We have a chance to make such a difference in peoples' lives, to do the right thing, to allay some of those fears of parents, to begin to make a difference in keeping guns out of the hands of young people. But it must be a real deal, commonsense gun safety legislation, not watered-down legislation that is filled with loopholes.

We could make some very small changes in our laws that could make a big difference in people's lives: Close the gun show loophole and apply the Brady background checks at gun shows, require child safety locks to be sold with every gun, raise the eligibility age for owning a firearm from 18 to 21, and ban the sale of high capacity ammunition clips.

The issue of youth violence is not an easy one, it is a complex one. We need to have parents take greater responsibility for their children. We need the entertainment industry to take responsibility for its products. We need to ensure that our children have access to the mental health care that they need, that we talked about today at this conference.

But we must also curb our children's access to guns. We should pass this commonsense gun safety legislation this week. The American people I believe are depending on us.

Mr. Speaker, the gentlewoman from New York (Mrs. MCCARTHY) is someone who is truly a leader in this House of Representatives on this issue, someone for whom we have in this body, all of us, a tremendous amount of admiration; a woman who has demonstrated such unbelievable courage in the face of tragedy in her own life, who has taken on this issue of gun safety, and taken her own personal experience and turned it in a way to drive energy and vision and inspiration to trying to bring some sense to this issue of gun safety.

Mr. Speaker, I yield to my colleague, the gentlewoman from New York (Mrs. CAROLYN MCCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, my good colleague, the gentlewoman from Connecticut, mentioned that I came here to Congress to try and make a difference in people's lives. Six years ago I used to work in my garden a lot. I worked as a nurse. My husband and I used to go skiing in the winter, and my son was starting a new job. Then, on December 7th, Pearl Harbor Day, an incident happened on Long Island which certainly affected my life and many lives on Long Island.

□ 1945

That day I lost my husband. That day my son almost died, and my world became upside down.

It is almost 6 years now, and I take this issue of gun safety very, very personally because, as my son started to recover, he said, "Mom, what is going on out there? Why are people shooting each other?" It was at that point that I vowed that I would try and make a difference. It was at that point that I vowed that, if I could save one family going through what we on Long Island went through, then that would be my job.

As a nurse, I have always looked at things as holistic. I have always looked at things as common sense. I said, well, obviously we have just got to tell the story, obviously we have just got to reach out to the American people and say, listen, we can make a difference out here. We can save people's lives. Never once did I ever think of taking away the right of someone to own a gun that never came into my mind.

But there was more that we could do to make sure that criminals did not get their guns. There was more that we could do so that children did not accidently find a gun and use it. There was more that we could do to save families from going through the pain that we all did.

Then in 1996, my Representative decided to vote to repeal the assault weapons bill. But what people did not realize is how hard I fought to make sure that large capacity clips could not be used in this country. People said, well, that would not have made any difference in the Long Island railroad shooting. It would not have helped my husband, and it would not have helped my son, and it would not have helped the people in the beginning of the car.

But I would have to say it would have helped three young people on the other end of the car because Colin Ferguson used a clip that had 15 bullets in it. He was able to get two clips off before courageous people were able to tackle him. With the assault weapons bill, we brought that down to 10 bullets a clip.

I will be very honest with my colleagues, I did not know enough about guns, I did not know enough about what was going on out there. But one of the things I did find out from asking my hunters, "Do you use these large capacity clips? Do you use these to go hunting?" They said "Oh, absolutely not. You are not allowed to. You have to be a sportsman." I said, "Well let me get this right. Large capacity clips, people can buy them up to 15, 30, sometimes 60, sometimes 90 clips in one round, but we will give the animals in the forest, we will give the birds a better chance than a human being."

I could not understand that. Why did we have to fight so hard to get it down to 10 clips? Colin Ferguson did not miss one person with the bullets that he used. If we had had that law passed then, maybe three young people on the other end of the train would have survived. We do not know. Because the good news is, once the law was passed, we do not have a count on how many people were saved because we do not have a statistic anymore.

But I remember that debate back then, because I was part of it. I remember the NRA leadership at that time saying this is the slippery road. We are going to take away the right of everyone to own a gun. That has not happened. That was back in 1994. Now here we are in 1999. We have had eight shootings in our schools. We have lost too many children and too many were wounded.

We should be focusing on so many different issues. The gentlewoman from Texas (Ms. JACKSON-LEE) talked about mental health. As a nurse, I can tell my colleagues that is something that we have to work with especially in our schools. Our children seem to be under so much pressure today. We have a lot of things that we can work on together, working with the parents, working with the schools, working with our community police to try and stop these tragedies. But people are forgetting because they do not make the newspapers. When we lose 13 young people a day, that is a Littleton every single day. We cannot lose focus on that.

But one of the things that upsets me, again, the NRA leadership. I keep saying the word "leadership" for a reason, because I have a lot of NRA members in my district. I talked to them, and I said, "This is what we are trying to do. Do you see anything wrong with this? Is there anything wrong with a child safety lock?" They said, "CAROLYN, we already store our guns correctly. We take those precautions." Do my colleagues know what, almost every hunter does.

We are not concerned about those that actually know how to store their guns, but we have so many people today that just go out and buy a gun, do not learn how to use it, bring it home, and leave it in the home. That is inviting disaster. That is inviting disaster.

What we are trying to do is modest, and they will say, the NRA leadership, that it is not going to save anyone's life. I have heard this debate for so long, and, yet, when I look at other countries, other countries that do not have the killings like we do, they have the same social problems as we do, they have drug problems, they have alcohol problems, they have mental health problems, and yet they are not losing over 30,000 people a year or they are not losing over 5,000 children under the age of 18 every single year.

There is something wrong here. All I am asking is for this House to put forward what the Senate put forward. All I am asking, let us try to see if we can bring gun violence down in this country. Let us see if we can do this.

As I said, what the Senate has put forward are modest steps. Do I think that we should be able to do more? Yes. Will that debate hopefully come in the future? I hope so. But this week let us see where the House is, because a week ago Thursday, I sat with the gentlewoman from Texas (Ms. JACKSON-LEE) on the juvenile justice committee, and I sat there. I am usually a very optimistic person, but by the time we left that committee hearing, I said, oh, my God. We are not going to get anything done. The NRA leadership is going to come into this committee and water down those modest bills that were passed. Child safety locks. Closing the loopholes in our shows, our gun shows.

Yet, if my colleagues listen to the NRA leadership, and unfortunately so many of their members will read this and get scared, they will get scared because they will say they are trying to take away my right to own a gun, there is nothing in the bills that we are trying to be passed, hopefully this week, that will take away the right of a legal citizen, a legal person to buy a gun.

Will there be some inconveniences? Yes, there will be. But do my colleagues know what? Again, talking to gun owners, women gun owners, men gun owners, they are willing to take that inconvenience if it can save a child's life, if it can save someone's life.

We see statistics that gun violence has come down in this country as far as homicides. What no one talks about is what it is costing this health care system, because medical technology, thank God, are saving people. That is not a statistic.

My son is a statistic. He survived. He was not supposed to live. But there is no count on him and what it has cost this country to get him where he is today and the struggles that he has to go through on a daily basis to keep what he has worked so hard to get.

People do not realize, when someone is injured as severely as Kevin was, he has to have physical therapy three times a week. He has to work out every single day. He is one person. Multiply that by all the accidents and certainly intentional shootings that happen in this country on a daily basis.

We have estimates from $2 billion to $3 billion a year that it is costing our health care system, $2 billion to $3 billion a year. Gosh what we could do with that money. Gosh, we could push that into education. We could put that into our health care system. We could help our senior citizens. We could help our veterans. Yet, they do not want us to do anything.

There are many Members here, good Members that are petrified of the NRA leadership, and they should be. They should be.

What I am asking the American people, what I am asking every mother, every father, we need to hear from your voice starting now and going through until we get good legislation passed that could hopefully save a child's life, hopefully save a family from going through the grief that so many families go through, because I have to tell everyone I think, there are so many of us as victims that have been fighting so long for this, many victims before me, and the only reason we got involved is because we did not want another family to go through this.

That is my job. That is why I am here. It is a job that I would love to be able to finish and go home to my garden, go home and maybe have some time to go skiing. But until that job is done, I am going to stay here, and I am going to fight tooth and nail, because that is what the people of my area voted me in for.

We have a long way to go. I am asking those Members that I know will have a tough time to stand up. But if the American people do not stand with them, they are going to have too many Members here that are going to be afraid to vote on legislation that could save lives.

Let us have a chance for a change, let us try and do the right thing for a change, let us see if we can do common sense legislation and maybe, and this is the good news, maybe we will see a drop, even more so in homicide. Maybe we will see a drop in suicides in our young people. Maybe we will see accidental deaths come down even more.

But it will be amazing if we see a drop in the amount of money that is spent on health care on a daily basis for those that are surviving. We have an opportunity here. We have a moral obligation here. The women of this Congress have to stand up and stand together. But, again, the American people on a grassroots front have to have their voices heard, because I will tell them, the NRA leadership will win again; and we as Americans will actually be the losers.

I thank my colleagues for taking this stand. I thank them for standing with us to try and make a difference.

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Ms. DELAURO. Mr. Speaker, I want to express my thanks to the gentlewoman. We thank her for her courage, we thank her for her optimism. She is truly an inspiration for all of us. And what she has said, I, too, and I know my other colleagues here tonight believe, as she does, that the American people will stand tall with us. They have to know we are willing to take that first step, and I believe that they will be with us.

I want the gentlewoman to know that she gives us all really great courage to try to do the right thing and we thank her so very much.

The gentlewoman also said one thing about inconvenience, and it will be an inconvenience in the same way that seat belts are an inconvenience in this country, the same way that metal detectors at airports are an inconvenience. But they happen to save lives, and so we swallow hard or we get annoyed, but we buckle up and we take whatever jewelry or change out of our pockets and we go through those metal detectors because it does make a difference.

I thank the gentlewoman for making a difference.

I would now like to recognize the gentlewoman from Texas (Ms. JACKSON-LEE). And as part of this debate and as part of this discussion, because some of us who are here tonight have been the subject of commentary that would say that the only thing that we believe as part of the issue of youth violence is gun legislation, and that is so totally not the case. There are a number of people who were at the mental health conference today and precisely there because there is an unbelievable need in our schools to integrate mental health services for our youngsters.

That is part of this puzzle. That is so much a part of this puzzle of youth violence, of engaging teachers and administrators and law enforcement people to understand and to recognize signs of difficulty that students may be having and to help them to get the services that they need. And I know my colleague from Texas is a big proponent of that effort in the same way that she is a proponent of trying to do something about gun safety legislation in this country. We are not one-dimensional people on the floor of this House tonight.

And so I yield to my colleague from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Connecticut for her leadership and for the really smart and determined approach to the challenge that we have before us, allowing us to hear from the gentlewoman from New York (Mrs. MCCARTHY), a person who does not walk as a victim, although she has been a victim. She is a surviving victim who lost her husband and saw her son fight for his life. But I think what we have seen this evening is persistence.

I spoke yesterday to a group of graduates, and I challenged them at the Morning Star Full Gospel Baptist Church as to whether or not they were a part of the membership or the movement. Many times Members of Congress are not perceived to be in a movement. In fact, some would argue that that is not a good forum to legislate, being in a movement, because it suggests that we only hear one side, that we are so single-visioned or tunnel-visioned that we cannot see all shapes and sizes.

But I think we have cause now to be in a movement around an issue that needs the energy of a collective group of individuals, Republicans and Democrats to say, now is the time to pass this legislation. Not because we have tunnel vision, because we do not want to look back over our shoulders and see any more violence that we might have prevented, such as that at Columbine High School, Littleton, Colorado; Georgia, Jonesboro, Pennsylvania, and other places unnamed.

My colleague is right. I think it is important for the American people to realize that we are not one-dimensional. And I mentioned the legislation, Give a Kid a Chance, the omnibus mental health services bill. And I am looking at it now, and it is 18 pages. We are not one-dimensional. There is a need for comprehensive mental health services for children. There is a need for the entertainment industry to be responsible.

I believe, as I see my colleague here from New York, that there is a need for us to be in a movement. And why is that? Because I grew up in the generation that saw John F. Kennedy shot dead with a gun, the same generation that saw Robert Kennedy shot dead with a gun, and then saw Martin Luther King shot dead with a gun. Yet I did not rise up and castigate the second amendment, as my friends in the National Rifle Association suggest that we have done.

I did, as a council member, pass gun safety and responsibility legislation, holding adults responsible for not putting away their guns. And we saw a 50 percent drop in accidental shootings by children. Not one hunter in the State of Texas was prohibited from using his or her gun.

And yesterday, again in another speech before the State Department of Corrections in the State of Texas, I challenged my fellow Texans. I said, I know we are known to love our guns here. I might have been on foreign ground, I said, but it is important for me to say to my fellow Texans that we in Congress are not taking away anyone's guns. We are not dismantling the Second Amendment. The Senate bill, the provisions that were passed and that will hopefully be passed in this House if we are part of a movement, has nothing to do with anyone's love and admiration for guns, anyone's gun collection, antique gun collection. What it has to do with is saving lives.

I am really tired of hearing "guns don't kill, people do." But people take guns and kill, and they do it dangerously, they do it criminally, but they also do it accidentally. They do it by way of the fact that there are 260 million guns in this country, even more than people in the United States, and children get guns. And I believe it is now imperative that we become part of a movement.

I would almost say to the gentlewoman from Connecticut that we appear on this floor every single day and that we reach out to those who would come by train or bus, or however we do this, to be part of a movement, because I believe if we lose this time, all the work that I may do, that we may do collectively on mental health, with the entertainment industry, working with parents and teachers and providing more school counselors, which many of my colleagues have been involved in, along with the gentlewoman from Connecticut; people like the gentleman from California (Mr. MILLER), so instrumental; the gentleman from Wisconsin (Mr. OBEY); the gentleman from Michigan (Mr. BONIOR); the gentleman from Texas (Mr. FROST), my colleague, we could call the role.

So many of our colleagues on the other side of the aisle have worked on so many issues that I take great offense at hearing the term "tunnel vision" when there are so many things we are working on. But if we do not get to the gun issue, we are going to lose it and the multiple ammunition clip that was passed in the Senate. Yes, we did something back in 1993, but we left out all the used and secondhand ammunition clips that are still in the cycle of commerce.

I just want to share with my colleagues, as I respond to a few points and as I move toward concluding, something about this thing called blindness to the fact that we have so many guns. Speaking to an undercover agent of the Alcohol, Tobacco and Firearms Agency, and I spent a good few hours with the gentleman, he said he can buy guns on almost every street corner. Of course, they only have about 2,000 agents. Not enough to do the job we need them to do.

But he went to one lady and said, "I'm going east to shoot a police officer." And this is not something I would like to say, but she sold him a gun and she said, "By the way, if you're going to do that, why don't you take a silencer. Make your job better. And if you get caught, don't remember my name."

This is someone purchasing a gun out of the back of a station wagon, someone's so-called personal collection. And that is the reason why we need regulation of our gun shows and we need to ensure there are instant gun checks, because probably if that person was not an undercover agent, as he was, an instant gun check might be able to find out that that is a criminal trying to do criminal acts. But we have refused to do that.

And, yes, my colleague indicated that a week or so ago the Subcommittee on Crime of the Committee on the Judiciary, of which I am a member, had a hearing in order to propel this legislation. I hope they were serious. I hope the chairman was serious about that hearing, because what that means is we should be prepared to mark up this legislation.

And we had representation, in trying to fair, from the National Rifle Association. And, frankly, I am glad we did. I do not want anyone to suggest that in this movement that we have here on the floor of the House that we are not listening to everyone's claims in opposition. And, boy, did they have an opposition.

The National Rifle Association thought almost everything we proposed was wrong. Unfortunately, they did not see the value in ensuring that guns should be kept out of the hands of children, that we should require people to have their guns locked up, that we should close the loophole on the gun show sales.

I want to share with my colleagues briefly some of the things they believe, and they are sending out to their members, although I know a Captain Spivey of Harris County, a National Rifle Association member, and he stands with me, a constable, a police officer, and says, "You are right. Pass those laws. I am with you, and I am an NRA member."

I wonder how many members of the NRA would step aside from their leadership and stand with us.

Listen to some of these points that they are saying that our bill will do.

The President, or Executive Director Wayne LaPierre, says that our legislation "Can prevent your law-abiding son from inheriting his grandpa's shotgun collection." Our bill deals with selling them at events, not inheriting the legacy of someone's grandfather or father, their beautiful gun collection. That is not true.

"Considers legal guns in private hands subject to intrusive Federal regulation, even in the privacy of our your own home." I will stand here tonight and every night to say that we do nothing to go into an individual's home and take their guns. There is no one knocking on doors and asking people to dispose of all their guns. This is not true.

So I would just simply say to my friends in the National Rifle Association, when they write someone like Michael, and I am reading a letter they have sent out across the country, that they should tell Michael the truth. When they send a letter to tell Michael that he needs to act immediately, and I am reading a letter from the National Rifle Association of America to Dear Michael. "In the next 2 weeks your Congressman, Congresswoman is going to cast the most critical gun vote in over 5 years."

They name a few Senators. They throw the names of Bill Clinton and AL GORE in this letter to suggest that this is wrong. They lump in every gun ban group in America, saying they are all lumped together. Then they say, "Don't let anyone tell you the vote that is going to take place in the House is about instant checks at gun shows. That is the party line, but don't buy it.

"What this legislation is about is, it will impose a cradle-to-grave massive Federal regulatory scheme on gun owners throughout America. And that is no exaggeration."

They tell their readers to read a fax sheet, and they say, "We cannot beat this without you. But if you help now, it will be enough to win. The great thing about our country is when you call, when you write, and when you get your views heard, you have an enormous power, Michael. If you help us today, you can beat the national media, The New York Times, The Washington Post, and all the enemies of the Second Amendment who would dismantle the foundation of freedom in this country, brick by brick."

I love the Bill of Rights. We did a lot with it in this last session in the Committee on the Judiciary. We held the Constitution in our hands a lot in dealing with impeachment. But I would simply say to my colleagues that I would hope that we in America are better than this letter. I really hope we understand what the second amendment is all about. I hope we understand the First Amendment, the Bill of Rights, and I hope we understand the Declaration of Independence, that we all are created equal.

I hope the National Rifle Association and its leadership will become part of a movement that says we count our children first. And that movement is to promote and care and love our children, that we are not putting our guns away to block our use of them and to strip us of the Second Amendment; we are putting our guns away to protect our children and give them a future and help them to have children and grandchildren.

I think we need to be in this movement. My commitment is to join my colleagues as many times as we have to, to come to this floor and say that we will pass this legislation. And it will also be my commitment to address any member of the National Rifle Association with a cool head, warm heart, reasoned mind and ask them to join me to ensure that letters like this, scaring our decent Americans all over this country that love peace and freedom, should say what is really right: that they will join us and do the right thing.

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I thank the gentlewoman for allowing me to share with her. I also hope that we will pass all the mental health legislation and all of the regulations, if you will, fair regulations, on violence to our children in the media, fair, keeping in mind the First Amendment.

I hope we will also work with law enforcement, everyone. But at the same time, we cannot ignore this crucial time now to pass gun legislation that will protect us now and in the future.

I thank the gentlewoman for her leadership and her time.

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her eloquent words and for her leadership and for pointing out so clearly that the document from which she quoted in fact is a fund-raising letter. It is a letter prone to hyperbole in order, in fact, to scare people. It is a campaign of fear. It is a campaign of rhetoric.

I, too, hope and believe that there are people out there even who receive that letter, who understand probably better than most about the necessity for safety and gun safety legislation, that they will understand the hyperbole, understand the rhetoric, but also understand that they are caring Americans and care about the safety of their families, which they do, and of other families.

It gives me great pleasure to yield to the gentlewoman from New York (Mrs. LOWEY). And I want to continue to emphasize the point that those of us who stand here tonight are not one-dimensional. We do not react to this issue of youth violence in a cavalier or knee-jerk way that says that the only resolve is gun legislation.

The gentlewoman from New York (Mrs. LOWEY) has spent her career fighting for lowering the blood alcohol level to lower the incidence of drunk driving. She works tirelessly on promoting after-school programs in our schools, which is part of this issue, so that young people have a place to go and a place to be during those hours where the greatest amount of crime occurs. She has spent time talking about lessening the size of our classrooms for safety and accountability in education and of providing safer schools for our youngsters so that they can, in fact, achieve their desires and their dreams.

So as part of what she does on a daily basis to understand the complexity of the problem and knowing that we have to move on all of these areas, including the gun safety issue, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank my friend the gentlewoman from Connecticut (Ms. DELAURO) for ordering this special order this evening. It is truly an honor for me to spend some time with her and my good friend the gentlewoman from New York (Mrs. CAROLYN MCCARTHY) and the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE) to talk about this very important legislation.

And I am very glad that she mentioned that we work together on just a whole range of issues, education, health care, and we know that we have to address the violence in our society in just so many different ways, and my colleagues talked about it this evening, that this is not the only answer.

But as I talk to people in my district, as I talk to the mothers, the fathers, the children who are afraid to go to school, I realize there is a madness in this country and we have to work on doing something about the guns.

My colleagues and I have talked about how different it was when we were in elementary school. I do remember, a long time ago, when Ms. Margot in first grade would get upset when someone was chewing bubble gum and leave the classroom. These kids are going to school and worried about whether someone has a gun. This is madness. And so, as a grandmother and a mother, I feel it a personal obligation to represent all these families across America.

Every once in a while in our congressional career we feel that there is an urgency to do something and do it now. I think of the pain of the gentlewoman from New York (Mrs. CAROLYN MCCARTHY) when she lost her husband, the pain of the gentlewoman from New York as she watches her son Kevin fight back, the pain of all those parents in Littleton, in Conyers, the pain of all those family members.

Every day 13 youngsters are killed because of guns. We have a responsibility and an obligation to do something and to do it now. And each week and nearly every day since the tragic shootings in Littleton, Democrats have called for urgent passage of meaningful gun legislation. We filed discharge petitions. We held press conferences. We raised our voices loud and clear. The NRA just cannot be allowed to write our gun laws anymore.

I want to assure my colleagues that I, along with my colleagues, the gentlewoman from Connecticut (Ms. DELAURO), the gentlewoman from New York (Mrs. CAROLYN MCCARTHY), the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE) and the gentleman from Maryland (Mr. STENY HOYER), we are going to address this every moment we can.

The gentlewoman and I and the gentleman from Maryland (Mr. HOYER) came prepared to offer gun control legislation to the Treasury, Postal Appropriations bill. It was hard to believe. We had on our desk the wires from Conyers that had just happened that morning. And yet the GOP leadership stalled. They did not act. They did not heed our calls. They did not take up the meaningful legislation that our Senate colleagues have passed. They even canceled the Treasury, Postal markup rather than consider our common sense gun control amendments.

Hard to believe, is it not, that the GOP leadership could be more afraid of the NRA than they are of violence in our schools?

Now the leadership's delay has given the NRA the chance to strategize and mobilize. My colleagues referred to the letter that the NRA sent to their members in a fund-raising drive. Undaunted, the NRA is back in full force. The letter says, and I quote, "pulling out all the stops to win this battle." But we have news for them. We will not let them win. We will not back down. This battle is over the safety of our children at home, in our schools, on the playground, and it is a cause worth fighting for.

Mr. Speaker, we cannot back down in the face of the NRA. We must stand firm. Like our Senate colleagues, we must have the courage to reach across the aisle and pass meaningful bipartisan gun control legislation. The American people want action now. We have got to get the guns off of our streets and away from our children.

I cannot tell my colleagues how many people came up to me during this recent work period in our district and said, "how could you not do something? You were elected to do something? Nita, I know you are a leader on modernizing our schools. I know you want to put computers on everyone's desk." And then they tell me that the kids are afraid to go to school.

We are going to continue to make sure that we have after-school programs to tutor our youngsters to provide them with the academic support they need so they can be what they want to be, so they can reach for the sky and fulfill their dreams. But they are afraid to go to school. These kids have to go to school with gun detectors. This is madness.

And we know we have to look at the whole picture, as my colleague mentioned. We really have to talk about why it has become such a violent culture, why the kids have to watch these violent episodes on TV and the movies and the Internet. We understand, as my colleague said, that this is not a one-dimensional issue.

But there is a madness in this country. They should not be able to buy guns when they are a kid. I mean, how is it that they cannot go to a licensed gun dealer and buy a gun until they are 21 yet they can buy a gun from a secondhand dealer at a gun show? It does not make any sense.

But we are not even talking now about the comprehensive bill of the gentlewoman from New York (Mrs. CAROLYN MCCARTHY). We want to work on that. What we are saying is the Senate passed common sense legislation. No one should be celebrating that. Because unless it passes our House and unless the President signs it, it is not law.

So let us make sure that we pass the common sense legislation that passed the Senate. And as we are doing that, let us talk about the larger issue and pass more comprehensive legislation. But let us not wait.

And I know that my colleague and I and the gentlewoman from New York (Mrs. CAROLYN MCCARTHY) and the gentlewoman from Texas (Ms. JACKSON-LEE) and other members of our caucus are going to be speaking to mothers and fathers and families all around the country. And I hope they are listening tonight. Call your member of Congress. Tell them to pass the legislation now. We have the power to do it. We can do it. We must do it. We must save lives. Let us do this now.

I want to thank my friend and colleague the gentlewoman from Connecticut (Ms. ROSA DELAURO) for her leadership on just so many issues. I know how she cares about Head Start and pre-K and how she is fighting to make sure our young people are nurtured all the way through, and this is part of that great effort. Let us deal with this now.

I thank my colleague again for leading us in this great effort.

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from New York (Mrs. LOWEY) for her comments. And I just want to highlight something that she said, which is the wonder of the body that we serve in and what can be done. She said that every now and again in our congressional career comes a moment where we have an opportunity to make a difference, to do something.

I happen to view, as my colleague does, that this is an historic opportunity. We are not so glued and fixed in a calendar and in a schedule that we cannot move when a need arises in the country for us to move.

Thirteen children dying every single day from gun violence is a national crisis. The kinds of unspeakable violence we have seen in school settings across the country, the pleas from parents and grandparents, from children, to make our schools safe places to be in says to those of us who hold a public office we need to act and to move to try to help us with this problem.

We cannot be so fixed in our own agenda, in our own schedule, in everything that only we concern ourselves with to say we cannot change what it is that we do here so that we can meet this challenge, meet this need, take this opportunity to say, yes, we can act and act in the best interest of the American public. And that is all we are talking about. We have this opportunity this week. We would be derelict in the responsibility that we have been entrusted with if we walk away from that responsibility.

And again, my colleague said it, the Senate passed modest legislation, legislation that has consensus from the gun industry, from the sports councils, from others. Our duty and obligation is to pass that kind of legislation in this body.

I thank the gentlewoman and I thank my colleagues for joining us tonight.

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NATIONAL SECURITY

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to talk to our colleagues about what I think is one of the gravest issues to face this Nation, certainly in the 13 years that I have had the honor of serving in this body.

I come before our colleagues, Mr. Speaker, as a member of the Republican Party but as someone who believes that national security issues rise above party politics. I am very proud of the fact, Mr. Speaker, that both times I ran for mayor of my hometown I was the nominee of both the Republican and the Democrat Parties. In fact I today enjoy significant support from Democrats back in my home district in Pennsylvania.

In Congress, Mr. Speaker, I have taken great pride in working with Members of the other side on national security issues, and I have been the first to acknowledge that many of the struggles that we have won in this body against the White House involving national security were won only because we had the support of strong leadership on the Democrat side as well as the Republican side. I give those comments today, Mr. Speaker, because I want to focus on what is happening with the debate surrounding the Cox Commission of which I was a member and the resultant information that has been put forward to the American people about a matter that needs to be thoroughly investigated.

Mr. Speaker, it is my contention that when the administration got a preliminary view of the Cox Committee report in early January, in fact we gave it to the administration sometime around January 2nd or 3rd, they got a chance to see a document that nine of us, Democrats and Republicans, had worked on together for 7 months in a very nonpartisan way. We did not care where problems had occurred, in which administrations they were in. If we saw evidence of our security being harmed or potentially harmed, we laid the facts basically where they were. We did not attempt to spin them or distort them or attempt to have them be other than what they in fact were. We did that because we wanted to have the integrity of our report kept intact once it was completed. No member of the Cox Committee released any information to the media. We swore to ourselves that we would not in fact jeopardize our findings. We gave it to the White House the first week of January and we asked for a very quick response to assist us in making that report available in a declassified version so the American people and our colleagues could read it and talk about it. As we all know, that took 5 months. But what gave me the first indication that this report was going to be spun politically was about a month later, in February. In fact it was February the 1st. Sandy Berger, the National Security Adviser to the White House, issued a statement that I have a copy of to selective members of the Washington media, responding to the 38 recommendations that we made in our Cox Committee report that were still classified. Without asking any member of the Cox Commission, Sandy Berger released the White House's spin in response to those recommendations.

Two days after he released that spin, I had the occasion of asking the Director of Central Intelligence, George Tenet, in a closed National Security Committee hearing in front of 40 Members from both parties if he agreed as the head of the CIA with our findings that our security had been harmed. Now, Mr. Speaker, this was 2 days after Sandy Berger released public information about our still classified report. George Tenet said, "Congressman, we at the CIA haven't finished reading the document yet." Which meant, Mr. Speaker, that the White House, before the CIA had even completed reading our report, was spinning it publicly to try to deflect attention away from the White House and any responsibility of this administration. That is not what the nine members of the Cox Committee did and that is not the approach we used. We did not spin anything. Yet that was my first inclination that this White House was not going to deal in an honorable way with the findings and the conclusions that we drew from our extensive research into the results of the transfer of technology both legally and illegally to China.

Mr. Speaker, that spin continues today. Since the report was released some 2 weeks ago, the administration has sent Bill Richardson, a friend of mine whom I served with in this body, out a road show traveling around the country convincing the American people that the only issue in the Cox report is Chinese espionage, the stealing of our W-88 nuclear warhead design, the stealing of our nuclear design technology. And the reason why the White House has wanted to spin the Cox Commission report in this way is because they can point to this stuff to having occurred before the Clinton administration took office. So what Richardson has been saying publicly, on national TV shows, on the talk shows on Sunday mornings is, "Look, when this administration in 1995 found out that China had stolen some of our designs, prior to us coming into office, we took aggressive steps to stop it. These problems didn't happen under the Clinton administration. They happened under previous administrations."

I am here tonight, Mr. Speaker, to challenge that notion and to offer to debate Secretary Richardson anytime anyplace in a public format on the issues that I am about to unveil. First of all, Mr. Speaker, even though the Cox Committee report did not just focus on the nuclear laboratories and their security, let us talk about the labs for a few moments, because if you listen to Secretary Bill Richardson traveling around the country, he would have us believe that the only problems with the labs were problems that started under previous administrations which he has now cleaned up. That is hogwash, Mr. Speaker. Let us look at the facts.

Mr. Speaker, it was in 1993 and 1994 when Hazel O'Leary was appointed to be the Secretary of Energy by President Bill Clinton that she decided that the color-coded ID system used in our Department of Energy labs which said based upon the color of the chain and the ID that you wore around your neck, you would only be allowed access to certain parts of our laboratories. It was the way that we kept people out of illegally accessing information that they did not have the proper clearance for. When Hazel O'Leary came into office, this long established practice that had been under previous administrations, Republican and Democrat, was overturned because she thought that color-coding was discriminatory. So what happened, Mr. Speaker, was in 1993 and 1994, the Clinton administration did away with that identification process which made it almost impossible for the lab directors and others to know whether or not a person was in a correct area of a lab gathering information and access to data that they should not have had.

Now, Mr. Speaker, if that was a good decision back in 1993 and 1994 which maybe the President would say was the case, why then did this administration 2 weeks ago move to reinstate the policy that Hazel O'Leary did away with in 1993 and 1994? If it was good back in 1993 and 1994 and if the color-coded ID system was not necessary, why did they all of a sudden 2 weeks ago tell the labs, "You're now going to put back into place a color-coded ID system" at a tremendous cost to taxpayers. That was under this administration, Mr. Speaker.

Number two, it was this administration and Hazel O'Leary who decided that FBI background checks, which had been the case under previous administrations, before people could gain access to our labs, that FBI background checks had to be done so that we could determine whether or not those people were spies or whether or not they were appropriately entitled to have access to classified information. Again it was Secretary O'Leary, Bill Clinton's appointee, who in 1993 and 1994 put a hold in at least two of our labs on FBI background checks, allowing scores of people to get access to our labs, not just Chinese or Asian nationals but a whole host of people because they were not being required to have FBI background checks.

Number three, Mr. Speaker. It was in the 1993–1994 time frame when an employee of the Lawrence Livermore Laboratory who had retired was accused of releasing sensitive and classified information in a public setting. The Oakland office of the Department of Energy did an investigation of that employee and they found out, and in fact accused him of violating the requirements of security at our labs. What did they do? They penalized that retiree by removing the access he had to classified information even as a retiree. They took the appropriate steps. What did Hazel O'Leary do, Mr. Speaker? When that removal of that retiree's classified status was undertaken and when he appealed it, all the way up to the Secretary's office, Secretary O'Leary overruled the Oakland office of the Department of Energy and reinstated the employee's classification status. Every employee in every laboratory in America saw the signal being sent by this administration, "We don't need color-coded IDs, we don't need to have FBI background checks, and when employees give out classified information, we're not going to consider that a major issue."

One more point, Mr. Speaker. And you do not hear Bill Richardson talking about these facts, but I am offering to debate him here tonight, anytime, anyplace. Mr. Richardson says that when this administration found out, in 1995, that the Chinese had stolen the designs to one of our most sophisticated warheads, the W–88 and the W–87, that they immediately took action, they began a process of closing in on the security, and he said that began in 1995.

Mr. Speaker, I want to call particular attention to my colleagues and to the American people this two-page spread that was in the July 31st, 1995 issue of U.S. News and World Report entitled "Shockwave" documenting the annihilation and destruction that would be caused by a nuclear attack or a nuclear bomb going off. In this document, Mr. Speaker, is an illustration of the W–87 warhead. Mr. Speaker, in 1995, this was classified. Mr. Speaker, this administration, in 1995, leaked this document to U.S. News and World Report, giving the entire populace of the world, through U.S. News and World Report, access to the design of the W–87 nuclear warhead, the same year that Bill Richardson is saying they were putting the clamps on the control of our technology.

But it does not stop there, Mr. Speaker. Because when this occurred, the Department of Energy began an internal investigation as to who would have leaked this design of this W–87 nuclear warhead, who would have given this information out to a national magazine. Mr. Speaker, I have the name of the person that was conducting that investigation, and I have been told that he was told to stop the investigation because they knew where it was going to lead to, that it was Hazel O'Leary herself who gave U.S. News and World Report the actual diagram of the W–87 nuclear warhead in 1995. Yet Secretary Richardson, on the Sunday morning news shows, is saying, "We have taken the steps to close these gaps."

Mr. Speaker, I am today asking for a full investigation as to whether or not the Department of Energy did such an internal investigation and I want to know whether or not the individual who was overseeing this was told by his superiors not to pursue finding out who leaked this information in 1995. And, Mr. Speaker, if this administration was so intent on controlling access to these kinds of secrets, then they would surely be able to give us the answers to the questions I am posing tonight. Who did the investigation, and who did they find out leaked this particular diagram to U.S. News and World Report in 1995? It was not the Reagan administration, Mr. Speaker, and it was not the Bush administration. It was this administration.

Mr. Speaker, the comments of Bill Richardson around the country are hollow, they are shallow, and they are nothing more than political rhetoric being spun to deflect attention away from one of the most gravest issues that has confronted this Nation in this century, and, that is, the overall loss of our technology, in many cases where we relaxed standards to allow people to take information or where we lowered the thresholds to give people information. Today we have the Secretary telling us that our labs are secure. I can tell you right now, Mr. Speaker, there are no controls on e-mails that are being sent out of our labs at this very moment. They will tell you they have a software system that looks for keywords, that if an e-mail is sent to Beijing or some other city and a keyword is in that e-mail, it raises a flag and that person then will be investigated. Raising a flag after the e-mail leaves the laboratory does us no good, Mr. Speaker.

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So for Richardson to say that secure measures are in place today is wrong, it is factually wrong, it is not correct, and he needs to be honest with the American people.

Secondarily, Mr. Speaker, we have just learned that later on this year China will be testing the newest version of their long-range ICBM missile with a range of 13,000 kilometers that can be launched from a submarine that has the potential for a MIRV or a multiple reentry capability. This rocket, this long-range ICBM, the JL–2, is beyond anything they have had in the past, and it is almost a replica of the trident class ICBMs that we have used in this Nation.

We did not think China would have this capability until several years down the road. We now have word they will test that missile, that ICBM, this year.

Mr. Speaker, this is a very serious issue. The American people need to understand what is happening to their country. They need to understand the blame game cannot stop by firing lower level employees who are only following directions. The blame game cannot stop by saying it was industries' fault. Industry was only abiding by the rules set by this government, and they cannot blame Chinese or Asian Americans, many of whom are some of our finest citizens. It was this government and this administration that failed the American people, and the American people need to see the factual information.

With that in mind, Mr. Speaker, the following two charts are now available on my web site nationally:

The first chart, Mr. Speaker, for the first time ever gives the complete linkage between those agencies and entities of the Peoples Liberation Army and the Central Military Commission of the PLA which are all indicated by the red boxes, and you cannot read them, our colleagues cannot read them, but you can get this off of our web site, and I have offered to give copies of this chart in a smaller form to every Member of Congress regardless of party.

The red boxes indicate Chinese arms of the PLA. The green boxes, Mr. Speaker, which are again too small to read, are the financing entities that were established to finance the acquisition of technologies for the arms of the PLA and the Central Military Commission. They would identify the technology, and the green financing entities would then finance the purchase of that.

How would they finance the purchase of it? Through the blue boxes or the front companies. Literally hundreds of front companies were established in this country, in Hong Kong, in Macao, all over the world, whose sole purpose it was, was to acquire western and American technology.

Mr. Speaker, in this chart our colleagues and the American people can read for themselves who all of these players are and who all of these characters and all these organizations are, but there is something new here, Mr. Speaker:

For the first time that I am aware of each of these boxes are interconnected with solid and dotted lines. The solid lines indicate direct working relationships between financing entities, PLA organizations and Chinese front companies. The dotted lines indicate working relationships.

I am asking now to enter in the RECORD, Mr. Speaker, a document I entitled sources and references:

SOURCES AND REFERENCES

(1a) Chan, Christine. "More J&A Securities Staff Quizzed." Hong Kong South China Morning Post, July 16, 1998: p a11. Article in Hong Kong South China Morning Post which cites corporation chairman Zhang Guoqing and corporation president Yang Jun as under investigation in connection with their activities at the People's Liberation Army-backed J&A Securities.

(1b) J&A Securities (Hong Kong) Limited. Company Ordinance Increasing Share Capital and Creating Additional Shares. Company Reference No. 433562. June 8, 1995. Various company ordinances increasing capital, creating shares, and providing board information for the J&A corporation signed by Zhang Guoqing on behalf of the corporation.

(1c) J&A Securities (Hong Kong) Limited. 1997 Brief: Introduction to J&A Securities Limited. 1997. J&A Securities Limited company brochure for 1997 which lists corporation officer and board members.

(1d) J&A Securities (Hong Kong) Limited. Company Ordinances Appoint Directors and Officers and for Other Purposes. Company Reference No. 433562. December 21, 1993 through August 18, 1994. Various company ordinances changing the name, appointing directors and officers, and providing board information for the J&A corporation.

(1e) J&A Securities (Hong Kong) Limited. Company ordinances Appoint Directors and Officers and for Other Purposes. Company Reference No. 433562. February 14, 1996 through July 18, 1997. Various company ordinances appointing directors and providing board information.

(1f) J&A Securities (Hong Kong) Limited. Mortgage and Charge Details. Company Reference No. 433562. April 1, 1998. Documents that detail loans and other incomes from The China State Bank, The Standard Chartered Bank. Documents also certify relationships with additional companies.

(2) Laris, Michael. "Chinese Executive Defend Loral's Role; Undue Missile Aid by U.S. Firm Denied," The Washington Post. June 22, 1998: p a17. Article in The Washington Post that identifies a Hong Kong businessman 'Zhang' (Zhang Quoqing) as the source of $300,000 given to Johnny Chung.

(3) Rempel, William C.; et. al. "Testimony Links Top China Official, Funds For Clinton." The Los Angeles Times. April 4, 1999: p a1. Article in the Los Angeles Times that details the link between a Chinese intelligence official, Johnny Chung, $300,000 intended for the Clinton campaign.

(4) "General's Daughter In Probe." Agence France-Presse Wire. Clips from a French Newswire with citations from the South China Morning Post which cites the link between Liu Chao Ying (Daughter of China's Top General and Aerospace Official), Johnny Chung, and executives from Hong Kong and Chinese companies.

(5) Chin, Michelle. "Lippo Fund to Focus on Chain Stores." South China Morning Post. July 13, 1995: p 3. Article that cites the directors of the Lippo Fund and lists the China Aerospace International Holdings corp as partner in the fund.

(6) Pusat Data Business Indonesia. Conglomeration Indonesia, 2nd edition. Jakarta, Indonesia. Pusat Data Business Indonesia. 1995. Company and shareholder information from a standard business reference work on nice conglomerates run by individuals with links to the Chinese government.

(7) Kelly, Michael. "TRB: CITIC–VIP." The New Republic. January 6, 1999. Article which links numerous high-profile Chinese government operatives who met with Clinton through Johnny Chung.

(8) Liu, Melinda. "The Portrait of a Hustler." Newsweek. March 31, 1997: p 36. Article in Newsweek that cites Johnny Chung's connection to the White House and the First Family.

(9) Partial citation and timeline of activity at Marswell Investments Limited. Document which describes the directors and officers at various Hong Kong 'Front' companies.

(10) Translation Section of the U.S. Consulate General in Hong Kong. "'Princeling' Influence Within PLA Said Growing." Hong Kong Guo Jih Pao. December 9, 1996. Serial: HK3012054596. Article translated from Hong Kong newspaper by FBIS which details the link between the PLA and CITIC.

(11) The Washington Post Company. "Campaign Finance Key Player: Wang Jun." Www.washingtonpost.com. January 6, 1999. Washington Post website profile on Wang Jun, chairman of an arms trading company and White House coffee attendee.

(12) The Washington Post Company. "Campaign Finance Key Player: Ng Lap Seng." Www.washingtonpost.com. January 6, 1999. Washington Post website profile on Ng Lap Seng, chairman of a Chinese financial conglomerate and DNC doner.

(13) Summary of documentation on China Aerospace International Holdings Limited (CASIL). An analysis of CASIL background and its involvement with the satellite business and a citing of key figures.

(14) Dun & Bradstreet. "Ever-Victory System Engrg." Worldbase. April 25, 1997: p. 48. Business citation that establishes the link between Asia-Pacific Satellite and China Aerospace International Holdings, Ltd.

(15) The United States Department of State. "Sasser Writes Home About the Chinese Army." United States Department of State. October 1, 1998. A report from the U.S. Ambassador to China on the PLA and their plans to develop communications networks with private companies.

(16) Lim, Wah Dr., et. al., "Independent Review Committee Report on the LM–38B Launch Failure." Palo Alto, California. Space Systems/Loral. May 10, 1996. A report initiated by the Loral Company to evaluate the cause of failure for a Chinese Space Launch Vehicle.

(17) Diamond, John. "U.S. Probes Hughes, Chinese General's Son, in Satellite Export Deal." The Associated Press. July 3, 1998. AP wire article.

(18) The Washington Post Company. "Campaign Finance Key Player: Maria Hsia." Www.washingtonpost.com January 6, 1999. Washington Post website profile on Maria Hsia, Veteran Democrat fund-raiser indicted on money laundering charges in connection with an event attended by Vice President Gore.

(19) Suro, Robert. "Gore's Ties to Hsia Cast Shadow on 2000 Race." The Washington Post. February 23, 1998: p a1. A Washington Post article that details the link between Maria Hsia and Vice President Gore.

(20) Reed Business Information Limited. "The Bank of East Asia Limited." The Bankers Almanac. Reed Business Information Limited. 1998. Standard business reference material on the Bank of East Asia including profile and personnel information.

(21) Sun, Lena H.; Pomfret, John. "The Curious Cast of Asian Donors." The Washington Post. January 27, 1997: p a1. A Washington Post article on the Clinton connection to Asian Donors.

(22) China Charity Federation. "Founders of China Charity Federation and Permanent Members to the Executive Council."<http://www.philiphayden.org/ccf/aboutus/permanent members.html> January 6, 1999. Promotional Materials that link the Hong Kong and Shanghai Banking Corporation to Silver Faith Holding.

(23) Liang, Hsiao-chi and Ma, Chien-hsing. "In a Major Reversal of Fortune in Struggle for Supremacy, Marketplace Wai Lands Himself in a Predicament." Hong Kong Yi Chou Kan. February 20, 1998: pp 38–42. Article in Hong Kong newspaper on CPC Officials and Triad links.

(24) Op. Cit. Liu, Melinda.

(25) The Hughes Corporation. "China Programs Starting from 1/1/96." Hughes Network Systems. Internal company document specifying programs in China.

(26) Gerth, Jeff and Golden, Tim. "China Set Cash to U.S. Bank, With Suspicions Slow to Rise." The New York Times. May 12. 1999: p a1. New York Times article on money sent to the United States from Chinese banks.

Mr. Speaker, this 4-page document gives 28 specific unclassified documents or 26 unclassified documents that are studied on this chart that provide all the linkages so the American people in unclassified form can read how all of these link together for the first time ever, and I encourage everyone of our colleagues and every person across this country to turn on the web site, get access to this, and then get access to these unclassified documents, and I would say to our colleagues, "If you can't locate them, I have a master copy of each of these documents in my office. In fact I have several master copies. I will give you copies of whatever one of these documents you can't find."

Now, as extensive as this is, Mr. Speaker, I can tell you this is only scratching the surface. In one of our House hearings one of our colleagues asked the FBI when they were doing the investigation of these linkages how much of what they know is now available in public form with all the reports, all the investigations, how much of what the FBI and the CIA knows is available to the public, and this was the answer:

Less than 1 percent.

So, as broad as this is, as documented as this is, we only know publicly less than 1 percent of what the FBI and the CIA know about the linkages between PLA front organizations, front companies and financing mechanisms, and the bottom line question has to be asked, Mr. Speaker, is:

What made this happen? What was the grease that caused these transactions to take place? What caused these proliferation controls to be lowered? What caused these accesses to take place?

And that gets to my second chart, Mr. Speaker, which is the time line. This chart, Mr. Speaker, for the first time that I know of gives a detailed analysis of what has happened in this country since 1993.

Now my colleagues on the other side are going to say, "Well, a minute, Kurt. You picked 1993. You are being partisan because that is when Clinton took office."

That is not the case, Mr. Speaker. I picked 1993 because two things happened.

Up until 1993, Mr. Speaker, under Democrats and Republican Presidents alike, there was a process in place to control technology from Nations like America to be sent abroad to what we consider to be Tier 3 nations or nations that are not allowed or were not supposed to have very capable technology that could come back to hurt us. This process was called COCON. COCON was an international organization of allied nations, the U.S. and Japan, that met on a regular basis, and they decided collectively what kind of technology would be allowed to be sold and to which countries it could be sold to.

In 1993, without pre-approval of any of the other countries, France, Great Britain, Japan or any of the other ones, this administration ended COCON, ended it, and the doors opened up.

Now they put into place something called the Wassanar agreement which everyone has acknowledged is a total failure, yet COCON worked. In 1993 COCON ended, and the floodgates opened.

Something else happened in that year, Mr. Speaker. I would like to enter in the RECORD at this point in time, Mr. Speaker, a letter from the White House dated September 15, 1993, to Edward McCracken, Chief Executive Officer of Silicon Graphics from Bill Clinton. Mr. Speaker, every American needs to read this letter because this letter was sent by the President of the United States September 15, 1993, and who did he send it to? To one of his biggest contributors and one of those blocks of people who supported his candidacy, Edward McCracken, Chief Executive Officer, Silicon Graphics, Mountain View, California.

THE WHITE HOUSE,
Washington, September 15, 1993.

Hon. EDWARD MCCRACKEN,
Chief Executive Officer,
Silicon Graphics, Mountain View, CA.

DEAR EDWARD: Thanks for taking the time to come by for lunch on Wednesday. It was good to see you—and it was a pleasure to get your insights.

I wanted to bring you up to date on a topic we were not able to discuss at lunch; the issue of export controls. As you know, for some time the United States has imposed stringent exports controls on many of our most competitive exports. By some estimates, unnecessary export controls cost U.S. companies $9 billion a year in lost sales. One reason I ran for President was to tailor export controls to the realities of a post-Cold War world.

Let me be clear. We will continue to need strong controls to combat the growing threat of proliferation of weapons of mass destruction and dangerous conventional weapons, as well as to send a strong signal to countries that support international terrorism. But we also need to make long overdue reforms to ensure that we do not unfairly and unnecessarily burden our important commercial interests.

In that regard, I wanted you to know that we hope to announce some important reforms by September 30. As you may know, Commerce Secretary Ron Brown has been leading a process within the Trade Promotion Coordinating Committee (IPCC) to examine how we might better promote U.S. exports. As part of that process, the National Security Council has led an effort to develop specific export control reforms. I hope to announce those when the TPCC issues its report on September 30.

We have not yet finalized all of these reforms, because I want to be sure that they get a full interagency review. But I am optimistic that the steps we take will help liberalize controls on many of our most competitive exports, while protecting our important national security concerns. Let me give you a sense of the reform we are considering:

Liberalize Computer and Telecommunications Controls. When this Administration began, the U.S. controlled any computer with a capacity above 12.9 MTOPs. My administration is in the process of raising that level to 67 MTOPs for most free world countries, relieving well over 13 billion of computer exports each year from the need for a license. By September 30, I hope to raise that level further—and also announce important liberalizations for telecommunications exports to most free world destinations.

Reduce Processing Time. Delays in processing export control licenses is a burden on business—and a legitimate gripe against the Federal government. I hope to announce significant reductions in the time it takes the government to process export license applications.

Expand Distribution Licenses. We hope to expand significantly the availability of distribution licenses for controlled computers so that exporters need not come back repeatedly to the Federal government for a license.

Eliminate Unnecessary Unilateral Controls. Controls imposed only by the U.S. (and not by competitor countries) at times can put our exporters at an unfair disadvantage as competitor companies export like products freely. I expect to announce that, by December 31, my administration will identify and eliminate wherever possible unnecessary U.S. unilateral export control policies.

I expect that these reforms will help liberalize controls on tens of billions of dollars worth of U.S. exports. It can help unleash our companies to compete successfully in the global market.

These reforms fit into a broader framework. Soon we will complete our review of nonproliferation and export control policy, which will set guidelines for further steps we should take. I am also currently engaged in seeking major reforms to COCOM, which should lead to significant liberalization of controls on computers, telecommunications and machine tools, while establishing a more effective structure for addressing the changing national security threats we will face in the years ahead.

Let me assure you that I am personally committed to developing a more intelligent export control policy, one that prevents dangerous technologies from falling into the wrong hands without unfairly burdening American commerce. It is important. It is the right thing to do. And many of these changes are long overdue. I look forward to working with you in building a new consensus around an effective exports control policy that meets these objectives.

Sincerely,

BILL CLINTON.

But what is the content of the letter, Mr. Speaker? The letter outlines the administration's plans to liberalize, liberalize the availability of technology to nations abroad.

So here it is in black and white where the President is telling the CEO of Silicon Graphics this is what we are going to do for you over the next 6 years.

Guess what, Mr. Speaker. They did it.

What were some of the highlights? Let me read from the letter. Quote:

Liberalize computer and telecommunication controls, reduce processing times, expand distribution licenses, eliminate unnecessary unilateral controls, and it goes into detail in describing.

Now, Mr. Speaker, I am a free trader, and I believe in allowing our companies to compete. But what you had in 1993 was the wholesale opening of the flood gates. At the same time Hazel O'Leary is saying we do not have to worry about the people who work in our labs, they do not need color-coded IDs, they do not need to have FBI background checks, and when they give out classified information, we are going to ignore that and not worry about it. And, oh, by the way, US News, if you want this chart of the W-87, we will give it to you, and you can run it nationwide.

Mr. Speaker, these stories need to be told across America.

This time line from 1993 to 1999 shows every decision made by this administration that allowed a new technology to flow, in this case to China. It also shows activities of China in violation of arms control regimes. In fact, Mr. Speaker, I would ask at this time to insert Chronology of Chinese Weapons Related Transfers:

[From the Los Angeles Times, May 21, 1998]

INDIGNATION RINGS SHALLOW ON NUKE TESTS

(By Curt Weldon)

Escalating tensions between India and Pakistan should come as no surprise to the Clinton administration. Since the president took office, there have been dozens of reported transfers of sensitive military technology by Russia and China—in direct violation of numerous international arms control agreements—to a host of nations, including Pakistan and India.

Yet the Clinton administration has repeatedly chosen to turn a blind eye to this proliferation of missile, chemical-biological and nuclear technology, consistently refusing to impose sanctions on violators. And in those handful of instances where sanctions were imposed, they usually were either quickly waived by the administration or allowed to expire. Rather than condemn India for current tensions, the blame for the political powder keg that has emerged in Asia should be laid squarely at the feet of President Clinton. It is his administration's inaction and refusal to enforce arms control agreements that have allowed the fuse to grow so short.

In November 1992, the United States learned that China had transferred M–11 missiles to Pakistan. The Bush administration imposed sanctions for this violation but Clinton waived them a little more than 14 months later. Clearly, the sanctions did not have the desired effect: Reports during the first half of 1995 indicated that M–11 missiles, additional M–11 missile parts, as well as 5,000 ring magnets for Pakistan nuclear enrichment programs were transferred from China. Despite these clear violations, no sanctions were imposed. And it gets worse.

Not to be outdone by its sworn foe, India aggressively pursued similar technologies and obtained them, illicitly, from Russia. From 1991 to 1995, Russian entities transferred cryogenic liquid oxygen-hydrogen rocket engines and technology to India. While sanctions were imposed by President Bush in May 1992, the Clinton administration allowed them to expire after only two years. And in June 1993, evidence surfaced that additional Russian enterprises were involved in missile technology transfers to India. The administration imposed sanctions in June 1993, and then promptly waived them for a month, never following up on the issue.

Meanwhile, Pakistan continued to aggressively pursue technology transfers from China. In August 1996, the capability to manufacture M–11 missile or missile components was transferred from China to Pakistan. No sanctions. In November 1996, a special industrial furnace and high-tech diagnostic equipment were transferred from China to an unprotected Pakistani nuclear facility. No sanctions. Also during 1996, the director of the Central Intelligence Agency issued a report stating that China had provided a "tremendous variety" of technology and assistance for Pakistan's ballistic missile program and was the principal supplier of nuclear equipment for Pakistan's program. Again, the Clinton administration refused to impose sanctions.

Finally, in recent months we have learned that China may have been responsible for the transfer of technology for Pakistan's Ghauri medium-range ballistic missile. Flight tested on April 6, 1998, the Ghauri missile has been widely blamed as the impetus for India's decision to detonate five nuclear weapons in tests earlier this month. Again, no sanctions were imposed on China.

Retracing the history of these instances of proliferation, it is obvious that Pakistan and India have been locked in an arms race since the beginning of the decade. And the race has been given repeated jump-starts by China and Russia, a clear violation of a number of arms control agreements. Yet rather than enforce these arms control agreements, the Clinton administration has repeatedly acquiesced, fearing that the imposition of sanctions could either strain relations with China and Russia or potentially hurt U.S. commercial interests in those countries.

Now the Clinton administration has announced a get-tough policy, threatening to impose sanctions on India for testing its nuclear weapons. But what about Russia and China, the two nations that violated international arms agreements? Shouldn't they also be subject to U.S. sanctions for their role in this crisis? Sadly, the Clinton administration is likely to ignore the proliferators and impose sanctions solely on India. In the meantime, China and Russia will continue their proliferation of missile and nuclear technology to other nations, including rogue states such as Iran, Iraq and Syria.

Date of transfer or report	Reported transfer by China	Possible violation	Administration's response
Nov. 1992	M–11 missiles or related equipment to Pakistan (The Administration did not officially confirm reports that M–11 missiles are in Pakistan.).	MTCR; Arms Export Control Act; Export Administration Act.	sanctions imposed on Aug. 24, 1993, for transfers of M–11 related equipment (not missiles); waived on Nov. 1, 1994
Mid-1994 to mid-1995	dozens or hundreds of missile guidance systems and computerized machine tools to Iran.	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	no sanctions
2nd quarter of 1995	parts for the M–11 missile to Pakistan	MTCR; Arms Export Control Act; Export Administration Act.	no sanctions
Dec. 1994 to mid-1995	5,000 ring magnets for an unsafeguarded nuclear enrichment program in Pakistan.	NPT; Export-Import Bank Act; Nuclear Proliferation Prevention Act; Arms Export Control Act.	considered sanctions under the Export-Import Bank Act; but announced on May 10, 1996, that no sanctions would be imposed
July 1995	more than 30 M–11 missiles stored in crates at Sargodha Air Force Base in Pakistan.	MTCR; Arms Export Control Act; Export Administration Act.	no sanctions
Sept. 1995	calutron (electromagnetic isotope separation system) for uranium enrichment to Iran.	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Control Act.	no sanctions
1995–1997	C–802 anti-ship cruise missiles and C–801 air-launched cruise missiles to Iran.	Iran-Iraq Arms Nonproliferation Act	no sanctions
Before Feb. 1996	dual-use chemical precursors and equipment to Iran's chemical weapon program.	Arms Export Control Act; Export Administration Act	sanctions imposed on May 21, 1997
Summer 1996	400 tons of chemicals to Iran	Iran-Iraq Arms Nonproliferation Act;[1] Arms Export Control Act; Export Administration Act.	no sanctions
Aug. 1996	plant to manufacture M–11 missiles or missile components in Pakistan.	MTCR; Arms Export Control Act; Export Administration Act.	no sanctions
Aug. 1996	gyroscopes, accelerometers, and test equipment for missile guidance to Iran.	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	no sanctions
Sept. 1996	special industrial furnace and high-tech diagnostic equipment to unsafeguarded nuclear facilities in Pakistan.	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Control Act.	no sanctions
July–Dec. 1996	Director of Central Intelligence (DCI) reported "tremendous variety" of technology and assistance for Pakistan's ballistic missile program.	MTCR; Arms Export Control Act; Export Administration Act.	no sanctions
July–Dec. 1996	DCI reported "tremendous variety" of assistance for Iran's ballistic missile program.	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	no sanctions
July–Dec. 1996	DCI reported principal supplies of nuclear equipment, material, and technology for Pakistan's nuclear weapon program.	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Administration Act.	no sanctions
July–Dec. 1996	DCI reported key supplies of technology for large nuclear projects in Iran.	NPT; Iran-Iraq Arms Nonproliferation Act; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Administration Act.	no sanctions
July–Dec. 1996	DCI reported "considerable" chemical weapon-related transfers of production equipment and technology to Iran.	Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	no sanctions
Jan. 1997	dual-use biological items to Iran	BWC; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	no sanctions

Date of transfer or report	Reported transfer by China	Possible violation	Administration's response
1997	chemical precursors, production equipment, and production technology for Iran's chemical weapon program, including a plant for making glass-lined equipment.	Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	no sanctions
Sept. to Dec. 1997	China Great Wall Industry Corp. provided telemetry equipment used in flight-tests to Iran for its development of the Shahab-3 and Shahab-4 medium range ballistic missiles.	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	no sanctions
Nov. 1997/April 1998	may have transferred technology for Pakistan's Ghauri medium-range ballistic missile that was flight-tested on April 6, 1998.	MTCR; Arms Export Control Act; Export Administration Act.	no sanctions

[1] Additional provisions on chemical, biological, or nuclear weapons were not enacted until February 10, 1996.

ABWC—Biological Weapons Convention; MTCR—Missile Technology Control Regime; NPT—Nuclear Nonproliferation Treaty.

Mr. Speaker, this CRS document, which I had prepared a year ago, outlines approximately 17 cases where we caught the Chinese selling technology illegally. This administration knew about it, and it is all documented here. They imposed the required sanctions twice and waived them each time. All of those or most of those transfers are documented here.

Something else is on this chart, Mr. Speaker: White House presidential visits. I could only complete it up through 1995, the number of times that key people involved in this massive scheme were able to get into the White House.

Now, I can tell my colleagues my constituents cannot ever get in the White House. We cannot even get White House tour tickets which are available for schools because we only allow four a year. These are American schoolchildren.

Let me read you, Mr. Speaker. John Huang; he visited the White House four times in March of 1993, four times in April of 1993, two times in May, one time in June, one time in November, all in 1993.

Now my constituents cannot do that. Yet this White House opened the floodgates to welcome selected people in who were a part of this network, Mr. Speaker.

In fact, Mr. Speaker, I am asking the House Clerks Office tonight to give me the price of what it would take to put this document in the CONGRESSIONAL RECORD. I am not going to put it in tonight until I get the price. What is this document, Mr. Speaker? These are the FBI wiretap transcripts of conversations between Chung and Robert Lu, the FBI wire tapped transcripts that took place from May 6 of 1998 all the way through August of 98. In these transcripts in the words of these key players in this process, the American people, Mr. Speaker, for themselves can see what was going on and can read with their own eyes about the discussions that were taking place.

Before I yield to my good friend, Mr. Speaker, I want to say what the rallying cry of this Member, and I would ask for, if I could, a price for that for the next day so I can decide whether or not to put it in the CONGRESSIONAL RECORD, but I would tell the American people it is available. It was given to me by Carl Cameron from Fox News. It is running nationwide, and I would encourage every American person, every colleague of mine, to read the transcripts contained in here of conversations as documented by the FBI.

Mr. Speaker here is the real story:

If this administration has nothing to hide, they can do one very simple thing: release the entire text of the memos sent by Louis Freeh and his subordinate investigator to Janet Reno requesting that a special prosecutor be named to handle this whole situation. If there is no other question we need to ask as Americans, for the next year and a half it is this one question because Louis Freeh, the head of the FBI, and his top investigator recommended Janet Reno, but because of all this data, and they have a lot more than I have shown my colleagues; in fact, I have seen a lot more as a member of the Cox Committee that I cannot put on here because it is classified. But they seen all of this data, the other 99 percent we cannot show, and they made their recommendations, and Janet Reno choose not to follow their recommendations.

The American people are owed, owed an explanation as to why Janet Reno choose not to follow the advice of her chief law enforcement agent for this country. Every person in this country needs to send a card to the White House, every Member of Congress needs to ask the question why the White House will not release the FBI internal memos that Louie Freeh and his assistant sent to ask for a fully completed investigation of this network, of this operation, because that will tell us, Mr. Speaker, whether or not there were motives behind the transfer of technology that caused America's security harm, and that question needs to be asked by everyone in this country.

Mr. Speaker, my hope is that all of our colleagues in this body and the other body will have literally tens of thousands of letter writing campaigns, post cards to the White House asking, and Janet Reno asking one simple question.

This can be very confusing, and I do not expect the American public or even our colleagues to understand every nuance of what is explained here. It is very confusing, but they can ask one question:

Why will you not release the Louis Freeh memos to Janet Reno in regard to the investigation of the connections between the PLA and the Central Military Commission, the Chinese front companies, the financing mechanisms including the donations of campaign funds to certain individuals to see whether or not there really was a tie and a connection in each of these cases?

☐ 2100

That question needs to be answered more than any other single question that I can think of. Mr. Speaker, I would urge all of our colleagues to make that their rallying cry over the next year and a half.

Mr. Speaker, I would like to yield to my good friend and colleague, the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I would be remiss at the outset of my remarks if I did not publicly acknowledge a debt of gratitude to the gentleman from Pennsylvania (Mr. WELDON), who has been at the forefront of explaining to the American people and many of his colleagues in Congress the necessity, the imperative of a strategic missile defense, who has been among the leaders in understanding a prospective missile defense system, who has gone many times to the former Soviet Union, now the Russian Republic, to establish dialogue with the members of the Duma there, so, in the words of Dwight Eisenhower, once Americans and Russians get together they can understand what is at stake here.

But more compellingly tonight, Mr. Speaker, our colleague at the outset of his remarks framed the question most appropriately and eloquently when he said, Mr. Speaker, this is a problem that does not confront us as Republicans or Democrats; this is a security concern for all Americans.

Indeed, as the gentleman points out, the inadequate, shallow and incomplete responses of our former colleague from New Mexico, Mr. Richardson, now the Secretary of Energy; as he points out the misguided, to say the least, efforts, if you will, of former Energy Secretary Hazel O'Leary; as he points out the curious selective investigations by this Justice Department and Attorney General Reno, as he offers, and, Mr. Speaker, I will move with my staff to make available on my web site as well the China connection that my colleague from Pennsylvania has remarkably put together and the time-line that he also offers.

This is something that should concern every American, for what we have seen, Mr. Speaker, is a quantum leap in technological prowess by the Communist Chinese, with our know-how, with our expertise.

Indeed, I would just say to my friend from Pennsylvania, whatever price it might cost to include those transcripts of the FBI wiretaps in the CONGRESSIONAL RECORD, it is a small price to pay on behalf of the American people to understand the width and breadth of this scandal. "Scandal" is an overused term, we have seen so many, and yet, again, we have this remarkable, troubling, dangerous development in our national security.

I have said before, Mr. Speaker, this is as if we are in an Allan Drury novel come to life. But you cannot close the book on this. This is a problem of incredible magnitude that goes to the security of every family.

Mr. Speaker, as the President of the United States stood at the podium just in front of the Speaker's Chair and in a State of the Union message bragged that no American child went to sleep a target of Russian missiles, how sad it is that now the Communist Chinese have the technology and have aimed their missiles at America, to the extent that we had the Chinese defense minister in defending a provocative action against Taiwan say, "Oh, we believe you," meaning the United States, "value Los Angeles more than you do Taiwan."

The bellicose nature of the threats and, more than rhetoric, the reality of the technology transfer, is inexcusable, and we, not as Republicans nor as Democrats, but as Americans, need to follow the lead of my colleague from Pennsylvania and get to the bottom of this, because it is an outrage.

As my colleague from Pennsylvania pointed out, it does not only concern former Energy Secretary O'Leary; it does not only concern Attorney General Reno; it does not only concern the spin offered by our former colleague, current Energy Secretary Mr. Richardson; it goes all the way to 1600 Pennsylvania Avenue.

U.S. News & World Report put that document in, as shocking as that was. I wonder, Mr. Speaker, how many of the American people have seen the videotapes of the Communist Chinese leaders who contributed to the Clinton-Gore campaign in 1996 in the Oval Office? People who are part of these front groups.

Mr. Speaker, we do not have too many ducks on the lakes in Arizona, but if it walks like a duck and quacks like a duck, Mr. Speaker, a preponderance of the evidence seems to indicate that it is in fact a duck. What we have here is a serious problem.

I would also note the outrageous and curious behavior of our so-called National Security Adviser, Mr. Sandy Berger, a former lobbyist for the Communist Chinese on trade issues. In April of 1996 we know for certain that he was informed of the Chinese penetration of our labs in Los Alamos, and apparently he did nothing.

Interestingly enough, Mr. Speaker, April of 1996, that was when Vice President GORE went to Southern California for his campaign fund-raiser, what he first described as a community outreach event at the Buddhist temple in Southern California.

The American people have simple questions that need to be answered. Are we safe? Are those who took the oath of office to uphold and defend the Constitution of the United States and thereby provide for the common defense in fact being good stewards and good custodians of that trust? As my colleague from Pennsylvania eloquently and substantively explains tonight, that is a serious question for which there may be troubling answers.

Mr. WELDON of Pennsylvania. I thank my colleague for joining me. I would like to stay here and engage the gentleman, but I am supposed to do a TV shot, so, unfortunately, I have to yield back my time. But I would like to thank the gentleman for coming over and joining me.

HMO REFORM NEEDED NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, before I came to Congress I was a reconstructive surgeon. I took care of a lot of children who were born with cleft lips and pallets, similar to this little baby here. Unfortunately, Mr. Speaker, about half of the reconstructive surgeons in the country in the last couple of years have had proposed surgeries to correct conditions related to this birth defect turned down by HMOs because they are "cosmetic."

Mr. Speaker, when you have a normal process like aging and you do an operation to make it better, that is cosmetic. But, Mr. Speaker, when a baby is born with a birth defect in the middle of their face, like this, that is not a cosmetic procedure. I can give you many functional reasons why this should be fixed. But there are children in this country in the last several years who have been denied medically necessary treatment by HMOs.

Mr. Speaker, I closed my medical practice when I came to Congress, but I still go overseas to do surgeries to correct birth defects like this. I remember a few years ago I was down in Guatemala and a 30 year old man came in with an unrepaired cleft lip just like this. He lived all his life with an unrepaired cleft lip. So we fixed him the next day.

He had come in with his mother, who was probably about 50, but she looked like she was about 80. They were of Indian extraction. When we took him back to the recovery area in this small hospital up in northeast Guatemala, his mother broke down and started crying. She said in Spanish, "Ahora el va a Dios con felicidad," now he will go to heaven happy.

Now, Mr. Speaker, one of the Members of this Congress, the gentleman from Texas (Mr. DELAY), should be commended, because he has helped raise funds for those surgical trips abroad, many of them done by Dr. Bill Riley, to help correct this type of birth defect. But we have a situation in this country where even if you are paying a lot of money for your insurance, you are getting turned down because your HMO arbitrarily declares this not medically necessary.

When HMO reform comes to the floor, I hope my colleagues who have participated in helping children get charitable care to correct this type of birth defect will vote for legislation that makes it necessary for insurers in this country to cover correction of this type of birth defect.

Mr. Speaker, the clock continues to tick. Another week has gone by without legislative action in the House on HMO reform. The gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, has promised the gentleman from Georgia (Mr. NORWOOD) that we would have a subcommittee markup "sometime in June." But where is a firm commitment to a date certain, and where is the commitment for a full committee markup, and where is the commitment from the Republican leadership in this House to move HMO reform to the floor? Or do we just continue to delay?

Managed care reform should be on the floor by July 4th. There are four weeks until the July 4th recess. So, colleagues, let us get moving.

Now, why is it so important to move this legislation in a timely fashion? Because, Mr. Speaker, people are being hurt every day by decisions by managed care health plans that they make when they know they cannot be held responsible for those decisions.

I recently read an account of a gruesome crime, and I saw an analogy in that crime to what we have with Federal law as it relates to HMOs.

Mr. Speaker, in late 1978 a woman by the name of Mary Vincent made a fateful decision. She jumped into a blue van on a freeway while hitchhiking in Berkley, California. Later the driver pulled off the highway and, in a flash, Mary saw a hammer swinging at her head. Her attacker then tied her hands behind her back and he raped her viciously, repeatedly. She screamed for her release. Finally, he untied her hands, only to sink an ax, an ax, into her left forearm. Then he did it again, and again, and her left arm was off in three blows. Four blows later, and he had cut off her other arm. This sadist then dumped her molested and violated and mutilated body into a culvert off of a lonely road, where she was found the next morning, miraculously, still alive.

Mary was in the hospital for a month and was eventually fitted with prosthetic arms that have crab-like pinchers for her hands. She later testified against her attacker, and when she left the witness stand, he swore at her, "If it is the last thing I do, I am going to finish the job."

Eight years later Mary was living in Puget Sound when she heard on her wedding day that her attacker had been freed from San Quentin after serving only eight years. She lived in fear for years that this rapist would return to finish the job.

Finally, in February 1997, her mother called her with more bad news. Her attacker had killed a Florida woman. Last year she flew to Florida to testify against her attacker again.

□ 2115

This time he got the treatment he deserved. He is now on death row.

Parenthetically, Mr. Speaker, it is crimes like those done to Mary Vincent that caused me and many other of our colleagues to support the death penalty. Any person who is not criminally insane should be responsible for his or her actions.

So what does the horrendous tragedy that befell Mary Vincent have to do with managed care reform? Mr. Speaker, unfortunately, it reminded me of an equally tragic event that happened to a little 6-month-old baby named Jimmy Adams.

At 3:30 one morning Lamona Adams found her 6-month-old boy Jimmy panting, sweating, moaning, with a temperature of 104, so she phoned her HMO to ask for permission to go to the emergency room. The voice at the other end of the 1-800 number, probably 1,000 miles away, told her to go to Scottish Rite Hospital. Where is it, asked Lamona? I don't know, find a map, came the reply. It turns out that the Adams family lived south of Atlanta, Georgia, and Scottish Rite was an hour away on the other side of the Atlanta metro area.

Lamona held little baby Jimmy while his dad drove as fast as he could. Twenty miles into the trip, while driving through Atlanta, they passed Emory Hospital's emergency room, Georgia Baptist's emergency room, then Grady Memorial's emergency room. But they still pushed on to Scottish Rite Medical Center, still 22 miles away, because they knew if they stopped at an unauthorized hospital, their HMO would deny coverage for any unauthorized treatment, and they would be left with possibly thousands of dollars of bills.

They knew Jimmy was sick, they just didn't know how sick. After all, they were not trained medical professionals. While still miles away from Scottish Rite hospital, Jimmy's eyes fell shut. Lamona frantically called out to him, but she couldn't get him to respond. His heart had stopped. Can you imagine Jimmy's dad driving as fast as he can while his mother is trying to keep him alive?

They finally pulled into the emergency room entrance. Lamona leaped out of the car. She raced to the emergency room with Jimmy in her arms. She was screaming, help my baby, help my baby. The nurse gave him mouth-to-mouth resuscitation while the pediatric crash cart was rushed into the room. Doctors and nurses raced to see if modern medicine could revive this little infant. He was intubated, intravenous medicines were given, and he was cardiopulmonary resuscitated.

This is little Jimmy Adams, tugging at his big sister's sleeve before he got sick. Well, little Jimmy turned out to be a tough little guy. He survived, despite the delay in treatment caused by his HMO. But he didn't survive whole. He ended up with gangrene in both hands and both feet, and doctors had to amputate both of Jimmy's hands and both of his feet.

Now Jimmy is learning how to put on his leg prostheses with his arm stumps, but it is tough for him to get on both of his arm hook prostheses by himself. For the rest of his life this anecdote, quote unquote, as HMO defenders are so likely to call a victim like Jimmy; they just say, they are just anecdotes. Well, little Jimmy will never play basketball, and little Jimmy will never caress the face of the woman that he loves with his hands.

A judge looked into this case of James Adams and he said that the HMO's margin of safety was "razor thin." I would add it is about as razor thin as the scalpel that had to amputate little Jimmy's hands and his feet.

What do little Jimmy's amputations have to do with Mary Vincent's amputations? The person responsible for cutting off her arms is now on death row. But if your child had an experience like little Jimmy's and you received your health insurance through your employer's self-insured plan, the health plan would be responsible for nothing.

The health plan, let me repeat that as we look at little Jimmy, if Jimmy's parents received their insurance through their employer who has a self-insured plan, and that plan has made the medical decision that has resulted in a little Jimmy Adams losing both hands and both feet, under Federal law that plan is responsible for nothing other than the cost of care given; in this case, the amputations.

We say, how can that be? How can a health plan that makes medical decisions that result in the loss of hands and feet be free of responsibility? We would say, that is an outrage. We do not allow that to happen with victims of crime like Mary Vincent. How do we let an insurance company off scot-free when they make the kind of medically negligent decision that results in this?

Do not get me wrong, I am not advocating criminal prosecution of medical malpractice. But just as I, as a doctor, am responsible for my actions, HMOs should be responsible for their actions.

There are many Members of Congress like myself who support the death penalty because we believe in personal responsibility. How can, I ask the Members, how can we not at least support financial responsibility for an HMO when they make a medically negligent decision that results in the loss of a limb like this? Should they not at least be responsible for damages?

Under a current Federal law called ERISA, the Employee Retirement and Income Security Act, if you receive your insurance from your employer and you have a tragedy like Jimmy Adams, your plan which makes decisions is liable for nothing other than the care that was not given. Not only did Congress give HMOs legal immunity for their decisions, but ERISA allows those health plans to define as "medically necessary" any damned thing they want to say it is.

Do Members not quite see the parallel between Mary Vincent and Jimmy Adams yet? Listen to the words of a former HMO reviewer as she testified before Congress. It was May 30, 1996, when a small, nervous woman testified before the Committee on Commerce. Her testimony came after a long day of testimony on the abuses of managed care.

This woman was Linda Peeno, a claims reviewer for several health care plans. She told of the choices that plans are making every day when they determine the medical necessity of treatment options.

I am going to recount her story for the Members as she testified: "I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred. I was rewarded for this. It brought me an improved reputation in my job, and contributed to my advancement afterwards. Not only did I demonstrate I could do what was expected of me, I exemplified the good company doctor. I had saved a half million dollars."

Her anguish over harming patients as a managed care reviewer had caused this woman to come forth and bare her soul in tearful and husky-voiced account. The audience in that room shifted uncomfortably and they became very quiet as her story continued. Industry representatives averted their eyes.

She continued: "Since that day, I have lived with this act and many others eating into my heart and soul. For me, a physician is a professional charged with the care of the healing of his or her fellow human beings. The primary ethical norm is, do no harm. I did worse. I caused death. Instead of using a clumsy, bloody weapon," those are her word, "Instead of using a clumsy, bloody weapon, I used the simplest, cleanest of tools, my words. This man died because I denied him a necessary operation to save his heart.

"I felt little pain or remorse at the time. The man's faceless distance," remember that 1–800 number that Lamona Adams, little Jimmy's mother, had to phone, "because of that faceless distance, it soothed my conscience. Like a skilled soldier, I was trained for the moment. When any moral qualms arose, I was to remember I was not denying care, I was only denying payment."

She continued: "At the time, this helped me avoid any sense of responsibility for my decisions. Now I am no longer willing to accept the escapist reasoning that allowed me to rationalize this decision. I accept my responsibility now for this man's death, as well as for the immeasurable pain and suffering many other decisions of mine caused."

At this point, Mrs. Peeno described many ways that health care plans deny care, but she emphasized one in particular, the right to decide what care is medically necessary.

She said, "There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used," she continued, "It is rarely developed in any kind of standard traditional clinical process. It is rarely standardized across the field. The criteria are rarely available for prior review by the physicians or the members of the plan. And we have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry."

Mr. Speaker, the man who cut off Mary Vincent's arms sits on death row, but HMOs which deny care with similar consequences, what happens to them? They increase their profits. Under Federal laws, HMOs can cause a Jimmy Adams to lose his hands or his feet, and then they can justify their decision by defining "medically necessary" any way they choose.

When I think of Mary Vincent and Jimmy Adams, I rail at the injustice of their pain, but at least in Mary Vincent's case we know that her attacker is getting his just due, his just desserts.

But does it not send a chill up our spine to hear an HMO medical reviewer describe how she caused the death of a man, and then got rewarded for it? Does it not cause a sense of outrage to find out that for years Congress has been shielding health plans from the consequences of their decisions like those that affected Jimmy Adams?

It is time for Congress to defuse the smart bomb of HMOs. It is time for Congress to repeal the liability protection for ERISA health plans. They should function under the same liability that insurers in the individual market operate under, under regulations that would prevent tragedy like this.

□ 2130

Those protections should apply, Mr. Speaker, to everyone.

Now, Mr. Speaker, personal responsibility has been a watchword in this Republican Congress and should be applied to this issue. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield entities from their responsibility only encourage them to cut corners. Congress created the ERISA loophole, and Congress should fix it.

So I have now come full circle to what brings me to the floor tonight. I find us at a crossroads. HMO reform will either suffer slow legislative death as the House continues to do nothing, or we will take our responsibility for past congressional mistakes and pass a bill like my Managed Care Reform Act of 1999, H.R. 719.

I urge my colleagues to cosponsor H.R. 719, the Managed Care Reform Act of 1999. It would fix the type of conditions that have caused this type of loss to a little boy.

This bill is endorsed by the American Cancer Society and other consumer groups. It is endorsed by many professional groups, including the American Academy of Family Physicians. This weekend, it was endorsed by the American College of Surgeons.

Mr. Speaker, I beg my colleagues, no I implore my colleagues, we cannot let even one more little boy or girl become a victim for the sake of making profits for an HMO. Let us have a fair debate under an open rule on the floor of this House by the July 4th recess. We should all be for the little guy. We should not be in the pockets of the HMO corporate CEOs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of official business.

Mrs. WATERS (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for Monday, June 7, and Tuesday, June 8, on account of official business.

Mr. ROGERS (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. BLILEY (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on June 8 and June 9.

Mr. GUTKNECHT, for 5 minutes, on June 9.

Mr. ISAKSON, for 5 minutes, on June 9.

Mr. JONES of North Carolina, for 5 minutes, on June 8.

Mr. THORNBERRY, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 704. An act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1034. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1121. An act to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse."

H.R. 1183. An act to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On May 27, 1999:

H.R. 1034. To declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purpose of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1121. To designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse."

H.R. 1183. To amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, June 8, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2413. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Grape Crop Insurance Provisions—received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2414. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 99–033–1] received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2415. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Iowa Marketing Area; Revision [DA–99–02] received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2416. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole; Pesticide Tolerance [OPP–300863; FRL–6081–5] (RIN: 2070–AB78) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2417. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Terbacil; Extension of Tolerance for Emergency Exemptions [OPP–300862; FRL–6080–5] (RIN: 2070–AB78) received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2418. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenhexamid; Pesticide Tolerance [OPP–300866; FRL–6082–7] (RIN: 2070–AB78) received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2419. A communication from the President of the United States, transmitting a request to make available previously appropriated emergency funds for the Departments of Agriculture, Defense, the Interior, and State; the Federal Emergency Management Agency; International Assistance Programs; and, the United States Holocaust Memorial Council; (H. Doc. No. 106—79); to the Committee on Appropriations and ordered to be printed.

2420. A letter from the Secretary of Defense, transmitting the Fiscal Year 1998 Annual Report of the Reserve Forces Policy Board, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on Armed Services.

2421. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contracts Crossing Fiscal Years [DFARS Case 99–D008] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2422. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Work Stoppage Report [DFARS Case 99–D003] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2423. A letter from the Secretary of the Army, transmitting a determination that four Army programs have breached Nunn-McCurdy unit cost thresholds; to the Committee on Armed Services.

2424. A letter from the Secretary of Defense, transmitting a report on the number of general and flag officers holding both a position external to that officer's armed force and another position not external to that officer's armed force; to the Committee on Armed Services.

2425. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize consent to and authorize appropriations for the United States subscription to additional shares of the capital of the Multilateral Investment Guarantee Agency; to the Committee on Banking and Financial Services.

2426. A letter from the President and Chairman, Export-Import Bank, transmitting a report involving U.S. exports to Tunisia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2427. A letter from the Law Office Manager, Office of the General Counsel, Corporation For National Service, transmitting the Corporation's final rule—Retired and Senior Volunteer Program (RIN: 3045–AA19) received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2428. A letter from the Law Office Manager, Office of the General Counsel, Corporation For National Service, transmitting the Corporation's final rule—Foster Grandparent Program (RIN: 3045–AA18) received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2429. A letter from the Law Office Manager, Office of the General Counsel, Corporation For National Service, transmitting the Corporation's final rule—Senior Companion Program (RIN: 3045–AA17) received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2430. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Funding Priority for Fiscal Years 1999–2000 for a Disability and Rehabilitation Research Project—received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2431. A letter from the Administrator, Office of Juvenile Justice and Deliquency Prevention, Department of Justice, transmitting the Department's final rule—Juvenile Justice and Deliquency Prevention [OJP (OJJUDP)–1158] (RIN: 1121–AA46) received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2432. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received May 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2433. A letter from the Acting Assistant, General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of the State, transmitting the Department's final rule—Safeguards and Security Independent Oversight Program—received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2434. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Alternative Fuel Transportation Program; P-Series Fuels [Docket No. EE–RM–98–PURE] (RIN: 1904–AA99) received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2435. A letter from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Startup and Restart of Nuclear Facilities—received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2436. A letter from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Extension of DOE N 441.1, Radiological Protection For DOE Activities—received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2437. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Underground Storage Tank Program: Approved State Petroleum Program for Tennessee [FRL–6334–7] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2438. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Grant Application Guidance to Improve Small Business Assistance—received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2439. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Florida [FL–79–9918a; FRL–6352–7] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2440. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Alabama [AL–40–2–9909a; FRL–6352–5] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2441. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and promulgation of State Implementation Plans; Minnesota [MN38–01–6971a; FRL–6339–5] received May 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2442. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—List of Regulated Substances and Thresholds for Accidental Release Prevention; Stay of Effectiveness for Flammable Hydrocarbon Fuels [FRL–6351–1] received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2443. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District, Modoc County Air Pollution Control District, Northern Sonoma County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District and Siskiyou County Air Pollution Control District [CA 009–0130a; FRL–6331–8] received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2444. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a Quality Assurance Document that the EPA recently issued related to their regulatory programs; to the Committee on Commerce.

2445. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (La Fayette, Georgia) [MM Docket No. 97–196 RM–9151] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2446. A letter from the Associate Chief, IB, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review Reform of the International Settlements Policy and Associated Filing Requirements [IB Docket No. 98–148] Regulation of International Accounting Rates [CC Docket No. 90–337 (Phase II)] Market Entry and Regulation of Foreign-affiliated Entities [IB Docket No. 95–22] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2447. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services [PR Docket No. 92–235] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2448. A letter from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96–45] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2449. A letter from the Chief, Policy and Program Planning Division, Federal Communications Commission, transmitting the Commission's final rule—Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98–147] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2450. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Conforming Regulations Regarding Removal of Section 507 of the Federal Food, Drug, and Cosmetic Act; Confirmation of Effective Date [Docket No. 98N–0720] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2451. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0824] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2452. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 95F–0191] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2453. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Regulations for in Vivo Radiopharmaceuticals Used for Diagnosis and Monitoring [Docket No. 98N–0040] (RIN: 0910–AB52) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2454. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 92F–0285] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2455. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 98F–0584] received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2456. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 98F–0730] received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Poland [Transmittal No. DTC 28–99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2458. A letter from the Assistant Secretary for Export Administration, Bureau of Export Administration, transmitting the Bureau's final rule—Export of Firearms [Docket No. 981222316–8316–01] (RIN: 0694–AB68) received April 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2459. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Cuban Assets Control Regulations: Sales of Food and Agricultural Inputs; Remittances; Educational, Religious, and Other Activities; Travel-Related Transactions; U.S. Intellectual Property—received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2460. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting a report regarding new foreign policy-based export controls; to the Committee on International Relations.

2461. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of Advisory Neighborhood Commission 5A for the Period October 1, 1995 Through September 30, 1998," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

2462. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletion—received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2463. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees (RIN: 3206–AI56) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2464. A letter from the Director, Office of Personnel Management, transmitting a report about the desirability of offering Federal employees new life insurance products; to the Committee on Government Reform.

2465. A letter from the Director, Office of Workforce Relations, Office of Personnel Management, transmitting the Office's final rule—Authorization of Solicitations During the Combined Federal Campaign (RIN: 3206–AI53) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2466. A letter from the Executive Director, Advisory Council on Historic Preservation, transmitting the Council's final rule—Protection of Historic Properties—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2467. A letter from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Final 1999 ABC, OY, and Tribal and Nontribal Allocations for Pacific Whiting [Docket No. 981231333–9127–03; I.D. 122898E] (RIN: 0648–AM12) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2468. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the

Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 27 [Docket No. 990318076-9109-02; I.D. 030599A] (RIN: 0648-AL72) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2469. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Halibut and Sablefish Fisheries Quota-Share Loan Program; Final Program Notice and Announcement of Availability of Federal Financial Assistance [Docket No. 990408090-9090-01; I.D. 022399C] (RIN: 0648-ZA63) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2470. A letter from the Assistant Secretary, Legislative Affairs, Department of the State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act—Amendment of Transit Without Visa (TWOV) List [Public Notice 3036] (RIN: 1400-AA48) received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2471. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for 1998, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

2472. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, transmitting the Service's final rule—Adjustment of Status for Certain Nationals of Haiti [INS No. 1963-98; AG Order No. 2221-99] (RIN: 1115-AF33) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2473. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA-365N, N1, N2, N3, and SA-366G1 Helicopters [Docket No. 98-SW-47-AD; Amendment 39-11182; AD 99-11-11] (RIN: 2120-AA64) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2474. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mooney Aircraft Corporation Model M20R Airplanes [Docket No. 99-CE-14-AD; Amendment 39-11178; AD 99-11-07] (RIN: 2120-AA64) received May 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2475. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 98-NM-383-AD; Amendment 39-11175; AD 99-11-05] (RIN: 2120-AA64) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2476. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Crockett, Texas [Airspace Docket No. 99-ASW-03] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2477. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332L2 Helicopters [Docket No. 98-SW-61-AD; Amendment 39-11181; AD 99-11-10] (RIN: 2120-AA64) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2478. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pampa, Texas [Airspace Docket No. 98-ASW-57] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2479. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and Class E Airspace; Rochester, MN [Airspace Docket No. 99-AGL-13] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2480. A letter from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting the Department's final rule—Safety Zone: Unity Electric Co. Fireworks Display, Shinnecock Bay, Hampton Bays, NY [CGD01-99-038] (RIN: 2115-AA97) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2481. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and Class E Airspace; Minot, ND [Airspace Docket No. 99-AGL-12] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2482. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace; Wilmington, OH [Airspace Docket No. 99-AGL-14] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2483. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Passenger Equipment Safety Standards [FRA Docket No. PCSS-1, Notice No. 5] (RIN: 2130-AA95) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2484. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. 99-NM-68-AD; Amendment 39-11165; AD 99-10-12] (RIN: 2120-AA64) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2485. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, -500, -600, -700, and -800 Series Airplanes Equipped with Vickers Combined Stabilizer Trim Motors [Docket No. 99-NM-97-AD; Amendment 39-11166; AD 99-10-13] (RIN: 2120-AA64) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2486. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Revision to Regulations Governing Transportation and Unloading of Liquefied Compressed Gases [Docket No. RSPA-97-2718(HM-225A)] (RIN: 2137-AD07) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2487. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400, 757, 767, and 777 Series Airplanes Equipped with AlliedSignal RIA-35B Instrument Landing System (ILS) Receivers [Docket No. 98-NM-232-AD; Amendment 39-11167; AD 99-10-14] (RIN: 2120-AA64) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2488. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Colstrip, MT [Airspace Docket No. 99-ANM-02] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2489. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 96-ANE-02; Amendment 39-11164; AD 99-10-11] (RIN: 2120-AA64) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2490. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Jackson, MI [Airspace Docket No. 99-AGL-15] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2491. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Muskegon, MI [Airspace Docket No. 99-AGL-16] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2492. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Chico, CA [Airspace Docket No. 98-AWP-4] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2493. A letter from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT [CGD01-99-054] (RIN: 2115-AE46) received May 27, 1999, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2494. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace and Modification of Class E Airspace, Bozeman, MT; Correction [Airspace Docket No. 98–ANM–19] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2495. A letter from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fire Island Tourist Bureau Fireworks Display, Great South Bay, Cherry Grove, New York [CGD01–99–047] (RIN: 2115–AA97) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2496. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Pepsi Gala Fireworks, New York Harbor, Upper Bay [CGD01–99–048] (RIN: 2115–AA97) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2497. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Gulf Intracoastal Waterway, LA [CGD 08–99–028] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2498. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Implementation of the National Invasive Species Act of 1996 (NISA) [USCG 1998–3423] (RIN: 2115–AF55) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2499. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Stockton, MO [Airspace Docket No. 99–ACE–7] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2500. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes [Docket No. 98–NM–307–AD; Amendment 39–11157; AD 99–10–03] (RIN: 2120–AA64) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2501. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 98–NM–308–AD; Amendment 39–11158; AD 99–10–04] (RIN: 2120–AA64) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2502. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 99–NM–93–AD; Amendment 39–11159; AD 99–10–05] (RIN: 2120–AA64) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2503. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Harlen, IA [Airspace Docket No. 99–ACE–22] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2504. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Galveston, TX [Airspace Docket No. 99–ASW–09] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2505. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes [Docket No. 98–CE–81–AD; Amendment 39–11156; AD 99–10–02] (RIN: 2120–AA64) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2506. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes [Docket No. 98–CE–79–AD; Amendment 39–11155; AD 99–10–01] (RIN: 2120–AA64) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2507. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportion, transmitting the Department's final rule—Revision of Class E Airspace; Shreveport, LA [Airspace Docket No. 99–ASW–10] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2508. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Cost-share Adjustment (RIN: 3067–AC72) received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2509. A letter from the Chairman, Federal Maritime Commission, transmitting the 37th Annual Report of the Federal Maritime Commission for fiscal year 1998, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

2510. A letter from the Chairman, Bureau of Tariffs, Certification, and Licensing, Federal Maritime Commission, transmitting the Commission's final rule—Licensing, Financial Responsibility Requirements, and General Duties For Ocean Transportation Intermediaries [Docket No. 98–28] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2511. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to designate the facility known as the "Federal Executive Institute Annex" located at 1301 Emmet Street in Charlottesville, Virginia, the "Pamela B. Gwin Hall"; to the Committee on Transportation and Infrastructure.

2512. A letter from the Director of the Experimental Program to Stimulate Competitive Technology, Technology Administration, Department of Commerce, transmitting the Department's final rule—Announcement of Availability of Funding for Competitions-Experimental Program To Stimulate Competitive Technology (EPSCoT) [Docket No. 990122027–9027–01] (RIN: 0692–ZA02) received April 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2513. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Small Disadvantaged Business Participation Evaluation and Incentives—received May 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2514. A letter from the Veterans Benefits Administration, Veterans Affairs, transmitting the Department's final rule—Reservists Education: Increase in Educational Assistance Rates (RIN: 2900–AJ38) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2515. A communication from the President of the United States, transmitting notification of his determination that continuation of the waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 106–76); to the Committee on Ways and Means and ordered to be printed.

2516. A communication from the President of the United States, transmitting notification of his determination that continuation of the waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 106–77); to the Committee on Ways and Means and ordered to be printed.

2517. A communication from the President of the United States, transmitting notification of his determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 106–78); to the Committee on Ways and Means and ordered to be printed.

2518. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last in, first out inventories [Rev. Rul. 99–26] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2519. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax forms and instructions [Rev. Proc. 99–25] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2520. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1999—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2521. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Use of Actuarial Tables in Valuing Annuities, Interests for Life or Terms of Years, and Remainder or Reversionary Interests [TD8819] (RIN: 1545–AX14) received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2522. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effective Date of Regulations Under Section 1441 and Qualified Intermediary [Notice 99-25]—received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2523. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Time to File FSC Grouping Redeterminations Under Transition Rule to be Included in Final Regulations [Notice 99-24] received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2524. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revisions to Schedule P (Form 1120-FSC) [Notice 99-23] received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2525. A letter from the Secretary of Defense, transmitting a report on the results of research conducted and the plan addressing the health consequences of military service in the Gulf War; jointly to the Committees on Armed Services and Veterans' Affairs.

2526. A communication from the President of the United States, transmitting a report to Congress regarding the humanitarian crisis in Kosovo and the surrounding area; (H. Doc. No. 106—80); jointly to the Committees on Armed Services, International Relations, and Appropriations and ordered to be printed.

2527. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide for public disclosure of accidental release scenario information in risk management plans; jointly to the Committees on Commerce, Government Reform, and the Judiciary.

2528. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to address various management concerns of the Department; jointly to the Committees on Small Business, Armed Services, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 27, 1999 the following report was filed on May 28, 1999]

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1000. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; with an amendment (Rept. 106-167 Pt. 1). Ordered to be printed.

[Submitted June 7, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 1074. A bill to provide Governmentwide accounting of regulatory costs and benefits, and for other purposes; with an amendment (Rept. 106-168). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 206. A bill to provide for greater access to child care services for Federal employees (Rept. 106-169). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. Making the Federal Government Accountable: Enforcing the Mandate for Effective Financial Management (Rept. 106-170). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on June 2, 1999]

Pursuant to clause 5 of rule X, the Committees on Resources and the Budget discharged. H.R. 45 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on May 28, 1999]

H.R. 1000. Referral to the Committees on the Budget and Rules extended for a period ending not later than June 11, 1999.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

72. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2002 memorializing the President and Congress of the United States and the Department of Defense to increase the salary of military personnel; to the Committee on Armed Services.

73. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 162 memorializing the Congress of the United States to promptly enact legislation authorizing the President of the United States to award a Congressional Gold Medal to Rosa Parks in recognition of her contributions to the nation; to the Committee on Banking and Financial Services.

74. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 130 memorializing the Congress of the United States to urge the Department of Housing and Urban Development to carefully consider the needs of all residents of a complex or building with respect to placing new tenants in areas previously considered to be senior citizen housing; to the Committee on Banking and Financial Services.

75. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 30 memorializing the Congress of the United States to enact legislation to prohibit banking transaction screening practices that threaten personal privacy; to the Committee on Banking and Financial Services.

76. Also, a memorial of the Senate of the State of Maine, relative to Senate Paper No. 772 memorializing the United States Congress to increase funding to support special education at a level originally envisioned in the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

77. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 106 memorializing the United States Congress to oppose U.S. Food and Drug Administration rules requiring post-harvest treatment of oysters and other shellfish; to the Committee on Commerce.

78. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 208 HD1, memorializing all citizens and governments of the Earth to join with the people of Hawaii in the spirit of Aloha to dedicate the celebrations of the third millennium to peace and understanding as "The Millennium of Peace" for all of Earth's children; to the Committee on International Relations.

79. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 19 memorializing the Secretary of the Interior to comply with the intent of Congress as stated in the Omnibus Appropriations Act of 1998 which requires a study of the issue by the National Academy of Sciences and prohibits final revision of 43 C.F.R. Part 3809, the 3809 Regulations, before September 30, 1999; to the Committee on Resources.

80. Also, a memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial No. 4008 memorializing the President and Congress to recognize the destructive potential of aquatic nuisance species and act to minimize the destruction by supporting appropriation of the four million dollars authorized to fund state aquatic species management plans in fiscal year 2000 and future years; to the Committee on Resources.

81. Also, a memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial No. 4012 memorializing Congress to pass legislation to restore and revitalize federal funding for the Land and Water Conservation Fund; to the Committee on Resources.

82. Also, a memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial No. 4015 memorializing the President, the Congress, and the appropriate agencies to continue to look closely at current immigration law and INS policies and practices, and that necessary changes be made so that problems surrounding immigration may be resolved as soon as possible; to the Committee on the Judiciary.

83. Also, a memorial of the General Assembly of the State of Iowa, relative to House Concurrent Resolution 23 memorializing the Congress to provide adequate funding for major rehabilitation efforts on the Upper Mississippi River; to the Committee on Transportation and Infrastructure.

84. Also, a memorial of the House of Representatives of the State of Maine, relative to House Paper 1547 memorializing the Congress of the United States to enact legislation to limit the use of social security account numbers for only the purpose of receiving public assistance benefits, paying social security taxes and receiving social security payments and refunds; to the Committee on Ways and Means.

85. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolutions memorializing the Congress of the United States to reject any proposal to reform social security that includes mandatory coverage for public employees; to the Committee on Ways and Means.

86. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 10 memorializing Congress to oppose all efforts to extend mandatory Social Security coverage to

newly hired state and local government employees; to the Committee on Ways and Means.

87. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Concurrent Resolution No. 5021 memorializing the President and the United States Congress to take action to provide funds for independent research into illnesses suffered by Gulf War veterans and to initiate more effective programs to assist Gulf War veterans and their families, and urging the Governor of Kansas and appropriate heads of Kansas state agencies to continue efforts in support of the Kansas Persian Gulf War Veterans Health Initiative; jointly to the Committees on Commerce and Veterans' Affairs.

88. Also, a memorial of the General Assembly of the State of Iowa, relative to House Concurrent Resolution 24 memorializing the Congress of the United States to amend the OASIS system requirements to apply them only to patients who are recipients of Medicare and not to all patients of Medicare-certified home health agencies; jointly to the Committees on Ways and Means and Commerce.

89. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5041 memorializing the Congress of the United States to require Health Care Financing Administration OASIS reporting and data reporting requirements to apply only to Medicare patients and not ot all patients of Medicare-certified home health agencies; jointly to the Committees on Ways and Means and Commerce.

90. Also, a memorial of the Senate of the State of Kansas, relative to Senate Concurrent Resolution No. 1616 memorializing Congress to remove or restrict the use of trade sanctions as they apply to agricultural products and that Congress ensure that the use of trade sanctions will result in meaningful results; jointly to the Committees on Agriculture, International Relations, the Judiciary, and Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1401

OFFERED BY: MR. DELAY

AMENDMENT NO. 8: Strike section 1203 (page 310, line 22 through page 314, line 7) and insert the following:

SEC. 1203. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES WITH CHINA'S PEOPLE'S LIBERATION ARMY.

(a) LIMITATION.—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the Armed Forces with representatives of the People's Liberation Army of the People's Republic of China.

(b) COVERED EXCHANGES AND CONTACTS.—Subsection (a) applies to any military-to-military exchange or contact that includes any of the following:

(1) Force projection operations.

(2) Nuclear operations.

(3) Field operations.

(4) Logistics.

(5) Chemical and biological defense and other capabilities related to weapons of mass destruction.

(6) Surveillance, and reconnaissance operations.

(7) Joint warfighting experiments and other activities related to warfare.

(8) Military space operations.

(9) Other warfighting capabilities of the Armed Forces.

(10) Arms sales or military-related technology transfers.

(11) Release of classified or restricted information.

(12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search and rescue exercise or any humanitarian exercise.

(d) CERTIFICATION BY SECRETARY.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not later than December 31 of each year, a certification in writing as to whether or not any military-to-military exchange or contact during that calandar year was conducted in violation of subsection (a).

(e) ANNUAL REPORT.—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.

(5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

H.R. 1401

OFFERED BY: MRS. FOWLER

AMENDMENT NO. 9: At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES GROUND FORCES TO THE FEDERAL REPUBLIC OF YUGOSLAVIA WITHOUT SPECIFIC AUTHORIZATION BY LAW.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of United States ground forces in the Federal Republic of Yugoslavia unless such deployment is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—The prohibition in subsection (a) shall not apply with respect to the initiation of missions specifically limited to rescuing United States military personnel or United States citizens in the Federal Republic of Yugoslavia or rescuing military personnel of another member nation of the North Atlantic Treaty Organization in the Federal Republic of Yugoslavia as a result of operations as a member of an air crew.

H.R. 1401

OFFERED BY: MR. SHAYS

AMENDMENT NO. 10: At the end of title XII (page 317, after line 17), add the following new section:

SEC. 1206. REDUCTION AND CODIFICATION OF NUMBER OF MEMBERS OF THE ARMED FORCES AUTHORIZED TO BE ON PERMANENT DUTY ASHORE IN EUROPEAN MEMBER NATIONS OF NATO.

(a) IN GENERAL.—(1) Section 123b of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) EUROPEAN END-STRENGTH LIMITATION.—(1) Within the limitation prescribed by subsection (a), the strength level of members of the armed forces assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization may not exceed approximately—

"(A) 100,000 at the end of fiscal year 1999;

"(B) 85,000 at the end of fiscal year 2000;

"(C) 55,000 at the end of fiscal year 2001; and

"(D) 25,000 at the end of fiscal year 2002 and each fiscal year thereafter.

"(2) For purposes of paragraph (1), the following members are not counted:

"(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

"(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of this title.

"(3) In carrying out the reductions required by paragraph (1), the Secretary of Defense may not reduce personnel assigned to the Sixth Fleet.".";

(3) in subsection (c), as redesignated by paragraph (2), by adding at the end the following new sentence: "Subsection (b) does not apply in the event of declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization."; and

(4) in subsection (d), as redesignated by paragraph (2), by striking "The President may waive" and all that follows and inserting "The President may waive the operation of subsection (a) or (b) if the President declares an emergency. The President shall immediately notify Congress of any such waiver.".

(b) CONFORMING REPEAL.—Section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is repealed.

H.R. 1401

OFFERED BY: MR. SKELTON

AMENDMENT NO. 11: In section 1006—

(1) strike subsection (a) (page 270, lines 21 through 24);

(2) in the section heading (page 270, line 20), strike "**BUDGETING FOR**" and insert "**SUPPLEMENTAL APPROPRIATIONS REQUEST FOR**"; and

(3) in subsection (b), strike "(b) SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.—".

H.R. 1401

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 12: At the end of title XII (page 317, after line 17), insert the following new section:

SEC. . OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, section 8 of the United States Constitution provides that: "The Congress

shall have Power To . . . provide for the common Defence . . . To declare War. . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .”.

(2) On April 28, 1999, the House of Representatives by a vote of 139 to 290, failed to agree to House Concurrent Resolution 82, which, pursuant to section 5(c) of the War Powers Resolution, would have directed the President to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia.

(3) In light of the failure to agree to House Concurrent Resolution 82, as described in paragraph (2), Congress hereby acknowledges that a conflict involving United States Armed Forces does exist in the Federal Republic of Yugoslavia.

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

H.R. 1401

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 13: At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

SEC. 312. OPERATION AND MAINTENANCE OF AIR FORCE SPACE LAUNCH FACILITIES.

(a) ADDITIONAL AUTHORIZATION.—In addition to the funds otherwise authorized in this Act for the operation and maintenance of the space launch facilities of the Department of the Air Force, there is hereby authorized to be appropriated $7,300,000 for space launch operations at such launch facilities.

(b) CORRESPONDING REDUCTION.—The amount authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force is hereby reduced by $7,300,000, to be derived from other service-wide activities.

(c) STUDY OF SPACE LAUNCH RANGES AND REQUIREMENTS.—(1) The Secretary of Defense shall conduct a study—

(A) to access anticipated military, civil, and commercial space launch requirements;

(B) to examine the technical shortcomings at the space launch ranges;

(C) to evaluate oversight arrangements at the space launch ranges; and

(D) to estimate future funding requirements for space launch ranges capable of meeting both national security space launch needs and civil and commercial space launch needs.

(2) The Secretary shall conduct the study using the Defense Science Board of the Department of Defense.

(3) Not later than February 15, 2000, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

SENATE—*Monday, June 7, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, thank You for the grand assurances that inspire confidence and build courage. It is what we believe about You that brings us back to the work of the Senate with enthusiasm and expectation. You are Lord of all, the Source of wisdom and guidance, the Author of creative and innovative thinking, the Answer to life's most challenging problems. You choose and call leaders and equip them with insight and vision. This Nation has been given a special place in the family of nations to display democracy and maintain Your justice. In response, may the Senators choose to be chosen and believe they are blessed to be a blessing and rejoice in the realization that You will provide exactly what is needed as they work together for Your glory. You are our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. BUNNING. I thank the Chair.

SCHEDULE

Mr. BUNNING. Today the Senate will be in a period of morning business from 12 noon to 2 p.m. Following morning business, the Senate will begin consideration of S. 1122, the Department of Defense appropriations bill. Completion of that bill is expected early in the week. Therefore, Senators should be prepared to offer amendments to the bill as early as possible.

Further, it is the intention of the majority leader to move to proceed to the Y2K legislation today. It is expected that a cloture motion will be filed on that motion today with a cloture vote to occur on Wednesday at a time to be determined by the majority leader. Tomorrow, it is the intention of the majority leader to move to proceed to the Social Security lockbox legislation with a cloture vote to occur on that legislation on Thursday.

I thank my colleagues for their attention.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. BUNNING assumed the Chair.)

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with the time being equally divided between the two leaders or their designees.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent an intern in my office, Jessica Shultz, be permitted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I will speak in just a moment about a bill I have introduced. I, at this point, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

GALISTEO BASIN ARCHAEOLOGICAL PROTECTION ACT OF 1999

Mr. BINGAMAN. Mr. President, I rise today to speak about a bill, S. 1093, which I introduced on May 20 of this year for the protection of various historic sites in the Galisteo Basin in my home State of New Mexico. The basin is located in Santa Fe County, NM. As shown on this map—it is very hard for anyone to see this map I understand—this is Santa Fe and the Galisteo Basin is this area south of Santa Fe where the various dots are shown. These dots identify the location of the various historical sites that are talked about in the bill. To understand the importance of these sites, it is important to understand a little history about this basin.

When the Spanish Conquistadors arrived in New Mexico in 1598, they found a thriving native pueblo culture with its own unique traditions, its own religion, and its own architecture and art, which was enriched and influenced by an extensive system of trade. The subsequent history of conflict and coexistence between these two cultures—the pueblo Indian culture on the one hand and the Spanish culture—shaped much of the language and the art and cultural world view of the people in my State today.

The initial history of cultural interaction in New Mexico encompassed a period of a little over 100 years from 1598 through the pueblo revolt in 1680 and also the period of recolonization by the Spanish in the early 1700s. Among these sites, which are shown on this map and which are discussed in the bill, are examples of both the stone and the adobe architectural styles which typified Native American pueblo communities prior to and during early Spanish colonization, including two of the largest of these ancient towns, San Marcos and San Lazaro Pueblos. Each of these large towns had thousands of rooms at their peak.

Also included in these sites are spectacular examples of Native American petroglyph art, as well as historic missions which were constructed as part of the Spaniards' drive to convert the native populace to Catholicism. The 26 archaeological sites addressed in this bill provide a cohesive picture of this crucial nexus of New Mexican history depicting the culture of the pueblo people and illustrating how it was affected by the Spanish settlers.

Through these sites, we have an opportunity to truly understand the simultaneous growth and the coexistence of these two cultures. Unfortunately, this is an opportunity we may soon lose. Most of these sites are currently not part of any preservation program, and through weathering, erosion, vandalism, and amateur excavations, they are losing their ability to be interpreted at a later date.

This legislation creates a program under the Department of the Interior to preserve these sites and to provide interpretive research in an integrated manner. While many of these sites are on Federal public land, many are privately owned, and there are a few on State trust lands. The vision behind the legislation is that an integrated preservation program at sites on Federal lands could serve as a foundation for archaeological research that could be augmented with voluntary cooperative agreements with State agencies and with private landowners. These agreements will provide landowners with the opportunity for technical and financial assistance to preserve the sites on their property. Where the parties deem it appropriate, the legislation would also allow for the purchase

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

or exchange of property to acquire these very valuable sites. With such a program, we should be able to preserve the history embodied in these sites for future generations.

I add that this legislation is supported by the Cochiti Pueblo, which is culturally and historically tied to these sites. I have received a letter from Isaac Herrera, the Governor of Cochiti Pueblo, expressing his support and that of the tribal council for the legislation. Governor Herrera notes that this tribe has already donated $10,000 to the preservation of one of these sites. So this legislation has the support of the pueblo. It also has the support of our State land commissioner, Ray Powell.

I conclude by showing some examples from these magnificent sites. The first two charts are from the Comanche Gap site. They are outstanding examples of petroglyph art, of which we have a lot in our State of New Mexico. These are examples of very intricate work that has been done by the pueblo Indians on the rock formations.

The next three charts are of the various pueblo sites. The first is Pueblo Blanco. As you can see, the drywash at the top of this picture and the road at the bottom are the types of erosion threats which I mentioned earlier.

The next picture is Arroyo Hondo. Again, you have a drywash at the top. This is probably the most extensively excavated of the various sites. The School of American Research in Santa Fe has done a tremendous amount of work to try to interpret and understand this site.

Finally is the Pueblo of Colorado which, once again, shows the threat of erosion from the drywashes above the site.

So these are examples of what we are trying to preserve through this legislation.

I did have a chance this Saturday—2 days ago—to visit the San Marcos site and saw the damage that is being done there by erosion. I also saw the value of preserving the site to show where the Spanish conquistadors came in and built a church right on a part of that pueblo. Trying to understand the interaction of the two cultures at that site is a very worthwhile endeavor.

I also particularly thank Jessica Schultz who has been an intern in my office this past year. She has done yeoman work providing research for the bill and helping to get the bill drafted.

I feel strongly that it will be a major contribution if we can pass this legislation and make it law.

I ask unanimous consent that the text of the bill that I referred to be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The bill (S. 1093) is printed in the CONGRESSIONAL RECORD of Thursday, May 20, 1999.)

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO

Mr. DORGAN. Mr. President, there has been a great deal of information given the American people in recent days about a potential settlement or at least progress with respect to ending the airstrikes in Yugoslavia. It appears from the reports I have received, both from the administration sources and also press reports, that the airstrikes have had a significant impact on Mr. Slovodan Milosevic, on his Serb troops, and on their ability to continue the reign of terror that has been committed against the Albanians in Kosovo.

But as I read all of the reports, I am concerned about one element, and that is, if the airstrikes are terminated and if some kind of negotiated circumstance exists by which the Serbs withdraw from Kosovo and Mr. Milosevic remains in power, in my judgment, it remains unfinished business.

We have in this decade been through a circumstance with Saddam Hussein where a war was concluded with the country of Iraq and Saddam Hussein retained his power. We have year after year after year had to deal with the consequences of Saddam Hussein remaining in power in the country of Iraq. It doesn't make any sense to me that we should do the same thing with Mr. Milosevic.

With Mr. Saddam Hussein, we knew who he was, we knew what he had done, and this country should well have known that the conclusion of the war with Iraq should have resulted in his departure, or his leaving the leadership of that country. He is, I think, one of the only men in the world who has used weapons of mass destruction to murder people in his own land. We knew that about Saddam Hussein, and yet the war was concluded with Iraq, and he remained in power. The result has been problem after problem and consequence after consequence. We ought to learn from that.

However we conclude this terrible chapter of violence committed against the Albanians in Kosovo, in my judgment, it will always be unfinished business if it is concluded in a manner that leaves Mr. Milosevic in power. We must find a way, it seems to me, for the protection not only of the Albanians in Kosovo but for some basic understanding we might have, that we will not have to revisit this issue very soon after the airstrikes cease. The only way that will occur, in my judgment, is if Mr. Milosevic is driven from office.

I have spoken on the floor of the Senate a number of times suggesting that it is time to try Mr. Milosevic as a war criminal. I am pleased to say that he was indicted within the past 2 weeks and that indictment will likely result in trial. My hope is that trial—at least seeing the evidence that I have seen about the atrocities committed by Mr. Milosevic and the Serb troops—will result in his conviction as a war criminal. The atrocities are really quite unusual. He visited a reign of horror on these people in a manner that drove one to one and a half million of them from their homeland, often with their villages burning, with story after story of mass murder, ethnic cleansing, gang rape, and torture.

The question for this country and the NATO allies is, Could we go 2 years, or 5 years, or 10 years down the road and look in our rearview mirror and say that we knew that happened but it didn't matter, that it wasn't our business? Our country and the NATO allies said no, it was our business; it does matter. We have the resources and the capability, through NATO, together to try to do something to put a stop to it. That has been the effort. Is the effort perfect? No. Have there been mistakes? Of course. But will we, by the judgment of history, be seen as a country and a group of countries attempting to do something in the face of ethnic cleansing, in the face of a ruthless leader who packs people into train cars and hauls them off to an uncertain fate, who, in the words of all of the refugees who have shown up at the border of Albania and Montenegro and other areas, has permitted mass rape and torture and murder against the citizens of Kosovo? Do we understand the consequences of that and the requirement to respond to it? The answer is yes.

But I hope at the end of this chapter, Mr. Milosevic will not be a part of an agreement that leaves him in power. That will not, in my judgment, be finished business.

THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. DORGAN. Mr. President, I want to talk for a moment about the Comprehensive Nuclear Test Ban Treaty. That is a subject I suppose will glaze over the eyes of many, the Comprehensive Nuclear Test Ban Treaty. I was in my home State of North Dakota last week. The Senate was not in session. We did not have votes. I guess I was in

20 or 25 different communities all across the State, probably at three dozen different events, town meetings and speeches and various things. It will not surprise anyone to learn that the Comprehensive Nuclear Test Ban Treaty did not come up. We talked about farm policy. We talked about virtually every other thing. We talked about water policy, we talked about welfare, but at none of the meetings in which we discussed public issues did anyone raise the issue of the Comprehensive Nuclear Test Ban Treaty.

I want to raise the question about this treaty because the President of the United States signed this treaty 2½ years ago and sent it to the Senate for ratification. This Senate did not hold a hearing on it during the 105th Congress, no hearing at all. It is now 6 months into the new Congress, with no hearing. I, with some of my colleagues, am organizing a letter to the appropriate committee and key people on the committee to say we would like to see movement here. If one Senator opposes this country joining the Comprehensive Nuclear Test Ban Treaty, then bring it out here and let's have that debate. I cannot conceive of significant opposition to a determination by so many countries in the world that we ought to prevent nuclear testing; we ought to have an agreement that we do not want the spread of nuclear weapons to additional countries.

In the past year or so we have seen activities that concern me and many of my colleagues a great deal. We know how many countries possess nuclear weapons. Among those countries that are understood to possess nuclear weapons we can now add India and Pakistan, because each of them exploded nuclear weapons under each other's noses. These are two countries that do not like each other a great deal. There are great tensions. In fact, yesterday on the news you would have seen shelling on the border between Pakistan and India. Each of these countries exploded nuclear weapons, apparently just to show the other country they possess nuclear bombs.

North Korea is testing medium-range missiles, firing missiles down range. The country of Iran is testing medium-range missiles. Are these things ominous? Of course they are. Terrorist states acquiring delivery mechanisms for long-range missiles and potentially, I assume, to send weapons of mass destruction to other parts of the world; is that an ominous development? You bet it is.

We spent a lot of time here in the Senate talking about a national missile defense; if we could just get a national missile defense put in place in this country so if someone shoots a missile at our country we can go up and hit that bullet with a bullet. I guess we have spent $100 billion over the years trying to do that. There is not much talk about the other things that have been far more successful, and that is arms reduction and test ban treaties banning nuclear tests, reducing nuclear weapons.

With consent, I hold up here the part that was taken from the wing of a backfire bomber. This is the piece of a wing strut from a backfire bomber which had its wings sawed off at a former Soviet airbase in Priluki, Ukraine. During the cold war, when the Soviet Union was considered our adversary, the only way I could hold up a piece of the wing of one of their bombers was if we had shot the bomber down. So how does it happen I hold up a portion of a wing of a Soviet backfire bomber? That wing was cut off. Why was it cut off? This country helped provide the funds to cut the wings off bombers in the Soviet Union and now Russia and now the Ukraine.

Why did they agree to that? Because we have an arms control reduction agreement in which missiles with nuclear warheads aimed at the United States of America that used to be buried in the ground in the Ukraine are now taken out of the ground and dismantled with the warhead still on. I displayed a picture on the floor of the Senate showing where a missile used to rest in a silo in the Ukraine with the warhead aimed at the United States of America. A sunflower field now exists there. No missile, no nuclear bomb—sunflowers. How did that missile get taken out? How did this backfire Soviet bomber wing get chopped off? We have arms reduction agreements with the Soviet Union, the old Soviet Union, and now Russia and the Ukraine, and they are working.

We have people here who say: We do not care about those agreements. We want to build a national missile defense system. It doesn't matter what it costs. It doesn't matter whether it will work. We just want to spend the money so we will feel good.

One part of what works in arms control, in my judgment, is the Nunn-Lugar funds which we have spent that accomplished this. The second part, in my judgment, is to pass pieces of legislation that we know make sense for this country's future and for the safety of the world. One of those is the Comprehensive Nuclear Test Ban Treaty. This country needs to pass it. This Senate needs to ratify it. That is the way, as a country, we make judgments about it.

I want to hold up a chart that shows the support for it. This was polling done in a range of States around the country: Oregon, Nebraska, Utah, Ohio, Kansas, Colorado, Tennessee—support for the Comprehensive Nuclear Test Ban Treaty. Look at it. Mr. President, 86 percent in favor to 10 percent in Oregon who believe we should not ratify this treaty. This country signed it; so have many other countries around the world, 152 countries.

This country has a responsibility, in my judgment, to provide leadership, and leadership will mean this Senate ought to ratify it. In order to do that, we must get this treaty out of the committee and get it to the floor and have a debate on it. I urge my colleagues who feel strongly about this to join me and say to the committee it is time, long past the time, when this Senate should ratify the Nuclear Test Ban Treaty.

I will, in coming days, speak again on the floor on this issue and the importance of it. I hope I will be joined by plenty of colleagues who will encourage and urge and push, if necessary, the committee to bring this treaty to the floor. Give us a chance to debate this treaty and give us a chance to produce the votes to ratify this treaty, for this country's sake and for the sake of added security and safety in the world. We must prevent the spread of nuclear weapons. We must prevent the spread of technology that allows the delivery of nuclear weapons. One way to do that, in my judgment, is to prevent additional nuclear testing, and the way to do it is to ratify this treaty.

It is long past the time to do it, and we ought to do it now and we ought to expect that be reported to the floor for debate in the next 2 to 3 months.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the morning hour be extended for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. REID. Mr. President, my colleague who just spoke on the Senate floor is the chairman of the Democratic Policy Committee. This is the educational arm of the Democratic Senators. He has done an outstanding job during his 6 months as chairman of the Policy Committee, hoping to educate not only Democrats but Republicans as to some of our responsibilities. The statement that was just made by the chairman of the committee, the Senator from North Dakota, is certainly appropriate.

I agree in every way. The fact is, it is very important that we do everything we can to ratify this treaty, and also the Nunn-Lugar money has been some of the money that has been most well spent. I do not know of any money we have spent in recent years that has done more good than that money spent to make sure the former Soviet Union is helped to retire some of their weapons of mass destruction. It has been a cooperative agreement that has worked well for the United States and worked well for Russia. So I compliment and applaud my friend, the Senator from North Dakota.

HONORING ANDRE AGASSI

Mr. REID. Mr. President, yesterday, I got up very early. I had a 6:30 a.m. flight leaving from Reno, NV. I was very concerned because that same day, that same time, my friend and someone who is very important to the State of Nevada, Andre Agassi, was playing for the championship of the French Open. This is a tournament that is world renowned. My friend and one of Nevada's favorite citizens was playing in that championship.

Just a few months ago, he had a series of injuries, and people said he was not going to compete anymore on the high scale he had in the past. He surprised everyone, except himself and the people from the State of Nevada. We have seen this young man time and time again do things that were said could not be done. There were people who said over the years he did not have the basic skills great tennis players have, but he, of course, has shown them that simply is not true.

When I arrived in Denver, one of the first things I did was run to a television set to see how Andre was doing. How disappointed I was. He had lost the first two sets, and lost them overwhelmingly; he had been beaten, and he was behind in the third set. If you lose the third set, it is all over. On the entire trip from Denver to Washington, I was very despondent. This opportunity for Andre Agassi to make world history was slowly dissipating as I traveled the skies. I knew the news would be bad when I arrived at Dulles.

I asked the first person whom I had a chance: What happened to Andre? He said he won. He won the French Open.

I rise today to honor the accomplishments of Andre Agassi. As I have already mentioned, he is a prominent Nevadan who has become the first man in 30 years to win tennis' four grand slam events. Andre, who lost the first two sets to Ukrainian Andrei Medvedev, rallied in dramatic form, to say the least, to win the French Open on June 6, 1999, yesterday. He won at Wimbledon in 1992, the U.S. Open in 1994, and the Australian Open in 1995. Andre Agassi now joins the ranks of tennis immortals Fred Perry, Don Budge, Roy Emerson, and Rod Laver. Not only does this assure him of a place in the record books, but also marks a successful resurgence into the very elite of the tennis world.

Andre in previous years has been ranked No. 1. He started a few months ago, ranked 140th in the Nation. He now, of course, is in the top 10 and is rising to where he will be ranked No. 1 again. He was ranked as high as No. 3 about a year ago.

Andre Agassi has proven himself to be not only a world-class athlete but a great citizen of the State of Nevada who has continually given back to his community. He should be recognized not only for his athletic prowess, but he should be recognized for what he has done in charitable endeavors in the State of Nevada.

In April of 1998, the Andre Agassi Boys and Girls Club in west Las Vegas, a minority community, was chartered as the 2,000th Boys and Girls Club in the Nation. This club provides a positive alternative to time on the streets for the youth of Las Vegas and is dedicated to the aid and education of children who are at risk of becoming involved with gangs, drugs, or both.

Not only has Andre Agassi done this, but he has also founded the Andre Agassi Charitable Foundation dedicated to the continued support of children's organizations, as well as domestic violence support programs.

Andre Agassi has done more than make appearances. He personally has given and raised millions of dollars to these charities. He is an outstanding example of an athlete and demonstrates how they should return to their communities.

I admire Andre Agassi for a number of reasons, some of which I have laid out today. He is a great athlete and, of course, we all admire great athletes. He is a great athlete who has returned much to his community. But one of the reasons I admire Andre Agassi is he has not forgotten from where he came. He recognizes the millions he has made in endorsements, and playing tennis did not come, in effect, because he was born with a silver spoon in his mouth. He recognizes he came from a family that had very little. He came from a family that worked in the restaurants and hotels of Las Vegas. He has not forgotten his roots. It is this trait I admire more than any other of this world renowned athlete. I am pleased to acknowledge the achievements of this great athlete, great Nevadan, great American, Andre Agassi.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the individuals on the list which I send to the desk be granted the privilege of the floor during the consideration of the defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Sid Ashworth, Dan Elwell, Tom Hawkins, Bob Henke, Susan Hogan, Mazie Mattson, Gary Reese, Candice Rogers, Kraig Siracuse, John Young, Charlie Houy, and Emelie East.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1122, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1122) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

Mr. STEVENS. I thank the Chair for bringing the Department of Defense appropriations bill for fiscal year 2000 before the Senate.

It is my privilege to once again bring this defense bill to the Members of the Senate in partnership with my distinguished colleague, the Senator from Hawaii.

I hope all Senators were able to see or at least learn of the very distinguished memorial that was created to honor the 442nd, which was the most decorated unit of World War II; our colleague, Senator INOUYE, was part of that unit. I am very pleased we are once again able to come before the Senate to pursue a matter of great concern to each of us, and that is the defense of our country.

We have served together on this subcommittee now for more than 20 years, and we have been chairman or ranking member, depending upon the political tides of this country. I want the Senate to know that I could not have brought this bill to the Senate so early this year without the wisdom, experience, and judgment of my good friend from Hawaii.

I also commend Senator LEVIN and Senator WARNER of the authorization committee for their handling of the defense authorization bill. We have worked closely together with that committee to stay close to the budget and the policy determinations which were made in the armed services bill. Amendments which we will offer later today reflect adjustments made to that bill to make this appropriations bill fully compatible with the authorization process.

As Senator INOUYE and I reported to the committee when we considered this bill in the committee, and as reflected by the Armed Services Committee in their bill, the military has faced a difficult challenge in meeting critical readiness and quality-of-life needs while modernizing our total force for the 21st century.

The armed services have sought to maintain that balance while undertaking contingency operations in the Balkans, southwest Asia, and the heightened alert on the Korean peninsula. Last month, the Congress, at our request, provided a second emergency supplemental bill for the fiscal year 1999 to meet some of those contingency requirements.

For fiscal year 2000, our committee was presented a budget that reflected real progress compared to the original forecast for the upcoming fiscal year.

More realistic estimates for the Bosnia operations and procurement and development of a national missile defense system established a better baseline for our national defense program.

Initiatives by OMB did leave real holes in the budget for fiscal year 2000, with incremental funding for MILCON, the military construction bill, and a $1.65 billion unspecified rescission recommended by the Office of Management and Budget.

The budget resolution adopted by Congress has provided adjustments for the defense function that offset some of those defense gaps.

The $8.3 billion increase in the new defense budget authority enabled the committee to restore the military construction reduction and to offset the suggested rescission. In addition, needed increases were provided for defense functions of the Energy and Water and Transportation Subcommittees.

Our bill reported by the Appropriations Committee is within the 302(B) allocation for the Defense Subcommittee. That is an allocation made pursuant to the budget resolution.

As I noted at the outset, the bill before the Senate follows closely the Defense Department authorization bill that passed this Senate by a vote of 94–4. Our bill fully funds the authorized 4.8-percent pay raise for military personnel. This bill adds $598 million to the O&M accounts, the operation and maintenance accounts, and provides flexibility to accommodate a larger civilian pay raise, if that is authorized. The increase in O&M spending will also protect the readiness of our forces and the quality of life for military personnel and their families.

This bill before the Senate does not include any funding for the war in Kosovo; no assumptions are made concerning either extension of the air war or a ground campaign or peacekeeping force. At this tense moment in the peace negotiations in Europe, I hope all Members of the Senate will be cognizant of these efforts in their comments and the amendments offered to this bill.

We will probably have another supplemental yet for peacekeeping operations in Kosovo for fiscal year 2000. That additional funding will be essential to avoid reductions in readiness and modernization for the armed services next year, if there is a peacekeeping operation, which we all expect.

To achieve the modernization goals by Secretary Cohen and the Joint Chiefs of Staff, the recommendation increases procurement spending by $2.7 billion.

Looking further out in the future to the next generation of weapons systems, the bill before the Senate recommends an increase of $2.1 billion in research and development.

Funding for the defense health program continues to be the fastest growing component of our defense budget. The request for fiscal year 2000 grew by 7 percent compared to the appropriation of 1999. And the recommendation provides an increase of more than $1 billion for fiscal year 2000.

Included in that defense health program is $300 million for medical research, with $175 million allocated to breast cancer research and $75 million allocated for prostate cancer research.

One new initiative is the transfer of the responsibility for the soldiers, sailors, and airmen homes from the Labor, Health, and Human Services Subcommittee to our Defense Subcommittee. These facilities are more appropriately funded in conjunction with the Department of Defense, in our judgment. I hope the Senate will approve that recommendation.

To reflect fact-of-life economic assumption changes since the budget was prepared last autumn, our bill makes a series of adjustments. These changes are based upon the Department of Defense authorization bill and revised Office of Management Budget estimates. These estimates and items include adjusted prior year inflation rates, fuel costs, foreign currency rates, and underexecution of civilian personnel allowances. All of those are adjustments that must be made to the bill.

The bill also includes a general provision, section 8108, that reduces funding to reflect the amounts anticipated to carry over from the recently enacted Kosovo supplemental.

Mr. President, $3.1 billion is reduced from this bill and was shifted to the Deficiencies Subcommittee of our Committee. Those funds will be reallocated to other subcommittees as we proceed with the remaining fiscal year 2000 bills.

This adjustment holds the total defense funding for the fiscal year at roughly the level set in the budget resolution that was adopted by Congress earlier this year.

The Appropriations Committee also reported S. 1186, the Department of Energy appropriations bill for fiscal year 2000. That bill contains nearly $12 billion in defense funding. Our committee will also report the military construction bill later this week.

Again, let me thank Senator INOUYE for his support and input in this bill and thank him again for his cooperation.

I yield to the distinguished Senator from Hawaii for any statement he wishes to make.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Hawaii.

Mr. INOUYE. Mr. President, before I proceed, I thank my colleague from Alaska for his very generous remarks.

I will take a few moments to discuss the DOD appropriations bill for fiscal year 2000. Let me begin by congratulating our chairman, Senator TED STEVENS of Alaska.

To meet our Senate leaders' desire, the chairman and his staff expedited the review and preparation time and put this bill together. Then, after they had crafted a very good package, as you know, we were told to reduce this package by $3 billion. We had to go back to the drawing board again.

When one takes into consideration how this package was reshaped to meet those very difficult goals, I believe the committee has prepared the best bill that could have been recommended.

First of all, if adopted, it will fulfill the committee's No. 1 priority. It will provide adequate funding to ensure that our men and women in the armed services are fairly compensated. It also will provide sufficient funding so that they can be well prepared, trained, and ready to meet the Nation's requirements.

This bill funds a 4.8-percent pay raise, the largest percentage increase since the early 1980s. This increase is between 2 and 3 percent more than current forecasts of inflation. The bill also funds changes in the military retirement system and reforms the pay table sought by the administration.

The total funding in the bill represents an increase of $1.4 billion above the President's budget request. In addition to fully funding the needs of our military personnel, the bill provides $300 million for additional medical research: As the chairman indicated, $175 million for breast cancer research; $75 million for prostate cancer research, and $50 million to cover many of the high-priority medical research programs of interest to the Members.

More than $2.8 billion is added for procurement for two more F–16 aircraft, 15 more Black Hawk helicopters, and a half-billion-dollar downpayment in the next Marine amphibious assault ship, the LXD–8.

For research for new technology, the bill is $2 billion over the President's request. This includes $400 million for missile defense and related programs.

The bill before us does not match, dollar for dollar, the authorization bill we approved last month, but it is in general quite consistent with the recommendations of the authorizing committee.

To my colleagues on my side of the aisle, I realize that the bill provides funds in some areas which you may not all endorse fully. But, in total, the bill offers a good balance between current operations and future modernization. It funds both the needs of the military and the priorities of the Congress. I believe it is a very good bill that we should all support.

In closing, may I just add a footnote to my remarks.

Senator STEVENS and I are two of the few remaining Members who served in

World War II, the "ancient" war. In that war, over 10 percent of our Nation's population stepped forward to put on the uniform of the armed services. Today, fewer than 1 percent have done so.

Today's military force is an All Volunteer Force. But beyond that, there are other vast differences.

In my youth, only 4 percent of my regiment had dependents. The remaining 96 percent were single men. Today, the average is about 70 percent with dependents. Therefore, it is essential that we provide in areas that were not considered during World War II, such as day care centers and hospitals.

In the hospital in which Senator STEVENS and I spent some time, there were just men—men in uniform. It may be of interest to Members to note that today at Walter Reed, 14 percent of the beds are occupied by active-duty personnel, and 86 percent are occupied by dependents and retirees. There are more gynecologists in hospitals today than orthopedic surgeons, and there are more pediatricians than orthopedic surgeons. That is a difference of which most Members of the Senate, and I believe most Americans, are not aware.

The largest cost of defense is not missiles; it is not bullets; it is not ships; it is personnel; it is people. If we want the best military, men and women who are willing to step forward in harm's way and, if necessary, give their lives for our Nation, then we should be able to provide the very best—not just in pay, but make certain that their health care and educational system are the finest.

We use the phrase "quality of life" quite often. If quality of life is not what the people receive, then I don't think we can anticipate the very best of our Nation volunteering to serve. After all, I want my son to go to college; I am certain that a man in uniform wants his son or his daughter to go to college. We should give them the same opportunity.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that a staff member, Patricia Boyle, be given the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 540

(Purpose: To reduce to $500,000 the threshold amount for the applicability of the requirement for advance matching of Department of Defense disbursements to particular obligations)

Mr. STEVENS. Mr. President, on behalf of Senator GRASSLEY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRASSLEY, proposes an amendment numbered 540.

Mr. STEVENS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the general provisions, add the following:

SEC. . Section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended—

(1) by striking "not later than June 30, 1997,"; and

(2) by striking "$1,000,000" and inserting "$500,000".

Mr. STEVENS. I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to speak for a few minutes in morning business.

Mr. STEVENS. Mr. President, we have no objection. How long does the Senator desire?

Mr. WELLSTONE. I think I can do this in 5 minutes.

Mr. STEVENS. I remind Members of the Senate desiring to offer amendments that we could discuss today, we are prepared to take some. There will be no votes on this bill today, but we do hope to have a vote on an amendment starting in the morning so we can get the bill expedited.

We have no objection to the Senator's request.

The PRESIDING OFFICER. The Senator from Minnesota.

TRIBUTE TO ROBERT F. KENNEDY

Mr. WELLSTONE. Mr. President, I call the Senate's attention to the fact that yesterday, June 6, marked the 31st anniversary of the death of a former Member of this body, Senator Robert F. Kennedy. I can think of no more fitting way to remember Robert Kennedy's legacy than to recall some of the words he delivered to students at the annual Day of Reaffirmation of Academic and Human Freedom at the University of Cape Town in South Africa.

Ironically, this speech was delivered June 6, 1966, just 2 years before Robert Kennedy's death. I will read portions of the speech:

> Our answer is . . . to rely on youth. The cruelties and obstacles of this swiftly changing planet will not yield to obsolete dogmas and outworn slogans. It cannot be moved by those . . . who prefer the illusion of security to the excitement and danger which comes with even the most peaceful progress.
>
> This world demands the qualities of youth; not a time of life but a state of mind, a temper of the will, a quality of the imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease . . . .
>
> These [people] moved the world, and so can we all.

I am reading portions of the speech.

> Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation.

This is perhaps my favorite quote from what anyone has ever said.

> It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Robert Kennedy's brother, our colleague, Senator TED KENNEDY, has said that his brother "need not be idealized or enlarged in death beyond what he was in life, to be remembered simply as a good and decent man who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it."

I do not presume to improve upon either Robert Kennedy's own words or upon his brother's tribute. I recall the words today only to mark June 6 1968, as a tragic and sad day in the history of our country. As TED has said, to pray that what Robert Kennedy "was to us and what he wished for others will some day come to pass for all the world."

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for an additional 5 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS

Mr. WELLSTONE. I listened to my colleague, Senator INOUYE, in his opening remarks. He reminded me of an issue that I think is extremely important. Over this Memorial Day recess, the DAV, Disabled American Veterans, organized a big forum in Minnesota. I think they had 130 forums over the recess period. The veterans wanted to focus attention on our commitment—hopefully, our commitment—to veterans.

They were saying there is a whole set of issues that are really important to their lives. Some of them have to do with the ever-aging veteran's population and how we will deal with these needs. Some of them have to do with veterans, a third of the homeless population being veterans, which I think is just a national disgrace. Many of those veterans are struggling with substance abuse problems and they were saying: Where is the treatment for these veterans? But some of what they were saying was, even if you put aside some of these challenges and the flatline budget proposed by the President—and then they were looking at our budget resolution and what we have come up with—it doesn't even keep up with medical inflation.

The point was: We are worried about access to services. We are worried about much longer waits. We are worried about a lot of the staffs at medical centers having to work double shifts. We are worried about some of the facilities having to close. We are worried about not being able to get the care that we so desperately need and, I argue, so clearly deserve.

I just wanted to say, since I heard my colleague from Hawaii speak—as he knows, I am critical of the Pentagon budget. I admire the Senator from Hawaii, and I absolutely mean that, but I don't usually agree with these budgets. I usually disagree with some portions. As long as we are talking about our Armed Forces, I hope when we get to the veterans appropriations bill, we will get this right, and I hope we will make the investment we should make.

There is a considerable amount of indignation on the part of veterans. And they are right; I wish they were wrong, but I have had a chance to see some of this firsthand. They just feel a sense of betrayal. I hope we are going to rectify what I think is a real injustice to veterans.

WELFARE REFORM

Mr. WELLSTONE. Mr. President, the other matter I wanted to bring up is the amendment to the DOD authorization bill which lost on a 50–49 vote. I don't know whether I will do an amendment on this bill or whether I will wait for the bankruptcy bill, but my amendment had to do with the compelling need for all of us as responsible policymakers to do some systematic and systemic evaluation of what is going on with welfare reform.

I want to know about those mothers and those children. I have come to the floor and I have said it is fine that we have reduced the caseload by a third, or thereabouts, but the question is; has the reduction in welfare led to a reduction in poverty? Where are the women and children? What kind of jobs do they have? What kind of wages do they earn? Is there decent child care?

I bring to the attention of my colleagues the General Accounting Office report of May 27, 1999, and I point out a quote on page 2 at the beginning of this report:

> Because there are no Federal requirements for States to report on the status of former welfare recipients, the only systematic data currently available on families who have left welfare come from research efforts initiated by States to meet their own information needs.

Then they go on to point out that only States currently provide adequate data. So I will be coming to the floor again and taking up a considerable amount of time. I will be drawing from a lot of reports about some pretty brutal conditions, because I am determined to win this vote. I really do believe that it is not too much to ask that the Senate—for that matter, the House of Representatives—go on record calling on the Secretary of Health and Human Services to call on States to provide the data as to what is happening to these families. Yes, they are poor families, and I understand that sometimes to be poor and to be on welfare is to be despised in America, but I think we ought to know what is going on with these women and children. That is what we are talking about—women and children.

So I thought, since I had a moment, I would announce that maybe on this bill, or maybe on the next bill, I am going to come back with this amendment, and I will bring out some of the important reports by the Conference of Mayors, the Catholic Church's Network Organization, which has done some wonderful work, and what the Conference of State Legislatures is saying, and the reports on the rise of homelessness with a special emphasis on the population of women and children. Then, after going through all of that, and also talking about some of my own observations as a Senator who has done a lot of work with low- and moderate-income people, one more time, I will call on the Senate to vote for this very reasonable amendment.

We ought to know what is going on in the country. It is irresponsible for us not to have the information to see whether or not this legislation is really working. I say that because pretty soon, over the next couple of years, we are going to reach a drop-dead date where, in all of the States—5 years being the maximum period of time from when we pass this bill—everybody is going to be driven off the rolls. There is going to be no assistance any longer. Of course, we are talking about a lot of women who have been battered, who have struggled with substance abuse, and who have struggled with mental illness. It is not clear whether they are going to be able to work or what will happen to them and their children. It is not at all clear what is happening right now to some women and children in this country. Have we made it possible for them to move to economic self-sufficiency, to live more independent lives?

I say to the Chair, who cares an awful lot about children, are these children better off? We need to know. I want to bring to the attention of my colleagues that I want to come back with this amendment, and I am hoping that a couple of Senators, this time around, will be willing to vote for it on a different piece of legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

UNANIMOUS CONSENT AGREEMENT—S. 1122

Mr. COCHRAN. Mr. President, with clearance on both sides of the aisle, I ask unanimous consent that at 9:30 a.m., on Tuesday, the Senate resume consideration of the defense appropriations bill and there be 15 minutes remaining for debate relative to amendment No. 540, and at the hour of 9:45 a.m. the Senate proceed to vote on the amendment, with no amendments in order to the Grassley amendment.

I further ask that all first-degree amendments to the defense appropriations bill must be offered by 2:30 p.m. on Tuesday, and that at the hour of 2:15 p.m. Senator INOUYE be recognized to offer and lay aside amendments on behalf of Members on his side of the aisle, and at 2:20 p.m. Senator STEVENS be recognized to offer and lay aside amendments for Members on the Republican side of the aisle, and that all amendments must be relevant to the defense appropriations bill and subject to relevant second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, under this agreement, a rollcall vote will occur at 9:45 a.m. on Tuesday, and all first-degree amendments must be offered by 2:30 p.m. on Tuesday.

I thank all Senators for their cooperation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Y2K ACT—MOTION TO PROCEED

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to S. 96 regarding the Y2K legislation.

Mr. INOUYE. Mr. President, in behalf of my leader, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. COCHRAN. Mr. President, I now move to proceed to S. 96, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the Y2K legislation:
>
> Trent Lott, John McCain, Rod Grams, Mike Crapo, Bill Frist, Mike Enzi, Ben Nighthorse Campbell, Judd Gregg, Strom Thurmond, Chuck Hagel, Rick Santorum, Paul Coverdell, Bob Smith, Kay Bailey Hutchison, Wayne Allard, and Charles E. Grassley.

Mr. COCHRAN. Mr. President, for the information of all Senators, this cloture vote will occur on Wednesday 1 hour after the Senate convenes unless an additional consent is granted.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TENTH ANNIVERSARY OF THE UNITED STATES ARMY RESERVE CIVIL AFFAIRS CORPS

Mr. THURMOND. Mr. President, on June 1, 1989, the Department of the Army by General Order No. 22 established and placed the United States Army Reserve Civil Affairs Corps under the U.S. Army Regimental System, effective June 16, 1989, with its regimental home base at Fort Bragg, North Carolina. The Home Base Commander is currently Major General Kenneth R. Bowra, Commander and Commandant, U.S. Army John F. Kennedy Special Warfare Center and School.

The U.S. Army Regimental System was created by Army Regulation 600–82 "to enhance combat effectiveness through a framework that provides the opportunity for affiliation, develops loyalty and commitment, fosters an extended sense of belonging, improves unit esprit, and institutionalizes the war fighting ethos to provide each soldier with a continuous identification with a single regiment."

On June 16, 1989, an activation ceremony for the Corps was conducted during the Civil Affairs Association Annual Conference in Pensacola, Florida. At that time, the Corps distinctive standard was uncased and the Corps insignia adopted. The following designations were made: MG William R. Berkman as Honorary Chief of Civil Affairs; COL Eli E. Nobleman as Honorary Colonel; CSM Raymond A. Lash as Honorary Sergeant Major; COL Joseph P. Kirlin III as Adjutant; and COL Kalman A. Oravetz as Chairman of the Corps Committee.

Since then, the membership in the Corps has spread through all Army Reserve Civil Affairs units and to other Army Reserve soldiers, active and retired, who are or have been in the Civil Affairs Branch. Currently, there are more than 2,200 soldiers who are members of the Corps.

The Corps Committee operates under a charter to provide advice and assistance to the Honorary Chief of Civil Affairs and the Corps Home Base Commander with respect to Corps matters. The Corps Committee presently includes the Chairman, Adjutant, Honorary Colonel, Honorary Warrant Officer, Honorary Sergeant Major, Commanding Generals and Command Sergeant Majors of the five major Civil Affairs commands and other members designated by the Honorary Chief of Civil Affairs. The Home Base Commander and the Honorary Chief of Civil Affairs are ex-officio members. The Committee meets biannually at the times and sites of the meeting of the Civil Affairs Association Board of Directors.

Support to the Corps is provided by the Civil Affairs Association. The Association has existed since its formation in 1947 with a principal purpose to maintain and enhance the Civil Affairs capabilities required by the Armed Forces of our Nation. Support of the Corps is included in the broad objectives of the Association. The Corps and the Association have worked together to implement their common objectives.

The efforts of the Corps and Association to enhance Civil Affairs soldiers' esprit de corps have included:

1. Civil Affairs Symposium. Co-sponsorship in 1991 of a symposium at U.S. Army John F. Kennedy Special Warfare Center and School at Fort Bragg on "Civil Affairs in the Persian Gulf War" and publication of the proceedings of that symposium.
2. Commemorative Stone. The 1994 dedication of a Civil Affairs commemorative stone and its emplacement in the Memorial Plaza of the Headquarters, U.S. Army Special Operations Command which recognizes the service of soldiers in Civil Affairs/Military Government assignments—past, present, and future.
3. Shrivenham Plaque. The presentation and dedication in 1994 at the British Army Base at Shrivenham, England, of a commemorative plaque to memorialize the organization and marshaling of Civil Affairs and Military Government units in 1944 for World War II operations in Europe.
4. Civil Affairs Exhibits. The preparation and presentation at Civil Affairs conferences of exhibits of historic applications of Civil Affairs doctrine and operations in military operations conducted by the Armed Forces of our Nation.
5. Recognition of Civil Affairs in Military Museums. Currently, planning is underway to support and ensure that military museums have appropriate displays and information about the roles and contributions of Civil Affairs in military operations in our history.
6. Awards Programs—Individuals. Recognition of deserving soldiers and individuals as Distinguished and Honorary Members of the Corps. Award of the Corps Esprit de Corps Medallion has been presented to Corps members and notables. The first medallion was presented to Senator Strom THURMOND who served in combat in World War II as a G–5 staff officer and later, in the Army Reserve, commanded major Civil Affairs units and retired as a Major General.
7. Awards Programs—Units. Distinguished Unit Citations have been awarded to Civil Affairs units in recognition of their accomplishments and contributions in military operations in Grenada, Panama, Somalia, the Persian Gulf War and Haiti. Units currently participating in military operations in Bosnia and those relating to Kosovo will be recognized.

Mr. President, the U.S. Army Reserve Civil Affairs Corps, with support of the Civil Affairs Association, is fulfilling the objectives and purposes of the Army Regimental System. I congratulate both the officers and soldiers of the Civil Affairs Corps for their service to our Nation and the Association for its support of the men and women who proudly wear the insignia of the Civil Affairs Corps.

RETIREMENT OF DONALD E. MEINERS

Mr. COCHRAN. Mr. President, on July 1, my friend, Donald Meiners, will retire from Entergy-Mississippi after 39 years of service. Mr. Meiners began his career in 1960 as a residential salesman in Jackson for what was then Mississippi Power & Light Company. He was quickly promoted in the marketing and operations divisions which involved numerous moves across the state of Mississippi. He became an officer in 1978. After several promotions with Middle South Utilities, the parent company of MP&L, which now is Entergy Corporation, Don returned to his home state of Mississippi as president and chief operating officer of Entergy-MS. Then, he became president and chief executive officer.

While Mr. Meiners is well respected in the corporate world, many Mississippians know him for his dedication and service to charities and civic organizations within his community and state. He has served as Chairman of the Metro-Jackson Chamber of Commerce, Jackson United Way and the Multiple Sclerosis Chapter of Mississippi.

While Chairman of the Metro-Jackson Chamber of Commerce, Don was instrumental in forming the Metro Economic Development Alliance which unites economic development professionals in the Jackson area and encourages a team effort in recruiting new industry to the area. He served as the first chairman of the Metro Jackson Housing Partnership. Don has also been a leader of national organizations as well. He serves as a National Trustee of Boys and Girls Clubs of America and just last year served as Chairman of the Board of Directors of the Business and Industry Political Action Committee in Washington, DC.

Duane O'Neill, who is President of the Metro-Jackson Chamber of Commerce, said, "Don Meiners personifies a visionary leader, and he possesses the technical skills to translate that vision into action. His unquestioned integrity has always brought people together in an atmosphere of cooperation."

I am personally grateful for Don's work and involvement to help improve the state's economy. As an example of his outstanding community service, in 1996, Don Meiners was recognized as the outstanding volunteer of the year in economic development for the state of Mississippi.

Don has been married for 42 years to his high school sweetheart, Pat, who has been a tremendous asset to him and to the communities where they have lived. They have two sons, Chris and Chuck, and a daughter-in-law Pam. When I asked Don what he would do in retirement he quickly mentioned spending time with the "light of his life", his granddaughters Hannah and Mallory.

Mr. President, it is a pleasure for me to bring to the attention of the Senate the career and influence of my friend Don Meiners, and to thank him for his many years of service to Entergy and the people of Mississippi. Mississippi is a better place because of him. While Don is retiring from the utility business, I know he will go on working to help make life better in his community and in our state.

I wish Don and Pat much continued success and happiness in the years ahead.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on Thursday, April 22, 1999:

EC–2681. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Group Insurance Program: Court Orders" (RIN3206–AI49) received on April 5, 1999; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of May 27, 1999, the following reports of committees were submitted on June 2, 1999:

By Mr. DOMENICI, from the Committee on Appropriations, without amendment:

S. 1186: An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2000 (Rept. No. 106–58).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 415: A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds (Rept. No. 106–59).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without recommendation with amendments:

S. 416: A bill to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility (Rept. No. 106–60).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 744: A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes (Rept. No. 106–61).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 109. A bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia (Rept. No. 106–62).

S. 441. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system (Rept. No. 106–63).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 548. A bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio (Rept. No. 106–64).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 700. A bill to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail (Rept. No. 106–65).

S. 776. A bill to authorize the National Park Service to conduct a feasibility study for the preservation of the Loess Hills in western Iowa (Rept. No. 106–66).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 154. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes (Rept. No. 106–67).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 449. A bill to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes (Rept. No. 106–68).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 1187. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of New Hampshire:

S.J. Res. 27. A joint resolution disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S.J. Res. 28. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SESSIONS:

S. Con. Res. 37. A concurrent resolution expressing the sense of Congress that State and local governments and local educational agencies are encouraged to dedicate a day of learning to the study and understanding of the Declaration of Independence, the United States Constitution, and the Federalist Papers; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 1187. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes, to the committee on Banking, Housing, and Urban Affairs.

THE LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

Mr. DORGAN. Mr. President, today I am introducing the "Lewis and Clark Expedition Bicentennial Commemorative Coin Act." This act authorizes the U.S. Mint to produce a commemorative coin honoring the Lewis and Clark Expedition. This is a bill I introduced in the last Congress and which had the support of 43 other Senators. The bill is a companion to one that has been introduced in the House of Representatives by Congressman BEREUTER.

I am introducing this legislation to ensure that one of America's finest moments will be forever memorialized. The Lewis and Clark Expedition, called the Corps of Discovery, represents the finest in American history. The Expedition began in 1803 when President Thomas Jefferson commissioned the exploration of the newly purchased Louisiana Territory and ended in 1806 with the Expedition's triumphant return.

When considering why we should commemorate the Expedition, it's important to recall Thomas Jefferson's vision for America's future and his dedication to expanding not only our geographic frontiers, but the frontiers of knowledge as well. Jefferson's vision is epitomized by his commissioning of the Expedition. Further, the Expedition represents a hallmark for peaceful diplomacy, as demonstrated by the friendly relations the Expedition established with the Native Americans it encountered on its journey. These are a few of the many valuable lessons from the Expedition that we should carry forward into the future.

The minting of the Lewis and Clark Commemorative Coin was endorsed in the 1998 recommendations of the Citizens Commemorative Coin Advisory Committee (CCCAC), which was established by the 102nd Congress. If, as expected, the coin sells out, approximately $5 million would be available to help fund bicentennial celebrations. After the Treasury Department has recovered all costs of minting this coin, two-thirds of the surcharge received would be available for the National Lewis and Clark Bicentennial Council's commemorative activities.

The Council is an outgrowth of the Lewis and Clark Trail Heritage Foundation, Inc., which was created in 1969 to continue the work of the Lewis and Clark Trail Commission, established by Congress in 1964. The remaining one-third of the surcharge will be donated to the National Park Service to help offset costs associated with their planned activities to commemorate the bicentennial.

I feel confident that, with the support of my Senate colleagues and the passage of this bill, we can appropriately celebrate a vibrant and historically significant event.

By Mr. SMITH of New Hampshire:

S.J. Res. 27. A joint resolution disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China; to the Committee on Finance.

DISAPPROVAL ON TRADE BENEFITS FOR CHINA

By Mr. SMITH of New Hampshire:

S.J. Res. 28. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

DISAPPROVAL ON TRADE BENEFITS FOR VIETNAM

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce two resolutions concerning our trade relationships with the People's Republic of China and the Socialist Republic of Vietnam. Last Thursday, June 3, 1999, the President of the United States formally recommended waivers of the application of the Trade Act of 1974 provisions with respect to China and Vietnam, thereby allowing U.S. taxdollars to subsidize business operations in these countries. In the case of China, the waiver also allows for continuation of most-favored-nation trade privileges, now known as normal trade relations. Mr. President, there's very little that is normal about our relationship with these communist countries. In short, I think the President's policy is seriously flawed and deeply troubling, especially in view of recent events.

Mr. President, on November 26, 1974, in its report on the Trade Act, the Senate Committee on Finance stated: "The Committee recognizes that segments of the private sector wish the U.S. Government to provide credits and investment guarantees, and other conditions before private capital investments are ventured. The Committee believes that it is equally reasonable to establish conditions on all basic human rights, including the right to emigrate, before extending broad concessions to communist countries." The resolutions I have introduced keep faith with the original Congressional intent of the Trade Act of 1974. One need only read the annual State Department Human Rights Reports on China and Vietnam to recognize that they have failed to meet any recognized standards with respect to human rights. Moreover, there are a myriad of other national security and foreign policy issues concerning our current relationship with Beijing and Hanoi—from wholesale espionage of our nuclear secrets to POW/MIA accounting—which warrant support for my resolutions. We should not be putting profit over principle. These waivers from the President should be overturned by the Congress, using the procedures provided for by law. Thank you, Mr. President.

ADDITIONAL COSPONSORS

S. 115

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 115, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 148

At the request of Mr. ABRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 161

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 161, a bill to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority, and for other purposes.

S. 222

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 222, a bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 305

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 305, a bill to reform unfair and anticompetitive practices in the professional boxing industry.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr.

REID) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 336

At the request of Mr. LEVIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 459, supra.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 607

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 607, a bill reauthorize and amend the National Geologic Mapping Act of 1992.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 745

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 745, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

S. 746

At the request of Mr. THOMPSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 746, a bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 791

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 820

At the request of Mr. BREAUX, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 836

At the request of Mr. GRAHAM, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 836, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services.

S. 918

At the request of Mr. KERRY, the names of the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 924

At the request of Mr. NICKLES, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 924, a bill entitled the "Federal Royalty Certainty Act".

S. 941

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 941, a bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1007

At the request of Mr. JEFFORDS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1185

At the request of Mr. ABRAHAM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1185, a bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from

Hawaii (Mr. INOUYE), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Resolution 95, a resolution designating August 16, 1999, as "National Airborne Day."

SENATE RESOLUTION 96

At the request of Mr. LEAHY, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 96, a resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

SENATE CONCURRENT RESOLUTION 37—EXPRESSING THE SENSE OF CONGRESS THAT STATE AND LOCAL GOVERNMENTS AND LOCAL EDUCATIONAL AGENCIES ARE ENCOURAGED TO DEDICATE A DAY OF LEARNING TO THE STUDY AND UNDERSTANDING OF THE DECLARATION OF INDEPENDENCE, THE UNITED STATES CONSTITUTION, AND THE FEDERALIST PAPERS

Mr. SESSIONS submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas the adoption of the Declaration of Independence in 1776, the signing of the United States Constitution in 1787, and the ratification of the Bill of Rights in 1789 were principal events in the history of the United States;

Whereas these documents stand as the foundation of our form of democracy, providing at the same time the touchstone of our national identity and the vehicle for orderly growth and change;

Whereas the Federalist Papers embody an eloquent and forceful argument made in support of the adoption of our republican form of government;

Whereas the success of the American experiment requires that our Nation's children—the future of its heritage and participants in its governance—have a firm knowledge of its principles and history; and

Whereas the limited nature of government is the fundamental American concept of governance, because our system is based on the belief that power is granted by our Creator to the citizen who then voluntarily loans power to the state and because, as the Declaration of Independence states, "all men . . . are endowed by their Creator with certain unalienable Rights": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) State and local governments and local educational agencies are encouraged to dedicate at least one day of learning to the study and understanding of the significance of the Declaration of Independence, the United States Constitution, and the Federalist Papers; and

(2) State and local governments and local educational agencies are encouraged to include a requirement that, before receiving a certificate or diploma of graduation from high school, students be tested on their competency in understanding the Declaration of Independence, the United States Constitution, and the Federalist Papers.

AMENDMENTS SUBMITTED

NEW MILLENNIUM CLASSROOMS ACT

ABRAHAM AND WYDEN AMENDMENT NO. 539

(Ordered referred to the Committee on Finance.)

Mr. ABRAHAM (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill (S. 542) to amend the Internal Revenue code of 1986 to expand the deduction for computer donations to schools and to allow a tax credit for donated computers; as follows:

On page 3, lines 11 and 12, strike "(as defined in section 170(e)(6)(B))".

On page 3, between lines 13 and 14, insert:

"(b) QUALIFIED ELEMENTARY OR SECONDARY EDUCATIONAL CONTRIBUTION.—For purposes of this section, the term 'qualified elementary or secondary educational contribution' has the meaning given such term by section 170(e)(6)(B), except that such term shall include the contribution of a computer (as defined in section 168(i)(2)(B)(ii)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer.

On page 3, line 14, strike "(b)" and insert "(c)".

On page 3, line 18, strike "(as so defined)".

On page 3, line 24, strike "(c)" and insert "(d)".

On page 4, line 1, strike "(d)" and insert "(e)".

On page 4, line 4, add end quotation marks after the period.

• Mr. ABRAHAM. Mr. President, today my good friend Senator WYDEN and myself are filing an amendment in the RECORD to S. 542, the New Millennium Classrooms Act. The Abraham-Wyden amendment would mandate that in order for a company to receive the enhanced computer donation tax credit, the computer must be equipped with an operating system, ensuring donated computers will be fully operational as soon as they are received by schools.

All of us can agree that our schools are in desperate need of high tech computer equipment and Internet access. The New Millennium Classrooms Act address this need through enhanced tax incentives for companies donating computers to schools.

Mr. President, we can also agree that this valuable equipment is rendered useless if it is given to schools incomplete. To work properly, computers must be furnished with an operating system. Without this software, the equipment simply sits on a shelf until the school itself can find the means to procure and then install the necessary operating system. Mr. President, this equipment offers nothing toward a child's knowledge and education if it is capable of little more than filling storage space and gathering dust. The Abraham-Wyden amendment, recognizing this reality, requires an operating system to be installed on donated computers, guaranteeing complete, quality, ready-to-go equipment.

In addition, the Abraham-Wyden amendment would ensure that schools are not subjected to faulty or broken hardware. Without an operating system there is no way to tell if a donated computer is functioning properly. Sophisticated hardware can be easily damaged during transport or even when the donating company's private files and documents are removed. With an operating system installed, ascertaining the condition of the equipment is as simple as plugging it in and turning it one. Without the operating system, it could be weeks before the school is aware of any problems concerning the donation, burdening an already financially strapped school with added, and unnecessary, costs.

Mr. President, allow me to reiterate how important this technology is to our children's future. By the year 2000, less than one year from now, more than 60 percent of all jobs in this country will demand high tech skills. Computers and the Internet continue to drastically change the face of business and communications on a global level, developing at a pace far surpassing what anyone predicted even just a few years ago. With the passage of the New Millennium Classrooms Act, all our children will have a chance at succeeding in the new technological millennium.

I ask that the text of the letter of support from Microsoft for the New Millennium Classrooms Act be printed in the RECORD.

The letter is printed as follows:

MICROSOFT CORPORATION,
LAW AND CORPORATE AFFAIRS,
Washington, DC, May 28, 1999.

Hon. SPENCER ABRAHAM,
Dirksen Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR ABRAHAM: Microsoft supports your effort, through the New Millennium Classrooms Act, to increase charitable contributions of personal computers to schools and other non-profit organizations. Microsoft appreciates the enormous needs in our nation's schools for access to technology. We work closely with businesses, charitable organizations, and educators in an effort to increase the technology available in schools in order to create opportunities for learning by our children.

to help accomplish this goal, Microsoft supports efforts to stimulate the charitable donation of personal computers to schools. The New Millennium Classrooms Act provides a helpful incentive to spur donations of computers to schools. We also appreciate your interest in ensuring that donated computers have valid operating systems, which helps to promote legitimate software use and to fight software piracy. Under this program, Microsoft will approve a transfer without charge from the donor to the school of the valid Microsoft operating system license on the computer at the time of transfer.

We believe the New Millennium Classrooms Classrooms Act is helpful legislation for our nation's schools and we are proud to support it.

Thank you for once again demonstrating your leadership on high technology issues and your commitment to our nation's schools and children.

Sincerely,

Jack Krumholtz,
Director of Federal Government Affairs,
Senior Corporate Attorney.•

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

GRASSLEY AMENDMENT NO. 540

Mr. STEVENS (for Mr. Grassley) proposed an amendment to the bill (S. 1122) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the end of the general provisions, add the following:

Sec. . Section 8106(a) of the Department of Defense Appropriations Act. 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3309–111; 10 U.S.C. 113 note), is amended—

(1) by striking "not later than June 30, 1997,"; and

(2) by striking "$1,000,000" and inserting "$500,000".

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, June 10, 1999, 10:00 a.m., in SD–628 of the Senate Dirksen Building. The subject of the hearing is "ESEA: Special Populations". For further information, please call the committee, 202/224–5375.

ADDITIONAL STATEMENTS

IN HONOR OF IRA WEINSTEIN

• Mr. DURBIN. Mr. President, I would like to take a moment to make my colleagues aware of the accomplishments of an outstanding Illinois citizen. This Thursday, June 10, Ira P. Weinstein will turn 80. As we celebrated Memorial Day just a week ago, I think it is appropriate to mention Mr. Weinstein's service to our country as it is a constant reminder that without the dedication and bravery of so many like him, the freedom we are privileged to enjoy could not be possible.

Born in Chicago, Illinois on June 10, 1919, Mr. Weinstein entered the U.S. Army Air Corps in 1942, just as America was being drawn into World War II. Trained as a Navigator-Bombardier, Mr. Weinstein rose to the rank of First Lieutenant and proceeded to fly 25 missions during World War II as a member of the 8th Air Force 445 Bomb Group, 702nd Squadron. Although the 24 previous missions he flew had been safe ones, Mr. Weinstein's 25th would be his most harrowing.

On September 27, 1944, Mr Weinstein's plane was shot down over Germany during the Kassell Mission. As he parachuted to the ground, Mr. Weinstein found safety and eluded capture for six days. Unfortunately, he was found by the enemy and held as a Prisoner of War in Stalag Luft I, in Barth, Germany. On May 11, 1945, the camp where Mr. Weinstein was held was liberated, ending an eight-month ordeal as a POW. For his heroism, Mr. Weinstein was awarded several distinguished service medals. These include the Purple Heart, the Air Medal, the POW Medal, a Presidential Citation, the American Campaign and European Campaign Medals, the WW II Victory Medal, and the distinguished French Croix de Guerre.

After returning from the war, Mr. Weinstein, like so many others of his generation, went on to become accomplished in the world of business, building a successful advertising agency respected throughout the Chicago area. Despite the loss of his wife several years ago, Mr. Weinstein, now retired, enjoys being a grandfather and takes special pride in his expertise as a horticulturist.

I am pleased to take this opportunity today to honor an American hero and one of my constituents. As we did one week ago today, we should not hesitate to honor our defenders of freedom every day as we enjoy the liberty they fought so hard to protect.•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business Friday, June 4, 1999, the federal debt stood at $5,605,818,000,792.65 (Five trillion, six hundred five billion, eight hundred eighteen million, seven hundred ninety-two dollars and sixty-five cents).

One year ago, June 4, 1998, the federal debt stood at $5,496,568,000,000 (Five trillion, four hundred ninety-six billion, five hundred sixty-eight million).

Fifteen years ago, June 4, 1984, the federal debt stood at $1,519,266,000,000 (One trillion, five hundred nineteen billion, two hundred sixty-six million).

Twenty-five years ago, June 4, 1974, the federal debt stood at $469,771,000,000 (Four hundred sixty-nine billion, seven hundred seventy-one million) which reflects a debt increase of more than $5 trillion—$5,136,047,000,792.65 (Five trillion, one hundred thirty-six billion, forty-seven million, seven hundred ninety-two dollars and sixty-five cents) during the past 25 years.•

CONGRATULATIONS TO DAVID LIEDERMAN

• Mr. ROCKEFELLER. Mr. President, today, I would like to pay tribute to Mr. David S. Liederman, the outgoing Executive Director of the Child Welfare league of America. Throughout his long, distinguished career, David Liederman has fought hard to make a difference in the lives of families and children, especially some of the most vulnerable children who are at risk of abuse and neglect.

Over many years, I have been privileged to work directly with David Liederman and the extraordinary team of dedicated professionals whom he has assembled at the Child Welfare League of America (CWLA). David has the unique ability to be a leader on a variety of levels—within his own organization, throughout the country with many CWLA affiliates, and in Washington as a policy maker and advocate.

Early in his career, he had the vision and the determination to seek bold policy answers by helping to creating the original Independent Living Program. We worked closely together in 1993 to secure over a billion dollars in new investments in prevention services for abused and neglected children. In 1997, David was an effective ally and advocate in the effort to enact the Adoption and Safe Families Act which ensures that a child's health and safety are paramount, and continues the investments in prevention to deliver on this promise.

Those who know David Liederman's personal history are not surprised by his commitment, or his successful record of accomplishments. David began his career working directly with families and serving disadvantaged youths living in public housing in the Boston area. These years in the trenches instilled in him a sense of compassion and the challenges wrought by the harsh realities many of our Nation's citizens face. After working in direct services, he went on to serve the people of Massachusetts first in the State Legislature and then as Chief of Staff to Governor Michael Dukakis. After years of service in Massachusetts, David decided to focus on National issues when he accepted the helm of the Child Welfare League of America (CWLA) and began to lead national discussions setting the agenda on policy issues facing children and families. For fifteen years, he led CWLA and was a well-known advocate and spokesman for needy children and families.

In honor of his many achievements, David Liederman won the 1996 Award for Excellence in national Executive Leadership and the 1997 National Lifetime Achievement Award from the national Association of Social Workers.

I am proud to have worked with David Liederman over so many years, and am proud to call him a friend. His voice will be truly missed on child welfare issues in Washington. But he has our best wishes as he seeks new challenges and opportunities in public service.•

McDONALD COUNTY SESQUICENTENNIAL

• Mr. ASHCROFT. Mr. President, I rise to commend the sesquicentennial celebration of the founding of McDonald County, Missouri. On March 3, 1849, the Missouri State Legislature established McDonald County, which was named in honor of a hero of the Revolutionary War, Alexander McDonald.

McDonald County is rich in hospitality, heritage and history. During the Civil War, McDonald County was the scene of many battles, including battles at Pineville on November 19, 1862, and August 13, 1983. Through the hardships of the war, and through the challenges of peace, the good people of McDonald County stood fast for the values of faith, family, freedom, and hard work. Today, the county celebrates 150 years of history.

An exciting time came in 1938, during the Great Depression, when Hollywood came to McDonald County to make the movie "Jesse James," which starred Tyrone Powers, Henry Fonda, and Randolph Scott.

Each Christmas, the city of Noel in McDonald County receives thousands of cards from all over the country, and affixes the "Christmas City" message on cards that wish the joy of the season to family and friends all over the U.S.

In addition to agriculture and industry, McDonald County is a paradise for outdoor recreation. Its rugged hills and valleys, watered by springs, rivers, and streams, attract thousands of anglers, boaters, hikers, and others.

It is an honor to join with the people of McDonald County in celebrating 150 years of history. Mr. President, I ask that members of the Senate join me in recognizing this historic milestone for McDonald County, Missouri.•

RECOGNITION OF WV JUVENILE JUSTICE COMPLIANCE MONITORING BY DCJS

• Mr. ROCKEFELLER. Mr. President, it is my honor to commend the West Virginia Division of Criminal Justice Services (DCJS) for its outstanding compliance monitoring program. The exceptional quality of this program has been recognized by Attorney General Janet Reno and the Department of Justice as an example of how a monitoring program should work. All new Juvenile Justice Compliance Monitors will travel to West Virginia to be trained by DCJS staff.

The West Virginia Division of Criminal Justice Services has an admirable track record of meeting or surpassing the goals set for juvenile justice systems by federal and state regulations. In August 1998, a five-year compliance audit of the DCJS reported a faultless monitoring system for its juvenile justice and delinquency programs (JJDP). West Virginians are right to be proud of the efficient, organized system in use by DCJS, and we can take even more pride in the fact that the DCJS compliance monitoring program will serve as a guide for compliance monitors throughout the country. West Virginia expertise and innovation will be instrumental in streamlining juvenile justice and delinquency prevention programs.

The recent acclaim for West Virginia's compliance monitoring program is a reflection of the many other virtues within the Division's purview. The success of the Juvenile Crime Enforcement Coalition plan has prompted other states' juvenile justice agencies to model their programs after West Virginia's. In her speech, Attorney General Reno noted our state's Underage Drinking Plan as a possible approach for other jurisdictions. To their credit, the staff and management of DCJS do not invest these laurels with more importance than they have. The hard-working people of DCJS understand that one of their agency's greatest strengths is the sharing of responsibility and expertise among DCJS, state juvenile justice facilities, and other state agencies in complying with regulations. Rather than imposing its will on the agencies with which it works, DCJS builds lasting relationships with correctional facilities to help meet statutory and administrative mandates in a cooperative fashion.

Further, DCJS operates with a definite purpose and an open mind. The agency is firmly grounded in law, yet remains flexible with respect to improvements and changes in regulations. Such a balance is particularly important in the juvenile justice and delinquency prevention context, where frequent governmental experiments result in the involvement of new agencies and new personnel, and increased societal vigilance adds even more members to the pool of at-risk youth. Finally, through its carefully organized and straightforward monitoring program, DCJS strives to teach while it continues to serve. In so many respects, the West Virginia DCJS juvenile justice program is a model for the nation.

I wish to express my sincere admiration and heartfelt thanks to the Division of Criminal Justice Services for making juvenile justice services in West Virginia, and now the rest of America, more efficient and effective.•

COMMEMORATION OF THE 55TH ANNIVERSARY OF THE ALLIED INVASION AT NORMANDY

• Mr. FITZGERALD. Mr. President, I rise today to honor the 55th anniversary of the Allied invasion at Normandy. On June 6, 1944, courageous members of our Armed Forces defended the world from assaults against humanity. During that misty and chilly day, 156,000 Allied soldiers crossed the English channel in one of history's greatest military operations. Every soldier, every sailor, and every airman united to challenge the injustices that terrorized and enslaved Europe. With soldiers from other Allied nations, American soldiers stormed the beaches, bombed enemy encampments, fought in the front lines, and ensured Europe's liberation.

When the paratroopers descended from the dark skies and the soldiers charged forward from the churning seas, the tide of the war changed. While we salute those who returned from this battle and World War II to enjoy the world they liberated, we also remember those who never came home. On D-Day alone, 2,500 of our GIs gave their lives for the hope of a better tomorrow. When the Allied forces defeated Nazi Germany 11 months later, it was reaffirmed that they did not die in vain.

These dedicated Americans secured the future and freedoms that we now enjoy. All Americans are forever in debt to the members of our Armed Services, past and present, who put their lives on the line to guarantee our freedom.•

CHARACTER COUNTS!

• Mr. ROCKEFELLER. Mr. President, I am proud to be an original cosponsor of the Character Counts! initiative introduced by Senator DOMENICI and others on May 6, 1999. I avidly support education in West Virginia and the United States, and I believe this should include an emphasis on basic character and good citizenship. In the words of Theodore Roosevelt: "To educate a person in mind and not in morals is to educate a menace to society."

Character Counts! recognizes and addresses that there is a connection between one's personal life and one's business or political abilities. Character Counts! understands that morals and character development go hand in hand, and that it is never too late to teach the tools to help develop personal character. The promotion of healthy character development is a necessary precursor to reaching the ultimate goal of teaching people to take personal responsibility.

The Character First! training series is based in Oklahoma City, Oklahoma.

The Character Bulletin Series provides a flexible system that is designed to meet any needs or schedule. It uses a monthly four-step program to teach necessary tools for character development. The first step of every month is a Character Bulletin. This provides a character quality, such as virtue, along with tools to help build it. The second step contains Supplements, including the Introducing "Character" Leadership Supplement, which provides additional resources for teaching others about the character quality, and Building "Character" Leadership Notes, which challenges those in positions of leadership to hold themselves to higher standards. The third step is called Character at Home, and provides ways to use the Character Bulletin Series at home. This step is particularly helpful for parents who want to play an active role in their child's development. The final part of the series is a Character Poster, a full color poster to remind people of the quality of the month. Recently a cooperative effort to promote Character Counts! began in Baton Rouge, Louisiana. Their city-wide effort involves government personnel, businesses, churches, schools, and others in the community. We should celebrate this city-wide effort to educate people about character and implement the Character Counts! program in other communities nationwide.

Educating people about character and citizenship is crucial to create healthy communities. Years ago, as Chairman of the National Commission on Children, I worked hard to include an entire chapter in our comprehensive report called Creating a Moral Climate because I felt strongly about the issue. Everyone of us has an obligation to create such a climate for our family, our friends, and especially children in our communities.

Character Counts! provides this type of leadership and resources to support character education which will promote continuous growth and development. It is our responsibility to educate people, and I commend Character Counts! for providing a much needed educational service.●

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 1999

On May 27, 1999, the Senate passed S. 704, a bill to amend title 18, United States Code, to combat the over-utilization of prison health care services and control rising prisoner health care costs. The bill is as follows:

S. 704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prisoner Health Care Copayment Act of 1999".

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) In General.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§ 4048. Fees for health care services for prisoners

"(a) Definitions.—In this section—

"(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

"(2) the term 'Director' means the Director of the Bureau of Prisons;

"(3) the term 'health care provider' means any person who is—

"(A) authorized by the Director to provide health care services; and

"(B) operating within the scope of such authorization;

"(4) the term 'health care visit'—

"(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and

"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or

"(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

"(5) the term 'prisoner' means—

"(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

"(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

"(b) Fees for Health Care Services.—

"(1) In general.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

"(2) Exclusion.—The Director may not assess or collect a fee under this section for preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment, as determined by the Director.

"(c) Persons Subject to Fee.—Each fee assessed under this section shall be collected by the Director from the account of—

"(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

"(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

"(d) Amount of Fee.—Any fee assessed and collected under this section shall be in an amount of not less than $2.

"(e) No Consent Required.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section.

"(f) No Refusal of Treatment for Financial Reasons.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(1) the account of the prisoner is insolvent; or

"(2) the prisoner is otherwise unable to pay a fee assessed under this section.

"(g) Use of Amounts.—

"(1) Restitution to specific victims.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

"(2) Allocation of other amounts.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

"(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

"(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

"(h) Reports to Congress.—Not later than 1 year after the date of enactment of the Federal Prisoner Copayment Act of 1999, and annually thereafter, the Director shall submit to Congress a report, which shall include—

"(1) a description of the amounts collected under this section during the preceding 12-month period; and

"(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners.".

(b) Clerical Amendment.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"4048. Fees for health care services for prisoners.".

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

"(c) Health Care Fees for Federal Prisoners in Non-Federal Institutions.—

"(1) In general.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

"(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

"(B) the fee—

"(i) is authorized under State law; and

"(ii) does not exceed the amount collected from State or local prisoners for the same services; and

"(C) the services—

"(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

"(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment.

"(2) No refusal of treatment for financial reasons.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(A) the account of the prisoner is insolvent; or

"(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.".

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

On May 27, 1999, the bill, S. 1059, was passed by the Senate. The text of the bill is as follows:

S. 1059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2000".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Army as follows:

(1) For aircraft, $1,498,188,000.

(2) For missiles, $1,411,104,000.

(3) For weapons and tracked combat vehicles, $1,678,865,000.

(4) For ammunition, $1,209,816,000.

(5) For other procurement, $3,647,370,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Navy as follows:

(1) For aircraft, $8,927,255,000.

(2) For weapons, including missiles and torpedoes, $1,392,100,000.

(3) For shipbuilding and conversion, $7,016,454,000.

(4) For other procurement, $4,197,791,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of $1,295,570,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $542,700,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Air Force as follows:

(1) For aircraft, $9,704,866,000.

(2) For missiles, $2,389,208,000.

(3) For ammunition, $411,837,000.

(4) For other procurement, $7,142,177,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of $2,293,417,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2000 the amount of $1,164,500,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $356,970,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN ARMY PROGRAMS.

Beginning with the fiscal year 2000 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for procurement of the following:

(1) The M270A1 launcher.

(2) The Family of Medium Tactical Vehicles, except that the period of a multiyear contract may not exceed three years.

(3) The Command Launch Unit for the Javelin Advanced Anti-tank Weapon System-Medium.

(4) The missile for the Javelin Advanced Anti-tank Weapon System-Medium, except that the period of a multiyear contract may not exceed four years.

(5) The AH-64D Longbow Apache aircraft.

(6) The Wolverine heavy assault bridge.

(7) The system enhancement program for the M1A2 Abrams tank assembly.

(8) The Second Generation Forward Looking Infrared system for the M1A2 Abrams tank.

(9) The C2V Command and Control Vehicle, except that the period of a multiyear contract may not exceed four years.

(10) The Second Generation Forward Looking Infrared system for the Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

(11) The improved Bradley acquisition system for the Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

(12) The Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

SEC. 112. CLOSE COMBAT TACTICAL TRAINER PROGRAM.

None of the funds authorized to be appropriated under section 101(5) may be used for the procurement of the close combat tactical trainers configured to mobile or fixed sites for tanks or to mobile or fixed sites for the Bradley A3 fighting vehicle under the Close Combat Tactical Trainer program of the Army until—

(1) the Secretary of the Army has submitted to the congressional defense committees a report containing—

(A) a discussion of the actions taken to correct the deficiencies in such trainers that have been identified by the Director of Operations Test and Evaluation of the Department of Defense before the date of the report; and

(B) the Secretary's certification that the close combat tactical trainers satisfy the reliability requirements established for the trainers under the program; and

(2) thirty days have elapsed since the date of the submittal of the report.

SEC. 113. ARMY AVIATION MODERNIZATION.

(a) MODERNIZATION PLAN.—The Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter forces. The plan shall include provisions for the following:

(1) For the AH-64D Apache Longbow program:

(A) Restoration of the original procurement objective of the program to the procurement of 747 aircraft and 227 fire control radars.

(B) Qualification and training of reserve component pilots as augmentation crews to ensure 24-hour warfighting capability in deployed attack helicopter units.

(C) Fielding of a sufficient number of aircraft in reserve component aviation units to implement the provisions of the plan required under subparagraph (B).

(2) For AH-1 Cobra helicopters, retirement of all AH-1 Cobra helicopters remaining in the fleet.

(3) For the RAH-66 Comanche program:

(A) Review of the total requirements and acquisition objectives for the program.

(B) Fielding of Comanche helicopters to the existing aviation force structure.

(C) Support for the plan for the AH-64D Apache program required under paragraph (1).

(4) For the UH-1 Huey helicopter program:

(A) A UH-1 modernization program.

(B) Revision of total force requirements for the aircraft to reflect the warfighting support requirements and State mission requirements for aircraft utilized by the Army National Guard.

(5) For the UH-60 helicopter program:

(A) Identification of the requirements for the aircraft.

(B) An acquisition strategy for meeting requirements that cannot be met by UH-1 Huey helicopters among the warfighting support requirements and State mission requirements for aircraft utilized by the Army National Guard.

(C) An upgrade program for fielded aircraft.

(6) For the CH-47 Chinook helicopter service life extension program, maintenance of the schedule and funding.

(7) For the OH-58D Kiowa Warrior helicopters, a modernization program.

(8) A revised assessment of the Army's present and future requirements for helicopters and its present and future helicopter inventory, including the number of aircraft, average age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to each type of aircraft, and the mix of active component and reserve component aircraft in the fleet.

(b) LIMITATION.—Not more than 90 percent of the amount authorized to be appropriated under section 101(2) may be obligated before the date that is 30 days after the date on which the Secretary of the Army submits the plan required under subsection (a) to the congressional defense committees.

SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.

Of the funds authorized to be appropriated under section 101(2), $500,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

Subtitle C—Navy Programs

SEC. 121. LHD-8 AMPHIBIOUS DOCK SHIP PROGRAM.

(a) AUTHORIZATION OF SHIP.—The Secretary of the Navy is authorized to procure the amphibious dock ship to be designated LHD-8, subject to the availability of appropriations for that purpose.

(b) AMOUNT AUTHORIZED.—Of the amount authorized to be appropriated under section 102(a)(3) for fiscal year 2000, $375,000,000 is available for the advance procurement and advance construction of components for the LHD-8 amphibious dock ship program. The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT OF 6 ADDITIONAL VESSELS.—(1) Subsection (b) of section 122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2446) is amended in the first sentence—

(A) by striking "12 Arleigh Burke class destroyers" and inserting "18 Arleigh Burke class destroyers"; and

(B) by striking "and 2001" and inserting "2001, 2002, and 2003".

(2) The heading for such subsection is amended by striking "TWELVE" and inserting "18".

(b) FISCAL YEAR 2001 ADVANCE PROCUREMENT.—(1) Subject to paragraphs (2) and (3), the Secretary of the Navy is authorized, in fiscal year 2001, to enter into contracts for advance procurement for the Arleigh Burke class destroyers that are to be constructed under contracts entered into after fiscal year 2001 under section 122(b) of Public Law 104-201, as amended by subsection (a)(1).

(2) The authority to contract for advance procurement under paragraph (1) is subject to the availability of funds authorized and appropriated for fiscal year 2001 for that purpose in Acts enacted after September 30, 1999.

(3) The aggregate amount of the contracts entered into under paragraph (1) may not exceed $371,000,000.

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, of the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

SEC. 123. REPEAL OF REQUIREMENT FOR ANNUAL REPORT FROM SHIPBUILDERS UNDER CERTAIN NUCLEAR ATTACK SUBMARINE PROGRAMS.

(a) REPEAL.—Paragraph (3) of section 121(g) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2444) is repealed.

(b) CONFORMING AMENDMENT.—Paragraph (5) of such section is amended by striking "reports referred to in paragraphs (3) and (4)" and inserting "report referred to in paragraph (4)".

SEC. 124. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.

(a) LIMITATION.—Cooperative engagement equipment procured under the Cooperative Engagement Capability program of the Navy may not be installed into a commissioned vessel until the completion of operational test and evaluation of the shipboard cooperative engagement capability.

(b) CONSTRUCTION.—Subsection (a) shall not be construed to limit the installation of cooperative engagement equipment in new construction ships.

SEC. 125. F/A-18E/F AIRCRAFT PROGRAM.

(a) AUTHORITY.—Beginning with the fiscal year 2000 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of F/A-18E/F aircraft.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A-18E/F aircraft or authorize entry of the F/A-18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives the results of operational test and evaluation of the F/A-18E/F aircraft.

(2) the Secretary of Defense determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters appropriate to that version of aircraft in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997, except that with respect to the range performance parameter a deviation of 1 percent shall be permitted.

Subtitle D—Air Force Programs

SEC. 131. F-22 AIRCRAFT PROGRAM.

Before awarding the contract for low-rate initial production under the F-22 aircraft program, the Secretary of Defense shall certify to the congressional defense committees that—

(1) the test plan in the engineering and manufacturing development program is adequate for determining the operational effectiveness and suitability of the F-22 aircraft; and

(2) the engineering and manufacturing development program and the production program can each be executed within the limitation on total cost applicable to that program under subsection (a) or (b), respectively, of section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660).

Subtitle E—Other Matters

SEC. 141. EXTENSION OF AUTHORITY TO CARRY OUT ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking "During fiscal years 1993 through 1999" and inserting "During fiscal years 1993 through 2001".

SEC. 142. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

(a) EXTENSION OF PROGRAM.—Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1652; 10 U.S.C. 4543 note) is amended—

(1) in subsection (a), by striking "During fiscal years 1998 and 1999" and inserting "During fiscal years 1998 through 2001"; and

(2) in subsection (b), by striking "during fiscal year 1998 or 1999" and inserting "during a fiscal year covered by the pilot program".

(b) EXTENSION OF DEADLINE FOR INSPECTOR GENERAL REPORT.—Subsection (c) of such section is amended by striking "July 1, 1999" and inserting "July 1, 2000".

SEC. 143. D-5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D-5 missile program.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D-5 missile program covering the life of the program, including—

(A) the location of D-5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(2) The cost of terminating procurement of D-5 missiles for each fiscal year prior to the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D-5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with fewer than 24 D–5 missiles; and

(B) reducing the flight test rate for D–5 missiles.

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

(5) The Secretary's plan for maintaining D–5 missiles and Trident submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be reduced under such treaties.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,695,894,000.

(2) For the Navy, $8,207,616,000.

(3) For the Air Force, $13,573,308,000.

(4) For Defense-wide activities, $9,389,081,000, of which—

(A) $253,457,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $24,434,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) Fiscal Year 2000.—Of the amounts authorized to be appropriated by section 201, $4,156,812,000 shall be available for basic research and applied research projects.

(b) Basic Research and Applied Research Defined.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. NATO COMMON-FUNDED CIVIL BUDGET.

Of the amount authorized to be appropriated by section 201(1), $750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

SEC. 212. MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PROGRAM.

(a) Funding.—Of the funds authorized to be appropriated under section 201(3), $25,000,000 is available for continued implementation of the micro-satellite technology program established pursuant to section 215 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1659).

(b) Micro-Satellite Technology Development Plan.—The Secretary of Defense shall develop a micro-satellite technology development plan to guide technology investment decisions and prioritize technology demonstration activities.

(c) Report.—Not later than April 15, 1999, the Secretary shall submit to the congressional defense committees a report regarding the plan developed under subsection (b).

SEC. 213. SPACE CONTROL TECHNOLOGY.

(a) Funds Available for Air Force Execution.—Of the funds authorized to be appropriated under section 201(3), $19,822,000 shall be available for space control technology development pursuant to the Department of Defense Space Control Technology Plan of 1999.

(b) Funds Available for Army Execution.—Of the funds authorized to be appropriated under section 201(1), $41,000,000 shall be available for space control technology development. Of the funds made available pursuant to the preceding sentence, the Commanding General of the United States Army Space and Missile Defense Command may utilize such amounts as are necessary for any or all of the following activities:

(1) Continued development of the kinetic energy anti-satellite technology program necessary to retain an option of conducting a flight test within two years of any decision to do so.

(2) Technology development associated with the kinetic energy anti-satellite kill vehicle to temporarily disrupt satellite functions.

(3) Cooperative technology development with the Air Force, pursuant to the Department of Defense Space Control Technology Plan of 1999.

SEC. 214. SPACE MANEUVER VEHICLE.

(a) Funding.—Of the funds authorized to be appropriated under section 201(3), $35,000,000 is available for the space maneuver vehicle program.

(b) Acquisition of Second Flight Test Article.—The amount available for the space maneuver vehicle program under subsection (a) may be used only to acquire a second flight test article for the joint Air Force and National Aeronautics and Space Administration X–37 program in support of the Air Force Space Maneuver Vehicle program.

SEC. 215. MANUFACTURING TECHNOLOGY PROGRAM.

(a) Support of High-Risk Projects To Meet Essential Requirements.—Subsection (b) of section 2525 of title 10, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(3) by inserting after "program—" the following new paragraph (1):

"(1) to focus Department of Defense support for advanced manufacturing technologies on high-risk projects for the development and application of technologies for use to satisfy manufacturing requirements essential to the national defense, as well as for use for repair and remanufacturing in support of the operations of systems commands, depots, air logistics centers, and shipyards;".

(b) Execution.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following:

"(2) The Secretary shall require that manufacturing technology projects proposed to be carried out under the program be selected principally on the basis of the extent to which the projects satisfy the purpose set forth in subsection (b)(1), as determined by a panel established to review the proposed projects and to make the selections.

"(3) A manufacturing technology project selected for the program may be carried out only if the head of the program office of a systems command, depot, air logistics center, or shipyard serves as a sponsor for the project by certifying that funds available to the program office will be used to pay the costs of implementing a manufacturing technology developed and applied under the project to the successful satisfaction of requirements described in subsection (b)(1).".

(c) Consideration of Cost-Sharing Proposals.—Subsection (d) of such section is amended—

(1) by striking paragraphs (2) and (3);

(2) by striking "(A)" following "(d) Competition and Cost Sharing.—(1)"; and

(3) by striking "(B) For each" and all that follows through "competitive procedures." and inserting the following: "(2) The competitive procedures shall include among the factors to be considered in the evaluation of a proposal for a grant, contract, cooperative agreement, or other transaction for a project the extent to which the proposal provides for the prospective recipient to share in defraying the costs of the project.".

SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under section 201(4)—

(1) $4,000,000 is available for testing of airblast and improvised explosives (in PE 63122D); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by $4,000,000.

Subtitle C—Ballistic Missile Defense

SEC. 221. THEATER MISSILE DEFENSE UPPER TIER ACQUISITION STRATEGY.

(a) Revised Upper Tier Strategy.—The Secretary of Defense shall establish an acquisition strategy for the upper tier missile defense systems that—

(1) retains funding for both of the upper tier systems in separate, independently managed program elements throughout the future-years defense program;

(2) bases funding decisions and program schedules for each upper tier system on the performance of each system independent of the performance of the other system; and

(3) provides for accelerating the deployment of both of the upper tier systems to the maximum extent practicable.

(b) Upper Tier Systems Defined.—For purposes of this section, the upper tier missile defense systems are the following:

(1) The Navy Theater Wide system.

(2) The Theater High-Altitude Area Defense system.

SEC. 222. REPEAL OF REQUIREMENT TO IMPLEMENT TECHNICAL AND PRICE COMPETITION FOR THEATER HIGH ALTITUDE AREA DEFENSE SYSTEM.

Subsection (a) of section 236 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1953) is repealed.

SEC. 223. SPACE-BASED LASER PROGRAM.

(a) Structure of Program.—The Secretary of Defense shall structure the space-based laser program to include—

(1) a near-term integrated flight experiment; and

(2) an ongoing activity for developing an objective system design, including developing, testing, and operating a prototype system.

(b) Integrated Flight Experiment.—The Secretary shall structure the integrated flight experiment to provide for the following:

(1) Establishment of an objective to carry out an early demonstration of the fundamental end-to-end capability to detect, track, and destroy a boosting ballistic missile with a lethal laser from space.

(2) Utilization, to the maximum extent possible, of technology that has been demonstrated in principle or can be developed in the near-term with a low degree of risk.

(3) A goal of launching the experiment by 2006.

(c) Development of Objective System Design.—In order to develop an objective system design suited to the operational and technological environment that will exist when such a system can be deployed, the

Secretary shall structure the space-based laser program schedule to include the following:

(1) Robust research and development on advanced technologies in parallel with the development of the integrated flight experiment.

(2) Architecture studies to assess alternative space-based laser constellation and system performance characteristics.

(3) Planning for the development of a space-based laser prototype that—

(A) utilizes the lessons learned from the integrated flight experiment;

(B) is supported by ongoing architecture and advanced technology research and development efforts; and

(C) is scheduled to be launched approximately two years before the date by which the objective space-based laser system configuration is to be completed.

(d) Sense of Congress.—It is the sense of Congress that the structure required by this section for the space-based laser program is consistent with the joint venture contracting approach and overall objective that the Department of Defense has established for the space-based laser program.

(e) Revised Program Baseline.—The Secretary, in consultation with the space-based laser joint venture team, shall promptly revise the space-based laser program baseline to reflect the requirements of this section.

(f) Funds Available for Ballistic Missile Defense Organization Execution.—Of the amounts authorized to be appropriated under section 201(4), $75,000,000 shall be available for the space-based laser program. Amounts made available under this subsection may be transferred to the Air Force for execution in support of the space-based laser program.

(g) Funds Available for Air Force Execution.—Of the amounts authorized to be appropriated under section 201(3), $88,840,000 shall be available for the space-based laser program.

SEC. 224. AIRBORNE LASER PROGRAM.

(a) Modification of Program Definition and Risk Reduction Aircraft.—The Secretary of the Air Force may not commence any modification of the program definition and risk reduction aircraft for the Airborne Laser program until the Secretary of Defense certifies to Congress that he has determined that the commencement of the aircraft modification according to the existing schedule is justified on the basis of the results of test and analysis involving the following activities:

(1) The North Oscura Peak dynamic test program.

(2) Scintillometry data collection and analysis.

(3) The lethality/vulnerability program.

(4) The countermeasures test and analysis effort.

(5) Reduction and analysis of other existing data.

(b) Authority-to-Proceed-2.—Before the Authority-to-Proceed-2 may be approved for the Airborne Laser program, the Secretary of Defense shall—

(1) ensure that the Secretary of the Air Force has developed an appropriate plan for resolving the technical challenges identified in the Airborne Laser Program Assessment;

(2) approve the plan; and

(3) submit a report on the plan to the congressional defense committees.

(c) Milestone II Exit Criteria.—The Secretary of Defense shall restructure the Airborne Laser program schedule and Milestone II exit criteria to ensure that, prior to the making of a Milestone II decision approving entry of the program into engineering and manufacturing development—

(1) no modification of the engineering and manufacturing development aircraft is begun;

(2) the program definition and risk reduction aircraft is utilized in a robust series of flight tests that validates the technical maturity of the Airborne Laser program and provides sufficient information regarding the performance of the system across the full range of its validated operational requirements; and

(3) sufficient technical information is available to determine whether adequate progress is being made in the ongoing effort to address the operational issues identified in the Airborne Laser Program Assessment.

(d) Airborne Laser Program Assessment Defined.—In this section, the term "Airborne Laser Program Assessment" means the Assessment of Technical and Operational Aspects of the Airborne Laser Program that was submitted to Congress by the Secretary of Defense on March 9, 1999.

SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.

It is the sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy funding balance between ballistic missile defense technology development and ballistic missile defense acquisition programs;

(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs;

(3) the Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense major defense acquisition programs; and

(4) the Secretary should submit a report to the congressional defense committees by March 15, 2000, on the Secretary's plan for dealing with the matters identified in this section.

SEC. 226. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

SEC. 227. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) Study.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) Report.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

Subtitle D—Research and Development for Long-Term Military Capabilities

SEC. 231. ANNUAL REPORT ON EMERGING OPERATIONAL CONCEPTS.

(a) Extension of Reporting Requirement.—Subsection (a) of section 1042 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2642; 10 U.S.C. 113 note) is amended by striking "2000" and inserting "2002".

(b) Identification of Technological Objectives for Research and Development.—That section is further amended by adding at the end the following new subsection:

"(c) Additional Matters To Be Included in Reports After 1999.—Each report under this section after 1999 shall set forth the military capabilities that are necessary for meeting national security requirements over the next two to three decades, including—

"(1) the most significant strategic and operational capabilities (including both armed force-specific and joint capabilities) that are necessary for the Armed Forces to prevail against the most dangerous threats, including asymmetrical threats, that could be posed to the national security interests of the United States by potential adversaries from 2020 to 2030;

"(2) the key characteristics and capabilities of future military systems (including both armed force-specific and joint systems) that will be needed to meet each such threat; and

"(3) the most significant research and development challenges that must be met, and the technological breakthroughs that must be made, to develop and field such systems.".

SEC. 232. TECHNOLOGY AREA REVIEW AND ASSESSMENT.

Section 270(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2469; 10 U.S.C. 2501 note) is amended to read as follows:

"(b) Technology Area Review and Assessment.—With the submission of the plan under subsection (a) each year, the Secretary shall also submit to the committees referred to in that subsection a summary of each technology area review and assessment conducted by the Department of Defense in support of that plan.".

SEC. 233. REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

(a) Requirement.—The Under Secretary of Defense for Acquisition and Technology shall submit to the congressional defense committees a report on the actions that are necessary to promote the research base and technological development that will be needed for ensuring that the Armed Forces have the military capabilities that are necessary for meeting national security requirements over the next two to three decades.

(b) Content.—The report shall include the actions that have been taken or are planned to be taken within the Department of Defense to ensure that—

(1) the Department of Defense laboratories place an appropriate emphasis on revolutionary changes in military operations and the new technologies that will be necessary to support those operations;

(2) the Department helps sustain a high-quality national research base that includes organizations attuned to the needs of the Department, the fostering and creation of revolutionary technologies useful to the Department, and the capability to identify opportunities for new military capabilities in emerging scientific knowledge;

(3) the Department can identify, provide appropriate funding for, and ensure the coordinated development of joint technologies that will serve the needs of more than one of the Armed Forces;

(4) the Department can identify militarily relevant technologies that are developed in the private sector, rapidly incorporate those technologies into defense systems, and effectively utilize technology transfer processes;

(5) the Department can effectively and efficiently manage the transition of new technologies from the applied research and advanced technological development stage through the product development stage in a manner that ensures that maximum advantage is obtained from advances in technology; and

(6) the Department's educational institutions for the officers of the uniformed services incorporate into their officer education and training programs, as appropriate, materials necessary to ensure that the officers have the familiarity with the processes, advances, and opportunities in technology development that is necessary for making decisions that ensure the superiority of United States defense technology in the future.

SEC. 234. INCENTIVES TO PRODUCE INNOVATIVE NEW TECHNOLOGIES.

(a) TECHNICAL RISK AND PROFIT INCENTIVE.—The Department of Defense profit guidelines established in subpart 215.9 of the Department of Defense Supplement to the Federal Acquisition Regulation shall be modified to place increased emphasis on technical risk as a factor for determining appropriate profit margins and otherwise to provide an increased profit incentive for contractors to develop and produce complex and innovative new technologies, rather than to produce mature technologies with low technical risk.

(b) EXPIRATION OF AUTHORITY.—This section shall cease to be effective one year after the date on which the Secretary of Defense publishes in the Federal Register final regulations modifying the guidelines in accordance with subsection (a).

SEC. 235. DARPA COMPETITIVE PRIZES AWARD PROGRAM FOR ENCOURAGING DEVELOPMENT OF ADVANCED TECHNOLOGIES.

(a) AUTHORITY.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2374 the following:

"§ 2374a. Prizes for advanced technology

"(a) AUTHORITY.—The Director of the Defense Advanced Research Projects Agency may carry out a program to award prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the military missions of the Department of Defense.

"(b) COMPETITION REQUIREMENTS.—The Director shall use a competitive process for the selection of recipients of prizes under this section. The process shall include the widely-advertised solicitation of submissions of research results, technology developments, and prototypes.

"(c) FORM OF PRIZE.—A prize awarded under this section shall be a monetary award together with a trophy, plaque, or medal or other emblem.

"(d) LIMITATIONS.—(1) The total amount made available for award of cash prizes in a fiscal year may not exceed $10,000,000.

"(2) No prize competition may result in the award of more than $1,000,000 in cash prizes without the approval of the Under Secretary of Defense for Acquisition and Technology.

"(e) RELATIONSHIP TO OTHER AUTHORITY.—The Director may exercise the authority under this section in conjunction with or in addition to the exercise of any other authority of the Director to acquire, support, or stimulate basic, advanced and applied research, technology development, or prototype projects.

"(f) ANNUAL REPORT.—Promptly after the end of each fiscal year, the Director shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the program for the fiscal year. The report shall include the following:

"(1) The military applications of the research, technology, or prototypes for which prizes were awarded.

"(2) The total amount of the prizes awarded.

"(3) The methods used for solicitation and evaluation of submissions, together with an assessment of the effectiveness of those methods.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2374 the following:

"2374a. Prizes for advanced technology.".

SEC. 236. ADDITIONAL PILOT PROGRAM FOR REVITALIZING DEPARTMENT OF DEFENSE LABORATORIES.

(a) AUTHORITY.—(1) The Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions. The pilot program under this section is in addition to the pilot program carried out under section 246 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1955: 10 U.S.C. 2358 note)

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation laboratory, of each military department with authority for the following:

(A) To ensure that the defense laboratories can attract a balanced workforce of permanent and temporary personnel with an appropriate level of skills and experience, and can effectively compete in hiring processes to obtain the finest scientific talent.

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

(C) To waive any restrictions not required by law that apply to the demonstration and implementation of methods for achieving the objectives in subparagraphs (A) and (B).

(3) In selecting the laboratories for participation in the pilot program, the Secretary shall consider laboratories where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory for a period of three years beginning not later than March 1, 2000.

(b) REPORT.—(1) Not later than March 1, 2000, the Secretary of Defense shall submit a report on the implementation of the pilot program to Congress. The report shall include the following:

(A) Each laboratory selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory or center.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of the laboratory in the pilot program. The report shall contain the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at the laboratory under the pilot program.

SEC. 237. EXEMPTION OF DEFENSE LABORATORY EMPLOYEES FROM CERTAIN WORKFORCE MANAGEMENT RESTRICTIONS.

(a) STRENGTH MANAGEMENT.—Section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721) is amended by adding at the end the following new paragraph:

"(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of man years, end strength, full time equivalent positions, supervisory ratios, or maximum number of employees in any category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition and Technology.".

(b) REDUCTIONS IN FORCE.—Notwithstanding any provision of law that requires a reduction in the size of the defense acquisition workforce—

(1) the employees of a Department of Defense laboratory shall not be considered as being included in that workforce for the purpose of that provision of law; and

(2) the Secretary of Defense, in carrying out the reduction under that provision of law, shall consider the size of the required reduction as being lowered by—

(A) the percent determined by dividing (on the basis of the equivalent of full-time employees) the total number of employees in the defense acquisition workforce as of the beginning of the reduction in force into the number of laboratory employees that, except for paragraph (1), would otherwise have been considered as being in the workforce to be reduced under that provision of law; or

(B) any other factor that the Secretary determines as being a more appropriate measure for the adjustment.

SEC. 238. USE OF WORKING-CAPITAL FUNDS FOR FINANCING RESEARCH AND DEVELOPMENT OF THE MILITARY DEPARTMENTS.

(a) AUTHORITY.—Section 2208 of title 10, United States Code, is amended by adding at the end the following:

"(r) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—(1) Working-capital funds shall be used for financing all research, development, test, and evaluation activities and programs of the military departments.

"(2) The following transactions are authorized for the use of working-capital funds for activities and programs described in paragraph (1):

"(A) Acceptance of reimbursable orders from authorized customers.

"(B) Crediting of working-capital funds, out of funds available for a military department for research, development, test, and evaluation or any other appropriate source of funds, for goods and services provided to that military department.

"(3) The policies, procedures, and regulations of the Department of Defense that are applicable to the use and management of Department of Defense revolving funds shall be applied uniformly to all uses of working-capital funds for financing the activities and programs described in paragraph (1).".

(b) IMPLEMENTATION.—(1) The Secretary of Defense shall amend the Department of Defense Financial Management Regulation to ensure that subsection (r)(3) of section 2208 of title 10, United States Code (as added by subsection (a)), is fully implemented.

(2) Not later than April 1, 2000, and August 1, 2000, the Under Secretary of Defense (Comptroller) shall submit to the Committees on Armed Services of the Senate and the House of Representatives written status reports on the progress made in implementing subsection (r) of section 2208 of title 10, United States Code, as added by subsection (a). Each status report shall, at a minimum, include the following:

(A) The schedule for completing the key actions necessary for implementation.

(B) The progress made in the implementation by the military departments and the other agencies of the Department of Defense through the date of the report.

(C) Each delay and obstacle encountered in the implementation, together with an explanation of the actions taken in each such case to ensure timely implementation.

SEC. 239. EFFICIENT UTILIZATION OF DEFENSE LABORATORIES.

(a) ANALYSIS BY INDEPENDENT PANEL.—(1) Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall convene a panel of independent experts under the auspices of the Defense Science Board to conduct an analysis of the resources and capabilities of all of the laboratories and test and evaluation facilities of the Department of Defense, including those of the military departments. In conducting the analysis, the panel shall identify opportunities to achieve efficiency and reduce duplication of efforts by consolidating responsibilities by area or function or by designating lead agencies or executive agents in cases considered appropriate. The panel shall report its findings to the Secretary of Defense and to Congress not later than August 1, 2000.

(2) The analysis required by paragraph (1) shall, at a minimum, address the capabilities of the laboratories and test and evaluation facilities in the areas of air vehicles, armaments, command, control, communications, and intelligence, space, directed energy, electronic warfare, medicine, corporate laboratories, civil engineering, geophysics, and the environment.

(b) PERFORMANCE REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an appropriate performance review process for rating the quality and relevance of work performed by the Department of Defense laboratories. The process shall include customer evaluation and peer review by Department of Defense personnel and appropriate experts from outside the Department of Defense. The process shall provide for rating all laboratories of the Army, Navy, and Air Force on a consistent basis.

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AMOUNTS AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,340,094,000.

(2) For the Navy, $22,182,615,000.

(3) For the Marine Corps, $2,612,529,000.

(4) For the Air Force, $20,342,403,000.

(5) For Defense-wide activities, $10,963,033,000.

(6) For the Army Reserve, $1,376,813,000.

(7) For the Naval Reserve, $927,347,000.

(8) For the Marine Corps Reserve, $125,766,000.

(9) For the Air Force Reserve, $1,726,837,000.

(10) For the Army National Guard, $2,912,249,000.

(11) For the Air National Guard, $3,119,518,000.

(12) For the Defense Inspector General, $138,244,000.

(13) For the United States Court of Appeals for the Armed Forces, $7,621,000.

(14) For Environmental Restoration, Army, $378,170,000.

(15) For Environmental Restoration, Navy, $284,000,000.

(16) For Environmental Restoration, Air Force, $376,800,000.

(17) For Environmental Restoration, Defense-wide, $25,370,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $239,214,000.

(19) For Overseas Humanitarian, Demining, and CINC Initiatives, $55,800,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $745,265,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.

(22) For Medical Programs, Defense, $10,453,487,000.

(23) For Cooperative Threat Reduction programs, $475,500,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,387,600,000.

(25) For Combating Terrorism Activities Transfer Fund, $1,954,430,000.

(26) For quality of life enhancements, $1,845,370,000.

(27) For defense transfer programs, $31,000,000.

(b) GENERAL LIMITATION.—Notwithstanding paragraphs (1) through (27) of subsection (a), the total amount authorized to be appropriated for fiscal year 2000 under those paragraphs is $104,042,075,000.

SEC. 302. WORKING-CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital and revolving funds in amounts as follows:

(1) For the Army Working-Capital Fund, $62,344,000.

(2) For the Defense Working-Capital Fund, Air Force, $28,000,000.

(3) For the National Defense Sealift Fund, $394,700,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $68,295,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. OPERATIONAL METEOROLOGY AND OCEANOGRAPHY AND UNOLS.

Of the funds authorized to be appropriated in section 301(a), an additional $10,000,000 may be expended for Operational Meteorology and Oceanography and UNOLS.

SEC. 306. ARMED FORCES EMERGENCY SERVICES.

Of the funds in section 301(a)(5), $23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. NATO COMMON-FUNDED MILITARY BUDGET.

Of the amount authorized to be appropriated pursuant to section 301(a)(1) for operation and maintenance for the Army, $216,400,000 shall be available for contributions for the common-funded Military Budget of the North Atlantic Treaty Organization.

SEC. 312. USE OF HUMANITARIAN AND CIVIC ASSISTANCE FUNDING FOR PAY AND ALLOWANCES OF SPECIAL OPERATIONS COMMAND RESERVES FURNISHING DEMINING TRAINING AND RELATED ASSISTANCE AS HUMANITARIAN ASSISTANCE.

Section 401(c) of title 10, United States Code, is amended by adding at the end the following:

"(5) Up to 5 percent of the funds available in any fiscal year for humanitarian and civic assistance described in subsection (e)(5) may be expended for the pay and allowances of reserve component personnel of the Special Operations Command for periods of duty for which the personnel, for a humanitarian purpose, furnish education and training on the detection and clearance of landmines or furnish related technical assistance.".

SEC. 313. NATIONAL DEFENSE FEATURES PROGRAM.

Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l);

(2) by inserting after subsection (j) the following new subsection (k):

"(k) CONTRACTS FOR INCORPORATION OF DEFENSE FEATURES IN COMMERCIAL VESSELS.—(1) The head of any agency, after making a determination of the economic soundness of an offer to do so, may enter into a contract with the offeror for the offeror to install and maintain defense features for national defense purposes in one or more commercial vessels owned or controlled by the offeror in accordance with the purpose for which funds in the National Defense Sealift Fund are available under subsection (c)(1)(C).

"(2) The head of an agency may make advance payments to the contractor under the contract in one lump sum, annual payments, or any combination thereof for costs associated with the installation and maintenance of the defense features on one or more commercial vessels, as follows:

"(A) The costs to build, procure, and install any defense feature in a vessel.

"(B) The costs to maintain and test any defense feature on a vessel periodically.

"(C) Any increased costs of operation or any loss of revenue attributable to the installation or maintenance of any defense feature on a vessel.

"(D) Any additional costs associated with the terms and conditions of the contract.

"(3) For any contract under which the United States provides advance payments for the costs associated with installation or maintenance of any defense feature on a commercial vessel, the contractor shall provide to the United States any security interest in the vessel, by way of a preferred mortgage under section 31322 of title 46 or otherwise, that the head of the agency prescribes in order adequately to protect the United States against loss for the total amount of those costs.

"(4) Each contract entered into under this subsection shall—

"(A) set forth terms and conditions under which, so long as a vessel covered by the contract is owned or controlled by the contractor, the contractor is to operate the vessel for the Department of Defense notwithstanding any other contract or commitment of that contractor; and

"(B) provide that the contractor operating the vessel for the Department of Defense shall be paid for that operation at fair and reasonable rates.

"(5) The head of an agency may not delegate authority under this subsection to any person in a position below the level of head of a procuring activity."; and

(3) by adding at the end of subsection (l), as redesignated by paragraph (1), the following:

"(5) The term 'head of an agency' has the meaning given the term in section 2302(1) of this title.".

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

Subtitle C—Environmental Provisions

SEC. 321. ENVIRONMENTAL TECHNOLOGY MANAGEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to hold the Department of Defense and the military departments accountable for achieving performance-based results in the management of environmental technology by providing a connection between program direction and the achievement of specific performance-based results;

(2) to assure the identification of end-user requirements for environmental technology within the military departments;

(3) to assure results, quality of effort, and appropriate levels of service and support for end-users of environmental technology within the military departments; and

(4) to promote improvement in the performance of environmental technologies by establishing objectives for environmental technology programs, measuring performance against such objectives, and making public reports on the progress made in such performance.

(b) ENVIRONMENTAL TECHNOLOGY MANAGEMENT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

"§ 2358a. Research and development: environmental technology

"(a) MANAGEMENT OF RESEARCH AND DEVELOPMENT.—The Secretary of Defense shall provide in accordance with this section for the management of projects engaged in under section 2358 of this title for the research, development, and evaluation of environmental technologies for the Department of Defense and the military departments.

"(b) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—The Secretary of Defense shall—

"(1) establish guidelines for the development by the Department of Defense and the military departments of an investment control process for the selection, management, and evaluation of environmental technologies within the Department of Defense;

"(2) develop a strategic plan for the development of environmental technologies within the Department of Defense which shall specify goals and objectives for the development of environmental technologies within the Department and provide specific mechanisms for assuring the achievement of such goals and objectives;

"(3) establish guidelines for use by the officials concerned in preparing the annual performance plans and performance reports required by this section;

"(4) determine the feasibility of permitting such officials to develop quantifiable and measurable performance objectives for particular environmental technology projects; and

"(5) if the Secretary determines that the development of performance objectives for particular technology projects by the officials referred to in that paragraph is not feasible, establish a schedule for meeting the performance plan requirements set forth in subsection (c).

"(c) RESPONSIBILITIES WITHIN DEPARTMENT OF DEFENSE.—(1) Each official concerned shall—

"(A) develop and implement an investment control process for the selection, management, and evaluation of environmental technologies by the department or agencies; and

"(B) establish at the beginning of each fiscal year a performance plan for the environmental technology program of the department or agencies.

"(2) An investment control process under paragraph (1)(A) shall include, for the department or agency concerned, mechanisms—

"(A) to ensure the identification of end-user requirements for environmental technologies;

"(B) to prioritize such requirements within the context of funding constraints and the overall environmental technology requirements of the Department of Defense;

"(C) to avoid duplication and overlap in the research and development of environmental technologies both within the Department of Defense and between the Department of Defense and other public and private entities and persons;

"(D) to provide for the conduct of performance-based reviews of environmental technologies that take into account end-user evaluations of such technologies and permit a measurement of return on investments in such technologies;

"(E) to ensure that the environmental technology effort responds in an appropriate manner to end-user requirements, program and funding priorities and constraints, and the reviews conducted pursuant to subparagraph (D); and

"(F) to ensure appropriate protection of United States interests in any intellectual property rights associated with environmental technologies developed by or with the assistance of the department or agencies concerned.

"(3) A performance plan under paragraph (1)(B) for the environmental technology program of a department or agency for a fiscal year shall—

"(A) unless the Secretary of Defense determines that it is not feasible under subsection (b)(5), establish performance objectives for each environmental technology project under the program for the fiscal year based on end-user requirements and program priorities under the program, and express such objectives in a quantifiable and measurable form;

"(B) provide a basis for comparing the actual results of each project at the end of the fiscal year with the performance objectives for the project for the fiscal year;

"(C) establish means to validate the achievement of performance objectives for each project or to specify the extent to which such validation is not possible;

"(D) establish performance indicators for purposes of measuring or assessing relevant outputs and outcomes for each project for the fiscal year; and

"(E) establish mechanisms for determining the operational processes, skills and technology, human capital, information, or other resources necessary to meet the performance objectives for each project for the fiscal year.

"(d) ANNUAL REPORT.—(1) Not later than March 31 each year, the Secretary of Defense shall submit to Congress, at the same time as the Secretary submits the report required by section 2706(b) of this title, a report on the environmental technology program of the Department of Defense during the preceding fiscal year.

"(2) Each report under paragraph (1) shall, with respect to each project under the environmental technology program of the Department—

"(A) set forth the performance objectives established for the project for the fiscal year under subsection (c)(3) and assess the performance achieved with respect to the project in light of performance indicators for the project;

"(B) describe the extent to which the project met the performance objectives established for the project for the fiscal year;

"(C) if a project did not meet the performance objectives for the project for the fiscal year, include—

"(i) an explanation for the failure of the project to meet the performance objectives; and

"(ii) either—

"(I) a modified schedule for meeting the performance objectives; or

"(II) in the case of any performance objective determined to be impracticable or infeasible to meet, a statement of alternative actions to be taken with respect to the project; and

"(D) set forth the level of effort, including the funds obligated and expended, in the fiscal year for the achievement of each performance objective for the project.

"(e) OFFICIAL CONCERNED DEFINED.—In this section, the term 'official concerned' means the following:

"(1) The Deputy Under Secretary of Defense (Environmental Security), with respect to the environmental technology program of the Defense Agencies.

"(2) The Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health, with respect to the environmental technology program of the Army or any environmental program technology for which the Army is the executive agent.

"(3) The Deputy Assistant Secretary of the Navy (Environment and Safety), with respect to the environmental technology program of the Navy or any environmental technology program for which the Navy is the executive agent.

"(4) The Deputy Assistant Secretary of the Air Force (Environment, Safety, and Occupational Health), with respect to the environmental technology program of the Air Force or any environmental technology program for which the Air Force is the executive agent.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358 the following new item:

"2358a. Research and development: environmental technology.".

SEC. 322. ESTABLISHMENT OF ENVIRONMENTAL RESTORATION ACCOUNTS FOR INSTALLATIONS CLOSED OR REALIGNED UNDER THE BASE CLOSURE LAWS AND FOR FORMERLY USED DEFENSE SITES.

(a) ACCOUNT FOR FORMERLY USED DEFENSE SITES.—Subsection (a) of section 2703 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) An account to be known as the 'Environmental Restoration Account, Army, Formerly Used Defense Sites'.".

(b) ACCOUNT FOR DEFENSE BASE CLOSURE AND REALIGNMENT.—That subsection is further amended by adding at the end the following new paragraph:

"(6) An account to be known as the 'Environmental Restoration Account, Defense Base Closure and Realignment'.".

(c) USE OF FUNDS IN BASE CLOSURE AND REALIGNMENT ACCOUNT.—(1) Subsection (b) of that section is amended—

(A) by striking "Funds authorized" and inserting "(1) Except as provided in paragraph (2), funds authorized"; and

(B) by adding at the end the following:

"(2)(A) Funds authorized for deposit in the Environmental Restoration Account, Defense Base Closure and Realignment established under subsection (a)(6) may be obligated and expended from the account only for carrying out environmental restoration required as the result of the closure or realignment of military installations pursuant to a base closure law. Such funds shall be the exclusive source of funds for such environmental restoration.

"(B) For purposes of this paragraph, the term 'base closure law' means the following:

"(i) Section 2687 of this title.

"(ii) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(iii) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

(2) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking subsection (e).

(d) TRANSFER OF BRAC ENVIRONMENTAL RESTORATION FUNDS.—The Secretary of Defense shall transfer from the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) to the Environmental Restoration Account, Defense Base Closure and Realignment established by section 2703(a)(6) of title 10, United States Code (as amended by subsection (b)), such portion of the unobligated balance in the Department of Defense Base Closure Account 1990 as of October 1, 2000, as the Secretary determines necessary to carry out environmental restoration in accordance with section 2703(b)(2) of title 10, United States Code (as amended by subsection (c)(1)).

(e) FUNDING OF ADMINISTRATIVE EXPENSES AND TECHNICAL ASSISTANCE.—Section 2705(g) of title 10, United States Code, is amended to read as follows:

"(g) FUNDING.—(1) Except as provided in paragraph (2), funds in the accounts established by section 2703(a) of this title shall be available for administrative expenses and technical assistance under this section.

"(2) Funds in the account established by section 2703(a)(6) of this title shall be available for administrative expenses and technical assistance under this section with respect to an installation approved for closure or realignment under a base closure law only to the extent that the base closure law under which the installation is being closed or realigned provides for the funding of environmental restoration at the installation from an account established for purposes of carrying out the closure or realignment of installations.".

(f) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (b) and (c) shall take effect on October 1, 2000.

SEC. 323. EXTENSION OF LIMITATION ON PAYMENT OF FINES AND PENALTIES USING FUNDS IN ENVIRONMENTAL RESTORATION ACCOUNTS.

Section 2703(e) of title 10, United States Code, is amended by striking "through 1999," both places it appears and inserting "through 2010,".

SEC. 324. MODIFICATION OF REQUIREMENTS FOR ANNUAL REPORTS ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.

(a) MODIFICATION OF REQUIREMENTS.—Subsection (b) of section 2706 of title 10, United States Code, is amended to read as follows:

"(b) REPORT ON ENVIRONMENTAL QUALITY PROGRAMS AND OTHER ENVIRONMENTAL ACTIVITIES.—(1) The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the progress made in carrying out activities under the environmental quality programs of the Department of Defense and the military departments.

"(2) Each report shall include the following:

"(A) A description of the environmental quality program of the Department of Defense, and of each of the military departments, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year in which the report is submitted, and the fiscal year following the fiscal year in which the report is submitted, including—

"(i) for each of the major activities under the program—

"(I) the amount expended, or proposed to be expended, in each fiscal year of the period;

"(II) an explanation for any significant change in the aggregate amount to be expended in the fiscal year in which the report is submitted, and in the following fiscal year, when compared with the fiscal year preceding each such fiscal year; and

"(III) an assessment of the manner in which the scope of the activities have changed over the course of the period; and

"(ii) a summary of the major achievements of the program and of any major problems with the program.

"(B) A list of the planned or ongoing projects necessary to support the environmental quality program of the Department of Defense, and of each of the military departments, during the period described in subparagraph (A) the cost of which has exceeded or is anticipated to exceed $1,500,000, including—

"(i) a separate list of the projects inside the United States and of the projects outside the United States;

"(ii) for each project commenced during the first four fiscal years of the period—

"(I) the amount specified in the initial budget request for the project;

"(II) the aggregate amount allocated to the project through the fiscal year preceding the fiscal year in which the report is submitted; and

"(III) the aggregate amount obligated for the project through that fiscal year;

"(iii) for each project commenced or to be commenced in the fiscal year in which the report is submitted—

"(I) the amount specified for the project in the budget for the fiscal year; and

"(II) the amount allocated to the project in the fiscal year;

"(iv) for each project to be commenced in the last fiscal year of the period, the amount, if any, specified for the project in the budget for the fiscal year; and

"(v) if the anticipated aggregate cost of any project covered by the report will exceed by more than 25 percent the amount specified in the initial budget request for such project, a justification for that variance.

"(C) A statement of the fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during the fiscal year in which the report is submitted and the four preceding fiscal years, setting forth—

"(i) each Federal environmental statute under which a fine or penalty was imposed or assessed during each such fiscal year;

"(ii) with respect to each such Federal statute—

"(I) the aggregate amount of fines and penalties imposed under the statute during each such fiscal year;

"(II) the aggregate amount of fines and penalties paid under the statute during each such fiscal year; and

"(III) the total amount required during such fiscal years for supplemental environmental projects in lieu of the payment of a fine or penalty under the statute and the extent to which the cost of such projects during such fiscal years has exceeded the original amount of the fine or penalty; and

"(iii) the amount of fines and penalties imposed or assessed during each such fiscal year with respect to each military installation inside and outside the United States.

"(D) A statement of the amounts expended, and anticipated to be expended, during the period described in subparagraph (A) for any activities overseas relating to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, pollution prevention, and environmental technology and amounts for conferences, meetings, and studies for pilot programs, and for travel related to such activities.".

(b) CONFORMING REPEAL.—That section is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(c) DEFINITIONS.—Subsection (d) of that section, as redesignated by subsection (b)(2) of this section, is amended by adding at the end the following:

"(4) The term 'environmental quality program' means a program of activities relating to environmental compliance, conservation, pollution prevention, environmental technology, and such other activities relating to environmental quality as the Secretary concerned may designate for purposes of the program.

"(5) The term 'major activities', with respect to an environmental quality program, means the following activities under the program:

"(A) Environmental compliance activities.

"(B) Conservation activities.

"(C) Pollution prevention activities.

"(D) Activities relating to environmental technology.".

SEC. 325. MODIFICATION OF MEMBERSHIP OF STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL.

Section 2902(b)(1) of title 10, United States Code, is amended by striking "Director of Defense Research and Engineering" and inserting "Deputy Under Secretary of Defense for Science and Technology".

SEC. 326. EXTENSION OF PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

Section 351(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1692; 10 U.S.C. 2701 note) is amended by striking "beginning on the date of the enactment of this Act and ending two years after such date" and inserting "beginning on November 18, 1997, and ending on September 30, 2001".

SEC. 327. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH FRESNO DRUM SUPERFUND SITE, FRESNO, CALIFORNIA.

(a) AUTHORITY.—The Secretary of Defense may pay, using funds described in subsection (b), to the Fresno Drum Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency for costs incurred by the Agency for actions taken under CERCLA at the Fresno Industrial Supply, Inc., site in Fresno, California, the following amounts:

(1) Not more than $778,425 for past response costs incurred by the Agency.

(2) The amount of the costs identified as "interest" costs pursuant to the agreement known as the "CERCLA Section 122(h)(1) Agreement for Payment of Future Response Costs and Recovery of Past Response Costs In the Matter of: Fresno Industrial Supply Inc. Site, Fresno, California" that was entered into by the Department of Defense and the Environmental Protection Agency on May 22, 1998.

(b) SOURCE OF FUNDS FOR PAYMENT.—(1) Subject to paragraph (2), any payment under subsection (a) shall be made using the following amounts:

(A) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Defense, established by section 2703(a)(1) of title 10, United States Code.

(B) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Army, established by section 2703(a)(2) of that title.

(C) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Navy, established by section 2703(a)(3) of that title.

(D) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Air Force, established by section 2703(a)(4) of that title.

(2) The portion of a payment under paragraph (1) that is derived from any account referred to in that paragraph shall bear the same ratio to the total amount of such payment as the amount of the hazardous substances at the Fresno Industrial Supply, Inc., site that are attributable to the department concerned bears to the total amount of the hazardous substances at that site.

(c) CERCLA DEFINED.—In this section, the term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 328. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER CERCLA IN CONNECTION WITH F.E. WARREN AIR FORCE BASE, WYOMING.

(a) AUTHORITY.—The Secretary of the Air Force may pay, using funds described in subsection (b), not more than $20,000 as payment of stipulated civil penalties assessed on January 13, 1998, against F.E. Warren Air Force Base, Wyoming, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) SOURCE OF FUNDS FOR PAYMENT.—Any payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Air Force, established by section 2703(a)(4) of title 10, United States Code.

SEC. 329. PROVISION OF INFORMATION AND GUIDANCE TO THE PUBLIC REGARDING ENVIRONMENTAL CONTAMINATION AT UNITED STATES MILITARY INSTALLATIONS FORMERLY OPERATED BY THE UNITED STATES THAT HAVE BEEN CLOSED.

(a) DISCLOSURE.—

(1) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall publicly disclose existing, available information relevant to a foreign nation's determination of the nature and extent of environmental contamination, if any, at a site in that foreign nation where the United States operated a military base, installation, and facility that has been closed as of the date of enactment of this Act.

(2) CONGRESSIONAL LIST.—Not later than September 30, 2000, the Secretary of Defense shall provide Congress a list of information made public pursuant to paragraph (1).

(b) LIMITATION.—The requirement to provide information and guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any site referred to in subsection (a).

(c) NATIONAL SECURITY.—Information the Secretary of Defense believes could adversely affect United States National Security shall not be released pursuant to this provision.

SEC. 330. ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the Federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Committee on Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

Subtitle D—Other Matters

SEC. 341. EXTENSION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

Section 391(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 104-85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

SEC. 342. ADDITIONAL MATTERS TO BE REPORTED BEFORE PRIME VENDOR CONTRACT FOR DEPOT-LEVEL MAINTENANCE AND REPAIR IS ENTERED INTO.

Section 346(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1979; 10 U.S.C. 2464 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following:

"(3) contains an analysis of the extent to which the contract conforms to the requirements of section 2466 of title 10, United States Code; and

"(4) describes the measures taken to ensure that the contract does not violate the core logistics policies, requirements, and restrictions set forth in section 2464 of that title.".

SEC. 343. IMPLEMENTATION OF JOINTLY APPROVED CHANGES IN DEFENSE RETAIL SYSTEMS.

(a) RECOMMENDATIONS OF JOINT EXCHANGE DUE DILIGENCE STUDY.—Subsection (c) of section 367 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1987; 10 U.S.C. 2482 note) is amended by striking "may not be implemented unless implementation of the recommendation" and inserting "may be implemented only if implementation of the recommendation is approved by all of the Secretaries of the military departments or".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking "The operation" and inserting "Except as provided in subsection (c), the operation".

SEC. 344. WAIVER OF REQUIRED CONDITION FOR SALES OF ARTICLES AND SERVICES OF INDUSTRIAL FACILITIES TO PURCHASERS OUTSIDE THE DEPARTMENT OF DEFENSE

(a) SALES TO DEFENSE CONTRACTORS.—Section 2208(j) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after "(j)"; and

(3) by adding at the end the following:

"(2) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement for the conditions in paragraph (1) in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.".

(b) SALES TO PURCHASERS GENERALLY.—Section 2553 of title 10, United States Code, is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement for the condition in subsections (a)(1) and (c)(1) in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.".

SEC. 345. ELIGIBILITY TO RECEIVE FINANCIAL ASSISTANCE AVAILABLE FOR LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL.

Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note) is amended by striking "in that fiscal year are" and inserting "during the preceding school year were".

SEC. 346. USE OF SMART CARD TECHNOLOGY IN THE DEPARTMENT OF DEFENSE.

(a) LEADERSHIP, PLANNING, AND EXECUTION OF SMART CARD PROGRAM.—(1) Not later than October 1, 1999, the Secretary of Defense shall designate the Department of the Navy to be the lead agency for the development and implementation of a Smart Card program for the Department of Defense effective as of the date of the designation.

(2) The Secretary of Defense shall direct the Secretary of the Army and the Secretary of the Air Force to establish Smart Card project offices for the Department of the Army and the Department of the Air Force, respectively, not later than November 30, 1999. The designated offices shall coordinate closely with the lead agency to develop implementation plans for exploiting the capability of Smart Card technology as a means for enhancing readiness and improving business processes throughout the military departments.

(3) Not later than November 30, 1999, the Secretary of Defense shall establish a senior coordinating group chaired by a representative of the Secretary of the Navy. The group shall include senior representatives from each of the Armed Forces. The senior coordinating group shall develop and implement Department-wide interoperability standards for use of Smart Card technology and a plan to exploit Smart Card technology as a means for enhancing readiness and improving business processes.

(4) The Secretary of the Army and the Secretary of the Air Force, in coordination with the Secretary of the Navy, shall each develop and implement a program to demonstrate the benefits of Smart Card technology in the Army and the Air Force, respectively.

(b) INCREASED USE TARGETED TO CERTAIN NAVAL REGIONS.—Not later than November 30, 1999, the Secretary of the Navy shall establish a business plan to implement the use of Smart Cards in one major Naval region of the continental United States that is in the area of operations of the United States Atlantic Command and one major Naval region of the continental United States that is in the area of operations of the United States Pacific Command. The regions selected shall include a major fleet concentration area. The implementation of the use of Smart Cards in each region shall cover the Navy and Marine Corps bases and all non-deployed units in the region. The Secretary of the Navy shall submit the business plan to the congressional defense committees.

(c) FUNDING FOR INCREASED USE OF SMART CARDS.—(1) Of the funds authorized to be appropriated for the Navy for fiscal year 2000 under section 102(a)(4) or 301(a)(2), the Secretary of the Navy—

(A) shall allocate sufficient amounts, up to $30,000,000, for ensuring that significant progress is made toward complete implementation of the use of Smart Card technology in the Department of the Navy; and

(B) may allocate additional amounts for the conversion of paper-based records to electronic media for records systems that have been modified to use Smart Card technology.

(2) Of the funds authorized to be appropriated under section 301(a)(1), up to $5,000,000 shall be available for Army demonstration programs under subsection (a)(4). Of the funds authorized to be appropriated under section 301(a)(4), up to $5,000,000 shall be available for Air Force demonstration programs under subsection (a)(4).

(d) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a detailed discussion of the progress made by the senior coordinating group in carrying out its duties under subsection (a)(3).

(e) DEFINITIONS.—In this section:

(1) The term "Smart Card" means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

(A) Magnetic stripe.

(B) Bar codes, linear or two-dimensional.

(C) Non-contact and radio frequency transmitters.

(D) Biometric information.

(E) Encryption and authentication.

(F) Photo identification.

(2) The term "Smart Card technology" means a Smart Card together with all of the associated information technology hardware and software that comprise the system for support and operation.

(f) REPEAL OF REQUIREMENT FOR AUTOMATED IDENTIFICATION TECHNOLOGY OFFICE.—Section 344(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1977; 10 U.S.C. 113 note) is repealed.

SEC. 347. STUDY ON USE OF SMART CARD AS PKI AUTHENTICATION DEVICE CARRIER FOR THE DEPARTMENT OF DEFENSE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to determine the potential benefits of Department of Defense use of the Smart Card for addressing the need of the Department of Defense for a Public-Private Key Infrastructure (PKI) authentication device carrier.

(b) REPORT.—Not later than January 31, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study. The report shall include the Secretary's findings and any recommendations that the Secretary considers appropriate regarding Department of Defense use of the Smart Card for addressing the need identified in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term "Smart Card" means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

(A) Magnetic stripe.

(B) Bar codes, linear or two-dimensional.

(C) Non-contact and radio frequency transmitters.

(D) Biometric information.

(E) Encryption and authentication.

(F) Photo identification.

(2) The term "Public-Private Key Infrastructure (PKI) authentication device carrier" means a device that physically stores, carries, and employs electronic authentication or encryption keys necessary to create a unique digital signature, digital certificate, or other mark on an electronic document or file.

SEC. 348. REVISION OF AUTHORITY TO DONATE CERTAIN ARMY MATERIEL FOR FUNERAL CEREMONIES.

(a) AUTHORITY.—Section 4683 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “lend obsolete or condemned rifles (not more than 10)” and inserting “conditionally lend or donate excess M1 rifles (not more than 15)”; and

(B) by striking “any local unit of any national veterans' organization recognized by the Department of Veterans Affairs, for use by that unit” and inserting “a unit or other organization of honor guards recognized by the Secretary of the Army as honor guards for a national cemetery, a law enforcement agency, or a local unit of any organization that, as determined by the Secretary of the Army, is a nationally recognized veterans' organization, for use by that unit, organization, or agency”; and

(2) by adding at the end the following:

“(c) CONDITIONS ON DONATIONS.—In lending or donating rifles under subsection (a), the Secretary of the Army may impose any condition on the use of the rifles that the Secretary considers appropriate.”.

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “AUTHORITY.—” after “(a)”; and

(2) in subsection (b), by inserting “RELIEF FROM LIABILITY.—” after “(b)”.

SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

Section 112(a)(3) of title 32, United States Code, is amended by striking “per purchase order” in the second sentence and inserting “per item”.

SEC. 350. AUTHORITY FOR PAYMENT OF SETTLEMENT CLAIMS.

(a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) RESOLUTION OF OTHER CLAIMS.—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comparable settlement of the claims arising from the deaths of the United States servicemen caused by the collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia, on September 13, 1997.

SEC. 351. SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN'S FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU-154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU-154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2000, as follows:

(1) The Army, 480,000.

(2) The Navy, 371,781.

(3) The Marine Corps, 172,240.

(4) The Air Force, 360,877.

SEC. 402. REVISION IN PERMANENT END STRENGTH LEVELS.

(a) REVISED END STRENGTH FLOORS.—Subsection (b) of section 691 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out “372,696” and inserting in lieu thereof “371,781”;

(2) in paragraph (3), by striking out “172,200” and inserting in lieu thereof “172,148”; and

(3) in paragraph (4), by striking out “370,802” and inserting in lieu thereof “360,877”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 403. REDUCTION OF END STRENGTHS BELOW LEVELS FOR TWO MAJOR REGIONAL CONTINGENCIES.

Section 691(d) of title 10, United States Code, is amended by striking “unless” and all that follows and inserting “unless the Secretary of Defense first submits to Congress a written notification of the proposed lower end strength together with the justification for the lower end strength. The Secretary may submit the notification and justification with the budget for the department for the fiscal year.”.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2000, as follows:

(1) The Army National Guard of the United States, 350,623.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 90,288.

(4) The Marine Corps Reserve, 39,624.

(5) The Air National Guard of the United States, 106,744.

(6) The Air Force Reserve, 73,764.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

(c) PERMANENT WAIVER AUTHORITY.—Section 115(c) of title 10, United States Code, is amended—

(1) by striking the "and" at the end of paragraph (1);

(2) by striking the period at the end of the paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of a reserve component of any of the armed forces by a number equal to not more than 2 percent of that end strength.".

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,430.

(2) The Army Reserve, 12,804.

(3) The Naval Reserve, 15,010.

(4) The Marine Corps Reserve, 2,272.

(5) The Air National Guard of the United States, 11,157.

(6) The Air Force Reserve, 1,134.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS.

(a) DUAL STATUS TECHNICIANS.—The minimum number of military technicians (dual status) as of September 30, 2000, for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,179.

(2) For the Army National Guard of the United States, 22,396.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

(b) NON-DUAL STATUS TECHNICIANS.—The reserve components of the Army and Air Force are (notwithstanding section 129 of title 10, United States Code) authorized strengths for military technicians (non-dual status) as of September 30, 2000, as follows:

(1) For the Army Reserve, 1,295.

(2) For the Army National Guard of the United States, 1,800.

(3) For the Air Force Reserve, 342.

(4) For the Air National Guard of the United States, 342.

SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,227	1,071	860	140
Lieutenant Colonel or Commander	1,611	520	777	90
Colonel or Navy Captain	471	188	297	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	645	202	405	20
E–8	2,593	429	1,041	94".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of $71,693,093,000, and in addition funds in the total amount of $1,838,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 2012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31). The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. EXTENSION OF REQUIREMENT FOR COMPETITION FOR JOINT 4-STAR OFFICER POSITIONS.

(a) EXTENSION OF REQUIREMENT.—Section 604(c) of title 10, United States Code, is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(b) GRADE RELIEF.—Section 525(b)(5)(C) of such title is amended by striking "September 30, 2000" and inserting "September 30, 2003".

SEC. 502. ADDITIONAL THREE-STAR OFFICER POSITIONS FOR SUPERINTENDENTS OF SERVICE ACADEMIES.

(a) EXCLUSION OF SUPERINTENDENTS FROM GRADE LIMITATION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following:

"(7) An officer while serving in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general or vice admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for that grade under subsection (a) or paragraph (1) or (2) of this subsection.".

(b) RETIREMENT OF SUPERINTENDENTS.—(1)(A) Chapter 367 of title 10, United States Code, is amended by inserting after section 3920 the following:

"§ 3921. Mandatory retirement: Superintendent of the United States Military Academy

"Upon the termination of a detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which the officer is eligible to retire.".

(B) Chapter 403 of such title is amended by inserting after section 4333 the following:

"§ 4333a. Superintendent: condition for detail to position

"To be eligible for detail to the position of Superintendent of the Academy, an officer shall enter into an agreement with the Secretary of the Army to accept retirement upon termination of the detail.".

(2)(A) Chapter 573 of such title is amended by inserting after the table of sections at the beginning of the chapter the following:

"§ 6371. Mandatory retirement: Superintendent of the United States Naval Academy

"Upon the termination of a detail of an officer to the position of Superintendent of the United States Naval Academy, the Secretary of the Navy shall retire the officer under any provision of chapter 571 of this title under which the officer is eligible to retire.".

(B) Chapter 603 of such title is amended by inserting after section 6951 the following:

"§ 6951a. Superintendent

"(a) There is a Superintendent of the United States Naval Academy. The immediate governance of the Naval Academy is under the Superintendent.

"(b) The Superintendent shall be detailed to the position by the President. To be eligible for detail to the position, an officer shall enter into an agreement with the Secretary of the Navy to accept retirement upon termination of the detail.".

(3)(A) Chapter 867 of such title is amended by inserting after section 8920 the following:

"§ 8921. Mandatory retirement: Superintendent of the United States Air Force Academy

"Upon the termination of a detail of an officer to the position of Superintendent of the United States Air Force Academy, the Secretary of the Air Force shall retire the officer under any provision of this chapter under which the officer is eligible to retire.".

(B) Chapter 903 of such title is amended by inserting after section 9333 the following:

"§ 9333a. Superintendent: condition for detail to position

"To be eligible for detail to the position of Superintendent of the Academy, an officer shall enter into an agreement with the Secretary of the Air Force to accept retirement upon termination of the detail.".

(c) CLERICAL AMENDMENTS.—(1)(A) The table of sections at the beginning of chapter 367 of title 10, United States Code, is amended by inserting after the item relating to section 3920 the following:

"3921. Mandatory retirement: Superintendent of the United States Military Academy.".

(B) The table of sections at the beginning of chapter 403 of such title is amended by inserting after the item relating to section 4333 the following:

"4333a. Superintendent: condition for detail to position.".

(2)(A) The table of sections at the beginning of chapter 573 of such title is amended by inserting before the item relating to section 6383 the following:

"6371. Mandatory retirement: Superintendent of the United States Naval Academy.".

(B) The table of sections at the beginning of chapter 603 of such title is amended by inserting after the item relating to section 6951 the following:

"6951a. Superintendent.".

(3)(A) The table of sections at the beginning of chapter 867 of such title is amended by inserting after the item relating to section 8920 the following:

"8921. Mandatory retirement: Superintendent of the United States Air Force Academy.".

(B) The table of sections at the beginning of chapter 903 of such title is amended by inserting after the item relating to section 9333 the following:

"9333a. Superintendent: condition for detail to position.".

(d) Savings Provision.—The amendments made by this section shall not apply to an officer serving on the date of the enactment of this Act in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy for so long as the officer continues on and after that date to serve in the position without a break in the service in the position.

SEC. 503. INCREASE IN MAXIMUM NUMBER OF OFFICERS AUTHORIZED TO BE ON ACTIVE-DUTY LIST IN FROCKED GRADE OF BRIGADIER GENERAL OR REAR ADMIRAL.

Section 777(d)(1) of title 10, United States Code, is amended by striking "the following:" and all that follows and inserting "55.".

SEC. 504. RESERVE OFFICERS REQUESTING OR OTHERWISE CAUSING NONSELECTION FOR PROMOTION.

(a) Reporting Requirement.—Section 617(c) of title 10, United States Code, is amended by striking "regular".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to boards convened under section 611(a) of title 10, United States Code, on or after that date.

SEC. 505. MINIMUM GRADE OF OFFICERS ELIGIBLE TO SERVE ON BOARDS OF INQUIRY.

(a) Retention Boards for Regular Officers.—Section 1187 of title 10, United States Code, is amended to read as follows:

"(a) Active Duty Officers.—Each officer who serves on a board convened under this chapter shall—

"(1) be an officer of the same armed force as the officer being required to show cause for retention on active duty;

"(2) be serving on active duty in a grade that—

"(A) in the case of the President of the board, is above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, is above major or lieutenant commander; and

"(3) be senior in grade and rank to any officer considered by that board.

"(b) Retired Officers.—If qualified officers on active duty are not available in sufficient numbers to comprise a board convened under this chapter, the Secretary of the military department concerned shall complete the membership of the board by appointing retired officers of the same armed force whose retired grade—

"(1) is—

"(A) in the case of the President of the board, above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, above major or lieutenant commander; and

"(2) is senior to the grade of any officer considered by the board.

"(c) Ineligibility by Reason of Previous Consideration of Case.—No person may be a member of more than one board convened under this chapter to consider the same officer.

"(d) Exclusion From Strength Limitation.—A retired general or flag officer who is on active duty for the purpose of serving on a board convened under this chapter shall not, while so serving, be counted against any limitation on the number of general and flag officers who may be on active duty.".

(b) Retention Boards for Reserve Officers.—Subsection (a) of section 14906 of such title is amended to read as follows:

"(a) Active Status Officers.—Each officer who serves on a board convened under this chapter shall—

"(1) be an officer of the same armed force as the officer being required to show cause for retention in an active status;

"(2) hold a grade that—

"(A) in the case of the President of the board, is above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, is above major or lieutenant commander; and

"(3) be senior in grade and rank to any officer considered by that board.".

SEC. 506. MINIMUM SELECTION OF WARRANT OFFICERS FOR PROMOTION FROM BELOW THE PROMOTION ZONE.

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the number determined under this subsection with respect to a promotion zone within a grade (or grade and competitive category) is less than one, the board may recommend one such officer for promotion from below the zone within that grade (or grade and competitive category).".

SEC. 507. INCREASE IN THRESHOLD PERIOD OF ACTIVE DUTY FOR APPLICABILITY OF RESTRICTION ON HOLDING OF CIVIL OFFICE BY RETIRED REGULAR OFFICERS AND RESERVE OFFICERS.

Section 973(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "180 days" and inserting "270 days"; and

(2) in subparagraph (C), by striking "180 days" and inserting "270 days".

SEC. 508. EXEMPTION OF RETIREE COUNCIL MEMBERS FROM RECALLED RETIREE LIMITS.

Section 690(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph (D):

"(D) Any member of the Retiree Council of the Army, Navy, or Air Force for the period on active duty to attend the annual meeting of the Retiree Council.".

Subtitle B—Reserve Component Matters

SEC. 511. ADDITIONAL EXCEPTIONS FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS FROM LIMITATION ON AUTHORIZED STRENGTH OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended to read as follows:

"(d) Exclusion of Certain Reserve Component Officers.—(1) The limitations of this section do not apply to the following reserve component general or flag officers:

"(A) An officer on active duty for training.

"(B) An officer on active duty under a call or order specifying a period of less than 180 days.

"(2) Up to 25 reserve component general and flag officers serving on active duty at any one time under calls or orders specifying periods of 180 days or more may be excluded from the limitations of this section. Officers excluded under the preceding sentence are in addition to any other reserve component general or flag officers on active duty under calls or orders specifying periods of 180 days or more who are excluded from the limitations of this section under authority other than this paragraph.".

SEC. 512. DUTIES OF RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) Duties.—Section 12310 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d) and transferring such subsection, as so redesignated, to the end of the section; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Duties.—A Reserve on active duty as described in subsection (a) may be assigned only duties in connection with the functions described in that subsection, which may include the following:

"(1) Supporting operations or missions assigned in whole or in part to reserve components.

"(2) Supporting operations or missions performed or to be performed by—

"(A) a unit composed of elements from more than one component of the same armed force; or

"(B) a joint forces unit that includes—

"(i) one or more reserve component units; or

"(ii) if no reserve component unit, any member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

"(3) Advising the Secretary of Defense, the Secretary of a military department, the Joint Chiefs of Staff, or the commander of a unified combatant command regarding reserve component matters.".

(b) Technical and Conforming Amendments.—Section 12310 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "Grade.—" after "(a)";

(2) in subsection (c)(1), by striking "(c)(1) A Reserve" and inserting "(c) Duties Relating to Defense Against Weapons of Mass Destruction.—(1) Notwithstanding subsection (b), a Reserve"; and

(3) in subsection (d), as redesignated and transferred by subsection (a)(1), by inserting "Training.—" after "(d)".

(c) Review of Use of Reserves on Active Duty in Support of the Reserves.—(1) The Secretary of Defense shall review how the Reserves on active duty in support of the reserves are used in relation to the duties set forth under subsection (b) of section 12310 of title 10, United States Code, as added by subsection (a)(2).

(2) Not later than March 1, 2000, the Secretary shall submit a report on the results of the review to the Committees on Armed Services of the Senate and the House of Representatives. The report shall address, at a minimum, the following issues:

(1) Whether the Reserves on active duty in support of the reserve should be considered as a separate category of Reserves on active duty.

(2) Whether those Reserves should be counted within the active component end strengths and funded by the appropriations for active component military personnel.

SEC. 513. REPEAL OF LIMITATION ON NUMBER OF RESERVES ON FULL-TIME ACTIVE DUTY IN SUPPORT OF PREPAREDNESS FOR RESPONSES TO EMERGENCIES INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPEAL.—Paragraph (4) of section 12310(c) of title 10, United States Code, is amended by striking the first sentence.

(b) CONFORMING AMENDMENTS.—Paragraph (6) of such section is amended—

(1) by striking "or to increase the number of personnel authorized by paragraph (4)" in the matter preceding subparagraph (A); and

(2) in subparagraph (A), by striking "or for the requested additional personnel" and all that follows through "Federal levels".

SEC. 514. EXTENSION OF PERIOD FOR RETENTION OF RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.

(a) PARITY WITH OFFICERS IN GRADES O-2 AND O-3.—Section 14506 of title 10, United States Code, is amended—

(1) by inserting "the later of (1)" after "in accordance with section 14513 of this title on"; and

(2) by inserting before the period at the end the following: ", or (2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to removals of reserve officers from reserve active-status lists under section 14506 of title 10, United States Code, on or after that date.

SEC. 515. CONTINUATION OF OFFICER ON RESERVE ACTIVE-STATUS LIST FOR DISCIPLINARY ACTION.

(a) AUTHORITY.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 14518. Continuation on reserve active-status list to complete disciplinary action

"When any action has been commenced against an officer on a reserve active-status list with a view to trying the officer by court-martial, the Secretary concerned may delay the separation or retirement of the officer under the provisions of this chapter until the completion of the action.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end:

"14518. Continuation on reserve active-status list to complete disciplinary action.".

SEC. 516. RETENTION OF RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.

Section 14703(b) of title 10, United States Code, is amended by striking "(or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age)".

SEC. 517. RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

Section 2126(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) Service credited under paragraph (1) counts only for the award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

"(3) The number of points credited to a member under paragraph (1) for a year of participation in a course of study is 50. The points shall be credited to the member for one of the years of that participation at the end of each year after the completion of the course of study that the member serves in the Selected Reserve and is credited under section 12732(a)(2) of this title with at least 50 points. The points credited for the participation shall be recorded in the member's records as having been earned in the year of the participation in the course of study.";

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) A member of the Selected Reserve may be considered to be in an active status while pursuing a course of study under this subchapter only for purposes of sections 12732(a) and 12733(3) of this title.".

SEC. 518. EXCLUSION OF RESERVE OFFICERS ON EDUCATIONAL DELAY FROM ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.

(a) EXCLUSION.—Section 14301 of title 10, United States Code is amended by adding at the end the following:

"(h) OFFICERS ON EDUCATIONAL DELAY.—An officer on a reserve active-status list is ineligible for consideration for promotion, but shall remain on the reserve active-status list, while the officer is—

"(1) pursuing a program of graduate level education in an educational delay status approved by the Secretary concerned; and

"(2) receiving from the Secretary financial assistance in connection with the pursuit of the program in that status.".

(b) RETROACTIVE EFFECT.—(1) Subsection (h) of section 14301 of title 10, United States Code (as added by subsection (a)), shall take effect on the date of the enactment of this Act and shall apply with respect to boards convened under section 14101(a) of such title before, on, or after that date.

(2) The Secretary of the military department concerned, upon receipt of request in a form and manner prescribed by the Secretary, shall expunge from the military records of an officer any indication of a failure of selection of the officer for promotion by a board referred to in paragraph (1) while the officer was ineligible for consideration by the board by reason of section 14301(h) of title 10, United States Code.

SEC. 519. EXCLUSION OF PERIOD OF PURSUIT OF PROFESSIONAL EDUCATION FROM COMPUTATION OF YEARS OF SERVICE FOR RESERVE OFFICERS.

(a) EXCLUSION.—The text of section 14706 of title 10, United States Code, is amended to read as follows:

"(a) IN GENERAL.—For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service of the officer as a commissioned officer of any uniformed service other than the following:

"(1) Service as a warrant officer.

"(2) Constructive service.

"(3) Except as provided in subsection (b), service as a commissioned officer of a reserve component while pursuing a program of advanced education leading to the first professional degree required for appointment, designation, or assignment as an officer in the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, the Army Medical Specialists Corps, or as a chaplain or judge advocate if the service—

"(A) follows appointment as a commissioned officer of a reserve component; and

"(B) precedes the officer's initial service on active duty or initial service in the Ready Reserve in the professional specialty for which the degree if required.

"(b) PRIOR SERVICE PROFESSIONAL PERSONNEL.—The exclusion in subsection (a)(3) does not apply to service described in that subsection that is performed by an officer who, prior to the described service—

"(1) served on active duty; or

"(2) participated as a member of the Ready Reserve other than in a student status.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to service as a commissioned officer on or after that date.

SEC. 520. CORRECTION OF REFERENCE RELATING TO CREDITING OF SATISFACTORY SERVICE BY RESERVE OFFICERS IN HIGHEST GRADE HELD.

Section 1370(d)(1) of title 10, United States Code, is amended by striking "chapter 1225" and inserting "chapter 1223".

SEC. 521. ESTABLISHMENT OF OFFICE OF THE COAST GUARD RESERVE.

(a) ESTABLISHMENT.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 53. Office of the Coast Guard Reserve; Director

"(a) ESTABLISHMENT OF OFFICE; DIRECTOR.—There is in the executive part of the Coast Guard an Office of the Coast Guard Reserve. The head of the Office is the Director of the Coast Guard Reserve. The Director of the Coast Guard Reserve is the principal adviser to the Commandant on Coast Guard Reserve matters and may have such additional functions as the Commandant may direct.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Director of the Coast Guard Reserve, from officers of the Coast Guard not on active duty, or on active duty under section 10211 of title 10, who—

"(1) have had at least 10 years of commissioned service;

"(2) are in a grade above captain; and

"(3) have been recommended by the Secretary of Transportation.

"(c) TERM.—(1) The Director of the Coast Guard Reserve holds office for a term determined by the President, normally two years, but not more than four years. An officer may be removed from the position of Director for cause at any time.

"(2) The Director of the Coast Guard Reserve, while so serving, holds a grade above Captain, without vacating the officer's permanent grade.

"(d) BUDGET.—The Director of the Coast Guard Reserve is the official within the executive part of the Coast Guard who, subject to the authority, direction, and control of the Secretary of Transportation and the Commandant, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Coast Guard Reserve. As such, the Director of the Coast Guard Reserve is the director and functional manager of appropriations made for the Coast Guard Reserve in those areas.

"(e) ANNUAL REPORT.—The Director of the Coast Guard Reserve shall submit to the Secretary of Transportation and the Secretary of Defense an annual report on the state of the Coast Guard Reserve and the ability of the Coast Guard Reserve to meet its missions. The report shall be prepared in conjunction with the Commandant and may be submitted in classified and unclassified versions.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 52 the following:

"53. Office of the Coast Guard Reserve; Director.".

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) Grade of Chief of Army Reserve.—Section 3038(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) Grade of Chief of Naval Reserve.—Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "rear admiral".

(c) Grade of Commander, Marine Forces Reserve.—Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) Grade of Chief of Air Force Reserve.—Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) The Additional General Officers for the National Guard Bureau.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

(f) Exclusion From Limitation on General and Flag Officers.—Section 526(d) of such title is amended to read as follows:

"(d) Exclusion of Certain Reserve Component Officers.—The limitations of this section do not apply to the following reserve component general or flag officers:

"(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.".

(g) Effective Date.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

Subtitle C—Military Education and Training

SEC. 531. AUTHORITY TO EXCEED TEMPORARILY A STRENGTH LIMITATION FOR THE SERVICE ACADEMIES.

Section 511(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1359; 10 U.S.C. 4342 note) is amended—

(1) by inserting "(1)" after "(a) Reduction in Authorized Strengths.—"; and

(2) by adding at the end the following:

"(2) The Secretary of the military department concerned may authorize the strength for an academy for any class year to exceed the strength limitation set forth in paragraph (1) by not more than 5 percent. Before granting that authority, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a written notification of the determination to authorize the excessive strength for that year. The notification shall include a discussion of the justification for exceeding the strength limitation and the actions that the Secretary plans to take to reduce the strength to a level within the strength limitation.".

SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF REIMBURSEMENT AUTHORIZED TO BE WAIVED FOR FOREIGN STUDENTS AT THE SERVICE ACADEMIES.

(a) Repeal.—Sections 4344(b)(3), 6957(b)(3), and 9344(b)(3) of title 10, United States Code, are repealed.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to the academic year that includes that date and academic years that begin after that date.

SEC. 533. EXPANSION OF FOREIGN EXCHANGE PROGRAMS OF THE SERVICE ACADEMIES.

(a) United States Military Academy.—Section 4345 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "10 cadets" and inserting "24 cadets"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

(b) United States Naval Academy.—Section 6957a of such title is amended—

(1) in subsection (b), by striking "10 midshipmen" and inserting "24 midshipmen"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

(c) United States Air Force Academy.—Section 9345 of such title is amended—

(1) in subsection (b), by striking "10 Air Force cadets" and inserting "24 Air Force cadets"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

SEC. 534. PERMANENT AUTHORITY FOR ROTC SCHOLARSHIPS FOR GRADUATE STUDENTS.

Section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of the military department concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under this paragraph.".

SEC. 535. AUTHORITY FOR AWARD OF MASTER OF STRATEGIC STUDIES DEGREE BY THE UNITED STATES ARMY WAR COLLEGE.

(a) Authority for Degree.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following:

"§ 4321. United States Army War College: master of strategic studies degree

"Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and Dean of the College, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for the degree.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"4321. United States Army War College: master of strategic studies degree.".

SEC. 536. MINIMUM EDUCATIONAL REQUIREMENTS FOR FACULTY OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

Section 9315 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Educational Qualifications of Faculty.—Notwithstanding section 3308 of title 5 or any other provision of law, the commander of the Air Education and Training Command may prescribe the minimum educational qualifications required for the professors and instructors of the college. The required qualifications shall equal or exceed the qualifications necessary to satisfy accreditation standards applicable to the college.".

SEC. 537. CONFERRAL OF GRADUATE-LEVEL DEGREES BY AIR UNIVERSITY.

(a) Authority.—Section 9317(a) of title 10, United States Code, is amended to read as follows:

"(a) Authority.—Upon the recommendation of the faculty of a school of the Air University, the Commander of the Air University may confer a degree upon graduates of that school who fulfill the requirements for the degree, as follows:

"(1) The degree of master of strategic studies, for the Air War College.

"(2) The degree of master of military operational art and science, for the Air Command and Staff College.

"(3) The degree of master of airpower art and science, for the School of Advanced Airpower Studies.".

(b) Clerical Amendments.—(1) The heading of that section is amended to read as follows:

"§ 9317. Air University: graduate-level degrees".

(2) The item relating to such section in the table of sections at the beginning of chapter 901 of title 10, United States Code, is amended to read as follows:

"9317. Air University: graduate-level degrees.".

SEC. 538. PAYMENT OF TUITION FOR EDUCATION AND TRAINING OF MEMBERS IN THE DEFENSE ACQUISITION WORKFORCE.

Section 1745(a) of title 10, United States Code, is amended to read as follows:

"(a) Tuition Reimbursement and Training.—(1) The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) for acquisition personnel in the Department of Defense.

"(2) For civilian personnel, the reimbursement and training shall be provided under section 4107(b) of title 5 for the purposes described in that section. For purposes of such section 4107(b), there is deemed to be, until September 30, 2001, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

"(3) In the case of members of the armed forces, the limitation in section 2007(a) of this title shall not apply to tuition reimbursement and training provided for under this subsection.".

SEC. 539. FINANCIAL ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY OFFICER CANDIDATES IN MARINE CORPS PLATOON LEADERS CLASS PROGRAM.

(a) In General.—(1) Part IV of subtitle E of title 10, United States Code, is amended by adding at the end the following:

"CHAPTER 1610—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

"Sec.

"16401. Marine Corps Platoon Leaders Class Program: officer candidates pursuing degrees.

"§ 16401. Marine Corps Platoon Leader's Class Program: officer candidates pursuing degrees

"(a) Authority.—The Secretary of the Navy may provide financial assistance to an eligible enlisted member of the Marine Corps Reserve for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in less than five academic years; or

“(2) a doctor of jurisprudence or bachelor of laws degree in not more than three academic years.

“(b) Eligibility.—(1) To be eligible for receipt of financial assistance under this section, an enlisted member of the Marine Corps Reserve shall—

“(A) be an officer candidate in the Marine Corps Platoon Leaders Class Program and have successfully completed one six-week (or longer) increment of military training required under the program;

“(B) satisfy the applicable age requirement of paragraph (2);

“(C) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education;

“(D) enter into a written agreement with the Secretary—

“(i) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

“(ii) to serve on active duty for at least five years; and

“(iii) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Marine Corps Reserve until the eighth anniversary of the date of the appointment.

“(2)(A) To meet the age requirements of this paragraph, a member pursuing a baccalaureate degree may not be over 26 years of age on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class Program, except that any such member who has served on active duty in the armed forces may, on such date, be any age under 30 years that exceeds 26 years by a number of months that is not more than the number of months that the member served on active duty.

“(B) To meet the age requirements of this paragraph, a member pursuing a doctor of jurisprudence or bachelor of laws degree may not be over 30 years of age on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class Program, except that any such member who has served on active duty in the armed forces may, on such date, be any age under 35 years that exceeds 30 years by a number of months that is not more than the number of months that the member served on active duty.

“(c) Covered Expenses.—Expenses for which financial assistance may be provided under this section are tuition and fees charged by the institution of higher education involved, the cost of books, and, in the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(d) Amount.—The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $5,200 for any academic year.

“(e) Limitations.—(1) Financial assistance may be provided to a member under this section only for three consecutive academic years.

“(2) Not more than 1,200 members may participate in the financial assistance program under this section in any academic year.

“(f) Failure To Complete Program.—A member in receipt of financial assistance under this section may be ordered to active duty in the Marine Corps by the Secretary to serve in an appropriate enlisted grade for such period as the Secretary prescribes, but not for more than four years, if the member—

“(1) completes the military and academic requirements of the Marine Corps Platoon Leaders Class Program and refuses to accept a commission when offered;

“(2) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class Program; or

“(3) is disenrolled from the Marine Corps Platoon Leaders Class Program for failure to maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

“(g) Institution of Higher Education Defined.—In this section, the term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

(2) The tables of chapters at the beginning of subtitle E of such title and at the beginning of part IV of such subtitle are amended by adding at the end the following:

“1610. Other Educational Assistance Programs .... 16401”.

(b) Conforming Amendment.—Section 3695(a)(5) of title 38, United States Code, is amended by striking “Chapters 106 and 107” and inserting “Chapters 107, 1606, and 1610”.

(c) Computation of Creditable Service.—Section 205 of title 37, United States Code, is amended by adding at the end the following:

“(f) Notwithstanding subsection (a), the years of service of a commissioned officer appointed under section 12209 of title 10 after receiving financial assistance under section 16401 of such title may not include a period of service after the date of the establishment of the program of financial assistance by the Secretary that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class Program and the Marine Corps Reserve, except for any period of service that the officer performed (concurrently with the period of service as a member of the Marine Corps Platoon Leaders Class Program) as an enlisted member on active duty or as a member of the Selected Reserve.”.

(d) Transition Provision.—(1) An enlisted member of the Marine Corps Reserve selected for training as an officer candidate under section 12209 of title 10, United States Code, before implementation of a financial assistance program under section 12216 of such title (as added by subsection (a)) may, upon application, participate in the financial assistance program established under section 12216 of such title (as added by subsection (a)) if the member—

(A) is eligible for financial assistance under such section 12216;

(B) submits a request for the financial assistance to the Secretary of the Navy not later than 180 days after the date on which the Secretary establishes the financial assistance program; and

(C) enters in a written agreement described in subsection (b)(4) of such section 12216.

(2) Section 205(f) of title 37, United States Code, as added by subsection (c), applies to a member referred to in paragraph (1).

Subtitle D—Decorations, Awards, and Commendations

SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) Waiver.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to award of the decoration as described in subsection (b), the award of such decoration having been determined by the Secretary of Transportation to be warranted in accordance with section 1130 of title 10, United States Code.

(b) Coast Guard Commendation Medal.—Subsection (a) applies to the award of the Coast Guard Commendation Medal to Mark H. Freeman, of Seattle, Washington for heroic achievement performed in a manner above that normally to be expected during rescue operations for the S.S. Seagate, in September 1956, while serving as a member of the Coast Guard at Gray Harbor Lifeboat Station, Westport, Washington.

SEC. 552. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) Waiver of Time Limitations.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) Action Described.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

SEC. 553. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) Sufficient Resourcing Required.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) Condition.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) Report.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) Replacement Decoration Defined.—For the purposes of this section, the term “decoration” means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

SEC. 554. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy and Marine Corps for participation in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

Subtitle E—Amendments to Uniform Code of Military Justice

SEC. 561. INCREASE IN SENTENCING JURISDICTION OF SPECIAL COURTS-MARTIAL AUTHORIZED TO ADJUDGE A BAD CONDUCT DISCHARGE.

(a) INCREASE IN JURISDICTION.—Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking "six months" both places it appears and inserting "one year"; and

(2) in the third sentence, by inserting after "A bad conduct discharge" the following: ", confinement for more than six months, or forfeiture of pay for more than six months".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the sixth month following the month in which this Act is enacted, and shall apply with respect to charges referred to trial by special courts-martial on or after that effective date.

SEC. 562. REDUCED MINIMUM BLOOD AND BREATH ALCOHOL LEVELS FOR OFFENSE OF DRUNKEN OPERATION OR CONTROL OF A VEHICLE, AIRCRAFT, OR VESSEL.

(a) STANDARD.—Section 911(2) of title 10, United States Code (article 111(2) of the Uniform Code of Military Justice), is amended by striking "0.10 grams" both places it appears and inserting "0.08 grams".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply with respect to acts committed on or after that date.

Subtitle F—Other Matters

SEC. 571. FUNERAL HONORS DETAILS AT FUNERALS OF VETERANS.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Subsection (a) of section 1491 of title 10, United States Code, is amended to read as follows:

"(a) RESPONSIBILITY.—The Secretary of Defense shall ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran that occurs after December 31, 1999.".

(b) ELIGIBILITY FOR HONORS.—Subsection (f) of such section is amended to read as follows:

"(h) VETERAN DEFINED.—In this section, the term 'veteran' means the following:

"(1) A decedent who was a veteran, as defined in section 101(2) of title 38.

"(2) A decedent who, by reason of having been a member of the Selected Reserve, is eligible for a flag to drape the casket under section 2301(f) of title 38.".

(c) COMPOSITION OF FUNERAL HONORS DETAILS.—(1) Subsection (b) of such section is amended—

(A) by striking "HONOR GUARD DETAILS.—" and inserting "FUNERAL HONORS DETAILS.—(1)";

(B) by striking "honor guard detail" and inserting "funeral honors detail"; and

(C) by striking "not less than three persons" and all that follows and inserting the following: "two or more persons.".

(2) Subsection (c) of such section is amended—

(A) by striking "(c) PERSONS FORMING HONOR GUARDS.—An honor guard detail" and inserting "(2) At least two members of the funeral honors detail for the veteran's funeral shall be members of the armed forces. At least one of those members shall be a member of the armed force of which the veteran was a member. The remainder of the detail"; and

(B) by striking the second sentence and inserting the following: "Each member of the armed forces in the detail shall wear the appropriate uniform of the member's armed force while serving in the detail.".

(d) CEREMONY, SUPPORT, AND WAIVER.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) CEREMONY.—A funeral honors detail shall, at a minimum, perform at the funeral a ceremony that includes the folding and presentation of the flag of the United States to the veteran's family and the playing of Taps. Unless a bugler is a member of the detail, the detail shall play a recorded version of Taps using audio equipment which the detail shall provide if adequate audio equipment is not otherwise available for use at the funeral.

"(d) SUPPORT.—To provide a funeral honors detail under this section, the Secretary of a military department may provide the following:

"(1) Transportation, or reimbursement for transportation, and expenses for a person who participates in the funeral honors detail under this section and is not a member of the armed forces or an employee of the United States.

"(2) Materiel, equipment, and training for members of a veterans organization or other organization referred to in subsection (b)(2).

"(e) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any requirement provided in or pursuant to this section when the Secretary considers it necessary to do so to meet the requirements of war, national emergency, or a contingency operation, or other military requirements.

"(2) Before or promptly after granting a waiver under paragraph (1), the Secretary shall transmit a notification of the waiver to the Committees on Armed Services of the Senate and House of Representatives.".

(e) REGULATIONS.—The text of subsection (f) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

"The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall include the following:

"(1) A system for selection of units of the armed forces and other organizations to provide funeral honors details.

"(2) Procedures for responding and coordinating responses to requests for funeral honors details.

"(3) Procedures for establishing standards and protocol.

"(4) Procedures for providing training and ensuring quality of performance.".

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—Section 1588(a) of title 10, United States Code, is amended by adding at the end the following:

"(4) Voluntary services as a member of a funeral honors detail under section 1491 of this title.".

(g) DUTY STATUS OF RESERVES IN FUNERAL HONORS DETAILS.—(1) Chapter 1 of title 32, United States Code, is amended—

(A) in section 114—

(i) by striking "honor guard functions" both places that it appears and inserting "funeral honors functions"; and

(ii) by striking "drill or training otherwise required" and inserting "drill or training, but may be performed as funeral honors duty under section 115 of this title"; and

(B) by adding at the end the following:

"§ 115. Funeral honors duty performed as a Federal function

"(a) ORDER TO DUTY.—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

"(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

"(1) service credit under section 12732(a)(2)(E) of title 10; and

"(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

"(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be paid reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 100 miles or more from the member's residence.

"(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.".

(2) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following:

"§ 12503. Ready Reserve: funeral honors duty

"(a) ORDER TO DUTY.—A member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran as defined in section 1491 of this title.

"(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

"(1) service credit under section 12732(a)(2)(E) of this title; and

"(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

"(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be paid reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 100 miles or more from the member's residence.

"(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

"(e) MEMBERS OF THE NATIONAL GUARD.—This section does not apply to members of the Army National Guard of the United States or the Air National Guard of the United States. The performance of funeral honors duty by such members is provided for in section 115 of title 32.".

(3) Section 12552 of title 10, United States Code, is amended—

(A) by striking "honor guard functions" and inserting "funeral honors functions"; and

(B) by striking "drill or training otherwise required" and inserting "drill or training, but may be performed as funeral honors duty under section 12503 of this title".

(h) Crediting of One Point for Reserve Serving on Detail.—Section 12732(a)(2) of such title is amended—

(1) by inserting after subparagraph (D) the following:

“(E) One point for each day on which funeral honors duty is performed for at least two hours under section 12503 of this title or section 115 of title 32, unless the duty is performed while in a status for which credit is provided under another subparagraph of this paragraph.”; and

(2) by striking “, and (D)” in the second sentence and inserting “, (D), and (E)”.

(i) Benefits for Members in Funeral Honors Duty Status.—(1) Section 1074a(a) of such title is amended—

(A) in each of paragraphs (1) and (2)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(iii) by adding at the end the following:

“(C) service on funeral honors duty under section 12503 of this title or section 115 of title 32.”; and

(B) by adding at the end the following:

“(4) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before serving on funeral honors duty under section 12503 of this title or section 115 of title 32 at or in the vicinity of the place at which the member was to so serve, if the place is outside reasonable commuting distance from the member's residence.”.

(2) Section 1076(a)(2) of such title is amended by adding at the end the following:

“(E) A member who died from an injury, illness, or disease incurred or aggravated while the member—

“(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) was traveling to or from the place at which the member was to so serve; or

“(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.”.

(3) Section 1204(2) of such title is amended—

(A) by striking “or” at the end of subparagraph (A);

(B) by inserting “or” after the semicolon at the end of subparagraph (B); and

(C) by adding at the end the following:

“(C) is a result of an injury, illness, or disease incurred or aggravated in line of duty—

“(i) while the member was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) while the member was traveling to or from the place at which the member was to so serve; or

“(iii) while the member remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;”.

(4) Section 1206(2) is amended to read as follows:

“(2) the disability is a result of an injury, illness, or disease incurred or aggravated in line of duty—

“(A) while—

“(i) performing active duty or inactive-duty training;

“(ii) traveling directly to or from the place at which such duty is performed; or

“(iii) remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member's residence; or

“(B) while the member—

“(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) was traveling to or from the place at which the member was to so serve; or

“(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;”.

(5) Section 1481(a)(2) of such title is amended—

(A) by striking “or” at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting “; or”; and

(C) by adding at the end the following:

“(F) either—

“(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) traveling directly to or from the place at which to so serve; or

“(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.”.

(j) Funeral Honors Duty Allowance.—Chapter 4 of title 37, United States Code, is amended by adding at the end the following:

“§ 435. Allowance for funeral honors duty

“(a) Authority.—The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for each day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

“(b) Amount.—The daily rate of an allowance paid under this section is $50.

“(c) Full Compensation.—Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which serving, and shall constitute payment in full to the member.”.

(k) Clerical Amendments.—(1)(A) The heading for section 1491 of title 10, United States Code, is amended to read as follows:

“§ 1491. Funeral honors functions at funerals for veterans”.

(B) The heading for section 12552 of title 10, United States Code, is amended to read as follows:

“§ 12552. Funeral honors functions at funerals for veterans”.

(2)(A) The item relating to section 1491 in the table of sections at the beginning of chapter 75 of title 10, United States Code, is amended to read as follows:

“1491. Funeral honors functions at funerals for veterans.”.

(B) The table of sections at the beginning of chapter 1213 of title 10, United States Code, is amended by adding at the end the following:

“12503. Ready Reserve: funeral honors duty.”.

(C) The item relating to section 12552 table of sections at the beginning of chapter 1215 of title 10, United States Code, is amended to read as follows:

“12552. Funeral honors functions at funerals for veterans.”.

(3)(A) The heading for section 114 of title 32, United States Code, is amended to read as follows:

“§ 114. Funeral honors functions at funerals for veterans”.

(B) The table of sections at the beginning of chapter 1 of title 32, United States Code, is amended by striking the item relating to section 114 and inserting the following:

“114. Funeral honors functions at funerals for veterans.

“115. Funeral honors duty performed as a Federal function.”.

(4) The table of sections at the beginning of chapter 4 of title 37, United States Code, is amended by adding at the end the following:

“435. Allowance for funeral honors duty.”.

SEC. 572. INCREASED AUTHORITY TO EXTEND DELAYED ENTRY PERIOD FOR ENLISTMENTS OF PERSONS WITH NO PRIOR MILITARY SERVICE.

(a) Maximum Period of Extension.—Section 513(b)(1) of title 10, United States Code, is amended by striking “180 days” in the second sentence and inserting “365 days”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

SEC. 573. ARMY COLLEGE FIRST PILOT PROGRAM.

(a) Program Required.—The Secretary of the Army shall establish a pilot program to assess whether the Army could increase the number of, and the level of the qualifications of, persons accessed into the Army by encouraging recruits to pursue higher education or vocational or technical training before entry into active service in the Army.

(b) Delayed Entry With Allowance for Higher Education.—Under the pilot program, the Secretary may exercise the authority under section 513 of title 10, United States Code—

(1) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of the Army Reserve or, notwithstanding the scope of the authority under subsection (a) of that section, in the Army National Guard of the United States;

(2) to authorize, notwithstanding the period limitation in subsection (b) of such section, a delay of the enlistment of that person in a regular component under that subsection for the period during which the person is enrolled in and pursuing a program of education at an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within two years after the date of the enlistment as a Reserve; and

(3) in the case of a person enlisted in a reserve component for service in the Individual Ready Reserve, pay an allowance to the person for each month of that period.

(c) Maximum Period of Delay.—The period of delay authorized a person under paragraph (2) of subsection (b) may not exceed the two-year period beginning on the date of the person's enlistment accepted under paragraph (1) of such subsection.

(d) Amount of Allowance.—(1) The monthly allowance paid under subsection (b)(3) is $150. The allowance may not be paid for more than 24 months.

(2) An allowance under this section is in addition to any other pay and allowances to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

(e) COMPARISON GROUP.—To perform the assessment under subsection (a), the Secretary may define and study any group not including persons receiving a benefit under subsection (b) and compare that group with any group or groups of persons who receive such benefits under the pilot program.

(f) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 1999, and ending on September 30, 2004.

(g) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(1) The assessment of the Secretary regarding the value of the authority under this section for achieving the objectives of increasing the number of, and the level of the qualifications of, persons accessed into the Army.

(2) Any recommendation for legislation or other actions that the Secretary considers appropriate to achieve such objectives through grants of entry delays and financial benefits for advanced education and training of recruits.

SEC. 574. REDUCTION IN REQUIRED FREQUENCY OF REPORTING ON THE SELECTED RESERVE EDUCATIONAL ASSISTANCE PROGRAM UNDER THE MONTGOMERY GI BILL.

The text of section 16137 of title 10, United States Code, is amended to read as follows:

"The Secretary of Defense shall submit to Congress a report not later than March 1 of every other year concerning the operation of the educational assistance program established by this chapter. The report shall cover the two fiscal years preceding the fiscal year in which the report is submitted and shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during the period covered by the report. The Secretary may submit the report more frequently and adjust the period covered by the report accordingly.".

SEC. 575. PARTICIPATION OF MEMBERS IN MANAGEMENT OF ORGANIZATIONS ABROAD THAT PROMOTE INTERNATIONAL UNDERSTANDING.

Section 1033(b)(3) of title 10, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) An entity that, operating in a foreign nation where United States personnel are serving at United States military activities, promotes understanding and tolerance between such personnel (and their families) and the people of that host foreign nation through programs that foster social relations between those persons.".

SEC. 576. FORENSIC PATHOLOGY INVESTIGATIONS BY ARMED FORCES MEDICAL EXAMINER.

(a) INVESTIGATION AUTHORITY.—Chapter 75 of title 10, United States Code, is amended by striking the heading for the chapter and inserting the following:

"CHAPTER 75—DECEASED PERSONNEL

"Subchapter	Sec.
"I. Death Investigations	1471
"II. Death Benefits	1475

"SUBCHAPTER I—DEATH INVESTIGATIONS

"Sec.

"1471. Forensic pathology investigations.

"§ 1471. Forensic pathology investigations

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Armed Forces Medical Examiner may conduct a forensic pathology investigation to determine the cause or manner of death of a deceased person under circumstances described in subsection (b). The investigation may include an autopsy of the decedent's remains.

"(b) BASIS FOR INVESTIGATION.—A forensic pathology investigation of a death under this section is justified if—

"(1) either—

"(A) it appears that the decedent was killed or that, whatever the cause of the decedent's death, the cause was unnatural;

"(B) the cause or manner of death is unknown;

"(C) there is reasonable suspicion that the death was by unlawful means;

"(D) it appears that the death resulted from an infectious disease or from the effects of a hazardous material that may have an adverse effect on the military installation or community involved; or

"(E) the identity of the decedent is unknown; and

"(2) either—

"(A) the decedent—

"(i) was found dead or died at an installation garrisoned by units of the armed forces that is under the exclusive jurisdiction of the United States;

"(ii) was a member of the armed forces on active duty or inactive duty for training;

"(iii) was a former member recently retired under chapter 61 of this title as a result of an injury or illness incurred while a member on active duty or inactive duty for training; or

"(iv) was a civilian dependent of a member of the armed forces and was found dead or died outside the United States;

"(B) in any other authorized Department of Defense investigation of matters which involves the death, a factual determination of the cause or manner of the death is necessary; or

"(C) in any other authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or any other Federal agency, an authorized official of such agency with authority to direct a forensic pathology investigation requests that the Armed Forces Medical Examiner conduct such an investigation.

"(c) DETERMINATION OF JUSTIFICATION.—(1) Subject to paragraph (2), the determination under paragraph (1) of subsection (b) shall be made by the Armed Forces Medical Examiner.

"(2) A commander may make the determination under paragraph (1) of subsection (b) and require a forensic pathology investigation under this section without regard to a determination made by the Armed Forces Medical Examiner if—

"(A) in a case involving circumstances described in paragraph (2)(A)(i) of that subsection, the commander is the commander of the installation where the decedent was found dead or died; or

"(B) in a case involving circumstances described in paragraph (2)(A)(ii) of that subsection, the commander is the commander of the decedent's unit at a level in the chain of command designated for such purpose in the regulations prescribed by the Secretary of Defense.

"(d) LIMITATION IN CONCURRENT JURISDICTION CASES.—(1) The exercise of authority under this section is subject to the exercise of primary jurisdiction for the investigation of a death—

"(A) in the case of a death in a State, by the State or a local government of the State; or

"(B) in the case of a death in a foreign country, by that foreign country under any applicable treaty, status of forces agreement, or other international agreement between the United States and that foreign country.

"(2) Paragraph (1) does not limit the authority of the Armed Forces Medical Examiner to conduct a forensic pathology investigation of a death that is subject to the exercise of primary jurisdiction by another sovereign if the investigation by the other sovereign is concluded without a forensic pathology investigation that the Armed Forces Medical Examiner considers complete. For the purposes of the preceding sentence a forensic pathology investigation is incomplete if the investigation does not include an autopsy of the decedent.

"(e) PROCEDURES.—For a forensic pathology investigation under this section, the Armed Forces Medical Examiner shall—

"(1) designate one or more qualified pathologists to conduct the investigation;

"(2) to the extent practicable and consistent with responsibilities under this section, give due regard to any applicable law protecting religious beliefs;

"(3) as soon as practicable, notify the decedent's family, if known, that the forensic pathology investigation is being conducted;

"(4) as soon as practicable after the completion of the investigation, authorize release of the decedent's remains to the family, if known; and

"(5) promptly report the results of the forensic pathology investigation to the official responsible for the overall investigation of the death.

"(f) DEFINITION OF STATE.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam.".

(b) REPEAL OF AUTHORITY FOR EXISTING INQUEST PROCEDURES.—Sections 4711 and 9711 of title 10, United States Code, are repealed.

(c) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Chapter 75 of such title, as amended by subsection (a), is further amended by inserting before section 1475 the following:

"SUBCHAPTER II—DEATH BENEFITS".

(2) The item relating to chapter 75 in the tables of chapters at the beginning subtitle A of such title and at the beginning of part II of such subtitle is amended to read as follows

"75. Deceased Personnel .... 1471".

(3) The table of sections at the beginning chapter 445 of such title is amended by striking the item relating to section 4711.

(4) The table of sections at the beginning chapter 945 of such title is amended by striking the item relating to section 9711.

SEC. 577. NONDISCLOSURE OF INFORMATION ON MISSING PERSONS RETURNED TO UNITED STATES CONTROL.

Section 1506 of title 10, United States Code, is amended by adding at the end the following:

"(f) NONDISCLOSURE OF CERTAIN INFORMATION.—A record of the content of a debriefing of a missing person returned to United States control during the period beginning July 8, 1959, and ending February 10, 1996, that was conducted by an official of the United States authorized to conduct the debriefing is privileged information and, notwithstanding sections 552 and 552a of title 5, may not be disclosed, in whole or in part, under either such section.".

SEC. 578. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS PURPOSES.

(a) AUTHORITY.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

"§ 2249c. Use of recruiting materials for public relations

"Advertising materials developed for use for recruitment and retention of personnel for the armed forces may be used for public relations purposes of the Department of Defense under such conditions and subject to such restrictions as the Secretary of Defense shall prescribe.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following:

"2249c. Use of recruiting materials for public relations.".

SEC. 579. IMPROVEMENT AND TRANSFER OF JURISDICTION OF TROOPS-TO-TEACHERS PROGRAM.

(a) RECODIFICATION, IMPROVEMENT, AND TRANSFER OF PROGRAM.—(1) Section 1151 of title 10, United States Code, is amended to read as follows:

"§ 1151. Assistance to certain separated or retired members to obtain certification and employment as teachers

"(a) PROGRAM AUTHORIZED.—The administering Secretary may carry out a program—

"(1) to assist eligible members of the armed forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

"(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1).

"(b) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES AND STATES.—(1)(A) In carrying out the program, the administering Secretary shall periodically identify local educational agencies that—

"(i) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

"(ii) are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers.

"(B) The administering Secretary may identify local educational agencies under subparagraph (A) through surveys conducted for that purpose or by utilizing information on local educational agencies that is available to the Secretary of Education from other sources.

"(2) In carrying out the program, the administering Secretary shall also conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying certification or licensure requirements for teachers.

"(c) ELIGIBLE MEMBERS.—(1) Subject to paragraph (2), the following members shall be eligible for selection to participate in the program:

"(A) Any member who—

"(i) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and

"(ii) satisfies such other criteria for eligibility as the administering Secretary may prescribe.

"(B) Any member—

"(i) who, on or after October 1, 1999—

"(I) is retired for length of service with at least 20 years of active service computed under section 3925, 3926, 8925, or 8926 of this title or for purposes of chapter 571 of this title; or

"(II) is retired under section 1201 or 1204 of this title;

"(ii) who—

"(I) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, has received a baccalaureate or advanced degree from an accredited institution of higher education; or

"(II) in the case of a member applying for assistance for placement as a vocational or technical teacher—

"(aa) has received the equivalent of one year of college from an accredited institution of higher education and has 10 or more years of military experience in a vocational or technical field; or

"(bb) otherwise meets the certification or licensure requirements for a vocational or technical teacher in the State in which such member seeks assistance for placement under the program; and

"(iii) who satisfies any criteria prescribed under subparagraph (A)(ii).

"(2) A member described in paragraph (1) shall be eligible to participate in the program only if the member's last period of service in the armed forces was characterized as honorable by the Secretary concerned.

"(d) INFORMATION REGARDING PROGRAM.—(1) The administering Secretary shall provide information regarding the program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title.

"(2) The information provided to members shall—

"(A) indicate the local educational agencies identified under subsection (b)(1); and

"(B) identify those States surveyed under subsection (b)(2) that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements.

"(e) SELECTION OF PARTICIPANTS.—(1)(A) Selection of members to participate in the program shall be made on the basis of applications submitted to the administering Secretary on a timely basis. An application shall be in such form and contain such information as that Secretary may require.

"(B) An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

"(i) In the case of an applicant who is eligible under subsection (c)(1)(A), not later than September 30, 2003.

"(ii) In the case of an applicant who is eligible under subsection (c)(1)(B), not later than four years after the date of the retirement of the applicant from active duty.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the administering Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

"(B) have educational or military experience in another subject area identified by that Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The administering Secretary may not select a member to participate in the program unless that Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (g) with respect to that member.

"(f) AGREEMENT.—A member selected to participate in the program shall be required to enter into an agreement with the administering Secretary in which the member agrees—

"(1) to obtain, within such time as that Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

"(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under subparagraph (A) or (B) of subsection (b)(1), to begin the school year after obtaining that certification or licensure.

"(g) STIPEND AND BONUS FOR PARTICIPANTS.—(1)(A) Subject to subparagraph (B), the administering Secretary shall pay to each participant in the program a stipend in an amount equal to $5,000.

"(B) The total number of stipends that may be paid under this paragraph in any fiscal year may not exceed 3,000.

"(2)(A) Subject to subparagraph (B), the administering Secretary may, in lieu of paying a stipend under paragraph (1), pay a bonus of $10,000 to each participant in the program who agrees under subsection (f) to accept full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

"(B) The total number of bonuses that may be paid under this paragraph in any fiscal year may not exceed 1,000.

"(C) In this paragraph, the term 'high need school' means an elementary school or secondary school that meets one or more of the following criteria:

"(i) A drop out rate that exceeds the national average school drop out rate.

"(ii) A large percentage of students (as determined by the Secretary of Education in consultation with the National Assessment Governing Board) who speak English as a second language.

"(iii) A large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

"(iv) A population of students at least one-half of which are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(v) A large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(vi) Any other criteria established by the administering Secretary in consultation with the National Assessment Governing Board.

"(3) Stipends and bonuses paid under this subsection shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service, the participant shall be required to reimburse the administering Secretary for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

"(2) If a participant in the program who is paid a bonus under subsection (g)(2) fails to obtain employment for which the bonus was paid, or voluntarily leaves or is terminated for cause from the employment during the four years of required service, the participant shall be required to reimburse the administering Secretary for the bonus in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

"(3)(A) The obligation to reimburse the administering Secretary under this subsection is, for all purposes, a debt owing the United States.

"(B) A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the administering Secretary under this subsection.

"(C) Any amount owed by a participant under paragraph (1) or (2) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the armed forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the administering Secretary.

"(2) A participant shall be excused from reimbursement under subsection (h) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The administering Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by that Secretary.

"(j) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the program of any assistance under the program shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38 or chapter 1606 of this title.

"(k) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The administering Secretary may permit States participating in the program to carry out activities authorized for such States under this section through one or more consortia of such States.

"(l) ASSISTANCE TO STATES IN ACTIVITIES UNDER PROGRAM.—(1) Subject to paragraph (2), the administering Secretary may make grants to States participating in the program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members for participation in the program and facilitating the employment of participants in the program in schools in such States or consortia of States.

"(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed $4,000,000.

"(m) LIMITATION ON USE OF FUNDS FOR MANAGEMENT INFRASTRUCTURE.—The administering Secretary may utilize not more than five percent of the funds available to carry out the program for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

"(n) DEFINITIONS.—In this section:

"(1) The term 'administering Secretary', with respect to the program authorized by this section, means the following:

"(A) The Secretary of Defense with respect to the armed forces (other than the Coast Guard) for the period beginning on October 23, 1992, and ending on the date of the completion of the transfer of responsibility for the program to the Secretary of Education under section 579(c) of the National Defense Authorization Act for Fiscal Year 2000.

"(B) The Secretary of Transportation with respect to the Coast Guard for the period referred to in subparagraph (A).

"(C) The Secretary of Education for any period after the period referred to in subparagraph (A).

"(2) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

"(3) The term 'alternative certification or licensure requirements' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.".

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1151 and inserting the following new item:

"1151. Assistance to certain separated or retired members to obtain certification and employment as teachers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) TRANSFER OF JURISDICTION OVER CURRENT PROGRAM.—(1) The Secretary of Defense, Secretary of Transportation, and Secretary of Education shall provide for the transfer to the Secretary of Education of any on-going functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect to the program authorized by section 1151 of title 10, United States Code, for the period beginning on October 23, 1992, and ending on September 30, 2001.

(2) The Secretaries shall complete the transfer under paragraph (1) not later than October 1, 2001.

(3) After completion of the transfer, the Secretary of Education shall discharge that Secretary's functions and responsibilities with respect to the program in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard.

(d) REPORTS.—(1) Not later than March 31, 2002, the Secretary of Education (in consultation with the Secretary of Defense and the Secretary of Transportation) and the Comptroller General shall each submit to Congress a report on the effectiveness of the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)), in the recruitment and retention of qualified personnel by local educational agencies identified under subsection (b)(1) of such section 1151.

(2) The report under paragraph (1) shall include information on the following:

(A) The number of participants in the program.

(B) The schools in which such participants are employed.

(C) The grade levels at which such participants teach.

(D) The subject matters taught by such participants.

(E) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(F) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(G) The rates of retention of such participants by the local educational agencies employing such participants.

(H) The effect of any stipends or bonuses under subsection (g) of such section 1151 in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(I) Such other matters as the Secretary of Education or the Comptroller General, as the case may be, considers appropriate.

(3) The report of the Comptroller General under paragraph (1) shall also include any recommendations of the Comptroller General as to means of improving the program, including means of enhancing the recruitment and retention of participants in the program.

SEC. 580. SUPPORT FOR EXPANDED CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR DEPENDENTS.

(a) AUTHORITY.—(1) Subchapter II of chapter 88 of title 10, United States Code, is amended—

(A) by redesignating section 1798 as section 1800; and

(B) by inserting after section 1797 the following:

"§ 1798. Child care services and youth program services for dependents: financial assistance for providers

"(a) Authority.—The Secretary of Defense may provide financial assistance to an eligible civilian provider of child care services or youth program services that furnishes such services for members of the armed forces and employees of the Federal Government if the Secretary determines that providing the assistance—

"(1) is in the best interest of the Department of Defense;

"(2) enables supplementation or expansion of furnishing of the services for military installations; and

"(3) ensures that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards of the Department of Defense that are applicable to the furnishing of such services.

"(b) Eligible Provider.—A provider of child care services or youth program services is eligible for financial assistance under paragraph (1) if the provider—

"(1) is licensed to provide the services under applicable State and local law;

"(2) has previously provided such services for members of the armed forces or employees of the Federal Government; and

"(3) either—

"(A) is a provider of otherwise federally funded or sponsored child development services;

"(B) provides the services in a child development center owned and operated by a private, not-for-profit organization;

"(C) is a provider of family child care services;

"(D) conducts a before-school or after-school child care program in a public school facility;

"(E) conducts an otherwise federally funded or federally sponsored school age child care or youth services program;

"(F) conducts a school age child care or youth services program that is owned and operated by a not-for-profit organization; or

"(G) is a provider of another category of child care services or youth services determined by the Secretary of Defense as appropriate for meeting the needs of members of the armed forces or employees of the Department of Defense.

"(c) Funding.—To provide financial assistance under this subsection, the Secretary of Defense may use any funds available for the Department of Defense.

"(d) Biennial Report.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of the authority for meeting the needs of members of the armed forces or employees of the Department of Defense for child care services and youth program services. The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to meet those needs.

"(2) A biennial report under this subsection may be combined with the biennial report under section 1799(d) of this title into one report for submission to Congress.

"§ 1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible

"(a) Authority.—The Secretary may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in the programs.

"(b) Limitation.—Authorization of participation in a program under subsection (a) shall be limited to situations in which the participation promotes the attainment of the objectives set forth in subsection (c), as determined by the Secretary.

"(c) Objectives.—The objectives for authorizing participation in a program under subsection (a) are as follows:

"(1) To support the integration of children and youth of military families into civilian communities.

"(2) To make more efficient use of Department of Defense facilities and resources.

"(3) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of the armed forces.

"(d) Biennial Report.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of the authority for achieving the objectives set out under subsection (c). The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to attain those objectives.

"(2) A biennial report under this subsection may be combined with the biennial report under section 1798(d) of this title into one report for submission to Congress.".

(2) The table of sections at the beginning of such subchapter is amended by striking the item relating to section 1798 and inserting the following:

"1798. Child care services and youth program services for dependents: financial assistance for providers.".
"1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible.
"1800. Definitions.".

(b) First Biennial Reports.—The first biennial reports under sections 1798(d) and 1799(d) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 2002, and shall cover fiscal years 2000 and 2001.

SEC. 581. RESPONSES TO DOMESTIC VIOLENCE IN THE ARMED FORCES.

(a) Military-Civilian Task Force on Domestic Violence.—(1) The Secretary of Defense shall establish a Military-Civilian Task Force on Domestic Violence. The Secretary shall appoint the members of the task force in accordance with this section not later than six months after the date of the enactment of this Act.

(2)(A) Not later than six months after the date on which all members of the task force are appointed, the task force shall submit to the Secretary of Defense recommendations on the matters set out under subsection (b). The task force shall, thereafter, submit to the Secretary of Defense from time to time any analyses and recommendations for policies regarding how the Armed Forces can effectively respond, and improve responses, to cases of domestic violence that the task force considers appropriate.

(B) The task force shall submit to Congress an annual report containing a detailed discussion of the achievements in responses to domestic violence in the Armed Forces, pending research on domestic violence, and any recommendations for actions to improve the responses of the Armed Forces to domestic violence in the Armed Forces that the task force considers appropriate.

(C) The task force shall—

(i) meet in plenary session at least once annually; and

(ii) visit military installations overseas annually and military installations within the United States semiannually.

(3) The Secretary shall appoint the members of the task force. The task force shall include the following:

(A) Representatives of Department of Defense family advocacy programs.

(B) Medical personnel.

(C) Judge advocates.

(D) Military police or other law enforcement personnel of the Armed Forces.

(E) Commanders.

(F) Personnel who plan, execute, and evaluate training of the Armed Forces.

(G) Civilian personnel who are experts on domestic violence, family advocates, providers of services specifically for victims of domestic violence, and researchers in domestic violence including, but not limited to, the following:

(i) At least two representatives from the national domestic violence resource center and the special issue resource centers referred to in section 308 of the Family Violence Prevention and Services Act (42 U.S.C. Sec. 10407).

(ii) At least two representatives from national domestic violence and sexual assault policy organizations.

(iii) At least two representatives from selected States' domestic violence and sexual assault coalitions.

(iv) At least two local domestic violence and sexual assault service providers in communities located near military installations.

(H) Civilian law enforcement personnel (appointed in consultation with the Attorney General).

(I) Representatives of the Department of Justice (appointed in consultation with the Attorney General) from the following offices:

(i) The Office on Violence Against Women.

(ii) The Violence Against Women Grants Office.

(J) Representatives of the Department of Health and Human Services (appointed in consultation with the Secretary of Health and Human Services) from the Family Violence Prevention and Services Office.

(4) The Secretary shall ensure that the task force includes the following:

(A) Representatives of the Office of the Secretary of Defense.

(B) General and flag officers.

(C) Noncommissioned officers.

(D) Other enlisted personnel.

(5) The Secretary of Defense shall annually designate to chair the task force one member of the task force from among the members on a list of nominees submitted to the Secretary for that purpose by the task force.

(6) Each member of the task force shall serve without compensation (other than the compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be), but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular places of business in the performance of services for the task force.

(7) The Assistant Secretary of Defense for Force Management Policy, under the direction of the Under Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force and shall provide the task force with the personnel, facilities, and

other administrative support that is necessary for the performance of the task force's duties. The Assistant Secretary shall provide for the Secretaries of the military department to provide support described in paragraph (8)(B) for the task force on a rotating basis.

(8) The Secretary of the military department concerned shall—

(A) coordinate visits of the task force to military installations; and

(B) as designated by the Assistant Secretary of Defense and in coordination with Assistant Secretary, provide administrative, logistical, and other support for the meetings of the task force.

(9) The task force shall terminate three years after the date on which all members of the task force are appointed.

(b) Uniform Responses.—Not later than six months after receiving the report of the task force under subsection (a)(2)(A), the Secretary of Defense shall, in consultation with the task force, prescribe the following:

(1) Standard formats for memorandums of agreement or understanding to be used by the Secretaries of the military departments for entering into agreements with civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement for a commanding officer of a member of the Armed Forces ordered by a superior not to have contact with a person to give a written copy of the order to each person protected by the order within 24 hours after the issuance of the order.

(3) Standard guidance on the factors for commanders to consider when determining appropriate action for substantiated allegations of domestic violence by a person subject to that Code.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(c) Reporting Requirements.—(1) The Secretary shall establish a central database of information on the cases of domestic violence involving members of the Armed Forces.

(2) The Secretary shall require the administrator of each family advocacy program of the Armed Forces to maintain and report annually to the administrator of the database established under paragraph (1), the information received or developed under the program on the following matters:

(A) Each domestic violence case reported to a commander, any law enforcement authority of the Armed Forces, or a family advocacy program of the Department of Defense.

(B) The number of the cases that involve evidence determined sufficient for supporting disciplinary action and, for each such case, a description of the substantiated allegation and the action taken by command authorities in the case.

(C) The number of the cases that involve evidence determined insufficient for supporting disciplinary action and, for each such case, a description of the allegation.

(3) The Secretary shall submit to Congress an annual report on the data submitted to the central database established under paragraph (1).

SEC. 582. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.

(a) Findings.—Congress makes the following findings:

(1) The late Rear Admiral (retired) Husband E. Kimmel, formerly serving in the grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor.

(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6–7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor";

(B) criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation"; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war";

(B) detailed information and intelligence about Japanese intentions and war plans were available in "abundance", but were not shared with Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this".

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that the late Major General (retired) Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list".

(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (by then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.

(15) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared".

(16) The Dorn Report found—

(A) that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications...which provided crucial confirmation of the imminence of war";

(B) that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels"; and

(C) that "together, these characteristics resulted in failure...to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered".

(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own

study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from then Admiral Kimmel and Lieutenant General Short.

(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.

(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968, without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—

(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

SEC. 583. EXIT SURVEY FOR SEPARATING MEMBERS.

(a) REQUIREMENT.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall suspend exit surveys and interviews of that department during the period described in the first sentence.

(b) SURVEY CONTENT.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

(c) REPORT.—Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the surveys. The report shall include an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans of those personnel. The Secretary shall utilize the report's findings in crafting future responses to declining retention and recruitment.

SEC. 584. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2000 INCREASE AND RESTRUCTURING OF BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services by section 203(a) of such title to become effective during fiscal year 2000 shall not be made.

(b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services shall be increased by 4.8 percent.

(c) BASIC PAY REFORM.—Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O–7	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
O–6	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O–5	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O–4	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
O–3 [3]	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O–2 [3]	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
O–1 [3]	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10

	Over 8	Over 10	Over 12	Over 14	Over 16
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
O–7	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
O–6	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
O–5	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-4	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
0-3[3]	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
0-2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0-1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
0-10[2]	$0.00	$10,655.10	$10,707.60	$10,930.20	$11,318.40
0-9	0.00	9,319.50	9,453.60	9,647.70	9,986.40
0-8	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
0-7	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
0-6	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
0-5	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
0-4	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
0-3[3]	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
0-2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0-1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

[1] Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

[2] While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

[3] Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-3E	$0.00	$0.00	$0.00	$3,364.80	$3,525.90
0-2E	0.00	0.00	0.00	3,009.00	3,071.10
0-1E	0.00	0.00	0.00	2,423.10	2,588.40
	Over 8	Over 10	Over 12	Over 14	Over 16
0-3E	$3,702.60	$3,850.20	$4,040.40	$4,200.30	$4,291.80
0-2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
0-1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	Over 18	Over 20	Over 22	Over 24	Over 26
0-3E	$4,416.90	$4,416.90	$4,416.90	$4,416.90	$4,416.90
0-2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
0-1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W-3	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W-2	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W-1	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W-3	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W-2	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W-1	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W-4	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W-3	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W-2	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W-1	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[4]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E-6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E-5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E-4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E-3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	[5] 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[4]	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E-8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E-7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E-5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

	Over 18	Over 20	Over 22	Over 24	Over 26
E-9[4]	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.80
E-8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[4] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[5] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $930.30.

SEC. 602. PAY INCREASES FOR FISCAL YEARS 2001 THROUGH 2006.

(a) ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.—Section 1009(c) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), but subject to subsection (d), an adjustment taking effect under this section during each of fiscal years 2001 through 2006 shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of one percent plus the percentage calculated as provided under section 5303(a) of title 5 for such fiscal year (without regard to whether rates of pay under the statutory pay systems are actually increased during such fiscal year under that section by the percentage so calculated).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

SEC. 603. SPECIAL SUBSISTENCE ALLOWANCE FOR FOOD STAMP ELIGIBLE MEMBERS.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Special subsistence allowance: members eligible for food stamps

"(a) ENTITLEMENT.—Upon the application of an eligible member of a uniformed service described in subsection (b)(1), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

"(b) COVERED MEMBERS.—(1) A member referred to subsection (a) is an enlisted member in pay grade E–5 or below.

"(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

"(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

"(1) Termination of eligibility for food stamp assistance.

"(2) Payment of the special subsistence allowance for 12 consecutive months.

"(3) Promotion of the member to a higher grade.

"(4) Transfer of the member in a permanent change of station.

"(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

"(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

"(3) The number of times that payments are resumed under this subsection is unlimited.

"(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

"(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

"(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

"(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2004.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Special subsistence allowance: members eligible for food stamps.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 1999, the Secretary of Defense shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Secretary shall consult with the Secretary of Transportation (with respect to the Coast Guard), who shall provide the Secretary of Defense with any information that the Secretary determines necessary to prepare the report.

(3) No report is required under this section after March 1, 2004.

SEC. 604. PAYMENT FOR UNUSED LEAVE IN CONJUNCTION WITH A REENLISTMENT.

Section 501 of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated)," after "honorable conditions"; and

(2) in subsection (b)(2), by striking ", or entering into an enlistment,".

SEC. 605. CONTINUANCE OF PAY AND ALLOWANCES WHILE IN DUTY STATUS (WHEREABOUTS UNKNOWN).

(a) CONTINUANCE OF PAY AND ALLOWANCES.—(1) Chapter 10 of title 37, United States Code, is amended by inserting after section 552 the following:

"§ 552a. Pay and allowances: continuation while in a duty status (whereabouts unknown); limitations

"For any period that a member of a uniformed service on active duty or performing inactive-duty training is in a duty status (whereabouts unknown), section 552 of this title, except for subsections (d) and (e), shall apply to the member as if the member were in a missing status for that period.".

(2) The table of sections at the beginning of chapter 10 of such title is amended by inserting after the item relating to section 552 the following:

"552a. Pay and allowances: continuation while in a duty status (whereabouts unknown); limitations.".

(b) DEFINITION OF DUTY STATUS (WHEREABOUTS UNKNOWN).—Section 551 of such title is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) The term 'duty status (whereabouts unknown)' means a transitory casualty status designated for a member of uniformed service by a commander responsible for accounting for the member when the commander suspects that the member is a casualty whose absence is involuntary and does not consider the available relevant evidence sufficient for making a definite determination that the member is missing, has deserted, is absent without leave, or is dead.".

SEC. 606. EQUITABLE TREATMENT OF CLASS OF 1987 OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) Years of Service Credit.—An officer of the uniformed services who entered the Uniformed Services University of the Health Sciences as a student in 1983 and who successfully completed the course of instruction at the University in 1987 shall be treated for purposes of determining pay and years of service in the same manner as a student at the University who graduated in 1986, notwithstanding the enactment of the Defense Officer Personnel Management Act (Public Law 96–513; 94 Stat. 2835).

(b) Prospective Applicability.—This section shall take effect on October 1, 1999. No entitlement to increased pay or allowances accrues for periods before such date, and no eligibility accrues for consideration for selection for promotions by boards convened before such date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 1999," and inserting "December 31, 2000,".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) Enlistment Bonuses for Members With Critical Skills.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) Nuclear Career Accession Bonus.—Section 312b(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of title 37, United States Code, is amended by striking "any fiscal year beginning before October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999" and inserting "the 15-month period beginning on October 1, 1998, and ending on December 31, 1999, and any year beginning after December 31, 1999, and ending before January 1, 2001".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Special Pay for Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) Selected Reserve Reenlistment Bonus.—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) Selected Reserve Enlistment Bonus.—Section 308c(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(g) Prior Service Enlistment Bonus.—Section 308i(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2001".

SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting in lieu thereof "December 31, 2000".

SEC. 614. AMOUNT OF AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS FORMERLY ELIGIBLE FOR HAZARDOUS DUTY PAY.

(a) Save Pay Provision.—Section 301a(b) of title 37, United States Code, is amended by adding at the end the following:

"(4) The amount of the monthly incentive pay payable under this section to an air battle manager who was receiving incentive pay under section 301(c)(2)(A) of this title immediately before becoming eligible for incentive pay under this section shall be the higher of—

"(A) the monthly rate of incentive pay that the member was receiving under section 301(c)(2)(A) of this title; or

"(B) the rate applicable to the member under paragraph (1), (2), or (3).".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.

SEC. 615. AVIATION CAREER OFFICER SPECIAL PAY.

(a) Period of Authority.—Subsection (a) of section 301b of title 37, United States Code, is amended—

(1) by inserting "(1)" after "Authorized.—";

(2) by striking "during the period beginning on January 1, 1989, and ending on December 31, 1999," and inserting "during the period described in paragraph (2),"; and

(3) adding at the end the following:

"(2) Paragraph (1) applies with respect to agreements executed during the period beginning on the first day of the first month that begins on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000 and ending on December 31, 2004.".

(b) Repeal of Limitation to Certain Years of Career Aviation Service.—Subsection (b) of such section is amended—

(1) by striking paragraph (5);

(2) by inserting "and" at the end of paragraph (4); and

(3) by redesignating paragraph (6) as paragraph (5).

(c) Repeal of Lower Alternative Amount for Agreement To Serve for 3 or Fewer Years.—Subsection (c) of such section is amended by striking "than—" and all that follows and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(d) Proration Authority for Coverage of Increased Period of Eligibility.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(e) Terminology.—Such section is further amended—

(1) in subsection (f), by striking "A retention bonus" and inserting "Any amount"; and

(2) in subsection (i)(1), by striking "retention bonuses" in the first sentence and inserting "special pay under this section".

(f) Repeal of Content Requirements for Annual Report.—Subsection (i)(1) of such section is further amended by striking the second sentence.

(g) Technical Amendment.—Subsection (g)(3) of such section if amended by striking the second sentence.

(h) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 616. CAREER ENLISTED FLYER INCENTIVE PAY.

(a) Incentive Pay Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section 301f:

"§ 301f. Incentive pay: career enlisted flyers

"(a) Pay Authorized.—An enlisted member described in subsection (b) may be paid career enlisted flyer incentive pay as provided in this section.

"(b) Eligible Members.—An enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

"(1) is entitled to basic pay under section 204 of this title or is entitled to compensation under paragraph (1) or (2) of section 206(a) of this title;

"(2) holds a military occupational specialty or military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned in regulations prescribed under subsection (f) and continues to be proficient in the skills required for that specialty or rating, or is in training leading to the award of such a specialty or rating; and

"(3) is qualified for aviation service.

"(c) Monthly Payment.—(1) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs aviation service that involves frequent and regular performance of operational flying duty by the member.

"(2)(A) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs service, without regard to whether or the extent to which the member performs operational flying duty during the month, as follows:

"(i) In the case of a member who has performed at least 6, and not more than 15, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 72 months if the member so performed in at least that number of months before completing the member's first 10 years of performance of aviation service.

"(ii) In the case of a member who has performed more than 15, and not more than 20, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 108 months if the member so performed in at least that number of months before completing the member's first 15 years of performance of aviation service.

"(iii) In the case of a member who has performed more than 20, and not more than 25, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 168 months if the member so performed in at least that number of months before completing the member's first 20 years of performance of aviation service.

"(B) The Secretary concerned, or a designee of the Secretary concerned not below the level of personnel chief of the armed force concerned, may reduce the minimum number of months of frequent and regular performance of operational flying duty applicable in the case of a particular member under—

"(i) subparagraph (A)(i) to 60 months;

"(ii) subparagraph (A)(ii) to 96 months; or

"(iii) subparagraph (A)(iii) to 144 months.

"(C) A member may not be paid career enlisted flyer incentive pay in the manner provided under subparagraph (A) after the member has completed 25 years of aviation service.

"(d) Monthly Rates.—(1) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

"Years of aviation service	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400.

"(2) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member of a reserve component for each period of inactive-duty training during which aviation service is performed shall be equal to $\frac{1}{30}$ of the monthly rate of career enlisted flyer incentive pay provided under paragraph (1) for a member on active duty with the same number of years of aviation service.

"(e) Nonapplicability to Members Receiving Hazardous Duty Incentive Pay or Special Pay for Diving Duty.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

"(f) Regulations.—The Secretary concerned shall prescribe regulations for the administration of this section. The regulations shall include the following:

"(1) Definitions of the terms 'aviation service' and 'frequently and regularly performed operational flying duty' for purposes of this section.

"(2) The military occupational specialties or military rating, as the case may be, that are designated as career enlisted flyer specialties or ratings, respectively, for purposes of this section.

"(g) Definition.—In this section, the term 'operational flying duty' means—

"(1) flying performed under competent orders while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned; and

"(2) flying performed by members in training that leads to the award of a military occupational specialty or rating referred to in subsection (b)(2).".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301e the following new item:

"301f. Incentive pay; career enlisted flyers.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) Save Pay Provision.—In the case of an enlisted member of a uniformed service who is a designated career enlisted flyer entitled to receive hazardous duty incentive pay under section 301(b) or 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled from that date to payment of incentive pay at the monthly rate that is the higher of—

(1) the monthly rate of incentive pay authorized by such section 301(b) or 301(c)(2)(A) as of September 30, 1999; or

(2) the monthly rate of incentive pay authorized by section 301f of title 37, United States Code, as added by subsection (a).

SEC. 617. RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) Bonus Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301f, as added by section 616 of this Act, the following new section:

"§ 301g. Special pay: special warfare officers extending period of active duty

"(a) Bonus Authorized.—A special warfare officer described in subsection (b) who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) Covered Officers.—A special warfare officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator and is serving in a position for which that specialty or designator is authorized;

"(2) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies for an agreement under this section;

"(3) has completed at least 6, but not more than 14, years of active commissioned service; and

"(4) has completed any service commitment incurred to be commissioned as an officer.

"(c) Amount of Bonus.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

"(d) Proration.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of active commissioned service.

"(e) Payment.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid—

"(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary concerned followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

"(2) in graduated annual payments under regulations prescribed by the Secretary concerned with the first payment being payable at the time the agreement is accepted by the Secretary concerned and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

"(f) Additional Pay.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) Repayment.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) Regulations.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, as amended by section 110(a) of this Act, is amended by inserting after the item relating to section 301f the following new item:

"301g. Special pay: special warfare officers extending period of active duty.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 618. RETENTION BONUS FOR SURFACE WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) Bonus Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301g, as added by section 617 of this Act, the following new section:

“§ 301h. Special pay: surface warfare officers extending period of active duty

“(a) SPECIAL PAY AUTHORIZED.—(1) A surface warfare officer described in subsection (b) who executes a written agreement described in paragraph (2) may, upon the acceptance of the agreement by the Secretary of the Navy, be paid a retention bonus as provided in this section.

“(2) An agreement referred to in paragraph (1) is an agreement in which the officer concerned agrees—

“(A) to remain on active duty for at least two years and through the tenth year of active commissioned service; and

“(B) to complete tours of duty to which the officer may be ordered during the period covered by subparagraph (A) as a department head afloat.

“(b) COVERED OFFICERS.—A surface warfare officer referred to in subsection (a) is an officer of the Regular Navy or Naval Reserve on active duty who—

“(1) is designated and serving as a surface warfare officer;

“(2) is in pay grade O–3 at the time the officer applies for an agreement under this section;

“(3) has been selected for assignment as a department head on a surface ship;

“(4) has completed at least four, but not more than eight, years of active commissioned service; and

“(5) has completed any service commitment incurred to be commissioned as an officer.

“(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

“(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 10 years of active commissioned service.

“(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed and may be paid—

“(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

“(2) in equal annual payments with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

“(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.”.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301g, as added by section 111(a) of this Act, the following new item:

“301h. Special pay: surface warfare officers extending period of active duty.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 619. ADDITIONAL SPECIAL PAY FOR BOARD CERTIFIED VETERINARIANS IN THE ARMED FORCES AND PUBLIC HEALTH SERVICE.

(a) AUTHORITY.—Section 303 of title 37, United States Code, is amended—

(1) by inserting “(a) MONTHLY SPECIAL PAY.—” before “Each”; and

(2) by adding at the end the following:

“(b) ADDITIONAL SPECIAL PAY FOR BOARD CERTIFICATION.—A commissioned officer entitled to special pay under subsection (a) who has been awarded a diploma as a Diplomate in a specialty recognized by the American Veterinarian Medical Association is entitled to special pay (in addition to the special pay under that subsection) at the same rate as is provided under section 302c(b) of this title for an officer referred to in that section who has the same number of years of creditable service as the commissioned officer.”.

(b) EFFECTIVE DATE.—Section 303(b) of title 37, United States Code, as added by subsection (a), shall apply with respect to months beginning after September 30, 1999.

SEC. 620. INCREASE IN RATE OF DIVING DUTY SPECIAL PAY.

(a) INCREASE.—Section 304(b) of title 37, United States Code, is amended—

(1) by striking “$200” and inserting “$240”; and

(2) by striking “$300” and inserting “$340”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under section 304 of title 37, United States Code, for months beginning on or after that date.

SEC. 621. INCREASE IN MAXIMUM AMOUNT AUTHORIZED FOR REENLISTMENT BONUS FOR ACTIVE MEMBERS.

(a) INCREASE IN MAXIMUM AMOUNT.—Section 308(a)(2) of title 37, United States Code, is amended—

(1) subparagraph (A)(i), by striking “ten” and inserting “15”; and

(2) in subparagraph (B), by striking “$45,000” and inserting “$60,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to reenlistments and extensions of enlistments taking effect on or after that date.

SEC. 622. CRITICAL SKILLS ENLISTMENT BONUS.

(a) INCREASE.—Section 308a(a) of title 37, United States Code, is amended in the first sentence by striking “$12,000” and inserting “$20,000”.

(b) LUMP-SUM PAYMENT OF CRITICAL SKILLS ENLISTMENT BONUS.—Section 308a(a) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(a)”;

(2) by striking all after “may be paid a bonus” and inserting a period; and

(3) by adding at the end the following:

“(2) The appropriate Secretary shall prescribe in regulations the following:

“(A) The amount of the bonus, but not more than $12,000.

“(B) Provisions for payment of the bonus in a single lump sum or periodic installments in relation to the attainment of one or more specified career milestones appropriate to ensure that the terms of the enlistment or extension are satisfied.”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect enlistments and extensions of enlistments taking effect on or after that date.

SEC. 623. SELECTED RESERVE ENLISTMENT BONUS.

(a) ELIMINATION OF REQUIREMENT FOR MINIMUM PERIOD OF ENLISTMENT.—Subsection (a) of section 308c of title 37, United States Code, is amended by striking “for a term of enlistment of not less than six years”.

(b) INCREASED MAXIMUM AMOUNT.—Subsection (b) of such section is amended by striking “$5,000” and inserting “$8,000”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

SEC. 624. SPECIAL PAY FOR MEMBERS OF THE COAST GUARD RESERVE ASSIGNED TO HIGH PRIORITY UNITS OF THE SELECTED RESERVE.

Section 308d(a) of title 37, United States Code, is amended by inserting “, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, ” after “Secretary of Defense”.

SEC. 625. REDUCED MINIMUM PERIOD OF ENLISTMENT IN ARMY IN CRITICAL SKILL FOR ELIGIBILITY FOR ENLISTMENT BONUS.

(a) REDUCED REQUIREMENT.—Paragraph (3) of section 308f(a) of title 37, United States Code, is amended by striking “3 years” and inserting “2 years”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

SEC. 626. ELIGIBILITY FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS UPON ATTAINING A CRITICAL SKILL.

(a) NEWLY ATTAINED CRITICAL SKILL.—Section 308i(a) of title 37, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

“(A) The person has completed that person’s military service obligation but has less than 14 years of total military service.

“(B) The person has received an honorable discharge at the conclusion of military service.

“(C) The person is not being released from active service for the purpose of enlistment in a reserve component.

“(D) The person is position eligible under paragraph (3).

“(E) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.

“(3) A person is position eligible for the purposes of paragraph (2)(D) if the person—

"(A) is projected to occupy a position as a member of the Selected Reserve in a specialty in which the person—

"(i) successfully served while a member on active duty; and

"(ii) attained a level of qualification while a member on active duty commensurate with the grade and years of service of the member; or

"(B) is occupying a position as a member of the Selected Reserve in a specialty in which the person—

"(i) has completed training or retraining in the specialty skill that is designated as critically short; and

"(ii) has attained a level of qualification in the designated critically short specialty skill that is commensurate with the member's grade and years of service.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to enlistments beginning on or after that date.

SEC. 627. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking "$15,000" and inserting "$25,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of title 37, United States Code, is amended by striking "$10,000" and inserting "$20,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking "$12,000" and inserting "$22,000"; and

(2) in subsection (b)(1), by striking "$5,500" and inserting "$10,000".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

SEC. 628. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.

(a) INCREASE IN MAXIMUM MONTHLY RATE.—Section 316(b) of title 37, United States Code, is amended by striking "$100" and inserting "$300".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of title 37, United States Code, for months beginning on or after that date.

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

Subtitle C—Travel and Transportation Allowances

SEC. 641. PAYMENT OF TEMPORARY LODGING EXPENSES TO ENLISTED MEMBERS MAKING FIRST PERMANENT CHANGE OF STATION.

Section 404a(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end of the paragraph;

(2) in paragraph (2), by inserting "or" after the semicolon; and

(3) by inserting after paragraph (2) the following:

"(3) in the case of an enlisted member, to the member's first permanent duty station from the member's home of record or initial technical training school;".

SEC. 642. DESTINATION AIRPORT FOR EMERGENCY LEAVE TRAVEL TO THE CONTINENTAL UNITED STATES.

Section 411d(b)(1)(A) of title 37, United States Code, is amended to read as follows:

"(A) to either—

"(i) the international airport in the continental United States closest to the location from which the member and the member's dependents departed; or

"(ii) any other airport in the continental United States that is closer to the destination than is that international airport if the cost of the transportation to the other airport is less expensive than the cost of the transportation to that international airport; or".

SEC. 643. CLARIFICATION OF PER DIEM ELIGIBILITY OF CERTAIN MILITARY TECHNICIANS (DUAL STATUS) SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) CLARIFICATION.—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) If the Secretary concerned determines that a military technician (dual status) on leave from technician employment under section 6323(d) of title 5 is performing active duty without pay outside the United States without having been afforded an adequate opportunity to satisfy administrative requirements for a commutation of subsistence and quarters under paragraph (1), the Secretary concerned may authorize payment of a per diem allowance to the technician under chapter 4 of this title instead of the commutation while the technician is performing that duty.".

(b) DEFINITION.—Section 101 of such title is amended by adding at the end the following:

"(27) The term 'military technician (dual status)' has the meaning given the term in section 10216(a) of title 10.".

(c) RETROACTIVE EFFECTIVE DATE.—The amendments made by this section shall be effective as of February 10, 1996.

SEC. 644. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE REQUIRED TRAVEL ON MILITARY AIRCRAFT FOR RESERVES PERFORMING INACTIVE-DUTY TRAINING OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12322. Reserves traveling to inactive-duty training OCONUS: space required travel

"A member of a reserve component is authorized to travel in a space required status on aircraft of the armed forces between the member's home and place of inactive-duty training outside the continental United States (including a place other than the place of the member's unit training assembly if the member is performing the inactive-duty training in another location) when there is no transportation between those locations by means of road, railroad, or a combination of road and railroad. A member traveling in that status on any such aircraft under the authority of this section is not authorized to receive travel, transportation, or per diem allowances in connection with the travel.".

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following:

"12322. Reserves traveling to inactive-duty training OCONUS: space required travel.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 8023 of Public Law 105–262 (112 Stat. 2302) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to travel commencing on or after that date.

SEC. 645. REIMBURSEMENT OF TRAVEL EXPENSES INCURRED BY MEMBERS OF THE ARMED FORCES IN CONNECTION WITH LEAVE CANCELED FOR INVOLVEMENT IN KOSOVO-RELATED ACTIVITIES.

(a) AUTHORITY.—The Secretary of the military department concerned may reimburse a member of the Armed Forces under the jurisdiction of the Secretary for expenses of travel (to the extent not otherwise reimbursable under law) that have been incurred by the member in connection with approved leave canceled to meet an exigency in connection with United States participation in Operation Allied Force.

(b) ADMINISTRATIVE PROVISIONS.—The Secretary of Defense shall prescribe the procedures and documentation required for application for, and payment of, reimbursements to members of the Armed Forces under subsection (a).

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 651. RETIRED PAY OPTIONS FOR PERSONNEL ENTERING UNIFORMED SERVICES ON OR AFTER AUGUST 1, 1986.

(a) REDUCED RETIRED PAY ONLY FOR MEMBERS ELECTING 15-YEAR SERVICE BONUS.—(1) Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting after "July 31, 1986," the following: "has elected to receive a bonus under section 318 of title 37,".

(2)(A) Paragraph (2)(A) of section 1401a(b) of title 10, United States Code, is amended by striking "The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986," and inserting "Except as otherwise provided in this subsection, the Secretary shall increase the retired pay of each member and former member".

(B) Paragraph (3) of such section 1401a(b) is amended by inserting after "August 1, 1986," the following: "and has elected to receive a bonus under section 318 of title 37,".

(3) Section 1410 of title 10, United States Code, is amended by inserting after "August 1, 1986," the following: "who has elected to receive a bonus under section 318 of title 37,".

(b) OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF SERVICE.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986

"(a) PAYMENT OF BONUS.—The Secretary concerned shall pay a bonus to a member of a uniformed service who is eligible and elects to receive the bonus under this section.

"(b) ELIGIBILITY FOR BONUS.—A member of a uniformed service serving on active duty is eligible to receive a bonus under this section if the member—

"(1) first became a member of a uniformed service on or after August 1, 1986;

"(2) has completed 15 years of active duty in the uniformed services; and

"(3) if not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service, executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty for five years after the date of the completion of 15 years of active-duty service.

"(c) ELECTION.—(1) A member eligible to receive a bonus under this section may elect to receive the bonus. The election shall be made in such form and within such period as the Secretary concerned requires.

"(2) An election made under this subsection is irrevocable.

"(d) NOTIFICATION OF ELIGIBILITY.—The Secretary concerned shall transmit a written notification of the opportunity to elect to receive a bonus under this section to each member who is eligible (or upon execution of an agreement described in subsection (b)(3), would be eligible) to receive the bonus. The Secretary shall complete the notification within 180 days after the date on which the member completes 15 years of active duty. The notification shall include the procedures for electing to receive the bonus and an explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay which the member may become eligible to receive.

"(e) FORM AND AMOUNT OF BONUS.—A bonus under this section shall be paid in one lump sum of $30,000.

"(f) TIME FOR PAYMENT.—Payment of a bonus to a member electing to receive the bonus under this section shall be made not later than the first month that begins on or after the date that is 60 days after the Secretary concerned receives from the member an election that satisfies the requirements imposed under subsection (c).

"(g) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in the agreement entered into under subsection (b)(3), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986.".

(c) CONFORMING AMENDMENTS TO SURVIVOR BENEFIT PLAN PROVISIONS.—(1) Section 1451(h)(3) of title 10, United States Code, is amended by inserting "OF CERTAIN MEMBERS" after "RETIREMENT".

(2) Section 1452(i) of such title is amended by striking "When the retired pay" and inserting "Whenever the retired pay".

(d) RELATED TECHNICAL AMENDMENTS.—(1) Section 1401a(b) of title 10, United States Code, is amended—

(A) by striking the heading for paragraph (1) and inserting "INCREASE REQUIRED.—";

(B) by striking the heading for paragraph (2) and inserting "PERCENTAGE INCREASE.—"; and

(C) by striking the heading for paragraph (3) and inserting "REDUCED PERCENTAGE FOR CERTAIN POST-AUGUST 1, 1986 MEMBERS.—".

(2) Section 1409(b)(2) of title 10, United States Code, is amended by inserting "CERTAIN" after "REDUCTION APPLICABLE TO" in the paragraph heading.

(3)(A) The heading of section 1410 of such title is amended by inserting "**certain**" before "**members**".

(B) The item relating to such section in the table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by inserting "certain" before "members".

SEC. 652. PARTICIPATION IN THRIFT SAVINGS PLAN.

(a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

"§ 211. Participation in Thrift Savings Plan

"(a) AUTHORITY.—A member of the uniformed services serving on active duty and a member of the Ready Reserve in any pay status may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

"(b) RULE OF CONSTRUCTION REGARDING SEPARATION.—For the purposes of section 8440e of title 5, the following actions shall be considered separation of a member of the uniformed services from Government employment:

"(1) Release of the member from active-duty service (not followed by a resumption of active-duty service within 30 days after the effective date of the release).

"(2) Transfer of the member by the Secretary concerned to a retired list maintained by the Secretary.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"211. Participation in Thrift Savings Plan.".

(2)(A) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

"§ 8440e. Members of the uniformed services on active duty

"(a) PARTICIPATION AUTHORIZED.—(1) A member of the uniformed services authorized to participate in the Thrift Savings Plan under section 211(a) of title 37 may contribute to the Thrift Savings Fund.

"(2) An election to contribute to the Thrift Savings Fund under paragraph (1) may be made only during a period provided under section 8432(b) for individuals subject to this chapter.

"(b) APPLICABILITY OF THRIFT SAVINGS PLAN PROVISIONS.—Except as otherwise provided in this section, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund as if such members were employees within the meaning of section 8401(11).

"(c) MAXIMUM CONTRIBUTION FROM PAY OR COMPENSATION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

"(2) The amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period, to the extent allowable under the Internal Revenue Code of 1986.

"(d) OTHER MEMBER CONTRIBUTIONS.—A member of the uniformed services making contributions to the Thrift Savings Fund out of basic pay, or out of compensation under section 206 of title 37, may also contribute (by direct transfer to the Fund) any part of any special or incentive pay that the member receives under section 308, 308a through 308h, or 318 of title 37, to the extent allowable under the Internal Revenue Code of 1986.

"(e) AGENCY CONTRIBUTIONS GENERALLY PROHIBITED.—Except as provided in section 211(c) of title 37, no contribution under section 8432(c) of this title may be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

"(f) BENEFITS AND ELECTIONS OF BENEFITS.—In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund—

"(1) any reference in such section to separation from Government employment shall be construed to refer to an action described in section 211(b) of title 37; and

"(2) the reference in section 8433(g)(1) to contributions made under section 8432(a) shall be treated as being a reference to contributions made to the Fund by the member, whether made under section 8351, 8432(a), or this section.

"(g) BASIC PAY DEFINED.—For purposes of this section, the term 'basic pay' means basic pay that is payable under section 204 of title 37.".

(B) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

"8440e. Members of the uniformed services on active duty.".

(3) Section 8432b(b) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "Each employee" and inserting "Except as provided in paragraph (4), each employee";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4) No contribution may be made under this section for a period for which an employee made a contribution under section 8440e.".

(4) Section 8473 of title 5, United States Code, is amended—

(A) in subsection (a), by striking "14 members" and inserting "15 members"; and

(B) in subsection (b)—

(i) by striking "14 members" and inserting "15 members";

(ii) by striking "and" at the end of paragraph (8);

(iii) by striking the period at the end of paragraph (9) and inserting "; and"; and

(iv) by adding at the end the following:

"(10) 1 shall be appointed to represent participants (under section 8440e) who are members of the uniformed services.".

(5) Paragraph (11) of section 8351(b) of title 5, United States Code, is redesignated as paragraph (8).

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the authority of members of the uniformed services to participate in the Thrift Savings Plan under section 211 of title 37, United States Code (as added by subsection (a)(1)), shall take effect on July 1, 2000.

(2)(A) The Secretary of Defense may postpone the authority of members of the Ready Reserve to so participate in the Thrift Savings Plan until 180 days after the date specified in paragraph (1) if the Secretary, after consultation with the Executive Director appointed by the Federal Thrift Retirement Investment Board, determines that permitting such members to participate in the Thrift Savings Plan on that date would place an excessive burden on the administrative capacity of the Board to accommodate participants in the Thrift Savings Plan.

(B) The Secretary shall notify the congressional defense committees of any determination made under subparagraph (A).

(c) Regulations.—Not later than 180 days after the date of the enactment of this Act, the Executive Director appointed by the Federal Thrift Retirement Investment Board shall issue regulations to implement section 8440e of title 5, United States Code (as added by subsection (a)(2)) and section 211 of title 37, United States Code (as added by subsection (a)(1)).

SEC. 653. SPECIAL RETENTION INITIATIVE.

Section 211 of title 37, United States Code, as added by section 652, is amended by adding at the end the following:

"(c) Agency Contributions for Retention in Critical Specialties.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

"(A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

"(B) commits in such agreement to continue to serve on active duty in that specialty for a period of six years.

"(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution out of basic pay to the Fund under this section. Paragraph (2) of section 8432(c) applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph to contributions under paragraph (1) of such section does not apply.".

SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) Repeal.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

SEC. 655. CREDIT TOWARD PAID-UP SBP COVERAGE FOR MONTHS COVERED BY MAKE-UP PREMIUM PAID BY PERSONS ELECTING SBP COVERAGE DURING SPECIAL OPEN ENROLLMENT PERIOD.

Section 642 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2045; 10 U.S.C. 1448 note) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) Credit Toward Paid-Up Coverage.—Upon payment of the total amount of the premiums charged a person under subsection (g), the retired pay of a person participating in the Survivor Benefit Plan pursuant to an election under this section shall be treated, for the purposes of subsection (j) of section 1452 of title 10, United States Code, as having been reduced under such section 1452 for the months in the period for which the person's retired pay would have been reduced if the person had elected to participate in the Survivor Benefit Plan at the first opportunity that was afforded the person to participate.".

SEC. 656. PAID-UP COVERAGE UNDER RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.

(a) Conditions.—Subchapter I of chapter 73 of title 10, United States Code, is amended by inserting after section 1436 the following:

"§ 1436a. Coverage paid up at 30 years and age 70

"Effective October 1, 2008, no reduction may be made in a person's retired pay or retainer pay pursuant to an election under section 1431(b) or 1432 of this title for any month after the later of—

"(1) the 360th month for which the person retired pay or retainer pay is reduced pursuant to such an election; and

"(2) the month during which the person attains 70 years of age.".

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1436 the following:

"1436a. Coverage paid up at 30 years and age 70.".

SEC. 657. PERMANENT AUTHORITY FOR PAYMENT OF ANNUITIES TO CERTAIN MILITARY SURVIVING SPOUSES.

Subsection (f) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1801; 10 U.S.C. 1448 note) is repealed.

SEC. 658. EFFECTUATION OF INTENDED SBP ANNUITY FOR FORMER SPOUSE WHEN NOT ELECTED BY REASON OF UNTIMELY DEATH OF RETIREE.

(a) Cases Not Covered by Existing Authority.—Paragraph (3) of section 1450(f) of title 10, United States Code, as in effect on the date of the enactment of this Act, shall apply in the case of a former spouse of any person referred to in that paragraph who—

(1) incident to a proceeding of divorce, dissolution, or annulment—

(A) entered into a written agreement on or after August 21, 1983, to make an election under section 1448(b) of such title to provide an annuity to the former spouse (the agreement thereafter having been incorporated in or ratified or approved by a court order or filed with the court of appropriate jurisdiction in accordance with applicable State law); or

(B) was required by a court order dated on or after such date to make such an election for the former spouse; and

(2) before making the election, died within 21 days after the date of the agreement referred to in paragraph (1)(A) or the court order referred to in paragraph (1)(B), as the case may be.

(b) Adjusted Time Limit for Request by Former Spouse.—For the purposes of paragraph (3)(C) of section 1450(f) of title 10, United States Code, a court order or filing referred to in subsection (a)(1) of this section that is dated before October 19, 1984, shall be deemed to be dated on the date of the enactment of this Act.

SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) Authority.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1413. Special compensation for certain severely disabled uniformed services retirees

"(a) Authority.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) Amount.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) Eligible Members.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) Qualifying Service-Connected Disability Defined.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) Status of Payments.—Payments under this section are not retired pay.

"(f) Source of Funds.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) Other Definitions.—In this section:

"(1) The term 'service-connected' has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

SEC. 660. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.".

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

Subtitle E—Montgomery GI Bill Benefits and Other Education Benefits

PART I—MONTGOMERY GI BILL BENEFITS

SEC. 671. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "$528" and inserting "$600"; and

(2) in subsection (b)(1), by striking "$429" and inserting "$488".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, for fiscal year 2000.

SEC. 672. TERMINATION OF REDUCTIONS OF BASIC PAY.

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of such title is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins on or after such date.

(b) TERMINATION OF REDUCTIONS IN PROGRESS.—Any reduction in the basic pay of an individual referred to in section 3011(b) of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3034(e)(1) of title 38, United States Code, is amended in the second sentence by striking "as soon as practicable" and all that follows through "such additional times" and inserting "at such times".

SEC. 673. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.

Section 3014 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary shall pay"; and

(2) by adding at the end the following new subsection (b):

"(b)(1) Whenever the Secretary determines it appropriate under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

"(2) The Secretary may pay basic educational assistance on an accelerated basis only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

"(3) If an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall—

"(A) pay on an accelerated basis the amount such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

"(B) pay on the date of the adjustment any additional amount of such assistance that is payable for the period as a result of the adjustment.

"(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

"(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

"(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

"(ii) in any amount requested by the individual concerned up to the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

"(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall specify the circumstances under which accelerated payments may be made and include requirements relating to the request for, making and delivery of, and receipt and use of such payments.".

SEC. 674. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces

"(a)(1) Subject to the provisions of this section, the Secretary concerned may, for the purpose of enhancing recruiting and retention and at that Secretary's sole discretion, permit an individual described in paragraph (2) who is entitled to basic educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the dependents specified in subsection (b).

"(2) An individual referred to in paragraph (1) is any individual who is a member of the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement to educational assistance under this section.

"(3) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

"(b) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement to such assistance as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(c)(1) An individual transferring an entitlement to basic educational assistance under this section shall—

"(A) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

"(B) specify the period for which the transfer shall be effective for each dependent designated under subparagraph (A).

"(2) The aggregate amount of the entitlement transferable by an individual under this section may not exceed the aggregate amount of the entitlement of such individual to basic educational assistance under this subchapter.

"(3) An individual transferring an entitlement under this section may modify or revoke the transfer at any time before the use of the transferred entitlement begins. An individual shall make the modification or revocation by submitting written notice of the action to the Secretary concerned.

"(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided in under subsection (c)(1)(B) and subject to paragraphs (3) and (4), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(3) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(4) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

"(e) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(f) The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (d)(4) to a dependent to whom entitlement is transferred under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces.".

SEC. 675. AVAILABILITY OF EDUCATIONAL ASSISTANCE BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

Section 3002(3) of title 38, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following:

"(C) includes—

"(i) a preparatory course for a test that is required or utilized for admission to an institution of higher education; and

"(ii) a preparatory course for test that is required or utilized for admission to a graduate school.".

PART II—OTHER EDUCATIONAL BENEFITS

SEC. 681. ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

"(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

"(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the Secretary concerned receives the person's request for payment on an accelerated basis; and

"(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

"(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

"(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

"(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

"(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid.

"(6) In this subsection, the term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of Army Reserve, with respect to members of the Army Reserve.

"(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

"(C) The Chief of Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.".

SEC. 682. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.".

PART III—REPORT

SEC. 685. REPORT ON EFFECT OF EDUCATIONAL BENEFITS IMPROVEMENTS ON RECRUITMENT AND RETENTION OF MEMBERS OF THE ARMED FORCES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the effects of the provisions of this subtitle, and the amendments made by such provisions, on the recruitment and retention of the members of the Armed Forces. The report shall include such recommendations (including recommendations for legislative action) as the Secretary considers appropriate.

Subtitle F—Other Matters

SEC. 691. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

(a) REQUIREMENT FOR REPORT.—On December 1 of each year, the Secretary of Defense shall submit to Congress a report that sets forth the Secretary's assessment of the effects that the improved pay and other benefits under this title and under the amendments made by this title are having on recruitment and retention of personnel for the Armed Forces.

(b) FIRST REPORT.—The first report under this section shall be submitted not later than December 1, 2000.

SEC. 692. MEMBERS UNDER BURDENSOME PERSTEMPO.

(a) MANAGEMENT OF DEPLOYMENTS OF INDIVIDUALS.—Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 49 the following:

"CHAPTER 50—MISCELLANEOUS COMMAND RESPONSIBILITIES

"Sec.
"991. Management of deployments of members.

"§ 991. Management of deployments of members

"(a) GENERAL OR FLAG OFFICER RESPONSIBILITIES.—The first general officer or flag officer in the chain of command of a member of the armed forces shall manage a deployment of the member when the total number of the days on which the member has been deployed out of 365 consecutive days is in excess of 180 days. That officer shall ensure that the member is not deployed or continued in a deployment on any day on which the total number of the days on which the member has been deployed would exceed 200 out of 365 consecutive days unless a general or flag officer in the grade of general or admiral in the member's chain of command approves the deployment or continued deployment of the member.

"(b) DEPLOYMENT DEFINED.—(1) For the purposes of this section, a member of the armed forces is deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member's permanent duty station.

"(2) For the purposes of this section, a member is not deployed or in a deployment when performing service as a student or trainee at a school (including any Federal Government school) or performing administrative, guard, or detail duties in garrison at the member's permanent duty station.

"(c) RECORDKEEPING.—The Secretary of each military department shall establish a system for tracking and recording the number of days that each member of an armed force under the jurisdiction of the Secretary is deployed.

"(d) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may suspend the applicability of this section to a member or any group of members when the Secretary determines that it is necessary to do so in the national security interests of the United States.

"(e) INAPPLICABILITY TO COAST GUARD.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(b) PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 435. Per diem allowance for lengthy or numerous deployments

"(a) PER DIEM REQUIRED.—The Secretary of the military department concerned shall pay a per diem allowance to a member of an armed force for each day that the member is deployed in excess of 220 days out of 365 consecutive days.

"(b) DEFINITION OF DEPLOYED.—In this section, the term 'deployed', with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10.

"(c) AMOUNT OF PER DIEM.—The amount of the per diem payable to a member under this section is $100.

"(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the per diem allowance that is not fully substantiated by the applicable recordkeeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with other evidence determined by the Secretary as being sufficient to substantiate the claim.

"(e) RELATIONSHIP TO OTHER ALLOWANCES.—Any per diem payable to a member under this section is in addition to any other per diem, allowance, special pay, or incentive that is payable to the member under any other provision of law.

"(f) NATIONAL SECURITY WAIVER.—No per diem may be paid under this section to a member of an armed force for any day on which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of such section.

"(g) INAPPLICABILITY TO COAST GUARD.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(c) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part II of such subtitle are amended by inserting after the item relating to chapter 49 the following:

"50. Miscellaneous Command Responsibilities .... 991".

(2) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by inserting after the item relating to section 434 the following:

"435. Per diem allowance for lengthy or numerous deployments.".

(d) APPLICABILITY AND IMPLEMENTATION.—(1) Section 991 of title 10, United States Code (as added by subsection (a)), and section 435 of title 37, United States Code (as added by subsection (b)), shall apply with respect to service performed after September 30, 2000.

(2) Not later than June 1, 2000, the Secretary of each military department shall prescribe in regulations the policies and procedures for implementing such provisions of law for that military department.

SEC. 693. INCREASED TUITION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION OR SIMILAR OPERATION.

(a) INAPPLICABILITY OF LIMITATION ON AMOUNT.—Section 2007(a) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of a member deployed outside the United States in support of a contingency operation or similar operation, all of the charges may be paid while the member is so deployed.".

(b) INCREASED AUTHORITY SUBJECT TO APPROPRIATIONS.—The authority to pay additional tuition assistance under paragraph (4) of section 2007(a) of title 10, United States Code, as added by subsection (a), may be exercised only to the extent provided for in appropriations Acts.

SEC. 694. ADMINISTRATION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM FOR COAST GUARD RESERVE.

Subsection (a)(1) of section 16301 of title 10, United States Code, is amended by inserting after "the Secretary of Defense" the following: ", or the Secretary of Transportation in the case of a member of the Selected Reserve of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy,".

SEC. 695. EXTENSION TO ALL UNIFORMED SERVICES OF AUTHORITY FOR PRESENTATION OF UNITED STATES FLAG TO MEMBERS UPON RETIREMENT.

(a) PUBLIC HEALTH SERVICE.—Section 221 of the Public Health Service Act (42 U.S.C. 213a) is amended—

(1) by adding at the end of subsection (a) the following:

"(17) Section 6141, Presentation of United States flag upon retirement."; and

(2) in subsection (b), by inserting "the Secretary of a military department," after " 'the Secretary concerned',".

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3 of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard' ", approved August 10, 1956 (33 U.S.C. 857a), is amended—

(1) by adding at the end of subsection (a) the following:

"(17) Section 6141, Presentation of United States flag upon retirement."; and

(2) in subsection (b), by inserting "the Secretary of a military department," after " 'the Secretary concerned',".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1998, and shall apply with respect to releases from active duty for retirement on or after that date from service in the commissioned Regular Corps of the Public Health Service or for service as a commissioned officer of the National Oceanic and Atmospheric Administration on the active list, as the case may be.

SEC. 696. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

"§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

"(a) Notwithstanding any other provision of law, an individual who—

"(1) either—

"(A)(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(ii) disenrolled from participation in that program before that date; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section;

"(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on the date of the enactment of this section;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

"(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

"(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic educational assistance under this chapter—

"(A) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

"(i) $1,200, in the case of an individual described in subsection (a)(1)(A); or

"(ii) $1,500, in the case of an individual described in subsection (a)(1)(B); or

"(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

"(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

"(d)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election described in subsection (a)(5), except that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

"(2) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.".

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking "or 3018C" and inserting "3018C, or 3018D".

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

SEC. 697. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 698. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

TITLE VII—HEALTH CARE

Subtitle A—TRICARE Program

SEC. 701. IMPROVEMENT OF TRICARE BENEFITS AND MANAGEMENT.

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following:

"§ 1097b. TRICARE: benefits and services

"(a) COMPARABILITY TO FEHBP BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, ensure that the health care coverage available through the TRICARE program is substantially similar to the health care coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5.

"(b) PORTABILITY.—The Secretary of Defense shall provide that any covered beneficiary enrolled in the TRICARE program may receive benefits under that program at facilities that provide benefits under that program throughout the various regions of that program.

"(c) ACCESS.—(1) The Secretary of Defense shall, to the maximum extent practicable, minimize the authorization or certification requirements imposed upon covered beneficiaries under the TRICARE program as a condition of access to benefits under that program.

"(2) The Secretary of Defense shall, to the maximum extent practicable, utilize practices for processing claims under the TRICARE program that are similar to the best industry practices for processing claims for health care services in a simplified and expedited manner. To the maximum extent practicable, such practices shall include electronic processing of claims.

"(d) CONSULTATION REQUIREMENT.—The Secretary of Defense shall carry out the responsibilities under this section after consultation with the other administering Secretaries.

"§ 1097c. TRICARE: financial management

"(a) REIMBURSEMENT OF PROVIDERS.—(1) Subject to paragraph (2), the Secretary of Defense may reimburse health care providers under the TRICARE program at rates higher than the reimbursement rates otherwise authorized for the providers under that program if the Secretary determines that application of the higher rates is necessary in order to ensure the availability of an adequate number of qualified health care providers under that program.

"(2) The amount of reimbursement provided under paragraph (1) with respect to a health care service may not exceed the lesser of—

"(A) the amount equal to the local usual and customary charge for the service in the service area (as determined by the Secretary) in which the service is provided; or

"(B) the amount equal to 115 per cent of the CHAMPUS maximum allowable charge for the service.

"(b) Third-Party Collections.—(1) A medical treatment facility of the uniformed services under the TRICARE program has the same right as the United States under section 1095 of this title to collect from a third-party payer the reasonable costs of health care services described in paragraph (2) that are incurred by the facility on behalf of a covered beneficiary under that program.

"(2) The Secretary of Defense shall prescribe regulations for the administration of this subsection. The regulations shall set forth the method to be used for the computation of the reasonable costs of inpatient, outpatient, and other health care services. The method of computation may be—

"(A) a method that is based on—

"(i) per diem rates;

"(ii) all-inclusive rates for each visit;

"(iii) diagnosis-related groups; or

"(iv) rates prescribed under the regulations implementing sections 1079 and 1086 of this title; or

"(B) any other method considered appropriate.

"(c) Consultation Requirement.—The Secretary of Defense shall carry out the responsibilities under this section after consultation with the other administering Secretaries.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

"1097b. TRICARE: benefits and services.

"1097c. TRICARE: financial management.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

(c) Report on Implementation.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a report assessing the effects of the implementation of the requirements and authorities set forth in sections 1097b and 1097c of title 10, United States Code (as added by subsection (a)).

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment of whether the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

SEC. 702. EXPANSION AND REVISION OF AUTHORITY FOR DENTAL PROGRAMS FOR DEPENDENTS AND RESERVES.

(a) Authority.—Chapter 55 of title 10, United States Code, is amended by striking sections 1076a and 1076b and inserting the following:

"§1076a. TRICARE dental program

"(a) Establishment of Dental Plans.—The Secretary of Defense may establish, and in the case of the dental plan described in paragraph (1) shall establish, the following voluntary enrollment dental plans:

"(1) Plan for Selected Reserve and Individual Ready Reserve.—A dental insurance plan for members of the Selected Reserve of the Ready Reserve and for members of the Individual Ready Reserve described in subsection 10144(b) of this title.

"(2) Plan for Other Reserves.—A dental insurance plan for members of the Individual Ready Reserve not eligible to enroll in the plan established under paragraph (1).

"(3) Plan for Active Duty Dependents.—Dental benefits plans for eligible dependents of members of the uniformed services who are on active duty for a period of more than 30 days.

"(4) Plan for Ready Reserve Dependents.—A dental benefits plan for eligible dependents of members of the Ready Reserve of the reserve components who are not on active duty for more than 30 days.

"(b) Administration of Plans.—The plans established under this section shall be administered under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries.

"(c) Care Available Under Plans.—Dental plans established under subsection (a) may provide for the following dental care:

"(1) Diagnostic, oral examination, and preventive services and palliative emergency care.

"(2) Basic restorative services of amalgam and composite restorations, stainless steel crowns for primary teeth, and dental appliance repairs.

"(3) Orthodontic services, crowns, gold fillings, bridges, complete or partial dentures, and such other services as the Secretary of Defense considers to be appropriate.

"(d) Premiums.—

"(1) Premium Sharing Plans.—(A) The dental insurance plan established under subsection (a)(1) and the dental benefits plans established under subsection (a)(3) are premium sharing plans.

"(B) Members enrolled in a premium sharing plan for themselves or for their dependents shall be required to pay a share of the premium charged for the benefits provided under the plan. The member's share of the premium charge may not exceed $20 per month for the enrollment.

"(C) Effective as of January 1 of each year, the amount of the premium required under subparagraph (A) shall be increased by the percent equal to the lesser of—

"(i) the percent by which the rates of basic pay of members of the uniformed services are increased on such date; or

"(ii) the sum of one-half percent and the percent computed under section 5303(a) of title 5 for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.

"(D) The Secretary of Defense may reduce the monthly premium required to be paid under paragraph (1) in the case of enlisted members in pay grade E–1, E–2, E–3, or E–4 if the Secretary determines that such a reduction is appropriate to assist such members to participate in a dental plan referred to in subparagraph (A).

"(2) Full Premium Plans.—(A) The dental insurance plan established under subsection (a)(2) and the dental benefits plan established under subsection (a)(4) are full premium plans.

"(B) Members enrolled in a full premium plan for themselves or for their dependents shall be required to pay the entire premium charged for the benefits provided under the plan.

"(3) Payment Procedures.—A member's share of the premium for a plan established under subsection (a) may be paid by deductions from the basic pay of the member and from compensation paid under section 206 of title 37, as the case may be. The regulations prescribed under subsection (b) shall specify the procedures for payment of the premiums by enrollees who do not receive such pay.

"(e) Copayments Under Premium Sharing Plans.—A member or dependent who receives dental care under a premium sharing plan referred to in subsection (d)(1) shall—

"(1) in the case of care described in subsection (c)(1), pay no charge for the care;

"(2) in the case of care described in subsection (c)(2), pay 20 percent of the charges for the care; and

"(3) in the case of care described in subsection (c)(3), pay a percentage of the charges for the care that is determined appropriate by the Secretary of Defense, after consultation with the other administering Secretaries.

"(f) Transfer of Members.—If a member whose dependents are enrolled in the plan established under subsection (a)(3) is transferred to a duty station where dental care is provided to the member's eligible dependents under a program other than that plan, the member may discontinue participation under the plan. If the member is later transferred to a duty station where dental care is not provided to such member's eligible dependents except under the plan established under subsection (a)(3), the member may reenroll the dependents in that plan.

"(g) Care Outside the United States.—The Secretary of Defense may exercise the authority provided under subsection (a) to establish dental insurance plans and dental benefits plans for dental benefits provided outside the United States for the eligible members and dependents of members of the uniformed services. In the case of such an overseas dental plan, the Secretary may waive or reduce any copayments required by subsection (e) to the extent the Secretary determines appropriate for the effective and efficient operation of the plan.

"(h) Waiver of Requirements for Surviving Dependents.—The Secretary of Defense may waive (in whole or in part) any requirements of a dental plan established under this section as the Secretary determines necessary for the effective administration of the plan for a dependent who is an eligible dependent described in subsection (k)(2).

"(i) Authority Subject to Appropriations.—The authority of the Secretary of Defense to enter into a contract under this section for any fiscal year is subject to the availability of appropriations for that purpose.

"(j) Limitation on Reduction of Benefits.—The Secretary of Defense may not reduce benefits provided under a plan established under this section until—

"(1) the Secretary provides notice of the Secretary's intent to reduce such benefits to the Committees on Armed Services of the Senate and the House of Representatives; and

"(2) one year has elapsed following the date of such notice.

"(k) Eligible Dependent Defined.—In this section, the term 'eligible dependent'—

"(1) means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

"(2) includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the

Ready Reserve if the dependent is enrolled on the date of the death of the member in a dental benefits plan established under subsection (a), except that the term does not include the dependent after the end of the one-year period beginning on the date of the member's death.''.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 55 of such title is amended by striking out the items relating to sections 1076a and 1076b and inserting the following:

''1076a. TRICARE dental program.''.

SEC. 703. SENSE OF CONGRESS REGARDING AUTOMATIC ENROLLMENT OF MEDICARE-ELIGIBLE BENEFICIARIES IN THE TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.

It is the sense of Congress that—

(1) any person who is enrolled in a managed health care program of the Department of Defense where the TRICARE Senior Prime demonstration program is implemented and who attains eligibility for medicare should be automatically authorized to enroll in the TRICARE Senior Prime demonstration program; and

(2) the Secretary of Defense, in coordination with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, should modify existing policies and procedures for the TRICARE Senior Prime demonstration program as necessary to permit the automatic enrollment.

SEC. 704. TRICARE BENEFICIARY ADVOCATES.

(a) Establishment of Positions.—The Secretary of Defense shall require in regulations that—

(1) each lead agent under the TRICARE program—

(A) designate a person to serve full-time as a beneficiary advocate for TRICARE beneficiaries; and

(B) provide for toll-free telephone communication between TRICARE beneficiaries and the beneficiary advocate; and

(2) the commander of each medical care facility under chapter 55 of title 10, United States Code, designate a person to serve, as a primary or collateral duty, as beneficiary advocate for TRICARE beneficiaries served at that facility.

(b) Duties.—The Secretary shall prescribe the duties of the position of beneficiary advocate in the regulations.

(c) Initial Designations.—Each beneficiary advocate required under the regulations shall be designated not later than January 15, 2000.

SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

''(g) Open Enrollment Demonstration Program.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover designated providers, selected by the Department of Defense, and the service areas of the designated providers.

''(2) Any demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

''(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollments in the managed care plans of designated providers permanently.''.

Subtitle B—Other Matters

SEC. 711. CARE AT FORMER UNIFORMED SERVICES TREATMENT FACILITIES FOR ACTIVE DUTY MEMBERS STATIONED AT CERTAIN REMOTE LOCATIONS.

(a) Authority.—Care may be furnished by a designated provider pursuant to any contract entered into by the designated provider under section 722(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) to eligible members who reside within the service area of the designated provider.

(b) Eligibility.—A member of the Armed Forces is eligible for care under subsection (a) if the member is a member described in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note).

(c) Applicable Policies.—In furnishing care to an eligible member under subsection (a), a designated provider shall adhere to the Department of Defense policies applicable to the furnishing of care under the TRICARE Prime Remote program, including coordinating with uniformed services medical authorities for hospitalizations and all referrals for specialty care.

(d) Reimbursement Rates.—The Secretary of Defense, in consultation with the designated providers, shall prescribe reimbursement rates for care furnished to eligible members under subsection (a). The rates prescribed for care may not exceed the amounts allowable under the TRICARE Standard plan for the same care.

SEC. 712. ONE-YEAR EXTENSION OF CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

Section 731(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended by striking ''1999'' and inserting ''2000''.

SEC. 713. PROGRAM YEAR STABILITY IN HEALTH CARE BENEFITS.

Section 1073 of title 10, United States Code, is amended—

(1) by inserting ''(a) Responsible Officials.—'' at the beginning of the text of the section; and

(2) by adding at the end the following:

''(b) Stability in Program of Benefits.—The Secretary of Defense shall, to the maximum extent practicable, provide a stable program of benefits under this chapter throughout each fiscal year. To achieve the stability in the case of contracts entered into under this chapter, the contracts shall be administered so as to implement at the beginning of a fiscal year all changes in benefits and administration that are to be made for that fiscal year. However, the Secretary of Defense may implement any such change after the fiscal year begins if the Secretary determines that the change would significantly improve the provision of care to eligible beneficiaries under this chapter or that the later implementation of the change would, for other reasons, result in a more effective provision of care to eligible beneficiaries.''.

SEC. 714. BEST VALUE CONTRACTING.

(a) Authority.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073 the following:

''§ 1073a. Contracts for health care: best value contracting

''(a) Authority.—Under regulations prescribed by the administering Secretaries, health care contracts shall be awarded in the administration of this chapter to the offeror or offerors that will provide the best value to the United States to the maximum extent consistent with furnishing high-quality health care in a manner that protects the fiscal and other interests of the United States.

''(b) Factors Considered.—In the determination of best value—

''(1) consideration shall be given to the factors specified in the regulations; and

''(2) greater weight shall be accorded to technical and performance-related factors than to cost and price-related factors.

''(c) Applicability.—The authority under the regulations shall apply to any contract in excess of $5,000,000.''.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073 the following:

''1073a. Contracts for health care: best value contracting.''.

SEC. 715. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY FOR HEALTH SURVEILLANCE STUDIES.

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) When authorized by the Secretary of Defense, the Secretary concerned may order a member of a reserve component to active duty, with the consent of that member, for a Department of Defense health surveillance study required under other authority, including any associated medical evaluation of the member. The Secretary concerned may, with the member's consent, retain the member on active duty for medical treatment authorized by law for a condition associated with the study or evaluation. A member of the Army National Guard of the United States or of the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.''.

SEC. 716. CONTINUATION OF PREVIOUSLY PROVIDED CUSTODIAL CARE BENEFITS FOR CERTAIN CHAMPUS BENEFICIARIES.

(a) Continuation of Coverage.—Subject to subsection (c), the Secretary of Defense may continue payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code) for domiciliary or custodial care services, otherwise excluded by regulations implementing section 1077(b)(1) of such title, on behalf of beneficiaries described in subsection (b).

(b) Covered Beneficiaries.—Beneficiaries referred to in subsection (a) are covered beneficiaries (as defined in section 1072 of such title) who, prior to the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

(c) Secretarial Authority.—The authority provided by subsection (a) is subject to a case-by-case determination by the Secretary that discontinuation of payment for domiciliary or custodial care services or transition under the case management program authorized by such section 1079(a)(17) to alternative programs and services would be inadequate to meet the needs of, and unjust to, the beneficiary.

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

"(d) Benefits Available Under the Plan.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.".

SEC. 718. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.

(a) Order to Active Duty Authorized.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

"§ 12322. Active duty for health care

"A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"12322. Active duty for health care.".

(b) Medical and Dental Care for Members.—Subsection (e) of section 1074a of such title is amended to read as follows:

"(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

"(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days.".

(c) Medical and Dental Care for Dependents.—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:

"(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.".

SEC. 719. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) Purpose.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) Department of Defense Center for Medical Informatics and Data.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) Automation and Capture of Clinical Data.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) Enhancement Through DoD-DVA Medical Informatics Council.—(1) The Secretary of Defense shall establish a Medical Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs.

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector. Specific areas of responsibility shall include:

(A) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) Coordination of key components of medical informatics systems including digital patient records both within the Federal Government, and between the Federal Government and the private sector.

(C) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member as an officer or employee of the Federal Government.

(7) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

(e) Annual Report.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, the following:

(1) Health outcomes.

(2) Extent of use of health report cards.

(3) Extent of use of standard clinical pathways.

(4) Extent of use of innovative processes for surveillance.

(f) Authorization of Appropriations.—In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal year 2000 by other provisions of this Act, that are available to carry out subsection (b), there is authorized to be appropriated for the Department of Defense for such fiscal year for carrying out this subsection the sum of $2,000,000.

SEC. 720. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) Services To Be Provided.—The services provided under the demonstration projects shall include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.

(3) Referral services.

(4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) Selection of Locations.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 15 U.S.C. 637 note) is amended by striking "September 30, 2000" and inserting "September 30, 2005".

SEC. 802. MENTOR-PROTEGE PROGRAM IMPROVEMENTS.

(a) PROGRAM PARTICIPATION TERM.—Subsection (e)(2) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended to read as follows:

"(2) A program participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.".

(b) INCENTIVES AUTHORIZED FOR MENTOR FIRMS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "shall" and inserting "may";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "shall" and inserting "may";

(ii) by striking "subsection (f)" and all that follows through "(i) as a line item" and inserting "subsection (f) as provided for in a line item";

(iii) by striking the semicolon preceding clause (ii) and inserting ", except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract."; and

(iv) by striking clauses (ii), (iii), and (iv); and

(B) by striking subparagraph (B) and inserting the following:

"(B) The determinations made in annual performance reviews of a mentor firm's mentor-protege agreement under subsection (l)(2) shall be a major factor in the determinations of amounts of reimbursement, if any, that the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

"(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount."; and

(3) in paragraph (3)(A), by striking "either subparagraph (A) or (C) of paragraph (2) or are reimbursed pursuant to subparagraph (B) of such paragraph" and inserting "paragraph (2)".

(c) FIVE-YEAR EXTENSION OF AUTHORITY.—Subsection (j) of such section is amended to read as follows:

"(j) EXPIRATION OF AUTHORITY.—(1) No mentor-protege agreement may be entered into under subsection (e) after September 30, 2004.

"(2) No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under subsection (g) for any cost incurred after September 30, 2005.".

(d) REPORTS AND REVIEWS.—Subsection (l) of such section is amended to read as follows:

"(l) REPORTS AND REVIEWS.—(1) The mentor firm and protege firm under a mentor-protege agreement shall submit to the Secretary of Defense an annual report on the progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the fiscal year covered by the report. The requirement for submission of an annual report applies with respect to each fiscal year covered by the program participation term under the agreement and each of the two fiscal years following the expiration of the program participation term. The Secretary shall prescribe the timing and form of the annual report.

"(2)(A) The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement of costs. The Secretary shall determine on the basis of the review whether—

"(i) all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protege firm in accordance with the requirements of this section and applicable regulations; and

"(ii) the mentor firm and protege firm accurately reported progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the program participation term covered by the mentor-protege agreement and the two fiscal years following the expiration of the program participation term.

"(B) The Secretary shall act through the Commander of the Defense Contract Management Command in carrying out the reviews and making the determinations under subparagraph (A).

"(3) Not later than 6 months after the end of each of fiscal years 2000 through 2004, the Secretary of Defense shall submit to Congress an annual report on the mentor-protege program for that fiscal year.

"(2) The annual report for a fiscal year shall include, at a minimum, the following:

"(A) The number of mentor-protege agreements that were entered into during the fiscal year.

"(B) The number of mentor-protege agreements that were in effect during the fiscal year.

"(C) The total amount reimbursed to mentor firms pursuant to subsection (g) during the fiscal year.

"(D) Each mentor-protege agreement, if any, that was approved during the fiscal year in accordance with subsection (e)(2) to provide a program participation term in excess of 3 years, together with the justification for the approval.

"(E) Each reimbursement of a mentor firm in excess of the limitation in subsection (g)(2)(C) that was made during the fiscal year pursuant to an approval granted in accordance with that subsection, together with the justification for the approval.

"(F) Trends in the progress made in employment, revenues, and participation in Department of Defense contracts by the protege firms participating in the program during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.".

(e) REPEAL OF LIMITATION ON AVAILABILITY OF FUNDING.—Subsection (n) of such section is repealed.

(f) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to mentor-protege agreements that are entered into under section 831(e) of the National Defense Authorization Act for Fiscal Year 1991 on or after that date.

(2) Section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on September 30, 1999, shall continue to apply with respect to mentor-protege agreements entered into before October 1, 1999.

SEC. 803. REPORT ON TRANSITION OF SMALL BUSINESS INNOVATION RESEARCH PROGRAM ACTIVITIES INTO DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT FOR REPORT.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the status of the implementation of the Small Business Innovation Research program transition plan that was developed pursuant to section 818 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2089).

(b) CONTENT OF REPORT.—The report shall include the following:

(1) The status of the implementation of each of the provisions in the transition plan.

(2) For any provision of the plan that has not been fully implemented as of the date of the report—

(A) the reasons for the provision not having been fully implemented; and

(B) a schedule, with specific milestones, for the implementation of the provision.

SEC. 804. AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) GAO EXAMINATION OF RECORDS.—Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1721; 10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) COMPTROLLER GENERAL REVIEW.—(1) Each agreement entered into by an official referred to in subsection (a) to carry out a project under that subsection that provides for payments in a total amount in excess of $5,000,000 shall include a clause that provides for the Comptroller General, in the discretion of the Comptroller General, to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

"(2) The official referred to in subsection (a) who is entering into an agreement described in paragraph (1) may waive the applicability of the requirement in that paragraph to the agreement if the official determines that it would not be in the public interest to apply the requirement to the agreement. The waiver shall be effective with respect to the agreement only if the official transmits a notification of the waiver to Congress and the Comptroller General before entering into the agreement. The notification shall include the rationale for the determination.

"(3) The Comptroller General may not examine records pursuant to a clause included in an agreement under paragraph (1) more than three years after the final payment is made by the United States under the agreement.".

(b) TECHNICAL CORRECTION.—Subsection (b)(1) of such section is amended by striking "(e)(2) and (e)(3) of such section 2371" and inserting "(e)(1)(B) and (e)(2) of such section 2371".

SEC. 805. PILOT PROGRAM FOR COMMERCIAL SERVICES.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to treat procurements of commercial services as procurements of commercial items.

(b) DESIGNATION OF PILOT PROGRAM CATEGORIES.—The Secretary of Defense may designate the following categories of services as commercial services covered by the pilot program:

(1) Utilities and housekeeping services.

(2) Education and training services.

(3) Transportation, travel and relocation services.

(c) TREATMENT AS COMMERCIAL ITEMS.—A Department of Defense contract for the procurement of commercial services designated by the Secretary for the pilot program shall be treated as a contract for the procurement of commercial items, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)), if the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government. These items shall not be considered commercial items for purposes of section 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 note).

(d) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue guidance to procurement officials on contracting for commercial services under the pilot program. The guidance shall place particular emphasis on ensuring that negotiated prices for designated services, including prices negotiated without competition, are fair and reasonable.

(e) DURATION OF PILOT PROGRAM.—(1) The pilot program shall begin on the date that the Secretary issues the guidance required by subsection (d) and may continue for a period, not in excess of five years, that the Secretary shall establish.

(2) The pilot program shall cover Department of Defense contracts for the procurement of commercial services designated by the Secretary under subsection (b) that are awarded or modified during the period of the pilot program, regardless of whether the contracts are performed during the period.

(f) REPORT TO CONGRESS.—(1) The Secretary shall submit to Congress a report on the impact of the pilot program on—

(A) prices paid by the Federal Government under contracts for commercial services covered by the pilot program;

(B) the quality and timeliness of the services provided under such contracts;

(C) the number of Federal Government personnel that are necessary to enter into and administer such contracts; and

(D) the impact of the program on levels of contracting with small business concerns, HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(2) The Secretary shall submit the report—

(A) not later than 90 days after the end of the third full fiscal year for which the pilot program is in effect; or

(B) if the period established for the pilot program under subsection (e)(1) does not cover three full fiscal years, not later than 90 days after the end of the designated period.

(g) PRICE TREND ANALYSIS.—The Secretary of Defense shall apply the procedures developed pursuant to section 803(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2081; 10 U.S.C. 2306a note) to collect and analyze information on price trends for all services covered by the pilot program and for the services in such categories of services not covered by the pilot program to which the Secretary considers it appropriate to apply those procedures.

(h) RELATIONSHIP TO PREFERENCE ON TRANSPORTATION OF SUPPLIES.—Nothing in this section shall be construed as modifying, superseding, impairing, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

(i) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(2) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the meaning given the term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(3) The term "small business concern owned and controlled by women" has the meaning given the term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).

(4) The term "HUBZone small business concern" has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

SEC. 806. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) APPLICABILITY.—Paragraph (2) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following:

"(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor or subcontractor, respectively, in the previous or current fiscal year (or other one-year cost accounting period) was less than $50,000,000.

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

"(i) Contracts or subcontracts for the acquisition of commercial items.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) Contracts or subcontracts with a value that is less than $5,000,000.".

(b) WAIVER.—Such section is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

"(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

"(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

"(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

"(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

"(D) The Federal Acquisition Regulation shall include the following:

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

"(ii) The specific circumstances under which such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.".

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A–21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

SEC. 807. GUIDANCE ON USE OF TASK ORDER AND DELIVERY ORDER CONTRACTS.

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

(b) CONTENT OF GUIDANCE.—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multi-agency contracts entered in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchases of information technology products and services;

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivery under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

SEC. 808. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:

"(E) Installation services, maintenance services, repair services, training services, and other services if—

"(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

"(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.".

SEC. 809. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.

(a) EXTENSION OF AUTHORITY.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments take effect pursuant to section 4401(b)" and inserting "January 1, 2002".

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

SEC. 810. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000.

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

SEC. 811. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Subsection (k) of section 2323 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General

SEC. 901. NUMBER OF MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES PERSONNEL.

(a) REVISED LIMITATION.—Section 130a of title 10, United States Code, is amended—

(1) in subsection (a), by striking "75 percent" and inserting "65 percent"; and

(2) in subsection (c), by striking "October 1, 1997" and inserting "October 1, 1969".

(b) REPEAL OF PHASED REDUCTION REQUIREMENT.—Subsection (b) of such section is repealed.

(c) CONFORMING REPEAL.—Subsection (g) of such section is repealed.

(d) TECHNICAL AMENDMENT.—Subsections (c), (d), (e), and (f) are redesignated as subsections (b), (c), (d), and (e), respectively.

SEC. 902. ADDITIONAL MATTERS FOR ANNUAL REPORTS ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended by adding at the end the following:

"(5) Any recommendations that the commander considers appropriate regarding—

"(A) the development or procurement of advanced technologies, systems, or weapons or systems platforms, or other changes in doctrine, organization, training, materiel, leadership, personnel, or the allocation of resources, as a result of joint warfighting experimentation activities;

"(B) the elimination of unnecessary equipment and redundancies in capabilities and forces across the armed forces; and

"(C) the fielding of advanced technologies across the armed forces for purposes of the development of joint operational concepts or the conduct of joint warfighting experiments.

"(6) A description of any actions taken by the Secretary of Defense to implement the recommendations of the commander.".

SEC. 903. ACCEPTANCE OF GUARANTEES IN CONNECTION WITH GIFTS TO THE UNITED STATES MILITARY ACADEMY.

(a) AUTHORITY.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4359. Acceptance of guarantees with gifts for major projects

"(a) ACCEPTANCE AUTHORITY.—The Secretary of the Army may, subject to subsection (c), accept from a donor a qualified guarantee for the completion of a major project for the benefit of the Academy.

"(b) OBLIGATION AUTHORITY.—Funds available for a project for which a guarantee has been accepted under this section may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

"(c) DEFINITIONS.—In this section:

"(1) MAJOR PROJECT.—The term 'major project' means a project for the purchase or other procurement of real or personal property, or for the construction of any improvement to real property, the total cost of which is, or is estimated to be, at least $1,000,000.

"(2) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

"(A) is made by a person in connection with the person's donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Army, is sufficient to defray a substantial portion of the total cost of the project;

"(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

"(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

"(D) is accompanied by—

"(i) an unconditional letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

"(ii) a qualified account control agreement.

"(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Army, and a major United States investment management firm that—

"(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

"(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy with the highest priority available for liens and security interests under applicable law;

"(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

"(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

"(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

"(A) is headquartered in the United States; and

"(B) has net assets in a total amount considered by the Secretary of the Army to qualify the bank as a major bank.

"(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) that—

"(A) is headquartered in the United States; and

"(B) manages for others the investment of assets in a total amount considered by the Secretary of the Army to qualify the firm as a major investment management firm.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4359. Acceptance of guarantees with gifts for major projects.".

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

SEC. 905. MINIMUM INTERVAL FOR UPDATING AND REVISING DEPARTMENT OF DEFENSE STRATEGIC PLAN.

Section 306(b) of title 5, United States Code, is amended by striking ", and shall be updated and revised at least every three years." and inserting a period and the following: "The strategic plan shall be updated and revised at least every three years, except that the strategic plan for the Department of Defense shall be updated and revised at least every four years.".

SEC. 906. PERMANENT REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW.

(a) REVIEW REQUIRED.—Chapter 2 of title 10, United States Code, is amended by inserting after section 117 the following:

"§ 118. Quadrennial defense review

"(a) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall conduct in each year in which a President is inaugurated a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years.

"(b) CONSIDERATION OF REPORTS OF NATIONAL DEFENSE PANEL.—In conducting the review, the Secretary shall take into consideration the reports of the National Defense Panel submitted under section 184(d) of this title.

"(c) REPORT TO CONGRESS.—The Secretary shall submit a report on each review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 30 of the year in which the review is conducted. The report shall include the following:

"(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement that strategy, expressed in terms of size, characteristics, and organization, or in other terms suitable for characterizing the force structure.

"(2) The size, characteristics, and organization of an alternative force structure that is suited for implementing the strategy but is significantly larger than the force structure discussed under paragraph (1), together with the benefits and risks associated with the larger force structure.

"(3) The size, characteristics, and organization of an alternative force structure that is suited for implementing the strategy but is significantly smaller than the force structure discussed under paragraph (1), together with the benefits and risks associated with the smaller force structure.

"(4) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

"(5) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

"(6) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

"(7) The effect on the force structure of the utilization by the armed forces of technologies anticipated to be available for the ensuing 10 years and technologies anticipated to be available for the ensuing 20 years, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in organization, doctrine, and operational concepts that would result from the utilization of such technologies.

"(8) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

"(9) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

"(10) The appropriate ratio of combat forces to support forces (commonly referred to as the "tooth-to-tail" ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarters units and Defense Agencies for that purpose.

"(11) The air-lift and sea-lift capabilities required to support the defense strategy.

"(12) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

"(13) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

"(14) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

"(15) Any other matter the Secretary considers appropriate.".

(b) NATIONAL DEFENSE PANEL.—Chapter 7 of such title is amended by adding at the end the following:

"§ 184. National Defense Panel

"(a) ESTABLISHMENT.—Not later than January 1 of each year immediately preceding a year in which a President is to be inaugurated, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the National Defense Panel. The Panel shall have the duties set forth in this section.

"(b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel shall be composed of nine members appointed from among persons in the private sector who are recognized experts in matters relating to the national security of the United States, as follows:

"(A) Three members appointed by the Secretary of Defense.

"(B) Three members appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of the committee.

"(C) Three members appointed by the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of the committee.

"(2) The Secretary of Defense, in consultation with the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives, shall designate one of the members to serve as the chairman of the Panel

"(c) DUTIES.—(1) The Panel shall—

"(A) assess the matters referred to in paragraph (2);

"(B) assess the current and projected strategic environment, together with the progress made by the armed forces in transforming to meet the environment;

"(C) identify the most dangerous threats to the national security interests of the United States that are to be countered by the United States in the ensuing 10 years and those that are to be encountered in the ensuing 20 years;

"(D) identify the strategic and operational challenges for the armed forces to address in order to prepare to counter the threats identified under subparagraph (C);

"(E) develop—

"(i) a recommendation on the priority that should be accorded to each of the strategic and operational challenges identified under subparagraph (D); and

"(ii) a recommendation on the priority that should be accorded to the development of each joint capability needed to meet each such challenge; and

"(F) identify the issues that the Panel recommends for assessment during the next quadrennial review to be conducted under section 118 of this title.

"(2) The matters to be assessed under paragraph (1)(A) are the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies established since the previous quadrennial defense review under section 118 of this title.

“(3) The Panel shall conduct the assessments under paragraph (1) with a view toward recommending—

“(A) the most critical changes that should be made to the defense strategy of the United States for the ensuing 10 years and the most critical changes that should be made to the defense strategy of the United States for the ensuing 20 years; and

“(B) any changes considered appropriate by the Panel regarding the major weapon systems programmed for the force, including any alternatives to those weapon systems.

“(d) REPORT.—(1) The Panel, in the year that it is conducting an assessment under subsection (c), shall submit to the Secretary of Defense and to the Committees on Armed Services of the Senate and the House of Representatives two reports on the assessment, including a discussion of the Panel's activities, the findings and recommendations of the Panel, and any recommendations for legislation that the Panel considers appropriate, as follows:

“(A) A status report and an outline of current activities not later than July 1 of the year.

“(B) A final report not later than December 1 of the year.

“(2) Not later than December 15 of the year in which the Secretary receives a final report under paragraph (1)(B), the Secretary shall submit to the committees referred to in subsection (b) a copy of the report together with the Secretary's comments on the report.

“(e) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

“(f) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) during which the member is engaged in the performance of the duties of the Panel.

“(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Panel.

“(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and a staff if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

“(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

“(4) Any Federal Government employee may be detailed to the Panel without reimbursement of the employee's agency, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

“(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

“(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

“(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

“(h) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

“(i) TERMINATION.—The Panel shall terminate at the end of the year following the year in which the Panel submits its final report under subsection (d)(1)(B). For the period that begins 90 days after the date of submittal of the report, the activities and staff of the panel shall be reduced to a level that the Secretary of Defense considers sufficient to continue the availability of the panel for consultation with the Secretary of Defense and with the Committees on Armed Services of the Senate and the House of Representatives.”.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by inserting after the item relating to section 117 the following:

“118. Quadrennial defense review.”.

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following:

“184. National Defense Panel.”.

Subtitle B—Commission To Assess United States National Security Space Management and Organization

SEC. 911. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission known as the “Commission To Assess United States National Security Space Management and Organization” (hereafter in this subtitle referred to as the “Commission”).

(b) COMPOSITION.—The Commission shall be composed of nine members appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;

(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) the minority leader of the House of Representatives and the minority leader of the Senate concerning the appointment of three of the members of the Commission.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private citizens of the United States who have knowledge and expertise in the areas of national security space policy, programs, organizations, and future national security concepts.

(d) CHAIRMAN.—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

SEC. 912. DUTIES OF COMMISSION.

(a) REVIEW OF UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.—The Commission shall, with a focus on changes to be implemented over the near-term, medium-term, and long-term that would strengthen United States national security, review the following:

(1) The relationship between the intelligence and nonintelligence aspects of national security space (so-called “white space” and “black space”), and the potential benefits of a partial or complete merger of the programs, projects, or activities that are differentiated by the two aspects.

(2) The benefits of establishing any of the following:

(A) An independent military department and service dedicated to the national security space mission.

(B) A corps within the Air Force dedicated to the national security space mission.

(C) A position of Assistant Secretary of Defense for Space within the Office of the Secretary of Defense.

(D) Any other change to the existing organizational structure of the Department of Defense for national security space management and organization.

(3) The benefits of establishing a new major force program, or other budget mechanism, for managing national security space funding within the Department of Defense.

(b) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 913. REPORT.

The Commission shall, not later than six months after the date of its first meeting, submit to Congress a report on its findings and conclusions.

SEC. 914. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the other departments and agencies of the intelligence community, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

SEC. 915. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 916. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 917. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 918. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 919. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 913.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. SECOND BIENNIAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.

The second biennial financial management improvement plan submitted to Congress under section 2222 of title 10, United States Code, shall include the following matters:

(1) An inventory of the finance and accounting systems and data feeder systems of the Department of Defense and, for each such system—

(A) a statement regarding whether the system complies with the requirements applicable to the system under sections 3512, 3515, and 3521 of title 31, United States Code;

(B) a statement regarding whether the system is to be retained, consolidated, or eliminated;

(C) a detailed plan of the actions that are being taken or are to be taken within the Department of Defense (including provisions for schedule, performance objectives, interim milestones, and necessary resources)—

(i) to ensure easy and reliable interfacing of the system (or a consolidated or successor system) with the department's core finance and accounting systems and with other data feeder systems; and

(ii) to institute appropriate internal controls that, among other benefits, ensure the integrity of the data in the system (or a consolidated or successor system);

(D) for each system that is to be consolidated or eliminated, a detailed plan of the actions that are being taken or are to be taken (including provisions for schedule and interim milestones) in carrying out the consolidation or elimination, including a discussion of both the interim or migratory systems and any further consolidation that may be involved; and

(E) a list of the officials in the Department of Defense who are responsible for ensuring that actions referred to in subparagraphs (C) and (D) are taken in a timely manner.

(2) A description of each major procurement action that is being taken within the Department of Defense to replace or improve a finance and accounting system or a data feeder system listed in the inventory under paragraph (1) and, for each such procurement action, the measures that are being taken or are to be taken to ensure that the new or enhanced system—

(A) provides easy and reliable interfacing of the system with the core finance and accounting systems of the department and with other data feeder systems; and

(B) includes appropriate internal controls that, among other benefits, ensure the integrity of the data in the system.

(3) A financial management competency plan that includes performance objectives, milestones (including interim objectives), responsible officials, and the necessary resources to accomplish the performance objectives, together with the following:

(A) A description of the actions necessary to ensure that the person in each comptroller position (or comparable position) in the Department of Defense, whether a member of the Armed Forces or a civilian employee, has the education, technical competence, and experience to perform in accordance with the core competencies necessary for financial management.

(B) A description of the education that is necessary for a financial manager in a senior grade to be knowledgeable in—

(i) applicable laws and administrative and regulatory requirements, including the requirements and procedures relating to Government performance and results under sections 1105(a)(28), 1115, 1116, 1117, 1118, and 1119 of title 31, United States Code;

(ii) the strategic planning process and how the process relates to resource management;

(iii) budget operations and analysis systems;

(iv) management analysis functions and evaluation; and

(v) the principles, methods, techniques, and systems of financial management.

(C) The advantages and disadvantages of establishing and operating a consolidated Department of Defense school that instructs in the principles referred to in subparagraph (B)(v).

(D) The applicable requirements for formal civilian education.

(4) A detailed plan (including performance objectives and milestones and standards for measuring progress toward attainment of the objectives) for—

(A) improving the internal controls and internal review processes of the Defense Finance and Accounting Service to provide reasonable assurances that—

(i) obligations and costs are in compliance with the applicable laws;

(ii) funds, property, and other assets are safeguarded against waste, loss, unauthorized use, and misappropriation;

(iii) revenues and expenditures applicable to agency operations are properly recorded and accounted for so as to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over assets;

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

(B) ensuring that the Defense Finance and Accounting Service has—

(i) a single standard transaction general ledger that, at a minimum, uses doubleentry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note);

(ii) an integrated data base for finance and accounting functions; and

(iii) automated cost, performance, and other output measures;

(C) providing a single, consistent set of policies and procedures for financial transactions throughout the Department of Defense;

(D) ensuring compliance with applicable policies and procedures for financial transactions throughout the Department of Defense; and

(E) reviewing safeguards for preservation of assets and verifying the existence of assets.

(5) An internal controls checklist which, consistent with the authority in sections 3511 and 3512 of title 31, United States Code, the Comptroller General shall prescribe as the standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the department.

SEC. 1003. SINGLE PAYMENT DATE FOR INVOICE FOR VARIOUS SUBSISTENCE ITEMS.

Section 3903 of title 31, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) A contract for the procurement of subsistence items that is entered into under the prime vendor program of the Defense Logistics Agency may specify for the purposes of section 3902 of this title a single required payment date that is to be applicable to an invoice for subsistence items furnished under the contract when more than one payment due date would otherwise be applicable to the invoice under the regulations prescribed under paragraphs (2), (3), and (4) of subsection (a) or under any other provisions of law. The required payment date specified in the contract shall be consistent with prevailing industry practices for the subsistence items, but may not be more than 10 days after the date of receipt of the invoice or the certified date of receipt of the items. The Director of the Office of Management and Budget shall provide in the regulations under subsection (a) that when a required payment date is so specified for an invoice, no other payment due date applies to the invoice.".

SEC. 1004. AUTHORITY TO REQUIRE USE OF ELECTRONIC TRANSFER OF FUNDS FOR DEPARTMENT OF DEFENSE PERSONNEL PAYMENTS.

(a) AUTHORITY.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following:

"§ 2784. Payments to personnel: electronic transfers of funds

"(a) AUTHORITY.—The Secretary of Defense may require that pay, allowances, retired or retainer pay, and any other payments out of funds available to the Department of Defense to or for members of the armed forces, former members of the armed forces, employees or former employees of the Department of Defense, or dependents of such personnel be made by electronic transfer of funds. For any such requirement, the Secretary of Defense may prescribe in regulations any exceptions that the Secretary considers appropriate.

"(b) RELATIONSHIP TO OTHER LAW.—The authority under subsection (a) is independent of the authority provided under section 3332 of title 31 and may be exercised without regard to any exception provided under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2784. Payments to personnel: electronic transfers of funds.".

(c) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subjected to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(C) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(D) the estimated costs of implementing the processes and controls described in subparagraphs (A), (B), (C); and

(E) the period that would be required to implement the processes and controls.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit a report to Congress containing the results of the study required by paragraph (1).

(3) In this subsection, the term "electronic payment" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a debit or credit to a financial account.

SEC. 1005. PAYMENT OF FOREIGN LICENSING FEES OUT OF PROCEEDS OF SALES OF MAPS, CHARTS, AND NAVIGATIONAL BOOKS.

(a) IN GENERAL.—Subchapter II of chapter 22 of title 10, United States Code, is amended—

(1) by redesignating section 456 as section 457; and

(2) by inserting after section 455 the following new section 456:

"§ 456. Maps, charts, and navigational publications: use of proceeds of sale for foreign licensing and other fees

"(a) AUTHORITY TO PAY FOREIGN LICENSING FEES.—The Secretary of Defense may pay, out of the proceeds of sales of maps, charts, and other publications of the National Imagery and Mapping Agency (which are hereby made available for the purpose), any licensing or other fees imposed by foreign countries or international organizations for the acquisition or use of data or products by the Agency.

"(b) DISPOSITION OF OTHER PROCEEDS.—Any proceeds of sales not paid under the authority in subsection (a) shall be deposited by the Secretary of Defense in the Treasury as miscellaneous receipts.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by striking the item relating to section 456 and inserting the following new items:

"456. Maps, charts, and navigational publications: use of proceeds of sale for foreign licensing and other fees.

"457. Civil actions barred.".

SEC. 1006. AUTHORITY FOR DISBURSING OFFICERS TO SUPPORT USE OF AUTOMATED TELLER MACHINES ON NAVAL VESSELS FOR FINANCIAL TRANSACTIONS.

Section 3342(a) of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3)(B) and inserting "; and"; and

(3) by adding at the end the following new paragraph (4):

"(4) with respect to automated teller machines on naval vessels—

"(A) provide operating funds to the automated teller machines; and

"(B) accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.".

SEC. 1007. CENTRAL TRANSFER ACCOUNT FOR COMBATING TERRORISM.

(a) AMOUNT FOR FISCAL YEAR 2000.—(1) Of the amounts authorized to be appropriated under this Act for the Department of Defense for fiscal year 2000, $1,954,430,000 shall be available from the sources and in the amounts specified in paragraph (2) for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

(2) The amounts and sources referred to in paragraph (1) are as follows:

(A) $229,820,000 of the total amount authorized to be appropriated pursuant to title I for fiscal year 2000.

(B) $212,510,000 of the total amount authorized to be appropriated pursuant to title II for fiscal year 2000.

(C) $1,512,100,000 of the total amount authorized to be appropriated pursuant to title III for fiscal year 2000 (except for the amount authorized to be appropriated under section 301(a)(25)).

(b) Transfer.—(1) The amounts made available under subsection (a) from the authorizations of appropriations referred to in that subsection shall be transferred to the amount authorized to be appropriated under section 301(a)(25).

(2) The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

(c) Budget Proposals for Fiscal Years After Fiscal Year 2000.—The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2000 shall set forth separately for a single account the amount requested for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

SEC. 1008. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2000.

(a) Fiscal Year 2000 Limitation.—The total amount contributed by the Secretary of Defense in fiscal year 2000 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) Total Amount.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 1999, of funds appropriated for fiscal years before fiscal year 2000 for payments for those budgets.

(2) The amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 311.

(3) The amount authorized to be appropriated under section 201 that is available for contribution for the NATO common-funded civil budget under section 211.

(4) The total amount of the contributions authorized to be made under section 2501.

(c) Definitions.—For purposes of this section:

(1) Common-funded budgets of NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) Fiscal year 1998 baseline limitation.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

(a) Under Secretary of Defense (Comptroller).—(1) Section 135 of title 10, United States Code, is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

"(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

"(2) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursement or accounting, to another officer, employee, or entity of the United States, the Under Secretary continues after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority.".

(2) Subsection (c)(1) of such section is amended by inserting "and to ensure accountability to the citizens of the United States, Congress, the President, and managers within the Department of Defense" before the semicolon at the end.

(b) Management of Credit Cards.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations governing the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall be consistent with regulations that apply government-wide regarding use of credit cards by Federal Government personnel for official purposes.

(2) The regulations shall include safeguards and internal controls to ensure the following:

(A) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder.

(B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Disputes and discrepancies are resolved in the manner prescribed in the applicable Governmentwide credit card contracts entered into by the Administrator of General Services.

(D) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(E) Rebates and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(c) Remittance Addresses.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on alteration of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(A) requested by the person to whom the disbursement is authorized to be remitted; and

(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

SEC. 1010. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. SALES OF NAVAL SHIPYARD ARTICLES AND SERVICES TO NUCLEAR SHIP CONTRACTORS.

(a) Waiver of Required Conditions.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7299a the following:

"§ 7300. Contracts for nuclear ships: sales of naval shipyard articles and services to contractors

"The conditions set forth in section 2208(j)(2) of this title and subsections (a)(1) and (c)(1) of section 2553 of this title shall not apply to a sale of articles or services of a naval shipyard that is made to a contractor under a Department of Defense contract for a nuclear ship in order to facilitate the contractor's fulfillment of that contract.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7299a the following:

"7300. Contracts for nuclear ships: sales of naval shipyard articles and services to contractors.".

SEC. 1012. PERIOD OF DELAY AFTER NOTICE OF PROPOSED TRANSFER OF VESSEL STRICKEN FROM NAVAL VESSEL REGISTER.

Section 7306(d) of title 10, United States Code, is amended—

(1) by striking "(1)";

(2) by striking "(A)" and inserting "(1)"; and

(3) by striking "(B)" and all that follows and inserting the following:

"(2) following the date on which such notice is sent to Congress, there has elapsed 60 days on which at least one of the Houses of Congress has been in session.".

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) Thailand.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) Costs.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) Expiration of Authority.—The authority to transfer a vessel under subsection

(a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Subtitle C—Miscellaneous Report Requirements and Repeals

SEC. 1021. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.

(a) Preservation.—Any provision of law specified in subsections (b) through (i) that requires the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report shall remain in effect with respect to that requirement (notwithstanding any other provision of law) in accordance with the terms of the specified provision of law.

(b) Title 10.—Subsection (a) applies with respect to the following provisions of title 10, United States Code, listed in the Clerk's Report (defined in subsection (j)):

(1) Sections 113(c) and 113(j), listed on page 57 of the Clerk's Report.

(2) Section 115a(a), listed on page 57 of the Clerk's Report as 10 U.S.C. 115(b)(3)(A).

(3) Section 139(f), listed on page 62 of the Clerk's Report as 10 U.S.C. 138(g)(1).

(4) Section 221, listed on page 64 of the Clerk's Report as 10 U.S.C. 114.

(5) Section 226, specified on page 149 of the Clerk's Report as section 1002 of Public Law 102–190.

(6) Section 662(b), listed on page 58 of the Clerk's Report.

(7) Section 1464(c), listed on page 60 of the Clerk's Report.

(8) Section 2006(e)(3), listed on page 76 of the Clerk's Report.

(9) Section 2010, listed on page 57 of the Clerk's Report.

(10) Section 2011(e), listed on page 56 of the Clerk's Report as Pub. L. 102–190, Sec. 1052(a).

(11) Section 2208(q), listed on page 64 of the Clerk's Report as 10 U.S.C. 2208(i).

(12) Section 2391(c), listed on page 62 of the Clerk's Report.

(13) Section 2431(a), listed on page 63 of the Clerk's Report.

(14) Section 2432, listed on page 63 of the Clerk's Report.

(15) Section 2433, listed on page 63 of the Clerk's Report as 10 U.S.C. 2433(e)(1) and 2433(e)(2)(A).

(16) Section 2461(g), listed on page 62 of the Clerk's Report as 10 U.S.C. 2304 note.

(17) Section 2662(b), listed on pages 69, 74, and 76 of the Clerk's Report.

(18) Section 2687(b), listed on page 62 of the Clerk's Report.

(19) Section 2706, listed on page 60 of the Clerk's Report.

(20) Section 2859, listed on page 58 of the Clerk's Report.

(21) Section 2902(g)(2), specified on page 148 of the Clerk's Report as section 1804(a) of Public Law 101-510.

(22) Section 10541(a), listed on page 57 of the Clerk's Report as 10 U.S.C. 115(a).

(23) Section 12302(d), listed on page 14 of the Clerk's Report as 10 U.S.C. 673(d).

(24) Section 16137, listed on page 59 of the Clerk's Report as 10 U.S.C. 2137.

(c) Title 37.—Subsection (a) applies with respect to sections 1008(a) and 1008(b) of title 37, United States Code, listed on page 14 of the Clerk's Report (defined in subsection (j)).

(d) National Defense and Military Construction Authorization Acts.—Subsection (a) applies with respect to provisions of law listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) Fiscal year 1982.—The following provisions of the Military Construction Authorization Act, 1982 (Public Law 97–99):

(A) Section 703(g) (95 Stat. 1376), listed on page 62 of the Clerk's Report.

(B) Section 704 (95 Stat. 1377), listed on pages 68, 73, and 75 of the Clerk's Report.

(2) Fiscal years 1988 and 1989.—Section 1121(f) of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (Public Law 100–180; 101 Stat. 1148; 10 U.S.C. 113 note) (listed on page 61 of the Clerk's Report).

(3) Fiscal years 1990 and 1991.—Section 113(b) of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101–189; 103 Stat. 1373) (listed on page 2 of the Clerk's Report).

(4) Fiscal years 1992 and 1993.—The following provisions of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190):

(A) Section 822(b) (42 U.S.C. 6687(b)), listed on page 36 of the Clerk's Report.

(B) Section 1097 (22 U.S.C. 2751 note), listed on page 15 of the Clerk's Report.

(e) Other National Security Laws.—Subsection (a) applies with respect to provisions of law listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) Strategic and critical materials stock piling act.—Any provision of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), referred to on page 169 of the Clerk's Report.

(2) National security act of 1947.—Section 108 of the National Security Act of 1947 (50 U.S.C. 404a), listed on page 33 of the Clerk's Report as Pub. L. 99–433, Sec. 603(a)).

(3) Iraq resolution.—Section 3 of the Authorization for Use of Military Force Against Iraq Resolution (50 U.S.C. 1541 note), listed on page 14 of the Clerk's Report as Pub. L. 102–1, Sec. 3).

(4) Military selective service act.—Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)) (listed on page 191 of the Clerk's Report).

(5) National emergencies act.—The following provisions of the National Emergencies Act:

(A) Section 202(d) (50 U.S.C. 1622(d)), listed on page 33 of the Clerk's Report.

(B) Section 401(c) (50 U.S.C. 1641(c)), listed on page 33 of the Clerk's Report.

(6) Food and forage act.—Section 3732 of the Revised Statutes, popularly known as the "Food and Forage Act" (listed on page 64 of the Clerk's Report as 41 U.S.C. 11).

(7) Special national defense contracting authority.—Section 4 of the Act entitled "An Act to authorize the making, amending, and modification of contracts to facilitate the national defense", approved August 28, 1958 (listed on several pages of the Clerk's Report, including pages 9, 48, 51, 64, 69, 74, 76, 134, 142, 174, 179, and 186, as 50 U.S.C. 1434).

(f) Other Laws Administered by the Department of Defense.—Subsection (a) applies with respect to the following provisions of law listed in the Clerk's Report (defined in subsection (j)):

(1) Defense dependents' education act of 1978.—Section 1405 of the Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561; 20 U.S.C. 924) (listed on page 77 of the Clerk's Report).

(2) Armed forces retirement home act of 1991.—Section 1516(f) of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 104 Stat. 1728; 24 U.S.C. 416) (listed on page 56 of the Clerk's Report).

(g) Provisions of Law Requiring Department of Energy Reports.—Subsection (a) applies with respect to provisions of law listed in part IV–A–5 of the Clerk's Report (defined in subsection (j)), relating to reports to be submitted by the Secretary of Energy (or any other official of the Department of Energy), as follows:

(1) National defense authorization acts.—The following provisions of provisions law:

(A) Section 1436(e) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) (listed on page 83 of the Clerk's Report).

(B) Section 3141(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 42 U.S.C. 7274a(c)) (listed on page 87 of the Clerk's Report).

(C) Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 7274c) (listed on page 87 of the Clerk's Report).

(2) Title 10, united states code.—Sections 7424(b), 7425(b), and 7431(c) of title 10, United States Code (listed on page 89 of the Clerk's Report).

(3) Energy policy and conservation act.—Section 165(b) of the Energy Policy and Conservation Act (Public Law 94–163; 42 U.S.C. 6245(b)) (listed on page 89 of the Clerk's Report).

(h) Other Titles of the United States Code.—Subsection (a) applies with respect to provisions of the United States Code listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) Title 31.—The following provisions of title 31:

(A) Section 3554(e)(2) of title 31, United States Code (listed on page 8 of the Clerk's Report as 31 U.S.C. 3554(e)(2)).

(B) Section 9503(a) (listed on page 151 of the Clerk's Report as 31 U.S.C. 9503(a)(1)(B)).

(2) Title 36.—Section 300110(b) of title 36, listed on page 65 of the Clerk's Report as 36 U.S.C. 6.

(i) Other Laws.—Subsection (a) applies with respect to the following provisions of law listed in the Clerk's Report (defined in subsection (j)):

(1) Supplemental appropriations act, 1982.—Section 503(f) of the Supplemental Appropriations Act, 1987 (Public Law 100–71; 101 Stat. 471; 5 U.S.C. 7301 note) (listed on page 151 of the Clerk's Report), insofar as the report under that section relates to activities of the Department of Defense.

(2) Barry goldwater scholarship and excellence in education act.—Section 1411(b) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661 (20 U.S.C. 4710(b)) (listed on page 174 of the Clerk's Report).

(3) Federal property and administrative services act of 1949.—Section 205(b) of the Federal Property and Administrative Services Act of 1949 (listed on page 8 of the Clerk's Report as 40 U.S.C. 486(b)).

(4) Uniformed and overseas citizens absentee voting act.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (listed on page 151 of the Clerk's Report as 42 U.S.C. 1973ff(b)(6)).

(5) National science and technology policy, organization, and priorities act of 1976.—Section 603(e) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(e)) (specified on page 36 of the Clerk's Report as section 841(a) of Public Law 101–189).

(6) Laws requiring maritime administration reports.—Provisions of law listed under the heading "Maritime Administration" in Part IV–A–12 in the Clerk's Report, relating to reports to be submitted by the Secretary of Transportation (or any other official of the Department of Transportation), listed on page 139.

(j) CLERK'S REPORT DEFINED.—For the purposes of this section, the term "Clerk's Report" means the document submitted by the Clerk of House of Representatives to the Speaker of the House of Representatives on January 5, 1993 (designated as House Document No. 103–7) for the first session of the 103d Congress pursuant to clause 2 of Rule III of the Rules of the House of Representatives, requiring the Clerk to prepare, at the commencement of every regular session of Congress, a list of reports which it is the duty of any officer or department to make to Congress.

SEC. 1022. ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.

Section 153 of title 10, United States Code, is amended by adding at the end the following:

"(c) ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.—(1) Not later than August 15 of each year, the Chairman shall submit to the committees of Congress named in paragraph (2) a report on the requirements of the combatant commands established under section 161 of this title. The report shall contain the following:

"(A) A consolidation of the integrated priority lists of requirements of the combatant commands.

"(B) The Chairman's views on the consolidated lists.

"(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.".

SEC. 1023. REPORT ON ASSESSMENTS OF READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

(a) REQUIREMENT FOR REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives in unclassified form a report on assessments of the readiness of the United States to execute the National Military Strategy. The report shall contain the following:

(A) All models used by the Joint Chiefs of Staff to assess the capability of the United States to execute the strategy and all other models used by the Armed Forces to assess the capability.

(B) The assessments that would result from the use of those models if it were necessary to execute the National Military Strategy under the scenario set forth in paragraph (2), including the levels of the casualties that the United States would be projected to incur.

(C) The increasing levels of the casualties that would be projected under that scenario over a range of risks of prosecuting two major theater wars that proceeds from low-moderate risk to moderate-high risk.

(D) An estimate of—

(i) the total resources needed to attain a moderate-high risk under the scenario;

(ii) the total resources needed to attain a low-moderate risk under the scenario; and

(iii) the incremental resources needed to decrease the level of risk from moderate-high to low-moderate.

(2) The scenario to be used for purposes of subparagraphs (B), (C), and (D) of paragraph (1) assumes that—

(A) while the Armed Forces are engaged in operations at the level of the operations ongoing as of the date of the enactment of this Act, international armed conflict begins in Southwest Asia and on the Korean peninsula; and

(B) the Armed Forces are equipped, supplied, manned, and trained at levels current as of such date.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMITTAL OF REPORT.—Of the funds authorized to be appropriated under section 301(a)(5) for the Office of the Secretary of Defense and the Joint Chiefs of Staff, not more than 75 percent of such funds may be expended until the report required in subsection (a) is submitted.

SEC. 1024. REPORT ON INVENTORY AND CONTROL OF MILITARY EQUIPMENT.

(a) REPORT REQUIRED.—Not later than August 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the inventory and control of the military equipment of the Department of Defense as of the end of fiscal year 1999. The report shall address the inventories of each of the Army, Navy, Air Force, and Marine Corps separately.

(b) CONTENT.—The report shall include the following:

(1) For each item of military equipment in the inventory, stated by item nomenclature—

(A) the quantity of the item in the inventory as of the beginning of the fiscal year;

(B) the quantity of acquisitions of the item during the fiscal year;

(C) the quantity of disposals of the item during the fiscal year;

(D) the quantity of losses of the item during the performance of military missions during the fiscal year; and

(E) the quantity of the item in the inventory as of the end of the fiscal year.

(2) A reconciliation of the quantity of each item in the inventory as of the beginning of the fiscal year with the quantity of the item in the inventory as of the end of fiscal year.

(3) For each item of military equipment that cannot be reconciled—

(A) an explanation of why the quantities cannot be reconciled; and

(B) a discussion of the remedial actions planned to be taken, including target dates for accomplishing the remedial actions.

(4) Supporting schedules identifying the location of each item that are available to Congress or auditors of the Comptroller General upon request.

(c) MILITARY EQUIPMENT DEFINED.—For the purposes of this section, the term "military equipment" means all equipment that is used in support of military missions and is maintained on the visibility systems of the Army, Navy, Air Force, or Marine Corps.

(d) INSPECTOR GENERAL REVIEW.—Not later than November 30, 2000, the Inspector General of the Department of Defense shall review the report submitted to the committees under subsection (a) and shall submit to the committees any comments that the Inspector General considers appropriate.

SEC. 1025. SPACE TECHNOLOGY GUIDE.

(a) REQUIREMENT.—The Secretary of Defense shall develop a detailed guide for investment in space science and technology, demonstrations of space technology, and planning and development for space technology systems. In the development of the guide, the goal shall be to identify the technologies and technology demonstrations needed for the United States to take full advantage of use of space for national security purposes.

(b) RELATIONSHIP TO FUTURE-YEARS DEFENSE PROGRAM.—The space technology guide shall include two alternative technology paths. One shall be consistent with the applicable funding limitations associated with the future-years defense program. The other shall reflect the assumption that it is not constrained by funding limitations.

(c) RELATIONSHIP TO ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.—The Secretary shall include in the guide a discussion of the potential for cooperative investment and technology development with other departments and agencies of the United States and with private sector entities.

(d) UTILIZATION OF PREVIOUS STUDIES AND REPORTS.—The Secretary shall take into consideration previously completed studies and reports that may be relevant to the development of the guide, including the United States Space Command's Long Range Plan of March 1998 and the Air Force Space Command's Strategic Master Plan of December 1997.

(e) REPORT.—Not later than April 15, 2000, the Secretary shall submit a report on the space technology guide to the congressional defense committees.

SEC. 1026. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) STUDY AND REPORT.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall conclude the study and submit a report on the results of the study to Congress and the Secretary of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers appropriate to provide the maximum protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, consistent with—

(1) the findings of the Comptroller General;

(2) the standards of confidentiality and ethical standards issued by relevant professional organizations;

(3) applicable requirements of Federal and State law;

(4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse;

(5) military necessity; and

(6) such other factors as the Secretary, in consultation with the Attorney General, may consider appropriate.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than January 21, 2000, the Secretary of Defense shall submit to Congress a report on the actions taken under subsection (b) and any other actions taken by the Secretary to provide the maximum possible protections for confidentiality described in that subsection.

SEC. 1027. COMPTROLLER GENERAL REPORT ON ANTICIPATED EFFECTS OF PROPOSED CHANGES IN OPERATION OF STORAGE SITES FOR LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) REPORT REQUIRED.—Not later than March 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the proposal in the latest quadrennial defense review to reduce the Federal civilian workforce involved in the operation of the eight storage sites for lethal chemical agents and munitions in the continental United States and to convert to contractor operation of the storage sites. The workforce reductions addressed in the report shall include those that are to be effectuated by fiscal year 2002.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) For each site, a description of the assigned chemical storage, chemical demilitarization, and industrial missions.

(2) A description of the criteria and reporting systems applied to ensure that the storage sites and the workforce operating the storage sites have—

(A) the capabilities necessary to respond effectively to emergencies involving chemical accidents; and

(B) the industrial capabilities necessary to meet replenishment and surge requirements.

(3) The risks associated with the proposed workforce reductions and contractor performance, particularly regarding chemical accidents, incident response capabilities, community-wide emergency preparedness programs, and current or planned chemical demilitarization programs.

(4) The effects of the proposed workforce reductions and contractor performance on the capability to satisfy permit requirements regarding environmental protection that are applicable to the performance of current and future chemical demilitarization and industrial missions.

(5) The effects of the proposed workforce reductions and contractor performance on the capability to perform assigned industrial missions, particularly the materiel replenishment missions for chemical or biological defense or for chemical munitions.

(6) Recommendations for mitigating the risks and adverse effects identified in the report.

SEC. 1028. REPORT ON DEPLOYMENTS OF RAPID ASSESSMENT AND INITIAL DETECTION TEAMS ACROSS STATE BOUNDARIES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on out-of-State use of Rapid Assessment and Initial Detection Teams for responses to incidents involving a weapon of mass destruction. The report shall include a specific description and analysis of the procedures that have been established or agreed to by States for the use in one State of a team that is based in another State.

SEC. 1029. REPORT ON CONSEQUENCE MANAGEMENT PROGRAM INTEGRATION OFFICE UNIT READINESS.

(a) JOINT READINESS REVIEW.—(1) The Secretary of Defense shall include in the quarterly report submitted to Congress under section 482 of title 10, United States Code, for the first quarter beginning after the date of the enactment of this Act an assessment of the readiness, training status, and future funding requirements of all active and reserve component units that are considered assets of the Consequence Management Program Integration Office of the Department of Defense.

(2) The Secretary of Defense shall set forth the assessment in an annex to the quarterly report. The Secretary shall include in the annex a detailed description of how the active and reserve component units are integrated with the Rapid Assessment and Initial Detection Teams in the overall Consequence Management Program Integration Office of the Department of Defense.

(b) DECONTAMINATION READINESS PLAN.—The Secretary of Defense shall prepare a decontamination readiness plan for the Consequence Management Program Integration Office. The plan shall include the following:

(1) The actions necessary to ensure that the units designated to carry out decontamination missions under the program are at the highest level of readiness for carrying out the missions.

(2) The funding necessary for attaining and maintaining that level of readiness.

(3) Procedures for ensuring that each decontamination unit is available to respond to an incident in the United States that involves a weapon of mass destruction within 12 hours after being notified of the incident by a Rapid Assessment and Initial Detection Team.

SEC. 1030. ANALYSIS OF RELATIONSHIP BETWEEN THREATS AND BUDGET SUBMISSION FOR FISCAL YEAR 2001.

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of Central Intelligence, shall submit to the congressional defense committees, on the date that the President submits the budget for fiscal year 2001 to Congress under section 1105(a) of title 31, United States Code, a report on the relationship between the budget proposed for budget function 050 (National Defense) for that fiscal year and the then-current and emerging threats to the national security interests of the United States identified in the annual national security strategy report required under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

(b) CONTENT.—The report shall contain the following:

(1) A detailed description of the threats referred to in subsection (a);

(2) An analysis of such threats in terms of the probability that an attack or other threat event will actually occur, the military challenge posed by the threats, and the potential damage that the threats could have to the national security interests of the United States.

(3) An analysis of the allocation of funds in the fiscal year 2001 budget and the future-years defense program that addresses the threats in each category.

(4) A justification for each major defense acquisition program (as defined in section 2430 of title 10, United States Code) that is provided for in the budget in light of the description and analyses set forth in the report.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1031. REPORT ON NATO'S DEFENSE CAPABILITIES INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) At the Washington Summit meeting of the North Atlantic Council in April 1999, NATO Heads of State and Governments launched a Defense Capabilities Initiative.

(2) The Defense Capabilities Initiative is designed to improve the defense capabilities of the individual nations of the NATO Alliance to ensure the effectiveness of future operations across the full spectrum of Alliance missions in the present and foreseeable security environment.

(3) Under the Defense Capabilities Initiative, special focus will be given to improving interoperability among Alliance forces and to increasing defense capabilities through improvements in the deployability and mobility of Alliance forces, the sustainability and logistics of the forces, the survivability and effective engagement capability of the forces, and command and control and information systems.

(4) The successful implementation of the Defense Capabilities Initiative will serve to enable all NATO allies to make a more equitable contribution to the full spectrum of Alliance missions, thereby increasing burdensharing within the Alliance and enhancing the ability of European allies to undertake operations pursuant to the European Security and Defense Identity within the Alliance.

(b) ANNUAL REPORT.—(1) Not later than January 31 of each year, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report on implementation of the Defense Capabilities Initiative by the nations of the NATO Alliance. The report shall include the following:

(A) A discussion of the work of the temporary High-Level Steering Group, or any successor group, established to oversee the implementation of the Defense Capabilities Initiative and to meet the requirement of coordination and harmonization among relevant planning disciplines.

(B) A description of the actions taken, including implementation of the Multinational Logistics Center concept and development of the C3 system architecture, by the Alliance as a whole to further the Defense Capabilities Initiative.

(C) A description of the actions taken by each of our NATO allies to improve the capabilities of their forces in each of the following areas:

(i) Interoperability with other Alliance forces.

(ii) Deployability and mobility.

(iii) Sustainability and logistics.

(iv) Survivability and effective engagement capability.

(v) Command and control and information systems.

(4) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are associated with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

SEC. 1033. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.

(a) REPORT.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) TRANSMITTAL DATE.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

SEC. 1034. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memoranda for the record, after-action reports and final itineraries, and all receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000, and shall be unclassified but may contain a classified annex.

Subtitle D—Other Matters

SEC. 1041. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) ONE-YEAR EXTENSION.—Subsection (g) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948), as amended by section 1501 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2171), is further amended by striking "and 1999" and inserting "through 2000".

(b) MINIMUM LEVELS FOR CERTAIN SYSTEMS.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking "71" and inserting "76"; and

(2) in paragraph (2), by striking "18" and inserting "14".

SEC. 1042. LIMITATION ON REDUCTION IN UNITED STATES STRATEGIC NUCLEAR FORCES.

(a) LIMITATION ON REDUCTION OF UNITED STATES STRATEGIC NUCLEAR FORCES.—None of the funds authorized to be appropriated by this or any other Act for fiscal year 2000 may be used to reduce the number of United States strategic nuclear forces below the maximum number of those forces, for each category of nuclear arms, permitted the United States under the START II Treaty unless the President submits to Congress a report containing an assessment indicating that such reductions would not impede the capability of the United States to respond militarily to any militarily significant increase in the challenge to United States security or strategic stability posed by nuclear weapon modernization programs of the People's Republic of China or any other nation.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the retirement or dismantlement, or the preparation for retirement or dismantlement, of any strategic nuclear delivery system described in section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) below the level specified for the system in that section, as amended by section 1041.

(c) DEFINITIONS.—In this section:

(1) START II TREATY DEFINED.—The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, and related protocols and memorandum of understanding, signed at Moscow on January 3, 1993.

(2) UNITED STATES STRATEGIC NUCLEAR FORCES.—The term "United States strategic nuclear forces" includes intercontinental ballistic missiles (ICBMs) and ICBM launchers, submarine-launched ballistic missiles (SLBMs) and SLBM launchers, heavy bombers, ICBM warheads, SLBM warheads, and heavy bomber nuclear armaments.

SEC. 1043. COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.

(a) EXTENSION OF COMMITTEE.—Section 1605(f) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is amended by striking "September 30, 2000" and inserting "September 30, 2004".

(b) EXECUTIVE SECRETARY OF THE COMMITTEE.—Paragraph (5) of section 1605(a) of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended to read as follows:

"(5) The Assistant Secretary of Defense for Strategy and Threat Reduction shall serve as executive secretary to the committee.".

(c) EARLIER DEADLINE FOR ANNUAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503(a) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amended by striking "May 1 of each year" and inserting "February 1 of each year".

SEC. 1044. LIMITATION REGARDING COOPERATIVE THREAT REDUCTION PROGRAMS.

Funds authorized to be appropriated under this Act may not be obligated or expended for assistance for a country under any Cooperative Threat Reduction program specified under section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 50 U.S.C. 2362 note) until the President certifies to Congress that the government of that country is committed to—

(1) complying with all relevant arms control agreements;

(2) facilitating United States verification of weapons destruction;

(3) forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons;

(4) forgoing the replacement of destroyed weapons of mass destruction; and

(5) forgoing any military modernization program that exceeds legitimate defense requirements.

SEC. 1045. PERIOD COVERED BY ANNUAL REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1206(a)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, 110 Stat. 471; 22 U.S.C. 5955 note) is amended to read as follows:

"(2) The report shall be submitted under this section not later than January 31 of each year and shall cover the fiscal year ending in the preceding year. No report is required under this section after the completion of the Cooperative Threat Reduction programs.".

SEC. 1046. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2000.—The total amount of the assistance for fiscal year 2000 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "1999" and inserting "2000".

SEC. 1047. INFORMATION ASSURANCE INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is becoming increasingly dependent upon information systems for national security, economic security, and a broad range of other vital national interests.

(2) Presidential Decision Directive 63, dated May 22, 1998, recognizes the importance of information assurance and sets forth policy and organizational recommendations for addressing the information assurance challenges.

(3) The Department of Defense has undertaken significant steps to address threats to the Defense Information Infrastructure, including the establishment of a Defense Information Assurance Program.

(4) Notwithstanding those actions and other important actions taken by the President and the Secretary of Defense to address the challenges of information assurance, the Department of Defense, other Federal departments and agencies, and a broad range of private sector entities continue to face new challenges and threats to their information systems.

(5) Although the Secretary of Defense can and should play an important role in helping address a broad range of information warfare threats to the United States, the Secretary necessarily focuses primarily on addressing the vulnerabilities of the information systems and other infrastructures, within and outside of the Department of Defense, on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(6) It is important for the Secretary of Defense to work closely with the heads of all departments and agencies of the Federal Government concerned to identify areas in which the Department of Defense can contribute to securing critical national infrastructures beyond the areas under the direct oversight and control of the Secretary of Defense.

(b) Defense Information Assurance Program.—(1) The Secretary of Defense shall carry out an information assurance program.

(2) The Secretary shall submit to Congress an annual report on the program. The annual report shall include the Department of Defense information assurance guide applicable under subsection (c) as of the date of the report. The first report shall be submitted not later than March 15, 1999.

(c) Defense Information Assurance Guide.—(1) The Secretary of Defense shall prepare a Department of Defense information assurance guide for the development of appropriate organizational structures and technologies for information assurance under the program. The Secretary shall modify or replace the guide from time to time to maintain the current relevance of the guide.

(2) The Department of Defense information assurance guide shall include the following:

(A) A plan for developing information assurance technologies, including the criteria used to prioritize research, development, and procurement investments in such technologies.

(B) A plan for organizing the Department of Defense to defend against information warfare threats, including the organizational changes that are planned or being considered together with a recitation of the organizational changes that have been implemented.

(C) A plan for joint efforts by the Department of Defense with other departments and agencies of the Federal Government and with State and local organizations to strengthen the security of the information systems and infrastructures in the United States, with particular emphasis on the systems and elements of the infrastructure on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(D) An assessment of the threats to information systems and infrastructures on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises, including an assessment of technical or other vulnerabilities in Defense Department information and communications systems.

(E) A plan for conducting exercises, war games, simulations, experiments, and other activities designed to prepare the Department of Defense to respond to information warfare threats.

(F) Any proposal for legislation that the Secretary considers necessary for implementing the Defense information assurance program or for otherwise responding to information warfare threats.

(G) Any other information that the Secretary determines relevant.

(d) Information Assurance Testbed.—(1) The Secretary of Defense shall develop an information assurance testbed. In developing the testbed, the Secretary shall consult with the heads of the other departments and agencies of the Federal Government that the Secretary determines as being concerned with defense information assurance.

(2) The information assurance testbed shall be organized to provide the following:

(A) An integrated organizational structure within the Department of Defense to plan and facilitate the conduct of simulations, wargames, exercises, experiments, and other activities designed to prepare and inform the Department of Defense regarding information warfare threats.

(B) Organizational and planning means for the conduct by the Department of Defense of integrated or joint exercises and experiments with the commercial organizations and other non-Department of Defense organizations that are responsible for the oversight and management of critical information systems and infrastructures on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(e) Funding.—(1) Of the amounts authorized to be appropriated under section 104—

(A) $10,000,000 is available for procurement by the Defense Information Systems Agency of secure terminal equipment for use by the Armed Forces and Defense Agencies; and

(B) $10,000,000 is available for development and procurement of tools for real-time computer intrusion detection, analysis, and warning.

(2) Of the amounts authorized to be appropriated under section 201(4)—

(A) $5,000,000 in program element 65710D8 is available for establishing and operating the information assurance testbed established pursuant to subsection (d); and

(B) $85,000,000 in program element 33140G is available for—

(i) secure wireless communications;

(ii) public key infrastructure;

(iii) tool development by the Information Operations Technology Center;

(iv) critical infrastructure modeling; and

(v) software security research.

(3) Of the amounts authorized to be appropriated under section 301(a)(5), $10,000,000 is available for training, education, and retention of information technology professionals of the Department of Defense.

SEC. 1048. DEFENSE SCIENCE BOARD TASK FORCE ON TELEVISION AND RADIO AS A PROPAGANDA INSTRUMENT IN TIME OF MILITARY CONFLICT.

(a) Defense Science Board Task Force on Radio and Television as a Propaganda Instrument in Time of Conflict.—The Secretary of Defense shall establish a task force of the Defense Science Board to examine the use of radio and television broadcasting as a propaganda instrument and the adequacy of the capabilities of the United States Armed Forces in this area to deal with situations such as the conflict in the Federal Republic of Yugoslavia.

(b) Duties of the Task Force.—The task force shall assess and develop recommendations as to the appropriate capabilities, if any, that the United States Armed Forces should have to broadcast radio and television into an area so as to ensure that the general public in that area are exposed to the facts of the conflict. In making the assessment and developing the recommendations, the task force shall review the following:

(1) The capabilities of the United States Armed Forces to develop programming and to broadcast factual information that can reach a large segment of the general public in a country like the Federal Republic of Yugoslavia.

(2) The potential of various airborne or land-based mechanisms to have capabilities described in paragraph (1), including but not limited to desirable improvements to the EC–130 Commando Solo aircraft, and the utilization of other airborne platforms, unmanned aerial vehicles, and land-based transmitters in conjunction with satellites.

(3) Other issues relating to the use of television and radio as a propaganda instrument in time of conflict.

(c) Report.—The task force shall submit to the Secretary of Defense a report containing its assessments and recommendations not later than February 1, 2000. The Secretary shall submit the report, together with the comments and recommendations of the Secretary of Defense, to the congressional defense committees not later than March 1, 2000.

(d) Federal Republic of Yugoslavia Defined.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 1049. PREVENTION OF INTERFERENCE WITH DEPARTMENT OF DEFENSE USE OF FREQUENCY SPECTRUM.

(a) Compatibility With Defense Systems.—A non-Department of Defense entity operating a communication system, device, or apparatus on any portion of the frequency spectrum used by the Department of Defense, whether or not licensed to do so, shall ensure that the system, device, or apparatus is designed not to interfere with and not to receive interference from the communication systems that are operated by or for the Department of Defense on that portion of the frequency spectrum as of the date of the enactment of this Act. The preceding sentence does not apply to the operation, by a non-Department of Defense entity, of a communication system, device, or apparatus on any portion of the frequency spectrum that is reserved for exclusively nongovernment use.

(b) Costs of Redesign or Rebuilding of Military Systems.—If it is necessary for the Department of Defense to redesign or rebuild a communication system used by the department because of a violation of subsection (a) by a non-Department of Defense entity, that entity shall be liable to the United States for the costs incurred by the United States for the redesign or rebuilding of the Department of Defense system or, if the entity is a department or agency of the United States, shall transfer to the Department of Defense funds in the amount of such costs.

(c) Effective Date.—This section applies with respect to operation of a communication system, device, or apparatus fielded on or after October 1, 1999.

(d) Nonapplicability.—This section does not apply to any upgrades, modifications, or system redesign to a Department of Defense communication system made after the date of enactment of this Act where that modification, upgrade or redesign would result in interference with or receiving interference from a non-Department of Defense system.

SEC. 1050. OFF-SHORE ENTITIES INTERFERING WITH DEPARTMENT OF DEFENSE USE OF THE FREQUENCY SPECTRUM.

(a) Limitation on Use of Funds.—Funds authorized to be appropriated or otherwise made available by this or any other Act may not be obligated to enter into any contract with, make any payment to, or issue any broadcast or other license or permit to any entity that broadcasts from outside the United States into the United States on any frequency that, as of the date of the enactment of this Act, is reserved to or used by the Department of Defense, unless the broadcasting is authorized under law.

(b) Savings Provision.—The provisions of subsection (a) shall not be construed to interfere with the enforcement authority of the Federal Communications Commission under the Communications Act of 1934 or any other law.

SEC. 1051. REPEAL OF LIMITATION ON AMOUNT OF FEDERAL EXPENDITURES FOR THE NATIONAL GUARD CHALLENGE PROGRAM.

Section 509(b) of title 32, United States Code, is amended by striking ", except that Federal expenditures under the program may not exceed $50,000,000 for any fiscal year".

SEC. 1052. NONDISCLOSURE OF INFORMATION ON PERSONNEL OF OVERSEAS, SENSITIVE, OR ROUTINELY DEPLOYABLE UNITS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130a the following:

"§ 130b. Nondisclosure of information: personnel in overseas, sensitive, or routinely deployable units

"(a) EXEMPTION FROM DISCLOSURE.—Notwithstanding any other provision of law, the Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation may authorize to be withheld from disclosure to the public the name, rank, duty address, official title, and information regarding the pay of—

"(1) members of the armed forces assigned to overseas, sensitive, or routinely deployable units; and

"(2) employees of the Department of Defense or of the Coast Guard whose duty stations are with overseas, sensitive, or routinely deployable units.

"(b) EXCEPTIONS.—(1) The authority in subsection (a) is subject to such exceptions as the President may direct.

"(2) Subsection (a) does not authorize any official to withhold, or to authorize the withholding of, information from Congress.

"(c) DEFINITIONS.—In this section:

"(1) The term 'unit' means a military organization of the armed forces designated as a unit by competent authority.

"(2) The term 'overseas unit' means a unit that is located outside the continental United States and its territories.

"(3) The term 'sensitive unit' means a unit that is primarily involved in training for the conduct of, or conducting, special activities or classified missions, including the following:

"(A) A unit involved in collecting, handling, disposing, or storing of classified information and materials.

"(B) A unit engaged in training—

"(i) special operations units;

"(ii) security group commands weapons stations; or

"(iii) communications stations.

"(C) Any other unit that is designated as a sensitive unit by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation.

"(4) The term 'routinely deployable unit'—

"(A) means a unit that normally deploys from its permanent home station on a periodic or rotating basis to meet peacetime operational requirements that, or to participate in scheduled training exercises that, routinely require deployments outside the United States and its territories; and

"(B) includes a unit that is alerted for deployment outside the United States and its territories during an actual execution of a contingency plan or in support of a crisis operation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"130b. Nondisclosure of information: personnel in overseas, sensitive, or routinely deployable units.".

SEC. 1053. NONDISCLOSURE OF OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) AUTHORITY TO WITHHOLD.—Subchapter II of chapter 22 of title 10, United States Code, as amended by section 1005, is further amended by adding at the end the following:

"§ 458. Withholding of operational files from public disclosure

"(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

"(b) COVERED OPERATIONAL FILES.—The authority under subsection (a) applies to operational files in the possession of the National Imagery and Mapping Agency that—

"(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

"(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

"(c) OPERATIONAL FILES DEFINED.—In this section, the term 'operational files' has the meaning given the term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1005, is further amended by adding at the end the following:

"458. Withholding of operational files from public disclosure.".

SEC. 1054. NONDISCLOSURE OF INFORMATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY HAVING COMMERCIAL SIGNIFICANCE.

(a) AUTHORITY TO WITHHOLD.—Subchapter II of chapter 22 of title 10, United States Code, as amended by section 1053, is further amended by adding at the end the following:

"§ 459. Withholding of certain commercially significant information from public disclosure

"(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure information in the possession of the National Imagery and Mapping Agency if the Secretary determines in writing that—

"(1) public disclosure of the information would compete with or otherwise adversely affect commercial operations in any existing or emerging commercial industry or the operation of any existing or emerging commercial market; and

"(2) withholding the information from public disclosure is consistent with the national security interests of the United States.

"(b) RELATIONSHIP TO DCI AUTHORITY.—(1) Nothing in this section shall be construed as superseding, limiting, or otherwise affecting the authority and responsibilities of the Director of Central Intelligence to withhold or require the withholding of imagery and imagery intelligence from public disclosure under the National Security Act of 1947 (50 U.S.C. 401 et seq.), Executive Order No. 12951 or any successor Executive order, or directives of the President.

"(2) In the administration of the authority under subsection (a) with respect to imagery and imagery intelligence, the Secretary of Defense shall be subject to the policies and directives prescribed by the Director of Central Intelligence for the public disclosure of such information.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1053, is further amended by adding at the end the following:

"459. Withholding of certain commercially significant information from public disclosure.".

SEC. 1055. CONTINUED ENROLLMENT OF DEPENDENTS IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS AFTER LOSS OF ELIGIBILITY.

Section 2164(c)(3) of title 10, United States Code, is amended to read as follows:

"(3) The Secretary may, for good cause, authorize a dependent of a member of the armed forces or of a Federal employee to continue enrollment in a program under this subsection notwithstanding a change in the status of the member or employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program. The enrollment may continue for as long as the Secretary considers appropriate. The Secretary may remove the dependent from the program at any time that the Secretary determines that there is good cause for the removal.".

SEC. 1056. UNIFIED SCHOOL BOARDS FOR ALL DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS IN THE COMMONWEALTH OF PUERTO RICO AND GUAM.

Section 2164(d)(1) of title 10, United States Code, is amended by adding at the end the following: "The Secretary may provide for the establishment of one school board for all such schools in the Commonwealth of Puerto Rico and one school board for all such schools in Guam instead of one school board for each military installation in those locations.".

SEC. 1057. DEPARTMENT OF DEFENSE STARBASE PROGRAM.

(a) PROGRAM AUTHORITY.—Chapter 111 of title 10, United States Code, is amended by inserting after section 2193 the following:

"§ 2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology

"(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may conduct a science, mathematics, and technology education improvement program known as the 'Department of Defense STARBASE Program'. The Secretary shall carry out the program through the secretaries of the military departments.

"(b) PURPOSE.—The purpose of the program is to improve knowledge and skills of students in kindergarten through twelfth grade in mathematics, science, and technology.

"(c) STARBASE ACADEMIES.—(1) The Secretary shall provide for the establishment of at least 25 academies under the program.

"(2) An academy established under the program shall provide the following:

"(A) For each elementary and secondary grade level, the presentation of a curricula of 20 hours of instruction in science, mathematics, and technology.

"(B) Outreach programs for the support of elementary and secondary level instruction in science, mathematics, and technology at other locations.

"(3) The Secretary may support the establishment and operation of any academy in excess of two academies in a State only if the Secretary has first authorized in writing the establishment of the academy and the costs of the establishment and operation of the academy are paid out of funds provided by sources other than the Department of Defense. Any such costs that are paid out of appropriated funds shall be considered as paid out of funds provided by such other sources if such sources fully reimburse the United States for the costs.

"(d) AUTHORIZED SUPPORT.—The following support may be provided for activities under the program:

"(1) Administrative and instructional personnel.

"(2) Facilities.

"(3) Instructional materials, including textbooks.

"(4) Equipment.

"(5) To the extent considered appropriate by the Secretary of the military department concerned, any additional resources (including transportation and billeting) that may be available.

"(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—The Secretary of Defense shall prescribe the standards and procedures for selecting persons to participate in the program.

"(f) PROGRAM PERSONNEL.—(1) The Secretary of the military department concerned may—

"(1) authorize members of the armed forces to provide command, administrative, training, or supporting services for the program on a full-time basis; and

"(2) employ or procure by contract civilian personnel to provide such services.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the conduct of the program.

"(g) FUNDING.—(1) The Secretary shall ensure that each academy meeting at least the minimum operating standards established for academies under the program is funded at a level of at least $200,000 for each fiscal year.

"(2) The Secretary of Defense and the Secretaries of the military departments may accept financial and other support for the program from other departments and agencies of the Federal Government, State governments, local governments, and not-for-profit and other organizations in the private sector.

"(h) ANNUAL REPORT.—Within 90 days after the end of each fiscal year, the Secretary of Defense shall submit a report on the program to Congress. The report shall contain a discussion of the design and conduct of the program and an evaluation of the effectiveness of the program.

"(i) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.".

(b) EXISTING STARBASE ACADEMIES.—While continuing in operation, the academies existing on the date of the enactment of this Act under the Department of Defense STARBASE Program, as such program is in effect on such date, shall be counted for the purpose of meeting the requirement under section 2193b(c)(1) of title 10, United States Code (as added by subsection (a)), relating to the minimum number of STARBASE academies.

(c) REORGANIZATION OF CHAPTER.—Chapter 111 of title 10, United States Code, as amended by subsection (a), is further amended—

(1) by inserting after section 2193 and before the section 2193b added by subsection (a) the following:

"§ 2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics";

(2) by transferring subsection (b) of section 2193 to section 2193a (as added by paragraph (1)), inserting such subsection after the heading for section 2193a, and striking out "(b)"; and

(3) by redesignating subsection (c) of section 2193 as subsection (b).

(d) CLERICAL AMENDMENTS.—(1) The heading for section 2192 of such title is amended to read as follows:

"§ 2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering".

(2) The heading for section 2193 is amended to read as follows:

"§ 2193. Improvement of education in technical fields: grants for higher education in science and mathematics".

(3) The table of sections at the beginning of such chapter is amended by striking the items relating to sections 2192 and 2193 and inserting the following:

"2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering.

"2193. Improvement of education in technical fields: grants for higher education in science and mathematics.

"2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics.

"2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology.".

SEC. 1058. PROGRAM TO COMMEMORATE THE 50TH ANNIVERSARY OF THE KOREAN WAR.

(a) PERIOD OF PROGRAM.—Section 1083(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113 note) is amended by striking "The Secretary of Defense" and inserting "During fiscal years 2000 through 2004, the Secretary of Defense".

(b) CHANGE OF NAME.—(1) Section 1083(c) of such Act is amended by striking "'The Department of Defense Korean War Commemoration'" and inserting in lieu thereof "'The United States of America Korean War Commemoration'".

(2) The amendment made by paragraph (1) may not be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(c) FUNDING.—Section 1083(f) of such Act is amended to read as follows:

"(f) USE OF FUNDS.—(1) Funds appropriated for the Army for fiscal years 2000 through 2004 for operation and maintenance shall be available for the program authorized under subsection (a).

"(2) The total amount expended by the Department of Defense through the Department of Defense 50th Anniversary of the Korean War Commemoration Committee, an entity within the Department of the Army, to carry out the program authorized under subsection (a) for fiscal years 2000 through 2004 may not exceed $7,000,000.

"(3) The limitation in paragraph (2) shall not apply to expenditures by a unit of the Armed Forces or a similar organization to commemorate the Korean War from funds available to the unit or similar organization for that purpose.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 1059. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "the fiscal years 1996, 1997, 1998, and 1999" and inserting "fiscal years 1996 through 2000".

SEC. 1060. EXTENSION TO NAVAL AIRCRAFT OF COAST GUARD AUTHORITY FOR DRUG INTERDICTION ACTIVITIES.

Section 637(c) of title 14, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) it is a naval aircraft on which one or more members of the Coast Guard are assigned.".

SEC. 1061. REGARDING THE NEED FOR VIGOROUS PROSECUTION OF WAR CRIMES, GENOCIDE, AND CRIMES AGAINST HUMANITY IN THE FORMER REPUBLIC OF YUGOSLAVIA.

(a) The Senate finds that—

(1) the United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this section referred to as the "ICTY") by resolution on May 25, 1993;

(2) although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

(3) the ICTY has jurisdiction to investigate: Grave breaches of the 1949 Geneva Conventions (Article 2); violations of the laws or customs of war (Article 3); genocide (Article 4); and crimes against humanity (Article 5);

(4) the Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established";

(5) reports from Kosovar Alabanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

(6) in furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

(7) these reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

(8) any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

(9) the indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

(10) the ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

(11) vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

(12) investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

(b) It is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

SEC. 1062. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Colon cancer.

"(R) Tumors of the brain and central nervous system.".

SEC. 1063. LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the President shall determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, if the President certifies under subsection (a) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

(c) REPORT.—Together with the certification made under subsection (a), the President shall submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation, or several member nations, where the commitment of NATO forces will be "out of area" or beyond the borders of NATO member nations.

(d) DEFINITION.—For the purposes of this section, the term "new Strategic Concept of NATO" means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, DC, on April 23 and 24, 1999.

SEC. 1064. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

SEC. 1065. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.

Section 4683(a)(2) of title 10, United States Code, is amended to read as follows:

"(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries.".

SEC. 1066. PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

SEC. 1067. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.

(a) AUTHORITY.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

(2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(b) NATURE OF ASSISTANCE.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) REIMBURSEMENT.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that a waiver of the reimbursement is in the national security interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(d) LIMITATION ON FUNDING.—Not more than $10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) PERSONNEL RESTRICTIONS.—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(h) RELATIONSHIP TO OTHER AUTHORITY.—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) The term "threat of an act of terrorism" includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) The term "weapon of mass destruction" has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

SEC. 1068. SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya's national airline;

(B) a ban on flights into and out of Libya by other nations' airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, "Patterns of Global Terrorism: 1998", stated that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups, including the PIJ and the PFLP–GC".

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with United States law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorist groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

SEC. 1069. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS.—The President shall promptly notify Congress whenever an export waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the waiver.

(c) NOTICE IN APPLICATIONS.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

(d) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—The Senate and the House of Representatives shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified information, informatioin relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to Congress pursuant to this section.

(e) EXCEPTION.—The requirements of subsections (a) and (b) shall not apply if the President determines that notification of Congress would jeopardize an on-going criminal investigation. If the President makes such a determination he shall provide written notification to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Such notification shall include a justification for any such determination.

SEC. 1070. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(7) to provide, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence program within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—(1) The Secretary of Defense and the Secretary of State shall each submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

(2) Each report under paragraph (1) shall be submitted in classified form and unclassified form.

SEC. 1071. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide, consistent with the need to protect classified, law enforcement, or other sensitive information, timely notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

SEC. 1072. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.

(a) CONSULTATION WITH DCI.—The Secretary of State and Secretary of Defense shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) ADVISORY GROUP.—The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) ANNUAL REPORTS ON EFFORTS TO ACQUIRE SENSITIVE UNITED STATES TECHNOLOGY AND TECHNICAL INFORMATION.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1073. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1074. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1075. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China;

(2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1076. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

"(9) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have previously been determined to be suitable for release to the public are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.".

SEC. 1077. DISENGAGING FROM NONCRITICAL OVERSEAS MISSIONS INVOLVING UNITED STATES COMBAT FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames".

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements.

(3) The United States has 120,000 troops permanently assigned to those theaters.

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries.

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment.

(6) The United States has diverted permanently assigned resources from other theaters to support operations in the Balkans.

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades.

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent.

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in fiscal year 1998, 28,000 United States Army soldiers were deployed to more than 70 countries for over 300 separate missions.

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are United States-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a "stop loss" program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force.

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service.

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) The readiness of United States military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions.

(2) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) Report Requirement.—Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can—

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce United States troop commitments worldwide;

(3) end low priority missions.

SEC. 1078. SENSE OF THE SENATE ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) In General.—It is the sense of the Senate that the United States, as a member of NATO, should not negotiate with Slobodan Milosevic, an indicted war criminal, or any other indicted war criminal with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia

(b) Yugoslavia Defined.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 1079. COAST GUARD EDUCATION FUNDING.

Section 2006 of title 10, United States Code, is amended—

(1) by striking "Department of Defense education liabilities" in subsection (a) and inserting "armed forces education liabilities";

(2) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) The term 'armed forces educational liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.";

(3) by inserting "Department of Defense" after "future" in subsection (b)(2)(C);

(4) by striking "106" in subsection (b)(2)(C) and inserting "1606";

(5) by inserting "and the Secretary of the Department in which the Coast Guard is operating" after "Defense" in subsection (c)(1);

(6) by striking "Department of Defense" in subsection (d) and inserting "armed forces";

(7) by inserting "the Secretary of the Department in which the Coast Guard is operating" in subsection (d) after "Secretary of Defense,";

(8) by inserting "and the Department in which the Coast Guard is operating" after "Department of Defense" in subsection (f)(5);

(9) by inserting "and the Secretary of the Department in which the Coast Guard is operating" in paragraphs (1) and (2) of subsection (g) after "The Secretary of Defense"; and

(10) by striking "of a military department." in subsection (g)(3) and inserting "concerned.".

SEC. 1080. TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.

Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking "the Department of Defense" and inserting "an agency named in section 2303 of this title".

SEC. 1081. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.

(a) Finding.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic, the new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) Military Education and Training Programs.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

SEC. 1082. SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the United States should agree to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch service providers if the Government of the Russian Federation demonstrates a sustained commitment to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile;

(2) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile; and

(3) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile.

(b) Definitions.—

(1) In general.—The terms "commercial space launch services" and "Russian space launch service providers" have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993.

(2) Quantitative limitations applicable to commercial space launch services.—The term "quantitative limitations applicable to commercial space launch services" means the quantitative limits applicable to commercial space launch services contained in Article IV of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

SEC. 1083. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN.

(a) Responsibilities of the Secretary of the Army.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30, 2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) Responsibilities of the Secretary of State.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

SEC. 1084. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.

(a) Authority To Transfer Agents.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such

agents and for any resulting hazardous waste products.

(b) Annual Report.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) Non-Interference With Treaty Obligations.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) Chemical Weapons Convention Defined.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1085. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) Annual Reporting Requirement.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) Views of the Director of Central Intelligence.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

SEC. 1086. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) Findings.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) Designation of Victory in the Cold War Day.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) Cold War Medal.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§ 1133. Cold War medal: award

"(a) Award.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

"(b) Design.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) Period of Cold War.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award.".

(d) Participation of Armed Forces in Celebration of Anniversary of End of Cold War.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) Commission on Victory in the Cold War.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Minority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

(5) The Commission shall be chaired by two individuals as follows:

(A) One selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2).

(B) One selected by and from among those appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. ACCELERATED IMPLEMENTATION OF VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1109(d)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2145; 5 U.S.C. 8336 note) is amended by striking "October 1, 2000" and inserting "October 1, 1999".

SEC. 1102. DEFERENCE TO EEOC PROCEDURES FOR INVESTIGATION OF COMPLAINTS OF SEXUAL HARASSMENT MADE BY EMPLOYEES.

Section 1561(a) of title 10, United States Code, is amended by striking "or a civilian employee under the supervision of the officer".

SEC. 1103. RESTORATION OF LEAVE OF EMERGENCY ESSENTIAL EMPLOYEES SERVING IN A COMBAT ZONE.

(a) Service in a Combat Zone as Exigency of the Public Business.—Section 6304(d) of title 5, United States Code, is amended by adding a the end the following:

"(4)(A) For the purpose of this subsection, service of a Department of Defense emergency essential employee in a combat zone is an exigency of the public business for that employee. Any leave that, by reason of such service, is lost by the employee by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

"(B) As used in subparagraph (A)—

"(i) the term 'Department of Defense emergency essential employee' means an employee of the Department of Defense who is designated under section 1580 of title 10 as an emergency essential employee; and

"(ii) the term 'combat zone' has the meaning given such term in section 112(c)(2) of the Internal Revenue Code of 1986.".

(b) DESIGNATION OF EMERGENCY ESSENTIAL EMPLOYEES.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after the table of sections at the beginning of such chapter the following new section 1580:

"§ 1580. Emergency essential employees: designation

"(a) CRITERIA FOR DESIGNATION.—The Secretary of Defense or the Secretary of the military department concerned may designate as an emergency essential employee any employee of the Department of Defense, whether permanent or temporary, the duties of whose position meet all of the following criteria:

"(1) It is the duty of the employee to provide immediate and continuing support for combat operations or to support maintenance and repair of combat essential systems of the armed forces.

"(2) It is necessary for the employee to perform that duty in a combat zone after the evacuation of nonessential personnel, including any dependents of members of the armed forces, from the zone in connection with a war, a national emergency declared by Congress or the President, or the commencement of combat operations of the armed forces in the zone.

"(3) It is impracticable to convert the employee's position to a position authorized to be filled by a member of the armed forces because of a necessity for that duty to be performed without interruption.

"(b) ELIGIBILITY OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.—A nonappropriated fund instrumentality employee is eligible for designation as an emergency essential employee under subsection (a).

"(c) DEFINITIONS.—In this section:

"(1) The term 'combat zone' has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

"(2) The term 'nonappropriated fund instrumentality employee' has the meaning given that term in section 1587(a)(1) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 1581 the following:

"1580. Emergency essential employees: designation.".

SEC. 1104. LEAVE WITHOUT LOSS OF BENEFITS FOR MILITARY RESERVE TECHNICIANS ON ACTIVE DUTY IN SUPPORT OF COMBAT OPERATIONS.

(a) ELIMINATION OF RESTRICTION TO SITUATIONS INVOLVING NONCOMBAT OPERATIONS.—Section 6323(d)(1) of title 5, United States Code, is amended by striking "noncombat".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to days of leave under section 6323(d)(1) of title 5, United States Code, on or after that date.

SEC. 1105. WORK SCHEDULES AND PREMIUM PAY OF SERVICE ACADEMY FACULTY.

(a) UNITED STATES MILITARY ACADEMY.—Section 4338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) The Secretary of the Army may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

(b) UNITED STATES NAVAL ACADEMY.—Section 6952 of title 10, United States Code, is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting after subsection (b) the following new subsection (c):

"(c) The Secretary of the Navy may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) The Secretary of the Air Force may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

SEC. 1106. SALARY SCHEDULES AND RELATED BENEFITS FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(f) of title 10, United States Code, is amended by adding at the end the following:

"(3) The limitations in sections 5307 and 5373 of title 5 do not apply to the authority of the Secretary under paragraph (1) to prescribe salary schedules and other related benefits.".

SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.

(a) LUMP-SUM PAYMENT OF SEVERANCE PAY.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 5597(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.".

TITLE XII—NATIONAL MILITARY MUSEUM AND RELATED MATTERS

Subtitle A—Commission on National Military Museum

SEC. 1201. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is hereby established a commission known as the "Commission on the National Military Museum" (in this subtitle referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 10 individuals appointed from among individuals who have an expertise in military or museum matters, of whom—

(A) six shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) The following shall be ex officio members of the Commission:

(A) The Secretary of Defense.

(B) The Secretary of the Army.

(C) The Secretary of the Navy.

(D) The Secretary of the Air Force.

(E) The Commandant of the Marine Corps.

(F) The Commandant of the Coast Guard.

(G) The Secretary of the Smithsonian Institution.

(H) The Chairman of the National Capital Planning Commission.

(I) The Chairperson of the Commission of Fine Arts.

(c) ORIGINAL CHAIRPERSON.—The President shall designate one of the individuals first appointed to the Commission under subsection (b)(1) as the chairperson of the Commission.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

SEC. 1202. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall conduct a study in order to make recommendations to Congress regarding an authorization for the construction of a national military museum in the National Capital Area.

(b) STUDY ELEMENTS.—In conducting the study, the Commission shall—

(1) determine whether existing military museums, historic sites, and memorials in the United States are adequate—

(A) to provide in a cost-effective manner for display of, and interaction with, adequately visited and adequately preserved artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged;

(B) to honor the service to the United States of the active and reserve members of the Armed Forces and the veterans of the United States;

(C) to educate current and future generations regarding the Armed Forces and the sacrifices of members of the Armed Forces and the Nation in furtherance of the defense of freedom; and

(D) to foster public pride in the achievements and activities of the Armed Forces;

(2) determine whether adequate inventories of artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged are available, either in current inventories or in private or public collections, for loan or other provision to a national military museum; and

(3) develop preliminary proposals for—

(A) the dimensions and design of a national military museum in the National Capital Area;

(B) the location of the museum in that Area; and

(C) the approximate cost of the final design and construction of the museum and of the costs of operating the museum.

(c) ADDITIONAL DUTIES.—If the Commission determines to recommend that Congress authorize the construction of a national military museum in the National Capital Area, the Commission shall also—

(1) recommend one or more sites for the museum;

(2) propose a schedule for construction of the museum;

(3) assess the potential effects of the museum on the environment, facilities, and roadways in the vicinity of the site or sites where the museum is proposed to be located;

(4) recommend the percentages of funding for the museum to be provided by the Federal Government, State and local governments, and private sources, respectively;

(5) assess the potential for fundraising for the museum during the 20-year period following the authorization of construction of the museum; and

(6) assess and recommend various governing structures for the museum, including a governing structure that places the museum within the Smithsonian Institution.

SEC. 1203. REPORT.

The Commission shall, not later than 12 months after the date of its first meeting, submit to Congress a report on its findings and conclusions under this subtitle, including any recommendations under section 1202.

SEC. 1204. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

SEC. 1205. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 1206. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1207. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1208. FUNDING.

(a) IN GENERAL.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000.

(b) REQUEST.—Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

(c) AVAILABILITY OF CERTAIN FUNDS.—Of the funds available for activities of the Commission under this section, $2,000,000 shall be available for the activities, if any, of the Commission under section 1202(c).

SEC. 1209. TERMINATION OF COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1203.

Subtitle B—Related Matters

SEC. 1211. FUTURE USE OF NAVY ANNEX PROPERTY, ARLINGTON, VIRGINIA.

(a) LIMITATION ON FUTURE USE.—No transfer of any real property of the Navy Annex property, or other use of that property not authorized as of the date of the enactment of this Act, may be carried out until 2 years after the later of—

(1) the date of the submittal of the study on the expansion of Arlington Cemetery required by the Joint Explanatory Statement of the Committee of Conference to accompany the Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261); or

(2) the date of the submittal of the report of the Commission on the National Military Museum under section 1203.

(b) NAVY ANNEX PROPERTY DESCRIBED.—For purposes of subsection (a), the Navy Annex property is the parcels of real property under the jurisdiction of the Federal Government located in Arlington, Virginia, as follows:

(1) A parcel bounded by Columbia Pike to the south and east, the rear property line of the residential properties fronting Oak Street to the west, and the southern limit of Southgate Road to the north.

(2) A parcel bounded by Shirley Memorial Boulevard (Interstate Route 395) to the south, the eastern edge of the Department of Transportation of the Commonwealth of Virginia to the west, Columbia Pike to the north, and the access road to Shirley Memorial Boulevard immediately east of Joyce Street to the east.

TITLE XIII—MILITARY VOTING RIGHTS ACT OF 1999

SEC. 1301. SHORT TITLE.

This title may be cited as the "Military Voting Rights Act of 1999".

SEC. 1302. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 1303. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) Elections for Federal Offices.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) Elections for State and Local Offices.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking out "**FOR FEDERAL OFFICE**".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2000".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alaska	Fort Richardson	$14,600,000
	Fort Wainwright	$34,800,000
Arkansas	Pine Bluff Arsenal	$18,000,000
California	Fort Irwin	$13,400,000
Colorado	Peterson Air Force Base	$25,000,000
District of Columbia	Fort McNair	$1,250,000
	Walter Reed Medical Center	$6,800,000
Georgia	Fort Benning	$48,400,000
	Fort Stewart	$19,000,000
	Fort Stewart/Hunter Army Air Field	$7,000,000
	Hunter Army Air Field	$7,200,000
Hawaii	Schofield Barracks	$95,000,000
Kansas	Fort Leavenworth	$34,100,000
	Fort Riley	$27,000,000
Kentucky	Blue Grass Army Depot	$17,000,000
	Fort Campbell	$56,900,000
Maryland	Fort Meade	$22,450,000
Massachusetts	Westover Air Force Reserve Base	$4,000,000
Missouri	Fort Leonard Wood	$10,600,000
Nevada	Hawthorne Army Depot	$1,700,000
New Jersey	Fort Monmouth	$11,800,000
North Carolina	Fort Bragg	$125,400,000
	Military Ocean Terminal Sunny Point	$3,800,000
Oklahoma	Fort Sill	$13,200,000
	McAlester Army Ammunition	$16,600,000
Pennsylvania	Carlisle Barracks	$5,000,000
	Letterkenny Army Depot	$3,650,000
South Carolina	Fort Jackson	$7,400,000
Texas	Fort Bliss	$50,400,000
	Fort Hood	$68,000,000
Virginia	Fort Belvoir	$3,850,000
	Fort Eustis	$39,000,000
	Fort Myer	$2,900,000
Washington	Fort Lewis	$6,200,000
	Yakima Training Center	$17,200,000
CONUS Various	CONUS Various	$36,400,000
	Total:	$875,000,000

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	$21,000,000
	Area Support Group Bamberg	$23,200,000
	Mannheim	$4,500,000
Korea	Camp Casey	$31,000,000
	Camp Howze	$3,050,000
	Camp Stanley	$3,650,000
	Total:	$86,400,000

SEC. 2102. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installation, for the purpose, and in the amount set forth in the following table:

Army: Family Housing

Country	Installation or location	Purpose	Amount
Korea	Camp Humphreys	60 Units	$24,000,000
		Total:	$24,000,000

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,300,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $32,600,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,194,333,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $736,708,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $86,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $83,414,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $61,531,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,098,080,000.

(6) For the construction of the United States Disciplinary Barracks, Phase III, Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $18,800,000.

(7) For the construction of the Whole Barracks Complex Renewal, Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $4,800,000.

(8) For the construction of the Multi-Purpose Digital Training Range, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999, $2,400,000.

(9) For the construction of the Cadet Development Center, United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999, $28,500,000.

(10) For the construction of the Force XXI Soldier Development Center, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999, $14,000,000.

(11) For the construction of the Railhead Facility, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act of Fiscal Year 1999, $14,800,000.

(12) For the construction of the Power Plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2183), $35,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated pursuant to paragraphs (1) and (2) of subsection (a);

(2) $80,800,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii); and

(3) $57,492,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$17,020,000
	Navy Detachment, Camp Navajo	$7,560,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms.	$34,760,000
	Marine Corps Base, Camp Pendleton.	$31,660,000
	Marine Corps Logistics Base, Barstow.	$4,670,000
	Marine Corps Recruit Depot, San Diego.	$3,200,000
	Naval Air Station, Lemoore	$24,020,000
	Naval Air Station, North Island	$54,420,000
	Naval Hospital, San Diego	$21,590,000
	Naval Hospital, Twentynine Palms	$7,640,000
Florida	Naval Air Station, Whiting Field, Milton.	$4,750,000
Georgia	Marine Corps Logistics Base, Albany.	$6,260,000
Hawaii	Camp H.M. Smith	$86,050,000
	Marine Corps Air Station, Kaneohe Bay.	$5,790,000
	Naval Shipyard, Pearl Harbor	$10,610,000
	Naval Station, Pearl Harbor	$18,600,000
	Naval Submarine Base, Pearl Harbor.	$29,460,000
Idaho	Naval Surface Warfare Center, Bayview.	$10,040,000
Illinois	Naval Training Center, Great Lakes	$57,290,000
Maine	Naval Air Station, Brunswick	$16,890,000
Maryland	Naval Surface Warfare Center, Indian Head.	$10,070,000
Mississippi	Naval Construction Battalion Center, Gulfport.	$19,170,000
New Hampshire	NSY Portsmouth	$3,850,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst.	$15,710,000
North Carolina	Marine Corps Air Station, New River.	$5,470,000
	Marine Corps Base, Camp LeJeune	$21,380,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg.	$2,990,000
	Naval Shipyard, Philadelphia	$13,320,000
South Carolina	Naval Weapons Station, Charleston	$7,640,000
	Marine Corps Air Station, Beaufort	$10,490,000
Virginia	Marine Corps Combat Development Command, Quantico.	$20,820,000
	Naval Air Station, Oceana	$11,490,000
	Naval Shipyard, Norfolk, Portsmouth.	$17,630,000
	Naval Station, Norfolk	$69,550,000
	Naval Weapons Station, Yorktown	$25,040,000
	Tactical Training Group Atlantic, Dam Neck.	$10,310,000
Washington	Naval Ordnance Center Pacific Division Detachment, Port Hadlock.	$3,440,000
	Puget Sound Naval Shipyard, Bremerton.	$15,610,000
	Strategic Weapons Facility Pacific, Bremerton.	$6,300,000
	Total:	$742,560,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia.	$8,150,000
Greece	Naval Support Activity, Souda Bay	$6,380,000
Italy	Naval Support Activity, Naples	$26,750,000
	Total:	$124,370,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	100 Units	$17,000,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	100 Units	$26,615,000
	Marine Corps Base, Kaneohe Bay	84 Units	$22,639,000
	Naval Base, Pearl Harbor	133 Units	$30,168,000
	Naval Base, Pearl Harbor	96 Units	$19,167,000
		Total:	$115,589,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,715,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $165,050,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,076,435,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $672,380,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $124,370,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,342,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,581,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $298,354,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $895,070,000.

(6) For construction of the Berthing Wharf (Increment II), Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2186), $12,690,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated pursuant to paragraphs (1) and (2) of subsection (a); and

(2) $70,180,000 (the balance of the amount authorized under section 2201(a) for the construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H. M. Smith, Hawaii).

SEC. 2205. TECHNICAL MODIFICATION OF AUTHORITY RELATING TO CERTAIN FISCAL YEAR 1997 PROJECT.

The table in section 2202(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2768) is amended in the item relating to Naval Air Station Brunswick, Maine, by striking "92 Units" in the purpose column and inserting "72 Units".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$10,600,000
Alaska	Eielson Air Force Base	$24,100,000
	Elmendorf Air Force Base	$42,300,000
Arizona	Davis-Monthan Air Force Base	$7,800,000
California	Beale Air Force Base	$8,900,000
	Travis Air Force Base	$7,500,000
Colorado	Peterson Air Force Base	$33,000,000
	Schriever Air Force Base	$9,400,000
	United States Air Force Academy.	$17,500,000
Delaware	Dover Air Force Base	$12,000,000
Florida	Eglin Air Force Base	$13,600,000
	Eglin Auxiliary Field 9	$18,800,000
	MacDill Air Force Base	$5,500,000
	Patrick Air Force Base	$17,800,000
Georgia	Fort Benning	$3,900,000
	Moody Air Force Base	$3,200,000
	Robins Air Force Base	$3,350,000
Hawaii	Hickam Air Force Base	$3,300,000
Idaho	Mountain Home Air Force Base	$17,000,000
Kansas	McConnell Air Force Base	$10,963,000
Kentucky	Fort Campbell	$6,300,000
Maryland	Andrews Air Force Base	$9,900,000
Massachusetts	Hanscom Air Force Base	$16,000,000
Mississippi	Columbus Air Force Base	$2,600,000
	Keesler Air Force Base	$35,900,000
Missouri	Whiteman Air Force Base	$24,900,000
Montana	Malmstrom Air Force Base	$11,600,000
Nebraska	Offutt Air Force Base	$8,300,000
Nevada	Nellis Air Force Base	$18,600,000
	Nellis Air Force Base	$11,600,000
New Jersey	McGuire Air Force Base	$11,800,000
New Mexico	Cannon Air Force Base	$4,000,000
	Cannon Air Force Base	$8,100,000
New York	Rome Laboratory	$25,800,000
North Carolina	Fort Bragg	$4,600,000
	Pope Air Force Base	$7,700,000
North Dakota	Grand Forks Air Force Base	$9,500,000
Ohio	Wright-Patterson Air Force Base	$22,200,000
Oklahoma	Tinker Air Force Base	$47,400,000
South Carolina	Charleston Air Force Base	$18,200,000
South Dakota	Ellsworth Air Force Base	$10,200,000
Tennessee	Arnold Air Force Base	$7,800,000
Texas	Dyess Air Force Base	$5,400,000
	Lackland Air Force Base	$13,400,000
	Laughlin Air Force Base	$3,250,000
Utah	Hill Air Force Base	$4,600,000
Virginia	Langley Air Force Base	$6,300,000
Washington	Fairchild Air Force Base	$13,600,000
	McChord Air Force Base	$7,900,000
CONUS Classified	Classified Location	$16,870,000
	Total:	$664,833,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Guam	Andersen Air Force Base	$8,900,000
Italy	Aviano Air Base	$3,700,000
Korea	Osan Air Base	$19,600,000
Portugal	Lajes Field, Azores	$1,800,000
United Kingdom	Ascension Island	$2,150,000
	Royal Air Force, Feltwell	$3,000,000
	Royal Air Force, Lakenheath	$18,200,000
	Royal Air Force, Mildenhall	$17,600,000
	Royal Air Force, Molesworth	$1,700,000
	Total:	$76,650,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	64 Units	$10,000,000
California	Beale Air Force Base	60 Units	$8,500,000
	Edwards Air Force Base	188 Units	$32,790,000
	Vandenberg Air Force Base	91 Units	$16,800,000
District of Columbia	Bolling Air Force Base	72 Units	$9,375,000
Florida	Eglin Air Force Base	130 Units	$14,080,000
	MacDill Air Force Base	54 Units	$9,034,000
Mississippi	Columbus Air Force Base	100 Units	$12,290,000
Montana	Malmstrom Air Force Base	34 Units	$7,570,000
Nebraska	Offutt Air Force Base	72 Units	$12,352,000
North Carolina	Seymour Johnson Air Force Base	78 Units	$12,187,000
North Dakota	Grand Forks Air Force Base	42 Units	$10,050,000
	Minot Air Force Base	72 Units	$10,756,000
Texas	Lackland Air Force Base	48 Units	$7,500,000
Portugal	Lajes Field, Azores	75 Units	$12,964,000
		Total:	$186,248,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,471,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $129,952,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,931,051,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $651,833,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $76,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,741,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $38,264,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $333,671,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $821,892,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed $651,833,000.

SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2301(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization Program.	Blue Grass Army Depot, Kentucky	$195,800,000
Defense Education Activity.	Marine Corps Base, Camp LeJeune, North Carolina	$10,570,000
	Laurel Bay, South Carolina	$2,874,000
Defense Logistics Agency.	Eielson Air Force Base, Alaska	$26,000,000
	Defense Fuel Supply Center, Elmendorf Air Force Base, Alaska	$23,500,000
	Defense Distribution Supply Point, New Cumberland, Pennsylvania	$5,000,000
	Fairchild Air Force Base, Washington	$12,400,000
	Various Locations	$8,900,000
Defense Manpower Data Center.	Presidio, Monterey, California	$28,000,000
National Security Agency.	Fort Meade, Maryland	$2,946,000
Special Operations Command.	Naval Amphibious Base, Coronado, California	$6,000,000
	Fort Benning, Georgia	$10,200,000
	Mississippi Army Ammunition Plant, Mississippi	$12,900,000
	Fort Bragg, North Carolina	$20,100,000
	Fleet Combat Training Center, Dam Neck, Virginia	$4,700,000
Tri-Care Management Agency.	Fort Wainwright, Alaska	$133,000,000
	Davis-Monthan Air Force Base, Arizona	$10,000,000
	Los Angeles Air Force Base, California	$13,600,000
	Travis Air Force Base, California	$7,500,000
	Patrick Air Force Base, Florida	$1,750,000
	Naval Air Station, Jacksonville, Florida	$3,780,000
	Naval Air Station, Pensacola, Florida	$4,300,000
	Moody Air Force Base, Georgia	$1,250,000
	Fort Riley, Kansas	$6,000,000
	Andrews Air Force Base, Maryland	$3,000,000
	Naval Air Station, Patuxent River, Maryland	$4,150,000
	Marine Corps Air Station, Cherry Point, North Carolina	$3,500,000
	Wright-Patterson Air Force Base, Ohio	$3,900,000
	Fort Sam Houston, Texas	$5,800,000
	Cheatham Annex, Virginia	$1,650,000
	Naval Air Station, Norfolk, Virginia	$4,050,000
	Fort Lewis, Washington	$5,500,000
	Naval Air Station, Whidbey Island, Washington	$4,700,000
	Total:	$587,320,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity.	Andersen Air Force Base, Guam	$44,170,000
	Naval Station Rota, Spain	$17,020,000
	Royal Air Force, Feltwell, United Kingdom	$4,570,000
	Royal Air Force, Lakenheath, United Kingdom	$3,770,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
Defense Logistics Agency.	Andersen Air Force Base, Guam	$24,300,000
	Moron Air Base, Spain	$15,200,000
National Security Agency.	Royal Air Force, Menwith Hill Station, United Kingdom	$500,000
Tri-Care Management Agency.	Naval Security Group Activity, Sabana Seca, Puerto Rico	$4,000,000
	Ramstein Air Force Base, Germany	$7,100,000
	Yongsan, Korea	$41,120,000
	Royal Air Force, Lakenheath, United Kingdom	$7,100,000
Defense-Wide	Counterdrug Forward Operating Location, Antilles	$4,880,000
	Counterdrug Forward Operating Location, Costa Rica	$6,726,000
	Counterdrug Forward Operating Location, Ecuador	$31,229,000
	Total	$211,685,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2403. MILITARY FAMILY HOUSING IMPROVEMENT PROGRAM.

Of the amount authorized to be appropriated pursuant to section 2405(a)(8)(C), $78,756,000 shall be available for credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $31,900,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,842,582,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $288,320,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $211,685,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $33,664,000.

(6) For energy conservation projects authorized by section 2404, $31,900,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $892,911,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $41,440,000 of which not more than $35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403, $78,756,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; Stat. 1758), $7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999, $35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of this Act, $11,800,000.

(13) For the construction of the Ammunition Demilitarization Facility, Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), $61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999, $66,600,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated pursuant to paragraphs (1) and (2) of subsection (a);

(2) $115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the hospital replacement, Fort Wainwright, Alaska); and

(3) $184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the Ammunition Demilitarization Facility, Blue Grass Army Depot, Kentucky).

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), under the agency heading relating to Chemical Demilitarization Program, is amended in the item relating to Pueblo Chemical Activity, Colorado, by striking "$179,000,000" in the amount column and inserting "$203,500,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $166,340,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1999, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $189,639,000; and

(B) for the Army Reserve, $104,817,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $28,475,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $232,340,000; and

(B) for the Air Force Reserve, $34,864,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in sections 2101, 2202, and 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Naval Station Mayport	Family Housing Construction (100 units).	$10,000,000
Maine	Naval Station Brunswick	Family Housing Construction (72 units).	$10,925,000
North Carolina	Marine Corps Base Camp Lejuene	Family Housing Construction (94 units).	$10,110,000
South Carolina	Marine Corps Air Station Beaufort	Family Housing Construction (140 units).	$14,000,000
Texas	Naval Complex Corpus Christi	Family Housing Construction (104 units).	$11,675,000
	Naval Air Station Kingsville	Family Housing Construction (48 units).	$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico.	Sanitary Fill	$8,900,000
Washington	Naval Station Everett	Family Housing Construction (100 units).	$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range.	$5,000,000

Defense Agencies: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Colorado	Pueblo Chemical Activity	Ammunition Demilitarization Facility.	$179,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (a), as provided in sections 2202 and 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
California	Camp Pendleton	Family Housing Construction (138 units).	$20,000,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Missouri	National Guard Training Site, Jefferson City	Multipurpose Range.	$2,236,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Program Changes

SEC. 2801. EXEMPTION FROM NOTICE AND WAIT REQUIREMENTS OF MILITARY CONSTRUCTION PROJECTS SUPPORTED BY BURDENSHARING FUNDS UNDERTAKEN FOR WAR OR NATIONAL EMERGENCY.

Section 2350j of title 10, United States Code, is amended—

(1) in subsection (e), by adding at the end the following new paragraph:

"(3)(A) A military construction project under subsection (d) may be carried out without regard to the requirement in paragraph (1) and the limitation in paragraph (2) if the project is necessary to support the armed forces in the country or region in which the project is carried out by reason of a declaration of war, or a declaration by the President of a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), that is in force at the time of the commencement of the project.

"(B) When a decision is made to carry out a military construction project under subparagraph (A), the Secretary of Defense shall submit to the congressional committees specified in subsection (g)—

"(i) a notice of the decision; and

"(ii) a statement of the current estimated cost of the project, including the cost of any real property transaction in connection with the project."; and

(2) in subsection (g), by striking "subsection (e)(1)" and inserting "subsection (e)".

SEC. 2802. PROHIBITION ON CARRYING OUT MILITARY CONSTRUCTION PROJECTS FUNDED USING INCREMENTAL FUNDING.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the President should request in the budget for each fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient amounts to fund fully each military construction and family housing construction project proposed to be authorized in such fiscal year; and

(2) Congress should authorize and appropriate each fiscal year amounts sufficient to fund fully each military construction and family housing construction project authorized in such fiscal year.

(b) Prohibition on Incremental Funding of Military Construction Projects.—Section 2802 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Secretary of Defense and the Secretaries of the military departments may not obligate funds for a military construction project (including a military family housing project) otherwise authorized by law unless the total amount of appropriations allocated for obligation and expenditure for the project as of the initial obligation of funds for the project is sufficient, without additional funds, to provide for the construction of a usable facility meeting the purpose of the project.".

SEC. 2803. DEFENSE CHEMICAL DEMILITARIZATION CONSTRUCTION ACCOUNT.

(a) Establishment.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§2814. Defense Chemical Demilitarization Construction Account

"(a) Establishment.—There is established on the books of the Treasury the Defense Chemical Demilitarization Construction Account (in this section referred to as the 'Account').

"(b) Credits to Account.—There shall be credited to the Account amounts authorized for and appropriated to the Account.

"(c) Use of Amounts in Account.—Amounts in the Account shall be available to the Secretary of Defense for carrying out military construction projects authorized by law in support of the chemical demilitarization activities of the Department of Defense under section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) and other provisions of law.

"(d) Limitation on Obligation and Expenditure.—(1) Subject to paragraph (2), amounts appropriated to the Account for a military construction project shall remain available for obligation and expenditure for the project in the fiscal year for which appropriated and the two succeeding fiscal years.

"(2) Amounts appropriated for a military construction project for a fiscal year shall remain available for the project until expended without regard to the limitation specified in paragraph (1) if—

"(A) any portion of such amounts are obligated for the project before the end of the fiscal years referred to in that paragraph; or

"(B) the availability of such amounts for the project are otherwise extended by law.".

(b) Clerical Amendment.—The table of sections at the beginning of that subchapter is amended by adding at the end the following new item:

"2814. Defense Chemical Demilitarization Construction Account.".

SEC. 2804. LIMITATION ON AUTHORITY REGARDING ANCILLARY SUPPORTING FACILITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND CONSTRUCTION OF MILITARY HOUSING.

Section 2881 of title 10, United States Code, is amended—

(1) by inserting "(a) In General.—" before "Any project"; and

(2) by adding at the end the following new subsection:

"(b) Limitation.—A project referred to in subsection (a) may not include the acquisition or construction of an ancillary supporting facility if, as determined by the Secretary concerned, the facility is to be used for providing merchandise or services in direct competition with—

"(1) the Army and Air Force Exchange Service;

"(2) the Navy Exchange Service Command;

"(3) a Marine Corps exchange;

"(4) the Defense Commissary Agency; or

"(5) any nonappropriated fund activity of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.".

SEC. 2805. AVAILABILITY OF FUNDS FOR PLANNING AND DESIGN IN CONNECTION WITH ACQUISITION OF RESERVE COMPONENT FACILITIES.

Section 18233(f)(1) of title 10, United States Code, is amended by inserting "and design" after "planning".

SEC. 2806. MODIFICATION OF LIMITATIONS ON RESERVE COMPONENT FACILITY PROJECTS FOR CERTAIN SAFETY PROJECTS.

(a) Exemption from Notice and Wait Requirement.—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C) An unspecified minor military construction project (as defined in section 2805(a) of this title) that is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening.".

(b) Availability of Operation and Maintenance Funds.—Subsection (b) of that section is amended to read as follows:

"(b) Under such regulations as the Secretary of Defense may prescribe, the Secretary may spend from appropriations available for operation and maintenance amounts necessary to carry out any project authorized under section 18233(a) of this title costing not more than—

"(1) the amount specified in section 2805(c)(1) of this title, in the case of a project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

"(2) the amount specified in section 2805(c)(2) of this title, in the case of any other project.".

SEC. 2807. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) Definition of Eligible Entity.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.".

(b) General Authority.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) Direct Loans and Loan Guarantees.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking "persons in private sector" and inserting "an eligible entity"; and

(B) by striking "such persons" and inserting "the eligible entity"; and

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "an eligible entity"; and

(B) by striking "the person" and inserting "the eligible entity".

(d) Investments.—Section 2875 of such title is amended—

(1) in subsection (a), by striking "nongovernmental entities" and inserting "an eligible entity";

(2) in subsection (c)—

(A) by striking "a nongovernmental entity" both places it appears and inserting "an eligible entity"; and

(B) by striking "the entity" each place it appears and inserting "the eligible entity";

(3) in subsection (d), by striking "nongovernmental" and inserting "eligible"; and

(4) in subsection (e), by striking "a nongovernmental entity" and inserting "an eligible entity".

(e) Rental Guarantees.—Section 2876 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) Differential Lease Payments.—Section 2877 of such title is amended by striking "private".

(g) Conveyance or Lease of Existing Property and Facilities.—Section 2878(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

"§ 2875. Investments".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2875 and inserting the following new item:

"2875. Investments.".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXTENSION OF AUTHORITY FOR LEASES OF PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

Section 2680(d) of title 10, United States Code, is amended by striking "September 30, 2000" and inserting "September 30, 2005".

SEC. 2812. ENHANCEMENT OF AUTHORITY RELATING TO UTILITY PRIVATIZATION.

(a) EXTENDED CONTRACTS FOR UTILITY SERVICES.—Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) EXTENDED CONTRACTS FOR UTILITY SERVICES.—(1) The Secretary concerned may, in connection with a conveyance of a utility system under this section, enter into a contract for the provision of utility services.

"(2) Notwithstanding the proviso in section 201(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), the term of a contract under this subsection may be up to 50 years.".

(b) AVAILABILITY OF MILITARY CONSTRUCTION FUNDS TO FACILITATE CONVEYANCES.—That section is further amended by inserting after subsection (f), as added by subsection (a) of this section, the following new subsection (g):

"(g) AVAILABILITY OF MILITARY CONSTRUCTION FUNDS TO FACILITATE CONVEYANCES.—(1) Funds appropriated for a military construction project authorized by law for the construction, repair, or replacement of a utility system to be conveyed under this section may, instead of being used for the project, be used for a contribution by the Secretary concerned to the utility company or entity to which the utility system is being conveyed for the costs of the utility company or entity with respect to the construction, repair, or replacement of the utility system.

"(2) The Secretary concerned shall take into account any contribution under this subsection with respect to a utility system for purposes of the economic analysis required for the conveyance of the utility system under subsection (e)(1).".

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. CONVEYANCE OF PROPERTY AT INSTALLATIONS CLOSED OR REALIGNED UNDER THE BASE CLOSURE LAWS WITHOUT CONSIDERATION FOR ECONOMIC REDEVELOPMENT PURPOSES.

(a) 1990 LAW.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "or realigned" after "closed"; and

(B) by inserting "for purposes of creating jobs at the installation" before the period at the end; and

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B)(i) Subject to clauses (ii) and (iii), the transfer of property under this paragraph shall be for consideration at the fair market value of the property.

"(ii) The transfer of property under this paragraph shall be without consideration in the case of an installation located in a rural area whose closure or realignment under this part will have a substantial adverse impact on the economy of the communities in the vicinity of the installation.

"(iii) The transfer of property of an installation under this paragraph shall also be without consideration if the redevelopment authority with respect to the installation—

"(I) provides in the agreement for the transfer of such property that the proceeds of any sale or lease of such property, or portion of such property, received by the redevelopment authority during the period after the date of the transfer of such property agreed upon by the redevelopment authority and the Secretary (but not less than 10 years after that date) shall be used for economic redevelopment of the installation or related to the installation; and

"(II) accepts control of such property under the agreement within a reasonable time (as determined by the Secretary) after the completion of the property disposal record of decision or the entry of a finding of no significant environmental impact with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(iv) For purposes of clause (iii), the following activities shall be treated as economic redevelopment of an installation or related to an installation:

"(I) Road construction or improvement.

"(II) Construction or improvement of transportation management facilities.

"(III) Construction or improvement of storm and sanitary sewers.

"(IV) Construction or improvement of facilities for police or fire protection services.

"(V) Construction or improvement of other public facilities.

"(VI) Construction or improvement of utilities.

"(VII) Rehabilitation or improvement of buildings, including preservation of historic property.

"(VIII) Construction, improvement, or acquisition of pollution prevention equipment or facilities.

"(IX) Demolition of facilities.

"(X) Property management activities, including removal of hazardous material, landscaping, grading, and other site or public improvements.

"(XI) Planning and marketing the development and reuse of the installation.

"(v) An agreement for the transfer of property of an installation under clause (iii)(I) shall permit the Secretary to recoup from the redevelopment authority concerned such portion as the Secretary determines appropriate of the amount of any proceeds of the sale or lease of the property that the redevelopment authority does not use to support economic redevelopment of the installation or related to the installation for the period specified in the agreement.".

(b) 1988 LAW.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "or realigned" after "closed"; and

(B) by inserting "for purposes of creating jobs at the installation" before the period at the end; and

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B)(i) Subject to clauses (ii) and (iii), the transfer of property under this paragraph shall be for consideration at the fair market value of the property.

"(ii) The transfer of property under this paragraph shall be without consideration in the case of an installation located in a rural area whose closure or realignment under this title will have a substantial adverse impact on the economy of the communities in the vicinity of the installation.

"(iii) The transfer of property of an installation under this paragraph shall also be without consideration if the redevelopment authority with respect to the installation—

"(I) provides in the agreement for the transfer of such property that the proceeds of any sale or lease of such property, or portion of such property, received by the redevelopment authority during the period after the date of the transfer of such property agreed upon by the redevelopment authority and the Secretary (but not less than 10 years after such date) shall be used for economic redevelopment of the installation or related to the installation; and

"(II) accepts control of such property under the agreement within a reasonable time (as determined by the Secretary) after the completion of the property disposal record of decision or the entry of a finding of no significant environmental impact with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(iv) For purposes of clause (iii), the following activities shall be treated as economic redevelopment of an installation or related to an installation:

"(I) Road construction or improvement.

"(II) Construction or improvement of transportation management facilities.

"(III) Construction or improvement of storm and sanitary sewers.

"(IV) Construction or improvement of facilities for police or fire protection services.

"(V) Construction or improvement of other public facilities.

"(VI) Construction or improvement of utilities.

"(VII) Rehabilitation or improvement of buildings, including preservation of historic property.

"(VIII) Construction, improvement, or acquisition of pollution prevention equipment or facilities.

"(IX) Demolition of facilities.

"(X) Property management activities, including removal of hazardous material, landscaping, grading, and other site or public improvements.

"(XI) Planning and marketing the development and reuse of the installation.

"(v) An agreement for the transfer of property of an installation under clause (iii)(I) shall permit the Secretary to recoup from the redevelopment authority concerned such portion as the Secretary determines appropriate of the amount of any proceeds of the sale or lease of the property that the redevelopment authority does not use to support economic redevelopment of the installation or related to the installation for the period specified in the agreement.".

(c) APPLICABILITY TO CERTAIN PRIOR AGREEMENTS.—(1)(A) Subject to subparagraph (B), the Secretary of Defense may modify an agreement for the transfer of property under section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, or under section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act, that was entered into before April 21, 1999, for purposes of the compromise, waiver, adjustment, release, or reduction of any right, title, claim, lien, or demand of the United States under the agreement.

(B) The Secretary may modify an agreement under this paragraph only if—

(i) the Secretary determines that, as a result of changed economic circumstances, the modification is necessary to provide for economic redevelopment of the installation concerned or related to that installation;

(ii) the terms of the modification do not require the return of any payments made to the Secretary under the agreement before the date of the modification; and

(iii) the terms of the modification do not compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States under the agreement with respect to the receipt by the United States of in-kind consideration.

(C) In modifying an agreement under subparagraph (A), the Secretary may waive some or all future payments to the United States under the agreement to the extent that the Secretary determines such waiver is necessary.

(D) In modifying an agreement under subparagraph (A), the Secretary and the redevelopment authority concerned shall include in the agreement provisions consistent with clauses (iii)(I) and (v) of section 2905(b)(4)(B) of the Defense Base Closure and Realignment Act of 1990 (as amended by this section), or clauses (iii)(I) and (v) under section 204(b)(4)(B) of the Defense Authorization Amendments and Base Closure and Realignment Act (as so amended), as applicable.

(2)(A) The Secretary shall, upon the request of the redevelopment authority concerned, modify an agreement for the transfer of property under section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, or under section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act, that was entered into between April 21, 1999, and the date of the enactment of this Act in order to conform the agreement to the provisions of subparagraph (B) of such section 2905(b)(4), as so amended, or subparagraph (B) of such section 204(b)(4), as so amended.

(B) A modification of an agreement under this paragraph may compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States under the agreement.

(d) Repeal of Certain Obsolete Authority.—(1) Section 204(b)(4)(D) of the Defense Authorization Amendments and Base Closure and Realignment Act is amended—

(A) by striking "(i)"; and

(B) by striking clause (ii).

(2) Section 2905(b)(4)(D) of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) by striking "(i)"; and

(B) by striking clause (ii).

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER, BANGOR, MAINE.

(a) Conveyance Authorized.—(1) The Secretary of the Army may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 5 acres and containing the Army Reserve Center in Bangor, Maine, known as the Harold S. Slager Army Reserve Center. The parcel has been determined to be excess to the needs of the Army.

(2) The purpose of the conveyance is to permit the City to use the property for educational purposes.

(b) Alternative Conveyance Authority.—If at the time of the conveyance authorized by subsection (a) the Secretary has transferred jurisdiction over any of the property to be conveyed to the Administrator of General Services, the Administrator shall make the conveyance of such property under this section.

(c) Federal Screening.—(1) If any of the property authorized to be conveyed by subsection (a) of this section is under the jurisdiction of the Administrator as of the date of the enactment of this Act, the Administrator shall conduct with respect to such property the screening for further Federal use otherwise required by subsection (a) of section 2696 of title 10, United States Code.

(2) Subsections (b) through (d) of such section 2696 shall apply to the screening under paragraph (1) as if the screening were a screening conducted under subsection (a) of such section 2696. For purposes of such subsection (b), the date of the enactment of the provision of law authorizing the conveyance of the property authorized to be conveyed by this section shall be the date of the enactment of this Act.

(d) Reversionary Interest.—If during the 5-year period beginning on the date the conveyance authorized by subsection (a) is made the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in paragraph (2) of that subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official having jurisdiction over the property at the time of the conveyance. The cost of the survey shall be borne by the City.

(f) Additional Terms and Conditions.—The official having jurisdiction over the property authorized to be conveyed by subsection (a) at the time of the conveyance may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interest of the United States.

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) Conveyance to City Authorized.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) Conveyance to County Authorized.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) Consideration.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) Conveyance Required.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) Provision of Funds.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) Use of Funds.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) Responsibility for Maintenance and Operation.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) Description of Property.—The legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2841. CLARIFICATION OF LAND EXCHANGE, NAVAL RESERVE READINESS CENTER, PORTLAND, MAINE.

(a) Clarification on Conveyee.—Subsection (a)(1) of section 2852 of the Military

Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2220) is amended by striking "Gulf of Maine Aquarium Development Corporation, Portland, Maine (in this section referred to as the 'Corporation')" and inserting "Gulf of Maine Aquarium Development Corporation, Portland, Maine, a non-profit education and research institute (in this section referred to as the 'Aquarium')".

(b) CONFORMING AMENDMENTS.—That section is further amended by striking "the Corporation" each place it appears and inserting "the Aquarium".

SEC. 2842. LAND CONVEYANCE, NEWPORT, RHODE ISLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of Newport, Rhode Island (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (together with any improvements thereon) consisting of approximately 15 acres and known familiarly as the Ranger Road site. The real property is bounded by Naval Station Newport, Rhode Island, to the north and west, by the Town of Middletown, Rhode Island, to the north and east, and by Admiral Kalbfus Road, the Jai Alai fronton, the Newport City Yard, and the ramp to Newport Bridge to the south.

(b) CONDITION.—The conveyance authorized by subsection (a) shall be subject to the condition that the City use the conveyed property for one or more of the following purposes:

(1) A satellite campus of the Community College of Rhode Island.

(2) A center for child day care and early childhood education.

(3) A center for offices of the Government of the State of Rhode Island.

(c) REVERSIONARY INTEREST.—If during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a) the Secretary determines that the conveyed property is not being used for any of the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) LEGAL DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey acceptable to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall deposit in the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the current tenant under the existing terms and conditions of the lease for the property.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, the Secretary shall continue to lease the property to the current tenant of the property under the terms and conditions applicable to the first three years of the lease of the property pursuant to the existing lease for the property.

(g) MAINTENANCE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary shall be responsible for maintaining the real property to be conveyed under this section in its condition as of the date of the enactment of this Act until such time as the property is conveyed by deed under this section.

(2) The current tenant of the property shall be responsible for any maintenance required under paragraph (1) to the extent of the activities of that tenant at the property during the period covered by that paragraph.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.

The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

PART III—AIR FORCE CONVEYANCES

SEC. 2851. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the "Regents"), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) INSPECTION OF PROPERTY.—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) As consideration for the agreement under subparagraph (A), the Secretary may pay the Regents an amount determined appropriate by the Secretary. The amount may not exceed $17,593,000.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that

arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NEWINGTON DEFENSE FUEL SUPPLY POINT, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Pease Development Authority, New Hampshire (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, consisting of approximately 10.26 acres and located in Newington, New Hampshire, the site of the Newington Defense Fuel Supply Point. The parcels have been determined to be excess to the needs of the Air Force.

(b) RELATED PIPELINE AND EASEMENT.—As part of the conveyance authorized by subsection (a), the Secretary may convey to the Authority without consideration all right, title, and interest of the United States in and to the following:

(1) The pipeline approximately 1.25 miles in length that runs between the property authorized to be conveyed under subsection (a) and former Pease Air Force Base, New Hampshire, and any facilities and equipment related thereto.

(2) An easement consisting of approximately 4.612 acres for purposes of activities relating to the pipeline.

(c) ALTERNATIVE CONVEYANCE AUTHORITY.—If at the time of the conveyance authorized by this section the Secretary has transferred jurisdiction over any of the property to be conveyed to the Administrator of General Services, the Administrator shall make the conveyance of such property under this section.

(d) FEDERAL SCREENING.—(1) If any of the property authorized to be conveyed by this section is under the jurisdiction of the Administrator as of the date of the enactment of this Act, the Administrator shall conduct with respect to such property the screening for further Federal use otherwise required by subsection (a) of section 2696 of title 10, United States Code.

(2) Subsections (b) through (d) of such section 2696 shall apply to the screening under paragraph (1) as if the screening were a screening conducted under subsection (a) of such section 2696. For purposes of such subsection (b), the date of the enactment of the provision of law authorizing the conveyance of the property authorized to be conveyed by this section shall be the date of the enactment of this Act.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), the easement to be conveyed under subsection (b)(2), and the pipeline to be conveyed under subsection (b)(1) shall be determined by surveys and other means satisfactory to the official having jurisdiction over the property or pipeline, as the case may be, at the time of the conveyance. The cost of any survey or other services performed at the direction of that official under the preceding sentence shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The official having jurisdiction over the property to be conveyed under subsection (a), or the pipeline and easement to be conveyed under subsection (b), at the time of the conveyance may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2861. ACQUISITION OF STATE-HELD INHOLDINGS, EAST RANGE OF FORT HUACHUCA, ARIZONA.

(a) ACQUISITION AUTHORIZED.—(1) The Secretary of the Interior may acquire by eminent domain, but with the consent of the State of Arizona, all right, title, and interest (including any mineral rights) of the State of Arizona in and to unimproved Arizona State Trust lands consisting of approximately 1,536.47 acres in the Fort Huachuca East Range, Cochise County, Arizona.

(2) The Secretary may also acquire by eminent domain, but with the consent of the State of Arizona, any trust mineral estate of the State of Arizona located beneath the surface estates of the United States in one or more parcels of land consisting of approximately 12,943 acres in the Fort Huachuca East Range, Cochise County, Arizona.

(b) CONSIDERATION.—(1) Subject to subsection (c), as consideration for the acquisition by the United States of Arizona State trust lands and mineral interests under subsection (a), the Secretary, acting through the Bureau of Land Management, may convey to the State of Arizona all right, title, and interest of the United States, or some lesser interest, in one or more parcels of Federal land under the jurisdiction of the Bureau of Land Management in the State of Arizona.

(2) The lands or interests in land to be conveyed under this subsection shall be mutually agreed upon by the Secretary and the State of Arizona, as provided in subsection (c)(1).

(3) The value of the lands conveyed out of Federal ownership under this subsection either shall be equal to the value of the lands and mineral interests received by the United States under subsection (a) or, if not, shall be equalized by a payment made by the Secretary or the State of Arizona, as necessary.

(c) CONDITIONS ON CONVEYANCE TO STATE.—The Secretary may make the conveyance described in subsection (b) only if—

(1) the transfer of the Federal lands to the State of Arizona is acceptable to the State Land Commissioner; and

(2) the conveyance of lands and interests in lands under subsection (b) is accepted by the State of Arizona as full consideration for the land and mineral rights acquired by the United States under subsection (a) and terminates all right, title, and interest of all parties (other than the United States) in and to the acquired lands and mineral rights.

(d) USE OF EMINENT DOMAIN.—The Secretary may acquire the State lands and mineral rights under subsection (a) pursuant to the laws and regulations governing eminent domain.

(e) DETERMINATION OF FAIR MARKET VALUE.—Notwithstanding any other provision of law, the value of lands and interests in lands acquired or conveyed by the United States under this section shall be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, as published by the Department of Justice in 1992. The appraisal shall be subject to the review and acceptance by the Land Department of the State of Arizona and the Bureau of Land Management.

(f) DESCRIPTIONS OF LAND.—The exact acreage and legal descriptions of the lands and interests in lands acquired or conveyed by the United States under this section shall be determined by surveys that are satisfactory to the Secretary of the Interior and the State of Arizona.

(g) WITHDRAWAL OF ACQUIRED LANDS FOR MILITARY PURPOSES.—After acquisition, the lands acquired by the United States under subsection (a) may be withdrawn and reserved, in accordance with all applicable environmental laws, for use by the Secretary of the Army for military training and testing in the same manner as other Federal lands located in the Fort Huachuca East Range that were withdrawn and reserved for Army use through Public Land Order 1471 of 1957.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance and acquisition of lands and interests in land under this section as the Secretary considers to be appropriate to protect the interests of the United States and any valid existing rights.

(i) COST REIMBURSEMENT.—All costs associated with the processing of the acquisition of State trust lands and mineral interests under subsection (a) and the conveyance of public lands under subsection (b) shall be borne by the Secretary of the Army.

SEC. 2862. DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) Acquisition of Leasehold Interest by Secretary.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) Requirement for Competition.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) Consideration.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) Notice and Wait Requirements.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) Ford Island Improvement Account.—(1) There is established on the books of the Treasury an account to be known as the "Ford Island Improvement Account".

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) Use of Account.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) Inapplicability of Certain Property Management Laws.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) Scoring.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) Conforming Amendments.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.".

(m) Definitions.—In this section:

(1) The term "appropriate committees of Congress" has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term "property support service" means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

SEC. 2863. ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.

The Secretary of Defense in conjunction with the Pentagon Renovation Program is authorized to design and construct secure secretarial office and support facilities and security-related changes to the METRO entrance at the Pentagon Reservation. The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the total cost of the renovation of the Pentagon.

SEC. 2864. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) One-Year Delay.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) Covered Towers.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) Transfer of Towers.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

SEC. 2865. ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

Section 2603 of the National Defense Authorization Act for fiscal year 1998 (P.L. 105–85) is amended as follows:

"With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.".

TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS

SEC. 2901. FINDINGS.

The Congress finds that—

(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November 2001; and

(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

SEC. 2902. SENSE OF THE SENATE REGARDING PROPOSAL TO RENEW PUBLIC LAND WITHDRAWALS.

It is the sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.

SEC. 2903. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of $4,530,000,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,248,700,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,748,500,000, to be allocated as follows:

(i) For operation and maintenance, $1,615,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $133,145,000, to be allocated as follows:

Project 00-D-103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

Project 00-D-105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $26,000,000.

Project 00-D-107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99-D-102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $3,900,000.

Project 99-D-103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 99-D-104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,400,000.

Project 99-D-105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 99-D-106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $6,500,000.

Project 99-D-108, renovate existing roadways, Nevada Test Site, Nevada, $7,005,000.

Project 97-D-102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $61,000,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,640,000.

Project 96-D-104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,900,000.

(B) For inertial fusion, $465,700,000, to be allocated as follows:

(i) For operation and maintenance, $217,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $248,100,000, to be allocated as follows:

Project 96-D-111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $248,100,000.

(C) For technology partnership and education, $34,500,000, to be allocated as follows:

(i) For technology partnership, $15,200,000.

(ii) For education, $19,300,000.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,039,300,000, to be allocated as follows:

(A) For operation and maintenance, $1,880,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $158,679,000, to be allocated as follows:

Project 99-D-122, rapid reactivation, various locations, $11,700,000.

Project 99-D-127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $17,000,000.

Project 99-D-128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, $3,429,000.

Project 99-D-132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,300,000.

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Site, Aiken, South Carolina, $21,800,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 Plant consolidation, Oak Ridge, Tennessee, $3,150,000.

Project 98-D-125, tritium extraction facility, Savannah River Site, Aiken, South Carolina, $33,000,000.

Project 98-D-126, accelerator production of tritium, various locations, $31,000,000.

Project 97-D-123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $4,800,000.

Project 95-D-102, chemistry and metallurgy research building upgrades, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,000,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $3,500,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of $242,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,532,868,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,069,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $980,919,000, to be allocated as follows:

(A) For operation and maintenance, $880,629,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $100,290,000, to be allocated as follows:

Project 00-D-   , Transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

Project 00-D-400, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $1,306,000.

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $3,100,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, $7,200,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $16,860,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, $2,590,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $4,000,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $12,220,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $24,441,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho National Engineering and Environmental Laboratory, Idaho, $11,971,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $931,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,0000.

(3) Post-2006 completion.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,902,548,000, to be allocated as follows:

(A) For operation and maintenance, $2,847,997,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $54,551,000, to be allocated as follows:

Project 00–D–401, spent nuclear fuel treatment and storage facility, title I and II, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $13,988,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $20,516,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $4,060,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $8,987,000.

(4) Science and technology.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $235,500,000.

(5) Program direction.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $344,409,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) In General.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of $1,821,000,000, to be allocated as follows:

(1) Nonproliferation and national security.—For nonproliferation and national security, $744,300,000, to be allocated as follows:

(A) For verification and control technology, $497,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, $215,000,000.

(ii) For arms control, $276,000,000.

(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,000,000, to be allocated as follows:

Project 00–D–192, Nonproliferation and International Security Centers (NISC), Los Alamos National Laboratory, New Mexico, $6,000,000.

(B) For nuclear safeguards and security, $59,100,000.

(C) For security investigations, $47,000,000.

(D) For emergency management, $21,000,000.

(E) For program direction, $90,450,000.

(F) For HEV Transparency implementation, $15,750,000.

(G) For international nuclear safety, $34,000,000.

(2) Intelligence.—For intelligence, $36,059,000.

(3) Counterintelligence.—For counterintelligence, $66,200,000.

(4) Worker and community transition assistance.—For worker and community transition assistance, $30,000,000, to be allocated as follows:

(A) For worker and community transition, $26,500,000.

(B) For program direction, $3,500,000.

(5) Fissile materials control and disposition.—For fissile materials control and disposition, $200,000,000, to be allocated as follows:

(A) For operation and maintenance, $129,766,000.

(B) For program direction, $7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $62,891,000, to be allocated as follows:

Project 00–D–142, Immobilization and associated processing facility, various locations, $21,765,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $28,751,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $12,375,000.

(6) Environment, safety, and health.—For environment, safety, and health, defense, $79,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $54,231,000.

(B) For program direction, $24,769,000.

(7) Office of hearings and appeals.—For the Office of Hearings and Appeals, $3,000,000.

(8) Naval reactors.—For naval reactors, $675,000,000, to be allocated as follows:

(A) For naval reactors development, $654,400,000, to be allocated as follows:

(i) For operation and maintenance, $630,400,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,000,000, to be allocated as follows:

GPN–101, general plant projects, various locations, $9,000,000.

Project 98–D–200, site laboratory/facility upgrade, various locations, $3,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $12,000,000.

(B) For program direction, $20,600,000.

(b) Adjustment.—(1) The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in paragraphs (1) through (7) of subsection (a) reduced by $12,559,000.

(2) The amount authorized to be appropriated pursuant to subsection (a)(1)(C) is reduced by $20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) Defense Nuclear Waste Disposal.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $112,000,000.

(b) Adjustment.—The amount authorized to be appropriated pursuant to subsection (a) is reduced by $39,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) In General.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $241,000,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $5,000,000.

Project 98–PVT–5, waste disposal, Oak Ridge, Tennessee, $20,000,000.

Project 97–PVT–1, tank waste remediation system phase I, Hanford, Washington, $106,000,000.

Project 97–PVT–2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $110,000,000.

(b) Adjustment.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects set forth in that subsection, reduced by $25,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) In General.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) Report.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) Limitations.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) In General.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) Report to Congress.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In General.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) Exception.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) Transfer to Other Federal Agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) Transfer Within Department of Energy.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) Limitation.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) Notice to Congress.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) Requirement for Conceptual Design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) Authority for Construction Design.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) Authority.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) Limitation.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) Specific Authority.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) In General.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) Exception for Program Direction Funds.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2002.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) Transfer Authority for Defense Environmental Management Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) Limitations.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) Exemption From Reprogramming Requirements.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) Notification.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) Definitions.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to

the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES UNDER FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, or by any Act authorizing appropriations for the military activities of the Department of Defense or the defense activities of the Department of Energy for a fiscal year after fiscal year 2000, may be obligated or expended to conduct treatment, storage, or disposal activities at any site designated as a site under the Formerly Utilized Site Remedial Action Program as of the date of the enactment of this Act.

SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site, Aiken, South Carolina, and shall provide the technical staff necessary to operate and so maintain such facilities.

SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile.

(b) ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.—The program under subsection (a) shall be a program within the Office of Defense Programs of the Department of Energy.

(c) PROGRAM PLAN.—As part of the program under subsection (a), the Secretary shall develop a long-term plan for the extension of the life of the weapons in the nuclear weapons stockpile. The plan shall provide the following:

(1) Mechanisms to provide for the remanufacture of each weapon design designated by the Secretary for inclusion in the enduring nuclear weapons stockpile as of the date of the enactment of this Act.

(2) Mechanisms to expedite the collection of data necessary for carrying out the program, including data relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

(3) Mechanisms to ensure the appropriate assignment of roles and missions for each Department nuclear weapons laboratory and production plant, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

(4) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

(d) ANNUAL SUBMITTAL OF PLAN.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under subsection (c) not later than January 1, 2000. The plan shall contain the maximum level of detail practicable.

(2) The Secretary shall submit to the committees referred to in paragraph (1) each year after 2000, at the same time as the submission of the budget for the fiscal year beginning in such year under section 1105 of title 31, United States Code, an update of the plan submitted under paragraph (1). Each update shall contain the same level of detail as the plan submitted under paragraph (1).

(e) SENSE OF CONGRESS REGARDING FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in the fiscal year covered by such budget the activities under the program under subsection (a) that are specified in the most current version of the plan for the program under this section.

SEC. 3134. TRITIUM PRODUCTION.

(a) PRODUCTION OF NEW TRITIUM.—The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) SUPPORT.—To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) DESIGN AND ENGINEERING DEVELOPMENT.—The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCELERATOR PRODUCTION OF TRITIUM.

(a) INDEPENDENT COST ESTIMATE.—(1) The Secretary of Energy shall secure an independent cost estimate of the Accelerator Production of Tritium.

(2) The estimate shall be conducted at the highest possible level, but in no event at a level below that currently defined by the Secretary as Type III, "Sampling Technique".

(b) REPORT.—Not later than April 1, 2000, the Secretary shall submit to the congressional defense committees a report on the independent cost estimate conducted under subsection (a).

SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVITIES.

(a) INITIATIVE FOR PROLIFERATION PREVENTION PROGRAM.—(1) Not more than 40 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program (IPP) may be obligated or expended by the Department of Energy national laboratories to carry out or provide oversight of any activities under that program.

(2)(A) None of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently engaged in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(B) None of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program may be made available to an institute if the institute—

(i) is currently involved in activities described in subparagraph (A)(i); or

(ii) was not formerly involved in activities described in subparagraph (A)(ii).

(3)(A) No funds available for the Initiative for Proliferation Prevention program may be provided to an institute or scientist under the program if the Secretary of Energy determines that the institute or scientist has made a scientific or business contact in any way associated with or related to weapons of mass destruction with a representative of a country of proliferation concern.

(B) For purposes of this paragraph, the term "country of proliferation concern" means any country so designated by the Director of Central Intelligence for purposes of the Initiative for Proliferation Prevention program.

(4)(A) The Secretary of Energy shall prescribe procedures for the review of projects under the Initiative for Proliferation Prevention program. The purpose of the review shall be to ensure the following:

(i) That the military applications of such projects, and any information relating to such applications, is not inadvertently transferred or utilized for military purposes.

(ii) That activities under the projects are not redirected toward work relating to weapons of mass destruction.

(iii) That the national security interests of the United States are otherwise fully considered before the commencement of the projects.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(5)(A) The Secretary shall evaluate the projects carried out under the Initiative for Proliferation Prevention program for commercial purposes to determine whether or not such projects are likely to achieve their intended commercial objectives.

(B) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(6) It is the sense of Congress that the President should enter into negotiations with the Russian Government for purposes of concluding an agreement between the United States Government and the Russian Government to provide for the permanent exemption from taxation by the Russian Government of the nonproliferation activities of the Department of Energy under the Initiative for Proliferation Prevention program.

(b) NUCLEAR CITIES INITIATIVE.—(1) No amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(2) Notwithstanding a certification under paragraph (1), amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may not be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic effects of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding whether or not the mechanisms for job creation under the program are likely to lead to the creation of the jobs intended to be created by the program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of the program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any interagency participation in or contribution to the initiative.

(c) Report.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Initiative for Proliferation Prevention program (IPP) and the Nuclear Cities Initiative.

(2) The report shall include the following:

(A) A strategic plan for the Initiative for Proliferation Prevention program and for the Nuclear Cities Initiative, which shall establish objectives for the program or initiative, as the case may be, and means for measuring the achievement of such objectives.

(B) A list of the most successful projects under the Initiative for Proliferation Prevention program, including for each such project the name of the institute and scientists who are participating or have participated in the project, the number of jobs created through the project, and the manner in which the project has met the nonproliferation objectives of the United States.

(C) A list of the institutes and scientists associated with weapons of mass destruction programs or other defense-related programs in the states of the former Soviet Union that the Department seeks to engage in commercial work under the Initiative for Proliferation Prevention program or the Nuclear Cities Initiative, including—

(i) a description of the work performed by such institutes and scientists under such weapons of mass destruction programs or other defense-related programs; and

(ii) a description of any work proposed to be performed by such institutes and scientists under the Initiative for Proliferation Prevention program or the Nuclear Cities Initiative.

(d) Nuclear Cities Initiative Defined.—For purposes of this section, the term "Nuclear Cities Initiative" means the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

Subtitle D—Safeguards, Security, and Counterintelligence at Department of Energy Facilities

SEC. 3151. SHORT TITLE.

This subtitle may be cited as the "Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999".

SEC. 3152. COMMISSION ON SAFEGUARDS, SECURITY, AND COUNTERINTELLIGENCE AT DEPARTMENT OF ENERGY FACILITIES.

(a) Establishment.—There is hereby established a commission to be known as the "Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities" (in this section referred to as the "Commission").

(b) Organizational Matters.—(1) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters related to the security of nuclear weapons and materials, the classification of information, or counterintelligence matters, as follows:

(A) Two shall be appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of that Committee.

(B) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the Chairman of that Committee.

(C) Two shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of that Committee.

(D) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives, in consultation with the Chairman of that Committee.

(E) One shall be appointed by the Secretary of Defense.

(F) One shall be appointed by the Director of the Federal Bureau of Investigation.

(G) One shall be appointed by the Director of Central Intelligence.

(2) Members of the Commission shall be appointed for four year terms, except as follows:

(A) One member initially appointed under paragraph (1)(A) shall serve a term of two years.

(B) One member initially appointed under paragraph (1)(C) shall serve a term of two years.

(C) The member initially appointed under paragraph (1)(E) shall serve a term of two years.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment and shall not affect the powers of the Commission.

(4)(A) After five members of the Commission have been appointed under paragraph (1), the Chairman of the Committee on Armed Services of the Senate, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives, shall designate the chairman of the Commission from among the members appointed under paragraph (1)(A).

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

(5) The members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(7) The Commission shall meet not less often than once every three months.

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

(c) Duties.—(1) The Commission shall, in accordance with this section, review the safeguards, security, and counterintelligence activities (including activities relating to information management, computer security, and personnel security) at Department of Energy facilities to—

(A) determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats to the disclosure of such information, processes, and activities; and

(B) make recommendations for actions the Commission determines as being necessary to ensure that such security is achieved and maintained.

(2) The activities of the Commission under paragraph (1) shall include the following:

(A) An analysis of the sufficiency of the Design Threat Basis documents as a basis for the allocation of resources for safeguards, security, and counterintelligence activities at the Department facilities in light of applicable guidance with respect to such activities, including applicable laws, Department of Energy orders, Presidential Decision Directives, and Executive Orders.

(B) Visits to Department facilities to assess the adequacy of the safeguards, security, and counterintelligence activities at such facilities.

(C) Evaluations of specific concerns set forth in Department reports regarding the status of safeguards, security, or counterintelligence activities at particular Department facilities or at facilities throughout the Department.

(D) Reviews of relevant laws, Department orders, and other requirements relating to safeguards, security, and counterintelligence activities at Department facilities.

(E) Any other activities relating to safeguards, security, and counterintelligence activities at Department facilities that the Secretary of Energy considers appropriate.

(d) Report.—(1) Not later than February 15 each year, the Commission shall submit to the Secretary of Energy and to the congressional defense committees a report on the activities of the Commission during the preceding year. The report shall be submitted in unclassified form, but may include a classified annex.

(2) Each report—

(A) shall describe the activities of the Commission during the year covered by the report;

(B) shall set forth proposals for any changes in safeguards, security, or counterintelligence activities at Department of Energy facilities that the Commission considers appropriate in light of such activities; and

(C) may include any other recommendations for legislation or administrative action that the Commission considers appropriate.

(e) Personnel Matters.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The members and employees of the Commission shall hold security clearances appropriate for the matters considered by the Commission in the discharge of its duties under this section.

(f) Applicability of FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) Funding.—(1) From amounts authorized to be appropriated by sections 3101 and 3103, the Secretary of Energy shall make available to the Commission not more than $1,000,000 for the activities of the Commission under this section.

(2) Amounts made available to the Commission under this subsection shall remain available until expended.

(h) Termination of Department of Energy Security Management Board.—(1) Section 3161 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251 note) is repealed.

(2) Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2049; 42 U.S.C. 7274 note) is amended—

(A) by striking "(a) In General.—"; and

(B) by striking subsection (b).

SEC. 3153. BACKGROUND INVESTIGATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) In General.—The Secretary of Energy shall ensure that an investigation meeting the requirements of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is made for each Department of Energy employee, or contractor employee, at a Department of Energy facility who—

(1) carries out duties or responsibilities in or around a location where Restricted Data is or may be present; or

(2) has or may have regular access to a location where Restricted Data is present.

(b) Compliance.—The Secretary shall have one year from the date of the enactment of this Act to meet the requirement in subsection (a).

SEC. 3154. PLAN FOR POLYGRAPH EXAMINATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) Plan.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a plan for conducting, as part of the Department of Energy personnel assurance programs, periodic polygraph examinations of each Department of Energy employee, or contractor employee, at a Department of Energy facility who has or may have access to Restricted Data or Sensitive Compartmented Information. The purpose of the examinations is to minimize the potential for release or disclosure of such data or information by such employees.

(2) The plan shall include recommendations for any legislative action necessary to implement the plan.

(b) Limitation on Use of Funds Pending Submittal of Plan.—Not more than 50 percent of the amounts authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2000 for travel expenses may be obligated or expended until the date of the submittal of the plan required by subsection (a).

SEC. 3155. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) In General.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

"Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.—

"a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $100,000 for each such violation.

"b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section.".

(b) Clarifying Amendment.—The section heading of section 234A of that Act (42 U.S.C. 2282a) is amended by inserting "Safety" before "Regulations".

(c) Clerical Amendment.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

"234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

"234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.".

SEC. 3156. MORATORIUM ON LABORATORY-TO-LABORATORY AND FOREIGN VISITORS AND ASSIGNMENTS PROGRAMS.

(a) Certification.—(1) The Secretary of Energy, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation shall jointly submit to the committees referred to in paragraph (3) a certification that each program referred to in paragraph (2) meets the following conditions:

(A) That the program complies with applicable orders, regulations, and policies of the Department of Energy relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such orders, regulations, and policies.

(B) That the program complies with Presidential Decision Directives and similar requirements relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such Directives or requirements.

(C) That the program includes adequate protections against the inadvertent release of Restricted Data, information important to the national security of the United States, and any other sensitive information the disclosure of which might harm the interests of the United States.

(D) That the program does not pose an undue risk to the national security interests of the United States.

(2) A program referred to in this paragraph is any program as follows:

(A) A cooperative program carried out between the Department of Energy and the People's Republic of China.

(B) A cooperative program carried out between the Department of Energy and an independent state of the former Soviet Union.

(C) A cooperative program carried out between the Department of Energy and any nation designated as sensitive by the Secretary of State.

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(B) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) Limitation on Use of Funds Pending Certification.—(1) Except as provided in paragraph (2), no amounts authorized to be appropriated by section 3101 or 3103 or otherwise made available to the Department of Energy for fiscal year 2000 may be obligated or expended to conduct a program referred to in subsection (a)(2), or any studies or planning in anticipation of such program, beginning on the date that is 45 days after the date of the enactment of this Act and continuing until 30 days after the date on which the Director of Central Intelligence submits to the committees referred to in subsection (a)(3) the certification referred to in subsection (a)(1). The certification shall be submitted in unclassified form, but may include a classified annex.

(2)(A) The 30-day wait period specified in paragraph (1) for the obligation and expenditure of funds for a program referred to in subsection (a)(2) shall not apply if the certification with respect to the program under subsection (a)(1) is submitted during the 45-

day period beginning on the date of the enactment of this Act.

(B) The limitation in paragraph (1) shall not apply—

(i) to the obligation or expenditure of funds authorized to be appropriated by title III for activities relating to cooperative threat reduction with states of the former Soviet Union; or

(ii) to the obligation or expenditure of funds authorized to be appropriated by section 3103(a)(1)(A)(ii) for the materials protection control and accounting program of the Department.

SEC. 3157. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking "$20,000" and inserting "$40,000"; and

(2) in clause b., by striking "$10,000" and inserting "$20,000".

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2275) is amended by striking "$20,000" and inserting "$40,000".

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of the Atomic Energy Act of 1954 (42 U.S.C. 2277) is amended by striking "$2,500" and inserting "$5,000".

SEC. 3158. ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE AND INTELLIGENCE PROGRAMS AND ACTIVITIES.

(a) OFFICE OF COUNTERINTELLIGENCE.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"OFFICE OF COUNTERINTELLIGENCE

"SEC. 213. (a) There is within the Department an Office of Counterintelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence.

"(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

"(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

"(4) The Director of the Office shall report directly to the Secretary.

"(c)(1) The Director of the Office shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

"(2) The Director of the Office shall be responsible for the administration of the personnel assurance programs of the Department.

"(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"(d)(1) Not later than March 1 each year, the Director of the Office shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

"(2) Each report shall include for the year covered by the report the following:

"(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

"(i) the number of violations that were investigated; and

"(ii) the number of violations that remain unresolved.

"(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

"(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".

(b) OFFICE OF INTELLIGENCE.—That title is further amended by adding at the end the following:

"OFFICE OF INTELLIGENCE

"SEC. 214. (a) There is within the Department an Office of Intelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Intelligence.

"(2) The Director of the Office shall be a senior executive service employee of the Department.

"(3) The Director of the Office shall report directly to the Secretary.

"(c) The Director of the Office shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.".

(c) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following items:

"213. Office of Counterintelligence.
"214. Office of Intelligence.".

SEC. 3159. COUNTERINTELLIGENCE ACTIVITIES AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.—(1) The Secretary of Energy shall assign to each Department of Energy facility at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

(2) An individual assigned to a facility under this subsection shall be stationed at the facility.

(b) SUPERVISION.—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

SEC. 3160. WHISTLEBLOWER PROTECTION.

(a) PROGRAM.—The Secretary of Energy shall establish a program to ensure that an employee of the Department of Energy, or a contractor employee, may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or entity referred to in subsection (b) information relating to the protection of classified information which the employee or contractor employee reasonably believes to provide direct and specific evidence of a violation described in subsection (c).

(b) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this subsection is the following:

(1) A Member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Federal Government to which the disclosed information relates.

(2) An employee of Congress who—

(A) is a staff member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Federal Government to which the disclosed information relates; and

(B) has an appropriate security clearance for access to the information.

(3) The Inspector General of the Department of Energy.

(4) The Federal Bureau of Investigation.

(5) Any other element of the Federal Government designated by the Secretary as authorized to receive information of the type disclosed.

(c) COVERED VIOLATIONS.—A violation referred to in subsection (a) is—

(1) a violation of law or Federal regulation;

(2) gross mismanagement, a gross waste of funds, or abuse of authority; or

(3) a false statement to Congress on an issue of material fact.

SEC. 3161. INVESTIGATION AND REMEDIATION OF ALLEGED REPRISALS FOR DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) SUBMITTAL OF ALLEGATIONS TO INSPECTOR GENERAL.—A Department of Energy employee or contractor employee who believes that the employee has been discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information referred to in subsection (a) of section 3160 in accordance with the provisions of that section may submit a complaint relating to such action to the Inspector General of the Department of Energy.

(b) INVESTIGATION.—(1) For each complaint submitted under subsection (a), the Inspector General shall—

(A) determine whether or not the complaint is frivolous; and

(B) if the Inspector General determines the complaint is not frivolous, conduct an investigation of the complaint.

(2) The Inspector General shall submit a report on each investigation undertaken under paragraph (1)(B) to—

(A) the employee who submitted the complaint on which the investigation is based;

(B) the contractor concerned, if any; and

(C) the Secretary of Energy.

(c) REMEDIAL ACTIONS.—(1) If the Secretary determines that an employee has been subjected to an adverse personnel action referred to in subsection (a) in contravention of the provisions of section 3160(a), the Secretary shall—

(A) in the case of a Department employee, take appropriate actions to abate the action; or

(B) in the case of a contractor employee, order the contractor concerned to take appropriate actions to abate the action.

(2)(A) If a contractor fails to comply with an order issued under paragraph (1)(B), the Secretary may file an action for enforcement of the order in the appropriate United States district court.

(B) In any action brought under subparagraph (A), the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(d) QUARTERLY REPORT.—(1) Not later than 30 days after the commencement of each fiscal quarter, the Inspector General shall submit to the congressional defense committees a report on the investigations undertaken under subsection (b)(1)(B) during the preceding fiscal quarter, including a summary of the results of such investigations.

(2) A report under paragraph (1) shall not identify or otherwise provide any information on a person submitting a complaint under this section without the consent of the person.

SEC. 3162. NOTIFICATION TO CONGRESS OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES AT DEPARTMENT OF ENERGY FACILITIES.

(a) Requirement.—The Secretary of Energy, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate, shall submit to the congressional defense committees a notification of each serious security or counterintelligence failure at a Department of Energy facility that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States.

(b) Deadline.—The Secretary shall submit a notice under subsection (a) for a failure covered by that subsection not later than 30 days after learning of the failure.

(c) Procedures.—The Secretary and the congressional defense committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

(d) Protection of Classified and Other Sensitive Information.—(1) The House of Representatives and the Senate shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified information, all information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to the congressional defense committees pursuant to this section.

(2) Such procedures shall be established in consultation with the Secretary of Energy, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation.

(e) Savings Provisions.—(1) Nothing in this section shall be construed as authority to withhold information from the congressional defense committees on the grounds that providing the information to such committees would constitute the unauthorized disclosure of classified information, information relating to intelligence sources or methods, or sensitive law enforcement information.

(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413) for the President to ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States and for the intelligence committees to notify promptly other congressional committees of any matter relating to intelligence activities requiring the attention of such committees.

SEC. 3163. CONDUCT OF SECURITY CLEARANCES.

(a) Responsibility of Federal Bureau of Investigation.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking "the Civil Service Commission" each place it appears in subsections a., b., and c. and inserting "the Federal Bureau of Investigation".

(b) Conforming Amendments.—That section is further amended—

(1) by striking subsections d. and f.; and

(2) by redesignating subsections e., g., and h. as subsections d., e., and f., respectively; and

(3) in subsection d., as so redesignated, by striking "determine that investigations" and all that follows and inserting "require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.".

(c) Compliance.—The Director of the Federal Bureau of Investigation shall have one year from the date of the enactment of this Act to meet the responsibilities of the Bureau under section 145 of the Atomic Energy Act of 1954, as amended by this section.

(d) Report.—Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the implementation of the responsibilities of the Bureau under section 145 of the Atomic Energy Act of 1954, as so amended.

(e) Technical Amendment.—Subsection f. of that section, as so redesignated, is amended by striking "section 145 b." and inserting "subsection b. of this section".

SEC. 3164. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) Provision of Training.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) Countering of Espionage and Intelligence-Gathering Abroad.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

SEC. 3165. DEFINITION.

In this subtitle, the term "Restricted Data" has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

Subtitle E—Other Matters

SEC. 3171. MAINTENANCE OF NUCLEAR WEAPONS EXPERTISE IN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.

(a) Administration of Joint Nuclear Weapons Council.—(1) Subsection (b) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Council shall meet not less often than once every three months.".

(2) Subsection (c) of that section is amended by adding at the end the following new paragraph:

"(3) If the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs remains vacant for a period of more than 9 months, the Secretary of Energy shall appoint a qualified individual to serve as acting staff director of the Council until the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is filled.".

(b) Revitalization of Joint Nuclear Weapons Council.—(1) The Secretary of Defense and the Secretary of Energy shall jointly prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to revitalize the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code.

(2) The plan shall include any proposed modification to the membership or responsibilities of the Council that the Secretaries jointly determine advisable to enhance the capability of the Council to ensure the integration of Department of Defense requirements for nuclear weapons into the programs and budget processes of the Department of Energy.

(c) Annual Report on Council Activities.—The Secretary of Defense, shall, after consultation with the Secretary of Energy, submit to the Committees on Armed Services of the Senate and the House of Representatives on an annual basis a report on the activities of the Joint Nuclear Weapons Council. Each report shall include the following:

(1) A description of the activities of the Council during the 12-month period ending on the date of the report together with any assessments or studies conducted by the Council during that period.

(2) A description of the highest priority requirements of the Department of Defense with respect to the Department of Energy stockpile stewardship and management program as of that date.

(3) An assessment of the extent to which the requirements referred to in paragraph (2) are being addressed by the Department of Energy as of that date.

(d) Nuclear Mission Management Plan.—The Secretary of Defense shall develop and implement a plan to ensure the continued reliability of the capability of the Department of Defense to carry out its nuclear deterrent mission. The plan shall—

(1) articulate the current policy of the United States on the role of nuclear weapons and nuclear deterrence in the conduct of defense and foreign relations matters;

(2) establish stockpile viability and capability requirements with respect to that mission, including the number and variety of warheads required;

(3) establish requirements relating to the contractor industrial base, support infrastructure, and surveillance, testing, assessment, and certification of nuclear weapons necessary to support that mission;

(4) take into account requirements for the critical skills, readiness, training, exercise, and testing of personnel necessary to meet that mission; and

(5) take into account the relevant programs and plans of the military departments and the defense agencies with respect to readiness, sustainment (including research and development), and modernization of the strategic deterrent forces.

(e) Nuclear Expertise Retention Measures.—(1) The Secretary of Energy and Secretary of Defense shall jointly submit to the committees referred to in subsection (c) a plan setting forth the actions that the Secretaries consider necessary to retain core scientific, engineering, and technical skills and capabilities within the Department of Energy, the Department of Defense, and their contractors in order to maintain the United States nuclear deterrent force indefinitely.

(2) The plan shall include the following elements:

(A) A baseline of current skills and capabilities by location.

(B) A statement of the skills or capabilities that are at risk of being lost within the next ten years.

(C) A proposal for recruitment and retention measures to address the loss of such skills or capabilities.

(D) A proposal for the training and evaluation of personnel with core scientific, engineering, and technical skills and capabilities.

(E) A statement of the additional advanced manufacturing programs and process engineering programs that are required to maintain the nuclear deterrent force indefinitely.

(F) An assessment of the desirability of establishing a nuclear weapons workforce reserve to ensure the availability of the skills and capabilities of present and former employees of the Department in the event of an urgent future need for such skills and capabilities.

(f) Reports on Critical Difficulties at Nuclear Weapons Laboratories.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2842; 42 U.S.C. 7274o) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Inclusion of Reports in Annual Stockpile Certification.—Any report submitted pursuant to subsection (a) shall also be included with the decision documents that accompany the annual certification of the safety and reliability of the United States nuclear weapons stockpile which is provided to the President for the year in which such report is submitted.".

(g) Technical Amendment.—Section 179(f) of title 10, United States Code, is amended by striking "the Committee on Armed Services" and all that follows through "House of Representatives" and inserting "the Committees on Armed Services and Appropriations of the Senate and the Committees on Armed Services and Appropriations of the House of Representatives".

SEC. 3172. MODIFICATION OF BUDGET AND PLANNING REQUIREMENTS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY ACTIVITIES.

(a) Enhancement of Annual Five-Year Budget.—(1) Section 3155 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271b) is amended—

(A) by redesignating subsection (b) as subsection (c);

(B) by striking subsection (a) and inserting the following new subsections:

"(a) Requirement.—The Secretary of Energy shall prepare for each fiscal year after fiscal year 2000 a program and budget plan for the national security programs of the Department of Energy for the five-fiscal year period beginning in the year the program and budget plan is prepared.

"(b) Elements.—Each program and budget plan shall contain the following:

"(1) The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs of the Department during the five-fiscal year period covered by the program and budget plan, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

"(2) A description of the anticipated workload requirements for each Department site during that five-fiscal year period."; and

(C) in subsection (c), as so redesignated, by striking "the budget required" and inserting "the program and budget plan required".

(2) The section heading of such section is amended by striking "five-year budget" and inserting "five-fiscal year program and budget plan".

(b) Additional Requirements for Weapons Activities Budgets.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Impact of Budget on Stockpile.—The Secretary shall include in the materials the Secretary submits to Congress in support of the budget for any fiscal year after fiscal year 2000 that is submitted by the President pursuant to section 1105 of title 31, United States Code, a description of how the funds identified for each program element in the weapons activities budget of the Department for such fiscal year will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under 3158 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121 note).".

SEC. 3173. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) Extension.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2003.

(b) Exercise of Authority.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

SEC. 3174. INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.

(a) Plan.—The Secretary of Energy shall develop a long-term plan for the integrated management of fissile materials by the Department of Energy. The plan shall—

(1) identify means of consolidating or integrating the responsibilities of the Office of Environmental Management, the Office of Fissile Materials Disposition, the Office of Nuclear Energy, and the Office of Defense Programs for the treatment, storage and disposition of fissile materials, and for the waste streams containing fissile materials, in order to achieve budgetary and other efficiencies in the discharge of those responsibilities; and

(2) identify any expenditures necessary at the sites that are anticipated to have an enduring mission for plutonium management in order to achieve the integrated management of fissile materials by the Department.

(b) Submittal to Congress.—The Secretary shall submit the plan required by subsection (a) to the congressional defense committees not later than February 1, 2000.

SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.

(a) Authority To Use Amounts.—The Secretary of Energy may use an amount authorized to be appropriated for the payment of award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary—

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) Report on Use of Authority.—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

SEC. 3176. PILOT PROGRAM FOR PROJECT MANAGEMENT OVERSIGHT REGARDING DEPARTMENT OF ENERGY CONSTRUCTION PROJECTS.

(a) Requirement.—(1) The Secretary of Energy shall carry out a pilot program on use of project management oversight (PMO) services for Department of Energy construction projects.

(2) The purpose of the pilot program is to provide a basis for determining whether or not the use of competitively procured, external project management oversight services on construction projects would permit the Department to control excessive costs and schedule delays associated with Department construction projects having large capital costs.

(b) Projects Covered by Program.—(1) Subject to paragraph (2), the Secretary shall carry out the pilot program at construction projects selected by the Secretary. The projects shall include one or more construction projects authorized pursuant to section 3101 and one construction project authorized pursuant to section 3102.

(2) The Secretary shall select projects that have capital construction costs anticipated to be not less than $25,000,000.

(c) Services Under Program.—The project management oversight services utilized under the pilot program shall include the following services:

(1) Monitoring the overall progress of a project.

(2) Determining whether or not a project is on schedule.

(3) Determining whether or not a project is within budget.

(4) Determining whether or not a project conforms with plans and specifications approved by the Department.

(5) Determining whether or not a project is being carried out efficiently and effectively.

(6) Any other management oversight services that the Secretary considers appropriate for purposes of the pilot program.

(d) Procurement of Services Under Program.—Any services procured under the pilot program shall be acquired—

(1) on a competitive basis; and

(2) from among commercial entities that—

(A) do not currently manage or operate facilities at a location where the pilot program is being conducted; and

(B) have an expertise in the management of large construction projects.

(e) Report.—Not later than February 1, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on pilot program. The report shall include the Secretary's assessment of the feasibility and desirability of utilizing project management oversight services for Department of Energy construction projects.

SEC. 3177. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT, NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking "nine additional one-year periods" and inserting "fourteen additional one-year periods".

SEC. 3178. PROPOSED SCHEDULE FOR SHIPMENTS OF WASTE FROM THE ROCKY FLATS PLANT, COLORADO, TO THE WASTE ISOLATION PILOT PLANT, NEW MEXICO.

(a) SUBMITTAL OF PROPOSED SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a proposed schedule for the commencement of shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Plant, New Mexico.

(b) ELEMENTS.—The schedule under subsection (a) shall set forth—

(1) the proposed commencement date of shipments of mixed transuranic waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant; and

(2) the proposed commencement date of shipments of unmixed transuranic waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant.

(c) REQUIREMENTS REGARDING SCHEDULE.—In preparing the schedule, the Secretary shall assume the following:

(1) A closure date for the Rocky Flats Plant in 2006.

(2) That all waste that is transferable from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be removed from the Rocky Flats Plant by that closure date as specified in the current 2006 Rocky Flats Plant Closure Plan.

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

There are authorized to be appropriated for fiscal year 2000, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to $78,700,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. LIMITATIONS ON PREVIOUS AUTHORITY FOR DISPOSAL OF STOCKPILE MATERIALS.

(a) PUBLIC LAW 105–261 AUTHORITY.—Section 3303(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

(b) PUBLIC LAW 105–85 AUTHORITY.—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2058; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of cobalt under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

(c) PUBLIC LAW 104–201 AUTHORITY.—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2855; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

TITLE XXXIV—PANAMA CANAL COMMISSION

SEC. 3401. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 2000".

SEC. 3402. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for the period October 1, 1999, through noon on December 31, 1999.

(b) LIMITATIONS.—For the period described in subsection (a), the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $25,000 for official reception and representation expenses, of which—

(1) not more than $7,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $3,500 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $14,500 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3403. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of replacement passenger motor vehicles, the purchase price of which shall not exceed $26,000 per vehicle.

SEC. 3404. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3405. OFFICE OF TRANSITION ADMINISTRATION.

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—The Office of Transition Administration established under subsection (b) of section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) is authorized to obligate and expend funds from the Panama Canal Commission Dissolution Fund established under subsection (c) of such section for the purposes enumerated in such subsection until the fund terminates.

(b) ADMINISTRATIVE OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in Washington, District of Columbia. The office in Panama shall be subject to the authority of the United States chief of mission in the Republic of Panama.

(c) OVERSIGHT OF CLOSE-OUT ACTIVITIES.—The Panama Canal Commission shall enter into an agreement with the head of a department or agency of the Federal Government to supervise the close out of the affairs of the Commission under section 1305 of the Panama Canal Act of 1979 and to certify the completion of that function.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

On May 27, 1999, the bill, S. 1060, was passed by the Senate. The text of the bill is as follows:

S. 1060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Defense Authorization Act for Fiscal Year 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Accelerated implementation of voluntary early retirement authority.
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Sec. 1104. Leave without loss of benefits for military reserve technicians on active duty in support of combat operations.
Sec. 1105. Work schedules and premium pay of service academy faculty.
Sec. 1106. Salary schedules and related benefits for faculty and staff of the Uniformed Services University of the Health Sciences.
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TITLE XII—NATIONAL MILITARY MUSEUM AND RELATED MATTERS

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Sec. 1201. Establishment.
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Subtitle B—Related Matters

Sec. 1211. Future use of Navy Annex property, Arlington, Virginia.

TITLE XIII—MILITARY VOTING RIGHTS ACT OF 1999

Sec. 1301. Short title.
Sec. 1302. Guarantee of residency.

Sec. 1303. State responsibility to guarantee military voting rights.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Army as follows:

(1) For aircraft, $1,498,188,000.

(2) For missiles, $1,411,104,000.

(3) For weapons and tracked combat vehicles; $1,678,865,000.

(4) For ammunition, $1,209,816,000.

(5) For other procurement, $3,647,370,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Navy as follows:

(1) For aircraft, $8,927,255,000.

(2) For weapons, including missiles and torpedoes, $1,392,100,000.

(3) For shipbuilding and conversion, $7,016,454,000.

(4) For other procurement, $4,197,791,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of $1,295,570,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $542,700,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Air Force as follows:

(1) For aircraft, $9,704,866,000.

(2) For missiles, $2,389,208,000.

(3) For ammunition, $411,837,000.

(4) For other procurement, $7,142,177,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of $2,293,417,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2000 the amount of $1,164,500,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $356,970,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN ARMY PROGRAMS.

Beginning with the fiscal year 2000 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for procurement of the following:

(1) The M270A1 launcher.

(2) The Family of Medium Tactical Vehicles, except that the period of a multiyear contract may not exceed three years.

(3) The Command Launch Unit for the Javelin Advanced Anti-tank Weapon System-Medium.

(4) The missile for the Javelin Advanced Anti-tank Weapon System-Medium, except that the period of a multiyear contract may not exceed four years.

(5) The AH–64D Longbow Apache aircraft.

(6) The Wolverine heavy assault bridge.

(7) The system enhancement program for the M1A2 Abrams tank assembly.

(8) The Second Generation Forward Looking Infrared system for the M1A2 Abrams tank.

(9) The C2V Command and Control Vehicle, except that the period of a multiyear contract may not exceed four years.

(10) The Second Generation Forward Looking Infrared system for the Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

(11) The improved Bradley acquisition system for the Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

(12) The Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

SEC. 112. CLOSE COMBAT TACTICAL TRAINER PROGRAM.

None of the funds authorized to be appropriated under section 101(5) may be used for the procurement of the close combat tactical trainers configured to mobile or fixed sites for tanks or to mobile or fixed sites for the Bradley A3 fighting vehicle under the Close Combat Tactical Trainer program of the Army until—

(1) the Secretary of the Army has submitted to the congressional defense committees a report containing—

(A) a discussion of the actions taken to correct the deficiencies in such trainers that have been identified by the Director of Operations Test and Evaluation of the Department of Defense before the date of the report; and

(B) the Secretary's certification that the close combat tactical trainers satisfy the reliability requirements established for the trainers under the program; and

(2) thirty days have elapsed since the date of the submittal of the report.

SEC. 113. ARMY AVIATION MODERNIZATION.

(a) MODERNIZATION PLAN.—The Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter forces. The plan shall include provisions for the following:

(1) For the AH–64D Apache Longbow program:

(A) Restoration of the original procurement objective of the program to the procurement of 747 aircraft and 227 fire control radars.

(B) Qualification and training of reserve component pilots as augmentation crews to ensure 24-hour warfighting capability in deployed attack helicopter units.

(C) Fielding of a sufficient number of aircraft in reserve component aviation units to implement the provisions of the plan required under subparagraph (B).

(2) For AH-1 Cobra helicopters, retirement of all AH–1 Cobra helicopters remaining in the fleet.

(3) For the RAH–66 Comanche program:

(A) Review of the total requirements and acquisition objectives for the program.

(B) Fielding of Comanche helicopters to the existing aviation force structure.

(C) Support for the plan for the AH–64D Apache program required under paragraph (1).

(4) For the UH–1 Huey helicopter program:

(A) A UH–1 modernization program.

(B) Revision of total force requirements for the aircraft to reflect the warfighting support requirements and State mission requirements for aircraft utilized by the Army National Guard.

(5) For the UH–60 helicopter program:

(A) Identification of the requirements for the aircraft.

(B) An acquisition strategy for meeting requirements that cannot be met by UH–1 Huey helicopters among the warfighting support requirements and State mission requirements for aircraft utilized by the Army National Guard.

(C) An upgrade program for fielded aircraft.

(6) For the CH–47 Chinook helicopter service life extension program, maintenance of the schedule and funding.

(7) For the OH-58D Kiowa Warrior helicopters, a modernization program.

(8) A revised assessment of the Army's present and future requirements for helicopters and its present and future helicopter inventory, including the number of aircraft, average age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to each type of aircraft, and the mix of active component and reserve component aircraft in the fleet.

(b) LIMITATION.—Not more than 90 percent of the amount authorized to be appropriated under section 101(2) may be obligated before the date that is 30 days after the date on which the Secretary of the Army submits the plan required under subsection (a) to the congressional defense committees.

SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.

Of the funds authorized to be appropriated under section 101(2), $500,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

Subtitle C—Navy Programs

SEC. 121. LHD–8 AMPHIBIOUS DOCK SHIP PROGRAM.

(a) AUTHORIZATION OF SHIP.—The Secretary of the Navy is authorized to procure the amphibious dock ship to be designated LHD–8, subject to the availability of appropriations for that purpose.

(b) AMOUNT AUTHORIZED.—Of the amount authorized to be appropriated under section 102(a)(3) for fiscal year 2000, $375,000,000 is available for the advance procurement and advance construction of components for the LHD–8 amphibious dock ship program. The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT OF 6 ADDITIONAL VESSELS.—(1) Subsection (b) of section 122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446) is amended in the first sentence—

(A) by striking "12 Arleigh Burke class destroyers" and inserting "18 Arleigh Burke class destroyers"; and

(B) by striking "and 2001" and inserting "2001, 2002, and 2003".

(2) The heading for such subsection is amended by striking "TWELVE" and inserting "18".

(b) FISCAL YEAR 2001 ADVANCE PROCUREMENT.—(1) Subject to paragraphs (2) and (3), the Secretary of the Navy is authorized, in fiscal year 2001, to enter into contracts for advance procurement for the Arleigh Burke class destroyers that are to be constructed under contracts entered into after fiscal year 2001 under section 122(b) of Public Law 104–201, as amended by subsection (a)(1).

(2) The authority to contract for advance procurement under paragraph (1) is subject to the availability of funds authorized and appropriated for fiscal year 2001 for that purpose in Acts enacted after September 30, 1999.

(3) The aggregate amount of the contracts entered into under paragraph (1) may not exceed $371,000,000.

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, of the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

SEC. 123. REPEAL OF REQUIREMENT FOR ANNUAL REPORT FROM SHIPBUILDERS UNDER CERTAIN NUCLEAR ATTACK SUBMARINE PROGRAMS.

(a) REPEAL.—Paragraph (3) of section 121(g) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2444) is repealed.

(b) CONFORMING AMENDMENT.—Paragraph (5) of such section is amended by striking "reports referred to in paragraphs (3) and (4)" and inserting "report referred to in paragraph (4)".

SEC. 124. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.

(a) LIMITATION.—Cooperative engagement equipment procured under the Cooperative Engagement Capability program of the Navy may not be installed into a commissioned vessel until the completion of operational test and evaluation of the shipboard cooperative engagement capability.

(b) CONSTRUCTION.—Subsection (a) shall not be construed to limit the installation of cooperative engagement equipment in new construction ships.

SEC. 125. F/A–18E/F AIRCRAFT PROGRAM.

(a) AUTHORITY.—Beginning with the fiscal year 2000 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of F/A–18E/F aircraft.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A–18E/F aircraft or authorize entry of the F/A–18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives the results of operational test and evaluation of the F/A–18E/F aircraft.

(2) the Secretary of Defense determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters appropriate to that version of aircraft in the operational requirements document for the F/A–18E/F program, as submitted on April 1, 1997, except that with respect to the range performance parameter a deviation of 1 percent shall be permitted.

Subtitle D—Air Force Programs

SEC. 131. F–22 AIRCRAFT PROGRAM.

Before awarding the contract for low-rate initial production under the F–22 aircraft program, the Secretary of Defense shall certify to the congressional defense committees that—

(1) the test plan in the engineering and manufacturing development program is adequate for determining the operational effectiveness and suitability of the F–22 aircraft; and

(2) the engineering and manufacturing development program and the production program can each be executed within the limitation on total cost applicable to that program under subsection (a) or (b), respectively, of section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660).

Subtitle E—Other Matters

SEC. 141. EXTENSION OF AUTHORITY TO CARRY OUT ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking "During fiscal years 1993 through 1999" and inserting "During fiscal years 1993 through 2001".

SEC. 142. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

(a) EXTENSION OF PROGRAM.—Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1652; 10 U.S.C. 4543 note) is amended—

(1) in subsection (a), by striking "During fiscal years 1998 and 1999" and inserting "During fiscal years 1998 through 2001"; and

(2) in subsection (b), by striking "during fiscal year 1998 or 1999" and inserting "during a fiscal year covered by the pilot program".

(b) EXTENSION OF DEADLINE FOR INSPECTOR GENERAL REPORT.—Subsection (c) of such section is amended by striking "July 1, 1999" and inserting "July 1, 2000".

SEC. 143. D-5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D–5 missile program.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D–5 missile program covering the life of the program, including—

(A) the location of D–5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(2) The cost of terminating procurement of D–5 missiles for each fiscal year prior to the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D–5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with fewer than 24 D–5 missiles; and

(B) reducing the flight test rate for D–5 missiles.

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

(5) The Secretary's plan for maintaining D–5 missiles and Trident submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be reduced under such treaties.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,695,894,000.

(2) For the Navy, $8,207,616,000.

(3) For the Air Force, $13,573,308,000.

(4) For Defense-wide activities, $9,389,081,000, of which—

(A) $253,457,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $24,434,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2000.—Of the amounts authorized to be appropriated by section 201, $4,156,812,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. NATO COMMON-FUNDED CIVIL BUDGET.

Of the amount authorized to be appropriated by section 201(1), $750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

SEC. 212. MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(3), $25,000,000 is available for continued implementation of the micro-satellite technology program established pursuant to section 215 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1659).

(b) MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PLAN.—The Secretary of Defense shall develop a micro-satellite technology development plan to guide technology investment decisions and prioritize technology demonstration activities.

(c) REPORT.—Not later than April 15, 1999, the Secretary shall submit to the congressional defense committees a report regarding the plan developed under subsection (b).

SEC. 213. SPACE CONTROL TECHNOLOGY.

(a) FUNDS AVAILABLE FOR AIR FORCE EXECUTION.—Of the funds authorized to be appropriated under section 201(3), $19,822,000 shall be available for space control technology development pursuant to the Department of Defense Space Control Technology Plan of 1999.

(b) FUNDS AVAILABLE FOR ARMY EXECUTION.—Of the funds authorized to be appropriated under section 201(1), $41,000,000 shall be available for space control technology development. Of the funds made available pursuant to the preceding sentence, the Commanding General of the United States Army Space and Missile Defense Command may utilize such amounts as are necessary for any or all of the following activities:

(1) Continued development of the kinetic energy anti-satellite technology program necessary to retain an option of conducting a flight test within two years of any decision to do so.

(2) Technology development associated with the kinetic energy anti-satellite kill vehicle to temporarily disrupt satellite functions.

(3) Cooperative technology development with the Air Force, pursuant to the Department of Defense Space Control Technology Plan of 1999.

SEC. 214. SPACE MANEUVER VEHICLE.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(3), $35,000,000 is available for the space maneuver vehicle program.

(b) ACQUISITION OF SECOND FLIGHT TEST ARTICLE.—The amount available for the space maneuver vehicle program under subsection (a) may be used only to acquire a second flight test article for the joint Air Force and National Aeronautics and Space Administration X-37 program in support of the Air Force Space Maneuver Vehicle program.

SEC. 215. MANUFACTURING TECHNOLOGY PROGRAM.

(a) SUPPORT OF HIGH-RISK PROJECTS TO MEET ESSENTIAL REQUIREMENTS.—Subsection (b) of section 2525 of title 10, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(3) by inserting after "program—" the following new paragraph (1):

"(1) to focus Department of Defense support for advanced manufacturing technologies on high-risk projects for the development and application of technologies for use to satisfy manufacturing requirements essential to the national defense, as well as for use for repair and remanufacturing in support of the operations of systems commands, depots, air logistics centers, and shipyards;".

(b) EXECUTION.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following:

"(2) The Secretary shall require that manufacturing technology projects proposed to be carried out under the program be selected principally on the basis of the extent to which the projects satisfy the purpose set forth in subsection (b)(1), as determined by a panel established to review the proposed projects and to make the selections.

"(3) A manufacturing technology project selected for the program may be carried out only if the head of the program office of a systems command, depot, air logistics center, or shipyard serves as a sponsor for the project by certifying that funds available to the program office will be used to pay the costs of implementing a manufacturing technology developed and applied under the project to the successful satisfaction of requirements described in subsection (b)(1).".

(c) CONSIDERATION OF COST-SHARING PROPOSALS.—Subsection (d) of such section is amended—

(1) by striking paragraphs (2) and (3);

(2) by striking "(A)" following "(d) COMPETITION AND COST SHARING.—(1)"; and

(3) by striking "(B) For each" and all that follows through "competitive procedures." and inserting the following: "(2) The competitive procedures shall include among the factors to be considered in the evaluation of a proposal for a grant, contract, cooperative agreement, or other transaction for a project the extent to which the proposal provides for the prospective recipient to share in defraying the costs of the project.".

SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under section 201(4)—

(1) $4,000,000 is available for testing of airblast and improvised explosives (in PE 63122D); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by $4,000,000.

Subtitle C—Ballistic Missile Defense

SEC. 221. THEATER MISSILE DEFENSE UPPER TIER ACQUISITION STRATEGY.

(a) REVISED UPPER TIER STRATEGY.—The Secretary of Defense shall establish an acquisition strategy for the upper tier missile defense systems that—

(1) retains funding for both of the upper tier systems in separate, independently managed program elements throughout the future-years defense program;

(2) bases funding decisions and program schedules for each upper tier system on the performance of each system independent of the performance of the other system; and

(3) provides for accelerating the deployment of both of the upper tier systems to the maximum extent practicable.

(b) UPPER TIER SYSTEMS DEFINED.—For purposes of this section, the upper tier missile defense systems are the following:

(1) The Navy Theater Wide system.

(2) The Theater High-Altitude Area Defense system.

SEC. 222. REPEAL OF REQUIREMENT TO IMPLEMENT TECHNICAL AND PRICE COMPETITION FOR THEATER HIGH ALTITUDE AREA DEFENSE SYSTEM.

Subsection (a) of section 236 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1953) is repealed.

SEC. 223. SPACE-BASED LASER PROGRAM.

(a) STRUCTURE OF PROGRAM.—The Secretary of Defense shall structure the space-based laser program to include—

(1) a near-term integrated flight experiment; and

(2) an ongoing activity for developing an objective system design, including developing, testing, and operating a prototype system.

(b) INTEGRATED FLIGHT EXPERIMENT.—The Secretary shall structure the integrated flight experiment to provide for the following:

(1) Establishment of an objective to carry out an early demonstration of the fundamental end-to-end capability to detect, track, and destroy a boosting ballistic missile with a lethal laser from space.

(2) Utilization, to the maximum extent possible, of technology that has been demonstrated in principle or can be developed in the near-term with a low degree of risk.

(3) A goal of launching the experiment by 2006.

(c) DEVELOPMENT OF OBJECTIVE SYSTEM DESIGN.—In order to develop an objective system design suited to the operational and technological environment that will exist when such a system can be deployed, the Secretary shall structure the space-based laser program schedule to include the following:

(1) Robust research and development on advanced technologies in parallel with the development of the integrated flight experiment.

(2) Architecture studies to assess alternative space-based laser constellation and system performance characteristics.

(3) Planning for the development of a space-based laser prototype that—

(A) utilizes the lessons learned from the integrated flight experiment;

(B) is supported by ongoing architecture and advanced technology research and development efforts; and

(C) is scheduled to be launched approximately two years before the date by which the objective space-based laser system configuration is to be completed.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the structure required by this section for the space-based laser program is consistent with the joint venture contracting approach and overall objective that the Department of Defense has established for the space-based laser program.

(e) REVISED PROGRAM BASELINE.—The Secretary, in consultation with the space-based laser joint venture team, shall promptly revise the space-based laser program baseline to reflect the requirements of this section.

(f) FUNDS AVAILABLE FOR BALLISTIC MISSILE DEFENSE ORGANIZATION EXECUTION.—Of the amounts authorized to be appropriated under section 201(4), $75,000,000 shall be available for the space-based laser program. Amounts made available under this subsection may be transferred to the Air Force for execution in support of the space-based laser program.

(g) FUNDS AVAILABLE FOR AIR FORCE EXECUTION.—Of the amounts authorized to be appropriated under section 201(3), $88,840,000 shall be available for the space-based laser program.

SEC. 224. AIRBORNE LASER PROGRAM.

(a) MODIFICATION OF PROGRAM DEFINITION AND RISK REDUCTION AIRCRAFT.—The Secretary of the Air Force may not commence any modification of the program definition and risk reduction aircraft for the Airborne Laser program until the Secretary of Defense certifies to Congress that he has determined that the commencement of the aircraft modification according to the existing schedule is justified on the basis of the results of test and analysis involving the following activities:

(1) The North Oscura Peak dynamic test program.

(2) Scintillometry data collection and analysis.

(3) The lethality/vulnerability program.

(4) The countermeasures test and analysis effort.

(5) Reduction and analysis of other existing data.

(b) AUTHORITY-TO-PROCEED-2.—Before the Authority-to-Proceed-2 may be approved for the Airborne Laser program, the Secretary of Defense shall—

(1) ensure that the Secretary of the Air Force has developed an appropriate plan for resolving the technical challenges identified in the Airborne Laser Program Assessment;

(2) approve the plan; and

(3) submit a report on the plan to the congressional defense committees.

(c) MILESTONE II EXIT CRITERIA.—The Secretary of Defense shall restructure the Airborne Laser program schedule and Milestone II exit criteria to ensure that, prior to the making of a Milestone II decision approving entry of the program into engineering and manufacturing development—

(1) no modification of the engineering and manufacturing development aircraft is begun;

(2) the program definition and risk reduction aircraft is utilized in a robust series of flight tests that validates the technical maturity of the Airborne Laser program and provides sufficient information regarding the performance of the system across the full range of its validated operational requirements; and

(3) sufficient technical information is available to determine whether adequate progress is being made in the ongoing effort to address the operational issues identified in the Airborne Laser Program Assessment.

(d) AIRBORNE LASER PROGRAM ASSESSMENT DEFINED.—In this section, the term "Airborne Laser Program Assessment" means the Assessment of Technical and Operational Aspects of the Airborne Laser Program that was submitted to Congress by the Secretary of Defense on March 9, 1999.

SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.

It is the sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy funding balance between ballistic missile defense technology development and ballistic missile defense acquisition programs;

(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs;

(3) the Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense major defense acquisition programs; and

(4) the Secretary should submit a report to the congressional defense committees by March 15, 2000, on the Secretary's plan for dealing with the matters identified in this section.

SEC. 226. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

SEC. 227. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

Subtitle D—Research and Development for Long-Term Military Capabilities

SEC. 231. ANNUAL REPORT ON EMERGING OPERATIONAL CONCEPTS.

(a) EXTENSION OF REPORTING REQUIREMENT.—Subsection (a) of section 1042 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2642; 10 U.S.C. 113 note) is amended by striking "2000" and inserting "2002".

(b) IDENTIFICATION OF TECHNOLOGICAL OBJECTIVES FOR RESEARCH AND DEVELOPMENT.—That section is further amended by adding at the end the following new subsection:

"(c) ADDITIONAL MATTERS TO BE INCLUDED IN REPORTS AFTER 1999.—Each report under this section after 1999 shall set forth the military capabilities that are necessary for meeting national security requirements over the next two to three decades, including—

"(1) the most significant strategic and operational capabilities (including both armed force-specific and joint capabilities) that are necessary for the Armed Forces to prevail against the most dangerous threats, including asymmetrical threats, that could be posed to the national security interests of the United States by potential adversaries from 2020 to 2030;

"(2) the key characteristics and capabilities of future military systems (including both armed force-specific and joint systems) that will be needed to meet each such threat; and

"(3) the most significant research and development challenges that must be met, and the technological breakthroughs that must be made, to develop and field such systems.".

SEC. 232. TECHNOLOGY AREA REVIEW AND ASSESSMENT.

Section 270(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2469; 10 U.S.C. 2501 note) is amended to read as follows:

"(b) TECHNOLOGY AREA REVIEW AND ASSESSMENT.—With the submission of the plan under subsection (a) each year, the Secretary shall also submit to the committees referred to in that subsection a summary of each technology area review and assessment conducted by the Department of Defense in support of that plan.".

SEC. 233. REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

(a) REQUIREMENT.—The Under Secretary of Defense for Acquisition and Technology shall submit to the congressional defense committees a report on the actions that are necessary to promote the research base and technological development that will be needed for ensuring that the Armed Forces have the military capabilities that are necessary for meeting national security requirements over the next two to three decades.

(b) CONTENT.—The report shall include the actions that have been taken or are planned to be taken within the Department of Defense to ensure that—

(1) the Department of Defense laboratories place an appropriate emphasis on revolutionary changes in military operations and the new technologies that will be necessary to support those operations;

(2) the Department helps sustain a high-quality national research base that includes organizations attuned to the needs of the Department, the fostering and creation of revolutionary technologies useful to the Department, and the capability to identify opportunities for new military capabilities in emerging scientific knowledge;

(3) the Department can identify, provide appropriate funding for, and ensure the coordinated development of joint technologies that will serve the needs of more than one of the Armed Forces;

(4) the Department can identify militarily relevant technologies that are developed in the private sector, rapidly incorporate those technologies into defense systems, and effectively utilize technology transfer processes;

(5) the Department can effectively and efficiently manage the transition of new technologies from the applied research and advanced technological development stage through the product development stage in a manner that ensures that maximum advantage is obtained from advances in technology; and

(6) the Department's educational institutions for the officers of the uniformed services incorporate into their officer education and training programs, as appropriate, materials necessary to ensure that the officers have the familiarity with the processes, advances, and opportunities in technology development that is necessary for making decisions that ensure the superiority of United States defense technology in the future.

SEC. 234. INCENTIVES TO PRODUCE INNOVATIVE NEW TECHNOLOGIES.

(a) TECHNICAL RISK AND PROFIT INCENTIVE.—The Department of Defense profit guidelines established in subpart 215.9 of the Department of Defense Supplement to the Federal Acquisition Regulation shall be modified to place increased emphasis on technical risk as a factor for determining appropriate profit margins and otherwise to provide an increased profit incentive for contractors to develop and produce complex and innovative new technologies, rather than to produce mature technologies with low technical risk.

(b) EXPIRATION OF AUTHORITY.—This section shall cease to be effective one year after the date on which the Secretary of Defense publishes in the Federal Register final regulations modifying the guidelines in accordance with subsection (a).

SEC. 235. DARPA COMPETITIVE PRIZES AWARD PROGRAM FOR ENCOURAGING DEVELOPMENT OF ADVANCED TECHNOLOGIES.

(a) AUTHORITY.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2374 the following:

"§ 2374a. Prizes for advanced technology

"(a) AUTHORITY.—The Director of the Defense Advanced Research Projects Agency may carry out a program to award prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the military missions of the Department of Defense.

"(b) COMPETITION REQUIREMENTS.—The Director shall use a competitive process for the selection of recipients of prizes under this section. The process shall include the widely-advertised solicitation of submissions of research results, technology developments, and prototypes.

“(c) Form of Prize.—A prize awarded under this section shall be a monetary award together with a trophy, plaque, or medal or other emblem.

“(d) Limitations.—(1) The total amount made available for award of cash prizes in a fiscal year may not exceed $10,000,000.

“(2) No prize competition may result in the award of more than $1,000,000 in cash prizes without the approval of the Under Secretary of Defense for Acquisition and Technology.

“(e) Relationship to Other Authority.—The Director may exercise the authority under this section in conjunction with or in addition to the exercise of any other authority of the Director to acquire, support, or stimulate basic, advanced and applied research, technology development, or prototype projects.

“(f) Annual Report.—Promptly after the end of each fiscal year, the Director shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the program for the fiscal year. The report shall include the following:

“(1) The military applications of the research, technology, or prototypes for which prizes were awarded.

“(2) The total amount of the prizes awarded.

“(3) The methods used for solicitation and evaluation of submissions, together with an assessment of the effectiveness of those methods.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2374 the following:

“2374a. Prizes for advanced technology.”.

SEC. 236. ADDITIONAL PILOT PROGRAM FOR REVITALIZING DEPARTMENT OF DEFENSE LABORATORIES.

(a) Authority.—(1) The Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions. The pilot program under this section is in addition to the pilot program carried out under section 246 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1955: 10 U.S.C. 2358 note)

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation laboratory, of each military department with authority for the following:

(A) To ensure that the defense laboratories can attract a balanced workforce of permanent and temporary personnel with an appropriate level of skills and experience, and can effectively compete in hiring processes to obtain the finest scientific talent.

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

(C) To waive any restrictions not required by law that apply to the demonstration and implementation of methods for achieving the objectives in subparagraphs (A) and (B).

(3) In selecting the laboratories for participation in the pilot program, the Secretary shall consider laboratories where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory for a period of three years beginning not later than March 1, 2000.

(b) Report.—(1) Not later than March 1, 2000, the Secretary of Defense shall submit a report on the implementation of the pilot program to Congress. The report shall include the following:

(A) Each laboratory selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory or center.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of the laboratory in the pilot program. The report shall contain the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at the laboratory under the pilot program.

SEC. 237. EXEMPTION OF DEFENSE LABORATORY EMPLOYEES FROM CERTAIN WORKFORCE MANAGEMENT RESTRICTIONS.

(a) Strength Management.—Section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721) is amended by adding at the end the following new paragraph:

“(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of man years, end strength, full time equivalent positions, supervisory ratios, or maximum number of employees in any category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition and Technology.”.

(b) Reductions in Force.—Notwithstanding any provision of law that requires a reduction in the size of the defense acquisition workforce—

(1) the employees of a Department of Defense laboratory shall not be considered as being included in that workforce for the purpose of that provision of law; and

(2) the Secretary of Defense, in carrying out the reduction under that provision of law, shall consider the size of the required reduction as being lowered by—

(A) the percent determined by dividing (on the basis of the equivalent of full-time employees) the total number of employees in the defense acquisition workforce as of the beginning of the reduction in force into the number of laboratory employees that, except for paragraph (1), would otherwise have been considered as being in the workforce to be reduced under that provision of law; or

(B) any other factor that the Secretary determines as being a more appropriate measure for the adjustment.

SEC. 238. USE OF WORKING-CAPITAL FUNDS FOR FINANCING RESEARCH AND DEVELOPMENT OF THE MILITARY DEPARTMENTS.

(a) Authority.—Section 2208 of title 10, United States Code, is amended by adding at the end the following:

“(r) Research, Development, Test, and Evaluation.—(1) Working-capital funds shall be used for financing all research, development, test, and evaluation activities and programs of the military departments.

“(2) The following transactions are authorized for the use of working-capital funds for activities and programs described in paragraph (1):

“(A) Acceptance of reimbursable orders from authorized customers.

“(B) Crediting of working-capital funds, out of funds available for a military department for research, development, test, and evaluation or any other appropriate source of funds, for goods and services provided to that military department.

“(3) The policies, procedures, and regulations of the Department of Defense that are applicable to the use and management of Department of Defense revolving funds shall be applied uniformly to all uses of working-capital funds for financing the activities and programs described in paragraph (1).”.

(b) Implementation.—(1) The Secretary of Defense shall amend the Department of Defense Financial Management Regulation to ensure that subsection (r)(3) of section 2208 of title 10, United States Code (as added by subsection (a)), is fully implemented.

(2) Not later than April 1, 2000, and August 1, 2000, the Under Secretary of Defense (Comptroller) shall submit to the Committees on Armed Services of the Senate and the House of Representatives written status reports on the progress made in implementing subsection (r) of section 2208 of title 10, United States Code, as added by subsection (a). Each status report shall, at a minimum, include the following:

(A) The schedule for completing the key actions necessary for implementation.

(B) The progress made in the implementation by the military departments and the other agencies of the Department of Defense through the date of the report.

(C) Each delay and obstacle encountered in the implementation, together with an explanation of the actions taken in each such case to ensure timely implementation.

SEC. 239. EFFICIENT UTILIZATION OF DEFENSE LABORATORIES.

(a) Analysis by Independent Panel.—(1) Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall convene a panel of independent experts under the auspices of the Defense Science Board to conduct an analysis of the resources and capabilities of all of the laboratories and test and evaluation facilities of the Department of Defense, including those of the military departments. In conducting the analysis, the panel shall identify opportunities to achieve efficiency and reduce duplication of efforts by consolidating responsibilities by area or function or by designating lead agencies or executive agents in cases considered appropriate. The panel shall report its findings to the Secretary of Defense and to Congress not later than August 1, 2000.

(2) The analysis required by paragraph (1) shall, at a minimum, address the capabilities of the laboratories and test and evaluation facilities in the areas of air vehicles, armaments, command, control, communications, and intelligence, space, directed energy,

electronic warfare, medicine, corporate laboratories, civil engineering, geophysics, and the environment.

(b) PERFORMANCE REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an appropriate performance review process for rating the quality and relevance of work performed by the Department of Defense laboratories. The process shall include customer evaluation and peer review by Department of Defense personnel and appropriate experts from outside the Department of Defense. The process shall provide for rating all laboratories of the Army, Navy, and Air Force on a consistent basis.

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AMOUNTS AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,340,094,000.

(2) For the Navy, $22,182,615,000.

(3) For the Marine Corps, $2,612,529,000.

(4) For the Air Force, $20,342,403,000.

(5) For Defense-wide activities, $10,963,033,000.

(6) For the Army Reserve, $1,376,813,000.

(7) For the Naval Reserve, $927,347,000.

(8) For the Marine Corps Reserve, $125,766,000.

(9) For the Air Force Reserve, $1,726,837,000.

(10) For the Army National Guard, $2,912,249,000.

(11) For the Air National Guard, $3,119,518,000.

(12) For the Defense Inspector General, $138,244,000.

(13) For the United States Court of Appeals for the Armed Forces, $7,621,000.

(14) For Environmental Restoration, Army, $378,170,000.

(15) For Environmental Restoration, Navy, $284,000,000.

(16) For Environmental Restoration, Air Force, $376,800,000.

(17) For Environmental Restoration, Defense-wide, $25,370,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $239,214,000.

(19) For Overseas Humanitarian, Demining, and CINC Initiatives, $55,800,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $745,265,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.

(22) For Medical Programs, Defense, $10,453,487,000.

(23) For Cooperative Threat Reduction programs, $475,500,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,387,600,000.

(25) For Combating Terrorism Activities Transfer Fund, $1,954,430,000.

(26) For quality of life enhancements, $1,845,370,000.

(27) For defense transfer programs, $31,000,000.

(b) GENERAL LIMITATION.—Notwithstanding paragraphs (1) through (27) of subsection (a), the total amount authorized to be appropriated for fiscal year 2000 under those paragraphs is $104,042,075,000.

SEC. 302. WORKING-CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital and revolving funds in amounts as follows:

(1) For the Army Working-Capital Fund, $62,344,000.

(2) For the Defense Working-Capital Fund, Air Force, $28,000,000.

(3) For the National Defense Sealift Fund, $394,700,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $68,295,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. OPERATIONAL METEOROLOGY AND OCEANOGRAPHY AND UNOLS.

Of the funds authorized to be appropriated in section 301(a), an additional $10,000,000 may be expended for Operational Meteorology and Oceanography and UNOLS.

SEC. 306. ARMED FORCES EMERGENCY SERVICES.

Of the funds in section 301(a)(5), $23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. NATO COMMON-FUNDED MILITARY BUDGET.

Of the amount authorized to be appropriated pursuant to section 301(a)(1) for operation and maintenance for the Army, $216,400,000 shall be available for contributions for the common-funded Military Budget of the North Atlantic Treaty Organization.

SEC. 312. USE OF HUMANITARIAN AND CIVIC ASSISTANCE FUNDING FOR PAY AND ALLOWANCES OF SPECIAL OPERATIONS COMMAND RESERVES FURNISHING DEMINING TRAINING AND RELATED ASSISTANCE AS HUMANITARIAN ASSISTANCE.

Section 401(c) of title 10, United States Code, is amended by adding at the end the following:

"(5) Up to 5 percent of the funds available in any fiscal year for humanitarian and civic assistance described in subsection (e)(5) may be expended for the pay and allowances of reserve component personnel of the Special Operations Command for periods of duty for which the personnel, for a humanitarian purpose, furnish education and training on the detection and clearance of landmines or furnish related technical assistance.".

SEC. 313. NATIONAL DEFENSE FEATURES PROGRAM.

Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l);

(2) by inserting after subsection (j) the following new subsection (k):

"(k) CONTRACTS FOR INCORPORATION OF DEFENSE FEATURES IN COMMERCIAL VESSELS.—(1) The head of any agency, after making a determination of the economic soundness of an offer to do so, may enter into a contract with the offeror for the offeror to install and maintain defense features for national defense purposes in one or more commercial vessels owned or controlled by the offeror in accordance with the purpose for which funds in the National Defense Sealift Fund are available under subsection (c)(1)(C).

"(2) The head of an agency may make advance payments to the contractor under the contract in one lump sum, annual payments, or any combination thereof for costs associated with the installation and maintenance of the defense features on one or more commercial vessels, as follows:

"(A) The costs to build, procure, and install any defense feature in a vessel.

"(B) The costs to maintain and test any defense feature on a vessel periodically.

"(C) Any increased costs of operation or any loss of revenue attributable to the installation or maintenance of any defense feature on a vessel.

"(D) Any additional costs associated with the terms and conditions of the contract.

"(3) For any contract under which the United States provides advance payments for the costs associated with installation or maintenance of any defense feature on a commercial vessel, the contractor shall provide to the United States any security interest in the vessel, by way of a preferred mortgage under section 31322 of title 46 or otherwise, that the head of the agency prescribes in order adequately to protect the United

States against loss for the total amount of those costs.

"(4) Each contract entered into under this subsection shall—

"(A) set forth terms and conditions under which, so long as a vessel covered by the contract is owned or controlled by the contractor, the contractor is to operate the vessel for the Department of Defense notwithstanding any other contract or commitment of that contractor; and

"(B) provide that the contractor operating the vessel for the Department of Defense shall be paid for that operation at fair and reasonable rates.

"(5) The head of an agency may not delegate authority under this subsection to any person in a position below the level of head of a procuring activity."; and

(3) by adding at the end of subsection (l), as redesignated by paragraph (1), the following:

"(5) The term 'head of an agency' has the meaning given the term in section 2302(1) of this title.".

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

Subtitle C—Environmental Provisions

SEC. 321. ENVIRONMENTAL TECHNOLOGY MANAGEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to hold the Department of Defense and the military departments accountable for achieving performance-based results in the management of environmental technology by providing a connection between program direction and the achievement of specific performance-based results;

(2) to assure the identification of end-user requirements for environmental technology within the military departments;

(3) to assure results, quality of effort, and appropriate levels of service and support for end-users of environmental technology within the military departments; and

(4) to promote improvement in the performance of environmental technologies by establishing objectives for environmental technology programs, measuring performance against such objectives, and making public reports on the progress made in such performance.

(b) ENVIRONMENTAL TECHNOLOGY MANAGEMENT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

"§ 2358a. Research and development: environmental technology

"(a) MANAGEMENT OF RESEARCH AND DEVELOPMENT.—The Secretary of Defense shall provide in accordance with this section for the management of projects engaged in under section 2358 of this title for the research, development, and evaluation of environmental technologies for the Department of Defense and the military departments.

"(b) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—The Secretary of Defense shall—

"(1) establish guidelines for the development by the Department of Defense and the military departments of an investment control process for the selection, management, and evaluation of environmental technologies within the Department of Defense;

"(2) develop a strategic plan for the development of environmental technologies within the Department of Defense which shall specify goals and objectives for the development of environmental technologies within the Department and provide specific mechanisms for assuring the achievement of such goals and objectives;

"(3) establish guidelines for use by the officials concerned in preparing the annual performance plans and performance reports required by this section;

"(4) determine the feasibility of permitting such officials to develop quantifiable and measurable performance objectives for particular environmental technology projects; and

"(5) if the Secretary determines that the development of performance objectives for particular technology projects by the officials referred to in that paragraph is not feasible, establish a schedule for meeting the performance plan requirements set forth in subsection (c).

"(c) RESPONSIBILITIES WITHIN DEPARTMENT OF DEFENSE.—(1) Each official concerned shall—

"(A) develop and implement an investment control process for the selection, management, and evaluation of environmental technologies by the department or agencies; and

"(B) establish at the beginning of each fiscal year a performance plan for the environmental technology program of the department or agencies.

"(2) An investment control process under paragraph (1)(A) shall include, for the department or agency concerned, mechanisms—

"(A) to ensure the identification of end-user requirements for environmental technologies;

"(B) to prioritize such requirements within the context of funding constraints and the overall environmental technology requirements of the Department of Defense;

"(C) to avoid duplication and overlap in the research and development of environmental technologies both within the Department of Defense and between the Department of Defense and other public and private entities and persons;

"(D) to provide for the conduct of performance-based reviews of environmental technologies that take into account end-user evaluations of such technologies and permit a measurement of return on investments in such technologies;

"(E) to ensure that the environmental technology effort responds in an appropriate manner to end-user requirements, program and funding priorities and constraints, and the reviews conducted pursuant to subparagraph (D); and

"(F) to ensure appropriate protection of United States interests in any intellectual property rights associated with environmental technologies developed by or with the assistance of the department or agencies concerned.

"(3) A performance plan under paragraph (1)(B) for the environmental technology program of a department or agency for a fiscal year shall—

"(A) unless the Secretary of Defense determines that it is not feasible under subsection (b)(5), establish performance objectives for each environmental technology project under the program for the fiscal year based on end-user requirements and program priorities under the program, and express such objectives in a quantifiable and measurable form;

"(B) provide a basis for comparing the actual results of each project at the end of the fiscal year with the performance objectives for the project for the fiscal year;

"(C) establish means to validate the achievement of performance objectives for each project or to specify the extent to which such validation is not possible;

"(D) establish performance indicators for purposes of measuring or assessing relevant outputs and outcomes for each project for the fiscal year; and

"(E) establish mechanisms for determining the operational processes, skills and technology, human capital, information, or other resources necessary to meet the performance objectives for each project for the fiscal year.

"(d) ANNUAL REPORT.—(1) Not later than March 31 each year, the Secretary of Defense shall submit to Congress, at the same time as the Secretary submits the report required by section 2706(b) of this title, a report on the environmental technology program of the Department of Defense during the preceding fiscal year.

"(2) Each report under paragraph (1) shall, with respect to each project under the environmental technology program of the Department—

"(A) set forth the performance objectives established for the project for the fiscal year under subsection (c)(3) and assess the performance achieved with respect to the project in light of performance indicators for the project;

"(B) describe the extent to which the project met the performance objectives established for the project for the fiscal year;

"(C) if a project did not meet the performance objectives for the project for the fiscal year, include—

"(i) an explanation for the failure of the project to meet the performance objectives; and

"(ii) either—

"(I) a modified schedule for meeting the performance objectives; or

"(II) in the case of any performance objective determined to be impracticable or infeasible to meet, a statement of alternative actions to be taken with respect to the project; and

"(D) set forth the level of effort, including the funds obligated and expended, in the fiscal year for the achievement of each performance objective for the project.

"(e) OFFICIAL CONCERNED DEFINED.—In this section, the term 'official concerned' means the following:

"(1) The Deputy Under Secretary of Defense (Environmental Security), with respect to the environmental technology program of the Defense Agencies.

"(2) The Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health, with respect to the environmental technology program of the Army or any environmental program technology for which the Army is the executive agent.

"(3) The Deputy Assistant Secretary of the Navy (Environment and Safety), with respect to the environmental technology program of the Navy or any environmental technology program for which the Navy is the executive agent.

"(4) The Deputy Assistant Secretary of the Air Force (Environment, Safety, and Occupational Health), with respect to the environmental technology program of the Air Force or any environmental technology program for which the Air Force is the executive agent.".

(c) Clerical Amendment.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358 the following new item:

"2358a. Research and development: environmental technology.".

SEC. 322. ESTABLISHMENT OF ENVIRONMENTAL RESTORATION ACCOUNTS FOR INSTALLATIONS CLOSED OR REALIGNED UNDER THE BASE CLOSURE LAWS AND FOR FORMERLY USED DEFENSE SITES.

(a) Account for Formerly Used Defense Sites.—Subsection (a) of section 2703 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) An account to be known as the 'Environmental Restoration Account, Army, Formerly Used Defense Sites'.".

(b) Account for Defense Base Closure and Realignment.—That subsection is further amended by adding at the end the following new paragraph:

"(6) An account to be known as the 'Environmental Restoration Account, Defense Base Closure and Realignment'.".

(c) Use of Funds in Base Closure and Realignment Account.—(1) Subsection (b) of that section is amended—

(A) by striking "Funds authorized" and inserting "(1) Except as provided in paragraph (2), funds authorized"; and

(B) by adding at the end the following:

"(2)(A) Funds authorized for deposit in the Environmental Restoration Account, Defense Base Closure and Realignment established under subsection (a)(6) may be obligated and expended from the account only for carrying out environmental restoration required as the result of the closure or realignment of military installations pursuant to a base closure law. Such funds shall be the exclusive source of funds for such environmental restoration.

"(B) For purposes of this paragraph, the term 'base closure law' means the following:

"(i) Section 2687 of this title.

"(ii) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(iii) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

(2) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking subsection (e).

(d) Transfer of BRAC Environmental Restoration Funds.—The Secretary of Defense shall transfer from the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) to the Environmental Restoration Account, Defense Base Closure and Realignment established by section 2703(a)(6) of title 10, United States Code (as amended by subsection (b)), such portion of the unobligated balance in the Department of Defense Base Closure Account 1990 as of October 1, 2000, as the Secretary determines necessary to carry out environmental restoration in accordance with section 2703(b)(2) of title 10, United States Code (as amended by subsection (c)(1)).

(e) Funding of Administrative Expenses and Technical Assistance.—Section 2705(g) of title 10, United States Code, is amended to read as follows:

"(g) Funding.—(1) Except as provided in paragraph (2), funds in the accounts established by section 2703(a) of this title shall be available for administrative expenses and technical assistance under this section.

"(2) Funds in the account established by section 2703(a)(6) of this title shall be available for administrative expenses and technical assistance under this section with respect to an installation approved for closure or realignment under a base closure law only to the extent that the base closure law under which the installation is being closed or realigned provides for the funding of environmental restoration at the installation from an account established for purposes of carrying out the closure or realignment of installations.".

(f) Effective Date.—(1) Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (b) and (c) shall take effect on October 1, 2000.

SEC. 323. EXTENSION OF LIMITATION ON PAYMENT OF FINES AND PENALTIES USING FUNDS IN ENVIRONMENTAL RESTORATION ACCOUNTS.

Section 2703(e) of title 10, United States Code, is amended by striking "through 1999," both places it appears and inserting "through 2010,".

SEC. 324. MODIFICATION OF REQUIREMENTS FOR ANNUAL REPORTS ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.

(a) Modification of Requirements.—Subsection (b) of section 2706 of title 10, United States Code, is amended to read as follows:

"(b) Report on Environmental Quality Programs and Other Environmental Activities.—(1) The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the progress made in carrying out activities under the environmental quality programs of the Department of Defense and the military departments.

"(2) Each report shall include the following:

"(A) A description of the environmental quality program of the Department of Defense, and of each of the military departments, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year in which the report is submitted, and the fiscal year following the fiscal year in which the report is submitted, including—

"(i) for each of the major activities under the program—

"(I) the amount expended, or proposed to be expended, in each fiscal year of the period;

"(II) an explanation for any significant change in the aggregate amount to be expended in the fiscal year in which the report is submitted, and in the following fiscal year, when compared with the fiscal year preceding each such fiscal year; and

"(III) an assessment of the manner in which the scope of the activities have changed over the course of the period; and

"(ii) a summary of the major achievements of the program and of any major problems with the program.

"(B) A list of the planned or ongoing projects necessary to support the environmental quality program of the Department of Defense, and of each of the military departments, during the period described in subparagraph (A) the cost of which has exceeded or is anticipated to exceed $1,500,000, including—

"(i) a separate list of the projects inside the United States and of the projects outside the United States;

"(ii) for each project commenced during the first four fiscal years of the period—

"(I) the amount specified in the initial budget request for the project;

"(II) the aggregate amount allocated to the project through the fiscal year preceding the fiscal year in which the report is submitted; and

"(III) the aggregate amount obligated for the project through that fiscal year;

"(iii) for each project commenced or to be commenced in the fiscal year in which the report is submitted—

"(I) the amount specified for the project in the budget for the fiscal year; and

"(II) the amount allocated to the project in the fiscal year;

"(iv) for each project to be commenced in the last fiscal year of the period, the amount, if any, specified for the project in the budget for the fiscal year; and

"(v) if the anticipated aggregate cost of any project covered by the report will exceed by more than 25 percent the amount specified in the initial budget request for such project, a justification for that variance.

"(C) A statement of the fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during the fiscal year in which the report is submitted and the four preceding fiscal years, setting forth—

"(i) each Federal environmental statute under which a fine or penalty was imposed or assessed during each such fiscal year;

"(ii) with respect to each such Federal statute—

"(I) the aggregate amount of fines and penalties imposed under the statute during each such fiscal year;

"(II) the aggregate amount of fines and penalties paid under the statute during each such fiscal year; and

"(III) the total amount required during such fiscal years for supplemental environmental projects in lieu of the payment of a fine or penalty under the statute and the extent to which the cost of such projects during such fiscal years has exceeded the original amount of the fine or penalty; and

"(iii) the amount of fines and penalties imposed or assessed during each such fiscal year with respect to each military installation inside and outside the United States.

"(D) A statement of the amounts expended, and anticipated to be expended, during the period described in subparagraph (A) for any activities overseas relating to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, pollution prevention, and environmental technology and amounts for conferences, meetings, and studies for pilot programs, and for travel related to such activities.".

(b) Conforming Repeal.—That section is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(c) DEFINITIONS.—Subsection (d) of that section, as redesignated by subsection (b)(2) of this section, is amended by adding at the end the following:

"(4) The term 'environmental quality program' means a program of activities relating to environmental compliance, conservation, pollution prevention, environmental technology, and such other activities relating to environmental quality as the Secretary concerned may designate for purposes of the program.

"(5) The term 'major activities', with respect to an environmental quality program, means the following activities under the program:

"(A) Environmental compliance activities.

"(B) Conservation activities.

"(C) Pollution prevention activities.

"(D) Activities relating to environmental technology.".

SEC. 325. MODIFICATION OF MEMBERSHIP OF STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL.

Section 2902(b)(1) of title 10, United States Code, is amended by striking "Director of Defense Research and Engineering" and inserting "Deputy Under Secretary of Defense for Science and Technology".

SEC. 326. EXTENSION OF PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

Section 351(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1692; 10 U.S.C. 2701 note) is amended by striking "beginning on the date of the enactment of this Act and ending two years after such date" and inserting "beginning on November 18, 1997, and ending on September 30, 2001".

SEC. 327. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH FRESNO DRUM SUPERFUND SITE, FRESNO, CALIFORNIA.

(a) AUTHORITY.—The Secretary of Defense may pay, using funds described in subsection (b), to the Fresno Drum Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency for costs incurred by the Agency for actions taken under CERCLA at the Fresno Industrial Supply, Inc., site in Fresno, California, the following amounts:

(1) Not more than $778,425 for past response costs incurred by the Agency.

(2) The amount of the costs identified as "interest" costs pursuant to the agreement known as the "CERCLA Section 122(h)(1) Agreement for Payment of Future Response Costs and Recovery of Past Response Costs In the Matter of: Fresno Industrial Supply Inc. Site, Fresno, California" that was entered into by the Department of Defense and the Environmental Protection Agency on May 22, 1998.

(b) SOURCE OF FUNDS FOR PAYMENT.—(1) Subject to paragraph (2), any payment under subsection (a) shall be made using the following amounts:

(A) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Defense, established by section 2703(a)(1) of title 10, United States Code.

(B) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Army, established by section 2703(a)(2) of that title.

(C) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Navy, established by section 2703(a)(3) of that title.

(D) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Air Force, established by section 2703(a)(4) of that title.

(2) The portion of a payment under paragraph (1) that is derived from any account referred to in that paragraph shall bear the same ratio to the total amount of such payment as the amount of the hazardous substances at the Fresno Industrial Supply, Inc., site that are attributable to the department concerned bears to the total amount of the hazardous substances at that site.

(c) CERCLA DEFINED.—In this section, the term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 328. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER CERCLA IN CONNECTION WITH F.E. WARREN AIR FORCE BASE, WYOMING.

(a) AUTHORITY.—The Secretary of the Air Force may pay, using funds described in subsection (b), not more than $20,000 as payment of stipulated civil penalties assessed on January 13, 1998, against F.E. Warren Air Force Base, Wyoming, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) SOURCE OF FUNDS FOR PAYMENT.—Any payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Air Force, established by section 2703(a)(4) of title 10, United States Code.

SEC. 329. PROVISION OF INFORMATION AND GUIDANCE TO THE PUBLIC REGARDING ENVIRONMENTAL CONTAMINATION AT UNITED STATES MILITARY INSTALLATIONS FORMERLY OPERATED BY THE UNITED STATES THAT HAVE BEEN CLOSED.

(a) DISCLOSURE.—

(1) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall publicly disclose existing, available information relevant to a foreign nation's determination of the nature and extent of environmental contamination, if any, at a site in that foreign nation where the United States operated a military base, installation, and facility that has been closed as of the date of enactment of this Act.

(2) CONGRESSIONAL LIST.—Not later than September 30, 2000, the Secretary of Defense shall provide Congress a list of information made public pursuant to paragraph (1).

(b) LIMITATION.—The requirement to provide information and guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any site referred to in subsection (a).

(c) NATIONAL SECURITY.—Information the Secretary of Defense believes could adversely affect United States National Security shall not be released pursuant to this provision.

SEC. 330. ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the Federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Committee on Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

Subtitle D—Other Matters

SEC. 341. EXTENSION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

Section 391(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 104–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

SEC. 342. ADDITIONAL MATTERS TO BE REPORTED BEFORE PRIME VENDOR CONTRACT FOR DEPOT-LEVEL MAINTENANCE AND REPAIR IS ENTERED INTO.

Section 346(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following:

"(3) contains an analysis of the extent to which the contract conforms to the requirements of section 2466 of title 10, United States Code; and

"(4) describes the measures taken to ensure that the contract does not violate the core logistics policies, requirements, and restrictions set forth in section 2464 of that title.".

SEC. 343. IMPLEMENTATION OF JOINTLY APPROVED CHANGES IN DEFENSE RETAIL SYSTEMS.

(a) RECOMMENDATIONS OF JOINT EXCHANGE DUE DILIGENCE STUDY.—Subsection (c) of section 367 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1987; 10 U.S.C. 2482 note) is amended by striking "may not be implemented unless implementation of the recommendation" and inserting "may be implemented only if implementation of the recommendation is approved by all of the Secretaries of the military departments or".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking "The operation" and inserting "Except as provided in subsection (c), the operation".

SEC. 344. WAIVER OF REQUIRED CONDITION FOR SALES OF ARTICLES AND SERVICES OF INDUSTRIAL FACILITIES TO PURCHASERS OUTSIDE THE DEPARTMENT OF DEFENSE

(a) SALES TO DEFENSE CONTRACTORS.—Section 2208(j) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after "(j)"; and

(3) by adding at the end the following:

"(2) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement for the conditions in paragraph (1) in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.".

(b) SALES TO PURCHASERS GENERALLY.—Section 2553 of title 10, United States Code, is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement for the condition in subsections (a)(1) and (c)(1) in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.".

SEC. 345. ELIGIBILITY TO RECEIVE FINANCIAL ASSISTANCE AVAILABLE FOR LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL.

Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is amended by striking "in that fiscal year are" and inserting "during the preceding school year were".

SEC. 346. USE OF SMART CARD TECHNOLOGY IN THE DEPARTMENT OF DEFENSE.

(a) LEADERSHIP, PLANNING, AND EXECUTION OF SMART CARD PROGRAM.—(1) Not later than October 1, 1999, the Secretary of Defense shall designate the Department of the Navy to be the lead agency for the development and implementation of a Smart Card program for the Department of Defense effective as of the date of the designation.

(2) The Secretary of Defense shall direct the Secretary of the Army and the Secretary of the Air Force to establish Smart Card project offices for the Department of the Army and the Department of the Air Force, respectively, not later than November 30, 1999. The designated offices shall coordinate closely with the lead agency to develop implementation plans for exploiting the capability of Smart Card technology as a means for enhancing readiness and improving business processes throughout the military departments.

(3) Not later than November 30, 1999, the Secretary of Defense shall establish a senior coordinating group chaired by a representative of the Secretary of the Navy. The group shall include senior representatives from each of the Armed Forces. The senior coordinating group shall develop and implement Department-wide interoperability standards for use of Smart Card technology and a plan to exploit Smart Card technology as a means for enhancing readiness and improving business processes.

(4) The Secretary of the Army and the Secretary of the Air Force, in coordination with the Secretary of the Navy, shall each develop and implement a program to demonstrate the benefits of Smart Card technology in the Army and the Air Force, respectively.

(b) INCREASED USE TARGETED TO CERTAIN NAVAL REGIONS.—Not later than November 30, 1999, the Secretary of the Navy shall establish a business plan to implement the use of Smart Cards in one major Naval region of the continental United States that is in the area of operations of the United States Atlantic Command and one major Naval region of the continental United States that is in the area of operations of the United States Pacific Command. The regions selected shall include a major fleet concentration area. The implementation of the use of Smart Cards in each region shall cover the Navy and Marine Corps bases and all non-deployed units in the region. The Secretary of the Navy shall submit the business plan to the congressional defense committees.

(c) FUNDING FOR INCREASED USE OF SMART CARDS.—(1) Of the funds authorized to be appropriated for the Navy for fiscal year 2000 under section 102(a)(4) or 301(a)(2), the Secretary of the Navy—

(A) shall allocate sufficient amounts, up to $30,000,000, for ensuring that significant progress is made toward complete implementation of the use of Smart Card technology in the Department of the Navy; and

(B) may allocate additional amounts for the conversion of paper-based records to electronic media for records systems that have been modified to use Smart Card technology.

(2) Of the funds authorized to be appropriated under section 301(a)(1), up to $5,000,000 shall be available for Army demonstration programs under subsection (a)(4). Of the funds authorized to be appropriated under section 301(a)(4), up to $5,000,000 shall be available for Air Force demonstration programs under subsection (a)(4).

(d) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a detailed discussion of the progress made by the senior coordinating group in carrying out its duties under subsection (a)(3).

(e) DEFINITIONS.—In this section:

(1) The term "Smart Card" means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

(A) Magnetic stripe.

(B) Bar codes, linear or two-dimensional.

(C) Non-contact and radio frequency transmitters.

(D) Biometric information.

(E) Encryption and authentication.

(F) Photo identification.

(2) The term "Smart Card technology" means a Smart Card together with all of the associated information technology hardware and software that comprise the system for support and operation.

(f) REPEAL OF REQUIREMENT FOR AUTOMATED IDENTIFICATION TECHNOLOGY OFFICE.—Section 344(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1977; 10 U.S.C. 113 note) is repealed.

SEC. 347. STUDY ON USE OF SMART CARD AS PKI AUTHENTICATION DEVICE CARRIER FOR THE DEPARTMENT OF DEFENSE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to determine the potential benefits of Department of Defense use of the Smart Card for addressing the need of the Department of Defense for a Public-Private Key Infrastructure (PKI) authentication device carrier.

(b) REPORT.—Not later than January 31, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study. The report shall include the Secretary's findings and any recommendations that the Secretary considers appropriate regarding Department of Defense use of the Smart Card for addressing the need identified in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term "Smart Card" means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

(A) Magnetic stripe.

(B) Bar codes, linear or two-dimensional.

(C) Non-contact and radio frequency transmitters.

(D) Biometric information.

(E) Encryption and authentication.

(F) Photo identification.

(2) The term "Public-Private Key Infrastructure (PKI) authentication device carrier" means a device that physically stores, carries, and employs electronic authentication or encryption keys necessary to create a unique digital signature, digital certificate, or other mark on an electronic document or file.

SEC. 348. REVISION OF AUTHORITY TO DONATE CERTAIN ARMY MATERIEL FOR FUNERAL CEREMONIES.

(a) AUTHORITY.—Section 4683 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "lend obsolete or condemned rifles (not more than 10)" and inserting "conditionally lend or donate excess M1 rifles (not more than 15)"; and

(B) by striking "any local unit of any national veterans' organization recognized by the Department of Veterans Affairs, for use by that unit" and inserting "a unit or other organization of honor guards recognized by the Secretary of the Army as honor guards for a national cemetery, a law enforcement agency, or a local unit of any organization that, as determined by the Secretary of the Army, is a nationally recognized veterans' organization, for use by that unit, organization, or agency"; and

(2) by adding at the end the following:

"(c) CONDITIONS ON DONATIONS.—In lending or donating rifles under subsection (a), the Secretary of the Army may impose any condition on the use of the rifles that the Secretary considers appropriate.".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY.—" after "(a)"; and

(2) in subsection (b), by inserting "RELIEF FROM LIABILITY.—" after "(b)".

SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

Section 112(a)(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

SEC. 350. AUTHORITY FOR PAYMENT OF SETTLEMENT CLAIMS.

(a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) Treatment of Payments.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) Construction.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) Resolution of Other Claims.—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comparable settlement of the claims arising from the deaths of the United States servicemen caused by the collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia, on September 13, 1997.

SEC. 351. SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN'S FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(a) Findings.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU–154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU–154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) Sense of Senate.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2000, as follows:

(1) The Army, 480,000.

(2) The Navy, 371,781.

(3) The Marine Corps, 172,240.

(4) The Air Force, 360,877.

SEC. 402. REVISION IN PERMANENT END STRENGTH LEVELS.

(a) Revised End Strength Floors.—Subsection (b) of section 691 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "372,696" and inserting in lieu thereof "371,781";

(2) in paragraph (3), by striking out "172,200" and inserting in lieu thereof "172,148"; and

(3) in paragraph (4), by striking out "370,802" and inserting in lieu thereof "360,877".

(b) Effective Date.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 403. REDUCTION OF END STRENGTHS BELOW LEVELS FOR TWO MAJOR REGIONAL CONTINGENCIES.

Section 691(d) of title 10, United States Code, is amended by striking "unless" and all that follows and inserting "unless the Secretary of Defense first submits to Congress a written notification of the proposed lower end strength together with the justification for the lower end strength. The Secretary may submit the notification and justification with the budget for the department for the fiscal year.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2000, as follows:

(1) The Army National Guard of the United States, 350,623.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 90,288.

(4) The Marine Corps Reserve, 39,624.

(5) The Air National Guard of the United States, 106,744.

(6) The Air Force Reserve, 73,764.

(7) The Coast Guard Reserve, 8,000.

(b) Adjustments.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

(c) Permanent Waiver Authority.—Section 115(c) of title 10, United States Code, is amended—

(1) by striking the "and" at the end of paragraph (1);

(2) by striking the period at the end of the paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of a reserve component of any of the armed forces by a number equal to not more than 2 percent of that end strength.".

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,430.

(2) The Army Reserve, 12,804.

(3) The Naval Reserve, 15,010.

(4) The Marine Corps Reserve, 2,272.

(5) The Air National Guard of the United States, 11,157.

(6) The Air Force Reserve, 1,134.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS.

(a) Dual Status Technicians.—The minimum number of military technicians (dual status) as of September 30, 2000, for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,179.

(2) For the Army National Guard of the United States, 22,396.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

(b) Non-Dual Status Technicians.—The reserve components of the Army and Air Force are (notwithstanding section 129 of title 10, United States Code) authorized strengths for military technicians (non-dual status) as of September 30, 2000, as follows:

(1) For the Army Reserve, 1,295.

(2) For the Army National Guard of the United States, 1,800.

(3) For the Air Force Reserve, 342.

(4) For the Air National Guard of the United States, 342.

SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,227	1,071	860	140
Lieutenant Colonel or Commander	1,611	520	777	90
Colonel or Navy Captain	471	188	297	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	645	202	405	20
E–8	2,593	429	1,041	94".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of $71,693,093,000, and in addition funds in the total amount of $1,838,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 2012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31). The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. EXTENSION OF REQUIREMENT FOR COMPETITION FOR JOINT 4-STAR OFFICER POSITIONS.

(a) EXTENSION OF REQUIREMENT.—Section 604(c) of title 10, United States Code, is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(b) GRADE RELIEF.—Section 525(b)(5)(C) of such title is amended by striking "September 30, 2000" and inserting "September 30, 2003".

SEC. 502. ADDITIONAL THREE-STAR OFFICER POSITIONS FOR SUPERINTENDENTS OF SERVICE ACADEMIES.

(a) EXCLUSION OF SUPERINTENDENTS FROM GRADE LIMITATION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following:

"(7) An officer while serving in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general or vice admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for that grade under subsection (a) or paragraph (1) or (2) of this subsection.".

(b) RETIREMENT OF SUPERINTENDENTS.—(1)(A) Chapter 367 of title 10, United States Code, is amended by inserting after section 3920 the following:

"§ 3921. Mandatory retirement: Superintendent of the United States Military Academy

"Upon the termination of a detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which the officer is eligible to retire.".

(B) Chapter 403 of such title is amended by inserting after section 4333 the following:

"§ 4333a. Superintendent: condition for detail to position

"To be eligible for detail to the position of Superintendent of the Academy, an officer shall enter into an agreement with the Secretary of the Army to accept retirement upon termination of the detail.".

(2)(A) Chapter 573 of such title is amended by inserting after the table of sections at the beginning of the chapter the following:

"§ 6371. Mandatory retirement: Superintendent of the United States Naval Academy

"Upon the termination of a detail of an officer to the position of Superintendent of the United States Naval Academy, the Secretary of the Navy shall retire the officer under any provision of chapter 571 of this title under which the officer is eligible to retire.".

(B) Chapter 603 of such title is amended by inserting after section 6951 the following:

"§ 6951a. Superintendent

"(a) There is a Superintendent of the United States Naval Academy. The immediate governance of the Naval Academy is under the Superintendent.

"(b) The Superintendent shall be detailed to the position by the President. To be eligible for detail to the position, an officer shall enter into an agreement with the Secretary of the Navy to accept retirement upon termination of the detail.".

(3)(A) Chapter 867 of such title is amended by inserting after section 8920 the following:

"§ 8921. Mandatory retirement: Superintendent of the United States Air Force Academy

"Upon the termination of a detail of an officer to the position of Superintendent of the United States Air Force Academy, the Secretary of the Air Force shall retire the officer under any provision of this chapter under which the officer is eligible to retire.".

(B) Chapter 903 of such title is amended by inserting after section 9333 the following:

"§ 9333a. Superintendent: condition for detail to position

"To be eligible for detail to the position of Superintendent of the Academy, an officer shall enter into an agreement with the Secretary of the Air Force to accept retirement upon termination of the detail.".

(c) CLERICAL AMENDMENTS.—(1)(A) The table of sections at the beginning of chapter 367 of title 10, United States Code, is amended by inserting after the item relating to section 3920 the following:

"3921. Mandatory retirement: Superintendent of the United States Military Academy.".

(B) The table of sections at the beginning of chapter 403 of such title is amended by inserting after the item relating to section 4333 the following:

"4333a. Superintendent: condition for detail to position.".

(2)(A) The table of sections at the beginning of chapter 573 of such title is amended by inserting before the item relating to section 6383 the following:

"6371. Mandatory retirement: Superintendent of the United States Naval Academy.".

(B) The table of sections at the beginning of chapter 603 of such title is amended by inserting after the item relating to section 6951 the following:

"6951a. Superintendent.".

(3)(A) The table of sections at the beginning of chapter 867 of such title is amended by inserting after the item relating to section 8920 the following:

"8921. Mandatory retirement: Superintendent of the United States Air Force Academy.".

(B) The table of sections at the beginning of chapter 903 of such title is amended by inserting after the item relating to section 9333 the following:

"9333a. Superintendent: condition for detail to position.".

(d) SAVINGS PROVISION.—The amendments made by this section shall not apply to an officer serving on the date of the enactment of this Act in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy for so long as the officer continues on and after that date to serve in the position without a break in the service in the position.

SEC. 503. INCREASE IN MAXIMUM NUMBER OF OFFICERS AUTHORIZED TO BE ON ACTIVE-DUTY LIST IN FROCKED GRADE OF BRIGADIER GENERAL OR REAR ADMIRAL.

Section 777(d)(1) of title 10, United States Code, is amended by striking "the following:" and all that follows and inserting "55.".

SEC. 504. RESERVE OFFICERS REQUESTING OR OTHERWISE CAUSING NONSELECTION FOR PROMOTION.

(a) REPORTING REQUIREMENT.—Section 617(c) of title 10, United States Code, is amended by striking "regular".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to boards convened under section 611(a) of title 10, United States Code, on or after that date.

SEC. 505. MINIMUM GRADE OF OFFICERS ELIGIBLE TO SERVE ON BOARDS OF INQUIRY.

(a) RETENTION BOARDS FOR REGULAR OFFICERS.—Section 1187 of title 10, United States Code, is amended to read as follows:

"(a) ACTIVE DUTY OFFICERS.—Each officer who serves on a board convened under this chapter shall—

"(1) be an officer of the same armed force as the officer being required to show cause for retention on active duty;

"(2) be serving on active duty in a grade that—

"(A) in the case of the President of the board, is above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, is above major or lieutenant commander; and

"(3) be senior in grade and rank to any officer considered by that board.

"(b) RETIRED OFFICERS.—If qualified officers on active duty are not available in sufficient numbers to comprise a board convened under this chapter, the Secretary of the military department concerned shall complete the membership of the board by appointing retired officers of the same armed force whose retired grade—

"(1) is—

"(A) in the case of the President of the board, above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, above major or lieutenant commander; and

"(2) is senior to the grade of any officer considered by the board.

"(c) INELIGIBILITY BY REASON OF PREVIOUS CONSIDERATION OF CASE.—No person may be a member of more than one board convened under this chapter to consider the same officer.

"(d) EXCLUSION FROM STRENGTH LIMITATION.—A retired general or flag officer who is on active duty for the purpose of serving on a board convened under this chapter shall not, while so serving, be counted against any limitation on the number of general and flag officers who may be on active duty.".

(b) RETENTION BOARDS FOR RESERVE OFFICERS.—Subsection (a) of section 14906 of such title is amended to read as follows:

"(a) ACTIVE STATUS OFFICERS.—Each officer who serves on a board convened under this chapter shall—

"(1) be an officer of the same armed force as the officer being required to show cause for retention in an active status;

"(2) hold a grade that—

"(A) in the case of the President of the board, is above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, is above major or lieutenant commander; and

"(3) be senior in grade and rank to any officer considered by that board.".

SEC. 506. MINIMUM SELECTION OF WARRANT OFFICERS FOR PROMOTION FROM BELOW THE PROMOTION ZONE.

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the number determined under this subsection with respect to a promotion zone within a grade (or grade and competitive category) is less than one, the board may recommend one such officer for promotion from below the zone within that grade (or grade and competitive category).".

SEC. 507. INCREASE IN THRESHOLD PERIOD OF ACTIVE DUTY FOR APPLICABILITY OF RESTRICTION ON HOLDING OF CIVIL OFFICE BY RETIRED REGULAR OFFICERS AND RESERVE OFFICERS.

Section 973(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "180 days" and inserting "270 days"; and

(2) in subparagraph (C), by striking "180 days" and inserting "270 days".

SEC. 508. EXEMPTION OF RETIREE COUNCIL MEMBERS FROM RECALLED RETIREE LIMITS.

Section 690(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph (D):

"(D) Any member of the Retiree Council of the Army, Navy, or Air Force for the period on active duty to attend the annual meeting of the Retiree Council.".

Subtitle B—Reserve Component Matters

SEC. 511. ADDITIONAL EXCEPTIONS FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS FROM LIMITATION ON AUTHORIZED STRENGTH OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended to read as follows:

"(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—(1) The limitations of this section do not apply to the following reserve component general or flag officers:

"(A) An officer on active duty for training.

"(B) An officer on active duty under a call or order specifying a period of less than 180 days.

"(2) Up to 25 reserve component general and flag officers serving on active duty at any one time under calls or orders specifying periods of 180 days or more may be excluded from the limitations of this section. Officers excluded under the preceding sentence are in addition to any other reserve component general or flag officers on active duty under calls or orders specifying periods of 180 days or more who are excluded from the limitations of this section under authority other than this paragraph.".

SEC. 512. DUTIES OF RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) DUTIES.—Section 12310 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d) and transferring such subsection, as so redesignated, to the end of the section; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) DUTIES.—A Reserve on active duty as described in subsection (a) may be assigned only duties in connection with the functions described in that subsection, which may include the following:

"(1) Supporting operations or missions assigned in whole or in part to reserve components.

"(2) Supporting operations or missions performed or to be performed by—

"(A) a unit composed of elements from more than one component of the same armed force; or

"(B) a joint forces unit that includes—

"(i) one or more reserve component units; or

"(ii) if no reserve component unit, any member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

"(3) Advising the Secretary of Defense, the Secretary of a military department, the Joint Chiefs of Staff, or the commander of a unified combatant command regarding reserve component matters.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 12310 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "GRADE.—" after "(a)";

(2) in subsection (c)(1), by striking "(c)(1) A Reserve" and inserting "(c) DUTIES RELATING TO DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION.—(1) Notwithstanding subsection (b), a Reserve"; and

(3) in subsection (d), as redesignated and transferred by subsection (a)(1), by inserting "TRAINING.—" after "(d)".

(c) REVIEW OF USE OF RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.—(1) The Secretary of Defense shall review how the Reserves on active duty in support of the reserves are used in relation to the duties set forth under subsection (b) of section 12310 of title 10, United States Code, as added by subsection (a)(2).

(2) Not later than March 1, 2000, the Secretary shall submit a report on the results of the review to the Committees on Armed Services of the Senate and the House of Representatives. The report shall address, at a minimum, the following issues:

(1) Whether the Reserves on active duty in support of the reserve should be considered as a separate category of Reserves on active duty.

(2) Whether those Reserves should be counted within the active component end strengths and funded by the appropriations for active component military personnel.

SEC. 513. REPEAL OF LIMITATION ON NUMBER OF RESERVES ON FULL-TIME ACTIVE DUTY IN SUPPORT OF PREPAREDNESS FOR RESPONSES TO EMERGENCIES INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPEAL.—Paragraph (4) of section 12310(c) of title 10, United States Code, is amended by striking the first sentence.

(b) CONFORMING AMENDMENTS.—Paragraph (6) of such section is amended—

(1) by striking "or to increase the number of personnel authorized by paragraph (4)" in the matter preceding subparagraph (A); and

(2) in subparagraph (A), by striking "or for the requested additional personnel" and all that follows through "Federal levels".

SEC. 514. EXTENSION OF PERIOD FOR RETENTION OF RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.

(a) PARITY WITH OFFICERS IN GRADES O-2 AND O-3.—Section 14506 of title 10, United States Code, is amended—

(1) by inserting "the later of (1)" after "in accordance with section 14513 of this title on"; and

(2) by inserting before the period at the end the following: ", or (2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to removals of reserve officers from reserve active-status lists under section 14506 of title 10, United States Code, on or after that date.

SEC. 515. CONTINUATION OF OFFICER ON RESERVE ACTIVE-STATUS LIST FOR DISCIPLINARY ACTION.

(a) AUTHORITY.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 14518. Continuation on reserve active-status list to complete disciplinary action

"When any action has been commenced against an officer on a reserve active-status list with a view to trying the officer by court-martial, the Secretary concerned may delay the separation or retirement of the officer under the provisions of this chapter until the completion of the action.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end:

"14518. Continuation on reserve active-status list to complete disciplinary action.".

SEC. 516. RETENTION OF RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.

Section 14703(b) of title 10, United States Code, is amended by striking "(or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age)".

SEC. 517. RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

Section 2126(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) Service credited under paragraph (1) counts only for the award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

"(3) The number of points credited to a member under paragraph (1) for a year of participation in a course of study is 50. The points shall be credited to the member for one of the years of that participation at the end of each year after the completion of the course of study that the member serves in the Selected Reserve and is credited under section 12732(a)(2) of this title with at least 50 points. The points credited for the participation shall be recorded in the member's records as having been earned in the year of the participation in the course of study.";

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) A member of the Selected Reserve may be considered to be in an active status while pursuing a course of study under this subchapter only for purposes of sections 12732(a) and 12733(3) of this title.".

SEC. 518. EXCLUSION OF RESERVE OFFICERS ON EDUCATIONAL DELAY FROM ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.

(a) Exclusion.—Section 14301 of title 10, United States Code is amended by adding at the end the following:

"(h) Officers on Educational Delay.—An officer on a reserve active-status list is ineligible for consideration for promotion, but shall remain on the reserve active-status list, while the officer is—

"(1) pursuing a program of graduate level education in an educational delay status approved by the Secretary concerned; and

"(2) receiving from the Secretary financial assistance in connection with the pursuit of the program in that status.".

(b) Retroactive Effect.—(1) Subsection (h) of section 14301 of title 10, United States Code (as added by subsection (a)), shall take effect on the date of the enactment of this Act and shall apply with respect to boards convened under section 14101(a) of such title before, on, or after that date.

(2) The Secretary of the military department concerned, upon receipt of request in a form and manner prescribed by the Secretary, shall expunge from the military records of an officer any indication of a failure of selection of the officer for promotion by a board referred to in paragraph (1) while the officer was ineligible for consideration by the board by reason of section 14301(h) of title 10, United States Code.

SEC. 519. EXCLUSION OF PERIOD OF PURSUIT OF PROFESSIONAL EDUCATION FROM COMPUTATION OF YEARS OF SERVICE FOR RESERVE OFFICERS.

(a) Exclusion.—The text of section 14706 of title 10, United States Code, is amended to read as follows:

"(a) In General.—For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service of the officer as a commissioned officer of any uniformed service other than the following:

"(1) Service as a warrant officer.

"(2) Constructive service.

"(3) Except as provided in subsection (b), service as a commissioned officer of a reserve component while pursuing a program of advanced education leading to the first professional degree required for appointment, designation, or assignment as an officer in the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, the Army Medical Specialists Corps, or as a chaplain or judge advocate if the service—

"(A) follows appointment as a commissioned officer of a reserve component; and

"(B) precedes the officer's initial service on active duty or initial service in the Ready Reserve in the professional specialty for which the degree if required.

"(b) Prior Service Professional Personnel.—The exclusion in subsection (a)(3) does not apply to service described in that subsection that is performed by an officer who, prior to the described service—

"(1) served on active duty; or

"(2) participated as a member of the Ready Reserve other than in a student status.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to service as a commissioned officer on or after that date.

SEC. 520. CORRECTION OF REFERENCE RELATING TO CREDITING OF SATISFACTORY SERVICE BY RESERVE OFFICERS IN HIGHEST GRADE HELD.

Section 1370(d)(1) of title 10, United States Code, is amended by striking "chapter 1225" and inserting "chapter 1223".

SEC. 521. ESTABLISHMENT OF OFFICE OF THE COAST GUARD RESERVE.

(a) Establishment.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 53. Office of the Coast Guard Reserve; Director

"(a) Establishment of Office; Director.—There is in the executive part of the Coast Guard an Office of the Coast Guard Reserve. The head of the Office is the Director of the Coast Guard Reserve. The Director of the Coast Guard Reserve is the principal adviser to the Commandant on Coast Guard Reserve matters and may have such additional functions as the Commandant may direct.

"(b) Appointment.—The President, by and with the advice and consent of the Senate, shall appoint the Director of the Coast Guard Reserve, from officers of the Coast Guard not on active duty, or on active duty under section 10211 of title 10, who—

"(1) have had at least 10 years of commissioned service;

"(2) are in a grade above captain; and

"(3) have been recommended by the Secretary of Transportation.

"(c) Term.—(1) The Director of the Coast Guard Reserve holds office for a term determined by the President, normally two years, but not more than four years. An officer may be removed from the position of Director for cause at any time.

"(2) The Director of the Coast Guard Reserve, while so serving, holds a grade above Captain, without vacating the officer's permanent grade.

"(d) Budget.—The Director of the Coast Guard Reserve is the official within the executive part of the Coast Guard who, subject to the authority, direction, and control of the Secretary of Transportation and the Commandant, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Coast Guard Reserve. As such, the Director of the Coast Guard Reserve is the director and functional manager of appropriations made for the Coast Guard Reserve in those areas.

"(e) Annual Report.—The Director of the Coast Guard Reserve shall submit to the Secretary of Transportation and the Secretary of Defense an annual report on the state of the Coast Guard Reserve and the ability of the Coast Guard Reserve to meet its missions. The report shall be prepared in conjunction with the Commandant and may be submitted in classified and unclassified versions.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 52 the following:

"53. Office of the Coast Guard Reserve; Director.".

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) Grade of Chief of Army Reserve.—Section 3038(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) Grade of Chief of Naval Reserve.—Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "rear admiral".

(c) Grade of Commander, Marine Forces Reserve.—Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) Grade of Chief of Air Force Reserve.—Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) The Additional General Officers for the National Guard Bureau.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

(f) Exclusion From Limitation on General and Flag Officers.—Section 526(d) of such title is amended to read as follows:

"(d) Exclusion of Certain Reserve Component Officers.—The limitations of this section do not apply to the following reserve component general or flag officers:

"(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.".

(g) Effective Date.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

Subtitle C—Military Education and Training

SEC. 531. AUTHORITY TO EXCEED TEMPORARILY A STRENGTH LIMITATION FOR THE SERVICE ACADEMIES.

Section 511(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1359; 10 U.S.C. 4342 note) is amended—

(1) by inserting "(1)" after "(a) Reduction in Authorized Strengths.—"; and

(2) by adding at the end the following:

"(2) The Secretary of the military department concerned may authorize the strength for an academy for any class year to exceed the strength limitation set forth in paragraph (1) by not more than 5 percent. Before granting that authority, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a written notification of the determination to authorize the excessive strength for that year. The notification shall include a discussion of the justification for exceeding the strength limitation and the actions that the Secretary plans to take to reduce the strength to a level within the strength limitation.".

SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF REIMBURSEMENT AUTHORIZED TO BE WAIVED FOR FOREIGN STUDENTS AT THE SERVICE ACADEMIES.

(a) Repeal.—Sections 4344(b)(3), 6957(b)(3), and 9344(b)(3) of title 10, United States Code, are repealed.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to the academic year that includes that date and academic years that begin after that date.

SEC. 533. EXPANSION OF FOREIGN EXCHANGE PROGRAMS OF THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4345 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "10 cadets" and inserting "24 cadets"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

(b) UNITED STATES NAVAL ACADEMY.—Section 6957a of such title is amended—

(1) in subsection (b), by striking "10 midshipmen" and inserting "24 midshipmen"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9345 of such title is amended—

(1) in subsection (b), by striking "10 Air Force cadets" and inserting "24 Air Force cadets"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

SEC. 534. PERMANENT AUTHORITY FOR ROTC SCHOLARSHIPS FOR GRADUATE STUDENTS.

Section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of the military department concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under this paragraph.".

SEC. 535. AUTHORITY FOR AWARD OF MASTER OF STRATEGIC STUDIES DEGREE BY THE UNITED STATES ARMY WAR COLLEGE.

(a) AUTHORITY FOR DEGREE.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following:

"§ 4321. United States Army War College: master of strategic studies degree

"Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and Dean of the College, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for the degree.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"4321. United States Army War College: master of strategic studies degree.".

SEC. 536. MINIMUM EDUCATIONAL REQUIREMENTS FOR FACULTY OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

Section 9315 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) EDUCATIONAL QUALIFICATIONS OF FACULTY.—Notwithstanding section 3308 of title 5 or any other provision of law, the commander of the Air Education and Training Command may prescribe the minimum educational qualifications required for the professors and instructors of the college. The required qualifications shall equal or exceed the qualifications necessary to satisfy accreditation standards applicable to the college.".

SEC. 537. CONFERRAL OF GRADUATE-LEVEL DEGREES BY AIR UNIVERSITY.

(a) AUTHORITY.—Section 9317(a) of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY.—Upon the recommendation of the faculty of a school of the Air University, the Commander of the Air University may confer a degree upon graduates of that school who fulfill the requirements for the degree, as follows:

"(1) The degree of master of strategic studies, for the Air War College.

"(2) The degree of master of military operational art and science, for the Air Command and Staff College.

"(3) The degree of master of airpower art and science, for the School of Advanced Airpower Studies.".

(b) CLERICAL AMENDMENTS.—(1) The heading of that section is amended to read as follows:

"§ 9317. Air University: graduate-level degrees".

(2) The item relating to such section in the table of sections at the beginning of chapter 901 of title 10, United States Code, is amended to read as follows:

"9317. Air University: graduate-level degrees.".

SEC. 538. PAYMENT OF TUITION FOR EDUCATION AND TRAINING OF MEMBERS IN THE DEFENSE ACQUISITION WORKFORCE.

Section 1745(a) of title 10, United States Code, is amended to read as follows:

"(a) TUITION REIMBURSEMENT AND TRAINING.—(1) The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) for acquisition personnel in the Department of Defense.

"(2) For civilian personnel, the reimbursement and training shall be provided under section 4107(b) of title 5 for the purposes described in that section. For purposes of such section 4107(b), there is deemed to be, until September 30, 2001, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

"(3) In the case of members of the armed forces, the limitation in section 2007(a) of this title shall not apply to tuition reimbursement and training provided for under this subsection.".

SEC. 539. FINANCIAL ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY OFFICER CANDIDATES IN MARINE CORPS PLATOON LEADERS CLASS PROGRAM.

(a) IN GENERAL.—(1) Part IV of subtitle E of title 10, United States Code, is amended by adding at the end the following:

"CHAPTER 1610—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

"Sec.

"16401. Marine Corps Platoon Leaders Class Program: officer candidates pursuing degrees.

"§ 16401. Marine Corps Platoon Leader's Class Program: officer candidates pursuing degrees

"(a) AUTHORITY.—The Secretary of the Navy may provide financial assistance to an eligible enlisted member of the Marine Corps Reserve for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

"(1) a baccalaureate degree in less than five academic years; or

"(2) a doctor of jurisprudence or bachelor of laws degree in not more than three academic years.

"(b) ELIGIBILITY.—(1) To be eligible for receipt of financial assistance under this section, an enlisted member of the Marine Corps Reserve shall—

"(A) be an officer candidate in the Marine Corps Platoon Leaders Class Program and have successfully completed one six-week (or longer) increment of military training required under the program;

"(B) satisfy the applicable age requirement of paragraph (2);

"(C) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education;

"(D) enter into a written agreement with the Secretary—

"(i) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

"(ii) to serve on active duty for at least five years; and

"(iii) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Marine Corps Reserve until the eighth anniversary of the date of the appointment.

"(2)(A) To meet the age requirements of this paragraph, a member pursuing a baccalaureate degree may not be over 26 years of age on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class Program, except that any such member who has served on active duty in the armed forces may, on such date, be any age under 30 years that exceeds 26 years by a number of months that is not more than the number of months that the member served on active duty.

"(B) To meet the age requirements of this paragraph, a member pursuing a doctor of jurisprudence or bachelor of laws degree may not be over 30 years of age on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class Program, except that any such member who has served on active duty in the armed forces may, on such date, be any age under 35 years that exceeds 30 years by a number of months that is not more than the number of months that the member served on active duty.

"(c) COVERED EXPENSES.—Expenses for which financial assistance may be provided under this section are tuition and fees charged by the institution of higher education involved, the cost of books, and, in the case of a program of education leading to a baccalaureate degree, laboratory expenses.

"(d) AMOUNT.—The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $5,200 for any academic year.

"(e) LIMITATIONS.—(1) Financial assistance may be provided to a member under this section only for three consecutive academic years.

"(2) Not more than 1,200 members may participate in the financial assistance program under this section in any academic year.

"(f) FAILURE TO COMPLETE PROGRAM.—A member in receipt of financial assistance under this section may be ordered to active duty in the Marine Corps by the Secretary to serve in an appropriate enlisted grade for such period as the Secretary prescribes, but not for more than four years, if the member—

“(1) completes the military and academic requirements of the Marine Corps Platoon Leaders Class Program and refuses to accept a commission when offered;

“(2) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class Program; or

“(3) is disenrolled from the Marine Corps Platoon Leaders Class Program for failure to maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

“(g) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

(2) The tables of chapters at the beginning of subtitle E of such title and at the beginning of part IV of such subtitle are amended by adding at the end the following:

“1610. Other Educational Assistance Programs .... 16401”.

(b) CONFORMING AMENDMENT.—Section 3695(a)(5) of title 38, United States Code, is amended by striking “Chapters 106 and 107” and inserting “Chapters 107, 1606, and 1610”.

(c) COMPUTATION OF CREDITABLE SERVICE.—Section 205 of title 37, United States Code, is amended by adding at the end the following:

“(f) Notwithstanding subsection (a), the years of service of a commissioned officer appointed under section 12209 of title 10 after receiving financial assistance under section 16401 of such title may not include a period of service after the date of the establishment of the program of financial assistance by the Secretary that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class Program and the Marine Corps Reserve, except for any period of service that the officer performed (concurrently with the period of service as a member of the Marine Corps Platoon Leaders Class Program) as an enlisted member on active duty or as a member of the Selected Reserve.”.

(d) TRANSITION PROVISION.—(1) An enlisted member of the Marine Corps Reserve selected for training as an officer candidate under section 12209 of title 10, United States Code, before implementation of a financial assistance program under section 12216 of such title (as added by subsection (a)) may, upon application, participate in the financial assistance program established under section 12216 of such title (as added by subsection (a)) if the member—

(A) is eligible for financial assistance under such section 12216;

(B) submits a request for the financial assistance to the Secretary of the Navy not later than 180 days after the date on which the Secretary establishes the financial assistance program; and

(C) enters in a written agreement described in subsection (b)(4) of such section 12216.

(2) Section 205(f) of title 37, United States Code, as added by subsection (c), applies to a member referred to in paragraph (1).

Subtitle D—Decorations, Awards, and Commendations

SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to award of the decoration as described in subsection (b), the award of such decoration having been determined by the Secretary of Transportation to be warranted in accordance with section 1130 of title 10, United States Code.

(b) COAST GUARD COMMENDATION MEDAL.—Subsection (a) applies to the award of the Coast Guard Commendation Medal to Mark H. Freeman, of Seattle, Washington for heroic achievement performed in a manner above that normally to be expected during rescue operations for the S.S. Seagate, in September 1956, while serving as a member of the Coast Guard at Gray Harbor Lifeboat Station, Westport, Washington.

SEC. 552. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

SEC. 553. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term “decoration” means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

SEC. 554. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy and Marine Corps for participation in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

Subtitle E—Amendments to Uniform Code of Military Justice

SEC. 561. INCREASE IN SENTENCING JURISDICTION OF SPECIAL COURTS-MARTIAL AUTHORIZED TO ADJUDGE A BAD CONDUCT DISCHARGE.

(a) INCREASE IN JURISDICTION.—Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking “six months” both places it appears and inserting “one year”; and

(2) in the third sentence, by inserting after “A bad conduct discharge” the following: “, confinement for more than six months, or forfeiture of pay for more than six months”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the sixth month following the month in which this Act is enacted, and shall apply with respect to charges referred to trial by special courts-martial on or after that effective date.

SEC. 562. REDUCED MINIMUM BLOOD AND BREATH ALCOHOL LEVELS FOR OFFENSE OF DRUNKEN OPERATION OR CONTROL OF A VEHICLE, AIRCRAFT, OR VESSEL.

(a) STANDARD.—Section 911(2) of title 10, United States Code (article 111(2) of the Uniform Code of Military Justice), is amended by striking “0.10 grams” both places it appears and inserting “0.08 grams”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply with respect to acts committed on or after that date.

Subtitle F—Other Matters

SEC. 571. FUNERAL HONORS DETAILS AT FUNERALS OF VETERANS.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Subsection (a) of section 1491 of title 10, United States Code, is amended to read as follows:

“(a) RESPONSIBILITY.—The Secretary of Defense shall ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran that occurs after December 31, 1999.”.

(b) ELIGIBILITY FOR HONORS.—Subsection (f) of such section is amended to read as follows:

“(h) VETERAN DEFINED.—In this section, the term ‘veteran’ means the following:

“(1) A decedent who was a veteran, as defined in section 101(2) of title 38.

“(2) A decedent who, by reason of having been a member of the Selected Reserve, is eligible for a flag to drape the casket under section 2301(f) of title 38.”.

(c) COMPOSITION OF FUNERAL HONORS DETAILS.—(1) Subsection (b) of such section is amended—

(A) by striking “HONOR GUARD DETAILS.—” and inserting “FUNERAL HONORS DETAILS.—(1)”;

(B) by striking “honor guard detail” and inserting “funeral honors detail”; and

(C) by striking “not less than three persons” and all that follows and inserting the following: “two or more persons.”.

(2) Subsection (c) of such section is amended—

(A) by striking “(c) PERSONS FORMING HONOR GUARDS.—An honor guard detail” and inserting “(2) At least two members of the funeral honors detail for the veteran’s funeral shall be members of the armed forces.

At least one of those members shall be a member of the armed force of which the veteran was a member. The remainder of the detail"; and

(B) by striking the second sentence and inserting the following: "Each member of the armed forces in the detail shall wear the appropriate uniform of the member's armed force while serving in the detail.".

(d) CEREMONY, SUPPORT, AND WAIVER.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) CEREMONY.—A funeral honors detail shall, at a minimum, perform at the funeral a ceremony that includes the folding and presentation of the flag of the United States to the veteran's family and the playing of Taps. Unless a bugler is a member of the detail, the detail shall play a recorded version of Taps using audio equipment which the detail shall provide if adequate audio equipment is not otherwise available for use at the funeral.

"(d) SUPPORT.—To provide a funeral honors detail under this section, the Secretary of a military department may provide the following:

"(1) Transportation, or reimbursement for transportation, and expenses for a person who participates in the funeral honors detail under this section and is not a member of the armed forces or an employee of the United States.

"(2) Materiel, equipment, and training for members of a veterans organization or other organization referred to in subsection (b)(2).

"(e) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any requirement provided in or pursuant to this section when the Secretary considers it necessary to do so to meet the requirements of war, national emergency, or a contingency operation, or other military requirements.

"(2) Before or promptly after granting a waiver under paragraph (1), the Secretary shall transmit a notification of the waiver to the Committees on Armed Services of the Senate and House of Representatives.".

(e) REGULATIONS.—The text of subsection (f) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

"The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall include the following:

"(1) A system for selection of units of the armed forces and other organizations to provide funeral honors details.

"(2) Procedures for responding and coordinating responses to requests for funeral honors details.

"(3) Procedures for establishing standards and protocol.

"(4) Procedures for providing training and ensuring quality of performance.".

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—Section 1588(a) of title 10, United States Code, is amended by adding at the end the following:

"(4) Voluntary services as a member of a funeral honors detail under section 1491 of this title.".

(g) DUTY STATUS OF RESERVES IN FUNERAL HONORS DETAILS.—(1) Chapter 1 of title 32, United States Code, is amended—

(A) in section 114—

(i) by striking "honor guard functions" both places that it appears and inserting "funeral honors functions"; and

(ii) by striking "drill or training otherwise required" and inserting "drill or training, but may be performed as funeral honors duty under section 115 of this title"; and

(B) by adding at the end the following:

"§ 115. Funeral honors duty performed as a Federal function

"(a) ORDER TO DUTY.—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

"(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

"(1) service credit under section 12732(a)(2)(E) of title 10; and

"(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

"(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be paid reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 100 miles or more from the member's residence.

"(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.".

(2) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following:

"§ 12503. Ready Reserve: funeral honors duty

"(a) ORDER TO DUTY.—A member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran as defined in section 1491 of this title.

"(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

"(1) service credit under section 12732(a)(2)(E) of this title; and

"(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

"(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be paid reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 100 miles or more from the member's residence.

"(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

"(e) MEMBERS OF THE NATIONAL GUARD.—This section does not apply to members of the Army National Guard of the United States or the Air National Guard of the United States. The performance of funeral honors duty by such members is provided for in section 115 of title 32.".

(3) Section 12552 of title 10, United States Code, is amended—

(A) by striking "honor guard functions" and inserting "funeral honors functions"; and

(B) by striking "drill or training otherwise required" and inserting "drill or training, but may be performed as funeral honors duty under section 12503 of this title".

(h) CREDITING OF ONE POINT FOR RESERVE SERVING ON DETAIL.—Section 12732(a)(2) of such title is amended—

(1) by inserting after subparagraph (D) the following:

"(E) One point for each day on which funeral honors duty is performed for at least two hours under section 12503 of this title or section 115 of title 32, unless the duty is performed while in a status for which credit is provided under another subparagraph of this paragraph."; and

(2) by striking ", and (D)" in the second sentence and inserting ", (D), and (E)".

(i) BENEFITS FOR MEMBERS IN FUNERAL HONORS DUTY STATUS.—(1) Section 1074a(a) of such title is amended—

(A) in each of paragraphs (1) and (2)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(iii) by adding at the end the following:

"(C) service on funeral honors duty under section 12503 of this title or section 115 of title 32."; and

(B) by adding at the end the following:

"(4) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before serving on funeral honors duty under section 12503 of this title or section 115 of title 32 at or in the vicinity of the place at which the member was to so serve, if the place is outside reasonable commuting distance from the member's residence.".

(2) Section 1076(a)(2) of such title is amended by adding at the end the following:

"(E) A member who died from an injury, illness, or disease incurred or aggravated while the member—

"(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) was traveling to or from the place at which the member was to so serve; or

"(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.".

(3) Section 1204(2) of such title is amended—

(A) by striking "or" at the end of subparagraph (A);

(B) by inserting "or" after the semicolon at the end of subparagraph (B); and

(C) by adding at the end the following:

"(C) is a result of an injury, illness, or disease incurred or aggravated in line of duty—

"(i) while the member was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) while the member was traveling to or from the place at which the member was to so serve; or

"(iii) while the member remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;".

(4) Section 1206(2) is amended to read as follows:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated in line of duty—

"(A) while—

"(i) performing active duty or inactive-duty training;

"(ii) traveling directly to or from the place at which such duty is performed; or

"(iii) remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member's residence; or

"(B) while the member—

"(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) was traveling to or from the place at which the member was to so serve; or

"(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;".

(5) Section 1481(a)(2) of such title is amended—

(A) by striking "or" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; or"; and

(C) by adding at the end the following:

"(F) either—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling directly to or from the place at which to so serve; or

"(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.".

(j) FUNERAL HONORS DUTY ALLOWANCE.—Chapter 4 of title 37, United States Code, is amended by adding at the end the following:

"§ 435. Allowance for funeral honors duty

"(a) AUTHORITY.—The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for each day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

"(b) AMOUNT.—The daily rate of an allowance paid under this section is $50.

"(c) FULL COMPENSATION.—Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which serving, and shall constitute payment in full to the member.".

(k) CLERICAL AMENDMENTS.—(1)(A) The heading for section 1491 of title 10, United States Code, is amended to read as follows:

"§ 1491. Funeral honors functions at funerals for veterans".

(B) The heading for section 12552 of title 10, United States Code, is amended to read as follows:

"§ 12552. Funeral honors functions at funerals for veterans".

(2)(A) The item relating to section 1491 in the table of sections at the beginning of chapter 75 of title 10, United States Code, is amended to read as follows:

"1491. Funeral honors functions at funerals for veterans.".

(B) The table of sections at the beginning of chapter 1213 of title 10, United States Code, is amended by adding at the end the following:

"12503. Ready Reserve: funeral honors duty.".

(C) The item relating to section 12552 table of sections at the beginning of chapter 1215 of title 10, United States Code, is amended to read as follows:

"12552. Funeral honors functions at funerals for veterans.".

(3)(A) The heading for section 114 of title 32, United States Code, is amended to read as follows:

"§ 114. Funeral honors functions at funerals for veterans".

(B) The table of sections at the beginning of chapter 1 of title 32, United States Code, is amended by striking the item relating to section 114 and inserting the following:

"114. Funeral honors functions at funerals for veterans.

"115. Funeral honors duty performed as a Federal function.".

(4) The table of sections at the beginning of chapter 4 of title 37, United States Code, is amended by adding at the end the following:

"435. Allowance for funeral honors duty.".

SEC. 572. INCREASED AUTHORITY TO EXTEND DELAYED ENTRY PERIOD FOR ENLISTMENTS OF PERSONS WITH NO PRIOR MILITARY SERVICE.

(a) MAXIMUM PERIOD OF EXTENSION.—Section 513(b)(1) of title 10, United States Code, is amended by striking "180 days" in the second sentence and inserting "365 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

SEC. 573. ARMY COLLEGE FIRST PILOT PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Army shall establish a pilot program to assess whether the Army could increase the number of, and the level of the qualifications of, persons accessed into the Army by encouraging recruits to pursue higher education or vocational or technical training before entry into active service in the Army.

(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may exercise the authority under section 513 of title 10, United States Code—

(1) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of the Army Reserve or, notwithstanding the scope of the authority under subsection (a) of that section, in the Army National Guard of the United States;

(2) to authorize, notwithstanding the period limitation in subsection (b) of such section, a delay of the enlistment of that person in a regular component under that subsection for the period during which the person is enrolled in and pursuing a program of education at an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within two years after the date of the enlistment as a Reserve; and

(3) in the case of a person enlisted in a reserve component for service in the Individual Ready Reserve, pay an allowance to the person for each month of that period.

(c) MAXIMUM PERIOD OF DELAY.—The period of delay authorized a person under paragraph (2) of subsection (b) may not exceed the two-year period beginning on the date of the person's enlistment accepted under paragraph (1) of such subsection.

(d) AMOUNT OF ALLOWANCE.—(1) The monthly allowance paid under subsection (b)(3) is $150. The allowance may not be paid for more than 24 months.

(2) An allowance under this section is in addition to any other pay and allowances to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

(e) COMPARISON GROUP.—To perform the assessment under subsection (a), the Secretary may define and study any group not including persons receiving a benefit under subsection (b) and compare that group with any group or groups of persons who receive such benefits under the pilot program.

(f) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 1999, and ending on September 30, 2004.

(g) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(1) The assessment of the Secretary regarding the value of the authority under this section for achieving the objectives of increasing the number of, and the level of the qualifications of, persons accessed into the Army.

(2) Any recommendation for legislation or other actions that the Secretary considers appropriate to achieve such objectives through grants of entry delays and financial benefits for advanced education and training of recruits.

SEC. 574. REDUCTION IN REQUIRED FREQUENCY OF REPORTING ON THE SELECTED RESERVE EDUCATIONAL ASSISTANCE PROGRAM UNDER THE MONTGOMERY GI BILL.

The text of section 16137 of title 10, United States Code, is amended to read as follows:

"The Secretary of Defense shall submit to Congress a report not later than March 1 of every other year concerning the operation of the educational assistance program established by this chapter. The report shall cover the two fiscal years preceding the fiscal year in which the report is submitted and shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during the period covered by the report. The Secretary may submit the report more frequently and adjust the period covered by the report accordingly.".

SEC. 575. PARTICIPATION OF MEMBERS IN MANAGEMENT OF ORGANIZATIONS ABROAD THAT PROMOTE INTERNATIONAL UNDERSTANDING.

Section 1033(b)(3) of title 10, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) An entity that, operating in a foreign nation where United States personnel are serving at United States military activities, promotes understanding and tolerance between such personnel (and their families) and the people of that host foreign nation through programs that foster social relations between those persons.".

SEC. 576. FORENSIC PATHOLOGY INVESTIGATIONS BY ARMED FORCES MEDICAL EXAMINER.

(a) INVESTIGATION AUTHORITY.—Chapter 75 of title 10, United States Code, is amended by striking the heading for the chapter and inserting the following:

"CHAPTER 75—DECEASED PERSONNEL

"Subchapter	Sec.
"I. Death Investigations	1471
"II. Death Benefits	1475

"SUBCHAPTER I—DEATH INVESTIGATIONS

"Sec.

"1471. Forensic pathology investigations.

"§ 1471. Forensic pathology investigations

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the

Armed Forces Medical Examiner may conduct a forensic pathology investigation to determine the cause or manner of death of a deceased person under circumstances described in subsection (b). The investigation may include an autopsy of the decedent's remains.

"(b) BASIS FOR INVESTIGATION.—A forensic pathology investigation of a death under this section is justified if—

"(1) either—

"(A) it appears that the decedent was killed or that, whatever the cause of the decedent's death, the cause was unnatural;

"(B) the cause or manner of death is unknown;

"(C) there is reasonable suspicion that the death was by unlawful means;

"(D) it appears that the death resulted from an infectious disease or from the effects of a hazardous material that may have an adverse effect on the military installation or community involved; or

"(E) the identity of the decedent is unknown; and

"(2) either—

"(A) the decedent—

"(i) was found dead or died at an installation garrisoned by units of the armed forces that is under the exclusive jurisdiction of the United States;

"(ii) was a member of the armed forces on active duty or inactive duty for training;

"(iii) was a former member recently retired under chapter 61 of this title as a result of an injury or illness incurred while a member on active duty or inactive duty for training; or

"(iv) was a civilian dependent of a member of the armed forces and was found dead or died outside the United States;

"(B) in any other authorized Department of Defense investigation of matters which involves the death, a factual determination of the cause or manner of the death is necessary; or

"(C) in any other authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or any other Federal agency, an authorized official of such agency with authority to direct a forensic pathology investigation requests that the Armed Forces Medical Examiner conduct such an investigation.

"(c) DETERMINATION OF JUSTIFICATION.—(1) Subject to paragraph (2), the determination under paragraph (1) of subsection (b) shall be made by the Armed Forces Medical Examiner.

"(2) A commander may make the determination under paragraph (1) of subsection (b) and require a forensic pathology investigation under this section without regard to a determination made by the Armed Forces Medical Examiner if—

"(A) in a case involving circumstances described in paragraph (2)(A)(i) of that subsection, the commander is the commander of the installation where the decedent was found dead or died; or

"(B) in a case involving circumstances described in paragraph (2)(A)(ii) of that subsection, the commander is the commander of the decedent's unit at a level in the chain of command designated for such purpose in the regulations prescribed by the Secretary of Defense.

"(d) LIMITATION IN CONCURRENT JURISDICTION CASES.—(1) The exercise of authority under this section is subject to the exercise of primary jurisdiction for the investigation of a death—

"(A) in the case of a death in a State, by the State or a local government of the State; or

"(B) in the case of a death in a foreign country, by that foreign country under any applicable treaty, status of forces agreement, or other international agreement between the United States and that foreign country.

"(2) Paragraph (1) does not limit the authority of the Armed Forces Medical Examiner to conduct a forensic pathology investigation of a death that is subject to the exercise of primary jurisdiction by another sovereing if the investigation by the other sovereing is concluded without a forensic pathology investigation that the Armed Forces Medical Examiner considers complete. For the purposes of the preceding sentence a forensic pathology investigation is incomplete if the investigation does not include an autopsy of the decedent.

"(e) PROCEDURES.—For a forensic pathology investigation under this section, the Armed Forces Medical Examiner shall—

"(1) designate one or more qualified pathologists to conduct the investigation;

"(2) to the extent practicable and consistent with responsibilities under this section, give due regard to any applicable law protecting religious beliefs;

"(3) as soon as practicable, notify the decedent's family, if known, that the forensic pathology investigation is being conducted;

"(4) as soon as practicable after the completion of the investigation, authorize release of the decedent's remains to the family, if known; and

"(5) promptly report the results of the forensic pathology investigation to the official responsible for the overall investigation of the death.

"(f) DEFINITION OF STATE.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam.".

(b) REPEAL OF AUTHORITY FOR EXISTING INQUEST PROCEDURES.—Sections 4711 and 9711 of title 10, United States Code, are repealed.

(c) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Chapter 75 of such title, as amended by subsection (a), is further amended by inserting before section 1475 the following:

"SUBCHAPTER II—DEATH BENEFITS".

(2) The item relating to chapter 75 in the tables of chapters at the beginning subtitle A of such title and at the beginning of part II of such subtitle is amended to read as follows

"75. Deceased Personnel .... 1471".

(3) The table of sections at the beginning chapter 445 of such title is amended by striking the item relating to section 4711.

(4) The table of sections at the beginning chapter 945 of such title is amended by striking the item relating to section 9711.

SEC. 577. NONDISCLOSURE OF INFORMATION ON MISSING PERSONS RETURNED TO UNITED STATES CONTROL.

Section 1506 of title 10, United States Code, is amended by adding at the end the following:

"(f) NONDISCLOSURE OF CERTAIN INFORMATION.—A record of the content of a debriefing of a missing person returned to United States control during the period beginning July 8, 1959, and ending February 10, 1996, that was conducted by an official of the United States authorized to conduct the debriefing is privileged information and, notwithstanding sections 552 and 552a of title 5, may not be disclosed, in whole or in part, under either such section.".

SEC. 578. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS PURPOSES.

(a) AUTHORITY.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

"§ 2249c. Use of recruiting materials for public relations

"Advertising materials developed for use for recruitment and retention of personnel for the armed forces may be used for public relations purposes of the Department of Defense under such conditions and subject to such restrictions as the Secretary of Defense shall prescribe.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following:

"2249c. Use of recruiting materials for public relations.".

SEC. 579. IMPROVEMENT AND TRANSFER OF JURISDICTION OF TROOPS-TO-TEACHERS PROGRAM.

(a) RECODIFICATION, IMPROVEMENT, AND TRANSFER OF PROGRAM.—(1) Section 1151 of title 10, United States Code, is amended to read as follows:

"§ 1151. Assistance to certain separated or retired members to obtain certification and employment as teachers

"(a) PROGRAM AUTHORIZED.—The administering Secretary may carry out a program—

"(1) to assist eligible members of the armed forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

"(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1).

"(b) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES AND STATES.—(1)(A) In carrying out the program, the administering Secretary shall periodically identify local educational agencies that—

"(i) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

"(ii) are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers.

"(B) The administering Secretary may identify local educational agencies under subparagraph (A) through surveys conducted for that purpose or by utilizing information on local educational agencies that is available to the Secretary of Education from other sources.

"(2) In carrying out the program, the administering Secretary shall also conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying certification or licensure requirements for teachers.

"(c) ELIGIBLE MEMBERS.—(1) Subject to paragraph (2), the following members shall be eligible for selection to participate in the program:

"(A) Any member who—

"(i) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and "(ii) satisfies such other criteria for eligibility as the administering Secretary may prescribe.

"(B) Any member—

"(i) who, on or after October 1, 1999—

"(I) is retired for length of service with at least 20 years of active service computed under section 3925, 3926, 8925, or 8926 of this title or for purposes of chapter 571 of this title; or

"(II) is retired under section 1201 or 1204 of this title;

"(ii) who—

"(I) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, has received a baccalaureate or advanced degree from an accredited institution of higher education; or

"(II) in the case of a member applying for assistance for placement as a vocational or technical teacher—

"(aa) has received the equivalent of one year of college from an accredited institution of higher education and has 10 or more years of military experience in a vocational or technical field; or

"(bb) otherwise meets the certification or licensure requirements for a vocational or technical teacher in the State in which such member seeks assistance for placement under the program; and

"(iii) who satisfies any criteria prescribed under subparagraph (A)(ii).

"(2) A member described in paragraph (1) shall be eligible to participate in the program only if the member's last period of service in the armed forces was characterized as honorable by the Secretary concerned.

"(d) INFORMATION REGARDING PROGRAM.—(1) The administering Secretary shall provide information regarding the program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title.

"(2) The information provided to members shall—

"(A) indicate the local educational agencies identified under subsection (b)(1); and

"(B) identify those States surveyed under subsection (b)(2) that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements.

"(e) SELECTION OF PARTICIPANTS.—(1)(A) Selection of members to participate in the program shall be made on the basis of applications submitted to the administering Secretary on a timely basis. An application shall be in such form and contain such information as that Secretary may require.

"(B) An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

"(i) In the case of an applicant who is eligible under subsection (c)(1)(A), not later than September 30, 2003.

"(ii) In the case of an applicant who is eligible under subsection (c)(1)(B), not later than four years after the date of the retirement of the applicant from active duty.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the administering Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

"(B) have educational or military experience in another subject area identified by that Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The administering Secretary may not select a member to participate in the program unless that Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (g) with respect to that member.

"(f) AGREEMENT.—A member selected to participate in the program shall be required to enter into an agreement with the administering Secretary in which the member agrees—

"(1) to obtain, within such time as that Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

"(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under subparagraph (A) or (B) of subsection (b)(1), to begin the school year after obtaining that certification or licensure.

"(g) STIPEND AND BONUS FOR PARTICIPANTS.—(1)(A) Subject to subparagraph (B), the administering Secretary shall pay to each participant in the program a stipend in an amount equal to $5,000.

"(B) The total number of stipends that may be paid under this paragraph in any fiscal year may not exceed 3,000.

"(2)(A) Subject to subparagraph (B), the administering Secretary may, in lieu of paying a stipend under paragraph (1), pay a bonus of $10,000 to each participant in the program who agrees under subsection (f) to accept full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

"(B) The total number of bonuses that may be paid under this paragraph in any fiscal year may not exceed 1,000.

"(C) In this paragraph, the term 'high need school' means an elementary school or secondary school that meets one or more of the following criteria:

"(i) A drop out rate that exceeds the national average school drop out rate.

"(ii) A large percentage of students (as determined by the Secretary of Education in consultation with the National Assessment Governing Board) who speak English as a second language.

"(iii) A large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

"(iv) A population of students at least one-half of which are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(v) A large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(vi) Any other criteria established by the administering Secretary in consultation with the National Assessment Governing Board.

"(3) Stipends and bonuses paid under this subsection shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service, the participant shall be required to reimburse the administering Secretary for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

"(2) If a participant in the program who is paid a bonus under subsection (g)(2) fails to obtain employment for which the bonus was paid, or voluntarily leaves or is terminated for cause from the employment during the four years of required service, the participant shall be required to reimburse the administering Secretary for the bonus in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

"(3)(A) The obligation to reimburse the administering Secretary under this subsection is, for all purposes, a debt owing the United States.

"(B) A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the administering Secretary under this subsection.

"(C) Any amount owed by a participant under paragraph (1) or (2) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the armed forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the administering Secretary.

"(2) A participant shall be excused from reimbursement under subsection (h) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The administering Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by that Secretary.

“(j) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the program of any assistance under the program shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38 or chapter 1606 of this title.

“(k) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The administering Secretary may permit States participating in the program to carry out activities authorized for such States under this section through one or more consortia of such States.

“(l) ASSISTANCE TO STATES IN ACTIVITIES UNDER PROGRAM.—(1) Subject to paragraph (2), the administering Secretary may make grants to States participating in the program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members for participation in the program and facilitating the employment of participants in the program in schools in such States or consortia of States.

“(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed $4,000,000.

“(m) LIMITATION ON USE OF FUNDS FOR MANAGEMENT INFRASTRUCTURE.—The administering Secretary may utilize not more than five percent of the funds available to carry out the program for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

“(n) DEFINITIONS.—In this section:

“(1) The term ‘administering Secretary’, with respect to the program authorized by this section, means the following:

“(A) The Secretary of Defense with respect to the armed forces (other than the Coast Guard) for the period beginning on October 23, 1992, and ending on the date of the completion of the transfer of responsibility for the program to the Secretary of Education under section 579(c) of the National Defense Authorization Act for Fiscal Year 2000.

“(B) The Secretary of Transportation with respect to the Coast Guard for the period referred to in subparagraph (A).

“(C) The Secretary of Education for any period after the period referred to in subparagraph (A).

“(2) The term ‘State’ includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

“(3) The term ‘alternative certification or licensure requirements’ means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.”.

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1151 and inserting the following new item:

“1151. Assistance to certain separated or retired members to obtain certification and employment as teachers.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) TRANSFER OF JURISDICTION OVER CURRENT PROGRAM.—(1) The Secretary of Defense, Secretary of Transportation, and Secretary of Education shall provide for the transfer to the Secretary of Education of any on-going functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect to the program authorized by section 1151 of title 10, United States Code, for the period beginning on October 23, 1992, and ending on September 30, 2001.

(2) The Secretaries shall complete the transfer under paragraph (1) not later than October 1, 2001.

(3) After completion of the transfer, the Secretary of Education shall discharge that Secretary's functions and responsibilities with respect to the program in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard.

(d) REPORTS.—(1) Not later than March 31, 2002, the Secretary of Education (in consultation with the Secretary of Defense and the Secretary of Transportation) and the Comptroller General shall each submit to Congress a report on the effectiveness of the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)), in the recruitment and retention of qualified personnel by local educational agencies identified under subsection (b)(1) of such section 1151.

(2) The report under paragraph (1) shall include information on the following:

(A) The number of participants in the program.

(B) The schools in which such participants are employed.

(C) The grade levels at which such participants teach.

(D) The subject matters taught by such participants.

(E) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(F) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(G) The rates of retention of such participants by the local educational agencies employing such participants.

(H) The effect of any stipends or bonuses under subsection (g) of such section 1151 in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(I) Such other matters as the Secretary of Education or the Comptroller General, as the case may be, considers appropriate.

(3) The report of the Comptroller General under paragraph (1) shall also include any recommendations of the Comptroller General as to means of improving the program, including means of enhancing the recruitment and retention of participants in the program.

SEC. 580. SUPPORT FOR EXPANDED CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR DEPENDENTS.

(a) AUTHORITY.—(1) Subchapter II of chapter 88 of title 10, United States Code, is amended—

(A) by redesignating section 1798 as section 1800; and

(B) by inserting after section 1797 the following:

“§ 1798. Child care services and youth program services for dependents: financial assistance for providers

“(a) AUTHORITY.—The Secretary of Defense may provide financial assistance to an eligible civilian provider of child care services or youth program services that furnishes such services for members of the armed forces and employees of the Federal Government if the Secretary determines that providing the assistance—

“(1) is in the best interest of the Department of Defense;

“(2) enables supplementation or expansion of furnishing of the services for military installations; and

“(3) ensures that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards of the Department of Defense that are applicable to the furnishing of such services.

“(b) ELIGIBLE PROVIDER.—A provider of child care services or youth program services is eligible for financial assistance under paragraph (1) if the provider—

“(1) is licensed to provide the services under applicable State and local law;

“(2) has previously provided such services for members of the armed forces or employees of the Federal Government; and

“(3) either—

“(A) is a provider of otherwise federally funded or sponsored child development services;

“(B) provides the services in a child development center owned and operated by a private, not-for-profit organization;

“(C) is a provider of family child care services;

“(D) conducts a before-school or after-school child care program in a public school facility;

“(E) conducts an otherwise federally funded or federally sponsored school age child care or youth services program;

“(F) conducts a school age child care or youth services program that is owned and operated by a not-for-profit organization; or

“(G) is a provider of another category of child care services or youth services determined by the Secretary of Defense as appropriate for meeting the needs of members of the armed forces or employees of the Department of Defense.

“(c) FUNDING.—To provide financial assistance under this subsection, the Secretary of Defense may use any funds available for the Department of Defense.

“(d) BIENNIAL REPORT.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of the authority for meeting the needs of members of the armed forces or employees of the Department of Defense for child care services and youth program services. The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to meet those needs.

“(2) A biennial report under this subsection may be combined with the biennial report under section 1799(d) of this title into one report for submission to Congress.

“§ 1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible

“(a) AUTHORITY.—The Secretary may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in the programs.

“(b) LIMITATION.—Authorization of participation in a program under subsection (a) shall be limited to situations in which the participation promotes the attainment of the objectives set forth in subsection (c), as determined by the Secretary.

“(c) OBJECTIVES.—The objectives for authorizing participation in a program under subsection (a) are as follows:

“(1) To support the integration of children and youth of military families into civilian communities.

“(2) To make more efficient use of Department of Defense facilities and resources.

“(3) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of the armed forces.

“(d) BIENNIAL REPORT.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of the authority for achieving the objectives set out under subsection (c). The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to attain those objectives.

“(2) A biennial report under this subsection may be combined with the biennial report under section 1798(d) of this title into one report for submission to Congress.”.

(2) The table of sections at the beginning of such subchapter is amended by striking the item relating to section 1798 and inserting the following:

“1798. Child care services and youth program services for dependents: financial assistance for providers.”.
“1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible.
“1800. Definitions.”.

(b) FIRST BIENNIAL REPORTS.—The first biennial reports under sections 1798(d) and 1799(d) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 2002, and shall cover fiscal years 2000 and 2001.

SEC. 581. RESPONSES TO DOMESTIC VIOLENCE IN THE ARMED FORCES.

(a) MILITARY-CIVILIAN TASK FORCE ON DOMESTIC VIOLENCE.—(1) The Secretary of Defense shall establish a Military-Civilian Task Force on Domestic Violence. The Secretary shall appoint the members of the task force in accordance with this section not later than six months after the date of the enactment of this Act.

(2)(A) Not later than six months after the date on which all members of the task force are appointed, the task force shall submit to the Secretary of Defense recommendations on the matters set out under subsection (b). The task force shall, thereafter, submit to the Secretary of Defense from time to time any analyses and recommendations for policies regarding how the Armed Forces can effectively respond, and improve responses, to cases of domestic violence that the task force considers appropriate.

(B) The task force shall submit to Congress an annual report containing a detailed discussion of the achievements in responses to domestic violence in the Armed Forces, pending research on domestic violence, and any recommendations for actions to improve the responses of the Armed Forces to domestic violence in the Armed Forces that the task force considers appropriate.

(C) The task force shall—

(i) meet in plenary session at least once annually; and

(ii) visit military installations overseas annually and military installations within the United States semiannually.

(3) The Secretary shall appoint the members of the task force. The task force shall include the following:

(A) Representatives of Department of Defense family advocacy programs.

(B) Medical personnel.

(C) Judge advocates.

(D) Military police or other law enforcement personnel of the Armed Forces.

(E) Commanders.

(F) Personnel who plan, execute, and evaluate training of the Armed Forces.

(G) Civilian personnel who are experts on domestic violence, family advocates, providers of services specifically for victims of domestic violence, and researchers in domestic violence including, but not limited to, the following:

(i) At least two representatives from the national domestic violence resource center and the special issue resource centers referred to in section 308 of the Family Violence Prevention and Services Act (42 U.S.C. Sec. 10407).

(ii) At least two representatives from national domestic violence and sexual assault policy organizations.

(iii) At least two representatives from selected States' domestic violence and sexual assault coalitions.

(iv) At least two local domestic violence and sexual assault service providers in communities located near military installations.

(H) Civilian law enforcement personnel (appointed in consultation with the Attorney General).

(I) Representatives of the Department of Justice (appointed in consultation with the Attorney General) from the following offices:

(i) The Office on Violence Against Women.

(ii) The Violence Against Women Grants Office.

(J) Representatives of the Department of Health and Human Services (appointed in consultation with the Secretary of Health and Human Services) from the Family Violence Prevention and Services Office.

(4) The Secretary shall ensure that the task force includes the following:

(A) Representatives of the Office of the Secretary of Defense.

(B) General and flag officers.

(C) Noncommissioned officers.

(D) Other enlisted personnel.

(5) The Secretary of Defense shall annually designate to chair the task force one member of the task force from among the members on a list of nominees submitted to the Secretary for that purpose by the task force.

(6) Each member of the task force shall serve without compensation (other than the compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be), but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular places of business in the performance of services for the task force.

(7) The Assistant Secretary of Defense for Force Management Policy, under the direction of the Under Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force and shall provide the task force with the personnel, facilities, and other administrative support that is necessary for the performance of the task force's duties. The Assistant Secretary shall provide for the Secretaries of the military department to provide support described in paragraph (8)(B) for the task force on a rotating basis.

(8) The Secretary of the military department concerned shall—

(A) coordinate visits of the task force to military installations; and

(B) as designated by the Assistant Secretary of Defense and in coordination with Assistant Secretary, provide administrative, logistical, and other support for the meetings of the task force.

(9) The task force shall terminate three years after the date on which all members of the task force are appointed.

(b) UNIFORM RESPONSES.—Not later than six months after receiving the report of the task force under subsection (a)(2)(A), the Secretary of Defense shall, in consultation with the task force, prescribe the following:

(1) Standard formats for memorandums of agreement or understanding to be used by the Secretaries of the military departments for entering into agreements with civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement for a commanding officer of a member of the Armed Forces ordered by a superior not to have contact with a person to give a written copy of the order to each person protected by the order within 24 hours after the issuance of the order.

(3) Standard guidance on the factors for commanders to consider when determining appropriate action for substantiated allegations of domestic violence by a person subject to that Code.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(c) REPORTING REQUIREMENTS.—(1) The Secretary shall establish a central database of information on the cases of domestic violence involving members of the Armed Forces.

(2) The Secretary shall require the administrator of each family advocacy program of the Armed Forces to maintain and report annually to the administrator of the database established under paragraph (1), the information received or developed under the program on the following matters:

(A) Each domestic violence case reported to a commander, any law enforcement authority of the Armed Forces, or a family advocacy program of the Department of Defense.

(B) The number of the cases that involve evidence determined sufficient for supporting disciplinary action and, for each such case, a description of the substantiated allegation and the action taken by command authorities in the case.

(C) The number of the cases that involve evidence determined insufficient for supporting disciplinary action and, for each such case, a description of the allegation.

(3) The Secretary shall submit to Congress an annual report on the data submitted to the central database established under paragraph (1).

SEC. 582. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The late Rear Admiral (retired) Husband E. Kimmel, formerly serving in the

grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor.

(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6–7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor";

(B) criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation"; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war";

(B) detailed information and intelligence about Japanese intentions and war plans were available in "abundance", but were not shared with Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this".

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that the late Major General (retired) Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list".

(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (by then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.

(15) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared".

(16) The Dorn Report found—

(A) that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war";

(B) that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels"; and

(C) that "together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered".

(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from then Admiral Kimmel and Lieutenant General Short.

(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.

(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968, without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—

(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department,

competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

SEC. 583. EXIT SURVEY FOR SEPARATING MEMBERS.

(a) REQUIREMENT.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall suspend exit surveys and interviews of that department during the period described in the first sentence.

(b) SURVEY CONTENT.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

(c) REPORT.—Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the surveys. The report shall include an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans of those personnel. The Secretary shall utilize the report's findings in crafting future responses to declining retention and recruitment.

SEC. 584. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2000 INCREASE AND RESTRUCTURING OF BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services by section 203(a) of such title to become effective during fiscal year 2000 shall not be made.

(b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services shall be increased by 4.8 percent.

(c) BASIC PAY REFORM.—Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0-9	0.00	0.00	0.00	0.00	0.00
0-8	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
0-7	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
0-6	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
0-5	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
0-4	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
0-3[3]	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
0-2[3]	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
0-1[3]	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	Over 8	Over 10	Over 12	Over 14	Over 16
0-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0-9	0.00	0.00	0.00	0.00	0.00
0-8	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
0-7	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
0-6	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
0-5	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
0-4	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
0-3[3]	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
0-2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0-1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
0-10[2]	$0.00	$10,655.10	$10,707.60	$10,930.20	$11,318.40
0-9	0.00	9,319.50	9,453.60	9,647.70	9,986.40
0-8	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
0-7	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
0-6	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
0-5	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
0-4	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
0-3[3]	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
0-2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0-1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

[1] Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

[2] While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

[3] Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-3E	$0.00	$0.00	$0.00	$3,364.80	$3,525.90

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–2E	0.00	0.00	0.00	3,009.00	3,071.10
O–1E	0.00	0.00	0.00	2,423.10	2,588.40

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E	$3,702.60	$3,850.20	$4,040.40	$4,200.30	$4,291.80
O–2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
O–1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E	$4,416.90	$4,416.90	$4,416.90	$4,416.90	$4,416.90
O–2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
O–1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W–3	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W–2	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W–1	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W–3	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W–2	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W–1	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W–4	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W–3	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W–2	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W–1	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9[4]	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E–6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E–5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E–4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E–3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	[5] 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
E–9[4]	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E–8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E–7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E–6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E–5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
E–9[4]	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.80
E–8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E–7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E–6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E–5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[4] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[5] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $930.30.

SEC. 602. PAY INCREASES FOR FISCAL YEARS 2001 THROUGH 2006.

(a) ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.—Section 1009(c) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), but subject to subsection (d), an adjustment taking effect under this section during each of fiscal years 2001 through 2006 shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of one percent plus the percentage calculated as provided under section 5303(a) of title 5 for such fiscal year (without regard to whether rates of pay under the statutory pay systems are actually increased during such fiscal year under that section by the percentage so calculated).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

SEC. 603. SPECIAL SUBSISTENCE ALLOWANCE FOR FOOD STAMP ELIGIBLE MEMBERS.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Special subsistence allowance: members eligible for food stamps

"(a) ENTITLEMENT.—Upon the application of an eligible member of a uniformed service described in subsection (b)(1), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

"(b) COVERED MEMBERS.—(1) A member referred to subsection (a) is an enlisted member in pay grade E–5 or below.

"(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

"(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

"(1) Termination of eligibility for food stamp assistance.

"(2) Payment of the special subsistence allowance for 12 consecutive months.

"(3) Promotion of the member to a higher grade.

"(4) Transfer of the member in a permanent change of station.

"(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

"(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

"(3) The number of times that payments are resumed under this subsection is unlimited.

"(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

"(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

"(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

"(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2004.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Special subsistence allowance: members eligible for food stamps.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 1999, the Secretary of Defense shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Secretary shall consult with the Secretary of Transportation (with respect to the Coast Guard), who shall provide the Secretary of Defense with any information that the Secretary determines necessary to prepare the report.

(3) No report is required under this section after March 1, 2004.

SEC. 604. PAYMENT FOR UNUSED LEAVE IN CONJUNCTION WITH A REENLISTMENT.

Section 501 of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated)," after "honorable conditions"; and

(2) in subsection (b)(2), by striking ", or entering into an enlistment,".

SEC. 605. CONTINUANCE OF PAY AND ALLOWANCES WHILE IN DUTY STATUS (WHEREABOUTS UNKNOWN).

(a) CONTINUANCE OF PAY AND ALLOWANCES.—(1) Chapter 10 of title 37, United States Code, is amended by inserting after section 552 the following:

"§ 552a. Pay and allowances: continuation while in a duty status (whereabouts unknown); limitations

"For any period that a member of a uniformed service on active duty or performing inactive-duty training is in a duty status (whereabouts unknown), section 552 of this title, except for subsections (d) and (e), shall apply to the member as if the member were in a missing status for that period.".

(2) The table of sections at the beginning of chapter 10 of such title is amended by inserting after the item relating to section 552 the following:

"552a. Pay and allowances: continuation while in a duty status (whereabouts unknown); limitations.".

(b) DEFINITION OF DUTY STATUS (WHEREABOUTS UNKNOWN).—Section 551 of such title is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) The term 'duty status (whereabouts unknown)' means a transitory casualty status designated for a member of uniformed service by a commander responsible for accounting for the member when the commander suspects that the member is a casualty whose absence is involuntary and does not consider the available relevant evidence sufficient for making a definite determination that the member is missing, has deserted, is absent without leave, or is dead.".

SEC. 606. EQUITABLE TREATMENT OF CLASS OF 1987 OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) YEARS OF SERVICE CREDIT.—An officer of the uniformed services who entered the Uniformed Services University of the Health Sciences as a student in 1983 and who successfully completed the course of instruction at the University in 1987 shall be treated for purposes of determining pay and years of service in the same manner as a student at the University who graduated in 1986, notwithstanding the enactment of the Defense Officer Personnel Management Act (Public Law 96–513; 94 Stat. 2835).

(b) PROSPECTIVE APPLICABILITY.—This section shall take effect on October 1, 1999. No entitlement to increased pay or allowances accrues for periods before such date, and no eligibility accrues for consideration for selection for promotions by boards convened before such date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 1999," and inserting "December 31, 2000,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking "any fiscal year beginning before October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999" and inserting "the 15-month period beginning on October 1, 1998, and ending on December 31, 1999, and any year beginning after December 31, 1999, and ending before January 1, 2001".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) Selected Reserve Enlistment Bonus.—Section 308c(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(g) Prior Service Enlistment Bonus.—Section 308i(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2001".

SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting in lieu thereof "December 31, 2000".

SEC. 614. AMOUNT OF AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS FORMERLY ELIGIBLE FOR HAZARDOUS DUTY PAY.

(a) Save Pay Provision.—Section 301a(b) of title 37, United States Code, is amended by adding at the end the following:

"(4) The amount of the monthly incentive pay payable under this section to an air battle manager who was receiving incentive pay under section 301(c)(2)(A) of this title immediately before becoming eligible for incentive pay under this section shall be the higher of—

"(A) the monthly rate of incentive pay that the member was receiving under section 301(c)(2)(A) of this title; or

"(B) the rate applicable to the member under paragraph (1), (2), or (3).".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.

SEC. 615. AVIATION CAREER OFFICER SPECIAL PAY.

(a) Period of Authority.—Subsection (a) of section 301b of title 37, United States Code, is amended—

(1) by inserting "(1)" after "Authorized.—";

(2) by striking "during the period beginning on January 1, 1989, and ending on December 31, 1999," and inserting "during the period described in paragraph (2),"; and

(3) adding at the end the following:

"(2) Paragraph (1) applies with respect to agreements executed during the period beginning on the first day of the first month that begins on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000 and ending on December 31, 2004.".

(b) Repeal of Limitation to Certain Years of Career Aviation Service.—Subsection (b) of such section is amended—

(1) by striking paragraph (5);

(2) by inserting "and" at the end of paragraph (4); and

(3) by redesignating paragraph (6) as paragraph (5).

(c) Repeal of Lower Alternative Amount for Agreement To Serve for 3 or Fewer Years.—Subsection (c) of such section is amended by striking "than—" and all that follows and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(d) Proration Authority for Coverage of Increased Period of Eligibility.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(e) Terminology.—Such section is further amended—

(1) in subsection (f), by striking "A retention bonus" and inserting "Any amount"; and

(2) in subsection (i)(1), by striking "retention bonuses" in the first sentence and inserting "special pay under this section".

(f) Repeal of Content Requirements for Annual Report.—Subsection (i)(1) of such section is further amended by striking the second sentence.

(g) Technical Amendment.—Subsection (g)(3) of such section if amended by striking the second sentence.

(h) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 616. CAREER ENLISTED FLYER INCENTIVE PAY.

(a) Incentive Pay Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section 301f:

"§ 301f. Incentive pay: career enlisted flyers

"(a) Pay Authorized.—An enlisted member described in subsection (b) may be paid career enlisted flyer incentive pay as provided in this section.

"(b) Eligible Members.—An enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

"(1) is entitled to basic pay under section 204 of this title or is entitled to compensation under paragraph (1) or (2) of section 206(a) of this title;

"(2) holds a military occupational specialty or military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned in regulations prescribed under subsection (f) and continues to be proficient in the skills required for that specialty or rating, or is in training leading to the award of such a specialty or rating; and

"(3) is qualified for aviation service.

"(c) Monthly Payment.—(1) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs aviation service that involves frequent and regular performance of operational flying duty by the member.

"(2)(A) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs service, without regard to whether or the extent to which the member performs operational flying duty during the month, as follows:

"(i) In the case of a member who has performed at least 6, and not more than 15, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 72 months if the member so performed in at least that number of months before completing the member's first 10 years of performance of aviation service.

"(ii) In the case of a member who has performed more than 15, and not more than 20, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 108 months if the member so performed in at least that number of months before completing the member's first 15 years of performance of aviation service.

"(iii) In the case of a member who has performed more than 20, and not more than 25, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 168 months if the member so performed in at least that number of months before completing the member's first 20 years of performance of aviation service.

"(B) The Secretary concerned, or a designee of the Secretary concerned not below the level of personnel chief of the armed force concerned, may reduce the minimum number of months of frequent and regular performance of operational flying duty applicable in the case of a particular member under—

"(i) subparagraph (A)(i) to 60 months;

"(ii) subparagraph (A)(ii) to 96 months; or

"(iii) subparagraph (A)(iii) to 144 months.

"(C) A member may not be paid career enlisted flyer incentive pay in the manner provided under subparagraph (A) after the member has completed 25 years of aviation service.

"(d) Monthly Rates.—(1) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

"Years of aviation service	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400.

"(2) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member of a reserve component for each period of inactive-duty training during which aviation service is performed shall be equal to $\frac{1}{30}$ of the monthly rate of career enlisted flyer incentive pay provided under paragraph (1) for a member on active duty with the same number of years of aviation service.

"(e) Nonapplicability to Members Receiving Hazardous Duty Incentive Pay or Special Pay for Diving Duty.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

"(f) Regulations.—The Secretary concerned shall prescribe regulations for the administration of this section. The regulations shall include the following:

"(1) Definitions of the terms 'aviation service' and 'frequently and regularly performed operational flying duty' for purposes of this section.

"(2) The military occupational specialties or military rating, as the case may be, that are designated as career enlisted flyer specialties or ratings, respectively, for purposes of this section.

"(g) DEFINITION.—In this section, the term 'operational flying duty' means—

"(1) flying performed under competent orders while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned; and

"(2) flying performed by members in training that leads to the award of a military occupational specialty or rating referred to in subsection (b)(2).".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301e the following new item:

"301f. Incentive pay; career enlisted flyers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) SAVE PAY PROVISION.—In the case of an enlisted member of a uniformed service who is a designated career enlisted flyer entitled to receive hazardous duty incentive pay under section 301(b) or 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled from that date to payment of incentive pay at the monthly rate that is the higher of—

(1) the monthly rate of incentive pay authorized by such section 301(b) or 301(c)(2)(A) as of September 30, 1999; or

(2) the monthly rate of incentive pay authorized by section 301f of title 37, United States Code, as added by subsection (a).

SEC. 617. RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301f, as added by section 616 of this Act, the following new section:

"§ 301g. Special pay: special warfare officers extending period of active duty

"(a) BONUS AUTHORIZED.—A special warfare officer described in subsection (b) who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) COVERED OFFICERS.—A special warfare officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator and is serving in a position for which that specialty or designator is authorized;

"(2) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies for an agreement under this section;

"(3) has completed at least 6, but not more than 14, years of active commissioned service; and

"(4) has completed any service commitment incurred to be commissioned as an officer.

"(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

"(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of active commissioned service.

"(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid—

"(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary concerned followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

"(2) in graduated annual payments under regulations prescribed by the Secretary concerned with the first payment being payable at the time the agreement is accepted by the Secretary concerned and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

"(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, as amended by section 110(a) of this Act, is amended by inserting after the item relating to section 301f the following new item:

"301g. Special pay: special warfare officers extending period of active duty.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 618. RETENTION BONUS FOR SURFACE WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301g, as added by section 617 of this Act, the following new section:

"§ 301h. Special pay: surface warfare officers extending period of active duty

"(a) SPECIAL PAY AUTHORIZED.—(1) A surface warfare officer described in subsection (b) who executes a written agreement described in paragraph (2) may, upon the acceptance of the agreement by the Secretary of the Navy, be paid a retention bonus as provided in this section.

"(2) An agreement referred to in paragraph (1) is an agreement in which the officer concerned agrees—

"(A) to remain on active duty for at least two years and through the tenth year of active commissioned service; and

"(B) to complete tours of duty to which the officer may be ordered during the period covered by subparagraph (A) as a department head afloat.

"(b) COVERED OFFICERS.—A surface warfare officer referred to in subsection (a) is an officer of the Regular Navy or Naval Reserve on active duty who—

"(1) is designated and serving as a surface warfare officer;

"(2) is in pay grade O–3 at the time the officer applies for an agreement under this section;

"(3) has been selected for assignment as a department head on a surface ship;

"(4) has completed at least four, but not more than eight, years of active commissioned service; and

"(5) has completed any service commitment incurred to be commissioned as an officer.

"(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

"(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 10 years of active commissioned service.

"(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed and may be paid—

"(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

"(2) in equal annual payments with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

"(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) Regulations.—The Secretary of the Navy shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301g, as added by section 111(a) of this Act, the following new item:

"301h. Special pay: surface warfare officers extending period of active duty.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 619. ADDITIONAL SPECIAL PAY FOR BOARD CERTIFIED VETERINARIANS IN THE ARMED FORCES AND PUBLIC HEALTH SERVICE.

(a) Authority.—Section 303 of title 37, United States Code, is amended—

(1) by inserting "(a) Monthly Special Pay.—" before "Each"; and

(2) by adding at the end the following:

"(b) Additional Special Pay for Board Certification.—A commissioned officer entitled to special pay under subsection (a) who has been awarded a diploma as a Diplomate in a specialty recognized by the American Veterinarian Medical Association is entitled to special pay (in addition to the special pay under that subsection) at the same rate as is provided under section 302c(b) of this title for an officer referred to in that section who has the same number of years of creditable service as the commissioned officer.".

(b) Effective Date.—Section 303(b) of title 37, United States Code, as added by subsection (a), shall apply with respect to months beginning after September 30, 1999.

SEC. 620. INCREASE IN RATE OF DIVING DUTY SPECIAL PAY.

(a) Increase.—Section 304(b) of title 37, United States Code, is amended—

(1) by striking "$200" and inserting "$240"; and

(2) by striking "$300" and inserting "$340".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under section 304 of title 37, United States Code, for months beginning on or after that date.

SEC. 621. INCREASE IN MAXIMUM AMOUNT AUTHORIZED FOR REENLISTMENT BONUS FOR ACTIVE MEMBERS.

(a) Increase in Maximum Amount.—Section 308(a)(2) of title 37, United States Code, is amended—

(1) subparagraph (A)(i), by striking "ten" and inserting "15"; and

(2) in subparagraph (B), by striking "$45,000" and inserting "$60,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to reenlistments and extensions of enlistments taking effect on or after that date.

SEC. 622. CRITICAL SKILLS ENLISTMENT BONUS.

(a) Increase.—Section 308a(a) of title 37, United States Code, is amended in the first sentence by striking "$12,000" and inserting "$20,000".

(b) Lump-Sum Payment of Critical Skills Enlistment Bonus.—Section 308a(a) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking all after "may be paid a bonus" and inserting a period; and

(3) by adding at the end the following:

"(2) The appropriate Secretary shall prescribe in regulations the following:

"(A) The amount of the bonus, but not more than $12,000.

"(B) Provisions for payment of the bonus in a single lump sum or periodic installments in relation to the attainment of one or more specified career milestones appropriate to ensure that the terms of the enlistment or extension are satisfied.".

(c) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect enlistments and extensions of enlistments taking effect on or after that date.

SEC. 623. SELECTED RESERVE ENLISTMENT BONUS.

(a) Elimination of Requirement for Minimum Period of Enlistment.—Subsection (a) of section 308c of title 37, United States Code, is amended by striking "for a term of enlistment of not less than six years".

(b) Increased Maximum Amount.—Subsection (b) of such section is amended by striking "$5,000" and inserting "$8,000".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

SEC. 624. SPECIAL PAY FOR MEMBERS OF THE COAST GUARD RESERVE ASSIGNED TO HIGH PRIORITY UNITS OF THE SELECTED RESERVE.

Section 308d(a) of title 37, United States Code, is amended by inserting ", or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, " after "Secretary of Defense".

SEC. 625. REDUCED MINIMUM PERIOD OF ENLISTMENT IN ARMY IN CRITICAL SKILL FOR ELIGIBILITY FOR ENLISTMENT BONUS.

(a) Reduced Requirement.—Paragraph (3) of section 308f(a) of title 37, United States Code, is amended by striking "3 years" and inserting "2 years".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

SEC. 626. ELIGIBILITY FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS UPON ATTAINING A CRITICAL SKILL.

(a) Newly Attained Critical Skill.—Section 308i(a) of title 37, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

"(A) The person has completed that person's military service obligation but has less than 14 years of total military service.

"(B) The person has received an honorable discharge at the conclusion of military service.

"(C) The person is not being released from active service for the purpose of enlistment in a reserve component.

"(D) The person is position eligible under paragraph (3).

"(E) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.

"(3) A person is position eligible for the purposes of paragraph (2)(D) if the person—

"(A) is projected to occupy a position as a member of the Selected Reserve in a specialty in which the person—

"(i) successfully served while a member on active duty; and

"(ii) attained a level of qualification while a member on active duty commensurate with the grade and years of service of the member; or

"(B) is occupying a position as a member of the Selected Reserve in a specialty in which the person—

"(i) has completed training or retraining in the specialty skill that is designated as critically short; and

"(ii) has attained a level of qualification in the designated critically short specialty skill that is commensurate with the member's grade and years of service.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to enlistments beginning on or after that date.

SEC. 627. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(a) of title 37, United States Code, is amended by striking "$15,000" and inserting "$25,000".

(b) Nuclear Career Accession Bonus.—Section 312b(a)(1) of title 37, United States Code, is amended by striking "$10,000" and inserting "$20,000".

(c) Nuclear Career Annual Incentive Bonuses.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking "$12,000" and inserting "$22,000"; and

(2) in subsection (b)(1), by striking "$5,500" and inserting "$10,000".

(d) Effective Date.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

SEC. 628. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.

(a) Increase in Maximum Monthly Rate.—Section 316(b) of title 37, United States Code, is amended by striking "$100" and inserting "$300".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of title 37, United States Code, for months beginning on or after that date.

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

Subtitle C—Travel and Transportation Allowances

SEC. 641. PAYMENT OF TEMPORARY LODGING EXPENSES TO ENLISTED MEMBERS MAKING FIRST PERMANENT CHANGE OF STATION.

Section 404a(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end of the paragraph;

(2) in paragraph (2), by inserting "or" after the semicolon; and

(3) by inserting after paragraph (2) the following:

"(3) in the case of an enlisted member, to the member's first permanent duty station from the member's home of record or initial technical training school;".

SEC. 642. DESTINATION AIRPORT FOR EMERGENCY LEAVE TRAVEL TO THE CONTINENTAL UNITED STATES.

Section 411d(b)(1)(A) of title 37, United States Code, is amended to read as follows:

"(A) to either—

"(i) the international airport in the continental United States closest to the location from which the member and the member's dependents departed; or

"(ii) any other airport in the continental United States that is closer to the destination than is that international airport if the cost of the transportation to the other airport is less expensive than the cost of the transportation to that international airport; or".

SEC. 643. CLARIFICATION OF PER DIEM ELIGIBILITY OF CERTAIN MILITARY TECHNICIANS (DUAL STATUS) SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) CLARIFICATION.—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) If the Secretary concerned determines that a military technician (dual status) on leave from technician employment under section 6323(d) of title 5 is performing active duty without pay outside the United States without having been afforded an adequate opportunity to satisfy administrative requirements for a commutation of subsistence and quarters under paragraph (1), the Secretary concerned may authorize payment of a per diem allowance to the technician under chapter 4 of this title instead of the commutation while the technician is performing that duty.".

(b) DEFINITION.—Section 101 of such title is amended by adding at the end the following:

"(27) The term 'military technician (dual status)' has the meaning given the term in section 10216(a) of title 10.".

(c) RETROACTIVE EFFECTIVE DATE.—The amendments made by this section shall be effective as of February 10, 1996.

SEC. 644. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE REQUIRED TRAVEL ON MILITARY AIRCRAFT FOR RESERVES PERFORMING INACTIVE-DUTY TRAINING OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12322. Reserves traveling to inactive-duty training OCONUS: space required travel

"A member of a reserve component is authorized to travel in a space required status on aircraft of the armed forces between the member's home and place of inactive-duty training outside the continental United States (including a place other than the place of the member's unit training assembly if the member is performing the inactive-duty training in another location) when there is no transportation between those locations by means of road, railroad, or a combination of road and railroad. A member traveling in that status on any such aircraft under the authority of this section is not authorized to receive travel, transportation, or per diem allowances in connection with the travel.".

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following:

"12322. Reserves traveling to inactive-duty training OCONUS: space required travel.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 8023 of Public Law 105–262 (112 Stat. 2302) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to travel commencing on or after that date.

SEC. 645. REIMBURSEMENT OF TRAVEL EXPENSES INCURRED BY MEMBERS OF THE ARMED FORCES IN CONNECTION WITH LEAVE CANCELED FOR INVOLVEMENT IN KOSOVO-RELATED ACTIVITIES.

(a) AUTHORITY.—The Secretary of the military department concerned may reimburse a member of the Armed Forces under the jurisdiction of the Secretary for expenses of travel (to the extent not otherwise reimbursable under law) that have been incurred by the member in connection with approved leave canceled to meet an exigency in connection with United States participation in Operation Allied Force.

(b) ADMINISTRATIVE PROVISIONS.—The Secretary of Defense shall prescribe the procedures and documentation required for application for, and payment of, reimbursements to members of the Armed Forces under subsection (a).

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 651. RETIRED PAY OPTIONS FOR PERSONNEL ENTERING UNIFORMED SERVICES ON OR AFTER AUGUST 1, 1986.

(a) REDUCED RETIRED PAY ONLY FOR MEMBERS ELECTING 15-YEAR SERVICE BONUS.—(1) Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting after "July 31, 1986," the following: "has elected to receive a bonus under section 318 of title 37,".

(2)(A) Paragraph (2)(A) of section 1401a(b) of title 10, United States Code, is amended by striking "The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986," and inserting "Except as otherwise provided in this subsection, the Secretary shall increase the retired pay of each member and former member".

(B) Paragraph (3) of such section 1401a(b) is amended by inserting after "August 1, 1986," the following: "and has elected to receive a bonus under section 318 of title 37,".

(3) Section 1410 of title 10, United States Code, is amended by inserting after "August 1, 1986," the following: "who has elected to receive a bonus under section 318 of title 37,".

(b) OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF SERVICE.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986

"(a) PAYMENT OF BONUS.—The Secretary concerned shall pay a bonus to a member of a uniformed service who is eligible and elects to receive the bonus under this section.

"(b) ELIGIBILITY FOR BONUS.—A member of a uniformed service serving on active duty is eligible to receive a bonus under this section if the member—

"(1) first became a member of a uniformed service on or after August 1, 1986;

"(2) has completed 15 years of active duty in the uniformed services; and

"(3) if not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service, executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty for five years after the date of the completion of 15 years of active-duty service.

"(c) ELECTION.—(1) A member eligible to receive a bonus under this section may elect to receive the bonus. The election shall be made in such form and within such period as the Secretary concerned requires.

"(2) An election made under this subsection is irrevocable.

"(d) NOTIFICATION OF ELIGIBILITY.—The Secretary concerned shall transmit a written notification of the opportunity to elect to receive a bonus under this section to each member who is eligible (or upon execution of an agreement described in subsection (b)(3), would be eligible) to receive the bonus. The Secretary shall complete the notification within 180 days after the date on which the member completes 15 years of active duty. The notification shall include the procedures for electing to receive the bonus and an explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay which the member may become eligible to receive.

"(e) FORM AND AMOUNT OF BONUS.—A bonus under this section shall be paid in one lump sum of $30,000.

"(f) TIME FOR PAYMENT.—Payment of a bonus to a member electing to receive the bonus under this section shall be made not later than the first month that begins on or after the date that is 60 days after the Secretary concerned receives from the member an election that satisfies the requirements imposed under subsection (c).

"(g) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in the agreement entered into under subsection (b)(3), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986.".

(c) CONFORMING AMENDMENTS TO SURVIVOR BENEFIT PLAN PROVISIONS.—(1) Section 1451(h)(3) of title 10, United States Code, is amended by inserting "OF CERTAIN MEMBERS" after "RETIREMENT".

(2) Section 1452(i) of such title is amended by striking "When the retired pay" and inserting "Whenever the retired pay".

(d) RELATED TECHNICAL AMENDMENTS.—(1) Section 1401a(b) of title 10, United States Code, is amended—

(A) by striking the heading for paragraph (1) and inserting “INCREASE REQUIRED.—”;

(B) by striking the heading for paragraph (2) and inserting “PERCENTAGE INCREASE.—”; and

(C) by striking the heading for paragraph (3) and inserting “REDUCED PERCENTAGE FOR CERTAIN POST-AUGUST 1, 1986 MEMBERS.—”.

(2) Section 1409(b)(2) of title 10, United States Code, is amended by inserting “CERTAIN” after “REDUCTION APPLICABLE TO” in the paragraph heading.

(3)(A) The heading of section 1410 of such title is amended by inserting “**certain**” before “**members**”.

(B) The item relating to such section in the table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by inserting “certain” before “members”.

SEC. 652. PARTICIPATION IN THRIFT SAVINGS PLAN.

(a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

“§ 211. Participation in Thrift Savings Plan

“(a) AUTHORITY.—A member of the uniformed services serving on active duty and a member of the Ready Reserve in any pay status may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

“(b) RULE OF CONSTRUCTION REGARDING SEPARATION.—For the purposes of section 8440e of title 5, the following actions shall be considered separation of a member of the uniformed services from Government employment:

“(1) Release of the member from active-duty service (not followed by a resumption of active-duty service within 30 days after the effective date of the release).

“(2) Transfer of the member by the Secretary concerned to a retired list maintained by the Secretary.”.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

“211. Participation in Thrift Savings Plan.”.

(2)(A) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

“§ 8440e. Members of the uniformed services on active duty

“(a) PARTICIPATION AUTHORIZED.—(1) A member of the uniformed services authorized to participate in the Thrift Savings Plan under section 211(a) of title 37 may contribute to the Thrift Savings Fund.

“(2) An election to contribute to the Thrift Savings Fund under paragraph (1) may be made only during a period provided under section 8432(b) for individuals subject to this chapter.

“(b) APPLICABILITY OF THRIFT SAVINGS PLAN PROVISIONS.—Except as otherwise provided in this section, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund as if such members were employees within the meaning of section 8401(11).

“(c) MAXIMUM CONTRIBUTION FROM PAY OR COMPENSATION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

“(2) The amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period, to the extent allowable under the Internal Revenue Code of 1986.

“(d) OTHER MEMBER CONTRIBUTIONS.—A member of the uniformed services making contributions to the Thrift Savings Fund out of basic pay, or out of compensation under section 206 of title 37, may also contribute (by direct transfer to the Fund) any part of any special or incentive pay that the member receives under section 308, 308a through 308h, or 318 of title 37, to the extent allowable under the Internal Revenue Code of 1986.

“(e) AGENCY CONTRIBUTIONS GENERALLY PROHIBITED.—Except as provided in section 211(c) of title 37, no contribution under section 8432(c) of this title may be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

“(f) BENEFITS AND ELECTIONS OF BENEFITS.—In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund—

“(1) any reference in such section to separation from Government employment shall be construed to refer to an action described in section 211(b) of title 37; and

“(2) the reference in section 8433(g)(1) to contributions made under section 8432(a) shall be treated as being a reference to contributions made to the Fund by the member, whether made under section 8351, 8432(a), or this section.

“(g) BASIC PAY DEFINED.—For purposes of this section, the term ‘basic pay’ means basic pay that is payable under section 204 of title 37.”.

(B) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

“8440e. Members of the uniformed services on active duty.”.

(3) Section 8432b(b) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “Each employee” and inserting “Except as provided in paragraph (4), each employee”;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

“(4) No contribution may be made under this section for a period for which an employee made a contribution under section 8440e.”.

(4) Section 8473 of title 5, United States Code, is amended—

(A) in subsection (a), by striking “14 members” and inserting “15 members”; and

(B) in subsection (b)—

(i) by striking “14 members” and inserting “15 members”;

(ii) by striking “and” at the end of paragraph (8);

(iii) by striking the period at the end of paragraph (9) and inserting “; and”; and

(iv) by adding at the end the following:

“(10) 1 shall be appointed to represent participants (under section 8440e) who are members of the uniformed services.”.

(5) Paragraph (11) of section 8351(b) of title 5, United States Code, is redesignated as paragraph (8).

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the authority of members of the uniformed services to participate in the Thrift Savings Plan under section 211 of title 37, United States Code (as added by subsection (a)(1)), shall take effect on July 1, 2000.

(2)(A) The Secretary of Defense may postpone the authority of members of the Ready Reserve to so participate in the Thrift Savings Plan until 180 days after the date specified in paragraph (1) if the Secretary, after consultation with the Executive Director appointed by the Federal Thrift Retirement Investment Board, determines that permitting such members to participate in the Thrift Savings Plan on that date would place an excessive burden on the administrative capacity of the Board to accommodate participants in the Thrift Savings Plan.

(B) The Secretary shall notify the congressional defense committees of any determination made under subparagraph (A).

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Executive Director appointed by the Federal Thrift Retirement Investment Board shall issue regulations to implement section 8440e of title 5, United States Code (as added by subsection (a)(2)) and section 211 of title 37, United States Code (as added by subsection (a)(1)).

SEC. 653. SPECIAL RETENTION INITIATIVE.

Section 211 of title 37, United States Code, as added by section 652, is amended by adding at the end the following:

“(c) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

“(A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

“(B) commits in such agreement to continue to serve on active duty in that specialty for a period of six years.

“(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution out of basic pay to the Fund under this section. Paragraph (2) of section 8432(c) applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph to contributions under paragraph (1) of such section does not apply.”.

SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

SEC. 655. CREDIT TOWARD PAID-UP SBP COVERAGE FOR MONTHS COVERED BY MAKE-UP PREMIUM PAID BY PERSONS ELECTING SBP COVERAGE DURING SPECIAL OPEN ENROLLMENT PERIOD.

Section 642 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2045; 10 U.S.C. 1448 note) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) CREDIT TOWARD PAID-UP COVERAGE.—Upon payment of the total amount of the premiums charged a person under subsection (g), the retired pay of a person participating in the Survivor Benefit Plan pursuant to an election under this section shall be treated, for the purposes of subsection (j) of section 1452 of title 10, United States Code, as having been reduced under such section 1452 for the months in the period for which the person's retired pay would have been reduced if the person had elected to participate in the Survivor Benefit Plan at the first opportunity that was afforded the person to participate.".

SEC. 656. PAID-UP COVERAGE UNDER RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.

(a) CONDITIONS.—Subchapter I of chapter 73 of title 10, United States Code, is amended by inserting after section 1436 the following:

"§ 1436a. Coverage paid up at 30 years and age 70

"Effective October 1, 2008, no reduction may be made in a person's retired pay or retainer pay pursuant to an election under section 1431(b) or 1432 of this title for any month after the later of—

"(1) the 360th month for which the person retired pay or retainer pay is reduced pursuant to such an election; and

"(2) the month during which the person attains 70 years of age.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1436 the following:

"1436a. Coverage paid up at 30 years and age 70.".

SEC. 657. PERMANENT AUTHORITY FOR PAYMENT OF ANNUITIES TO CERTAIN MILITARY SURVIVING SPOUSES.

Subsection (f) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1801; 10 U.S.C. 1448 note) is repealed.

SEC. 658. EFFECTUATION OF INTENDED SBP ANNUITY FOR FORMER SPOUSE WHEN NOT ELECTED BY REASON OF UNTIMELY DEATH OF RETIREE.

(a) CASES NOT COVERED BY EXISTING AUTHORITY.—Paragraph (3) of section 1450(f) of title 10, United States Code, as in effect on the date of the enactment of this Act, shall apply in the case of a former spouse of any person referred to in that paragraph who—

(1) incident to a proceeding of divorce, dissolution, or annulment—

(A) entered into a written agreement on or after August 21, 1983, to make an election under section 1448(b) of such title to provide an annuity to the former spouse (the agreement thereafter having been incorporated in or ratified or approved by a court order or filed with the court of appropriate jurisdiction in accordance with applicable State law); or

(B) was required by a court order dated on or after such date to make such an election for the former spouse; and

(2) before making the election, died within 21 days after the date of the agreement referred to in paragraph (1)(A) or the court order referred to in paragraph (1)(B), as the case may be.

(b) ADJUSTED TIME LIMIT FOR REQUEST BY FORMER SPOUSE.—For the purposes of paragraph (3)(C) of section 1450(f) of title 10, United States Code, a court order or filing referred to in subsection (a)(1) of this section that is dated before October 19, 1984, shall be deemed to be dated on the date of the enactment of this Act.

SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1413. Special compensation for certain severely disabled uniformed services retirees

"(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term 'service-connected' has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

SEC. 660. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.".

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

Subtitle E—Montgomery GI Bill Benefits and Other Education Benefits

PART I—MONTGOMERY GI BILL BENEFITS

SEC. 671. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "$528" and inserting "$600"; and

(2) in subsection (b)(1), by striking "$429" and inserting "$488".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, for fiscal year 2000.

SEC. 672. TERMINATION OF REDUCTIONS OF BASIC PAY.

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of such title is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins on or after such date.

(b) TERMINATION OF REDUCTIONS IN PROGRESS.—Any reduction in the basic pay of an individual referred to in section 3011(b) of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3034(e)(1) of title 38, United States Code, is amended in the second sentence by striking "as soon as practicable" and all that follows through "such additional times" and inserting "at such times".

SEC. 673. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.

Section 3014 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary shall pay"; and

(2) by adding at the end the following new subsection (b):

"(b)(1) Whenever the Secretary determines it appropriate under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

"(2) The Secretary may pay basic educational assistance on an accelerated basis only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

"(3) If an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall—

"(A) pay on an accelerated basis the amount such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

"(B) pay on the date of the adjustment any additional amount of such assistance that is payable for the period as a result of the adjustment.

"(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

"(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

"(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

"(ii) in any amount requested by the individual concerned up to the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

"(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall specify the circumstances under which accelerated payments may be made and include requirements relating to the request for, making and delivery of, and receipt and use of such payments.".

SEC. 674. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces

"(a)(1) Subject to the provisions of this section, the Secretary concerned may, for the purpose of enhancing recruiting and retention and at that Secretary's sole discretion, permit an individual described in paragraph (2) who is entitled to basic educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the dependents specified in subsection (b).

"(2) An individual referred to in paragraph (1) is any individual who is a member of the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement to educational assistance under this section.

"(3) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

"(b) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement to such assistance as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(c)(1) An individual transferring an entitlement to basic educational assistance under this section shall—

"(A) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

"(B) specify the period for which the transfer shall be effective for each dependent designated under subparagraph (A).

"(2) The aggregate amount of the entitlement transferable by an individual under this section may not exceed the aggregate amount of the entitlement of such individual to basic educational assistance under this subchapter.

"(3) An individual transferring an entitlement under this section may modify or revoke the transfer at any time before the use of the transferred entitlement begins. An individual shall make the modification or revocation by submitting written notice of the action to the Secretary concerned.

"(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided in under subsection (c)(1)(B) and subject to paragraphs (3) and (4), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(3) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(4) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

"(e) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(f) The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (d)(4) to a dependent to whom entitlement is transferred under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces.".

SEC. 675. AVAILABILITY OF EDUCATIONAL ASSISTANCE BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

Section 3002(3) of title 38, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following:

"(C) includes—

"(i) a preparatory course for a test that is required or utilized for admission to an institution of higher education; and

"(ii) a preparatory course for test that is required or utilized for admission to a graduate school.".

PART II—OTHER EDUCATIONAL BENEFITS

SEC. 681. ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

"(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

"(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the Secretary concerned receives the person's request for payment on an accelerated basis; and

"(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

"(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

"(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

"(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

"(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid.

"(6) In this subsection, the term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of Army Reserve, with respect to members of the Army Reserve.

"(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

"(C) The Chief of Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.".

SEC. 682. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.".

PART III—REPORT

SEC. 685. REPORT ON EFFECT OF EDUCATIONAL BENEFITS IMPROVEMENTS ON RECRUITMENT AND RETENTION OF MEMBERS OF THE ARMED FORCES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the effects of the provisions of this subtitle, and the amendments made by such provisions, on the recruitment and retention of the members of the Armed Forces. The report shall include such recommendations (including recommendations for legislative action) as the Secretary considers appropriate.

Subtitle F—Other Matters

SEC. 691. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

(a) REQUIREMENT FOR REPORT.—On December 1 of each year, the Secretary of Defense shall submit to Congress a report that sets forth the Secretary's assessment of the effects that the improved pay and other benefits under this title and under the amendments made by this title are having on recruitment and retention of personnel for the Armed Forces.

(b) FIRST REPORT.—The first report under this section shall be submitted not later than December 1, 2000.

SEC. 692. MEMBERS UNDER BURDENSOME PERSTEMPO.

(a) MANAGEMENT OF DEPLOYMENTS OF INDIVIDUALS.—Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 49 the following:

"CHAPTER 50—MISCELLANEOUS COMMAND RESPONSIBILITIES

"Sec.

"991. Management of deployments of members.

"§ 991. Management of deployments of members

"(a) GENERAL OR FLAG OFFICER RESPONSIBILITIES.—The first general officer or flag officer in the chain of command of a member of the armed forces shall manage a deployment of the member when the total number of the days on which the member has been deployed out of 365 consecutive days is in excess of 180 days. That officer shall ensure that the member is not deployed or continued in a deployment on any day on which the total number of the days on which the member has been deployed would exceed 200 out of 365 consecutive days unless a general or flag officer in the grade of general or admiral in the member's chain of command approves the deployment or continued deployment of the member.

"(b) DEPLOYMENT DEFINED.—(1) For the purposes of this section, a member of the armed forces is deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member's permanent duty station.

"(2) For the purposes of this section, a member is not deployed or in a deployment when performing service as a student or trainee at a school (including any Federal Government school) or performing administrative, guard, or detail duties in garrison at the member's permanent duty station.

"(c) RECORDKEEPING.—The Secretary of each military department shall establish a system for tracking and recording the number of days that each member of an armed force under the jurisdiction of the Secretary is deployed.

"(d) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may suspend the applicability of this section to a member or any group of members when the Secretary determines that it is necessary to do so in the national security interests of the United States.

"(e) INAPPLICABILITY TO COAST GUARD.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(b) PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 435. Per diem allowance for lengthy or numerous deployments

"(a) PER DIEM REQUIRED.—The Secretary of the military department concerned shall pay a per diem allowance to a member of an armed force for each day that the member is deployed in excess of 220 days out of 365 consecutive days.

"(b) DEFINITION OF DEPLOYED.—In this section, the term 'deployed', with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10.

"(c) AMOUNT OF PER DIEM.—The amount of the per diem payable to a member under this section is $100.

"(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the per diem allowance that is not fully substantiated by the applicable recordkeeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with other evidence determined by the Secretary as being sufficient to substantiate the claim.

"(e) Relationship to Other Allowances.—Any per diem payable to a member under this section is in addition to any other per diem, allowance, special pay, or incentive that is payable to the member under any other provision of law.

"(f) National Security Waiver.—No per diem may be paid under this section to a member of an armed force for any day on which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of such section.

"(g) Inapplicability to Coast Guard.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(c) Clerical Amendments.—(1) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part II of such subtitle are amended by inserting after the item relating to chapter 49 the following:

"50. Miscellaneous Command Responsibilities .... 991".

(2) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by inserting after the item relating to section 434 the following:

"435. Per diem allowance for lengthy or numerous deployments.".

(d) Applicability and Implementation.—(1) Section 991 of title 10, United States Code (as added by subsection (a)), and section 435 of title 37, United States Code (as added by subsection (b)), shall apply with respect to service performed after September 30, 2000.

(2) Not later than June 1, 2000, the Secretary of each military department shall prescribe in regulations the policies and procedures for implementing such provisions of law for that military department.

SEC. 693. INCREASED TUITION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION OR SIMILAR OPERATION.

(a) Inapplicability of Limitation on Amount.—Section 2007(a) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of a member deployed outside the United States in support of a contingency operation or similar operation, all of the charges may be paid while the member is so deployed.".

(b) Increased Authority Subject to Appropriations.—The authority to pay additional tuition assistance under paragraph (4) of section 2007(a) of title 10, United States Code, as added by subsection (a), may be exercised only to the extent provided for in appropriations Acts.

SEC. 694. ADMINISTRATION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM FOR COAST GUARD RESERVE.

Subsection (a)(1) of section 16301 of title 10, United States Code, is amended by inserting after "the Secretary of Defense" the following: ", or the Secretary of Transportation in the case of a member of the Selected Reserve of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy,".

SEC. 695. EXTENSION TO ALL UNIFORMED SERVICES OF AUTHORITY FOR PRESENTATION OF UNITED STATES FLAG TO MEMBERS UPON RETIREMENT.

(a) Public Health Service.—Section 221 of the Public Health Service Act (42 U.S.C. 213a) is amended—

(1) by adding at the end of subsection (a) the following:

"(17) Section 6141, Presentation of United States flag upon retirement."; and

(2) in subsection (b), by inserting "the Secretary of a military department," after "'the Secretary concerned',".

(b) National Oceanic and Atmospheric Administration.—Section 3 of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard'", approved August 10, 1956 (33 U.S.C. 857a), is amended—

(1) by adding at the end of subsection (a) the following:

"(17) Section 6141, Presentation of United States flag upon retirement."; and

(2) in subsection (b), by inserting "the Secretary of a military department," after "'the Secretary concerned',".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1998, and shall apply with respect to releases from active duty for retirement on or after that date from service in the commissioned Regular Corps of the Public Health Service or for service as a commissioned officer of the National Oceanic and Atmospheric Administration on the active list, as the case may be.

SEC. 696. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) Participation Authorized.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

"§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

"(a) Notwithstanding any other provision of law, an individual who—

"(1) either—

"(A)(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(ii) disenrolled from participation in that program before that date; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section;

"(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on the date of the enactment of this section;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

"(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

"(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic educational assistance under this chapter—

"(A) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

"(i) $1,200, in the case of an individual described in subsection (a)(1)(A); or

"(ii) $1,500, in the case of an individual described in subsection (a)(1)(B); or

"(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

"(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era

Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

"(d)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election described in subsection (a)(5), except that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

"(2) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.".

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking "or 3018C" and inserting "3018C, or 3018D".

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

SEC. 697. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 698. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

TITLE VII—HEALTH CARE

Subtitle A—TRICARE Program

SEC. 701. IMPROVEMENT OF TRICARE BENEFITS AND MANAGEMENT.

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following:

"§ 1097b. TRICARE: benefits and services

"(a) COMPARABILITY TO FEHBP BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, ensure that the health care coverage available through the TRICARE program is substantially similar to the health care coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5.

"(b) PORTABILITY.—The Secretary of Defense shall provide that any covered beneficiary enrolled in the TRICARE program may receive benefits under that program at facilities that provide benefits under that program throughout the various regions of that program.

"(c) ACCESS.—(1) The Secretary of Defense shall, to the maximum extent practicable, minimize the authorization or certification requirements imposed upon covered beneficiaries under the TRICARE program as a condition of access to benefits under that program.

"(2) The Secretary of Defense shall, to the maximum extent practicable, utilize practices for processing claims under the TRICARE program that are similar to the best industry practices for processing claims for health care services in a simplified and expedited manner. To the maximum extent practicable, such practices shall include electronic processing of claims.

"(d) CONSULTATION REQUIREMENT.—The Secretary of Defense shall carry out the responsibilities under this section after consultation with the other administering Secretaries.

"§ 1097c. TRICARE: financial management

"(a) REIMBURSEMENT OF PROVIDERS.—(1) Subject to paragraph (2), the Secretary of Defense may reimburse health care providers under the TRICARE program at rates higher than the reimbursement rates otherwise authorized for the providers under that program if the Secretary determines that application of the higher rates is necessary in order to ensure the availability of an adequate number of qualified health care providers under that program.

"(2) The amount of reimbursement provided under paragraph (1) with respect to a health care service may not exceed the lesser of—

"(A) the amount equal to the local usual and customary charge for the service in the service area (as determined by the Secretary) in which the service is provided; or

"(B) the amount equal to 115 per cent of the CHAMPUS maximum allowable charge for the service.

"(b) THIRD-PARTY COLLECTIONS.—(1) A medical treatment facility of the uniformed services under the TRICARE program has the same right as the United States under section 1095 of this title to collect from a third-party payer the reasonable costs of health care services described in paragraph (2) that are incurred by the facility on behalf of a covered beneficiary under that program.

"(2) The Secretary of Defense shall prescribe regulations for the administration of this subsection. The regulations shall set forth the method to be used for the computation of the reasonable costs of inpatient, outpatient, and other health care services. The method of computation may be—

"(A) a method that is based on—

"(i) per diem rates;

"(ii) all-inclusive rates for each visit;

"(iii) diagnosis-related groups; or

"(iv) rates prescribed under the regulations implementing sections 1079 and 1086 of this title; or

"(B) any other method considered appropriate.

"(c) CONSULTATION REQUIREMENT.—The Secretary of Defense shall carry out the responsibilities under this section after consultation with the other administering Secretaries.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

"1097b. TRICARE: benefits and services.

"1097c. TRICARE: financial management.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

(c) REPORT ON IMPLEMENTATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a report assessing the effects of the implementation of the requirements and authorities set forth in sections 1097b and 1097c of title 10, United States Code (as added by subsection (a)).

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment of whether the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

SEC. 702. EXPANSION AND REVISION OF AUTHORITY FOR DENTAL PROGRAMS FOR DEPENDENTS AND RESERVES.

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by striking sections 1076a and 1076b and inserting the following:

"§ 1076a. TRICARE dental program

"(a) ESTABLISHMENT OF DENTAL PLANS.—The Secretary of Defense may establish, and in the case of the dental plan described in paragraph (1) shall establish, the following voluntary enrollment dental plans:

"(1) PLAN FOR SELECTED RESERVE AND INDIVIDUAL READY RESERVE.—A dental insurance plan for members of the Selected Reserve of the Ready Reserve and for members of the Individual Ready Reserve described in subsection 10144(b) of this title.

"(2) PLAN FOR OTHER RESERVES.—A dental insurance plan for members of the Individual Ready Reserve not eligible to enroll in the plan established under paragraph (1).

"(3) PLAN FOR ACTIVE DUTY DEPENDENTS.—Dental benefits plans for eligible dependents of members of the uniformed services who are on active duty for a period of more than 30 days.

"(4) PLAN FOR READY RESERVE DEPENDENTS.—A dental benefits plan for eligible dependents of members of the Ready Reserve of the reserve components who are not on active duty for more than 30 days.

"(b) ADMINISTRATION OF PLANS.—The plans established under this section shall be administered under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries.

"(c) CARE AVAILABLE UNDER PLANS.—Dental plans established under subsection (a) may provide for the following dental care:

"(1) Diagnostic, oral examination, and preventive services and palliative emergency care.

"(2) Basic restorative services of amalgam and composite restorations, stainless steel crowns for primary teeth, and dental appliance repairs.

"(3) Orthodontic services, crowns, gold fillings, bridges, complete or partial dentures, and such other services as the Secretary of Defense considers to be appropriate.

"(d) PREMIUMS.—

"(1) PREMIUM SHARING PLANS.—(A) The dental insurance plan established under subsection (a)(1) and the dental benefits plans established under subsection (a)(3) are premium sharing plans.

"(B) Members enrolled in a premium sharing plan for themselves or for their dependents shall be required to pay a share of the premium charged for the benefits provided under the plan. The member's share of the premium charge may not exceed $20 per month for the enrollment.

"(C) Effective as of January 1 of each year, the amount of the premium required under subparagraph (A) shall be increased by the percent equal to the lesser of—

"(i) the percent by which the rates of basic pay of members of the uniformed services are increased on such date; or

"(ii) the sum of one-half percent and the percent computed under section 5303(a) of title 5 for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.

"(D) The Secretary of Defense may reduce the monthly premium required to be paid under paragraph (1) in the case of enlisted members in pay grade E–1, E–2, E–3, or E–4 if the Secretary determines that such a reduction is appropriate to assist such members to participate in a dental plan referred to in subparagraph (A).

"(2) FULL PREMIUM PLANS.—(A) The dental insurance plan established under subsection (a)(2) and the dental benefits plan established under subsection (a)(4) are full premium plans.

"(B) Members enrolled in a full premium plan for themselves or for their dependents shall be required to pay the entire premium charged for the benefits provided under the plan.

"(3) PAYMENT PROCEDURES.—A member's share of the premium for a plan established under subsection (a) may be paid by deductions from the basic pay of the member and from compensation paid under section 206 of title 37, as the case may be. The regulations prescribed under subsection (b) shall specify the procedures for payment of the premiums by enrollees who do not receive such pay.

"(e) COPAYMENTS UNDER PREMIUM SHARING PLANS.—A member or dependent who receives dental care under a premium sharing plan referred to in subsection (d)(1) shall—

"(1) in the case of care described in subsection (c)(1), pay no charge for the care;

"(2) in the case of care described in subsection (c)(2), pay 20 percent of the charges for the care; and

"(3) in the case of care described in subsection (c)(3), pay a percentage of the charges for the care that is determined appropriate by the Secretary of Defense, after consultation with the other administering Secretaries.

"(f) TRANSFER OF MEMBERS.—If a member whose dependents are enrolled in the plan established under subsection (a)(3) is transferred to a duty station where dental care is provided to the member's eligible dependents under a program other than that plan, the member may discontinue participation under the plan. If the member is later transferred to a duty station where dental care is not provided to such member's eligible dependents except under the plan established under subsection (a)(3), the member may reenroll the dependents in that plan.

"(g) CARE OUTSIDE THE UNITED STATES.—The Secretary of Defense may exercise the authority provided under subsection (a) to establish dental insurance plans and dental benefits plans for dental benefits provided outside the United States for the eligible members and dependents of members of the uniformed services. In the case of such an overseas dental plan, the Secretary may waive or reduce any copayments required by subsection (e) to the extent the Secretary determines appropriate for the effective and efficient operation of the plan.

"(h) WAIVER OF REQUIREMENTS FOR SURVIVING DEPENDENTS.—The Secretary of Defense may waive (in whole or in part) any requirements of a dental plan established under this section as the Secretary determines necessary for the effective administration of the plan for a dependent who is an eligible dependent described in subsection (k)(2).

"(i) AUTHORITY SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to enter into a contract under this section for any fiscal year is subject to the availability of appropriations for that purpose.

"(j) LIMITATION ON REDUCTION OF BENEFITS.—The Secretary of Defense may not reduce benefits provided under a plan established under this section until—

"(1) the Secretary provides notice of the Secretary's intent to reduce such benefits to the Committees on Armed Services of the Senate and the House of Representatives; and

"(2) one year has elapsed following the date of such notice.

"(k) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent'—

"(1) means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

"(2) includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the Ready Reserve if the dependent is enrolled on the date of the death of the member in a dental benefits plan established under subsection (a), except that the term does not include the dependent after the end of the one-year period beginning on the date of the member's death.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by striking out the items relating to sections 1076a and 1076b and inserting the following:

"1076a. TRICARE dental program.".

SEC. 703. SENSE OF CONGRESS REGARDING AUTOMATIC ENROLLMENT OF MEDICARE-ELIGIBLE BENEFICIARIES IN THE TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.

It is the sense of Congress that—

(1) any person who is enrolled in a managed health care program of the Department of Defense where the TRICARE Senior Prime demonstration program is implemented and who attains eligibility for medicare should be automatically authorized to enroll in the TRICARE Senior Prime demonstration program; and

(2) the Secretary of Defense, in coordination with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, should modify existing policies and procedures for the TRICARE Senior Prime demonstration program as necessary to permit the automatic enrollment.

SEC. 704. TRICARE BENEFICIARY ADVOCATES.

(a) ESTABLISHMENT OF POSITIONS.—The Secretary of Defense shall require in regulations that—

(1) each lead agent under the TRICARE program—

(A) designate a person to serve full-time as a beneficiary advocate for TRICARE beneficiaries; and

(B) provide for toll-free telephone communication between TRICARE beneficiaries and the beneficiary advocate; and

(2) the commander of each medical care facility under chapter 55 of title 10, United States Code, designate a person to serve, as a primary or collateral duty, as beneficiary advocate for TRICARE beneficiaries served at that facility.

(b) DUTIES.—The Secretary shall prescribe the duties of the position of beneficiary advocate in the regulations.

(c) INITIAL DESIGNATIONS.—Each beneficiary advocate required under the regulations shall be designated not later than January 15, 2000.

SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

"(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover designated providers, selected by the Department of Defense, and the service areas of the designated providers.

"(2) Any demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

"(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollments in the managed care plans of designated providers permanently.''.

Subtitle B—Other Matters

SEC. 711. CARE AT FORMER UNIFORMED SERVICES TREATMENT FACILITIES FOR ACTIVE DUTY MEMBERS STATIONED AT CERTAIN REMOTE LOCATIONS.

(a) Authority.—Care may be furnished by a designated provider pursuant to any contract entered into by the designated provider under section 722(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) to eligible members who reside within the service area of the designated provider.

(b) Eligibility.—A member of the Armed Forces is eligible for care under subsection (a) if the member is a member described in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note).

(c) Applicable Policies.—In furnishing care to an eligible member under subsection (a), a designated provider shall adhere to the Department of Defense policies applicable to the furnishing of care under the TRICARE Prime Remote program, including coordinating with uniformed services medical authorities for hospitalizations and all referrals for specialty care.

(d) Reimbursement Rates.—The Secretary of Defense, in consultation with the designated providers, shall prescribe reimbursement rates for care furnished to eligible members under subsection (a). The rates prescribed for care may not exceed the amounts allowable under the TRICARE Standard plan for the same care.

SEC. 712. ONE-YEAR EXTENSION OF CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

Section 731(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended by striking ''1999'' and inserting ''2000''.

SEC. 713. PROGRAM YEAR STABILITY IN HEALTH CARE BENEFITS.

Section 1073 of title 10, United States Code, is amended—

(1) by inserting ''(a) Responsible Officials.—'' at the beginning of the text of the section; and

(2) by adding at the end the following:

''(b) Stability in Program of Benefits.—The Secretary of Defense shall, to the maximum extent practicable, provide a stable program of benefits under this chapter throughout each fiscal year. To achieve the stability in the case of contracts entered into under this chapter, the contracts shall be administered so as to implement at the beginning of a fiscal year all changes in benefits and administration that are to be made for that fiscal year. However, the Secretary of Defense may implement any such change after the fiscal year begins if the Secretary determines that the change would significantly improve the provision of care to eligible beneficiaries under this chapter or that the later implementation of the change would, for other reasons, result in a more effective provision of care to eligible beneficiaries.''.

SEC. 714. BEST VALUE CONTRACTING.

(a) Authority.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073 the following:

''§ 1073a. Contracts for health care: best value contracting

''(a) Authority.—Under regulations prescribed by the administering Secretaries, health care contracts shall be awarded in the administration of this chapter to the offeror or offerors that will provide the best value to the United States to the maximum extent consistent with furnishing high-quality health care in a manner that protects the fiscal and other interests of the United States.

''(b) Factors Considered.—In the determination of best value—

''(1) consideration shall be given to the factors specified in the regulations; and

''(2) greater weight shall be accorded to technical and performance-related factors than to cost and price-related factors.

''(c) Applicability.—The authority under the regulations shall apply to any contract in excess of $5,000,000.''.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073 the following:

''1073a. Contracts for health care: best value contracting.''.

SEC. 715. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY FOR HEALTH SURVEILLANCE STUDIES.

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) When authorized by the Secretary of Defense, the Secretary concerned may order a member of a reserve component to active duty, with the consent of that member, for a Department of Defense health surveillance study required under other authority, including any associated medical evaluation of the member. The Secretary concerned may, with the member's consent, retain the member on active duty for medical treatment authorized by law for a condition associated with the study or evaluation. A member of the Army National Guard of the United States or of the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.''.

SEC. 716. CONTINUATION OF PREVIOUSLY PROVIDED CUSTODIAL CARE BENEFITS FOR CERTAIN CHAMPUS BENEFICIARIES.

(a) Continuation of Coverage.—Subject to subsection (c), the Secretary of Defense may continue payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code) for domiciliary or custodial care services, otherwise excluded by regulations implementing section 1077(b)(1) of such title, on behalf of beneficiaries described in subsection (b).

(b) Covered Beneficiaries.—Beneficiaries referred to in subsection (a) are covered beneficiaries (as defined in section 1072 of such title) who, prior to the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

(c) Secretarial Authority.—The authority provided by subsection (a) is subject to a case-by-case determination by the Secretary that discontinuation of payment for domiciliary or custodial care services or transition under the case management program authorized by such section 1079(a)(17) to alternative programs and services would be inadequate to meet the needs of, and unjust to, the beneficiary.

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

''(d) Benefits Available Under the Plan.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.''.

SEC. 718. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.

(a) Order to Active Duty Authorized.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

''§ 12322. Active duty for health care

''A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''12322. Active duty for health care.''.

(b) Medical and Dental Care for Members.—Subsection (e) of section 1074a of such title is amended to read as follows:

''(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

''(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days.''.

(c) Medical and Dental Care for Dependents.—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:

''(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.''.

SEC. 719. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) Purpose.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) Department of Defense Center for Medical Informatics and Data.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DOD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Secretary of Defense shall establish a Medical Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector. Specific areas of responsibility shall include:

(A) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) Coordination of key components of medical informatics systems including digital patient records both within the Federal Government, and between the Federal Government and the private sector.

(C) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member as an officer or employee of the Federal Government.

(7) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, the following:

(1) Health outcomes.

(2) Extent of use of health report cards.

(3) Extent of use of standard clinical pathways.

(4) Extent of use of innovative processes for surveillance.

(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal year 2000 by other provisions of this Act, that are available to carry out subsection (b), there is authorized to be appropriated for the Department of Defense for such fiscal year for carrying out this subsection the sum of $2,000,000.

SEC. 720. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.

(3) Referral services.

(4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 15 U.S.C. 637 note) is amended by striking "September 30, 2000" and inserting "September 30, 2005".

SEC. 802. MENTOR-PROTEGE PROGRAM IMPROVEMENTS.

(a) PROGRAM PARTICIPATION TERM.—Subsection (e)(2) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended to read as follows:

"(2) A program participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.".

(b) INCENTIVES AUTHORIZED FOR MENTOR FIRMS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "shall" and inserting "may";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "shall" and inserting "may";

(ii) by striking "subsection (f)" and all that follows through "(i) as a line item" and inserting "subsection (f) as provided for in a line item";

(iii) by striking the semicolon preceding clause (ii) and inserting ", except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract."; and

(iv) by striking clauses (ii), (iii), and (iv); and

(B) by striking subparagraph (B) and inserting the following:

"(B) The determinations made in annual performance reviews of a mentor firm's mentor-protege agreement under subsection (l)(2) shall be a major factor in the determinations of amounts of reimbursement, if any, that the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

"(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount."; and

(3) in paragraph (3)(A), by striking "either subparagraph (A) or (C) of paragraph (2) or are reimbursed pursuant to subparagraph (B) of such paragraph" and inserting "paragraph (2)".

(c) Five-Year Extension of Authority.—Subsection (j) of such section is amended to read as follows:

"(j) Expiration of Authority.—(1) No mentor-protege agreement may be entered into under subsection (e) after September 30, 2004.

"(2) No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under subsection (g) for any cost incurred after September 30, 2005.".

(d) Reports and Reviews.—Subsection (l) of such section is amended to read as follows:

"(l) Reports and Reviews.—(1) The mentor firm and protege firm under a mentor-protege agreement shall submit to the Secretary of Defense an annual report on the progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the fiscal year covered by the report. The requirement for submission of an annual report applies with respect to each fiscal year covered by the program participation term under the agreement and each of the two fiscal years following the expiration of the program participation term. The Secretary shall prescribe the timing and form of the annual report.

"(2)(A) The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement of costs. The Secretary shall determine on the basis of the review whether—

"(i) all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protege firm in accordance with the requirements of this section and applicable regulations; and

"(ii) the mentor firm and protege firm accurately reported progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the program participation term covered by the mentor-protege agreement and the two fiscal years following the expiration of the program participation term.

"(B) The Secretary shall act through the Commander of the Defense Contract Management Command in carrying out the reviews and making the determinations under subparagraph (A).

"(3) Not later than 6 months after the end of each of fiscal years 2000 through 2004, the Secretary of Defense shall submit to Congress an annual report on the mentor-protege program for that fiscal year.

"(2) The annual report for a fiscal year shall include, at a minimum, the following:

"(A) The number of mentor-protege agreements that were entered into during the fiscal year.

"(B) The number of mentor-protege agreements that were in effect during the fiscal year.

"(C) The total amount reimbursed to mentor firms pursuant to subsection (g) during the fiscal year.

"(D) Each mentor-protege agreement, if any, that was approved during the fiscal year in accordance with subsection (e)(2) to provide a program participation term in excess of 3 years, together with the justification for the approval.

"(E) Each reimbursement of a mentor firm in excess of the limitation in subsection (g)(2)(C) that was made during the fiscal year pursuant to an approval granted in accordance with that subsection, together with the justification for the approval.

"(F) Trends in the progress made in employment, revenues, and participation in Department of Defense contracts by the protege firms participating in the program during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.".

(e) Repeal of Limitation on Availability of Funding.—Subsection (n) of such section is repealed.

(f) Effective Date and Savings Provision.—(1) The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to mentor-protege agreements that are entered into under section 831(e) of the National Defense Authorization Act for Fiscal Year 1991 on or after that date.

(2) Section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on September 30, 1999, shall continue to apply with respect to mentor-protege agreements entered into before October 1, 1999.

SEC. 803. REPORT ON TRANSITION OF SMALL BUSINESS INNOVATION RESEARCH PROGRAM ACTIVITIES INTO DEFENSE ACQUISITION PROGRAMS.

(a) Requirement for Report.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the status of the implementation of the Small Business Innovation Research program transition plan that was developed pursuant to section 818 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2089).

(b) Content of Report.—The report shall include the following:

(1) The status of the implementation of each of the provisions in the transition plan.

(2) For any provision of the plan that has not been fully implemented as of the date of the report—

(A) the reasons for the provision not having been fully implemented; and

(B) a schedule, with specific milestones, for the implementation of the provision.

SEC. 804. AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) GAO Examination of Records.—Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1721; 10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Comptroller General Review.—(1) Each agreement entered into by an official referred to in subsection (a) to carry out a project under that subsection that provides for payments in a total amount in excess of $5,000,000 shall include a clause that provides for the Comptroller General, in the discretion of the Comptroller General, to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

"(2) The official referred to in subsection (a) who is entering into an agreement described in paragraph (1) may waive the applicability of the requirement in that paragraph to the agreement if the official determines that it would not be in the public interest to apply the requirement to the agreement. The waiver shall be effective with respect to the agreement only if the official transmits a notification of the waiver to Congress and the Comptroller General before entering into the agreement. The notification shall include the rationale for the determination.

"(3) The Comptroller General may not examine records pursuant to a clause included in an agreement under paragraph (1) more than three years after the final payment is made by the United States under the agreement.".

(b) Technical Correction.—Subsection (b)(1) of such section is amended by striking "(e)(2) and (e)(3) of such section 2371" and inserting "(e)(1)(B) and (e)(2) of such section 2371".

SEC. 805. PILOT PROGRAM FOR COMMERCIAL SERVICES.

(a) Program Authorized.—The Secretary of Defense may carry out a pilot program to treat procurements of commercial services as procurements of commercial items.

(b) Designation of Pilot Program Categories.—The Secretary of Defense may designate the following categories of services as commercial services covered by the pilot program:

(1) Utilities and housekeeping services.

(2) Education and training services.

(3) Transportation, travel and relocation services.

(c) Treatment as Commercial Items.—A Department of Defense contract for the procurement of commercial services designated by the Secretary for the pilot program shall be treated as a contract for the procurement of commercial items, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)), if the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government. These items shall not be considered commercial items for purposes of section 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 note).

(d) Guidance.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue guidance to procurement officials on contracting for commercial services under the pilot program. The guidance shall place particular emphasis on ensuring that negotiated prices for designated services, including prices negotiated without competition, are fair and reasonable.

(e) Duration of Pilot Program.—(1) The pilot program shall begin on the date that the Secretary issues the guidance required by subsection (d) and may continue for a period, not in excess of five years, that the Secretary shall establish.

(2) The pilot program shall cover Department of Defense contracts for the procurement of commercial services designated by the Secretary under subsection (b) that are awarded or modified during the period of the pilot program, regardless of whether the contracts are performed during the period.

(f) Report to Congress.—(1) The Secretary shall submit to Congress a report on the impact of the pilot program on—

(A) prices paid by the Federal Government under contracts for commercial services covered by the pilot program;

(B) the quality and timeliness of the services provided under such contracts;

(C) the number of Federal Government personnel that are necessary to enter into and administer such contracts; and

(D) the impact of the program on levels of contracting with small business concerns, HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(2) The Secretary shall submit the report—

(A) not later than 90 days after the end of the third full fiscal year for which the pilot program is in effect; or

(B) if the period established for the pilot program under subsection (e)(1) does not cover three full fiscal years, not later than 90 days after the end of the designated period.

(g) Price Trend Analysis.—The Secretary of Defense shall apply the procedures developed pursuant to section 803(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2081; 10 U.S.C. 2306a note) to collect and analyze information on price trends for all services covered by the pilot program and for the services in such categories of services not covered by the pilot program to which the Secretary considers it appropriate to apply those procedures.

(h) Relationship to Preference on Transportation of Supplies.—Nothing in this section shall be construed as modifying, superseding, impairing, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

(i) Definitions.—In this section:

(1) The term "small business concern" means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(2) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the meaning given the term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(3) The term "small business concern owned and controlled by women" has the meaning given the term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).

(4) The term "HUBZone small business concern" has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

SEC. 806. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) Applicability.—Paragraph (2) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following:

"(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor or subcontractor, respectively, in the previous or current fiscal year (or other one-year cost accounting period) was less than $50,000,000.

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

"(i) Contracts or subcontracts for the acquisition of commercial items.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) Contracts or subcontracts with a value that is less than $5,000,000.".

(b) Waiver.—Such section is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

"(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

"(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

"(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

"(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

"(D) The Federal Acquisition Regulation shall include the following:

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

"(ii) The specific circumstances under which such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.".

(c) Construction Regarding Certain Not-For-Profit Entities.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A–21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

SEC. 807. GUIDANCE ON USE OF TASK ORDER AND DELIVERY ORDER CONTRACTS.

(a) Guidance in the Federal Acquisition Regulation.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

(b) Content of Guidance.—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multi-agency contracts entered in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchases of information technology products and services;

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivery under the order.

(c) GSA Federal Supply Schedules Program.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO Report.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

SEC. 808. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:

"(E) Installation services, maintenance services, repair services, training services, and other services if—

"(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

"(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.".

SEC. 809. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.

(a) Extension of Authority.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments take effect pursuant to section 4401(b)" and inserting "January 1, 2002".

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

SEC. 810. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000.

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

SEC. 811. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Subsection (k) of section 2323 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General

SEC. 901. NUMBER OF MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES PERSONNEL.

(a) REVISED LIMITATION.—Section 130a of title 10, United States Code, is amended—

(1) in subsection (a), by striking "75 percent" and inserting "65 percent"; and

(2) in subsection (c), by striking "October 1, 1997" and inserting "October 1, 1989".

(b) REPEAL OF PHASED REDUCTION REQUIREMENT.—Subsection (b) of such section is repealed.

(c) CONFORMING REPEAL.—Subsection (g) of such section is repealed.

(d) TECHNICAL AMENDMENT.—Subsections (c), (d), (e), and (f) are redesignated as subsections (b), (c), (d), and (e), respectively.

SEC. 902. ADDITIONAL MATTERS FOR ANNUAL REPORTS ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended by adding at the end the following:

"(5) Any recommendations that the commander considers appropriate regarding—

"(A) the development or procurement of advanced technologies, systems, or weapons or systems platforms, or other changes in doctrine, organization, training, materiel, leadership, personnel, or the allocation of resources, as a result of joint warfighting experimentation activities;

"(B) the elimination of unnecessary equipment and redundancies in capabilities and forces across the armed forces; and

"(C) the fielding of advanced technologies across the armed forces for purposes of the development of joint operational concepts or the conduct of joint warfighting experiments.

"(6) A description of any actions taken by the Secretary of Defense to implement the recommendations of the commander.".

SEC. 903. ACCEPTANCE OF GUARANTEES IN CONNECTION WITH GIFTS TO THE UNITED STATES MILITARY ACADEMY.

(a) AUTHORITY.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4359. Acceptance of guarantees with gifts for major projects

"(a) ACCEPTANCE AUTHORITY.—The Secretary of the Army may, subject to subsection (c), accept from a donor a qualified guarantee for the completion of a major project for the benefit of the Academy.

"(b) OBLIGATION AUTHORITY.—Funds available for a project for which a guarantee has been accepted under this section may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

"(c) DEFINITIONS.—In this section:

"(1) MAJOR PROJECT.—The term 'major project' means a project for the purchase or other procurement of real or personal property, or for the construction of any improvement to real property, the total cost of which is, or is estimated to be, at least $1,000,000.

"(2) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

"(A) is made by a person in connection with the person's donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Army, is sufficient to defray a substantial portion of the total cost of the project;

"(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

"(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

"(D) is accompanied by—

"(i) an unconditional letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

"(ii) a qualified account control agreement.

"(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Army, and a major United States investment management firm that—

"(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

"(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy with the highest priority available for liens and security interests under applicable law;

"(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

"(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

"(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

"(A) is headquartered in the United States; and

"(B) has net assets in a total amount considered by the Secretary of the Army to qualify the bank as a major bank.

"(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) that—

"(A) is headquartered in the United States; and

"(B) manages for others the investment of assets in a total amount considered by the Secretary of the Army to qualify the firm as a major investment management firm.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4359. Acceptance of guarantees with gifts for major projects.".

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

SEC. 905. MINIMUM INTERVAL FOR UPDATING AND REVISING DEPARTMENT OF DEFENSE STRATEGIC PLAN.

Section 306(b) of title 5, United States Code, is amended by striking ", and shall be updated and revised at least every three years." and inserting a period and the following: "The strategic plan shall be updated and revised at least every three years, except that the strategic plan for the Department of Defense shall be updated and revised at least every four years.".

SEC. 906. PERMANENT REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW.

(a) REVIEW REQUIRED.—Chapter 2 of title 10, United States Code, is amended by inserting after section 117 the following:

"§ 118. Quadrennial defense review

"(a) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall conduct in each year in which a President is inaugurated a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years.

“(b) Consideration of Reports of National Defense Panel.—In conducting the review, the Secretary shall take into consideration the reports of the National Defense Panel submitted under section 184(d) of this title.

“(c) Report to Congress.—The Secretary shall submit a report on each review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 30 of the year in which the review is conducted. The report shall include the following:

“(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement that strategy, expressed in terms of size, characteristics, and organization, or in other terms suitable for characterizing the force structure.

“(2) The size, characteristics, and organization of an alternative force structure that is suited for implementing the strategy but is significantly larger than the force structure discussed under paragraph (1), together with the benefits and risks associated with the larger force structure.

“(3) The size, characteristics, and organization of an alternative force structure that is suited for implementing the strategy but is significantly smaller than the force structure discussed under paragraph (1), together with the benefits and risks associated with the smaller force structure.

“(4) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

“(5) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

“(6) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

“(7) The effect on the force structure of the utilization by the armed forces of technologies anticipated to be available for the ensuing 10 years and technologies anticipated to be available for the ensuing 20 years, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in organization, doctrine, and operational concepts that would result from the utilization of such technologies.

“(8) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

“(9) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

“(10) The appropriate ratio of combat forces to support forces (commonly referred to as the “tooth-to-tail” ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarters units and Defense Agencies for that purpose.

“(11) The air-lift and sea-lift capabilities required to support the defense strategy.

“(12) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

“(13) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

“(14) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

“(15) Any other matter the Secretary considers appropriate.”.

(b) National Defense Panel.—Chapter 7 of such title is amended by adding at the end the following:

“§ 184. National Defense Panel

“(a) Establishment.—Not later than January 1 of each year immediately preceding a year in which a President is to be inaugurated, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the National Defense Panel. The Panel shall have the duties set forth in this section.

“(b) Membership and Chairman.—(1) The Panel shall be composed of nine members appointed from among persons in the private sector who are recognized experts in matters relating to the national security of the United States, as follows:

“(A) Three members appointed by the Secretary of Defense.

“(B) Three members appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of the committee.

“(C) Three members appointed by the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of the committee.

“(2) The Secretary of Defense, in consultation with the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives, shall designate one of the members to serve as the chairman of the Panel

“(c) Duties.—(1) The Panel shall—

“(A) assess the matters referred to in paragraph (2);

“(B) assess the current and projected strategic environment, together with the progress made by the armed forces in transforming to meet the environment;

“(C) identify the most dangerous threats to the national security interests of the United States that are to be countered by the United States in the ensuing 10 years and those that are to be encountered in the ensuing 20 years;

“(D) identify the strategic and operational challenges for the armed forces to address in order to prepare to counter the threats identified under subparagraph (C);

“(E) develop—

“(i) a recommendation on the priority that should be accorded to each of the strategic and operational challenges identified under subparagraph (D); and

“(ii) a recommendation on the priority that should be accorded to the development of each joint capability needed to meet each such challenge; and

“(F) identify the issues that the Panel recommends for assessment during the next quadrennial review to be conducted under section 118 of this title.

“(2) The matters to be assessed under paragraph (1)(A) are the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies established since the previous quadrennial defense review under section 118 of this title.

“(3) The Panel shall conduct the assessments under paragraph (1) with a view toward recommending—

“(A) the most critical changes that should be made to the defense strategy of the United States for the ensuing 10 years and the most critical changes that should be made to the defense strategy of the United States for the ensuing 20 years; and

“(B) any changes considered appropriate by the Panel regarding the major weapon systems programmed for the force, including any alternatives to those weapon systems.

“(d) Report.—(1) The Panel, in the year that it is conducting an assessment under subsection (c), shall submit to the Secretary of Defense and to the Committees on Armed Services of the Senate and the House of Representatives two reports on the assessment, including a discussion of the Panel's activities, the findings and recommendations of the Panel, and any recommendations for legislation that the Panel considers appropriate, as follows:

“(A) A status report and an outline of current activities not later than July 1 of the year.

“(B) A final report not later than December 1 of the year.

“(2) Not later than December 15 of the year in which the Secretary receives a final report under paragraph (1)(B), the Secretary shall submit to the committees referred to in subsection (b) a copy of the report together with the Secretary's comments on the report.

“(e) Information From Federal Agencies.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

“(f) Personnel Matters.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) during which the member is engaged in the performance of the duties of the Panel.

“(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Panel.

“(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and a staff if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

“(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

“(4) Any Federal Government employee may be detailed to the Panel without reimbursement of the employee's agency, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

"(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

"(g) Administrative Provisions.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

"(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

"(h) Payment of Panel Expenses.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

"(i) Termination.—The Panel shall terminate at the end of the year following the year in which the Panel submits its final report under subsection (d)(1)(B). For the period that begins 90 days after the date of submittal of the report, the activities and staff of the panel shall be reduced to a level that the Secretary of Defense considers sufficient to continue the availability of the panel for consultation with the Secretary of Defense and with the Committees on Armed Services of the Senate and the House of Representatives.".

(c) Clerical Amendments.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by inserting after the item relating to section 117 the following:

"118. Quadrennial defense review.".

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following:

"184. National Defense Panel.".

Subtitle B—Commission To Assess United States National Security Space Management and Organization

SEC. 911. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is hereby established a commission known as the "Commission To Assess United States National Security Space Management and Organization" (hereafter in this subtitle referred to as the "Commission").

(b) Composition.—The Commission shall be composed of nine members appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;

(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) the minority leader of the House of Representatives and the minority leader of the Senate concerning the appointment of three of the members of the Commission.

(c) Qualifications.—Members of the Commission shall be appointed from among private citizens of the United States who have knowledge and expertise in the areas of national security space policy, programs, organizations, and future national security concepts.

(d) Chairman.—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) Security Clearances.—All members of the Commission shall hold appropriate security clearances.

(g) Initial Organization Requirements.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

SEC. 912. DUTIES OF COMMISSION.

(a) Review of United States National Security Space Management and Organization.—The Commission shall, with a focus on changes to be implemented over the near-term, medium-term, and long-term that would strengthen United States national security, review the following:

(1) The relationship between the intelligence and nonintelligence aspects of national security space (so-called "white space" and "black space"), and the potential benefits of a partial or complete merger of the programs, projects, or activities that are differentiated by the two aspects.

(2) The benefits of establishing any of the following:

(A) An independent military department and service dedicated to the national security space mission.

(B) A corps within the Air Force dedicated to the national security space mission.

(C) A position of Assistant Secretary of Defense for Space within the Office of the Secretary of Defense.

(D) Any other change to the existing organizational structure of the Department of Defense for national security space management and organization.

(3) The benefits of establishing a new major force program, or other budget mechanism, for managing national security space funding within the Department of Defense.

(b) Cooperation From Government Officials.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 913. REPORT.

The Commission shall, not later than six months after the date of its first meeting, submit to Congress a report on its findings and conclusions.

SEC. 914. POWERS.

(a) Hearings.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) Information.—The Commission may secure directly from the Department of Defense, the other departments and agencies of the intelligence community, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

SEC. 915. COMMISSION PROCEDURES.

(a) Meetings.—The Commission shall meet at the call of the Chairman.

(b) Quorum.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) Commission.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) Authority of Individuals To Act for Commission.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 916. PERSONNEL MATTERS.

(a) Pay of Members.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) Detail of Government Employees.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) Procurement of Temporary and Intermittent Services.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 917. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 918. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 919. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 913.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. SECOND BIENNIAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.

The second biennial financial management improvement plan submitted to Congress under section 2222 of title 10, United States Code, shall include the following matters:

(1) An inventory of the finance and accounting systems and data feeder systems of the Department of Defense and, for each such system—

(A) a statement regarding whether the system complies with the requirements applicable to the system under sections 3512, 3515, and 3521 of title 31, United States Code;

(B) a statement regarding whether the system is to be retained, consolidated, or eliminated;

(C) a detailed plan of the actions that are being taken or are to be taken within the Department of Defense (including provisions for schedule, performance objectives, interim milestones, and necessary resources)—

(i) to ensure easy and reliable interfacing of the system (or a consolidated or successor system) with the department's core finance and accounting systems and with other data feeder systems; and

(ii) to institute appropriate internal controls that, among other benefits, ensure the integrity of the data in the system (or a consolidated or successor system);

(D) for each system that is to be consolidated or eliminated, a detailed plan of the actions that are being taken or are to be taken (including provisions for schedule and interim milestones) in carrying out the consolidation or elimination, including a discussion of both the interim or migratory systems and any further consolidation that may be involved; and

(E) a list of the officials in the Department of Defense who are responsible for ensuring that actions referred to in subparagraphs (C) and (D) are taken in a timely manner.

(2) A description of each major procurement action that is being taken within the Department of Defense to replace or improve a finance and accounting system or a data feeder system listed in the inventory under paragraph (1) and, for each such procurement action, the measures that are being taken or are to be taken to ensure that the new or enhanced system—

(A) provides easy and reliable interfacing of the system with the core finance and accounting systems of the department and with other data feeder systems; and

(B) includes appropriate internal controls that, among other benefits, ensure the integrity of the data in the system.

(3) A financial management competency plan that includes performance objectives, milestones (including interim objectives), responsible officials, and the necessary resources to accomplish the performance objectives, together with the following:

(A) A description of the actions necessary to ensure that the person in each comptroller position (or comparable position) in the Department of Defense, whether a member of the Armed Forces or a civilian employee, has the education, technical competence, and experience to perform in accordance with the core competencies necessary for financial management.

(B) A description of the education that is necessary for a financial manager in a senior grade to be knowledgeable in—

(i) applicable laws and administrative and regulatory requirements, including the requirements and procedures relating to Government performance and results under sections 1105(a)(28), 1115, 1116, 1117, 1118, and 1119 of title 31, United States Code;

(ii) the strategic planning process and how the process relates to resource management;

(iii) budget operations and analysis systems;

(iv) management analysis functions and evaluation; and

(v) the principles, methods, techniques, and systems of financial management.

(C) The advantages and disadvantages of establishing and operating a consolidated Department of Defense school that instructs in the principles referred to in subparagraph (B)(v).

(D) The applicable requirements for formal civilian education.

(4) A detailed plan (including performance objectives and milestones and standards for measuring progress toward attainment of the objectives) for—

(A) improving the internal controls and internal review processes of the Defense Finance and Accounting Service to provide reasonable assurances that—

(i) obligations and costs are in compliance with the applicable laws;

(ii) funds, property, and other assets are safeguarded against waste, loss, unauthorized use, and misappropriation;

(iii) revenues and expenditures applicable to agency operations are properly recorded and accounted for so as to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over assets;

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

(B) ensuring that the Defense Finance and Accounting Service has—

(i) a single standard transaction general ledger that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note);

(ii) an integrated data base for finance and accounting functions; and

(iii) automated cost, performance, and other output measures;

(C) providing a single, consistent set of policies and procedures for financial transactions throughout the Department of Defense;

(D) ensuring compliance with applicable policies and procedures for financial transactions throughout the Department of Defense; and

(E) reviewing safeguards for preservation of assets and verifying the existence of assets.

(5) An internal controls checklist which, consistent with the authority in sections 3511 and 3512 of title 31, United States Code, the Comptroller General shall prescribe as the standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the department.

SEC. 1003. SINGLE PAYMENT DATE FOR INVOICE FOR VARIOUS SUBSISTENCE ITEMS.

Section 3903 of title 31, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) A contract for the procurement of subsistence items that is entered into under the prime vendor program of the Defense Logistics Agency may specify for the purposes of section 3902 of this title a single required payment date that is to be applicable to an invoice for subsistence items furnished under the contract when more than one payment due date would otherwise be applicable to the invoice under the regulations prescribed under paragraphs (2), (3), and (4) of subsection (a) or under any other provisions of law. The required payment date specified in the contract shall be consistent with prevailing industry practices for the subsistence items, but may not be more than 10 days after the date of receipt of the invoice or the certified date of receipt of the items. The Director of the Office of Management and Budget shall provide in the regulations under subsection (a) that when a required payment date is so specified for an invoice, no other payment due date applies to the invoice.".

SEC. 1004. AUTHORITY TO REQUIRE USE OF ELECTRONIC TRANSFER OF FUNDS FOR DEPARTMENT OF DEFENSE PERSONNEL PAYMENTS.

(a) AUTHORITY.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following:

"§2784. Payments to personnel: electronic transfers of funds

"(a) AUTHORITY.—The Secretary of Defense may require that pay, allowances, retired or retainer pay, and any other payments out of funds available to the Department of Defense to or for members of the armed forces, former members of the armed forces, employees or former employees of the Department of Defense, or dependents of such personnel be made by electronic transfer of funds. For any such requirement, the Secretary of Defense may prescribe in regulations any exceptions that the Secretary considers appropriate.

"(b) RELATIONSHIP TO OTHER LAW.—The authority under subsection (a) is independent of the authority provided under section 3332 of title 31 and may be exercised without regard to any exception provided under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2784. Payments to personnel: electronic transfers of funds.".

(c) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subjected to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(C) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(D) the estimated costs of implementing the processes and controls described in subparagraphs (A), (B), (C); and

(E) the period that would be required to implement the processes and controls.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit a report to Congress containing the results of the study required by paragraph (1).

(3) In this subsection, the term "electronic payment" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a debit or credit to a financial account.

SEC. 1005. PAYMENT OF FOREIGN LICENSING FEES OUT OF PROCEEDS OF SALES OF MAPS, CHARTS, AND NAVIGATIONAL BOOKS.

(a) IN GENERAL.—Subchapter II of chapter 22 of title 10, United States Code, is amended—

(1) by redesignating section 456 as section 457; and

(2) by inserting after section 455 the following new section 456:

"§456. Maps, charts, and navigational publications: use of proceeds of sale for foreign licensing and other fees

"(a) AUTHORITY TO PAY FOREIGN LICENSING FEES.—The Secretary of Defense may pay, out of the proceeds of sales of maps, charts, and other publications of the National Imagery and Mapping Agency (which are hereby made available for the purpose), any licensing or other fees imposed by foreign countries or international organizations for the acquisition or use of data or products by the Agency.

"(b) DISPOSITION OF OTHER PROCEEDS.—Any proceeds of sales not paid under the authority in subsection (a) shall be deposited by the Secretary of Defense in the Treasury as miscellaneous receipts.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by striking the item relating to section 456 and inserting the following new items:

"456. Maps, charts, and navigational publications: use of proceeds of sale for foreign licensing and other fees.
"457. Civil actions barred.".

SEC. 1006. AUTHORITY FOR DISBURSING OFFICERS TO SUPPORT USE OF AUTOMATED TELLER MACHINES ON NAVAL VESSELS FOR FINANCIAL TRANSACTIONS.

Section 3342(a) of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3)(B) and inserting "; and"; and

(3) by adding at the end the following new paragraph (4):

"(4) with respect to automated teller machines on naval vessels—

"(A) provide operating funds to the automated teller machines; and

"(B) accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.".

SEC. 1007. CENTRAL TRANSFER ACCOUNT FOR COMBATING TERRORISM.

(a) AMOUNT FOR FISCAL YEAR 2000.—(1) Of the amounts authorized to be appropriated under this Act for the Department of Defense for fiscal year 2000, $1,954,430,000 shall be available from the sources and in the amounts specified in paragraph (2) for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

(2) The amounts and sources referred to in paragraph (1) are as follows:

(A) $229,820,000 of the total amount authorized to be appropriated pursuant to title I for fiscal year 2000.

(B) $212,510,000 of the total amount authorized to be appropriated pursuant to title II for fiscal year 2000.

(C) $1,512,100,000 of the total amount authorized to be appropriated pursuant to title III for fiscal year 2000 (except for the amount authorized to be appropriated under section 301(a)(25)).

(b) TRANSFER.—(1) The amounts made available under subsection (a) from the authorizations of appropriations referred to in that subsection shall be transferred to the amount authorized to be appropriated under section 301(a)(25).

(2) The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

(c) BUDGET PROPOSALS FOR FISCAL YEARS AFTER FISCAL YEAR 2000.—The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2000 shall set forth separately for a single account the amount requested for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

SEC. 1008. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2000.

(a) FISCAL YEAR 2000 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2000 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 1999, of funds appropriated for fiscal years before fiscal year 2000 for payments for those budgets.

(2) The amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 311.

(3) The amount authorized to be appropriated under section 201 that is available for contribution for the NATO common-funded civil budget under section 211.

(4) The total amount of the contributions authorized to be made under section 2501.

(c) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—(1) Section 135 of title 10, United States Code, is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

"(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

"(2) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursement or accounting, to another officer, employee, or entity of the United States, the Under Secretary continues after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority.".

(2) Subsection (c)(1) of such section is amended by inserting "and to ensure accountability to the citizens of the United States, Congress, the President, and managers within the Department of Defense" before the semicolon at the end.

(b) Management of Credit Cards.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations governing the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall be consistent with regulations that apply government-wide regarding use of credit cards by Federal Government personnel for official purposes.

(2) The regulations shall include safeguards and internal controls to ensure the following:

(A) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder.

(B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Disputes and discrepancies are resolved in the manner prescribed in the applicable Governmentwide credit card contracts entered into by the Administrator of General Services.

(D) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(E) Rebates and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(c) Remittance Addresses.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on alteration of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(A) requested by the person to whom the disbursement is authorized to be remitted; and

(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

SEC. 1010. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. SALES OF NAVAL SHIPYARD ARTICLES AND SERVICES TO NUCLEAR SHIP CONTRACTORS.

(a) Waiver of Required Conditions.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7299a the following:

"§ 7300. Contracts for nuclear ships: sales of naval shipyard articles and services to contractors

"The conditions set forth in section 2208(j)(2) of this title and subsections (a)(1) and (c)(1) of section 2553 of this title shall not apply to a sale of articles or services of a naval shipyard that is made to a contractor under a Department of Defense contract for a nuclear ship in order to facilitate the contractor's fulfillment of that contract.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7299a the following:

"7300. Contracts for nuclear ships: sales of naval shipyard articles and services to contractors.".

SEC. 1012. PERIOD OF DELAY AFTER NOTICE OF PROPOSED TRANSFER OF VESSEL STRICKEN FROM NAVAL VESSEL REGISTER.

Section 7306(d) of title 10, United States Code, is amended—

(1) by striking "(1)";

(2) by striking "(A)" and inserting "(1)"; and

(3) by striking "(B)" and all that follows and inserting the following:

"(2) following the date on which such notice is sent to Congress, there has elapsed 60 days on which at least one of the Houses of Congress has been in session.".

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) Thailand.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) Costs.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) Expiration of Authority.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Subtitle C—Miscellaneous Report Requirements and Repeals

SEC. 1021. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.

(a) Preservation.—Any provision of law specified in subsections (b) through (i) that requires the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report shall remain in effect with respect to that requirement (notwithstanding any other provision of law) in accordance with the terms of the specified provision of law.

(b) Title 10.—Subsection (a) applies with respect to the following provisions of title 10, United States Code, listed in the Clerk's Report (defined in subsection (j)):

(1) Sections 113(c) and 113(j), listed on page 57 of the Clerk's Report.

(2) Section 115a(a), listed on page 57 of the Clerk's Report as 10 U.S.C. 115(b)(3)(A).

(3) Section 139(f), listed on page 62 of the Clerk's Report as 10 U.S.C. 138(g)(1).

(4) Section 221, listed on page 64 of the Clerk's Report as 10 U.S.C. 114.

(5) Section 226, specified on page 149 of the Clerk's Report as section 1002 of Public Law 102–190.

(6) Section 662(b), listed on page 58 of the Clerk's Report.

(7) Section 1464(c), listed on page 60 of the Clerk's Report.

(8) Section 2006(e)(3), listed on page 76 of the Clerk's Report.

(9) Section 2010, listed on page 57 of the Clerk's Report.

(10) Section 2011(e), listed on page 56 of the Clerk's Report as Pub. L. 102–190, Sec. 1052(a).

(11) Section 2208(q), listed on page 64 of the Clerk's Report as 10 U.S.C. 2208(i).

(12) Section 2391(c), listed on page 62 of the Clerk's Report.

(13) Section 2431(a), listed on page 63 of the Clerk's Report.

(14) Section 2432, listed on page 63 of the Clerk's Report.

(15) Section 2433, listed on page 63 of the Clerk's Report as 10 U.S.C. 2433(e)(1) and 2433(e)(2)(A).

(16) Section 2461(g), listed on page 62 of the Clerk's Report as 10 U.S.C. 2304 note.

(17) Section 2662(b), listed on pages 69, 74, and 76 of the Clerk's Report.

(18) Section 2687(b), listed on page 62 of the Clerk's Report.

(19) Section 2706, listed on page 60 of the Clerk's Report.

(20) Section 2859, listed on page 58 of the Clerk's Report.

(21) Section 2902(g)(2), specified on page 148 of the Clerk's Report as section 1804(a) of Public Law 101–510.

(22) Section 10541(a), listed on page 57 of the Clerk's Report as 10 U.S.C. 115(a).

(23) Section 12302(d), listed on page 14 of the Clerk's Report as 10 U.S.C. 673(d).

(24) Section 16137, listed on page 59 of the Clerk's Report as 10 U.S.C. 2137.

(c) Title 37.—Subsection (a) applies with respect to sections 1008(a) and 1008(b) of title 37, United States Code, listed on page 14 of the Clerk's Report (defined in subsection (j)).

(d) National Defense and Military Construction Authorization Acts.—Subsection (a) applies with respect to provisions of law listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) Fiscal Year 1982.—The following provisions of the Military Construction Authorization Act, 1982 (Public Law 97–99):

(A) Section 703(g) (95 Stat. 1376), listed on page 62 of the Clerk's Report.

(B) Section 704 (95 Stat. 1377), listed on pages 68, 73, and 75 of the Clerk's Report.

(2) Fiscal years 1988 and 1989.—Section 1121(f) of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (Public Law 100–180; 101 Stat. 1148; 10 U.S.C. 113 note) (listed on page 61 of the Clerk's Report).

(3) Fiscal years 1990 and 1991.—Section 113(b) of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101–189; 103 Stat. 1373) (listed on page 2 of the Clerk's Report).

(4) Fiscal years 1992 and 1993.—The following provisions of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190):

(A) Section 822(b) (42 U.S.C. 6687(b)), listed on page 36 of the Clerk's Report.

(B) Section 1097 (22 U.S.C. 2751 note), listed on page 15 of the Clerk's Report.

(e) Other National Security Laws.—Subsection (a) applies with respect to provisions of law listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) Strategic and critical materials stock piling act.—Any provision of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), referred to on page 169 of the Clerk's Report.

(2) National security act of 1947.—Section 108 of the National Security Act of 1947 (50 U.S.C. 404a), listed on page 33 of the Clerk's Report as Pub. L. 99–433, Sec. 603(a)).

(3) Iraq resolution.—Section 3 of the Authorization for Use of Military Force Against Iraq Resolution (50 U.S.C. 1541 note), listed on page 14 of the Clerk's Report as Pub. L. 102–1, Sec. 3).

(4) Military selective service act.—Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)) (listed on page 191 of the Clerk's Report).

(5) National emergencies act.—The following provisions of the National Emergencies Act:

(A) Section 202(d) (50 U.S.C. 1622(d)), listed on page 33 of the Clerk's Report.

(B) Section 401(c) (50 U.S.C. 1641(c)), listed on page 33 of the Clerk's Report.

(6) Food and forage act.—Section 3732 of the Revised Statutes, popularly known as the "Food and Forage Act" (listed on page 64 of the Clerk's Report as 41 U.S.C. 11).

(7) Special national defense contracting authority.—Section 4 of the Act entitled "An Act to authorize the making, amending, and modification of contracts to facilitate the national defense", approved August 28, 1958 (listed on several pages of the Clerk's Report, including pages 9, 48, 51, 64, 69, 74, 76, 134, 142, 174, 179, and 186, as 50 U.S.C. 1434).

(f) Other Laws Administered by the Department of Defense.—Subsection (a) applies with respect to the following provisions of law listed in the Clerk's Report (defined in subsection (j)):

(1) Defense dependents' education act of 1978.—Section 1405 of the Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561; 20 U.S.C. 924) (listed on page 77 of the Clerk's Report).

(2) Armed forces retirement home act of 1991.—Section 1516(f) of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 104 Stat. 1728; 24 U.S.C. 416) (listed on page 56 of the Clerk's Report).

(g) Provisions of Law Requiring Department of Energy Reports.—Subsection (a) applies with respect to provisions of law listed in part IV–A–5 of the Clerk's Report (defined in subsection (j)), relating to reports to be submitted by the Secretary of Energy (or any other official of the Department of Energy), as follows:

(1) National defense authorization acts.—The following provisions of provisions law:

(A) Section 1436(e) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) (listed on page 83 of the Clerk's Report).

(B) Section 3141(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 42 U.S.C. 7274a(c)) (listed on page 87 of the Clerk's Report).

(C) Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 7274c) (listed on page 87 of the Clerk's Report).

(2) Title 10, united states code.—Sections 7424(b), 7425(b), and 7431(c) of title 10, United States Code (listed on page 89 of the Clerk's Report).

(3) Energy policy and conservation act.—Section 165(b) of the Energy Policy and Conservation Act (Public Law 94–163; 42 U.S.C. 6245(b)) (listed on page 89 of the Clerk's Report).

(h) Other Titles of the United States Code.—Subsection (a) applies with respect to provisions of the United States Code listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) Title 31.—The following provisions of title 31:

(A) Section 3554(e)(2) of title 31, United States Code (listed on page 8 of the Clerk's Report as 31 U.S.C. 3554(e)(2)).

(B) Section 9503(a) (listed on page 151 of the Clerk's Report as 31 U.S.C. 9503(a)(1)(B)).

(2) Title 36.—Section 300110(b) of title 36, listed on page 65 of the Clerk's Report as 36 U.S.C. 6.

(i) Other Laws.—Subsection (a) applies with respect to the following provisions of law listed in the Clerk's Report (defined in subsection (j)):

(1) Supplemental appropriations act, 1982.—Section 503(f) of the Supplemental Appropriations Act, 1987 (Public Law 100–71; 101 Stat. 471; 5 U.S.C. 7301 note) (listed on page 151 of the Clerk's Report), insofar as the report under that section relates to activities of the Department of Defense.

(2) Barry goldwater scholarship and excellence in education act.—Section 1411(b) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99–661 (20 U.S.C. 4710(b)) (listed on page 174 of the Clerk's Report).

(3) Federal property and administrative services act of 1949.—Section 205(b) of the Federal Property and Administrative Services Act of 1949 (listed on page 8 of the Clerk's Report as 40 U.S.C. 486(b)).

(4) Uniformed and overseas citizens absentee voting act.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (listed on page 151 of the Clerk's Report as 42 U.S.C. 1973ff(b)(6)).

(5) National science and technology policy, organization, and priorities act of 1976.—Section 603(e) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(e)) (specified on page 36 of the Clerk's Report as section 841(a) of Public Law 101–189).

(6) Laws requiring maritime administration reports.—Provisions of law listed under the heading "Maritime Administration" in Part IV–A–12 in the Clerk's Report, relating to reports to be submitted by the Secretary of Transportation (or any other official of the Department of Transportation), listed on page 139.

(j) Clerk's Report Defined.—For the purposes of this section, the term "Clerk's Report" means the document submitted by the Clerk of House of Representatives to the Speaker of the House of Representatives on January 5, 1993 (designated as House Document No. 103–7) for the first session of the 103d Congress pursuant to clause 2 of Rule III of the Rules of the House of Representatives, requiring the Clerk to prepare, at the commencement of every regular session of Congress, a list of reports which it is the duty of any officer or department to make to Congress.

SEC. 1022. ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.

Section 153 of title 10, United States Code, is amended by adding at the end the following:

"(c) Annual Report on Combatant Command Requirements.—(1) Not later than August 15 of each year, the Chairman shall submit to the committees of Congress named in paragraph (2) a report on the requirements of the combatant commands established under section 161 of this title. The report shall contain the following:

"(A) A consolidation of the integrated priority lists of requirements of the combatant commands.

"(B) The Chairman's views on the consolidated lists.

"(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.".

SEC. 1023. REPORT ON ASSESSMENTS OF READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

(a) Requirement for Report.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives in unclassified form a report on assessments of the readiness of the United States to execute the National Military Strategy. The report shall contain the following:

(A) All models used by the Joint Chiefs of Staff to assess the capability of the United States to execute the strategy and all other models used by the Armed Forces to assess the capability.

(B) The assessments that would result from the use of those models if it were necessary to execute the National Military Strategy under the scenario set forth in paragraph (2), including the levels of the casualties that the United States would be projected to incur.

(C) The increasing levels of the casualties that would be projected under that scenario over a range of risks of prosecuting two major theater wars that proceeds from low-moderate risk to moderate-high risk.

(D) An estimate of—

(i) the total resources needed to attain a moderate-high risk under the scenario;

(ii) the total resources needed to attain a low-moderate risk under the scenario; and

(iii) the incremental resources needed to decrease the level of risk from moderate-high to low-moderate.

(2) The scenario to be used for purposes of subparagraphs (B), (C), and (D) of paragraph (1) assumes that—

(A) while the Armed Forces are engaged in operations at the level of the operations ongoing as of the date of the enactment of this Act, international armed conflict begins in Southwest Asia and on the Korean peninsula; and

(B) the Armed Forces are equipped, supplied, manned, and trained at levels current as of such date.

(b) Limitation on Use of Funds Pending Submittal of Report.—Of the funds authorized to be appropriated under section

301(a)(5) for the Office of the Secretary of Defense and the Joint Chiefs of Staff, not more than 75 percent of such funds may be expended until the report required in subsection (a) is submitted.

SEC. 1024. REPORT ON INVENTORY AND CONTROL OF MILITARY EQUIPMENT.

(a) REPORT REQUIRED.—Not later than August 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the inventory and control of the military equipment of the Department of Defense as of the end of fiscal year 1999. The report shall address the inventories of each of the Army, Navy, Air Force, and Marine Corps separately.

(b) CONTENT.—The report shall include the following:

(1) For each item of military equipment in the inventory, stated by item nomenclature—

(A) the quantity of the item in the inventory as of the beginning of the fiscal year;

(B) the quantity of acquisitions of the item during the fiscal year;

(C) the quantity of disposals of the item during the fiscal year;

(D) the quantity of losses of the item during the performance of military missions during the fiscal year; and

(E) the quantity of the item in the inventory as of the end of the fiscal year.

(2) A reconciliation of the quantity of each item in the inventory as of the beginning of the fiscal year with the quantity of the item in the inventory as of the end of fiscal year.

(3) For each item of military equipment that cannot be reconciled—

(A) an explanation of why the quantities cannot be reconciled; and

(B) a discussion of the remedial actions planned to be taken, including target dates for accomplishing the remedial actions.

(4) Supporting schedules identifying the location of each item that are available to Congress or auditors of the Comptroller General upon request.

(c) MILITARY EQUIPMENT DEFINED.—For the purposes of this section, the term "military equipment" means all equipment that is used in support of military missions and is maintained on the visibility systems of the Army, Navy, Air Force, or Marine Corps.

(d) INSPECTOR GENERAL REVIEW.—Not later than November 30, 2000, the Inspector General of the Department of Defense shall review the report submitted to the committees under subsection (a) and shall submit to the committees any comments that the Inspector General considers appropriate.

SEC. 1025. SPACE TECHNOLOGY GUIDE.

(a) REQUIREMENT.—The Secretary of Defense shall develop a detailed guide for investment in space science and technology, demonstrations of space technology, and planning and development for space technology systems. In the development of the guide, the goal shall be to identify the technologies and technology demonstrations needed for the United States to take full advantage of use of space for national security purposes.

(b) RELATIONSHIP TO FUTURE-YEARS DEFENSE PROGRAM.—The space technology guide shall include two alternative technology paths. One shall be consistent with the applicable funding limitations associated with the future-years defense program. The other shall reflect the assumption that it is not constrained by funding limitations.

(c) RELATIONSHIP TO ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.—The Secretary shall include in the guide a discussion of the potential for cooperative investment and technology development with other departments and agencies of the United States and with private sector entities.

(d) UTILIZATION OF PREVIOUS STUDIES AND REPORTS.—The Secretary shall take into consideration previously completed studies and reports that may be relevant to the development of the guide, including the United States Space Command's Long Range Plan of March 1998 and the Air Force Space Command's Strategic Master Plan of December 1997.

(e) REPORT.—Not later than April 15, 2000, the Secretary shall submit a report on the space technology guide to the congressional defense committees.

SEC. 1026. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) STUDY AND REPORT.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall conclude the study and submit a report on the results of the study to Congress and the Secretary of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers appropriate to provide the maximum protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, consistent with—

(1) the findings of the Comptroller General;

(2) the standards of confidentiality and ethical standards issued by relevant professional organizations;

(3) applicable requirements of Federal and State law;

(4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse;

(5) military necessity; and

(6) such other factors as the Secretary, in consultation with the Attorney General, may consider appropriate.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than January 21, 2000, the Secretary of Defense shall submit to Congress a report on the actions taken under subsection (b) and any other actions taken by the Secretary to provide the maximum possible protections for confidentiality described in that subsection.

SEC. 1027. COMPTROLLER GENERAL REPORT ON ANTICIPATED EFFECTS OF PROPOSED CHANGES IN OPERATION OF STORAGE SITES FOR LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) REPORT REQUIRED.—Not later than March 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the proposal in the latest quadrennial defense review to reduce the Federal civilian workforce involved in the operation of the eight storage sites for lethal chemical agents and munitions in the continental United States and to convert to contractor operation of the storage sites. The workforce reductions addressed in the report shall include those that are to be effectuated by fiscal year 2002.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) For each site, a description of the assigned chemical storage, chemical demilitarization, and industrial missions.

(2) A description of the criteria and reporting systems applied to ensure that the storage sites and the workforce operating the storage sites have—

(A) the capabilities necessary to respond effectively to emergencies involving chemical accidents; and

(B) the industrial capabilities necessary to meet replenishment and surge requirements.

(3) The risks associated with the proposed workforce reductions and contractor performance, particularly regarding chemical accidents, incident response capabilities, community-wide emergency preparedness programs, and current or planned chemical demilitarization programs.

(4) The effects of the proposed workforce reductions and contractor performance on the capability to satisfy permit requirements regarding environmental protection that are applicable to the performance of current and future chemical demilitarization and industrial missions.

(5) The effects of the proposed workforce reductions and contractor performance on the capability to perform assigned industrial missions, particularly the materiel replenishment missions for chemical or biological defense or for chemical munitions.

(6) Recommendations for mitigating the risks and adverse effects identified in the report.

SEC. 1028. REPORT ON DEPLOYMENTS OF RAPID ASSESSMENT AND INITIAL DETECTION TEAMS ACROSS STATE BOUNDARIES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on out-of-State use of Rapid Assessment and Initial Detection Teams for responses to incidents involving a weapon of mass destruction. The report shall include a specific description and analysis of the procedures that have been established or agreed to by States for the use in one State of a team that is based in another State.

SEC. 1029. REPORT ON CONSEQUENCE MANAGEMENT PROGRAM INTEGRATION OFFICE UNIT READINESS.

(a) JOINT READINESS REVIEW.—(1) The Secretary of Defense shall include in the quarterly report submitted to Congress under section 482 of title 10, United States Code, for the first quarter beginning after the date of the enactment of this Act an assessment of the readiness, training status, and future funding requirements of all active and reserve component units that are considered assets of the Consequence Management Program Integration Office of the Department of Defense.

(2) The Secretary of Defense shall set forth the assessment in an annex to the quarterly report. The Secretary shall include in the annex a detailed description of how the active and reserve component units are integrated with the Rapid Assessment and Initial Detection Teams in the overall Consequence Management Program Integration Office of the Department of Defense.

(b) Decontamination Readiness Plan.—The Secretary of Defense shall prepare a decontamination readiness plan for the Consequence Management Program Integration Office. The plan shall include the following:

(1) The actions necessary to ensure that the units designated to carry out decontamination missions under the program are at the highest level of readiness for carrying out the missions.

(2) The funding necessary for attaining and maintaining that level of readiness.

(3) Procedures for ensuring that each decontamination unit is available to respond to an incident in the United States that involves a weapon of mass destruction within 12 hours after being notified of the incident by a Rapid Assessment and Initial Detection Team.

SEC. 1030. ANALYSIS OF RELATIONSHIP BETWEEN THREATS AND BUDGET SUBMISSION FOR FISCAL YEAR 2001.

(a) Requirement for Report.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of Central Intelligence, shall submit to the congressional defense committees, on the date that the President submits the budget for fiscal year 2001 to Congress under section 1105(a) of title 31, United States Code, a report on the relationship between the budget proposed for budget function 050 (National Defense) for that fiscal year and the then-current and emerging threats to the national security interests of the United States identified in the annual national security strategy report required under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

(b) Content.—The report shall contain the following:

(1) A detailed description of the threats referred to in subsection (a);

(2) An analysis of such threats in terms of the probability that an attack or other threat event will actually occur, the military challenge posed by the threats, and the potential damage that the threats could have to the national security interests of the United States.

(3) An analysis of the allocation of funds in the fiscal year 2001 budget and the future-years defense program that addresses the threats in each category.

(4) A justification for each major defense acquisition program (as defined in section 2430 of title 10, United States Code) that is provided for in the budget in light of the description and analyses set forth in the report.

(c) Form of Report.—The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1031. REPORT ON NATO'S DEFENSE CAPABILITIES INITIATIVE.

(a) Findings.—Congress makes the following findings:

(1) At the Washington Summit meeting of the North Atlantic Council in April 1999, NATO Heads of State and Governments launched a Defense Capabilities Initiative.

(2) The Defense Capabilities Initiative is designed to improve the defense capabilities of the individual nations of the NATO Alliance to ensure the effectiveness of future operations across the full spectrum of Alliance missions in the present and foreseeable security environment.

(3) Under the Defense Capabilities Initiative, special focus will be given to improving interoperability among Alliance forces and to increasing defense capabilities through improvements in the deployability and mobility of Alliance forces, the sustainability and logistics of the forces, the survivability and effective engagement capability of the forces, and command and control and information systems.

(4) The successful implementation of the Defense Capabilities Initiative will serve to enable all NATO allies to make a more equitable contribution to the full spectrum of Alliance missions, thereby increasing burdensharing within the Alliance and enhancing the ability of European allies to undertake operations pursuant to the European Security and Defense Identity within the Alliance.

(b) Annual Report.—(1) Not later than January 31 of each year, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report on implementation of the Defense Capabilities Initiative by the nations of the NATO Alliance. The report shall include the following:

(A) A discussion of the work of the temporary High-Level Steering Group, or any successor group, established to oversee the implementation of the Defense Capabilities Initiative and to meet the requirement of coordination and harmonization among relevant planning disciplines.

(B) A description of the actions taken, including implementation of the Multinational Logistics Center concept and development of the C3 system architecture, by the Alliance as a whole to further the Defense Capabilities Initiative.

(C) A description of the actions taken by each of our NATO allies to improve the capabilities of their forces in each of the following areas:

(i) Interoperability with other Alliance forces.

(ii) Deployability and mobility.

(iii) Sustainability and logistics.

(iv) Survivability and effective engagement capability.

(v) Command and control and information systems.

(4) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) Review and Report Required.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of the review to Congress.

(b) Content of Report.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are associated with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

SEC. 1033. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.

(a) Report.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) Transmittal Date.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

SEC. 1034. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) Report.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) Report Elements.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memoranda for the record, after-action reports and final itineraries, and all receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000, and shall be unclassified but may contain a classified annex.

Subtitle D—Other Matters

SEC. 1041. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) One-Year Extension.—Subsection (g) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948), as amended by section 1501 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2171), is further amended by striking "and 1999" and inserting "through 2000".

(b) Minimum Levels for Certain Systems.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking "71" and inserting "76"; and

(2) in paragraph (2), by striking "18" and inserting "14".

SEC. 1042. LIMITATION ON REDUCTION IN UNITED STATES STRATEGIC NUCLEAR FORCES.

(a) LIMITATION ON REDUCTION OF UNITED STATES STRATEGIC NUCLEAR FORCES.—None of the funds authorized to be appropriated by this or any other Act for fiscal year 2000 may be used to reduce the number of United States strategic nuclear forces below the maximum number of those forces, for each category of nuclear arms, permitted the United States under the START II Treaty unless the President submits to Congress a report containing an assessment indicating that such reductions would not impede the capability of the United States to respond militarily to any militarily significant increase in the challenge to United States security or strategic stability posed by nuclear weapon modernization programs of the People's Republic of China or any other nation.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the retirement or dismantlement, or the preparation for retirement or dismantlement, of any strategic nuclear delivery system described in section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) below the level specified for the system in that section, as amended by section 1041.

(c) DEFINITIONS.—In this section:

(1) START II TREATY DEFINED.—The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, and related protocols and memorandum of understanding, signed at Moscow on January 3, 1993.

(2) UNITED STATES STRATEGIC NUCLEAR FORCES.—The term "United States strategic nuclear forces" includes intercontinental ballistic missiles (ICBMs) and ICBM launchers, submarine-launched ballistic missiles (SLBMs) and SLBM launchers, heavy bombers, ICBM warheads, SLBM warheads, and heavy bomber nuclear armaments.

SEC. 1043. COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.

(a) EXTENSION OF COMMITTEE.—Section 1605(f) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is amended by striking "September 30, 2000" and inserting "September 30, 2004".

(b) EXECUTIVE SECRETARY OF THE COMMITTEE.—Paragraph (5) of section 1605(a) of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended to read as follows:

"(5) The Assistant Secretary of Defense for Strategy and Threat Reduction shall serve as executive secretary to the committee.".

(c) EARLIER DEADLINE FOR ANNUAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503(a) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amended by striking "May 1 of each year" and inserting "February 1 of each year".

SEC. 1044. LIMITATION REGARDING COOPERATIVE THREAT REDUCTION PROGRAMS.

Funds authorized to be appropriated under this Act may not be obligated or expended for assistance for a country under any Cooperative Threat Reduction program specified under section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 50 U.S.C. 2362 note) until the President certifies to Congress that the government of that country is committed to—

(1) complying with all relevant arms control agreements;

(2) facilitating United States verification of weapons destruction;

(3) forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons;

(4) forgoing the replacement of destroyed weapons of mass destruction; and

(5) forgoing any military modernization program that exceeds legitimate defense requirements.

SEC. 1045. PERIOD COVERED BY ANNUAL REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1206(a)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, 110 Stat. 471; 22 U.S.C. 5955 note) is amended to read as follows:

"(2) The report shall be submitted under this section not later than January 31 of each year and shall cover the fiscal year ending in the preceding year. No report is required under this section after the completion of the Cooperative Threat Reduction programs.".

SEC. 1046. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2000.—The total amount of the assistance for fiscal year 2000 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "1999" and inserting "2000".

SEC. 1047. INFORMATION ASSURANCE INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is becoming increasingly dependent upon information systems for national security, economic security, and a broad range of other vital national interests.

(2) Presidential Decision Directive 63, dated May 22, 1998, recognizes the importance of information assurance and sets forth policy and organizational recommendations for addressing the information assurance challenges.

(3) The Department of Defense has undertaken significant steps to address threats to the Defense Information Infrastructure, including the establishment of a Defense Information Assurance Program.

(4) Notwithstanding those actions and other important actions taken by the President and the Secretary of Defense to address the challenges of information assurance, the Department of Defense, other Federal departments and agencies, and a broad range of private sector entities continue to face new challenges and threats to their information systems.

(5) Although the Secretary of Defense can and should play an important role in helping address a broad range of information warfare threats to the United States, the Secretary necessarily focuses primarily on addressing the vulnerabilities of the information systems and other infrastructures, within and outside of the Department of Defense, on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(6) It is important for the Secretary of Defense to work closely with the heads of all departments and agencies of the Federal Government concerned to identify areas in which the Department of Defense can contribute to securing critical national infrastructures beyond the areas under the direct oversight and control of the Secretary of Defense.

(b) DEFENSE INFORMATION ASSURANCE PROGRAM.—(1) The Secretary of Defense shall carry out an information assurance program.

(2) The Secretary shall submit to Congress an annual report on the program. The annual report shall include the Department of Defense information assurance guide applicable under subsection (c) as of the date of the report. The first report shall be submitted not later than March 15, 1999.

(c) DEFENSE INFORMATION ASSURANCE GUIDE.—(1) The Secretary of Defense shall prepare a Department of Defense information assurance guide for the development of appropriate organizational structures and technologies for information assurance under the program. The Secretary shall modify or replace the guide from time to time to maintain the current relevance of the guide.

(2) The Department of Defense information assurance guide shall include the following:

(A) A plan for developing information assurance technologies, including the criteria used to prioritize research, development, and procurement investments in such technologies.

(B) A plan for organizing the Department of Defense to defend against information warfare threats, including the organizational changes that are planned or being considered together with a recitation of the organizational changes that have been implemented.

(C) A plan for joint efforts by the Department of Defense with other departments and agencies of the Federal Government and with State and local organizations to strengthen the security of the information systems and infrastructures in the United States, with particular emphasis on the systems and elements of the infrastructure on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(D) An assessment of the threats to information systems and infrastructures on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises, including an assessment of technical or other vulnerabilities in Defense Department information and communications systems.

(E) A plan for conducting exercises, war games, simulations, experiments, and other activities designed to prepare the Department of Defense to respond to information warfare threats.

(F) Any proposal for legislation that the Secretary considers necessary for implementing the Defense information assurance program or for otherwise responding to information warfare threats.

(G) Any other information that the Secretary determines relevant.

(d) INFORMATION ASSURANCE TESTBED.—(1) The Secretary of Defense shall develop an information assurance testbed. In developing the testbed, the Secretary shall consult with the heads of the other departments and agencies of the Federal Government that the Secretary determines as being concerned with defense information assurance.

(2) The information assurance testbed shall be organized to provide the following:

(A) An integrated organizational structure within the Department of Defense to plan and facilitate the conduct of simulations, wargames, exercises, experiments, and other activities designed to prepare and inform the Department of Defense regarding information warfare threats.

(B) Organizational and planning means for the conduct by the Department of Defense of integrated or joint exercises and experiments with the commercial organizations and other non-Department of Defense organizations that are responsible for the oversight and management of critical information systems and infrastructures on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(e) FUNDING.—(1) Of the amounts authorized to be appropriated under section 104—

(A) $10,000,000 is available for procurement by the Defense Information Systems Agency of secure terminal equipment for use by the Armed Forces and Defense Agencies; and

(B) $10,000,000 is available for development and procurement of tools for real-time computer intrusion detection, analysis, and warning.

(2) Of the amounts authorized to be appropriated under section 201(4)—

(A) $5,000,000 in program element 65710D8 is available for establishing and operating the information assurance testbed established pursuant to subsection (d); and

(B) $85,000,000 in program element 33140G is available for—

(i) secure wireless communications;

(ii) public key infrastructure;

(iii) tool development by the Information Operations Technology Center;

(iv) critical infrastructure modeling; and

(v) software security research.

(3) Of the amounts authorized to be appropriated under section 301(a)(5), $10,000,000 is available for training, education, and retention of information technology professionals of the Department of Defense.

SEC. 1048. DEFENSE SCIENCE BOARD TASK FORCE ON TELEVISION AND RADIO AS A PROPAGANDA INSTRUMENT IN TIME OF MILITARY CONFLICT.

(a) DEFENSE SCIENCE BOARD TASK FORCE ON RADIO AND TELEVISION AS A PROPAGANDA INSTRUMENT IN TIME OF CONFLICT.—The Secretary of Defense shall establish a task force of the Defense Science Board to examine the use of radio and television broadcasting as a propaganda instrument and the adequacy of the capabilities of the United States Armed Forces in this area to deal with situations such as the conflict in the Federal Republic of Yugoslavia.

(b) DUTIES OF THE TASK FORCE.—The task force shall assess and develop recommendations as to the appropriate capabilities, if any, that the United States Armed Forces should have to broadcast radio and television into an area so as to ensure that the general public in that area are exposed to the facts of the conflict. In making the assessment and developing the recommendations, the task force shall review the following:

(1) The capabilities of the United States Armed Forces to develop programming and to broadcast factual information that can reach a large segment of the general public in a country like the Federal Republic of Yugoslavia.

(2) The potential of various airborne or land-based mechanisms to have capabilities described in paragraph (1), including but not limited to desirable improvements to the EC–130 Commando Solo aircraft, and the utilization of other airborne platforms, unmanned aerial vehicles, and land-based transmitters in conjunction with satellites.

(3) Other issues relating to the use of television and radio as a propaganda instrument in time of conflict.

(c) REPORT.—The task force shall submit to the Secretary of Defense a report containing its assessments and recommendations not later than February 1, 2000. The Secretary shall submit the report, together with the comments and recommendations of the Secretary of Defense, to the congressional defense committees not later than March 1, 2000.

(d) FEDERAL REPUBLIC OF YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 1049. PREVENTION OF INTERFERENCE WITH DEPARTMENT OF DEFENSE USE OF FREQUENCY SPECTRUM.

(a) COMPATIBILITY WITH DEFENSE SYSTEMS.—A non-Department of Defense entity operating a communication system, device, or apparatus on any portion of the frequency spectrum used by the Department of Defense, whether or not licensed to do so, shall ensure that the system, device, or apparatus is designed not to interfere with and not to receive interference from the communication systems that are operated by or for the Department of Defense on that portion of the frequency spectrum as of the date of the enactment of this Act. The preceding sentence does not apply to the operation, by a non-Department of Defense entity, of a communication system, device, or apparatus on any portion of the frequency spectrum that is reserved for exclusively nongovernment use.

(b) COSTS OF REDESIGN OR REBUILDING OF MILITARY SYSTEMS.—If it is necessary for the Department of Defense to redesign or rebuild a communication system used by the department because of a violation of subsection (a) by a non-Department of Defense entity, that entity shall be liable to the United States for the costs incurred by the United States for the redesign or rebuilding of the Department of Defense system or, if the entity is a department or agency of the United States, shall transfer to the Department of Defense funds in the amount of such costs.

(c) EFFECTIVE DATE.—This section applies with respect to operation of a communication system, device, or apparatus fielded on or after October 1, 1999.

(d) NONAPPLICABILITY.—This section does not apply to any upgrades, modifications, or system redesign to a Department of Defense communication system made after the date of enactment of this Act where that modification, upgrade or redesign would result in interference with or receiving interference from a non-Department of Defense system.

SEC. 1050. OFF-SHORE ENTITIES INTERFERING WITH DEPARTMENT OF DEFENSE USE OF THE FREQUENCY SPECTRUM.

(a) LIMITATION ON USE OF FUNDS.—Funds authorized to be appropriated or otherwise made available by this or any other Act may not be obligated to enter into any contract with, make any payment to, or issue any broadcast or other license or permit to any entity that broadcasts from outside the United States into the United States on any frequency that, as of the date of the enactment of this Act, is reserved to or used by the Department of Defense, unless the broadcasting is authorized under law.

(b) SAVINGS PROVISION.—The provisions of subsection (a) shall not be construed to interfere with the enforcement authority of the Federal Communications Commission under the Communications Act of 1934 or any other law.

SEC. 1051. REPEAL OF LIMITATION ON AMOUNT OF FEDERAL EXPENDITURES FOR THE NATIONAL GUARD CHALLENGE PROGRAM.

Section 509(b) of title 32, United States Code, is amended by striking ", except that Federal expenditures under the program may not exceed $50,000,000 for any fiscal year".

SEC. 1052. NONDISCLOSURE OF INFORMATION ON PERSONNEL OF OVERSEAS, SENSITIVE, OR ROUTINELY DEPLOYABLE UNITS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130a the following:

"§ 130b. Nondisclosure of information: personnel in overseas, sensitive, or routinely deployable units

"(a) EXEMPTION FROM DISCLOSURE.—Notwithstanding any other provision of law, the Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation may authorize to be withheld from disclosure to the public the name, rank, duty address, official title, and information regarding the pay of—

"(1) members of the armed forces assigned to overseas, sensitive, or routinely deployable units; and

"(2) employees of the Department of Defense or of the Coast Guard whose duty stations are with overseas, sensitive, or routinely deployable units.

"(b) EXCEPTIONS.—(1) The authority in subsection (a) is subject to such exceptions as the President may direct.

"(2) Subsection (a) does not authorize any official to withhold, or to authorize the withholding of, information from Congress.

"(c) DEFINITIONS.—In this section:

"(1) The term 'unit' means a military organization of the armed forces designated as a unit by competent authority.

"(2) The term 'overseas unit' means a unit that is located outside the continental United States and its territories.

"(3) The term 'sensitive unit' means a unit that is primarily involved in training for the conduct of, or conducting, special activities or classified missions, including the following:

"(A) A unit involved in collecting, handling, disposing, or storing of classified information and materials.

"(B) A unit engaged in training—

"(i) special operations units;

"(ii) security group commands weapons stations; or

"(iii) communications stations.

"(C) Any other unit that is designated as a sensitive unit by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation.

"(4) The term 'routinely deployable unit'—

"(A) means a unit that normally deploys from its permanent home station on a periodic or rotating basis to meet peacetime operational requirements that, or to participate in scheduled training exercises that, routinely require deployments outside the United States and its territories; and

"(B) includes a unit that is alerted for deployment outside the United States and its territories during an actual execution of a contingency plan or in support of a crisis operation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"130b. Nondisclosure of information: personnel in overseas, sensitive, or routinely deployable units.".

SEC. 1053. NONDISCLOSURE OF OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) AUTHORITY TO WITHHOLD.—Subchapter II of chapter 22 of title 10, United States Code, as amended by section 1005, is further amended by adding at the end the following:

"§ 458. Withholding of operational files from public disclosure

"(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

"(b) COVERED OPERATIONAL FILES.—The authority under subsection (a) applies to operational files in the possession of the National Imagery and Mapping Agency that—

"(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

"(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

"(c) OPERATIONAL FILES DEFINED.—In this section, the term 'operational files' has the meaning given the term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1005, is further amended by adding at the end the following:

"458. Withholding of operational files from public disclosure.".

SEC. 1054. NONDISCLOSURE OF INFORMATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY HAVING COMMERCIAL SIGNIFICANCE.

(a) AUTHORITY TO WITHHOLD.—Subchapter II of chapter 22 of title 10, United States Code, as amended by section 1053, is further amended by adding at the end the following:

"§ 459. Withholding of certain commercially significant information from public disclosure

"(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure information in the possession of the National Imagery and Mapping Agency if the Secretary determines in writing that—

"(1) public disclosure of the information would compete with or otherwise adversely affect commercial operations in any existing or emerging commercial industry or the operation of any existing or emerging commercial market; and

"(2) withholding the information from public disclosure is consistent with the national security interests of the United States.

"(b) RELATIONSHIP TO DCI AUTHORITY.—(1) Nothing in this section shall be construed as superseding, limiting, or otherwise affecting the authority and responsibilities of the Director of Central Intelligence to withhold or require the withholding of imagery and imagery intelligence from public disclosure under the National Security Act of 1947 (50 U.S.C. 401 et seq.), Executive Order No. 12951 or any successor Executive order, or directives of the President.

"(2) In the administration of the authority under subsection (a) with respect to imagery and imagery intelligence, the Secretary of Defense shall be subject to the policies and directives prescribed by the Director of Central Intelligence for the public disclosure of such information.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1053, is further amended by adding at the end the following:

"459. Withholding of certain commercially significant information from public disclosure.".

SEC. 1055. CONTINUED ENROLLMENT OF DEPENDENTS IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS AFTER LOSS OF ELIGIBILITY.

Section 2164(c)(3) of title 10, United States Code, is amended to read as follows:

"(3) The Secretary may, for good cause, authorize a dependent of a member of the armed forces or of a Federal employee to continue enrollment in a program under this subsection notwithstanding a change in the status of the member or employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program. The enrollment may continue for as long as the Secretary considers appropriate. The Secretary may remove the dependent from the program at any time that the Secretary determines that there is good cause for the removal.".

SEC. 1056. UNIFIED SCHOOL BOARDS FOR ALL DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS IN THE COMMONWEALTH OF PUERTO RICO AND GUAM.

Section 2164(d)(1) of title 10, United States Code, is amended by adding at the end the following: "The Secretary may provide for the establishment of one school board for all such schools in the Commonwealth of Puerto Rico and one school board for all such schools in Guam instead of one school board for each military installation in those locations.".

SEC. 1057. DEPARTMENT OF DEFENSE STARBASE PROGRAM.

(a) PROGRAM AUTHORITY.—Chapter 111 of title 10, United States Code, is amended by inserting after section 2193 the following:

"§ 2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology

"(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may conduct a science, mathematics, and technology education improvement program known as the 'Department of Defense STARBASE Program'. The Secretary shall carry out the program through the secretaries of the military departments.

"(b) PURPOSE.—The purpose of the program is to improve knowledge and skills of students in kindergarten through twelfth grade in mathematics, science, and technology.

"(c) STARBASE ACADEMIES.—(1) The Secretary shall provide for the establishment of at least 25 academies under the program.

"(2) An academy established under the program shall provide the following:

"(A) For each elementary and secondary grade level, the presentation of a curricula of 20 hours of instruction in science, mathematics, and technology.

"(B) Outreach programs for the support of elementary and secondary level instruction in science, mathematics, and technology at other locations.

"(3) The Secretary may support the establishment and operation of any academy in excess of two academies in a State only if the Secretary has first authorized in writing the establishment of the academy and the costs of the establishment and operation of the academy are paid out of funds provided by sources other than the Department of Defense. Any such costs that are paid out of appropriated funds shall be considered as paid out of funds provided by such other sources if such sources fully reimburse the United States for the costs.

"(d) AUTHORIZED SUPPORT.—The following support may be provided for activities under the program:

"(1) Administrative and instructional personnel.

"(2) Facilities.

"(3) Instructional materials, including textbooks.

"(4) Equipment.

"(5) To the extent considered appropriate by the Secretary of the military department concerned, any additional resources (including transportation and billeting) that may be available.

"(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—The Secretary of Defense shall prescribe the standards and procedures for selecting persons to participate in the program.

"(f) PROGRAM PERSONNEL.—(1) The Secretary of the military department concerned may—

"(1) authorize members of the armed forces to provide command, administrative, training, or supporting services for the program on a full-time basis; and

"(2) employ or procure by contract civilian personnel to provide such services.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the conduct of the program.

"(g) FUNDING.—(1) The Secretary shall ensure that each academy meeting at least the minimum operating standards established for academies under the program is funded at a level of at least $200,000 for each fiscal year.

"(2) The Secretary of Defense and the Secretaries of the military departments may accept financial and other support for the program from other departments and agencies of the Federal Government, State governments, local governments, and not-for-profit and other organizations in the private sector.

"(h) ANNUAL REPORT.—Within 90 days after the end of each fiscal year, the Secretary of Defense shall submit a report on the program to Congress. The report shall contain a discussion of the design and conduct of the program and an evaluation of the effectiveness of the program.

"(i) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.".

(b) EXISTING STARBASE ACADEMIES.—While continuing in operation, the academies existing on the date of the enactment of this Act under the Department of Defense STARBASE Program, as such program is in effect on such date, shall be counted for the purpose of meeting the requirement under section 2193b(c)(1) of title 10, United States Code (as added by subsection (a)), relating to the minimum number of STARBASE academies.

(c) REORGANIZATION OF CHAPTER.—Chapter 111 of title 10, United States Code, as amended by subsection (a), is further amended—

(1) by inserting after section 2193 and before the section 2193b added by subsection (a) the following:

"§ 2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics";

(2) by transferring subsection (b) of section 2193 to section 2193a (as added by paragraph (1)), inserting such subsection after the heading for section 2193a, and striking out "(b)"; and

(3) by redesignating subsection (c) of section 2193 as subsection (b).

(d) CLERICAL AMENDMENTS.—(1) The heading for section 2192 of such title is amended to read as follows:

"§2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering".

(2) The heading for section 2193 is amended to read as follows:

"§2193. Improvement of education in technical fields: grants for higher education in science and mathematics".

(3) The table of sections at the beginning of such chapter is amended by striking the items relating to sections 2192 and 2193 and inserting the following:

"2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering.

"2193. Improvement of education in technical fields: grants for higher education in science and mathematics.

"2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics.

"2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology.".

SEC. 1058. PROGRAM TO COMMEMORATE THE 50TH ANNIVERSARY OF THE KOREAN WAR.

(a) PERIOD OF PROGRAM.—Section 1083(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113 note) is amended by striking "The Secretary of Defense" and inserting "During fiscal years 2000 through 2004, the Secretary of Defense".

(b) CHANGE OF NAME.—(1) Section 1083(c) of such Act is amended by striking "'The Department of Defense Korean War Commemoration'" and inserting in lieu thereof "'The United States of America Korean War Commemoration'".

(2) The amendment made by paragraph (1) may not be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(c) FUNDING.—Section 1083(f) of such Act is amended to read as follows:

"(f) USE OF FUNDS.—(1) Funds appropriated for the Army for fiscal years 2000 through 2004 for operation and maintenance shall be available for the program authorized under subsection (a).

"(2) The total amount expended by the Department of Defense through the Department of Defense 50th Anniversary of the Korean War Commemoration Committee, an entity within the Department of the Army, to carry out the program authorized under subsection (a) for fiscal years 2000 through 2004 may not exceed $7,000,000.

"(3) The limitation in paragraph (2) shall not apply to expenditures by a unit of the Armed Forces or a similar organization to commemorate the Korean War from funds available to the unit or similar organization for that purpose.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 1059. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "the fiscal years 1996, 1997, 1998, and 1999" and inserting "fiscal years 1996 through 2000".

SEC. 1060. EXTENSION TO NAVAL AIRCRAFT OF COAST GUARD AUTHORITY FOR DRUG INTERDICTION ACTIVITIES.

Section 637(c) of title 14, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) it is a naval aircraft on which one or more members of the Coast Guard are assigned.".

SEC. 1061. REGARDING THE NEED FOR VIGOROUS PROSECUTION OF WAR CRIMES, GENOCIDE, AND CRIMES AGAINST HUMANITY IN THE FORMER REPUBLIC OF YUGOSLAVIA.

(a) The Senate finds that—

(1) the United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this section referred to as the "ICTY") by resolution on May 25, 1993;

(2) although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

(3) the ICTY has jurisdiction to investigate: Grave breaches of the 1949 Geneva Conventions (Article 2); violations of the laws or customs of war (Article 3); genocide (Article 4); and crimes against humanity (Article 5);

(4) the Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established";

(5) reports from Kosovar Alabanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

(6) in furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

(7) these reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

(8) any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

(9) the indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

(10) the ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

(11) vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

(12) investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

(b) It is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

SEC. 1062. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Colon cancer.

"(R) Tumors of the brain and central nervous system.".

SEC. 1063. LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the President shall determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, if the President certifies under subsection (a) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

(c) REPORT.—Together with the certification made under subsection (a), the President shall submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation, or several member nations, where the commitment of NATO forces will be "out of area" or beyond the borders of NATO member nations.

(d) DEFINITION.—For the purposes of this section, the term "new Strategic Concept of NATO" means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic

Council in Washington, DC, on April 23 and 24, 1999.

SEC. 1064. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

SEC. 1065. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.

Section 4683(a)(2) of title 10, United States Code, is amended to read as follows:

"(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries.".

SEC. 1066. PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

SEC. 1067. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.

(a) AUTHORITY.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

(2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(b) NATURE OF ASSISTANCE.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) REIMBURSEMENT.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that a waiver of the reimbursement is in the national security interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(d) LIMITATION ON FUNDING.—Not more than $10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) PERSONNEL RESTRICTIONS.—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(h) RELATIONSHIP TO OTHER AUTHORITY.—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) The term "threat of an act of terrorism" includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) The term "weapon of mass destruction" has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

SEC. 1068. SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya's national airline;

(B) a ban on flights into and out of Libya by other nations' airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie

investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, "Patterns of Global Terrorism: 1998", stated that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups, including the PIJ and the PFLP-GC".

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with United States law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorist groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

SEC. 1069. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS.—The President shall promptly notify Congress whenever an export waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the waiver.

(c) NOTICE IN APPLICATIONS.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

(d) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—The Senate and the House of Representatives shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified information, informatioin relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to Congress pursuant to this section.

(e) EXCEPTION.—The requirements of subsections (a) and (b) shall not apply if the President determines that notification of Congress would jeopardize an on-going criminal investigation. If the President makes such a determination he shall provide written notification to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Such notification shall include a justification for any such determination.

SEC. 1070. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(7) to provide, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence program within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—(1) The Secretary of Defense and the Secretary of State shall each submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

(2) Each report under paragraph (1) shall be submitted in classified form and unclassified form.

SEC. 1071. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide, consistent with the need to protect classified, law enforcement, or other sensitive information, timely notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

SEC. 1072. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.

(a) CONSULTATION WITH DCI.—The Secretary of State and Secretary of Defense shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) ADVISORY GROUP.—The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) ANNUAL REPORTS ON EFFORTS TO ACQUIRE SENSITIVE UNITED STATES TECHNOLOGY AND TECHNICAL INFORMATION.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1073. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1074. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1075. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China;

(2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1076. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

"(9) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have previously been determined to be suitable for release to the public are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.".

SEC. 1077. DISENGAGING FROM NONCRITICAL OVERSEAS MISSIONS INVOLVING UNITED STATES COMBAT FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames".

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements.

(3) The United States has 120,000 troops permanently assigned to those theaters.

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries.

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment.

(6) The United States has diverted permanently assigned resources from other theaters to support operations in the Balkans.

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades.

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent.

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in fiscal year 1998, 28,000 United States Army soldiers were deployed to more than 70 countries for over 300 separate missions.

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are United States-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a "stop loss" program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force.

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service.

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) The readiness of United States military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions.

(2) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) REPORT REQUIREMENT.—Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can—

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce United States troop commitments worldwide;

(3) end low priority missions.

SEC. 1078. SENSE OF THE SENATE ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—It is the sense of the Senate that the United States, as a member of NATO, should not negotiate with Slobodan Milosevic, an indicted war criminal, or any other indicted war criminal with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia

(b) YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 1079. COAST GUARD EDUCATION FUNDING.

Section 2006 of title 10, United States Code, is amended—

(1) by striking "Department of Defense education liabilities" in subsection (a) and inserting "armed forces education liabilities";

(2) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) The term 'armed forces educational liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.";

(3) by inserting "Department of Defense" after "future" in subsection (b)(2)(C);

(4) by striking "106" in subsection (b)(2)(C) and inserting "1606";

(5) by inserting "and the Secretary of the Department in which the Coast Guard is operating" after "Defense" in subsection (c)(1);

(6) by striking "Department of Defense" in subsection (d) and inserting "armed forces";

(7) by inserting "the Secretary of the Department in which the Coast Guard is operating" in subsection (d) after "Secretary of Defense,";

(8) by inserting "and the Department in which the Coast Guard is operating" after "Department of Defense" in subsection (f)(5);

(9) by inserting "and the Secretary of the Department in which the Coast Guard is operating" in paragraphs (1) and (2) of subsection (g) after "The Secretary of Defense"; and

(10) by striking "of a military department." in subsection (g)(3) and inserting "concerned.".

SEC. 1080. TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.

Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking "the Department of Defense" and inserting "an agency named in section 2303 of this title".

SEC. 1081. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.

(a) FINDING.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic, the new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

SEC. 1082. SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should agree to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch service providers if the Government of the Russian Federation demonstrates a sustained commitment to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile;

(2) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile; and

(3) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile.

(b) DEFINITIONS.—

(1) IN GENERAL.—The terms "commercial space launch services" and "Russian space launch service providers" have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993.

(2) QUANTITATIVE LIMITATIONS APPLICABLE TO COMMERCIAL SPACE LAUNCH SERVICES.—The term "quantitative limitations applicable to commercial space launch services" means the quantitative limits applicable to commercial space launch services contained in Article IV of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

SEC. 1083. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN.

(a) RESPONSIBILITIES OF THE SECRETARY OF THE ARMY.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30, 2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

SEC. 1084. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1085. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104–106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

SEC. 1086. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most

costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) Designation of Victory in the Cold War Day.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) Cold War Medal.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§ 1133. Cold War medal: award

"(a) Award.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

"(b) Design.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) Period of Cold War.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award.".

(d) Participation of Armed Forces in Celebration of Anniversary of End of Cold War.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) Commission on Victory in the Cold War.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Minority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

(5) The Commission shall be chaired by two individuals as follows:

(A) One selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2).

(B) One selected by and from among those appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. ACCELERATED IMPLEMENTATION OF VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1109(d)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2145; 5 U.S.C. 8336 note) is amended by striking "October 1, 2000" and inserting "October 1, 1999".

SEC. 1102. DEFERENCE TO EEOC PROCEDURES FOR INVESTIGATION OF COMPLAINTS OF SEXUAL HARASSMENT MADE BY EMPLOYEES.

Section 1561(a) of title 10, United States Code, is amended by striking "or a civilian employee under the supervision of the officer".

SEC. 1103. RESTORATION OF LEAVE OF EMERGENCY ESSENTIAL EMPLOYEES SERVING IN A COMBAT ZONE.

(a) Service in a Combat Zone as Exigency of the Public Business.—Section 6304(d) of title 5, United States Code, is amended by adding a the end the following:

"(4)(A) For the purpose of this subsection, service of a Department of Defense emergency essential employee in a combat zone is an exigency of the public business for that employee. Any leave that, by reason of such service, is lost by the employee by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

"(B) As used in subparagraph (A)—

"(i) the term 'Department of Defense emergency essential employee' means an employee of the Department of Defense who is designated under section 1580 of title 10 as an emergency essential employee; and

"(ii) the term 'combat zone' has the meaning given such term in section 112(c)(2) of the Internal Revenue Code of 1986.".

(b) Designation of Emergency Essential Employees.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after the table of sections at the beginning of such chapter the following new section 1580:

"§ 1580. Emergency essential employees: designation

"(a) Criteria for Designation.—The Secretary of Defense or the Secretary of the military department concerned may designate as an emergency essential employee any employee of the Department of Defense, whether permanent or temporary, the duties of whose position meet all of the following criteria:

"(1) It is the duty of the employee to provide immediate and continuing support for combat operations or to support maintenance and repair of combat essential systems of the armed forces.

"(2) It is necessary for the employee to perform that duty in a combat zone after the evacuation of nonessential personnel, including any dependents of members of the armed forces, from the zone in connection with a war, a national emergency declared by Congress or the President, or the commencement of combat operations of the armed forces in the zone.

"(3) It is impracticable to convert the employee's position to a position authorized to be filled by a member of the armed forces because of a necessity for that duty to be performed without interruption.

"(b) Eligibility of Employees of Nonappropriated Fund Instrumentalities.—A nonappropriated fund instrumentality employee is eligible for designation as an emergency essential employee under subsection (a).

"(c) Definitions.—In this section:

"(1) The term 'combat zone' has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

"(2) The term 'nonappropriated fund instrumentality employee' has the meaning given that term in section 1587(a)(1) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 1581 the following:

"1580. Emergency essential employees: designation.".

SEC. 1104. LEAVE WITHOUT LOSS OF BENEFITS FOR MILITARY RESERVE TECHNICIANS ON ACTIVE DUTY IN SUPPORT OF COMBAT OPERATIONS.

(a) Elimination of Restriction to Situations Involving Noncombat Operations.—Section 6323(d)(1) of title 5, United States Code, is amended by striking "noncombat".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to days of leave under section 6323(d)(1) of title 5, United States Code, on or after that date.

SEC. 1105. WORK SCHEDULES AND PREMIUM PAY OF SERVICE ACADEMY FACULTY.

(a) United States Military Academy.—Section 4338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) The Secretary of the Army may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

(b) United States Naval Academy.—Section 6952 of title 10, United States Code, is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting after subsection (b) the following new subsection (c):

"(c) The Secretary of the Navy may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

(c) United States Air Force Academy.—Section 9338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) The Secretary of the Air Force may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

SEC. 1106. SALARY SCHEDULES AND RELATED BENEFITS FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(f) of title 10, United States Code, is amended by adding at the end the following:

"(3) The limitations in sections 5307 and 5373 of title 5 do not apply to the authority of the Secretary under paragraph (1) to prescribe salary schedules and other related benefits.".

SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.

(a) Lump-Sum Payment of Severance Pay.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) Voluntary Separation Incentive.—Section 5597(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".

(c) Continuation of FEHBP Eligibility.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.".

TITLE XII—NATIONAL MILITARY MUSEUM AND RELATED MATTERS

Subtitle A—Commission on National Military Museum

SEC. 1201. ESTABLISHMENT.

(a) Establishment.—There is hereby established a commission known as the "Commission on the National Military Museum" (in this subtitle referred to as the "Commission").

(b) Composition.—(1) The Commission shall be composed of 10 individuals appointed from among individuals who have an expertise in military or museum matters, of whom—

(A) six shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) The following shall be ex officio members of the Commission:

(A) The Secretary of Defense.

(B) The Secretary of the Army.

(C) The Secretary of the Navy.

(D) The Secretary of the Air Force.

(E) The Commandant of the Marine Corps.

(F) The Commandant of the Coast Guard.

(G) The Secretary of the Smithsonian Institution.

(H) The Chairman of the National Capital Planning Commission.

(I) The Chairperson of the Commission of Fine Arts.

(c) Original Chairperson.—The President shall designate one of the individuals first appointed to the Commission under subsection (b)(1) as the chairperson of the Commission.

(d) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) Initial Organization Requirements.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

SEC. 1202. DUTIES OF COMMISSION.

(a) In General.—The Commission shall conduct a study in order to make recommendations to Congress regarding an authorization for the construction of a national military museum in the National Capital Area.

(b) Study Elements.—In conducting the study, the Commission shall—

(1) determine whether existing military museums, historic sites, and memorials in the United States are adequate—

(A) to provide in a cost-effective manner for display of, and interaction with, adequately visited and adequately preserved artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged;

(B) to honor the service to the United States of the active and reserve members of the Armed Forces and the veterans of the United States;

(C) to educate current and future generations regarding the Armed Forces and the sacrifices of members of the Armed Forces and the Nation in furtherance of the defense of freedom; and

(D) to foster public pride in the achievements and activities of the Armed Forces;

(2) determine whether adequate inventories of artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged are available, either in current inventories or in private or public collections, for loan or other provision to a national military museum; and

(3) develop preliminary proposals for—

(A) the dimensions and design of a national military museum in the National Capital Area;

(B) the location of the museum in that Area; and

(C) the approximate cost of the final design and construction of the museum and of the costs of operating the museum.

(c) Additional Duties.—If the Commission determines to recommend that Congress authorize the construction of a national military museum in the National Capital Area, the Commission shall also—

(1) recommend one or more sites for the museum;

(2) propose a schedule for construction of the museum;

(3) assess the potential effects of the museum on the environment, facilities, and roadways in the vicinity of the site or sites where the museum is proposed to be located;

(4) recommend the percentages of funding for the museum to be provided by the Federal Government, State and local governments, and private sources, respectively;

(5) assess the potential for fundraising for the museum during the 20-year period following the authorization of construction of the museum; and

(6) assess and recommend various governing structures for the museum, including a governing structure that places the museum within the Smithsonian Institution.

SEC. 1203. REPORT.

The Commission shall, not later than 12 months after the date of its first meeting, submit to Congress a report on its findings and conclusions under this subtitle, including any recommendations under section 1202.

SEC. 1204. POWERS.

(a) Hearings.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) Information.—The Commission may secure directly from the Department of Defense and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

SEC. 1205. COMMISSION PROCEDURES.

(a) Meetings.—The Commission shall meet at the call of the Chairman.

(b) Quorum.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) Commission.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) Authority of Individuals To Act for Commission.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 1206. PERSONNEL MATTERS.

(a) Pay of Members.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) Detail of Government Employees.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) Procurement of Temporary and Intermittent Services.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1207. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) Postal and Printing Services.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) Miscellaneous Administrative and Support Services.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1208. FUNDING.

(a) In General.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000.

(b) Request.—Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

(c) Availability of Certain Funds.—Of the funds available for activities of the Commission under this section, $2,000,000 shall be available for the activities, if any, of the Commission under section 1202(c).

SEC. 1209. TERMINATION OF COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1203.

Subtitle B—Related Matters

SEC. 1211. FUTURE USE OF NAVY ANNEX PROPERTY, ARLINGTON, VIRGINIA.

(a) Limitation on Future Use.—No transfer of any real property of the Navy Annex property, or other use of that property not authorized as of the date of the enactment of this Act, may be carried out until 2 years after the later of—

(1) the date of the submittal of the study on the expansion of Arlington Cemetery required by the Joint Explanatory Statement of the Committee of Conference to accompany the Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261); or

(2) the date of the submittal of the report of the Commission on the National Military Museum under section 1203.

(b) Navy Annex Property Described.—For purposes of subsection (a), the Navy Annex property is the parcels of real property under the jurisdiction of the Federal Government located in Arlington, Virginia, as follows:

(1) A parcel bounded by Columbia Pike to the south and east, the rear property line of the residential properties fronting Oak Street to the west, and the southern limit of Southgate Road to the north.

(2) A parcel bounded by Shirley Memorial Boulevard (Interstate Route 395) to the south, the eastern edge of the Department of Transportation of the Commonwealth of Virginia to the west, Columbia Pike to the north, and the access road to Shirley Memorial Boulevard immediately east of Joyce Street to the east.

TITLE XIII—MILITARY VOTING RIGHTS ACT OF 1999

SEC. 1301. SHORT TITLE.

This title may be cited as the "Military Voting Rights Act of 1999".

SEC. 1302. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 1303. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) Registration and Balloting.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) Elections for Federal Offices.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) Elections for State and Local Offices.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking out "**FOR FEDERAL OFFICE**".

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2000

On May 27, 1999, the bill, S. 1061, was passed by the Senate. The text of the bill is as follows:

S. 1061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Construction Authorization Act for Fiscal Year 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees defined.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Technical modification of authority relating to certain fiscal year 1997 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Consolidation of Air Force Research Laboratory facilities at Rome Research Site, Rome, New York.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.

Sec. 2403. Military family housing improvement program.

Sec. 2404. Energy conservation projects.

Sec. 2405. Authorization of appropriations, Defense Agencies.

Sec. 2406. Modification of authority to carry out certain fiscal year 1997 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

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TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

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Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Land conveyance, Army Reserve Center, Bangor, Maine.

Sec. 2832. Land conveyances, Twin Cities Army Ammunition Plant, Minnesota.

Sec. 2833. Repair and conveyance of Red Butte Dam and Reservoir, Salt Lake City, Utah.

PART II—NAVY CONVEYANCES

Sec. 2841. Clarification of land exchange, Naval Reserve Readiness Center, Portland, Maine.

Sec. 2842. Land conveyance, Newport, Rhode Island.

Sec. 2843. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

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PART III—AIR FORCE CONVEYANCES

Sec. 2851. Land conveyance, McClellan Nuclear Radiation Center, California.

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Sec. 2864. One-year delay in demolition of radio transmitting facility towers at Naval Station, Annapolis, Maryland, to facilitate transfer of towers.

Sec. 2865. Army Reserve relocation from Fort Douglas, Utah.

TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS

Sec. 2901. Findings.

Sec. 2902. Sense of the Senate regarding proposal to renew public land withdrawals.

Sec. 2903. Sense of Senate regarding withdrawals of certain lands in Arizona.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alaska	Fort Richardson	$14,600,000
	Fort Wainwright	$34,800,000
Arkansas	Pine Bluff Arsenal	$18,000,000
California	Fort Irwin	$13,400,000
Colorado	Peterson Air Force Base	$25,000,000
District of Columbia	Fort McNair	$1,250,000
	Walter Reed Medical Center	$6,800,000
Georgia	Fort Benning	$48,400,000
	Fort Stewart	$19,000,000
	Fort Stewart/Hunter Army Air Field	$7,000,000
	Hunter Army Air Field	$7,200,000
Hawaii	Schofield Barracks	$95,000,000
Kansas	Fort Leavenworth	$34,100,000
	Fort Riley	$27,000,000
Kentucky	Blue Grass Army Depot	$17,000,000
	Fort Campbell	$56,900,000
Maryland	Fort Meade	$22,450,000
Massachusetts	Westover Air Force Reserve Base	$4,000,000
Missouri	Fort Leonard Wood	$10,600,000
Nevada	Hawthorne Army Depot	$1,700,000
New Jersey	Fort Monmouth	$11,800,000
North Carolina	Fort Bragg	$125,400,000
	Military Ocean Terminal Sunny Point	$3,800,000
Oklahoma	Fort Sill	$13,200,000
	McAlester Army Ammunition	$16,600,000
Pennsylvania	Carlisle Barracks	$5,000,000
	Letterkenny Army Depot	$3,650,000
South Carolina	Fort Jackson	$7,400,000
Texas	Fort Bliss	$50,400,000
	Fort Hood	$68,000,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Virginia	Fort Belvoir	$3,850,000
	Fort Eustis	$39,000,000
	Fort Myer	$2,900,000
Washington	Fort Lewis	$6,200,000
	Yakima Training Center	$17,200,000
CONUS Various	CONUS Various	$36,400,000
	Total:	$875,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	$21,000,000
	Area Support Group Bamberg	$23,200,000
	Mannheim	$4,500,000
Korea	Camp Casey	$31,000,000
	Camp Howze	$3,050,000
	Camp Stanley	$3,650,000
	Total:	$86,400,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installation, for the purpose, and in the amount set forth in the following table:

Army: Family Housing

Country	Installation or location	Purpose	Amount
Korea	Camp Humphreys	60 Units	$24,000,000
		Total:	$24,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,300,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $32,600,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,194,333,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $736,708,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $86,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $83,414,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $61,531,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,098,080,000.

(6) For the construction of the United States Disciplinary Barracks, Phase III, Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $18,800,000.

(7) For the construction of the Whole Barracks Complex Renewal, Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $4,800,000.

(8) For the construction of the Multi-Purpose Digital Training Range, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999, $2,400,000.

(9) For the construction of the Cadet Development Center, United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999, $28,500,000.

(10) For the construction of the Force XXI Soldier Development Center, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999, $14,000,000.

(11) For the construction of the Railhead Facility, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act of Fiscal Year 1999, $14,800,000.

(12) For the construction of the Power Plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2183), $35,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated pursuant to paragraphs (1) and (2) of subsection (a);

(2) $80,800,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii); and

(3) $57,492,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$17,020,000
	Navy Detachment, Camp Navajo	$7,560,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$34,760,000
	Marine Corps Base, Camp Pendleton	$31,660,000
	Marine Corps Logistics Base, Barstow	$4,670,000
	Marine Corps Recruit Depot, San Diego	$3,200,000
	Naval Air Station, Lemoore	$24,020,000
	Naval Air Station, North Island	$54,420,000
	Naval Hospital, San Diego	$21,590,000
	Naval Hospital, Twentynine Palms	$7,640,000
Florida	Naval Air Station, Whiting Field, Milton	$4,750,000
Georgia	Marine Corps Logistics Base, Albany	$6,260,000
Hawaii	Camp H.M. Smith	$86,050,000
	Marine Corps Air Station, Kaneohe Bay	$5,790,000
	Naval Shipyard, Pearl Harbor	$10,610,000
	Naval Station, Pearl Harbor	$18,600,000
	Naval Submarine Base, Pearl Harbor	$29,460,000
Idaho	Naval Surface Warfare Center, Bayview	$10,040,000
Illinois	Naval Training Center, Great Lakes	$57,290,000
Maine	Naval Air Station, Brunswick	$16,890,000
Maryland	Naval Surface Warfare Center, Indian Head	$10,070,000
Mississippi	Naval Construction Battalion Center, Gulfport	$19,170,000
New Hampshire	NSY Portsmouth	$3,850,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst	$15,710,000
North Carolina	Marine Corps Air Station, New River	$5,470,000
	Marine Corps Base, Camp LeJeune	$21,380,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	$2,990,000
	Naval Shipyard, Philadelphia	$13,320,000
South Carolina	Naval Weapons Station, Charleston	$7,640,000
	Marine Corps Air Station, Beaufort	$10,490,000
Virginia	Marine Corps Combat Development Command, Quantico	$20,820,000
	Naval Air Station, Oceana	$11,490,000
	Naval Shipyard, Norfolk, Portsmouth	$17,630,000
	Naval Station, Norfolk	$69,550,000
	Naval Weapons Station, Yorktown	$25,040,000
	Tactical Training Group Atlantic, Dam Neck	$10,310,000
Washington	Naval Ordnance Center Pacific Division Detachment, Port Hadlock	$3,440,000
	Puget Sound Naval Shipyard, Bremerton	$15,610,000
	Strategic Weapons Facility Pacific, Bremerton	$6,300,000
	Total:	$742,560,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	$8,150,000
Greece	Naval Support Activity, Souda Bay	$6,380,000
Italy	Naval Support Activity, Naples	$26,750,000
	Total:	$124,370,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	100 Units	$17,000,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	100 Units	$26,615,000
	Marine Corps Base, Kaneohe Bay	84 Units	$22,639,000
	Naval Base, Pearl Harbor	133 Units	$30,168,000
	Naval Base, Pearl Harbor	96 Units	$19,167,000
		Total:	$115,589,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,715,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $165,050,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,076,435,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $672,380,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $124,370,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,342,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,581,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $298,354,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $895,070,000.

(6) For construction of the Berthing Wharf (Increment II), Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2186), $12,690,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated pursuant to paragraphs (1) and (2) of subsection (a); and

(2) $70,180,000 (the balance of the amount authorized under section 2201(a) for the construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H. M. Smith, Hawaii).

SEC. 2205. TECHNICAL MODIFICATION OF AUTHORITY RELATING TO CERTAIN FISCAL YEAR 1997 PROJECT.

The table in section 2202(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2768) is amended in the item relating to Naval Air Station Brunswick, Maine, by striking "92 Units" in the purpose column and inserting "72 Units".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$10,600,000
Alaska	Eielson Air Force Base	$24,100,000
	Elmendorf Air Force Base	$42,300,000
Arizona	Davis-Monthan Air Force Base	$7,800,000
California	Beale Air Force Base	$8,900,000
	Travis Air Force Base	$7,500,000
Colorado	Peterson Air Force Base	$33,000,000
	Schriever Air Force Base	$9,400,000
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$12,000,000
Florida	Eglin Air Force Base	$13,600,000
	Eglin Auxiliary Field 9	$18,800,000
	MacDill Air Force Base	$5,500,000
	Patrick Air Force Base	$17,800,000
Georgia	Fort Benning	$3,900,000
	Moody Air Force Base	$3,200,000
	Robins Air Force Base	$3,350,000
Hawaii	Hickam Air Force Base	$3,300,000
Idaho	Mountain Home Air Force Base	$17,000,000
Kansas	McConnell Air Force Base	$10,963,000
Kentucky	Fort Campbell	$6,300,000
Maryland	Andrews Air Force Base	$9,900,000
Massachusetts	Hanscom Air Force Base	$16,000,000
Mississippi	Columbus Air Force Base	$2,600,000
	Keesler Air Force Base	$35,900,000
Missouri	Whiteman Air Force Base	$24,900,000
Montana	Malmstrom Air Force Base	$11,600,000
Nebraska	Offutt Air Force Base	$8,300,000
Nevada	Nellis Air Force Base	$18,600,000
	Nellis Air Force Base	$11,600,000
New Jersey	McGuire Air Force Base	$11,800,000
New Mexico	Cannon Air Force Base	$4,000,000
	Cannon Air Force Base	$8,100,000
New York	Rome Laboratory	$25,800,000
North Carolina	Fort Bragg	$4,600,000
	Pope Air Force Base	$7,700,000
North Dakota	Grand Forks Air Force Base	$9,500,000
Ohio	Wright-Patterson Air Force Base	$22,200,000
Oklahoma	Tinker Air Force Base	$47,400,000
South Carolina	Charleston Air Force Base	$18,200,000
South Dakota	Ellsworth Air Force Base	$10,200,000
Tennessee	Arnold Air Force Base	$7,800,000
Texas	Dyess Air Force Base	$5,400,000
	Lackland Air Force Base	$13,400,000
	Laughlin Air Force Base	$3,250,000
Utah	Hill Air Force Base	$4,600,000
Virginia	Langley Air Force Base	$6,300,000
Washington	Fairchild Air Force Base	$13,600,000
	McChord Air Force Base	$7,900,000
CONUS Classified	Classified Location	$16,870,000
	Total:	$664,833,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Guam	Andersen Air Force Base	$8,900,000
Italy	Aviano Air Base	$3,700,000
Korea	Osan Air Base	$19,600,000
Portugal	Lajes Field, Azores	$1,800,000
United Kingdom	Ascension Island	$2,150,000
	Royal Air Force, Feltwell	$3,000,000
	Royal Air Force, Lakenheath	$18,200,000
	Royal Air Force, Mildenhall	$17,600,000
	Royal Air Force, Molesworth	$1,700,000
	Total:	$76,650,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	64 Units	$10,000,000
California	Beale Air Force Base	60 Units	$8,500,000
	Edwards Air Force Base	188 Units	$32,790,000
	Vandenberg Air Force Base	91 Units	$16,800,000
District of Columbia	Bolling Air Force Base	72 Units	$9,375,000
Florida	Eglin Air Force Base	130 Units	$14,080,000
	MacDill Air Force Base	54 Units	$9,034,000
Mississippi	Columbus Air Force Base	100 Units	$12,290,000
Montana	Malmstrom Air Force Base	34 Units	$7,570,000
Nebraska	Offutt Air Force Base	72 Units	$12,352,000
North Carolina	Seymour Johnson Air Force Base	78 Units	$12,187,000
North Dakota	Grand Forks Air Force Base	42 Units	$10,050,000
	Minot Air Force Base	72 Units	$10,756,000
Texas	Lackland Air Force Base	48 Units	$7,500,000
Portugal	Lajes Field, Azores	75 Units	$12,964,000
		Total:	$186,248,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,471,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $129,952,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,931,051,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $651,833,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $76,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,741,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $38,264,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $333,671,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $821,892,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed $651,833,000.

SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2301(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization Program	Blue Grass Army Depot, Kentucky	$195,800,000
Defense Education Activity	Marine Corps Base, Camp LeJeune, North Carolina	$10,570,000
	Laurel Bay, South Carolina	$2,874,000
Defense Logistics Agency	Eielson Air Force Base, Alaska	$26,000,000
	Defense Fuel Supply Center, Elmendorf Air Force Base, Alaska	$23,500,000
	Defense Distribution Supply Point, New Cumberland, Pennsylvania	$5,000,000
	Fairchild Air Force Base, Washington	$12,400,000
	Various Locations	$8,900,000
Defense Manpower Data Center	Presidio, Monterey, California	$28,000,000
National Security Agency	Fort Meade, Maryland	$2,946,000
Special Operations Command	Naval Amphibious Base, Coronado, California	$6,000,000
	Fort Benning, Georgia	$10,200,000
	Mississippi Army Ammunition Plant, Mississippi	$12,900,000
	Fort Bragg, North Carolina	$20,100,000
	Fleet Combat Training Center, Dam Neck, Virginia	$4,700,000
Tri-Care Management Agency	Fort Wainwright, Alaska	$133,000,000
	Davis-Monthan Air Force Base, Arizona	$10,000,000
	Los Angeles Air Force Base, California	$13,600,000
	Travis Air Force Base, California	$7,500,000
	Patrick Air Force Base, Florida	$1,750,000
	Naval Air Station, Jacksonville, Florida	$3,780,000
	Naval Air Station, Pensacola, Florida	$4,300,000
	Moody Air Force Base, Georgia	$1,250,000
	Fort Riley, Kansas	$6,000,000
	Andrews Air Force Base, Maryland	$3,000,000
	Naval Air Station, Patuxent River, Maryland	$4,150,000
	Marine Corps Air Station, Cherry Point, North Carolina	$3,500,000
	Wright-Patterson Air Force Base, Ohio	$3,900,000
	Fort Sam Houston, Texas	$5,800,000
	Cheatham Annex, Virginia	$1,650,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Naval Air Station, Norfolk, Virginia	$4,050,000
	Fort Lewis, Washington	$5,500,000
	Naval Air Station, Whidbey Island, Washington	$4,700,000
	Total:	$587,320,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Andersen Air Force Base, Guam	$44,170,000
	Naval Station Rota, Spain	$17,020,000
	Royal Air Force, Feltwell, United Kingdom	$4,570,000
	Royal Air Force, Lakenheath, United Kingdom	$3,770,000
Defense Logistics Agency	Andersen Air Force Base, Guam	$24,300,000
	Moron Air Base, Spain	$15,200,000
National Security Agency	Royal Air Force, Menwith Hill Station, United Kingdom	$500,000
Tri-Care Management Agency	Naval Security Group Activity, Sabana Seca, Puerto Rico	$4,000,000
	Ramstein Air Force Base, Germany	$7,100,000
	Yongsan, Korea	$41,120,000
	Royal Air Force, Lakenheath, United Kingdom	$7,100,000
Defense-Wide	Counterdrug Forward Operating Location, Antilles	$4,880,000
	Counterdrug Forward Operating Location, Costa Rica	$6,726,000
	Counterdrug Forward Operating Location, Ecuador	$31,229,000
	Total:	$211,685,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2403. MILITARY FAMILY HOUSING IMPROVEMENT PROGRAM.

Of the amount authorized to be appropriated pursuant to section 2405(a)(8)(C), $78,756,000 shall be available for credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $31,900,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,842,582,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $288,320,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $211,685,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $33,664,000.

(6) For energy conservation projects authorized by section 2404, $31,900,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $892,911,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $41,440,000 of which not more than $35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403, $78,756,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; Stat. 1758), $7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999, $35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of this Act, $11,800,000.

(13) For the construction of the Ammunition Demilitarization Facility, Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), $61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999, $66,600,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated pursuant to paragraphs (1) and (2) of subsection (a);

(2) $115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the hospital replacement, Fort Wainwright, Alaska); and

(3) $184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the Ammunition Demilitarization Facility, Blue Grass Army Depot, Kentucky).

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), under the agency heading relating to Chemical Demilitarization Program, is amended in the item relating to Pueblo Chemical Activity, Colorado, by striking "$179,000,000" in the amount column and inserting "$203,500,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $166,340,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1999, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $189,639,000; and

(B) for the Army Reserve, $104,817,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $28,475,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $232,340,000; and

(B) for the Air Force Reserve, $34,864,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in sections 2101, 2202, and 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Naval Station Mayport	Family Housing Construction (100 units).	$10,000,000
Maine	Naval Station Brunswick	Family Housing Construction (72 units).	$10,925,000
North Carolina	Marine Corps Base Camp Lejuene	Family Housing Construction (94 units).	$10,110,000
South Carolina	Marine Corps Air Station Beaufort	Family Housing Construction (140 units).	$14,000,000
Texas	Naval Complex Corpus Christi	Family Housing Construction (104 units).	$11,675,000
	Naval Air Station Kingsville	Family Housing Construction (48 units).	$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico	Sanitary Fill	$8,900,000
Washington	Naval Station Everett	Family Housing Construction (100 units).	$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range	$5,000,000

Defense Agencies: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Colorado	Pueblo Chemical Activity	Ammunition Demilitarization Facility.	$179,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (a), as provided in sections 2202 and 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
California	Camp Pendleton	Family Housing Construction (138 units).	$20,000,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Missouri	National Guard Training Site, Jefferson City	Multipurpose Range	$2,236,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Program Changes

SEC. 2801. EXEMPTION FROM NOTICE AND WAIT REQUIREMENTS OF MILITARY CONSTRUCTION PROJECTS SUPPORTED BY BURDENSHARING FUNDS UNDERTAKEN FOR WAR OR NATIONAL EMERGENCY.

Section 2350j of title 10, United States Code, is amended—

(1) in subsection (e), by adding at the end the following new paragraph:

"(3)(A) A military construction project under subsection (d) may be carried out without regard to the requirement in paragraph (1) and the limitation in paragraph (2) if the project is necessary to support the armed forces in the country or region in which the project is carried out by reason of a declaration of war, or a declaration by the President of a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), that is in force at the time of the commencement of the project.

"(B) When a decision is made to carry out a military construction project under subparagraph (A), the Secretary of Defense shall submit to the congressional committees specified in subsection (g)—

"(i) a notice of the decision; and

"(ii) a statement of the current estimated cost of the project, including the cost of any real property transaction in connection with the project."; and

(2) in subsection (g), by striking "subsection (e)(1)" and inserting "subsection (e)".

SEC. 2802. PROHIBITION ON CARRYING OUT MILITARY CONSTRUCTION PROJECTS FUNDED USING INCREMENTAL FUNDING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should request in the budget for each fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient amounts to fund fully each military construction and family housing construction project proposed to be authorized in such fiscal year; and

(2) Congress should authorize and appropriate each fiscal year amounts sufficient to fund fully each military construction and family housing construction project authorized in such fiscal year.

(b) PROHIBITION ON INCREMENTAL FUNDING OF MILITARY CONSTRUCTION PROJECTS.—Section 2802 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Secretary of Defense and the Secretaries of the military departments may not obligate funds for a military construction project (including a military family housing project) otherwise authorized by law unless the total amount of appropriations allocated for obligation and expenditure for the project as of the initial obligation of funds for the project is sufficient, without additional funds, to provide for the construction of a usable facility meeting the purpose of the project.".

SEC. 2803. DEFENSE CHEMICAL DEMILITARIZATION CONSTRUCTION ACCOUNT.

(a) ESTABLISHMENT.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2814. Defense Chemical Demilitarization Construction Account

"(a) ESTABLISHMENT.—There is established on the books of the Treasury the Defense Chemical Demilitarization Construction Account (in this section referred to as the 'Account').

"(b) CREDITS TO ACCOUNT.—There shall be credited to the Account amounts authorized for and appropriated to the Account.

"(c) USE OF AMOUNTS IN ACCOUNT.—Amounts in the Account shall be available to the Secretary of Defense for carrying out military construction projects authorized by law in support of the chemical demilitarization activities of the Department of Defense under section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) and other provisions of law.

"(d) LIMITATION ON OBLIGATION AND EXPENDITURE.—(1) Subject to paragraph (2), amounts appropriated to the Account for a military construction project shall remain available for obligation and expenditure for the project in the fiscal year for which appropriated and the two succeeding fiscal years.

"(2) Amounts appropriated for a military construction project for a fiscal year shall remain available for the project until expended without regard to the limitation specified in paragraph (1) if—

"(A) any portion of such amounts are obligated for the project before the end of the fiscal years referred to in that paragraph; or

"(B) the availability of such amounts for the project are otherwise extended by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by adding at the end the following new item:

"2814. Defense Chemical Demilitarization Construction Account.".

SEC. 2804. LIMITATION ON AUTHORITY REGARDING ANCILLARY SUPPORTING FACILITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND CONSTRUCTION OF MILITARY HOUSING.

Section 2881 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Any project"; and

(2) by adding at the end the following new subsection:

"(b) LIMITATION.—A project referred to in subsection (a) may not include the acquisition or construction of an ancillary supporting facility if, as determined by the Secretary concerned, the facility is to be used for providing merchandise or services in direct competition with—

"(1) the Army and Air Force Exchange Service;

"(2) the Navy Exchange Service Command;

"(3) a Marine Corps exchange;

"(4) the Defense Commissary Agency; or

"(5) any nonappropriated fund activity of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.".

SEC. 2805. AVAILABILITY OF FUNDS FOR PLANNING AND DESIGN IN CONNECTION WITH ACQUISITION OF RESERVE COMPONENT FACILITIES.

Section 18233(f)(1) of title 10, United States Code, is amended by inserting "and design" after "planning".

SEC. 2806. MODIFICATION OF LIMITATIONS ON RESERVE COMPONENT FACILITY PROJECTS FOR CERTAIN SAFETY PROJECTS.

(a) EXEMPTION FROM NOTICE AND WAIT REQUIREMENT.—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C) An unspecified minor military construction project (as defined in section 2805(a) of this title) that is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening.".

(b) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Subsection (b) of that section is amended to read as follows:

"(b) Under such regulations as the Secretary of Defense may prescribe, the Secretary may spend from appropriations available for operation and maintenance amounts necessary to carry out any project authorized under section 18233(a) of this title costing not more than—

"(1) the amount specified in section 2805(c)(1) of this title, in the case of a project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

"(2) the amount specified in section 2805(c)(2) of this title, in the case of any other project.".

SEC. 2807. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.".

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking "persons in private sector" and inserting "an eligible entity"; and

(B) by striking "such persons" and inserting "the eligible entity"; and

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "an eligible entity"; and

(B) by striking "the person" and inserting "the eligible entity".

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a), by striking "nongovernmental entities" and inserting "an eligible entity";

(2) in subsection (c)—

(A) by striking "a nongovernmental entity" both places it appears and inserting "an eligible entity"; and

(B) by striking "the entity" each place it appears and inserting "the eligible entity";

(3) in subsection (d), by striking "nongovernmental" and inserting "eligible"; and

(4) in subsection (e), by striking "a nongovernmental entity" and inserting "an eligible entity".

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking "private".

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

"§ 2875. Investments".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2875 and inserting the following new item:

"2875. Investments.".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXTENSION OF AUTHORITY FOR LEASES OF PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

Section 2680(d) of title 10, United States Code, is amended by striking "September 30, 2000" and inserting "September 30, 2005".

SEC. 2812. ENHANCEMENT OF AUTHORITY RELATING TO UTILITY PRIVATIZATION.

(a) EXTENDED CONTRACTS FOR UTILITY SERVICES.—Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) EXTENDED CONTRACTS FOR UTILITY SERVICES.—(1) The Secretary concerned may, in connection with a conveyance of a utility system under this section, enter into a contract for the provision of utility services.

"(2) Notwithstanding the proviso in section 201(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), the term of a contract under this subsection may be up to 50 years.".

(b) AVAILABILITY OF MILITARY CONSTRUCTION FUNDS TO FACILITATE CONVEYANCES.—That section is further amended by inserting after subsection (f), as added by subsection (a) of this section, the following new subsection (g):

"(g) AVAILABILITY OF MILITARY CONSTRUCTION FUNDS TO FACILITATE CONVEYANCES.—(1) Funds appropriated for a military construction project authorized by law for the construction, repair, or replacement of a utility system to be conveyed under this section may, instead of being used for the project, be used for a contribution by the Secretary concerned to the utility company or entity to which the utility system is being conveyed for the costs of the utility company or entity with respect to the construction, repair, or replacement of the utility system.

"(2) The Secretary concerned shall take into account any contribution under this subsection with respect to a utility system for purposes of the economic analysis required for the conveyance of the utility system under subsection (e)(1).".

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. CONVEYANCE OF PROPERTY AT INSTALLATIONS CLOSED OR REALIGNED UNDER THE BASE CLOSURE LAWS WITHOUT CONSIDERATION FOR ECONOMIC REDEVELOPMENT PURPOSES.

(a) 1990 LAW.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "or realigned" after "closed"; and

(B) by inserting "for purposes of creating jobs at the installation" before the period at the end; and

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B)(i) Subject to clauses (ii) and (iii), the transfer of property under this paragraph shall be for consideration at the fair market value of the property.

"(ii) The transfer of property under this paragraph shall be without consideration in the case of an installation located in a rural area whose closure or realignment under this part will have a substantial adverse impact on the economy of the communities in the vicinity of the installation.

"(iii) The transfer of property of an installation under this paragraph shall also be without consideration if the redevelopment authority with respect to the installation—

"(I) provides in the agreement for the transfer of such property that the proceeds of any sale or lease of such property, or portion of such property, received by the redevelopment authority during the period after the date of the transfer of such property agreed upon by the redevelopment authority and the Secretary (but not less than 10 years after that date) shall be used for economic redevelopment of the installation or related to the installation; and

"(II) accepts control of such property under the agreement within a reasonable time (as determined by the Secretary) after the completion of the property disposal record of decision or the entry of a finding of no significant environmental impact with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(iv) For purposes of clause (iii), the following activities shall be treated as economic redevelopment of an installation or related to an installation:

"(I) Road construction or improvement.

"(II) Construction or improvement of transportation management facilities.

"(III) Construction or improvement of storm and sanitary sewers.

"(IV) Construction or improvement of facilities for police or fire protection services.

"(V) Construction or improvement of other public facilities.

"(VI) Construction or improvement of utilities.

"(VII) Rehabilitation or improvement of buildings, including preservation of historic property.

"(VIII) Construction, improvement, or acquisition of pollution prevention equipment or facilities.

"(IX) Demolition of facilities.

"(X) Property management activities, including removal of hazardous material, landscaping, grading, and other site or public improvements.

"(XI) Planning and marketing the development and reuse of the installation.

"(v) An agreement for the transfer of property of an installation under clause (iii)(I) shall permit the Secretary to recoup from the redevelopment authority concerned such portion as the Secretary determines appropriate of the amount of any proceeds of the sale or lease of the property that the redevelopment authority does not use to support economic redevelopment of the installation or related to the installation for the period specified in the agreement.".

(b) 1988 LAW.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "or realigned" after "closed"; and

(B) by inserting "for purposes of creating jobs at the installation" before the period at the end; and

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B)(i) Subject to clauses (ii) and (iii), the transfer of property under this paragraph shall be for consideration at the fair market value of the property.

"(ii) The transfer of property under this paragraph shall be without consideration in the case of an installation located in a rural area whose closure or realignment under this title will have a substantial adverse impact on the economy of the communities in the vicinity of the installation.

"(iii) The transfer of property of an installation under this paragraph shall also be without consideration if the redevelopment authority with respect to the installation—

"(I) provides in the agreement for the transfer of such property that the proceeds of any sale or lease of such property, or portion of such property, received by the redevelopment authority during the period after the date of the transfer of such property agreed upon by the redevelopment authority and the Secretary (but not less than 10 years after such date) shall be used for economic redevelopment of the installation or related to the installation; and

"(II) accepts control of such property under the agreement within a reasonable time (as determined by the Secretary) after the completion of the property disposal record of decision or the entry of a finding of no significant environmental impact with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(iv) For purposes of clause (iii), the following activities shall be treated as economic redevelopment of an installation or related to an installation:

"(I) Road construction or improvement.

"(II) Construction or improvement of transportation management facilities.

"(III) Construction or improvement of storm and sanitary sewers.

"(IV) Construction or improvement of facilities for police or fire protection services.

"(V) Construction or improvement of other public facilities.

"(VI) Construction or improvement of utilities.

"(VII) Rehabilitation or improvement of buildings, including preservation of historic property.

"(VIII) Construction, improvement, or acquisition of pollution prevention equipment or facilities.

"(IX) Demolition of facilities.

"(X) Property management activities, including removal of hazardous material, landscaping, grading, and other site or public improvements.

"(XI) Planning and marketing the development and reuse of the installation.

"(v) An agreement for the transfer of property of an installation under clause (iii)(I) shall permit the Secretary to recoup from the redevelopment authority concerned such portion as the Secretary determines appropriate of the amount of any proceeds of the sale or lease of the property that the redevelopment authority does not use to support economic redevelopment of the installation or related to the installation for the period specified in the agreement.".

(c) APPLICABILITY TO CERTAIN PRIOR AGREEMENTS.—(1)(A) Subject to subparagraph (B), the Secretary of Defense may modify an agreement for the transfer of property under section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, or under section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act, that was entered into before April 21, 1999, for purposes of the compromise, waiver, adjustment, release, or reduction of any right, title, claim, lien, or demand of the United States under the agreement.

(B) The Secretary may modify an agreement under this paragraph only if—

(i) the Secretary determines that, as a result of changed economic circumstances, the modification is necessary to provide for economic redevelopment of the installation concerned or related to that installation;

(ii) the terms of the modification do not require the return of any payments made to the Secretary under the agreement before the date of the modification; and

(iii) the terms of the modification do not compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States under the agreement with respect to the receipt by the United States of in-kind consideration.

(C) In modifying an agreement under subparagraph (A), the Secretary may waive some or all future payments to the United States under the agreement to the extent that the Secretary determines such waiver is necessary.

(D) In modifying an agreement under subparagraph (A), the Secretary and the redevelopment authority concerned shall include in the agreement provisions consistent with clauses (iii)(I) and (v) of section 2905(b)(4)(B) of the Defense Base Closure and Realignment Act of 1990 (as amended by this section), or clauses (iii)(I) and (v) under section 204(b)(4)(B) of the Defense Authorization Amendments and Base Closure and Realignment Act (as so amended), as applicable.

(2)(A) The Secretary shall, upon the request of the redevelopment authority concerned, modify an agreement for the transfer of property under section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, or under section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act, that was entered into between April 21, 1999, and the date of the enactment of this Act in order to conform the agreement to the provisions of subparagraph (B) of such section 2905(b)(4), as so amended, or subparagraph (B) of such section 204(b)(4), as so amended.

(B) A modification of an agreement under this paragraph may compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States under the agreement.

(d) REPEAL OF CERTAIN OBSOLETE AUTHORITY.—(1) Section 204(b)(4)(D) of the Defense Authorization Amendments and Base Closure and Realignment Act is amended—

(A) by striking "(i)"; and

(B) by striking clause (ii).

(2) Section 2905(b)(4)(D) of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) by striking "(i)"; and

(B) by striking clause (ii).

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 5 acres and containing the Army Reserve Center in Bangor, Maine, known as the Harold S. Slager Army Reserve Center. The parcel has been determined to be excess to the needs of the Army.

(2) The purpose of the conveyance is to permit the City to use the property for educational purposes.

(b) ALTERNATIVE CONVEYANCE AUTHORITY.—If at the time of the conveyance authorized by subsection (a) the Secretary has transferred jurisdiction over any of the property to be conveyed to the Administrator of General Services, the Administrator shall make the conveyance of such property under this section.

(c) FEDERAL SCREENING.—(1) If any of the property authorized to be conveyed by subsection (a) of this section is under the jurisdiction of the Administrator as of the date of the enactment of this Act, the Administrator shall conduct with respect to such property the screening for further Federal use otherwise required by subsection (a) of section 2696 of title 10, United States Code.

(2) Subsections (b) through (d) of such section 2696 shall apply to the screening under paragraph (1) as if the screening were a screening conducted under subsection (a) of such section 2696. For purposes of such subsection (b), the date of the enactment of the provision of law authorizing the conveyance of the property authorized to be conveyed by this section shall be the date of the enactment of this Act.

(d) REVERSIONARY INTEREST.—If during the 5-year period beginning on the date the conveyance authorized by subsection (a) is made the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in paragraph (2) of that subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official having jurisdiction over the property at the time of the conveyance. The cost of the survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The official having jurisdiction over the property authorized to be conveyed by subsection (a) at the time of the conveyance may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interest of the United States.

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DESCRIPTION OF PROPERTY.—The legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2841. CLARIFICATION OF LAND EXCHANGE, NAVAL RESERVE READINESS CENTER, PORTLAND, MAINE.

(a) CLARIFICATION ON CONVEYEE.—Subsection (a)(1) of section 2852 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2220) is amended by striking "Gulf of Maine Aquarium Development Corporation, Portland, Maine (in this section referred to as the 'Corporation')" and inserting "Gulf of Maine Aquarium Development Corporation, Portland, Maine, a non-profit education and research institute (in this section referred to as the 'Aquarium')".

(b) CONFORMING AMENDMENTS.—That section is further amended by striking "the Corporation" each place it appears and inserting "the Aquarium".

SEC. 2842. LAND CONVEYANCE, NEWPORT, RHODE ISLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of Newport, Rhode Island (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (together with any improvements thereon) consisting of approximately 15 acres and known familiarly as the Ranger Road site. The real property is bounded by Naval Station Newport, Rhode Island, to the north and west, by the Town of Middletown, Rhode Island, to the north and east, and by Admiral Kalbfus Road, the Jai Alai fronton, the Newport City Yard, and the ramp to Newport Bridge to the south.

(b) CONDITION.—The conveyance authorized by subsection (a) shall be subject to the condition that the City use the conveyed property for one or more of the following purposes:

(1) A satellite campus of the Community College of Rhode Island.

(2) A center for child day care and early childhood education.

(3) A center for offices of the Government of the State of Rhode Island.

(c) REVERSIONARY INTEREST.—If during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a) the Secretary determines that the conveyed property is not being used for any of the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) LEGAL DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey acceptable to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall deposit in the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the current tenant under the existing terms and conditions of the lease for the property.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, the Secretary shall continue to lease the property to the current tenant of the property under the terms and conditions applicable to the first three years of the lease of the property pursuant to the existing lease for the property.

(g) MAINTENANCE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary shall be responsible for maintaining the real property to be conveyed under this section in its condition as of the date of the enactment of this Act until such time as the property is conveyed by deed under this section.

(2) The current tenant of the property shall be responsible for any maintenance required under paragraph (1) to the extent of the activities of that tenant at the property during the period covered by that paragraph.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.

The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

PART III—AIR FORCE CONVEYANCES

SEC. 2851. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the "Regents"), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) INSPECTION OF PROPERTY.—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) As consideration for the agreement under subparagraph (A), the Secretary may pay the Regents an amount determined appropriate by the Secretary. The amount may not exceed $17,593,000.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NEWINGTON DEFENSE FUEL SUPPLY POINT, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Pease Development Authority, New Hampshire (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, consisting of approximately 10.26 acres and located in Newington, New Hampshire, the site of the Newington Defense Fuel Supply Point. The parcels have been determined to be excess to the needs of the Air Force.

(b) RELATED PIPELINE AND EASEMENT.—As part of the conveyance authorized by subsection (a), the Secretary may convey to the Authority without consideration all right, title, and interest of the United States in and to the following:

(1) The pipeline approximately 1.25 miles in length that runs between the property authorized to be conveyed under subsection (a) and former Pease Air Force Base, New Hampshire, and any facilities and equipment related thereto.

(2) An easement consisting of approximately 4.612 acres for purposes of activities relating to the pipeline.

(c) ALTERNATIVE CONVEYANCE AUTHORITY.—If at the time of the conveyance authorized by this section the Secretary has transferred jurisdiction over any of the property to be conveyed to the Administrator of General Services, the Administrator shall make the conveyance of such property under this section.

(d) FEDERAL SCREENING.—(1) If any of the property authorized to be conveyed by this section is under the jurisdiction of the Administrator as of the date of the enactment of this Act, the Administrator shall conduct with respect to such property the screening for further Federal use otherwise required by subsection (a) of section 2696 of title 10, United States Code.

(2) Subsections (b) through (d) of such section 2696 shall apply to the screening under paragraph (1) as if the screening were a screening conducted under subsection (a) of such section 2696. For purposes of such subsection (b), the date of the enactment of the provision of law authorizing the conveyance of the property authorized to be conveyed by this section shall be the date of the enactment of this Act.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), the easement to be conveyed under subsection (b)(2), and the pipeline to be conveyed under subsection (b)(1) shall be determined by surveys and other means satisfactory to the official having jurisdiction over the property or pipeline, as the case may be, at the time of the conveyance. The cost of any survey or other services performed at the direction of that official under the preceding sentence shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The official having jurisdiction over the property to be conveyed under subsection (a), or the pipeline and easement to be conveyed under subsection (b), at the time of the conveyance may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2861. ACQUISITION OF STATE-HELD INHOLDINGS, EAST RANGE OF FORT HUACHUCA, ARIZONA.

(a) ACQUISITION AUTHORIZED.—(1) The Secretary of the Interior may acquire by eminent domain, but with the consent of the State of Arizona, all right, title, and interest (including any mineral rights) of the State of Arizona in and to unimproved Arizona State Trust lands consisting of approximately 1,536.47 acres in the Fort Huachuca East Range, Cochise County, Arizona.

(2) The Secretary may also acquire by eminent domain, but with the consent of the State of Arizona, any trust mineral estate of the State of Arizona located beneath the surface estates of the United States in one or more parcels of land consisting of approximately 12,943 acres in the Fort Huachuca East Range, Cochise County, Arizona.

(b) CONSIDERATION.—(1) Subject to subsection (c), as consideration for the acquisition by the United States of Arizona State trust lands and mineral interests under subsection (a), the Secretary, acting through the Bureau of Land Management, may convey to the State of Arizona all right, title, and interest of the United States, or some lesser interest, in one or more parcels of Federal land under the jurisdiction of the Bureau of Land Management in the State of Arizona.

(2) The lands or interests in land to be conveyed under this subsection shall be mutually agreed upon by the Secretary and the State of Arizona, as provided in subsection (c)(1).

(3) The value of the lands conveyed out of Federal ownership under this subsection either shall be equal to the value of the lands and mineral interests received by the United States under subsection (a) or, if not, shall be equalized by a payment made by the Secretary or the State of Arizona, as necessary.

(c) CONDITIONS ON CONVEYANCE TO STATE.—The Secretary may make the conveyance described in subsection (b) only if—

(1) the transfer of the Federal lands to the State of Arizona is acceptable to the State Land Commissioner; and

(2) the conveyance of lands and interests in lands under subsection (b) is accepted by the State of Arizona as full consideration for the land and mineral rights acquired by the United States under subsection (a) and terminates all right, title, and interest of all parties (other than the United States) in and to the acquired lands and mineral rights.

(d) USE OF EMINENT DOMAIN.—The Secretary may acquire the State lands and mineral rights under subsection (a) pursuant to the laws and regulations governing eminent domain.

(e) DETERMINATION OF FAIR MARKET VALUE.—Notwithstanding any other provision of law, the value of lands and interests in lands acquired or conveyed by the United States under this section shall be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, as published by the Department of Justice in 1992. The appraisal shall be subject to the review and acceptance by the Land Department of the State of Arizona and the Bureau of Land Management.

(f) DESCRIPTIONS OF LAND.—The exact acreage and legal descriptions of the lands and interests in lands acquired or conveyed by the United States under this section shall be determined by surveys that are satisfactory to the Secretary of the Interior and the State of Arizona.

(g) WITHDRAWAL OF ACQUIRED LANDS FOR MILITARY PURPOSES.—After acquisition, the lands acquired by the United States under subsection (a) may be withdrawn and reserved, in accordance with all applicable environmental laws, for use by the Secretary of the Army for military training and testing in the same manner as other Federal lands located in the Fort Huachuca East Range that were withdrawn and reserved for Army use through Public Land Order 1471 of 1957.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance and acquisition of lands and interests in land under this section as the Secretary considers to be appropriate to protect the interests of the United States and any valid existing rights.

(i) COST REIMBURSEMENT.—All costs associated with the processing of the acquisition of State trust lands and mineral interests under subsection (a) and the conveyance of public lands under subsection (b) shall be borne by the Secretary of the Army.

SEC. 2862. DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the "Ford Island Improvement Account".

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.".

(m) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term "property support service" means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

SEC. 2863. ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.

The Secretary of Defense in conjunction with the Pentagon Renovation Program is authorized to design and construct secure secretarial office and support facilities and security-related changes to the METRO entrance at the Pentagon Reservation. The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the total cost of the renovation of the Pentagon.

SEC. 2864. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

SEC. 2865. ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

Section 2603 of the National Defense Authorization Act for fiscal year 1998 (P.L. 105-85) is amended as follows:

"With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.".

TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS

SEC. 2901. FINDINGS.

The Congress finds that—

(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November 2001; and

(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

SEC. 2902. SENSE OF THE SENATE REGARDING PROPOSAL TO RENEW PUBLIC LAND WITHDRAWALS.

It is the sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.

SEC. 2903. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2000

On May 27, 1999, the bill, S. 1062, was passed by the Senate. The text of the bill is as follows:

S. 1062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy National Security Act for Fiscal Year 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees defined.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense environmental management privatization.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Prohibition on use of funds for certain activities under Formerly Utilized Site Remedial Action Program.
Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.
Sec. 3133. Nuclear weapons stockpile life extension program.
Sec. 3134. Tritium production.
Sec. 3135. Independent cost estimate of Accelerator Production of Tritium.
Sec. 3136. Nonproliferation initiatives and activities.

Subtitle D—Safeguards, Security, and Counterintelligence at Department of Energy Facilities

Sec. 3151. Short title.
Sec. 3152. Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities.
Sec. 3153. Background investigations of certain personnel at Department of Energy facilities.
Sec. 3154. Plan for polygraph examinations of certain personnel at Department of Energy facilities.
Sec. 3155. Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and security of Restricted Data.
Sec. 3156. Moratorium on laboratory-to-laboratory and foreign visitors and assignments programs.
Sec. 3157. Increased penalties for misuse of Restricted Data.
Sec. 3158. Organization of Department of Energy counterintelligence and intelligence programs and activities.
Sec. 3159. Counterintelligence activities at certain Department of Energy facilities.
Sec. 3160. Whistleblower protection.
Sec. 3161. Investigation and remediation of alleged reprisals for disclosure of certain information to Congress.
Sec. 3162. Notification to Congress of certain security and counterintelligence failures at Department of Energy facilities.
Sec. 3163. Conduct of security clearances.
Sec. 3164. Protection of classified information during laboratory-to-laboratory exchanges.
Sec. 3165. Definition.

Subtitle E—Other Matters

Sec. 3171. Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.
Sec. 3172. Modification of budget and planning requirements for Department of Energy national security activities.
Sec. 3173. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3174. Integrated fissile materials management plan.
Sec. 3175. Use of amounts for award fees for Department of Energy closure projects for additional cleanup projects at closure project sites.
Sec. 3176. Pilot program for project management oversight regarding Department of Energy construction projects.
Sec. 3177. Extension of review of Waste Isolation Pilot Plant, New Mexico.

Sec. 3178. Proposed schedule for shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Plant, New Mexico.
Sec. 3179. Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Defense Nuclear Facilities Safety Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Limitations on previous authority for disposal of stockpile materials.

TITLE XXXIV—PANAMA CANAL COMMISSION

Sec. 3401. Short title.
Sec. 3402. Authorization of expenditures.
Sec. 3403. Purchase of vehicles.
Sec. 3404. Expenditures only in accordance with treaties.
Sec. 3405. Office of Transition Administration.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of $4,530,000,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,248,700,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,748,500,000, to be allocated as follows:

(i) For operation and maintenance, $1,615,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $133,145,000, to be allocated as follows:

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $26,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $3,900,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 99–D–104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,400,000.

Project 99–D–105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $6,500,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $7,005,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $61,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,640,000.

Project 96–D–104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,900,000.

(B) For inertial fusion, $465,700,000, to be allocated as follows:

(i) For operation and maintenance, $217,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $248,100,000, to be allocated as follows:

Project 96–D–111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $248,100,000.

(C) For technology partnership and education, $34,500,000, to be allocated as follows:

(i) For technology partnership, $15,200,000.

(ii) For education, $19,300,000.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,039,300,000, to be allocated as follows:

(A) For operation and maintenance, $1,880,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $158,679,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,700,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $17,000,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, $3,429,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Site, Aiken, South Carolina, $21,800,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $3,150,000.

Project 98–D–125, tritium extraction facility, Savannah River Site, Aiken, South Carolina, $33,000,000.

Project 98–D–126, accelerator production of tritium, various locations, $31,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $4,800,000.

Project 95–D–102, chemistry and metallurgy research building upgrades, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,000,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $3,500,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of $242,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,532,868,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,069,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $980,919,000, to be allocated as follows:

(A) For operation and maintenance, $880,629,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $100,290,000, to be allocated as follows:

Project 00–D–   , Transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

Project 00–D–400, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $1,306,000.

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $3,100,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, $7,200,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $16,860,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, $2,590,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $4,000,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $12,220,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $24,441,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho National Engineering and Environmental Laboratory, Idaho, $11,971,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $931,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,0000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,902,548,000, to be allocated as follows:

(A) For operation and maintenance, $2,847,997,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisftion related thereto), $54,551,000, to be allocated as follows:

Project 00–D–401, spent nuclear fuel treatment and storage facility, title I and II, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $13,988,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $20,516,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $4,060,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $8,987,000.

(4) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $235,500,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $344,409,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of $1,821,000,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, $744,300,000, to be allocated as follows:

(A) For verification and control technology, $497,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, $215,000,000.

(ii) For arms control, $276,000,000.

(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,000,000, to be allocated as follows:

Project 00–D–192, Nonproliferation and International Security Centers (NISC), Los Alamos National Laboratory, New Mexico, $6,000,000.

(B) For nuclear safeguards and security, $59,100,000.

(C) For security investigations, $47,000,000.

(D) For emergency management, $21,000,000.

(E) For program direction, $90,450,000.

(F) For HEV Transparency implementation, $15,750,000.

(G) For international nuclear safety, $34,000,000.

(2) INTELLIGENCE.—For intelligence, $36,059,000.

(3) COUNTERINTELLIGENCE.—For counterintelligence, $66,200,000.

(4) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $30,000,000, to be allocated as follows:

(A) For worker and community transition, $26,500,000.

(B) For program direction, $3,500,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $200,000,000, to be allocated as follows:

(A) For operation and maintenance, $129,766,000.

(B) For program direction, $7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $62,891,000, to be allocated as follows:

Project 00–D–142, Immobilization and associated processing facility, various locations, $21,765,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $28,751,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $12,375,000.

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $79,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $54,231,000.

(B) For program direction, $24,769,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(8) NAVAL REACTORS.—For naval reactors, $675,000,000, to be allocated as follows:

(A) For naval reactors development, $654,400,000, to be allocated as follows:

(i) For operation and maintenance, $630,400,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,000,000, to be allocated as follows:

GPN–101, general plant projects, various locations, $9,000,000.

Project 98–D–200, site laboratory/facility upgrade, various locations, $3,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $12,000,000.

(B) For program direction, $20,600,000.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in paragraphs (1) through (7) of subsection (a) reduced by $12,559,000.

(2) The amount authorized to be appropriated pursuant to subsection (a)(1)(C) is reduced by $20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) DEFENSE NUCLEAR WASTE DISPOSAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $112,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a) is reduced by $39,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $241,000,000, to be allocated as follows:

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $5,000,000.

Project 98-PVT-5, waste disposal, Oak Ridge, Tennessee, $20,000,000.

Project 97-PVT-1, tank waste remediation system phase I, Hanford, Washington, $106,000,000.

Project 97-PVT-2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $110,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects set forth in that subsection, reduced by $25,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2002.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES UNDER FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, or by any Act authorizing appropriations for the military activities of the Department of Defense or the defense activities of the Department of Energy for a fiscal year after fiscal year 2000, may be obligated or expended to conduct treatment, storage, or disposal activities at any site designated as a site under the Formerly Utilized Site Remedial Action Program as of the date of the enactment of this Act.

SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site, Aiken, South Carolina, and shall provide the technical staff necessary to operate and so maintain such facilities.

SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile.

(b) ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.—The program under subsection (a) shall be a program within the Office of Defense Programs of the Department of Energy.

(c) PROGRAM PLAN.—As part of the program under subsection (a), the Secretary shall develop a long-term plan for the extension of the life of the weapons in the nuclear weapons stockpile. The plan shall provide the following:

(1) Mechanisms to provide for the remanufacture of each weapon design designated by the Secretary for inclusion in the enduring nuclear weapons stockpile as of the date of the enactment of this Act.

(2) Mechanisms to expedite the collection of data necessary for carrying out the program, including data relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

(3) Mechanisms to ensure the appropriate assignment of roles and missions for each Department nuclear weapons laboratory and production plant, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

(4) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

(d) ANNUAL SUBMITTAL OF PLAN.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under subsection (c) not later than January 1, 2000. The plan shall contain the maximum level of detail practicable.

(2) The Secretary shall submit to the committees referred to in paragraph (1) each year after 2000, at the same time as the submission of the budget for the fiscal year beginning in such year under section 1105 of title 31, United States Code, an update of the plan submitted under paragraph (1). Each update shall contain the same level of detail as the plan submitted under paragraph (1).

(e) SENSE OF CONGRESS REGARDING FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in the fiscal year covered by such budget the activities under the program under subsection (a) that are specified in the most current version of the plan for the program under this section.

SEC. 3134. TRITIUM PRODUCTION.

(a) PRODUCTION OF NEW TRITIUM.—The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) SUPPORT.—To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) DESIGN AND ENGINEERING DEVELOPMENT.—The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCELERATOR PRODUCTION OF TRITIUM.

(a) INDEPENDENT COST ESTIMATE.—(1) The Secretary of Energy shall secure an independent cost estimate of the Accelerator Production of Tritium.

(2) The estimate shall be conducted at the highest possible level, but in no event at a level below that currently defined by the Secretary as Type III, "Sampling Technique".

(b) REPORT.—Not later than April 1, 2000, the Secretary shall submit to the congressional defense committees a report on the independent cost estimate conducted under subsection (a).

SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVITIES.

(a) INITIATIVE FOR PROLIFERATION PREVENTION PROGRAM.—(1) Not more than 40 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program (IPP) may be obligated or expended by the Department of Energy national laboratories to carry out or provide oversight of any activities under that program.

(2)(A) None of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently engaged in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(B) None of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program may be made available to an institute if the institute—

(i) is currently involved in activities described in subparagraph (A)(i); or

(ii) was not formerly involved in activities described in subparagraph (A)(ii).

(3)(A) No funds available for the Initiative for Proliferation Prevention program may be provided to an institute or scientist under the program if the Secretary of Energy determines that the institute or scientist has made a scientific or business contact in any way associated with or related to weapons of mass destruction with a representative of a country of proliferation concern.

(B) For purposes of this paragraph, the term "country of proliferation concern" means any country so designated by the Director of Central Intelligence for purposes of the Initiative for Proliferation Prevention program.

(4)(A) The Secretary of Energy shall prescribe procedures for the review of projects under the Initiative for Proliferation Prevention program. The purpose of the review shall be to ensure the following:

(i) That the military applications of such projects, and any information relating to such applications, is not inadvertently transferred or utilized for military purposes.

(ii) That activities under the projects are not redirected toward work relating to weapons of mass destruction.

(iii) That the national security interests of the United States are otherwise fully considered before the commencement of the projects.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(5)(A) The Secretary shall evaluate the projects carried out under the Initiative for Proliferation Prevention program for commercial purposes to determine whether or not such projects are likely to achieve their intended commercial objectives.

(B) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(6) It is the sense of Congress that the President should enter into negotiations with the Russian Government for purposes of concluding an agreement between the United States Government and the Russian Government to provide for the permanent exemption from taxation by the Russian Government of the nonproliferation activities of the Department of Energy under the Initiative for Proliferation Prevention program.

(b) NUCLEAR CITIES INITIATIVE.—(1) No amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(2) Notwithstanding a certification under paragraph (1), amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may not be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic effects of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding whether or not the mechanisms for job creation under the program are likely to lead to the creation of the jobs intended to be created by the program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of the program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any interagency participation in or contribution to the initiative.

(c) REPORT.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Initiative for Proliferation Prevention program (IPP) and the Nuclear Cities Initiative.

(2) The report shall include the following:

(A) A strategic plan for the Initiative for Proliferation Prevention program and for the Nuclear Cities Initiative, which shall establish objectives for the program or initiative, as the case may be, and means for measuring the achievement of such objectives.

(B) A list of the most successful projects under the Initiative for Proliferation Prevention program, including for each such project the name of the institute and scientists who are participating or have participated in the project, the number of jobs created through the project, and the manner in which the project has met the nonproliferation objectives of the United States.

(C) A list of the institutes and scientists associated with weapons of mass destruction programs or other defense-related programs in the states of the former Soviet Union that the Department seeks to engage in commercial work under the Initiative for Proliferation Prevention program or the Nuclear Cities Initiative, including—

(i) a description of the work performed by such institutes and scientists under such weapons of mass destruction programs or other defense-related programs; and

(ii) a description of any work proposed to be performed by such institutes and scientists under the Initiative for Proliferation Prevention program or the Nuclear Cities Initiative.

(d) NUCLEAR CITIES INITIATIVE DEFINED.—For purposes of this section, the term "Nuclear Cities Initiative" means the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

Subtitle D—Safeguards, Security, and Counterintelligence at Department of Energy Facilities

SEC. 3151. SHORT TITLE.

This subtitle may be cited as the "Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999".

SEC. 3152. COMMISSION ON SAFEGUARDS, SECURITY, AND COUNTERINTELLIGENCE AT DEPARTMENT OF ENERGY FACILITIES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities" (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters related to the security of nuclear weapons and materials, the classification of information, or counterintelligence matters, as follows:

(A) Two shall be appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of that Committee.

(B) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the Chairman of that Committee.

(C) Two shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of that Committee.

(D) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives, in consultation with the Chairman of that Committee.

(E) One shall be appointed by the Secretary of Defense.

(F) One shall be appointed by the Director of the Federal Bureau of Investigation.

(G) One shall be appointed by the Director of Central Intelligence.

(2) Members of the Commission shall be appointed for four year terms, except as follows:

(A) One member initially appointed under paragraph (1)(A) shall serve a term of two years.

(B) One member initially appointed under paragraph (1)(C) shall serve a term of two years.

(C) The member initially appointed under paragraph (1)(E) shall serve a term of two years.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment and shall not affect the powers of the Commission.

(4)(A) After five members of the Commission have been appointed under paragraph (1), the Chairman of the Committee on Armed Services of the Senate, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives, shall designate the chairman of the Commission from among the members appointed under paragraph (1)(A).

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

(5) The members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(7) The Commission shall meet not less often than once every three months.

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

(c) DUTIES.—(1) The Commission shall, in accordance with this section, review the safeguards, security, and counterintelligence activities (including activities relating to information management, computer security, and personnel security) at Department of Energy facilities to—

(A) determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats to the disclosure of such information, processes, and activities; and

(B) make recommendations for actions the Commission determines as being necessary to ensure that such security is achieved and maintained.

(2) The activities of the Commission under paragraph (1) shall include the following:

(A) An analysis of the sufficiency of the Design Threat Basis documents as a basis for the allocation of resources for safeguards, security, and counterintelligence activities at the Department facilities in light of applicable guidance with respect to such activities, including applicable laws, Department of Energy orders, Presidential Decision Directives, and Executive Orders.

(B) Visits to Department facilities to assess the adequacy of the safeguards, security, and counterintelligence activities at such facilities.

(C) Evaluations of specific concerns set forth in Department reports regarding the status of safeguards, security, or counterintelligence activities at particular Department facilities or at facilities throughout the Department.

(D) Reviews of relevant laws, Department orders, and other requirements relating to safeguards, security, and counterintelligence activities at Department facilities.

(E) Any other activities relating to safeguards, security, and counterintelligence activities at Department facilities that the Secretary of Energy considers appropriate.

(d) REPORT.—(1) Not later than February 15 each year, the Commission shall submit to the Secretary of Energy and to the congressional defense committees a report on the activities of the Commission during the preceding year. The report shall be submitted in unclassified form, but may include a classified annex.

(2) Each report—

(A) shall describe the activities of the Commission during the year covered by the report;

(B) shall set forth proposals for any changes in safeguards, security, or counterintelligence activities at Department of Energy facilities that the Commission considers appropriate in light of such activities; and

(C) may include any other recommendations for legislation or administrative action that the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The members and employees of the Commission shall hold security clearances

appropriate for the matters considered by the Commission in the discharge of its duties under this section.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) FUNDING.—(1) From amounts authorized to be appropriated by sections 3101 and 3103, the Secretary of Energy shall make available to the Commission not more than $1,000,000 for the activities of the Commission under this section.

(2) Amounts made available to the Commission under this subsection shall remain available until expended.

(h) TERMINATION OF DEPARTMENT OF ENERGY SECURITY MANAGEMENT BOARD.—(1) Section 3161 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251 note) is repealed.

(2) Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2049; 42 U.S.C. 7274 note) is amended—

(A) by striking "(a) IN GENERAL.—"; and

(B) by striking subsection (b).

SEC. 3153. BACKGROUND INVESTIGATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall ensure that an investigation meeting the requirements of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is made for each Department of Energy employee, or contractor employee, at a Department of Energy facility who—

(1) carries out duties or responsibilities in or around a location where Restricted Data is or may be present; or

(2) has or may have regular access to a location where Restricted Data is present.

(b) COMPLIANCE.—The Secretary shall have one year from the date of the enactment of this Act to meet the requirement in subsection (a).

SEC. 3154. PLAN FOR POLYGRAPH EXAMINATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) PLAN.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a plan for conducting, as part of the Department of Energy personnel assurance programs, periodic polygraph examinations of each Department of Energy employee, or contractor employee, at a Department of Energy facility who has or may have access to Restricted Data or Sensitive Compartmented Information. The purpose of the examinations is to minimize the potential for release or disclosure of such data or information by such employees.

(2) The plan shall include recommendations for any legislative action necessary to implement the plan.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMITTAL OF PLAN.—Not more than 50 percent of the amounts authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2000 for travel expenses may be obligated or expended until the date of the submittal of the plan required by subsection (a).

SEC. 3155. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

"SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

"a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $100,000 for each such violation.

"b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section.".

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of that Act (42 U.S.C. 2282a) is amended by inserting "SAFETY" before "REGULATIONS".

(c) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

"234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.
"234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.".

SEC. 3156. MORATORIUM ON LABORATORY-TO-LABORATORY AND FOREIGN VISITORS AND ASSIGNMENTS PROGRAMS.

(a) CERTIFICATION.—(1) The Secretary of Energy, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation shall jointly submit to the committees referred to in paragraph (3) a certification that each program referred to in paragraph (2) meets the following conditions:

(A) That the program complies with applicable orders, regulations, and policies of the Department of Energy relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such orders, regulations, and policies.

(B) That the program complies with Presidential Decision Directives and similar requirements relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such Directives or requirements.

(C) That the program includes adequate protections against the inadvertent release of Restricted Data, information important to the national security of the United States, and any other sensitive information the disclosure of which might harm the interests of the United States.

(D) That the program does not pose an undue risk to the national security interests of the United States.

(2) A program referred to in this paragraph is any program as follows:

(A) A cooperative program carried out between the Department of Energy and the People's Republic of China.

(B) A cooperative program carried out between the Department of Energy and an independent state of the former Soviet Union.

(C) A cooperative program carried out between the Department of Energy and any nation designated as sensitive by the Secretary of State.

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(B) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) LIMITATION ON USE OF FUNDS PENDING CERTIFICATION.—(1) Except as provided in paragraph (2), no amounts authorized to be appropriated by section 3101 or 3103 or otherwise made available to the Department of Energy for fiscal year 2000 may be obligated or expended to conduct a program referred to in subsection (a)(2), or any studies or planning in anticipation of such program, beginning on the date that is 45 days after the date of the enactment of this Act and continuing until 30 days after the date on which the Director of Central Intelligence submits to the committees referred to in subsection (a)(3) the certification referred to in subsection (a)(1). The certification shall be submitted in unclassified form, but may include a classified annex.

(2)(A) The 30-day wait period specified in paragraph (1) for the obligation and expenditure of funds for a program referred to in subsection (a)(2) shall not apply if the certification with respect to the program under subsection (a)(1) is submitted during the 45-day period beginning on the date of the enactment of this Act.

(B) The limitation in paragraph (1) shall not apply—

(i) to the obligation or expenditure of funds authorized to be appropriated by title III for activities relating to cooperative threat reduction with states of the former Soviet Union; or

(ii) to the obligation or expenditure of funds authorized to be appropriated by section 3103(a)(1)(A)(ii) for the materials protection control and accounting program of the Department.

SEC. 3157. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking "$20,000" and inserting "$40,000"; and

(2) in clause b., by striking "$10,000" and inserting "$20,000".

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2275) is amended by striking "$20,000" and inserting "$40,000".

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of the Atomic Energy Act of 1954 (42 U.S.C. 2277) is amended by striking "$2,500" and inserting "$5,000".

SEC. 3158. ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE AND INTELLIGENCE PROGRAMS AND ACTIVITIES.

(a) OFFICE OF COUNTERINTELLIGENCE.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"OFFICE OF COUNTERINTELLIGENCE

"SEC. 213. (a) There is within the Department an Office of Counterintelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence.

"(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

"(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

"(4) The Director of the Office shall report directly to the Secretary.

"(c)(1) The Director of the Office shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

"(2) The Director of the Office shall be responsible for the administration of the personnel assurance programs of the Department.

"(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"(d)(1) Not later than March 1 each year, the Director of the Office shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

"(2) Each report shall include for the year covered by the report the following:

"(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

"(i) the number of violations that were investigated; and

"(ii) the number of violations that remain unresolved.

"(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

"(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".

(b) Office of Intelligence.—That title is further amended by adding at the end the following:

"OFFICE OF INTELLIGENCE

"Sec. 214. (a) There is within the Department an Office of Intelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Intelligence.

"(2) The Director of the Office shall be a senior executive service employee of the Department.

"(3) The Director of the Office shall report directly to the Secretary.

"(c) The Director of the Office shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.".

(c) Clerical Amendment.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following items:

"213. Office of Counterintelligence.

"214. Office of Intelligence.".

SEC. 3159. COUNTERINTELLIGENCE ACTIVITIES AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) Assignment of Counterintelligence Personnel.—(1) The Secretary of Energy shall assign to each Department of Energy facility at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

(2) An individual assigned to a facility under this subsection shall be stationed at the facility.

(b) Supervision.—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

SEC. 3160. WHISTLEBLOWER PROTECTION.

(a) Program.—The Secretary of Energy shall establish a program to ensure that an employee of the Department of Energy, or a contractor employee, may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or entity referred to in subsection (b) information relating to the protection of classified information which the employee or contractor employee reasonably believes to provide direct and specific evidence of a violation described in subsection (c).

(b) Covered Persons and Entities.—A person or entity referred to in this subsection is the following:

(1) A Member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Federal Government to which the disclosed information relates.

(2) An employee of Congress who—

(A) is a staff member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Federal Government to which the disclosed information relates; and

(B) has an appropriate security clearance for access to the information.

(3) The Inspector General of the Department of Energy.

(4) The Federal Bureau of Investigation.

(5) Any other element of the Federal Government designated by the Secretary as authorized to receive information of the type disclosed.

(c) Covered Violations.—A violation referred to in subsection (a) is—

(1) a violation of law or Federal regulation;

(2) gross mismanagement, a gross waste of funds, or abuse of authority; or

(3) a false statement to Congress on an issue of material fact.

SEC. 3161. INVESTIGATION AND REMEDIATION OF ALLEGED REPRISALS FOR DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) Submittal of Allegations to Inspector General.—A Department of Energy employee or contractor employee who believes that the employee has been discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information referred to in subsection (a) of section 3160 in accordance with the provisions of that section may submit a complaint relating to such action to the Inspector General of the Department of Energy.

(b) Investigation.—(1) For each complaint submitted under subsection (a), the Inspector General shall—

(A) determine whether or not the complaint is frivolous; and

(B) if the Inspector General determines the complaint is not frivolous, conduct an investigation of the complaint.

(2) The Inspector General shall submit a report on each investigation undertaken under paragraph (1)(B) to—

(A) the employee who submitted the complaint on which the investigation is based;

(B) the contractor concerned, if any; and

(C) the Secretary of Energy.

(c) Remedial Actions.—(1) If the Secretary determines that an employee has been subjected to an adverse personnel action referred to in subsection (a) in contravention of the provisions of section 3160(a), the Secretary shall—

(A) in the case of a Department employee, take appropriate actions to abate the action; or

(B) in the case of a contractor employee, order the contractor concerned to take appropriate actions to abate the action.

(2)(A) If a contractor fails to comply with an order issued under paragraph (1)(B), the Secretary may file an action for enforcement of the order in the appropriate United States district court.

(B) In any action brought under subparagraph (A), the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(d) Quarterly Report.—(1) Not later than 30 days after the commencement of each fiscal quarter, the Inspector General shall submit to the congressional defense committees a report on the investigations undertaken under subsection (b)(1)(B) during the preceding fiscal quarter, including a summary of the results of such investigations.

(2) A report under paragraph (1) shall not identify or otherwise provide any information on a person submitting a complaint under this section without the consent of the person.

SEC. 3162. NOTIFICATION TO CONGRESS OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES AT DEPARTMENT OF ENERGY FACILITIES.

(a) Requirement.—The Secretary of Energy, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate, shall submit to the congressional defense committees a notification of each serious security or counterintelligence failure at a Department of Energy facility that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States.

(b) Deadline.—The Secretary shall submit a notice under subsection (a) for a failure covered by that subsection not later than 30 days after learning of the failure.

(c) Procedures.—The Secretary and the congressional defense committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

(d) Protection of Classified and Other Sensitive Information.—(1) The House of Representatives and the Senate shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified information, all information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to the congressional defense committees pursuant to this section.

(2) Such procedures shall be established in consultation with the Secretary of Energy,

the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation.

(e) Savings Provisions.—(1) Nothing in this section shall be construed as authority to withhold information from the congressional defense committees on the grounds that providing the information to such committees would constitute the unauthorized disclosure of classified information, information relating to intelligence sources or methods, or sensitive law enforcement information.

(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413) for the President to ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States and for the intelligence committees to notify promptly other congressional committees of any matter relating to intelligence activities requiring the attention of such committees.

SEC. 3163. CONDUCT OF SECURITY CLEARANCES.

(a) Responsibility of Federal Bureau of Investigation.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking "the Civil Service Commission" each place it appears in subsections a., b., and c. and inserting "the Federal Bureau of Investigation".

(b) Conforming Amendments.—That section is further amended—

(1) by striking subsections d. and f.; and

(2) by redesignating subsections e., g., and h. as subsections d., e., and f., respectively; and

(3) in subsection d., as so redesignated, by striking "determine that investigations" and all that follows and inserting "require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.".

(c) Compliance.—The Director of the Federal Bureau of Investigation shall have one year from the date of the enactment of this Act to meet the responsibilities of the Bureau under section 145 of the Atomic Energy Act of 1954, as amended by this section.

(d) Report.—Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the implementation of the responsibilities of the Bureau under section 145 of the Atomic Energy Act of 1954, as so amended.

(e) Technical Amendment.—Subsection f. of that section, as so redesignated, is amended by striking "section 145 b." and inserting "subsection b. of this section".

SEC. 3164. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) Provision of Training.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) Countering of Espionage and Intelligence-Gathering Abroad.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

SEC. 3165. DEFINITION.

In this subtitle, the term "Restricted Data" has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

Subtitle E—Other Matters

SEC. 3171. MAINTENANCE OF NUCLEAR WEAPONS EXPERTISE IN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.

(a) Administration of Joint Nuclear Weapons Council.—(1) Subsection (b) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Council shall meet not less often than once every three months.".

(2) Subsection (c) of that section is amended by adding at the end the following new paragraph:

"(3) If the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs remains vacant for a period of more than 9 months, the Secretary of Energy shall appoint a qualified individual to serve as acting staff director of the Council until the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is filled.".

(b) Revitalization of Joint Nuclear Weapons Council.—(1) The Secretary of Defense and the Secretary of Energy shall jointly prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to revitalize the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code.

(2) The plan shall include any proposed modification to the membership or responsibilities of the Council that the Secretaries jointly determine advisable to enhance the capability of the Council to ensure the integration of Department of Defense requirements for nuclear weapons into the programs and budget processes of the Department of Energy.

(c) Annual Report on Council Activities.—The Secretary of Defense, shall, after consultation with the Secretary of Energy, submit to the Committees on Armed Services of the Senate and the House of Representatives on an annual basis a report on the activities of the Joint Nuclear Weapons Council. Each report shall include the following:

(1) A description of the activities of the Council during the 12-month period ending on the date of the report together with any assessments or studies conducted by the Council during that period.

(2) A description of the highest priority requirements of the Department of Defense with respect to the Department of Energy stockpile stewardship and management program as of that date.

(3) An assessment of the extent to which the requirements referred to in paragraph (2) are being addressed by the Department of Energy as of that date.

(d) Nuclear Mission Management Plan.—The Secretary of Defense shall develop and implement a plan to ensure the continued reliability of the capability of the Department of Defense to carry out its nuclear deterrent mission. The plan shall—

(1) articulate the current policy of the United States on the role of nuclear weapons and nuclear deterrence in the conduct of defense and foreign relations matters;

(2) establish stockpile viability and capability requirements with respect to that mission, including the number and variety of warheads required;

(3) establish requirements relating to the contractor industrial base, support infrastructure, and surveillance, testing, assessment, and certification of nuclear weapons necessary to support that mission;

(4) take into account requirements for the critical skills, readiness, training, exercise, and testing of personnel necessary to meet that mission; and

(5) take into account the relevant programs and plans of the military departments and the defense agencies with respect to readiness, sustainment (including research and development), and modernization of the strategic deterrent forces.

(e) Nuclear Expertise Retention Measures.—(1) The Secretary of Energy and Secretary of Defense shall jointly submit to the committees referred to in subsection (c) a plan setting forth the actions that the Secretaries consider necessary to retain core scientific, engineering, and technical skills and capabilities within the Department of Energy, the Department of Defense, and their contractors in order to maintain the United States nuclear deterrent force indefinitely.

(2) The plan shall include the following elements:

(A) A baseline of current skills and capabilities by location.

(B) A statement of the skills or capabilities that are at risk of being lost within the next ten years.

(C) A proposal for recruitment and retention measures to address the loss of such skills or capabilities.

(D) A proposal for the training and evaluation of personnel with core scientific, engineering, and technical skills and capabilities.

(E) A statement of the additional advanced manufacturing programs and process engineering programs that are required to maintain the nuclear deterrent force indefinitely.

(F) An assessment of the desirability of establishing a nuclear weapons workforce reserve to ensure the availability of the skills and capabilities of present and former employees of the Department in the event of an urgent future need for such skills and capabilities.

(f) Reports on Critical Difficulties at Nuclear Weapons Laboratories.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2842; 42 U.S.C. 7274o) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Inclusion of Reports in Annual Stockpile Certification.—Any report submitted pursuant to subsection (a) shall also be included with the decision documents that accompany the annual certification of the safety and reliability of the United States nuclear weapons stockpile which is provided to the President for the year in which such report is submitted.''.

(g) TECHNICAL AMENDMENT.—Section 179(f) of title 10, United States Code, is amended by striking ''the Committee on Armed Services'' and all that follows through ''House of Representatives'' and inserting ''the Committees on Armed Services and Appropriations of the Senate and the Committees on Armed Services and Appropriations of the House of Representatives''.

SEC. 3172. MODIFICATION OF BUDGET AND PLANNING REQUIREMENTS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY ACTIVITIES.

(a) ENHANCEMENT OF ANNUAL FIVE-YEAR BUDGET.—(1) Section 3155 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271b) is amended—

(A) by redesignating subsection (b) as subsection (c);

(B) by striking subsection (a) and inserting the following new subsections:

''(a) REQUIREMENT.—The Secretary of Energy shall prepare for each fiscal year after fiscal year 2000 a program and budget plan for the national security programs of the Department of Energy for the five-fiscal year period beginning in the year the program and budget plan is prepared.

''(b) ELEMENTS.—Each program and budget plan shall contain the following:

''(1) The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs of the Department during the five-fiscal year period covered by the program and budget plan, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

''(2) A description of the anticipated workload requirements for each Department site during that five-fiscal year period.''; and

(C) in subsection (c), as so redesignated, by striking ''the budget required'' and inserting ''the program and budget plan required''.

(2) The section heading of such section is amended by striking ''FIVE-YEAR BUDGET'' and inserting ''FIVE-FISCAL YEAR PROGRAM AND BUDGET PLAN''.

(b) ADDITIONAL REQUIREMENTS FOR WEAPONS ACTIVITIES BUDGETS.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) IMPACT OF BUDGET ON STOCKPILE.—The Secretary shall include in the materials the Secretary submits to Congress in support of the budget for any fiscal year after fiscal year 2000 that is submitted by the President pursuant to section 1105 of title 31, United States Code, a description of how the funds identified for each program element in the weapons activities budget of the Department for such fiscal year will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under 3158 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121 note).''.

SEC. 3173. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2003.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

SEC. 3174. INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.

(a) PLAN.—The Secretary of Energy shall develop a long-term plan for the integrated management of fissile materials by the Department of Energy. The plan shall—

(1) identify means of consolidating or integrating the responsibilities of the Office of Environmental Management, the Office of Fissile Materials Disposition, the Office of Nuclear Energy, and the Office of Defense Programs for the treatment, storage and disposition of fissile materials, and for the waste streams containing fissile materials, in order to achieve budgetary and other efficiencies in the discharge of those responsibilities; and

(2) identify any expenditures necessary at the sites that are anticipated to have an enduring mission for plutonium management in order to achieve the integrated management of fissile materials by the Department.

(b) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan required by subsection (a) to the congressional defense committees not later than February 1, 2000.

SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.

(a) AUTHORITY TO USE AMOUNTS.—The Secretary of Energy may use an amount authorized to be appropriated for the payment of award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary—

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) REPORT ON USE OF AUTHORITY.—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

SEC. 3176. PILOT PROGRAM FOR PROJECT MANAGEMENT OVERSIGHT REGARDING DEPARTMENT OF ENERGY CONSTRUCTION PROJECTS.

(a) REQUIREMENT.—(1) The Secretary of Energy shall carry out a pilot program on use of project management oversight (PMO) services for Department of Energy construction projects.

(2) The purpose of the pilot program is to provide a basis for determining whether or not the use of competitively procured, external project management oversight services on construction projects would permit the Department to control excessive costs and schedule delays associated with Department construction projects having large capital costs.

(b) PROJECTS COVERED BY PROGRAM.—(1) Subject to paragraph (2), the Secretary shall carry out the pilot program at construction projects selected by the Secretary. The projects shall include one or more construction projects authorized pursuant to section 3101 and one construction project authorized pursuant to section 3102.

(2) The Secretary shall select projects that have capital construction costs anticipated to be not less than $25,000,000.

(c) SERVICES UNDER PROGRAM.—The project management oversight services utilized under the pilot program shall include the following services:

(1) Monitoring the overall progress of a project.

(2) Determining whether or not a project is on schedule.

(3) Determining whether or not a project is within budget.

(4) Determining whether or not a project conforms with plans and specifications approved by the Department.

(5) Determining whether or not a project is being carried out efficiently and effectively.

(6) Any other management oversight services that the Secretary considers appropriate for purposes of the pilot program.

(d) PROCUREMENT OF SERVICES UNDER PROGRAM.—Any services procured under the pilot program shall be acquired—

(1) on a competitive basis; and

(2) from among commercial entities that—

(A) do not currently manage or operate facilities at a location where the pilot program is being conducted; and

(B) have an expertise in the management of large construction projects.

(e) REPORT.—Not later than February 1, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on pilot program. The report shall include the Secretary's assessment of the feasibility and desirability of utilizing project management oversight services for Department of Energy construction projects.

SEC. 3177. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT, NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking ''nine additional one-year periods'' and inserting ''fourteen additional one-year periods''.

SEC. 3178. PROPOSED SCHEDULE FOR SHIPMENTS OF WASTE FROM THE ROCKY FLATS PLANT, COLORADO, TO THE WASTE ISOLATION PILOT PLANT, NEW MEXICO.

(a) SUBMITTAL OF PROPOSED SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a proposed schedule for the commencement of shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Plant, New Mexico.

(b) ELEMENTS.—The schedule under subsection (a) shall set forth—

(1) the proposed commencement date of shipments of mixed transuranic waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant; and

(2) the proposed commencement date of shipments of unmixed transuranic waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant.

(c) REQUIREMENTS REGARDING SCHEDULE.—In preparing the schedule, the Secretary shall assume the following:

(1) A closure date for the Rocky Flats Plant in 2006.

(2) That all waste that is transferable from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be removed from the Rocky Flats Plant by that closure date as specified in the current 2006 Rocky Flats Plant Closure Plan.

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

There are authorized to be appropriated for fiscal year 2000, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to $78,700,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. LIMITATIONS ON PREVIOUS AUTHORITY FOR DISPOSAL OF STOCKPILE MATERIALS.

(a) PUBLIC LAW 105–261 AUTHORITY.—Section 3303(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

(b) PUBLIC LAW 105–85 AUTHORITY.—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2058; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of cobalt under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

(c) PUBLIC LAW 104–201 AUTHORITY.—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2855; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

TITLE XXXIV—PANAMA CANAL COMMISSION

SEC. 3401. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 2000".

SEC. 3402. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for the period October 1, 1999, through noon on December 31, 1999.

(b) LIMITATIONS.—For the period described in subsection (a), the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $25,000 for official reception and representation expenses, of which—

(1) not more than $7,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $3,500 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $14,500 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3403. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of replacement passenger motor vehicles, the purchase price of which shall not exceed $26,000 per vehicle.

SEC. 3404. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3405. OFFICE OF TRANSITION ADMINISTRATION.

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—The Office of Transition Administration established under subsection (b) of section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) is authorized to obligate and expend funds from the Panama Canal Commission Dissolution Fund established under subsection (c) of such section for the purposes enumerated in such subsection until the fund terminates.

(b) ADMINISTRATIVE OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in Washington, District of Columbia. The office in Panama shall be subject to the authority of the United States chief of mission in the Republic of Panama.

(c) OVERSIGHT OF CLOSE-OUT ACTIVITIES.—The Panama Canal Commission shall enter into an agreement with the head of a department or agency of the Federal Government to supervise the close out of the affairs of the Commission under section 1305 of the Panama Canal Act of 1979 and to certify the completion of that function.

(Pursuant to the order of May 27, 1999, the text of S. 1060, as amended, is Division A of S. 1059; the text of S. 1061, as amended, is Division B of S. 1059; and the text of S. 1062, as amended, is Division C of S. 1059.)

ORDERS FOR TUESDAY, JUNE 8, 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Tuesday, June 8. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 1122, the defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I further ask consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. For the information of all Senators, the Senate will resume consideration of the defense appropriations bill at 9:30 a.m. on Tuesday. By previous consent, a vote on the pending

Grassley amendment will occur at 9:45 a.m. Also by previous consent, first-degree amendments to the bill must be offered by 2:30 p.m. tomorrow. Therefore, further amendments and votes are expected throughout tomorrow's session of the Senate.

As a reminder, cloture on the motion to proceed to the Y2K legislation was filed today. That cloture vote will occur on Wednesday at a time to be determined.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. COCHRAN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:52 p.m., recessed until Tuesday, June 8, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1999:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARMANDO FALCON, JR., OF TEXAS, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FOR A TERM OF FIVE YEARS, VICE AIDA ALVAREZ.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT Z. LAWRENCE, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE JEFFREY A. FRANKEL, RESIGNED.

DEPARTMENT OF THE TREASURY

LAWRENCE H. SUMMERS, OF MARYLAND, TO BE SECRETARY OF THE TREASURY, VICE ROBERT E. RUBIN.

DEPARTMENT OF STATE

DAVID H. KAEUPER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CONGO.

MICHAEL D. METELITS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

CHRISTOPHER C. GALLAGHER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2003. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

MICHAEL L. MCGINNIS, 0768

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LOSTON E. CARTER, 1809

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JACK A. MABERRY, 3251

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES N. FRAME, 6731

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C.,SECTION 531:

To be captain

NILS S. ERIKSON, 7653
ROBERT E. HOYT, 5202
PHILLIP D. HUNT, 5326
MICHAEL J. KRENTZ, 4373
WILLIAM A. MCDONALD 7174
ALAN I. SHAPIRO, 7495
LAURA WILLIAMS, 5538
JEFFERY M. YOUNG, 8231

To be commander

CHRISTOPHER L. AMLING, 2320
BRADLEY R. AUFFARTH, 4602
ALLEN W. AYRES, 0470
DONALD R. BENNETT, 8805
JIMMY D. BOWEN, 1289
ROBERT W. BRINSKO, 4943
DWANE T. BRITTAIN, JR., 5443
FORREST M. BROWN, JR., 6486
ROBERT BUCKLEY, 7183
JOE P. CALDWELL, 2824
DAVID N. CALKINS, 5642
DELORIS J. CARNAHAN, 2654
STEVEN L. CASE, 3635
DAVID W. CHAMBERS, 7085
MARK E. CHARIKER, 7831
BARTLEY G. CILENTO, JR., 5610
ROBERT J. CLARK, 5841
WILLIAM B. COGAR, 3398
REY D. CONARD, 6655
MARK S. COTTERELL, 8596
JOHN D. COWAN, 6157
WILLIAM F. CUDDY, JR., 3869
ROBERT D. CULLOM, 2383
ROBERT A. DATTOLO, 7535
RICHARD J. DOWLING, 1096
JOHN E. DRAKE, 8254
TIMOTHY M. DUNLEVY, 8539
CHARLES W. FLEISHER, 0407
PETER FONSECA, 2232
DANIEL E. FREDERICK, 4224
ROBERT A. FRICK, 8435
PAUL J. GAGNE, 0919
JAMES F. GALLAGHER, 6665
LOUIS G. GILLERAN, 6663
JEANETTE M. GORTHY, 2395
JEFFERY R. GRAVES, 3578
KEVIN L. GREASON, 7450
GORDON F. GREEN, 9942
GUERARD P. GRICE, 7846
JOHN P. GROSSMITH, 3048
GREGORY GULLAHORN, 4743
CHARLES M. HAMES, 4932
DONGYEON P. HAN, 0183
TIMOTHY J. HANNON, 8239
KIRK E. HARUM, 2265
AMY P. HAUCK, 3598
SHERMAN M. HAWKINS, 8279
JEFF D. HEADRICK, 4962
ROBERT C. HEIM, JR., 2038
ANITA H. HICKEY, 9134
WILLIAM C. HOLLAND II, 4618
JOHN R. HOLMAN, 7898
KERRY E. HUNT, 3200
WAYNE S. INMAN, 2041
MARIE E. JOHN, 9143
NAIDA B. KALLOO, 3093
PAUL C. KELLEHER, 3427
ANTHONY S. LAPINSKY, 5726
LARRY R. LAUFER, 4948
DAVID R. LEMME, 0715
WING LEONG, 4590
MARK E. LINSKEY, 9668
PETER D. MAHER IV, 1956
TRACY A. MALONE, 8907
DOUGLAS D. MARTIN, 1979
RICHARD J. MASON, 6779
MICHAEL F. MCNAMARA, JR., 8582
JAMES R. MILLER, 9499
TIMOTHY S. MOLOGNE 7364
VERNON D. MORGAN, 0647
LINDA A. MURAKATA, 9926
JAMES W. A. NEWTON, 5045
CHARLES R. NIXON II, 2632
DAVID NORMAN, 9178
ROGER A. PIEPENBRINK, 1132
WILLIAM B. POSS, 6062
KYLE B. POTTS, 7281
DANIEL P. REESE, 1061
ROBERT H. RICE, 8299
JAMES A. RIEGER, 4460
MICHAEL RIESBERG, 1043
WILLIAM O. ROGERS, 0007
DAVID C. ROHDE, 6507
RICHARD ROWE, 5318
MICHAEL T. RYAN, 3503
PAUL J. SAVAGE, 2844
JOHN R. SCHWARZENBACH, 9452
JOHN D. SCOTT, 6969
KEVIN T. SEUFERT, 6170
PETER D. SHERROD, 7610
HARLEY W. SMOOT, 7657
FREDERICK N. SOUTHERN, 7104
JOHN STEELE, 6610
SCOTT P. STEINMANN, 4253
FRANCES I. STEWART, 1679
DENNIS E. SUMMERS, 1270
HARRY A. TAYLOR III, 5416
JON K. THIRINGER, 6547
DAVID E. THOMAS, 3398
ELIZABETH A. TONON, 0641
KARL R. TREFFINGER, 2629
DAVID R. TRIBBLE, 1098
RAYMOND J. TURK, 7681
GREGORY UTZ, 8387
ERIC WEISS, 1413
WAYNE M. WEISS, 9581
JOHN T. WIDERGREN, 1799
ROBERT A. WITHERSPOON, 8465
WILLIAM A. F. WOODS, 0240
PETER L. ZAMFIRESCU, 0412
DANIEL J. ZINDER, 5920

To be lieutenant commander

SALVADOR AGUILERA, 2897
JENNIFER M. ALLEN, 9415
MARK S. ANDERSON, 0528
THERESA M. ANTOLDI, 5917
ELLEN A. ARGO, 0081
CHARLES E. BARNES, 5215
KEVIN J. BEDFORD, 9938
BRYAN L. BELL, 4295
MANUEL A. BIADOG, 0921
SEAN BIGGERSTAFF, 1633
JAMES S. BIGGS, 1490
BRENDA F. BRADLEY, 1215
BENEDICT J. BROWN, 2968
TIMOTHY G. BRUCE, 1977
DORRIE E. BRYSON, 4802
DELL D. BULL, 7342
SUE A. BURNETT, 5460
DAVID J. CARRILLO, 3605
HAROLD H. CASERTA, 4354
JOHN M. CHANDLER, 6343
LINDA J. COLEMAN, 3144
SHERI R. COLEMAN, 3907
RANDAL B. CRAFT, 8021
JUAN D. CUESTA, 2170
DAVID A. CULLER, JR., 2830
ERIC E. CUNHA, 5130
ANDREW M. DAVIDSON, 7224
ROBERT N. DOBBINS, 8804
WALTER E. EAST, 0554
DEMETRI ECONOMOS, 7964
VICKI L. EDGAR, 4279
ELLEN ERICKSON, 7203
RONALD D. EVERS, 4540
TED M. FANNING, 0878
JOSE J. FERNANDEZ, JR., 2424
TERENCE FINNERTY, 8207
KEVIN D. FOSTER, 5778
MERL W. FUCHS, 2194
CHERYL A. GIBSON, 6345
MARK T. GILLAND, 4611
ANNE M. GODFREY, 9120
CHARLES F. GOVIER, 1859
KARIS K. GRAHAM, 5322
LINDA J. GRANT, 6246
DAVID R. GREER, 6300
DENISE Y HARRINGTON, 7122
BERNARD C. HARRISON III, 2928
PENNY M. HEISLER, 2131
JOHN M. HERNANDEZ, 9797
JOHN M. HOOPES, 0688
THOMAS W. JOHNSON, 2394
TAMMY C. JONES, 8196
KIMBERLY M. KAUFFMAN, 2489
THOMAS J. KEANE, 9423
FRANCES G. KELLER, 6136
FREDERIC J. KELLY III, 5428
ROBERT L. KENDALL, 0183
TADEUSZ J. KOCHEL, 9285
KEVIN E. KRAUS, 5715
WILLIAM K. KREBS, 1665
PAMELA S. KUNZE, 5359
KOROTHA C. LAMBRIGHT, 1301
TY E. LOUTZENHEISER, 8092
JOHN W. MAURICE, JR., 5299
BRUCE C. MAXWELL, 7987
DAVID M. MCELWAIN, 5897
JONI M. MCMASTER, 7837
GEORGE R. MOON, 4985
HELEN A. NAPIER, 3453
JOEL D. NEWMAN, 8563
SAMUEL W. NEWMAN, 2428
KELLY S. PAUL, 2340
DARRYL N. PERSON, 9831
STEPHEN P. PIKE, 6716
HERBERT L. PRINGLE, 8369
MICHAEL R. REIDER, 7136
LAUREN P. RODIER, 8116
BARBARA C. ROSENTHAL, 5279
KENT E. RUSHING, 5125
ROBERT W. SANDERS, 7781
RICHARD B. SAUL, 6712
DELENE SCRAFFORD, 0290
DAVID J. SILKEY, 0564
MARK W. SMITH, 4118
MARK E. SNIDER, 2958
DAVID A. STAHL, 0589
DIANNE STANTON SANCHEZ, 7911
IRMA L. SUNER, 9777
PAULINE M. TAYLOR, 5410
BRADLEY E. TELLEEN, 0761
GREGORY N. TODD, 5010
JENNIFER E. TONGEMARTIN, 2181
DONALD P. TROAST, 7410
ANDREW J. WILLIAMS, 4225
RICHARD T. WOIENSKI, 7035
EDWARD C. ZEIGLER, 6557

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

THOR D. AAKRE, 2193
CHRISTOPHER E. ABBOTT, 2075
RICHARD J. ABRESCH, 8534
DAVID W. ACTON, 8088
STEVEN E. ADAMS, 3313
WILLIAM T. AINSWORTH, 1163
DONALD P. ALBERTO, 4109
WILLIAM J. ALDERSON, 1180
ANDREW ALFORD, 3825
KENNETH R. ALLEN, 9998
HENRY D. ANGELINO, JR., 6927
ROLANDO A. APOLLO, 3618
RICHARD L. ARCHEY, 2413
ROBERT R. ARMBRUSTER, 3344
MARK A. ARMSTRONG, 7465
DOUGLAS E. ARNOLD, 0791
DAVID C. ASJES, 7489
TERRY W. AUBERRY, 1063
ANDREW S. BAITINGER, 4519
GAVIN W. BALAN, 0229
MICHAEL G. BARRETT, 9564
WILLIAM P. M. BARRETT, 0221
BRET C. BATCHELDER, 1297
JOSEPH A. BAUKNECHT, 0079
JEFFREY L. BAY, 6262
WILLIAM F. BEACHAM, 8139
MATTHEW S. BEAVER, 8495
KEVIN F. BEDELL, 0768
JOSEPH J. BEEL, 0861
ROBERT G. BERGMAN, 9785
JEFFREY T. BERNARDI, 6442
TIMOTHY B. BITZER, 5476
ALAN W. BLACKKETTER, 0225
STEVEN H. BLAISDELL, 3845
ANTHONY R. BOEX, 5543
RICHARD D. BOTHAM, 7164
THOMAS F. BOURBEAU, 6839
VINCENT C. BOWHERS, JR., 4410
AARON L. BOWMAN, 2817
RONALD A. BOXALL, 5125
PATRICK J. BRAKER, 0554
WILLIAM A. BRANSOM, 7780
SEAN P. BRENNAN, 2420
REBECCA E. BRENTON, 0100
JEFFREY J. BRIGHTWELL, 3949
DENNIS M. BROOKS, 8418
THOMAS J. BROVARONE, 4519
ANDREW BROWN III, 3627
MARK J. BROWNELL, 5923
YVETTE C. BROWNWAHLER, 6635
ANTHONY BRUNO III, 7206
NICHOLAS V. BUCK, 3551
ANDREW BUDUO III, 2576
ROBERT P. BURKE, 5633
RONALD K. BURROUGHS, 7574
JEFFREY J. BURTCH, 5183
DOUGLAS R. BURTON, 7894
BRADLEY I. BUSWELL, 3619
CHRISTOPHER L. BUTLER, 5072
PATRICK W. BUTLER, 3230
DAVID L. BUTTRAM, 6208
WHITMORE S. BUTTS III, 6434
JAMES S. BYNUM, 9068
DAN G. CALDERALA, 7745
EDWARD J. CAMPBELL, 2080
ERIC M. CAMPBELL, 7938
STEVEN O. CARDER, 6119
JOSEPH T. CARLSON, 4644
BRADLEY A. CARPENTER, 5838
DENNIS E. CARPENTER, 3753
JOHN B. CARROLL, 6673
THOMAS CARROLL, 7724
KEFF M. CARTER, 9062
CARL R. CHAFFIN, 6583
DAVID C. CHANG, 3698
DEAN M. CHASE, 5395
DAVID P. CHENEY, 6056
JAMES E. CHISUM, JR., 0551
CRAIG P. CHRISTOFFERSEN, 7070
WILLIAM M. CHUBB, 2723
MICHAEL J. CIARDELLO, 1822
GARD J. CLARK, 6957
KATHRYN M. CLARKE, 4686
MICHAEL J. CLARKE, 0606
PETER J. CLARKE, 4127
DAVID A. CLAWSON II, 9366
PATRICK R. CLEARY III, 5728
MICHAEL S. CLEVELAND, 2227
DONALD L. CLINE II, 0731
MARK D. COLBY, 2623
SOPHIA G. CONERLY, 4311
DON T. CONLEE, 8002
GEORGE CONNORS, 8027
KEVIN D. CONOWITCH, 8985
ELIZABETH L. COOK, 3110
MICHAEL J. CORRIGAN, 6610
MARK A. COUCH, 2890
MICHAEL J. COURY, 9127
JOHN D. COUSINS, 1915
BRUCE V. COX, 0569
JAMES T. COX, 4831
FRANCIS G. COYLE, 4986
KYLE J. COZAD, 5693
GREGORY W. CRABTREE, 1041
LAWRENCE E. CREEVY, 0189
RANDY B. CRITES, 1936
AARON L. CUDNOHUFSKY, 0445
WILLIAM J. CUNNINGHAM, 6339
DOUGLAS L. CUTHBERT, 8995
MICHAEL W. DAHLIN, 5955
LAURENCE C. DATKO, 0952
EDWIN J. DAUM, JR., 3716
MICHAEL C. DAVIDSON, 6161
JEFFREY A. DAVIS, 1386
KRIS O. DAVIS, 6211
MARCIA A. DECARIA, 8181
TODD H. DEGHETTO, 6322
SALLY DEGOZZALDI, 3247
DARREL S. DEHAVEN, 1053
DANIEL E. DENISON, 2492
AUBREY D. DENNIS, JR. 3780
MARK V. DENNIS, 4662
MARC W. DENNO, 3432
HENRY D. DERBES, II, 2028
CHRISTOPHER L. DERYCK, 2294
ROBERT B. DISHMAN, 7335
JEFFREY A. DODSON, 2894
WILLIAM J. DOORIS, 4513
JAMES E. DOVE, 1671
THOMAS M. DOWNING, 2990
GLENN C. DOYLE, 2452
SCOTT D. DUEKER, 4948
DANIEL E. DUGAN, 6738
ROBERT C. EARL, 2880
DAVID F. EASTWOOD, 8837
WILLIAM A. EBBS, 8976
BRUCE W. EICHMAN, 4270
ROBERT D. EIDSMOE, 1753
JOHN K. EINHORN, 9426
BRUCE D. EMERO, 8515
CHARLES G. EMMERT, 3326
JOHN A. EVANS, 3558
RICHARD W. EVERT, II, 4944
GEORGE T. FADOK, JR., 6309
THOMAS J. FASANELLO, JR., 9422

JOHN P. FATIGATE, 3609
KAREN W. FAUL, 5985
BRIAN A. FAZZONE, 0333
CHRISTOPHER J. FERGUSON, 1684
LESLIE C. FERGUSON, 7964
NAPOLEON S. FERRARIS, 4037
DAVID J. FETEN, 2951
ANTHONY M. FIDRYCH, 6406
DAVID T. FISHER, 0586
MICHAEL R. FISHER, 9044
DAVID S. FITZGERALD, 3820
WILLIAM A. FITZGERALD, 6136
MICHAEL J. FITZPATRICK, 4982
CHRISTOPHER H. FLOOD, 7538
THOMAS F. FLYNN, 3220
STEPHEN R. FOLEY, 0311
KEVIN A. FONTES, 5712
RICHARD J. FRAENKEL, 7986
JEFFREY D. FREDERICK, 3688
KENT A. FREDRICKSON, 7415
NICHOLAS E. FREEMAN, 0286
DAVID J. FRIE, JR. 0875
JOHN C. P. FRISTACHI, 9119
DONALD C. FRITTS, JR., 3173
STEVEN J. FUQUA, 4642
MITCHELL L. FURR, 1880
LARRY S. GAGE, 6557
ALFRED O. GAISER, 8630
ANTHONY M. GALLETTA, 6614
ALLAN G. GALSGAARD, 1031
VINTON G. GARBESI, 8280
ERIC W. GARDNER, 0421
PATRICK D. GARDNER, 3788
EDWARD W. GASSIE, JR. 8440
STEPHEN E. GEBERT, 2212
DAVID P. GEERDES, 5059
JOHN P. GEISEN, 6234
BRETT J. GENOBLE, 7631
JEFFREY L. GILBERT, 8687
MICHAEL J. GINTER, 7556
KARL E. GLAESER, 5842
CHARLES P. GOMPF, 8069
MICHAEL R. GOOD, 3686
RUSSELL GOTTFRIED, 0180
HOLLY A. GRAF, 4923
CARL R. GRAHAM, 9955
JAMES W. GRAYBEAL, 4876
THOMAS A. GRAZIANO, 9858
JEFFREY W. GREGOIRE, 1637
PAUL C. GRGAS, 7180
EDWARD G. GUNNING, JR., 3257
MARK B. GUTTENDORF, 6493
PAUL A. HAAS, 0567
RUSSELL E. HAAS, 0803
ROBERT J. HAEFNER, 3576
TODD T. HAEG, 4823
DAVID J. HAHN, 3136
ROBERT F. HAIDVOGEL, JR., 2390
MICHAEL F. HAJOSY, 5540
RICHARD J. HALE, 4889
GREGORY A. HAMMOND, 3864
DARREN W. HAMRE, 6656
LINDSAY R. HANKINS, 2526
PETER H. HANLON, 1348
MARKUS K. HANNAN, 3113
DAVID B. HANSON, 4273
HAROLD L. HARBESON, 0505
CHRISTOPHER P. HARPER, 7158
GENE F. HARR, 4127
ARTHUR C. HARRIS, 6466
WILLIAM C. HARRIS, 9298
TROY L. HART, 7161
EDWARD L. HASELL, 4377
MIKE A. HAUMER, 9110
TODD D. HAWKINSON, 4672
ROBERT R. HEADRICK, JR., 8047
JEFFREY D. HEIDA, 1558
PAUL K. HEIM II, 4943
DWIGHT O. HEINZELMAN, 5752
MARK D. HENDERSON, 8722
ROBERT L. HENDERSON, JR., 8408
ROGER H. HENZE, 2055
STEPHEN J. HEUSER, 0824
DIXON K. HICKS, 6484
MICHAEL S. HILL, 5120
RODNEY A. HILL, 6254
DANIEL K. HINSON, 0755
MARCUS A. HITCHCOCK, 7268
ROBERT H. HOFFER, JR., 1460
THOMAS R. HOIOOS, 5221
BRENDA M. HOLDENER, 1041
JEFFREY D. HOOD, 7058
ROBERT V. HOPPA, 2243
DALE E. HORAN, 5403
DONALD G. HORNBECK, 0048
ALBERT O. HOWARD III, 1685
JEFFREY R. HOWLETT, 7898
JEFFERY W. HOYLE, 5022
MARK A. HUBBARD, 6335
WALTER B. HUDSON, 2695
RANDOLPH J. HUGENROTH, 9737
JEFF A. HUGGINS, 0267
STEPHAN J. HUME, 2075
DONALD J. HURLEY, 6878
EDWARD N. INGLES, 6528
STEPHEN E. IWANOWICZ, 4644
MICHAEL E. JABALEY, JR., 1792
HENRY M. JACKSON, 1153
PHILLIP JACKSON, 2411
GEORGE W. JACOBS, 3370
EDWARD L. JAENICHEN, 2782
CRAIG E. JAKUS, 4823
ADRIAN J. JANSEN, 0913
BRENT P. JENKINS, 6129
DAVID A. JESSEN, 6031
DAVID S. JOBB, 1055
MARK C. JOHNSON, 6507
WILLIAM C. JOHNSON, 4531
CHARLES B. JOHNSTON, 4467
HAYES P. JOHNSTON, 4989
CHRISTOPHER M. JONES, 4510
DORIAN F. JONES, 3978
THEODORE J. KAEHLER, 8377
CHRISTOPHER J. KAISER, 3282
STEPHEN A. KAPPES, 0675
SCOTT D. KATZ, 0667
WILLIAM A. KEARNS III, 9693
ROY J. KELLEY, 7512
STEPHEN H. KELLEY, 8110
MICHAEL A. KELLY, 5092
STEVEN M. KELLY, 9570
KEVIN M. KENNEY, 1172
EDWARD F. KENYON, 2044
GEOFFREY A. KIBBY, 1005
DOUGLAS S. KILLEY, 1723
COLIN J. KILRAIN, 3609
PETER J. KIND, 4475
ROY I. KITCHENER, 6963
DAVID L. KLEIN, 1481
DAVID C. KNAPP, 6845
STEVEN W. KNOTT, 8262
WADE E. KNUDSON, 7537
MATTHEW J. KOHLER, 1586
JOSEPH S. KONICKI, 3718
SCOTT D. KRAMBECK, 2115
STEPHEN C. KROTOW, 2719
ANTHONY L. KRUEGER, 9857
JOHN D. LAMADE II, 4744
ROBERT J. LAMONT, 5431
THOMAS H. LANG, 3560
GLEN C. LANGFORD, 1026
JAMES M. LAURY, 1742
WILLIAM L. LAWLER, JR., 1314
DAVID A. LAWSON, 8577
JOHN E. LAWSON, 7593
RICHARD D. LEE, JR., 8379
DAVID H. LEPARD, 3282
ANDREW L. LEWIS, 6076
JOSEPH J. LIPP III, 6569
CHRISTOPHER P. LIPTAK, 0499
JOSEPH W. LISENBY, JR., 6730
HANS P. LISKE, 0153
JANE T. LOCHNER, 8354
JAMES T. LOEBLEIN, 7013
CHARLES J. LOGAN, 1250
MARY J. LOGSDON, 3062
ALLAN R. LOHR, 2743
WILLIAM J. LOHR, 4708
DARRYL J. LONG, 6177
FREDRIC W. LONGENECKER, 5478
MATTHEW E. LOUGHLIN, 9382
THEODORE J. LUCAS, 3996
THOMAS M. LUCAS, 9159
ARNIE M. LUSIS, 1341
JOHN P. LUSSIER, 4360
MARIA LYLES, 1686
KAREN M. MACDOUGALL, 8023
JOHN M. MACKIN, 4821
PAUL D. MACRI, 2809
FORBES O. MACVANE, 9099
FRANK O. MADIA, 0479
CHRISTOPHER MAGRINO, 1002
BRADLEY C. MAI, 8525
STEVEN M. MAIN, 5787
LESTER B. MAKEPEACE III, 5631
MICHAEL G. MANSFIELD, 4062
ANDRE MARAOUI, 8141
STEPHEN P. MARKLE, 1568
LARRY A. MARTIN, 8581
MARK G. MARTIN, 2984
THOMAS J. MASER, 7300
MICHAEL M. MASLA, 1457
BRUCE H. MATHERS, 3427
PETER W. MATTHEWS, 7051
KEITH W. MAY, 5470
MICHAEL M. MAYER, 0062
TIMOTHY J. MCCOY
DAVID C. MCDONNELL, 2587
THOMAS J. MCDONOUGH, JR., 8147
JAMES F. MCDOUGALL, 0327
DOUGLAS A. MCGOWEN, 4262
PAUL F. MCHALE, 9096
STEPHEN P. MCINERNEY, 0704
GORDON C. MCKINNEY, 0617
DANIEL T. MCNAMARA, 7070
ROBERT C. MENCHES, 3602
JOHN W. MENGEL, JR., 0426
KURT W. MENKE, 8319
DAVID R. MENZEN, 7914
MARK F. MEYER, 2422
VICTOR A. MEYER, JR., 9083
BRIAN J. MEYERS, 1099
DENNIS C. MIKESKA, 7927
ANNEMARIE D. MILEY, 5222
JOHN MILEY, 5939
JOSEPH P. MILLER III, 4392
GENE V. MILOWICKI, 7471
STEPHEN W. MITCHELL, 8514
STEPHEN E. MOORADIAN, 1719
JOHN W. MOORE, 0539
DAVID J. MORGAN, 9610
DALE J. MORSE, 2799
WILLIAM F. MOSK, 4532
DENNIS J. MOYNIHAN, 7798
RICHARD C. MULDOON, 4829
TIMOTHY B. MULL, 4085
EDWARD J. MULLEN, 7985
MARK B. MULLINS, 2576
JOHN E. MUNN, 7539
BRIAN P. MURPHY, 4674
MICHAEL G. MURPHY, 4050
MICHAEL S. MURPHY, 8669
CHRISTOPHER J. MURRAY, 1729
ROBIN K. MYERS, 6208
MARTIN A. NAGLE, 9820
PETER A. NARDI, 5683
THOMAS J. NEEDHAM, 4885
DAVID E. NELSON, 9189
STEVEN G. NELSON, 8602
ROBERT D. NEWELL, 2724
LAMONT L. NEWTON, 2920
WILLIAM J. NIEUSMA, JR., 5917
FREDERICK M. NILES, 3523
JOHN P. NOLAN, 0856
WILLIAM J. NOLAN, 7448
MARJORIE Z. NORDMAN, 2320
BRUCE L. NORTHRUP, 4615
THOMAS E. NOSENZO, 3315
GREGORY A. NOTTINGHAM, 5218
ROBERT P. NUGENT, 5994
GERALD L. NYBERG, 1876
JAMES P. O'BRIEN, 0457
FREDERICK W. O'CONNELL, 3508
RAYMOND C. O'DONNELL, 1486
ERIC W. OLSON, 5219
ERIC W. OLSON, 3864
JOHN S. O'NEILL, 8263
MIGUEL A. ORTIZ, 6123
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MICHAEL J. OTTINGER, 4727
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TIMOTHY B. PENCE, 6845
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PRISCA J. PERRAULT, 8512
JOHN S. PERRY, JR., 3970
ROY N. PETERSON, 3108
KENNETH D. PIERCE, 4150
TIMOTHY L. PIERCE, 9371
PATRICK A. PIERCEY, 8978
ALAN P. PIETRUSZEWSKI, 5073
ROGER D. PINKLEY, 1417
WILLIAM M. PINTO, 1345
HAROLD E. PITTMAN, 0089
ROBERT W. POOR, 6969
CURTIS D. POPE, 5604
RALPH I. PORTNOY, 6074
PAUL S. POSEY, 7160
ROGER B. POWELL, 3434
DAVID R. PRICE, 4917
JEFFREY D. PROPER, 5250
MICHAEL V. PROSPERI, 5611
SHELDON T. PROSSER, 4637
JOHN S. PURNELL, 8511
ROBERT W. RACOOSIN, 6119
RICHARD A. RAINER, JR., 9813
GARY P. RANNO, 5353
CHARLES S. RAUCH, 0785
STEVEN L. RAUCH, 3952
BRIAN D. REEVES, 2367
RONALD REIS, 0959
BRETT A. REISSENER, 9869
JAY A. RENKEN, 3378
WILLIAM H. REUTER IV, 4894
GUY B. REYNOLDS, 5099
STEPHEN C. RILEY III, 2714
JOSEPH R. RIZZO, JR., 9766
JEFFREY G. ROCHA, 5749
GLENN S. ROSEN, 7078
ALTON E. ROSS, JR., 5789
JON T. ROSS, 8879
ROBERT T. ROSS, 4027
KEVIN W. RUCE, 5552
BRADLEY S. RUSSELL, 9051
DAVID A. RUTH, 9374
JOHN J. RUTTENBERG, 0363
MICHAEL B. RYAN, 9906
NORMAN E. SAARI, 9682
ARTHUR R. SALINDONG, 2254
RAYMOND M. SAMPSON, 5341
RICHARD B. SANDERS, 9304
CHARLES E. SANFORD, 9834
JOHN M. SANFORD, 3984
ANDREI SAPSAI, JR., 5193
JEFFREY P. SASSONE, 5968
CLAYTON D. SAUNDERS, 9338
DARREN A. SAWYER, 6442
RONALD T. SCHALL, JR., 7049
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GEORGE D. SEATON, 1260
MARK T. SEDLACEK, 5580
KENNETH E. SELIGA, 2619
SIDNEY R. SETTLEMYER, 2721
PAUL J. SEVERS, 3091
KENAN J. SHAFFER, 3618
BRIAN J. SHANAHAN, 5603
CURT M. SHANAHAN, 1099
JAMES J. SHAW, 3653
FRANK E. SHEARMAN IV, 6232
FRANCIS X. SHEEHAN, JR., 8665
CRAIG B. SHELDEN, 6573
MICHAEL P. SKELLY, 5495
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GARY J. SMILOWITZ, 6751
ANDREW A. SMITH III, 6374
BRADLEY J. SMITH, 6722
GORDON A. SMITH, 0393
JEFFERY C. SMITH, 6380
MARIBETH SMITH, 3992
THOMAS W. SMITH, 1181
WILLIAM A. SNELL, JR., 5002
DAVID A. SOLMS, 3706
CHARLES E. SOMERS III, 9782
YAREMA I. SOS, 9855
JACK L. SOTHERLAND III, 0227
MARTIN B. SPELL, 0559
JAMES R. SPOHNHOLTZ, JR., 0111
DOUGLAS E. SPONTAK, 2103
SCOTT G. SPOONER, 8217
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CURT W. STEIGERS, 0006
DAVID F. STEINDL, 6722
DAVID W. STENDER, 8004
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MICHAEL G. STEPANIAK, 3591
ALLEN C. STEPHENS, 4645
GLEN J. STETTLER, 8256
STEVEN W. STEUER, 4912
PAUL C. STEWART, 2191
MARC E. STRAWN, 1320
JOSEPH V. STREER, 2595
PHILIP G. STROZZO, 6585
NEIL C. STUBITS, 4127
ROBERT F. SURGEONER, 1061
ANTHONY W. SWAIN, 0124
DAVID R. SWAIN, 1578
ROBERT C. SWALLOW, 4015
DAVID R. SWATHWOOD, 3852
JAMES D. SYRING, 0061
TIMOTHY G. SZYMANSKI, 1733
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ROBERT J. TAMAS, JR., 8374
CLEMENT TANAKA, 9809
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DONALD W. TAUBE, 6416
BARRY R. TAYLOR, 2771
DAVID M. TAYLOR, 5764
MICHAEL G. TAYLOR, 0745
TIMOTHY J. THALER, 4671
CYNTHIA M. THEBAUD, 1148
GREG A. THOMAS, 4142
MARK W. THOMAS, 5373
DAVID R. THORNTON, 3856
JAN E. TIGHE, 4941
JEFFREY P. TILBURY, 9281
RICHARD W. TILGHMAN, 0704
RALPH L. TINDAL, III, 7856
JEFFREY L. TURNER, 1333
STEVEN S. VAHSEN, 5125
JOSEPH J. VALENZUELA, 5126
ROBERT M. VANCE, 7006
JOHN A. VANCLEAVE, 9387
KARL J. VANDEUSEN, 8195
JAMES L. VANDIVER, 6375
CHRISTOPHER R. VANMETRE, 7098
JACK H. VANZANDT, 8861
THOMAS A. VARALLO, JR., 8008
DARREN T. VIERA, 7591
ROBERT J. VINCE, 2323
STEVEN N. VISSER, 1196
STEPHEN J. VISSERS, 4600
MICHAEL A. VIZCARRA, 0672
MARK C. WALLER, 1005
STEVEN W. WARREN, 8212
DOUGLAS E. WATERS, 9604
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MICHAEL J. WEAVER, 2645
SCOTT N. WELLER, 2787
RODERICK C. WESTER, 8849
JOHN B. WESTERBEKE, 4501
JEFFREY L. WHITE, 3957
JONATHAN W. WHITE, 6734
KENNETH R. WHITESELL, 4855
MARK R. WHITNEY, 2095
MARK A. WHITTLE, 5767
JOSEPH B. WIEGAND, 4016
JANET L. WILEY, 0143
DAVID B. WILKIE, 8646
GAIL M. WILKINS, 4899
CHARLES F. WILLIAMS, 7086
GORDON C. WILLIAMS, 6135
JAMES M. WILLIAMS, JR., 1146
JOHN B. WILLIAMS, III, 6608
BRAD WILLIAMSON, 3948
MARK R. WILLIAMSON, 6885
JEFFREY A. WINKELJOHN, 8633
MATHIAS W. WINTER, 8144
ALPHONSO L. WOODS, 8215
DOUGLAS E. WRIGHT, 2436
ROSEMARY A. WYNNE, 2984
CHONG M. YI, 2119
MARK S. YOUNG, 0672
VERNON E. YOUNG, 0238
JAIME YSLAS, 6300
GLENN W. ZEIDERS, III, 0665
MARY M. ZUROWSKI, 3180

EXTENSIONS OF REMARKS

THE TENTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. HOYER. Mr. Speaker, on June 4th we commemorated the tenth anniversary of the massacre of thousands of students and workers at Tiananmen Square. We also remember the thousands injured, as well as the tens of thousands arrested and sentenced to prison or labor camps on that fateful day. We honor their bravery and courage, and the ultimate sacrifice which they made in the name of democracy and human rights.

Ten years ago today, the forward march of reform in China came to a halt; crushed by the steel tread of tanks, trampled by the boots of soldiers. The human rights situation in China has continued to deteriorate during the past decade. As recently as last week, the Washington Post reported the arrest of Yang Tao, one of the student leaders of the 1989 demonstration. This was clearly an effort by the Chinese leadership to discourage further protest on the anniversary of the Tiananmen massacre. Beijing has also attempted to silence the internet, another medium through which the memory of that tragic day will certainly be refreshed.

These efforts to erase the events of 1989 from popular conscience, Mr. Speaker, also include a strategy of redirecting the rage of the Chinese people by distorting the truth about the accidental bombing of the Chinese embassy in Belgrade.

Today we send a clear message, not only to Beijing, but to the people of China. The United States has not forgotten, and will never forget, the events that transpired ten years ago in Tiananmen Square. We support those who continue their valiant struggle for democracy.

H.R. 1882, THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. EWING. Mr. Speaker, as one of the original champions of the Small Business Regulatory Flexibility Act, otherwise known as SBREFA, I wish to express my strong support for H.R. 1882, the Small Business Review Panel Technical Amendments Act, of which I am an original co-sponsor. As the bill's name would suggest, it will make several needed technical changes to the original landmark law. But more significantly, H.R. 1882 will hold the Internal Revenue Service more accountable to small businesses. This important piece of legislation will require the IRS to convene Small Business Advocacy Review Panels when proposing new regulations that will have a significant impact on small businesses. These review panels will involve actual small business owners and their comments will be used to help improve regulations prior to release. Since 1996, the panel process has been applied to the Environmental Protection Agency and the Occupational Safety and Health Administration and the results thus far have been extremely positive leading to much improved rulemaking.

I am extremely pleased the House is considering amending SBREFA to include the IRS. However, I am concerned the benefits of this legislation may go partially unrealized. A primary reason for the success of SBREFA has been the role the SBA Office of Advocacy plays in the review panel process. Economic research conducted by the Office of Advocacy has been instrumental in demonstrating errors in assumptions made by the EPA and OSHA. But the Office of Advocacy's economic research budget has been stretched to the limits, forcing the chief Counsel for Advocacy to limit the office's research activities. If we are to expand the Office of Advocacy's responsibilities under SBREFA, as this bill does, then I feel it is absolutely necessary to make sure that Advocacy's economic research budget equals these new responsibilities.

I urge my colleagues to support the passage of H.R. 1882 and applaud the efforts of Chairman Jim Talent to bring this bill to the floor and his consistent work on behalf of small businesses throughout the country.

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

SPEECH OF

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. PHELPS. Mr. Speaker, I rise today to reluctantly support H.R. 1259, the Social Security and Medicare Lock Box Act of 1999. Although this legislation does not improve Social Security or Medicare solvency, it serves as a sign of commitment to preserving Social Security and Medicare by taking them off budget.

H.R. 1259 offers largely symbolic protection of our Social Security surpluses by blocking the consideration of any Budget Resolution or legislation that dips into these funds. This legislation includes a loophole which would exempt from these points of order any legislation that contains a sentence designating the legislation as "Social Security reform" or "Medicare reform." Unfortunately, the bill provides no standards or definition of the word "reform."

Insuring the stability of the Social Security system for today's seniors and future generations of retirees is one of my top priorities. I do not believe that this measure will negatively impact that goal, and thus I will support it. However, to truly demonstrate our commitment to protecting the Social Security Trust Fund, we must require all surpluses—the Social Security surplus and the Medicare surplus—to be reserved until solvency has been extended by 75 years for Social Security and by 30 years for Medicare. The legislation that would accomplish this is the Democratic alternative, which would close the current loopholes in H.R. 1259, and provide true meaningful protection for the Trust Fund.

In an era of unprecedented growth and prosperity, we have a responsibility to implement policy that ensures economic growth for all sectors of our society. This requires investing in the future—creating a better America for our children, a future in which working families can afford to send their children to college, and in which all Americans can count on the continued integrity of Social Security. While I support this bill as a first step towards protecting Social Security and Medicare, I truly hope that our actions today do not become an excuse for complacency in the future, but rather a catalyst for continued progress on the critical issues of Social Security and Medicare.

THE STUDENT WINNERS OF THE 1999 EXPLORAVISION AWARDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. BROWN of California. Mr. Speaker, for the recognition of their achievement, my colleague, Mrs. Morella, and I are inserting into the Record the names of the student winners of the 1999 ExploraVision Awards.

Irving B. Weber Elementary School, Iowa City, IA; Grades K–3; Project: Strep Throat Home Tester; Students: Derek Ibarra, Bentley Wingert, Spencer Nash, Nathan Davidson; Teacher Advisor: Tracy Elmer; Community Advisor: Hector Ibarra.

Leeds Elementary School, Arlington, WI; Grades 4–6; Project: AllerScan; Students: Kallie Harrier, Teague Harvey, Anna Hagen, Amanda Treinen; Teacher Advisor: Jennifer McGinley; Community Advisor: Roger Clausen.

Point Grey Mini School, Vancouver, BC; Grades 7–9; Project: Woven Engineered Bone System; Students: Patricia Lau, Olivia Maginley, Robyn Massel, Katie Mogan; Teacher Advisor: John O'Connor; Community Advisor: Lynne Massel.

South Salem High School, Salem OR; Grades 10–12; Defeating A.D.D. through Biosensing Technology; Students: Jonina Allan,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rebecca Kozitza, Chrystal Hohnstein, Sam Sparks; Teacher Advisor: Michael Lampert; Community Advisor: Teresa Campbell.

IN RECOGNITION OF MICHIO KUSHI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Michio Kushi, the 20th century developer of macrobiotics. This diet is the catalyst for many of the mainstream dietary and lifestyle changes currently taking place.

The Standard Macrobiotic diet has been practiced widely throughout history by all major civilizations and cultures. The Diet centers on whole cereal grains and their products and other plant quality. Twenty-five to thirty percent of daily food consists of vegetables and the remaining intake is comprised of soups, beans and sea vegetables. Consumption of products such as meat and dairy products are typically avoided. Michio Kushi, the founder of macrobiotics, was born in Japan and graduated from Tokyo University, the Faculty of Law, Department of Political Science. Influenced by the devastation of World War II, he decided to dedicate his life to the achievement of world peace and the development of humanity.

Kushi and his wife Aveline introduced macrobiotics to North America in the 1950s by establishing the first macrobiotic restaurant in New York. In the 1960s, the Kushis moved to Boston and founded Erewhon, the nation's pioneer natural foods distributor and manufacturer. Over the last thirty years Michio Kushi has taught throughout the United States and abroad, giving lectures and seminars on diet, health, consciousness and the peaceful meeting of East and West. In 1978, the Kushis founded the Kushi Institute, an educational organization for the training of future leaders of society, including macrobiotic teachers, counselors, cooks and lifestyle advisers. In 1986, Michio Kushi founded One Peaceful World, an international information network and friendship society of macrobiotic friends, families, business, educational center, and other associations to help guide society and contribute to world health and world peace. In the 1980s, Kushi began meeting with government and social leaders at the United Nations, the World Health Organization, and the White House. The health benefits of a macrobiotic diet have attracted the attention of leading medical professionals. The American Cancer Society reports that a macrobiotic diet may lower the risk of cancer.

The Smithsonian Institution will announce the acquisition of the Michio Kushi Family Collection on Macrobiotics and Alternative and Complementary Health Care during a special day-long event at the National Museum of American History in Washington, D.C. on Wednesday, June 9. The events include a symposium featuring Michio Kushi and his wife Aveline Kushi, an exhibit of macrobiotic food and books, and an awards presentation to Mr. and Mrs. Kushi for their significant role in the development of alternative and complementary health care and to the formation of the natural and whole foods movement.

I ask my fellow colleagues to join me in applauding the dedication and hard work of the Kushis in helping to educate the world's population on the benefits of the macrobiotic diet.

PROMOTING INTERNATIONAL AVIATION SAFETY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. OBERSTAR. Mr. Speaker, safety is our highest responsibility in aviation. The American travelling public has the right to expect the highest standards of safety when flying on a U.S. carrier or on a U.S. carrier's code share partner.

Last September, the aviation community received a wake up call when SwissAir flight 111 crashed off the shores of Nova Scotia. On board this fatal flight were 53 U.S. passengers who had purchased tickets from Delta Airlines for Delta flight 1111, but who flew on SwissAir, through an arrangement called code-sharing. This accident brought home the realization that, in a world of close alliances between domestic and foreign airlines, the lines separating domestic safety regulation and international safety regulation have been blurred. It is clearly time to reassess our safety activities to make certain the American travelling public flies safely, whether on a U.S. or a foreign carrier.

As relationships between domestic and foreign carriers continue to grow through code sharing, we need to take a hard look at whether safety has kept pace. Since 1994, the number of code-sharing alliances has more than doubled—from 61 to 163. A passenger who buys a ticket from a U.S. airline for a code-sharing flight (ticketed as a flight by a U.S. airline) has a right to expect that the entire flight will be operated under similar safety standards. Yet, put simply, there is not a process within the Department of Transportation (DOT) for assuring that a foreign code-share partner operates under safety standards similar to those governing U.S. airlines.

A look at the world's aviation safety record establishes the need for prompt action. There is a wide disparity in the accident rates for different regions, with Africa and South and Central America, for example, having an overall accident rate considerably higher than the world average. This suggests strongly that some carriers are not offering a similar level of safety as U.S. carriers. Unfortunately, DOT does not have a comprehensive mechanism in place to determine whether particular foreign carriers have safety deficiencies before code-sharing arrangements are approved.

Accordingly, I am introducing legislation today with my colleagues, ranking Aviation Subcommittee member Mr. LIPINSKI and Ms. JOHNSON of Texas, that will dramatically improve DOT's organizational capability to assess whether a proposed foreign code share meets safety standards similar to those required of our U.S. carries.

The legislation would require a U.S. carrier seeking to code share with a foreign air carrier to conduct a comprehensive safety audit, including on-site inspections, of the foreign carrier's operations. Prior to receiving DOT approval of a foreign code share, the U.S. air carrier must certify to the Federal Aviation Administration (FAA) that the foreign air carrier meets the standards set forth in its FAA-approved safety audit program. In turn, the FAA would be required to conduct a comprehensive annual review of each domestic carrier's approved audit program, thus assuring that the FAA remains vigilant in its oversight of the carrier's implementation of that program. The domestic carrier would also conduct a periodic review of the foreign carrier's operations to ensure continued compliance with the safety standards. In addition, the FAA would be directed to work with the International Civil Aviation Organization to ensure that code-sharing oversight becomes a part of any foreign authority's air safety regulatory framework.

The importance of this requirement cannot be overstated. Currently, the FAA, which is responsible for safety oversight of our domestic carriers, conducts only limited review of foreign airlines participating in code-share agreements with our airlines. For foreign airlines, the FAA looks only at whether the flag country has a good institutional structure for regulating aviation safety. The FAA does not evaluate the safety of the foreign airline itself.

Delta's recent suspension of its code-share with Korean Air underscores this point. The FAA had no safety concerns with the arrangement because South Korea has a system for regulating safety that, on paper, appeared adequate. However, in this case—and possibly in far too many other cases—there appears to be little correlation between FAA's assessment of the foreign regulatory system and the actual safety performance of a carrier.

That observation is not meant to fault FAA for its efforts to assess the aviation regulatory systems of foreign governments. The FAA's assessment does provide valuable information about the structure and capabilities of a particular country's civil aviation authority; it does not provide specifics about a particular foreign code-share partner, when the changing nature of international aviation demands such an assessment.

This legislation will respond to the challenge of increasing the safety margin for the American traveling public by establishing a process for making meaningful safety judgments about foreign airlines.

I urge my colleagues to join me in co-sponsoring this legislation.

TRIBUTE TO THE MENNONITE COLLEGE OF NURSING

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. EWING. Mr. Speaker, I rise today to honor the Mennonite College of Nursing in Bloomington, Illinois on the occasion of their 80th year. Not only is this an historic marker on the College's time line, but on July 1, 1999, this fine institution will combine with Illinois State University, ensuring that its fine traditions and quality educational programs continue far into the next century.

The Mennonite College of Nursing was founded in 1919, as the Mennonite Sanitarium Training School, with the purpose of providing a Christian ministry though the operation of a hospital and a diploma school of nursing. Since its founding, the school has provided cutting edge training for its students. In the early 1980's and to meet the changes nursing education needed by changing health care delivery systems, the Board of Directors decided to transition Mennonite Hospital School of Nursing into Mennonite College of Nursing, awarding a four-year baccalaureate degree, the Bachelor of Science in Nursing degree.

The North Central Association awarded Mennonite College of Nursing institutional accreditation in 1986. Mennonite College of Nursing made nursing history as the first independent upper-division single purpose institution of nursing education in the U.S. to receive accreditation from the National League for Nursing.

In 1995, Mennonite implemented the Graduate program, with its first educational track for Family Nurse Practitioner. And in 1998, the Master of Science in Nursing degree program was awarded initial accreditation by the National League of Nursing.

The mission of the Mennonite College of Nursing is to educate beginning and advanced practitioners of nursing to go beyond academia and serve the citizens of central Illinois and the world. In keeping with the traditions of its roots, this fine institution has placed a particular focus on addressing the health care needs of both urban and rural populations, including those who are most vulnerable and under served.

In reviewing the work of the College's many graduates, it is clear they have been successful in not only teaching the technical skills of the nursing profession, but in instilling a whole philosophy of ministering to the sick. Unlike other schools, at the core of its curriculum, the Mennonite College of Nursing promotes four key values. They are: the affirmation of the dignity and worth of all persons; the recognition of the wholeness of life; the responsible use of nature; and the promotion of a life of peace.

Mr. Speaker, I am greatly honored to have this fine professional school in my district. With 83% of its graduates remaining in Central Illinois, I can affirm the fact that the quality of life in our communities has benefited greatly the Mennonite College of Nursing.

Mr. Speaker, the important work of the Mennonite College of Nursing needs to be recognized by this Congress, so that the school is forever acknowledged before the American people as it becomes the sixth academic college of Illinois State University. I am very proud to have the Mennonite College of Nursing in the 15th district of Illinois, and I ask all of my colleagues to join me in extending our heartfelt congratulations to this outstanding institution.

TRIBUTE TO RICHARD D. REYNOLDS

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Richard D. Reynolds, a life long resident of Southern Illinois, who was born on April 13, 1938. I want to take this opportunity to recognize a true gentleman who stands firmly on his commitments. Richard has had a long history working for labor in southern Illinois and is retiring as business manager/secretary treasurer of Southern and Central Illinois Laborer's District Council at the end of this month. Richard joined the union movement in 1975, when he joined Southern Illinois Laborers' Local Union 1330. Richard has dedicated many years of his life to protecting the rights of workers and laborers in Illinois. His tireless efforts have led to many improvements for a great number of Southern Illinoisans. He represents a group of people who do honest work and expect, and have received from Richard, strong and dedicated union leadership. He has contributed to nearly double the counties his union covers. The union staff has grown from 1 to 20, and he has helped the union raise thousands of dollars for charitable causes. Richard's service with the union is truly outstanding and has helped push the labor movement forward to a stronger level.

Richard's accomplishments will not soon be forgotten and I know that he will be greatly missed by many. When a man retires who has dedicated so much of his life to improving the lives of others, we all must strive to keep up the good work of that man and not forget the ideals and values which guided him. Mr. Speaker, I invite all of my colleagues to honor Richard Reynolds and to not only wish him the best in his retirement but also God's speed.

TRIBUTE TO THE EXPLORAVISION AWARDS PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. BROWN of California. Mr. Speaker, my colleague, Mrs. MORELLA, and I are proud to announce the introduction of the ExploraVision Resolution, a concurrent resolution to honor the ExploraVision Awards Program and to encourage more students to participate in this innovative national student science competition.

This program, sponsored by Toshiba and administered by the National Science Teachers Association (NSTA), is the largest K–12 student science competition in the world. Working in teams of 3 or 4 with a teacher-advisor, students use their imaginations to envision a form of technology 20 years from now, and compete by sharing their vision through written descriptions and story boards.

ExploraVision is truly an innovative program that energizes students with a desire to learn and increases their interest in the world of science. We are pleased to see the role this competition takes in developing students' science skills to meet the challenges of the future. We commend the efforts NSTA and Toshiba put into making the competition meaningful and beneficial to the students.

On June 4, more than 40 students came to our Nation's capital to receive top honors in the 1999 ExploraVision Awards. We applaud the student winners for their hard work, creativity, and ability to function together as a team to explore innovative scientific work for the future. With their enthusiasm for learning and their commitment to scientific excellence, the future of our Nation is in good hands.

Mr. Speaker, we ask our colleagues to join us in cosponsoring this resolution to support the goals of the ExploraVision Awards Program, and to commend the student winners for their outstanding accomplishment.

MASAKOWSKI ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my long time friend, Monsignor John C. Masakowski, who celebrated the 50th anniversary of his Ordination on June 4, 1999. It is my pleasure to have been invited to participate in this milestone celebration.

Monsignor Masakowski, or Father John as he is affectionately known to his parishioners, is the son of the late John and Stasia Gorney Masakowski. He was born in my hometown of Nanticoke in 1924 and educated in our local schools. Father John left the area to receive his degree in philosophy at St. Mary's College in Orchard Lake, Michigan and his degree in theology from SS. Cyril and Methodius Seminary, also in Orchard Lake. He was ordained at St. Peter's Cathedral of Scranton by the late Bishop William Hafey.

Father's first assignment was at St. Mary's parish in Swoyersville, where he served for ten years. Father John, along with the help of Judge Bernard Brominski, established the Assumpta Council of the Knights of Columbus and served as the Council's chaplain.

Father John served as secretary to Bishop Henry Klonowski at Scranton's Sacred Hearts of Jesus and Mary parish for the next several years before serving at St. Mary's Church in Wilkes-Barre. He was assigned as the administrator of St. Mary's Church in Wanamie and later as administrator of St. Joseph's Church in Hanover, where he oversaw the extensive remodeling and repairs of the church building.

In 1971, Father John became the twelfth pastor of his present church, Larksville's St. John the Baptist Church. Father John has had the church remodeled and refurbished during his tenure at St. John's and built a chapel in the parish cemetery in 1985. He reorganized the parish societies and reinstated the locally-famous parish picnic. Not long after he came to St. John's, he organized the construction of a grotto to Our Lady of the Pines. In 1983, he organized the Fourth Degree Assembly in honor of Our Lady of Czestochowa.

Mr. Speaker, the beautiful St. John's Church is a landmark in Larksville due to the labors of the church's dedicated parish leader. His church and parish have always remained his top priority. On July 10, 1990, Father John was rewarded for his dedication with his designation as Monsignor Masakowski.

I have always considered Monsignor Masakowski to be a close family friend and have appreciated the warm welcome I always receive when visiting. Father John's extraordinary sensitivity was demonstrated to me when he offered me great comfort by participating in my mother's funeral mass. I will always be grateful for the warmth and kindness of that gesture.

As St. John the Baptist Church celebrates its Centennial Celebration his year, I am pleased and proud to join with all of my friends at the parish in congratulating Monsignor Masakowski on his milestone anniversary. I send my very best wishes to this beloved and respected man.

IN RECOGNITION OF C. WILLIAM HOWLAND

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of C. William Howland, Principal of Rice Elementary & Chaffins Elementary Schools in Holden, Massachusetts.

Mr. Howland has served the parents and children of Holden from 1961 until today. He will be enjoying a well-deserved retirement upon the completion of this school year. The career of this talented and respected teacher and administrator began with graduation from North Brookfield High School in 1957. He earned a Bachelor of Science in Education from Worcester State College in June 1961. And in the Fall of 1961 until 1966 he taught Grade 5 at the Rice Elementary School. During this period he received a Master of Education Degree from Worcester State College in August 1964.

In 1966, Mr. Howland was appointed Assistant Principal of the Dawson Elementary School where he served until 1969. He returned to Rice Elementary as Principal in 1969 where he remained until 1997. In 1997, he was appointed Principal of the Rice Elementary and Chaffins Elementary Schools.

It will be my privilege to visit the Rice Elementary School on June 1, 1999, to highlight the importance of summer reading. And with great pleasure I will honor Mr. Howland for his dedication to the children past and present who have profited from his commitment to education. I wish him all the very best in his future endeavors.

CENTRAL NEW JERSEY RECOGNIZES RICKY FLETCHER

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of the accomplishments of Richard Fletcher and his contributions to his community. Ricky has been awarded the Boy Scouts of America's Eagle Scout Award—the highest award in Scouting.

Ricky is assistant senior patrol leader with Troop 1776 from Titusville. He has been a Boy Scout since 1997 and had his Eagle Scout Board of Review in February of this year.

Ricky, who is 12 years old, is one of the youngest Eagle Scouts in the United States. Fewer than 2 percent of all Boy Scouts receive the Eagle Scout Award, making Ricky's age in relation to his achievement all the more impressive.

Ricky's accomplishments and contributions to his community are many. In addition to his Eagle Scout Project, which consisted of building benches, boardwalks, and a handicapped picnic table for a local park, Ricky has earned 41 merit badges. Only 21 are required to attain the Eagle Scout award.

Ricky is an honor roll student who is involved in several clubs at school. He has received awards and honors from numerous organizations. Ricky also participates in his church youth group, volunteers his time for litter pick up, and plays ice hockey.

Ricky Fletcher has demonstrated dedication to his goals and to his community. He has worked to improve himself and his environment. I urge all of my colleagues to join me in recognizing Ricky's accomplishments.

HONORING ELAINE AND DAVID GILL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my friends, Elaine and David Gill, who are being honored this year by The Brandeis-Bardin Institute. The Brandeis-Bardin Institute opened in 1947; Elaine and David began their involvement in the mid-1950s, when they were students at UCLA. More than 40 years later, the Gills remain devoted to Brandeis-Bardin. They have done much during that time to help Brandeis-Bardin in its quest to build a strong Jewish community for the present and the future.

The Gills' ties to Brandeis-Bardin are social, professional, and familial. In 1959, the year before they were married, Elaine and David worked at the Institute as head counselors. Elaine has subsequently served as a member of the Board, chair of the Women of Brandeis-Bardin, and co-chair of the Brandeis-Bardin Associates. David is currently a member of the Board and the Executive Committee.

The Gill children have in this case emulated their parents. Elaine and David have four sons; two of them, Michael and Larry, married women they met at Brandeis-Bardin's Camp Alonim. During a 23-year span, at least one and sometimes all four of Elaine and David's sons (the others are Daniel and Lawrence) were involved as campers or camp directors at Alonim. In addition, Larry currently serves on the Board of Directors.

I don't know of any husband/wife team more active in promoting Jewish causes and Judaism than the Gills. David has for many years served on the Board and Executive Committee of the Jewish Federation and is active in United Jewish Fund. He also served as Los Angeles Chair of the United Jewish Appeal's Young Leadership Cabinet.

Elaine was chair of the Young Women's Division of the Federation, a member of the Board of Jewish Family Services, and is now a museum docent at Skirball Cultural Center. Elaine and David have together led many missions to Israel.

Both of them are active at Valley Beth Shalom, where they served as pararabbinic counselors and assisted in creating its *Havurah* program. Elaine is currently Vice President of Religion at Valley Beth Shalom.

This extraordinary partnership also includes a passion for music. Elaine and David have each been vocal accompanists for musical performances at Brandeis-Bardin.

I ask my colleagues to join me in saluting Elaine and David Gill, whose selflessness and devotion to our community is inspiring. I am proud to be their friend.

CRISIS IN KOSOVO (ITEM NO. 7): REMARKS BY LANDRUM BOLLING, HARVARD UNIVERSITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. KUCINICH. Mr. Speaker, on May 6, 1999, I joined with Rep. JOHN CONYERS, Rep. PETE STARK, and Rep. CYNTHIA MCKINNEY to host the third in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives to the bombing and options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Landrum Bolling, a member of Harvard University's Conflict Management Group and a visiting Senior Fellow at the Center for International Policy. He was part of Rev. Jesse Jackson's delegation that freed the three American soldiers who were captured and imprisoned by the Serbs. Mr. Bolling addresses an important question: "Where do we go from here?" Based upon discussions that he and other members of the Jackson delegation had in Belgrade, Mr. Bolling predicts that Slobodan Milosevic will be prepared to accept a peace settlement that is quite close to NATO's central demands. He also emphasizes the critical importance of the refugees being able to return to their homes.

PRESENTATION BY LANDRUM BOLLING OF HARVARD UNIVERSITY'S CONFLICT MANAGEMENT GROUP

Thank you, Mr. Chairman. Friends, I'm very pleased to be invited to be here with you and to share some thoughts about our present situation in Kosovo and the outcomes of it. Most of the provocative comments that have just been made by Ambassador Swartz are things that I very much agree with. We'd quarrel a bit about whether a Bosnian nation does, can or could ever exist. But I think that he is absolutely right. We've got to make up our minds whether we're going to win this war. If so, it has to be done quickly, or it will be an absolute disaster, not only for the Serb people and for the state of Yugoslavia, which will be destroyed, but we've also had a great many losses ourselves, and we will be made a kind of moral pariah country in the world. We cannot sustain this level of violence against people, many of whom are totally opposed to Milosevic, many of whom have no support whatsoever for the things the Milosevic government had done. But they're paying the price and we are not protecting any of the Kosovars who we said we were launching this campaign to protect.

Now, I think the central issue is this one, that the Ambassador has put forth very clearly: Where do we go from here? What next? I think from the general feel of things, the atmosphere that I found in Belgrade, the sort of sotto voce conversations I had with various people there and from what we read in the New York Times and the Washington Post this morning, something is happening, something is about to happen. You won't have all of this flurry of activity without something coming out of it. What it will be is yet to be seen.

Our talks in Belgrade, beyond those of just getting the soldiers released, were a worthy mission in itself, though some people criticized us very severely for trying and told us quite confidently that we'd never succeed. Well, we did succeed. They told us it was risky and our lives would be in danger, the U.S. government could do nothing to protect us. OK, we said "fine." We went there, we came back. But we had the opportunity to explore ideas among people within the leadership of this Milosevic government. We sampled public opinion from talking to a variety of people there, and I simply want to share with you a few of those impressions.

Trying to read Mr. Milosevic's mind is an arcane kind of skill that I think none of us have or are likely to acquire. But he's not a stupid man. He's a highly intelligent man, he's a highly manipulative man, and he's done terrible things and is capable of doing more terrible things. But it is perfectly clear that there is going to be a willingness on his part to move towards something very close to what NATO is demanding of him, specifically, he is prepared to agree to the return of all the refugees whom he's driven out. That's going to be a difficult, costly task to carry out. He's going to agree to the return of the relief and development agencies who also were withdrawn from Kosovo, and he'll agree to free access for them to do their job. He wants very much and will certainly agree to a resumption of negotiations on an autonomy agreement. The nature of autonomy he would agree to is of course not totally clear; he does want to make sure that Kosovo would remain within Serbia. That's one of his central demands. Whether he would settle for it simply being a republic within Yugoslavia, I don't know, but that's one of the other options. He will resist tenaciously the idea of an independent Kosovo, and quite honestly, I think we should too. I think that would be a terribly disturbing, destabilizing outcome of this conflict.

The big sticking points are these: the withdrawal of Serb troops, police forces and special groups from this terrible activities in Kosovo. He knows he will have to withdraw. He will try tenaciously to keep some presense there. He will insist that we've got to have some Serb police as part of this peacekeeping force. And he will have a certain logic to that. But how do you constrain them, control them, I don't know. That's one of the issues. He's going to be very tough in bargaining about total or substantial withdrawal. He's going to fight for some presence to be maintained there.

The other thing is, of course, the composition of the international peace keeping police service (whatever you call it, semantics do have some place) he wants some kind of fig leaf to cover him. So, that will be one of the things that will be a stumbling block. But I think in the end he will agree to a multinational, armed policing service. Probably he would like, of course, it not to carry the NATO flag and label, but he knows it will have to have a substantial NATO component within it. He will be of course very cagey in how he finalizes his commitments, and he will hope that he will be able to remain in power and be a party to the signing of whatever agreement is finally made. I think that we need to step up our negotiating efforts and indeed I think they are in fact taking place.

One of the things that bothers me is the fear that a lot of the American public, the American media, some members of the Congress in both parties, will be amused with this need to show how tough and strong we are, and how we must not weaken and we must not give in. We must be careful that we don't be made to seem like fools manipulated by this evil man. We are in danger of taking counsel of our fears instead of mounting courage of our convictions and our hopes for a better world and for a solution.

I think that a solution that we could accept is possible. It will take hard bargaining, it will take tenacious attention to details, and here's one thing I want to say finally, Mr. Chairman. I think we need to give much more attention to the issue of the process by which we accomplish these things. We have an illusion that somehow if you could get the top leaders together around the table facing each other, they can produce the document which they will then sign that will solve the problem.

That's one of the troubles with the Dayton agreement. We got the people together, we locked them up for two weeks, we browbeat them into so-called negotiating and gave them a document to sign. The document was enormously complicated and lengthy which outlined a constitution for a state and all the rest of it. We gave it to them and said: "Now you sign here and we're going out and implementing it." The Dayton agreement has flaws but it really isn't as bad as its application has turned out to be. We didn't really enforce it and we didn't carry it out in all kinds of ways.

I think we need to have a step by step process set in motion in which specialists can come forth with proposals of how these issues can be dealt with and how to involve all of the parties who must be a part of the final framing of that agreement and signing it. The idea that you can make peace by a dicta is not a viable concept of international diplomacy, it simply won't work. That is not real diplomacy nor will it produce peace and stability in the region.

The final thing is that we've got to ingrain in our policy and in our actions the return of the refugees to their homes. This is the heart of the problem also in Bosnia. It is the heart of the problem if we cannot deliver on this obligation to enable people to go back to where they came from. That above everything else is what they want. Don't let anybody tell you, Henry Kissinger or anyone else, that the refugees don't want to go home, that's nonsense. And if we can't deliver that, we are bankrupt in terms of creative diplomatic ideas, and we expose our posturing of power as a hollow, hollow thing.

A TRIBUTE TO VICTOR A. KOVNER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Victor A. Kovner, a remarkable leader and citizen who this year receives the Stanley M. Isaacs Human Relations Award from the New York Chapter of the American Jewish Committee.

A man of high principle, piercing intelligence, and extraordinary ability, Mr. Kovner has touched countless lives in the New York area through a variety of professional and civic activities, while also promoting the cause of peace and justice throughout the world.

A senior partner with the law firm of Davis Wright Tremaine, Mr. Kovner is widely respected for his legal experience and skill, qualities evident during his service as Corporation Counsel of the City of New York, and in a wide range of other important positions such as Chair of the New York State Commission on Judicial Conduct, as well as Chair of the New York City Bar Association's Committees on the Judiciary and Communications & Media Law.

But despite this stellar professional record, it is Mr. Kovner's extra-professional accomplishments in which his character and dedication are most apparent. He has been instrumental in advancing the cause of Middle-east peace as a member of the board of Americans for Peace Now and as a leader with the Israel Policy Forum.

In the United States, Mr. Kovner has been a tireless advocate for social justice and progress. He helped found the Black-Jewish Coalition, chaired the board of Planned Parenthood, and worked to advance such important goals as artistic creativity, environmental protection, and civil liberties.

In short, Victor Kovner is a man of national and international stature, whose vision and leadership have made a material difference to many individuals—and inspired even more to demonstrate a similar devotion to social and community ideals.

I am proud to join in recognizing Mr. Kovner and confident that he will remain a leading light for many years to come.

CONGRATULATIONS TO REGGIE CROSS

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Ms. CARSON. Mr. Speaker, I rise today to congratulate and bestow much deserved recognition to Reggie Cross of Arlington High School located in my hometown of Indianapolis, Indiana.

Reggie exemplifies what it means to be a student-athlete. As a student, Reggie has satisfied the National Collegiate Athletic Association's Scholastic Aptitude Requirements and will be able to go to the college of his choice and pursue his goal of a psychology degree.

As an athlete, Reggie has excelled in both basketball and track. In basketball, Reggie helped the Arlington Knights win the city championship, and earned a spot on the city All-Star team. As Captain of the Arlington Track team, Reggie set the 400 meter record for both the North Central Sectional and the City Championship. At the State Track and Field Meet, Reggie blew away the rest of the field to win the State 400 meter championship.

I can pay no greater tribute to Reggie than his track coach, Harold Grundy did when he said "Nobody works harder than Reggie." Reggie shows us that hard work and determination are the best way for young people to achieve their dreams.

Mr. Speaker, at a time when many people are looking down at young people, we can all look to the Reggies' of our communities and know that the future of America is still looking up.

HONORING MS. ESTHER KRAUS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. MORAN of Kansas. Mr. Speaker, today I would like to recognize the dedication of Mrs. Esther Kraus to the young people of Kansas. She has served with distinction for ten years as the coordinator of the We the People . . . Program for Kansas' First congressional District.

Mrs. Kraus' superior efforts on behalf of this program have far exceeded the normal duties of a district coordinator. She has tirelessly promoted the program, identifying local people who are interested in civics and government and finding ways for them to contribute to the goals of We the People . . . Mrs. Kraus has also provided materials and support to high school government teachers who are interested ion entering their classes in the competitive Citizen and the Constitution hearings. My district has been proud to be represented for the past two years on the national level in this prestigious competition. Mrs. Kraus has also been a dedicated participant in state and national coordinators' meetings related to We the People . . . She has never missed a single state or national meeting.

Esther Kraus has performed a remarkable and valuable service to Kansas' First District. She has tirelessly promoted for young citizens an understanding of the United States Constitution. Through her efforts, the youth of the First District have become aware of this document and the power which it holds. On her tenth anniversary as a district coordinator for the We the People . . . Program, I would like to recognize and commend her for her excellent job promoting education and patriotism among the youth of Kansas.

H.J. RES. 55, THE MAILBOX PRIVACY PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. PAUL. Mr. Speaker, because this is small business appreciation week I would like to remind my colleagues of the importance of enacting HJ Res 55, the Mailbox Privacy Protection Act. HJ Res 55 repeals recently enacted Post Office regulations requiring Commercial Mail Receiving Agencies (CMRAs) to collect personal information about their customers, such as their name, address, social security number, and photograph. These regulations not only force small businesses to intrude into their customer's privacy, they could impose costs as high as $1 billion on small businesses during the initial six-month compliance period. The long term costs of this rule are incalculable, but could conceivably reach several billion dollars in the first few years. Some small businesses may even be forced into bankruptcy.

Businesses like Mailboxes, etc., must turn the collected information over to the Post Office. Mr. Speaker, what business in America would not leap at the chance to force their competitors to provide them with their customer names, addresses, social security numbers, and photographs? The Post Office could even mail advertisements to those who use private mail boxes explaining how their privacy would not be invaded if they used a government box.

It is ironic that this regulation comes at a time when the Post Office is getting into an ever increasing number of enterprises not directly related to mail delivery. So, while the Postal Service uses its monopoly on first-class mail to compete with the private sector, it works to make life more difficult for its competitors in the field of mail delivery.

Mr. Speaker, Congress must do more than talk about how it appreciates small business, it must work to lift the burden of big government from America's job-creating small businesses. Passing HJ Res 55 and protecting Commercial Mail Receiving Agencies from the Post Offices' costly and anti-competitive regulations would be a great place to start.

CONGRATULATING ALEXANDER GRAHAM BELL ELEMENTARY FOR RECEIVING THE BLUE RIBBON SCHOOL DESIGNATION

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. INSLEE. Mr. Speaker, Alexander Graham Bell Elementary is an outstanding elementary school in the First Congressional District of the State of Washington. The students and staff of Alexander Graham Bell Elementary recently received the Blue Ribbon School designation awarded by the U.S. Department of Education.

The Blue Ribbon School designation is a very prestigious award. It is given to schools who are especially effective in meeting local, state and national education goals. Blue Ribbon Schools, such as Alexander Graham Bell Elementary, serve as models for other schools seeking to improve the quality of education for their students.

The staff, students and parents at Alexander Graham Bell Elementary are committed to achieving high academic standards. Over 75% of their fourth graders met the state standard on the Washington Assessment of Student Learning in reading this year. Their math scores also doubled from last year's results.

Clearly these remarkable achievements do not occur by chance. More than 100 parents volunteer at Alexander Graham Bell Elementary. These dedicated parents mentor students, serve as "lunch buddies" and assist teachers. Education at Alexander Graham Bell Elementary is a community priority, and its teachers, parents and staff should be commended for the commitment they have made to our children.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent for one vote on Thursday, May 27, 1999, missing rollcall 166 on approving the Journal. Had I been present, I would have voted "yes."

A TRIBUTE TO WILLIAM E. RAPFOGEL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for William E. Rapfogel, a remarkable leader and citizen who this year receives the Distinguished Community Service Award at the Centennial Anniversary National Dinner of the Orthodox Union.

A man of high principle, piercing intelligence, and extraordinary skill, Mr. Rapfogel has touched countless lives in the New York area through a variety of professional and civic activities.

For seven years, Mr. Rapfogel has been the Executive Director of the Metropolitan New York Coordinating Council on Jewish Poverty, one of New York City's largest not-for-profits. Through the Met Council, Mr. Rapfogel has been instrumental in expanding home care, housing, and employment opportunities, while also providing crisis intervention and other services to deserving recipients.

Mr. Rapfogel's commitment to social progress is matched by a life-long devotion to the Jewish community. He has been the Executive Director of the Institute for Public Affairs of the Orthodox Union and of the American Jewish Congress Metropolitan Region.

In addition, Mr. Rapfogel contributed his time and energy to all New Yorkers by serving as an able and effective Assistant Comptroller of New York City.

We are a stronger community thanks to William Rapfogel's vision and leadership. I am confident that Mr. Rapfogel's exceptional example will remain a source of guidance and inspiration to his colleagues and admirers for many years to come.

IN HONOR OF THE 25TH ANNIVERSARY OF THE OHIO BOYCHOIR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 25th Anniversary of the Ohio Boychoir, a community choir rich with talent, passion for music and community pride.

Established in 1974, the Ohio Boychoir is a very distinguished non-profit organization open for all boys from third grade to voice change regardless of race, creed or economic status. The major goals of the Ohio Boychoir are to develop appreciation for music and vocal quality. One of Ohio's most prized cultural assets, the Ohio Boychoir is supported by contributions and grants from individuals, corporations foundations and other organizations.

Over the past 25 years the Boychoir has been invited to give concerts at many prestigious venues. In 1982, the choir sang at National Christmas Tree Lighting at the White House and at the Bach Festival at the Kennedy Center. Based on their incredible performance in the past, the choir was invited to sing at a High Mass at Notre Dame Cathedra in Paris, France and at the Franciscan Church in Salzburg, Austria in 1984. They have also sung at the Air Force Academy Cadet Chapel in Colorado Springs.

In addition to the many tours and concerts, the Ohio Boychoir has been recognized with a very unique international award. The Ohio Boychoir was selected to be presented with the Gold Award at the Munich International Music Festival.

The Boychoir of Ohio has brought countless hours of entertainment across the world. They have filled the hearts of thousands with joy and excitement through their music.

My fellow colleagues, please join me in honoring the Ohio Boychoir on the 25th Anniversary and wish them luck on future performances.

PERSONAL EXPLANATION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. McGOVERN. Mr. Speaker, because of weather-related travel difficulties, I was unfortunately detained in Massachusetts on Monday, May 24, 1999 and missed votes as a result. Had I been here, I would have voted in the following way: I would have voted "yea" on rollcall votes 145 and 146.

CENTRAL NEW JERSEY BENEFITS FROM THE CONTRIBUTIONS OF BARRY FISHER

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of the accomplishments of Barry Fisher and his contributions to our central New Jersey community. Mr. Fisher has been active in his community for many years and continues to give his time and efforts.

Mr. Fisher was recognized by the Marlboro Jewish Community Center at a ceremony on June 5, 1999.

Barry Fisher has been active and involved in many civic organizations. He is on the board of the Federation of Greater Monmouth County and the Western Monmouth Advisory Board. He is vice president of the Freehold Hebrew Benefits Society, vice president of the New Jersey branch of the United Synagogues of Conservative Judaism, and he is on the board of trustees of the Western Monmouth Jewish Community Center. He held the position of president of the Marlboro Jewish Center and served on the board of directors of the Freehold Center Partnership.

Mr. Fisher also maintains his business, Ace Aluminum, which his family opened when they moved to Monmouth County in 1953. He and his wife Rose have raised four children, including twins.

Barry Fisher's work over the years has contributed to the growth and well being of the central New Jersey community as a whole. I urge all my colleagues to join me in recognizing Barry Fisher and his accomplishments.

IN HONOR OF DANIEL J. BADER OF MILWAUKEE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, on June 2, 1999, the American Jewish Committee, Milwaukee Chapter, will host a dinner in honor of one of Milwaukee's kindest and most generous citizens, Mr. Daniel J. Bader.

Dan is the President of the Helen Bader Foundation, a charitable foundation named for his mother, Helen Bader, a true philanthropist who passed away in 1989. After her death, Dan and his family sought to create a lasting way to fulfill her dream of making Milwaukee and the world better places for human growth and development. Since the inception of the foundation in 1992, more than $50 million in grants have been awarded with the expressed intention of advancing the well-being of people and promoting successful relationships with their families and communities.

As President, Dan spearheads the foundation's every-day interaction with projects and programs here in the United States, mainly in Wisconsin, and abroad in Israel. He also holds a seat on the seven-member Board of Directors, which evaluates grant proposals and provides strategic oversight of the foundation's grant programs, mainly in the areas of Alzheimer's disease and dementia, early childhood development in Israel, economic development, education, Jewish life and learning, and supportive programs for central city children and youth.

Dan Bader's commitment to education, the strengthening of our communities, and the improvement of life in Israel and in Wisconsin make him a bright light of opportunity to disadvantaged families in Wisconsin and in Israel. In fact, the American Jewish Committee considers his work to be a complement to its own vital human relations agenda. And that is why the AJC is honoring Dan Bader on June 2.

Dan Bader is a successful businessman and family man. His decision to maintain his family's commitment to their fellow man speaks volumes about his character. Thousands of people in Wisconsin and around the world have benefitted from his work and generosity. We in Milwaukee are proud to call him colleague, neighbor, and friend. I congratulate him on his accomplishments and I join with the American Jewish Committee of Milwaukee in thanking him.

HONORING THE BEACON HOUSE ASSOCIATION OF SAN PEDRO

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize the Beacon House Association of San Pedro, a licensed, nonprofit alcohol and drug recovery program located within my district. This month, the Association is celebrating its 25th year in operation. It is a distinguished program that has assisted over 3,000 individuals seeking help for substance abuse problems.

For 25 years, the Beacon House Association has provided residential services to newly recovering alcoholics and addicts. The facility has been so successful due to its culture that one must do "whatever it takes" to complete the rigorous program. The success rate for the individuals of the Beacon House is exceptional, with nearly 70% of those treated remaining substance free following the program.

The Beacon House Association is also very active within the San Pedro community. The individuals undergoing treatment devote nearly 20,000 hours each year to volunteer community service. They are actively involved in tutoring local students, removing graffiti from the community, and staffing local festivals and functions, among other things.

Drug and alcohol abuse is a serious problem afflicting our society, but programs like the Beacon House Association provide the appropriate rehabilitative care to those individuals with the greatest need for help, ultimately returning them to the community as fully productive citizens.

I commend the Beacon House Association of San Pedro for an outstanding twenty-five years and I wish them continued success.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House Chamber for four rollcall votes held on Wednesday, May 26. Had I been present, I would have voted "nay" on rollcall votes 158, 159, 160, and 161.

IN HONOR OF REV. JAMES M. LYNCH'S 25TH ANNIVERSARY OF ORDINATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Reverend James M. Lynch for 25 years of Ordination.

Reverend Lynch was born in Cleveland, Ohio and attended St. Edward High School. He went on to study at Borromeo College and St. Mary's Seminary. Throughout his career Reverend Lynch has worked hard to serve his community. By going on many international missions he has also helped less fortunate people throughout the world. Recently, he took a permanent oath in the Maryknoll Missionaries and is unfortunately no longer a priest of the diocese of Cleveland.

Since 1911, thousands of concerned Catholics across the United States have responded to the worldwide cry of the poor by becoming Maryknoll Missionaries. Today, world renowned Maryknollers help many people overseas build communities of faith. Some work in war zones with refugees, others minister to the sick, the elderly, orphans or people with AIDS. Through lives of dedicated service, Maryknollers translate the gospel of love into different languages and in different cultures. Reverend Lynch is currently helping people in need as a Maryknoll Missionary in Puno, Peru.

Reverend Lynch is a wonderful example of being a man for others. Through his dedication and work Reverend Lynch has changed hundreds of lives for the better. His example is truly something to be recognized and praised.

My fellow colleagues, please join me in honoring this man for twenty-five years of dedicated service.

THE SPIRIT OF STONEWALL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to commemorate the thirtieth anniversary of the modern gay rights movement. On Friday, June 27, 1969, the New York City Police Department raided and attempted to close the Stonewall Inn for the perceived crime of operating a dance bar that catered to homosexuals. Recall, that in 1969 New York it was illegal for men to dance with men, although, oddly, it was legal for women to dance with women.

In New York City and almost everywhere, police raids on gay bars were routine. Usually, the patrons scurried, fearful of the repercussions of being caught in a gay bar. On this night, brave young men and women stood up to the police. They were no longer willing to accept daily harassment and the abridgement of their civil rights.

The Police operated in their customary fashion, hurling a string of homophobic comments, as they evicted the bar patrons one by one. As patrons and onlookers gathered outside, the crowd grew. A parking meter was uprooted and used to barricade the door. Thirteen gay people were arrested that first night.

This was the beginning of a number of nights of demonstrations that drew national attention. Moreover, it demonstrated to the gay community that there was an alternative to continued oppression. It also showed the community at large that gays were no longer willing to be silent in the face of injustice. After that night the movement to protect the rights of gays, lesbians, bisexuals and the transgendered gained strength and respectability.

In the last thirty years, much has changed. Gay bars can be found in almost every town—from Anchorage, Alaska to Wheeling, West Virginia. More important, bookstores, hotlines and support groups have appeared in smaller communities to ease the isolation previously felt by many gays. The legacy of Stonewall can be seen in the lives of hundreds of thousands of men and women who are able to live their lives honestly and out of the closet. The Stonewall Revolution inspired men and women to "come out" and showed young gays and lesbians that they are not alone. Today, an openly gay person is no longer automatically disqualified from holding public office or other positions of trust. Now, numerous communities have embraced the post-Stonewall reality by passing laws specifically protecting against discrimination based on real or perceived sexual preference.

I am proud to represent thousands of gay and lesbians, in Manhattan and Queens and I am proud of my close relationships with an support of the Stonewall Veterans Association, a group of those actually present on that fateful night.

As we celebrate the anniversary of the modern gay rights movement, we recognize the expansion of freedom has not been uniform and much remains to be done. So we celebrate the important, but incomplete, steps toward equality for those previously banished to the closet. Much more remains to be done to eliminate irrational prejudice against those who are different. And we must recommit ourselves to the fight against all types of bigotry whether based on race, religion, national origin, sex or perceived sexual preference.

IN HONOR OF BETTY BAUMAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Betty Bauman, soon to be named Woman of the Year by the American Sportfishing Association (ASA). Ms. Bauman's extraordinary vision and enthusiasm has made her an exemplary contributor to the sportfishing community, and I congratulate her on this well deserved award.

Betty Bauman has become a fishing guru to thousands of women through her "Ladies, Let's Go Fishing!" weekend saltwater fishing seminars in Florida. Ms. Bauman's "no-yelling school of fishing" features a non-intimidating environment, hands-on training, a real fishing expedition, and a fish filleting and cooking class. Held in conjunction with the Florida Department of Environmental Protection, Division of Marine Fisheries, the program is in its third year and now attracts more than 600 women annually.

Betty Bauman's success in attracting women to her fishing weekends demonstrates her intense dedication to increasing the overall participation in sportfishing, a fundamental goal of the ASA. Furthermore, her life-long enthusiasm for the sport is reflected in her notoriety within the fishing community. Through her efforts she has successfully cultivated a love of sportfishing within new participants, introducing a broader cross-section of society to the complete fishing experience.

Mr. Speaker, through her unique vision and entrepreneurial spirit, Betty Bauman has contributed a great deal to the sportfishing community, making her especially deserving of this award. I wish to convey a heartfelt congratulations to Betty and her family for this honor, as well as many thanks to her for working to enrich the lives of the entire South Florida community.

IN HONOR OF MR. AND MRS. ABRAHAM ZUCKERMAN ON THE 50TH ANNIVERSARY OF THEIR ARRIVAL TO THE UNITED STATES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mr. Abraham Zuckerman and his wife, Mina, as they prepare to celebrate the 50th Anniversary of their emigration to the United States.

Fifty years ago, Mr. and Mrs. Zuckerman left behind the degradation of the Nazi regime and the loneliness and disdain of the displacement camps and headed to America to start a new life—one without bitterness and without hatred.

The Zuckerman's relocated to New Jersey and raised their family, which has now grown to three children, eight grandchildren, and one great-granddaughter. The Zuckerman's flourished in their new homeland but they have continued to bear witness to the horrors they endured during the Holocaust.

Mr. Zuckerman's commitment to bearing witness to the honest and truthful portrayal of the Holocaust has spanned a lifetime. He has made it his quest to educate people about both the atrocities and the heroism of the era. Mr. Zuckerman has been dedicated to honoring the memories of the 6 million Jews who perished in the Holocaust, including countless friends and relatives, as well as honoring the memory of the man to whom he says he owes his life—Oskar Schindler.

Well before Oskar Schindler was a household name, Mr. Zuckerman had been personally responsible for the renaming of more than 20 streets in the State of New Jersey after the German industrialist and remarkable humanitarian. In fact, Mr. Zuckerman committed his tory to prose in a truly extraordinary and captivating book, "A Voice in the Chorus: Memories of a Teenage Saved by Schindler."

In addition, Mr. Zuckerman is a founding member of the United States Holocaust Memorial Museum in Washington, DC, a member of the Executive Committee of the Holocaust Research Center at Kean College in New Jersey, and is the President of the Jewish Education Center of Elizabeth, New Jersey.

Mr. and Mrs. Zuckerman have overcome unimaginable obstacles and they have done it with love, compassion, understanding, and, most importantly, hope. For these tremendous accomplishments, I ask that you all join me in honoring Mr. and Mrs. Zuckerman on this momentous occasion.

JEWISH COMMUNITY CENTER OF MONMOUTH COUNTY HONORS RUTH HYMAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of the contributions of Ruth Hyman to the Jewish Community Center of Monmouth County. Ruth has been involved with the Jewish Community Center's Capital Campaign since its inception.

The Community Center will be holding several events to honor Ruth's work. The Capital Campaign's building will be named after her to recognize her commitment.

Ruth's efforts to help the Jewish Community Center have made her a leader to the community. She is a member of the Board of Trustees, Board of Governors, and a Benefactor on a variety of committees. Ruth is President of Hadassah. Her insight and encouragement provide an example and inspiration to many.

Ruth is a Life Member of B'nai Brith and has received awards from many organizations, including the Jewish Federation Women's Campaign. The Jewish Federation selected her as "Lay Leader of the Year".

In addition to her community work, Ruth Hyman worked for four decades on her own clothing business. The quality of her merchandise and her concern for each of her customers helped her gain a loyal base of customers, many of whom became her close friends.

Ruth Hyman has demonstrated dedication to our community. I hope that all of my colleagues will join me in recognition of her work.

IN RECOGNITION OF ALICIA DENIHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate an outstanding young woman, Miss Alicia Denihan, on her graduation from Valley Forge High School in Parma, Ohio.

Her graduation is an achievement that took tremendous strength and determination. In December 1995, while walking home from a friend's house, Alicia was struck by a drunk driver, leaving her with multiple and critical injuries. She was in critical condition for days and suffered severe head trauma and injuries which included a broken hip, cheekbone and lacerated liver. Once involved in numerous athletic activities such as ballet, karate, ice skating, gymnastics and volleyball, Alicia lay comatose for two months.

Initially her prognosis was not promising. Doctors did not expect she would ever wake up, walk, talk, read or write. However, Miss Denihan far exceeded those expectations. After months of hard work in speech and physical therapy Alicia was able to return to school by April of 1996. This miracle young person used only a walker as an aid.

As a result of Alicia's courage and the support of her family members, teachers, doctors, and therapists, Alicia will attend her high school graduation ceremony on June 8. She plans to attend Cuyahoga Community college where she will major in creative marketing.

Mr. Speaker, I ask that my fellow colleagues join me in congratulating this remarkable young woman on her accomplishments. I wish her continued success in her recovery and future endeavors.

THE NEED FOR EARLY DETECTION OF PROSTATE CANCER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. MURTHA. Mr. Speaker, there has been a lot of discussion about the benefits versus risks of the Prostate Specific Antigen (PSA) test in the early detection of prostate cancer. Some have opposed regular PSA testing for the general male population that falls outside of any high-risk category because they argue it will find many slow-growing cancers that should not be treated. They say this is because the risk of serious side effects such as impotency or decrease in urinary function that may result from treatment is greater than the risk of dying of the cancer if it is slow-growing.

I recently raised this question with a good friend of mine, Arnold Palmer, who has been an advocate of increased education and awareness of the issue of prostate cancer due to his own personal experience. I would not that he strongly believes the early detection of prostate cancer due to a PSA test saved his life.

I would like to share with you his as well as his doctor's response to the question of whether to promote regular PSA testing. Their response supports what I have argued in promoting Medicare coverage of regular PSA testing: because it detects cancer early, it saves lives. I think that has to be the bottom line.

YOUNGSTOWN, PA,
May 11, 1999.

Hon. JOHN P. MURTHA,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MURTHA: I have just heard back from my medical specialists in the prostate cancer field at the Mayo Clinic with a response to your inquiry generated by the recent article in the New York Times on the subject of PSA testing.

Dr. Robert Myers, the surgeon who performed my prostatectomy, has given me his opinion, which was relayed to me by his associate, Dr. Ian Hay, with whom I have been in frequent contact over the last two years and who has been out of the country; hence the delay in this response to you. Let me quote directly from Dr. Myers' comments:

"Any prostate cancer no matter how small it is can be lethal if left long enough. There is no way to predict which ones will be life threatening in individual patients, especially younger men. Cure is certain in those patients who have cancer truly confined to the prostate and it is removed surgically. The smaller the cancer the better in terms of successful surgery.

"The PSA test allows discovery of the smallest cancers years before they can be detected any other way. Thus, it stands to reason that if PSA is detecting more small cancers and they are removed surgically, the death rate from prostate cancer will fall. This is exactly what is being recorded in the last few years. The surgery needs to be performed by surgeons who are highly skilled in removing the prostate without affecting either urinary control or sexual function.

"The best long-term survivals (more than 10 years) from prostate cancer death are associated with surgery as a solution to treating this cancer."

Jack, I hope that this provides you with the sort of expert opinion on this very important matter that you wished. I think that it is very succinct and to the point. It encourages me to continue to publicly urge men to submit to PSA testing on a regular basis as I have been doing since my surgery more than two years ago.

I trust that your Congressional duties are permitting you time to play some golf. I send you my best personal regards and good wishes.

Sincerely,

ARNOLD PALMER.

HONORING THE COLORADO CLASS 3A STATE BASEBALL CHAMPIONS—LAMAR HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Lamar High School boys baseball team on their impressive Class 3A state-championship. The 10–2 victory over Eaton School was a superb contest between two talented and deserving teams. In championship competition, though, one team must emerge victorious, and Lamar proved themselves the best in their class—truly second to none.

The Class A state-championship is the highest achievement in high school baseball. This coveted trophy symbolizes more than just the team and its coach, as it also represents the staunch support of the players' families, fellow students, school personnel and the community. From now on, these people can point to the 1999 boys baseball team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to this town and school will see a sign proclaiming the Class 3A champions, and know something special had taken place there.

The Lamar baseball squad is a testament to the old adage that the team wins games, not individuals. The combined talents of these players coalesced into a dynamic and dominant baseball force. Each team member also deserves to be proud of her own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the youth in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursuing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Lamar players, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to this team as they move forward from their Class 3A state-championship to future endeavors.

THANKS TO "FRAU" JANE EMPEY-THEEP

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to share with my colleagues my appreciation for the dedicated service of Ms. Jane Empey-Theep. On June 8th, her family, friends and colleagues are gathering in Milwaukee to celebrate her career and wish "Frau" Empey-Theep well as she retires as Principal of the Milwaukee German Immersion School.

Milwaukee German Immersion School (MGIS) is one of several schools in the Milwaukee Public Schools system offering total language immersion programs that attract children from all over the city. Its success directly reflects the determination and ingenuity of Principal Jane Empey-Theep.

Ms. Empey-Theep began her career with Milwaukee Public Schools over 20 years ago, and when she became MGIS' Principal in 1989, she brought a wealth of experience to the job. She knew that, to truly excel, MGIS needed to involve and empower students and their parents. Under her direction, that is exactly what MGIS has done. Last year, the Milwaukee PTA chose an MGIS teacher as Teacher of the Year and an MGIS parent as Parent of the Year. The school also won recognition from Redbook Magazine and several other distinctions, including what is perhaps the highest honor: designation by U.S. Department of Education as a Blue Ribbon School.

Jane Empey-Theep has been actively and personally involved in leading MGIS toward excellence. She hasn't spent her time firmly seated behind her desk. She has been out interacting with the students and the staff, meeting with parents and educators and students. She has worked not only to execute troubleshooting, but also to identify and implement strategies for improvement, and she has empowered the educators, staff, parents and students of MGIS to do the same.

Now, after over two decades of service to Milwaukee Public Schools and 10 years as Principal, Jane Empey-Theep is hanging up her hall passes. Along with many others in our community, I commend her for the work to push the boundaries of educational excellence and admire her efforts to cultivate the talents of the students at MGIS.

As the parent of two MGIS students, I thank Jane Empey-Theep for making school a place where all kids can learn, grow and excel, and a place where they look forward to going. I am proud to join her friends and admirers in expressing appreciation for her career of dedicated service to our community, to our schools, and to our children.

A TRIBUTE TO THOMAS L. CONLAN, JR.

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. PORTMAN. Mr. Speaker, I rise to recognize the achievements of a distinguished constituent and friend, Thomas L. Conlan, Jr. Tom is retiring as co-founder, President and CEO of Student Loan Funding Resources, Inc., which is headquartered in Cincinnati, Ohio. Tom has helped to open the doors of college opportunity to hundreds of thousands of young people throughout Ohio and the nation during his nearly two decades of dedicated service in education.

In so many areas of his life, Tom's commitment has been to access and opportunity. He has played an important role in the development of the National Underground Railroad Freedom Center in Cincinnati. A newly-created Ohio foundation, named for his father, Thomas L. Conlan, made a leadership gift to support and advance the Freedom Center's educational programs for both students and educators. The grant funds will be used to help develop a curriculum for school children focusing on the Underground Railroad, as well as highlighting struggles for freedom across the globe.

In the 1970s, prior to founding SLFR, Tom was Executive Director of the Ohio Energy Advisory Committee, where he led the development of the Ohio winter heating assistance program. He also authored the Federal Home Assistance Program Plan for Ohio, In this work Tom testified before Congress and the Ohio General Assembly on energy assistance for low-income citizens.

His civic involvement over the years includes a founding membership in Ohio Concerned Citizens for the Arts; service on the City of Cincinnati's Energy Conservation Committee; the Ohio Department of Natural Resources Advisory Council to the Little Miami River; and co-chairmanship of the first Little Miami River (Cleanup involving 4,000 volunteers. In 1997, he chaired the Education Visioning Committee of the Greater Cincinnati Olympic Commission.

Tom is Vice President of the Hamilton County Alcohol and Drug Addiction Services Board. He is a former trustee of the Queen City Foundation; the Greater Cincinnati Tall Stacks Commission; and the Catholic Big Brothers Association of Cincinnati.

Tom is also devoted to his family—his wife and partner, Nan; his stepchildren, Kate and Matt; his granddaughter, Morgan Ann; his brother, John, John; five sisters, Gretta, Maureen, Mary Carol, Ginny and Chris; and his nieces and nephews. He also carries dear the memory of his parents.

Nowhere has Tom been more directly responsible for improving the lives of people in need than in this stewardship of the education loan financing company, SLFR, that he cofounded. During his tenure, SLFR has provided funds and support services to more than 600,000 students. Tom has been a national leader in fashioning education loan policy to benefit America's students and their families.

In 1993, he helped establish the Coalition for Student Loan Reform that has been a beacon for industry self-reform nationwide. He advocated the superiority of the Federal Family Education Loan Program (FFELP), a longstanding public-private partnership involving private funds, localized administration and loan guarantees from Washington.

Under Tom's leadership, SLFR developed innovative education loan credit products in Ohio that represent affordable education financing options. The Supplemental Student Loan Program of Ohio, which provides low-cost loans for students and families whose financing needs exceed the amount of assistance available through federal and state financial aid programs, and the Jump Start Loan, which rewards borrowers with a sharply reduced interest rate, are examples of these options.

Perhaps Tom's most important legacy will be the Thomas L. Conlan Education Foundation. The Foundation was established in June of 1998 from the re-organization of the original Student Loan Funding Corporation, which was co-founded by Tom and his father in 1981. The Foundation helps many Ohioans obtain an affordable, high quality education.

All of us in Cincinnati wish Tom well in his retirement. We expect his retirement years will reflect the same civic spirit that he has carried throughout his life.

HONORING THE FUTURES ACADEMY OF BENTON HARBOR AREA SCHOOLS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. UPTON. Mr. Speaker, it is a great pleasure for me to rise today to honor the Futures Academy of the Benton Harbor Area Schools in Benton Harbor, Michigan. This organization is dedicated to providing education, guidance and new opportunities for students in my hometown.

Now, more than ever, as random acts of violence in our schools terrorize our schools, we must look to our communities for creative ways to keep kids on the right path, giving them a hopeful, bright future.

For two years now, this highly successful program has given students a chance to learn many of life's essential lessons that cannot always be taught in the classroom. In weekly discussions, they meet to discuss morality, values, and responsibility.

They learn respect for each other, respect for the community, and respect for themselves. In short, the skills and lessons they will need for the future. If the future is in the hands of these young adults, I think we are all in good hands.

They are visiting Washington, D.C. this week to learn more about their government and civic responsibility.

Mr. Speaker, I urge my colleagues here in the House to take notice of this great organization. By working together, Benton Harbor has put in place a successful program that is helping children grow from students into responsible, motivated young adults. It is formula that I would encourage my colleagues to promote in their own districts and communities.

These are really terrific kids. I am so impressed to see how they have dedicated themselves and agreed to work hard toward some very very important goals. Again, Mr. Speaker, please join me in celebrating the Futures Academy of Benton Harbor.

INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. LEVIN. Mr. Speaker, today I am introducing along with my colleagues Representatives HOUGHTON, MATSUI, SAM JOHNSON, HERGER, ENGLISH, and CRANE to introduce our bill, "The International Tax Simplification for American Competitiveness Act of 1999." There has been general agreement that the current U.S. rules for taxing international income are unduly complex. This legislation addresses these problems by rationalizing and simplifying the international tax provisions of the U.S. tax laws by simplifying foreign tax credits; encouraging exports; providing incentives for performance of research and developing in the United States; enhancing U.S. competitiveness in other industrialized countries; and minimizing revenue loss.

Our current tax policies are out of synch with our trade policies and the realities of the global marketplace. In the early 1960s, U.S. companies focused their manufacturing and marketing strategies in the United States, which at the time was the largest consumer market in the world. U.S. companies generally could achieve economies of scale and rapid growth-selling exclusively into the domestic market. In the early 1960s, foreign competition in U.S. markets generally was inconsequential.

The picture today is completely different. First, U.S. companies now face strong competition at home. Since 1980, foreign direct investment in the United States has increased by a factor of six (from $216 billion to $752 billion in 1997), and imports have tripled as a share of GDP from an average of 3.2 percent in the 1960s to an average of over 9.6 percent over the 1990 97 period.

Second, foreign markets are more attractive today than they were in the past. For example, from 1986 to 1997, foreign sales of S&P 500 companies grew 10 percent a year, compared to domestic sales growth of just 3 percent annually. Foreign markets also afford increasingly attractive investment opportunities.

From the perspective of the 1960s, there was little apparent reason for U.S. companies to direct resources to penetrating foreign markets, since U.S. companies should achieve growth and profit levels that were the envy of their competitors with minimal foreign operations. By contrast, in today's economy, competitive success requires U.S. companies to execute global marketing and manufacturing strategies with the result that provisions of our tax system designed when foreign operations were viewed as presumptively tax-motivated have become increasingly outmoded.

It is because of the great changes in global trade that we involved ourselves in this issue. The current rules guiding our international tax policies were written at a time when the focus was on preventing tax avoidance, not on promoting international competitiveness. Our main goal this year is to build on the successes that we had in the 105th Congress. This will be our fourth bill in this area, and our third with our Senate counterparts, Senators HATCH and BAUCUS. It includes some new provisions, but in many ways reflects the reality that much has been done to correct some of the problems facing U.S. industries in this arena, but there is a great deal of work left to be done.

Our first order of business is to simplify the international tax regime to ensure American competitiveness both at home and abroad. The tax provisions that we are introducing today will significantly affect the national welfare and will enhance the participation of the United States in the global economy of the 21st century. I look forward to working with my House and Senate colleagues to pass this important piece of legislation into law.

THE ASSOCIATION HOUSE OF CHICAGO CELEBRATES 100 YEARS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. GUTIERREZ. Mr. Speaker, I rise to pay tribute to the Association House of Chicago as it celebrates its 100th anniversary on June 8, 1999. Association House has been serving the community I represent since before the turn of the century. It was founded by more than one hundred women and served as a settlement house and social service agency for immigrants arriving in Chicago.

Throughout its century of public service, the mission and goals of Association House of Chicago have expanded. Association House continues to provide vital services, programs and assistance to families, children, seniors and immigrants throughout our community. Each year, Association House assists nearly 20,000 individuals and families throughout the Chicago area, providing services ranging from the most basic of necessities to managing larger government contracts. The expansion of Association House's services during the past two decades led the agency to buy a second facility last year. This growth helps immigrants take naturalization classes, learn English and master trades.

In addition to the programs Association House offers in education, citizenship and job readiness training, Association House offers after-school programs and activities for children. The agency also provides foster care and adoption services, addiction recovery programs and provides emergency food and clothing. The staff of Association House is truly dedicated to their programs and the people they benefit.

Mr. Speaker, I commend the Association House of Chicago for building a strong tradition of service toward others. The work that Association House has accomplished since its first days cannot be measured. For one hundred years, Association House has been assisting, teaching and counseling people of all ages, races, cultures and ethnic backgrounds. From preparing people to enter the workforce to teaching them to speak English to caring for at-risk children, Association House has served as a shining beacon of hope in Chicago. I am honored to commend Association House on a century of unequaled service to the people of our city.

INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT OF 1999

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleagues, Messrs. LEVIN, SAM JOHNSON, HERGER, MATSUI, CRANE, and ENGLISH in introducing our bill, "International Tax Simplification for American Competitiveness Act of 1999". The world economy is globalizing at a pace unforseen only a few years ago. Our trade laws and practices have encouraged the expansion of U.S. business interests abroad, but our tax policy lags decades behind—in fact, in many cases, our international tax policy seems to promote consequences that are contrary to the national interest.

In the 1960s, the United States accounted for more than 50 percent of cross-border direct investment. By the mid-1990s, that share had dropped to about 25 percent. Similarly, of the world's 20 largest corporations (ranked by sales), 18 were U.S.-headquartered in 1960. By the mid-1990s, that number had dropped to eight. The 21,000 foreign affiliates of U.S. multinationals now compete with about 260,000 foreign affiliates of multinationals headquartered in other nations. The declining dominance of U.S.-headquartered multinationals is dramatically illustrated by the recent acquisitions of Amoco by British Petroleum, the acquisition of Chrysler by Daimler-Benz, the acquisition of Bankers Trust by Deutsche Bank, and the acquisition of Case by New Holland. These mergers have the effect of converting U.S. multinationals to foreign-headquartered companies.

Ironically, despite the decline of U.S. dominance of world markets, the U.S. economy is far more dependent on foreign direct investment than ever before. In the 1960s, foreign operations averaged just 7.5 percent of U.S. corporate net income. By contrast, over the 1990–97 period, foreign earnings represented 17.7 percent of all U.S. corporate net income.

Over the last three decades, the U.S. share of the world's export market has declined. In 1960, one of every six dollars of world exports originated from the United States. By 1996, the United States supplied only one of every nine dollars of world export sales. Despite a 30 percent loss in world export market share, the U.S. economy now depends on exports to a much greater degree. During the 1960s, only 3.2 percent of national income was attributable to exports, compared to 7.5 percent over the 1990–97 period.

Foreign subsidiaries of U.S. companies play a critical role in boosting U.S. exports—by marketing, distributing, and finishing U.S. products in foreign markets. U.S. Commerce Department data show that in 1996 U.S. mulitnational companies were involved in 65 percent of all U.S. merchandise export sales. In the 1960s, the foreign operations of U.S. companies were sometimes viewed as disconnected from the U.S. economy or, worse, as competing with domestic production and jobs. In today's highly integrated global economy, economic evidence points to a positive correlation between U.S. investment abroad and U.S. exports.

At the end of the 20th century, we confront an economy in which U.S. multinationals face far greater competition in global markets, yet rely on these markets for a much larger share of profits and sales, than was the case even a few years ago. In light of these changed circumstances, the effects of tax policy on the competitiveness of U.S. companies operating abroad is potentially of far greater consequence today than was formerly the case.

As we begin the process of re-examining in fundamental ways our income tax system, we believe it imperative to address the area of international taxation. In an Internal Revenue Code stuffed with eye-glazing complexity, there is probably no area that contains as many difficult and complicated rules as international taxation. Further, I cannot stress enough the importance of continued discussion between the Congress and Treasury of simplifying our international tax laws; and in making more substantial progress in regard to eliminating particular anomalies such as with the allocation of interest expense between domestic and foreign source income for computation of the foreign tax credit or in regard to how our antiquated tax rules deal with new integrated trade areas such as the European Union.

None of us is under any illusion that the measure which we introduced removes all complexity or breaks bold new conceptual ground. We believe, however, that the enactment of this legislation would be a significant step in the right direction. The legislation would enhance the ability of America to continue to be the preeminent economic force in the world. If our economy is to continue to create jobs for its citizens, we must ensure that the foreign provisions of the United States income tax law do not stand in the way.

There are many aspects of the current system that should be reformed and greatly improved. These reforms would significantly lower the cost of capital, the cost of administration, and therefore the cost of doing business for U.S.-based firms. This bill addresses a number of such problems, including significant anomalies and provisions whose administrative effects burden both the taxpayers and the government.

The focus of the legislation is to put some rationalization to the international tax area. In general, the bill seeks in modest but important ways to: (1) simplify this overly complex area, especially in subpart F of the Code and the foreign tax credit mechanisms; (2) encourage exports; (3) enhance U.S. competitiveness in other industrialized countries.

The bill would, among other necessary and important adjustments, make permanent the provision regarding the subpart F exception for active financial services income, modify other provisions that apply subpart F of the Code in inappropriate ways, eliminate double taxation by extending the periods to which excess foreign tax credits may be carried, restore symmetry to the treatment of domestic and foreign losses, and make needed adjustments to the so-called "10/50 company" provisions that burden the joint venture relationships that many of our companies form in their international business relations.

In summary, the law as now constituted frustrates the legitimate goals and objective of American business and erects artificial and unnecessary barriers to U.S. competitiveness. Neither the largest U.S. based multinational companies nor the Internal Revenue Service is in a position to administer and interpret the mine numbing complexity of many of the foreign provisions. Why not then move toward creating a set of international tax rules which taxpayers can understand, and the government can administer? Therefore the proposed changes we believe represent a creditable package and a "down payment" on further reform in the international tax area. We urge our colleagues to join us in cosponsoring this important legislation.

TRIBUTE TO RETIRED COLONEL ALICE GRITSAVAGE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. STEARNS. Mr. Speaker, I rise to take notice of a special citizen, Retired Colonel Alice Gritsavage. She is a one of a kind person that deserves special recognition.

Ms. Gritsavage resides in my hometown of Ocala, Florida and she has had a remarkable life. Ms. Gritsavage served our nation as a nurse in both World War II and the Korean War. In fact, her outstanding record as an executive Army nurse in World War II influenced General Douglas McArthur to request that she be named to his staff as Chief Nurse of the Far East Command at the start of the Korean conflict.

I would like to quote from the congratulatory letter Col. Gritsavage received on the date of her departure from the Korean Command on May 28, 1953 from General Mark Clark, Commander in Chief of the United States Army at that time.

General Clark wrote:

> You had been in the theatre only a short time when the Communist aggressors threatened world peace by their unprovoked invasion of South Korea. This event required a tremendous build up of medical and hospital facilities, both in Japan and Korea, to care for the wounded of the United Nations. Since that time the standards of the Army Nurse Corps in the Command have reached a level unparalleled in the Corps. Your untiring efforts, outstanding leadership and devotion to duty have set a brilliant example and have been directly responsible for the excellent services performed by our gallant Army Nurses in this, the United Nations first armed bid for world peace.

Col. Gritsavage's dedicated service to our nation led our local chapter of Korean War Veterans to name their chapter after Ms. Gritsavage. At the time of this dedication in 1995, the Ocala chapter was the only one in the nation to be named after a woman—reflecting the importance of Col. Gritsavage to our community.

I thank Colonel Gritsavage on behalf of my district and on behalf of our nation for her wonderful service in her remarkable life.

IN HONOR OF MS. FEN LEWIS AND MS. LOIS KLAMAR FOR RECEIVING PRESIDENTIAL AWARDS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Ms. Fen Lewis of Strongville High School and Lois Klamar of Jamison CompuTech Center for receiving presidential teaching awards. Ms. Lewis and Ms. Klamar will receive their awards at a White House ceremony the week of June 7, 1999.

The Presidential Teaching Awards program recognizes a special group of elementary and secondary teachers for their commitment and dedication to nurturing student interest in science and mathematics. Ms. Lewis and Ms. Klamar are indeed very devoted teachers and are well deserving of these prestigious awards.

They have set an example for all teachers across the nation to follow. We need more teachers like Ms. Lewis and Ms. Klamar to help our kids strive for excellence in the classroom. The students of these two schools should be honored and proud to have these people as their teachers and role models. Both teachers are excellent representatives of their schools because of their considerable accomplishments with their students. These teachers have been presented with one of the highest honors in their field and should be given their rightful recognition.

My fellow colleagues, please join me in honoring both of these outstanding teachers on receiving presidential awards.

SIXTH REPORT OF THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. BEREUTER. Mr. Speaker, this Member rises today to submit the Sixth Report of the Speaker's Task Force on the Hong Kong Transition. It has been almost two years since Hong Kong reverted to Chinese sovereignty on July 1, 1997. Prior to that historic event, at the request of Speaker Gingrich, this Member formed the House Task Force on Hong Kong's Transition. In addition to myself as Chairman, the bipartisan Task Force includes Representatives HOWARD BERMAN (D–CA), SHERROD BROWN (D–OH), ENI FALEOMAVAEGA (D–AS), ALCEE HASTINGS (D–FL), DON MANZULLO (R–IL), and MATT SALMON (R–AZ).

To date, the Task Force has prepared six quarterly reports assessing how the reversion has affected Hong Kong. The sixth report, which I submit today, covers the period of October through March 31, 1999, during which time this Member, as Task Force Chairman, visited Hong Kong in January 1999.

Mr. Speaker, this Member submits the following Task Force report for the RECORD.

THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION, SIXTH REPORT

This is the sixth report of the Task Force on the Hong Kong Transition. It follows the first report dated October 1, 1997, the second reported dated February 25, 1998, the third report dated May 22, 1998, the fourth report dated July 23, 1998, and the fifth report dated February 2, 1999. This report focuses on events and development relevant to United States interests in the Hong Kong Special Administrative Region (HKSAR) between October 1, 1998, and March 31, 1999, and incorporates findings drawn from the Task Force Chairman's visit to Hong Kong in January, 1999.

Hong Kong's ongoing economic recession marked the six months covered by this report as the consequences of the Asian Financial Crisis continued to be felt. Hong Kong's gross domestic product (GDP) declined by 5.1 percent in real terms in 1998, its first annual contraction on record. Unemployment and trade figures were correspondingly negative. Despite the difficulties. Hong Kong authorities operated independently in all areas of economic decision making, and there was no evidence of any attempt to intervene by Beijing. Opinion on the Hong Kong government's controversial August 1998 intervention in the currency, stock and futures markets turned increasingly positive as equities regained much of their lost value and the currency exchange rate held steady.

In the legal-political realm, Chinese officials' public expressions of unhappiness over a controversial decision by Hong Kong's Court of Final Appeal raised concern about the future independence of the Hong Kong judiciary. Discussions between Hong Kong and Beijing authorities, combined with a "clarification" issued by the court, appeared to have succeeded in settling the matter, at least temporarily, without serious damage to the "one country, two systems" concept. The practical consequences of the court decision, which could permit a large number of persons now in China to claim the right to reside in Hong Kong, had not yet been dealt with at the end of March. The Hong Kong Government's obvious displeasure with the ruling, combined with public fears of the consequences of renewed mass immigration, led to fears that the Government would seek Beijing's assistance in rolling back the decision in a manner that would undermine Hong Kong's judicial independence and the rule of law.

ECONOMIC DEVELOPMENTS

Hong Kong continued to suffer the negative effects of the Asian Financial Crisis, posting its fourth consecutive quarter of negative growth, as its first recession in thirteen years showed no sign of coming to a quick end. Preliminary estimates showed GDP dropped 5.7 percent in real terms in the fourth quarter of 1998 following a decline of 6.9 percent in the third quarter. For 1998 as a whole, Hong Kong's GDP fell by 5.1 percent, the first annual economic contraction in Hong Kong since such statistics have been calculated. Spending for private consumption continued to fall steeply, declining 9.3 percent in the fourth quarter of 1998, as consumer confidence remained affected by rising unemployment and stagnating personal income. Weak demand and dropping asset values brought about significant deflation, with consumer prices declining for four consecutive months beginning in November. In February, the consumer price index dropped by 1.7 percent. Unemployment reached 6.2 percent in the first quarter of 1999, the highest level recorded in twenty-five years. An early economic turnaround continued to appear unlikely, with most analysts predicting an upturn no earlier than the last quarter of 1999. Many view the official Hong Kong government's forecast of 0.5 percent GDP growth in 1999 as too optimistic, with some private analysts predicting a decline of as much as 3 percent.

The government's budget for the 1999–2000 fiscal year that began April 1, 1999, projects a budget deficit of HK $36.3 billion (US $4.7 billion). This comes on top of an estimated deficit of HK $32 billion (US $4.1 billion) in fiscal year 1998–1999. The government anticipates running a deficit for the next two years before returning to a balanced budget in fiscal 2001–2002, but maintains this is a prudent and modest use of Hong Kong's sizable reserves during difficult economic times. While the general consensus among analysts is that a modest deficit is justifiable in view of the current recession, some have voiced concern about the impact three consecutive years in the red would have on Hong Kong's reputation for fiscal prudence. Some also attribute the fiscal deficit in part to Hong Kong's continued reliance on an excessively narrow, property-focused revenue base.

There was some positive economic news during the reporting period. The tourism market continued to cover, with January 1999 visitor arrivals up nearly 11 percent over the previous year. The liquidity crunch in the banking sector showed signs of easing, and interest rates began to move downward, although real interest rates remain high by historical standards. Improved international investor confidence helped the stock market to recover much of the ground it had lost since the onset of the financial crisis, and the Hang Seng index stood above 11,000 at the end of March. The renewed buoyancy in the equity markets turned the government's August 1998, market intervention into an extremely profitable venture, with shares acquired by the government appreciating by 20 percent or more. The real estate market also showed signs of bottoming out. The government announced it would resume land sales in April, ending the suspension it imposed in June 1998 to reduce downward pressure on property values. Hong Kong's hard currency reserves also remained substantial.

By the end of March, however, these encouraging signs had yet to translate into improvements in Hong Kong's real economy. Concerns remained about Hong Kong's continued dependence on entrepot trade and the relative lack of growth in sectors with high value-added, such as the high-tech industry. The government sought to address the latter problem by announcing an ambitious "Cyperport" project aimed at attracting world class information technology companies, but opinions varied as to the commercial viability of the proposal. An increasing percentage of Hong Kong's visitors for tourism are coming from China (27 percent in 1998 versus 22 percent the previous year and 19 percent in 1993). Chinese visitors are believed to spend substantially less than tourists from more affluent countries such as Japan and the U.S., whose numbers have stagnated or declined over the same period. In the short term, Hong Kong's exports (both domestic and transhipments) will probably remain depressed due to the weakened economies of some of its key trading partners and its higher cost of production relative to competitors that have devalued their currencies. The problems of certain mainland companies and financial institutions, highlighted by the insolvency of the Guangdong International Trust and Investment Corporation, also have the potential to negatively affect Hong Kong. With a return to growth apparently still some time off and credit still extremely tight for small and medium sized businesses, more pay cuts and layoffs are likely in the months ahead. Although pressure has clearly eased since the August intervention, the Hong Kong dollar remains vulnerable to speculative attacks. Renewed instability in regional financial markets could seriously set back Hong Kong's prospects for recovery.

REVISITING THE AUGUST 1998 MARKET INTERVENTION

One of the key events described in the Fifth Task Force report was the Hong Kong government's massive intervention in the stock, currency and futures markets on August 14, 1998. On that Friday afternoon, Financial Secretary Donald Tsang invested the equivalent of an estimated US $15 billion of Hong Kong's reserves in the market in what proved to be a successful effort to defend against outside speculators betting against Hong Kong's ability to sustain its currency's peg to the U.S. dollar. Although controversial at the time, over the subsequent months the intervention has increasingly come to be viewed as a regrettable but necessary action, even by many who questioned it initially. During the Task Force Chairman's visit to Hong Kong in January, it was evident that even the sharpest critics of the intervention had changed their opinion and believed the government made the right decision. Direct discussions with those involved also made it abundantly clear that the Hong Kong authorities acted entirely independently in undertaking the intervention. While they informed their interlocutors in Beijing of their actions, they did not consult them beforehand or seek their agreement before proceeding.

As noted above, the equities purchased by the government have appreciated significantly in value during the recent recovery in the Hong Kong stock market. To allay fears that this sizable portfolio will be manipulated for political purposes or will come to influence government decision making, the authorities have placed the equities in the hands of an independent appointed board of senior figures. The problem of how to liquidate the holdings remains to be resolved. It appears likely that it will have to be done gradually, and a residual may be retained, with appropriate safeguards, to support the government pension plan.

POLITICAL DEVELOPMENTS

As described in previous Task Force reports, the Basic Law that effectively serves as the Hong Kong Special Autonomous Region's constitution provides for a gradual increase in the number of members of the Legislative Council (LegCo) chosen by direct election. Twenty of the 60 members of the Council that took office in July 1998 were directly elected from geographic constituencies, with the remainder coming from "functional constituencies" with limited voter pools. Under the Basic Law, the number of directly elected members will increase to 24 in the year 2000 and 30 in 2004. In 2008, the Basic Law allows for (but does not require) the remaining 30 functional constituency seats to be converted to directly elected positions. Similarly, it would also permit, but not mandate, the direct election of the Chief Executive beginning in 2008.

Heartened by their strong showing in last year's election, political parties favoring more rapid movement toward elections by universal suffrage continue to call for the immediate amendment of the Basic Law to provide for direct election of the full LegCo and the Chief Executive at the end of their present terms of office (2000 and 2002 respectively). Chief Executive C.H. Tung and the Hong Kong government oppose such proposals, arguing that public consultations on the pace and scope of democratization should wait until after the 2000 LegCo election. Advocates of a faster move to direct elections across the board have not renewed their attempt to put the LegCo on the record in favor of their position since the defeat of an earlier motion last July.

Another point of contention is the relative power of the LegCo vis-a-vis the Chief Executive and government. Reformers argue that the Basic Law unduly restricts the LegCo's clout by barring it from introducing many types of legislation and by requiring concurrent majorities of directly and functionally elected members to pass certain bills. Defenders of the current arrangement cite Hong Kong's long tradition of "executive-led" colonial governance in which legislative authority was strictly limited. Senior civil servants, in particular, take a dim view of efforts to increase the LegCo's clout, claiming that the legislature simultaneously demands greater power while fleeing the responsibility that such power entails. Within the constraints under which it currently operates, the LegCo has successfully brought its influence to bear on the government's policies and actions, for example, by carrying out an independent inquiry into the chaotic opening of the new Chep Lap Kok airport. Unhappiness over the Government's handling of several legal and judicial matters also prompted the LegCo to mount a no confidence motion against the Secretary for Justice, Elsie Leung. The Government ultimately blocked the motion, but only after an intense lobbying campaign. In combination with Hong Kong's lively and free press, the LegCo's willingness to criticize and challenge government actions clearly has served to further public debate and increase transparency. Opinion surveys suggest, however, that the ongoing recession is taking a toll on the popularity of the Chief Executive, the Civil Service and the legislature, while the increasingly adversarial relationship between the Government and the LegCo remains a subject of widespread concern.

The Government also continued to receive for criticism for moving to reduce the opportunity for Hong Kong residents to choose their own representatives at lower public administration levels. Following its earlier decision to abolish the two largely elected Municipal Councils at the end of 1999, the Government in December announced plans to increase the percentage of appointed (versus elected) positions on Hong Kong's 18 District Boards (to be renamed District Councils) beginning in the year 2000. In March, the Government proposed to transfer the Municipal Council's responsibilities for arts and cultural services to a government appointed commission and a newly created department, leading to complaints that this would be a step toward centralized control of cultural affairs and the discouragement of non-mainstream views.

RULE OF LAW AND JUDICIAL INDEPENDENCE

A fair and independent judicial system is a critical element of international confidence in Hong Kong. The Basic Law provides for judicial independence and grants Hong Kong's courts jurisdiction over all cases except those involving "acts of state," such as defense and foreign affairs. A Court of Final Appeal, consisting of five justices, was created on July 1, 1997, to replace the United Kingdom's Privy Council as Hong Kong's highest court. Since the reversion to Chinese sovereignty, Hong Kong's judiciary generally has continued to operate independently and without taint of political interference.

The response by officials in Hong Kong and Beijing to a controversial January 29, 1999, decision by the Court of Final Appeal (CFA), however, for the first time raised substantial doubts about the Hong Kong judicial system's future independence. The case concerned the "right of abode," that is, the right of children of legal Hong Kong residents to join their parents in Hong Kong. The CFA decided upon a generous interpretation of the provisions of the Basic Law concerning the right of abode, granting the right to reside in Hong Kong to all children of legal Hong Kong residents, regardless of whether the children are legitimate or illegitimate or whether they were born before or after their parents attained legal resident status. In making this ruling, the Court clearly opened the door to the legal influx of a large number of persons now residing in China, where it is assumed many Hong Kong residents have children born inside or outside of wedlock. Just how many persons could qualify to reside in Hong Kong under the terms of the CFA decision, both now and in the future, remains a subject of considerable controversy. Critics charged the Government with needless alarmism about the numbers involved, questioning both the methodology of the estimates and the Government's assumption that the new residents will make heavy demands on welfare and other public services.

Much of the initial reaction to the CFA decision, however, focused not on the practical concern of a massive influx of new residents but on the question of the Court's authority vis-a-vis that of China's National People's Congress. The CFA sparked this furor by the somewhat gratuitous inclusion of language in its decision which asserted its right to rule on actions by China's National People's Congress that affected Hong Kong if such actions breach provisions of the Basic Law. In apparent response to this portion of the decision, four Chinese legal experts who had participated in the drafting of the Basic Law, together with an official from China's State Council, labeled the CFA ruling an attack on the authority of the National People's Congress and a serious breach of the "one country, two systems" principle. The Hong Kong Government, in turn, reacted to the expressions of Chinese displeasure by dispatching the Justice Secretary to Beijing for urgent consultations. Subsequently, on February 24, the Government made an unprecedented request to the CFA for a "clarification" of the portion of the ruling which touched upon the CFA's authority to review acts of the National People's Congress (NPC) and its Standing Committee. Two days later, on February 26, the CFA complied, issuing a short statement of clarification in light of what it called "an exceptional situation." The clarification did not address the substance of the original January 29 ruling, but merely asserted that nothing in the decision questioned the authority of the NPC Standing Committee to make an interpretation of the Basic Law binding upon the Hong Kong courts. In its concluding sentence, the clarification stated "the court accepts that it cannot question the authority of the NPC or the Standing Committee to do any act which is in accordance with the provisions of the Basic Law and the procedure therein."

The Hong Kong Government's decision to request the clarification caused considerable criticism from some legal experts and from opposition party leaders, who charged that it served to undermine the autonomy of the Hong Kong's judicial system. The Chief Executive, on the other hand, defended the action as entirely in keeping with the "one country, two systems" concept, citing other legal scholars who argued the CFA's initial decision had made overreaching claims regarding the court's own authority.

In general, the consensus appeared to be that the CFA's "clarification" had succeeded in defusing the initial controversy in a way that did little or no harm to the underlying principle of rule of law in Hong Kong. With that question disposed of, however, attention increasingly turned to the practical dimension of the CFA decision. By the end of March, the Government's increasingly dire warnings about the potential consequence of large scale immigration and its refusal to draft procedures to implement the decision were drawing criticism from opponents who argued that it reflected disrespect for the authority of the courts. Opinion surveys consistently showed strong public opposition to the admission of large numbers of new residents under the ruling, but the question of whether or how to go about seeking to overturn or modify the terms of the CFA decision remained deeply controversial. The options under discussion included asking the CFA to review the substance of its original decision, requesting that the NPC amend the Basic Law, or seeking an interpretation of the existing Basic Law provisions by the NPC Standing Committee. While there are provisions for the latter two options in the Basic Law, critics charge it would be improper for the Hong Kong Government, rather than the courts, to request the Standing Committee to interpret the Basic Law, since that would amount to executive branch intervention to overturn a judicial decision. It is important to note that Chinese officials have shown no inclination to intervene unilaterally in the controversy over the practical aspects of the court decision, and have consistently expressed the hope that Hong Kong would find a way to solve the matter internally without involving Beijing.

Another emerging area of concern is that of the prosecution of individuals in China for crimes committed in Hong Kong. The subject rose to public attention with the conviction and execution in China of two persons, one a Hong Kong resident and the other a Chinese national. The Hong Kong resident was a notorious gangster who was convicted by the Chinese court of a number of crimes, committed both in Hong Kong and in China. The Chinese national was convicted of crimes committed while visiting Hong Kong. Chinese law permits the prosecution of Chinese citizens for crimes committed outside of its jurisdiction, and both individuals had traveled to China voluntarily prior to being apprehended. Hong Kong authorities are admittedly reluctant to request the return of criminal suspects from China for fear of having to reciprocate when China makes similar requests. As a matter of policy, the Hong Kong government does not return suspected criminals wanted in China, largely due to public concern about China's application of the death penalty. (There is no death penalty in Hong Kong.) In contrast, Chinese officials have unilaterally returned persons wanted for crimes committed in Hong Kong, as long as they were not subject to criminal proceedings in China. Negotiations on a formal agreement on the rendition of criminal suspects between China and Hong Kong are said to be underway, but prospects for a successful conclusion are not clear.

INDIVIDUAL LIBERTIES

Elsewhere in the legal and judicial area, the people of Hong Kong continued to enjoy broad freedom of speech. Hong Kong's media airs a wide range of views and opinions, including those critical of the Hong Kong and Chinese governments, without overt interference from the authorities in Hong Kong or Beijing. Concerns regarding self-censorship appear to have eased somewhat since Hong Kong's July 1997 reversion. In its 1998 annual report, the Hong Kong Journalists Association concluded that "self-censorship may even have abated a little from its evident proliferation in the period leading up to the hand-over." The Government has yet to introduce proposed laws on treason, secession, sedition, and subversion, all of which are required under the Basic Law. In a legal case with implications for individual liberties, on March 23 Hong Kong's Court of Appeal threw out convictions under laws forbidding the burning or defacing of the Chinese and HKSAR flags, ruling that the laws unconstitutionally breached the Basic Law's protections of freedom of expression. The Hong Kong Government announced plans to appeal the case to the Court of Final Appeal. Also in March, a number of well known exiled Chinese dissidents applied for Hong Kong visas to attend an NGO organized conference in May on the future of democracy in China. Although several of the dissidents had visited Hong Kong prior to the reversion, it was unclear if the Government would approve the applications. (The Immigration Department subsequently announced the denial of the visas on April 21.)

TRADE AND EXPORT CONTROL ISSUES

Final 1998 trade statistics showed across the board drops in Hong Kong's imports (−11.5 percent), domestic exports (−10.9 percent), and re-exports (−6.9 percent). While much of this is a result of the Asian Financial Crisis, domestic exports are subject to a longer-term downward trend, having now fallen for three straight years and for five years out of the last six. The broader regional crisis has thus served to underscore Hong Kong's continuing dependence on entrepot trade between China and other nations, particularly the U.S. This makes Hong Kong highly vulnerable to disruptions in the U.S.-China trading relationship, and helps explain the nervousness with which Hong Kong officials view political or economic tensions between Beijing and Washington.

The continued widespread availability of pirated movie, audio, and software compact discs and trademark goods remains the most serious bilateral trade issue between the United States and Hong Kong. In January, the Department of Trade and Industry informed the Task Force Chairman that the number of customs officers monitoring Intellectual Property Rights (IPR) enforcement had doubled since June 1997. A significant increase in raids, seizures and prosecutions at all levels, combined with the passage of new, more effective Prevention of Copyright Piracy ordinance, led the U.S. Trade Representative to remove Hong Kong from the Special 301 Watch List after an out-of-cycle review in February 1999. Despite this positive step, much more remains to be done to crack down on the trade in pirated products. Hong Kong's domestic recording and film industries have also begun to demand stricter enforcment, reflecting their growing awareness of the impact of priacy on their own profitability. This domestic support for tougher enforcement is likely to provide impetus for further improvements.

To combat money laundering, U.S. Government agencies continue to urge the Hong Kong Government to adopt mandatory financial transaction and foreign exchange reporting requirements and to explore options for discovering the illicit use of non-bank remittance centers. In early 1999, the Hong Kong Government began the legislative process to bring these centers under regulatory oversight, complete with mandatory reporting requirements. U.S. Government agencies also are urging that Hong Kong establish a mandatory minimum value currency entry and exit reporting requirement and penalties for illicit cross-border currency movements and bank deposits.

At the time of this report, there appeared to be no significant problems between Hong Kong and the United States Government in the area of export controls. Hong Kong continues to vigorously enforce what is widely viewed as a highly regarded trade control regime. The U.S. Government reports no evidence of Chinese interference in Hong Kong's export control decisions. Chinese officials have explicitly recognized that export control matters fall within the trade, rather than the foreign policy, ambit, thereby placing export controls within the Hong Kong Government's exclusive purview. Hong Kong's trade control regime is uniquely strict in a number of its features, including the requirement for import licenses as well as the more common export licenses. This enables Hong Kong authorities to track controlled commodities entering, as well as leaving the HKSAR. Hong Kong also refuses to issue re-export licenses for products unless it is sure that the original exporting country, including, of course, the United States, would export the product to the relevant end-user. In one 1998 case, U.S. Commerce Department agents notified Hong Kong Customs of the re-export of a high performance U.S. computer from Hong Kong to the Changsha Institute in China. Hong Kong Customs undertook an investigation, uncovering a total of eleven shipments by the same Hong Kong company that appeared to violate Hong Kong, if not U.S., export control laws. In February, 1999, Hong Kong officials advised a U.S. interagency export control delegation that it intended to prosecute the case on four counts of violating export control laws.

United States Department of Commerce officials continue to conduct regular pre-license and post-shipment inspections as part of the dual-use licensing process. In addition, U.S. Department of State and U.S. Customs officials carry out pre-license and post-shipment checks of munitions items under the "Blue Lantern" program. In all such cases, Hong Kong officials are neither informed of such checks nor are they involved in making them. Hong Kong's Customs and Excise Department conducts routine checks at entry and exit points and searches of vehicles and vessels to ensure that all strategic trade shipments have the required government approval. One concern that has been raised regarding Hong Kong's export control regime has been the lack of customs inspection of Chinese People's Liberation Army (PLA) vehicles when they cross the border between Hong Kong and China. While this poses a potential vulnerability, U.S. Government agencies have no indication that the PLA is using this process to divert U.S. technology to China. The Task Force Chairman raised this as an area of concern with Hong Kong officials during his visit in January, 1999, and U.S. Government officials have raised it as well.

MACAU

Preparations continue for the reversion of Macau to Chinese sovereignty on December 20, 1999, after 442 years as a colony of Portugal. Like the much larger Hong Kong, Macau with its 414,000 residents, will become a Special Administrative Region under the "one country, two systems" formula for the next 50 years. As we noted in our previous quarterly report, the pace of preparation for the transition has been uneven and a number of key elements have yet to be resolved. One factor impeding progress appears to be Portugal's unhappiness with China's unilateral announcement in September 1998 that it planned to station PLA troops in Macau following the reversion. The Portuguese maintain that there is no room for such a garrison in cramped Macau, and that in previous negotiations on the joint declaration concerning Macau the Chinese had agreed no PLA presence was necessary.

On March 19, Portuguese President Jorge Sampaio met in Macau with Chinese Vice Premier Qian Qichen, but indicated that the troop question would be addressed in bilateral talks later in the year. Sampaio indicated it was possible negotiations could be prolonged up until the moment of the handover, and warned he might not attend the ceremony itself if a satisfactory agreement was not reached. Among other important matters still to be settled are the structure of Macau's court of final appeal; the eligibility of certain ethnically Chinese Macau residents to retain Portuguese nationality; legislation implementing Macau's accession to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights; and whether Portuguese will enjoy equal status with Chinese as Macau's official languages. In March, the initial steps were taken toward the nomination of the 200 person selection committee empowered to select Macau's first post-reversion Chief Executive before the end of May. (Subsequent to the date of this report, the selection committee was named during the April meeting of the Preparatory Committee of the Macau Special Administrative Region. On May 15, Edmund Ho, a 44 year-old banker and son of a well-known Macau community leader was selected to be the Chief Executive. He will take office on the date of Macau's reversion to Chinese sovereignty on December 20, 1999.)

While U.S. trade volume with Macau is relatively small, 40 percent of Macau's exports go to the United States. Eighty percent of Macau's total exports consist of textiles, and the U.S. Government has long been concerned about the potential that textiles produced elsewhere are being transhipped through Macau. U.S. Customs officials have visited Macau on a number of occasions to verify local production capacity, and continue to work with the Government of Macus to prevent such transhipment. Intellectual Property Right (IPR) piracy is another key concern, and Macau has been on USTR's Priority Watch List for IPR since April 1998. In response to U.S. suggestions that it intensify and raise the profile of its IPR enforcement actions, the Government of Macau conducted a public destruction of seized pirated goods in March 1999. Other inadequacies in Macau's laws related to trade include a lack of effective legislation and enforcement mechanisms in the areas of money laundering and export controls. These are particularly troubling in view of widespread reports that North Korean operatives currently use Macau as a transit point for shipments of counterfeit U.S. currency.

Finally, problems remain with the overall climate of law and order. Gangland killings and drive-by shootings continue to negatively affect Macau's image and its tourism industry. Responsibility for the high levels of criminal activity have at times been a point of contention between China and Portugal. A failure to bring about improvements in this area could tempt more overt action by Beijing following Macau's reversion, with potentially harmful consequences to the autonomy of the Government of Macau.

CONCLUSION—STILL SO FAR, SO GOOD, WITH SOME NEW CONCERNS

In the months prior to Hong Kong's reversion to Chinese sovereignty in July 1997 many voiced concern that Beijing would rapidly move to undermine the relatively open political system and the free market economy of Hong Kong. There was great suspicion that the Chinese-appointed Provisional Legislature would undermine all of the democratic principles that Hong Kong had embraced. It was argued that, among other things, press freedom and freedom of assembly would be radically curtailed, and that the People's Liberation Army garrison would rapidly interject itself into Hong Kong affairs. Critics also warned that mainland financial interests would rapidly move to manipulate and control the then vibrant Hong Kong economy.

More than twenty months after the reversion, these fears have proven to be unfounded, up to this point. Hong Kong residents have retained the basic freedoms that they enjoyed under British rule. Although buffeted by the Asian Financial Crisis, the business community and the Government, appear united in their desire to keep Hong Kong's market as free as possible. The PLA troops have kept to their barracks, and Beijing has repeatedly displayed a disinclination to involve itself in Hong Kong's internal affairs. Although sharp differences have arisen within Hong Kong, particularly between the Government and opposition legislators to date informed observers see no evidence of any intent by China to violate the tenets of the Basic Law and the "one country, two systems" concept.

This is not to say that there is no cause for further concern. As we have noted in this report, the current crisis over the Court of Final Appeal.s's decision on the right of abode has the potential to undermine confidence in Hong Kong's future judicial autonomy and the rule of law. Cautious consideration of the long range implications of any action aimed at addressing the practical implications of the ruling is clearly appropriate. It would appear that improved communication between the Government and the Legislative Council could make a significant contribution to the achievement of a solution, as well as facilitating public consensus on Hong Kong's future political development. Trade related issues, including IPR piracy and money laundering, also deserve continued attention. Hong Kong's excellent export control system is intact, but attention to the potential loophole afforded by cross-border PLA vehicle movements is also needed. Congress should continue its practice of monitoring developments in these and other areas.

THE EXPORT ENHANCEMENT ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. MANZULLO. Mr. Speaker, I was pleased to introduce on May 27th, along with Representatives BOB MENENDEZ, BEN GILMAN, SAM GEJDENSON, and 44 other Republican and Democrat Members of Congress the Export Enhancement Act of 1999.

We are all concerned about the recent anemic export performance of the United States and the ballooning U.S. trade deficit. While this legislation is not a cure-all for this problem, it provides one tool in the effort to promote U.S. exports abroad.

This legislation would reauthorize most commercial export promotion programs of the U.S. government, including the Overseas Private Investment Corporation (OPIC), the Trade and Development Agency (TDA), and the export promotion functions of the International Trade Administration (ITA) at the Department of Commerce.

First, the legislation re-authorizes OPIC for four years and does not raise OPIC's liability ceiling. For 27 years, OPIC has been the U.S. government agency providing political risk insurance and financing for projects that help America compete abroad and promote stability and development in strategic countries and economies around the world.

OPIC's political risk insurance covers three main areas where the government has a proper role to influence—expropriation (loss of an investment due to nationalization or confiscation by a foreign government), currency inconvertibility (inability to remit profits from local currency to U.S. dollars); and political violence (loss of assets or income due to war, revolution or politically-motivated civil strife, terrorism or sabotage).

Since 1971, OPIC supported projects have generated $58 billion in U.S. exports and created more than 237,000 American jobs. Over the last five years, OPIC supported projects will buy about $1 billion worth of goods and services from Illinois suppliers, half of which are small firms, which will create over 3,100 jobs. Companies in the 16th District of Illinois like Coilcraft Inc. of Cary; Oak Industries of Crystal Lake; ESI Limited, the Nylint Corporation, the Barber-Coleman Company, and the Clinton Electronics Corporation of Rockford have all used and benefited from OPIC services in the past. And, unlike most government programs, OPIC operates totally on a user-fee self-sustaining basis at no cost to the taxpayer. OPIC is estimated to bring in $204 million in revenue to the U.S. Treasury next year.

In response to Congressional input, OPIC has undertaken a series of initiatives since its last reauthorization. These include new initiatives in Africa, Central America, the Caribbean, and the Caspian Basin. In addition, OPIC has stepped up efforts to help more small businesses enter the global economy.

As Chairman of the Small Business Exports Subcommittee, I held a hearing last month examining the new small business outreach efforts by OPIC. OPIC is particularly important for small business exporters because unlike large companies, small business exporters cannot pack up their bags and relocate operations overseas to take advantage of foreign equivalents to OPIC. There are 36 nations that have export credit insurance programs like OPIC. Just like OPIC, most of these nations have local content requirements. If forced to, larger U.S. multinational corporations can pick and choose from one of these other foreign export credit insurance programs. But the work and the jobs, then, are transferred overseas. Small business exporters do not have this luxury. OPIC is needed to maintain the competitive edge of these small business exporters in the United States.

Mr. Speaker, let me give you one concrete example from the hearing last month. Jane Dauffenbach, President of Aquarius Systems, located in North Prairie, Wisconsin, testified how foreign governments constantly try to undermine her small company's export prospects, even to the point of competing against free donations of similar equipment. Aquarius Systems manufactures aquatic weed harvesters. In Asia, Aquarius Systems lost a large equipment sale when the Canadian government gave a "free" aquatic weed harvester to the monarch of the country. In Kenya, Ms. Dauffenbach also testified about how the Japanese and the Israeli governments almost snatched another huge export sale from her company to clear water hyacinths clogging Lake Victoria. It was only because she had a World Bank contract, backed by OPIC political risk insurance, that she was able to win and complete the sale. She said, "(s)imply put, Aquarius Systems is not competing with foreign companies. We are competing with foreign governments . . . It is imperative that the financing and insurance programs from OPIC exist so that we have the necessary tools available to accomplish our goals."

Second, the legislation reaffirms the importance of Trade Development Agency (TDA). This small 43 person agency, which develops feasibility studies designing in American specifications so that U.S. exporters can win major infrastructure projects in developing countries and emerging economies later down the road, has generated $12.3 billion in exports since its inception in 1981. Every $1 in spending for TDA projects has led to the export of $32 in U.S. goods and services overseas. The Export Enhancement Act requires, to the maximum extent possible, the imposition of "success fees" on companies who win export deals thanks to the groundwork laid by a feasibility study conducted by the TDA.

Third, the bill examines the three export promotion arms of International Trade Administration (ITA) at the Commerce Department—the U.S. & Foreign Commercial Service, which as 100 U.S. export assistance centers located throughout the United States and 141 posts located in 76 countries around the world; Trade Development, which monitors trade developments in key industries and supports the United States Trade Representative in key industrial sector trade negotiations; and Market Access and Compliance, which ensures that U.S. companies obtain full market compliance with existing trade agreements with various countries of the world. The Export Enhancement Act makes a few changes to these programs to make sure that the ITA keeps its focus on helping more small businesses export, particularly to underrepresented regions of the world, like Africa, in the most efficient way possible.

Finally, the Export Enhancement Act proposes to make a few changes to the Trade Promotion Coordinating Committee (TPCC) to insure that the 19 federal agencies that are involved in trade promotion operate more in tandem together.

In conclusion, Mr. Speaker, I encourage my colleagues to support the Export Enhancement Act of 1999.

NATIONAL WEATHER SERVICE

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. WATTS of Oklahoma. Mr. Speaker, I stand before you today to honor the work of the National Weather Service of the National Oceanic and Atmospheric Administration (NOAA). The National Weather Service is essential to the safety of the American people by providing weather, water and climate forecasts and warnings for protection of life and property. We saw that service first-hand in Oklahoma just a short two weeks ago.

Without the warnings by the National Weather Service, the number of personal injury and deaths would undoubtedly have been higher. Warnings by the National Weather Service prompted the closure of roads and highways that lead into the path of the slow-moving tornado, saving an untold number of lives. I have heard countless stories of people who, at the prompting of the National Weather Service warnings, took shelter in the center of their homes or fled their homes for the safety of a storm shelter and survived, while their homes were destroyed. I and numerous other Oklahomans are indebted to the service of the National Weather Service.

Yet the ability the Service demonstrated was not an accident; they have been preparing for times such as this for many years, through planning, training, and research and development. New technologies pioneered by NOAA research allowed warnings to be issued up to 30 minutes before the tornadoes struck in Oklahoma. Contrast this with the 6 minute average lead time before the technology was available. Partnerships forged between the National Weather Service, media, law enforcement officials, and emergency managers, and their seamless response to this disaster was critical to the successful warning process that saved countless lives in Oklahoma.

I applaud the work of the National Weather Service, Mr. Speaker, and support the continued generous funding of the Service through this appropriations process.

A TRIBUTE TO THE BLACK CUBAN FOUNDATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to take this opportunity to commend the Black Cuban Foundation for its decade of service to the Afro-Cuban community in exile. Over the past ten years, it has pursued a goal of improving relations between Afro-Cubans and our varied communities.

The Black Cuban Foundation was founded on July 30th, 1989 and promptly began to promote its important and unique role in Cuban and American culture through educational workshops, cultural events, and works of charity. Their success has been recognized by various groups, including the United Negro College Fund, Florida Memorial College, the Cuban Municipalities in Exile, the Human Rights Commission, and the City of Miami.

Currently the Black Cuban Foundation is working harder than ever to highlight Afro-Cuban contributions within our community, including fostering a sense of belonging as new American citizens. This group has also allied itself with the Universal Declaration of Human Rights of the United Nations.

In recognition of its lofty goals, I would like to applaud the fervent work of Lucia Rojas, president; Oscar Martinez, vice president; and Laddies Moraleza, treasurer and secretary. The work of Felipe Gonzalez, Juan A. Woods, and Regla Fernandez should receive equal praise in the Black Cuban Foundation.

HONORING RETIRING FENTON HIGH SCHOOL PRINCIPAL DR. KEN WENSEL

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Ms. STABENOW. Mr. Speaker, this week Principal Ken Wensel will retire after a 30-year career at Fenton High School. During those years, Dr. Wensel touched the lives of countless young people—encouraging, advising, inspiring and serving as a role model.

I would like to thank Dr. Wensel personally for his commitment to young people and education. Today I join Fenton Area Public Schools in declaring June 12, 1999 Ken Wensel Day. In addition, I would like to read the following resolution into the CONGRESSIONAL RECORD on behalf of the Fenton Area Public Schools:

> Whereas Dr. Wensel served the Fenton Area Public Schools with distinction and honor for 30 years and;
>
> Whereas Ken Wensel has served in the positions of community education director, athletic director, assistant principal and, for 12 years as principal of Fenton High School and;
>
> Whereas Ken Wensel has been an unwavering advocate for young men and women throughout this tenure as an administrator and;

Whereas Ken Wensel has taken Fenton High School to great heights in academic and extra curricular achievement unparalleled in the Metro League and;

Whereas Ken Wensel has been a constant supporter of high school journalism and was named the Michigan Interscholastic Press Association Administrator of the Year for 1999 and;

Whereas Ken Wensel is recognized for his high level of commitment and drive to make Fenton High School the best it could be and;

Whereas Fenton High School's accomplishments are in large measure a result of Ken Wensel's talent and commitment and are a source of pride to the community of Fenton.

Therefore, the Congress of this United States of America declares June 12, 1999, as Dr. Kenneth Wensel Day in the community, state and nation.

A TRIBUTE TO NORMAN H. LOUDENSLAGER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to pay tribute to Mr. Norman H. Loudenslager, who recently retired as Treasurer of the Democratic County Executive Committee of Philadelphia, a position in which he served for 14 years. Throughout his life, Norman has demonstrated a steadfast and resolute commitment to working people through his leadership in organized labor and the Democratic Party. He has been an active member of the Democratic Party for over 40 years, serving as Committeeman in Philadelphia's 25th Ward and for ten years as Leader of the 25th Ward.

Norman's dedication to the needs of working men and women, however, has never been limited to his activities in the Democratic Party. For over 50 years, Norman has been an active member of the Philadelphia Chapter of the International Association of Machinist & Aerospace Workers, serving as President, Vice President, Secretary Treasurer, and the Directing Business Representative for the Philadelphia Area, Southern New Jersey and Delaware Machinist Lodges. He has also served as a Delegate to the Philadelphia AFL–CIO for more than 30 years, and as a Delegate to the Pennsylvania Department of Labor and Industry. As we all know, the Democratic Party and organized labor have a special relationship in American politics—Norman is one of the persons responsible for that bond. As a union member myself, I would like to extend my sincere gratitude to him for standing up for working people for all these years.

Perhaps most importantly, Norman's commitment to his community has always been hands-on. As with all great leaders, he has led by example, being recognized as the Police Athletic League's Man of the Year in 1980 and earning the City of Hope's Spirit of Life Award. His dedication to Philadelphia is grounded in the understanding that just one man can make a difference.

Mr. Speaker, it is because of persons like Norman Loudenslager that Americans have fair labor standards. It is because of persons like Norman Loudenslager that the Democratic Party remains committed to the working people of this country. It is because of persons like Norman Loudenslager that a new generation of Americans remains committed to their community.

Mr. Speaker, we need more people like Norman Loudenslager.

COMMEMORATION OF DR. HENDERSON D. MABE, IN ERWIN, NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to call the attention of the Congress to commemorate the excellent medical and educational, political and community service rendered by the late Dr. Henderson D. Mabe of Erwin, North Carolina. I also commend the generosity and the personal integrity of Dr. Mabe who passed away in Erwin recently.

Dr. Mabe was born in Kinston, North Carolina. He received his graduate degree in medical sciences at Wake Forest College. At Watts Hospital in Durham, under the supervision of Dr. Ralph Fleming, he served his residency duty. Relocated to Erwin as a temporary substitute for a local doctor recovering from illness, Dr. Mabe became very much attached to the Erwin community. In fact, he spent his entire life at Erwin except when he served his country as a medical doctor in the United States Navy during the Korean Conflict. In addition to his valuable medical contribution, Dr. Mabe was an influential politician. Having demonstrated his leadership skills as president of the student body and president of his senior class, Dr. Mabe ran for the State Legislature where he served one term from 1963 to 1964 as one of the most respected officials.

Dr. Mabe was highly regarded as a distinguished doctor and scholar, politician and community member. He was loved and respected by the community not only because of his excellent medical service but also because of his personal integrity. As the former U.S. Senator Robert Morgan, a close friend of D. Mabe stated: "Long before Medicaid and Medicare programs were available for the aged and needy, Buster Mabe cared for them and never asked or expected pay. He never turned anyone away if he had to stay at the office until late in the evening, as he often did. We also pay tribute today to one of the most remarkable family doctors this country has ever seen. Dr. Mabe will be sorely missed, but his influence will be felt forever."

Dr. Mabe's thoughtful dedication and contribution to advance the progress and education in the medical field as well as to strengthen the Erwin community lives on. In his bequest, Dr. Mabe made a gift worth $2 million to the North Carolina Community Foundation for the establishment of the Henderson D. Mabe Jr. Endowment Fund with a special emphasis on the Erwin community. The gift is the largest charitable donation in the history of Harnett County. In his spirit, this fund will be used to provide college scholarships for Harnett area high school seniors with preference to those living in or around Erwin who have planned to pursue a degree or certification in the medical field at a college, university, community or junior college, technical school, nursing school or other post secondary school training. The fund will also support graduates from Harnett County high schools especially from in or around Erwin who are full time students at Bowman Gray, the Medical School of University of North Carolina, East Carolina Medical School or Duke Medical School. In addition, Good Hope Hospital and St. Stephen's Episcopal Church in Erwin where Dr. Mabe has been an active member will benefit as well.

Mr. Speaker, I commend the high achievements and personal integrity of Dr. Henderson D. Mabe. Dr. Henderson D. Mabe lived a rich life as a remarkable and distinguished doctor and scholar, public servant and community member of Harnett County, North Carolina. Dr. Mabe will be sorely missed, but he has left a legacy that will live on for many years to come.

GOOD LUCK AND CONGRATULATIONS TO MAJOR GENERAL MORRIS J. BOYD

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. EDWARDS. Mr. Speaker, I rise to congratulate a great Army officer and soldier—Major General Morris J. "Morrie" Boyd—and thank him for his contributions to the Army and the country.

General Morrie Boyd will retire in June after a long and distinguished career. He is a consummate professional whose performance in over three decades of service, in peace and war, has personified those traits of courage, competency and commitment that our nation has come to expect from its Army officers.

Morrie entered service on the 6th of April 1965. He was selected to attend Officer Candidate School and was commissioned as a second lieutenant in 1966. He served as an artillery officer in Vietnam from October 1966 to June 1968 and again from April 1970 to March 1971. While deployed to Vietnam, he served as an assistant firing platoon leader, executive officer of a battery, commanded a howitzer battery, commanded a platoon from the 21st Aviation Company, and was the Intelligence and Security Officer for the 212th Aviation Battalion.

Morrie was again deployed for combat during Operation Desert Shield/Desert Storm. From December 1990 to May 1991, he served as the commander of the 42nd Field Artillery Brigade in Saudi Arabia.

He came to Washington in the mid-90s to serve as the Chief, Army Legislative Liaison from June 1995 to June 1997. From June 1995 to June 1997, he ably assisted the Army's senior leadership in dealing with Members of Congress and their staffs. He was very focused on helping elected officials and their staffs understand the needs of the Army as it transformed itself from a forward deployed force to a power projection force.

Morrie most recently served as the Deputy Commanding General for III Corps and Fort Hood. Throughout his career, he focused his talent and energy to improve the areas of Warfighting, Training, Modernization, Mobilization, and Quality of Life for soldiers and their families.

On a personal note, I am pleased to call Morrie a close, personal friend. He is a role model for all of us: a man of integrity, decency and compassion.

Let me also say that every accolade to Morrie must also be considered a tribute to his family, his wife of 30 years, Maddie and his son, Ray. As a wife and a mother Maddie has been a true partner in all of his accomplishments.

General Boyd's career has reflected a deep commitment to our nation, which has been characterized by dedicated selfless service, love for soldiers, and a commitment to excellence. I ask Members to join me and offer our heartfelt appreciation for a job well done over the past thirty years and best wishes for continued success, to a great soldier and friend of Congress—General Morris J. Boyd.

INTRODUCTION OF THE MEDICARE PATIENT ACCESS TO TECHNOLOGY ACT OF 1999

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. RAMSTAD. Mr. Speaker, new advances in medical technology are improving the lives of millions of Americans every day:

New implantable devices are restoring and repairing ailing organs.

New diagnostics are permitting rapid detection of life-threatening diseases and allowing physicians to peer inside the human body without surgery.

Miniature surgical devices are allowing patients to recover more quickly and new technologies are empowering patients to monitor and test their conditions from home and reduce or eliminate pain.

Yet many of these life-saving and life-enhancing technologies remain unavailable to the people who need them most, America's nearly 40 million Medicare beneficiaries. This is because of the complex, interwoven systems that Medicare uses to evaluate, approve and pay for new medical technologies.

That's why I am introducing "The Medicare Patient Access to Technology Act" to make targeted adjustments in the technical methods and systems that Medicare uses to adopt and pay for new medical products. By correcting and coordinating the payment levels and identification codes, the bill will improve access to needed therapies for millions of Medicare patients, both today and in the future.

As you know, Mr. Speaker, the Food and Drug Administration (FDA) reviews medical technologies to ensure that they are "safe and effective." After passing through FDA, such technologies must also be deemed "reasonable and necessary" by HCFA for them to be integrated into the portfolio of services that Medicare makes available to its beneficiaries.

After being approved for coverage, technologies must receive a "procedure code," a four or five digit identifying code that health care providers use in submitting claims to payers.

Finally, Medicare must set a payment level for each technology and treatment through another reimbursement system designed for reimbursing hospitals, physicians, skilled nursing facilities and other care providers.

Unfortunately, a problem at any of these stages can seriously delay a product from reaching Medicare patients.

For example, Mr. Speaker:

Exogen, Inc., a small company that developed an ultrasound device for healing bone fractures, has encountered 4 years of delays in getting Medicare coverage. Oddly enough, the product is currently be reimbursed by more than 800 private insurers and health plans, but not by Medicare.

The Cordis Corporation, a division of Johnson & Johnson, encountered significant problems in obtaining appropriate Medicare coding and payment for coronary stents, which are stainless steel tubes used to treat narrowing of the coronary arteries. The company faced challenges in obtaining a unique code for the stent procedure from HCFA, and once the new code was assigned, Medicare took several more years to place the device in the appropriate payment category. Sadly, the reason for the delay was Medicare's database was only a partial data set and HCFA's precedent did not allow it to use sample data in determining the hospital costs of providing the stent.

A manufacturer of a cochlear ear implant halted active marketing of one model and stopped research on another because of inadequate Medicare reimbursements. According to an article that appeared in The New England Journal of Medicine at the time, payment for the device remained well below its average cost, causing hospitals to "ration the availability of the device to Medicare patients because of the financial losses involved. Eventually, so few patients received the implant that the manufacturer discontinued its production." (Nancy M. Kane, D.B.A., and Paul D. Manoukian, M.D., M.P.H., "The Effect of the Medicare Prospective Payment System on the Adoption of New Technology," The New England Journal of Medicine, November 16, 1989, pp. 1378 1382.)

The most distressing problem in all of these cases, as in many others just like them, is that Medicare patients are being denied access to beneficial therapies.

I am pleased that HCFA is attempting to address the problems associated with its process for making national coverage decisions for new technologies. However, unless the shortcomings in the coding and payment systems are corrected, HCFA will not fully achieve its ultimate goal of improving Medicare's health care delivery system.

Several distinct issues need to be addressed:

Medicare's system for creating and assigning procedure codes to medical technologies is cumbersome and slow.

Medicare's methods of updating Medicare payment levels and payment groups to accommodate changes in medical technology increase the risk that Medicare will lag behind new advances in medical technology.

Medicare's refusal to use data that are developed outside of the Medicare program blinds the program to useful insights about the costs, charges and outcomes of medical technologies.

To address these issues, "The Patient Access to Medical Technology Act of 1999" would:

1. Adjust Medicare payment levels and payment categories at least annually to reflect changes in medical practice and technology.

2. Use valid external sources of information to update payment categories if Medicare's data are limited or not yet available. More specifically, the bill directs HCFA to use a valid, statistically representative sample and also to draw on external sources of data when its own dataset is inadequate. It directs HCFA to consider statistically representative data from such sources as private insurers, manufacturers, suppliers and other non-Medicare entities.

3. Update national procedure codes (HCPCs Level II) more frequently to reduce delays and timelags. Without an accurate identifying code, technologies and procedures cannot be reimbursed appropriately by Medicare. It can take HCFA up to 18 months to approve a new code because of the way the agency structures its calendar for making such changes. This bill would make the process more efficient by eliminating the single annual deadline for applications and permitting such requests to be accepted on a rolling, quarterly basis.

4. Continue to use local procedure codes to ensure availability of the most recent advances in medical technology. Most coverage decisions are made at the local level by local contractors, which use the "HCPCS Level III Codes" to describe new technologies that have not yet been incorporated into the national coding process. HCFA has proposed eliminating these useful codes, but this bill would require HCFA to maintain this effective local system.

5. Establish an advisory committee on Medicare coding and payment to ensure that HCFA's coding and payment systems are open, prompt and functioning properly. This panel would complement HCFA's newly formed Medicare Coverage Advisory Committee.

Mr. Speaker, this bill will correct a number of complex but significant problems that currently plague HCFA's coverage, coding and payment systems. Most importantly, it will help ensure that Medicare beneficiaries have timely access to life-enhancing and life-saving medical advances.

Mr. Speaker, I urge my colleagues to support this important legislation.

TRIBUTE TO ROBERT ANDERSON, PRESIDENT OF THE SAN MATEO COUNTY CENTRAL LABOR COUNCIL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Mr. Robert Anderson, who is retiring after two distinguished decades as President of the San Mateo County Central Labor Council. During his remarkable tenure as San Mateo's top advocate for working people, innumerable working men and women have benefited enormously from Mr. Anderson's dedication to improving working and living conditions for families in San Mateo County and for employees of the airline industry nationwide.

Bob Anderson, a member of International Association of Machinists, Local Lodge 1781, is a former United Airlines Mechanic, and currently he serves as ground safety coordinator for IAM District 141. His outstanding career as a labor advocate includes his efforts to establish, build and chair the San Francisco Airport Labor Coalition and its predecessor, the Airport Health and Safety Coalition. He has served on the advisory boards of the California Occupational Safety and Health Administration and the Labor Occupational Health Program at the University of California, Berkeley.

Mr. Speaker, the labor movement's involvement and effectiveness in our community has been greatly strengthened through Bob Anderson's dedication and service on the Central Labor Council's Committee on Political Action, which supports local, state and national officeholders who share labor's progressive social values. He worked tirelessly against the passage of Proposition 226, the anti-working family initiative which was rightly rejected by California voters in June of 1998.

Bob Anderson's most memorable achievement is the establishment of PALCARE, San Mateo County's community based, flexibly scheduled childcare center which opened in 1993. For twelve years Bob was undeterred in his determination to establish this affordable, high-quality, around-the-clock childcare for working parents at San Francisco International Airport and other work sites where employees must work non-traditional hours. Mr. Anderson leaves an enduring legacy through his establishment of this safe, happy haven for the children of those who contribute to San Mateo's thriving economy.

Mr. Speaker, Bob Anderson will be honored at the 20th Annual Banquet of the Committee on Political Education on Saturday, June 12,1999. I join with those who commend his lifelong, selfless quest to better the lives of his fellow working men and women, and I extend my most enthusiastic wishes for a blissful and happy retirement as he embarks on this new chapter in his life.

AKRON, OHIO, AREA SKI RESORT WINS ENERGY CONSERVATION AWARD

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. SAWYER. Mr. Speaker, I rise to commend the Boston Mills/Brandywine Resort, located in my congressional district, just north of Akron, Ohio. The Boston Mills/Brandywine Resort is being honored this week for excellence in energy conservation.

This is remarkable for two reasons, one obvious and one not so obvious. First, Ohio is not the location many would imagine when thinking of award-winning ski areas. But to my colleagues from the higher elevation, I highly recommend Ohio to you. It is actually possible, in Ohio's 14th District, to work all day in downtown Akron and ski in the evening. Moreover, the twin resorts at Boston Mills and Brandywine are located within the boundaries of the Cuyahoga Valley National Recreation Area, and are one of its important amenities.

But it is surprising that Boston Mills was singled out because of its size. Being a small ski area makes it hard to compete against larger operations like Vail and Aspen. But Boston Mills won the energy conservation award over both of these sites.

Boston Mills found that its energy needs were causing problems for its neighbors. Neighbors actually found their lights got dim when snowmaking equipment was turned on full force. Responding to these and other energy related problems, Boston Mills developed an ambitious $1.5 million system providing maximum power efficiency and snow production. Making snow now costs 69.5 percent less. They also located new grooming machines which use 33 percent less fuel. Boston Mills calculates total energy savings at 962,000 kilowatt hours of electricity and 9,404 gallons of gas.

Boston Mills/Brandywine Resort will receive the Golden Eagle Award from the Times Mirror Co. this week, one of only five awards being made this year. I hope their conservation initiative will be an example to private recreation providers across our land.

SALUTE TO THE TONY MODICA PIZZA DANCE FOUNDATION AND ONE WORLD-ONE HEART, INC.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. TOWNS. Mr. Speaker, I rise today to salute the contributions of the Tony Modica Pizza Dance Foundation and One World-One Heart, Inc., organizations which exemplifies our nation's direction of unity and cultural exchange through inter-generational activities and programs.

Tony Modica came to this country as an immigrant and became successful in the pizza industry. This Foundation is a means for him to give back to the community through a program that benefits the elderly and the youth. Pizza is a favorite food of both young and old and its incorporation into a program which features song, dance and pizza makes for an enjoyable experience for all involved. Modica uses the pizza as an international symbol of unity. The Foundation has created programs that promote unity; and encourages children to stay in school and improve their grades. After his lectures, the students and seniors are treated to pizza and a lesson in the Foundations' original Pizza Dance—a step choreographed to mimic the art of pizza making. The Pizza is used as a symbol because of it's varied toppings and delectable enjoyment that is recognized by all cultures and ethnic groups. The positive messages are enhanced through dance and the enjoyable feast and taste of pizza!

One World-One Heart, Inc. serves to provide access to educational; recreational; cultural and intergenerational programs for participants from all ethnic, religious, economic and cultural backgrounds. The founders, Catherine Laporte and Steven Kaplansky have over 30 years of experience of providing nonprofit; social and recreational services to communities at large.

One World-One Heart, Inc. has joined with The Tony Modica Pizza Dance Foundation to promote unity and cultural appreciation through free public activities and have mobilized others to support a unified message of respect and appreciation of all people. The combined efforts are a great model of how government, not-for-profits; religious and private sectors can work together for the good of the public.

Pizza is undoubtedly the world's most popular food. The positive messages are enhanced through song, dance and an enjoyable feast of Pizza. The Mayor and City Council have recognized the organization's efforts in New York. By taking this program to a national level with it's fun spirited message. The Tony Modica Pizza Dance Foundation and One World-One Heart, Inc., are positive examples of how private citizens and not-for-profit organizations can make a difference in the community with the support of business and government.

I implore my colleagues on both sides of the aisle to join me in recognizing the "Pizza"; "The Tony Modica Pizza Dance Foundation; and One World-One Heart, Inc." and in proclaiming June National "Taste of Pizza" Month.

TRIBUTE TO CHRISTINE AND STAN PENTON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Mr. and Mrs. Christine and Stan Penton, founders of a remarkable program for disabled individuals. The Pegasus Program helps people overcome disabilities through hippotherapy (therapy through horses). They recently held a ground breaking for a new facility at Normandy Farms and Stables in Littleton, Colorado. I was heartened to learn about the new home for the Pegasus Program for handicapped riders, particularly after working hard to pass a law which directs a study on ways to improve disabled access to outdoor recreation on public lands.

The Pegasus Program is indeed intriguing. I commend Mr. and Mrs. Penton for their creativity and for their innovative approach to bettering the lives of the disabled. The Pegasus Program, however, benefits more than just the disabled. They use wild horses trained by inmates at the Canon City correctional facility. Because wild horses have no natural predators, they tend to overpopulate and overgraze public lands. Sadly, these symbols of the American West out-compete wildlife, and eventually themselves. What a unique opportunity through the Pegasus Program to help wild horses, give prison inmates constructive and rewarding work, and help the disabled overcome their physical limitations. With heartfelt pride, I thank Mr. and Mrs. Penton for their work.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 8, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 9

9:30 a.m.

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on the implementation of the Transportation Equity Act for the 21st century.
SD–406

Small Business
Business meeting to markup S. 918, to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business.
SR–428A

Indian Affairs
To hold oversight hearings on internet gambling.
SR–485

Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the government of the District of Columbia.
SD–192

Commerce, Science, and Transportation
To hold hearings on S. 837, to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims.
SR–253

Year 2000 Technology Problem
To hold hearings to examine Y2K compliance issues within the health care industry.
SD–138

10 a.m.

Finance
To hold oversight hearings to examine risk adjustment methodology and other implementation issues relating to Medicare+Choice.
SD–215

Foreign Relations
To hold hearings on the nomination of Donald Keith Bandler, of Pennsylvania, to be Ambassador to the Republic of Cyprus; the nomination of M. Michael Einik, of Virginia, to be Ambassador to The Former Yugoslav Republic of Macedonia; the nomination of Donald W. Keyser, of Virginia, for Rank of Ambassador during tenure of service as Special Representative of the Secretary of State for Nagorno-Karabakh and New Independent States Regional Conflicts; the nomination of Joseph Limprecht, of Virginia, to be Ambassador to the Republic of Albania; the nomination of Richard L. Morningstar, of Massachusetts, to be the Representative of the United States of America to the European Union; the nomination of Larry C. Napper, of Texas, for Rank of Ambassador during tenure of service as Coordinator of the Support for East European Democracy (SEED) Program; and the nomination of Thomas J. Miller, of Virginia, to be Ambassador to Bosnia and Herzegovina.
SD–562

Banking, Housing, and Urban Affairs
To hold hearings on issues relating to financial privacy.
SD–538

Governmental Affairs
To resume closed oversight hearings on the national security methods and processes relating to the Wen-Ho Lee espionage investigation.
S–407 Capitol

2 p.m.

Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.
SD–366

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
Business meeting to markup proposed legislation making appopriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999.
SD–146 Capitol

3 p.m.

Foreign Relations
To hold hearings on the nomination of Gwen C. Clare, of South Carolina, to be Ambassador to the Republic of Ecuador; the nomination of Oliver P. Garza, of Texas, to be Ambassador to the Republic of Nicaragua; the nomination of Frank Almaguer, of Virginia, to be Ambassador to the Republic of Honduras; the nomination of John R. Hamilton, of Virginia, to be Ambassador to the Republic of Peru; and the nomination of Prudence Bushnell, of Virginia, to be Ambassador to the Republic of Guatemala.
SD–562

JUNE 10

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on S. 798, to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security.
SR–253

Energy and Natural Resources
To hold oversight hearings on the report of the National Recreation Lakes Study Commission.
SD–366

10 a.m.

Judiciary
Business meeting to markup S. 467, to restate and improve section 7A of the Clayton Act; S. 606, for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Ker-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation); S. 692, to prohibit Internet gambling; S. Res. 98, designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as "National Character Counts Week"; and S.J. Res. 21, to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day".
SD–226

Finance
To hold hearings on the impact of the Balanced Budget Act provisions on the Medicare Fee-for-Service program.
SD–215

Health, Education, Labor, and Pensions
To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on serving special populations.
SD–628

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the United States policy towards Iraq.
SD–562

Governmental Affairs
To hold hearings on dual use and munitions list export control processes and implimentation at the Department of Energy.
SD–342

Banking, Housing, and Urban Affairs
To hold oversight hearings on export control issues in the Cox Report.
SD–538

2 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on the competitive implications of the proposed Goodrich/Coltec merger.

SD-226

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the impact of the new Medicare Interim Payment System on certain home health agencies.

SD-342

3 p.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, proposed legislation making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and proposed legislation making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year ending September 30, 1999.

SD-106

JUNE 14

9:30 a.m.

Joint Economic Committee

To hold hearings on issues relating to the High-Technology National Summit.

SH-216

JUNE 15

9:30 a.m.

Joint Economic Committee

To continue hearings on issues relating to the High-Technology National Summit.

SH-216

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-628

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on issues related to vacating the record of decision and denial of a plan of operations for the Crown Jewel Mine in Okanogan County, Washington.

SD-366

JUNE 16

Time to be announced

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 944, to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma; and S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation.

SR-485

9:30 a.m.

Joint Economic Committee

To continue hearings on issues relating to the High-Technology National Summit.

SH-216

Energy and Natural Resources

To hold hearings on pending calendar business.

SD-366

JUNE 17

9:30 a.m.

Environment and Public Works

To hold hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.

SD-406

10 a.m.

Health, Education, Labor, and Pensions

To hold joint hearings with the House Committee on Education and Work Force on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on research and evaluation.

SD-106

JUNE 23

9:30 a.m.

Indian Affairs

To hold oversight hearings on General Accounting Office report on Interior Department's trust funds management.

SR-485

JUNE 30

9:30 a.m.

Indian Affairs

To hold oversight hearings on National Gambling Impact Study Commission Report.

Room to be announced

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

POSTPONEMENTS

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on mergers and consolidations in the communications industry.

SR-253

Energy and Natural Resources

To hold hearings on S. 1049, to improve the administration of oil and gas leases on Federal land.

SD-366

SENATE—*Tuesday, June 8, 1999*

(Legislative day of Monday, June 7, 1999)

The Senate met at 9:30 a.m. on the expiration of the recess and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

For the Lord God is a sun and shield;
The Lord will be of grace and glory;
No good thing will He withhold
From those who walk upright.

Holy Father, Source of strength, Author of the absolutes of morality, and the One to whom we are accountable, we renew our commitment to walk uprightly. We want to stand tall with steady eyes focused on Your irrevocable mandates for character and behavior. Our deepest desire is to walk with You, dear God, at Your pace, in Your timing, and toward Your goals. Help us not to run ahead of You or to lag behind. Only then can we hear what You have to say for each situation and relationship. May this be a sublime day of serenity because we have placed our hands in Your strong and guiding hand.

We join our hearts in sympathy for Mrs. Joe Biden as she grieves the death of her father, Donald Jacobs. Comfort her with Your presence and hope. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will resume consideration of the defense appropriations bill with a vote ordered on the pending Grassley amendment to occur at 9:45 a.m. As a reminder, first-degree amendments to the bill must be offered by 2:30 p.m. today. Therefore, additional amendments and votes are expected throughout today's session, with the expectation of finishing the bill this evening. Cloture was filed on the motion to proceed to the Y2K legislation yesterday. Thus, a cloture vote will take place on Wednesday.

I thank my colleagues for their attention.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1122, which the clerk will report.

The legislative assistant read as follows:.

A bill (S. 1122) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Stevens (for Grassley) amendment No. 540 to reduce to $500,000 the threshold amount for the applicability of the requirement for advance matching of Department of Defense disbursements to particular obligations.

AMENDMENT NO. 540

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate relative to the Grassley amendment No. 540 with a vote to follow thereon.

Mr. GRASSLEY. Mr. President, do I control that 15 minutes?

The PRESIDING OFFICER. The Senator controls the time.

Mr. GRASSLEY. I will not use all of that time for my amendment.

First of all, as to the amendment that is pending, authored by the Senator from Iowa, I thank the Senator from Alaska for offering my amendment yesterday, and I thank the Senator from Alaska for asking for a rollcall vote on my amendment, although this amendment has been offered 5 previous years and adopted 5 previous years without a rollcall. So, personally, I do not think it is necessary to have a rollcall vote. But if the chairman of the committee and the ranking member of the committee want such a rollcall vote, that is OK with me. So I will take then just a few minutes to speak about my amendment on matching disbursements with obligations.

The American taxpayers would take for granted, they would expect, the nurturing of their tax dollars to be so well done at the Federal level that Congress would not have to pass a special amendment which would say that the Department of Defense cannot pay out $1 of taxpayers' money without being able to match it with an invoice and contract that specified what goods or services they were buying. I hope in most of Government that is the case, but it has not been so with the Defense Department. In fact, I have been speaking for years on the subject of the tens of billions of dollars that have actually been spent, and at the time of payment, the department failed to match the particular service or goods that are being paid for with their corresponding contract.

I have had the support of the chairman of the Appropriations Committee in setting in place policies that would gradually reduce the amount of money that could be paid out without an invoice and contract to match. This policy has been incorporated in the last five appropriations bills—fiscal years 1995, 1996, 1997, 1998, and 1999. We are now working on the fiscal year 2000 appropriations bill. It is my understanding that the committee supports the amendment again this year.

Under current law, the matching threshold is set at $1 million effective this month. This means that the Department of Defense disbursing officials must match each payment of $1 million or more with a corresponding obligation or contract before the payment is made. My pending amendment would continue the process of ratcheting down the threshold began 5 years ago. It would lower the threshold then from the $1 million in present law to $500,000. Reports of the General Accounting Office and inspectors general consistently show that this policy is helping to reduce DOD's unmatched disbursement problems. As I understand it, the DOD has lowered the threshold to zero in most disbursing centers.

I thank the Department of Defense for having adopted a policy that every taxpayer would assume is a principle of good Government management, and that is that they would not pay out one penny without being able to show what they ordered and received for that penny. That has become a policy at some of the disbursing centers but not at all the centers. So we want to see the threshold lowered to zero at all locations because we think it is just sound business management that not one penny of the taxpayers' dollars should be paid out if there is not an invoice and contract for what has been bought and received, either goods or services, for that amount of money.

So we are not quite at zero all over the country with all of the centers. Some Department of Defense disbursing centers still have problems.

This amendment will help keep the pressure on and hopefully in time will help the Department of Defense eliminate in the future all unmatched disbursements, so that the Senator from Iowa will never have to come to the Senate floor again and say we have these billions of dollars that the Pentagon paid out and they have never been able to show exactly what they ordered and received.

If the threshold specified in this amendment is unworkable, then I have asked the chairman to adjust the dollar level in conference, but I hope it is so obvious that we will be able to tell the taxpayers of this country that we know what they are buying; that at least for the next year we should keep the pressure on for the still fantastically high level of $500,000 that could be paid out under certain circumstances without the invoice and contract immediately available.

I do not want to stand before the Senate and be embarrassed by saying that we can somehow justify even a $500,000 check being written without knowing what goods and services were, in fact, ordered and received and being paid for.

I thank the chairman of the committee, Senator STEVENS, and I thank the ranking minority member, Senator INOUYE, for their continuing support of this amendment. Every year for the last 5 years I have offered this amendment, and every year for the last 5 years they have put the amendment in the bill, kept it there and protected it in conference. This effort, particularly with their respected leadership in the area of defense, is very positive toward the Department of Defense changing their attitude about unmatched disbursements and leading us to a point where we are reducing the amount of unmatched disbursements.

I thank the chairman and ranking member for their unwavering support, and I hope all my colleagues will support this simple but important amendment. I yield the floor.

I have time left over, and if the Senator from Alaska wants some of my time, he can have it.

Mr. STEVENS. Mr. President, I will take a couple of minutes.

I was pleased to offer this amendment for my good friend from Iowa, Senator GRASSLEY. Senator GRASSLEY's determined effort to improve the Department of Defense financial accounting standards, by demanding that funds disbursed are matched by funds obligated—simply meaning that they balance their checkbook and they let us know so the taxpayers will know what the checks have been written for—his efforts has already yielded results in lowering the Department's unmatched disbursements.

To those who may be unfamiliar with this problem, as of the fiscal year 1998, according to the Department's own inspector general, the Department reported a substantial problem with disbursements. That means that funds were reported having been disbursed to the Treasury but not processed, or, in other cases, the Department's employees could not match a disbursement to an obligated item.

There is a conflict here. We are trying to make certain those who provide services to the Department of Defense are promptly paid. On the other hand, there is a requirement for the taxpayers that we know what they have paid and what we have bought with the funds, as the Senator said.

The Appropriations Committee is pleased to work with Senator GRASSLEY and the Department of Defense to ensure the Department makes steady progress in reducing these problem disbursements. I do support the amendment of the Senator from Iowa, and I believe all Senators seek to improve the Department's control over the appropriation of taxpayers' funds to the Department of Defense.

What time will the vote take place, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska has 6 minutes remaining.

Mr. STEVENS. I remind Senators that first-degree amendments to this bill must be offered by 2:30 p.m. Additional amendments and votes are expected through today's session. My colleague and I are working on a package of amendments which we will submit as soon as this time has expired and this amendment has been voted upon. At least we will discuss this package. It is my hope we will be able to finish this bill today. I am going to work to achieve that goal.

Does the Senator from Hawaii wish to make any comments on this amendment?

Mr. INOUYE. No.

Mr. STEVENS. How much time remains?

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. STEVENS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, what time is the vote scheduled to take place?

The PRESIDING OFFICER. At 9:45.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 540. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from New York (Mr. MOYNIHAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—7

Biden
Crapo
Dodd
Grams
McCain
Moynihan
Torricelli

The amendment (No. 540) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 541

(Purpose: To substitute for section 8106 (relating to operational support aircraft) a requirement for a report)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. HARKIN, and Mr. WYDEN, proposes an amendment numbered 541.

The amendment is as follows:

Strike section 8106, and insert the following:

SEC. 8106. Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the inventory and status of operational support aircraft, Commander-in-Chief support aircraft, and command support aircraft of the Department of Defense. The report shall include a detailed discussion of the requirements for such aircraft, the foreseeable future requirements for such aircraft, the cost of leasing such aircraft, commercial alternatives to use of such aircraft, the cost of maintaining the aircraft, the capability and appropriateness of the aircraft to fulfill mission requirements, and the relevancy of the missions of the aircraft to warfighting requirements.

Mrs. BOXER. Mr. President, I ask unanimous consent that my amendment be laid aside for further debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be laid aside.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 542, 543, 544, AND 545, EN BLOC

Mr. STEVENS. Mr. President, I would like to send to the desk a series of amendments which provide adjustments in the bill brought about by a review made by the Congressional Budget Office and the Office of Management and Budget. These amendments allocate funds in a different manner under the bill.

The first change is an increase in funds for the Army Test Range Facilities Program.

The second readjusts one account in the Navy, and moves $51.84 million into the Joint War Fighting Experimental Program, and leaves it under the control of Vice Chairman of the Joint Chiefs reporting to the defense committees of the House and the Senate.

The third will appropriate funds to meet the authorization bill's provision of funds to assist the Red Cross in providing Armed Forces emergency services.

The fourth is to deal with the addition of $10 million from cockpit modifications to the U2.

I send them to the desk, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments numbered 542, 543, 544, and 545, en bloc.

The amendments (Nos. 542, 543, 544, and 545), en bloc, are as follows:

AMENDMENT NO. 542

(Purpose: To provide funds for Research, Development, Test and Evaluation, Army)

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to any funds appropriated elsewhere in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", $9,000,000 is hereby appropriated only for the Army Test Ranges and Facilities program element."

AMENDMENT NO. 543

At the appropriate place in the bill, insert the following:

"SEC. . Notwithstanding any other provision in this Act, the total amount appropriated in this Act for Title IV under the heading "Research, Development, Test, and Evaluation, Navy", is hereby reduced by $26,840,000 and the total amount appropriated in this Act for Title IV under the heading "Research, Development, Test, and Evaluation, Defense-Wide", is hereby increased by $51,840,000 to reflect the transfer of the Joint Warfighting Experimentation Program: *Provided*, That none of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the Congressional defense committees on the role and participation of all unified and specified commands in the JWEP."

AMENDMENT NO. 544

(Purpose: To provide funding for the American Red Cross Armed Forces Emergency Services program)

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $23,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided*, that the Secretary of Defense shall make a grant in the amount of $23,000,000 to the American Red Cross for Armed Forces Emergency Services."

AMENDMENT NO. 545

At the appropriate place in the bill insert the following:

"SEC. . In addition to the funds available in Title III, $10,000,000 is hereby appropriated for U–2 cockpit modifications."

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I have had the opportunity to study these four amendments. They are authorized by the authorizing committee. I am in full support of them.

Mr. STEVENS. Mr. President, I urge adoption of the amendments en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 542, 543, 544, and 545), en bloc, were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we are working on a managers' package. We have several amendments that we believe the Senate should include in such a package. I urge Members who have identified amendments they intend to offer to consult with my friend from Hawaii, myself, and our staffs to see if we can't enlarge this package and take care of a series of items that are really not controversial during the time that we have a vehicle.

As I have stated before, all amendments to this bill in the first degree must be introduced by 2:30 this afternoon.

We stand ready to work with any Member on an amendment. This would be a good time for anyone who has an amendment that is controversial to come and offer it. So far, no one has volunteered to undertake that task. But pending a Member wishing to offer an amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House of Representatives the companion bill to S. 1122, the Senate immediately proceed to the consideration thereof; that all after the enacting clause be stricken and the text of S. 1122, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for the third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that S. 1122 not be engrossed and that it remain at the desk pending receipt of the House companion bill, and that upon passage of the House bill, as amended, the passage of S. 1122 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. STEVENS. Mr. President, we are working on the managers' package, and to do this, we have to be off the floor. Therefore, I ask unanimous consent that the Senate stand in recess until 11:30 a.m. We hope Members will come and talk to us about this managers' package in the event they want amendments in it.

There being no objection, at 10:42 a.m., the Senate recessed until 11:32 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. I ask unanimous consent that Danelle Scotka, a fellow in the office of Senator HUTCHISON, be granted the privilege of the floor during consideration of S. 1122.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 547

(Purpose: To set aside $63,041,000 of Air Force research, development, test, and evaluation funds for C-5 aircraft modernization)

Mr. INOUYE. Mr. President, at the request of the senior Senator from Delaware, Mr. BIDEN, I offer an amendment and ask that it be temporarily set aside.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BIDEN, proposes an amendment numbered 547.

The amendment is as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", $63,041,000 shall be available for C-5 aircraft modernization.

The PRESIDING OFFICER. The amendment is numbered and set aside.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that Ms. Sandi Dittig, on the staff of Senator GRAHAM of Florida, be granted full privileges of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 548

(Purpose: To prohibit the use of refugee relief funds for long-term, regional development or reconstruction in Southeastern Europe)

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 548.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION ON USE OF REFUGEE RELIEF FUNDS FOR LONG-TERM REGIONAL DEVELOPMENT OR RECONSTRUCTION IN SOUTHEASTERN EUROPE.

None of the funds made available in the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31) for emergency support of refugees and displaced persons and the local communities directly affected by the influx of refugees may be made available to implement a long-term, regional program of development or reconstruction in Southeastern Europe except pursuant to specific statutory authorization enacted on or after the date of enactment of this Act.

Mr. GREGG. Mr. President, the purpose of this amendment, which I will agree to have set aside whenever the chairman decides to do so, is to address the issue of the reconstruction of Kosovo and funds that might be spent in Kosovo for reconstruction. The concept of reconstruction, of course, is something that is going to have to be dealt with by the Congress and the President over the next few months, no matter what happens relative to the air war.

One of the concerns I have, and I think many Americans have, is that America will end up paying a disproportionate cost of the reconstruction of Kosovo and potentially Yugoslavia. It is my opinion that no American funds should be spent for the reconstruction of Yugoslavia until Milosevic is removed as its leader.

It is further my view that America's participation in the cost of long-term reconstruction of Kosovo should be extremely limited, that our cost should be minor, a fraction of the amount of the cost of reconstruction, and that the vast majority of the burden of reconstruction should be borne by the European nations.

As a nation, the United States has borne a disproportionate amount of the cost of the war that has gone on in Yugoslavia. It is, after all, a European issue more than an American issue. The United States had no national strategic interest in this part of the world. Not until the hundreds of thousands of refugees were created did we really have any significant interest at all in this part of the world; the refugees, of course, being a function of part of the diplomacy of this administration, which, in my opinion, has been a gross blunder in this region of the world.

In any event, this is a European issue which should be addressed by the European nations. Certainly, the reconstruction issue is a European issue which should be addressed by the European nations, and American taxpayers should not be asked to bear the cost of it.

What my amendment does is simply state that the emergency appropriations, which we eventually pass for purposes of fighting the war in Kosovo, will be limited in their application so they cannot be used for long-term structural reform of the economy or the capital needs of Kosovo, without the President coming to Congress and requesting those funds be used in that way and without him putting forward a strategic plan which reflects how much it is going to cost us as a nation to reconstruct the Kosovo infrastructure. Until we receive that plan and it is approved by the Congress, these funds would not be made available for that sort of effort.

It does not limit these funds being used for humanitarian purposes. It does not limit these funds being used for the immediate needs of our own military, should our own military be interjected into Kosovo for some reason. It does not limit the funds being used for things such as replacing wells and getting people back in their homes with electricity temporarily.

What it does limit is any long-term attempt to rebuild Kosovo's infrastructure, which would be part of an overall plan for reconstruction, without us first getting such a plan and knowing how much it is going to cost the American taxpayers. I do think the administration has an obligation to be honest with the taxpayers and tell us exactly what they are really thinking we are going to have to pay in terms of costs.

I have read news reports coming out of the European Union that suggested the European Union position is that the U.S. taxpayer should pay for half of the cost of the reconstruction of Kosovo. To me, that would be unacceptable. I have read other news reports from folks who work for our agencies saying the United States may be willing to pay up to 25 percent of the long-term cost of the reconstruction of Kosovo. We are talking about, potentially, 5, 10, 15 years, with significant capital expenditures in that region of the world, and 25 percent would be a huge number.

If that is the administration's position, we need to know what that number is before we start down that road.

This amendment is a minor attempt to keep us from starting down that road and to get the administration to be forthright as to what are these costs.

Mr. STEVENS. Will the Senator yield?

Mr. GREGG. Yes.

Mr. STEVENS. Mr. President, I will discuss this matter later, but I will say that the Senator's amendment is consistent with my understanding of the purposes for which we passed the 1999 supplemental. The moneys in that supplemental were for assistance to the refugees and for conducting the air war. It is my understanding that there was no money for the ground war, no money for the subsequent force—whatever it may be—that follows after the cessation of hostilities in that area. As the Senator stated, it would be for the long-term reconstruction and not for the temporary things that might be done to assist the Kosovo refugees to go back to their former homes. I think that will be probably something that will have to have money immediately, once we have a cessation of hostilities, which I pray will be very soon.

I think this ought to be a marker that we put down that we want to see how these costs are going to be met in this area after the hostilities cease. The economy of the European Union now is greater than ours. Their employment picture is even better than ours. I don't see any reason why there should be an assumption that we will carry on at the past level of expenditures. There is no question that the expenditures made in the war so far are overwhelmingly U.S. expenditures. I do not deny the participation of the NATO allies in the activities, but their costs are infinitesimal compared to ours when you view the long line that our supplies have to follow to get there and the cost of maintaining our forces there as compared to those who go home every night, in terms of the participants from the European Union.

I hope the Senate will take a very careful look at the Senator's suggestion. I want to make sure that it does not impede the activities of our forces to really provide for their own protection, as well as the facilities that will be needed by our people if they move into the area immediately after the cessation of hostilities. But I do think when we get to a long-range concept, a new Marshall Plan for this area, it is something that the Congress must be involved in, and the taxpayers must know what our share is going to be before we commence such activities.

I urge the Senator to lay his amendment aside.

Mr. GREGG. Mr. President, I believe my amendment is in sync with the opinions expressed by the chairman. I ask that my amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENTS NOS. 549 AND 550, EN BLOC

Mr. BYRD. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments numbered 549 and 550, en bloc.

The amendments are as follows:

AMENDMENT NO. 549

(Purpose: To set aside $10,000,000 of Operation and Maintenance, Defense-Wide funds for carrying out first-year actions of the 5-year research plan for addressing low-level exposures to chemical warfare agents)

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, $10,000,000 shall be available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1957).

AMENDMENT NO. 550

(Purpose: To increase by $10,000,000 the amount provided for the Army for other procurement for an immediate assessment of biometrics sensors and templates repository requirements, and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort)

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title III under the heading "OTHER PROCUREMENT, ARMY", $51,250,000 shall be available for the Information System Security Program, of which $10,000,000 shall be available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

Mr. BYRD. Mr. President, I have an amendment at the desk.

The Department of Defense operates over two million separate computers and 25,000 distinct computer systems to conduct its mission. These computer systems are integral parts of a wide variety of Department of Defense (DOD) programs. Many of these programs are critical to the direct fulfillment of military or intelligence missions; but other vital activities also affected include command and control, satellites, inventory and transportation management, medical equipment, payment of checks, and personnel records.

The Department is now becoming aware that attacks on these systems may be capable of significantly affecting our military power, just as surely as a direct physical assault. Experience with "hackers" and DOD exercises indicate that defense systems, often globally-linked and readily-accessed, are vulnerable to unauthorized penetration of their information networks. Newspapers have been filled with reports in recent days about "hackers" attacking the web sites of the FBI, the White House, the Department of Interior, and even the Senate.

For example, I am told that by using unsophisticated "hacker tools," intruders are able to crack systems passwords, establish super-user status (network control), search for and turn on microphones or cameras on personal computers connected to the installation campus area network. Hackers may then capture intra-office conversations and live video and download it to their computers. A simple test of the microphone sensitivity revealed low-level conversations were easily heard from roughly thirty feet away. This is particulary critical in areas where classified and sensitive information is stored and discussed.

The compelling need for controlling access to our Nation's vital information networks through computers becomes immediately evident when one considers just one battlefield scenario—the possibility that one of our important command and control outposts on the ground is overrun by hostile forces. Just imagine what leverage that would provide to a computer-sophisticated enemy. And, I am told that the Department has learned from its experience in Kosovo that this kind of a threat is not limited to major world powers.

At the present time, the basic process the Department relies upon to protect its computer systems are some kind of card and/or passwords including random characters. Users often are required to have several such cards or passwords in connection with their work. This approach to information security has some serious drawbacks for the long run. Passwords can be forgotten, shared, or observed, and cards can be lost, stolen, or duplicated. Moreover, as the need for even more security grows with advancing technology, the situation will become more cumbersome and less effective. On the other hand, more sophisticated means are expected to become available to make unwanted intrusions, necessitating even more complex password and card systems.

There is an emerging technology available to the Department that promises to provide a more effective information security system, and that is biometrics. Almost everyone is familiar with fingerprints. Fingerprints are a biometric signature. Others are voice, face recognition, the iris of the eye, and keystroke dynamics or typing patterns; and I understand there are others as well. With this approach, access to a particular computer or network of computers is controlled by comparing one or several biometric signatures of the person asking to use the machine, with a template on file in a central location that contains the biometric identification of the authorized user of that computer. There is no card. There is no password. The test is whether the potential user is who he or she claims to be. The system authenticates a claimed identity from previously enrolled patterns or distinguishable traits. I understand that in the commercial world there are some examples of biometric identification already in use. Some ATM machines, for instance, now rely on iris signatures to permit access rather than the familiar card we all carry.

The Army has a particular interest in developing an effective control over the access to its information systems through computers, because of the far flung nature of its forces, and because its battle systems are becoming increasingly dependent on information networks.

This bill already includes $5.0 million in the Other Procurement, Army, appropriation for an initial biometrics computer information assurance system prototype project. I understand that the Army has exhibited strong leadership in the exploration and development of technologies in the biometrics arena, and is a natural leading candidate to be considered as the executive agent in this work for the Department of Defense and perhaps the federal government. The amendment I am offering is intended to respond to the immediacy of the critical information assurance requirement of the Army, and to build on the Army's leadership role in biometrics technology. The amendment also builds on the biometrics prototype project to explore a more focused and synergistic effort to develop information assurance technology. Finally, it also builds on and anticipates a working relationship with the Criminal Justice Information Services Division of the FBI, which houses and operates the world's finest single biometric data base—fingerprints. Specifically, my amendment provides an additional $10.0 million for an immediate assessment of biometrics sensors and templates repository requirements, and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

The PRESIDING OFFICER. The amendments will be laid aside.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I am not going to offer an amendment to this bill. In fact, I am a member of the subcommittee and I commend the Senator from Alaska, Mr. STEVENS, and the Senator from Hawaii, Mr. INOUYE, for their leadership and work on this legislation. I am pleased to work with them on a range of issues that deal with the defense of this country and with the strengthening of the Armed Forces. I think they do an excellent job.

There is one area—and not just on this legislation—of the policy debate in Congress I wanted to mention during the discussion on funding, and that is the area of national missile defense. I do have some concerns about the policy and direction of national missile defense. I wanted to express them now because I think this is the appropriate place.

I don't quarrel with the question of research for national missile defense. We have been involved in a robust research program on missile defense. Hopefully, that research, at some point, will bear fruit sufficient that if a threat exists that would persuade us to deploy, we would deploy a national missile defense system that is a workable system and one that provides real and significant protection to our country.

Last week—I think perhaps it was a week ago tomorrow—I was driving on a road up in far northeastern North Dakota. I looked to my left and I saw this huge concrete structure. It is, of course, the only antiballistic missile system that was ever built in the free world. It was built in the late 1960s, early 1970s. It was built in Nekoma, ND, up in the northeastern corner of our State. The very month it was declared operational it was also mothballed. Apparently, in today's dollars, somewhere around $20 billion was spent. We still have the massive quantities of concrete poured into a building that looks very much like a modern-day pyramid up in the vast reaches of northeastern North Dakota. That is a legacy, I suppose, to the taxpayers who say sometimes you can have a very expensive program that doesn't turn out quite the way you expected. Some will say, well, that program was just fine; it was a bargaining chip in arms control, and it was mothballed the very month it was declared operational because that was part of the strategic calculation of our country. Of course, that is not the case.

I want to talk for a moment about the range of threats against our country. One of those threats is the threat of a terrorist nation, or an adversary, acquiring an intercontinental ballistic missile and affixing to the top of this missile a nuclear warhead and then firing that missile at the United States of America. If that should happen, do we want to have in place a national missile defense system to intercept it? Of course. The answer is yes, of course.

What are the likely threats? I mentioned an intercontinental ballistic missile being acquired by a terrorist nation. But, it is far more likely that it would not be an intercontinental ballistic missile but a cruise missile; they are much more widely dispersed, and it would be much more easily acquired. That cruise missile would travel 500 feet above the ground, at 500 or 600 miles an hour, and would be launched from a barge, or a submarine, or a plane just off our shores. That is not going to be intercepted by a national missile defense system.

Some say we are working on theater defense that will intercept cruise missiles. Yes, but that theater defense isn't part of what is going to protect the perimeter of our country. It is far more likely that a terrorist nation would acquire a cruise missile. Is there a defense system against a cruise missile?

It is far more likely a terrorist nation would, in fact, terrorize our country with a deadly vial of biological or chemical weapons that could cause the kind of chaos that nearly occurred in Japan a couple of years ago, where the right kind of deadly biological agents can kill thousands, hundreds of thousands, perhaps a million people. It is far more likely that a major U.S. city would be threatened by a suitcase bomb placed in the trunk of a rusty Yugo car on a New York City dock by a terrorist nation. That is far more likely than them acquiring a sophisticated intercontinental ballistic missile.

The potential, for example, of an adversary such as Russia, which has substantial nuclear might, accidentally launching tubes full of missiles from a Russian submarine would not be defeated by the national missile defense system we are talking about because the system being discussed could only potentially defeat a handful of missiles, not an accidental launch of all the tubes of a Russian submarine. Only a handful of missiles could be intercepted by the missile defense system that is currently under discussion. That doesn't suggest that we ought not consider it. But the question I ask is this: Consideration at what price and with what other consequences?

First, as we begin to make decisions about a national missile defense system, I don't think we ought to just throw money at the system. I think some who have an appetite for it say we should just keep pouring money in there and somehow a system will emerge that will protect our country. I think that would lead to a great deal of waste.

Second, the debate we have about deploying a national missile defense system, as soon as technologically possible or feasible, is a debate that worries me, because it seems to suggest all of the consequences are less important and all of the consequences should be set aside.

What are those other consequences? One is a program we now have under way with Russia in which we actually saw the wings off Russian bombers. We actually remove Russian missiles from their silos and remove the warheads from the missile. We are reducing in a dramatic way the number of missiles and bombers and the capabilities of delivering warheads aimed at this country.

I have in this desk drawer a little vial which, with the consent of the Presiding Officer, I will show. This little vial of material is wiring that was ground up. It is from a Russian submarine that carried missiles aimed at the United States. That submarine is reduced to small pieces of metal. It is cut up. It doesn't exist anymore. I have some of the wiring right here.

How do we acquire the wiring of a Russian ballistic missile submarine? You could shoot it and destroy it. That is one way. Or, the other way is with an agreement between ourselves and the Russians to reduce weapons of mass destruction and the delivery capabilities of each side. We have seen submarines and bombers and nuclear warheads being systematically reduced in a very aggressive way.

That is exactly what is happening here. That happens through the Nunn-Lugar funds that are offered in this kind of legislation. It is a very important program. It has been remarkably successful. I do not want to, by what we are doing in other areas, jeopardize that kind of arms reduction and arms control.

One other point, Mr. President: It is true that this is an increasingly difficult and dangerous world. North Korea is testing medium-range missiles. Iran is testing medium-range missiles. Pakistan and India do not like each other, and they exploded nuclear weapons right under each other's nose. It is a difficult and dangerous world.

I support research on missile defense. But I do not support efforts that would say let us demand deployment of any system as soon as technologically feasible, even if it is at the expense of injuring other efforts to reduce the proliferation of nuclear weapons, or to eliminate delivery systems of nuclear weapons under current arms control regimes.

Some say the ABM Treaty is for a country that no longer exists, the old Soviet Union; don't worry about it; ignore it.

The fact is that we have made significant progress under our arms control agreements. I think we need to be very careful as we proceed down this road not to do one thing at the expense of others that we know will work.

I only wanted to say again that the national missile defense program is one that I have provided support for by substantial amounts of research. I do worry sometimes that the amount of money offered is exceeding the amount of money the system is capable of using effectively. It is a difficult technology to hit a bullet with a bullet at intercontinental missile speeds. Some of my colleagues make the point that it is not one program, it is many programs in a seamless transition of dealing with suppression of missile threats in the theater, and also dealing with intercontinental ballistic missile threats.

It is true that these programs represent a number of different kinds of programs. But the largest of them is the national missile defense program, commonly referred to as that, which would be deployed to defend against an intercontinental ballistic missile. Representing a State that has housed the only ABM or national missile defense program that was ever built in the Free World, I have some acquaintance with it.

It is my hope that when and if this country deploys a system in the future, it not be done at the expense of arms control reductions that exist in other arms control agreements. That we not decide to focus so much on this issue that we do so at the expense of the nonproliferation efforts this country ought to have as job one. We ought to worry very much every day and in every way about efforts to prevent the proliferation and spread of weapons of mass destruction.

I think there is a lot of evidence out there about which we need to be very concerned. Frankly, I think it has taken a back seat in recent years. I think it has taken a back seat in Congress and a back seat in the administration. I don't think we have had nearly as much effort as I would feel comfortable with to try to combat the proliferation of weapons of mass destruction.

There are not too many countries that have nuclear weapons at this point, but many countries want to acquire them. There is a black market in the weapons material and production of nuclear weapons. As all of those countries are seeking to acquire weapons of mass destruction, including nuclear weapons, I hope, as we discuss all of these issues, our country will understand that to prevent proliferation of these weapons, we should not just discuss national missile defense in a way that says it is more important than any other area. If we are to build a safer future for ourselves and our children, it must be a priority for us to say that the proliferation of nuclear weapons around the world is a very serious problem that this country ought to pay serious attention to, and it ought to command a substantial amount of our time.

Mr. President, I yield the floor and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 551

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska (Mr. STEVENS), for Mr. NICKLES, proposes an amendment numbered 551.
>
> At the appropriate place in the bill, insert the following:
>
> "None of the funds appropriated or otherwise made available by this or any other act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro)."q

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 552 THROUGH 573, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk a portion of the managers' package that we have been working on. I will delineate each amendment, send them to the desk, and ask they be considered en bloc.

The first is an amendment of Senator INHOFE pertaining to the Starstreak missile. The next is an amendment of Senator MACK, $6 million for advanced-track acquisition; another amendment of Senator MACK, $3 million electronic propulsion systems; Senator MACK, $5 million for the tropical remote sensing radar; an amendment of Senator BURNS, $6 million for pollution/waste systems, research and development; Senator MCCONNELL, $13 million for the MK-45, and $19 million for the Close In Weapon System.

I have an amendment for $1.5 million for the Pallet-Loading System; Senator BENNETT, $1 million for the alternative missile engine; Senator HOLLINGS, $3 million for the Environmental Pollution Preventive Initiative; Senator

REID, $4.5 million for hot gas decontamination projects; Senator LIEBERMAN, $2 million for the Medical Informatics; Senator REID, $2.8 million for the K-Band Test Obscuration Pairing System; Senator KERREY, $2 million for recombinant vaccine research; Senator LAUTENBERG, an Army firefighting equipment amendment; Senator BIDEN, $3 million for advanced composite materials processing; Senator DOMENICI, $5 million for Army warfare analysis; Senator DOMENICI, $7.5 million for shield imaging; Senators WYDEN and SMITH, $4 million for laser fusion; an amendment of mine for $20 million for supersonic noise reduction; Senator LEAHY, JCETS reporting requirement; Senator SHELBY, $5 million for the DAU pilot program; Senator INOUYE, an amendment for training by the Center of Excellence for Disaster Management.

As I indicated, these amendments are part of the managers' group and I ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself and Mr. INOUYE, and on behalf of other Senators, proposes en bloc amendments numbered 552 through 573.

Mr. INOUYE. Mr. President, I have studied the measures. I have no objection.

Mr. STEVENS. These amendments have been cleared on both sides. I ask they be considered en bloc, passed and adopted en bloc, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 552 through 573) agreed to en bloc are as follows:

AMENDMENT NO. 552

At the end of the general provisions, insert the following:

SEC. . The Department of the Army is directed to conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH-64D Longbow helicopter. The operational test is to be completed utilizing funds provided for in this bill in addition to funding provided for this purpose in the Fiscal Year 1999 Defense Appropriations Act (P.L. 105-262): *Provided*, That notwithstanding any other provision of law, the Department is to ensure that the development, procurement or integration of any missile for use on the AH-64 or RAH-66 helicopters, as an air-to-air missile, is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria: *Provided further*, That the Under Secretary of Defense (Acquisition & Technology) will conduct an independent review of the need, and the merits of acquiring an air-to-air missile to provide self-protection for the AH-64 and RAH-66 from the threat of a hostile forces. The Secretary is to provide his findings in a report to the Defense Oversight Committees, no later than March 31, 2000.

AMENDMENT NO. 553

(Purpose: To authorize use of $6,000,000 of Air Force RDT&E funds (in PE 604604F) for the 3-D advanced track acquisition and imaging system)

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $6,000,000 may be made available for the 3-D advanced track acquisition and imaging system.

AMENDMENT NO. 554

(Purpose: To authorize use of $3,000,000 of Research, Development, Test and Evaluation, Navy funds for electronic propulsion systems)

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be made available for electronic propulsion systems.

AMENDMENT NO. 555

(Purpose: To authorize use of $5,000,000 of Drug Interdiction and Counter-Drug Activities, Defense funds for a ground processing station to support a tropical remote sensing radar)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in title IV under the heading "COUNTER-DRUG ACTIVITIES, DEFENSE," up to $5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

AMENDMENT NO. 556

(Purpose: To provide additional funding for research and development to reduce pollution associated with industrial manufacturing waste systems)

Insert at the appropriate place in the bill the following:

"SEC. . Of the funds made available under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $6,000,000 may be provided to the U.S. Army Construction Engineering Research Laboratory to continue research and development to reduce pollution associated with industrial manufacturing waste systems."

AMENDMENT NO. 557

(Purpose: To correct the allocation of Navy operation and maintenance funds between two naval gun depot overhaul programs)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, NAVY," up to $13,000,000 may be available for depot overhaul of the MK-45 weapon system, and up to $19,000,000 may be available for depot overhaul of the Close In Weapon System.

AMENDMENT NO. 558

(Purpose: To provide additional funding for prototyping and testing of a water distributor for the Pallet-Loading System Engineer Mission Module System)

At the end of the general provisions, add the following:

SEC. . Of the funds appropriated in Title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY," up to $1,500,000 may be available for prototyping and testing of a water distributor for the Pallet-Loading System Engineer Mission Module System.

AMENDMENT NO. 559

(Purpose: To designate funds for the development of alternate missile engines)

At the appropriate place in the bill insert the following new general provision:

SEC. . Of the funds provided under Title IV of this Act under "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to $1,000,000 may be made available only for alternative missile engine source development.

AMENDMENT NO. 560

(Purpose: To set aside $3,000,000 of Army research, development, test, and evaluation funds for the National Defense Center for Environmental Excellence Pollution Prevention Initiative)

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriate in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,000,000 may be made available for the National Defense Center for Environmental Excellence Pollution Prevention Initiative.

AMENDMENT NO. 561

(Purpose: To provide funds for a hot gas decontamination facility)

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $4,500,000 may be made available for a hot gas decontamination facility.

AMENDMENT NO. 562

(Purpose: To support a DoD Center for Medical Informatics)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds made available under the heading "DEFENSE HEALTH PROGRAM", up to $2,000,000 may be made available to support the establishment of a DoD Center for Medical Informatics.

AMENDMENT NO. 563

(Purpose: To increase funds for the K-Band Test Obscuration Pairing System)

On page 107, between lines 12 and 13, insert the following:

SEC. . Of the funds appropriated in Title III under the heading "PROCUREMENT, MARINE CORPS", up to $2,800,000 may be made available for the K-Band Test Obscuration Pairing System.

AMENDMENT NO. 564

(Purpose: To support recombinant vaccine recombinant vaccine research)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds made available under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $2,000,000 may be made available to continue and expand on-going work in recombinant vaccine research against biological warfare agents.

AMENDMENT NO. 565

(Purpose: To require conveyance of certain Army firefighting equipment at Military Ocean Terminal, New Jersey)

At the end of the general provisions, add the following:

Sec. 8109. (a) The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) The Secretary of the Army may, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) The equipment to be conveyed under subsection (b) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994.

(3) Pierce HAZMAT truck, manufactured 1993.

(4) Ford E-350, manufactured 1992.

(5) Ford E-302, manufactured 1990.

(6) Bauer Compressor, Bauer-UN 12-E#5000psi, manufactured November 1989.

(d) The conveyance and delivery of the property shall be at no cost to the United States.

(e) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 566

(Purpose: To provide $3,000,000 (in PE 62234N) for the Navy for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding))

At the end of the general provisions, add the following:

Sec. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be made available for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding).

AMENDMENT NO. 567

(Purpose: To set aside $5,000,000 of Army RDT&E funds (in PE 605604A) for Information Warfare Vulnerability Analysis)

At the appropriate place in the bill, insert:

Sec. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $5,000,000 may be available for Information Warfare Vulnerability Analysis.

AMENDMENT NO. 568

(Purpose: To set aside $7,500,000 of Air Force RDT&E funds (in PE 603605F) for the GEO High Resolution Space Object Imaging Program)

At the appropriate place in the bill, insert:

Sec. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $7,500,000 may be made available for the GEO High Resolution Space Object Imaging Program.

AMENDMENT NO. 569

(Purpose: To set aside $4,000,000 for research, development, test, and evaluation of elastin-based artificial tissues and dye targeted laser fusion techniques for healing internal injuries)

At the appropriate place in the bill, insert:

Sec. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $4,000,000 may be available solely for research, development, test, and evaluation of elastin-based artificial tissues and dye targeted laser fusion techniques for healing internal injuries.

AMENDMENT NO. 570

(Purpose: To provide funds for supersonic aircraft noise mitigation research)

In the appropriate place in the bill, insert the following new section:

Sec. . Of the funds made available in title IV of this Act for the Defense Advanced Research Projects Agency under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $20,000,000 may be made available for supersonic aircraft noise mitigation research and development efforts.

AMENDMENT NO. 571

On line 22, page 97, insert the following:

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitate the waiver.

AMENDMENT NO. 572

At the appropriate place in the bill, insert the following:

Sec. . From within the funds provided for the Defense Acquisition University, up to $5,000,000 may be spent on a pilot program using state-of-the-art training technology that would train the acquisition workforce in a simulated government procurement environment.

AMENDMENT NO. 573

(Purpose: To stipulate training activities of Center of Excellence for Disaster Management and Humanitarian Assistance)

At the appropriate place in the bill add the following:

Sec. . During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management and humanitarian assistance: *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

Mr. STEVENS. We have several other amendments we are trying to get agreed to. I plead with Members of the Senate to bring forth the amendments so we may study them and know the amendments that we will debate later today. It is my hope we will finish this bill this evening.

Let me state for the information of Members of the Senate, this is not a military construction bill. This is the defense bill. Military construction items will be in a separate bill. That bill will be marked up by the Senate tomorrow. Members who have amendments concerning military construction at home or abroad should present those to the subcommittee for consideration at markup tomorrow. We have had some suggested amendments to this bill; we do not want those to come to this bill. This is not within the jurisdiction of the Defense Subcommittee. We will be forced to oppose any amendment that is offered that deals with military construction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 574

(Purpose: To authorize a project at Brooks Air Force Base, Texas, to evaluate methods of improving efficiency in the operation of military installations)

Mr. STEVENS. Mr. President, on behalf of Senator HUTCHISON, I send an amendment to the desk and ask that it be qualified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. HUTCHISON, proposes an amendment numbered 574.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The amendment will be set aside.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL APPOINTMENT OF JAMES HORMEL

Mr. INHOFE. Mr. President, I was very surprised and disappointed to find that during our recess when we were not here, the President made a very controversial appointment of James Hormel to be U.S. Ambassador to Luxembourg. I believe it is something that should not be done. In fact, when I think of procedures, I look to a man I admire so much, Senator BOB BYRD from West Virginia.

During a recess in 1985, President Reagan made several appointments. Senator BYRD said: The recess appointment power should not be used simply to avoid controversy or to circumvent the constitutional power and responsibility of the Senate. In several cases, Reagan's recess appointments avoided serious and probing debate by the Senate on controversial issues. There is no evidence that the needs of government required any of these appointments to be made as recess appointments.

Then Senator BYRD went on to give the history, as he always does in his very eloquent style, as to how the Constitution does provide for emergencies, for such things as appointments back in the 1800s when people were traveling and unable to get here or when something strategic is pending. In the case of James Hormel, certainly there is not anything strategic pending.

For that reason, I am serving official notice today that I am going to do the same thing Senator BYRD did back in 1985: I am putting holds on every single Presidential nomination.

In the case of James Hormel, it is a little confusing to a lot of people as to why he became controversial. Yes, he is gay. That is not the reason for people opposing him. It is the fact that he is a gay activist who puts his agenda ahead of the agenda of America.

I can recall when he made the statement when first nominated by the President: I wish the President had nominated me to be Ambassador to Norway, because if they have something on the ballot—same-sex marriages or something like that—I might be able to influence it.

That, to me, demonstrated very clearly that he wanted to use this position to advance his own agenda and not the agenda of America.

I hasten to say, I would have the same feelings about any other appointment on any other issue. If David Duke were appointed and came to the conclusion he was going to use his militia interests as his motivation and his agenda more than America's agenda, I certainly would oppose that nomination in the same way. Notice is hereby served.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for the regular order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Senator from Hawaii is recognized for 5 minutes; and under the previous order, at the hour of 2:20, the Senator from Alaska is to be recognized.

Mr. GREGG addressed the Chair.

Mr. INOUYE. I yield my time to my friend from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 548, AS MODIFIED

Mr. GREGG. I send a modification to the desk to amendment No. 548.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION ON USE OF REFUGEE RELIEF FUNDS FOR LONG-TERM REGIONAL DEVELOPMENT OR RECONSTRUCTION IN SOUTHEASTERN EUROPE.

None of the funds made available in the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31) may be made available to implement a long-term, regional program of development or reconstruction in Southeastern Europe except pursuant to specific statutory authorization enacted on or after the date of enactment of this Act.

Mr. GREGG. I yield the floor.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. I ask unanimous consent that Commander Tom Bailey, a fellow serving on the staff of Senator COCHRAN, be allowed privileges of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 575

(Purpose: To authorize $4,000,000 of Army research, development, test, and evaluation funds (in PE 60481A) to be used for the Advanced Integrated Helmet System Program)

Mr. STEVENS. I send an amendment to the desk for Senator GORTON and ask it be numbered and qualified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GORTON, proposes an amendment numbered 575.

The amendment is as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in the title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", $4,000,000 shall be made available for the Advanced Integrated Helmet System Program.

The PRESIDING OFFICER. The amendment is laid aside.

AMENDMENT NO. 576

Mr. STEVENS. I send an amendment to the desk for the distinguished majority leader and ask it be numbered and qualified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LOTT, proposes an amendment numbered 576.

The amendment is as follows:

At the appropriate place, insert:

Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit a report to Congress no later than 180 days after the enactment of this Act which addresses the following issues:

1. A review and evaluation of the operational planning and other preparations of the U.S. Defense Department, including but not limited to the U.S. Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979.

2. A review and evaluation of all gaps in relevant knowledge about the current and future military balance between Taiwan and mainland China, including but not limited to Chinese open source writings.

3. A set of recommendations, based on these reviews and evaluations, concerning further research and analysis that the Office of Net Assessment and the Pacific Command believe to be necessary and desirable to be performed by the National Defense University and other defense research centers.

The PRESIDING OFFICER. The amendment is laid aside.

AMENDMENT NO. 577

Mr. STEVENS. I send an amendment to the desk for the Senator from New Mexico, Mr. DOMENICI, and ask that it be qualified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DOMENICI, proposes an amendment numbered 577.

The amendment is as follows:

On page 106, line 4, strike "The Communications Act" and insert "(a) The Communications Act of 1934".

On page 107, between lines 4 and 5, insert the following:

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

The PRESIDING OFFICER. The amendment is laid aside.

AMENDMENT NO. 578

(Purpose: To extend for a period of 3 years the Agriculture Export Relief Act of 1998 and the India-Pakistan Relief Act of 1998)

Mr. STEVENS. I send an amendment to the desk for Senator ROBERTS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBERTS, proposes an amendment numbered 578.

The amendment is as follows:

At the end of the general provisions, add the following:

SEC. 8109. EXTENSION OF AGRICULTURE EXPORT RELIEF ACT OF 1998 AND INDIA-PAKISTAN RELIEF ACT OF 1998.

(a) EXTENSION OF AGRICULTURE EXPORT RELIEF ACT OF 1998.—Section 2 of the Agriculture Export Relief Act of 1998 (Public Law 105–194; 112 Stat. 627) is amended by striking "September 30, 1999" each place it appears and inserting "September 30, 2002".

(b) EXTENSION OF INDIA-PAKISTAN RELIEF ACT OF 1998.—

(1) IN GENERAL.—Section 902(a) of the India-Pakistan Relief Act of 1998 (22 U.S.C. 2799aa–1 note) is amended by striking "for a period not to exceed one year upon enactment of this Act" and inserting "for a period not to exceed September 30, 2002".

(2) REPORT.—Section 904 of such Act is amended by striking "a one-year period described in section 902" and inserting "the first year following the date of enactment of this Act and annually thereafter".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of enactment of this Act or September 30, 1999.

The PRESIDING OFFICER. The amendment is laid aside.

Mr. STEVENS. Does the Senator from Hawaii have any amendments?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 579

(Purpose: Relating to the conveyance of the remaining Army Reserve property at former Fort Sheridan, Illinois)

Mr. INOUYE. I offer an amendment on behalf of Senator DURBIN on Fort Sheridan and ask that it be set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. DURBIN, proposes an amendment numbered 579.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a)(1) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out any conveyance of land at the former Fort Sheridan, Illinois, unless such conveyance is consistent with a regional agreement among the communities and jurisdictions in the vicinity of Fort Sheridan and in accordance with section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 573).

(2) The land referred to in paragraph(1) is a parcel of real property, including any improvement thereon, located at the former Fort Sheridan, Illinois, consisting of approximately 14 acres, and known as the northern Army Reserve enclave area, that is covered by the authority in section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 and has not been conveyed pursuant to that authority as of the date of enactment of this Act.

The PRESIDING OFFICER. The amendment is laid aside.

AMENDMENT NO. 580

(Purpose: To express the sense of Congress regarding the accidental civilian casualties of live ammunition testing at Vieques, Puerto Rico, and actions to prevent a recurrence of such a tragic accident)

Mr. INOUYE. I offer an amendment on behalf of Senator BINGAMAN on Vieques, Puerto Rico, and ask that it be numbered and set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BINGAMAN, proposes an amendment numbered 580.

The amendment is as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Congress makes the following findings:

(1) Congress recognizes and supports, as being fundamental to the national defense, the ability of the Armed Forces to test weapons and weapon systems thoroughly, and to train members of the Armed Forces in the use of weapons and weapon systems before the forces enter hostile military engagements.

(2) It is the policy of the United States that the Armed Forces at all times exercise the utmost degree of caution in the testing of weapons and weapon systems in order to avoid endangering civilian populations and the environment.

(3) In the adherence to these policies, it is essential to the public safety that the Armed Forces not test weapons or weapon systems, or engage in training exercises with live ammunition, in close proximity to civilian populations unless there is no reasonable alternative available.

(b) It is the sense of Congress that—

(1) there should be a thorough and independent investigation of the circumstances that led to the accidental death of a civilian employee of the Navy installation in Vieques, Puerto Rico, and the wounding of four other civilians during a live-ammunition weapons test at Vieques, including a reexamination of the adequacy of the measures that are in place to protect the civilian population during such testing and of the extent to which the civilian population at the site can be adequately protected during such testing;

(2) the President should not authorize the Navy to resume live ammunition testing on

the Island of Vieques, Puerto Rico, unless and until he has advised the Committees on Armed Services of the Senate and the House of Representatives that—

(A) there is not available an alternative testing site with no civilian population located in close proximity;

(B) the national security of the United States requires that the testing be carried out despite the potential risks to the civilian population;

(C) measures to provide the utmost level of safety to the civilian population are to be in place and maintained throughout the testing; and

(D) in the event that testing resumes, measures are to be taken to protect the Island of Vieques and the surrounding area from environmental degradation, including possible environmental harm, that might result from the testing of ammunition containing radioactive materials; and

(3) in addition to advising committees of Congress of the findings as described in paragraph (2), the President should advise the Governor of Puerto Rico of those findings and, if the President decides to resume live-ammunition weapons testing on the Island of Vieques, consult with the Governor on a regular basis regarding the measures being taken from time to time to protect civilians from harm from the testing.

The PRESIDING OFFICER. The amendment is laid aside.

AMENDMENT NO. 581

Mr. INOUYE. I offer an amendment for Senator INOUYE on native Hawaiians, and I ask to have that numbered and set aside.

The PRESIDING OFFICER. The amendment will be numbered and laid aside.

AMENDMENT NO. 582

(Purpose: To authorize the use of up to $35,000,000 for the retrofitting and improvement of the current inventory of Patriot missiles to meet current and projected threats from cruise missiles)

Mr. INOUYE. Mr. President, I offer an amendment for Senator KENNEDY on Patriot missiles, and I ask that it be numbered and set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. KENNEDY, proposes an amendment numbered 582.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Of the funds appropriated in title III, Procurement, under the heading "MISSILE PROCUREMENT, ARMY", up to $35,000,000 may be made available to retrofit and improve the current inventory of Patriot missiles in order to meet current and projected threats from cruise missiles.

The PRESIDING OFFICER. The amendment is numbered and laid aside.

AMENDMENT NO. 583

(Purpose: To reduce funding for the National Missile Defense program by $200,000,000 and to increase funding for Army modernization programs by $200,000,000)

Mr. INOUYE. Mr. President, I offer an amendment for Senator LEVIN on the National Missile Defense program, and I ask that it be numbered and set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. LEVIN, proposes an amendment numbered 583.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . Notwithstanding any other provision in this Act, the total amount appropriated in Title IV of this act under Research, Development, Test, and Evaluation, Defense-Wide, is hereby reduced by $200,000,000: *Provided*, That not more than $836,555,000 of the funds provided under this Act may be obligated for National Missile Defense programs: *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Aircraft Procurement, Army is hereby increased by $56,100,000 for re-engining of the CH-47 helicopter; *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Missile Procurement, Army is hereby increased by $98,400,000 for advance procurement of the Javelin missile; *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Procurement of Weapons and Tracked Combat Vehicles, Army is hereby increased by $20,000,000 for procurement of the Field Artillery Ammunition Supply Vehicle; *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Other Procurement, Army is hereby increased by $25,500,000 for procurement of SINCGARS radios.

The PRESIDING OFFICER. The amendment is numbered and set aside.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 584

(Purpose: To reduce amounts appropriated for unrequested, low-priority, unnecessary, and wasteful spending by $3,100,000,000)

Mr. McCAIN. Mr. President, I have 2 amendments to send to the desk. My understanding is, under the unanimous consent agreement, both of these amendments have to be proposed by the time of 2:30, so I send them at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 584.

The amendment is as follows:

Strike section 8108, and insert the following:

SEC. 8108. Notwithstanding any other provision of this Act, the total amount appropriated in this Act by titles III, IV, and VI is hereby reduced by $3,100,000,000, the reductions to be derived from appropriations as follows:

(1) From Operation and Maintenance, Army, $27,000,000.

(2) From Operation and Maintenance, Navy, $36,000,000.

(3) From Operation and Maintenance, Marine Corps, $10,200,000.

(4) From Operation and Maintenance, Air Force, $61,800,000.

(5) From Operation and Maintenance, Defense-Wide, $78,900,000.

(6) From Operation and Maintenance, Army National Guard, $53,500,000.

(7) From Operation and Maintenance, Air National Guard, $2,900,000.

(8) From Aircraft Procurement, Army, $178,000,000.

(9) From Procurement of Weapons and Tracked Combat Vehicles, Army, $26,400,000.

(10) From Procurement of Ammunition, Army, $37,500,000.

(11) From Other Procurement, Army, $135,500,000.

(12) From Aircraft Procurement, Navy, $69,000,000.

(13) From Weapons Procurement, Navy, $54,400,000.

(14) From Shipbuilding and Conversion, Navy, $317,500,000.

(15) From Other Procurement, Navy, $67,800,000.

(16) From Procurement, Marine Corps, $54,900,000.

(17) From Aircraft Procurement, Air Force, $164,500,000.

(18) From Missile Procurement, Air Force, $25,400,000.

(19) From Procurement of Ammunition, Air Force, $5,100,000.

(20) From Other Procurement, Air Force, $53,400,000.

(21) From Procurement, Defense-Wide, $73,000,000.

(22) From National Guard and Reserve Equipment, $190,500,000.

(23) From Research, Development, Test, and Evaluation, Army, $249,100,000.

(24) From Research, Development, Test, and Evaluation, Navy, $288,700,000.

(25) From Research, Development, Test, and Evaluation, Air Force, $263,300,000.

(26) From Research, Development, Test, and Evaluation, Defense-Wide, $287,900,000.

(27) From Defense Health Program, $226,200,000.

(28) From Drug Interdiction and Counter-Drug Activities, Defense, $61,600,000.

The PRESIDING OFFICER. The amendment is numbered and laid aside.

AMENDMENT NO. 585

(Purpose: To authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items)

Mr. McCAIN. Mr. President, I send a second amendment to the desk, and I ask that it be numbered and set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 585.

The amendment is as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Subject to subsection (c) and except as provided in subsection (d), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize procurements of items that are grown, reprocessed, reused, produced, or manufactured—

(1) inside a foreign country the government of which is a party to a reciprocal defense memorandum of understanding that is entered into with the Secretary of Defense and is in effect;

(2) inside the United States or its possessions; or

(3) inside the United States or its possessions partly or wholly from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

(b) For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced or manufactured partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

(c) The authority to waive a requirement under subsection (a) applies to procurements of items if the Secretary of Defense first determines that—

(1) the application of the requirement to procurements of those items would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into between the Department of Defense and a foreign country in accordance with section 2531 of title 10, United States Code;

(2) the foreign country does not discriminate against items produced in the United States to a greater degree than the United States discriminates against items produced in that country; and

(3) one or more of the conditions set forth in section 2534(d) of title 10, United States Code, exists with respect to the procurement.

(d) LAWS NOT WAIVED.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any of the following laws:

(1) The Small Business Act.

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46-48c).

(3) Sections 7309 and 7310 of title 10, United States Code, with respect to ships in Federal Supply Class 1905.

(4) Section 9005 of Public Law 102-396 (10 U.S.C. 2241 note), with respect to articles or items of textiles, apparel, shoe findings, tents, and flags listed in Federal Supply Classes 8305, 8310, 8315, 8320, 8335, 8340, and 8345 and articles or items of clothing, footware, individual equipment, and insignia listed in Federal Supply Classes 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8465, 8470, and 8475.

(e) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

The PRESIDING OFFICER. The amendment is numbered and set aside.

Mr. McCAIN. Mr. President, I ask the distinguished chairman when he would like me to address the issue of one amendment concerning reallocation of $3.1 billion.

Mr. STEVENS. Could we wait until after 2:30? We are trying to get these in by the deadline, and then I will be happy to listen to the Senator's comments.

Mr. McCAIN. I thank the chairman, and I yield the floor.

AMENDMENT NO. 586

(Purpose: To provide funds for continued research and development in Space Control Technology)

Mr. STEVENS. I send an amendment to the desk for Senator SHELBY, and I ask that it be numbered and qualified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SHELBY, proposes an amendment numbered 586.

The amendment is as follows:

In Title IV, under Research, Development, Test, and Evaluation, Army, add the following:

"Of the funds appropriated for research, development, test and evaluation Army, up to $10 million dollars may be utilized for Army Space Control Technology."

The PRESIDING OFFICER. The amendment is numbered and laid aside.

AMENDMENT NO. 587

Mr. STEVENS. Mr. President, I have a parliamentary inquiry. As I understand it, amendments should be numbered and qualified now, and we still have a portion of the managers' package to complete. Would it be in order for me to reserve a place now for the final portion of the managers' amendment and just have an amendment numbered for that purpose at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. May I inquire now from the clerk what number will that be?

The PRESIDING OFFICER. No. 587.

Mr. STEVENS. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 588

(Purpose: To authorize the use of $220,000 for a study at Badger Army Ammunition Plant, Wisconsin, relating to environmental restoration and remediation at weapons and ammunition production facilities)

Mr. STEVENS. On behalf of the Senator from Hawaii, I send to the desk an amendment for Senator KOHL, and I ask that it be numbered and qualified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. INOUYE, for Mr. KOHL, proposes an amendment numbered 588.

The amendment is as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. (a) Of the amounts appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $220,000 may be made available to carry out the study described in subsection (b).

(b)(1) The Secretary of the Army, acting through the Chief of Engineers, shall carry out a study for purposes of evaluating the cost-effectiveness of various technologies utilized, or having the potential to be utilized, in the demolition and cleanup of facilities contaminated with chemical residue at facilities used in the production of weapons and ammunition.

(2) The Secretary shall carry out the study at the Badger Army Ammunition Plant, Wisconsin.

(3) The Secretary shall provide for the carrying out of work under the study through the Omaha District Corps of Engineers and in cooperation with the Department of Energy Federal Technology Center, Morgantown, West Virginia.

(4) The Secretary may make available to other departments and agencies of the Federal Government information developed as a result of the study.

The PRESIDING OFFICER. The amendment is numbered and laid aside.

Mr. STEVENS. Again, Mr. President, for the benefit of all Senators, after 2:30, no further amendments in the first degree will be in order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 589

(Purpose: To provide $3,800,000 (in PE 0602315N) for polymer cased ammunition and to provide an offset)

Mr. STEVENS. Mr. President, I send an amendment to the desk for Senators LOTT and COCHRAN, and I ask that it be qualified and set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LOTT and Mr. COCHRAN, proposes an amendment numbered 589.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . Of the total amount appropriated in this Act for RESEARCH DEVELOPMENT TEST AND EVALUATION, NAVY shall be increased by $3,800,000 to continue research and development on polymer cased ammunition.

The PRESIDING OFFICER. The amendment is numbered and laid aside.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 590

(Purpose: To set aside an additional $7,300,000 for space launch facilities, for a second team of personnel for range reconfiguration to accommodate launch schedules)

Mr. STEVENS. Mr. President, on behalf of Senator GRAHAM, I send an amendment to the desk and ask that it be numbered and qualified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRAHAM, proposes an amendment numbered 590.

The amendment is as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE" (other than the funds appropriated for space launch facilities), $7,300,000 shall be available, in addition to other funds appropriated under that heading for space launch facilities, for a second team of personnel for space launch facilities for range reconfiguration to accommodate launch schedules.

(b) The funds set aside under subsection (a) may not be obligated for any purpose other than the purpose specified in subsection (a).

The PRESIDING OFFICER. The amendment is numbered and laid aside.

AMENDMENT NO. 591

(Purpose: To provide for a study of the long term solutions to the removal of ordnance from the Toussaint River, Ohio)

Mr. STEVENS. Mr. President, I send an amendment to the desk for Senator VOINOVICH, and I ask that it be numbered and qualified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. VOINOVICH, proposes an amendment numbered 591.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds appropriated in this Act under the heading "Operation and Maintenance, Army", up to $500,000 may be available for a study of the costs and feasibility of a project to remove ordnance from the Toussaint River.

The PRESIDING OFFICER. The amendment is numbered and laid aside.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 592 THROUGH 601, EN BLOC

Mr. STEVENS. Mr. President, I have a series of amendments that I ask be adopted at this time: A Bond-Santorum amendment, $4 million for MTAPP; Senator HELMS amendment, $5 million for visual display environmental research; Senator BYRD, $10 million for addressing exposure to chemical warfare agents; Senator BYRD, $10 million for biometrics; Senators ASHCROFT and BOND related to the B–2 bomber; Senator SMITH, $10 million for U–2 upgrades; Senator HARKIN, $6 million for Gulf War syndrome; Senator GRAMM, $17.5 million for the F–15 data link; and Senator COLLINS, $3 million for MK–43 gun conversion; Senator INOUYE for Ford Island. I ask that these amendments be considered en bloc and adopted en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 592 through 601, en bloc.

The amendments are as follows:

AMENDMENT NO. 592

(Purpose: To set aside $4,000,000 for the Manufacturing Technology Assistance Pilot Program)

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to $4,000,000 may be made available for the Manufacturing Technology Assistance Pilot Program.

AMENDMENT NO. 593

(Purpose: To set aside $5,000,000 of Army RDT&E funds for visual display performance and visual display environmental research and development)

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $5,000,000 may be available for visual display performance and visual display environmental research and development.

AMENDMENT NO. 594

(Purpose: To increase by $10,000,000 the amount provided for the Army for other procurement for an immediate assessment of biometrics sensors and templates repository requirements, and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort)

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title III under the heading "OTHER PROCUREMENT, ARMY", $51,250,000 shall be available for the Information System Security Program, of which up to $10,000,000 may be made available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

AMENDMENT NO. 595

(Purpose: To set aside $10,000,000 of Operation and Maintenance, Defense-Wide funds for carrying out first-year actions of the 5-year research plan for addressing low-level exposures to chemical warfare agents)

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, up to $10,000,000 may be made available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1957).

AMENDMENT NO. 596

(Purpose: To express the sense of Congress commending the men and women of Whiteman Air Force Base, Missouri, for their ongoing contributions to Operation Allied Force over Yugoslavia)

At the end of the general provisions, add the following:

SEC. 8109. (a) Congress makes the following findings:

(1) The B–2 bomber has been used in combat for the first time in Operation Allied Force against Yugoslavia.

(2) The B–2 bomber has demonstrated unparalleled strike capability in Operation Allied Force, with cursory data indicating that the bomber could have dropped nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties.

(3) According to the congressionally mandated Long Range Air Power Panel, "long range air power is an increasingly important element of United States military capability".

(4) The crews of the B–2 bomber and the personnel of Whiteman Air Force Base, Missouri, deserve particular credit for flying and supporting the strike missions against Yugoslavia, some of the longest combat missions in the history of the Air Force.

(5) The bravery and professionalism of the personnel of Whiteman Air Force Base have advanced American interests in the face of significant challenge and hardship.

(6) The dedication of those who serve in the Armed Forces, exemplified clearly by the personnel of Whiteman Air Force Base, is the greatest national security asset of the United States.

(b) It is the sense of Congress that—

(1) the skill and professionalism with which the B–2 bomber has been used in Operation Allied Force is a credit to the personnel of Whiteman Air Force Base, Missouri, and the Air Force;

(2) the B-2 bomber has demonstrated an unparalleled capability to travel long distances and deliver devastating weapons payloads, proving its essential role for United States power projection in the future; and

(3) the crews of the B-2 bomber and the personnel of Whiteman Air Force Base deserve the gratitude of the American people for their dedicated performance in an indispensable role in the air campaign against Yugoslavia and in the defense of the United States.

AMENDMENT NO. 597

In the appropriate page in the bill, insert the following:

SEC. . Of the funds appropriated in title III under the heading "Aircraft Procurement, Air Force," up to $10,000,000 may be made available for U-2 aircraft defensive system modernization.

AMENDMENT NO. 598

(Purpose: To set aside $25,185,000, the amount provided for research and development relating to Persian Gulf illnesses, of which $4,000,000 is to be available for continuation of research into Gulf War syndrome that includes multidisciplinary studies of fibromyalgia, chronic fatigue syndrome and $2,000,000 is to be available for expansion of the research program in the Upper Great Plains region)

At the appropriate place in the bill, insert the following:

SEC. 8104. Of the amount appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", $25,185,000 shall be available for research and development relating to Persian Gulf illnesses, of which $4,000,000 shall be available for continuation of research into Gulf War syndrome that includes multidisciplinary studies of fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and the use of research methods of cognitive and computational neuroscience, and of which up to $2,000,000 may be made available for expansion of the research program in the Upper Great Plains region.

AMENDMENT NO. 599

(Purpose: To set aside $17,500,000 for procurement of the F-15A/B data link for the Air National Guard)

At the appropriate place in the bill insert the following:

SEC. 8109. Of the total amount appropriated in title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $17,500,000 may be made available for procurement of the F-15A/B data link for the Air National Guard.

AMENDMENT NO. 600

(Purpose: To increase funds for the MK-43 Machine Gun Conversion Program)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title III under the heading "WEAPONS PROCUREMENT, NAVY," up to $3,000,000 may be made available for the MK-43 Machine Gun Conversion Program.

AMENDMENT NO. 601

At the appropriate place in the bill insert:

SEC. . DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the "Ford Island Improvement Account".

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.".

(m) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term "property support service" means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 592 through 601) were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider that action.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the time has now arrived when no more first degree amendments will be cleared to be offered.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I inquire from the Senator from Arizona if he wishes to address the Senate at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 584

Mr. McCAIN. Mr. President, this amendment restores $3.1 billion in operations and maintenance and procurement funding that is cut by section 108 of the bill. It reduces various accounts to eliminate funding for low-priority, unnecessary and wasteful spending by an equal amount. The amendment doesn't change the total amount for defense in this bill. It simply redirects the cuts to eliminate pork barrel spending rather than high-priority readiness and modernization funds.

I find it staggering that the committee would cut funding for readiness and modernization by $3.1 billion when this bill contains nearly $5 billion in spending for unrequested, low-priority, unnecessary and wasteful spending programs that have not been scrutinized in the normal merit-based review process.

Congress recently passed an emergency spending bill that contained nearly $11 billion in defense spending to pay for the costs of ongoing operations in Kosovo. I believe the administration request was around $5 billion. As the chairman of the committee stated on the floor yesterday, we will very likely need to act later this year on another supplemental bill to pay for continued offensive operations against Serbia or to enforce a peace agreement and protect the Kosovars who return home.

Why, then, would we want to cut funding from this bill that would be needed to carry out these operations into the next fiscal year?

Why wouldn't we instead cut some of the $5 billion in pork barrel spending that has been put in this bill principally for the benefit of Members and their constituents?

Here is the list of unrequested programs included in the bill that I have accumulated.

I ask unanimous consent that this list of unrequested and unwanted projects be printed in the RECORD at this time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Department of Defense appropriation bill for fiscal year 2000, objectionable provisions

[In millions of dollars]

OPERATION AND MAINTENANCE	
Army	
Fort Wainwright utilidors	$7
Air Battle Captain Helo. Flight Training Program	1.2
Joint Assessment Neurological Examination Equip.	1.5
Army Conservation and Ecosystem Management	3
BOS-Dugway Proving Ground, Utah	5
UC–35A Basing and Sustainment	17.8
Rock Island Bridge Repairs	5
Fort Des Moines—Historic OCS Memorial	2
Directive Report Language: Directs the Army to consider conveying firefighting equipment to the Bayonne Local Redevelopment Authority and the City of Bayonne;	
Recommends that Rock Island Arsenal be included as a priority facility for the Department's Total Asset Visibility Implementation Plan.	
Navy	
Operational Meteorology and Oceanography	10
Shipyard Apprentice Program	12
Ship Depot Operations Support, Phila. Naval Shipyard	23
Warfare Tactics PMRF facilities improvements	5
UNOLS	3
Professional Development/Education Asia Pacific Ctr.	1.7
Barrow landfill	3
Directive Report Language: Directs the Navy to establish a pilot program for purpose of verifying cost savings that can be achieved through the use of a west coast propeller overhaul facility. Specifies characteristics that result in one possible candidate site.	
Marine Corps	
Initial Issue	15
NBC Defense Equipment	1.1
Air Force	
B–52 attrition reserve	35
Civil Air Patrol Corporation	12.5
University Partnering for Operational Support	5
TACCSF upgrades	10
Eielson utilidors	9.9
Tinker and Altus base repairs	25
Defense-Wide	
DoDDS Math Teacher Leadership Program	.4
Technology innovation and teacher education	5
OEA; Fitzsimmons Army Hospital	10
Charleston Macalloy site	10
OSD; Pacific Disaster Center operations	4
Clara Barton Center, Pine Bluff	1.3
Jefferson Project	5
Civil-Military Programs	
Youth Challenge	62.5
Innovative readiness training	20
Starbase Youth Program	6
National Guard and Reserve	
Directive Report Language: The Committee encourages the Army Reserve to expend resources on the Modern Burner Unit.	
Distance Learning Project	45
Addtional full-time support technicians	26
School house support	10
Project Alert	3.2
Fort Belknap Training Range	2
Defense Systems Evaluation, White Sands Missile Range	2.5
PROCUREMENT	
Aircraft, Army	
UC–35 aircraft (5)	27
UH–60 helicopter (11)	175
AH–64 helicopter mods	45
C–12 airplane mods	3
Kiowa Warrior helicopter mission trainer	6.6

Department of Defense appropriation bill for fiscal year 2000, objectionable provisions—Continued

Kiowa Warrior switchable eyesafe laser rangefinder	2.6
Aircraft survivability equipment: advanced threat infrared countermeasures/common missile warning system	8.1
Night Vision Imaging Systems	5
Aircrew integrated systems	8
Weapons and Tracked Combat Vehicles, Army	
Command and control vehicle	6
Heavy assault bridge mods	15.5
MK–19 automatic grenada launcher	5
Items less than $5 million	15
Ammunition Procurement, Army	
40mm CTG	8
60mm mortar	9
120mm HE mortar CTG	3
120mm WP smoke CTG	5
105mm CTG artillery	10
Wide area munitions	10
ARMS Initiative	14
Other Procurement, Army	
Tactical trailers/dolly sets	6
Army Data Distribution System	15
SINCGARS family	20
AN/TTC–56 warfighter information network (ACUS)	40
Secure terminal equipment (ISSP)	12.5
Worldwide Technical Control Improvement Program (Multi-purpose Range Targetry Electronics)	5.1
Information systems	45
LTWT Video reconnaissance system	1.5
Firefinder radar system mods	8.1
Striker command and control system	10
LOGTECH Army Automatic Identification Technology (AIT)	5
Ribbon bridge equipment	13.5
Lightweight Maintenance Enclosure	3.2
Water purification system	3
Combat medical support equipment	4
Combat training centers support (incl. Ft. Polk)	10
Improved moving target simulator upgrade program	3.5
Commercial Construction Equipment SLEP	8
Aircraft Procurement, Navy	
F/A–18E/F advance procurement (6)	14
EA–6 aircraft transmitters	25
EA–6 night vision devises	15
SH–60 helicopter AQS–13F	7.5
UH–1 helicopter infrared radar system	10
UH–1 helicopter engine torque pressure system	2.5
P–3 aircraft AIP kits	24.2
C–2A aircraft propeller	5
Common ground equipment direct support sqdrn, readiness training	3
High Pressure Pure Air Generator	2.5
Weapons Procurement, Navy	
BQM–74 aerial targets	30
Improved tactical air launched decoy (ITALD)	20
Weapons industrial facilities	7.7
MK–45 gun mount mods	28
Shipbuilding and Conversion, Navy	
LHD–8 advance procurement	500
Other Procurement, Navy	
Other navigation equipment	19
Items less than $5 million (Distance Learning)	6.5
AN/BPS–15H surface search radar	8
AN/SPS–73 radar	8
SSN acoustics	2.6
JEDMICS	9
Information Systems Security Program (ISSP)	3.5
Passive sonobuoys	3
AN/SSQ–62	3
AN-SSQ–101	3
Weapons Range Support Equipment	11
Retrofit OMNI IV/V night vision goggles	18.1
NULKA anti-ship missile decoy	12
Procurement, Marine Corps	
LAV mortar test program sets	4
Tracked vehicle modification kits	60.5
K-Band test obscuration pairing system	2
Radio systems	10
D–7G bulldozer	10
Aircraft Procurement, Air Force	
F–16C/D (2)	50
F–16C/D advance procurement (12)	24
EC–130J (1)	87.8
C–130J spares and mods	24.2
F–15 E-Kit engine upgrades for Air National Guard	20
F–16 fuel tanks; oxygen generating systems; digital terrain system; theater airborne recon. system	34.5
C–17 maintenance trainer	3.5
C–12 spare parts	5
Common support equip.: multiplatform boresight equip	10
Missile Procurement, Air Force	
Minuteman III mods	40
Ammunition Procurement, Air Force	
Sensor Fuzed Weapon	8
Other Procurement, Air Force	
Combat training ranges: unmanned treat emitter	28
C3 countermeasures	5
Theater Deployable Communication	35
Radio equipment	3.7
Laser eye protection	2.4
Mechanized material handling equipment	10
Procurement, Defense-Wide	
Automatic Document Conversion System	50
Patriot PAC-3 procurement	60
Chemical decontamination	5
National Guard and Reserve equipment	300
RDTE ARMY	
Defense Research Sciences: Cold Regions Military Eng.	1.0
University and Industry Research Centers:	
Basic Research In Counter Terrorism	15.0
Electro And Hyper Velocity Physics Research	3.0
Advanced And Interactive Displays	1.3
National Automotive Center	3.0
Materials Technology: AAN Materials	2.5
Missile Technology:	
Scramjet Technologies	2.0
Computational Fluid Dynamics	9.2
Modeling and Simulation Technology: Photonics	5.0
Combat Vehicle and Automotive Technology:	
"Smart Truck" Initiative	3.5
Alternative Vehicle Propulsion	10.0
Chemical, Smoke, and Equipment Defeating Technology: Optical Spectroscopy	2.0
Electronics and Electronic Devices:	
Hybrid Fuel Cell	1.5
Improved High Rate Alkaline Cell	1.0
Low Cost Reusable Alkaline Manganese-Zinc	1.4
Re-Usable Coin Cells	0.6
Lithium Carbon Monoflouride Coin Cells	0.4
"AA" Zinc Air Battery	0.7
Countermine Systems: Nonlinear Acoustic Technology	1.0
Human Factors Engineering Technology: Emergency Medical Team Coordination	3.4
Environmental Quality Technology:	
Plasma Energy Pyrolysis System (PEPS)	8.0
Phyto-Remediation In Arid Lands	3.0
Texas Regional Institute for Env. Studies	1.0
Military Engineering Technology:	
University Partnering For Ops Support	3.0
Cold Regions R&D	1.3
Medical Technology:	
Disaster Relief And Emergency Medical Services	5.0
Center For Innovative Minimally Invasive Therapy	10.0
Osteoporosis And Bone Disease	2.5
Medical Advanced Technology:	
Center For Prostate Disease Research WRAMC	7.5
Intravenous Membrane Oxygenator	1.0
Volume Angio CAT	6.0
Joint Diabetes Project	10.0
Combat Vehicle and Automotive Advanced Technology:	
Future Combat Vehicle Development	5.0
Improved HMMWV Research	8.0
Command, Control, Communications Advanced Technology: Innovative Sensor Enhancement And Integration	10.0
Manpower, Personnel and Training Advanced Technology: Army Aircrew Coordination Training	3.0
Missile and Rocket Advanced Technology: Future Missile Technology Integration (FMTI)	5.0
Joint Service Small Arms Program: Objective Crew Served Weapon (OCSW)	5.0
Advanced Tactical Computer Science and Sensor Technology: Digital Situation Mapboard	2.0
Army Missile Defense Systems Integration (DEM/VAL):	
Missile Defense Flight Experiment Support	14.7
Tactical High Energy Laser	15.0
Acoustic Technology Research	4.0
Radar Power Technology	4.0
Family Of Systems Simulators (Fossim)	1.5
Small Fast ChemBio Detectors	1.0
SMDC Battlelab	5.0
Armament Enhancement Initiative: XM 1007 Precision Guided Kinetic Energy Munition	15.0

Department of Defense appropriation bill for fiscal year 2000, objectionable provisions—Continued

Aviation—Adv Dev: Virtual Cockpit Optimization	5.0
Medical Systems—Adv Dev: Combat Trauma Patient Simulation	5.8
EW Development: ATIRCMS/CMWS	4.0
Brilliant Anti-Armor Submunition (BAT): TACMS 2000	10.0
Joint Surveillance/Target Attack Radar System: JSTARS	10.0
Weapons and Munitions—Eng Dev:	
Motar Anti-Personnel/Anti-Material (MAPAM)	7.2
50 Caliber Quick Change Barrels	2.0
Sense and Destroy Armament Missile: Program Increase	10.0
Firefinder: TBM Cueing	7.9
Threat Simulator Development:	
Threat EO/IR Simulator	2.5
Threat Mine Simulator	1.2
Virtual Threat Simulator	4.0
Concepts Experimentation Program: Digital Information Technology Testbed	3.0
Army Test Ranges and Facilities: White Sands Missile Range	7.5
DOD High Energy Laser Test Facility: HELSTF	14.0
Munitions Standardization Effectiveness and Safety:	
Contained Detonation Technology	3.0
Bluegrass Army Depot	2.5
Management Headquarters (R&D): Akamai research project	23.0
Combat Vehicle Improvement Programs: M–1 Large Area Flat Panel Displays	8
Digitization: Fort Hood Digitization Research	2.0
Force XXI Battle Command, Brigade and Below (FBCB2): FBCB2	21.7
End Item Industrial Preparedness Activities:	
Instrumental Factory For Gears (INFAC)	4.0
Totally Integrated Manufacturing Enterprise	10.0
Directive Report Language: Directs the Army and Marine Corps to develop a plan, and report on its implementation, for including the Rock Island arsenal in all aspects of howitzer design, development and production.	
RDTE NAVY	
Air and Surface Launched Weapons Technology: Pulsed Detonation Engine Technology	5.0
Ship, Submarine and Logistics Technology: Stainless Steel Double Hull	5.0
Marine Corps Landing Force Technology: Non-Traditional Military Operations	5.0
Communications, Command and Control, Intel Surveillance:	
Hyperspectral Research	4.0
UESA Signal Processing Support	5.0
Human Systems Technology:	
Coastal Cancer Control (MUSC)	5.0
Retinal Pigment Laser Damage	0.2
Materials, Electronics and Computer Technology:	
Heatshield Research	2.0
Thermal Management Materials	2.0
Photomagnetic Material Research	0.5
Silicon Carbide For Electronic Power Devices	2.0
Innovative Communications Materials	2.25
Advanced Material Processing Center	5.0
ADPICAS	1.15
Electronic Warfare Technology:	
Free Electron Laser	10.0
Waveform Generator	3.0
Oceanographic and Atmospheric Technology: Distributed Marine-Environment Forecast System	2.4
Undersea Warfare Weaponry Technology:	
Computational Eng. Design	3.5
SAUVIM	1.5
Surface Ship and Submarine HM&E Advanced Technology:	
Composite Helo Hangar	5.0
Reconfigurable Ship Simulation	2.5
Power Node Control Centers	3.0
Virtual Testbed For Advanced Electrical Systems	5.0
Marine Corps Advanced Technology Demonstration (ADT):	
BURRO	5.0
Advanced Light Weight Grenade	1.0
Project Albert	4.0
Vehicle Technology Demo	1.0
Medical Development (Advanced):	
Naval Dental Research Institute	3.0
Prostate Cancer Immunotherapy	1.5
Manpower, Personnel and Training Adv Tech Dev:	
Integrated Manufacturing Studies	3.0
T-Star	1.5
Environmental Quality and Logistics Advanced Technology: Visualization Of Technical Information (VTI)	3.0
Navy Technical Information Presentation System: Joint Experimentation	15.0
Undersea Warfare Advanced Technology: Terfenol-D	2.5
Mine and Expeditionalary Warfare Advanced Technology: Ocean Modeling	9.0
Advanced Technology Transition: Low Observable Stack	10.0
Vector Thrusted Dusted Propeller	6.0
Advanced Trailer Research	6.0
Mine Countermeasures Ship	12.0
C3 Advanced Technology: National Technology Alliance	10.0
Surface and Shallow Ater Mine Countermeasures: Integrated Combat Weapons Systems (ICWS)	18.0
Shipboard System Component Development: Advanced Water Jet Technology	2.0
Pilot Fish	2.5
Advanced Submarine System Development: Enhanced Performance Motor Brush	2.3
Ship Concept Advanced Design: STEP Development—Navy CAE Technology	2.0
Advanced Surface Machinery Systems: Naval Ship Survivability	2.5
Combat Systems Integration: Common Command And Decision Systems	5.0
Cooperative Engagement: CEC Space	15.0
Environmental Protection: Asbestos Conversion Pilot Program	4.0
Land Attack Technology: Continuous Processor, NSWC	6.3
Land Attack Technology: Extended Range Guided Munition	10
Non-Lethal Weapons—Dem/Val:	
Innovation Initiatives	3.0
Space and Electronic Warfare (SEW) Arch/Eng Support: NAVCIITI	4.0
Other Helo Development:	
Sentient Sensors	1.0
Parametric Airborne Dipping Sonar	15.0
H–1 Upgrades: EMD Program	26.6
Aircrew Systems Development: Aircrew Systems	3.5
Surface Combatant Combat System Engineering: AEGIS Interoperability	25.0
Airborne MCM: CH–60 Upgrades	2.0
Air Control: ECARS	7.0
Enhanced Modular Signal Processor: ARCI/MPP	11.0
Swath (Small Waterplane are Twin Hull) Oceanographic Ship: SWATH	9.0
New Design SSN: Non-propulsion Electronic Systems	10.0
Ship Contract Design/Live Fire T&E: Smart Propulsor Product Model	2.0
Ship Self Defense—EMD: NULKA	4.4
Distributed Surveillance System: Advanced Deployable System	22.0
Major T&E Investment	5.0
Marine Corps Program Wide Support:	
ChemBio Individual Sampler (CBIS)	4.8
Consequence Management Information System (CMIS)	1.2
Small Unit Biological Detector (SUBD)	4.0
F–18 Squadrons: Joint Helmet Mounted Cueing System	5.0
Consolidated Training Systems Development: Battle Force Tactical Training System (BFTT)	7.5
Surface ASW Combat System Integration: High Dyn. Range, Towed Array Rec. & Sonar	8.0
Navy Science Assistance Program:	
Lash	12.0
Airship/LASH Study for Range Enhancements	1.0
Airborne Reconnaissance Systems: Hyperspectral Modular Upgrades	4.0
Modeling and Simulation Support: SPAWAR Modeling and Simulation Initiative	3.0
Industrial Preparedness Mantech	10.0
RDTE AIR FORCE	
Defense Research Sciences: National Solar Observatory	0.65
Materials:	
Structural Monitoring of Aging Aircraft	1.5
Friction Stir Welding	2.0
Thermal Management For Space Structures	2.5
Titanium Matrix Composites	2.2

Department of Defense appropriation bill for fiscal year 2000, objectionable provisions—Continued

Materials—High Temperature Ceramic Fibers	2.4
Resin Systems For AF Engine Applications	2.0
Metals Affordability Initiative Consortium	9.0
Electrochem Fatigue Sensor Dev & Field Use Tests	3.0
Human Effectiveness Applied Research:	
Solid Electrolyte Oxygen Separator	6.0
Behavioral Science Res Under AFRL	5.1
Aerospace Proulsion:	
High Thermal Stability Fuel Technology	1.0
KC–135 Variable Displacement Vane Pump	4.0
High Power, Advanced Low Mass Systems Prototype	6.0
More Electric Aircraft Program	3.0
Thermophotovoltaic (TPV)	2.0
ISSES/AFRL	0.775
Hypersonic Technology Program: Restore Hypersonic And High Speed Propulsion	16.0
Phillips Lab Exploratory Development:	
HAARP	10.0
Radio Frequency Applications Development	5.0
Tropo-Weather	2.5
Space Survivability	0.6
HIS Spectral Sensing	0.8
Command, Control and Communications: Electromagnetic Technology	9.3
Advanced Materials for Weapon Systems: Composite Space Launch Payload Dispensers	4.5
Aerospace Structures: Polymeric Foam Core	4.0
Aerospace Propulsion and Power Technology: More Electric Aircraft Program	0.25
Personnel Training and Simulation Technology: Behaviorial Science Research & AFRL	1.8
Crew Systems and Personnel Protection Technology:	
Helmet Mounted Visual System Comp. & Mini-CRT	5.0
Panoramic Night Vision Goggles (PNVG)	3.0
Advanced Spacecraft Technology: Scorpius	5.0
MSTRS:	
Upper Stage Flight Experiment	15.0
Space Maneuver Vehicles	25.0
Advanced Weapons Technology:	
Laser Spark Missile Countermeasures Program	5.0
Field Laser, Radar Upgrades	6.0
Environmental Engineering Technology: E-Smart Environmental Monitoring Tool	5.0
Space Control Technology: Program Increase	5.0
Joint Strike Fighter: Alternative Engine Development	15.0
Intercontinental Ballistic Missile (Dem/Val): Quick Reaction Launch Demonstration Under RSLP	19.2
Space Based Laser: SBL Plan, Eng. And Design Of SBL Test Facility	10.0
B–2 Advanced Technology Bomber: B–2 Upgrades And Maintainability Enhancements	37.0
EW Development: Precision And Location & ID Prog. (PLAID) Upgrade	10.0
Submunitions: 3–D Advanced Track Acquisition And Imaging System	4.5
Life Support Systems: Life Support Systems	2.5
Computer Resource Technology Transition (CRTT): Asset Software Re-Use Program	2.8
Major T&E Investment: MARIAH II Hypersonic Wind Tunnel Program	6.0
Program Reduction: Big Crow Program Office	5.0
Space Test Program (STP): Micro Satellite Technology	10.0
F–16 Squadrons: ADV Identification Friend Or Foe (AIFF) For F–16	6.0
F–117A Squadrons: Pre-EMD And EMD Efforts On Block 3 Upgrades	20.0
Compass Cass: TRACS–F Upgrade	8.0
Theater Air Control Systems: Theater Air Control Systems (TACS)	6.0
Theater Battle Management (TBM) C41: Theater Battle Management Core Systems	5.0
Cobra Ball: Advanced Airborne Sensor	4.0
Information Systems Security Program: Lighthouse Cyber Security Program	10.0
Airborne Reconnaissance Systems: JSAF LBSS And HBSS	10.0
Manned Reconnaissance Systems: Prototype Pre-Processor	4.5
U–2 Dual Data-Link II Upgrade	8.0
Industrial Preparedness: Nickel-Metal Hydride Replacement Battery For F–16	1.33
Productivity, Reliability, Availability, Maintain, Program OFC:	
Aging Aircraft Extension Program	7.0
Blade Repair Facility	7.0
Support Systems Development: Integrated Maintenance Data Systems	9.0
DEFENSE–WIDE, RDT&E	
Support Technologies—Applied Research:	
Wide Band Gap Materials	14.0
POAP	8.0
Laser Communications Experiment	3.0
Support Technologies—Advanced Technology Dev.	
Atmospheric Interceptor Technology (AIT)	30.0
Excalibur	5.0
Scorpius	5.0
Silicon Thick Film Mirror Coatings	2.0
Joint Theater Missile Defense Program:	
Liquid Surrogate Target Development Program	5.0
PMRF TMD Upgrades	10.0
Optical-Electro Sensors	5.0
Kauai Test Facility	4.0
BMD Technical Operations: SMDC Adv. Research Center	3.0
Threat and Countermeasures:	
Comprehensive Advanced Radar Technology	4.0
Phase IV of Long Range Missile Feasibility	3.0
Patriot PAC–3 Theater Missile Defense Acquisition-EMD: Program Cost Growth	152.0
OTHER ADJUSTMENTS	
Defense Research Sciences: Spectral Hole Burning Applications	2.0
University Research Initiatives:	
Anticorrosion Studies	1.5
Advanced High Yield Software Development	1.5
Active Hyperspectral Imaging Sensor Research Program Chemical And Biological Defense Programs: Chemical And Biological Detection Programs	4.0
Medical Free Electron Laser	2.281
Re-Use Technology Adoption Program	3
Chemical And Biological Defense Program: Chemical And Biological Detection Programs	10.0
Tactical Technology: CEROS	7
Integrated Command And Control Technology: High Definition System (HDS)	10.0
Fabrication of 3–D Micro Structures	2
Biodegradable Plastics	1.5
Strategic Materials	2
WMD Related Technology:	
Thermionics	3.0
Nuclear Weapons Effects	7.0
Deep Digger	5.0
Explosives Demilitarization Technology: Explosives Demilitarization Technology	7.0
Counter Terror Technical Support:	
Facial Recognition Technology	3.0
Testing Of Air Blast And Improvised Explosives	4.0
Special Technical Support: Complex Systems Development	5.0
Verification Technology Demonstration: Comprehensive Test Ban Treaty Verification	1.5
Generic Logistics R&D Technology Demonstrations:	
Microelectronics	3.0
Computer Assisted Technology Transfer	6.0
Strategic Environmental Research Program: Biosystems Technology	6.0
Cooperative DOD/VA Medical Research	10.0
Advanced Electronics Technologies:	
Change Detection Technology	3
Defense Techlink	1.5
Center for Advanced Microstructures and Devices	4
Advanced Concept Technology Demonstrations: Magnetic Bearing Cooling Turbine	4.0
High Performance Computing Modernization Program:	
Multi Thread Arch. System For High Per. Modem	4.0
High Performance Visualization Center	3.0
Large Millimeter Telescope	2
Joint Wargaming Simulations Management Office: Synthetic Range Study	1.0
Joint Robotics Program: Lightweight Robotic Vehicles	5.0
Advanced Sensor Applications Program:	
HAARP	5.0
Solid State Dye Laser Applications	6.0

Department of Defense appropriation bill for fiscal year 2000, objectionable provisions—Continued

Department of Defense appropriation bill for fiscal year 2000, objectionable provisions—Continued

CALS Initiative: CALS—Integrated Date Environment (IDE)	4.0
Chemical and Biological Defense program—Dem/Val:	
Bioadhesion Research To Combat Biological Warfare	2.0
M93 Al For Chemical Simulation Training Suites	5.0
Humanitarian Demining: Demining Technologies For Unexploded Land Mines	3.0
Joint Robotics Program EMD: Vehicle Teleoperations	5.0
Joint Theater Air and Missile Defense Organization: Support Jamming AOA	10.0
Defense Technology Analysis: Commodity MGT System Consolidation	5.0
Information Systems Security Program: Trusted Rubix Database Guard	1.8
Defense Imagery and Mapping Program:	
Pacific Imagery Program for Exploitations	2.8
NIMA View Joint Mapping Tool	8.0
Defense Reconnaissance Support Activities (Space): Pacific Disaster Center	6.0
Defense Health Program	
Operation and Maintenance:	
Alaska Federal Health Care Partnership	1.4
Graduate School of Nursing	2.3
Tri-Service Nursing Research Program	6.0
Pacific Island Health Care	5
Center for Disaster Management	5.0
Military Health Services Information Management	10
Brown Tree Snakes	1
PACMEDNET, Hawaii	12.0
Automated Clinical Practice Guidelines	7.5
Outcome Driven Health Care and Info Systems	6.0
Research, development, test and evaluation:	
Breast Cancer Research Program	175.0
Prostate Cancer Research Program	75.0
Acute lung injury, advanced soft tissue modeling, alcohol abuse prevention, alcoholism, brain injury, childhood asthma, cognitive neuroscience, diabetes, digital mammography imaging, disease management demonstration, enzymatic wound disinfectants, neurofibromatosis, osteoporosis and bone disease, ovarian cancer, polynitroxylated hemoglobin, smoking cessation, stem cell, tissue regeneration research	50.0
Drug Interdiction and Counterdrug Activities	
National Guard counterdrug support, New Jersey	20.0
Gulf States counterdrug computer upgrades in Alabama, Georgia, Louisiana & Mississippi	10.0
Marijuana eradication	6.0
Counterdrug intelligence and infrastructure support	50.0
R-OTHR radar study	1.0
Northeast Regional Counterdrug Training Center	2.0
Counternarcotics Center at Hammer	8.0
Total	4.887B

Some Examples of Protectionist Legislation

"Buy American" anchor chains.

"Buy American" carbon, alloy, or armor steel plate.

"Buy American" ball and roller bearings.

"Buy American" computers.

"Buy American" coal for municipal district heat, Germany.

"Buy American" food, speciality metals, hand tools, measuring tools, clothing, and fabrics (Berry Amendment).

BILL LANGUAGE

Operations and Maintenance, Army

Not less than $355 million shall be available only for conventional ammunition care and maintenance.

Shipbuilding and Conversion, Navy

The Secretary of the Navy is authorized to enter into a contract for an LHD–1 Amphibious Assault Ship which shall be funded on an incremental basis.

Chemical Agents and Munition Destruction, Army

$1 million shall be available until expended each year only for a Johnston Atoll off-island leave program.

Intelligence Community Management Account

$27 million shall be transferred to the Department of Justice for the National Drug Intelligence Center.

Kaho' olawe Island Conveyance, Remediation, and Environmental Restoration Fund: $35 million.

Section 8022: $500,000 shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capitol Region.

Section 8029: Prohibition on the use of funds to reduce or disestablish the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, Keesler Air Force Base.

Section 8033: $26.4 million shall be available only for the Civil Air Patrol Corporation.

Section 8070: Restrictive employment practices for contractors that could increase the cost of the work to be performed.

Section 8071: The Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin.

Section 8083: Authorizes the Defense Department to waive reimbursement costs associated with the conduct of seminars, conferences and other activities at the Asia-Pacific Center for Security Studies.

Section 8098: Authorizes $255,333 for payment to Trans World Airlines to replace lost and canceled Treasury checks.

Section 8103: $5 million shall be transferred to the Department of Transportation to realign railroad track on Elmendorf Air Force Base.

Section 8105: Requires procurement of malt beverages and wine sold by nonappropriated fund activities of the Defense Department from commercial entities within the state in which the military installation resides.

Section 8107: Amends the Communications Act with respect to the bidding process involving the sale of the frequency spectrum. Mandates such bidding process be initiated during fiscal year 1999.

Section 8108: Reduces the amount available for national defense by $3.1 billion.

Mr. MCCAIN. Mr. President, it totals $5 billion. Self-restraint in fiduciary matters is a virtue, especially for a party that rose to majority status with the promise of reducing this type of practice.

But every year it is the same old story: More money for NULKA antiship decoy systems; more money for the plethora of laser projects that have proliferated at every lab in the country; more money for unrequested and unneeded aircraft; more money for automatic grenade launchers—we have got to have a stockpile of these things that will last forever—more money for research into double-hull technology, which shipbuilders are supposed to provide themselves per the requirements of the Oil Pollution Prevention Act.

There are millions every year for hyperspectral research that is not requested by the military. Earmarks like the one that requires the Army and Marine Corps to make the Rock Island arsenal the center of all future design, development and production activities related to artillery do not represent good public policy. What is it that forces us to designate Rock Island arsenal as a center for this? That's not public policy.

Medical research and environmental matters unrelated to combat ought to be carefully scrutinized when funded in the defense budget. We do just the opposite: we use the defense budget to fund pet projects that should be funded through nondefense agencies in nondefense spending bills. Osteoporosis is a serious problem, but in the defense budget? $3 million to fund phyto-remediation research and arid lands? In the defense budget? How can we take ourselves seriously—how can the public take us seriously, when we demonstrate absolutely no willingness to curtail the very spending practices that put this country so heavily in debt?

At the very time a consensus has formed around the proposition that the armed forces are being stretched perilously thin, a situation that will get worse when we send more than a brigade's worth of ground forces into Kosovo, it is incumbent upon those of us elected to represent the interests of the nation that we act with a modicum of self-restraint where the public treasure is concerned. Failing to do so will not only damage the treasure, it will most assuredly cost lives. This is, after all, national defense.

Let's review some recent examples of readiness shortcomings, shortcomings that the Joint Chiefs of Staff have repeatedly emphasized pose a serious threat to both near and long-term readiness:

The nuclear carrier *U.S.S. Enterprise* (CVN–65) recently deployed to the Persian Gulf and Kosovo, undermanned by some 800 sailors.

We are losing pilots to the commercial airlines faster than we can train them.

The Navy has one-half the F/A–18 pilots, one-third of the S–3 pilots, and only one-quarter of the EA–6B pilots it needs.

Only 26 percent of the Air Force pilots have committed to stay beyond their current service agreement.

The Army says that five of its ten divisions lack enough majors, captains, senior enlisted personnel, tankers and gunners.

Again, the world watches as the Air Force's main bomber, the B–52, once again is called to duty to delivery air launched cruise missiles in combat. How many times has the Air Force called upon this 40-year old workhorse to deliver devastating firepower? The B–52 bomber was already old when I saw it fly in Vietnam, and yet the Air Force plan will carry the current bomber fleet through the next 40 years, with a replacement to the B–52 tentatively planned in 2037.

The Navy is struggling to maintain a fleet of 300 ships, down from over 500 in the early 1990s. The fiscal year 2000 budget will not support a Navy of even 200 ships.

The Marine Corps saves money in spare parts by retreading light trucks and Humvees, so as to afford small arms ammunition for forward deployed Marines.

Mr. President, the cumulative effect of these types of readiness problems will most assuredly translate into higher risks for the young men and women we send into harm's way to defend us and our country.

Mr. President, I understand what is going on here. We have a problem, and that is the existence of stringent budget caps designed to keep government spending in check. I support those who are resisting the urge to bust the budget by exceeding the spending allowed by the 1997 budget agreement.

I also understand that the Appropriations Committee has to balance the interests of those who favor domestic spending over defense spending, and I realize that compromises have to be made.

But we shouldn't be stuffing appropriations bills, defense or otherwise, full of pork-barrel spending. And we shouldn't be cutting defense, like this bill does, to set aside money to cover the excess pork-barrel spending that will inevitably show up in other domestic appropriations bills later in the process.

And I would just like to make the point that the money that was taken from this bill for later pork-barrel spending could just as easily be reallocated back into this bill, when this amendment is adopted.

We shouldn't be jeopardizing the readiness of our Armed Forces by cutting high-priority funding just to stay within the budget caps. We should do the right thing, and cut the pork instead of potentially putting our men and women in harm's way without the training and tools they need to defend themselves and our nation.

I was going through this list here. Some of them are interesting and some are amusing:

Under Defense Health Program is $1.4 billion for the Alaska Federal Health Care Partnership; Tri-Service Nursing Research Program, $6 million—remember, this is out of Defense. I don't even know where the Tri-Service Nursing Research Program is. Then there is Pacific Island Health Care, $5 million; brown tree snakes—the perennial tree snakes—is only a million dollars this year. I would have thought that with all the millions and millions we have spent on brown tree snakes over the past years, we would have at least been able to defend a nation from them. Unfortunately, the spending for brown tree snakes continues, and probably will for a long time—at least in my lifetime.

Outcome Driven Health Care and Info Systems, $6 million; Breast Cancer Research Program, $175 million; Prostate Cancer Research Program, $75 million; Acute lung injury, advanced soft tissue modeling, et cetera, et cetera, $50 million. Then, of course, we have the usual protections in this legislation that requires us to "buy American" anchor chains, carbon, alloy, or armor steel plate, and ball and roller bearings. We have to buy American for computers this time. That is interesting. We have to buy American coal for municipal district heat in Germany. Talk about the old line about bringing coal to New Castle. Then, of course, we have to buy American food, specialty metals, hand tools, measuring tools, clothing and fabrics.

Then we have Ship Depot Operation Support at the Philadelphia Naval Shipyard, $23 million. I am very curious about that expenditure up in Philadelphia, which was supposed to be opened and going to be in private hands. Barrow landfill, $3 million; Professional Development/Education Asia Pacific Center, $1.7 million. I wonder whose profession is being developed there. Let's see. The list goes on.

I think I have made my point, as usual. Here is Counternarcotics Center at Hammer. Since I don't know where Hammer is, I probably should not comment on it. The list goes on. Here is one the military didn't request: A smart truck initiative. Perhaps we will have trucks that gas themselves, because $3.5 million is a pretty hefty sum to spend on smart trucks.

Here is Plasma Energy Pyrolysis system and Phyto-remediation in Arid Lands. Not to mention one of our important defense items, Texas Regional Institute for Environmental Studies. Then there is the University Partnering for Operations Support and Cold Regions R&D.

The list goes on. The point is that we now have 11,000 enlisted families that are on food stamps. We now have a shortage of air launch cruise missiles, which everybody knows about. We now have an incredible increase in the wear and tear of our equipment because of the dramatically increased operations regarding Kosovo. What do we do? We think that we spend the money the military needs for modernization and operations and maintenance? No, Mr. President. We spend $5 billion in unnecessary and unwanted things, which is up, by the way, from the supplemental. I think I only identified a little over $2 billion that was in the "emergency" supplemental, such as Dungeness crab fishermen, reindeer, and other "vital emergencies" that required our immediate attention.

So, I have very little confidence that this amendment will carry. I think it is important, however, that the American people know where their tax dollars are going, and sooner or later—perhaps later—they will demand that we stop doing this with their hard-earned tax dollars. It may be later, as I say. But I also have to say to my dear friends on the Appropriations Committee, I see increases in this kind of wasteful and unnecessary spending, not decreases. There is going to have to come a point where we are going to have to start having recorded votes on all this stuff. I am worried about brown tree snakes like everybody else, but I am much more worried about the men and women in the military who happen to be subsisting on food stamps today. I think a lot of Americans are growing rather weary of this procedure.

Mr. President, I will be glad to have a tabling motion vote or an up-or-down vote on this amendment.

I yield the floor.

Mr. STEVENS. Mr. President, I regretfully must oppose Senator MCCAIN's amendment. I understand the amendment, but it takes a different approach to funding critical Department of Defense priorities for fiscal year 2000 than the committee has approved in this bill before the Senate.

Based upon the amounts that we provided in the fiscal year 1999 emergency supplemental appropriations for Kosovo and funds that were remaining from the 1999 supplemental for Bosnia, the committee determined—and I add that it was at my request—that at least $3.1 billion now available to the Department of Defense can and should be carried over to the year 2000. As a matter of fact, on the floor of the Senate I stated that our intent was to try and take care of some of the year 2000 obligations in that supplemental to best reflect the needs of the Department and the pressures across the discretionary accounts under the 1997 budget agreement.

Our committee adjusted the totals in this bill to reflect those specific amounts that carry over from the 1999 appropriation into the year 2000. Having done so, having brought $3.1 billion more into this account, we then removed some of the moneys that we previously allocated to the account into the nondefense area. The discretion to do that gave us the ability to meet critical needs in the nondefense area.

We believe that we did address critical readiness problems in the supplemental, and we specifically anticipated some of those needs which could possibly have been incurred—the costs incurred—before September 30th of this year. Those now appear to be funds that will be required in the year 2000, and we have met those demands by moving forward with the money.

I know this has caused some anxiety to people within the Department of Defense who believe that we have cut the bill. We have not cut the bill. The bill is exactly the same amount of money originally under consideration by the committee, but we have found the moneys to pay those bills by carrying forward into the year 2000 some of the 1999 appropriations.

We believe we have met the needs of the military under this bill. The amendment of the Senator from Arizona strikes from the bill $3.1 billion, rather than carry forward with the money from 1999. I think that will have a detrimental impact on the priorities established by the committee and the priorities that some Members have presented not only in committee but on the floor.

For instance, the Senator's amendment would reduce nearly $270 million from the service operation and maintenance accounts, including $53.5 million from the Army National Guard alone. In procurement, the amendment pending would reduce or eliminate funding provided to replace the aging UH-1, the Huey helicopters, built in the 1960s, with the Army's modern standard, the UH-60 Blackhawk.

The amendment reduces funding for advance procurement of one of the Commandant of the Marine Corps' top priorities, the LHD-8 amphibious assault ship.

For the Air Force, funding for additional F-16, EC-130J and JStars aircraft would be deleted.

In research and development, funds added for the SBIRS satellite, national missile defense and the third arrow battery for Israel would be reduced.

For the Defense Health Program, the additional amounts provided for breast cancer research and prostate cancer research would be cut also by the Senator's amendment.

In response to Members' requests that the committee provide additional funds to fight the war on drugs, the committee did add funding for the gulf states counterdrug initiative, the National Guard counterdrug missions, and $50 million in response to the proposed Drug Free Century Act. Senator McCain's amendment would delete $61.6 million of the funds added to the bill for those efforts.

The Senator from Arizona and I have discussed on many occasions that we do have different approaches to addressing the funding needs for the Armed Forces. I know Senator McCain is a stalwart proponent of the men and women of the armed services and their families, and I believe I am also. We are just approaching the job from a different direction.

I believe that I must, on behalf of the committee, oppose the amendment. I truly believe the flexibility provided by the committee to the Department of Defense best accommodates the needs of the military, and ensures that funds are available in the accounts where necessary to accommodate readiness, quality of life, modernization and technology priorities. I can state categorically the accounts that are here to accommodate readiness, quality of life, modernization and technology priorities of the Department of Defense have been met by our bill.

The Senator mentioned some of the items in this bill that affect my State. The Point Barrow landfill was created by the Department of the Navy. It operated in Point Barrow for many, many years. As that installation was closed down, the Department of Navy did not remediate the landfill. It is a terrible problem in the Arctic, particularly in the summertime when that landfill becomes just a morass. The local people have asked, using Defense Department funds, that the job be completed. This bill does, in fact, provide moneys for that purpose.

The Senator mentioned the joint Federal telemedicine project that is going on in my State. Again, this is an initiative by the Department of Defense that has a substantial amount of communications capability in our State to deal with Federal agencies' needs and the needs of the services they provide throughout the State of Alaska to coordinate a delivery system for medicine using telemedicine techniques. We believe that is going to result in reducing the cost of health care delivery to Alaska Native people and the Indian Health Service to the military people throughout our State who serve on military bases and those who receive the benefits of Federal programs. It is not a general program for the population as a whole.

I say to the Senate, I understand the Senator's approach and I respect it, but I believe and our committee believes that there are instances where activities, which originated on military bases or caused by military occupation of specific portions of land within the individual States, do affect the local population and that those obligations of the Federal Government should be met with defense funds.

The basic problem, though—I go back to the beginning—we did not cut from other accounts in order to get the moneys to shift to other appropriations bills. For instance, we have shifted a substantial amount of money now through what we call the deficiency subcommittee—which was a subcommittee created specifically for that purpose—moneys from these accounts from the Department of Defense into the agriculture appropriations bill, but the way it was done does not reduce the amount of money that will be spent by the Department of Defense in the year 2000. A portion of the moneys really are carried over to be spent in the year 2000 rather than being spent in 1999, and that is what we intended when we asked the Congress to approve that supplemental appropriations bill. I hope the Senate will agree with us and will oppose this amendment and defeat it. It is a significant vote for us to determine.

Members will note the reports in the papers and in the media concerning the meetings that are taking place in the House of Representatives. They are deciding on an approach quite similar to ours to reduce the amount of money that will be spent through the fiscal year 2000 process and carry over some of the funds from 1999 to meet the obligations in the year 2000.

I think that is a legitimate way to use the money that is available to us and will enable us hopefully to stay under the caps in treating all of the bills that have to be passed by our committee. Thirteen separate bills have to be brought to this floor, and ours is the only committee which faces a point of order under the Budget Act if we exceed the caps. We are trying our best to live with that Budget Act. I think we will.

There is still a serious gap in money, but we will find that money somewhere within the agencies, either by reducing carryover funds or by eliminating funds that are now no longer high priority so we can meet the obligations of the year 2000 with the funds that will be available under the budget agreement. If we cannot do that, we will come to the Senate in September, and we will have to work out a way to solve our problem.

Right now, our goal—and I think it is a bipartisan goal—is to live with the Budget Act, stay within the caps, yet meet our obligations. What we have done in this bill is the initial key to opening up the door down that long corridor to comply with the Budget Act. I urge the Senate to disapprove the amendment of the Senator from Arizona.

I yield to my friend if he has any comments to make.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I join my chairman, Mr. STEVENS, in opposition to the McCain amendment. In the statement made by the distinguished Senator from Arizona, he mentioned a brown tree snake, $1 million to either control or to rid the State of Hawaii of this menace.

The history of the brown tree snake is a rather simple one, and it has been documented. It was found in Solomon Islands and during the war, army transport vessels accidentally or otherwise carried several brown tree snakes from the Solomon Islands to Guam.

Within 2 years, seven species of birds have been wiped out on Guam, babies have been threatened, and there is a brownout almost once an evening because of brown tree snakes.

The State of Hawaii has no snakes unless they are brought in. It has been documented that the brown tree snake was brought in from Guam via the Air Force aircraft. Therefore, the Department of Defense, assuming some responsibility for this, has not disapproved this amount of $1 million to help the State of Hawaii rid itself of the brown tree snakes.

Hawaii's environment is such that it is rather fragile. We have no natural predators to control the snakes, and if it ever gets loose in my State, then all the beautiful birds of paradise will disappear.

I think the amount we have put in this bill represents the position on the part of the Department of Defense in assuming responsibility is a rather small one.

I hope my colleagues will join us in opposing the McCain amendment.

Mr. STEVENS. Mr. President, it is my hope the Senate will agree that we can proceed on other amendments.

I ask for the yeas and nays on the Senator's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that this amendment be set aside and hopefully we will vote on it sometime between 3:30 and 4. I request there be 2 minutes equally divided so the Senator from Arizona can state to the Senate again the purpose of the amendment before the final vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 549 AND 550 WITHDRAWN

Mr. STEVENS. Mr. President, I have authority to withdraw Byrd amendments Nos. 549 and 550. They were modified and accepted in the managers' package to which we previously agreed.

The PRESIDING OFFICER. The amendments are withdrawn.

The amendments (Nos. 549 and 550) were withdrawn.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

AMENDMENT NO. 581

Mr. INOUYE. Mr. President, I ask unanimous consent that amendment No. 581 be taken up at this moment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 581.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert:

SEC. . (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and Federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by Federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of government services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of these sections, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

Mr. INOUYE. Mr. President, this amendment has been cleared by both sides and the chairman of the Indian Affairs Committee. I ask that it be considered and passed.

With Chairman STEVENS' agreement, included in the managers' package of amendments is bill language that would provide authority to replicate the Federal Health Care Partnership that is now operating in the State of Alaska.

Pursuant to the Alaska Federal Health Care Partnership, the Department of Defense (DoD), the Veterans' Administration (VA) and the Indian Health Service (IHS) have entered into memoranda of understanding in order to make the most efficient use of resources that are made available to each of these Federally-funded health care systems in the provision of health care services to their respective eligible beneficiaries. Initiated in April of 1995, under this partnership, health care services are being provided to eligible DoD, VA and IHS beneficiaries without regard to the designation of the health care service facility, and telemedicine technologies are being employed to provide access to health care services in remote rural areas.

The proposed bill language would provide authority for the Department of Defense to establish a similar arrangement with the Veterans' Administration and Federally-funded health care agencies providing health care services to Native Hawaiians in the State of Hawaii. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

The proposed bill language also provides authority for the Department of Defense to develop a consultation policy with regard to programs and activities which affect the Native Hawaiian community in Hawaii.

On May 14, 1998, President Clinton issued Executive Order 13084, directing every Federal agency to establish an effective process to provide for meaningful and timely consultation and coordination with Native Americans and Native American governments in the development of policies and practices that significantly or uniquely affect their communities. On October 20, 1998, the Secretary of the Department of Defense announced the issuance of the Department's consultation policy affecting two of the three constituent Native American groups—American Indians and Alaska Natives. The proposed bill language authorizes the Department of Defense to develop a similar consultation policy for the third constituent group of Native Americans—Native Hawaiians—for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community, consistent with the following findings of the Congress——

The United States recognizes and affirms that American Indian, Alaska

Native, and Native Hawaiian people, as the aboriginal, indigenous, native people of the United States have a continuing right to autonomy in their own affairs and an ongoing right of self-determination and self-governance.

The Constitutional authority of the Congress to legislate in matters affecting the aboriginal, indigenous, native people of the United States includes the authority to legislate in matters affecting the Native Hawaiian people, as aboriginal, indigenous, native people who have a special relationship with the United States.

The Federal policy of self-determination and self-governance of the aboriginal, indigenous, native people of the United States is intended to maximize the participation of native people in the direction and administration of governmental services to their communities in order to make those services more responsive to the needs of the native people and their communities. In accordance with that policy, the Congress encourages Federal agency consultation with the aboriginal, indigenous, native people of Hawaii, Native Hawaiians, with regard to agency actions that uniquely or significantly affect them or their communities.

For purposes of these sections in the proposed bill language, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, "occupied and exercised sovereignty in the area that now comprises the State of Hawaii."

I thank the chairman of the Defense Appropriations Subcommittee, Senator STEVENS, for his willingness to assure that the Department of Defense has a consistent policy as it relates to all Native Americans.

Mr. STEVENS. We are in agreement, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 581) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, though I see on the floor Mr. INOUYE and Mr. STEVENS, two Senators for whom I have a tremendous amount of respect, I rise to speak in opposition to the proposed increases in military spending contained in this defense appropriations bill for fiscal year 2000.

I have, I believe, been a strong supporter of our women and men in uniform, especially our veterans. I think we should provide the best possible training, equipment and preparations for our military forces. I understand and know full well that our forces have been asked in recent years to carry out a number of peacekeeping, humantarian and other missions.

I voted to support the airstrikes in Kosovo. I have raised questions throughout this conflict. I hope there will be a diplomatic solution, and I hope the Kosovars will be able to go back home. I think we are at the beginning of a huge challenge. In particular, I want us to remember the Kosovars and continue especially with humanitarian assistance.

So I think we need to adequately support these activities, and I also supported the supplemental budget for the cost of the campaign in Kosovo. But I am troubled—and I think I am probably one of only a few in the Senate, but I have the opportunity and the honor of being able to speak as a Senator from Minnesota, and so I will—by what I see as a stampede in this Congress toward even greater increases in Pentagon spending. I think the increase in spending in this legislation goes way beyond what we need to spend in the conflict in Kosovo and way beyond what I think a post-cold war defense budget should reflect.

This appropriations bill totals $264 billion, and we also appropriated a considerable amount more in the supplemental bill, the emergency bill. If you look at the cost of Kosovo, it will be a relatively small percentage of this overall budget. In terms of manpower or womanpower, even if we participate—and I believe we will—in the KFOR peace enforcement process, we will be contributing about 7,000 troops. The total armed force of the United States is roughly 1.5 million. So this is not a question of whether or not we go on and live up to our commitment in Kosovo. I think we can support that mission without this Pentagon budget at the level called for.

I fear that using Kosovo and also some vaguely defined set of "threats" will end up—and I want to talk about some of the doctrines that undergird this budget—giving a blank check to the Pentagon this year and in the years ahead. This budget accounts for a little over half of the discretionary spending in the annual budget. That is what troubles me. If you look at the peak of the cold war, currently we are spending, roughly speaking, just thinking about real dollar terms, close to 90 percent—about 86—of the cold war budget, and that is during the height of the cold war.

Now, most of the funds in this budget go to maintaining a force structure that is shaped by the requirement to fight two simultaneous, major conflicts and to counter what defense analysts refer to as "uncertainty scenarios."

I recognize that the United States faces a number of threats around the world and that those threats have changed during the cold war period—in particular, the threat of terrorism and the proliferation of weapons of mass destruction. If we look carefully at those threats, we can see that in this budget too much of the spending is not directly related to meeting those threats but, rather, continues with what I define as cold war priorities.

We continue to pour billions of dollars into unnecessary cold war era weapons programs. We continue to maintain a nuclear arsenal that is completely disproportionate to the arsenals maintained by our potential adversaries—an arsenal that could be substantially cut, resulting in dramatic savings, still providing for as strong a defense as we could ever need.

Congress has also skewed spending priorities by refusing to close military bases that the Pentagon acknowledges are unneeded and obsolete and which the Pentagon itself has pressed to close.

What is especially troubling about the spending in this budget is the Strategic Concepts—the two major regional conflicts concept and other uncertain scenarios—that are, I think, implausible and unlikely. I want to draw here on some excellent work done by analyst Carl Conetta and Charles Knight of the Project on Defense Alternatives in Cambridge, MA.

Beginning in the 1980s, the focus of defense planners moved away from "clear and present danger" of the Soviet power to the intractable problem of "uncertainty." Along with the shift has come a new kind of Pentagon partisan—the "uncertainty hawk." The uncertainty hawks are engaged in worst-case thinking. Among the sort of nonstandard scenarios, worst-case scenarios that are, for example, talked about with this kind of doctrine are defending the Ukraine or the Baltics against Russia, civil wars in Russia and Algeria, a variety of wars in China, contention with Germany, and wars aligning Iraq and Syria against Turkey, and Iraq and Iran against Saudi Arabia. The Pentagon's Quadrennial Defense Review, QDR, uses unnamed "wild card" scenarios to help define these requirements.

Now, although both the 1993 and 1997 Defense Reviews link the two-war requirements to the Korean and Persian Gulf scenarios, these were also described merely as examples of possible wars. Officially, the two-war requirement—that we have to be able to fight two wars simultaneously—is generic. It is not tied directly to Korea or the gulf. As the Quadrennial Defense Review puts it, "We can never know with certainty when or where the next major theater war will occur" or "who our next adversary will be."

It is important to recognize, as opposed to appropriating moneys based upon this kind of strategic doctrine, that since 1945 the United States has fought only three major regional conflicts—one every 15 or 20 years. The regional great powers and peer competitors that currently enthrall planners are only hypothetical constructs, and the world changes all of the time.

I will give an example of a little bit more of this doctrine. The prime candidates, in addition to these uncertainty scenarios, worst-case scenarios, for future peer rival status, given current doctrine, are Russia and China. A dozen years of dedicated investment might resuscitate a significant portion of the Russian Armed Forces, but that certainly is not what we are looking at right now—a major military competitor, Russia. The Chinese "threat," even given all of the developments we have been talking about over the last several weeks, is even more iffy. If China's economy holds out, in 30 years it might be able to mount a "Soviet-style" challenge.

Surveying the prospects worldwide, a Defense Intelligence Agency analyst concludes that "no military or technical peer competitor to the United States is on the horizon for at least a couple of decades."

As I have said, I believe we should maintain a strong defense. We face a number of credible threats in the world, including terrorism and the proliferation of weapons of mass destruction. But let's make sure we carefully identify the threats we face and tailor our defense spending to meet them. Let's not continue to maintain military spending based on hypothetical threats that may not arise for decades—if at all.

I will argue as we look at this budget, which again makes up about one-half of our discretionary spending, that we ought to consider this vote in the context of where we are heading with these budget caps. I say yes to a strong defense but no to some of the unnecessary spending that is in this budget; no to some of the scenarios that are laid out in this budget and some of the doctrines that undergird the spending in this budget, especially when we are talking about over 50 percent of discretionary spending going into this area.

Whatever happened to the discussions we once had about national security at home? If we are going to spend 50 percent of our discretionary budget on the Pentagon—and we are not going to do anything about these budget caps, and we will have to, in my view, take these caps off; there is no question about it. But on current course within this context of the budget we now have before us, we are going to spend over 50 percent of discretionary spending on the Pentagon. And, as a result, what are we not doing? We are not looking at the other part of our national defense. I argue that part of our real national security is the security of our local communities.

Whatever happened to the idea that we were going to focus on early childhood development? Whatever happened to the priority that we were talking about as being so important to our country that we had to invest in the health, skills, intellect, and character of our children? Whatever happened to the importance of affordable child care? Whatever happened to the importance of decent health care coverage for people?

In my State of Minnesota, 35 percent of senior citizens—that is it, 35 percent of senior citizens—have some prescription drug coverage. The other 65 percent have no coverage at all. Many of them are spending up to 40 percent of their budget just on these costs. Where is the funding going to be for that? Where is the funding going to be for the 44 million people who have no health insurance at all?

Yesterday, we had a White House conference dealing with mental health. I would add substance abuse. I have been doing work with Senator DOMENICI—and proud to do so—on trying to deal with some discrimination and making sure that people get decent mental health coverage.

How are we going to move forward to make sure there is decent health care coverage for people? How are we going to make sure there is affordable child care? What about affordable housing? How are we going to take the steps in our communities to reduce the violence and to be able to get to the kids—I think of the juvenile justice bill that we passed not more than a couple of weeks ago—before they get into trouble in the first place? How are we going to make sure that higher education is affordable? How are we going to make sure we have the best education for every child?

I just simply want to say I am going to vote against this bill, and I am going to vote against this bill for two reasons, neither of which has anything to do with the two very distinguished Senators who are managing this bill.

First of all, as I said, I think much of it goes beyond Kosovo. Much of it goes beyond our real national defense. I think too much of it is still based upon a cold war doctrine. I believe we can make cuts in the Pentagon budget and still have a strong defense. I have tried to lay out that case.

Second of all, I am going to vote against this bill—I don't think too many Senators are—because I view the vote on this appropriations bill in the context of the overall budget and where these appropriations bills are going. I view some of the dollars spent on the Pentagon as being dollars that we are not going to spend for affordable child care, that we are not going to spend to make sure there is decent education for our children, that we are not going to spend to make sure there is affordable housing.

I argue that somewhere in the debate in the Senate we have to also look at real national security as not just being a strong defense as defined in this budget, which I am for, although I think a strong defense doesn't necessitate all of the money we are spending, but, in addition, we have to think about real national security as the security of our local communities where —one more time, and I will finish on this—there is affordable child care—when are we going to get to that?—there is affordable housing, there is decent education, there is decent health care, where we don't have one out of every four children under the age of 3 growing up poor in our country, where we don't have one out of every two children of color under the age of 3 growing up poor in our country, and make sure that every child, no matter color of skin, or income, or rural, or urban, or boy or girl, can grow up dreaming to be President of the United States of America.

I think that has to be part of the definition of our real national security. I think we have to make more decisive investments in these areas of public life in our Nation.

I believe this appropriations bill, in the context of the budget, where these appropriations bills are going to, subtracts from that very important agenda as well.

Let me finish one more time by being one of the Members of the Senate—I don't know whether others will say—I think others will say this eventually—who says that right now we are in a fiscal straitjacket. We will not be able to live with these caps. We will be making a huge mistake if we don't make some of the decisive investments I am talking about on the floor today. This will be a very shortsighted vision. We need to do much better as a nation going into the next century. And it can't be just Pentagon spending; it always has to be to make sure that there is a peaceful opportunity for every child in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is about time to vote on the McCain amendment. We thought we would have another amendment offered by this time. But it has not been offered. I believe it is time we start voting on these amendments.

I will state for the Chair that it is my intention to find some way to call up these amendments in the order they were presented and dispose of them now as quickly as we can. There is a vote on cloture tomorrow on the Y2K proposition. I assume that will carry. We certainly do not want to have this defense bill waiting around for the completion of a long process that is related to cloture.

I urge Members to cooperate with us. I will inquire of Members as they come to the floor now on this vote as to when they will be able to present their amendments to see if we can find some way to get some time limitations. It is possible, I believe, to finish this bill tonight with the cooperation of Members of the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 589, AS MODIFIED

Mr. STEVENS. I call up amendment No. 589.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I send to the desk a second-degree amendment. It will modify this amendment in a way that is acceptable to both sides. I ask that this amendment, as modified, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is agreed to.

The amendment (No. 589), as modified, was agreed to, as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds made available in Title IV of this Act under the heading "Research, Development, Test And Evaluation, Navy", up to $3,000,000 may be made available to continue research and development on polymer cased ammunition.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 588 AND 591, EN BLOC

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate amendments Nos. 588 and 591, and I ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments.

The amendments (Nos. 588 and 591) were agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 584

Mr. McCAIN. Mr. President, the chairman and ranking member spoke eloquently about the merits of several projects in this bill that affect their States. As I have said before, I don't pretend to judge the merit of each and every project on the list of objectionable materials. I do, however, object to the process by which these projects were added to this bill, the process that circumvented the normal and appropriate merit-based review for determining the highest priority not only in defense but across all appropriations bills.

I want to clarify something the chairman said: In this list, it does not—repeat, does not—include funding for the SBIRS program on the Israeli arrow missile defense program. There is no reduction in funding for those programs.

Finally, my colleagues know the military service chiefs testified to Congress earlier this year that they need more than $17 billion every year in order to redress several readiness shortfalls. This bill falls about $6 billion short of that goal. This amendment would restore $13 billion in high-priority readiness and modernization funds to help meet the services' needs, offsetting every time with low-priority spending cuts.

I emphasize they came over and said they needed $17 billion. We are not meeting that minimal request.

I yield the floor.

Mr. STEVENS. Mr. President, I must oppose the Senator's amendment. I think it will change the direction we are going in terms of how to meet the pressing needs of the Department of Defense and, at the same time, balance those needs against the rest of the needs of the country.

I urge that this amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is absent due to a death in the family.

The result was announced—yeas 16, nays 81, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—16

Allard
Bayh
Brownback
Edwards
Feingold
Graham
Gramm
Grams
Hagel
Kerry
Kyl
Lugar
McCain
Robb
Torricelli
Wellstone

NAYS—81

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Grassley
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—3

Biden
Crapo
Gregg

The amendment (No. 584) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Bill Adkins, a legislative fellow on Senator ABRAHAM's staff, be granted privileges of the floor during the Senate's consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, there are so many fellows being admitted that I am going to ask on the next one that comes up that all fellows that are working with Senators be limited to not more than 1 hour each on the floor during the consideration of this bill. Those chairs in the back of the Senate are for people who are working with us on this bill.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 541

Mrs. BOXER. Mr. President, I will take a little time to explain this amendment and to say that the primary coauthor of it is Senator HARKIN from Iowa. A cosponsor is Senator WYDEN.

I ask unanimous consent that Senator FEINGOLD also be added as a cosponsor of the amendment and that his statement be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am happy to listen to the comments of the Senator. On the second page, it says, ". . .and the relevancy of the missions of aircraft to warfighting requirements."

It is the position of the committee that the aircraft we are talking about are for basically multimission functions and are really not designed for warfighting requirements. They are designed for transportation, basically to meet normal needs. If the Senator would delete that last clause, we will be happy to accept the amendment.

Mrs. BOXER. I just want a moment, if I may confer with my friend.

Mr. STEVENS. Mr. President, I have been told there is an objection to my suggestion, so I withdraw it.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President. I will look at this because I have not asked for the yeas and nays at this time. We may well delete that particular part of the amendment. As a matter of fact, we will probably take care of that problem.

Mr. President, this amendment is a very important amendment. We basically say that the provision in the bill for leasing six luxury executive jets for military generals will be essentially deleted. These are the same kinds of executive jets that are used by, frankly, billionaires, CEOs of the biggest multinational corporations. I think providing additional executive jets to the military's fleet of over 100 Gulfstream, Lear, and Cessna jets sends the wrong signal to our young men and women in the military and reflects misguided spending priorities by this Congress.

I want to tell you—and I know the Senator from Iowa would agree—it wasn't easy to find this gold-plated pork. To say it was buried in this bill is an understatement. It was like finding a needle in a haystack. It is so disguised, there is no direct mention of the Gulfstream aircraft anywhere in the bill. They are being leased for the first time, I think, because it disguises the cost, which is enormous—when I get into it, I will tell you. It is about $39 million for one of these executive jets, compared to the executive jet that is in the fleet now that costs $5.4 million, which is very fancy, and that one is the Cessna Citation Ultra. This one is the Gulfstream; this is the gold-plated version.

The New York Times points out that leasing these jets costs taxpayers about $145 million more than buying these jets. But I have to tell you, if you lease them, it is hard to find them in the bill.

In order to find out what is going to be leased, we had to call the Air Force and get a fact sheet that clearly says the jets will be leased, and they will be top-of-the-line Gulfstream V jets. Again, nowhere in this bill do you see Gulfstream V or a description of these jets. If you read page 142—that is where the authority comes from—this is what it says. This is literally the last page of this bill, page 142:

> Aircraft leasing. Inserts a provision to provide the Air Force the necessary authority to negotiate leases for support aircraft.

That is it. Support aircraft. No one would know that these were the Gulfstream jets that were stripped out of the emergency supplemental bill. You could not tell. But the Air Force told us right upfront and very honestly. They sent us over a fact sheet and we found out that is what these were about.

Many of us here in the Senate—myself included—have said we are willing to provide additional funds for the Defense Department to improve recruitment and retention to fix shortfalls in training and spare parts and address quality of life issues, including family housing and health care for our military personnel. I think the Senate has done a commendable job in addressing many of these shortfalls: A 4.8-percent pay increase, improving the retirement system, increasing retention benefits.

I strongly supported each and every one of those initiatives. However, we have more to do. It is shocking to some people to know that we have military people on food stamps. The Senator from Iowa led the fight in the authorization bill to point out that our personnel overseas needed to be part of the WIC Program—the Women, Infants and Children Program—to give their children cheese and milk to survive. So how do we now come up with almost, I might say, $½ million over the 10-year period to lease the fanciest executive jets that you can find? Until we are totally convinced—and from my point of view not even then—should we even consider this kind of an expenditure?

What is it for? So four-star generals can travel throughout the world in the greatest of comfort. I love to fly in comfort. I fly across the country almost every week. It is hard. I fly commercial and sometimes I sit in coach and sometimes I use my upgrades and sit in business class. It is wearing and hard, but it is fine. You don't need to spend $39 million on a plane, or lease it at even a higher cost to do the business the military requires you to do. It is really a question of priorities. We have done a lot for our enlisted personnel, but still we need to do more. Yet, we are doing this in this bill. I am very hopeful that the chairman—if we remove that one part from our amendment—will be able to join us in support of this amendment.

There may be some objection. But I hope we can agree to drop this.

Our military personnel often live in family housing that needs replacement or repair. This is a priority.

I was looking at the amendment offered by the Senate from Arizona. I almost supported it until the chairman explained to me exactly what was happening. Sometimes Members understand these things. We look in our own areas. We see the deficiencies. I think that if Members want to put something in to improve the quality of life of the people they represent in the military, it is appropriate. But I don't think this is appropriate.

Let me quote from the May 24 issue of Defense Week. This is talking about the emergency supplemental.

> The New York Times has exposed the bills' buried aircraft language . . . this raised lawmakers' concerns that appropriators would appear even softer on pork than they already seemed.

If the committee thought this was pork and did not belong in this emergency appropriations bill, then I say it is still pork now. It is just in another vehicle. But pork is pork.

What is especially troubling is that this leasing authority could cost more than buying the six aircraft outright. Again, the New York times says that leasing the jets costs $476 million —that is almost $.5 billion over 10 years—while buying them would cost $333 million. I do my subtraction. That is a $143 million difference.

Here is how the Gulfstream company described these particular jets. This is the company that would get the sale of these jets:

> The Gulfstream V includes an evolution in cabin design that minimizes the inherent strain of long-range travel. From the 100-percent fresh air control system, to the comfortably maintained 6,000-foot cabin altitude at 51,000 feet, to cabin size—the longest in the industry—the Gulfstream V provides an interior environment unmatched in transoceanic business travel.

Make no mistake, this is the top of the line in executive jets—$37 million per plane. For $30 million less per plane—for example, a Cessna Citation Ultra at $5.4 million—we could save a tremendous amount of money.

My amendment replaces this authority to lease executive jets with the request that the DOD provide some basic information about these aircraft. I will be happy to work with the chairman if he wants me to change some of that language. But we basically called for, in essence, a study to tell us why we would need these planes and what other planes could do the job that these planes do.

By the way, in Defense Week, they called this the "Go to Meetings Plane." These planes are used to go to meetings. It is described that way in Defense Week.

We want to ask these questions:

How many of the missions require a top-of-the-line executive jet?

What wartime requirements make the number of jets needed so high?

We will be glad to drop that, if the chairman doesn't like that language, but a GAO study looked at the gulf war and found very few were used in that theater.

What is the cost comparison if we lease less expensive jets?

Are there existing aircraft in the fleet that can meet these mission requirements or that can be modified to meet these requirements?

On another level, and without having to bring it to the Senate, I am going to personally send GAO a letter to look at this as well.

I think we need to step back and reexamine our priorities. The 106th Congress is increasing defense at a fast rate. There are many people who make the case as to why that should be so. But I think since we are increasing the defense budget while we are decreasing the domestic budget, it really falls on us to make sure that what we spend is necessary.

I don't have to tell Chairman STEVENS, because he has to deal with the aggravation of these nondefense discretionary program cuts overall of $21 billion. I serve on the Budget Committee. I know how hard it is going to be when you get to the civilian side of the budget. Right now, a 9-percent decrease in domestic spending is going to be facing the appropriators. What does that 9-percent cut mean? It means devastating cuts in many programs. The Labor-HHS bill is cut 13 percent. This could hurt programs. We don't know where they are going to cut. But it could hurt programs like Head Start; the Centers for Disease Control; Job Corps; summer jobs, which helps keeps kids out of trouble in the summer months; and dislocated worker assistance.

The point is that we are cutting in other areas. We shouldn't be expending this kind of money—$.5 billion—over 10 years, on these jets.

The transportation bill already reported cripples the Federal Aviation Administration's program to increase safety and capacity. The bill cuts the modernization program by $273 million from the President's request, meaning that automation in radar systems will be delayed, at best, and perhaps will never happen at our civilian airports.

In addition, the Transportation Subcommittee rescinded $300 million from prior year funding for FAA modernization.

What am I saying?

On the civilian side, we are seeing America fail. We are not going to be providing the highest level of safety for our airports. But what do we do? We spend this kind of money.

I see my friend from Iowa is on his feet. I am going to finish in 60 seconds.

What do our veterans tell us? Our veterans tell us that they need more national cemeteries. The VA-HUD bill is cut by 15 percent.

I will tell you right now, I think it would be a wise thing if we cut these leased aircraft out and looked at these needs on the civilian side of Federal aviation and if we looked at the need to build new veterans cemeteries. It is actually reaching a crisis point. We note the D-Day invasion. We commemorate that anniversary. Yet, we don't do all we should in that area.

I think we should get real with this budget. I commend my colleagues on the committee. I am very fond of them. They do a good job. But I think this is one area where we could really save some large dollars, and I think we can do better things with those dollars.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am joining with Senator BOXER in offering this amendment to strike the provision that allows the Pentagon to lease six of these executive aircraft. The military designation is C–37A. We know them as Gulfstreams in the civilian world. They are very lavish and very nice aircraft. In fact, I will show you what we are talking about.

This is a Gulfstream V. It is a very nice airplane. I am sure that millionaires who have made a lot of money in the stock market probably have those. Billionaires have them. I am sure they fly them around. It is a very nice, luxurious aircraft. All of the statistics are very good on that aircraft. It is quiet. It flies high. It goes long distances nonstop. It is quite luxurious on the inside.

As you can see, this is a very nice business executive jet. I wouldn't deny that it is a good tool for a lot of businesses to use in fact. I am not here to say that Gulfstream V is a bad aircraft, or that it shouldn't be built, or that there is no reason to have this in anybody's inventory—not in the least. This aircraft serves a very valuable purpose for a lot of businesses here and around the world. In fact, the Gulfstream corporation has to be a good corporation, for all I know, and builds a pretty darned good airplane. That is not our point.

Our point is—the more I have looked into this the more it has become apparent to me—that all branches of the military have become top-heavy, not only top-heavy in terms of the command structure itself but top-heavy in the number of executive jets they have to ferry them around from place to place. I am beginning to wonder if these are really all that necessary. Are they really for wartime use, or are they really more for just convenience?

For example—I will get more into this in detail later—we are told that a lot of these executive jets such as this can go 4,000 or 5,000 miles without refueling, as necessary to get to theaters of operation around the world. But the fact is, during the gulf war operations very few of these were used. We have to ask the question: Is it really for the benefit of generals to use for rapid movement during war, or is it more for convenience in peacetime?

As the Senator from California said, we have a lot of budget problems here at the military. I, for one, have been trying to do something about getting WIC programs, as the Senator said, for our military personnel overseas. It is a blot on our national character and on our military that we have military personnel on food stamps. That is not right. It is not right that we have enlisted personnel who need the Women, Infants and Children Supplemental Feeding Program.

Last year, the Senator from California and I tried to offer an amendment here that would say at least when they go overseas they get the same WIC Program as they got here. If I am not mistaken, I think it came to the grand total of right around $5 to $20 million. The military said they couldn't afford to do it, but they can afford $40 million for six of these aircraft. Something is wrong when the military says they can't afford it, that the Department of Agriculture has to pay for it; the Defense Department can't, but they can afford a business jet such as this. That got me when I saw that. Something has to be done about this.

I understand they want to lease several of these Gulfstream V aircraft. I would like to have one to go back and forth to Iowa. I wouldn't have to go through Chicago anymore—probably nonstop right to Iowa. The Senator from California could use one, get on the jet right here and go to any airport in California nonstop.

Let me show you the interior of the aircraft: A nice, luxurious interior. Lean back, have your own personal TV set, a glass of wine. That is pretty nice travel.

Again, I am not saying that we have to strip down everything, that a general has to ride in a harness on a side bucket strapped onto a C–130. That is not what I am saying. There probably is a need for some of these aircraft to transport these people rapidly. My question has to do with the number of aircraft.

For example, I note that there are now over 300 aircraft in inventory, over 150 jets. I can't quite get an accurate count. Last time I counted, there were 154 jets, 70 Learjets. Regarding the C–9, the same as a Douglas DC–9, the Navy has 27, the Marines have 2, and the Air Force has 5. Gulfstreams, we have 16 already. We have some Gulfstream IIIs and IVs, the predecessor to the Gulfstream V. They are about as nice, but they can't go as far. They are a good airplane. We have 70 Learjets total; 727s, we have 3. I am reading just the jets. And I didn't realize we already have two Gulfstream Vs in our inventory. Cessna Citation 560, which is pictured here, is a pretty nice jet, not quite as big as the Gulfstream V and doesn't go as far, but we have 14 of those. The old Saberliners, we have three still in existence. We have seven 707s in our inventory.

There are quite a lot of jets to be flying around. Again, I am wondering, with the inventory that we have, why do we have to lease seven more? Or are we cutting back on some of the aircraft? Again, they may serve a legitimate purpose, but I am wondering, and I go back to a GAO report that the Senator referred to from 1995, "Travel by Senior Officials," dated June 1995. One of the their recommendations in that report was to develop the appropriate mechanisms to ensure the availability of each service's aircraft to help fulfill the OSA, operation support needs, of other services. The third recommendation, reassign or otherwise dispose of excess OSA aircraft.

Now, the chairman and ranking member may know better than I, but it seems to me that a lot of the services have the aircraft and they just don't go from one service to the other. It seems to me what we really need is an effective structure in DOD that puts these business jets and other aircraft under one operational command that really works. If a senior officer in the Navy needed one for something, they should go to this command to get it; Marines the same, Air Force—all this would be the same. The Navy/Marine should go to one central structure to get the aircraft and have them assigned from that structure. That is how it should work.

It looks as though we are in the same old military gamesmanship: Air Force, "I got mine"; Navy, "I got mine." The Navy has Navy markings and the Air Force has Air Force markings and the Army has Army markings and never the twain shall meet.

I am curious as to how much money we waste and how much operational support aircraft we waste because we don't have that one effective integrated command structure working as it should. That was the suggestion made by GAO in 1995. If nothing else comes out of this, I hope we might move ahead in some way to provide an effective overall operational structure.

I said earlier that there is a DOD Directive 4500.43 that requires that OSA aircraft inventories must be based on wartime needs. However, few OSA aircraft were used in theater during the Persian Gulf war.

From the GAO report:

> Actual use of OSA aircraft during the Persian gulf war suggests that the primary role of OSA is not wartime support but peacetime support.

Again, I quoted that from the GAO report of June of 1995.

Mrs. BOXER. Will the Senator yield?

Mr. HARKIN. I am delighted to yield for a question.

Mrs. BOXER. I know the Senator was a pilot in the military and I know he understands aircraft.

Mr. HARKIN. I think I do.

Mrs. BOXER. And I know he understands that these jets we are talking about are not fighting machines; they are go-to-meetings machines.

Mr. HARKIN. If I might interrupt, these are what in common nomenclature would be called executive business jets, converted. For example, in military terms, they call it a C–37 but it is really a Gulfstream V.

Mrs. BOXER. My friend showed a couple of photos of the Gulfstream and then a photo of the Cessna Citation.

Mr. HARKIN. Cessna Citation Ultra. By the way, it is a very good plane.

Mrs. BOXER. It is my understanding that the Cessna Citation Ultra costs $5.4 million a copy, according to the Appropriations Committee, and that the cost on the Gulfstream V is about $39 million.

This is transportation for the highest level of military officers. My friend pointed out that we have a gap growing here between those at the bottom of the economic ladder in the military and those at the top. We know that will always be the case, but it seems to me it is exacerbated with this kind of situation.

I want to ask my friend if he believes that a top general could fly comfortably in a $5.4 million plane as opposed to a $39 million plane?

What we are doing is simply asking for a study to see if we can accommodate the needs of the generals in a cheaper way.

Mr. HARKIN. The basic answer to that is, yes—depending on the mission, of course.

Now, if a general or a four-star wanted to fly from here nonstop to Europe, they couldn't take this airplane which only has about a 2,000-mile leg. However, I might add, it could fly to Reykjavik and refuel. It can fly to Shannon and refuel. It will take an hour and a half or more; you have to land, refuel, and get out of there. But it is perfectly capable of doing that. A lot of businesses fly these overseas all the time. You just have to stop and refuel in one place, that is all. It even has a bathroom on board.

Mrs. BOXER. If I may ask my friend, isn't it possible to base some of these planes in Europe, base them in different places, which is what they do anyway, so it is more convenient to make the switch?

Mr. HARKIN. I appreciate the Senator asking that question because I think it points up—first of all, I am not saying we do not need any of this; I am saying we do need some of these planes. I was talking with the chairman about this. Let's say a four-star officer has to go from Washington to Florida to Texas to Chicago for a series of meetings. He possibly cannot do it with a civilian plane. I understand that, if one has to go overseas for a certain meeting and get back. There are times when you cannot use civilian airplanes. But this type of a jet could be used for any kind of domestic travel in the continental United States. You might have to land and refuel. That does not bother me a whole heck of a lot.

I am saying with the Gulfstream Vs that we have now—which I said we have two or so right now in inventory, plus we have a number of Gulfstream IVs and Gulfstream IIIs—let's say a general needed to get from the Pentagon to someplace overseas in a big hurry for something. OK, requisition one of them and use it for that. But if they have to go to Florida and then to Texas and then to California and make all these meetings, use one of these smaller aircraft because they are going to land anyway, while they are at the meeting, they can refuel, take off and go. It is a much cheaper way of operating.

I seriously question whether we need six Gulfstream Vs for whatever purpose they are asking—I really question that—and I question whether or not other versions of aircraft like this or others can be used more for domestic travel.

I have a letter to Chairman STEVENS dated March 8, 1999, from the Deputy Secretary of Defense, Mr. Hamre, and General Ralston, U.S. Air Force. I was reading it over and was struck by a paragraph. It is an assessment of CINC support aircraft. This was required by the Senate Appropriations Committee report last year. I was struck by this paragraph which says:

> This study evaluated all military and representative commercial aircraft to determine which aircraft would both be configurable and available for CINC support airlift.

It goes on. This is the paragraph:

> The study revealed that when CINC—

Commanders in Chief—

> requirements, combined long, unrefueled range—4,200 to 6,000 nautical miles—more than 18 passengers and short runway capabilities—5,000 to 7,000 feet—a modern commercial aircraft was needed.

I find it interesting. If you go to the CINCs and ask, "What are your requirements?" and they define their requirements, guess what. They meet the requirements of the Gulfstream V. If you ask me what my requirements are to fly around the United States, I bet I can come up with a set of determinants that I need a Gulfstream V: I travel a lot; I go to the coast once in a while; I am always in Iowa; sometimes I have to be in one place for a meeting and then another place for a meeting. I would love to have a Gulfstream V. And I have short runways, too, sometimes.

It is not surprising that we ask the CINCs, "What do you need?" and they then define their needs and come up with Gulfstream Vs. It seems to me we ought to have someone else defining the needs rather than the commanders in chief, because they are the ones who use the aircraft.

They said:

> Based on historical CINC support aircraft usage and future requirements, and discounting the probable need of backup aircraft inventory, seven C-37A aircraft—

that is the Gulfstream V—

> should minimally satisfy the existing CINC requirements.

What I cannot figure out—does the Senator from California know?—is, how many CINCs are there? Do we know how many CINCs there are?

Mrs. BOXER. Nine.

Mr. HARKIN. There are nine CINCs, so we are getting seven Gulfstream Vs for nine CINCs.

Mrs. BOXER. Plus all the other aircraft that are in the inventory.

Mr. STEVENS. Regular order, Mr. President, regular order.

Mr. HARKIN. I asked the Senator to answer a question. I asked the Senator to respond to a question.

The PRESIDING OFFICER. The Senator from Iowa has the floor, and he can only yield to the Senator from California for a question.

Mr. HARKIN. I can ask a question of the Senator from California, I believe.

The PRESIDING OFFICER. That requires the Senator from Iowa to yield the floor.

Mrs. BOXER. I ask a question of my friend, since that is the rule and that is being strictly enforced today, and I appreciate that. Does the Senator not agree that adding six more of these luxury planes, which would give us a total of nine Gulfstream Vs—we would have nine Gulfstream Vs; that is, one for each of the commanders, plus an inventory of other planes that include Learjets and Cessnas—does he not believe that this is going overboard in terms of the priorities we should have?

I agree with my friend, and I ask him this question as well: We are saying that we are very willing to give the generals what they need, but it is a matter of whether you get the gold-plated version or a very solid version, and isn't that what we are really talking about?

Mr. HARKIN. I think the Senator has put her finger on it: We are willing to give the generals what they need but not what they want.

Mrs. BOXER. Interesting.

Mr. HARKIN. They may want to travel in this kind of luxury, but I am not certain we ought to just give it to them. There are nine CINCs. Each one now would have their own Gulfstream V. Do we know what the per-hour operating cost is of a Gulfstream V? As best I can determine, the per-hour operating cost is over $2,000. I think it is actually higher than that, because I do not think that takes into account depreciation; I think that is just fuel and other requirements.

Let's just say it is $2,000 an hour. A four-star officer gets on one of those Gulfstream Vs and flies 2 hours someplace for a meeting and 2 hours back; that is 4 hours, $8,000 just to go to a meeting someplace and come back. That is a good use of taxpayers' dollars?

I will lay you odds that 7 times out of 10 that four-star officer could go right out here to National Airport or Dulles, get on an airplane, and get a first-class ticket—How much is a first-class ticket?—fly to that meeting, and fly back for less than $1,000.

I ask you: When is the last time you ever got on a commercial aircraft in the United States flying anywhere and saw a general or admiral on that plane? I cannot remember when. I see a lot of lieutenants and commanders and captains, but I never see an admiral or general. Then again, why would you? They are on their Gulfstream Vs, jetting around.

I am not saying there is never a purpose—there may be—but I think this is just a little bit too much. There are about 36 four-star officers in the U.S. military, I am told—about 36 four-star officers—and for that, we have over 154 jets in inventory to fly people around. What is going on here?

In fact, I know our proposal only deals with the Gulfstreams, but if I am not mistaken, the bill also provides for the purchase of five additional C-35s.

Mrs. BOXER. That is correct.

Mr. HARKIN. Those are the Cessnas. We are already going to buy five of these, and we are going to lease six more of the Gulfstream Vs. So it is not just the Gulfstream Vs. The Navy already has six Gulfstreams, the Air Force already has Gulfstreams, and, as I said, 70 Learjets, C-21s.

I remember one time when I went on a congressional trip—was I still in the House or the Senate? I can't remember. I may have been in the Senate. We went to Central America. It was during that war in Central America.

We flew from here to Florida, to MacDill, refueled, and we were in a little Lear. There were about six or seven of us crammed into that thing with no bathroom. But obviously, because of my Senate duties, I had to get down there to go on a trip that could not be done commercially. So we went from here to MacDill, refueled, then went to Guatemala and Honduras; and then I think we went to El Salvador; then we went to Panama City, had to refuel again, fly to MacDill, refuel again, and then fly home.

I tell you, it was not that comfortable a flight if you are one of those in a little Lear, six or seven people crammed in there. For a Senator, that is fine. I bet you a general or admiral would never do that. But we had staff. We had committee staff along with us.

I am just saying, sometimes if you are going to do these things, sometimes you have to put up with that. There is no way I could have done it commercially, so I had to take a military aircraft. You do not have to go in elaborate luxury every single time.

That is my point. I do not think there is a critical shortage of these executive jets that should take precedence over the immediate needs of our military.

Besides the sheer numbers of aircraft in each of the armed services indicating there is no shortfall, again, I repeat from the 1995 GAO report that said the armed services should "develop the appropriate mechanisms to ensure the availability of each service's aircraft to help fulfill the OSA needs of the other services." In other words, the GAO concluded the armed services needed to learn to share. This is a simple concept that should be used to relieve any conceivable strain on the number of executive aircraft.

The Pentagon counters this sensible solution by claiming that existing aircraft are being fully used. However, the GAO also found that DOD's operational support aircraft fleet "far exceeds any possible wartime requirement."

The Defense Week article that the Senator from California referred to of May 24, 1999, had some interesting things in it. They said:

> In particular, the article said, "There are about 600 to 800 users in the DC area authorized to request SAM [VIP Special Air Mission] support for missions" which meet prescribed criteria.

As I understand, that does not include Senators and Congressmen. At least that is what I am told. When I first read there are 600 to 800 authorized users for VIP special air missions, I thought that must include the 435 Members of the House and the 100 Senators. I am told that is not so.

I am wondering, who are these 600 to 800 people? I am wondering if some of these jets are being used for less than really vital needs and perhaps could be used to meet the needs of the military CINCs.

Again, quoting from the Defense Week article of May 24:

> Brig. Gen. Arthur Lichte, the Air Force's director of global-reach programs, says these support aircraft are all meeting other requirements [all these other aircraft that we have in inventory] so [they] could not be used by the commanders.

Again, I am wondering, why not? What are these other requirements? If the commanders cannot use them, who is using them?

> Hamre says most of these support aircraft are too small for commanders' staffs. Plus, the four-stars need to be able to fly non-stop intercontinental trips while staying in contact with the president.

I am not so certain about that. I am not certain that a refueling stop in Shannon is all that burdensome.

The article goes on to say:

> Some on Capitol Hill respond that the CINCs could get by with smaller staffs on board and could live with refueling stops, but Hamre and Lichte don't agree.

I do not know why not. I know a lot of times we go on congressional factfinding trips. We stop and refuel different places. I don't know why generals can't. They can still be in contact. That does not stop your contact with the White House, simply because you land and refuel—not at all.

> What about the existing support fleet?
>
> "No," Hamre said, "we don't have aircraft that can fly from here to the Persian Gulf. I suppose you could go on a C–12. You could island-hop like you did in World War II, but I mean that doesn't make any sense. This big inventory of 500 [operational support aircraft]—most of them are tiny airplanes, four-passenger, six-passenger kind of airplanes."

That is just not so. These are not four-passenger airplanes.

Mrs. BOXER. Isn't it eight?

Mr. HARKIN. These are eight right here. How much staff does a general have to take with him when he goes to a meeting? I would like to find that out.

He said, "The CINCs aren't [even] happy they have to live with a 12 passenger aircraft."

Again I ask, how much staff do they need to take to these meetings they go to?

So, again, the Senator from California and I have this amendment that says basically: We ought to put this lease aside. Let's take a look at this. Let's get a good report in. Do these really meet the warmaking needs of the Pentagon?

Plus, I do not know where the facts lie on this one, but I will just say that, according to the New York Times, the lease will cost the taxpayers more than $475 million over 10 years. Purchasing the planes may prove cheaper. Some say purchasing is going to cost more; some say it will cost less. But we do know that for these aircraft, for the cost of the aircraft, plus the operation of them over the next 10 years, it is going to come in at somewhere——

Mrs. BOXER. Over $400 million.

Mr. HARKIN. I think the lease is going to cost over $475 million. And then there are operational costs. Now you are up to $600 or $700 million over the next 10 years just for these aircraft. That may be small change to the Pentagon, which is used to operating with $270 billion budgets, but that is a lot of money for our taxpayers. I just do not know where the facts lie in whether or not leasing is better than purchasing.

We have seen very little information as to the cost tradeoffs of leasing versus purchasing. We have not seen a full report from the Pentagon covering all possible options to cover these CINCs' needs, nor do we have much information as to the needs of the military for all of these such aircraft. That is why our amendment requires a report detailing the requirements and options for such aircraft as an important first step. We do not have that.

Quite frankly, regardless of how our amendment fares, I say to the chairman, and others, I plan to come back to this issue, along with my colleague from California, year after year, until we get a clearer picture. How many flights do senior officers take with senior executive aircraft? We do not even know that. What are the costs? What are the per-hour costs? What are the costs for that trip? Could that trip have been utilized with an alternative such as commercial aircraft? At what cost savings? Could some of these aircraft be sold off as excess aircraft if we better managed the total number of executive aircraft that we have?

For example, we know that senior officials and officers fly from base to base and facility to facility. They fly from Andrews Air Force Base to NAS Jacksonville or to MacDill or to other air bases around the country. Could you utilize commercial aircraft for that? Sometimes yes; sometimes no. But we need to ensure that the DOD is looking for cheaper alternatives, including commercial airline alternatives. It may be slightly less convenient, but it sure would be a lot less costly, and it would free up existing DOD aircraft we have now for the unique missions for which they say they are needed.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Alaska.

Mr. STEVENS. Mr. President, I am somewhat surprised by the length and specificity of the argument against this amendment. This amendment, on page 104 of the bill, would authorize the Secretary of the Air Force to obtain transportation for the commanders in chief, the regional commanders, to lease aircraft. It does not mandate any leasing. It authorizes leasing.

Currently these commanders in chief, regional commanders, are already flying 707 aircraft built 30, 35 years ago. Commercially, those airlines had 250 seats. They have 45 seats on those aircraft now. They are big. They are old. They are costly to maintain. It is possible to have modern replacements now.

The Senators would have us replace one a year. We will keep operating these old dumbos at enormous cost for repair and replacement of engines, instead of moving out and accepting the fact that there are planes there now, American-built planes, and the Department estimates it will cost $750 million to operate and maintain the current support fleet over the next 10 years. We would reduce that cost and put our people immediately in more cost-effective, quiet, efficient planes.

Yes, they are small compared to what they have now. Today a commander in chief takes along with him up to 45 people. This will reduce that size; there is no question about that. Further, we reduce the number of aircraft from nine to seven. They didn't mention that. This has nothing to say about all those other aircraft.

I would like to have a study of the flights of these airplanes that are owned by the Federal Government, particularly those owned and flown by the White House. We tried to get that and couldn't get it. We would like to find out who flies in the State Department airplane. We couldn't get that.

Now, be my guest and go get those, but these are commanders of our military who are serving as regional commanders of forces. I wonder if the Senate knows there are forces of the American people in 91 different countries today. We are operating at about one-third the staff we had just 5 years ago. We are trying to carry out missions that are almost impossible. Our reenlistment rate of pilots is down to less than one-third of what it was just a year ago. The deployment of our forces is overwhelming. The degree of fatigue on our managers is overwhelming.

I really never expected this kind of argument about replacing the 707s. I do not think anyone wants to continue to fly on the 707s. If nothing else, they are just old.

Mr. WARNER. Will the Senator yield for an observation?

Mr. STEVENS. No. I am going to table this, follow this bill through, and get it done. I can't understand that an amendment like this would delay this bill, because it is only an authorization to lease. All we have heard today, talking about the number of aircraft, is immaterial. Those aircraft are out there. They are not going to be affected by this amendment at all.

What we are trying to do is say that these commanders who stand in for the President as regional commanders in chief should have the state of the art of American industry in terms of their transportation. That is what this is. What we are doing is trying to get them to lease them, because if we started replacing them, I have to tell you, there is not money in this bill to allow us to buy seven new aircraft for these commanders. We can give them the authority to lease them and replace them, and those leases can be options to buy later. We can fill that if we want to buy the planes later. We can't do it now, but these planes they are flying now are expensive, and they are too large. They are not what these commanders need.

A DOD report promised us a savings of $250 million over this 10-year period if they had this authority. It doesn't mandate them leasing it. It authorizes them to lease some, buy some, lease with an option to buy, whatever it might be, to get the best deal possible to replace these aircraft.

Now, in terms of maintenance alone, this option would save us a lot of money. I think the problem of having dedicated aircraft is something we ought to look at.

The Senator says he hasn't seen many four-star admirals or four-star generals on airplanes. I see them. They do not wear their uniforms on airplanes. Why should they? They would automatically be a target. It is not what we want anyway. These people are known throughout the world. I think if anyone in the world needs protection, it is the commanders in chief of the regions. We do not provide that, but we can provide them the capability for security and safety as they move around the areas over which they have command.

Talk to the people in industry. Why do you think the big industries are leasing fleets of cars now? Because after the end of a year or so, they turn them back, get a new model—no maintenance, no replacement of parts. The vehicles are out on the civilian market with a good value, because they have only been used for a short while.

We could do the same thing with these aircraft if people would wake up and use the leasing operation. We are not talking about leasing combat aircraft; we are talking about leasing transportation that is vital to the regional commanders.

Again, our section only deals with transportation for the regional commanders, not for all the 684 people. If you want to know who they are, they are people in the State Department. We will be glad to give you a list. State Department, commanders of bases overseas, they are eligible for flight on these aircraft.

But above all, I am sort of taken aback by the fact that we are giving the Department of Defense the right to think about taxpayers' money as they provide this vital transportation link for these regional commanders.

This saves money. The study shows they save money. Before they can complete the lease, they have to come back and get the money to lease. There is no money in this bill to lease. As a practical matter, I really don't understand. Here we are trying to save money. We are trying to replace these antiquated airplanes. These places these people go, most of them have no commercial connections. They just do not.

I took a trip this last week to California and down to the desert in Arizona and back here on business, down at the border to look at some problems there. I will tell the Senate about that later. There were no connections to Douglas, AZ. commercially. I thought I would get down there and see that problem to determine whether we ought to spend taxpayers' money. They have the same problem. How can they tell us what they need in these remote places of the world under their command?

And how can they come to meetings and listen to the Commander in Chief or to the Vice Chairman of the Joint Chiefs? These planes are needed by these people. I think one of the great things brought about by the Goldwater-Nichols Act was, in fact, regional commanders. It gave us the kind of command and control we needed to maintain a very efficient military, with fewer people, and utilizing the talent of some very distinguished people. I have to tell you, the longer I am here, the greater respect I have for people who get four stars on their shoulders. That is what we are talking about—the people who have come through the services and have reached the point of ultimate command—and I mean ultimate. They can make decisions in lieu of the Commander in Chief in a time of crisis; I am talking about in lieu of the President. They have the power under that act to act in a crisis.

Now, what do you want to do—let them ride commercial planes? I challenge anybody who has been out in the Pacific and has gone from place to place, from island to island, where we have our military, to figure out how to do it commercially. Even in my State, if you want to go out to Adak, you can go out and come back 2 days later.

As a practical matter, this is transportation for the 21st century. If nothing else, this Senator doesn't want to see representatives of the Nation that leads the world in building aircraft to be traveling in 1960 airplanes in the years 2001, 2002, and 2003. That is what we are talking about. There is a lot here in terms of advertising America to the world. I want these people to be flying in the best we have, because they are demonstrating this country's ability to maintain its position in the world.

I cannot believe there would be this kind of dialog about giving the authority to use a system that American business has now used very efficiently for 40 years—the leasing of equipment as opposed to buying it. I hope to God they use this authority and save us some money and put our people in safe, modern, efficient transportation.

Does the Senator want to speak before I make a motion to table?

Mr. INOUYE. For just 2 minutes.

Mr. STEVENS. I yield to the Senator from Hawaii for 2 minutes.

Mr. INOUYE. Mr. President, most respectfully, I have been trying to——

Mrs. BOXER. Reserving the right to object—and I will not—I wonder if the Senator from Iowa and I may have a chance to ask a question of the Senator from Alaska so that we can make our point again, because I think he misconstrued what we were saying. I think it is important to set the record straight. May we have 4 minutes between us to simply ask a question?

Mr. STEVENS. I will be pleased to enter into that kind of agreement, following the remarks of the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I have been trying to follow this debate as closely as possible. The explanation the Senator from California has given is that this amendment would strike provisions in the bill which allow the Secretary of the Air Force to lease six Gulfstream V jets to transport the highest ranking military officials.

There is nothing in Section 8106 that speaks of six Gulfstream V jets, nor does it speak of the highest ranking military officials. I have no idea where that came from.

What this section says is:

> The Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.

There is nothing about Gulfstreams. There is nothing about the highest ranking military officials. But even if we did say six Gulfstream V jets for the highest military officials, I join my chairman in objecting to this amendment. We should keep in mind that fewer than 1 percent of the population of these United States have stood up and said to the rest of the world they are willing to stand in harm's way in our defense and, if necessary, give their lives. Fewer than 1 percent of us have taken that oath. The least we can do is to give them the cutting edge, and this is the cutting edge that is necessary to differentiate between defeat and victory.

So, Mr. President, I will support a motion to table this amendment.

Mr. STEVENS. Mr. President, let me again say what we are trying to do. We believe under this amendment, by giving the authority to lease aircraft, we will be able to get at least six aircraft in less than 2 years to replace these aircraft that are now well over 30, 40 years old. We believe the savings in retiring these aging, expensive-to-maintain 707 aircraft will be cost effective. But what is more, this move will be very good for the Department, because by pooling these aircraft they will be able to use them efficiently. Nobody will have a dedicated aircraft that is underutilized. They will be able to be used by others when not being utilized under this plan.

We adopted a similar plan last year at my suggestion, and that is when we were going to have aircraft for FEMA, CIA, and the FBI. We formed a special unit, and they have pooled the aircraft and they are available to them. They will have them available for one or all of them, depending on the needs of the people involved. This is a cost-effective utilization of air transportation to meet the needs of our National Government. I hope we can defeat this amendment.

I am going to make a motion to table. I will be happy to consider time for the Senators to speak. They have spoken almost an hour and a half. I will honor their suggestion if they want some time before I make that motion.

Mr. HARKIN. I would be glad to do 10 minutes and wrap it up.

Mrs. BOXER. I would like to complete it with 3 minutes.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from Iowa have not more than 10 minutes and the Senator from California not more than 5 minutes and I be recognized again to make a motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa.

Mr. HARKIN. Mr. President, the Senator from Alaska has made a good point that the military should consider leasing and not consider purchasing. That is what our amendment does. Read our amendment. It says:

> Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the inventory and status of operational support aircraft, Commander-in-Chief support aircraft, and command support aircraft of the Department of Defense. The report shall include a detailed discussion of the requirements for such aircraft, the foreseeable future requirements for such aircraft, the cost of leasing such aircraft, commercial alternatives to use of such aircraft, the cost of maintaining the aircraft, the capability and appropriateness of the aircraft to fulfill mission requirements, and the relevancy of the missions of the aircraft to warfighting requirements.

That is exactly what our amendment does. But we want to know, should we even lease them?

Mr. STEVENS. I have one question. The first sentence says to strike the provision on page 104.

Mr. HARKIN. Strike the provision——

Mr. STEVENS. To lease for another year.

Mr. HARKIN. It strikes the provision which allows the Department of Department to go ahead and lease. It says: Let's do a study before next March 1. What are our requirements? What are our alternatives? And let's examine the leasing versus the purchasing. We don't even have that documentation yet.

So I don't think there is such a need that we have to rush ahead and allow them to go ahead and enter these long-term leasing agreements before March 1 of next year. There is not that requirement there. They tried to put this into the supplemental appropriations bill, and that was knocked out because it wasn't an emergency. Now they have come back on the regular appropriations bill.

So all our amendment is saying, fine, leasing may be the best way to proceed, but we haven't gotten to that point yet. Do we even need these aircraft? We haven't gotten to that point yet. I make the point that I am not certain we need this. Let's take it one step at a time and see if these are really operational requirements.

The Senator also said that it would be costly; we have these old aircraft in inventory we have to repair and keep them up and put new engines in them and all that stuff. It is sort of like my old car. I have an old car, and it needs a new engine. I can put a new engine in that car, and it is going to cost me about $1,300. The car runs fine. In fact, it is a pretty darned nice car. It is just a little old and has a lot of miles on it. If I go out and buy a new car, it will cost me about $20,000. I ask you, which is the better alternative, if I am looking at it costwise? It is a lot cheaper for me to put a new engine in that old car.

These are 30-year-old, well-maintained aircraft. They are the best maintained aircraft in the world. They go through their periodic inspections, their 100-hour inspections, their annual inspections, and they have all kinds of new engines on them and everything. It is much cheaper to keep those flying, to repair them, and to keep them up than it is to go out and pay $40 million for one of these, I can assure you.

Second, my last point: The chairman says that this will not affect the number of aircraft that we have out there now. I beg to differ. It will affect the number of aircraft we have out there now, because if in fact the amendment of the Senator from California and myself is adopted, it is going to require them to take a really hard look at what they have in their inventory, at what their needs are, and at how they can better utilize them. That may affect the other aircraft out there. We may be able to meet the mission requirements of the CINCs with all of the Gulfstreams, the Learjets, the Citation jets, the 707s, the 757s, the 727s, and the DC–9s that we have out there if they are better utilized. That is the missing ingredient. We don't have that kind of an accounting. That is what our amendment calls for.

If it turns out that they really need these aircraft to meet the warmaking capabilities, and it proves that it is cheaper to do it this way than to repair and fix up the older aircraft—if that can be shown—I will be first in line to vote to make sure they get the aircraft.

But I am telling you, this Senator does not have adequate information right now to vote to spend probably upwards of $600 million to $700 million over the next 10 years to lease these Gulfstream Vs and operate them for that period of time.

That is why we need to just step back, take a deep breath, and have them to report back. One year is not going to be a big loss to them, if they have to wait one year.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Iowa for the time that he has spent on working on this amendment with me and for his experience. His being in the military, I think, brings tremendous credibility to this discussion.

I thank the Senator from Alaska and the Senator from Hawaii for their patience. I know that this is an amendment that they do not agree with. I know they are not thrilled that we have offered it, but they have shown great respect and have given us the time that we need to explain it.

I ask unanimous consent to have printed in the RECORD a list of the more than 300 planes in the inventory. These are aircraft available for military administrative travel. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY PLANES—CIVILIAN EQUIVALENT NAMES AND SPECS

C–9—military equivalent of McDonnell Douglas DC–9—twin-engine, T-tailed, medium-range, swept-wing jet aircraft. Used primarily for aeromedical evacuation missions.

Capacity: 40 litter patients, 40 ambulatory and four litter patients, or various combinations.

Number in the military: Total=34—Navy, 27; Marines, 2; Air Force, 5.

C–12 Huron—Beech Aircraft King Air, a twin turboprop passenger and cargo aircraft.

Built: Wichita, KS—Beech Aircraft Corp. (Raytheon).

Capacity: up to 8 passengers.

Number in the military Total=178—Army, 104; Navy, 51; Marines, 18; Air Force, 5.

C–20 series—Gulfstream Aerospace Gulfstream Series, these are jets.

Built: Savannah, GA—Gulfstream Aerospace Corp.

Capacity: maximum of 19.

Number in the military: Total=16—Navy, 6; Marines, 1; Air Force, 9.

C–20A—Gulfstream III.
C–20B—Gulfstream III.
C–20H—Gulfstream IV.

C–21—Learjet Series, cargo and passenger plane with turbofan jet engines.

Built: Wichita, KS—Learjet Corporation.

Capacity: 8 passengers.

Number in the military: Total=70—Air Force, 70.

C–22B—Boeing 727-100, primary medium-range aircraft used by the Air National Guard and National Guard Bureau to airlift personnel.

Number in the military: Total=3—Air National Guard, 3.

C–23—an all-freight version of the Shorts 330 regional airliner.

Built: Northern Ireland, UK—Short Brothers plc.

Number in the military: Total=32—Army, 32.

C–26—Fairchild Merlin/Metro, operated exclusively by the Air and Army National Guard, it is a propeller plane with quick change passenger, medivac, and cargo interiors.

Built: San Antonio, TX—Fairchild Aircraft Corp.

Number in the military: Total=10—Army, 10.

C-32A—Boeing 757-200, equipped with two wing-mounted Pratt & Whitney 2040 engines.

Capacity: 45 passengers and 16 crew.

Number in the military: Total=4; Air Force, 4.

C-37A—Gulfstream V.

Capacity: up to 12 passengers.

Number in the military: Total=2—Air Force, 2.

C-38A—IAI Astra SPX, primarily for operational support and distinguished visitor transport and can be configured for medical evacuation and general cargo duties.

Capacity: 11 passengers and crew.

Number in the military: Total=2—Air Force, 2.

C-137C—Boeing 707-300, provides transportation for the vice president, cabinet and congressional members, and other high-ranking U.S. and foreign officials. It also serves as a backup for Air Force One.

Capacity: 40–50 passengers.

Number in the military: Total=2—Air Force, 2.

UC-35—Cessna Citation 560 Ultra V twin, medium range executive and priority cargo jet aircraft.

Capacity: up to 8 passengers.

Number in the military: Total=14—Army, 14.

CT-39G—Rockwell International, twin-jet engine, pressurized, fixed wing, monoplane.

Capacity: 8 passengers.

Number in the military: Total=3—Marines, 3.

VC-25—Boeing 757-200.

Capacity: 102.

Number in the Military: Total=2.

C-135—Boeing 707, jet airliner that has performed numerous transport and special-duty functions.

Number in the military: Total=5—Air Force, 5.

Mrs. BOXER. Mr. President, if we go through this list, you will see all of them: The C–20 series, the C–12 series, the C–21 series, the C–22B series, and it goes on and on with over 300 planes.

I thank Senator HARKIN's staff for their work in putting that together.

I want to make a point. We have an argument on the floor of the Senate. It is a very fair argument. One side says it is cheaper to lease these Gulfstreams, and others say that it may well be cheaper to buy them—forgetting about the fact that some of us think we don't need them at all. This is almost $½ billion over 10 years at a time when we are cutting virtually everything else but the military right now.

Let's face it. The FAA is almost being crippled with $300 million in rescinded funds to make our civilian skies safer. This is serious. This isn't a small piece of change.

If, as my friend says, the study comes back and shows we save money by buying these things, we will take a look at that.

I agree with the Senator from Alaska. I think there are times when of course—I know the Senator from Iowa agrees—we want to have certain planes set aside for the convenience and use of our top brass. That is not the question here. There are 300 planes in the military that they can use now. In this very bill, we are purchasing more of the Cessna Citation Ultras, which are beautiful planes that the Senator from Iowa has spoken about, to carry them around in luxury. Yes. They may have to stop to refuel, but they can keep in contact with the President of the United States. I have traveled with very impressive delegations where we have had to stop in the middle of very tenuous circumstances.

Mr. HARKIN. If the Senator will yield, as an old military pilot myself, I must say that if the generals want to get someplace in a real hurry—it may be necessary—and if it is part of our warmaking capabilities, they can get in the back seat of an F–16, get inflight fueling, and they can be there a lot faster than any commercial aircraft or a Gulfstream or anything else. That is the fastest way to get there.

Mrs. BOXER. I reclaim my time. I have a brief amount of time left.

This isn't about hurting anyone in the military. My goodness. No one could respect the military more than the Senator from Iowa. I have to say that is not what this amendment is about. This amendment is about a very hard-nosed money question. Can we move these generals around in style but not in the Gulfstream version? Can we look to see what the best way to go is—leasing or purchasing? Then maybe we can save some money that we need desperately.

Our veterans need veterans cemeteries. They are being told that they have to have a 15-percent cut in the VA allocation. This includes VA hospitals. We could go on. We have military people. You want to talk about the military who have to go on food stamps or the WIC Program. The Senator from Iowa has led that charge. Maybe that is why we feel so strongly about this, that it is a matter of priorities. Respect for the generals? Absolutely. Respect for the enlisted people? Absolutely. Let's do the right thing.

All we are saying is a year's pause, have a good study done, come back together, see what the study shows, and then make the decision that is based more on fact than fiction.

Yes. The New York Times did a study. They said it is costing about $140 million more to go the leasing route. Let's see if they are right.

I thank the Chair. I yield the floor.

Mr. FEINGOLD. Mr. President, I rise today to stand in strong support for this amendment. This straightforward amendment to strike tens of million of dollars for luxury aircraft for military commanders, brought to the floor by Senators BOXER and HARKIN is about our men and women in uniform.

It is about the men and women that we have heard so much about over the past years, the central players in the services' readiness crisis. It is about the men and women whose lives are on the line in operations around the world. There is no question, Mr. President, that we must provide them with the necessary resources to defend themselves and the United States.

Just last year, there was a virtual consensus that the armed services were facing a readiness crisis. Last September, the Joint Chiefs testified that there was a dangerous readiness shortfall. General Henry Shelton, Chairman of the Joint Chiefs, claimed that "without relief, we will see a continuation of the downward trends in readiness . . . and shortfalls in critical skills." Army Chief of Staff General Dennis Reimer stated that the military faces a "hollow force" without increased readiness spending. Chief of Naval Operations Admiral Jay Johnson asserted that the Navy has a $6 billion readiness deficit. So it went for all the services.

To address the readiness shortfall, the Congress passed on emergency supplemental appropriations bill. The bill was well-intentioned in its support for the efforts of our men and women in uniform. Unfortunately, something happened on the way to the front lines. The bill spent close to $9 billion, but just $1 billion of it went to address the readiness shortfall.

We added $1 billion for ballistic missile defense. The Ballistic Missile Defense Organization still has not spent all that money, yet we have added another $3.5 billion for the BMDO in this bill. Last year's supplemental also added billions to what has become an expected emergency, that being our operations in Bosnia. That other unexpected emergency, the year 2000, received a billion dollars. And so it went. What happened to readiness?

It is with wonderment that the appropriations bill before us today would spend upwards of $40 million in the next fiscal year, and perhaps as much as half a billion dollars over the next ten years on luxury jets for four-star generals. Am I missing something or is this absurd? We actually have troops that qualify for food stamps and DOD can justify spending tens of millions of dollars next year for luxury jets.

This bill will allow the Air Force to lease executive business Gulfstream V jets for the military's unified and regional commanders in chief. This bill also spends $27 million for five UC-35 corporate aircraft that the Pentagon did not even ask for this year. How can this be?

According to John Hamre, the assistant secretary of defense, DOD has an inventory of almost 500 operational support airlift, or OSA, aircraft, including 70 Learjets. The Army owns 160 OSA aircraft, the Air Force 111 OSA aircraft, the Navy 89 OSA aircraft; and the Marines 24. The General Accounting Office found that DOD's operational support fleet "far exceeded any possible wartime requirement." Yet, the Air Force and certain members of Congress believe this to be a high military priority.

Mr. President, I would like my colleagues to close their eyes for a few minutes while I describe the jet that has become such a military priority. I take this directly from Gulfstream's website:

> From the 100 percent fresh air control system, to the comfortably maintained 6,000 foot cabin altitude at 51,000 feet, to cabin size—a generous 1,669-cubic-feet and the longest in the industry—the Gulfstream V provides an interior environment unmatched in transoceanic business travel. The jet also offers a substantial outfitting allowance of 6,700 pounds—more than 12 percent greater than any other business aircraft current or planned—which affords owners and operators the freedom to select furnishings and equipment with minimum tradeoffs. Space-age titanium mufflers and vibration isolators eliminate hydraulic system noise. Plentiful insulation in the side panels reduces sound further, and we've even reengineered Gulfstream's trademark expansive, oval windows to lessen noise levels. The total effect is library-like science conducive to a productive trip.

Now I ask my colleagues to open their eyes and face reality. Supporting the Defense Department's misguided spending priorities is not synonymous with supporting the military. I urge my colleagues to look themselves in the mirror and credibly ask themselves if they can support corporate jets for generals while front-line troops muddle by on food stamps. Which is the higher priority?

I cannot vote to increase the defense budget by tens of billions of dollars, including tens of millions for corporate jets, which the budgets for veterans' health care, education, agriculture and other programs are facing deep cuts.

Throwing good money after bad is not tolerated at other Departments and agencies. Why is it tolerated with DOD? Defense Week reported just yesterday that the Navy has lost track of almost 1 billion dollars' worth of ammunition, arms and explosives. Additionally, DOD has yet to pass an audit. A 1998 GAO audit couldn't match more than $22 billion in DOD expenditures with obligations; it could not find over $9 billion in inventory; and it documented millions in overpayments to contractors. GAO concluded that "no major part of DOD has been able to pass the test of an independent audit."

Mr. President, we need some accountability in the Defense Department. Voting for the Boxer-Harkin amendment shows that the Senate supports our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I think it would be interesting for the Senator to know that the plane of our commander in Europe, General Clark, who we all see on the news—and we have met with him respectively, and our committee has twice—the C-9A, cannot land at half of the airfields in Europe because of environmental restrictions.

I don't understand why we can't move to make available the process that has been pioneered and developed by American industry and even States and cities. They lease their aircraft. They lease their fleets of cars. It is cost effective. We are giving them the authority to do this. We are not mandating them to do it by the provision of the bill.

But if people want this substitute amendment—the Senator from California would require a study for more than a year—we would be back here again.

But we faced this. People forget. In the current year appropriations bill, we required an assessment of consolidated CINC support aircraft. It was required to be submitted, and it was submitted by March 1. Here it is. It led to this provision. We have had a year. We had the study. They have told us what they need.

I hope the Senate will support the need as outlined, but the needs can be met by exercising the authority. We are not mandating anything in this bill.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 541. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—66

Akaka
Ashcroft
Bennett
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
DeWine
Dodd
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Leahy
Lieberman
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—31

Abraham
Allard
Baucus
Bayh
Bingaman
Boxer
Byrd
Conrad
Daschle
Durbin
Edwards
Feingold
Feinstein
Graham
Grams
Grassley
Harkin
Johnson
Kohl
Lautenberg
Levin
Lincoln
Mikulski
Robb
Rockefeller
Santorum
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—3

Biden
Crapo
McCain

The motion was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to state to the Senate what we are going to do here. We have resolved, I tell the Senate, all outstanding issues now. I will offer here a package for myself and the distinguished Senator from Hawaii and a series of colloquies, and then we will have final passage on the bill.

All of the remaining amendments—some that we thought would be controversial—have now been resolved. I do thank the Senators for their cooperation. I am waiting for just one item.

AMENDMENT NO. 578

Mr. STEVENS. Mr. President, I call up amendment No. 578, the Roberts amendment.

AMENDMENT NO. 602 TO AMENDMENT NO. 578

(Purpose: To provide for the suspension of certain sanctions against India and Pakistan)

Mr. STEVENS. I send an amendment to the desk for Senator BROWNBACK and ask unanimous consent it be considered an amendment to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. BROWNBACK, proposes an amendment numbered 602 to amendment No. 578.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

TITLE—SUSPENSION OF CERTAIN SANCTIONS AGAINST INDIA AND PAKISTAN

SEC. 1. SUSPENSION OF SANCTIONS.

(a) IN GENERAL.—Effective for the period of five years commencing on the date of enactment of this Act, the sanctions contained in the following provisions of law shall not apply to India and Pakistan with respect to any grounds for the imposition of sanctions under those provisions arising prior to that date:

(1) Section 101 of the Arms Export Control Act (22 U.S.C. 2799aa).

(2) Section 102 of the Arms Export Control Act (22 U.S.C. 2799aa-1) other than subsection (b)(2)(B), (C), or (G).

(3) Section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)).

(b) Special Rule for Commercial Exports of Dual-Use Articles and Technology.—The sanction contained in section 102(b)(2)(G) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(G)) shall not apply to India or Pakistan with respect to any grounds for the imposition of that sanction arising prior to the date of enactment of this Act if imposition of the sanction (but for this paragraph) would deny any license for the export of any dual-use article, or related dual-use technology (including software), listed on the Commerce Control List of the Export Administration Regulations that would not contribute directly to missile development or to a nuclear weapons program. For purposes of this subsection, an article or technology that is not primarily used for missile development or nuclear weapons programs.

(c) National Security Interests Waiver of Sanctions.—

(1) In general.—The restriction on assistance in section 102(b)(2)(B), (C), or (G) of the Arms Export Control Act shall not apply if the President determines, and so certifies to Congress, that the application of the restriction would not be in the national security interests of the United States.

(2) Sense of the Senate.—It is the sense of the Senate that—

(A) no waiver under paragraph (1) should be invoked for section 102(b)(2)(B) or (C) of the Arms Export Control Act with respect to any party that initiates or supports activities that jeopardize peace and security in Jammu and Kashmir;

(B) the broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interest of the United States and that this control list requires refinement.

(C) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute such programs.

(d) Reporting Requirement.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute directly and materially to missile programs or weapons of mass destruction programs.

(e) Congressional Notification.—A license for the export of a defense article, defense service, or technology is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), including the transmittal of information and the application of congressional review procedures described in that section.

(f) Renewal of Suspension.—Upon the expiration of the initial five-year period of suspension of the sanctions contained in paragraph (1) or (2) of subsection (a), the President may renew the suspension with respect to India, Pakistan, or both for additional periods of five years each if, not less than 30 days prior to each renewal of suspension, the President certifies to the appropriate congressional committees that it is in the national interest of the United States to do so.

(g) Restriction.—The authority of subsection (a) may not be used to provide assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to economic support fund assistance) except for—

(1) assistance that supports the activities of nongovernmental organizations;

(2) assistance that supports democracy or the establishment of democratic institutions; or

(3) humanitarian assistance.

(h) Statutory Construction.—Nothing in this Act prohibits the imposition of sanctions by the President under any provision of law specified in subsection (a) or (b) by reason of any grounds for the imposition of sanctions under that provision of law arising on or after the date of enactment of this Act.

SEC. 2. REPEALS.

The following provisions of law are repealed:

(1) Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)).

(2) The India-Pakistan Relief Act (title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in section 101(a) of Public Law 105-277).

SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

Mr. STEVENS. These amendments pertain to the Pakistan issue that has been discussed. They have been cleared on both sides. I ask unanimous consent the amendment to the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 602) was agreed to.

Mr. STEVENS. I ask unanimous consent the underlying amendment itself, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, the amendment, as amended, is agreed to.

The amendment (No. 578), as amended, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 547

Mr. STEVENS. Mr. President, I call up amendment No. 547.

AMENDMENT NO. 603 TO AMENDMENT NO. 547

Mr. STEVENS. I offer an amendment on behalf of Senator BIDEN to that amendment and ask unanimous consent it be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BIDEN, proposes an amendment numbered 603 to amendment No. 547.

The amendment is as follows:

In amendment No. 547, on page 1, line 5, strike "shall" and insert "nay."

Mr. STEVENS. I ask unanimous consent the amendment to the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the second-degree amendment is agreed to.

The amendment (No. 603) was agreed to.

Mr. STEVENS. I ask unanimous consent the underlying amendment itself, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, the amendment, as amended, is agreed to.

The amendment (No. 547), as amended, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 551

Mr. STEVENS. Mr. President, I call up Senator NICKLES' amendment No. 551. The amendment is acceptable to both sides. I ask for a voice vote.

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on agreeing to the amendment.

The amendment (No. 551) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 575, 580, 586, AND 590, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk modifications to four amendments. These are modifications to amendments currently pending on the list. I ask unanimous consent that these amendments be modified and that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendments are modified and agreed to.

The amendments (Nos. 575, 580, 586, and 590) were modified and agreed to, as follows:

AMENDMENT NO. 575, AS MODIFIED

At the appropriate place in the bill, insert the following:

Sec. 8109. Of the funds appropriated in title IV under the heading "Research, Development, Test, and Evaluation, Army", up to $4,000,000 may be made available for the Advanced Helmet System Program.

AMENDMENT NO. 580, AS MODIFIED

At the end of the general provisions, add the following:

Sec. 8109. (a) Congress makes the following findings:

(1) Congress recognizes and supports, as being fundamental to the national defense, the ability of the Armed Forces to test weapons and weapon systems thoroughly, and to train members of the Armed Forces in the use of weapons and weapon systems before the forces enter hostile military engagements.

(2) It is the policy of the United States that the Armed Forces at all times exercise the utmost degree of caution in the training with weapons and weapon systems in order to avoid endangering civilian populations and the environment.

(3) In the adherence to these policies, it is essential to the public safety that the Armed Forces not test weapons or weapon systems, or engage in training exercises with live ammunition, in close proximity to civilian populations unless there is no reasonable alternative available.

(b) It is the sense of Congress that—

(1) there should be a thorough investigation of the circumstances that led to the accidental death of a civilian employee of the Navy installation in Vieques, Puerto Rico, and the wounding of four other civilians during a live-ammunition weapons test at Vieques, including a reexamination of the adequacy of the measures that are in place to protect the civilian population during such training;

(2) the Secretary of Defense should not authorize the Navy to resume live ammunition training on the Island of Vieques, Puerto Rico, unless and until he has advised the Congressional Defense Committees of the Senate and the House of Representatives that—

(A) there is not available an alternative training site with no civilian population located in close proximity;

(B) the national security of the United States requires that the training be carried out;

(C) measures to provide the utmost level of safety to the civilian population are to be in place and maintained throughout the training; and

(D) training with ammunition containing radioactive materials that could cause environmental degradation should not be authorized.

(3) in addition to advising committees of Congress of the findings as described in paragraph (2), the Secretary of Defense should advise the Governor of Puerto Rico of those findings and, if the Secretary of Defense decides to resume live-ammunition weapons training on the Island of Vieques, consult with the Governor on a regular basis regarding the measures being taken from time to time to protect civilians from harm from the training.

AMENDMENT NO. 586, AS MODIFIED

At the appropriate place in the bill, insert:

SEC. . Of the funds appropriated in Title IV for Research, Development, Test and Evaluation Army, up to $10,000,000 may be utilized for Army Space Control Technology.

AMENDMENT NO. 590, AS MODIFIED

At the end of the general provisions, add the following:

SEC. 8109. (a) Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE" (other than the funds appropriated for space launch facilities), up to $7,300,000 may be available, in addition to other funds appropriated under that heading for space launch facilities, for a second team of personnel for space launch facilities for range reconfiguration to accommodate launch schedules.

(b) The funds set aside under subsection (a) may not be obligated for any purpose other than the purpose specified in subsection (a).

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 604

Mr. STEVENS. Mr. President, I send to the desk an amendment by the Senator from New Mexico, Mr. DOMENICI, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. DOMENICI, proposes an amendment numbered 604.

The amendment is as follows:

On page 106, line 4, strike "The Communications Act" and insert "(a) The Communications Act of 1934".

On page 107, between lines 4 and 5, insert the following:

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

Mr. STEVENS. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 604) was agreed to.

AMENDMENTS NOS. 576 AND 585

Mr. STEVENS. I call up amendments Nos. 576 and 585 and ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent amendments Nos. 576 and 585 be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 576 and 585) were agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, there is just one remaining item.

AMENDMENT NO. 574

Mr. STEVENS. Mr. President, I call up Senator HUTCHISON's amendment No. 574, and I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 574) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 582

Mr. STEVENS. Mr. President, I call up Senator KENNEDY's amendment No. 582.

I ask unanimous consent that Senator LOTT's name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 582) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator SMITH of New Hampshire be added as a cosponsor of the Kennedy amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. That is amendment No. 582, which we just adopted.

AMENDMENT NO. 548

Mr. STEVENS. Mr. President, have I called up amendment No. 548?

The PRESIDING OFFICER. The Senator from Alaska has not called up that amendment.

Mr. STEVENS. The amendment of the Senator from New Hampshire, Mr. GREGG.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I urge the adoption of that amendment. It has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 548) was agreed to.

AMENDMENT NO. 579 WITHDRAWN

Mr. STEVENS. The amendment No. 579 by Mr. DURBIN, has that been agreed to?

The PRESIDING OFFICER. Not yet.

Mr. STEVENS. I ask unanimous consent that that be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 579) was withdrawn.

AMENDMENT NO. 583 WITHDRAWN

Mr. STEVENS. Amendment No. 583 by Mr. LEVIN, I ask unanimous consent that that amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 583) was withdrawn.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator EDWARDS be added as a cosponsor of Biden amendment No. 547.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 587 AND 605 THROUGH 607, EN BLOC

Mr. STEVENS. Mr. President, I now send to the desk the amendment we had listed as No. 587, which is the remainder of the managers' package.

There is the amendment of Senator COVERDELL, a sense-of-the-Senate resolution; an amendment by myself for Senator BOND concerning procurement; an amendment pertaining to the McGregor Range Withdrawal Act in New Mexico for Senator DOMENICI; an amendment regarding military land withdrawals for myself. I ask that they be considered en bloc as the remainder of the managers' package. They should be separately numbered at this point.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and on behalf of other Senators, proposes amendments en bloc numbered 587 and 605 through 607.

The amendments are as follows:

AMENDMENT NO. 587

(Purpose: To provide funds for the purchase of four (4) F-15E aircraft)

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to funds appropriated elsewhere in this Act, the amount appropriated in Title III of this Act under the heading "Aircraft Procurement, Air Force" is hereby increased by $220,000,000 only to procure four (4) F-15E aircraft; *Provided*, that the amount provided in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $50,000,000 to reduce the total amount available for National Missile Defense; *Provided further*, that the amount provided in Title III of this Act under the heading "National Guard and Reserve Equipment" is hereby reduced by $50,000,000 on a pro-rata basis; *Provided further*, that the amount provided in Title III of this Act under the heading "Aircraft procurement, Air Force" is hereby reduced by $70,000,000 to reduce the total amount available for Spares and Repair Parts; *Provided further*, that the amount provided in Title III of this Act under the heading "Aircraft Procurement, Navy" is hereby reduced by $50,000,000 to reduce the total amount available for Spares and Repair Parts.

AMENDMENT NO. 605

(Purpose: To express the sense of the Senate regarding the investigation into the June 25, 1996 bombing of Khobar Towers)

At the appropriate place, insert:

(a) FINDINGS.—Congress makes the following findings:

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force, and injuring hundreds more;

(2) An FBI investigation of the bombing, soon to enter its fourth year, has not yet determined who was responsible for the attack; and

(3) The Senate in S. Res. 273 in the 104th Congress condemned this terrorist attack in the strongest terms and urged the United States Government to use all reasonable means available to the Government of the United States to punish the parties responsible for the bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The United States Government must continue its investigation into the Khobar Towers bombing until every terrorist involved is identified, held accountable, and punished;

(2) The FBI, together with the Department of State, should report to Congress no later than December 31, 1999, on the status of its investigation into the Khobar Towers bombing; and

(3) Once responsibility for the attack has been established the United States Government must take steps to punish the parties involved.

(The text of the amendments (Nos. 606 and 607) is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 587 and 605 through 607) were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Now, are there any further amendments that need to be disposed of that would qualify?

The PRESIDING OFFICER. There is none.

STRATEGIC AIRLIFT

Mr. INOUYE. Mr. President, I rise today to address the question of strategic airlift. In this bill, the Managers have attempted to accelerate and increase funding for new modern programs, specifically the C–17, in lieu of investing scarce resources in older aircraft.

Mr. President, currently C–17s are only assigned to a few bases. We recognize some members are concerned that by focusing on the C–17, those strategic airlift bases without C–17s will suffer. I recognize this legitimate concern and want to ask the Chairman his views on the basing of C–17 aircraft. Would the Senator agree with me that C–17s should be assigned to additional bases to replace aging C–141 and C–5 aircraft?

Mr. STEVENS. I fully agree with the Senator's statement. I believe that C–17s should be used to replace many other strategic aircraft and that the basing strategy of the Air Force needs to take this into account.

Mr. INOUYE. Would the Chairman agree that one of the bases that should have top priority for C–17s is Dover Air Force Base in Delaware?

Mr. STEVENS. I strongly agree. Dover is one of the key supply bases for all of our operations in Europe and the Middle East. I think it requires the C–17 as soon as possible. The bill before the Senate adds multi-year authority to purchase more C–17s and I think both our Pacific based forces and forces designated to supply Europe need C–17s to stay modern and ready.

Mr. INOUYE. I thank the Senator for his comments. He and I have both expressed support in the past for getting C–17s assigned to the Pacific. I am glad to hear him say that Dover Air Force Base is also a very high priority for C–17s.

I stand ready to work with the Senator on ensuring that our Pacific bases and Dover Air Force Base receive the C–17s as expeditiously as possible.

MARSHALL FOUNDATION AND JUNIOR ROTC

Mr. INOUYE. Mr. President, I commend the Chairman for recognizing the importance of the Junior Reserve Officers' Training Corps, JROTC, for our nation's high schools through his support of the program in this bill.

I ask if the Chairman is familiar with the George C. Marshall Foundation, which assists in the training of ROTC cadets nationwide.

This foundation has worked for over 20 years to develop the Marshall ROTC award and seminar. The Marshall Foundation now wishes to adapt this leadership program for the JROTC.

Mr. STEVENS. Mr. President, my good friend from Hawaii asks an important question. I am familiar with the Marshall Foundation and am interested in the prospect of adapting this program to the Junior ROTC.

The committee would be interested in any support the Department of Defense could provide to this important mission. The Marshall Foundation has helped to promote ethical leadership for ROTC cadets and midshipmen, and we all know that any effort to improve citizenship in the nation's youth should be supported. The Department of Defense should support the Marshall Foundation.

Mr. INOUYE. I thank the Chairman.

JOINT COMPUTER-AIDED ACQUISITION AND LOGISTICS SUPPORT PROGRAM

Mr. BYRD. Will my friend, the distinguished Chairman of the Committee on Appropriations, who also ably serves as the Chairman of the Subcommittee on Defense, the Senator from Alaska, yield for a colloquy?

Mr. STEVENS. I am pleased to yield to the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I believe the Joint Computer-Aided Acquisition and Logistics Support, JCALS, program is one of the most successful joint defense programs in the information technology area. It was begun in 1991 to automate the acquisition and logistics processes that support the Defense Department's weapon systems—to provide a paperless acquisition and procurement process across all major defense agencies and commands. For example, at the Defense Logistics Agency, the Electronic Folderization Contract used to require 126 tons of paper and 100 days for an acquisition cycle. As a direct result of JCALS, the process is now paperless and the acquisition cycle takes just 15 days. The DOD estimates that JCALS will save $2.3 billion through 2014 just by digitizing documents that now are prepared in paper form.

Is my understanding correct that the FY 2000 Defense Appropriations bill now before the Senate contains the President's budget request of $154.1 million for JCALS, with $121.8 million in the Army Operations and Maintenance account and $32.3 million in the Army Other Procurement account?

Mr. STEVENS. The Senator is correct.

Mr. BYRD. I thank the Chairman for his assurances. If I may inquire further, is it also my understanding that it is the committee's intent that all of these JCALS funds, including those in the Operations and Maintenance account allocated for defense information infrastructure (DII) purposes, are to be spent exclusively on activities directly related to JCALS?

Mr. STEVENS. The Senator is correct that it is our strong intention that all JCALS funds, including those allocated for so-called defense information infrastructure, be used exclusively for direct JCALS work, as provided in the budget request.

Mr. BYRD. I thank the Chairman. If he would yield for a final question, am I correct in my understanding that it is the Committee's further intent that all JCALS defense information infrastructure funds provided in the Army Operations & Maintenance account, approximately $20 million, are to be allocated to the JCALS southeast regional technical center currently located in Fairmont, West Virginia? I am advised that to the maximum extent practicable, the contractor plans to use these funds in Hinton, West Virginia, to further develop JCALS capabilities to support weapons systems.

Mr. STEVENS. The Senator from West Virginia is correct.

Mr. BYRD. I thank the Senator for his clarification and assistance with this most important issue.

IMPROVED MATERIALS POWERTRAIN ARCHITECTURES FOR 21ST CENTURY TRUCKS

Mr. McCONNELL. Mr. President, my request for $8 million for "Improved HMMWV Research" under Army RDT&E, "Combat Vehicle and Automotive Advanced Technology" was incorporated in this year's defense appropriations bill. These funds are intended to initiate a third phase of the design, demonstration and validation of ultralight, steel-based structures and advanced powertrain architectures on high volume truck platforms.

This research effort, competitively selected by the Army in fiscal year 1999 subsequent to the submittal of the President's Budget is titled "Improved Materials Powertrain Architectures for 21st Century Trucks," IMPACT. The full program will cover light/medium military payloads up to five tons, including applications with an open or closed bed configuration currently serviced by several of the Army's HMMWV variants.

Kentucky is a large commercial producer and Army base user of such vehicles, and now, through the University of Louisville's involvement in this effort, it will also play an important research role in their design and testing. The military should realize significant procurement and O&M cost savings as a result.

Mr. STEVENS. Mr. President, I thank the Senator from Kentucky for correctly clarifying the intent of these funds.

SOUTH CAROLINA-NEW YORK CANCER PREVENTION AND TELEHEALTH PROGRAM

Mr. HOLLINGS. Mr. President I would like the attention of my colleagues to point out a fine program worthy of funding in the Defense Appropriations bill. the South Carolina-New York Cancer Prevention and Telehealth Program design will build on the successful prostate cancer prevention, research, and telemedicine protocol which has already been established at the Medical University of South Carolina (MUSC) through the support of the Department of Defense. The current protocol will be expanded to employ real-time, state-of-the-art telemedicine training and technology to prevent, detect, and diagnose prostate cancer in our men in uniform. The program will utilize expertise of leading medical institutions such as MUSC and Sloan Kettering Memorial Cancer Center to provide our military servicemen with treatment at Walter Reed Army Medical Center, Keller Army Community Hospital at the US Military Academy at West Point, and the Beaufort Naval Hospital.

Mr. INOUYE. Would the Senator yield?

Mr. HOLLINGS. I yield to the distinguished Senator from Hawaii.

Mr. INOUYE. I appreciate the distinguished Senator bringing this program to the Senate's attention. Last Year, I supported including the MUSC telehealth program in the Department of Defense Appropriations bill. I agree with the Senator from South Carolina that the continued expansion of this program should be included in this FY 2000 bill.

Mr. HOLLINGS. I thank the distinguished Senator from Hawaii.

Mr. STEVENS. Would the Senator yield for a question?

Mr. HOLLINGS. I yield to the distinguished Chairman.

Mr. STEVENS. I, too, supported this program, and as you know I am committed to promoting the best health care possible for the men and women who serve our country. Briefly Senator, would you explain who the primary beneficiaries of this program would be?

Mr. HOLLINGS. I appreciate the Chairman's support and would point out that past and present cancer research demonstrate that these telemedicine techniques would be beneficial to military populations. this telehealth program will replicate the success of the South Carolina model in New York. Once validation of this has been accomplished, a much broader application can be made to other types of cancers at military sites throughout the nation.

Mr. STEVENS. I assure my colleague that we will continue to work together as this bill moves forward.

SENSOR NETWORK DEMONSTRATION

Mr. COVERDELL . Mr. President, as the Chairman knows, the threat of chemical and biological warfare agent incidents due to accidents or acts of terrorism is real. I applaud the attention and support provided by the Committee in S. 1122 to research activities on detection and response technologies to these threats. It has come to my attention that interferometric sensors are one of the most promising technologies for creating relatively inexpensive, small, adaptable, highly sensitive chemical detectors. Such sensors are ideally suited for deployment in domestic emergency warning networks when integrated with technologies such as geographic information systems. Is it the committee's intention that all promising detection technologies, including interferometric sensors, be part of the Department's chemical and biological defense research program?

Mr. STEVENS. Yes, the committee directs the Department of Defense to explore all promising detector technologies including interferometric sensors.

Mr. COVERDELL. As the committee noted in its report on S. 1122, the Marine Corps' Chemical Biological Incident Response Force, also known as CBIRF, has an important responsibility in responding to chemical/biological threats and that their activities should be fully integrated with the Department's chemical-biological defense program. It is my understanding that the Marine Corps is prepared to conduct a coordinated civilian and military chemical incident demonstration that would integrate sophisticated sensor technology like that interferometric sensors I just mentioned, into a detection network. My area of the country would make an ideal place for such a demonstration because of the presence of chemical agents and demilitarization facilities in the region and because the region has been the target of terrorist activities in the past. Does the committee agree that such a joint civilian and military exercise is an appropriate part of developing chemical and biological detection technologies and can be funded out of the additional funds made available by the committee under Marine Corps Program Wide Support?

Mr. STEVENS. The committee agrees that such a demonstration by the Marine Corps CBIRF unit is an appropriate activity and should be considered through funding currently available in the bill.

FUEL CELL POWER SYSTEMS

Mr. KENNEDY. Mr. President, as you know, fuel and power logistics support are mission critical elements for the success of the Air Force "Air Expeditionary Force Deployment" concept. The Defense Department has long recognized that fuel cell power systems can reduce the logistics requirements for batteries and liquid fuels, and improve operational effectiveness of various military systems. The Air Force Research Laboratory is the original developer of a polymer membrane material that can improve performance and significantly lower the cost of fuel cells. Unfortunately, reductions in the FY 2000 Air Force Science and Technology budget threaten to terminate Air Force investments in fuel cell development.

I commend my good friend Chairman STEVENS and my good friend and colleague in the Senate, Senator INOUYE, the Ranking Member of the Senate Appropriations Committee, for the Committee's efforts to adequately fund the Air Force's Science and Technology programs.

I believe that the Air Force should continue to pursue improvements to polymer processing technique and to transition the membrane material for fuel cell production. There are several specific missions and applications that will benefit from fuel cell technology including Air Expeditionary Force Deployment (AEFD), Aerospace Ground Equipment (AGE), Rapid Global Mobility (RGM) and battlefield computers that need to operate 16 to 32 times longer than heavy battery powered systems. In addition, future Air Force mission plans are based on space missions at or above the edge of the earth's stratosphere. In these missions fuel cells can play a major role in meeting the energy requirements and improving mission efficiency and effectiveness.

The commercial and military fuel cell market projections are significant—greater than $100 billion per year by the year 2006. Seldom is the opportunity for across the board dual use benefit for the government and commercial sector as vivid as it is for fuel cells. Chairman STEVENS, I'm sure that you will agree that the Air Force should pursue the prototype scale-up, optimization and full-scale demonstration of an advanced solid polymer electrolyte fuel cell that uses PBO based membranes.

Mr. INOUYE. I thank my good friend and colleague, Senator KENNEDY, for his kind remarks regarding this Committee's work on the FY 2000 Defense Appropriations Bill. I recognize the importance of investing in logistics technologies that can extend our military capabilities and can lower the logistics burden for the Air Expeditionary Force Deployment concept.

I agree with my colleague that development of the PBO fuel cell membrane material is important. The membrane is a critical component of the fuel cell, in terms of its performance and cost. Improvements to the fuel cell membrane will result in direct benefits to our military readiness.

Mr. STEVENS. I also wish to thank the distinguished Senator from Massachusetts for his kind remarks about this important Defense spending bill. I share the Senator's concern about levels of investment by the Air Force in Science and Technology. In the past, wise investments in Science and Technology resulted in many of the military systems on which our men and women in the military depend today.

The Air Force Air Expeditionary Force Deployment concept is of great interest to the Committee. Fuel Cells can reduce the logistics burden for many military systems used in peace keeping and humanitarian relief operations, as well as for combat operations. I agree that the Air Force should consider the development of fuel cell membrane materials.

HIGH SECURITY LOCK PROGRAM

Mr. MCCONNELL. Mr. President, I rise today to discuss an issue that is both important and timely—the security of our nation's secrets and classified material.

Two days ago a bipartisan committee released a report detailing a level of espionage that few Americans expected. American's most vital nuclear information was stolen from the very places that were supposed to be the most secure. I am not here to cast blame but, rather, wish to discuss a program designed to help reduce the risk of this type of travesty.

The Department of Defense has in place a Federal Specification, FF–L–2740, which sets the minimum requirements for locks to be used on any container storing classified materials. The Department, to its credit, is near completion of a program to retro-fit all containers which do not currently meet that specification.

However, there remains an area where our classified materials are vulnerable. As Senator STEVENS knows, contractors also store classified documents throughout the country. Unfortunately, they often do so in containers bearing locks which do not meet Federal Specification FF–L–2740. So, I would ask my colleague, Senator STEVENS, does he believe that our nation's classified documents should be properly stored, whether housed at a governmental agency or contractor's office?

Mr. STEVENS. I respond to the Senator from Kentucky that I absolutely support the safe storage of all classified documents. For this reason, I was happy to accommodate your request to include an additional $10 million dollars for the specific purpose of retrofitting security containers managed by contractors with locks which meet or exceed federal specification FF–L–2740.

Mr. MCCONNELL. I thank the Senator and applaud his leadership on this national security issue.

I also want to make the entire Senate aware of a letter written by the Chairman and Vice Chairman of the Senate Intelligence Committee. Senators SHELBY and KERREY wrote to the Assistant Secretary of Defense for Command, Control, Communications and Intelligence and pointed out that "It appears the outdated, non-compliant locks still employed by Defense contractors cannot adequately prevent surreptitious entry." They go on to state that "FF–L–2740 compliant locks are more cost-effective than the devices currently in use." Finally, they close by stating that they "believe DOD should consider directing the retrofit of Defense contractors' equipment."

I thank the Senator from Alaska for his support of the $10 million appropriation for this retrofit program. His leadership will help prevent the type of espionage that has dominated the news in recent days.

Mr. STEVENS. I thank the Senator from Kentucky for his comments.

TROOPS TO TEACHERS PROGRAM

Mr. BINGAMAN. Mr. President, I have been concerned that the extension and improvement of the Troops-to-Teachers program recently authorized in the FY 2000 National Defense Authorization bill, S. 1059, Section 579, might not be funded this year. As my colleagues are well aware, this program will provide excellent assistance to retired military personnel in obtaining teaching credentials to enable them to make the transition from the military to the classroom in an expedited way. Retired military personnel are highly trained professionals, particularly in scientific and technical fields—an area in which the nation's school systems are in dire need of trained professionals. Troops-to-teachers offer stipends to personnel retiring from the military to obtain teaching credentials or vocational instruction certificates needed for primary through secondary schools. It's program by which everyone wins.

I am advised that the President's budget requests $18 million in funding for FY 2000 under the jurisdiction of the Labor, Health and Human Services, and Education subcommittee of the Senate Appropriations Committee. Since the Defense Authorization bill would extend Department of Defense management over the program until it transfers responsibility to the Department of Education at a date not later than October 1, 2001, it is essential that the funding be maintained during this period of transition.

Mr. STEVENS. I thank the Senator from New Mexico for his support for this initiative which I sponsored in this year's Defense Authorization bill. I agree that it is a critical program benefiting our nation's children and schools. While I recognize the Senator from New Mexico's concerns, I believe it is important to remember that the intent of this initiative is to transfer the Troops to Teachers program to the Department of Education. Funding to increase and strengthen this important program is meant to come from the Department of Education, not the Department of Defense. Furthermore, we agreed to delay transfer of this program from DOD to DOE until 2001 in order to ensure a smooth transition which affords minimal disruption to the current program and infrastructure. Our legislation clearly stipulates that expansion of this program through an infusion of funds is meant to be done at the Department of Education with Department of Education funds and not while the program is being transferred from the DOD. I am committed to working with my colleagues, including the Senator from New Mexico who is an original cosponsor of this measure, to ensure that the appropriate funds are allocated for the Department of Education allowing this agency to reform and strengthen the program as authorized by the Senate.

Mr. BINGAMAN. I fully support that view and appreciate his leadership on this important initiative. The Nation's schools and the Nation's students will be the better for it. Mr. President, I yield the floor.

DDG–51 ADVANCE PROCUREMENT FUNDING

Ms. SNOWE. Mr. President, I draw the attention of the distinguished Chairman of the Appropriations Committee to a funding provision of the FY 2000 Defense Authorization Bill that passed after the Appropriations Committee had completed its military budget mark-up last month. Title X of the Authorization Bill allows the Secretary of the Navy to expend no more than $190 million for the advance procurement of components to support the planned construction of DDG–51 *Arleigh Burke*-class destroyers in Fiscal Years 2002 and 2003. The Navy, as the Chairman knows, has already written to Congress that it will need $371 million for this purpose by FY 2001, but the obligation of some of this amount next fiscal year may reduce programmatic risks.

Mr. STEVENS. I thank the Chair of the Senate Armed Services Seapower Subcommittee for highlighting the DDG–51 advance procurement provision of the FY 2000 Defense Authorization Bill. I am aware of this initiative and strongly support it as a means of providing the Secretary of the Navy with the flexibility to release up to 50% of the DDG–51 advance procurement budget in FY 2000 should he determine that vendor and supplier base stability warrants such expenditures.

Ms. SNOWE. I thank the Chairman of the Appropriations Committee for his understanding and support of this critical shipbuilding amendment.

PROCUREMENT OF A 20TH LARGE, MEDIUM SPEED ROLL ON/ROLL OFF VESSEL

Mrs. FEINSTEIN. The Marine Corps has an unfunded requirement for one additional sealift ship to complete their Maritime Prepositioning Force Enhancement [MPF (E)] program. In recent testimony before the Senate Armed Services Committee, Lieutenant General Martin Steele concluded that "obtaining a 20th Large, Medium Speed Roll-on/Roll-off vessel (LMSR) and converting an LMSR to meet all MPF (E) requirements is the best solution to our third ship requirement." General Steele also notes that the situation in Kosovo has highlighted the need for the additional ship. In light of these comments, I believe that it is essential that Congress fund the procurement of the 20th LMSR.

Mr. INOUYE. The Army has agreed to release an LMSR to the Marine Corps as long as Congress provides funding in the Fiscal Year 2000 defense budget for the construction of a new ship to replace the one given to the Marines. This presents us with an excellent opportunity to fulfill both requirements.

Mrs. FEINSTEIN. I agree. Funding the vessel will be a win, win, win proposition for the military. The Marine Corps will get their third MPF (E) in a timely manner and at minimal cost, the Army could reach an end state with all eight ships for prepositioning being identical, and the new ship would fill a current sealift shortage of 70,000 square feet of RO/RO in surge sealift. The previous LMSRs have been delivered ahead of schedule and under budget. Funding the 20th ship at this time will save taxpayer dollars in the long run, by keeping the production lien open.

Mr. STEVENS. There is a clear military requirement for the procurement of this ship. Unfortunately, we are working under tight budget restrictions. Should funds become available, I believe that Congress should give careful consideration to procuring a 20th LMSR to meet the Marine Corps' prepositioning needs.

Mrs. FEINSTEIN. I thank the Chairman and Ranking Member for their willingness to work with me on this issue.

INNOVATIVE READINESS TRAINING

Mr. DORGAN. I understand that the Fiscal Year 2000 Defense Appropriations bill contains $20 million for innovative readiness training. Under this program, the Department of Defense trains Active Duty, Guard and Reserve personnel by providing "real world" experience here in the US which is similar to what might be encountered in Overseas Humanitarian and Civic Assistance Programs. Under the Innovative Readiness Program, the Walking Shield American Indian Society has provided such training opportunities on American Indian reservations especially those located in the states of North and South Dakota and Montana. Without the support and cooperation of the Walking Shield American Indian Society, many of the engineering and medical projects conducted by the Department of Defense would not have been possible. This type of civilian-military program has a very positive impact on recruiting and retention and should be continued in FY 2000.

I understand that the report accompanying the Fiscal Year 2000 Appropriations bill for the Department of Defense notes that the Committee believes that the Department should expand the scope of readiness initiatives to include Native American groups, when appropriate and compatible with mission requirements. Is that correct?

Mr. STEVENS. Yes, it is.

Mr. DORGAN. Are you familiar with the work of Project Walking Shield and the Walking Shield American Indian Society which conduct health, housing, road construction and other projects suitable for military training on Indian Reservations?

Mr. STEVENS. Yes, I am familiar with the work of this excellent group and the benefits it provides not only to the military but to the tribes served by its activities.

Mr. DORGAN. Would you agree that this group provides the kinds of training opportunities envisioned for the Innovative Readiness Program and it should continue its partnership with the Department and its support and cooperation in Fiscal Year 2000?

Mr. STEVENS. This type of partnership is one we are trying to encourage.

Mr. INOUYE. I share my colleague's enthusiasm for this excellent program.

Mr. STEVENS. Yes, I agree that the Society's work is what we want to encourage in this account.

JROTC

Mr. DURBIN. Mr. President, I wish to engage the distinguished Chairman of the Senate Appropriations Committee and the Defense Subcommittee, Senator STEVENS, in a brief colloquy regarding the Junior Reserve Officer Training Corps program (JROTC).

As Chairman STEVENS may know, the Chicago Public Schools have developed and implemented a very successful JROTC program. Since the program began, it has served over 7,500 cadets from all four branches of the armed services and helped these students achieve better grades, attendance, conduct, and higher graduation rates. The Chicago Public Schools are now in need of expanding the successful JROTC program to an additional 10 high schools, including the Chicago Military Academy at Bronzeville. And, they are attempting to enter partnerships with all of the branches of the armed services in order to better serve interested students.

The Senate bill includes an increase for JROTC of $3.5 million. Is it the understanding of Chairman STEVENS that successful programs like the one in Chicago should be able to work with the Department of Defense and the various branches to receive funding?

Mr. STEVENS. I am aware of the fine work being done by the Chicago Public Schools in the area of JROTC. It is an example of a program that works. It is my understanding that a number of Chicago high schools would like to include JROTC as part of their curriculum. I believe that the level of funding for JROTC in the Senate bill would give programs like the one in the Chicago Public Schools an opportunity to work with the branches of the armed services in order to expand.

BANKING SERVICES ON DOMESTIC BASES

Mr. BOND. Mr. President, the Department of Defense is currently drafting proposed regulations to establish a procedure on how military bases are to solicit and select bids from financial institutions to provide banking services on domestic military bases. The regulations are likely to be issued in June of this year. I understand that the regulations may establish a presumption in favor of bids received from local banks over the bids received from any other bank.

It is important that these new regulations not prevent base commanders from approving a bid from a financial institution that specializes in providing banking services to military personnel, if its bid would provide lower cost and more convenient banking services than a bid submitted by a local bank. There are several financial institutions in this country that have made it their business to provide banking services to our armed forces. Their ability to provide affordable and convenient banking services to our military personnel is evident from the bids they have won to establish branches at bases across the country. The Department of Defense should hold an open and competitive bidding process for the establishment of bank branches on military installations and should not shut out these specialized banks from the process.

I do not suggest that the location of a bank not be a consideration in the selection process. However, it should not be the primary criterion. The cost and convenience of banking services for our military personnel should be the overriding factor in determining the bid that is selected, regardless of whether it is a bid from a local bank or a specialized military bank. I intend to follow this regulation closely as it is developed. If it is not written in a manager that best serves the interests of our military personnel, I may seek a legislative change of this policy.

Mr. STEVENS. I thank my colleague from Missouri for bringing this issue to the attention of this body. I agree that it is an issue of concern, and I intend to work with my colleague should a legislative solution be necessary.

BIOENVIRONMENTAL HAZARDS RESEARCH

Ms. LANDRIEU. Mr. President, the Defense Department needs the capability to assess and prevent both the adverse impacts of its operations and training activities on the environment, as well as the adverse health effects of contaminated environments on its troops and employees. One particular area of interest is in bioenvironmental hazards research, which focuses on the development of biosensors and biomarkers of exposure for human and ecological system.

The Office of Naval Research (ONR) and the Naval Oceanographic Office (NAVOCEANO) are currently expanding existing research capabilities in basic and applied environmental sciences of aquatic systems. The purpose of this research is both to understand the processes of riverine and gulf systems and to understand the impacts of human development on estuaries and harbor systems throughout the world. This work complements other "brown water" research initiatives in ONR, particularly the STRATAFORM program which is looking at issues of sea level change, climate variability, and riverine runoff.

The joint technology development of the biosensors can be used in autonomous underwater vehicles, which have direct application in support of NAVOCEANO military surveys in the Littoral Zones and the pre-invasion mission to detect mines and obstacles for clearance/avoidance in the Very Shallow Water (VSW) and Surf Zone (SZ) approaches to the amphibious landing areas.

Specifically, the biosensor's role during military surveys conducted by NAVOCEANO will be to collect the natural "background" environmental harmful agents to personnel that work in the waters of the littoral zones. Development of this definitive database will support the intelligence requirements of the SEAL, EOD, and amphibious assault teams. Moreover, biosensors will improve the probability of mission success, endurance and survivability of SEAL swimmers through detection of harmful agents during the initial environmental surveys. This health-risk assessment will involve the prediction and monitoring of waters polluted (either naturally or by intention or both by the opposing forces) with heavy metals, microbial hazards, chemical hazards, environmental chemicals, toxic organisms, and areas of outflow from waste treatment plants prior to the hunt for mines and obstacles.

Congress should encourage the Defense Department and the Navy to pursue research and development of technologies and methods for better measuring and understanding the full range of impacts of biological hazards, including biological warfare, to humans (both military and civilian) and other living organisms. This will improve our ability to develop suitable preparations or responses to such hazards.

I would like to ask my colleague from Alaska, would he be willing to look at this need and, if appropriate, provide additional support for this research effort before we are asked to give final approval to the Defense Appropriations bill later this year?

Mr. STEVENS. I thank the senator from Louisiana for raising this issue. I understand why the Navy has a need to better understand the aquatic environment into which it will send its personnel and equipment. I am willing to look at the need to support additional research in this area and to recommend an appropriate response if one is indicated.

Ms. LANDRIEU. I thank my colleague and I look forward to working with him to provide for a strong integrated bioenvironmental hazards research capability for the Navy.

DISTANCE LEARNING

Mr. DURBIN. Mr. President, I wish to engage the distinguished Chairman of the Senate Appropriations Committee and the Defense Subcommittee, Senator STEVENS, in a brief colloquy regarding distance learning.

As Chairman STEVENS may know, the City Colleges of Chicago Europe has been providing college degree and certificate programs to the U.S. military service members and their families in Europe since 1969. In fact, the City Colleges of Chicago was one of the early pioneers in distance learning. Today, the program offers over 70 courses on the Internet and provides interactive television courses via satellite to U.S. peacekeeping forces stationed in the Sinai Desert, Bosnia, and Hungary.

The Senate bill includes an increase for distance learning of $45 million. Is it the understanding of Chairman STEVENS that successful programs like the City Colleges of Chicago Europe should be able to work with the Department of Defense to receive funding?

Mr. STEVENS. I am aware of the Center for Opening Learning at the City Colleges of Chicago—Harold Washington College. I believe that the level of funding for distance learning in the Senate bill would give programs like the Center for Opening Learning an opportunity to work with the Department of Defense in order to develop additional courses and enhance new learning technologies that will ultimately help military students stationed overseas.

ELECTRIC DRIVE

Mr. KOHL. Mr. President, I rise to inform the Senate of recent engineering breakthroughs in the area of naval propulsion. In the past few years, industry has been working hard to develop electric drive technology that could be used in a naval vessel. Electric drive would replace the traditional mechanical drive system, that turns the ship's propellers through a system of reduction gears, with a system that uses electricity directly to turn the engines and power the rest of the ship's systems.

Electric drive offers major benefits over mechanical drive. It is more efficient in terms of reduced fuel consumption and requires fewer crew to maintain. It can also generate more power than mechanical systems. Electric drive is also quieter, making it an attractive option for submarines, or any vessel concerned with stealth. Industry analysts believe electric drive could save the Navy $4.3 billion over the life of the new destroyer program, the DD-21, alone.

Last year the appropriations committee included a provision in the Department of Defense Appropriations bill asking the Navy to produce a report on the potential for electric drive. The Secretary of the Navy released the study in March, a study that was a powerful endorsement of the electric drive technology. This report points to electric drive as a technology that will no doubt have major implications for the future of naval ship design and engineering. I hope the Navy will continue its research efforts, and make every effort to include this technology in the next generation of destroyers, the DD-21. I also hope the Defense Appropriations Subcommittee will maintain its interest in the program and continue its support.

Mr. STEVENS. I thank Senator KOHL. I agree that the Navy should continue its research efforts into electric drive, and it should strongly consider the benefits it could bring to the DD-21 Class of destroyers. In addition, I am aware that this technology will also provide important benefits to other future Navy ships such as improved stealth for future submarines. By developing a modular, common integrated system, where major system elements can be used on all new Navy ship designs without any design changes, the Navy can also realize the multiple benefits of reduced training and logistics costs, as well as significant production cost savings.

Mr. INOUYE. I concur with the opinions of the chairman and of Senator KOHL. I consider it essential that our Navy be equipped with the most advanced technology in their future ships. Since electric drive not only offers significant operational benefits, but also significant savings, I most strongly urge the Navy to continue its research work and make every effort to ensure that this technology is deployed on DD-21.

Mr. KOHL. As I am sure the chairman and ranking member are aware, much of the research into this technology has been privately funded. General Dynamics and Eaton Corporation, among others, have been leaders in the field of electric drive and their efforts have been crucial to moving the development along. Their investment has presented the Navy and Congress with an excellent opportunity to take advantage of developments financed in the private sector. As the Navy continues to evaluate electric drive and the DD-21 program I hope the committee will be ready to capitalize on that investment.

Mr. INOUYE. I agree that this presents us with an excellent opportunity. The committee will certainly give the Navy consideration should it make an additional request for funding for electric drive research.

Mr. STEVENS. The potential of electric drive is certainly worth exploring, and the committee would be willing to consider a request from the Navy if they believe it is critical to the DD-21 design effort.

Mr. KOHL. I thank both Senators for their support of continuing research and evaluation of electric drive. Senators STEVENS and INOUYE have long been known for their clear vision when it comes to supporting cutting edge military technology, and that reputation is well deserved.

Mr. DOMENICI. Mr. President, I rise in strong support of the bill before us today. I would like to sincerely thank Senators STEVENS and INOUYE for their strong leadership on the Defense Subcommittee. I also would like to recognize the hard work and diligence of the staff on this Committee.

Every year this Committee goes through the exercise of trying to allocate sufficient funds for the foremost priorities of providing for our nation's defense. Every year under the current funding constraints the difficulty of this task increases. This year is no exception.

I would like to briefly mention some of the most important aspects of our defense addressed in this spending package.

The bill provides $264.7 billion in new spending authority for the Department of Defense for FY 2000. This is $1.4 billion above the President's request. This recommendation meets the budget authority and outlay limits established in the 302(b) allocation.

In parallel with the Defense Authorization bill, the bill funds almost 1.4 million active duty military personnel. This bill fully funds a 4.8-percent pay raise for FY2000 and includes more than $1.838 billion in supplemental spending for military pay.

This legislation provides approximately $2.1 billion for overseas contingency operations in Southwest Asia and Bosnia. I and many others suspect we'll be forced to pass an additional emergency supplemental for peacekeeping operations in Kosovo. As Chairman STEVENS has already indicated, it would be premature to speculate about those possible appropriations at this time.

The bill includes appropriations totaling $92 billion for operation and maintenance (O&M). This is $626.1 million above the Administration's request.

The bill supports the establishment of 17 Rapid Assessment and Initial Detection (RAID) teams. And it provides $1.3 billion for combating terrorism. Within the funds for combating terrorism, the bill makes $79.6 million available to provide Army and Air National Guard full-time personnel to facilitate successful achievement of this mission.

I fully support the decision to appropriate $475.5 million for Former Soviet Union Threat Reduction programs.

These are important programs that address one of the most significant proliferation threats we face today. I also would like to voice my strong support for the decision that $25 million be used only to support Russian nuclear submarine dismantlement and disposal activities.

I also sincerely appreciate the Committee's effort to restore some of the funding required for research, development, test, and evaluation. The increase of $2.1 billion to the budget request will help prevent the loss of scientific and technical expertise within our defense infrastructure. Moreover, this will help ensure that the U.S. maintains its technological lead in its defense capabilities.

The Committee also funded several items that will ensure that New Mexico based defense installations and programs remain robust. I would like to briefly highlight some of the items that received funding in the appropriations bill.

Directed energy weapons provide the potential of low cost per kill ratios sought for our missile defense capabilities. In the area of directed energy, $14 million will go for the High Energy Laser Test Facility at White Sands, the Army's premier facility for directed energy programs. There is an additional $15 million for the Tactical High Energy Laser program. This joint program with Israel is very important to proving the concept of using lasers to achieve defenses against short and medium range missiles. After significant cuts and changes to its development plan last year, the Airborne Laser program is fully funded at $309 million.

The Committee added $40 million to the Warfighter Information Network program. Based at Laguna Industries, this program manufactures mobile command and control headquarters for a digital Army.

An additional $7.5 million was appropriated for modernization of testing equipment at White Sands Missile Range. Also, $6 million will be made available for much needed perimeter fencing to prevent further accidents from unexploded ordnances at the range.

$10 million is included for the Scorpius Low Cost Launch program. A significant portion of the research and development for this program is based at Phillips, and testing of the engines and the rocket itself is conducted at New Mexico Tech and White Sands. This is an important program both because of the implications to our national security that arise from exorbitant launch costs and due to potential cost savings to taxpayers by lower costs for getting payloads into orbit for U.S. defense programs.

Several other Phillips based programs also received additional support, including: $5 million for further research and development on radio frequency weapons, $25 million for military spaceplane efforts, $5 million for advanced countermeasures using solid state laser technologies.

At my and other member's request, an additional $10 million of funding will be made available for research and development of new technologies to counter chemical and biological threats. $4 million in support was included for the blast mitigation research of both military and nonmilitary explosives at New Mexico Tech.

Lastly, $10 million in additional funding was added for the Theater Air Command and Control Simulation Facility (TACCSF) at Kirtland Air Force Base. This will help a great deal in making this facility the world class training facility necessary to maintain combat readiness of our Air Force in the coming years.

I believe this bill demonstrates the balance required to best fund our armed forces under current fiscal constraints. Again, I am pleased by the hard work of my colleagues on this Committee and express, once again, my admiration for the hard work of Chairman STEVENS and Senator INOUYE in achieving an appropriate spending package for our military men and women.

ASSEMBLED CHEMICAL WEAPONS ASSESSMENT

Mr. McCONNELL. Mr. President, I rise today to address the issue of Chemical Weapons Demilitarization. I do so in order to point out that the Department of Defense has consistently ignored Congressional directive and intent.

In 1996, I offered and the Senate accepted an amendment which directed the Army to identify and demonstrate technologies other than baseline incineration which could be utilized in the destruction of America's chemical weapons stockpile. This program, which came to be known as the Assembled Chemical Weapons Assessment, or ACWA, enjoyed tremendous inititial success. Through the involvement of the DoD, the Army, technology providers and citizens advocacy groups—disparate interests, indeed—agreement was reached on how the process should proceed as well as the criteria for success. It is also critical to point out that one area of consensus was that the timely destruction of the stockpiles remained a top priority. Nobody involved in this process advocates unnecessary delay in efforts to comply with the Chemical Weapons Convention 2007 deadline. Certainly, I never viewed my efforts as anything other than a safeguard to ensure that once the destruction of the stockpile located in Kentucky began, only the safest method available was utilized.

Unfortunately, this is where the good news ends.

After rigorous evaluation and discussions, the decision was announced that six separate methods met the technological criteria necessary in order to be tested as alternatives to baseline incineration. These six were the only proposals of the almost 20 originally submitted for consideration which were deemed capable of producing safer methods. Unfortunately the Army and the Department of Defense made the decision to move forward and evaluate only three of the qualified technologies, leaving three untested. Further, this decision was made not on the basis of what was technologically feasible, but solely on the basis on what was cost-efficient. Not in the interests of finding the safest manner available to destroy the weapons, but on satisfying the minimum requirements so that the incineration could continue regardless of the results of the testing.

To help ease this budget difficulty, I offered and the Senate accepted, an amendment to the FY99 Department of Defense Appropriations Bill which gave the Secretary of Defense the Authority to reprogram up to $25 million in order to fully test each of the technologies which met the criteria for selection as potential alternatives to incineration. This provision was included in the final version of the Defense bill, and was eventually signed into law.

Mr. President, despite this clear expression of Congressional intent, the Army, the Department and the Administration have consistently refused to allocate sufficient funds to complete the testing. As a result, the ACWA program is in danger of losing its credibility—the very quality that led to its initial successes. If the testing of the three technologies does not produce a viable alternative to incineration, then the legitimate question will be posed, "What about the additional proposals which were viewed to have merit as alternatives to incineration?"

Not wishing to answer that question, I worked to encourage the administration to agree that further testing was cost effective and in the best interests of the country. Their responses, which I will submit for the RECORD, professed their strong support for the goals of the ACWA program, but claimed that the budget was simply too tight for the Department to reprogram funds for additional testing.

With all due respect, that contention is simply false. The truth is that the Department of Defense and the Army made a decision years ago that they would eliminate chemical weapons using incineration and have resisted considering other options since that time.

This year's report, Senate Report 105–53, states that "the Committee is concerned with the lack of oversight afforded the Chemical Demilitarization Program within the executive branch."

Further the Report states:

In a review of the program's funding, the Committee discovered that funds had systematically been obligated without being expended and in some instances funds were unobligated. Rather than facing a shortfall in funding, the program had over $200,000,000 of Operation and Maintenance funds unexpended at the end of fiscal year 1998. In light of the unobligated and unexpended balances available to the Department, the program growth in the budget request is not justified.

Mr. President, this language is a stinging indictment of the Department's mismanagement of the Chemical Demilitarization program. Further it demonstrates clearly that there is no truth to the assertion that there were not sufficient funds available to allow for the demonstration of all viable alternatives to baseline incineration.

I intend to continue to press the Army to test all six technologies so that the citizens who live near our stockpiles may be assured that only the safest methods available are employed to destroy chemical weapons.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, December 22, 1998.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: This responds to your interest in the Assembled Chemical Weapons Assessment (ACWA) Program. I regret any misunderstanding we may have had about responding to your concerns on this matter.

As you know, Congress has directed the Department to demonstrate and evaluate at least two alternatives to baseline incineration for the disposal of assembled chemical munitions. The ACWA Program actually identified six technologies, exceeding the original requirement, but was able to fund only three—the three that were ranked as the best value to the U.S. Government. We would like to go further, but the entire amount appropriated for support of ACWA in the Fiscal year 1999 Defense Appropriations Act will be required to complete demonstration testing and conduct a non-government independent evaluation of cost and schedule with regard to implementing an alternative technology.

The Act also provided authority to use up to an additional $25 million of the funds appropriated for the Chemical Demilitarization program in order to complete ACWA demonstrations. This language, however, addressed authority only; no additional funds were appropriated. While we will vigorously press for savings in the Chemical Demilitarization program, at this point, we are unable to exercise reprogramming authority without jeopardizing our ability to meet the Chemical Weapons Convention mandate of April 2007 for destruction of our chemical weapons stockpile. If, however, additional funding becomes available in the coming fiscal year to support the ACWA Program, we plan to expand the scope of demonstration testing beyond the three technologies already programmed.

Successful disposal of the chemical munitions stockpile and compliance with the Chemical Weapons Convention are among our highest national security priorities. The ACWA Program is a critical component of this effort. I want to thank you for your support of this important program. Again, I regret any misunderstanding concerning my response to your interest in this matter.

Sincerely,

JOHN HAMRE.

UNDER SECRETARY OF DEFENSE,
Washington, DC, September 18, 1998.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: This is in reply to your letter to Secretary Cohen regarding the Assembled Chemical Weapons Assessment (ACWA) program. In that letter you asked about the Department's plans for testing of alternative technologies.

As you may be aware, the Department of Defense Appropriations Act for Fiscal Year 1997 mandated that we identify and demonstrate not less than two alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions. In selecting three technologies to proceed to final demonstration testing we have exceeded that requirement. We recognize the intent of the Senate as evidenced in Sec. 8143 of the Senate passed FY 1999 DoD Appropriation Bill. If additional funding becomes available in the coming fiscal year to support the ACWA program, we plan to reexamine the scope of demonstration testing.

A similar letter has been sent to your colleagues who joined you in writing to Secretary Cohen regarding this issue.

Sincerely,

WILLIAM J. LYNN.

EXECUTIVE OFFICE OF THE PRESIDENT
Washington DC, March 22, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for your letter about the Assembled Chemical Weapons Assessment (ACWA) program. The President requested that I respond directly to your letter. The Administration shares your goals of safely disposing of our chemical weapons stockpile and has been supportive of your efforts to find environmentally sound alternatives to the baseline incineration system for destroying these chemical weapons.

As you know, the Omnibus Appropriations Act of 1997 created the ACWA program and provided $40 million "to identify and demonstrate not less than two alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions." In time, the ACWA program identified six alternatives. Due to limitations of funds, only three alternative technologies were selected for further development and testing, one more than required by the 1977 Act. To fund the third alternative, funds had to be reprogrammed from the baseline Chemical Demilitarization program, which supports a safe and effective disposal process in order to fund research into an additional system that may or may not be selected at a future date for implementation.

As you pointed out in your letter, the FY 1999 Defense Appropriations Act provides authority to reprogram up to $25 million from the Chemical Agents and Munitions Destruction, Defense account to fund the demonstration of alternatives to baseline incineration. Unfortunately, the Act also reduced the President's request for the account by $78 million. This reduction will severely challenge the Army's ability to successfully destroy this Nation's chemical stockpile by April 29, 2007, as required by the Chemical Weapons Convention. As a result of the $78 million reduction, to date we have been unable to identify available funds in the Chemical Demilitarization program to reprogram to ACWA for additional demonstration projects.

The Administration's policy is to proceed as quickly as possible with the safe destruction of the Nation's chemical stockpile, while at the same time seeking even safer and more effective methods. The National Academy of Sciences concluded in its 1994 study that the baseline incineration system is a safe and effective disposal process for the stockpile. The Administration will continue to seek even safer methods. We look forward to working with you to that end.

Sincerely,

JACOB J. LEW,
Director.

THE GALLO RESEARCH CENTER AT THE UNIVERSITY OF CALIFORNIA, SAN FRANCISCO

Mrs. BOXER. Mr. President, I am pleased to see language in the Department of Defense Appropriations report which recommends $300 million for medical research and development efforts to be used for life-saving medical projects, including breast cancer and prostate cancer research.

Of the $300 million, the Committee recommends that $50 million is to be made available for peer reviewed medical research grants and activities. Further, the Committee directs that the Secretary of Defense, in conjunction with the service of the Surgeons General, establish a process to select medical research projects of clear scientific merit and direct relevance to military health. One of the projects listed as having scientific merit and direct relevance to military health is that of alcohol abuse and prevention research.

I believe that alcohol abuse and prevention efforts must be supported by Congress. We have all been witness to broken families, broken lives and lost opportunities attributed to alcoholism. To that end, I would like to share with my colleagues the promising research being conducted to combat alcoholism at the Gallo Center in San Francisco, California.

The mission of the Gallo Center is to identify genes that control brain responses to alcohol and other addicting agents and then develop new drugs to treat addiction. It is the only alcoholism research program in the country that is based with a department of neurology. The Gallo Center is fully equipped for research in cellular, molecular, and behavioral neuroscience and also invertebrate and human genetics.

I join my colleague, Senator FEINSTEIN, in her request for $11 million from the Medical Research activities budget in the Department of Defense Appropriations bill to support alcoholism research at the Gallo Center located at the University of California, San Francisco Medical School. I believe that the important work conducted at the Gallo Center qualifies under the medical research project directive as recommended by the Committee, and that it should be funded from the $50 million already made available for peer reviewed medical research grants and activities.

The Department of Defense Health Program has appropriately identified alcoholism research as a priority area. I believe that providing $11 million from the Medical Research activities budget in the Department of Defense Appropriations bill for the Gallo Research Center at the University of California, San Francisco would prove to be a worthwhile investment in our efforts to learn more about alcoholism, it causes, and what we can do to fight it.

Mr. LAUTENBERG. Mr. President, page 95 of the report accompanying S. 1122 contains language that encourages the Army to include Rock Island Arsenal in all aspects of the development, design and production of the Lightweight 155mm Towed Howitzer Program. This directive is problematic for many reasons. If followed, it would undermine industrial competition and conflict with the fair and competitive process that has occurred to date. It would preclude further competition for the 155mm Towed Howitzer and all future towed artillery programs. And the report language would potentially contradict several statutes, including the Army Industrial Facilities Act, the Working Capital Funds Act, and the Arsenal Act.

The contract for this program has already been awarded on a competitive basis. Vickers Shipbuilding and Engineering LTD developed the original design and owns background intellectual property in the current Lightweight 155mm system. Attempting now to direct the work to Rock Island would potentially detract from work done at Picatinny Arsenal in my home state of New Jersey, as well as potentially create all sorts of legal fights. While Rock Island should be encouraged to compete for a subcontract, all future awards should be made on a "best-value" basis. Any legislative micromanagement that compromises the competitive bidding process is inconsistent with legal and economic prudence. I urge such ill-advised acquisition guidance to be dropped when the Senate convenes with the House to conference this bill.

MCGREGOR RANGE WITHDRAWAL

Mr. DOMENICI. Mr. President, my amendment to the Defense Appropriations bill would renew the withdrawal of the McGregor Range for use by the U.S. Army.

McGregor Range is one of six military parcels withdrawn from public domain in 1986. These parcels comprise nearly 30 percent of the Department of Defense's 25 million acres. The lands will revert to the public domain in 2001 unless Congress passes new legislation.

This amendment is specific to the 608,000 acres utilized by Fort Bliss and does not address any of the other renewals for other military installations.

McGregor Range comprises nearly 700,000 of Fort Bliss's 1.12 million acres. The Fort Bliss garrison is adjacent to El Paso, Texas, but the McGregor Range is located entirely in New Mexico.

Sections of McGregor are used for cattle grazing and other nonmilitary purposes such as hunting and recreation. The Bureau of Land Management manages the cattle-grazing program through close coordination with the Army. These cooperative efforts provide for efficient use of the lands as well as effective stewardship of the natural resources located there.

Recent studies of this issue provides a succinct summary of the most relevant policy issues surrounding the renewal of withdrawal for military purposes. Mr. President, allow me to briefly list the major findings of this study:

Fort Bliss has a critical role as a national center for air defense and McGregor Range is essential for fulfilling that role;

McGregor Range is the only range in the United States capable of training America's air and missile defense forces. Because all CONUS Patriot forces are stationed at Ft. Bliss they depend on McGregor for the training needed to ensure their full readiness prior to deployment.

Successive BRAC rounds have reduced the capability of the DOD to support both current and future training and testing requirements with the available infrastructure. Range complexes such as McGregor and White Sands Missile Range are critical now and will become more critical in the future as weapons systems and doctrine evolve which allow greater standoff distances and mobility in the future. These capabilities are wasted if we fail to train our forces to the maximum extent of their capabilities.

McGregor Range supports the U.S. Air Force in the training activities at Holloman Air Force Base.

The combined space of McGregor Range and White Sands can be leveraged to accommodate the needs of a more modern Army. Currently, the range supports specialized test operations by White Sands Missile Range which require additional safety buffer zones to ensure public safety.

Military training and testing requirements for McGregor Range are foreseen for at least the next 50 years based on weapons systems that are either currently fielded, such as Patriot, or are planned for fielding in the near future. Additionally, emerging doctrine and weapon systems part of the Army-After-Next will require large areas to fully train soldiers in the employment of these weapons systems. If the requirement is known for the next fifty years, then it is unclear why a shorter withdrawal period is reasonable.

The BLM's 1986 Wilderness Study made a "No Wilderness" recommendation regarding the Culp Canyon WSA. This recommendation was "based on the low-quality wilderness value of the WSA and the potential conflicts with associated military use of the area." Without this portion of the range, the Army's ability to conduct Patriot and related air and missile defense training will be reduced by approximately one-third.

There is strong regional support for this renewal. 176 public comments expressed support for the Army's preferred alternative. An additional 26 expressed support for one of the other alternatives.

The Army's proposal will continue historic non-military uses of the range which include livestock grazing and hunting for 50 years.

The Army has already met its obligations with respect to performing an Environmental Impact Statement, holding public hearings, and submission of request for renewal to the Administration.

In sum, all of the legal requirements set forth by Congress have been met. Congressional action is now required to ensure that the Army retains its ability to test, simulate, and train for missions at Fort Bliss. Allowing the Army's continued access to these lands is critical to adequate training and readiness now and in the future.

One of the fundamental duties of Congress is the maintenance of the national defense. Nothing is more fundamental than the provision of training ranges, such as McGregor, in maintaining a trained and prepared military.

Mr. BINGAMAN. Mr. President, I do not object to my colleague's amendment to renew the public land withdrawal for the McGregor Range in New Mexico, however, I believe the preferable course of action is to follow the process the Senate agreed to just last month, and allow the Defense and Interior Departments the opportunity to jointly develop a legislative proposal.

The McGregor Range in southern New Mexico was one of several military ranges that was last withdrawn for military purposes in 1986 under Public Law 99–606. The withdrawal period for McGregor and the other ranges is for 15 years, and does not expire until November, 2001.

Last month, language was included in the Committee-reported version of S. 1059, the DOD Authorization bill, that would have extended public land withdrawals at four of the six military installations covered by Public Law 99–606: the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska. During the consideration of the bill on the Senate floor, I offered an amendment which replaced the withdrawal language with a "sense of the Senate" statement urging the Administration to submit legislative proposals for these four military withdrawals by July 1. I understand that both the Defense and Interior Departments are currently working on such a legislative proposal and that we still anticipate being able to incorporate legislative language in the conference report for the DOD Authorization bill.

With respect to the proposed amendment for the McGregor Range, I want to be clear that I recognize the critical role the range serves for our national defense training needs and I support their continued use for these purposes. In my opinion, however, I think it makes much more sense, and will result in less controversy in the long run, if we allow the normal process for the renewal of the public land withdrawals to be completed. In short, this means allowing the Interior Department the opportunity to review the Army's environmental impact statement, which I understand has only just been completed, and that following that review, the Administration has the opportunity to submit its legislative proposal for our consideration.

The McGregor withdrawal encompasses approximately 608,000 acres of land in New Mexico. The renewal of the withdrawal and future uses of the range are of interest not only to the Army, but also to area residents and other public land users. Although the amendment is not clear, I am concerned that it materially changes some of the withdrawal terms from the 1986 Act.

For example, the 1986 Act authorized a withdrawal period of 15 years. This amendment provides for a 50-year withdrawal. I understand that the military desires a longer withdrawal period than the current 15 years, and I am not opposed to considering a longer term. But meaningful periodic reviews and environmental analyses serve an important purpose. They provide local communities with an opportunity to raise issues about the way these lands are managed, and they allow us to consider new land management issues which may not have been present when the original withdrawals were made. I think it is a mistake to significantly change this policy without at least the opportunity for public hearings.

Another aspect of the amendment that seems to be a significant departure from past management practices is a requirement that the Secretary of the Army manage the withdrawn lands. Under current law, the lands are managed by the Bureau of Land Management for a variety of multiple use purposes, subject to the limitations of the military uses. For example, the 1986 Act authorizes the Secretary of the Interior to manage the lands in a manner permitting the continuation of grazing, the protection of wildlife and wildlife habitat, the control of predators, recreation, and the suppression of brush fires.

This amendment now provides for management by the Army, under the terms of a new agreement to be developed between the Army and the Interior Department, which is to provide for the proper management and protection of natural and cultural resources. It may very well be that such an agreement will adequately provide for other non-military uses and protect sensitive natural and cultural resources. However, there is no requirement that the lands be managed under existing law, including the Federal Land Policy and Management Act. The amendment also appears to leave very important land management questions unanswered. For example, the BLM currently manages the Culp Canyon Wilderness Study Area within the McGregor Range, as well as an "Area of Critical Environmental Concern." Under this amendment, is the Army required to manage those areas to the same degree of protection as required of the Secretary of the Interior? Again, at the very least, I think it is important that all interested parties should be heard on these issues before we decide how to proceed.

Mr. President, I would like to conclude by again urging the Administration to expeditiously complete its legislative proposal by the end of this month. Although I would prefer to hear the Administration's proposal, I am committed to seeing that the McGregor range renewal is enacted this year. If, however, a timely proposal is submitted by the Administration, I hope that we will be able to include appropriate legislative language to renew the withdrawal for McGregor and the other affected ranges as part of the conference report for the DOD Authorization bill.

Mr. TORRICELLI. Mr. President, I rise today in strong support of the FY 2000 appropriations bill. This legislation demonstrates a strong commitment to America's defense and to our ability to meet future military challenges. I especially thank and acknowledge the efforts of the distinguished chairman of the Appropriations Committee and the Defense Subcommittee, Senator STEVENS, the distinguished ranking member of the Appropriations Committee, Senator BYRD, and the ranking member of the Defense Subcommittee, Senator INOUYE, for their work and support of this legislation.

I am particularly pleased that the committee included $1 million for exciting new technology designed to make landmine detection safer and more effective. This technology, known as nonlinear technique for landmine detection, has been developed by engineers at the Davidson Laboratory of the Stevens Institute in my home State of New Jersey. This new method for detection of mines and other buried man-made objects has been devised in such a way as to differentiate between rocks, other solids and actual landmines through acoustics. This technology will increase our ability to meet our international obligations and dramatically improve the safety and security of our armed forces.

I also express my support for the committee's inclusion of an additional $121 million for the production of 11 new Black Hawk helicopters. A coalition of eight companies in my state manufacture critical components for the Black Hawk, which is the Army's premier tactical transport helicopter. First produced in 1977, it is used for combat assault, combat re-supply, battlefield command and control, electronic warfare and medical evacuation. Currently, the Black Hawk is providing critical support functions for our armed services in Kosovo. This funding will ensure that our military has the ability to continue its current operations and sustain readiness for future dangers.

I am also extremely pleased that this legislation represents a significant increase in our commitment to the Defense Health Program. The inclusion of $175 million for the breast cancer program, and the $75 million for the prostate cancer research programs, has special significance for the constituents I represent. New Jersey's breast cancer incidence rate is among the highest in the Nation; and, more than 1,400 of the 6,900 New Jersey men diagnosed with prostate cancer die each year. I am confident that these funding initiatives will bring us much closer to finding answers for the men and women of New Jersey and nationwide, who suffer from these devastating diseases.

Additionally, the pay raise of almost 5 percent for all members of the military included in this bill deals with serious concerns I have had regarding quality of life and morale of our soldiers. By addressing the inequities between military pay and civilian wages, this pay raise will go a long way toward reaching our goals of retaining highly trained personnel and assist in our ability to achieve recruiting goals.

Finally, while I am supportive of these important components of this legislation, I am extremely concerned with the committee's recommendation that the Army and the Marine Corps develop a plan to include the Rock Island Arsenal in all aspects of howitzer development, design, and production for the Lightweight 155mm.

Currently, critical research and development functions for the howitzer take place under the U.S. Army Tank-automotive and Armaments Command, Armament Research, Development and Engineering Center at Picatinny Arsenal, NJ. The howitzer, as well as other important military systems, require sophisticated software which may only be fielded by Picatinny Arsenal. If the committee's proposal is implemented, I fear that Rock Island Arsenal will ultimately assume important research and development responsibilities for the howitzer for which they have never before played a role and may be unqualified to preform. I encourage the committee to strongly consider these concerns which have similarly been expressed by the Army and Marine Corps.

Mr. President, I again thank Chairman STEVENS, Ranking Member BYRD, and Ranking Member INOUYE for their commitment and attention to these important issues.

Mr. FEINGOLD. Mr. President, I rise today to voice my strong opposition to the fiscal year 2000 Department of Defense Appropriations Act.

Mr. President, it is almost painful to witness the way in which this Senate is abdicating its responsibility to scrutinize the Department of Defense. During debate on the fiscal year 2000 DoD authorization bill, we had exactly two amendments that called a multi-billion dollars weapons system into question. On this appropriations bill, we had exactly two amendments worthy of extensive debate. Two amendments, Mr. President. Here we have a defense policy that perpetuates a Cold War mentality into the 21st century, and the Senate has no questions.

Mr. President, on the heels of an authorization bill that exemplifies the Pentagon's utter failure to adapt its priorities to the post-Cold War era, the American taxpayer is left holding the bag paying for the mess. There are a number of theories that attempt to explain the difficulties faced by the armed services. There is a dearth of thoughtful solutions. The general consensus is that if we pour enough money into the Defense Department, the problems will go away. Unfortunately, effective problem-solving doesn't work that way.

The DoD has a weapons modernization strategy that makes it impossible to buy enough new weapons to replace all the old weapons on a timely basis, even though forces are much smaller than they were during the Cold War and modernization budgets are projected to return to Cold War levels. Consequently, the ratio of old weapons to new weapons in our active inventories will grow to unprecedented levels over the next decade.

Subsequently, that modernization strategy is driving up the operating budgets needed to maintain adequate readiness, even though the size of our forces is now smaller than it was during the Cold War. Each new generation of high complexity weapons costs much more to operate than its predecessor, and the low rate of replacement forces the longer retention and use of older weapons. Thus, as weapons get older, they become more expensive to operate, maintain, and supply.

Couple this with an accounting system that has failed each and every GAO audit since enactment of the Chief Financial Officers Act of 1990, and you have a poorly managed, misguided strategy inviting disaster.

Instead of thoughtfully addressing these shortcomings, Mr. President, we proceed to spend the American taxpayers' money as we have in the past. No change. We continue to promote bigger and more expensive weapons systems at the expense of our men and women in uniform. No matter how much money we throw at this problem, we won't find a solution if we stay on this track.

For the past year, Mr. President, we've heard the call to address our military's readiness crisis from virtually all quarters. We were told that foremost among the readiness shortfalls were operations and maintenance as well as pay and allowances accounts.

Just last year, there was a virtual consensus that the armed services were facing a readiness crisis. Last September, the Joint Chiefs testified that there was a dangerous readiness shortfall. General Henry Shelton, chairman of the Joint Chiefs, claimed that "without relief, we will see a continuation of the downward trends in readiness . . . and shortfalls in critical skills." Army Chief of Staff General Dennis Reimer stated that the military faces a "hollow force" without increased readiness spending. Chief of Naval Operations Admiral Jay Johnson asserted that the Navy has a $6 billion readiness deficit. So it went for all the services.

To address the readiness shortfall, Mr. President, the Congress passed an emergency supplemental appropriations bill. The bill was well-intentioned in its support for the efforts of our men and women in uniform. Unfortunately, something happened on the way to the front lines. The bill spent close to $9 billion, but just $1 billion of it went to address the readiness shortfall.

We added $1 billion for ballistic missile defense. The Ballistic Missile Defense Organization still hasn't spent all that money, yet we've added another $3.5 billion for the BMDO in this bill. Last year's supplemental also added billions to what has become an expected emergency, that being our operations in Bosnia. That other unexpected emergency, the year 2000, received a billion dollars. And so it went. What happened to readiness?

One provision in this bill casts a pall over the readiness needs of our service members and highlights, in microcosm, the Defense Department's misguided priorities. This appropriations bill will spend upwards of $40 million in the next fiscal year, and perhaps as much as half a billion dollars over the next ten years on luxury jets for four-star generals. Am I missing something or is this absurd? We actually have more than 11,000 troops that qualify for food stamps and DoD can justify spending tens of millions of dollars next year for luxury jets. How can this be?

Mr. President, one concern goes to the heart of the entire debate on our national defense. The underlying question is this: Why should the Pentagon receive billions dollars more in funding when it has failed utterly to manage its budget? Throwing good money after bad isn't tolerated at other departments and agencies. Why is it tolerated with DoD?

Defense Week reported just yesterday that the Navy has lost track of almost $1 billion worth of ammunition, arms and explosives. Additionally, DoD has yet to pass an audit. A 1998 GAO audit couldn't match more than $22 billion in DoD expenditures with obligations; it could not find over $9 billion in inventory; and it documented millions in overpayments to contractors. GAO concluded that "no major part of DoD has been able to pass the test of an independent audit."

Mr. President, this bill also has some painful implications for other federal programs. Essentially, we are spending tax dollars on a wasteful and misguided defense strategy while domestic programs face steep spending cuts in the upcoming fiscal year.

The bill exceeds the Pentagon's request by $1.4 billion. It spends $1.4 billion more than the Joint Chiefs of Staff believe is sufficient to meet our national defense needs. And that additional money is coming out of vital domestic programs that were already facing spending cuts.

Mr. President, I cannot vote to increase the defense budget by tens of billions of dollars, including tens of millions for corporate jets, while the budgets for veterans health care, education, agriculture and other programs are facing deep cuts. Supporting the Defense Department's misguided spending priorities is not synonymous with supporting the military.

I yield the floor.

Mr. DOMENICI. Mr. President, I strongly support S. 1122, the Defense appropriations bill for FY 2000. As scored with adjustments, the pending bill provides $264.9 billion in total budget authority and $176.9 billion in new outlays for the Department of Defense and related activities. When adjusted for outlays from prior years and other actions, the bill totals $263.9 billion in BA and $254.6 billion in outlays.

There are some major elements to this bill that are important for the Senate for review.

The bill is consistent with the Bipartisan Balanced Budget Agreement and the discretionary spending cap. In fact, in both budget authority and outlays the bill is below the amount that the Congressional Budget Resolution for fiscal year 2000 would contemplate for the Defense Subcommittee's allocation. This is in recognition of the fact that readiness items originally planned for fiscal year 2000 were accelerated into fiscal year 1999 in the 1999 Emergency Kosovo Supplemental, which the President has signed into law.

As a result, for budget authority, this bill is $3.1 billion below the allocation originally contemplated for it; for outlays it is $2.2 billion below. Because of this situation, the allocation approved by the Senate Appropriations Committee for defense has been reduced and held for subsequent reallocation.

In addition, this year the defense budget is once again confronted with a serious mismatch between the DOD/OMB and the CBO estimates of the outlays needed to execute the programs in the budget request. CBO's estimate of outlays was $10.5 billion higher than OMB and DOD's estimate.

Because the President's proposed budget was over the discretionary cap by such a larch amount, compensating for the OMB and DOD undercount of outlays would require very large reductions in manpower, procurement, or readiness, or all three. Cuts like that are simply not acceptable, especially in view of the conflict in the Balkans. To enable this bill to be considered on a basis commensurate with the President's request, an outlay adjustment of that size is included in the scoring of this bill.

The chairman of the Appropriations Committee has assured me that this action reduces the 2000 outlays shortage to manageable dimensions and avoids the negative effect on readiness or modernization that would otherwise be necessary.

I strongly support this bill, and I urge its adoption. I want to compliment the chairman of the Appropriations Committee on his very skillful handling of this important legislation and for his statesmanlike approach to some serious and troubling issues in this year's defense budget.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 1122, DEFENSE APPROPRIATIONS, 2000 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	263,722	....	209	263,931
Outlays	254,409	....	209	254,618
Senate 302(b) allocation:				
Budget authority	263,722	....	209	263,931
Outlays	254,409	....	209	254,618
1999 level:				
Budget authority	250,330	....	197	250,527
Outlays	248,310	....	197	248,507
President's request:				
Budget authority	264,896	....	209	265,105
Outlays	258,610	....	209	258,819
House-passed bill:				
Budget authority	....	....	....	....
Outlays	....	....	....	....
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	....	....	....	....
Outlays	....	....	....	....
1999 level:				
Budget authority	13,392	....	12	13,404
Outlays	6,099	....	12	6,111
President's request:				
Budget authority	(1,174)	....	....	(1,174)
Outlays	(4,201)	....	....	(4,201)
House-passed bill:				
Budget authority	263,722	....	209	263,931
Outlays	254,409	....	209	254,618

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. KERREY. Mr. President, the Department of Defense appropriations bill will pass this chamber with my support. It is no small feat that a bill encompassing the size and gravity such as our national security can be addressed and passed through the U.S. Senate within the span of two days, with few amendments and little rancorous debate. The lion's share of the credit for this accomplishment goes to the managers of the bill, the Chairman of the Appropriations Committee, Senator STEVENS, and the Ranking Member, Senator INOUYE. Through their efforts, they have again done the work which is the first priority of our government: the defense of American independence, lives, and security around the world.

When programs have been consistently successful, it is easy to forget that national security and national defense are not a given in the political equation. But, national security doesn't just "happen." We achieve our national security and defense goals because of the men and women honorably serving in our nation's Armed Forces. That security and defense is also achieved because Congress passes laws which authorize Defense programs and appropriate the funds to pay for them. Our contribution to the debate on these bills and our vote on these bills is an essential contribution to our nation's defense. It is our role in government's most solemn responsibility.

Given the importance of this responsibility, then, I am encouraged that in this bill as well as in the Defense Authorization, the Senate has responded to the increased strain on our military caused by today's heightened operation tempo. Kosovo adds another requirement to a long list of regions in which U.S. deployment or U.S. commitment is stretching our military forces and supporting intelligence resources to their limit. I have often argued on this floor for allocating our defense and intelligence resources on the basis of threat priorities, and applying the greatest effort to the most dangerous threat. In the same vein, we should avoid overcommitment to places or situations which do not present a direct threat to American independence, lives, or livelihoods. For example, I think it is a mistake to tie up a significant percentage of our Army and Marine combat power in Yugoslav peacekeeping operations long term, and I hope our European allies will take our places there before very long. But wherever those forces are, they must be ready and fully manned, like the air elements of the Air Force, Navy, and Marines who performed so brilliantly over Yugoslavia these last seven weeks. The Defense Appropriations bill supports them.

I would now like to take a few minutes to highlight some of the vitally important work that is being accomplished within this appropriations bill. These are provisions which illustrate that we are on the right track in providing for our military and for providing security for people back home in Nebraska, . across the United States, and indeed, throughout the world.

The backbone of the United States Armed Forces is the men and women who choose to serve their country in our military. From the lowest grade enlisted soldier to the Joint Chiefs of Staff, I salute those who serve out of love for their country. Earlier this year, I was proud to support S. 4, the Soldiers', Sailors', Airmen's, and Marines Bill of Rights Act of 1999, which began to address the problems of pay levels, recruitment, and retention facing our military today. S. 4 was a good beginning, most markedly by increasing base pay by 4.8 percent. The appropriations bill is consistent with that 4.8 percent pay increase outlined in S. 4, and I am pleased to have supported this provision which will directly and immediately better the lives of the personnel of our Armed Forces.

Another aspect of this appropriations bill which I would like to mention regards an important provision relating to nuclear weapons. During consideration of the Department of Defense Authorization bill for fiscal year 2000, I authored an amendment which would have lifted the restriction on strategic nuclear weapons levels, allowing the U.S. to lower the number of warheads below the START I level. It is my belief that my amendment would not only have increased U.S. security, but would have freed up billions of dollars for other high priority items. The Congressional Budget Office recently conducted a study in which it found we could save between $12.7 billion and $20.9 billion over the next ten years by reducing U.S. nuclear delivery systems within the overall limits of START II.

While I would like to thank the 43 of my colleagues who supported my amendment, it unfortunately did not pass. I do not want to return to that debate at this time. However, there is a related program which I have previously supported which also deals with national security and Russian nuclear weapons—the Former Soviet Union Threat Reduction program, otherwise known as Nunn-Lugar. The

Nunn-Lugar program provides assistance to states of the former Soviet Union for safeguarding nuclear materials, dismantling missiles and other weapons, and other demilitarization measures. The DoD Appropriations bill funds Nunn-Lugar in the amount of $476 million. Additionally, this bill allocates $25 million of these funds to support the Russian nuclear submarine dismantlement and disposal activities started in FY 1998. This is an important program that in a very concrete and discernable way, increases our security, and I am happy to have supported it.

Along with programs of national concern, there are a number of provisions in this bill that directly allow Nebraska and Nebraskans to continue their vital work in safeguarding U.S. national security.

Offutt Air Force Base, located in Bellevue, Nebraska, is responsible for a number of missions which are particularly noteworthy. Offutt, with over 10,000 military and civilian personnel, is home to the United States Strategic Command, the joint command charged with deterring nuclear attacks on our country. There are many threats out there, but only one of them, Russian nuclear weapons, is capable of ending our national life. STRATCOM's mission may not be in the news that often, but it the most essential of all defense missions, and it is commanded from Nebraska.

Offutt Air Force Base also hosts the U.S. Air Force's premiere reconnaissance and command-and-control unit, the 55th Wing, the largest wing within the Air Force's Air Combat Command. The Fighting 55th's aircraft provide global situational awareness to military leaders and government officials. It is by now commonplace to say that we live in the Information Age. Information has become a precious commodity which often can mean the difference between success and defeat. The missions that Offutt specializes in focus on gathering this kind of critical information. In a variety of ways, Offutt's missions keep us more informed, more aware, and more safe. Here are some specifics on the various programs.

The 55th's workhorse aircraft is the RC–135, also known as Rivet Joint. The RC–135 mission conducts electronic reconnaissance, providing direct, near real-time information and electronic warfare support to theater commanders and combat forces monitoring. Rivet Joint has played an important role in a number of recent military missions, including Kosovo, Bosnia, and Iraq. Information gathered by the RC–135 is made available to theater commanders, the Department of Defense and National Command Authorities. Data is processed, analyzed and stored by Air Combat Command, the Air Intelligence Agency and the National Security Agency. I am pleased that the bill passed yesterday appropriates $220.4 million for the refurbishing and upgrading of these important aircraft. Reengining these aircraft is a particularly important improvement.

The WC–135 fulfills an air sampling mission in support of the Air Force Technical Applications Center at Patrick AFB, Florida, by verifying compliance with the Comprehensive Nuclear Test Ban Treaty. It gathers information on nuclear tests and conducts baseline air sampling. By collecting particles in the air during flight, the WC–135 is able to detect if and when nuclear tests are conducted or if a nuclear bomb is detonated, even from thousands of miles away. Considering the nuclear weapons testing last year of both India and Pakistan, it is clear that the WC–135 has not outlived its usefulness. The WC–135 is the only aircraft throughout the U.S. Air Force conducting this vital mission, and we in Nebraska are fortunate to have it based at home at Offutt Air Force Base.

The OC–135, or Open Skies, is tasked to complete photo reconnaissance flyovers. This mission supports the Defense Threat Reduction Agency by conducting observation flights in accord with the Open Skies Treaty. This treaty will allow the OC–135 to fly over Russian air space to monitor weapons reductions treaties. Although the Open Skies Treaty has not yet been ratified by all parties, the OC–135 has not been dormant. While the Open Skies Treaty awaits ratification, the OC–135 is heavily involved in additional photo reconnaissance projects, including missions such as weather observations of Hurricane Mitch. The Open Skies mission is fully funded through fiscal year 2004.

Additionally, E–4B aircraft also stationed at Offutt provide transport and command and control for the President, the Secretary of Defense, and Secretary of State. Much more than simply a transport aircraft, the E–4B allows senior officials complete access to critical information and communications in a secure fashion, keeping the President and others "in the loop," even while in mid-flight.

Along with Offutt Air Force Base, Nebraska continues to make important contributions to our national security through components of the National Guard and the Reserves. Most recently, these components have played important roles in Kosovo alongside their active component counterparts.

The 155th Wing of the Nebraska Air National Guard has been very active during the Kosovo mission, flying KC–135s—fuel tanker planes—above and around Kosovo. These KC–135s perform the remarkable task of mid-air refueling for a variety of aircraft, including the B–52 Stratofortress and the E6. Indeed, over the last several months, the Nebraska unit led the KC–135 refueling effort, involving hundreds of aircraft, and also was the last volunteer unit engaged in the region before the reserve call-up was instituted. This has all been done, even though the 155th Wing is the smallest of all the Air Guard wings across the country. I applaud their efforts and their successes.

As well, the Nebraska Army National Guard is currently serving in a nine-month deployment in Bosnia as part of the NATO peace-keeping forces. The 24th Medical Company is working alongside Guard units from across the country to transport patients from the field to hospitals. At a time when a robust economy and opportunities in the private sector can pull people away from public service, I salute these men and women who continue to make sacrifices so that we may be safe.

The examples I have given here of the hard work being done by our Armed Forces are not the exception, but the rule. In a time of tight budgets and increased missions, I am proud to say that our Armed Forces are second to none around the globe. Even when we continue to ask more of our military men and women, they always rise to the challenge. We must never forget the risks they take for our sake and the freedoms they forego, and we must provide them the best support, conditions, equipment, and training possible in return. I am proud to have supported passage of the defense appropriations bill yesterday, and I hope and expect that we will continue the strong support of those who are willing to sacrifice all for the cause of your freedom and mine, the men and women of our Armed Forces.

Mr. BYRD. Mr. President, I commend the able managers of this bill, Senator STEVENS and Senator INOUYE, for producing a balanced and comprehensive bill that addresses some of the most pressing needs of the U.S. military.

Together with the emergency supplemental spending bill that Congress sent to the President last month, and the Defense authorization bill that the Senate passed prior to Memorial Day, this Defense appropriations bill marks a major commitment to our men and women in uniform by funding a wide array of vital defense programs. In acting quickly and decisively on these three bills, the Senate has sent a strong message of support to the military, particularly to those forces currently engaged in the air war over Yugoslavia. That support is richly deserved. Once again, America's military forces have demonstrated their superior skills and leadership in the Balkan conflict. We are indebted to them for their service and dedication to their country.

This appropriations bill represents a strong effort on the part of the managers to balance the very real needs of the Defense Department against the pressing needs of other domestic programs in the budget. This is a tough year for the appropriators. We are working under very tight budget caps to meet a whole host of escalating infrastructure needs—both physical and human—in this nation. Senator STEVENS was able to trim slightly more than $3 billion from defense spending to allocate to other programs without damaging the integrity of this bill. Even so, it will be difficult to pass all 13 appropriations bills for Fiscal Year 2000 within the constraints of the current budget caps. I do not know what the resolution to this problem will be, but I commend Senator STEVENS for the steps he has taken so far, and I look forward to working with him on the remaining appropriations bills.

Mr. STEVENS. Mr. President, inadvertently, at my request, the Senate adopted the Domenici amendment twice. I ask unanimous consent that it be in order to vitiate the adoption of amendment No. 604. It is a duplicate of amendment No. 577.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The bill is ready to be advanced to third reading.

The PRESIDING OFFICER. The bill will be read for the third time.

The bill (S. 1122) was read the third time.

Mr. STEVENS. Mr. President, I once again thank all Members of the Senate for their cooperation with us in handling this very controversial bill. I thank my constant companion and good friend, the cochairman of our Defense Subcommittee. I yield to him for any comment he might might make before I ask for the vote.

Mr. INOUYE. I think you have once again established a new record.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO), and the Senator from Arizona (Mr. McCAIN), are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), is absent due to a death in the family.

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—4

Boxer
Feingold
Kohl
Wellstone

NOT VOTING—3

Biden
Crapo
McCain

The bill (S. 1122), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. LOTT. Mr. President, I congratulate the bill managers. The Senator from Alaska and the Senator from Hawaii always do a magnificent job. This is not a world record for them, but it certainly is a very fine accomplishment. I am very pleased that we have passed this Department of Defense appropriations bill in such good order. I congratulate the chairman for his leadership.

Mr. STEVENS. Once again, I thank all Members of the Senate and staff for handling this defense appropriations bill. There is a war going on. We thought it essential we act as expeditiously as possible. We thought it was necessary for us to defend the Senate's position to the fullest extent possible. That unanimous consent request is already in place.

Parliamentary inquiry: Is there anything else I need to do in order to handle it according to the prior agreement?

The PRESIDING OFFICER. Not at this time.

UNANIMOUS CONSENT AGREEMENT—S. 96

Mr. LOTT. I ask unanimous consent that the cloture vote scheduled to occur with respect to S. 96, the Y2K liability bill, on Wednesday, be vitiated, and following the conclusion of the defense appropriations bill the Senate resume S. 96. I further ask that following the reporting of the bill by the clerk, all pending floor amendments and motions be withdrawn, and Senator McCAIN be immediately recognized to modify the pending committee substitute with the text of S. 1138 and all remaining amendments in order to S. 96 be relevant to the Y2K issue.

Finally, I ask consent that there be 12 first-degree amendments in order for each side of the aisle, with relevant second-degree amendments, and one additional first-degree amendment in order for each leader under the same terms as outlined above.

This has been discussed with the Democratic leader and cleared on both sides of the aisle. I thank the Senator from Oregon, Mr. WYDEN, for his help on this very important issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following list be printed in the RECORD with respect to the Y2K agreement and first-degree amendments on the Democratic side:

Mr. Hollings, 3 amendments;
Mr. Kerry (MA), 1 amendment;
Mrs. Boxer, 1 amendment;
Mrs. Feinstein, 1 amendment;
Mr. Feingold, 1 amendment;
Mr. Graham, 1 amendment;
Mr. Leahy, 1 amendment;
Mr. Dodd, 1 amendment;
Mr. Edwards, 2 amendments;
Mr. Daschle, 1 amendment.

MORNING BUSINESS

Mr. STEVENS. I ask unanimous consent that the Senate now proceed to a period of morning business with Senators being permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LIEUTENANT COLONEL JEFF SEVERS, UNITED STATES AIR FORCE

Mr. LOTT. Mr. President, I would like to recognize the professional dedication, vision, and public service of Lieutenant Colonel Jeff Severs who is leaving the Air Force Legislative Liaison Office for assignment as the program manager for the Wind Corrected Munitions Dispenser Program at Eglin Air Force Base, Florida. It is a privilege for me to recognize the many outstanding achievements he has provided for the Senate, the Air Force, and our great Nation.

Lieutenant Colonel Severs has served our country with distinction for nearly 14 years. After graduating from the University of Georgia in 1985, he embarked on his Air Force Career with a training assignment at Keesler Air Force Base, Mississippi. He subsequently completed tours of duty at McClellan Air Force Base, California; Wright-Patterson Air Force Base, Ohio; Los Angeles Air Force Base, California; and back again to Wright-Patterson Air Force Base. In each of his Air Force assignments, Lieutenant Colonel Severs' performance has been outstanding.

Lieutenant Colonel Severs began his tour on Capitol Hill as a legislative fellow assigned to the office of my esteemed colleague from Oklahoma, Senator JIM INHOFE. During this assignment, he worked on the fiscal year 1998 Defense authorization bill. After his assignment with Senator INHOFE, Lieutenant Colonel Severs was reassigned to the Air Force Office of Legislative Liaison in the Pentagon.

Initially, he was responsible for acquisition and logistics issues and was responsible for preparing the Secretary of the Air Force and Chief of Staff of the Air Force for posture testimony. He was then selected to be the Executive Officer to the Director of Air Force Legislative Liaison followed shortly thereafter by his reassignment as Deputy Chief of the Air Force Senate Liaison Office.

Lieutenant Colonel Severs has earned the respect and trust of many of my colleagues on both sides of the aisle. His professional abilities and expertise enabled him to foster excellent working relationships that have served the Air Force and the Senate exceptionally well. As a liaison officer in the Senate, Lieutenant Colonel Severs has provided members and staff with informative and timely support regarding Air Force plans, programs, and constituent casework. His efforts have contributed greatly to maintaining the best trained, best equipped, and best prepared Air Force in the world.

Mr. President, Jeff Severs, his wife, Gay, and children, Hugh and Brooke, have made many sacrifices during his 14-year Air Force career. He continues to serve with a dedication and enthusiasm seen only in our Nation's best and brightest. He is a great credit to the Air Force and the country, and his efforts on behalf of members and staff of the Senate will be greatly missed. As he now departs for new challenges at Eglin Air Force Base, I call upon my colleagues on both sides of the aisle to recognize his service to the Senate and wish him well in his new assignment.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 7, 1999, the federal debt stood at $5,606,738,885,838.87 (Five trillion, six hundred six billion, seven hundred thirty-eight million, eight hundred eighty-five thousand, eight hundred thirty-eight dollars and eighty-seven cents).

Five years ago, June 7, 1994, the federal debt stood at $4,606,572,000,000 (Four trillion, six hundred six billion, five hundred seventy-two million).

Ten years ago, June 7, 1989, the federal debt stood at $2,795,983,000,000 (Two trillion, seven hundred ninety-five billion, nine hundred eighty-three million).

Fifteen years ago, June 7, 1984, the federal debt stood at $1,519,266,000,000 (One trillion, five hundred nineteen billion, two hundred sixty-six million).

Twenty-five years ago, June 7, 1974, the federal debt stood at $471,794,000,000 (Four hundred seventy-one billion, seven hundred ninety-four million) which reflects a debt increase of more than $5 trillion—$5,134,944,885,838.87 (Five trillion, one hundred thirty-four billion, nine hundred forty-four million, eight hundred eighty-five thousand, eight hundred thirty-eight dollars and eighty-seven cents) during the past 25 years.

S. 744

Mr. MURKOWSKI. Mr. President, today I rise to speak briefly on a bill reported out of the Senate Committee on Energy and Natural Resources on May 19, 1999. S. 744 provides for the continuation of higher education through the conveyance of certain lands in the State of Alaska to the University of Alaska, and for other purposes.

The purpose of S. 744 is to provide Alaska's federal land grant college, the University of Alaska, with a federal land grant of at least 250,000 acres. S. 744 would also transfer to the federal government 29 inholdings currently owned by the University within conservation system units in Alaska.

When this bill was passed out of Committee it was done so with an amendment that clarified the lands the University was to relinquish under Section 3 of the bill. Those lands are listed in a document entitled "The University of Alaska's Inholding and Reconveyance Document" and dated May 17, 1999.

I ask unanimous consent a copy of this document be printed in today's CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF ALASKA'S INHOLDING RECONVEYANCE DOCUMENT, MAY 17, 1999

Region	Area	UA ID Number	Booked value	Acres	Federal land type
South Central	Alaska Peninsula	AP.IH.001	$15,000	8	AK Peninsula & Maritime National Wildlife Refuge.
South Central	Alaska Peninsula	AP.UL.001	36,000	360	AK Peninsula & Maritime National Wildlife Refuge.
South Central	Alaska Peninsula	AP.UL.002	16,000	8	AK Peninsula & Maritime National Wildlife Refuge.
South Central	Alaska Peninsula	AP.WB.001	373,200	622	AK Peninsula & Maritime National Wildlife Refuge.
South Central	Alaska Peninsula	AP.WB.002	5,600	56	AK Peninsula & Maritime National Wildlife Refuge.
South Central	Nuka Island	HM.NK.001	76,500	23	Kenai Fjords National Park.
South Central	Nuka Island	HM.NK.002	150,000	24	Kenai Fjords National Park.
Southeast	Brady Glacier	JU.BG.0001	15,000,000	400	Glacier Bay National Park.
South Central	Jack Bay	GU.JB.0001	600,000	942	Chugach National Forest.
Southeast	Cape Bingham	JU.CB.0001	1,650,000	835	Tongass National Forest.
South Central	Copper Basin	CB.CC.001	36,400	108	Wrangell St. Elias National Park & Perserve.
South Central	Blackburn Subd	WR.BB.001	25,000	5	Wrangell St. Elias National Park & Perserve.
South Central	Blackburn Subd	WR.BB.002	85,000	17	Wrangell St. Elias National Park & Perserve.
South Central	Blackburn Subd	WR.BB.003	10,000	2	Wrangell St. Elias National Park & Perserve.
South Central	Blackburn Subd	WR.BB.004	170,000	34	Wrangell St. Elias National Park & Perserve.
South Central	McCarthy Creek Subdivison	WR.MC.001-094	2,015,775	867	Wrangell St. Elias National Park & Perserve.
South Central	McCarthy	WR.MY.003	614,466	1,058	Wrangell St. Elias National Park & Perserve.
South Central	McCarthy	WR.MY.004	192,000	320	Wrangell St. Elias National Park & Perserve.
South Central	McCarthy	WR.MY.005	1,344,000	2,240	Wrangell St. Elias National Park & Perserve.
South Central	McCarthy	WR.MY.006	384,000	640	Wrangell St. Elias National Park & Perserve.
South Central	McCarthy	WR.MY.007	240,000	400	Wrangell St. Elias National Park & Perserve.
South Central	McCarthy	WR.MY.008	223,200	372	Wrangell St. Elias National Park & Perserve.
South Central	McCarthy	WR.MY.009	240,000	400	Wrangell St. Elias National Park & Perserve.
South Central	Strelna	WR.SN.001	240,000	400	Wrangell St. Elias National Park & Perserve.
South Central	Strelna	WR.SN.002	871,200	1,452	Wrangell St. Elias National Park & Perserve.
South Central	Strelna	WR.SN.004	254,400	424	Wrangell St. Elias National Park & Perserve.
South Central	Wrangell Glaciers	WR.WG.001	800	20	Wrangell St. Elias National Park & Perserve.
South Central	Wrangell Glaciers	WR.WG.002	5,439	136	Wrangell St. Elias National Park & Perserve.
South Central	Wrangell Glaciers	WR.WG.003	100	103	Wrangell St. Elias National Park & Perserve.
South Central	Wrangell Glaciers	WR.WG.004	100	82	Wrangell St. Elias National Park & Perserve.
South Central	Orange Hill	WR.OII.001	225,000	1,600	Wrangell St. Elias National Park & Perserve.
		Totals	25,189,130	13,552	

SUMMARY

Federal conservation system unit	Values	Acres
AK Peninsula & Maritime National Wildlife Refuge	$445,800	1,054
Chugach National Forest	600,000	942
Glacier Bay National Park	15,000,000	400
Kenai Fjords National Park	226,500	47
Tongass National Forest	1,690,000	835
Wrangell St. Elias National Park & Perserve	7,226,880	10,680
Total	25,189,189	13,958

WOMEN'S HEALTH

Mr. CAMPBELL. Mr. President, I take this opportunity today to call my colleagues' attention to the importance of women's health care issues. I came to know the importance of women's health early in life. Some of you may know that my mother suffered from tuberculosis. Back in those days, patients with TB had to be isolated, so my mother was living in a sanatorium. I could not see her in person, only through the windows.

In the past, women's health did not receive the attention it deserves. I believe it is time to change that. If we are to eliminate the diseases that especially afflict women today, we will need real dedication to the task of developing new treatments and prevention techniques.

And because women make many of the health care decisions for families, their decisions touch the health of many people—children, spouses, elderly parents and relatives. In this great country of ours, where we emphasize personal responsibility, good health care decisions are fundamental to quality health.

As medical science advances into new territory, expanded choices will give women unprecedented opportunities to live better and longer lives, and to affect the quality of health care in our country. Women will be called upon to take charge of their own health as well as to demand medical excellence for their families. Only with the help of such informed decision makers will we be able to develop policies which assure all Americans access to affordable, quality health care.

In an effort to highlight women's health care and to make women aware of the health care choices that are available to them, I recently co-hosted a forum, Health Care: What Every Woman Should Know, with our former colleague in the Senate, Hank Brown, now President of the University of Northern Colorado. The conference featured a number of panelists who discussed the latest research and treatment of various kinds of cancer as well as depression and eating disorders. Legislative initiatives and solutions were also part of the forum agenda.

Mr. President, I ask unanimous consent that a copy of the forum agenda and an article from the Greeley Tribune newspaper highlighting remarks of the keynote speaker Assistant Surgeon General Susan Blumenthal be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH CARE: WHAT EVERY WOMAN SHOULD KNOW

Sponsored by Senator Ben Nighthorse Campbell and the University of Northern Colorado)

U.S. SENATE,
Washington, DC, June 3, 1999.

DEAR FRIENDS: Thank you for attending today's forum, Health Care: What Every Woman Should Know. I am honored to cohost this event with the University of Northern Colorado, and I hope today's forum provides you with knowledge to ensure a healthier life for you and your families.

I have always worked to ensure access to affordable, high quality health care. Women's health has historically received little attention and it is time that we correct that. Because women are the primary care givers and make most of the health care decisions for families, it is important to make women aware of the advances that are taking place in the areas of research, detection, treatment and prevention.

Personal health choices are fundamental to quality health care. Today's forum will highlight approaches that can lead to early intervention, less invasive and less expensive treatment and cost-saving strategies.

I sincerely hope you will use what you learn today to make positive health care choices.

Sincerely,

BEN NIGHTHORSE CAMPBELL,
U.S. Senator.

AGENDA

8:30 a.m.—Registration Confirmation: Coffee, fruit, bagels.

9:00 a.m.—Welcome: UNC President Hank Brown and Senator Ben Nighthorse Campbell.

9:15 a.m.—Panel I: Confronting the "C" Word—Moderator: Kim Christiansen, Channel 9 News Anchor.

Saving Your Skin: Skin Cancer—Jim Martin, PhD, GNP;

The Capricious Cancer: Breast Cancer—Alison Merrill, RN, MS;

The Silent Cancer: Ovarian Cancer—Susan Carter, MD;

Survival and Beyond: Cancer Rehabilitation—Susan Carter, MD.

10:20 a.m.—Break.

10:35 a.m.—Panel II: Mind and Body Connections—Moderator: Adele Arakawa, Channel 9 News Anchor—

Your Mind and Moods: Dealing with Depression—Maria deMontigny Korb, RN, PhD;

The Fear of Being Fat: Eating Disorders—Judy Stauter Huse, RD, MS;

How to Change with the Change of Life—Meredith Mayer, RN, MS, FNP.

11:35 a.m.—Getting the Best Care: How You Can Be An Advocate (Legislative Initiatives and Solutions)—Raissa Geary, MA, Professional Staff, U.S. Senate Health, Education, Labor and Pensions Committee.

Noon—Lunch: Guest Speaker: Susan Blumenthal, MD, MPA, Assistant Surgeon General—"Critical Public Health Issues for Women in the 21st Century".

1:00 p.m.—Closing Remarks: Senator Ben Nighthorse Campbell.

UNIVERSITY OF NORTHERN COLORADO,
Greeley, CO, June 1999.

GREETINGS: It is my pleasure to extend warm greetings and welcome you to this forum on Health Care: What Every Woman Should Know. The University is proud to cosponsor this event with Senator Ben Nighthorse Campbell and the College of Health and Human Sciences. The College is dedicated to improving the human condition through its educational programs and fosters a desire of "giving back" to the community.

This is a special occasion for the University of Northern Colorado and a sign of our commitment to be an educational partner with other community. I would like to acknowledge the North Colorado Medical Center, Inc. and the Western Plains Health Network who serve as partners in this important forum. We hope to expand our partnerships with other institutions and communities to truly reflect our University mission in teaching, research, and service throughout the State of Colorado.

The forum is designed to help you: recognize the warning signs and be aware of factors that affect your well-being; take responsibility for making wise decisions about your treatment and recovery; and, how to be an active, well-informed partner in health care. Your attitude, knowledge and involvement in the health care partnership can influence the progress of treatment and rehabilitation. This forum can help you make a difference.

We hope you will find this forum a fine resource for the knowledge necessary to dispel old myths, quiet new anxieties, and provide information that all women need about their health care.

Sincerely,

HANK BROWN,
President.

MODERATORS

Adele Arakawa is an anchor for Channel 9 News, the Gannett-owned NBC affiliate. She attended Tennessee Tech University and the University of Tennessee and has been in broadcasting since the age of 16. She won best-anchor in 1997 for coverage of the Oklahoma City Bombing Trial and has received a total of 7 Emmy nominations.

Kim Christiansen is an anchor and reporter for Channel 9 News, the Gannett-owned NBC affiliate. She received a degree in Journalism from the University of Colorado in Boulder. Kim is devoted to the fight against breast cancer and serves as the spokesperson for the Buddy Check 9 program at 9 News, which was nominated for a national community service Emmy Award. She received three heartland region Emmy awards for news writing and outstanding general news.

SPEAKERS

Susan J. Blumenthal, MD, MPA is a national expert in women's health and mental illness. Dr. Blumenthal serves as U.S. Assistant Surgeon General, Rear Admiral, and Senior Science Advisor in the Department of Health and Human Services. She is also a Clinical Professor of Psychiatry at Georgetown School of Medicine and Tufts University Medical Center. For 12 years prior to her appointment as Assistant Surgeon General, she directed major national research programs at the National Institutes of Health. Dr. Blumenthal writes a monthly health column for Elle magazine.

Raissa Geary is a professional staff member for the U.S. Senate Health, Education, Labor and Pensions Committee. She received a BA from the University of Connecticut and holds a Master's Degree in Comparative Politics from American University. Ms. Geary develops and drafts health legislation and agency directives and advises the committee on all health issues. Her work during the 106th Congress includes Managed Care Reform and Medical Records Confidentiality.

PANELISTS

Susan Carter is a gynecologic surgeon, specializing in women's health issues. She received a BA from the University of Texas, Austin and an MD from the University of

Texas Medical Branch in Galveston. Dr. Carter is Director of the Regional Breast Center of North Colorado and Medical Director of the Rocky Mountain Cancer Rehabilitation Institute.

Jan Martin has worked with the University of Northern Colorado School of Nursing for over 14 years. She received a BS in nursing from Northwestern Louisiana University; an MS in nursing and GNP from the University of Colorado Health Sciences Center; and a PhD in Higher Education Administration from the University of Denver.

Alison S. Merrill teaches nursing at the University of Northern Colorado and is a Clinical Nurse Specialist in Oncology. She received a BS in Nursing from the University of Rhode Island and an MS in Nursing from the University of Michigan.

Meredith Mayer is a nurse practitioner and faculty member at the North Colorado Family Medicine Residency Training program in Greeley, CO. She received a BS in psychology at the University of Colorado in Boulder and an MS in Nursing at Pace University in Briarcliff Manor, NY.

Judy Stauter Huse is a Health Education and Nutrition Consultant, specializing in wellness and eating disorders. She received her BS and MS from Iowa State University and has taught nutrition at the North Colorado Medical center and the University of Northern Colorado.

Maria deMontigny Korb is on faculty at the University of Northern Colorado Department of Nursing. She studied for a Master's Degree and PhD in Transcultural Nursing at the University of Utah and has worked and taught in the clinical area of psychiatric nursing.

WOMEN'S HEALTH GETS MORE ATTENTION—ASSISTANT SURGEON GENERAL SPEAKS ON ADVANCES

(By Adam Silverman)

Although mammograms are responsible for saving the lives of thousands of women every year, the technology is 40 years old and still misses crucial early warning signs of breast cancer.

That was the challenge facing Susan Blumenthal, assistant surgeon general of the United States. Rather than waiting for new technology to be developed, she called the CIA. Together with NASA and the CIA, Blumenthal used spy-satellite technology to improve the success of mammograms.

"Some of the same imaging technology used to find tanks camouflaged behind trees can now be used to find cancer cells," she said. Blumenthal was in Greeley on Thursday to deliver the keynote address at a conference about women's health.

The conference, held at the University of Northern Colorado, featured a variety of panelists who discussed everything from anorexia to breast cancer to political action.

Blumenthal delivered a "report card" on women's health in the country today: The biggest problem facing women isn't any one disease, but instead is a lack of focus on women's health.

"We must address these issues if we want to safeguard women's health," she said.

The problem stems from the fact that women's health issues also are political issues, said Raissa Geary, a member of the U.S. Senate's Health, Education, Labor and Pensions Committee.

"This is more politically charged than almost anything we do," she said. "We're treated as a political issue when it comes to health care. We have wonderful, pure approaches to women's health care policy, but it's not in a vacuum."

Although women's health is not being discussed as often as most women would like, awareness of health problems facing women has increased in the past century, Blumenthal said.

For many years, serious health problems such as heart disease and lung cancer were thought only to occur in men. But through increasing research in women's health issues, Blumenthal said, concerns such as these are being discussed.

Also, it's important to include women and minorities in all research projects relating to health issues that affect women as well as men, Blumenthal said. Programs that don't include women will lose their federal funding.

Marianne Dinges attended the conference Thursday and said the experience was valuable. She said she was impressed with the quality of the speakers and the topics they were scheduled to discuss.

"It appeared we were going to see a full gamut of issues and their political relevance," she said. "A lot of us are involved in women's issues and hear a lot about this, but we all got new information."

The conference was sponsored by UNC and U.S. Sen. Ben Nighthorse Campbell, R-Colo. Campbell said his staff pitched the idea to UNC after receiving many calls from women about health issues.

"It came from the community activists who wanted me to do it," he said.

The issues addressed at the conference need to be at the forefront of public debate, Campbell said.

He said he will take the information back to Washington, D.C., and enter it into the Congressional Record. He also wants to start a series of forums like the one Thursday to further address the issues.

"We just touched the surface of women's health," he said. "The time to endure is passed. It's time to fight back."

HEALTHY LIVING

Susan Blumenthal, assistant U.S. surgeon general, gave these tips for healthy lives:

Find a doctor who respects you.

Know your family health history; many diseases are genetic and run in families.

If you smoke, stop. If you don't, never do. It's the No. 1 preventable cause of health problems among women.

Exercise or do some other sort of physical activity at least 30 minutes every day. This could be as simple as riding a bike or walking up stairs rather than using the elevator.

Eat smart.

Get annual physical exams, and make sure to include routine women's health tests such as pap smears.

Know your health care plan and make sure to read the fine print.

Mr. CAMPBELL. Mr. President, information we received at the forum will be helpful in my work on the Appropriations Committee as we consider funding priorities in the women's health area.

I thank the Chair and yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:00 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1259. An act to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

H.R. 1915. An act to provide grants to the States to improve the reporting of unidentified and missing persons.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes.

The message further announced that pursuant to section 334(b)(1) of Public Law 105–220 and the order of the House of Thursday, May 27, 1999, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House to the Twenty-First Century Workforce Commission: Mr. David L. Stewart of St. Louis, Missouri.

The message also announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Mr. HOUGHTON of New York, Chairman, appointed on February 11, 1999: Mr. GILMAN of New York, Vice Chairman, Mr. OBERSTAR of Minnesota, Mr. SHAW of Florida, Mr. LIPINSKI of Illinois, Ms. SLAUGHTER of New York, Mr. UPTON of Michigan, Mr. STEARNS of Florida, Mr. PETERSON of Minnesota, Ms. DANNER of Missouri, Mr. MANZULLO of Illinois, and Mr. ENGLISH of Pennsylvania.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1915. An act to provide grants to the States to improve the reporting of unidentified and missing persons; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3385. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Thomson, GA: Docket No. 99–ASO–45–17 (5–17)" (RIN2120–AA66) (1999–0176), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3386. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (22), Amdt. No. 1931/5–21 (5–24)" (RIN2120–AA65) (1999–0026), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3387. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (65), Amdt. No. 1930/5–21 (5–24)" (RIN2120–AA65) (1999–0025), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3388. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review-Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules-First Report and Order" [MM Docket No. 98–93), (RIN3060–AG81), (FCC 99–55), received May 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3389. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. [Meyersdale, Pennsylvania; Richwood, West Virginia; Newell, Iowa; Superior, Wyoming; LaCenter, Kentucky; Lovell, Wyoming; Royal City, Washington)" [MM Docket Nos. 98–28; 98–33, 98–71; 98–109; 98–114; 98–116; 98–150), received May 12, 1999; to the Committee on Commerce, Science, and Transportation

EC–3390. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Memorandum Opinion and Order—Implementation of Section 309(j) of the Communications Act" [MM Docket No. 97–234, CG Docket No. 92–52 and Gen Docket No. 90–264), received May 13, 1999; to the Committee on Commerce, Science, and Transportation

EC–3391. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 72.202(b), Table of Allotments, FM Broadcast Stations (East Brewton, Alabama and Navarre, Florida)" [MM Docket No. 97–233, received May 13, 1999; to the Committee on Commerce, Science, and Transportation

EC–3392. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 72.202(b), Table of Allotments, FM Broadcast Stations (Ely and Carlin, NV)" [MM Docket No. 98–185), received May 13, 1999; to the Committee on Commerce, Science, and Transportation

EC–3393. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG–1998–3472)" (RIN2115–AF59), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3394. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gulf Intracoastal Waterway, TX (CGD–08–99–034)" (RIN2115–AE479)(1999–0011), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3395. A communication from the Senior Regulations Analyst, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR: Cape Fear River, Wilmington, North Carolina (CGD–05–98–106)" (RIN2115–AE46)(1999–0010), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3396. A communication from the Attorney, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alternative Means of Compliance for the Pilot-In-Command; Night Takeoff and Landing; Recent Flight Experience Requirements; Final Rule" (RIN2120–AG77), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3397. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revision to Regulations Governing Transportation and Unloading of Liquified Compressed Gas Service" (RIN2137–AD07), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3398. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing the Taking of Marine Mammals by Alaskan Natives; Marking and Reporting of Beluga Whales Harvested in Cook Inlet" (RIN0648–AM57), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3399. A communication from the Assistant Administrator for Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "American Meteorological Society's Industry/Government Scholarship and Fellowship Program" (RIN0648–ZA61), received May 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3400. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Funds for Cooperative Agreements to Provide Fellowships for Undergraduate, Graduate, and Post-Graduate Students" (RIN0693–ZA29), received May 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3401. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Gulf of Alaska to Directed Fishing for Groundfish by Vessels Using Hook-and-Line Gear", received May 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3402. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States—Announcement That the 1999 Summer Flounder Commercial Quota Has Been Harvested for Maine", received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3403. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries" (Docket No. 98–28), received April 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3404. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Carrier Automated Tariff Systems" (FMC Docket No. 98–29), received April 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3405. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Order on Reconsideration: In the Matter of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigational Devices" (CS Docket No. 97–80; FCC 99–95), received May 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3406. A communication from the Program Support Analyst, Aircraft Certification Service, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; S.N. CENTAIR 101 Series Gliders; Docket No. 98–CE–50–AD" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3407. A communication from the Program Support Analyst, Aircraft Certification Service, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments: Eurocopter France Model SA341G and SA342J Helicopters; Docket No. 99 SW 03–AD" (RIN2120–AA64), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3408. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998 through March 31, 1999; to the Committee on Governmental Affairs.

EC–3409. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–3410. A communication from the Acting Director, United States Information Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period

October 1, 1998 through March 31, 1999; to the Committee on Governmental Affairs.

EC-3411. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the HHS section of the Office of Inspector General's semiannual report for the period October 1, 1998 through March 31, 1999; to the Committee on Governmental Affairs.

EC-3412. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Office of Government Ethics Freedom of Information Act Regulations" (RIN3209-AA22), received May 20, 1999; to the Committee on Governmental Affairs.

EC-3413. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the actuarial reports on the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1996; to the Committee on Governmental Affairs.

EC-3414. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 5A for the Period October 1, 1995 through September 30, 1998"; to the Committee on Governmental Affairs.

EC-3415. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed Manufacturing and Technical Assistance Agreement for the Netherlands and Germany; to the Committee on Governmental Affairs.

EC-3416. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of Americans by the United Nations during calendar year 1998; to the Committee on Governmental Affairs.

EC-3417. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed manufacturing license for the United Kingdom; to the Committee on Governmental Affairs.

EC-3418. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-3419. A communication from the Secretary of Defense, transmitting, pursuant to law, the Reserve Forces Policy Board annual report for fiscal year 1998; to the Committee on Armed Services.

EC-3420. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Implementation of Wildfire Suppression Aircraft Transfer Act of 1996 (Public Law 104-307)" (RIN0790-AG68), received May 18, 1999; to the Committee on Armed Services.

EC-3421. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Work Stoppage Report" (DFARS Case 99-D003), received May 27, 1999; to the Committee on Armed Services.

EC-3422. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contracts Crossing Fiscal Years" (DFARS Case 99-D008), received May 27, 1999; to the Committee on Armed Services.

EC-3423. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Entity List: Addition of Entities Located in the People's Republic of China; and Correction to Spelling of One Indian Entity Name" (RIN0694-AB60), received May 27, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3424. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Organization and Functions, Availability and Release of Information, Contracting Outreach Program", received May 27, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3425. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption of the Securities of the Kingdom of Sweden under the Securities Act of 1934 for Purposes of Trading Futures Contracts on Those Securities" (RIN3235-AH68), received May 27, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3426. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations, 64 FR 26692, 05/17/99", received May 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3427. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations, 64 FR 26694, 05/17/99", received May 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3428. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations, 64 FR 26690, 05/17/99 (FEMA Doc. #7284)", received May 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3429. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual Consumer Report for calendar year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3430. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Community Programs Guaranteed Loans" (RIN0575-AC17), received May 27, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3431. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition to Quarantined Areas" (APHIS Docket No. 99-033-1), received May 27, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3432. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99-26, BLS-LIFO Department Store Indexes-April 1999" (Rev. Rul. 99-26), received May 27, 1999; to the Committee on Finance.

EC-3433. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled the "Self-Employment Assistance Program"; to the Committee on Finance.

EC-3434. A communication from the Register of Copyrights, transmitting, pursuant to law, a report entitled "Copyright and Digital Distance Education"; to the Committee on the Judiciary.

EC-3435. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the Willow Creek Dam, Sun River Project, Montana; to the Committee on Energy and Natural Resources.

EC-3436. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Federal Government Energy Management and Conservation Programs" for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC-3437. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Alternative Fuel Transportation Program" (RIN1904-AA99) (10CFR Part 490), received May 27, 1999; to the Committee on Energy and Natural Resources.

EC-3438. A communication from the Executive Director, Advisory Council on Historic Preservation, transmitting, pursuant to law, the report of a rule entitled "Protection of Historic Properties (36 CFR Part 800)" (RIN3010-AA04), received May 26, 1999; to the Committee on Energy and Natural Resources.

EC-3439. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (98F-0730), received May 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3440. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (98F-0368), received May 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3441. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Admimistration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers", received May 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3442. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received May 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3443. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Admimistration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Conforming Regulations Regarding Removal of Section 507 of the Federal Food, Drug and Cosmetic Act; Confirmation of Effective Date", received May 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3444. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Regulations for in Vivo Radiopharmaceuticals Used for Diagnosis and Monitoring" (RIN0910–AB52), received May 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3445. A communication from the Secretary of Education and the Secretary of Labor, transmitting, pursuant to law, two reports entitled "Implementation of the School-to-Work Opportunities Act of 1994" and "1998 State Profiles"; to the Committee on Health, Education, Labor, and Pensions.

EC–3446. A communication from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitative Research" (84.133), received May 26, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3447. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, a report entitled "Final Annual Performance Plan for Fiscal Year 2000"; to the Committee on Commerce, Science, and Transportation.

EC–3448. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Crocket, TX; Docket No. 99–ASW–03 [5/24 (5–27)]" (RIN2120–AA66) (1999–0184), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3449. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS 3321.2 Helicopters; Request for Comments; Project No. 98–SW–61 [5/26 (5–27)]" (RIN2120–AA64) (1999–0232), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3450. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA–365N, N1, N2, N3, and SA–366G1 Helicopters; Request for Comments; Project No. 98–SW–47 [5/26 (5–27)]" (RIN2120–AA64) (1999–0231), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3451. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mooney Aircraft Corporation Model M20R Airplanes; Request for Comments; Docket No. 99–CE–14 [5/24 (5–27)]" (RIN2120–AA64) (1999–0230), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3452. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737 Series Airplanes; Docket No. 98–NM–383 [5/24 (5–27)]" (RIN2120–AA64) (1999–0229), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3453. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Docket No. 99–NM–68–AD; Amendment 39–11165; AD 99–10–12" (RIN2120–AA64), received May 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3454. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Docket No. 99–NM–337–AD; Amendment 39–11132; AD 99–08–23" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3455. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Equipped With General Electric Model CF6–45 or –50 Series Engines; or Pratt and Whitney Model JT9D–3, –7, or –70 Series Engines; and 747–E4B (Military) Airplanes; Docket No. 99–NM–49–AD; Amendment 39–11144; AD 99–09–11" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3456. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–59–AD; Amendment 39–11136; AD 99–09–04" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3457. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–44–AD; Amendment 39–11135; AD 99–09–03" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3458. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–43–AD; Amendment 39–11134; AD 99–09–02" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3459. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Eurocopter France Model AS–350B, B1, B2, B3 BA, and D Helicopters and Model AS 355E, F, F1, F2, and N Helicopters; Docket No. 98–SW–44–AD;" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3460. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Helicopter Systems Model 369E, 369FF, 500N, and 600H Helicopters; Docket No. 99–SW–11–AD" (RIN2120–AA64), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3461. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L–1011–385 Series Airplanes; Docket No. 98–NM–199–AD; Amendment 39–11147; AD 99–09–14" (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3462. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empressa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes; Docket No. 99–NM–104–AD; Amendment 39–11172; AD 99–11–01" (RIN2120–AA64), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3463. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–600–2B19 (Regional Jet Series 100) and CL–600–2B16 (CL–601–3R and CL–604) Series Airplanes; Docket No. 99–NM–99–AD; Amendment 39–11170; AD 99–09–52" (RIN2120–AA64), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3464. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mitsubishi Model YS–11 Series Airplanes; DOT Docket No. 97–NM–92–AD; Amendment 39–11169; AD 99–10–16" (RIN2120–AA64), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3465. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes; Docket No. 98–CE–96–AD" (RIN2120–AA64), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3466. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Corporation Beech Models 65–90, 65–A90, 65–A90–1, –2, –3, –4, B90, C90, C90A, E90, H90 and F90 Airplanes; Final Rule; Request for Comments; Docket No. 99–CE–18–AD" (RIN2120–AA64), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3467. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Docket No. 97–ANE–58–AD, Amendment 39–11173; AD 99–11–02; Pratt and Whitney R–1340 Series Reciprocating Engines" (RIN2120–AA64), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3468. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts and Rhode Island; Nitrogen Oxides Budget and Allowance Trading Program (FRL #6080–4)", "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Amendments to Air Pollution Control Regulation Number 9 (FRL #6346–6)", "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT) (FRL #6346–9)", "OMB Approvals under the Paperwork Reduction Act; Technical Amendments (FRL #6056–6)" and "Underground Storage Tank Program: Approved State Petroleum Program for Tennessee (FRL #6334–7), received May 20, 1999; to the Committee on Environment and Public Works.

EC–3469. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio; Designation of Areas for Air Quality Planning Purposes; Ohio (FRL #6337–5)", received May 4, 1999; to the Committee on Environment and Public Works.

EC–3470. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revision to the State Implementation Plan (SIP) Addressing Sulfur Dioxide in Harris County (FRL #6349–9)", received May 26, 1999; to the Committee on Environment and Public Works.

EC–3471. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Group-Term Insurance; Uniform Premiums" (RIN1545–AN54) (TD 8821), received June 1, 1999; to the Committee on Finance.

EC–3472. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Secured Employee Benefits Settlement Initiative" (Revenue Procedure 99–26), received June 1, 1999; to the Committee on Finance.

EC–3473. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the 1999 annual report of the Supplemental Security Income Program; to the Committee on Finance.

EC–3474. A communication from the Chair, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Selected Medicare Issues", dated June 1999; to the Committee on Finance.

EC–3475. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Rules and Administration.

EC–3476. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Correction" (92F–0285), received May 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3477. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Direct Food Substances Affirmed as Generally Recognized as Safe: Cellulase Enzyme Preparation Derived from Trichoderma Longibrachiatum for Use in Processing Food" (79G–0372), received May 28, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3478. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Infertility and Sexually Transmitted Diseases", dated March 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3479. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program—Final Rule; Correction" (SPATS #PA–125–FOR), received June 1, 1999; to the Committee on Energy and Natural Resources.

EC–3480. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Energy Efficient and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Alternative Fuel Transportation Program; Biodiesel Fuel Use Credit" (RIN1904–AB00) (10 CFR part 490), received June 1, 1999; to the Committee on Energy and Natural Resources.

EC–3481. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Macau to the Export Administration Regulations" (RIN0694–AB89), received May 27, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3482. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Determining the Write-Your-Own Expense Allowance 64 FR 27705, 05/21/99" (RIN6067–AC92), received May 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3483. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, a report relative to export controls imposed on the Portuguese Colony of Macau; to the Committee on Banking, Housing, and Urban Affairs.

EC–3484. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3485. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the authorization request for fiscal years 2000 and 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3486. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of User Fees for 1999 Crop Cotton Classification Services to Growers—Final Rule" (Docket No. CN–99–001), received June 1, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3487. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole Pesticide Tolerance (FRL #6081–5), received May 27, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3488. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the renovation of the Pentagon Reservation; to the Committee on Armed Services.

EC–3489. A communication from the Director, Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Reemployment Rights of Employees Performing Military Duty" (RIN3206–AG02), received May 28, 1999; to the Committee on Governmental Affairs.

EC–3490. A communication from the Director, Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Statutory Bar to Appointment of Persons Who Fail to Register Under Selective Service Law" (RIN3206–AI72), received May 28, 1999; to the Committee on Governmental Affairs.

EC–3491. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status; Continued Validity of Nonimmigrant Status, Unexpired Employment Authorization, and Travel Authorization for Certain Applicants Maintaining Nonimmigrant H or L Status" (RIN1115–AE96) (INS No. 1881–97), received June 1, 1999; to the Committee on the Judiciary.

EC–3492. A communication from the Chairwoman, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998 to March 31, 1999 and the Commission's Management Report for the period October 1, 1998 to March 31, 1999; to the Committee on Governmental Affairs.

EC–3493. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998 to March 31, 1999; to the Committee on Governmental Affairs.

EC–3494. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998 to March 31, 1999; to the Committee on Governmental Affairs.

EC–3495. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998 to March 31, 1999; to the Committee on Governmental Affairs.

EC-3496. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998 to March 31, 1999; to the Committee on Governmental Affairs.

EC-3497. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled "Additions to the Procurement List", received May 28, 1999; to the Committee on Governmental Affairs.

EC-3498. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-3499. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Palestine Liberation Organization; to the Committee on Foreign Relations.

EC-3500. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of Americans by the United Nations; to the Committee on Foreign Relations.

EC-3501. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the payment of danger pay to civilian employees; to the Committee on Foreign Relations.

EC-3502. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Nevada State Implementation Plan Revision, Clark County (FRL #6350-5)", received May 26, 1999; to the Committee on Environment and Public Works.

EC-3503. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; South Dakota Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills (FRL #6351-8)", received May 26, 1999; to the Committee on Environment and Public Works.

EC-3504. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone; Incorporation of Montreal Protocol Adjustments for a 1999 Interim Reduction in Class I, Group VI Controlled Substances (FRL #6351-6)", received May 26, 1999; to the Committee on Environment and Public Works.

EC-3505. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of New Source Review Provisions Implementation Plan for Nevada State Clark County Air Pollution Control Division (FRL #6336-5)", received May 4, 1999; to the Committee on Environment and Public Works.

EC-3506. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval in Part and Disapproval in Part, Section 112(l), State of Alaska: Amendment and Clarification (FRL #6317-7)", received May 4, 1999; to the Committee on Environment and Public Works.

EC-3507. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins and Group IV Polymers and Resins and Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry (FRL #6338-3)", received May 4, 1999; to the Committee on Environment and Public Works.

EC-3508. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Funds for Source Water Protection (FRL #6336-7)", received May 4, 1999; to the Committee on Environment and Public Works.

EC-3509. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Minnesota (FRL #6339-5)", received May 12, 1999; to the Committee on Environment and Public Works.

EC-3510. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Amendment to Regulations Governing Equivalent Emission Limitations by Permit (FRL #6343-2)" and "Withdrawal of Direct Final Amendment to Regulations Governing Equivalent Emission Limitations by Permit (FRL #6343-1)", received May 11, 1999; to the Committee on Environment and Public Works.

EC-3511. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fisheries; 1999 ABC, OY, and Tribal and Nontribal Allocations for Pacific Whiting" (RIN0648-AM12), received May 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3512. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reduction of Cod Landing Limit (under the Northeast Multispecies Fishery Management Plan)", received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3513. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Unity Electric Company Fireworks Display, Shinnecock Bay, Hampton Bays, NY (CGD01-99-038)" (RIN2115-AA97) (1999-0022), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3514. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fire Island Tourist Bureau Fireworks Display, Great South Bay, Cherry Grove, NY (CGD01-99-047)" (RIN2115-AA97) (1999-0023), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3515. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Chelsea Street Bridge Fender System Repair, Chelsea River, Chelsea, MA (CGD01-99-053)" (RIN2115-AA97) (1999-0024), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3516. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Pedro Bay, CA (COTP LA/LB 99-003)" (RIN2115-AA97) (1999-0025), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3517. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK (CGD17-99-002)" (RIN2115-AF81), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3518. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Mandatory Ship Reporting System Off the Northeast and Southeast Coasts of the United States (USCG-1999-5525)" (RIN2115-AF82), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3519. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Harvard-Yale Regatta, Thames River, New London, CT (CGD01-99-054)" (RIN2115-AE46) (1999-0015), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3520. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Lake Pontchartrain, LA (CGD08-99-032)" (RIN2115-AE47) (1999-0012), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3521. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Massalina Bayou, FL (CGD08-99-033)" (RIN2115-AE47) (1999-0012), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3522. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Muskingum River, OH (CGD08-99-020)" (RIN2115-AE47) (1999-0017), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3523. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gulf Intracoastal Waterway, Harvey Canal, LA (CGD08-99-029)" (RIN2115-AE47) (1999-0016), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3524. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Falgout Canal, LA (CGD08-99-035)" (RIN2115-AE47) (1999-0015), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3525. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Lake Champlain, NY and VT (CGD01-98-032)" (RIN2115-AE47) (1999-0014), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3526. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Groton Long Point Yacht Club Fireworks Display, Main Beach, Groton Point, CT (CGD01-99-039)" (RIN2115-AA97) (1999-0021), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3527. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled the "Sixteenth Annual Report of Accomplishments under the Airport Improvement Program" for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC-3528. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Hudson Valley Triathalon, Hudson River, Kingston, NY (CGD01-98-155)" (RIN2115-AE46) (1999-0016), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3529. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Fleet's Albany Riverfest, Hudson River, NY (CGD01-98-163)" (RIN2115-AE46) (1999-0017), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3530. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; River Rouge (Short-Cut Canal), MI (CGD09-98-055)" (RIN2115-AE47) (1999-0013), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3531. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; 4th of July Celebration Fireworks Display; Great South Bay, Sayville, NY (CGD01-99-040)" (RIN2115-AA97) (1999-0020), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3532. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Benefits Improvement Act of 1999"; to the Committee on Veteran's Affairs.

EC-3533. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to support to civil authorities for combating terrorism; to the Committee on Armed Services.

EC-3534. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled "Economic Development Conveyances of Base Closure Property"; to the Committee on Armed Services.

EC-3535. A communication from the Deputy Assistant for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to National Discovery Trails; to the Committee on Energy and Natural Resources.

EC-3536. A communication from the Attorney Advisor, National Highway Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fuel Economy Calculations" (RIN2127-AG95), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3537. A communication from the Attorney Advisor, National Highway Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "High-Theft Lines for Model Year 2000" (RIN2127-AH36), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3538. A communication from the Attorney Advisor, National Highway Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pelvic Restraints" (RIN2127-AG48), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3539. A communication from the Attorney Advisor, National Highway Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Consumer Information on Tire Grading" (RIN2127-AG67), received May 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3540. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Rochester, MN; Docket No. 99-AGL-13 (5-25/5-27)" (RIN2120-AA66) (1999-0178), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3541. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Minot, ND; Docket No. 99-AGL-12 (5-25/5-27)" (RIN2120-AA66) (1999-0177), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3542. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Wilmington, OH; Docket No. 99-AGL-14 (5-25/5-27)" (RIN2120-AA66) (1999-0179), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3543. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Jackson, MI; Docket No. 99-AGL-15 (5-27/5-25)" (RIN2120-AA66) (1999-0180), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3544. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Muskegon, MI; Docket No. 99-AGL-16 (5-25/5-27)" (RIN2120-AA66) (1999-0181), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3545. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Chico, CA; Docket No. 99-AWP-98 (5-25/5-27)" (RIN2120-AA66) (1999-0182), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3546. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pampa, TX, Direct Final Rule, Confirmation of Effective Date; Docket No. 98-ASW-57 (5-24/5-27)" (RIN2120-AA66) (1999-0185), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3547. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace and Modification of Class E Airspace, Bozeman, MT; Correction; Docket No. 98-ANM-19 (5-24/5-27)" (RIN2120-AA66) (1999-0183), received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3548. A communication from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (La Fayette, Georgia)", received May 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3549. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Cost-Share Adjustment, 64 FR 19496, 04/21/99" (RIN3067-AC72), received April 30, 1999; to the Committee on Environment and Public Works.

EC-3550. A communication from the Chief, Operations Division, Directorate of Civil Works, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Final Rule Establishing an Administrative Appeal Process for the Regulatory Program of the Corps of Engineers" (RIN0710-AA41), received May 11, 1999; to the Committee on Environment and Public Works.

EC–3551. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radiological Protection for DOE Activities" (DOE N 441.4), received May 27, 1999; to the Committee on Environment and Public Works.

EC–3552. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Startup and Restart of Nuclear Facilities" (DOE O 425.1A), received May 27, 1999; to the Committee on Environment and Public Works.

EC–3553. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Safeguards and Security Independent Oversight Program" (DOE O 470.2), received May 27, 1999; to the Committee on Environment and Public Works.

EC–3554. A communication from the Senior Attorney, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Credit Assistance for Surface Transportation Projects" (RIN2125–AE49), received May 27, 1999; to the Committee on Environment and Public Works.

EC–3555. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report for fiscal year 1997 relative to the Comprehensive Environmental Response, Compensation, and Liability Act; to the Committee on Environment and Public Works.

EC–3556. A communication from the Nuclear Regulatory Commission, transmitting, pursuant to law, a draft of proposed legislation entitled "Nuclear Regulatory Commission Authorization Act for Fiscal Year 2000"; to the Committee on Environment and Public Works.

EC–3557. A communication from the Director, Federal Emergency Management Agency, transmitting, a draft of proposed legislation relative to a working capital fund for the Agency; to the Committee on Environment and Public Works.

EC–3558. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Regulations Regulating Baiting And Baited Areas" (RIN1018–AD74), received May 28, 1999; to the Committee on Environment and Public Works.

EC–3559. A communication from the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to abnormal occurrences for fiscal year 2000; to the Committee on Environment and Public Works.

EC–3560. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Quality Assurance Project Plan for the PM2.5 Performance Evaluation Program"; to the Committee on Environment and Public Works.

EC–3561. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Revised Policy for Amending Form R and Form A Submissions; Toxic Chemical Release Inventory Reporting: Community Right-to-Know"; to the Committee on Environment and Public Works.

EC–3562. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Kern County Air Pollution Control District, Mudoc County Air Pollution Control District, Mojave Desert Air Quality Management District, Northern Sonoma County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District and Siskiyou County Air Pollution Control District (FRL #6331–8)"; to the Committee on Environment and Public Works.

EC–3563. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "List of Regulated Substances and Thresholds for Accidental Release Prevention; Stay of Effectiveness for Flammable Hydrocarbon Fuels (FRL #6351–1)", received May 25, 1999; to the Committee on Environment and Public Works.

EC–3564. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Approval and Promulgation of Implementation Plans; Alabama (FRL #6352–5)", "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Florida (FRL #6352–7)" and "Grant Application Guidance to Improve Small Business Assistance (FRL #)", received May 27, 1999; to the Committee on Environment and Public Works.

EC–3565. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Approval and Promulgation of Implementation Plan for South Coast Air Quality Management District (FRL #6335–3)", "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: North Dakota; Control of Emissions from Existing Hazardous/Medical/Infectious Waste Incinerators (FRL #6340–6)" and "Revisions to the Permits and Sulfur Dioxis=de Allowance System Regulations under Title IV of the Clean Air Act: Compliance Determination (FRL #6341–2)", received May 7, 1999; to the Committee on Environment and Public Works.

EC–3566. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ellis Island Medals of Honor Fireworks, New York Harbor, Upper Bay (CGD01–99–034)" (RIN2115–AA97) (1999–0018), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3567. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Hutchinson River, NY (CGD01–99–031)" (RIN2115–AA97) (1999–0008), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3568. A communication from the President, transmitting, pursuant to law, a report relative to the extension of the waiver, under the Trade Act of 1974, to the People's Republic of China; to the Committee on Finance.

EC–3569. A communication from the President, transmitting, pursuant to law, a report relative to the extension of the waiver, under the Trade Act of 1974, to Vietnam; to the Committee on Finance.

EC–3570. A communication from the President, transmitting, pursuant to law, a report relative to the extension of the waiver, under the Trade Act of 1974, to the Republic of Belarus; to the Committee on Finance.

EC–3571. A communication from the President, transmitting, pursuant to law, a report relative to the continuing humanitarian crisis in the Kosovo region; to the Committee on Foreign Relations.

EC–3572. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regional Haze Regulations" (FRL #6353–4), received June 1, 1999; to the Committee on Environment and Public Works.

EC–3573. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines Establishing Test Procedures for the Analysis of Pollutants; Measurement of Mercury in Water (EPA Method 1631, Revision B); Final Rule" (FRL #6354–3), received June 1, 1999; to the Committee on Environment and Public Works.

EC–3574. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Progress on Superfund Implementation in Fiscal Year 1998"; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM—138. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the temporary visa waiver program; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, the United States Congress passed the Immigration Control and Reform Act of 1986 that established a temporary visa waiver program to pave the way toward better international relations and increased visitor travel between the United States and certain participating foreign countries; and

Whereas, the temporary visa waiver program expired in September, 1996, and has since been extended on a year-to-year basis, with the current extension expiring in September, 1999; and

Whereas, the visa waiver program allows persons with waivers to enter the United States for a period of up to ninety days without a visa; and

Whereas, twenty-one countries were participating in the visa waiver program with the United States as of 1996, with more being added since then; and

Whereas, the visa waiver program is critical to boosting the number of international arrivals in Hawaii, with an estimated eighty percent of all international visitors arriving at Honolulu International Airport being under the visa waiver program; and

Whereas, the addition of Taiwan, South Korea, and China to the visa waiver program by the United States would further boost Hawaii's economy because of the huge numbers of travelers to Hawaii from these countries; and

Whereas, despite the success of the visa waiver program, the United States Congress has not made the program permanent, instead preferring to extend it on a year-to-year basis; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the Senate concurring, that the United States Congress is urged to:

(1) Make the visa waiver program permanent; and

(2) Add Taiwan, South Korea, and China to the visa waiver program;

and

Be it Further Resolved that members of Hawaii's congressional delegation are urged to exert efforts to make the visa waiver program permanent and add Taiwan, South Korea, and China to the program; and

Be it Further Resolved that certified copies of this Concurrent Resolution be transmitted to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM–139. A concurrent resolution adopted by the Legislature of the State of Idaho relative to the threat of terrorism; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 28

Be It Resolved by the Legislature of the State of Idaho:

Whereas, the threat of terrorism in the United States is a real and complex phenomenon that can strike any community, state or geographic region of our nation; and

Whereas, threats incorporating the use of nuclear, radiological, biological, chemical and cyber weapons or combination thereof, may be used against critical infrastructures and the nation's food supply, of which the state of Idaho is a major producer; and

Whereas, because terrorist incidents would occur in local communities within the states, it is imperative that planning, training, exercises, equipping and funding strategies for state and local response forces be included in any national strategy; and

Whereas, the Legislature joins with the National Governors' Association and the National Emergency Management Association to affirm its commitment to ensuring a coordinated response and recovery to major emergencies and disasters, including incidents of terrorism and the use of weapons of mass destruction; now, therefore,

BE IT RESOLVED, by the members of the First Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recommend the following actions be taken to improve the nation's preparedness, and to more effectively prepare for, respond to, and recover from consequences of terrorism at the state and local level that:

(1) The White House and the Congress should consult and coordinate with the nation's governors and their states to develop and implement a national strategy that initiates and sustains activities for domestic preparedness at the state and local level. One hundred percent federally funded state and local assistance, previously granted to the states for civil defense, should be provided to the states for preparedness activities for crisis and consequence management as the result of the increasing potential for acts of terrorism and use of weapons of mass destruction.

(2) The federal government recognizes that the short and long-term consequences of domestic terrorism is among the responsibilities of state and local government supplemented by the resources of the federal government. Federal agencies that are tasked with providing assistance to state and local government must be required to recognize and use the state's emergency management systems that have effectively responded to state and local emergencies and disasters for over fifty years.

(3) The National Guard of each state and territory is a critical state resource during emergencies and disasters. As such, the role of the National Guard and the Department of Defense must be better defined in preparing for acts of terrorism. Furthermore, the National Guard must be funded, trained, equipped and well exercised if it is to have a viable role in the response and recovery to the use of weapons of mass destruction and terrorism.

(4) The nation's public health and medical system capabilities must be significantly improved and fully integrated into the evolving domestic preparedness program. As a health matter, specific attention must be placed on the nation's food supply, both that which has been harvested, and that which is yet to be developed.

(5) The government at all levels must ensure that the protection of civil liberties and states' rights will remain the highest priority within the context of national security as the United States prepares for and addresses the consequences of terrorism. The White House and the Congress should specifically develop methods to eliminate unauthorized activity in the name of expedience and national security.

BE IT FURTHER RESOLVED that the state of Idaho recognizes and supports the efforts of the U.S. Department of Justice to accomplish the much needed program coordination through the creation of the National Domestic Preparedness Office.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Resolution to the U.S. Department of Justice, the President of the Senate and the Speaker of the House of Representatives and the members of the Senate and the House of Representatives representing the State of Idaho in the Congress of the United States.

POM–140. A concurrent resolution adopted by the General Assembly of the State of Iowa relative to Health Care Financing Administration rules; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 24

Whereas, rules recently promulgated by the Health Care Financing Administration (HCFA) of the United States Department of Health and Human Services requiring Outcome and Assessment Information Set (OASIS) assessment and follow-up reports for all patients of Medicare-certified home health agencies and health departments, whether or not the patient is a recipient of Medicare; and

Whereas, the OASIS system requires an 18-page initial assessment which must be completed by a registered nurse, and a 13-page follow-up assessment which is required to be completed every sixty days; and

Whereas, the requirement for computer software necessary for preparation and transmission of the OASIS system assessments and reports is essentially an unfunded federal mandate; and

Whereas, the HCFA requirement necessitates costly reporting for patients who receive services not paid through Medicare and the reporting is duplicative of existing assessment and reporting requirements; and

Whereas, in the small-scale home health care organization environment in Iowa, it is not feasible to provide services through separate organizations based upon whether the patient is a recipient of Medicare; and

Whereas, the HCFA rules would result in Medicare-certified organizations only providing services to recipients of Medicare, thereby reducing the availability of preventive home services to older Iowans who are not recipients of Medicare, increasing in-hospital admissions and Medicare costs, and increasing nursing home admissions and Medicaid costs; and

Whereas, OASIS appears to be solely a research project of HCFA, totally unfunded by federal sources, and accomplished with loss of funds by reporting agencies and loss of services to older Iowans; now; therefore,

Be It Resolved by the House of Representatives, the Senate concurring, that the Congress of the United States is encouraged to amend the OASIS system requirements to apply them only to patients who are recipients of Medicare and not to all patients of Medicare-certified home health agencies; and

Be It Further Resolved, That the Chief Clerk of the House is directed to provide a copy of this resolution to the President of the United States, to the Secretary of the United States Department of Health and Human Services, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Minority Leaders of the United States Senate and House of Representatives, and to each member of Iowa's congressional delegation.

POM–141. A concurrent resolution adopted by the Legislature of the State of Kansas relative to Health Care Financing Administration rules; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 5041

Whereas, New rules made by HCFA require OASIS assessment and follow-up reports for all patients of Medicare-certified home health agencies and health departments whether or not the personal or attendant care for such patients is paid from Medicare, and

Whereas, The new HCFA report requires an 18-page initial assessment, which must be completed by a registered nurse, with a 13 page follow-up assessment being required every 60 days; and

Whereas, The requirement for computer software for the preparation and transmission of such assessments and follow-up reports is another unfunded mandate of the federal government; and

Whereas, The HCFA requirement requires costly unfunded reporting of those who receive services which are not paid by Medicare—which reporting duplicates existing assessment and reporting requirements of the Kansas Department on Aging; and

Whereas, In the environment of the small, home health care services existing in Kansas, it is not feasible to create separate organizations to provide services for non-Medicare customers. The end result of the HCFA rules is that Medicare-certified agencies will no longer be able to provide in-home services to non-Medicare customers. Consequently, with lower levels of preventive home services being available to older Kansans there will be an increase in hospital admissions, thus increasing Medicare costs, and an increase in nursing home admissions, thus increasing Medicaid costs; and

Whereas, OASIS appears to be solely a research project of HCFA, totally unfunded by federal sources, and accomplished with loss of funds by reporting agencies and loss of services for Kansas seniors: now; therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we memorialize the Congress of the United States to require the Health Care Financing Administration OASIS reporting and data reporting requirements to apply only to Medicare patients and not to all patients of Medicare-certified home health agencies; and

Be it further resolved: That the Secretary of State be directed to provide an enrolled copy of this resolution to the President of the United States, Secretary of Health and Human Services, President of the United States Senate, Speaker of the United States House of Representatives, minority leaders of the United States Senate and the United States House of Representatives, and to each member of the Kansas Congressional delegation.

POM-142. A joint resolution adopted by the Legislature of the State of Idaho relative to the estate and gift taxes; to the Committee on Finance.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-fifth Idaho Legislature, do hereby respectfully represent that:

Whereas, the estate and gift tax is the federal government's least significant revenue source contributing approximately 1.1% of total federal revenue and in 1998 just 1.66% of adult deaths in the United States are expected to result in taxable estates; and

Whereas, a rationale for the estate and gift tax is that only the very wealthy pay it, but in 1995, 54% of all estate tax revenue came from estates under five million dollars and estate taxes that year fell for those with estates over twenty million dollars; and

Whereas, the reason for the preceding is that careful estate planning can virtually eliminate the tax, however many estate planning techniques are costly and require long lead-times to implement, making the burden of the estate tax often falling on those with recently acquired modest wealth such as farmers and small businesses; and

Whereas, the tax can be devastating on small businesses and agricultural operations and protecting these ventures from estate taxes can be costly and drain resources that could be better used by the owners to upgrade and expand their operations; and

Whereas, the estate and gift tax may be having unintended environmental consequences as America's nonindustrial private forest owners (who own 58% of America's forest land) face the untimely timber harvest and disruption of established forest management programs because of the federal estate tax and this is counterproductive to society's goals of sustainable forestry and environmental quality and the tax may also have the unintended consequence of forcing a decedent's estate to subdivide or sell all or portions of the family land, that otherwise might be managed in a sustainable manner, in order to meet the estate tax obligation; and

Whereas, Canada, Australia and Israel have repealed their estate taxes with three policy reasons given that more people were becoming subject to the tax, the relative tiny portion of revenue raised and arguments by economists that the tax is counterproductive; and

Whereas, the inheritance tax is applied to property and goods that have already been taxed and some economists have indicated that the gross domestic product over the next seven years would be $80 billion higher if the estate and gift tax were repealed: now; therefore,

Be it resolved by the members of the First Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully request that members of Congress take a serious look at repealing the estate and gift tax or, at the very least, to increasing the exemption substantially.

Be it further resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congress delegation representing the State of Idaho in the Congress of the United States.

POM-143. A resolution adopted by the House of the Legislature of the State of Hawaii relative to tobacco settlement funds; to the Committee on Finance.

House Resolution No. 2

Whereas, on November 23, 1998, representatives from forty-six states signed a settlement agreement with the five largest tobacco manufacturers, which settled lawsuits seeking to recoup the states' costs of treating smokers; and

Whereas, the Attorneys General Master Tobacco Settlement Agreement culminated legal action that began in 1994 when states began filing lawsuits against the tobacco industry; and

Whereas, currently, the respective states are in the process of finalizing the terms of the Master Tobacco Settlement Agreement and are making initial fiscal determinations relative to the most responsible ways and means to utilize the settlement funds; and

Whereas, under the terms of the agreement, tobacco manufacturers will pay $206,000,000,000 over the next twenty-five years to the respective states in up-front and annual payments; and

Whereas, under the terms of the Master Tobacco Settlement Agreement, Hawaii is projected to receive $1,179,165,923.07 through the year 2025; and

Whereas, because many state lawsuits sought to recover Medicaid funds spent to treat illnesses caused by tobacco use, the U.S. Health Care Financing Administration contends that it is authorized and obligated under the Social Security Act, to collect its share of any tobacco settlement funds that are attributable to Medicaid; and

Whereas, the Master Tobacco Settlement Agreement does not address the Medicaid recoupment issue, and thus, the Social Security Act must be amended to resolve the recoupment issue so that the moneys from the settlement remain with the respective states; and

Whereas, in addition to the recoupment issue, there is also considerable interest in earmarking state tobacco settlement fund expenditures at both the state and national levels; and

Whereas, as the final approval of the Master Tobacco Settlement Agreement nears, it is imperative that the states retain their rightful full share of the tobacco settlement funds; now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, That the U.S. Congress is urged to enact legislation that amends the Social Security Act to prohibit the federal government from receiving any share of the funds awarded in the tobacco settlement that was reached in 1998 between the states and the tobacco industry; and be it further *Resolved* that the respective state legislatures retain complete autonomy over the appropriation and expenditure of their respective tobacco settlement funds; and be it further *Resolved* that the U.S. Congress oppose any efforts by the federal government to earmark or impose any other restrictions on the respective states' use of the state tobacco settlement funds; and be it further *Resolved* that certified copies of this Resolution be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the members of Hawaii's Congressional Delegation.

POM-144. A resolution adopted by the Council of the City of Rockwood, Michigan relative to imported trash; to the Committee on Environment and Public Works.

POM-145. A resolution adopted by the House of the Legislature of the State of Vermont relative to the United Nations Convention on Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

Whereas, the Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 15, 1979, and

Whereas, it became an international treaty on September 3, 1981, and by October 1986, 154 countries had consented to be bound by the Convention's provisions, and

Whereas, the Convention provides a comprehensive framework for challenging various forces that have created and sustained gender-based discrimination against one-half of the world's population, and

Whereas, the Convention banning discrimination against women guarantees women's rights across many fields, including employment, education, voting, nationality, marriage and divorce, health care and equality before the law, and

Whereas, the state of Vermont shares the goals of the Convention, namely affirming faith in fundamental human rights, in the dignity and worth of all human beings and in the equal rights of women, and

Whereas, the state of Vermont has a history of supporting efforts to end gender-based employment discrimination and, in 1972, ratified the Equal Rights Amendment to the United States Constitution, and

Whereas, although women have made major gains throughout the 20th century in the struggle for equality in social, business, political, legal, health, educational and other fields, there remains much yet to be accomplished, and

Whereas, the state of Vermont recognizes the fact that other countries still engage in practices of gender apartheid—many African countries practice female genital mutilation; Afghanistan's Taliban militia does not permit women to work, go to school or even leave the confines of their homes unless accompanied by a close male relative, and are prohibited from going to most hospitals or seeking care from male doctors, which leads to women and girls dying from easily treatable diseases; and sex tourism (the trafficking of women and girls) is practiced in Asia and is supported by organizations in the United States, and

Whereas, the state of Vermont recognizes the greatly increased interdependence of the people of the world in this age of the global village and global telecommunications, and

Whereas, the state of Vermont enacted a joint resolution urging the United States Congress to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which has not been ratified to date by the United States Congress, and

Whereas, the United States is one of only 22 countries that have not ratified the Convention, now therefore be it

Resolved by the House of Representatives, That the Vermont House of Representatives urges the United States Congress to consider ratifying the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and be it further

Resolved, That the Clerk of the House be directed to send a copy of this resolution to President Bill Clinton, Vice President Al Gore, U.S. Secretary of State Madeleine Albright, U.S. Senator Jesse Helms, Chair of the Senate Foreign Relations Committee and to each member of the Vermont Congressional Delegation.

POM–146. A joint resolution adopted by the Legislature of the State of Idaho relative to a national veterans cemetery in Idaho; to the Committee on Veterans' Affairs.

Whereas, Idaho is the only state in the nation without either a national veterans cemetery or a state veterans cemetery; and

Whereas, the majority of the states without a national cemetery are located in the Northwest; and

Whereas, only one of the six states bordering Idaho has a national cemetery; and

Whereas, Idaho is centrally located for a regional cemetery in the Northwest; and

Whereas, it is fitting and proper that a grateful nation should provide a burial site within a reasonable distance from the homes of those Idahoans and others residing in the northwestern states who honorably served their country in a time of emergency.

Now, therefore, be it *Resolved by the members of the First Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein*, That we respectfully and urgently request members of Idaho's congressional delegation to support funding for a national veterans cemetery in Idaho to serve veterans in the northwestern states, and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–147. A joint resolution adopted by the Legislature of the State of Minnesota relative to the Superior National Forest; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 3

Whereas, pursuant to the Organic, Enabling, and other acts relating to the establishment of the state of Minnesota, land commonly referred to as school trust land has been granted to the state of Minnesota for public school and other purposes and has been constitutionally accepted and dedicated by the citizens of the state for such purposes by applying these lands to the production of income for the state's permanent school fund, all as described in detail in Minnesota Statutes, section 1.0451, subdivision 2; and

Whereas, pursuant to the federal Enabling Act authorizing the establishment of the state of Minnesota, on an equal footing with the original 13 states, and the Constitution of Minnesota, by which the citizens of Minnesota accepted the terms and conditions of the Enabling Act, the ownership of navigable waters and their beds was transferred to the state of Minnesota, all as described in detail in Minnesota Statutes, section 1.0451, subdivision 1; and

Whereas, approximately 100,000 acres of state-owned land (mostly school grant land) and approximately 172,000 acres of state-owned waters, or a total of over 272,000 state-owned acres, make up one-quarter of the 1,078,000 acres that are included within that portion of the Superior National Forest that has been designated by Congress as the Boundary Waters Canoe Area Wilderness; and

Whereas, the extraordinary nature of the land and waters located in this wilderness area has been described by the 8th U.S. Circuit Court of Appeals as follows in its decision in *State of Minnesota by Alexander* v. *Block*, 449 F. Supp. 1223 (D. Minn. 1980), 660 F.2d 1240 (8th Cir. 1981), Cert. denied 431 U.S. 939 (1982):

"The Boundary Waters Canoe Area is the largest wilderness area east of the Rocky Mountains and the second largest in our wilderness system. It is our Nation's only lakeland canoe wilderness—a network of more than 1,000 lakes linked by hundreds of miles of streams and short portages which served as the highway of fur traders who followed water routes pioneered by Sioux and Chippewa Indians. Despite extensive logging, the BWCA still contains 540,000 acres of virgin forests, by far the largest such area in the eastern United States.

"This last remnant of the old 'northwoods' is remarkable not only for its lakes and virgin forests, but also for its wildlife. . . . [M]any western wilderness areas lack such complete food chains. This natural ecosystem is a valuable educational and scientific resource; it has been the focal point of important research in wildlife behavior, forest ecology, nutrient cycles, lake systems, and vegetation history."; and

Whereas, within this wilderness that contains a network of more than 1,000 lakes linked by hundreds of miles of streams and short portages and a land surface that is crowned with a forest which includes 540,000 acres of virgin or "old growth" timber that hosts unique plant and animal ecosystems such as that of the timber wolf, the state of Minnesota's school grant and other lands are scattered in a checkerboard fashion across the entire area, a consequence of the fact that the lands were granted almost entirely in Sections 16 and 36 in most townships in what now is designated as a federal wilderness; and

Whereas, as a consequence of decisions by the federal courts in the above cited case of State of Minnesota by Alexander v. Block, where the state unsuccessfully challenged the unilateral action by Congress of extending federal jurisdiction from federally owned land to state-owned water, the state's free exercise of authority over its state-owned lands and waters was severely diminished; and

Whereas, in the 18 years since the federal courts upheld this congressional extension of federal authority over state water, the only revenue earned on school and other state grant lands from wilderness users has been derived from a token campground reservation fee that is reappropriated for necessary campground maintenance and therefore adds nothing to the permanent school fund, the fund constitutionally established to support public schools of the state out of income derived from school and other grant land sale and natural resource management revenues; and

Whereas, continuance of state land ownership within the Boundary Waters Canoe Area Wilderness not only defeats the purpose for which the state school grant lands were granted and dedicated, it also unnecessarily handicaps federal management duties relating to the wilderness area; and

Whereas, the Minnesota Constitution, article XI, sections 8 and 10, provide that school and other grant lands may be sold only at public auction or exchanged; and

Whereas, consolidation of federal land ownership within the Boundary Waters Canoe Area Wilderness through an exchange of Superior National Forest land that is located outside the wilderness area for state land that is located within the wilderness area will mutually benefit both the federal and state governments by simplifying federal wilderness area management activities through efficiencies arising from single land ownership and by enabling the state to properly manage its school trust lands for the purposes for which these lands were granted and dedicated, as was first contemplated for these lands by the Minnesota legislature in the enactment of Laws 1917, chapter 448, which created the Minnesota state forests in the counties of Cook, Lake, and St. Louis, the first state forests established in Minnesota; and

Whereas, there appears, preliminarily, to be sufficient acreage of federal land that is located within the exterior boundaries of the Superior National Forest, exclusive of lands in the Boundary Waters Canoe Area Wilderness, to exchange for the high value state-owned school grant and other land inholdings located within the wilderness area; now, therefore, be it *Resolved*, By the Legislature of the State of Minnesota that Congress is requested to speedily enact laws that would expedite the exchange of federally owned land located within the Superior National Forest that lies outside of the Boundary Waters Canoe Area Wilderness for land owned by the state of Minnesota located within the Boundary Waters Canoe Area Wilderness, and Be it Further *Resolved*, That in its deliberations concerning this request, Congress is requested to be especially cognizant that the legal title of the state of Minnesota to its school and other grant lands located within this wilderness area has been preserved, relatively unaltered, since being separated by grant from the federal public domain at statehood, and that the state of Minnesota's checkerboard land ownership pattern gives these lands a unique value because the lands are an integral part of what the 8th U.S. Circuit Court of Appeals recognized in State of Minnesota by Alexander v. Block as ". . . our Nation's only lakeland canoe wilderness—a network of more than 1,000 lakes linked by hundreds of miles of streams and short portages which served as the highway of fur traders . . ." and which ". . . still contains 540,000 acres of virgin [old growth] forests, by far the largest such area in the eastern United States." And be it further *Resolved*, That Congress also be cognizant that the Minnesota Constitution, article XI, section 10, relating to the exchange of school grant and other state lands, requires the state to reserve mineral and water power rights in lands transferred by the state and, in addition, that Minnesota has never leased any state-owned minerals located on lands within the area that is federally designated as the Boundary Waters Canoe Area Wilderness, and further, that since 1976, under Minnesota Statutes, section 84.523, state law prohibits, except when needed in a national emergency declared by Congress, the exploration and mining of state-owned minerals and the harvesting of state-owned peat, and Be it further

Resolved, That while the state of Minnesota is cognizant of the fact that Congress may authorize the federal government to acquire state-owned school grant and other lands by eminent domain proceedings brought in federal courts, a procedure which entails congressional appropriation of the substantial amount of money necessary to pay Minnesota the market value of these lands as approved by the federal courts, the state hereby affirms that the mutual best interests of both the federal and state governments are best served by land exchange as a solution to the long-standing problem of intermingled land ownership within the Superior National Forest, and Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair of the Senate Committee on Energy and Natural Resources, the chair of the House Committee on Resources, and to each of Minnesota's Senators and Representatives in Congress for the purpose of assisting those members in the discharge of duties imposed by Minnesota Statutes, section 1.0451, especially those duties set forth in subdivision 3 relating to land exchange.

POM–148. A petition from a citizen of the U.S. Virgin Islands relative to a shoppers visa; to the Committee on Energy and Natural Resources.

POM–149. A joint resolution adopted by the Legislature of the State of Montana relative to full funding of payments in lieu of taxes on federal land in Montana; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION

Whereas, the stability of Montana's economy has historically been dependent on use of our abundant natural resources; and

Whereas, the natural resource harvest has contributed billions of dollars to Montana's economy by providing employment opportunities to members of our communities and by supporting our business communities; and

Whereas, revenue from industries related to natural resource harvest has produced taxes for the support of local and state governments; and

Whereas, the federal government has long recognized the importance of supporting local governments in counties where the United States controls management of public lands by reimbursing state and local governments by payments in lieu of taxes (PILT); and

Whereas, a variety of federal legislation, such as the Forest Reserve Act of 1890 sought to make equitable distribution to counties and to the education system of 25% of net proceeds derived by the sale of resources harvested on federal land; and

Whereas, the federal government is now reducing the volume of timber cut in relation to the allowable sale quotas (ASQ), redistributing funds historically contained in the 25% fund (outfitter fees), reducing its commitment to full funding of PILT, which was reduced from 100% in 1994 to 53% in 1998, and redefining its commitment to states and counties (a decoupling effort to overturn the 1890 Forest Reserve Act); and

Whereas, this effort has and will cause irreparable financial harm to state and local governments, our natural resource industries, and employment opportunities for Montanans.

Resolved by the Senate and House of Representatives of the State of Montana: That the legislature of the State of Montana petition the U.S. Congress to ensure a full commitment by the federal government to full funding of PILT, a commitment toward the proper harvest of the natural resource base by way of already adopted ASQ, and a renewal of its compact with states and local governments to contribute the federal government's fair share in taxes on land present in Montana but retained by the federal government, and

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Western Governors' Association, and the Montana Congressional Delegation.

POM–150. A resolution adopted by the Council of the City of Midland, Texas relative to incentives for the oil and gas industry; to the Committee on Energy and Natural Resources.

POM–151. A resolution adopted by the Council of the City of Midland, Texas relative to incentives for the oil and gas industry; to the Committee on Energy and Natural Resources.

POM–152. A resolution adopted by the Legislature of the State of Montana relative to water resource policies and issues; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION

Whereas, the western states of the United States are critically dependent upon present and future water resources for their quality of life and economic base; and

Whereas, the western states are geographically, hydrologically, and economically diverse and distinct from each other and from the eastern states; and

Whereas, the western states have developed a customized system of water allocation under the prior appropriation doctrine in response to the arid conditions of the region; and

Whereas, water resources in many of the major interstate river basins in the West are apportioned and administered through interstate and other compacts or court decrees between two or more states; and

Whereas, there has been a long-standing policy of federal deference to the states in the areas of water resources administration, management, allocation, and protection; and

Whereas, the western states have extensive experience in managing water resources, both surface and ground water supplies, and recognize the importance of protecting their water resources for present and future beneficial uses; and

Whereas, all western states have a system of law for allocation of water rights, and there is broad consensus within the federal system that states should continue to have the exclusive responsibility to create and administer water rights; and

Whereas, state water law provides for public participation and is based upon the allocation, transfer, and protection of water resources in the public interest; and

Whereas, the number of federal agencies involved in some aspect of water policy or management continues to increase, adding duplication, confusion, and conflicting missions to the historic state systems; and

Whereas, the U.S. Congress often considers legislation related to water resources management, some of which contains elements that could increase the federal role in water administration and conflict with the state's responsibility for water programs; now

Resolved by the Senate and the House of Representatives of the State of Montana, That Montana's Congressional Delegation be respectfully requested to advocate to the appropriate federal agencies that any new or revised federal legislation or policy should:

(1) Recognize that water resources administration, management, allocation, and protection are primarily the responsibility of the states and that federal policy should be supportive of this role of the western states;

(2) provides flexibility for states to continue to develop and refine water resource programs appropriate for their own circumstances, taking into consideration items such as hydrology, existing water rights, potential development of the area, interstate and other compact obligations, and the public interest;

(3) require all federal agencies to conduct their activities in accordance with, and in support of, state water resource programs and state water law; and

(4) recognize and cooperate with the states' prerogative and ability to manage, administer, and develop their water resources; be it

Further Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the Vice President of the United States, the President Pro Tempore of the Senate of the U.S. Congress, the Speaker of the House of Representatives of the U.S. Congress, and the Montana Congressional Delegation.

POM–153. A joint resolution adopted by the Legislature of the State of Idaho relative to the Federal Land and Water Conservation Fund; to the Committee on Energy and Natural Resources.

Whereas, the Federal Land and Water Conservation Fund was created in 1965 to provide matching funds to encourage and assist local and state government in urban and rural areas to develop parks and to ensure accessibility to local outdoor recreation resources; and

Whereas, the state of Idaho has invested more than $32 million in Federal Land and Water Conservation funds, which were matched by local and state funds, donated labor and materials, and community force accounts, to produce eighty percent of Idaho's local recreation facilities and nearly all of our state parks; and

Whereas, the Federal Land and Water Conservation Fund was the primary source of funding for Idaho's greenbelts, exercise trails, neighborhood parks, swimming facilities, state parks, multipurpose sports fields, boating facilities, golf courses, camping areas, equestrian arenas, fishing accesses, zoo facilities, amphitheaters and scenic areas; and

Whereas, since 1980, Idaho's allocation of Federal Land and Water Conservation Funds for grants has diminished from $1.9 million to its total elimination in 1995; and

Whereas, the elimination of Federal Land and Water Conservation Fund allocations has adversely affected Idaho's outdoor recreation infrastructure, greatly reduced the ability of Idaho's cities and counties to meet the needs of our rapidly increasing populations, and created a backlog of upgrades, renovations and repairs to outdoor recreation facilities exceed $270 million; and

Whereas, outdoor recreation provides important economic, social, personal and resources benefits to the citizens of Idaho; and

Whereas, it has been determined that four out of every five Americans utilize local and state government recreation and park services; and

Whereas, outdoor recreation reduces crime by providing positive alternatives and experiences for Idaho's citizens; and

Whereas, the United States Congress is currently considering various bills and amendments concerning stateside funding for the Federal Land and Water Conservation Fund generated from Outer Continental Shelf oil royalties; Now, therefore, be it

Resolved by the members of the First Regular Sessions of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, That the Congress of the United States is urged to pass legislation reallocating funding to the states from the Federal Land and Water Conservation Fund, be it

Further Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States and the Honorable Dirk Kempthorne, Governor of the State of Idaho.

POM–154. A joint resolution adopted by the Legislature of the State of Idaho relative to the stabilization of payments of the United States Forest Service; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 4

Whereas, under the provisions of the Forest Service law of May 23, 1908, 35 Stat. 259, 260, 267 and as subsequently amended by the National Forest Managemenbt Act and the Federal Land Policy Management Act, the United States Forest Service pays to counties through the state treasurer twenty-five percent of gross revenues from timber sales, grazing permits and leases, recreation fees, power line rights-of-way, special use permits and other programs; and

Whereas, the payments are made to states from each national forest, then are apportioned to counties according to the proportion of acreage of each national forest in each county; and

Whereas, counties have few sources of revenue and rely on these payments to maintain their public roads and their public schools; and

Whereas, the Forest Service payments have become unpredictable due to market fluctuations and the volatility of the public debate on timber harvests on national forests, and generally have declined because of reduced timber harvest on national forests; and

Whereas, demands on counties to provide good public roads and public schools have increased due to increases in resident population and tourism; and

Whereas, stabilizing payments required by the 1908 Forest Service law is essential for responsible fiscal planning by the counties; now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we strongly support stabilization of payments of the United States Forest Service to county governments through the state treasurer and urge our congressional delegation representing the state of Idaho in the Congress of the United States to support legislation that will stabilize payments made by the United States Forest Service to the counties of the state of Idaho; be it

Further resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

POM–155. A joint resolution adopted by the Legislature of the State of Idaho relative to the stabilization of payments of the United States Forest Service; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 5

Whereas, under the provisions of the Forest Service law of May 23, 1908, 35 Stat. 259, 260, 267 and as subsequently amended by the National Forest Management Act and the Federal Land Policy Management Act, the United States Forest Service pays to counties through the State Treasurer twenty-five percent of gross revenues from timber sales, grazing permits and leases, recreation fees, power line rights-of-way, special use permits and other programs; and

Whereas, the payments are made to states from each national forest, then are apportioned to counties according to the proportion of acreage of each national forest in each county; and

Whereas, the law mandates that these funds be used for public roads and public schools; and

Whereas, counties with large amounts of federal lands have few sources of revenue and rely on these payments to maintain their public roads and their public schools; and

Whereas, the Forest Service payments have become unpredictable due to forest planning processes over the past ten years that have reduced timber harvests on national forests; and

Whereas, demands on counties to provide necessary services such as good public roads, public schools, sanitation services, and search and rescue have increased; and

Whereas, stabilizing payments required by the 1908 Forest Service law is essential for responsible fiscal planning by the counties; now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we strongly support stabilization of payments of the United States Forest Service to county governments through the State Treasurer and urge our congressional delegation representing the state of Idaho in the Congress of the United States to support legislation that will stabilize payments made by the United States Forest Service to the counties of the state of Idaho by increasing the annual timber harvest from federal lands within the state of Idaho to the allowable sales quantity levels outlined in the current forest plans and by increasing to fifty percent the amount of federal funds returned to the counties from the sale of federal timber under the provisions of the Forest Service law of May 23, 1908, 35 Stat. 259, 260, 267 and as subsequently amended by the National Forest Management Act and the Federal Land Policy Management Act; be it

Further resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

POM–156. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Appalachian Development Highway System; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 523

Whereas, the construction of the Coalfields Expressway is anticipated to begin in 1999; and

Whereas, the estimated cost of completing the Coalfields Expressway is $1.5 billion; and

Whereas, through federal taxes on motor fuels and special fuels, motorists in the Commonwealth of Virginia contribute significantly to the federal Highway Trust Fund; and

Whereas, the Appalachian Development Highway System was created by the United States Congress for the purpose of stimulating the economic development of the entire Appalachian Region and is now funded directly through the federal Highway Trust Fund; and

Whereas, a recently completed study of the Appalachian Development Highway System concluded that, upon its completion, this system will provide the region through which it passes with 42,000 new jobs, 84,000 new residents, $2.9 billion in new wages, and $6.9 billion in value added business; and

Whereas, the Coalfields Expressway, when completed, will traverse a portion of the Commonwealth of Virginia characterized by chronic unemployment and pockets of intractable poverty; and

Whereas, the Coalfields Expressway is not presently a portion of the Appalachian Development Highway System, but receives its federal funding through special congressional appropriations made in unpredictable amounts at irregular intervals; and

Whereas, federal funding of the Coalfields Expressway to date consists of only two appropriations: one of $50 million in 1991 and another of $22.7 million in 1998; and

Whereas, inclusion of the Coalfields Expressway into the Appalachian Development Highway System would allow it to be funded more fully and more reliably; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to include the Coalfields Expressway in the Appalachian Development Highway System; and, be it

Resolved Further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

POM–157. A resolution adopted by the Council of the City of Inkster, Michigan relative to state and local land use zoning authority; to the Committee on the Judiciary.

POM-158. A joint resolution adopted by the Legislature of the State of Nevada relative to the Illegal Immigration Reform and Immigration Responsibility Act of 1996; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 19

Whereas, The economy of the State of Nevada is dependent upon tourism; and

Whereas, Canada and Mexico rank No. 1 and No. 7, respectively, among Nevada's sources of international tourism, sending more than 1.5 million Canadian visitors and more than 104,000 Mexican visitors to this state per year; and

Whereas, Visitors from Canada and Mexico comprise a major economic contribution to the State of Nevada; and

Whereas, the United States has entered into international trade agreements with its neighbors, Canada and Mexico, to foster, encourage and stimulate the exchange of goods and products for mutual economic gain; and

Whereas, The United States does not currently require departing tourists returning to Canada and Mexico to be stopped and identified at border crossings; and

Whereas, Section 100 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires that a new entry-exit control system be implemented to track all foreign visitors entering and leaving the United States but does not provide any law enforcement benefits; and

Whereas, The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 would impose new border inspection requirements for the gathering of data at entry and departure points for vehicular traffic from Canada and Mexico where none currently exist; and

Whereas, The new border entry-exit system does not provide for any enhancement of provisions for apprehending or removing illegal immigrants, drug traffickers, terrorists or other criminals and would not curtail illegal immigration at the borders; and

Whereas, No inspection stations or other facilities for departing foreign travelers have been constructed; and

Whereas, This system would be implemented at enormous expense to the taxpayers of the United States with no tangible benefits; and

Whereas, Congress has held hearings at various sites along the Canadian border to consider exempting that country from the provisions of the Act, but no such hearings have been held or are scheduled in the Mexican border states; and

Whereas, Mexican and Canadian tourists who enter the United States for business and recreational travel are not immigrants; and

Whereas, These nonimmigrant Mexican and Canadian business and leisure travelers who will already be required to present travel documents to enter the United States, would be subjected to inspections and queries upon departure that would cause travel delays and inconveniences to those tourists; and

Whereas, Such delays and inconveniences would discourage tourism in the United States by Mexican and Canadian citizens, delay commerce and create an economic downturn; and

Whereas, The borders with Canada and Mexico should be kept reasonably free of governmental over-involvement in order to encourage tourism, trade and legitimate economic activity that benefit all three countries; and

Whereas, The National Governors' Association at its meeting in Washington in February 1998 determined that the entry-exit control system may have "unintended negative consequences on international trade, tourism and the economy"; and

Whereas, The National Governors' Association urged suspension of implementing the entry-exit control system until Congress and the President can ensure that any such system will not disrupt tourism, trade or other legitimate traffic entering the United States; and

Whereas, Congress passed legislation in October 1998 delaying imposition of the implementation of the provisions of Section 110 until March 31, 2001, but allowing the exit system to take effect at the airports of international entry in the United States: now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That Congress is hereby urged permanently to mitigate the consequences of the provisions of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and be it further

Resolved, That Congress is encouraged to keep the borders between the United States and Canada and Mexico reasonably free of governmental over-involvement and to impose no new restrictions until infrastructure is available that can collect data and detect illegal and unwanted immigration without disrupting legitimate tourist travel; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-159. A resolution adopted by the Senate of the State of Michigan relative to prayer in public schools; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 55

Whereas, The 48th Annual National Day of Prayer was observed on May 6, 1999, and the United States of America was founded by men and women with varied religious beliefs and ideals; and

Whereas, The First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof . . .," which means that the government is prohibited from establishing a state religion. However, no barriers shall be erected against the practice of any religion; and

Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion, rather, its purpose was clearly to protect Americans from governmental mandates with respect to religion; and

Whereas, The Michigan Legislature strongly believes that reaffirming a right to voluntary, individual, unorganized, and non-mandated prayer in public schools is an important element of religious choice guaranteed by the Constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded; now, therefore, be it

Resolved by the Senate, That the members of this legislative body memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and non-mandatory prayer in the public schools of this nation; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-160. A resolution adopted by the St. Francis Assisi Parish of Houston, Texas relative to capital punishment; to the Committee on the Judiciary.

POM-161. A resolution adopted by the Episcopal Diocese of Washington, D.C. relative to hate crimes; to the Committee on the Judiciary.

POM-162. A joint resolution adopted by the Legislature of the State of Washington relative to the Land and Water Conservation Fund; to the Committee on Appropriations.

HOUSE JOINT MEMORIAL 4012

To the Honorable William J. Clinton, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, Washington state contains a rich diversity of forests, rivers, seacoasts, grasslands, deserts, and other habitats, and an equally diverse population of fish and wildlife, all of which require by law some level of protection and responsible management by federal, state, and local agencies; and

Whereas, Washington state also contains a large number and variety of outstanding recreational facilities and opportunities, including three national parks, a national volcanic monument, one hundred twenty-five state parks, and many local parks, trails, water access areas, swimming pools, and sports fields; and

Whereas, Outdoor recreation and wildlife enjoyment are important elements of the Northwest way of life. A large majority of Washington's residents and visitors actively pursue and enjoy a range of outdoor recreation activities, from active sports such as soccer, softball, swimming, and bicycling, to outdoor and wildlife-related pursuits such as hiking, camping, canoeing, and wildlife observation; and

Whereas, Outdoor recreation and wildlife enjoyment are also important elements of Washington's economy. For example, a 1996 survey conducted by the United States fish and wildlife service showed that annual wildlife-related recreation expenditures exceeded one hundred billion dollars, almost three billion dollars spent in Washington state. Wildlife viewing alone accounts for more than twenty-one thousand jobs in Washington state; and

Whereas, Washington's population is one of the fastest-growing in the United States, with an even faster-growing public demand for wildlife conservation, wildlife-related recreation, and outdoor recreation facilities; and

Whereas, the federal Land and Water Conservation Fund (LWCF) was created in 1965 to preserve, develop, and assure that all Americans have access to quality outdoor recreation. In the thirty years since its creation, LWCF has funded the acquisition of almost seven million acres of parkland, water resources, wildlife habitat open space, and the development of more than thirty-seven thousand state, municipal, and local parks and recreation projects. In recent years, LWCF funding for federal projects has been reduced by more than half and funding for state projects has been entirely eliminated; and

Whereas, Washington and other states lack adequate, dedicated funding for fish and wildlife protection and management, especially for those species which are not hunted and fished and which are not listed as threatened or endangered. In 1980, Congress passed the Fish and Wildlife Conservation Act (P.L. 96-366) which was intended to address the protection and management of nonhunted wildlife species, but the act was never funded, leaving the entire responsibility to the states;

Now, therefore, Your Memorialists respectfully pray that Congress pass legislation to restore and revitalize federal funding for the Land and Water Conservation Fund. Lands shall be open for public use and enjoyment. We pray that Congress create a new dedicated fund for state-level fish and wildlife management, which would be administered by the United States fish and wildlife service; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-163. A resolution adopted by the Board of County Commissioners of Cuyahoga County, Ohio relative to the Ryan White Care Act; to the Committee on Appropriations.

POM-164. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the Social Security Act; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 219

Whereas, the State of Alaska received an increase in its Federal Medical Assistance Percentage (FMAP) from 50 percent to 59.8 percent in consideration of the high cost of living in Alaska by an amendment to the Social Security Act; and

Whereas, United States Senator Daniel K. Akaka, United States Senator Daniel K. Inouye, United States Representative Neil Abercrombie, and United States Representative Patsy T. Mink have recently introduced federal legislation to amend the Social Security Act to increase Hawaii's FMAP in consideration of Hawaii's high cost of living; and

Whereas, federal financial participation for the medicaid program is based on the FMAP which is calculated according to a formula based on per capita income in the individual state in relation to the per capita income of the United States; and

Whereas, the FMAP is calculated as the quotient of the per capita income of the United States, times a multiplier, the state income is determined as a designated portion of the national income as determined at the United States Department of Commerce, Bureau of Economic Analysis (BEA) and the per capita income of Hawaii is an amount that is derived at the BEA as a portion of national income statistics; and

Whereas, because of its island location and other factors, the cost of living in Hawaii greatly exceeds the cost of living in the mainland states, so that per capita income is a poor measure of its relative ability to bear the cost of medical services; and

Whereas, a study conducted by the Taubman Center for State and Local Government at Harvard University's John F. Kennedy School of Government and the Office of United States Senator Daniel Patrick Moynihan, established that if per capita income is measured in real terms, considering cost of living factors, Hawaii ranked 47th at $19,755 compared to the national average $24,231 and Alaska is ranked 34th with a real per capita income level of $21,592; and

Whereas, the Harvard/Moynihan study cites Hawaii with one of the highest poverty rates in the nation—Hawaii ranks eighth in the country with a poverty rate of 16.9 percent as compared to the national average of 14.7 percent—and on a per capita basis state revenues and expenditures are far higher in Hawaii, as well as Alaska, than in the other 48 mainland states, but Alaska's 10.6 percent poverty rate is lower than the national average, placing it 39th in the country; and

Whereas, Hawaii has not participated in the economic rebound that has benefited most of the rest of the nation in the past several years, in part because of its heavy dependence on international tourism and trade, and Hawaii continues to suffer from the drop in value in the Japanese yen, its unemployment rate is above the national average, and its tax revenues have fallen short of estimates; and

Whereas, based on Hawaii's current medicaid spending level of approximately $700 million, each percentage point increase in its FMAP rate would provide approximately $7 million annually in additional federal funds; and

Whereas, the State of Hawaii is seeking to have its medicaid program funded in dollars equal to its tax contributions based on its higher per capita income and one that recognizes its true costs, as was done for Alaska; now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999 (the Senate concurring), That this body hereby urges the United States Congress, the President of the United States, and the United States Secretary of Health and Human Services to support United States Senator Daniel K. Akaka, United States Senator Daniel K. Inouye, United States Representative Neil Abercrombie, and United States Representative Patsy T. Mink's federal legislation to amend the Social Security Act to increase Hawaii's FMAP in consideration of our high cost of living; and be it further

Resolved That certified copies of the Concurrent Resolution be transmitted to the members of the United States Congress, the President of the United States, and the Secretary of the United States Department of Health and Human Services.

POM-165. A joint resolution adopted by the Legislature of the State of Vermont relative to Social Security; to the Committee on Finance.

JOINT HOUSE RESOLUTION 113

Whereas, the purpose of Social Security is to provide a strong, simple and efficient form of basic insurance against the adversities of old age, disability and dependency, and

Whereas, for 60 years Social Security has provided a stable platform of retirement, disability and survivor annuity benefits to protect working Americans and their dependents, and

Whereas, the costs to administer Social Security are less than one percent of the benefits delivered, and

Whereas, the American and world economies continue to encounter periods of high uncertainty and volatility that make it as important as ever to preserve a basic and continuing safety net of protections guaranteed by our society's largest guarantor of risk, the federal government, and

Whereas, Social Security affords protections to rich and poor alike and no citizen, no matter how well-off today, can foretell tomorrow's adversities, and

Whereas, average life expectancies are increasing and people are commonly living into their 80's and 90's, making it more important than ever that each of us be fully protected by defined retirement benefits, and

Whereas, medical scientists are continually developing new ways to maintain and enhance the lives of people with severe disabilities, thus making it more important that each of us to be protected against the risk of dependency, institutionalization and impoverishment, and

Whereas, the lives of wage earners and their spouses are seldom coterminous; one often outlives the other by decades, making it crucial to preserve a secure base of protection for children and other family members dependent on a wage earner who may die or become disabled, and

Whereas, Social Security, in current form, reinforces family cohesiveness and enhances the value of work in our society, and

Whereas, Congress currently has proposals to shift a portion of Social Security contributions from insurance to personal investment accounts for each wage earner, and

Whereas, Social Security, our largest and most fundamental insurance system, cannot fulfill its protective function if it is splintered into individualized stock accounts and must create and manage millions of small risk-bearing investments out of a stream of contributions intended as insurance, and

Whereas, private accounts cannot be substituted for Social Security without eroding basic protections for working families, since such protections, to be strong, must be insulated from economic uncertainty and be backed by the entity best capable of spreading risk, the federal government, and

Whereas, the diversion of contributions to private investment accounts would dramatically increase financial shortfalls to the Social Security trust fund and require major reductions in the defined benefits upon which millions of Americans depend, and

Whereas, to administer 150 million separate investment accounts would require a larger bureaucracy, and the resulting expense and the cost of converting each account to an annuity upon retirement would consume much of the profit or exacerbate the loss realized by each participant, and

Whereas, the question of whether part of the Social Security Trust Fund should be diversified into investments other than government bonds so that, while still invested collectively at low expense, returns may be increased, thus enhancing the capacity of the fund to meet its obligations to pay benefits while spreading the risk across the entire spectrum of Social Security participants, is entirely different from that of splintering its millions of accounts, and

Whereas, creating an array of winners and losers would be contrary to the basic principles of insurance and risk distribution, thus defeating the purpose of this part of our retirement system, and

Whereas, Congress amended the Internal Revenue Code to provide a full menu of provisions that enables working Americans and their employers to voluntarily contribute to tax-sheltered accounts that are open to the opportunities and exposed to the risks of investment markets, diverting Social Security contributions to private accounts duplicates existing programs, and

Whereas, such recently created systems now cover half of American families, now therefore be it

Resolved by the Senate and House of Representatives, That the General Assembly respectfully and strongly urges Congress not to enact laws that might tend to diminish or undermine a unified and stable Social Security system, and be it further

Resolved, That laws to encourage workers and their employers to save or invest for retirement should supplement and not substitute for the basic benefits of Social Security insurance that are vital to American working families, and be it further

Resolved, That the Secretary of State be directed to send a copy of this resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States and each member of the Vermont Congressional Delegation.

POM–166. A resolution adopted by the Council of the City of Oak Ridge, Tennessee relative to the reindustrialization of the East Tennessee Technology Park; to the Committee on Environment and Public Works.

POM–167. A resolution adopted by the Council of the City of Cleveland Heights, Ohio relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

POM–168. A joint resolution adopted by the Assembly of the State of Nevada relative to surface mining regulations; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 19—

Whereas, Mining is of critical importance to Nevada and its rural communities as a significant contributor to this state's economy; and

Whereas, The "Nevada model" of regulating the mineral industry is known and respected industrywide because it balances the global needs for natural resources with related environmental concerns and the economic needs of private business, thereby resulting in an environmentally healthy state with a viable and responsible mineral industry that uses state-of-the-art technology; and

Whereas, Surface mining regulations governing hardrock mining operations and mineral exploration activities on public lands are codified in Part 3809 of Title 43 of the Code of Federal Regulations and are commonly referred to as "3809 Regulations"; and

Whereas, The Bureau of Land Management initiated the revision of these regulations in January 1997; and

Whereas, In response to concerns raised by the Western Governor's Association and a group of 15 United States Senators, including Nevada Senators Harry Reid and Richard H. Bryan, Congress included language in the Omnibus Appropriations Act of 1998 to require a detailed, comprehensive study by the National Academy of Science of the environmental and reclamation requirements for mining on federal lands and the adequacy of those requirements to prevent undue degradation, and prohibited final revision to the 3809 Regulations before September 30, 1999; and

Whereas, Contrary to the requirements of the Omnibus Appropriations Act, the Secretary of the Interior is moving forward with revisions to the 3809 Regulations and to the Environmental Impact Statement; and

Whereas, Under the Bureau of Land Management's most recent revisions, every western state, including Nevada, may be faced with the choice of either expending substantial resources to revise its regulations to conform with the new requirements of the Bureau of Land Management or having the successful programs of the State of Nevada, which have been carefully tested and enforced over the years, simply cease to be operative on public lands, thereby imposing significantly detrimental impacts on the mineral industry and the State of Nevada; now, therefore, be it

Resolved, by the Assembly and Senate of the State of Nevada, Jointly, That the members of the 70th session of the Nevada Legislature do hereby urge the Secretary of the Interior to comply with the intent of Congress as stated in the Omnibus Appropriations Act of 1998 which requires a study of the issue by the National Academy of Sciences and prohibits final revision of 43 C.F.R. Part 3809, the 3809 Regulations, before September 30, 1999; and be it further

Resolved, That the Nevada Legislature strongly supports Alternative 1, the "No Action" alternative, as described in the draft Environmental Impact Statement on Surface Management Regulations and Locatable Mineral Operations, to maintain the existing 3809 Regulations without revision or modification; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–169. A resolution adopted by the Legislature of the State of Nebraska relative to the use of phosphide gas in grain storage; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATIVE RESOLUTION 43

Whereas, Nebraska's agricultural heritage and economy is dependent upon the harvest, storage, and transportation of grain; and

Whereas, there are 357 grain elevators with 663 million bushels of storage and 55,000 farms with 1.02 billion bushels of storage in Nebraska; and

Whereas, Nebraska grain elevators are valued neighbors to and located in close proximity to homes, schools, farms, and businesses in most of all Nebraska's communities; and

Whereas, Nebraska grain elevators, feed mills, processors, and growers are committed to protecting the health and safety of applicators and workers and to the well-being of the public; and

Whereas, grain elevators are located in Nebraska communities near railroads and highways to facilitate the transportation of grain; and

Whereas, Nebraska is a leader in the nation and in the world in grain production; and

Whereas, Nebraska grain elevators, feed mills, processors, and growers are committed to producing an adequate, safe, and high quality food supply for domestic and world consumers; and

Whereas, treaties and established trade relations may require pest-controlled grain before grain can be exported; and

Whereas, insect pests in grain without fumigation treatment could create health risks and reduce the quality of the grain marketed from Nebraska; and

Whereas, aluminum and magnesium phosphide gas are cost-effective fumigants used both by commercial elevators and farmers in the storage of grains in Nebraska; and

Whereas, the federal Environmental Protection Agency (EPA) acknowledges few, if any, viable alternatives to the use of aluminum and magnesium phosphide gas exist for fumigation to control pests in stored grain; and

Whereas, the current label restrictions for aluminum and magnesium phosphide gas provide for the safe and effective use of the product; and

Whereas, the State of Nebraska practices rigorous enforcement of the label restrictions on fumigants, ensures adequate training of certified applicators, and conducts a fumigation and grain storage project to inspect the use of fumigants; and

Whereas, restrictions in the use of fumigants in grain storage and transport should be based only on sound scientific reasoning, available technology, and analysis of risk level and avoid raising undue public alarm over unsubstantiated or inconsequential risk: Now, therefore, be it

Resolved by the members of the ninety-sixty legislature of Nebraska, first session, That the Congress of the United States direct the federal Environmental Protection Agency to curtail implementation of new restrictions from its Reregistration Eligibility Decision (RED) on phosphide gas that would require a 500-foot buffer zone and other restrictions that effectively preclude the use of aluminum or magnesium phosphide in most of Nebraska's grain storage facilities and grain transportation; and be it further

Resolved, That the Congress of the United States direct the Federal Environmental Protection Agency to ensure that risk mitigation allowances for aluminum or magnesium phosphide are clearly demonstrated as necessary to protect human health, are based upon sound science and reliable information, are economically and operationally reasonable, and will permit the use of these products in accordance with the label.

POM–170. A joint resolution adopted by the Legislature of the State of Colorado relative to a pay increase for Members of Congress; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL 99–005

Whereas, The twenty-seventh amendment to the constitution of the United States, also known as "The Madison Amendment", provides that "No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened."; and

Whereas, The twenty-seventh amendment requires that an intervening election be held between the enactment of any congressional pay increase and its subsequent application to any member of Congress; and

Whereas, The twenty-seventh amendment's requirement for an intervening election is intended to allow voters in each state and congressional district to obtain direct information regarding salary increases prior to the reelection of incumbents or the election of others in their stead; and

Whereas, Salary increases for members of Congress currently are regulated by "The Government Ethics Reform Act of 1989," ("The Act") pursuant to 2 U.S.C. sec. 31; and

Whereas, The Act gives members of Congress an immediate one-time salary increase and, in subsequent years, an annual cost of living adjustment increase to salaries or pensions; and

Whereas, Such annual cost of living adjustment is established in accordance with federal law and incorporated in an executive order of the President in December of each year to establish salary increases that are put into effect on January 1 of the next year; and

Whereas, Through the automatic operation of the cost of living adjustment provisions, congressional salaries have been increased on the first day of January for several years; and

Whereas, Without the action of legislation, each Congress effectively and automatically enacts for itself a cost of living adjustment salary increase in violation of the twenty-seventh amendment; and

Whereas, When each year's cost of living adjustment increase is paid on the following January 1 to members of Congress, former members, or spouses of deceased members without the process of an intervening election, the twenty-seventh amendment is violated; now, therefore be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, (the House of Representatives concurring herein), That the General Assembly hereby expresses its opposition to automatic annual cost of living adjustment salary increases for members of Congress of the United States as violative of the twenty-seventh amendment to the United States Constitution and hereby memorializes the Congress to refrain from enacting any pay increase for members of Congress without an affirmative vote or that takes effect before the following Congress has been elected and fully sworn into office; and be it further

Resolved, That copies of this Memorial be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Congressional delegation representing the state of Colorado.

POM-171. A joint resolution adopted by the Legislature of the State of Washington relative to immigration laws, policies and practices; to the Committee on the Judiciary.

HOUSE JOINT MEMORIAL 4015

To the Honorable William J. Clinton, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, The Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) represent the most dramatic changes in immigration law in more than 30 years; and

Whereas, These acts mandate that the Immigration and Naturalization Service (INS) arrest, detain, and deport large segments of the United States immigrant population and the implementation of these laws has had far-reaching effects, including unnecessary financial burdens on the state's legal, social, and welfare systems; and

Whereas, The United States has long been known as a nation of immigrants, as a champion of human rights for all peoples, and as a country that holds justice and equality under the law among its highest ideals, especially equal justice under law; and

Whereas, Immigrant detainees may have been legal permanent residents who have lived almost their entire lives in the United States, served in the United States military, have a United States citizen spouse, or have United States citizen children; and

Whereas, Detainees, including women and children, are frequently in INS custody for periods longer than seventy-two hours and are especially vulnerable within the INS system; and

Whereas, Families consisting of both legal and illegal family members are often divided causing not only emotional and psychological hardship when mothers are separated from their children, but also financial difficulties resulting in increased welfare rolls when primary wage earners are removed from their jobs;

Now, therefore, Your Memorialists respectfully pray that the President, the Congress, and the appropriate agencies continue to look closely at current immigration law and INS policies and practices, and that necessary changes be made so that problems surrounding immigration may be resolved as soon as possible; and be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress from the State of Washington, Doris Meissner, Commissioner of the Immigration and Naturalization Service, and Gary Locke, the Governor of the State of Washington.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 323. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes (Rept. No. 106–69).

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 1009. An original bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1188. A bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1188. A bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

TEACHER TECHNOLOGY TRAINING ACT

Mrs. FEINSTEIN. Mr. President, today I am introducing legislation to help teachers use technology in their teaching, the Teacher Technology Training Act of 1999.

This bill has three major provisions:

It authorizes $500 million for state education departments to award grants to local public school districts on the basis of need to train teachers in how to use technology in the classroom.

It specifies that grants may be used to strengthen instruction and learning, provide professional development, and pay the costs of teacher training in using technology in the classroom.

It requires the Secretary of Education to evaluate the technology training programs for teachers developed by school districts within three years.

I am introducing this bill because teachers say they need to learn how to use computers and other technology in their teaching. In a 1998 survey conducted by the U.S. Department of Education, only 20 percent of teachers said they felt "well prepared" to integrate educational technology into instruction.

Furthermore, the training that does exist for these teachers is inadequate. In the same Department of Education survey, among full-time, public school teachers, 78 percent said they had participated in professional development programs on using educational technology in their instruction, but only 23 percent of those teachers said they felt "well prepared" in this area. Of the teachers who report having received some training, 40 percent felt that it had improved their classroom teaching only "somewhat" or "not at all." This is unacceptable. What we see now is that in many schools the students know more about how to use computers than the teachers do. In one Kentucky school profiled by Inside Technology Training magazine, the students run the school's computer systems. The article quoted the school district's technology coordinator as saying that the students had "long surpassed" what the teachers could do and reported that one student had recently trained twenty teachers on software for Web page construction ("Fast Times at Kentucky High," Inside Technology Training, June 1998).

I see this problem in my own state. A report by the Los Angeles County Office of Education in 1996 found that in Los Angeles County, nearly half of the teachers had no experience with computers or had only limited familiarity with word processing software. According to a 1998 report by the California Teachers Association, teachers in California rank training in the use of new technology fourth among eighteen changes they believe could most improve public education. Forty-five percent of the teachers surveyed said more technology training would greatly improve conditions for teaching and learning (CTA for the Next Century, 1998).

It is crucial that we given students the opportunity to become familiar with technology in their classrooms because post-high school education and most good jobs require experience using computers. U.S. Commerce Secretary William M. Daley has said, "Opportunities are now dependent upon a person's ability to use computers and engage in using the Internet" (CQ Weekly, "Digital Haves and Have Nots," April 17, 1999). In my state, a 1997 Rand report found that there is currently a shift in the state's economy away from manufacturing and toward higher-skill service and technology industries, and employers are placing a higher premium on the computer skills necessary for these positions (Immigration in a Changing Economy, Rand, 1997). Students are better educated when their teachers are well trained. We cannot prepare students for the increasingly technological workplace without trained teachers.

We have made great efforts to make technology available to students in their classrooms, and now we have a national student to computer ratio of 10 to 1. Seventy-eight percent of our nation's schools have Internet access. These are good first steps.

But also essential is having teachers and students use all this technology in their day-to-day classroom activities when it can enhance learning. This will not happen until teachers are trained in how to include technology in their instruciton.

One teacher expressed her frustration in an article in the National School Boards Association's Electronic School magazine:

> Most teachers have no model to show them the advantages of hooking up to the projects available on the Internet. And shrinking school budgets don't provide nearly enough money to train teachers in new or visionary techniques. Meanwhile, we can't escape the magazine and newspaper articles touting the Information Superhighway and heralding new ways of responding to, using, and learning information in our society. Well, who most needs to learn to traverse this road successfully? Society future leaders—and their teachers (Electronic School, "Going Global," February 1995).

I agree.

Our teachers are not prepared to use technology in their classrooms. Students need to learn to use modern technology and it can help them learn. If we are expecting teachers to use up-to-date methods and tools, we must train them to do so. This bill will provide some of the funds needed to do that.

By introducing this bill I am not suggesting that technology is a cure-all for the problems in our schools. Technology is one of many teaching and learning tools. It can bring some efficiencies to learning, for example, providing a new way to do math and spelling drills or keeping students engaged in learning while a teacher works with other students who need extra help. It can also be an important research tool by providing easy access to information that, without a computer, is not easily available.

We expect a great deal from our teachers and students. We must give them the resources they need. This bill is one step.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 296

At the request of Mr. FRIST, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 337

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 337, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 459 a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 512

At the request of Mr. GORTON, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 541

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 590

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes.

S. 600

At the request of Mr. WELLSTONE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 600, a bill to combat the crime of international trafficking and to protect the rights of victims.

S. 625

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 632

At the request of Mr. DEWINE the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 659, a bill to amend the

Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 740

At the request of Mr. CRAIG, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 751

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 777

At the request of Mr. FITZGERALD, the names of the Senator from Montana (Mr. BURNS), the Senator from Alaska (Mr. STEVENS), the Senator from Minnesota (Mr. GRAMS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 784

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

S. 897

At the request of Mr. BAUCUS, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S.897, a bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal Activities, and for other purposes.

S. 951

At the request of Mr. DOMENICI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 951, a bill to amend the Internal Revenue Code of 1986 to establish a permanent tax incentive for research and development, and for other purposes.

S. 1003

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1003, a bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes.

S. 1010

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations.

S. 1023

At the request of Mr. MOYNIHAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1053

At the request of Mr. BOND, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1106

At the request of Mr. TORRICELLI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1106, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individual for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis.

S. 1110

At the request of Mr. LOTT, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1128

At the request of Mr. LOTT, his name was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S 1148

At the request of Mr. DASCHLE, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1148, a bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes.

S. 1150

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1177

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1177, a bill to amend the Food Security Act of 1985 to permit the harvesting of crops on land subject to conservation reserve contracts for recovery of biomass used in energy production.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Maine (Ms. SNOWE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

BOXER (AND OTHERS) AMENDMENT NO. 541

Mrs. BOXER (for herself, Mr. HARKIN, Mr. WYDEN, and Mr. FEINGOLD) proposed an amendment to the bill (S. 1122) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Strike section 8106, and insert the following:

SEC. 8106. Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the inventory and status of operational support aircraft, Commander-in-Chief support aircraft, and command support aircraft of the Department of Defense. The report shall include a detailed discussion of the requirements for such aircraft, the foreseeable future requirements for such aircraft, the cost of leasing such aircraft, commercial alternatives to use of such aircraft, the cost of maintaining the aircraft, the capability and appropriateness of the aircraft to fulfill mission requirements, and the relevancy of the missions of the aircraft to warfighting requirements.

STEVENS AMENDMENT NO. 542

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to any funds appropriated elsewhere in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", $9,000,000 is hereby appropriated only for the Army Test Ranges and Facilities program element."

STEVENS AMENDMENT NO. 543

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision in this Act, the total amount appropriated in this Act for Title IV under the heading "Research, Development, Test, And Evaluation, Navy", is hereby reduced by $26,840,000 and the total amount appropriated in this Act for Title IV under the heading "Research, Development, Test, And Evaluation, Defense-Wide", is hereby increased by $51,840,000 to reflect the transfer of the Joint Warfighting Experimentation program: *Provided*, That none of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the Congressional defense committees on the role and participation of all unified and specified commands in the JWEP.

STEVENS AMENDMENT NO. 544

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

In the appropriate place in the bill, insert the following new section:

SEC. . In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $23,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided*, that the Secretary of Defense shall make a grant in the amount of $23,000,000 to the American Red Cross for Armed Forces Emergency Services.

STEVENS AMENDMENT NO. 545

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . In addition to the funds available in Title III, $10,000,000 is hereby appropriated for U–2 cockpit modifications.

Y2K ACT

DOMENICI AMENDMENT NO. 546

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; as follows:

At the appropriate place, insert the following:

SEC. . WAIVER OF SOVEREIGN IMMUNITY FOR A Y2K ACTION.

(a) IN GENERAL.—Consent is given to join the United States as a necessary party defendant in a Y2K action.

(b) JURISDICTION AND REVIEW.—The United States, when a party to any Y2K action—

(1) shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty;

(2) shall be subject to judgments, orders, and decrees of the court having jurisdiction; and

(3) may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

BIDEN (AND OTHERS) AMENDMENT NO. 547

Mr. INOUYE (for Mr. BIDEN (for himself, Mr. SCHUMER, and Mr. EDWARDS)) proposed an amendment to the bill, S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", $63,041,000 shall be available for C–5 aircraft modernization.

GREGG AMENDMENT NO. 548

Mr. GREGG proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION ON USE OF REFUGEE RELIEF FUNDS FOR LONG-TERM REGIONAL DEVELOPMENT OR RECONSTRUCTION IN SOUTHEASTERN EUROPE.

None of the funds made available in the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) for emergency support of refugees and displaced persons and the local communities directly affected by the influx of refugees may be made available to implement a long-term, regional program of development or reconstruction in Southeastern Europe except pursuant to specific statutory authorization enacted on or after the date of enactment of this Act.

BYRD AMENDMENTS NOS. 549–450

Mr. BYRD proposed two amendments to the bill, S. 1122, supra; as follows:

AMENDMENT NO. 549

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, $10,000,000 shall be available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1957).

AMENDMENT NO. 550

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title III under the heading "OTHER PROCUREMENT, ARMY", $51,250,000 shall be available for the Information System Security Program, of which $10,000,000 shall be available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

NICKLES AMENDMENT NO. 551

Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

None of the funds appropriated or otherwise made available by this or any other act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

INHOFE AMENDMENT NO. 552

Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill, S. 1122, supra; as follows:

SEC. . The Department of the Army is directed to conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH-64D Longbow helicopter. The operational test is to be completed utilizing funds provided for in this bill in addition to funding provided for this purpose in the Fiscal Year 1999 Defense Appropriations Act (P.L. 105-262): *Provided*, That notwithstanding any other provision of law, the Department is to ensure that the development, procurement or integration of any missile for use on the AH-64 or RAH-66 helicopters, as an air-to-air missile, is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria: Provided further, That the Under Secretary of Defense (Acquisition & Technology) will conduct an independent review of the need, and the merits of acquiring an air-to-air missile to provide self-protection for the AH-64 and RAH-66 from the threat of hostile forces. The Secretary is to provide his findings in a report to the Defense Oversight Committees, no later than March 31, 2000.

MACK AMENDMENTS NOS. 553–555

Mr. STEVENS (for Mr. MACK) proposed three amendments to the bill, S. 1122, supra; as follows:

AMENDMENT NO. 553

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $6,000,000 may be made available for the 3-D advanced track acquisition and imaging system.

AMENDMENT NO. 554

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be made available for electronic propulsion systems.

AMENDMENT NO. 555

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in title IV under the heading "Counter-Drug Activities, Defense", up to $5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

BURNS AMENDMENT NO. 556

Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill, S. 1122, supra; as follows:

Insert at the appropriate place in the bill the following:

"SEC. . Of the funds made available under the heading "Research, Development, Test, and Evaluation, Army"; up to $6,000,000 may be provided to the U.S. Army Construction Engineering Research Laboratory to continue research and development to reduce pollution associated with industrial manufacturing waste systems."

McCONNELL AMENDMENT NO. 557

Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to $13,000,000 may be available for depot overhaul of the MK-45 weapon system, and up to $19,000,000 may be available for depot overhaul of the Close In Weapon System.

STEVENS AMENDMENT NO. 558

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. . Of the funds appropriated in Title IV under the heading "Research, Development, Test, And Evaluation, Army", up to $1,500,000 may be available for prototyping and testing of a water distributor for the Pallet-Loading System Engineer Mission Module System.

BENNETT AMENDMENT NO. 559

Mr. STEVENS (for Mr. BENNETT) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill insert the following new general provisions:

SEC. . Of the funds provided under Title IV of this Act under Research, Development, Test and Evaluation, Air Force', up to $1,000,000 may be made available only for alternative missile engine source development.

HOLLINGS AMENDMENT NO. 560

Mr. STEVENS (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "Research, Development, Test, and Evaluation, Army", up to $3,000,000 may be made available for the National Defense Center for Environmental Excellence Pollution Prevention Initiative.

REID AMENDMENT NO. 561

Mr. STEVENS (for Mr. REID) proposed an amendment to the bill, S. 1122, supra; as follow:

In the appropriate place in the bill, insert the following new section:

"SEC. . Of the funds made available in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", up to $4,500,000 may be made available for a hot gas decontamination facility.

LIEBERMAN AMENDMENT NO. 562

Mr. STEVENS (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds made available under the heading "Defense Health Program", up to $2,000,000 may be made available to support the establishment of a DOD Center for Medical Informatics.

REID AMENDMENT NO. 563

Mr. STEVENS (for Mr. REID) proposed an amendment to the bill, S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. . Of the funds appropriated in Title III under the heading "PROCUREMENT, MARINE CORPS", up to $2,800,000 may be made available for the K-Band Test Obscuration Pairing System.

KERREY AMENDMENT NO. 564

Mr. STEVENS (for Mr. KERREY) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds made available under the heading "Research, Development, Test and Evaluation, Army", up to $2,000,000 may be made available to continue and expand on-going work in recombinant vaccine research against biological warfare agents.

LAUTENBERG AMENDMENT NO. 565

Mr. STEVENS (for Mr. LAUTENBERG) proposed an amendment to the bill S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) The Secretary of the Army may, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) The equipment to be conveyed under subsection (b) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994.

(3) Pierce HAZMAT truck, manufactured 1993.

(4) Ford E-350, manufactured 1992.

(5) Ford E-302, manufactured 1990.

(6) Bauer Compressor, Bauer-UN 12-E#5000psi, manufactured November 1989.

(d) The conveyance and delivery of the property shall be at no cost to the United States.

(e) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

BIDEN AMENDMENT NO. 566

Mr. STEVENS (for Mr. BIDEN) proposed an amendment to the bill S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be made available for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding).

DOMENICI AMENDMENTS NOS. 567–568

Mr. STEVENS (for Mr. DOMENICI) proposed two amendments to the bill S. 1122, supra; as follows:

AMENDMENT NO. 567

At the appropriate place in the bill, insert:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $5,000,000 may be available for Information Warfare Vulnerability Analysis.

AMENDMENT NO. 568

At the appropriate place in the bill, insert:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $7,500,000 may be made available for GEO High Resolution Space Object Imaging Program.

WYDEN (AND SMITH) AMENDMENT NO. 569

Mr. STEVENS (for Mr. WYDEN (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $4,000,000 may be available solely for research, development, test, and evaluation of elastin-based artificial tissues and dye targeted laser fusion techniques for healing internal injuries.

STEVENS AMENDMENT NO. 570

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

In the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act for the Defense Advanced Research Projects Agency under the heading "Research, Development, Test and Evaluation, Defense-Wide", up to $20,000,000 may be made available for supersonic aircraft noise mitigation research and development efforts.

LEAHY AMENDMENT NO. 571

Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill, S. 1122, supra; as follows:

On line 22, page 97, insert the following:

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SHELBY AMENDMENT NO. 572

Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . From within the funds provided for the Defense Acquisition University, up to $5,000,000 may be spent on a pilot program using state-of-the-art training technology that would train the acquisition workforce in a simulated government procurement environment.

INOUYE AMENDMENT NO. 573

Mr. STEVENS (for Mr. INOUYE) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill add the following:

SEC. . During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management and humanitarian assistance: *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

HUTCHISON (AND GRAMM) AMENDMENT NO. 574

Mr. STEVENS (for Mrs. HUTCHISON (for herself and Mr. GRAMM)) proposed an amendment to the bill S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available.

(b) AUTHORITY.—(1) The Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the "Base Efficiency Project" to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary shall carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on "best value" if the Secretary determines that the award will advance the purposes of a joint activity conducted under the Project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer or property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of Defense determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose. Funds available to the Department for such purpose include funds in the Project Fund.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including nonappropriated fund facilities).

(D) Base operating support services.

(E) Construction or improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the "Base Efficiency Project Fund" into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. All amounts deposited into the Project Fund are without fiscal year limitation.

(2) Amounts in the Project Fund may be used only for operation, base operating support services, maintenance, repair, construction, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration, in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(4) All amounts in the Project Fund shall be available for use for the purposes authorized in paragraph (2) at the Base, except that the Secretary may redirect up to 50 per cent of amounts in the Project Fund for such uses at other installations under the control and jurisdiction of the Secretary as the Secretary determines necessary and in the best interest of the Department.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) ACQUISITION OF INTERESTS IN REAL PROPERTY.—(1) The Secretary may acquire any interest in real property in and around the Community that the Secretary determines will advance the purposes of the Project.

(2) The Secretary shall determine the value of the interest in the real property to be acquired and the consideration (if any) to be offered in exchange for the interest.

(3) The authority to acquire an interest in real property under this subsection includes authority to make surveys and acquire such interest by purchase, exchange, lease, or gift.

(4) Payments for such acquisitions may be made from amounts in the Project Fund or from such other funds appropriated or otherwise available to the Department for such purposes.

(k) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall not apply to transactions at the Base during the Project.

(2)(A) Not later than March 1 each year, the Secretary shall submit to the appropriate committees of Congress a report on any transactions at the Base during the preceding fiscal year that would be subject to such section 2662, but for paragraph (1).

(B) The report shall include a detailed cost analysis of the financial savings and gains realized through joint activities and other actions under the Project authorized by this section and a description of the status of the Project.

(l) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(m) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on September 30, 2004.

(n) DEFINITIONS.—In this section:

(1) The term "Project" means the Base Efficiency Project authorized by this section.

(2) The term "Base" means Brooks Air Force Base, Texas.

(3) The term "Community" means the City of San Antonio, Texas.

(4) The term "Department" means the Department of the Air Force.

(5) The term "facility" means a building, structure, or other improvement to real property (except a military family housing

unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term "joint activity" means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term "Project Fund" means the Base Efficiency Project Fund established by subsection (h).

(8) The term "public services" means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term "Secretary" means the Secretary of the Air Force or the Secretary's designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term "State" means the State of Texas.

GORTON AMENDMENT NO. 575

Mr. STEVENS (for Mr. GORTON) proposed an amendment to the bill, S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", $4,000,000 shall be made available for the Advanced Integrated Helmet System Program.

LOTT AMENDMENT NO. 576

Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place, insert:

Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit a report to Congress no later than 180 days after the enactment of this act which addresses the following issues:

1. A review and evaluation of the operational planning and other preparations of the U.S. Defense Department, including but not limited to the U.S. Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979.

2. A review and evaluation of all gaps in relevant knowledge about the current and future military balance between Taiwan and mainland China, including but not limited to Chinese open source writings.

3. A set of recommendations, based on these reviews and evaluations, concerning further research and analysis that the Office of Net Assessment and the Pacific Command believe to be necessary and desirable to be performed by the National Defense University and other defense research centers.

DOMENICI AMENDMENT NO. 577

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 1122, supra; as follows:

On page 106, line 4, strike "The Communications Act" and insert "(a) The Communications Act of 1934".

On page 107, between lines 4 and 5, insert the following:

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

ROBERTS AMENDMENT NO. 578

Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill, S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. EXTENSION OF AGRICULTURE EXPORT RELIEF ACT OF 1998 AND INDIA-PAKISTAN RELIEF ACT OF 1998.

(a) EXTENSION OF AGRICULTURE EXPORT RELIEF ACT OF 1998.—Section 2 of the Agriculture Export Relief Act of 1998 (Public Law 105–194; 112 Stat. 627) is amended by striking "September 30, 1999" each place it appears and inserting "September 30, 2002".

(b) EXTENSION OF INDIA-PAKISTAN RELIEF ACT OF 1998.—

(1) IN GENERAL.—Section 902(a) of the India-Pakistan Relief Act of 1998 (22 U.S.C. 2799aa–1 note) is amended by striking "for a period not to exceed one year upon enactment of this Act" and inserting "for a period not to exceed September 30, 2002".

(2) REPORT.—Section 904 of such Act is amended by striking "a one-year period described in section 902" and inserting "the first year following the date of enactment of this Act and annually thereafter".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of enactment of this Act or September 30, 1999.

DURBIN AMENDMENT NO. 579

Mr. INOUYE (for Mr. DURBIN) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a)(1) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out any conveyance of land at the former Fort Sheridan, Illinois, Unless such conveyance is consistent with a regional agreement among the communities and jurisdictions in the vicinity of Fort Sheridan and in accordance with section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 573).

(2) The land referred to in paragraph (1) is a parcel of real property, including any improvements thereon, located at the former Fort Sheridan, Illinois, consisting of approximately 14 acres, and known as the northern Army Reserve enclave area, that is covered by the authority in section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 and has not been conveyed pursuant to that authority as of the date of enactment of this Act.

BINGAMAN AMENDMENT NO. 580

Mr. INOUYE (for Mr. BINGAMAN) proposed an amendment to the bill S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Congress makes the following findings:

(1) Congress recognizes and supports, as being fundamental to the national defense, the ability of the Armed Forces to test weapons and weapon systems thoroughly, and to train members of the Armed Forces in the use of weapons and weapon systems before the forces enter hostile military engagements.

(2) It is the policy of the United States that the Armed Forces at all times exercise the utmost degree of caution in the testing of weapons and weapon systems in order to avoid endangering civilian populations and the environment.

(3) In the adherence to these policies, it is essential to the public safety that the Armed Forces not test weapons or weapon systems,

or engage in training exercises with live ammunition, in close proximity to civilian populations unless there is no reasonable alternative available.

(b) It is the sense of Congress that—

(1) there should be a thorough and independent investigation of the circumstances that led to the accidental death of a civilian employee of the Navy installation in Vieques, Puerto Rico, and the wounding of four other civilians during a live-ammunition weapons test at Vieques, including a reexamination of the adequacy of the measures that are in place to protect the civilian population during such testing and of the extent to which the civilian population at the site can be adequately protected during such testing;

(2) the President should not authorize the Navy to resume live ammunition testing on the Island of Vieques, Puerto Rico, unless and until he has advised the Committees on Armed Services of the Senate and the House of Representatives that—

(A) there is not available an alternative testing site with no civilian population located in close proximity;

(B) the national security of the United States requires that the testing be carried out despite the potential risks to the civilian population;

(C) measures to provide the utmost level of safety to the civilian population are to be in place and maintained throughout the testing; and

(D) in the event that testing resumes, measures are to be taken to protect the Island of Vieques and the surrounding area from environmental degradation, including possible environmental harm, that might result from the testing of ammunition containing radioactive materials; and

(3) in addition to advising committees of Congress of the findings as described in paragraph (2), the President should advise the Governor of Puerto Rico of those findings and, if the President decides to resume live-ammunition weapons testing on the Island of Vieques, consult with the Governor on a regular basis regarding the measures being taken from time to time to protect civilians from harm from the testing.

INOUYE AMENDMENT NO. 581

Mr. INOUYE proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place, insert:

SECTION 1. FEDERAL HEALTH CARE PARTNERSHIP.

SEC. . (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and Federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by Federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of these sections, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii".

KENNEDY AMENDMENT NO. 582

Mr. INOUYE (for Mr. KENNEDY) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

Of the funds appropriated in title III, Procurement, under the heading "MISSILE PROCUREMENT, ARMY", up to $35,000,000 may be made available to retrofit and improve the current inventory of Patriot missiles in order to meet current and projected threats from cruise missiles.

LEVIN AMENDMENT NO. 583

Mr. INOUYE (for Mr. LEVIN) proposed an amendment to the bill S. 1122, supra; as follows:

At the end of the bill, add the following new section:

SEC. . Notwithstanding any other provision in this Act, the total amount appropriated in Title IV of this act under Research, Development, Test, and Evaluation, Defense-Wide, is hereby reduced by $200,000,000: *Provided*, That not more than $836,555,000 of the funds provided under this Act may be obligated for National Missile Defense programs: *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Aircraft Procurement, Army is hereby increased by $56,100,000 for re-engining of the CH-47 helicopter, *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Missile Procurement, Army is hereby increased by $98,400,000 for advance procurement of the Javelin missile; *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Procurement of Weapons and Tracked Combat Vehicles, Army is hereby increased by $20,000,000 for procurement of the Field Artillery Ammunition Supply Vehicle, *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Other Procurement, Army is hereby increased by $25,500,000 for procurement of SINCGARS radios.

McCAIN AMENDMENTS NOS. 584–585

Mr. STEVENS (for Mr. McCAIN) proposed two amendments to the bill S. 1122, supra; as follows:

AMENDMENT NO. 584

Strike section 8108, and insert the following:

SEC. 8108. Notwithstanding any other provision of this Act, the total amount appropriated in this Act by titles III, IV, and VI is hereby reduced by $3,100,000,000, the reductions to be derived from appropriations as follows:

(1) From Operation and Maintenance, Army, $27,000,000.

(2) From Operation and Maintenance, Navy, $36,000,000.

(3) From Operation and Maintenance, Marine Corps, $10,200,000.

(4) From Operation and Maintenance, Air Force, $61,800,000.

(5) From Operation and Maintenance, Defense-Wide, $78,900,000.

(6) From Operation and Maintenance, Army National Guard, $53,500,000.

(7) From Operation and Maintenance, Air National Guard, $2,900,000.

(8) From Aircraft Procurement, Army, $178,000,000.

(9) From Procurement of Weapons and Tracked Combat Vehicles, Army, $26,400,000.

(10) From Procurement of Ammunition, Army, $37,500,000.

(11) From Other Procurement, Army, $135,500,000.

(12) From Aircraft Procurement, Navy, $69,000,000.

(13) From Weapons Procurement, Navy, $54,400,000.

(14) From Shipbuilding and Conversion, Navy, $317,500,000.

(15) From Other Procurement, Navy, $67,800,000.

(16) From Procurement, Marine Corps, $54,900,000.

(17) From Aircraft Procurement, Air Force, $164,500,000.

(18) From Missile Procurement, Air Force, $25,400,000.

(19) From Procurement of Ammunition, Air Force, $5,100,000.

(20) From Other Procurement, Air Force, $53,400,000.

(21) From Procurement, Defense-Wide, $73,000,000.

(22) From National Guard and Reserve Equipment, $190,500,000.

(23) From Research, Development, Test, and Evaluation, Army, $249,100,000.

(24) From Research, Development, Test, and Evaluation, Navy, $288,700,000.

(25) From Research, Development, Test, and Evaluation, Air Force, $263,300,000.

(26) From Research, Development, Test, and Evaluation, Defense-Wide, $287,900,000.

(27) From Defense Health Program, $226,200,000.

(28) From Drug Interdiction and Counter-Drug Activities, Defense, $61,600,000.

AMENDMENT NO. 585

At the end of the general provisions, add the following:

SEC. 8109. (a) Subject to subsection (c) and except as provided in subsection (d), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize procurements of items that are grown, reprocessed, reused, produced, or manufactured—

(1) inside a foreign country the government of which is a party to a reciprocal defense memorandum of understanding that is entered into with the Secretary of Defense and is in effect;

(2) inside the United States or its possessions; or

(3) inside the United States or its possessions partly or wholly from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

(b) For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced or manufactured

partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

(c) The authority to waive a requirement under subsection (a) applies to procurements of items if the Secretary of Defense first determines that—

(1) the application of the requirement to procurements of those items would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into between the Department of Defense and a foreign country in accordance with section 2531 of title 10, United States Code;

(2) the foreign country does not discriminate against items produced in the United States to a greater degree than the United States discriminates against items produced in that country; and

(3) one or more of the conditions set forth in section 2534(d) of title 10, United States Code, exists with respect to the procurement.

(d) LAWS NOT WAIVED.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any of the following laws:

(1) The Small Business Act.

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46-48c).

(3) Sections 7309 and 7310 of title 10, United States Code, with respect to ships in Federal Supply Class 1905.

(4) Section 9005 of Public Law 102-396 (10 U.S.C. 2241 note), with respect to articles or items of textiles, apparel, shoe findings, tents, and flags listed in Federal Supply Classes 8305, 8310, 8315, 8320, 8335, 8340, and 8345 and articles or items of clothing, footware, individual equipment, and insignia listed in Federal Supply Classes 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8465, 8470, and 8475.

(e) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

SHELBY AMENDMENT NO. 586

Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill S. 1122, supra; as follows:

In Title IV, under Research, Development, Test, and Evaluation, Army, add the following:

"Of the funds appropriated for research, development, test and evaluation Army, up to $10 million may be utilized for Army Space Control Technology."

BOND (AND ASHCROFT) AMENDMENT NO. 587

Mr. STEVENS (for Mr. BOND (for himself and Mr. DOMENICI)) proposed an amendment to the bill, S. 1122, supra; as follows:

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to funds appropriated elsewhere in this Act, the amount appropriated in Title III of this Act under the heading "Aircraft Procurement, Air Force" is hereby increased by $220,000,000 only to procure four (4) F-15E aircraft; *Provided*, that the amount provided in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $50,000,000 to reduce the total amount available for National Missile Defense; *Provided further*, that the amount provided in Title III of this Act under the heading "National Guard and Reserve Equipment" is hereby reduced by $50,000,000 on a pro-rata basis; *Provided further*, that the amount provided in Title III of this Act under the heading "Aircraft Procurement, Air Force" is hereby reduced by $70,000,000 to reduce the total amount available for Spares and Repair Parts; *Provided further*, that the amount provided in Title III of this Act under the heading "Aircraft Procurement, Navy" is hereby reduced by $50,000,000 to reduce the total amount available for Spares and Repair Parts.

KOHL AMENDMENT NO. 588

Mr. STEVENS (for Mr. KOHL) proposed an amendment to the bill S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. (a) Of the amounts appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $220,000 may be made available to carry out the study described in subsection (b).

(b)(1) The Secretary of the Army, acting through the Chief of Engineers, shall carry out a study for purposes of evaluating the cost-effectiveness of various technologies utilized, or having the potential to be utilized, in the demolition and cleanup of facilities contaminated with chemical residue at facilities used in the production of weapons and ammunition.

(2) The Secretary shall carry out the study at the Badger Army Ammunition Plant, Wisconsin.

(3) The Secretary shall provide for the carrying out of work under the study through the Omaha District Corps of Engineers and in cooperation with the Department of Energy Federal Technology Center, Morgantown, West Virginia.

(4) The Secretary may make available to other departments and agencies of the Federal Government information developed as a result of the study.

LOTT (AND COCHRAN) AMENDMENT NO. 589

Mr. STEVENS (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . Of the total amount appropriated in this Act for RESEARCH DEVELOPMENT TEST AND EVALUATION, NAVY shall be increased by $3,800,000 to continue research and development on polymer cased ammunition.

GRAHAM AMENDMENT NO. 590

Mr. STEVENS (for Mr. GRAHAM) proposed an amendment to the bill S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE" (other than the funds appropriated for space launch facilities), $7,300,000 shall be available, in additional to other funds appropriated under that heading for space launch facilities, for a second team of personnel for space launch facilities for range reconfiguration to accommodate launch schedules.

(b) The funds set aside under subsection (a) may not be obligated for any purpose other than the purpose specified in subsection (a).

VOINOVICH AMENDMENT NO. 591

Mr. STEVENS (for Mr. VOINOVICH) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds appropriated in this Act under the heading "Operation and Maintenance, Army", up to $500,000 may be available for a study of the costs and feasibility of a project to remove ordnance from the Toussaint River.

SANTORUM (AND OTHERS) AMENDMENT NO. 592

STEVENS (for Mr. SANTORUM (for himself, Mr. BOND, and Mr. SPECTER)) proposed an amendment to the bill S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to $4,000,000 may be made available for the Manufacturing Technology Assistance Pilot Program.

HELMS AMENDMENT NO. 593

Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $5,000,000 may be available for visual display performance and visual display environmental research and development.

BYRD AMENDMENTS NOS. 594-595

Mr. STEVENS (for Mr. BYRD) proposed an amendment to the bill, S. 1122, supra; as follows:

AMENDMENT NO. 594

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title III under the heading "OTHER PROCUREMENT, ARMY", $51,250,000 shall be available for the Information System Security Program, of which up to $10,000,000 may be made available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

AMENDMENT NO. 595

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, up to $10,000,000 may be made available for carrying out the first-year actions under the 5-

year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1957).

ASHCROFT (AND BOND) AMENDMENT NO. 596

Mr. STEVENS (for Mr. ASHCROFT (for himself and Mr. BOND)) proposed an amendment to the bill, S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Congress makes the following findings:

(1) The B-2 bomber has been used in combat for the first time in Operation Allied Force against Yugoslavia.

(2) The B-2 bomber has demonstrated unparalleled strike capability in Operation Allied Force, with cursory data indicating that the bomber could have dropped nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties.

(3) According to the congressionally mandated Long Range Air Power Panel, "long range air power is an increasingly important element of United States military capability".

(4) The crews of the B-2 bomber and the personnel of Whiteman Air Force Base, Missouri, deserve particular credit for flying and supporting the strike missions against Yugoslavia, some of the longest combat missions in the history of the Air Force.

(5) The bravery and professionalism of the personnel of Whiteman Air Force Base have advanced American interests in the face of significant challenge and hardship.

(6) The dedication of those who serve in the Armed Forces, exemplified clearly by the personnel of Whiteman Air Force Base, is the greatest national security asset of the United States.

(b) It is the sense of Congress that—

(1) the skill and professionalism with which the B-2 bomber has been used in Operation Allied Force is a credit to the personnel of Whiteman Air Force Base, Missouri, and the Air Force;

(2) the B-2 bomber has demonstrated an unparalleled capability to travel long distances and deliver devastating weapons payloads, proving its essential role for United States power projection in the future; and

(3) the crews of the B-2 bomber and the personnel of Whiteman Air Force Base deserve the gratitude of the American people for their dedicated performance in an indispensable role in the air campaign against Yugoslavia and in the defense of the United States.

SMITH AMENDMENT NO. 597

Mr. STEVENS (for Mr. SMITH of New Hampshire) proposed an amendment to the bill S. 1122, supra; as follows:

In the appropriate page in the bill, insert the following:

SEC. . Of the funds appropriated in Title III under the heading "Aircraft Procurement, Air Force," up to $10,000,000 may be made available for U-2 aircraft defensive system modernization.

HARKIN AMENDMENT NO. 598

Mr. STEVENS (for Mr. HARKIN) proposed an amendment to the bill S. 1122 supra; as follows:

At the appropriate place in the bill insert the following:

SEC. 8104. Of the amount appropriated in title IV under the heading "RESEARCH DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", $25,185,000 shall be available for research and development relating to Persian Gulf illnesses, of which $4,000,000 shall be available for continuation of research into Gulf War syndrome that includes multidisciplinary studies of fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and the use of research methods of cognitive and computational neuroscience, and of which up to $2,000,000 may be made available for expansion of the research program in the Upper Great Plains region.

GRAHAM AMENDMENT NO. 599

Mr. STEVENS (for Mr. GRAHAM) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the total amount appropriated in title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $17,500,000 may be made available for procurement of the F-15A/B data link for the Air National Guard.

COLLINS AMENDMENT NO. 600

Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title III under the heading "WEAPONS PROCUREMENT, NAVY", up to $3,000,000 may be made available for the MK-43 Machine Gun Conversion Program.

INOUYE AMENDMENT NO. 601

Mr. SPECTER (for Mr. INOUYE) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert:

SEC. . DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) Ford Island Improvement Account.—(1) There is established on the books of the Treasury an account to be known as the "Ford Island Improvement Account".

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) Use of Account.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) Inapplicability of Certain Property Management Laws.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) Scoring.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) Conforming Amendments.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.".

(m) Definitions.—In this section:

(1) The term "appropriate committees of Congress" has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term "property support service" means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

BROWNBACK AMENDMENT NO. 602

Mr. STEVENS (for Mr. Brownback) proposed an amendment to amendment No. 578 proposed by Mr. Roberts to the bill, S. 1122, supra; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

TITLE—SUSPENSION OF CERTAIN SANCTIONS AGAINST INDIA AND PAKISTAN

SEC. 1. SUSPENSION OF SANCTIONS.

(a) In General.—Effective for the period of five years commencing on the date of enactment of this Act, the sanctions contained in the following provisions of law shall not apply to India and Pakistan with respect to any grounds for the imposition of sanctions under those provisions arising prior to that date:

(1) Section 101 of the Arms Export Control Act (22 U.S.C. 2799aa).

(2) Section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1) other than subsection (b)(2)(B), (C), or (G).

(3) Section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)).

(b) Special Rule for Commercial Exports of Dual-Use Articles and Technology.—The sanction contained in section 102(b)(2)(G) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(G)) shall not apply to India or Pakistan with respect to any grounds for the imposition of that sanction arising prior to the date of enactment of this Act if imposition of the sanction (but for this paragraph) would deny any license for the export of any dual-use article, or related dual-use technology (including software), listed on the Commerce Control List of the Export Administration Regulations that would not contribute directly to missile development or to a nuclear weapons program. For purposes of this subsection, an article or technology that is not primarily used for missile development or nuclear weapons programs.

(c) National Security Interests Waiver of Sanctions.—

(1) In general.—The restriction on assistance in section 102(b)(2)(B), (C), or (G) of the Arms Export Control Act shall not apply if the President determines, and so certifies to Congress, that the application of the restriction would not be in the national security interests of the United States.

(2) Sense of the senate.—It is the sense of the Senate that—

(A) no waiver under paragraph (1) should be invoked for section 102(b)(2)(B) or (C) of the Arms Export Control Act with respect to any party that initiates or supports activities that jeopardize peace and security in Jammu and Kashmir;

(B) The broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interest of the United States and that this control list requires refinement.

(C) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute such programs.

(d) Reporting Requirement.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute directly and materially to missile programs or weapons of mass destruction programs.

(e) Congressional Notification.—A license for the export of a defense article, defense service, or technology is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), including the transmittal of information and the application of congressional review procedures described in that section.

(f) Renewal of Suspension.—Upon the expiration of the initial five-year period of suspension of the sanctions contained in paragraph (1) or (2) of subsection (a), the President may renew the suspension with respect to India, Pakistan, or both for additional periods of five years each if, not less than 30 days prior to each renewal of suspension, the President certifies to the appropriate congressional committees that it is in the national interest of the United States to do so.

(g) Restriction.—The authority of subsection (a) may not be used to provide assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to economic support fund assistance) except for—

(1) assistance that supports the activities of nongovernmental organizations;

(2) assistance that supports democracy or the establishment of democratic institutions; or

(3) humanitarian assistance.

(h) Statutory Construction.—Nothing in this Act prohibits the imposition of sanctions by the President under any provision of law specified in subsection (a) or (b) by reason of any grounds for the imposition of sanctions under that provision of law arising on or after the date of enactment of this Act.

SEC. 2. REPEALS.

The following provisions of law are repealed:

(1) Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)).

(2) The India-Pakistan Relief Act (title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in section 101(a) of Public Law 105–277).

SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

BIDEN AMENDMENT NO. 603

Mr. STEVENS (for Mr. BIDEN) proposed an amendment to the bill, S. 1122, supra; as follows:

In amendment No. 547, on page 1, line 5, strike "shall" and insert "may".

DOMENICI AMENDMENT NO. 604

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 1122, supra; as follows:

On page 106, line 4, strike "The Communications Act" and insert "(a) The Communications Act of 1934".

On page 107, between lines 4 and 5, insert the following:

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

COVERDELL (AND KERREY) AMENDMENT NO. 605

Mr. STEVENS (for Mr. COVERDELL, for himself and Mr. KERREY), proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place, insert:

(a) FINDINGS.—Congress makes the following findings:

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force, and injuring hundreds more;

(2) An FBI investigation of the bombing, soon to enter its fourth year, has not yet determined who was responsible for the attack; and

(3) The Senate in S. Res. 273 in the 104th Congress condemned this terrorist attack in the strongest terms and urged the United States Government to use all reasonable means available to the Government of the United States to punish the parties responsible for the bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The United States Government must continue its investigation into the Khobar Towers bombing until every terrorist involved is identified, held accountable, and punished;

(2) The FBI, together with the Department of State, should report to Congress no later than December 31, 1999, on the status of its investigation into the Khobar Towers bombing; and

(3) Once responsibility for the attack has been established the United States Government must take steps to punish the parties involved.

DOMENICI AMENDMENT NO. 606

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 1122, supra; as follows:

On page 102, between lines 12 and 13, insert the following:

TITLE IX—McGREGOR RANGE LAND WITHDRAWAL

SEC. 901. SHORT TITLE.

This title may be cited as the "McGregor Range Withdrawal Act".

SEC. 902. DEFINITIONS.

In this title:

(1) The term "Materials Act" means the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601–604).

(2) The term "management plan" means the natural resources management plan prepared by the Secretary of the Army pursuant to section 9005(e).

(3) The term "withdrawn lands" means the lands described in subsection (d) of section 9003 that are withdrawn and reserved under section 9003.

(4) The term "withdrawal period" means the period specified in section 9007(a).

SEC. 9003. WITHDRAWAL AND RESERVATION OF LANDS AT MCGREGOR RANGE, NEW MEXICO.

(a) WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands at McGregor Range in the State of New Mexico that are described in subsection (d) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the Materials Act.

(b) PURPOSE.—The purpose of the withdrawal is to support military training and testing, all other uses of the withdrawn lands shall be secondary in nature.

(c) RESERVATION.—The withdrawn lands are reserved for use by the Secretary of the Army for military training and testing.

(d) LAND DESCRIPTION.—The lands withdrawn and reserved by this section (a) comprise approximately 608,000 acres of Federal land in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Land Withdrawal-Proposed," dated January   , 1999, and filed in accordance with section 9004.

SEC. 9004. MAPS AND LEGAL DESCRIPTION.

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the withdrawn lands; and

(2) file one or more maps of the withdrawn lands and the legal description of the withdrawn lands with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal description shall have the same force and effect as if they were included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(c) AVAILABILITY.—Copies of the maps and the legal description shall be available for public inspection in the offices of the New Mexico State Director and Las Cruces Field Office Manager of the Bureau of Land Management and in the office of the Commander Officer of Fort Bliss, Texas.

SEC. 9005. MANAGEMENT OF WITHDRAWN LANDS.

(a) GENERAL MANAGEMENT AUTHORITY.—During the withdrawal period, the Secretary of the Army shall manage the withdrawn lands, in accordance with the provisions of this title and the management plan prepared under subsection (e), for the military purposes specified in section 9003(c).

(b) ACCESS RESTRICTIONS.—

(1) AUTHORITY TO CLOSE.—Subject to paragraph (2), if the Secretary of the Army determines that military operations, public safety, or national security require the closure to public use of any portion of the withdrawn lands (including any road or trail therein) commonly in public use, the Secretary of the Army is authorized to take such action.

(2) REQUIREMENTS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods required for the purposes specified in such paragraph. During a closure, the Secretary of the Army shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(c) MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of

McGregor Range in accordance with Public Law 85–337 (commonly known as the Engle Act; 43 U.S.C. 155–158).

(2) Management of mineral materials.—Notwithstanding any other provision of this title or the Materials Act, the Secretary of the Army may use, from the withdrawn lands, sand, gravel, or similar mineral material resources of the type subject to disposition under the Materials Act, when the use of such resources is required for construction needs of Fort Bliss.

(d) Hunting, Fishing, and Trapping.—All hunting, fishing, and trapping on the withdrawn lands shall be conducted in accordance with section 2671 of title 10, United States Code, and the Sikes Act (16 U.S.C. 670 et seq.).

(e) Management Plan.—

(1) Required.—The Secretary of the Army and the Secretary of the Interior shall jointly develop a natural resources management plan for the lands withdrawn under this title for the withdrawal period. The management plan shall be developed not later than three years after the date of the enactment of this Act and shall be reviewed at least once every five years after its adoption to determine if it should be amended.

(2) Content.—The management plan shall—

(A) include provisions for proper management and protection of the natural, cultural, and other resources and values of the withdrawn lands and for use of such resources to the extent consistent with the purpose of the withdrawal specified in section 9003(b);

(B) identify the withdrawn lands (if any) that are suitable for opening to the operation of the mineral leasing or geothermal leasing laws;

(C) provide for the continuation of livestock grazing at the discretion of the Secretary of the Army under such authorities as are available to the Secretary; and

(D) provide that the Secretary of the Army shall take necessary precautions to prevent, suppress, or manage brush and range fires occurring within the boundaries of McGregor Range, as well as brush and range fires occurring outside the boundaries of McGregor Range resulting from military activities at the range.

(3) Fire suppression assistance.—The Secretary of the Army may seek assistance from the Bureau of Land Management in suppressing any brush or range fire occurring within the boundaries of McGregor Range or any brush or range fire occurring outside the boundaries of McGregor Range resulting from military activities at the range. The memorandum of understanding under section 9006 shall provide for assistance from the Bureau of Land Management in the suppression of such fires and require the Secretary of the Army to reimburse the Bureau of Land Management for such assistance.

SEC. 9006. MEMORANDUM OF UNDERSTANDING.

(a) Requirement.—The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement this title and the management plan.

(b) Duration.—The duration of the memorandum of understanding shall be the same as the withdrawal period.

(c) Amendment.—The memorandum of understanding may be amended by agreement of both Secretaries.

SEC. 9007. TERMINATION OF WITHDRAWAL AND RESERVATION; EXTENSION.

(a) Termination Date.—The withdrawal and reservation made by this title shall terminate 50 years after the date of enactment of this Act.

(b) Requirements for Extension.—

(1) Notice of continued military need.—Not later than five years before the end of the withdrawal period, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Army will have a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period.

(2) Application for extension.—If the Secretary of the Army determines that there will be a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period, the Secretary of the Army shall file an application for extension of the withdrawal and reservation of the lands in accordance with the then existing regulations and procedures of the Department of the Interior applicable to extension of withdrawal of lands for military purposes and that are consistent with this title. The application shall be filed with the Department of the Interior not later than four years before the end of the withdrawal period.

(c) Limitation on Extension.—The withdrawal and reservation made by this title may not be extended or renewed except by Act or joint resolution.

SEC. 9008. RELINQUISHMENT OF WITHDRAWN LANDS.

(a) Filing of Relinquishment Notice.—If, during the withdrawal period, the Secretary of the Army decides to relinquish all or any portion of the withdrawn lands, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) Determination of Presence of Contamination.—Before transmitting a relinquishment notice under subsection (a), the Secretary of the Army, in consultation with the Secretary of the Interior, shall prepare a written determination concerning whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous wastes and substances. A copy of such determination shall be transmitted with the relinquishment notice.

(c) Decontamination and Remediation.—In the case of contaminated lands which are the subject of a relinquishment notice, the Secretary of the Army shall decontaminate or remediate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(1) decontamination or remediation of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(2) upon decontamination or remediation, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(d) Decontamination and Remediation Activities Subject to Other Laws.—The activities of the Secretary of the Army under subsection (c) are subject to applicable laws and regulations, including the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code, the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) Authority of Secretary of the Interior To Refuse Contaminated Lands.—The Secretary of the Interior shall not be required to accept lands specified in a relinquishment notice if the Secretary of the Interior, after consultation with the Secretary of the Army, concludes that—

(1) decontamination or remediation of any land subject to the relinquishment notice is not practicable or economically feasible;

(2) the land cannot be decontaminated or remediated sufficiently to be opened to operation of some or all of the public land laws; or

(3) a sufficient amount of funds are not appropriated for the decontamination of the land.

(f) Status of Contaminated Lands.—If, because of the condition of the lands, the Secretary of the Interior declines to accept jurisdiction of lands proposed for relinquishment or, if at the expiration of the withdrawal made under this title, the Secretary of the Interior determines that some of the withdrawn lands are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall retain jurisdiction over the withdrawn lands, but shall undertake no activities on such lands except in connection with the decontamination or remediation of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(g) Subsequent Decontamination or Remediation.—If lands covered by subsection (f) are subsequently decontaminated or remediated and the Secretary of the Army certifies that the lands are safe for nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(h) Revocation Authority.—Notwithstanding any other provision of law, upon deciding that it is in the public interest to accept jurisdiction over lands specified in a relinquishment notice, the Secretary of the Interior may revoke the withdrawal and reservation made under this title as it applies to such lands. If the decision be made to accept the relinquishment and to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws, if appropriate.

SEC. 9009. DELEGATIONS OF AUTHORITY.

(a) Secretary of the Army.—The functions of the Secretary of the Army under this title may be delegated.

(b) Secretary of the Interior.—The functions of the Secretary of the Interior under this title may be delegated, except that an order under section 9008(h) to accept relinquishment of withdrawn lands may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

STEVENS (AND DOMENICI) AMENDMENT NO. 607

Mr. STEVENS (for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, add the following:

TITLE —RENEWAL OF MILITARY LAND WITHDRAWALS

SEC. 01. SHORT TITLE.

This title may be cited as the Military Lands Withdrawal Renewal Act of 1999".

SEC. 02. WITHDRAWALS.

(a) MCGREGOR RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws).

(2) Such lands are reserved for use by the Secretary of the Army—

(A) for training and weapons testing; and

(B) subject to the requirements of section 2904(f), for other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 608,384.87 acres in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(d) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(4) Any of the public lands withdrawn under paragraph (1) which, as of the date of the enactment of this Act, are managed pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall continue to be managed under that section until otherwise expressly provided by law.

(b) FORT GREELY MANEUVER AREA AND FORT GREELY AIR DROP ZONE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing; and

(B) subject to the requirements of section 2904(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3)(A) The lands referred to in paragraph (1) are—

(i) the lands comprising approximately 571,995 acres in the Big Delta Area, Alaska, as generally depicted on the map entitled "Fort Greely Maneuver Area Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(e) of the Military Lands Withdrawal Act of 1986; and

(ii) the lands comprising approximately 51,590 acres in the Granite Creek Area, Alaska, as generally depicted on the map entitled "Fort Greely, Air Drop Zone Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of such section.

(B) Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(c) FORT WAINWRIGHT MANEUVER AREA.—(1) Subject to valid existing rights and except as otherwise provided in this title, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering;

(B) training for artillery firing, aerial gunnery, and infantry tactics; and

(C) subject to the requirements of section 2904(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 247,951.67 acres of land in the Fourth Judicial District, Alaska, as generally depicted on the map entitled "Fort Wainwright Maneuver Area Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(f) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

SEC. 03. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn by this title; and

(2) file maps and the legal description of the lands withdrawn by this title with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the following offices:

(1) The Office of the Secretary of Defense.

(2) The offices of the Director and appropriate State Directors of the Bureau of Land Management.

(3) The offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service.

(4) The office of the commander, McGregor Range.

(5) The office of the installation commander, Fort Richardson, Alaska.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in carrying out this section.

SEC. 04. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY SECRETARY OF THE INTERIOR.—(1)(A) The Secretary of the Interior shall manage the lands withdrawn by this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including the Recreation Use of Wildlife Areas Act of 1962 (16 U.S.C. 460k et seq.) and this title. The Secretary shall manage such lands through the Bureau of Land Management.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn by this title may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of the enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3)(A) All nonmilitary use of the lands withdrawn by this title, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, that Secretary may take such action as that Secretary determines necessary to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) During any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—(1)(A) The Secretary of the Interior (after consultation with the Secretary of the military department concerned) shall develop a plan for the management of each area withdrawn by this title.

(2) Each plan shall—

(A) be consistent with applicable law;

(B) be subject to conditions and restrictions specified in subsection (a)(3); and

(C) include such provisions as may be necessary for proper management and protection of the resources and values of such areas.

(3) The Secretary of the Interior shall develop each plan required by this subsection not later than three years after the date of the enactment of this Act. In developing a plan for an area, the Secretary may utilize or modify appropriate provisions of the management plan developed for the area under section 3(c) of the Military Lands Withdrawal Act of 1986.

(d) BRUSH AND RANGE FIRES.—(1) The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn by this title as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) Each memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of fires referred to in paragraph (1) in the area covered by the memorandum of understanding, and for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the military department concerned shall (with respect to each area withdrawn by section 2902) enter into a memorandum of understanding to implement the management plan developed under subsection (c).

(2) Each memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn by this title if requested by the Secretary of the military department concerned.

(f) ADDITIONAL MILITARY USES.—(1) The lands withdrawn by this title may be used for defense-related uses other than those specified in the applicable provision of section 2902. The use of such lands for such purposes shall be governed by all laws applicable to such lands, including this title.

(2)(A) The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 2902.

(B) Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the land or portions thereof.

(3) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources on the lands withdrawn by this title when the use of such resources is required to meet the construction needs of the military department concerned on the lands withdrawn by this title.

SEC. 06. LAND MANAGEMENT ANALYSIS.

(a) PERIODIC ANALYSIS REQUIRED.—Not later than 10 years after the date of the enactment of this Act, any every 10 years thereafter, the Secretary of the military department concerned shall, in consultation with the Secretary of the Interior, conduct an analysis of the degree to which the management of the lands withdrawn by this title conforms to the requirements of laws applicable to the management of such lands, including this title.

(b) DEADLINE.—Each analysis under this section shall be completed not later than 270 days after the commencement of such analysis.

(c) LIMITATION ON COST.—The cost of each analysis under this section may not exceed $900,000 in constant 1999 dollars.

(d) REPORT.—Not later than 90 days after the date of the completion of an analysis under this section, the Secretary of the military department concerned shall submit to Congress a report on the analysis. The report shall set forth the results of the analysis and include any other matters relating to the management of the lands withdrawn by this title that such Secretary considers appropriate.

SEC. 07. ONGOING ENVIRONMENTAL RESTORATION.

(a) REQUIREMENT.—To the extent provided in advance in appropriations Acts, the Secretary of the military department concerned shall carry out a program to provide for the environmental restoration of the lands withdrawn by this title in order to ensure a level of environmental decontamination of such lands equivalent to the level of environmental decontamination that exists on such lands as of the date of the enactment of this Act.

(b) REPORTS.—(1) At the same time the President submits to Congress the budget for any fiscal year after fiscal year 2000, the Secretary of the military department concerned shall submit to the committees referred to in paragraph (2) a report on environmental restoration activities relating to the lands withdrawn by this title. The report shall satisfy the requirements of section 2706(a) of title 10, United States Code, with respect to the activities on such lands.

(2) The committees referred to in paragraph (1) are the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives.

SEC. 08. RELINQUISHMENT.

(a) AUTHORITY.—The Secretary of the military department concerned may relinquish all or any of the lands withdrawn by this title to the Secretary of the Interior.

(b) NOTICE.—If the Secretary of the military department concerned determines to relinquish any lands withdrawn by this title under subsection (a), that Secretary shall transmit to the Secretary of the Interior a notice of intent to relinquish such lands.

(c) DETERMINATION OF CONTAMINATION.—(1) Before transmitting a notice of intent to relinquish any lands under subsection (b), the Secretary of Defense, acting through the military department concerned, shall determine whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of a determination with respect to any lands under paragraph (1) shall be transmitted to the Secretary of the Interior together with the notice of intent to relinquish such lands under subsection (b).

(3) Copies of both the notice of intent to relinquish lands under subsection (b) and the determination regarding the contamination of such lands under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(d) DECONTAMINATION.—(1) If any land subject to a notice of intent to relinquish under subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the military department concerned, makes the determination described in paragraph (2), the Secretary of the military department concerned shall, to the extent provided in advance in appropriations Acts, undertake the environmental decontamination of the land.

(2) A determination referred to in this paragraph is a determination that—

(A) decontamination of the land concerned is practicable and economically feasible (taking into consideration the potential future use and value of the land); and

(B) upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws.

(e) ALTERNATIVES.—(1) If a circumstance described in paragraph (2) arises with respect to any land which is covered by a notice of intent to relinquish under subsection (a), the Secretary of the Interior shall not be required to accept the land under this section.

(2) A circumstance referred to in this paragraph is—

(A) a determination by the Secretary of the Interior, in consultation with the Secretary of the military department concerned that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated to a sufficient extent to permit its opening to the operation of some or all of the public land laws; or

(B) the appropriation by Congress of amounts that are insufficient to provide for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment under subsection (a)—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands; and

(2) the Secretary of the military department concerned shall report to the Secretary of the Interior and to Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(g) REVOCATION OF AUTHORITY.—(1) Notwithstanding any other provision of law, the Secretary of the Interior may, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), revoke the withdrawal established by this title as it applies to such lands.

(2) Should the decision be made to revoke the withdrawal, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) terminate the withdrawal;

(B) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

(h) TREATMENT OF CERTAIN RELINQUISHED LANDS.—Any lands withdrawn by section 2902(c) or 2902(d) that are relinquished under this section shall be public lands under the jurisdiction of the Bureau of Land Management and shall be consider vacant, unreserved, and unappropriated for purposes of the public land laws.

SEC. 09. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or of the Secretary of a military department under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 2908(g) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

SEC. 10. WATER RIGHTS.

Nothing in this title shall be construed to establish a reservation to the United States with respect to any water or water right on the lands described in section 2902. No provision of this title shall be construed as authorizing the appropriation of water on lands described in section 2902 by the United States after the date of the enactment of this Act except in accordance with the law of the relevant State in which lands described in section 2902 are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 11. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 12. MINING AND MINERAL LEASING.

(a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—(1) As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands (except as provided in this subsection) described in subsections (b), (c), and (d) of section 2902 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening pursuant to this section and specifying the opening date.

(b) OPENING LANDS.—On the day specified by the Secretary of the Interior in a notice published in the Federal Register pursuant to subsection (a), the land identified under subsection (a) as suitable for opening to the operation of one or more of the laws specified in subsection (a) shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Mining Law of 1872 on lands described in section 2902.

(d) REGULATIONS.—(1) The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to implement this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands described in section 2902 for military purposes.

(2) Such regulations shall contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—(1) Except as otherwise provided in this title, mining claims located pursuant to this title shall be subject to the provisions of the mining laws. In the event of a conflict between those laws and this title, this title shall prevail.

(2) All mining claims located under the terms of this title shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—(1) Patents issued pursuant to this title for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this subsection, all minerals subject to location under the Mining Law of 1872 shall be treated as locatable minerals.

SEC. 13. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands described in section 2902.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "Home Health Care: Will the New Payment System & Regulatory Overkill Hurt Our Seniors?" This Subcommittee hearing will focus on how the new Medicare Interim Payment System and new regulatory requirements from the Health Care Financing Administration may limit the access of beneficiaries most in need of home health services.

The hearing will take place on Thursday, June 10, 1999, at 2:00 p.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Lee Blalack of the Subcommittee staff at 224-3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee oversight hearing has been schedule before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 24, 1999, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to examine the implications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC. Specifically the Committee will examine the following issues related to the acquisition:

U.S. national and energy security;

Impact on crude oil prices and supply on the U.S. West Coast;

Marine transportation;

Pipeline transportation; and

Exploration and production in Alaska and the lower 48.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224-6730.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been schedule before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, June 29, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on fire preparedness on Federal lands. Specifically, what actions the Bureau of Land Management and the Forest Service are taking to prepare for the fire season; whether the agencies are informing the public about these plans; and ongoing research related to wildfire and fire suppression activities.

Those who wish to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please contact Mike Menge (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a full committee hearing on S. 1049, the "Federal Oil and Gas Lease Management Improvement Act of 1999," scheduled for June 17, 1999 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building has been postponed and will be rescheduled for a later date to be announced by the committee.

For further information, please contact Dan Kish, of the committee professional staff, at (202) 224-8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, June 8, 1999, at 9:30 a.m. in open session, to consider the nominations of General Eric K. Shinseki, USA, for reappointment to the grade of general and for appointment as Chief of Staff, United States Army; and Lieutenant General James L. Jones, Jr., USMC, to be general and for appointment as Commandant of the Marine Corps.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet in closed session for a hearing re Department of Justice Oversight, during the session of the Senate on Tuesday, June 8, 1999, at 10:00 a.m., in S407 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nominations of Kenneth W. Kizer, M.D., M.P.H., to be Under Secretary for Health, Department of Veterans Affairs, and John T. Hanson to be Assistant Secretary for Public and Intergovernmental Affairs, Department of Veterans Affairs.

The hearing will be held on Tuesday, June 8, 1999, at 2:15 p.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs be authorized to meet during the session of the Senate on Tuesday, June 8, 1999, at 2:15 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETIREMENT OF COL. WILLIAM ALEXANDER, USAF

• Mr. BURNS. Mr. President, as the Senate proceeds with its debate on the Defense Appropriations Bill, it is appropriate that we pause and recognize the contribution of a Defense Procurement Official on the occasion of his retirement. Colonel William Alexander—Alex to his friends—is retiring this month after an Air Force career spanning almost 30 years. Alex has spent much of his career leading and mentoring Defense Acquisition Professionals, leaving as his legacy a new generation of experienced procurement managers.

Born in the baby boom era between WWII and the Korean War, Alex grew up in Indiana, where he attended DePauw and Indiana Universities. After completing his Masters Degree in 1970, he entered the Air Force at Wright-Patterson Air Force Base in Dayton, Ohio. Some of his early projects started the development for today's generation of precision guided weapons. It was a whole lot trickier then, without the advantage of the Global Positioning System, but his team worked to develop a way to triangulate a target designation to improve bomb targeting reliability.

The Air Force recognized the contributions of this young officer and moved him into a career in procurement and satellite operations. Alex spent the next 20 years of his career moving between different aspects of the complex world of keeping satellites operating successfully on orbit. He was a procurement official in a number of software source selections, using his abilities to aid the Air Force in getting revolutionary operating software for its expanding fleet of satellites. After his work in operations, the Air Force wisely transferred him into the National Reconnaissance Office as the Director of the Acquisition and Engineering Group within the Communications System Acquisition and Operations Directorate. When the Deputy Director of the Communications Directorate was reassigned, Alex was selected for this position in light of his vast experience in successful acquisitions.

However, I don't want to spend too much time discussing the technical details of Colonel Alexander's career. There are many successful procurement officials within the Air Force and the Department of Defense, but few are as widely recognized for their crafting of personnel in addition to their acquisition expertise. Although the project was always treated with importance, Alex always made sure that his people came first. He was always looking to find ways to challenge his staff to grow both in technical ability and in interpersonal relationships. His success gives credence to the philosophy of empowering and caring for your people, which ultimately leads to the program success. One night during his time in satellite operations, a satellite was having difficulties getting initialized. Scores of people were working around the clock trying to work through the complex issues involved. Recognizing that people do not perform at their best when they are exhausted, Colonel Alexander banished a number of people from the operations floor until they had a rest period. The engineers returned to the floor with clearer heads and ultimately were able to get the satellite up and running successfully on orbit.

When there was a tragic death of an employee on official travel, Alex temporarily set aside his own grief to assist others in the office in addition to the employee's family. In the confusion that surrounded the funeral, Alex took time to meet with all of the family members to try to help them understand the events that had taken place. It was a difficult time for all involved, but Alex clearly demonstrated his caring for his co-workers and should be commended for his actions.

One area where Colonel Alexander should be especially proud is in his initiatives for acquisition reform. Alex was always driving to improve all aspects of buying satellites and software, looking for new and innovative ways to execute the program. At his encouragement, one division has studied purchasing satellites on-orbit, which would be a first for the NRO. He has been an advocate for openness and revolutionary thinking, balancing trusted methods with new ideas. Under his leadership, a security rebaselining was started which resulted in his program appearing on CBS' Eye on America. His drive in this area has literally saved the federal government millions of dollars.

Finally, I want to thank Colonel Alexander for one final initiative. After being nominated for a Congressional Fellowship by Colonel Alexander, a member of his staff has joined my staff for the legislative year. This staff member has been of great assistance already in the Defense bills that have gone to the floor, and I look forward to his continuing contribution through the rest of the Senate's session.

I'm sure that there are still many details for Colonel Alexander to work out as he transitions to a "former" military life. I wish him the best in his endeavors and pass along a sincere thank you on behalf of Congress for passing along his life's philosophy to the generation that will follow in his procurement footsteps. The legacy left behind is greater than mere relics of satellites and software, which will age and be disregarded. Colonel Alexander's heritage is in a corps of people who now have a greater understanding of the balances and pressures in life and a toolkit with how to deal with them. This is a true success, and one that I hope will be a sustained source of pride throughout his retirement.•

THE FENWAY COMMUNITY DEVELOPMENT CORPORATION'S 25TH ANNIVERSARY

• Mr. KENNEDY. Mr. President, today the Fenway Community Development Corporation in Boston is celebrating its twenty-fifth anniversary, and I congratulate the corporation on its impressive accomplishments.

The Nation's economy is currently enjoying the longest period of peacetime expansion in the nation's history. Today, more Americans than ever have access to quality education and productive jobs and careers. But that success is no cause for complacency. Too many of our fellow citizens and too many of our communities are not full participants in the nation's overall prosperity. For them, economic growth often means higher housing costs and pressures to move out of neighborhoods which have been their homes all their lives.

Twenty-five years ago, the Fenway Community Development Corporation was formed to do more to see that neighborhood development benefits the residents of the neighborhood. The Corporation stands proudly for the fundamental principle that local residents should enjoy the benefits of economic growth too, regardless of their incomes, and that neighborhood planning should always put people first.

Since 1973, the Fenway CDC has worked skillfully to improve the quality of life in the community, actively encouraging residents to participate in decisions that affect it. Under its leadership, residents from different cultures, age groups, and income levels have all come together for a better Fenway. I commend them for what they have done to empower people and strengthen the fabric of their neighborhoods.

A large part of this success comes from many activities to improve life in the Fenway. Protecting existing housing, actively seeking opportunities to develop affordable new housing, pursuing commercial development that meets the needs of the neighborhood—all of these are essential parts of the mission.

Other activities include homebuyer counseling—the afterschool programs and playground renovation for neighborhood youth through the Fenway Family Coalition—the computer training and job opportunities with local employers through the Walk to Work Program—and the Senior Task Force, which maintains affordable housing for low income elderly residents, as well as blood pressure screenings and recreation facilities available at the Peterborough Senior Center. All of these programs have contributed immensely to the quality of life in the Fenway neighborhood, and the Corporation deserve great credit for these achievements.

Fenway CDC is a respected leader of CDCs nationwide. I congratulate them for 25 years of skillful work and real results, and I know that the next 25 years will be just as successful.•

TRIBUTE TO THE LOON MOUNTAIN RECREATION CORPORATION

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Loon Mountain Recreation Corporation of Lincoln, New Hampshire for their outstanding achievements in the environmental arena. This month, Loon Mountain will receive the Times Mirror Company's Silver Eagle Award for Environmental Excellence in Visual Impact.

Loon Mountain will be receiving this award due to the recent installation of a new snowmaking pump station. The resort's two objectives in the design of this station were to reduce the visual impact of the pump station to the surrounding community and minimize the impact of the new water withdrawal system on the adjacent river.

Through careful site planning and creative architectural design, the pump station blends in naturally with its surroundings. The techniques employed during construction were environmentally sound and the withdrawal system does not disturb the river environment.

As a senior member of the Senate Environment and Public Works Committee, I realize the impact that industrial design can have on the environment, and I am excited to see businesses such as Loon Mountain working hard to minimize these impacts. I commend the Loon Mountain Recreation Corporation for their environmental awareness, and I am proud to represent them in the U.S. Senate.•

ANDRE AGASSI

• Mr. BRYAN. Mr. President, I rise today to recognize the historic event that took place this past weekend in Paris when Las Vegas's own Andre Agassi captured the 1999 French Open Championship. Andre's completion of the career Grand Slam secures him a place in tennis history that only five other men can claim, and as a testament to his versality, he is the only person to accomplish this feat on three different surfaces—hardcourt, grass, and clay. He is the first American in 61 years to win all four majors—Wimbledom in 1992, the U.S. Open in 1994, the Australian Open in 1995, and now the French—and his victory will soon catapult him to No. 4 in the world rankings.

As great as Andre's accomplishments have been on the court throughout his career, they are, in my opinion, overshadowed by the generosity and compassion he has shown off the court. Andre's commitment to at-risk and underprivileged youth has been a passion of his throughout his tennis career. His establishment of the Andre Agassi Foundation in 1994 to support and fund programs that serve underprivileged kids has provided much needed assistance to a variety of service organizations that work with children in the Las Vegas area, including the Boys & Girls Clubs in Las Vegas, the Assistance League of Las Vegas, and Child Haven. Since its inception, the Agassi Foundation has donated over $5 million to local youth charities.

In today's world of professional sports, it is always refreshing to see an athlete who recognizes the blessings and opportunities he has received, and has chosen to give something back to his community. In spite of a tennis career that has had its ups and downs, Andre has always had a steady hand when it comes to helping underprivileged children. Andre Agassi is the epitome of what a professional athlete should be, and I ask my colleagues to join me in commending him for making tennis history and for all of his charitable endeavors that mean so much to the Las Vegas community.•

TRIBUTE TO MEYER "MIKE" BERMAN

• Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Meyer "Mike" Berman, a World War II veteran who demonstrated unusual heroism during his two years of service in the United States Army.

Mike Berman, Private First Class, served as part of the 12th Infantry Regiment during World War II. An outstanding soldier, he was decorated with the Good Conduct Medal, the Bronze Star Medal with one Oak Leaf Cluster, the World War II Victory Medal and Ribbon, the European African Middle Eastern Campaign Medal, and a Ribbon with one Silver Service Star.

However, the accomplishment Mike Berman is proudest of is the time he saved the life of his friend, Private John Buyers. While artillery shells were coming from all directions, Mike Berman rushed to the aid of Private Buyers, who had been grievously injured. Mike Berman singlehandedly carried Private Buyers by foot to the service jeep that transported him to medical aid. I ask that Private Buyers' letter expressing the gratitude he felt towards Private Berman for saving his life be printed in the RECORD.

The letter follows:

England: Oct: 29th 1944

DEAR MIKE: Just a few lines to say hello and let you know I'm coming along pretty good. I just wanted to thank you for what you done for me the day I got hit. I'll never forget it. If it hadn't been for you, I wouldn't be living today. Thanks a million, "Mike." I've had three operations so far and I'm pretty weak, but I'll live through it. I won't be with you boys' any more but tell them all hello for me. Please write to me if you get a chance.

Well, Mike, be good and take care of yourself. I sure didn't last long, did I? Oh well! It was all in the cards I guess. Please excuse my writing. I can do better but I'm pretty nervous these days. Once again thanks for what you done for me and maybe some day, I'll be able to sort of square things up.

So long.

Cordially,

BUYERS.

Mr. MOYNIHAN. It is particularly appropriate with the recent celebration of Memorial Day that we pay homage to truly courageous individuals like Mike Berman, whose faith in democracy and freedom for mankind have helped make our nation as great as it is today.

The worst of times often best reveals the character of an individual. In the worst of times, Mike Berman proved his charity and love for his fellow man. He went beyond the call of duty when no one else dared to.

Having come from an immigrant family, Mr. Berman's achievements illustrate the enormous passion and desire America's immigrants have to create a better future in their newly adopted country. Our recognition of Mr. Berman reminds us of the tremendous contribution that immigrants have made in the shaping of our Nation. This diverse group of extraordinary, enterprising, and self-sufficient individuals have continuously served to strengthen the United States.•

APPOINTMENT OF CONFEREES—H.R. 1554

Mr. STEVENS. I move that with respect to H.R. 1554, the Senate insist on its amendment, request a conference with the House, and further, the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed from the Judiciary Committee: Mr. HATCH, Mr. THURMOND, Mr. DEWINE, Mr. LEAHY, and Mr. KOHL; from the Commerce, Science and Transportation Committee: Mr. MCCAIN, Mr. STEVENS, and Mr. HOLLINGS conferees on the part of the Senate.

ORDERS FOR WEDNESDAY, JUNE 9, 1999

Mr. STEVENS. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 9. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

I further ask consent there then be a period of morning business until 11 a.m., with Senators permitted to speak up to 10 minutes each, with the following exceptions: Senator COLLINS, 20 minutes; Senator SMITH of New Hampshire, 10 minutes; Senator DURBIN or his designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. As I understand it, the consent that was just entered into means Senator MCCAIN will be recognized at the close of that period of morning business. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I further ask unanimous consent that at 11 a.m. the Senate begin consideration of S. 96, the Y2K legislation, in accordance with that agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, the Senate will be in a period of morning business until 11 a.m. tomorrow. By previous consent, the cloture vote on the motion to proceed to S. 96 has been vitiated, and at 11 a.m. the Senate will begin debate on the important Y2K legislation. Hopefully, the Senate will make substantial progress throughout the day, and therefore votes on amendments can be expected.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Wednesday, June 9, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1999:

FEDERAL HOUSING FINANCE BOARD

FRANZ S. LEICHTER, OF NEW YORK, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2006, VICE DANIEL F. EVANS, JR., TERM EXPIRED.

DOUGLAS L. MILLER, OF SOUTH DAKOTA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2002, VICE LAWRENCE U. COSTIGLIO, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, June 8, 1999*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. GIBBONS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 8, 1999.

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Texas (Mr. DOGGETT) for 5 minutes.

THE ABUSIVE TAX SHELTER SHUTDOWN ACT OF 1999

Mr. DOGGETT. Mr. Speaker, long ago, Will Rogers suggested that, "people want just taxes even more than they want lower taxes. They want to know that every man is paying his proportionate share according to his wealth."

Today, some of our worst tax inequities arise from those who use abusive tax shelters to exploit loopholes in the Tax Code. To stop these, and to make our tax system more fair and just, I am introducing the Abusive Tax Shelter Shutdown Act of 1999.

Forbes Magazine, which proudly proclaims itself "The Capitalist Tool," recently reported on, as the cover of the magazine says, what are called "Tax Shelter Hustlers: Respectable accountants are peddling dicey corporate tax loopholes." Here on the cover, we see the fellow with the fedora standing in the shadows. Unlike those supermarket tabloid stories about UFO abductions, with this particular cover, the substance inside actually lives up to the teaser on the cover. It is true that most abusive tax shelters are already against the law. The problem is that every time we shut down one, more spring up. That is not by accident because, as Forbes also reported, some of the Big 5 accounting firms actually have teams of staffers, and my guess is that most of them dress a little better than this fellow does, who are out there and have as their job to come up with one new tax shelter every single week.

Deploring what he calls the "energy, creativity and viciousness" of these so-called "shelter shops," Calvin Johnson, a professor of tax law at the University of Texas, has labeled these hustling operations "skunk works" because of the sorry odor surrounding their fouling of our tax system. The literal hustling of improper tax shelters is so commonplace that one representative of a Texas-based multinational corporation has recently indicated that he gets a cold call every day from someone hawking or hustling one of these shelters.

Some are even called black box proposals. They are kept under wraps and they are not offered to any but a select few so as to avoid public notoriety. As a partner at one national firm boasted, "A whale cannot get harpooned unless it surfaces for air."

What a whale-sized gulp of arrogance toward honest taxpayers everywhere who dutifully file our returns on April 15 and who have to make up for the taxes that the big boys dodge.

My legislation will curtail egregious behavior without impacting legitimate business deals. It will eliminate the well-justified feeling that these high rollers are cheating and gaming the system, a feeling which leads to distrust and disrespect on behalf of our taxpaying public.

This bill seeks to shut down abusive tax shelters by prohibiting loss generators. These are transactions that lack any legitimate business purpose that are ginned up just to obtain another tax loss, credit or deduction in order to dodge taxes.

The second thing the bill does is it says that a company which thinks it has a proper shelter will be required to provide complete, clear and concise disclosure, verified by a corporate officer. This does not make them forfeit their buried pirate treasure but on these complex transactions it does require them to give up the map where X marks the spot of the treasure.

These disclosure provisions were drafted based on the sound advice of tax practitioners; not the kind of practitioner that is proud to define their success by having another loophole named after them, but the thoughtful commentary of the tax section of the American Bar Association.

The third provision is directed to the penalty for tax dodging, and we tighten and increase the penalty for such tax dodging. Just getting some thick carpet, downtown lawyer to bless what the accounting department has contrived with the help of these tax shelter hustlers is no longer going to be sufficient to save a corporation from penalties if it has clearly stepped over the line with an abusive tax shelter.

These abusive tax shelters have grown and have become so extensive that some experts estimate that they account for $10 billion a year in lost tax revenue. Typical is a recent ad selling a guide to offshore tax shelters that ran in the Wall Street Journal. Featuring a happy, smiling, bikini-clad couple, sipping cocktails on the beach, obviously enjoying the good life at someone else's expense, the ad promised, "Live simply and easily make a tax-free fortune using the world's most exotic places," and you can do all this, it claimed, "in complete privacy and full protection from everyone, including your spouse, competitors, partners and more."

Such schemes suggest the challenge that we face. Surely if locally owned businesses in central Texas can play by the rules, the big boys should, too. The Abusive Tax Shelter Shutdown Act is not a panacea but it will help law enforcement close some loopholes, eliminate the sham transactions and stop the hustlers.

As we say in Texas, move 'em out and shut 'em down.

TURKEY MUST ACCEPT KURDISH PEACE OFFER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, there are some who call it the "trial of the century." Abdullah Ocalan, the imprisoned Kurdish rebel leader, is on trial before a Turkish military tribunal. The trial could hardly be called fair. Mr. Ocalan, who faces the death penalty if convicted, has been denied access to his lawyers. His legal team has faced a pattern of harassment and threats.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Turkish government and media have stirred up nationalistic passions against Mr. Ocalan. If the Turkish government forges ahead with legally railroading Mr. Ocalan and the threat to hang him is carried out, the result would be disastrous for all the people of the region. Yet interestingly enough, the trial of Mr. Ocalan has created a potentially positive and long overdue opening towards reconciliation between the Turkish and Kurdish peoples.

Standing in the dock at his show trial, Mr. Ocalan made a brave plea for a negotiated, Democratic solution to the Kurdish question. Mr. Ocalan's organization, the Kurdish workers's party known as the PKK, has announced its support for Mr. Ocalan's peace offer. With the media attention that the trial is attracting, putting the Kurdish issue in the spotlight to an almost unprecedented degree, Turkey could vastly improve its international standing by simply agreeing to begin negotiations with the Kurdish leaders but, sadly, Mr. Speaker, so far the Turkish government has rejected the path to peace insisting that it will not negotiate with Mr. Ocalan or any leaders of the Kurdish movement.

Yesterday's Washington Post had an editorial entitled, "Turkey's Kurdish Opening," which begins with these words: "Turkey may have a once in a generation opening to treat its national cancer, the problem of its aggrieved Turkish minority."

The editorial in the Post, a paper that has previously shown sympathy to the Turkish point of view on a number of issues, notes that the Turkish policy of relentless military and political attack on the Kurdish movement dooms Turkey to a conflict that sets it at odds with the human Democratic values of the western nations whose company it most values.

That is the bind, Mr. Speaker, that Turkey has put itself into. Turkey is a member of NATO and has sought membership in the European Union, so far unsuccessfully. At the same time, Turkey continues not only to wage a dirty war against a minority community within its borders but to repress and essentially deny the existence of a distinct Kurdish identity, language or culture.

In the meantime, Turkey's economic development, levels of education, infrastructure, development and standard of living, lag far behind European standards while scarce resources are squandered on its ongoing war against the Kurds. It is a cycle that must be broken.

As The Washington Post editorial concludes, "Friends of Turkey must hope it can muster the courage to broaden its perspective and to conduct an honest exploration of the Ocalan initiative."

Mr. Speaker, two recent articles in the New York Times suggest unfortunately that the Turkish political and military establishment is a long way from making this major leap. Last Friday, it was reported that Turkey's best known human rights advocate, Akin Birdal, entered prison to serve a 9½ month sentence for giving speeches judged subversive.

What was his subversive activity? Mr. Birdal, chairman of the Human Rights Association, has repeatedly urged the Turkish state to reach a peaceful settlement with Kurdish rebels. Now, as the article reports, such statements constitute support for terrorism under Turkish law. This same law has recently been used to convict two journalists, a university professor and an aide to Mr. Birdal. While some brave Turks, including the country's top judge, have called for repeal of the law, the hardline regime refuses to give in.

Mr. Speaker, in an effort to encourage the U.S. Government to play a constructive role in heading off the crisis in Turkey, my colleague, the gentleman from California (Mr. FILNER) and I, are circulating a letter this week asking our colleagues to sign a letter to President Clinton urging his intervention to implore that the Turkish authorities show some basic fairness in trying Mr. Ocalan and to spare his life. Seeking a fair trial for Mr. Ocalan should be the first step in our efforts to press Turkey to enter into negotiations to achieve a political solution to this tragic struggle.

Mr. Ocalan and his Kurdish organization have offered an olive branch to the Turkish government. It would be both the decent and the smart thing to do for Turkey to accept this good faith offer and to embark on the path of peace.

In fact, Mr. Speaker, Mr. Ocalan made several previous cease-fire offers prior to his arrest—all of which were summarily rejected by the Turkish government and military officials.

An article in Sunday's New York Times further describes the hardening of official attitudes in Turkey. According to the article, the Turkish Interior Ministry has issued a directive listing terms that must be used when discussing Mr. Ocalan, his movement or Kurds in general. The rules are binding on all reporters for state-run news agencies. It represents another example of the ongoing pattern of inciting nationalistic fear and distrust of the PKK, while trying to blind the Turkish people to the Kurds, their history, their culture and the validity of their struggle.

Mr. Speaker, the Turkish regime refuses to even acknowledge the Kurds' existence, referring to them as "mountain Turks," prohibiting all expression of Kurdish culture and language in an effort to forcibly assimilate them, while jailing, torturing and killing Kurdish leaders. The Government of Turkey's undeclared war on the Kurds has claimed close to 40,000 lives and caused more than 3 million people to become refugees.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 11 minutes a.m.) the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHAW) at 10 a.m.

PRAYER

The Reverend Dr. Peter M. Kurowski, St. Paul's Lutheran Church, California, Missouri, offered the following prayer:

Let us pray. Lord God, enlighten us to see that unless You build the house, in vain the artisans toil; and unless You stand sentry upon a nation, in vain do our guardians watch. Open our eyes to see Your awesome fingerprints in creation, Your amazing footprints in the realm of redemption, and Your architectural imprints upon the documents which helped to give birth to this Republic. May these revelations move citizens everywhere to walk humbly, do justice, and show compassion. Inspire a desire in Americans everywhere to absorb the Biblical book of Ecclesiastes so that as a nation we do not repeat the melancholy moments in history. We ask this in the name of the Wisdom of the ages, the Saviour of sinners, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHAW). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCING THE GUEST CHAPLAIN

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, I take this opportunity to introduce to the House the guest chaplain who is with us today, the Reverend Dr. Peter M. Kurowski. The Reverend is affectionately referred to as "Pastor Pete" by his congregation at St. Paul's Lutheran Church in California, Missouri, which is located in Missouri's Fourth Congressional District.

In recent years, I have had the privilege of getting to know Pastor Pete through our discussions of history and the Missouri Tigers. I have found his spiritual guidance to be uplifting as well as inspirational. Pastor Pete, along with his wife of 25 years, Janice, continue to make such an outstanding contribution to their communities.

A native of Green Bay, Wisconsin, Pastor Pete has attended Oshkosh State University, Concordia College and Fort Wayne Senior College. He later attended Concordia Seminary in St. Louis, Missouri.

He has served congregations in St. Louis, Missouri, Joylston, Illinois, and New Orleans, Louisiana, prior to serving the California, Missouri community.

Pastor Pete is the author of the book, Lifelines of Love, and has done script writing for the Lutheran Layman League animated video "Red Boots for Christmas." He has also written a number of theological and sports articles for various periodicals.

I am truly proud to have such a distinguished leader from California, Missouri give the opening prayer to my colleagues here in the House this morning.

VOTE "NO" ON H.R. 45, NUCLEAR WASTE POLICY ACT OF 1999

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Committee on Commerce recently amended H.R. 45, the Nuclear Waste Policy Act of 1999 to exempt the $8 billion Nuclear Waste Fund from the Budget Enforcement Act. So what does this mean? Well, this move to take the nuclear waste budget off-budget would open the floodgates for unrestricted, uncontrolled spending.

By taking H.R. 45 off-budget, we will permit funding increases without the necessary offsets and provide for little or no congressional oversight and accountability, all in the name of nuclear waste.

By fragmenting the budget to accommodate nuclear waste interests, we would set a dangerous precedent that every other trust fund would undoubtedly attempt to follow.

As Members of Congress, we should be concerned about any erosion of our commitment to budget discipline. Let us not forget that there are several hundred trusts and special funds in existence today, with only Social Security and the Postal Service receiving this special status of off-budget.

I would encourage my colleagues to uphold their commitment to fiscal responsibility and vote "no" on H.R. 45. Let us not make nuclear waste more important than our Social Security, Medicare, seniors and children.

CRA IS A VITAL SUCCESS STORY

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, the Community Reinvestment Act is a success. Community reinvestment means banks responding to creditworthy applicants in their local neighborhoods or towns. Congress must maintain this vital policy, not undercut it.

CRA means safe and sound business for financial institutions. That is the key requirement of the 1977 law. CRA's bank success is meeting people opportunities that safe and sound business represents.

In my home district, the University National Bank is serving Frogtown, an inner city community in St. Paul. This bank has received an outstanding CRA rating for its efforts.

Amazingly, over 70 percent of the loans in University Bank's portfolio qualify for CRA. Of the millions of dollars these loans represent, they have had losses totaling only $300. These loans happened because every year University Bank officers are required to make 500 calls, person-to-person, getting outside the bank.

In telling the story of improving the urban community, Bill Reiling, the owner and president of the University National Bank, states and I quote, "Behind every statistic is a human success story with repercussions that echo and multiply a dozen-fold. How do you measure the impact of a successful new retail business that brings a new job base? How do you measure the positive effect of revitalizing a decaying neighborhood?"

Mr. Speaker, that is CRA. That is how we measure it.

EGYPT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today out of concern for what is happening in the country of Egypt. Our State Department's Country Reports this year detail security and police abuses against citizens from minority backgrounds.

The Reports detailed one horrifying situation in which police brutalized over 1,200 Egyptian Coptik Christians in the village of El-Kosheh. The official Egyptian report of the incident, in response, states that there was no torture or abuse.

Mr. Speaker, look at these photos. We can see the wounds made on this man's flesh. We can see in the faces of the little children who were dashed to the ground and beaten while in their mothers' arms.

The apparent unwillingness of the Egyptian Government to punish police officers involved in these human rights violations, or even admit that these violations occurred is very unfortunate.

Recent news reports suggest that the police officers involved in these human rights violations were not only not punished but rewarded by the government.

I urge the Egyptian Government to take serious measures to correct police brutality and correct the injustices perpetrated against the minorities in El-Kosheh.

COMMUNITY REINVESTMENT ACT HAS BEEN SUCCESSFUL

(Mr. LAFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, the Community Reinvestment Act was created by the Congress in 1977 to combat discrimination by encouraging federally insured financial institutions to help meet the credit needs of the communities they serve. I am here today to report that the Community Reinvestment Act, or CRA, has been a tremendous success.

CRA's success results from the effective partnerships of municipal leaders, local development advocacy organizations, and community-minded financial institutions. Working together, the CRA has proven that local investment is not only good for business but critical to improving the quality of life for low- and moderate-income residents in the communities financial institutions serve.

We will be hearing about other CRA success stories in the next few weeks.

and I want to applaud the financial services industry for their extraordinary record of meeting their CRA obligations. At present, it is estimated that almost 98 percent of all financial institutions have achieved a satisfactory or better CRA compliance. We need to keep and strengthen CRA.

READINESS AND MORALE A PROBLEM WITH U.S. MILITARY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, President Clinton has created a national security emergency by spreading our troops all over the world while neglecting the defense budget.

From 1960 until 1991, American troops were deployed 10 times. Since the Cold War, our fighting forces have been called into action an astonishing 26 times. Strangely enough, this increased activity has occurred during a period in which our military has shrunk by 40 percent.

Mr. Speaker, the defense bill the House will consider later this week addresses the problems of troop readiness and troop morale by providing the resources to ensure that American troops are the best trained and best equipped in the world.

This important bill also provides funding to facilitate the deployment of a national missile defense system that will protect the American people from a ballistic missile attack launched by a rogue nation.

Mr. Speaker, this legislation replenishes our military, strengthens our national security, and enhances our ability to carry out foreign policy objectives. I urge all my colleagues to support it.

PEACE AGREEMENT IN KOSOVO

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, about 40 days ago an 11-member bipartisan congressional delegation, led by my good friend, the gentleman from Pennsylvania (Mr. WELDON), went to Vienna in search of a structure of peace which could be put together with leaders of the Russian Duma, a peace plan which, hopefully, would lead to an end to the war in the Balkans. That was 40 days ago.

One of the principles in this plan was the following: Article 4. The humanitarian crisis will not be solved by bombing. A diplomatic solution to the problem is preferable to the alternative of military escalation.

Unfortunately, in the ensuing 40 days we saw an intense military escalation which resulted in the deaths of countless innocent civilians.

One of the articles in this plan that was put together called on the interested parties to find practical measures for a parallel solution to three tasks, without regard to sequence: the stopping of the bombing, the withdrawal of Serbian armed forces from Kosovo, and the cessation of the military activities of the KLA.

That is where the G–8 is headed now. But they should have stopped the bombing, and they should not today be threatening Belgrade with further bombing if there is not a signature on the dotted line today.

AMERICAN TAXPAYERS ARE NOT UNDERTAXED

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, every once in a while in politics the truth slips out. Sometimes the so-called political pros call it a gaffe. Well, we have a perfect example of a gaffe by the leader of the Democratic Party in this body in the House, the gentleman from Missouri (Mr. GEPHARDT).

The gentleman spoke to a group the other day and he said, and I quote, "You've got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it."

Well, maybe the other side can argue about how they want to raise taxes, but Republicans in this House are arguing about how to cut taxes, not raise them. The American people are overtaxed, not undertaxed.

Let us get together and cut taxes across the board on all Americans, and let us get rid of this horrible tax, the death tax, where the Federal Government can take up to 55 percent of what Americans earn during the course of their lives, even though they have been taxed for that over and over again over the course of their lives.

Let us cut taxes, not talk about raising them.

NATIONAL HOMEOWNERSHIP WEEK

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, today I rise to discuss homeownership in America. Buying a home is a dream for many Americans. People want a place where they can raise their children, where neighbors come together to form a safe community, and ultimately, where they can comfortably grow older.

A memory I have from when I was young was my grandmother. She came to this country. She worked 7 days a week, every day that I can remember, walking half a mile to get on the bus and go to work. She was a restaurant worker. She would come back late at night after dark. I lost her a few years ago. The last few things she said to me was she had two dreams she did not accomplish in the United States: one, to visit the Pope; and two, to own her own home.

This week is National Homeownership Week and it is a time that we can appreciate the growth our Nation has made in homeownership, and it is also when we realize how much more we have to do to help people own that little piece of the American dream, their own home.

I hope that this week we all gather together and work very hard to ensure that there are ways, like CRA and other ways, to help people become homeowners in the United States.

AMERICAN NUCLEAR TECHNOLOGY SECRETS STOLEN BY CHINA

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I say to Bill Richardson, tell the truth. He has been traveling around America and this city saying that when he found out, this administration, that China stole the secrets to our nuclear weapons, the W–88 and the W–87, that he took aggressive steps in 1995 to change that. Tell the truth, Bill Richardson.

U.S. News and World Report, special feature, July 31, 1995, Hazel O'Leary leaked the plans, which are in this magazine, for the W–87 nuclear warhead.

Tell the truth, Bill Richardson. It was this administration that publicly released the documented evidence relative to our W–87 warhead in U.S. News and World Report, July 31, 1995.

Tell the truth, Bill Richardson.

AMERICA SHOULD GUARD AMERICAN BORDERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 90 percent of all crime in America is drug related. Eighty percent of all heroin, 80 percent of all cocaine comes across the Mexican border. To boot, only three out of every 100 trucks coming from Mexico are even inspected.

It is so bad, experts now admit it is even possible for terrorists to smuggle nuclear weapons across our border. And after all this, the White House wants to send 7,000 American soldiers to guard the borders of Yugoslavia.

Beam me up here. Europe should be guarding the borders of Europe and Yugoslavia. America should be guarding the borders of America for the American people. Think about that.

I yield back this weak and foolish national security policy we have in place.

SOCIAL SECURITY SURPLUS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the challenge before this body this week and the next several weeks is passing 13 appropriation bills. The challenge is based on whether or not we are going to stick by the promise that we made in the balanced budget agreement of 1997. At that time most of the Democrats and most Republicans voted for that balanced budget agreement.

That balanced budget agreement included setting caps on future spending. Keeping that commitment means that for the next fiscal year we will not be spending any of the Social Security surplus.

Now the question is—can we keep that commitment? Can we keep that promise? Last week we passed what we called a lockbox, again stating that we are not going to spend the Social Security surplus dollars for other government spending programs. Let us keep our commitment. Let us keep our promise to the American people. Let us not jeopardize current and future Social Security recipients by caving in to the big spenders.

GUN SAFETY LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, 2 weeks ago the Republican leadership in this House told us that we could not vote on gun safety legislation before we left for the Memorial Day break because we needed to have a hearing in committee, needed to go through the proper legislative process.

Ah-ha. Well, now they are bringing this legislation to the floor with no hearings and with no markup. So what was the 2-week delay all about? It was about giving the NRA a head start. We took the Republican leadership at their word that they would play it straight with gun safety legislation. But now it appears that they spent the last 2 weeks scheming with the NRA to bring down gun safety legislation.

With their 2-week head start, the NRA has launched a 2-week campaign of fear. They have spent more than a million dollars in the last several days to kill gun safety legislation.

I am here today to ask to plead with the Republican leadership in this body to stop playing games with gun safety. This debate is about protecting our children. Thirteen children a day are killed by gunfire in the United States of America. This is about saving kids' lives.

This vote on gun safety is deadly serious. There is no more room for political games. Let us stop the games. Let us pass gun safety legislation for our families and for our children.

U.S. MILITARY SHOWING SEVERE SIGNS OF STRAIN

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, American military success in Kosovo has shown once again that American forces are second to none in the world. Our brave pilots and many thousands who work around the clock to support them deserve our highest praise and our deep gratitude.

However, the military operation in Kosovo has also exposed the problem in our national defense structure that we need that needs immediate attention. Our military is undermanned, overextended, and showing severe signs of strain after having to do more with less for too long.

The defense appropriations bill on the House floor later this week is an excellent first step to reverse the trend and to end the damage to the short-changing of the U.S. military. I urge its support.

COMMEMORATING LIVES OF D.C. FIREFIGHTERS

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I rise this morning to commemorate the lives of two brave young firefighters who gave their lives in a fire in the District while Congress was out of session. Both firefighters were born and raised in the Nation's Capital.

The loss is not only to their families but to the Congress of the United States and to this city, where D.C. firefighters prepare every day to do what is necessary to protect both hometown Washington and official Washington, including the Members of this House.

Anthony Phillips of Engine Company No. 10 worked the busiest fire house in the Nation. Only 30 years old, he was the father of two boys, one 21 months old, the other 6 years old. Firefighter Phillips married his childhood sweetheart, Lysa. They were a deeply loving couple and family.

Louis Matthews of Engine Company No. 26 was only 29 years old but served 7 years as a D.C. firefighter. He leaves a loving family, including his mother, Cassandra Shields, and two young children.

Members of this body have been mindful of the risks firefighters face and the sacrifices that their families could be called upon to make. I am grateful that the 105th Congress passed my bill, the Officer Brian Gibson Tax Free Pension Equity Act, that allows the families of firefighters killed in the line of duty to receive survivors' benefits tax free. They did their duty, and I am grateful that we did ours.

SPIRIT OF FREEDOM AWARD

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Mr. Speaker, last Thursday I presented to Mobile Meals of Spartanburg, South Carolina, the first Spirit of Freedom Award. Every day Mobile Meals volunteers deliver as well as prepare over 1,700 meals to needy people in my district, all without government funding. The people at Mobile Meals have shown me that freedom comes from the able hands of local people, people who take responsibility for themselves and their communities.

Here in Washington, we can either protect or take away those freedoms. I believe it is our role in Congress to be the guardians of freedom. That is why we are working to return dollars, decisions and freedoms to the hands of local people.

I thank Mobile Meals for showing us that freedom begins at home.

RAISING ELIGIBILITY AGE OF MEDICARE RECIPIENTS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, this Nation already has the most unfair distribution of wealth and income in the entire industrialized world.

Given that reality, it is absurd that some in Congress are talking about giving huge tax breaks to some of the wealthiest people in this country while at the same time they are talking about raising the eligibility age of Medicare to 67, charging a 10-percent copayment fee for home health care, and voucherizing Medicare, which would mean more out-of-pocket expenses for seniors in this country.

Mr. Speaker, 111 members of Congress have written to the President. We have urged him, do not raise the eligibility age of Medicare to 67, do not charge a 10-percent copayment fee on home health care to some of the weakest and most vulnerable people in this country, and do not force seniors to pay more out-of-pocket for their health care costs.

I urge all Members of this body to join us.

DEPARTMENT OF DEFENSE AUTHORIZATION BILL

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, military readiness is the kind of thing that requires long-term planning and long-term commitment. Decisions made today about our military forces do not show up until years down the road. That is why it is easy for shortsighted or politically motivated leaders to shortchange our military for a few years because future generations will have to pay the price.

Similarly, the defense buildup that President Reagan made his top priority paid huge dividends only after he left office. The Soviet Union fell shortly after he left, and President George Bush reaped the benefits of our extraordinary military prowess in the Gulf War in 1991.

In my judgment, and in the opinion of many military experts, this administration has shortchanged our military systematically over the past 6 years. Our commitments grow, but the resources are just not there to meet them.

This House will soon have the opportunity to take action to change this course. I urge my colleagues on both sides of the aisle to support the DOD authorization bill.

SCHOOL SAFETY AND GUN VIOLENCE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, how much longer do families have to live in fear before Congress acts? How many more memorials must our Nation have before Congress passes sensible gun control? Those are the questions.

It appears that the answer is that some politicians would rather have the National Rifle Association invest in them than for our Congress to invest in our children's future, investing with a sensible gun control measure.

Millions of families across the Nation agree that we need to tighten gun control laws. So it is time for the House to act. The Senate has done the right thing. Now the House must do the same. If that means coming to the floor every day demanding that the Republican leadership bring debate on child safety locks, on background checks at gun shows, and a prohibition on the import of large magazines, so be it, we are going to do it.

We must pass gun safety legislation, we must make our schools safe, and we must do it now.

CHINA HAS AMERICAN NUCLEAR WEAPONS TECHNOLOGY

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I suspect I am one of the few individuals in this House who has worked at a nuclear weapons laboratory. I did this for one summer while I was a graduate student at Berkeley at the University of California. And I found it to be a very good experience to work at a nuclear weapons laboratory, even though my work was primarily on unclassified science.

What impressed me is that the individuals that worked at that laboratory were extremely security conscious and they were very concerned about any leaks of information about nuclear weapons. We seem to have lost that. We have lost that culture ever since the Berlin Wall fell.

But what is dismaying to me is the reaction of the White House to the discovery that the Chinese have managed to obtain information about our nuclear weapons. The spin doctors have gone to work full-time. The President's men seem to be more concerned with blaming the Bush and Reagan administration than with taking responsibility and trying to correct the problem as they should be doing.

□ 1030

It is the mark of strong individuals to take responsibility for the mistakes that they have made and to correct them, and I expect no less of the President and his aides. We do have leaks, we have to cure them, and it is absolutely essential that those individuals who are responsible take responsibility, correct the problem, and solve it.

SUPPORT GUN CRIME PROSECUTION ACT

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, today along with the gentlewoman from New York (Mrs. McCARTHY) and the gentleman from Kansas (Mr. MOORE) and other cosponsors, I introduce a bill that will put at least one Federal prosecutor in every State.

There is no question that our Nation is facing a growing scourge of gun violence that is holding an increasing number of our communities under siege. Crimes committed with firearms are among the most heinous and should be prosecuted as quickly and forcefully as possible.

While the Federal government has in the past approached the problem of gun violence by passing new Federal laws and putting more cops on the beat, there is nothing that can be done to attack the problem if our prosecutors do not have the resources they need to enforce existing laws. Simply put, we must give them the resources they need to fully enforce existing gun laws. That is why we have introduced the Gun Crime Prosecution Act of 1999.

This legislation will give every United States Attorney for each judicial district an additional Assistant U.S. Attorney position whose sole purpose would be the prosecution of crimes committed with a firearm. Specifically, each new prosecutor position would give priority to violent crimes and crimes committed by felons by committing a full-time position within the United States Attorney's office to prosecuting gun crimes. We will be giving our prosecutors the tools they need to enforce the laws that already exist in the statute.

Mr. Speaker, I ask my colleagues to support this bill.

A BETTER WAY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my neighbor from New Mexico offer a point which I think cannot be stated enough. You see, it is not enough to pass laws in Congress. The fact is, prosecutors and those who would uphold the law need to enforce existing laws and need to obey existing laws.

Mr. Speaker, that is one of the things I heard time and again visiting with my constituents in the Sixth Congressional District of Arizona. I know that different Members of this body spent their district work periods in different ways. For example, the minority leader of this body, the gentleman from Missouri (Mr. GEPHARDT), spent time in Philadelphia bragging about how my friends on the left might take control of this institution in the year 2000.

Here is what the minority leader said:

"You've got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that. We can close loopholes or even raise taxes to do it."

There is the candor attack, the honesty episode from the minority leader. Cut defense and raise taxes. That is their prescription for the future? Mr. Speaker, there is a better way.

PLAUDITS TO COX COMMITTEE

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, I think every single Member of this body owes a debt of gratitude to the gentleman from California (Mr. COX) my Republican colleague. The gentleman from

California headed the Select Committee on China and has been an outstanding example of even temperament, fair-mindedness and bipartisanship in his handling of the House investigation of Chinese espionage at our nuclear laboratories.

Although there is considerable evidence that the administration has been selectively leaking the most sensational stories to the New York Times, the Cox Committee has been a tomb. No one has accused Chairman COX or anyone on his staff of leaking information about his long-awaited report, an extraordinary achievement in Washington.

Thus far, public statements by the gentleman from California have been judicious and moderate and he has bent over backwards not to be partisan, even though most of the espionage occurred during the periods 1994 and 1995. Instead, he has focused on what can be done about the problems at our Energy Department laboratories.

CHRIS COX, well done. The American people have benefitted greatly from your outstanding work on this extremely important issue.

COMMENTS ON COX COMMITTEE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, recently Secretary of Energy Bill Richardson stated, "I can assure the American people that their nuclear secrets are now safe at the labs." Somehow I do not think the American people believe him.

In fact, the unanimous conclusion of the Cox Committee is also at odds with the Secretary's reassurance. The committee concludes that "such thefts almost certainly continue to the present day."

I am quite distressed at the reaction of the administration's spokesmen who even to this very day are downplaying the significance of the Cox report finding. And, of course, they are changing the subject.

The big news is not that our nuclear secrets were stolen. The incomprehensible news is what this administration has done about it when it was discovered in 1995 that the crown jewel of our nuclear arsenal, the W-88, was stolen by the Communist Chinese.

No one told the President.

The Justice Department denied the FBI's request for a wiretap on the clear and obvious suspect.

The issue, my colleagues, is what was done in 1995, 1996, 1997, 1998 and 1999.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 8 of rule XX, the pending business is the question de novo of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 46, answered "present" 1, not voting 31, as follows:

[Roll No. 170]

YEAS—355

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—46

Aderholt
Bilbray
Borski
Brown (FL)
Brown (OH)
Clay
Costello
Crane
DeFazio
English
Etheridge
Filner
Gephardt
Gibbons
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hutchinson
Kucinich
LaFalce
Lewis (GA)
LoBiondo
Martinez
Moran (KS)
Oberstar
Pallone
Pastor
Peterson (MN)
Pombo
Ramstad
Riley
Sabo
Stupak
Sweeney
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Vento
Visclosky
Weller

ANSWERED "PRESENT"—1

Scarborough

NOT VOTING—31

Boucher
Brown (CA)
Cannon
Chenoweth
Coburn
Coyne
Danner
Diaz-Balart
Dingell
Frost
John
Kilpatrick
Kingston
Kleczka
Lee
Linder
Lipinski
McCollum
Obey
Pickett
Rangel
Rohrabacher
Rush
Sanders
Schaffer
Schakowsky
Smith (MI)
Tiahrt
Waters
Wise
Young (AK)

□ 1056

So the journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. LEE. Mr. Speaker, on rollcall No. 170, I was unavoidably absent from the Journal vote. Had I been present, I would have voted "yes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a Certificate of Election received from the Honorable M.J. "Mike" Foster, Jr., Governor, State of Louisiana, indicating that, at the Special Election held on May 29, 1999, the Honorable David Vitter was duly elected Representative in Congress for the First Congressional District, State of Louisiana.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk.

□ 1100

SWEARING IN OF THE HONORABLE DAVID VITTER, OF LOUISIANA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect and the members of the Louisiana delegation present themselves in the well.

Mr. VITTER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the United States Congress.

WELCOME TO THE HONORABLE DAVID VITTER

(Mr. TAUZIN asked and was given permission to address the House for 1 minute.)

Mr. TAUZIN. Mr. Speaker, it is with extreme pleasure that the Louisiana delegation presents to you the newest member of our delegation, the newest Member of the American House of Representatives, Mr. DAVID VITTER.

DAVID is extremely well qualified to join this body. Unlike the Member in the well, who graduated from Harvard on the Bayou in Louisiana, DAVID actually got his education at Harvard University. He is a Rhodes Scholar. He and his lovely wife, Wendy, are the parents of three beautiful children, including a young set of twins. Their three daughters are here today to celebrate this day with them. Like CHRIS JOHN in our delegation, they are the parents of twins, and we are real excited to have him and his family join our delegation.

Ladies and gentlemen, Mr. Bob Livingston is here, a former member, as you know, and Mr. Jimmy Hayes is here from Louisiana, also to welcome DAVID.

Would you please join me in welcoming again the newest member of the Louisiana delegation and the newest Member of our House of Representatives here in Washington, D.C., Mr. DAVID VITTER.

SERVING LOUISIANA WITH HONOR, HUMILITY, AND AWE

(Mr. VITTER asked and was given permission to address the House for 1 minute.)

Mr. VITTER. Mr. Speaker, ladies and gentlemen of the House, distinguished Congressman TAUZIN and other members of the Louisiana delegation, I am honored, humbled, awestruck to stand before you today.

My goal in the years ahead is simply this: to become at ease and comfortable with you as I become a respected colleague and friend; to become at ease and comfortable with the ways of the House as I become an effective Congressman; but never to become so at ease and comfortable that I lose these feelings of honor, of humility, of awe. And how could I? This is the people's House. You, we, are the people's representatives, a vital part of the most powerful and moral political experiment in human history.

I look forward to always honoring you as the people's representatives and to working constructively with you on the people's business.

In closing, I would like to recognize the forces that have brought me here today: God; family, led by my parents and wife; friends; and, of course, the wonderful people of Louisiana's First Congressional District. They are here today, they are here always, and I thank them from the depths of my heart.

EDUCATION LAND GRANT ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 150) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of question shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 189 is an open rule providing 1 hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Resources. The rule makes in order the Committee on Resources' amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read.

Members who have preprinted their amendments in the record prior to their consideration may be given priority in recognition to offering their amendments if otherwise consistent with House rules.

The Chairman of the Committee of the Whole may postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 150, the Education Land Grant Act, is the product of tireless efforts of my colleague, the gentleman from Arizona (Mr. HAYWORTH). The gentleman is looking for innovative ways to provide educational resources for State and local governments.

Like many western States, Arizona has scarce non-Federal resources within the National Forest land system, making it very expensive and cost-prohibitive for school districts to buy land needed to expand or build the necessary school facilities.

The gentleman from Arizona (Mr. HAYWORTH) recognized this clearly when he had to fight to convey 30 acres of Forest Service land to the Alpine School District for the purpose of building new school facilities during the 104th Congress. The Education Land Grant Act would codify this process for all Forest Service land. This legislation authorizes the Secretary of Agriculture to convey Forest Service lands for educational purposes, as long as the school is publicly funded, the conveyance serves the public interest, and the land is not environmentally sensitive or needed for the purpose of the National Forest System.

□ 1115

This process mirrors the Recreation and Public Purposes Act, which allows Congress to sell or lease Bureau of Land Management land to State and local governments, and qualified nonprofit organizations for public purposes.

I am proud of the work my colleague, the gentleman from Arizona (Mr. HAYWORTH) has done.

Mr. Speaker, I urge support for the rule and the underlying legislation, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we return to the Education Land Grant Act, which was scheduled for consideration a few weeks ago but postponed until today. The bill was reported on a voice vote from the Committee on Resources. It is a relatively straightforward bill and enjoys bipartisan support.

Although I know there are Members who have objections which will be raised in the ensuing debate, it will be ably handled on our side by my good friend, the gentleman from California (Mr. GEORGE MILLER).

Mr. Speaker, this is a request for an open rule on a bill which could easily be handled on the suspension calendar, and an open rule which was granted only after the Democrat efforts to bring forward the juvenile justice bill were defeated on a party line vote.

Mr. Speaker, this weekend I had the privilege to attend my granddaughter's high school graduation and to hear her give a commencement address welcoming her classmates to the last day of their childhood and the first day of the rest of their lives.

She stated:

> We have come to an intersection with no signs, our past beeping loudly at us and a foggy road ahead. Some of us are struggling wildly to go into reverse, which in life is utterly impossible. We are hesitantly facing our future, an unnerving task for we know not what the future holds. But take comfort, the beauty of the future lies not in its planning, but in its spontaneous creation.

Mr. Speaker, I was just like thousands of other parents and grandparents who attended the graduation ceremonies over the past few weeks. There we were, watching our kids, our grandkids, the kid next door who only last week it seems was learning to ride without training wheels, and is now about to claim his or her future.

Sadly, so many, far, far too many children in recent years have gone through that rite of passage forever tinged by violence inside their school walls. In some instances, the classes following these children will have learned not only the fire drill but the evacuation drill, in case a classmate has a gun.

A columnist in my hometown paper, the Democrat and Chronicle in Rochester, New York, observed that we have had so many school shootings that we can now rank them in order of the carnage which was created. It is so sad I can hardly speak to it, but in homes across this country, families are being forced to have exactly that discussion.

Mr. Speaker, if Members do not believe the threat is real, ask the mere child who came to me recently wondering how to find a bulletproof vest.

Mr. Speaker, let us not get complacent on the issues of gun violence and juvenile justice. Let us not let another graduation day pass without action by this House to reduce violence and to help our troubled children.

Mr. Speaker, that is still a debate which this House needs, which I encourage the leadership to allow, and which America wants. Instead of or at least in addition to the debate on the Education Land Grant Act, let us have a constructive and bipartisan debate on our response to the growing crisis of school violence.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, continuing debate on H.R. 150, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on Public Lands and National Parks.

Mr. HANSEN. Mr. Speaker, I thank my friend, the gentleman from Texas, for yielding time to me.

Mr. Speaker, I rise in support of the rule for H.R. 150. H.R. 150 is an important piece of legislation that will help schoolchildren in rural communities throughout this country.

The Education Land Grant Act will allow publicly-funded education entities to acquire Forest Service land at nominal cost for school facilities. This will help many of the cash-strapped communities that are hemmed in by government land to provide an education for their children.

Mr. Speaker, this is an important bill that will help the Nation's children. I would like to thank the minority for working with us to fine-tune this legislation, and I look forward to the discussion on H.R. 150 on the floor. I support the rule, and hope that my colleagues will do likewise.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I rise today in support of the rule and the underlying legislation, H.R. 150. I want to thank the gentleman from Texas for yielding time to me to speak on this bill, and I want to congratulate the gentleman from Arizona (Mr. HAYWORTH) for his vision and forthrightness and commitment in bringing this bill before the floor.

Mr. Speaker, I represent the Second Congressional District of Nevada. It has numerous communities that are land-locked by the Federal government, Federal land, including Forest Service lands. We have several rural communities that have very little private land from which to expand or build new schools.

For example, let me take one of the counties which I represent. It has an area of approximately 10,000 square miles. That is bigger than the State of Maine. It has 98 percent of that land being owned, operated, and managed by the Federal government. That leaves 2 percent of 10,000 square miles to pay for education, for the infrastructure, highways, for police and fire services, and all of the other county and local community needs. They are not able to reach out and improve their economic and financial base without H.R. 150.

Let me say that that 2 percent is not enough to support many of these counties. What we are asking for here is 80 acres at a maximum, that is 80 acres for this one county out of 10,000 square miles; 80 acres, not a lot. Without this legislation, there is no chance for these people to build new schools, to expand their community for their children, and to improve the future for their children.

H.R. 150 is a commonsense proposal to enhance the education of our children, not just in Nevada, not just in Arizona, but across America, as well.

I urge my colleagues to support H.R. 150, the rule and the underlying bill.

Again, I want to congratulate the gentleman from Arizona (Mr. HAYWORTH).

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Texas (Mr. SESSIONS), a member of the Committee on Rules, for yielding time to me.

I also thank my colleague, the gentlewoman from New York (Ms. Slaughter) for her remarks, such as they pertain to this particular piece of legislation.

Mr. Speaker, today we have the opportunity to come together as Americans, not as Democrats or as Republicans but as Americans, to pass an important piece of legislation that will make it easier for economically-challenged communities to provide educational facilities for our children.

The title of this bill says it all: The Education Land Grant Act. This act would allow school districts around the country to apply for conveyances of small tracts of Forest Service land at nominal cost to build, renovate, or expand their educational facilities.

Currently only school districts near Bureau of Land Management land can apply for conveyances under the Recreation and Public Purposes Act, or R&PPA. Modeled after the R&PPA, my legislation simply adds Forest Service lands to this equation.

Mr. Speaker, the idea for this legislation grew out of work I was honored to do in the 104th Congress during my first term here representing the Sixth Congressional District of Arizona. At that time the Alpine School District in eastern Arizona was in desperate need of new school facilities. This district lies within Apache County in the eastern part of the State, near our border with New Mexico.

Eighty-five percent of Apache County, Arizona, is federally-controlled land. That limited what could be raised in property taxes, so the school district was dependent on proceeds from timber harvesting. However, due to lawsuits, logging had been halted. Consequently, the timber receipts that had gone toward funding the schools all but dried up.

The Alpine School District faced a dilemma. It could not afford both the cost of land, estimated to be $225,000, and the cost of new school facilities. So I introduced legislation which was signed into law that conveyed 30 acres of Forest Service land to the Alpine School District so that the people there could use that land for the construction of new school facilities.

Construction of those facilities proceeds, and I am pleased to report that when the children of Alpine return to school this fall, the facilities will be completed.

The legislation we consider today sets up a national mechanism for school districts to apply to the Secretary of Agriculture for Forest Service land without having to come to Congress to draw up a specific bill for a special remedy, as the people of Alpine did.

However, the Education Land Grant Act authorizes the Secretary of Agriculture to convey Forest Service land only if certain specific conditions are met:

First, the entity seeking the conveyance must use the land for a public or publicly-funded elementary or secondary school.

Second, the conveyance must serve the public interest.

Third, the land cannot, cannot be environmentally sensitive or needed for purposes of the National Forest system.

Finally, the total acreage to be conveyed will be limited to the amount reasonably necessary for the proposed use, but not to exceed 80 acres.

It also provides that conveyances under this legislation shall be made for a nominal cost using guidelines established under the R&PPA for approximately $10 an acre. The bill would provide expedited review of applications by requiring the Secretary of Agriculture to acknowledge the receipt of an application within 14 days.

A final determination about whether to convey the land must be made within 120 days unless the Secretary of Agriculture submits a written notice to the applicant explaining the delay.

Passage of this bill will be a boon for rural areas throughout our Nation, but especially in the West and in the South, where there is a large amount of federally-controlled land.

For example, Gila County, Arizona, a county in my district which is approximately the size of the State of Connecticut, only finds 3 percent of its land mass privately owned. In other words, 97 percent of Gila County, Arizona, is under the control, the ownership, if you will, of some governmental entity.

That is why in the West private land, when we can find it, like in Gila County, only 3 percent, is extremely expensive. Not only that, but the West also confronts the problem and the challenge of rapidly growing populations. In fact, Arizona, Utah, and Nevada are the three fastest growing States in the Nation. This means there will be more demand to build school facilities but less land to do it on.

The Education Land Grant Act is one of the ways we can alleviate some of the West's growing pains and at the same time help our children receive the education they need and deserve.

Mr. Speaker, my colleagues on both sides of the aisle have continually talked about the importance of education and the future of our children. H.R. 150 is a commonsense proposal on which we can all agree because it will allow economically-strapped school districts throughout the United States to put the money where it counts, in the classroom, helping teachers teach, helping children learn. This is a goal I believe we all support, Mr. Speaker.

I hope this House will strongly support the rule and this bipartisan, commonsense legislation.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1130

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 150.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 150) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes, with Mr. SHAW in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 150, the Education Land Grant Act. H.R. 150 is a good piece of legislation that will help school children in rural communities throughout the country. I commend the gentleman from Arizona (Mr. HAYWORTH) for his hard work on this bill.

The Education Land Grant Act was designated to alleviate the problem that may help small Western communities. These towns are often hemmed in by government-owned lands such as BLM land, Indian reservations, national forests, State land, national monuments, national parks, et cetera.

Since so much of this land base in these areas is nontaxable government land, they often find it difficult to afford school facilities. The little private land that does exist in these areas tends to be very expensive. This often makes land acquisition for school facilities cost-prohibitive.

Those communities that are fortunate enough to have a suitable parcel of BLM land near their town can get land at a nominal cost for school facilities through the Recreation and Public Purposes Act. Unfortunately, those communities that are next to a suitable parcel of forest land do not have this option because the Recreation and Public Purposes Act does not apply to Forest Service lands.

H.R. 150 was designed to help these towns and cities surrounded by or adjacent to Forest Service land. They would be able to buy parcels of land for school facilities from the Forest Service at nominal cost. This will allow many of these cash-strapped communities to build more adequate education facilities for their children.

I would like to thank the minority for working closely with us on this legislation. The legislation we have before us today is much improved and something I believe we should all support.

I understand that the administration has some concerns with this legislation. In particular, they object to the concept of selling Forest Service lands at less than full market value. While I understand their concerns, I think it is important to note who it is that we are trying to help. We are talking about schoolchildren. We are talking about giving school districts a little land to build an elementary school or a playground for the children.

This is a good cause and a very good idea. H.R. 150 is simple legislation that resolves a difficult problem for rural school districts. I urge all of my colleagues to support H.R. 150.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as introduced, H.R. 150 had significant problems. The bill would have amended the Recreation and Public Purposes Act to provide for the transfer of national forest lands to local education entities for use as elementary and secondary schools, including public charter schools.

At the Committee on Resources hearing on H.R. 150, the administration testified in opposition to the bill. While they supported the objective of making Federal lands available in certain circumstances for public purposes, they testified that the legislation was burdensome.

One of the problems with the bill was that the Recreation and Public Purposes Act was designed to apply to public lands only. H.R. 150 tried to shoehorn national forest lands into that law and it was not a very good fit. The problem was not only with using the Recreation and Public Purposes Act, but also the fact that the bill sponsor was seeking waivers or changes to the normal requirements of land conveyances.

We should not be setting different requirements for school lands than applied to public lands used for hospitals or other public purposes. Further, we had no definition of a public charter school and, as such, we did not know what such use would entail.

During the Committee on Resources' consideration of H.R. 150, an amendment in the nature of a substitute was adopted and made substantial improvements to this legislation. As reported by the Committee on Resources, the bill is now a freestanding measure that provides discretionary authority to the Secretary of Agriculture to make available certain national forest system lands at nominal cost to qualifying entities for use as elementary and secondary schools and related facilities.

The bill requires that in order to make such a conveyance, the Secretary must determine that, one, the land will be used for the intended purposes, two, that the conveyance will serve the public interest, three, that the land to be conveyed is not otherwise needed for the national forest system, and four, the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use.

In any event, the conveyance is limited to 80 acres, and the mineral rights are reserved to the United States. In addition, the committee amendment includes the reverter clause that would be applicable if the lands were to be used, without consent of the Secretary, for use other than the use for which the lands were not conveyed.

Mr. Chairman, H.R. 150, as amended by the Committee on Resources, is a significant improvement from the bill as it was introduced. Although the administration objects to the bill because the lands are authorized to be conveyed for less than full cost, I do not think that what the bill provides in this case is unreasonable, given the discretionary nature of the bill and the public interests being served.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the author of this legislation, and compliment the gentleman for doing such an excellent job on this very necessary bill.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Utah (Mr. HANSEN) for yielding to me. I also thank the gentleman from California (Mr. GEORGE MILLER) because, as I have learned since coming to this institution, good legislation is often a collaborative process.

I would simply say in response to a couple of points raised by the administration and the Forest Service, it is precisely because so many rural communities find themselves enclosed by federally controlled land are so economically strapped, so economically challenged, so economically disadvantaged that we brought this legislation forward.

Fair market value in this case cannot apply, nor should it apply; and this bill rectifies that at a nominal cost to allow these communities to concentrate their resources where they are best utilized, in the education of our children, by helping teachers teach, helping children learn, and helping local communities within their discretion use this as another tool to empower parents, to empower these varied communities.

The irony of the Forest Service opposition I think speaks volumes, sadly, of the fact that ofttimes there are two Americas. There is the America that is the cause celebre of the news magazines, of the media events, of the cries on our National Mall to remember the children, to care for the children.

Mr. Chairman, folks from the Sixth District of Arizona in remote communities, folks from rural America, do not often get the chance to come to Washington and engage in a photo op. They do not often get the chance to have officials from the administration come with hordes of media to cover an hour in a schoolroom.

But, Mr. Chairman, do rural children not count as much as those in the city? Do those who find their industry shut and their way of life abandoned not have the same rights as those who are easily accessible by the national media and so many opportune photo experiences? I say yes.

Mr. Chairman, I believe Members on both sides of the aisle, rhetoric notwithstanding, understand full well our responsibility to children, whether they reside in a cosmopolitan place such as the Bay area of California or a rural location such as Apache County, Arizona.

Mr. Chairman, I have often said that Mark Twain had it right. History does not repeat itself, but it rhymes. With this new Education Land Grant Act, we will reaffirm one of the greatest examples that has gone before.

Another Republican member of the Committee on Ways and Means, Justin Smith Morrill, in the 1860s brought similar legislation to the floor of this body. Indeed, in the presidential campaign of 1860, it is often obscured because of the terrible Civil War that followed, but a one-term Member, former Member of this body, a man named Abraham Lincoln, told Congressman Morrill that his land grant act would be one of the pillars of the Lincoln administration.

What the Morrill land grant act did for institutions of higher learning, granting back to our States federally controlled land for the establishment of institutions of higher learning with concentration in the agricultural and mechanical arts, what that act did to make higher education available to all Americans is what we seek to do today with this land grant act, for schools K through 12, for those who find themselves embattled and at an economic disadvantage, without the voices of the special interests in Washington, to step up and put them on the cover of "Time" or "Newsweek," or speak about the challenges they face, to say to rural America, this Congress recognizes the needs that you have.

Mr. Chairman, bipartisan passage of this legislation is essential because the impact of this legislation will literally be ground breaking because it will empower local districts. It will give them the opportunity to have another tool at their disposal to educate their children as they see fit.

That is why today I come to the floor of this House and I ask my colleagues to join me, not as Democrats or as Republicans, but as Americans, in offering this opportunity so that we can end the days that existed before, so that individual Members of Congress do not have to come with a bill exclusively designed for a school district in their area and hope that it is attached like an ornament on a Christmas tree to a larger piece of legislation and end up with a crazy quilt that exists at the discretion of this House and at the whims of the legislative winds that may blow.

This legislation strikes a powerful blow on behalf of America's children, and its impact will be far-reaching and have consequences that the pundits may ignore and the spinmeisters may do their best to sweep aside, but will not soon be forgotten in the classrooms of rural America.

I ask my colleagues to join me in passage of this legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I said before, we do not deny the bill has been, we believe, substantially improved with the substitute, as proposed, to the bill, as amended. We have no problem with this.

I would say I do not think this bill is going to solve the education problems in this country. There is much for this Congress to do. While we are happy to help pass this legislation, we wish that the majority would get on with the rest of the agenda that the people in this country want with respect to schools, and clearly part of that is to protect our students and schools from violence. We wish that before the break you had taken up the legislation dealing with background checks at gun shows, child safety locks, and other measures to try to prevent the easy access and irresponsible access of young people to guns that have played out in the tragic incidents, oft too often, in this country.

□ 1145

We appreciate that this legislation may impact 40, 50, maybe 60, 70 districts that may have access to some lands, but there are millions of students that are in schools that are crumbling, that are not ready for the next century, that have not been wired, and we really think that the Federal Government ought to participate in helping, whether it is through the Tax Code or whether through loans or grants, to rebuilding some of these crumbling schools in America that are both urban and rural so that children can have a decent setting in which to learn and in which knowledge can be conveyed and can be acquired by these children.

So this is an interesting piece of legislation, but it falls far short of what the country expects out of this Congress with respect to the children's education in this Nation. And we would hope at some point, since we are only working a couple of hours a week around here, that we would find time to address that legislation and deal with the issue of revitalizing the infrastructure of education in this country.

Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume to concur with what the gentleman from Arizona said regarding this bill before us. I do not think that people who come from the large metropolitan areas or the large heavily populated States realize the problems we have in some of rural America. Many States, and we can look at a lot of the western States in particular and some in the south, where there is a small community surrounded by government land. I come from one of those communities myself where all of a sudden the Forest Service or BLM land has you hemmed in and communities can do nothing. They cannot touch it or do anything with it. Then, when they want to expand for a playground or expand their school, they have to come up against this bureaucracy of how do we do it.

Nothing is more difficult, Mr. Chairman, in America than trying to figure out a way to get the Federal Government to trade, barter, or somehow buy some Federal land. It goes through the biggest fudge factory there is in America, and communities are lucky if they get it done. It normally takes 11 years before they even look at it. Therefore, this is an overdue piece of legislation.

At this particular time we have a President of the United States and Vice President of the United States, and last Thursday the minority leader of the Democratic side, talking about the need for education, but we are not seeing too much happening around here. This is the first time this term, in my mind, that we have seen something that substantially helps schoolchildren.

I commend the gentleman from Arizona for taking it upon himself to do it. I know he had some tough fights in committee to get it to this point, but finally we will get something that will help these little communities that are a forgotten part of America. Everyone thinks of the New Yorks and the San Franciscos and the L.A.s, but they do not think of the little Apache areas or Farmington, Utah, or some other little place in Wyoming. Finally, we are doing something for those folks. I commend the gentleman.

Mr. THOMAS. Mr. Chairman, I support H.R. 150, the Education Land Grant Act, because it will help children in my district in Kern County, California, to continue to attend their school situated on federally owned land in the Los Padres National Forest. Passage of this bill will finally give the U.S. Forest Service the authority to dedicate 10 acres of land currently used by the Frazier Park Elementary School for continuation of this school's operation.

Many schools in the rural West were built on land owned by the U.S. Forest Service. There is often no other choice because the communities are surrounded by government owned land—"land-locked". However, under current regulations, these schools are facing skyrocketing lease prices from the Forest Service's new land value assessment methods. Many schools are finding it almost impossible to remain open because of being hit by the higher leases. Yet, it makes no sense for the federal government to dedicate billions to general education while strangling specific schools that operate on federal land.

Frazier Park Elementary is a good example of a rural school the bill could aid. Imbedded within the Los Padres National Forest, the school is now facing a financial crisis. Since 1975, the School has leased and developed land from the Forest Service. Like many leaseholders, their property has been reevaluated by the Forest Service, and the lease has gone up by 1300% in one year from $1,290 per year to $17,750 per year.

Does it make sense to take education dollars from isolated, rural schools to put into the coffers of a federal land agency? Local Forest Service officials have repeatedly lamented that they had no authority to dedicate the land to the school district. Passage of this bill will finally give the Forest Service the authority and direction from Congress to make such a dedication in the case of Frazier Park Elementary School.

The Education Land Grant Act provides real and immediate assistance to school districts like Frazier Park Elementary School that are asking for our help. I urge my colleagues to stand and join me in voting for this bill and provide a resounding answer that we do support education for our children.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for purposes of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Education Land Grant Act".

SEC. 2. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon application, the Secretary of Agriculture may convey National Forest System lands for use for educational purposes if the Secretary determines that—

(1) the entity seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System; and

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral rights.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a demand for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any proposed question that immediately follows another vote, provided the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to this bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. SHAW, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 150) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes, pursuant to House Resolution 189, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 14, as follows:

[Roll No. 171]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich

Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bliley
Boucher
Brown (CA)
Chenoweth
Crane
Kilpatrick
Kingston
Lee
McCollum
Pickett
Rush
Smith (MI)
Waters
Weldon (PA)

□ 1213

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 171, I was inadvertently detained in a meeting with AARP re Social Security. Had I been present, I would have voted "yes."

Ms. LEE. Mr. Speaker, on rollcall No. 171, I was unavoidably absent from the vote on H.R. 150. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in the 15th Congressional District of Michigan, I was not able to record my vote for two measures considered in the U.S. House of Representatives today. Had I been present, I would have voted "aye" for rollcall number 170, and I would have voted "aye" for rollcall number 171.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include tabular and extraneous material on H.R. 1906.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 185 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1906.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 26, 1999, the amendment by the gentleman from Oklahoma (Mr. COBURN) had been disposed of and the bill was open for amendment from page 13, line 1, to page 14, line 19.

Are there further amendments to this portion of the bill?

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Committee of the Whole has had this bill under consideration for 2 days. We have consumed about 11 hours of floor time so far. We have disposed of 10 amendments by recorded votes and we have reached page 14 of a 70-page appropriations bill. I believe that this is a record for this bill. I rise to make the point that the membership has been very strong in its support of the Committee on Appropriations and of the votes cast on the 10 amendments; over 70 percent have supported the committee's recommendations and less than 30 percent have opposed them. I want to take this opportunity to thank the membership for supporting our work and to ask for its continued support.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to inform the House that we are going to proceed forward on this bill today. It is our hope, in view of the crisis in rural America, we can move through it expeditiously. We look forward to working with the gentleman from New Mexico (Mr. SKEEN) and to try to move through the amendments that remain. I think further delay is not in the interest of the Nation. We would like to move this bill to conference as quickly as possible. We look forward to proceeding with the amendments in order. I look forward to the first amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: for payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $2,060,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $3,000,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,214,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $8,426,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for a groundwater quality program under section 3(d) of the Act, $9,561,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,000,000; payments for a food safety program under section 3(d) of the Act, $7,365,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,714,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $25,843,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $12,741,000; in all, $438,987,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, $10,000,000.

Office of the Under Secretary for Marketing and Regulatory Programs

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $444,000,000, of which $4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2000, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2000, $87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $7,200,000, to remain available until expended.

Agricultural Marketing Service

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $49,152,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE LEVEL

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $12,443,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

Grain Inspection, Packers and Stockyards Administration

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $26,448,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

Office of the Under Secretary for Food Safety

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

Food Safety and Inspection Service

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $652,955,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Office of the Under Secretary for Farm and Foreign Agricultural Services

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $572,000.

Farm Service Agency

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service

Agency, $794,839,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $4,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $559,422,000, of which $431,373,000 shall be for guaranteed loans; operating loans, $2,295,284,000, of which $1,697,842,000 shall be for unsubsidized guaranteed loans and $97,442,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,028,000; for emergency insured loans, $53,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $7,243,000, of which $2,416,000 shall be for guaranteed loans; operating loans, $61,825,000, of which $23,940,000 shall be for unsubsidized guaranteed loans and $8,585,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $21,000; and for emergency insured loans, $8,231,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $214,161,000, of which $209,861,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $70,716,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2000, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $14,368,000,000 in the President's fiscal year 2000 Budget Request (H. Doc. 106–3)), but not to exceed $14,368,000,000, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2000, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $654,243,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $6,124,000 is for snow survey and water forecasting and not less than $9,238,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,368,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of

April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed $47,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $35,265,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E, 381G, 381H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $666,103,000, to remain available until expended, of which $34,387,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $579,216,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $52,500,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the amount appropriated for rural community programs, $5,000,000 shall be made available for hazardous weather early warning systems; and $6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $5,000,000 shall be made available for partnership technical assistance grants to rural communities: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act; not to exceed $16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $5,300,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $45,245,000 shall be available through June 30, 2000, for empowerment zones and enterprise communities, as authorized by Public Law 103–66, of which $2,106,000 shall be for rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act; of which $34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which $8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any obligated and unobligated balances available from prior years for the "Rural Utilities Assistance Program" account shall be transferred to and merged with this account.

AMENDMENT NO. 12 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 12 offered by Mr. SANDERS:
>
> Page 35, line 7 (relating to the rural community advancement program), insert after the dollar amount the following: "(increased by $3,000,000)".
>
> Page 53, line 7 (relating to ocean freight differential grants), insert after the dollar amount the following: "(reduced by $3,000,000)".

Mr. SANDERS. Mr. Chairman, the amendment I am offering would provide $1 million in the rural community advancement program in order to fund a national pilot program to promote agritourism. The purpose of this program is to provide another means of income for America's struggling family farmers. I think the plight of the family farmer in America is well documented and I do not need to get into it at this time. But I believe that the body here knows that many, many thousands of hardworking family farmers are struggling to keep their farms afloat and to keep their heads above water. I am impressed with the work done in the chairman's home State of New Mexico with agritourism, and I know the gentleman from New Mexico has been very active in this program. I think it would be very useful to farmers in the State of Vermont and farmers throughout this country to expand this general concept into a national program. The concept here is that in States throughout this country, tourism brings in substantial sums of money. One of the reasons people come to the State of Vermont or come to many of the other beautiful States in this country is because of the work done by family farmers in keeping the land open and keeping our landscape beautiful.

Unfortunately, in many areas throughout the State, the farmers themselves do not substantially benefit from the tourism that comes into rural areas. So it seems to me that if we could get a pilot program developed at the Federal level by which States can develop their own innovative programs, this would be a means by which tourism dollars can come into the hands of farmers and I think would well serve rural America.

My understanding, Mr. Chairman, is that the chairman of the committee has agreed to accept this amendment. I am very grateful to him for that.

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, this amendment has a lot of value for the rural parts of the United States. We have a program in New Mexico that was patterned after the same one that the gentleman is headed for. We accept the amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman for yielding. I just wanted to rise in support of this important amendment and to say that we would certainly want to encourage the Department of Agriculture to do as good a job as possible on linking many of the rural events around the country, many of our special fairs, rural shows, whether it is equipment, whether it is planting or whatever it might be. This is an incredible display of American innovation and creativity. I just really want to compliment the gentleman from Vermont (Mr. SANDERS) for seeing this opportunity which can benefit Vermont, an incredible State. I am so happy to have traveled there myself, just the sheer beauty of it would be of interest to our own people and people from abroad, but all of the counties and townships and communities across the country that are bringing forth their wares and their culture and to make this more open and available to people who are touring. I just think the gentleman has an excellent idea and support this amendment.

Mr. SANDERS. I thank both the chairman and the ranking member very much for their support. The bottom line is that we are all fighting very hard to see that our family farmers survive. Agritourism is one way we can get some cash into the pockets of our family farmers. I thank both the chairman and the ranking member for their support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,537,632,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,200,000,000 shall be for unsubsidized guaranteed loans; $32,400,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $25,000,000 for section 514 farm labor housing; $120,000,000 for section 515 rental housing; $5,152,000 for section 524 site loans; $7,503,000 for credit sales of acquired property, of which up to $1,250,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $133,620,000, of which $19,520,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,900,000; section 538 multi-family housing guaranteed loans, $480,000; section 514 farm labor housing, $11,308,000; section 515 rental housing, $47,616,000; section 524 site loans, $4,000; credit sales of acquired property, $874,000, of which up to $494,250 may be for multi-family credit sales; and section 523 self-help housing land development loans, $281,000: *Provided*, That of the total amount appropriated in this paragraph, $9,829,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66, empowerment zones as authorized by Section 951 of the Taxpayer Relief Act of 1997 (Public Law 105–34), enterprise communities as authorized by Division A, Title VII, Section 766 of the Fiscal Year 1999 Omnibus Appropriations Act (Public Law 105–277), and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 2000, they shall remain available for other authorized purposes under this head.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $377,879,000, which shall be transferred to and merged with the appropriation for "Rural Housing Service, Salaries and Expenses".

AMENDMENT NO. 18 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Ms. KAPTUR:

In the third paragraph under the headings "RURAL HOUSING SERVICE" and "RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)", strike the period at the end of the paragraph and insert the following: ": *Provided*, That of this amount the Secretary of Agriculture may transfer up to $7,000,000 to the appropriation for 'Outreach for Socially Disadvantaged Farmers'.".

Ms. KAPTUR. Mr. Chairman, this amendment relates to a special effort for outreach for our socially disadvantaged farmers. Members might recall, last year we made an effort to try to help the Department of Agriculture to resolve former civil rights problems that existed with loan programs and programs that were there to reach many of the small-scale farmers and ranchers, those grants that go through our 1890 and 1862 land grant institutions, American Indian community colleges, Hispanic- and Latino-serving institutions, as well as all minorities involved in agriculture. I think we did a good job of it. We took the unusual step of waiving statutes of limitation to allow complaints involving racial discrimination to move forward. This amendment this year would not increase the budget but would merely allow the Secretary of Agriculture to transfer up to $7 million from the rural housing salaries and expenses account to this program. If the Secretary uses the full authority to do that, that would mean that this outreach program for socially disadvantaged farmers would be brought up to the $10 million request level by the administration for fiscal year 2000. This program is important, because it provides technical and managerial assistance to small-scale farmers and ranchers. There is a particular emphasis in the program on farmers from minority groups, but the program is not just limited to racial or ethnic minorities. It is carried out through grants to colleges and universities, including the 1890 and 1862 land grant institutions, American Indian community colleges and Hispanic- and Latino-serving institutions as well as through grants to community-based organizations throughout our country. These institutions and organizations in turn provide intensive training and management assistance to small farmers and ranchers. This assistance includes, for example, preparing individualized farm plans, helping in upgrading accounting systems, and applying for credit, aid and better understanding and taking advantage of USDA programs and services.

This outreach is especially crucial now because of the crisis afflicting rural America. And it is vital to helping small and minority farmers and ranchers weather these hard times and stay on the land. I think it also adds to an important civil rights sensitivity that we need to continue pressing at the U.S. Department of Agriculture.

I want to compliment Secretary Glickman and his staff for being open to the efforts of this Congress to serve all of America. For these reasons, I am pleased to offer this amendment. I greatly appreciate the support of the gentleman from New Mexico for this initiative, and I urge adoption of the amendment.

Mr. SKEEN. Mr. Chairman, I support the adoption of the gentlewoman's amendment. I thank her for her concern. The committee has increased funding for civil rights programs at USDA in the past several years but progress has fallen far short of their expectation.

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The 2501 program has been moved within the bureaucracy several times, and it has never been audited. I believe the committee should look carefully at this program again next year to make sure that eligible farmers and ranchers get the full benefit of this particular amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $583,400,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 2000 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $28,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That of the total amount appropriated, $1,000,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66, empowerment zones as authorized by Section 951 of the Taxpayer Relief Act of 1997 (Public Law 105–34), enterprise communities as authorized by Division A, Title VII, Section 766 of the Fiscal Year 1999 Omnibus Appropriations Act (Public Law 105–277), and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 2000, they shall remain available for other authorized purposes under this head.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490e, and 1490m, $50,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $3,250,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103-66, empowerment zones as authorized by Section 951 of the Taxpayer Relief Act of 1997 (Public Law 105–34), enterprise communities as authorized by Division A, Title VII, Section 766 of the Fiscal Year 1999 Omnibus Appropriations Act (Public Law 105–277), and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 2000, they shall remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $61,979,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That the Administrator may expend not more than $10,000 to provide modest nonmonetary awards to non-USDA employees.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $22,799,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $52,495,000: *Provided further*, That of the total amount appropriated, $4,343,000 shall be available for the cost of direct loans for empowerment zones and enterprise communities, as authorized by Public Law 103–66, empowerment zones as authorized by Section 951 of the Taxpayer Relief Act of 1997 (Public Law 105–34), enterprise communities as authorized by Division A, Title VII, Section 766 of the Fiscal Year 1999 Omnibus Appropriations Act (Public Law 105–277), and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones, to subsidize gross obligations for the principal amount of direct loans, $10,000,000: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 2000, they shall remain available for other authorized purposes under this head.

In addition, for administrative expenses to carry out the direct loan programs, $3,337,000 shall be transferred to and merged with the appropriation for "Rural Business-Cooperative Service, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,453,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2000, as authorized by section 313 of the Rural Electrification Act of 1936, $3,453,000 shall not be obligated and $3,453,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $6,000,000, of which $1,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program and $1,500,000 for cooperative research agreements.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $24,612,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $1,500,000,000 and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $11,922,000, and the cost of telecommunications loans, $3,210,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $31,046,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2000 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $3,290,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $16,700,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided*, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, and the Consolidated Farm and Rural Development Act, and for cooperative agreements, $34,107,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $554,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,547,028,000, to remain available through September 30, 2001, of which $4,611,829,000 is hereby appropriated and $4,935,199,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to $4,363,000 shall be available for independent verification of school food service claims: *Provided further*, That none of the funds under this heading shall be available unless the value of bonus commodities provided under section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is included in meeting the minimum commodity assistance requirement of section 6(g) of the National School Lunch Act (42 U.S.C. 1755(g)).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,005,000,000, to remain available through September 30, 2001: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary shall obligate $10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $21,577,444,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this head shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this head shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $141,000,000, to remain available through September 30, 2001: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a), $141,081,000, to remain available through September 30, 2001.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $108,561,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

Foreign Agricultural Service and General Sales Manager

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $137,768,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

Public Law 480 Program Account

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of Public Law 83–480 title I credit agreements, including the cost of modifying credit arrangements under said Act, $165,400,000, to remain available until expended.

In addition, for administrative expenses to carry out such title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 83–480 are utilized, $1,938,000, of which not to exceed $1,093,000 may be transferred to and merged with "Salaries and Expenses", Foreign Agricultural Service, and of which not to exceed $845,000 may be transferred to and merged with "Salaries and Expenses", Farm Service Agency (7 U.S.C. 1691, 1701–04, 1731–36g–3, 2209b).

Public Law 480 Title I Ocean Freight Differential Grants

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon under the Agricultural Trade Development and Assistance Act of 1954, as amended, $14,000,000, to remain available until expended for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act, including Food for Progress programs as authorized by the Food for Progress Act of 1985, as amended: *Provided*, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts (7 U.S.C. 1701b, 2209b).

Public Law 480 Grants—Titles II and III

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended, $837,000,000 for commodities supplied in connection with dispositions abroad pursuant to title II of said Act: *Provided*, That sums made available to carry out title II or title III of said Act shall remain available until September 30, 2003 (7 U.S.C. 1691, 1721–26a, 1727–27e, 1731–36g–3, 1737, 2209b).

Of the funds made available by this Act to carry out the Agricultural Trade Development and Assistance Act of 1954, not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act.

Commodity Credit Corporation Export Loans Program Account

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,085,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,413,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and $672,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,218,384,000, of which not to exceed $145,434,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: *Provided*, That no more than $100,180,000 shall be for payments to the General Services Administration for rent and related costs.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $31,750,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

Commodity Futures Trading Commission

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $65,000,000, including not to exceed $2,000 for official reception and representation expenses: *Provided*, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $35,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 2000 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 365 passenger motor vehicles, of which 361 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

Mr. WISE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is not to offer an amendment. I just want to assure the chairman and ranking member there was a statement I wanted to make very briefly concerning the Food and Drug Administration Modernization Act which was a significant reform allowing for the expedited approval of food contract substances principally used in plastic, paper and aluminum food packaging, and under this innovative program approvals which currently take unto 6 years can be accomplished in as little as 120 days while still assuring the safety of these materials. Employers in my district would benefit from this program which would speed the introduction of new packaging materials and new uses for existing ones.

I appreciate the committee's statement recognizing the value of this regulatory reform, but I am concerned that the necessary funds have yet to be appropriated since both the committee and the administration are counting on the authorization of user fees. Although the industries benefiting from this program are willing to support reasonable use of fees, an authorization by Congress this year is not guaranteed. In fact, as of today no fee authorization bill has been introduced much less discussed in any detail.

I just wanted to point this out and I say it would be a shame if this innovative new program were to fall between the cracks, and as this bill moves along, in the process I would hope that the chairman and ranking member would work to assure that at least the authorized levels of funding could be made available in the event that a fee system cannot be enacted in time for Fiscal Year 2000.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427 and 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 10 percent of the screwworm program, and up to $2,000,000 for costs associated with collocating regional offices; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American Institutions Endowment Fund in the Cooperative State Research, Education, and Extension Service; and funds for the competitive research grants (7 U.S.C. 450i(b)), shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 711. None of the funds in this Act shall be available to pay indirect costs charged against agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under the Small Business Innovation Development Act of 1982, Public Law 97–219 (15 U.S.C. 638).

SEC. 712. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 713. Appropriations for the Rural Housing Insurance Fund Program Account for the cost of direct and guaranteed loans made available in fiscal years 1994, 1995, 1996, 1997, 1998, and 1999 shall remain available until expended to cover obligations made in each of those fiscal years respectively in accordance with 31 U.S.C. 1557.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2000 shall remain available until expended to cover obligations made in fiscal year 2000 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 716. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service, the Grain Inspection, Packers and Stockyards Administration, the Animal and Plant Health Inspection Service, or the Food Safety and Inspection Service and a State or Cooperator to carry out agricultural marketing programs, to carry out programs to protect the Nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the Nation's food supply.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, the Natural Resources Conservation Service may enter into contracts, grants, or cooperative agreements with a State agency or subdivision, or a public or private organization, for the acquisition of goods or services, including personal services, to carry out natural resources conservation activities: *Provided*, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 718. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 719. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants: *Provided*, That interagency funding is authorized to carry out the purposes of the National Drought Policy Commission.

SEC. 720. None of the funds appropriated in this Act may be used to carry out the provisions of section 918 of Public Law 104–127, the Federal Agriculture Improvement and Reform Act.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 723. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 724. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 725. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the Fund for Rural America Program, authorized by section 793 of Public Law 104–127, with the exception of funds made available under that section on January 1, 1997.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by sections 334–341 of Public Law 104–127 in excess of $174,000,000.

SEC. 727. None of the funds appropriated or otherwise available to the Department of Agriculture may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 120,000 acres in the fiscal year 2000 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 729. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems.

SEC. 730. Notwithstanding section 381A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009), the definitions of rural areas for certain business programs administered by the Rural Business-Cooperative Service and the community facilities programs administered by the Rural Housing Service shall be those provided for in statute and regulations prior to the enactment of Public Law 104–127.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 732. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 335 of Public Law 104–127.

SEC. 733. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 734. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out the provisions of section 612 of Public Law 105–185, the National Swine Research Center.

SEC. 736. (a) None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the emergency food assistance program authorized by section 27(a) of the Food Stamp Act (7 U.S.C. 2036(a)) if such program exceeds $99,000,000.

(b) In addition to amounts otherwise appropriated or made available by this Act, $1,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center, which is an organization described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and is exempt from taxation under subsection (a) of such section.

SEC. 737. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to inform the membership this bill has been moving at record speeds today, and I want to express my personal appreciation to the majority for avoiding the kind of difficulty we faced on the floor the week before last on this bill. We have several Members that had wanted to offer amendments to the bill, and I think some of them did not anticipate it would have moved as swiftly as it has this afternoon, and I just wanted to make sure and put on the record that there may be some remaining amendments.

Mr. Chairman, I see the gentlewoman from Florida (Mrs. MEEK) is rising to her feet here, and there may be some other Members who were not aware until just a few moments ago that this bill would be on the floor and moving as expeditiously as it has today.

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So I just wanted to reemphasize that point and give our Members an opportunity to come to the floor. We have attempted to call their offices and so forth.

AMENDMENT NO. 7 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. MEEK of Florida:

Add before the short title the following new section:

SEC. . After March 1, 2000, none of the funds appropriated or otherwise available by this Act may be used by the Secretary of Agriculture—

(1) to permit the importation of meat or meat food products under subsections (a) and (f) of section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) from any foreign country in violation of subsection (f) of such section; and

(2) to permit the importation of poultry or poultry products under subsection (a) of section 17 of the Poultry Products Inspection Act (21 U.S.C. 466) from any foreign country in violation of subsection (d) of such section.

Mrs. MEEK of Florida. Mr. Chairman, my amendment helps to protect United States consumers from unsafe foreign meat and poultry. What it does, it ensures fairness to protect our meat and our poultry products from unfair competition and it directs the United States Department of Agriculture to influence our current food safety laws.

What this amendment does is necessarily ensures that USDA will follow and enforce its laws. What it does is it will cut off funds for them for permitting the import of meat and poultry from any foreign country unless USDA determines that the inspection system of that foreign country is equivalent and actually provides a level of safety equivalent to what we require of the meat and poultry people in this country.

We want to be sure that that equivalency is established. If it is not, this amendment would certainly cut off funds to that foreign country.

Ms. KAPTUR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to rise in strong support of the gentlewoman's amendment and her efforts to protect our consumers. Without question, food safety has to be a number one priority and responsibility of this committee. The National Cattlemen's Beef Association has been promoting this for a number of years. Why should not foreign meat imported into this country adhere to the same rigorous standards that our livestock producers here at home must meet?

Last year we know the Department, I think the gentlewoman referenced, allowed $3 billion, with a B, pounds of meat and poultry to be imported from 32 foreign countries on to our shores. This amendment simply requires USDA to enforce our food safety laws and protect our consumers.

I just want to make sure that the letter from the National Cattlemen's Beef Association is entered into the RECORD as part of this amendment, and I rise in strong support of the gentlewoman's amendment.

NATIONAL CATTLEMEN'S
BEEF ASSOCIATION,
Washington, DC, May 24, 1999.

Hon. CARRIE P. MEEK,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REP. MEEK: On behalf of the members of the National Cattlemen's Beef Association (NCBA), I wanted to inform you that NCBA supports the language on inspection equivalency you plan to offer to the FY 2000 House Agriculture Appropriations measure. We appreciate your staff reviewing the proposed amendment with us.

NCBA strongly supports measures that work, through sound science, to ensure the safety and wholesomeness of the U.S. food supply. In addition, we are constantly engaged in trade discussions and disputes with other countries who use the "equivalency" issue as a barrier to U.S. beef and other livestock products. Your proposed amendment certainly would reiterate the Secretary of Agriculture's important role in making sure that any beef, other meat, or poultry products imported into the United States adhere to the same rigorous standards that America's cattlemen and women, and other livestock producers meet.

Thank you for your leadership on this matter. We look forward to its successful inclusion in the Agriculture Appropriations package. Please let us know if we can be of assistance in this effort.

Sincerely,

DALE W. MOORE,
Executive Director,
Legislative Affairs.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have sent this amendment in its earlier version to the USDA but received no formal comment. We have been told that the administrator of the Food Safety Inspection Service has concerns about the amendment, but we do not know what those concerns are at this time. I think we can all agree with the heart of the amendment, that imported food ought to meet the same standard as the domestic products. There are important trade and food safety considerations here, and I would have liked some time to hear from the administration.

Nevertheless, I am prepared to support the gentlewoman's amendment, with the understanding that we will need to work together before the conference to give the administration an opportunity to be involved.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to go on record as supporting this amendment. As a physician and as a Member of Congress from a cattle and farm State, to me it is unconscionable that we can produce cattle and butcher it in the State of Oklahoma and ship it to Kansas under great quality standards, but, at the same time, meat produced outside of this country can come anywhere in this country and not meet those same standards.

I would like to say, as a Member of Congress from a cattle producing State, that this not only makes sense from a standpoint of food safety, but also is eminently fair to our cattle producers and our consumers. This will not raise the cost. What it will do is assure that the American consumer is getting what they paid for. The imported goods coming into this country ought to have to meet the same standard as the provider of goods in this country domestically produced. So I support the amendment.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to echo those comments and I want to support very strongly the amendment offered by the gentlewoman from Florida. Her efforts in this regard will not only help with the safety standards, but, keep in mind, in the last several years, where we used to inspect trucks coming across Mexico and Canada, now you have trucks coming from Canada with Australian ground beef that is not even being inspected on some occasions.

Now, yes, this may pose some hardship on our regulatory system, but it is very much overdue and there is a tremendous economic factor involved here as well.

Our farmers have sold hogs at 7 cents a pound live weight. My God, the one thing we can do is ensure that the same hoops and hurdles our farmers have to overcome shall be the world's hurdles and hoops as well to ensure safety and quality and standardization of product.

So I want to compliment the distinguished gentlewoman. It is a great amendment and I support the amendment.

Mrs. MEEK of Florida. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mrs. MEEK of Florida. Mr. Chairman, I just wanted to say if anyone has ever suffered from salmonella from eating unsafe meat and poultry, they would understand the significance of this amendment. Why should our consumers be subjected to this very illness-causing disease and have these foreign countries being able to bring in meats and poultry without an equivalent kind of thing?

In speaking to the USDA, the USDA cannot clearly speak to this amendment because they do not have any facts, any substantive facts, that will prove that what they are accepting is equivalent, because last year, the last time, it looks as if USDA is not really enforcing the congressional directive.

and we need this tough new inspection system, and it is a key part of it, to take these samples of meet.

In closing, I want to thank the Congress, because this is a very, very essential matter to the health and welfare of our Nation.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Mrs. MEEK).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. TRAFICANT:

SEC. . None of the funds appropriated or otherwise made available by this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 8, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

SEC. . (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be purchased using financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds appropriated or otherwise made available by this Act, the Federal agency providing the assistance shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds appropriated or otherwise made available by this Act, pursuant to the debarment, suspension, and inelibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT. Mr. Chairman, this deals with the "Buy American" provision that says in the case of any equipment or products that may be purchased using any financial assistance under this bill, it is the sense of our Congress that those receiving such assistance should purchase American-made goods. It gives a notice to that effect. Most importantly, this provision also states in its final section that if it is determined by a court or Federal agency that any person has intentionally affixed a label bearing a "Made in America" inscription, or any inscription connoting the same meaning, to any product sold in or shipped to the United States that is actually not made in the United States, those people shall be ineligible to receive any contract, award or subcontract that is made available by this act. The bottom line, if you are saying it is made in America, it better be.

Finally, when we are going to spend hard-earned tax dollars of farmers that are getting hit from all ends, we should try and buy American-made goods. That just makes good sense.

Mr. SKEEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we thought so much of the gentleman's amendment that we made it permanent law 2 years ago. I am happy to accommodate the gentleman and put this item in the fiscal year 2000 bill as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. DEFAZIO:

Insert before the short title the following new section:

SEC. . (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting livestock.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for salaries and expenses under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" is hereby reduced by $7,000,000.

Mr. DEFAZIO. Mr. Chairman, this is an issue which the House is revisiting for the second year in a row. Last year there was a lot of confusion around this vote. I tried to make it much more explicit and simple this year.

This amendment cuts funds only for lethal predator control to protect private livestock on private or leased land in the western United States. That is what this does.

Now, we are going to hear that actually this amendment will cause brown tree snakes to invade Hawaii, it will cause tuberculosis to spread in the northern Midwest, it will cause plague in the Southwest, it will cause planes at National Airport to crash.

No. In fact, all of those other activities would be enhanced, more money would be spent on those activities, if animal damage control, wildlife services, dropped their obsession with this failing environmentally and biologically unsound wasteful subsidy of spending $10 million, and this does not even cut every penny they are spending on lethal predator control in the western United States, if they just dropped their obsession and the subsidy.

I also offer that the ranchers would come out ahead. Nothing in this amendment would prohibit a rancher from controlling predators that are problems on their own property, owned or leased. They could go out and do it themselves. They could hire someone to do it. In some cases States would still unwisely provide subsidies to these private ranchers. But the question is, should Federal taxpayers pay for predator control services on private ranches for profit in the western United States?

If you have, as my mother did, a raccoon down the chimney, you cannot call a Federal Wildlife Services employee and ask them to remove the raccoon. If you have termites in your house, no one from the Federal Government is going to show up. They will laugh at you and tell you to call a pest control company.

So why, why is it that ranchers, private ranchers in the West, can call up a Federal agency and get a Federal employee out there pronto, who will not only kill problem predators, which the ranchers could do on their own or hire someone on their own to do, but will indiscriminately kill other wildlife, and in some cases, as happened on the northern edge of my districts, kill domestic pets and poison humans with these indiscriminate M–44 devices which cause a horrible lingering death?

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Now, why is the Federal government paying to subsidize this activity? That is the question before us. It is very simple. In fact, if Wildlife Services stops its obsession and all the amount of energy they put into this program, they will do a better control, a better job in other States protecting against bird strikes, protecting human health and safety.

So this is a fiscally responsible amendment, an amendment that goes to cutting out an obsolete subsidy that goes to private ranchers in the West, and will also benefit environmentally in the western United States, will stop the indiscriminate destruction of nontarget wildlife. There are more coyotes now than when they started this program 68 years ago, and they are more dispersed across the country, because they are not even looking at the biology, they are ignoring previous orders of Congress to look at more effective and nonlethal predator control methods. They are not targeting the problem, they are just breaking up and dispersing the packs. Now you have coyotes in places where they have not seen them in 100 years, like Manhattan, elevators in Seattle. It actually happened. This has not been seen for a long time in this country.

It is time for this archaic and barbaric program and this subsidy to end. We have a very definitive opportunity to vote on it today. This is a very targeted amendment. Do not believe any of this other hooey about all the other problems that will be caused.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope the House will vote down this amendment. It is true, there are funds in the Animal and Plant Health Inspection Service for predator control in western States. There are also funds for predator control in northern, southern, and eastern States.

There is money for research on Lyme disease and diseases spread by rats. There is money to control the spread of rabies in wild animals in the Midwest and eastern States. There is money to protect the bird population in Hawaii from devastation by the brown tree snake. There is money to protect airline passengers by controlling flocks of birds at airports. There is money to control damage to grain crops by blackbirds and to control migratory birds that feed on domestically produced fish, so those farmers can make a decent living. There is money to promote nonlethal methods of animal control. There is money for animal welfare.

Mr. Chairman, I would suggest that if we are going to go after farmers and ranchers in one area of the country and deny them help, maybe we should look at all of the programs in this country and subsidies, to shift the entire burden to the States and the private sector.

Mr. Chairman, I ask my colleagues to vote no on this amendment.

Mr. BASS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. This is the same amendment that we passed on a Friday and then defeated on a Monday with a few phone calls having been made over the weekend. I hope Congress would have the opportunity to vote again and be on record and pass this amendment this time.

It has been said that this is a very important program. From my perspective, I think it is a waste of money. The program does not work. It essentially is money from the taxpayers' pockets to private landholders to control predators on their own property. But what is sad about it is that the program seeks to spend $20 million to solve a problem that only costs private landholders $7.2 million per year.

Nothing in this amendment, nothing in this amendment will affect in any way the programs for technical assistance or for bird control at airports. I serve on the Committee on Transportation and Infrastructure and on the Subcommittee on Aviation. I am an instrument-rated pilot. I have flown all over the country. I can assure the Members I would do nothing that would affect the safety of our Nation's airport.

This would carve out cleanly a subsidy to private individuals to control predators in a situation whose effectiveness is clearly under considerable question.

It is true that some of the resources for this program do go to other parts of the country, but 95 percent of the funds for this program go to these western States and to these large ranchers to use for predator control.

I would suggest that we can save money by passage of this amendment. We can eliminate a practice that by even the best of interpretations is neither effective nor seemly, and I think it is an entirely inappropriate use of Federal funds.

Although I have enormous respect for all of the Members of the Committee on Appropriations who have supported this amendment, I think it is time that we eliminated this unnecessary funding from the Federal government.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I want to talk about how my district is affected by what is going on out there. I want to share with the body some letters that I have received from people not only in the district but from the State of Oregon with regard to this.

The head of the Department of Fish and Wildlife, the director, James Greer, has written saying, "We rely heavily on Wildlife Services as a partner in addressing the effects of wildlife and predatory animals on livestock and crops. Specifically, they provide animal damage control assistance to help resolve depredations caused by black bear, cougars, and other predatory animals. In addition, they deal with human safety threats from an increasing cougar and bear population."

These threats are from a cougar population that is very real. "According to a recent survey conducted by the Oregon Agricultural Statistics Service, more than $158 million of annual damage to Oregon agriculture products occurs from wildlife," this from Phil Ward, the director of the Department of Agriculture in Oregon.

Mr. Chairman, my district is one of the most rural districts in America. We have lots of family farms, and 55.5 percent of it is under Federal control. The refuges and all out there, we have enormous populations growing of predators. The Wallowa County School District tells me they have such a problem with cougars that they will not let the young kids off the bus until their parents are there to meet them. These are issues.

Is this amendment going to deal with all of that? Probably not. I am not up here to make extraordinary claims. But the point is in these small rural counties, in these small counties that have 1,000, 2,000, 7,000 people, this program is an integral piece in an overall package to deal with predators.

I want to show the Members a picture that does not look too damaging here, but this is a coyote and this is a lamb. The next picture in this series is probably too graphic for C-Span to show. So when Members hear about control, predator control, and that somehow that is an awful thing, the flip side of that is awful, as well. The flip side is the maiming that is done of sheep and cattle and all; animals raised for production, admittedly, but for problems that are caused by these predators.

Mr. Chairman, I think this amendment goes too far. I think it hurts a program that is very important to the rural parts of America and that helps not just a handful of wealthy ranchers, as some might say, but probably close to 10,000 livestock producers each year are helped by this program.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding. Just on the photo, that was provided by the Federal government. It was actually taken at a test facility where the coyotes were starved and then put into an enclosure with sheep. It is a graphic photo, but it is not exactly representative.

Mr. WALDEN of Oregon. Reclaiming my time, Mr. Chairman, if I might, the point is illustrative, here. The gentleman knows as well as I do, and as well as anybody out in agriculture knows, the next in a series of photos like this out in the real world, not in some pen but in the real world, is the devastation that we see.

Mr. DEFAZIO. If the gentleman would further yield, and I appreciate the gentleman yielding, although we are on opposite sides of this issue, also on the total wildlife damage in agriculture in Oregon, it was $158 million. The gentleman is exactly correct. However, the damage to livestock from predators was about $1 million, and more was spent by the State and the Feds to control that than if we had actually reimbursed people. The major damage was damage to crops, $148.6 million.

That damage, interestingly enough, took place from things on which coyotes predate, such as field mice, ground squirrels, prairie dogs, et cetera, et cetera. All of their prey is causing a big problem. Now we have to start another new program to go out and control the things that the predators used to prey on because they are eating the grain and other crops.

We need to get a better vision. I think the gentleman and I could construct something that would work better. I thank the gentleman for his time.

Mr. WALDEN of Oregon. I appreciate the gentleman's comments. However, I would say that indeed, I thought I heard earlier a comment about how the coyote population was growing rapidly around. So it is hard to argue both cases at the same time.

Mr. DEFAZIO. Not at all. If the gentleman will further yield, we will talk about coyote biology.

Mr. WALDEN of Oregon. Mr. Chairman, reclaiming my time, the point here is that we have many problems in my district in terms of predators devouring livestock. This program is helpful to that as part of the bigger package that combines State and local funds to deal with it.

Sometimes it is one game person that is out there dealing with this, one predator control officer. But because they are from such small entities, the funding is all combined.

Mr. Chairman, I urge opposition to this.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the DeFazio amendment, which basically guts the core funding for USDA's Wildlife Services program. This is an important program that serves the public good in a number of ways, and it should be funded at the level approved by the House Appropriations Committee.

Reducing funds for USDA's Wildlife Services will not just affect lethal predator control in the West, it will also cripple other needed activities throughout the Nation. Often the same USDA staff who help ranchers manage problems of predators may also help local airports protect human life by removing flocks of birds near runways.

I emphasize that one of the reasons why the DeFazio amendment does not work as he had intended is that we use the same people, and when we eliminate a person, that person who might be not only helping ranchers with their predator problems might also be the same person that is dealing with flocks of birds around airports. That gets overlooked in some of the concern which has been expressed here on the floor.

Make no mistake about it, this reduction in funds is not a targeted cut. Let me also add that Wildlife Services is not a Federal giveaway program. The majority of funding for the work of USDA's Wildlife Services comes from sources outside the Federal government, like State, local, and private organizations. Federal funds help to secure the basic program staff, who then are able to draw in significant funding directly from those who benefit from their work. However, without these USDA staff, it is unclear whether these outside funds will continue to be made available.

Finally, I am amazed by the argument that this program is not needed because wildlife-generated losses to property and human life are considered low by some folks. That is like arguing that childhood immunization programs are a waste of money since so few children now die from these diseases.

That is the whole point. We spend public money on preventative programs so we will not have to face the alternative. We spend money on Wildlife Services in order to avoid rabies epidemics, downed aircraft, and dead or maimed livestock. I simply do not agree that just because the program seems to be working efficiently, it should now be eliminated.

Please support the responsible and necessary management of wildlife by opposing the DeFazio amendment.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I would like to offer a compromise here. The gentleman raised a number of issues in which I am vitally concerned: Airports, bird strikes, those things on which a pitiful amount of money was spent last year, inadequate.

So if the gentleman would accept the first part of the amendment, which is a limitation only for lethal predator control for livestock, and not delete the amount of money and then support that, I would be happy to actually leave the funds in if we direct the service to not waste the money on the lethal predator control.

Would the gentleman accept that?

Mr. STENHOLM. I most certainly would not, because I absolutely disagree with the intent of gentleman's amendment. Even though that sounds very reasonable, it completely overlooks one of the fundamental areas I disagree with, that we do not need to be assisting our ranchers with predator control.

The gentleman ought to come to the Seventeenth District of Texas and see what happens to livestock and what would happen under gentleman's proposal.

I just respectfully differ with the gentleman regarding what the gentleman intends and would like to do.

Mr. DEFAZIO. If the gentleman would further yield, Mr. Chairman, I was the county commissioner. We had tough times. We had to cut our match, which lost our Federal predator control agents.

All of my sheep ranchers were in and said, my God, you will not believe what is going to happen, Commissioner, if we do that. Do Members know what happened? Nothing. In fact, the predation went down over a 5-year period.

That is really interesting, that when we stop spending the money, and we heard that they did kill some predators still, but they did it in a very discriminate form on their farms without a subsidy. I have a real life example in my district, which gets these funds, where we do better without them. I thank the gentleman.

Mr. STENHOLM. That is where we have reasonable differences. I have real life experience on the other side.

But also I would point out one other major, important aspect of it. It is rabies control. This is something that is extremely important to the general population in large segments of Texas. Perhaps in this one district in Oregon it is different.

I would assure the Members, in most places of the country, the argument on the side of the Committee on Appropriations and what the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) are suggesting is what the full House ought to do today. We ought to defeat this amendment.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. This is a classic case of the proponents of an amendment using misinformation and emotional rhetoric to try to push their cause.

I think I heard the word earlier in one of the arguments in favor of the amendment, the word "barbaric" used to describe the animal damage control program that currently exists, also called Wildlife Services, now. I stand corrected.

But I ask my friends who suggest that this program might be barbaric for them to think for a second about children who might be afflicted by wildlife who are bitten by an animal afflicted by rabies.

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When you think of the possibility of the eradication that we try to do in Texas, in Texas, for example, children playing in their yards and in States all across the country and throughout the Southwest, playing in their yards, who might be afflicted by rabies because of some coyote or some other animal that might be crossing through a playground that might be afflicted, I would suggest that that is barbaric for anyone to think that a program that exists to protect the safety of children in playgrounds, that is pretty barbaric to suggest that that program is ineffective.

Also think about we just had a plane crash last week; and although the cause was not a form of wildlife, a flock of geese or birds flying into a plane engine, it is possible that that could occur. This wildlife services program tries to address that problem and keep those passengers safe in areas, many of which are located in the Northeast and in the New England area, tries to keep those passengers safe from any kind of accident like this by providing funds to control those flocks of birds near runways and airports.

Now, I would suggest that it is barbaric for anyone to think that a program like this is not a good program that would protect the safety of families and children flying on airlines. So I would suggest that those who are proposing this kind of amendment, using misinformation and emotional rhetoric, should step back for a second and think about the safety of women and children, families of all ages from all parts of the country who might be harmed if this money is not in the budget, think about that and ask themselves if they could live with an accident occurring at an airport or live with a child dying who was afflicted with rabies because there was not enough money in the budget to support this program.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not plan on taking all of the 5 minutes, but I rise in strong opposition. I do not have a dog in this hunt. I do not represent farmers; I do not represent ranchers. I have got mostly a city area in my district.

But I want to tell my colleagues that San Diego is a series of canyons and areas where a lot of people hike, and up in the hills also. This last year we had two women joggers who were killed by mountain lions. We had requested that the Federal Government come in and help manage. Because they have not been able to hunt lions in a long time, these lions are coming into the parks, into where people picnic in private and public areas. A little child was mauled by a mountain lion, nearly died, lost an arm. Another woman was hiking, and the lion not only killed her, it ate most of her before they found her.

California also has this little rodent called, a prairie-dog-type critter, a ground squirrel. We have heard about rabies, but in California this little rodent and the fleas they carry have bubonic plague. Now think of the terror that that word brings in our past history. We need those kinds of eradications, not only on public lands, but on private as well. We cannot just take care of the public lands and then go over and let that menace ride.

So I rise in strong opposition to this. I have flown a jet out at Miramar. To tell my colleagues what an animal, a bird, will do to an airplane, this hawk went clear through my wing and broke the main spar of an F-4 Phantom that I was flying. The airplane was hard down. Luckily, I was able to land the airplane, but it totally destroyed the airplane, one hawk in the thing.

When we talk about public health, we talk about rabies, we talk about plague, we talk about lethal predators; and for this reason, I rise in strong opposition to the amendment of the gentleman from Oregon (Mr. DEFAZIO).

Mrs. CUBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

I want to talk about just a couple different areas. I represent the entire State of Wyoming. Here is a little history lesson that I would like to give.

A lot of people think that the public lands in the West are all national parks and national forests. Well, they are not. BLM land, or Bureau of Land Management land, makes up about half of the State of Wyoming, and it is owned by the Federal Government. The reason that is public land is because it is land that no one claimed when the Homestead Act expired.

Now, why did not anybody claim that land? They did not claim it because, for the most part, it does not have water on it. It is not very productive. There is alkali on it and sagebrush. It is not productive land, so it was not claimed. No one wanted it. So it was put in trust for the Bureau of Land Management. That is now what is called the public lands in the West.

Now if my colleagues stop and think about this for a minute, if my colleagues think about the ranchers and the public land that they have or the private land that they have, the private land is private because they homesteaded it because it has water on it. Then because there is water on it, there is grass, and there is feed for the cattle.

But do my colleagues know what else? There is grass and feed and water for the wildlife as well. I am talking about deer and antelope, elk, moose, bear, and all of those kinds of species that we regard very highly that we want to take care of.

Well, the USDA predator control, or Wildlife Services Program is there to protect that wildlife as well. So I think that the gentleman from Oregon's opposition to this comes from the fact that private landowners are helped by this service on their private land. But when my colleagues consider that 80 percent of the wildlife out there, the deer, antelope, elk, and so on is on private land.

And yet the public is the owner of that wildlife. I think it is our responsibility, since we are the owners of that wildlife, to help take responsibility in caring for them.

Another point I want to make, in Gillette, Wyoming, and Campbell County, we have a serious problem with rabies. Rabid skunks have gone into the City of Gillette, Wyoming, and this program is helping us with that problem.

A cougar in Casper, Wyoming, was spotted just last week very near a playground. People in a city like Casper do not necessarily have the expertise to be able to deal with this without the help of this program. So it is very shortsighted to cut this program. It is a matter of public health, and it should also be a matter of public conscience.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to also rise in opposition to this amendment that would severely undermine the USDA's Wildlife Services Program. While I do not have a district out in the West but rather in the Midwest, it is very rural, and it is very big, and the fact of the matter is this program is a critical resource for the farmers and ranchers in my district who face the threat of crop and livestock damage.

As a matter of fact, wildlife causes as much as $1.6 billion in damage to agriculture each year. Given the fact that our farmers, right now their entire livelihoods are threatened with uncertain markets, unpredictable weather, some of the lowest prices we have ever seen in decades, this additional threat of losses due to wildlife is really above and beyond all the other factors. It is something that we have to be very mindful of.

I also want to make another point which is often overlooked. Our farmers and ranchers are among the best stewards of the land anywhere. They are our best conservationists. Their land provides wildlife habitat. Their production methods promote wide stewardship of that land. So let us not point the finger at the family farmer and rancher when, in fact, they are doing good things for the environment and things that are good for the American consumer.

I oppose the amendment, and I urge my colleagues to do the same.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Bass-DeFazio amendment. The U.S. Department of Agriculture's Wildlife Services program spends millions of dollars annually to kill more than 100,000 coyotes, foxes, bears, mountain lions, and other predators in the Western United States. Although there are non-lethal alternatives. Wildlife Services chooses to shoot, poision, trap, and even club to death both target and non-target animals. This taxpayer subsidy gives ranchers a disincentive to seek alternative methods of livestock protection that might be more effective.

The USDA predator control methods are non-selective, inefficient, and inhumane. Aerial gunning, sodium cyanide poisoning, steel-jawed leghold traps, and neck snares are Wildlife Services' killing methods. These techniques have been known to kill pets and endangered and threatened species. Much of the killing is conducted before livestock is released into an area, with the expectation that predators will become a problem. However, killing wildlife to protect livestock is effective only if the individual animals who attack livestock are removed. Targeting the entire population is needlessly cruel, wastes taxpayer dollars and can be counter-productive. Studies have shown that predator populations reduced through indiscriminate killing produce larger litters to compensate and quickly rebuild to equal or greater than pre-controlled levels.

With this amendment, the Wildlife Services' program would be funded to assist with nonlethal predator protection services and in cases to protect human and endangered species lives. I urge my colleagues to support the Bass-DeFazio amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this amendment, which curtails the funding for what was formerly known as the Animal Damage Control program.

This amendment cuts $7 million in funding for the Department of Agriculture's inappropriately named "Wildlife Services" program. I say that it is inappropriately named, because the program does nothing to serve in the best interests of wildlife. It is, instead, a program whose purpose is to help farmers cope with natural predators who may prey on their livestock. While I believe that helping farmers is a laudable goal, the problem is that the way this program is administered, little help is provided and much damage caused.

Each year, this program indiscriminately kills 90,000 coyotes, foxes, bears and mountain lions. It is indiscriminate because there are few controls to ensure that the animals being slaughtered are tied to attacks on livestock. Oftentimes, young cubs are caught and killed, and on occasion, even a domesticated dog or cat will be mistakenly felled. This is simply not appropriate—and it should be stopped.

Wildlife Services is cruel because Wildlife Services still insists on using barbaric methods to handle these animals—including poisons, snares, and leg-hold traps. Sometimes, these animals are simply clubbed to death. Harp Seals are not the only animals that need protection from this brutal practice. We can do better than this—humane animal control techniques exist in our modern world. We can relocate animals that have caused problems.

How is it that we can build an internationally-sponsored space station yet we cannot find a way to treat our animals humanely? Do we need to spray poison in the face of animals that can contaminate other animals, or even humans, it comes in contact with afterwards? Must we kill not only the offending animal, but also every innocent scavenger that happens upon its corpse?

This program has been ineffective, and roundly criticized for decades. It was fully reviewed by advisory committees under the Kennedy, Johnson, Nixon and Carter Administrations—each of which suggested numerous reforms, but none have been adopted. The General Accounting Office (GAO) similarly released a report in 1995 that found the program to be largely ineffective.

Studies have shown the coyotes have adapted to our killing techniques much better than we have adapted towards more humane methods of predator control. Despite a 71% increase in funding for these programs between 1983 and 1993, coyotes have compensated for the culling of their species by simply having more pups. Surely, we have been out-foxed here—and it is time to stop the United States government from behaving like Elmer Fudd flailing blindly at nature to no avail.

We are smarter than this. This House is smarter than this. Therefore, I urge my colleagues to support this sensible and humane amendment being offered by Congressmen DEFAZIO and BASS.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an amendment at the desk that I do not intend at least at this time to present. But the tenor of the amendment, Mr. Chairman, would have prevented Agriculture Secretary Glickman from instituting a new Federal milk marketing order system that would put thousands of dairy farmers out of business by lowering the price paid to farmers for their milk by hundreds of millions of dollars.

On March 31, 1999, Secretary Glickman announced his final decision on the Federal milk marketing order reform process that was required under 1996 Freedom to Farm Act. Unfortunately, his decision to adopt what is referred to as a modified Option 1-B has the effect of lowering Class I differentials for milk to virtually all regions of the country with the exception of the upper Midwest.

Can my colleagues imagine passing a policy, an agricultural policy that would harm the entire country except for perhaps two or three States. It defies logic.

The Secretary of Agriculture's decision flies in the face of broad bipartisan congressional multiregional support for Option 1-A. Congressional intent behind milk marketing order reform in no way anticipated this action by the Secretary.

My amendment also would have continued existing law, meaning that it would allow the continuation of the Northeast Dairy Compact. There has been increasing support for similar such compacts around the country as a way to protect against and otherwise prevent the harm that would be done by the Secretary's proposal and the havoc that it would cause in dairyland all across the Nation.

So, Mr. Chairman, rather than offer the amendment at this time, I would like to enter into a colloquy with several of my colleagues. I see the gentleman from Texas (Mr. COMBEST), chairman of the authorizing committee, the Committee on Agriculture, here; and I appreciate the gentleman coming down to participate in this discussion today.

Would the gentleman from Texas (Mr. COMBEST) agree that the Department of Agriculture's recommendation of a modified version, Option 1-B, is unacceptable to the majority Members of Congress and more importantly the majority of American dairy farmers and would therefore have to be modified through the regular legislative process?

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I am happy to yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I would certainly be able to say yes just indicative of the fact that there is a bill to implement a different policy that I think has almost half of the Members of the House that are cosponsors of the bill. Certainly with the interest and concerns among the dairy industry, the Committee on Agriculture is certainly going to be looking into this in very short order.

Mr. WALSH. Mr. Chairman, reclaiming my time, I appreciate the gentleman's statement and clarification of the Committee on Agriculture's position. My concern is that we need to ensure that the legislation is enacted into law before the Secretary's modified Option 1-B pricing reform is imposed on dairy farmers in my district.

Mr. COMBEST. Mr. Chairman, if the gentleman will yield, I would indicate to the gentleman, who has been a strong advocate of a dairy policy in this country and with a great deal of interest in this, there is a bill which has been introduced that will be the vehicle on the 24th of June for a hearing in the Subcommittee on Livestock and Horticulture that is chaired by the gentleman from California (Mr. POMBO). Very shortly after that, there will be markup on that bill, and that bill will then move to full consideration.

Given the fact that there is a recognition of some timely concern here without the Chair's being, I believe, able to give individuals total assurances about exactly what that final product would be, the vehicle that will be used for hearing purposes and for markup I think will be very much in line with the interest of the gentleman from New York (Mr. WALSH) in the dairy program.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST) for explaining the position of the committee clearly.

Mr. Chairman, I yield to the gentleman from California (Mr. POMBO), chairman of the Subcommittee on Livestock and Horticulture for his comments.

Mr. POMBO. Mr. Chairman, I concur with the statement of the full committee chairman. I know of the intense interest of the gentleman from New York (Mr. WALSH) on this issue as well as a number of other Members of the House. As we have been negotiating and working through this issue, I will assure the gentleman that this is a very important issue, not only to his dairy farmers, but to mine back home, and that we will move through the hearing, the markup process, and move legislation on an expedited manner through the House and try to solve this problem as quickly as we possibly can.

□ 1330

Mr. WALSH. I thank the gentleman. With the assurances received from the chairman of the subcommittee and the chairman of the full committee I will at this time not offer my amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to comment on the colloquy that we just heard with respect to regional differences in the fluid milk dairy prices, and I would like to recite for this House what the history of this matter is.

Since 1937, we have been operating under an outmoded system of milk marketing orders which mandates, by law, that certain farmers in certain regions of the country be paid more for their milk than are farmers from other sections of the country. That is a Federal law, believe it or not, and it has long since served its usefulness.

When the farm bill was up on the floor 4 years ago, then-Congressman Gunderson, the chairman of the Dairy Subcommittee, tried to get a legislative remedy to that long outmoded policy, and when he did that he was blocked, cut off at the pass by the House leadership, the Republican leadership in the form of the Speaker and Mr. Solomon, who chaired the Committee on Rules. In essence, what they told Steve at the time was, "Sorry, we are not going to give you a chance to vote on a legislative remedy; the best you are going to get is that we will give the Secretary of Agriculture an opportunity to look at these milk marketing orders and decide through administrative action what kind of changes are needed."

Acting under that limited authority, Secretary Glickman proposed what was known as Option 1-B, which provided very minimal changes in the milk marketing order system across the country. That was found to be objectionable by many Members of this House, certainly not me but by many other Members, and so this House last year passed legislation which blocked the Secretary from moving ahead with those changes, those reforms in the milk marketing order system.

So, then, Mr. Glickman went back to the drawing board and he produced a second modified version of his proposal, which would have provided some change, some modernization in that system, and it would have resulted in farmers in 15 of the 33 regions actually getting better prices for their milk than they do right now, and it would have had a downward pressure on some other regions.

It just seems to me that it is amazing that the folks who won by preventing us from getting a legislative decision on this issue, and who insisted that this ought to be handled through the administrative route, are now saying that they are unhappy with even the tiny changes that were made administratively by the Secretary and are now suggesting that yet another legislative action is required to selectively amend the farm bill.

I do not believe that is the right way to go. It seems to me strange indeed that in a Congress which so often talks about the need to move closer to market arrangements, that we are having people who are insisting on sticking to the status quo which blocks moving agriculture in the dairy area closer to market arrangements.

I also find it interesting that some of the same folks who say that we should have free trade internationally are some of the same folks who, when it comes to internal trade within our own country, want to put up all kinds of trade barriers, informal trade barriers, in the form of these regional compacts.

So I would simply say I cannot do anything about the colloquy that just took place between the Members of the majority party. All I can say, as one Member from the upper Midwest, is that I do not think it is fair for people to try to have this issue both ways. We were told that we should take our shot at the administrative route rather than the legislative route. That is what happened. And now the Members, at least some of the Members who just spoke, are now trying to suggest that we ought not to have let that happen either.

We cannot move agriculture into the 20th century by sticking with this outmoded, old-fashioned milk marketing order system. And I would suggest if we are going to open this issue up, then we ought to open up the whole farm bill; that we ought to open up the question of whether we ought to have any milk marketing orders at all. We ought to be allowed to vote on the question of whether there ought to be one national milk marketing order rather than a whole series of them.

So I would urge Members to think carefully before they try to selectively reopen that farm bill.

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

If the chairman will engage me in a colloquy on the funding for the USDA facilities loan program, I would like to solicit his support for the administration's funding request for programs like the community facilities loan and grant program, which finances multipurpose community centers through which local governments are able to provide services for children and the elderly, school facilities, and fire and rescue equipment.

Mr. Chairman, over 50 percent of the community facilities funds are used for a variety of health services, including rural hospitals, mental health facilities, nursing homes, child care facilities which are desperately needed to assist in welfare reform.

There is a great need for these facilities in rural America and especially in my First Congressional District of North Carolina where local governments do not have sufficient tax resources or the sufficient tax base to provide for these essential services.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentlewoman for her support for this program and for rural America. I share her concern and promise to work in the conference to strengthen the community facilities loan and grant program for rural America and appreciate the gentlewoman's efforts.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman.

AMENDMENT NO. 5 OFFERED BY MR. DE FAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 230, not voting 11, as follows:

[Roll No. 172]

AYES—193

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barr
Barrett (WI)
Bass
Becerra
Berkley
Berman
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Castle
Chabot
Clay
Coburn
Collins
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dixon
Doggett
Doyle
Duncan
Ehlers
English
Eshoo
Etheridge
Evans
Fattah
Filner
Forbes
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hoeffel
Holt
Horn
Houghton
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Jones (NC)
Jones (OH)
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)

Kleczka
Klink
Kucinich
Largent
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Moakley
Moore
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Petri
Porter
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Sensenbrenner
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stark
Strickland
Sununu
Tancredo
Tauscher
Taylor (MS)
Tierney
Toomey
Towns
Udall (CO)
Upton
Velázquez
Vento
Visclosky
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Woolsey
Wu
Wynn

NOES—230

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeLay
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fowler
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
John
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Latham
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
Matsui
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Miller, Gary
Minge
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Pastor
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ryun (KS)
Salmon
Sandlin
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sweeney
Talent
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (NM)
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boucher
Brady (TX)
Brown (CA)
Chenoweth
Gutknecht
Jenkins
Lantos
McCollum
Pickett
Reynolds
Waters

☐ 1358

Ms. DANNER, Ms. BROWN of Florida, Mrs. MEEK of Florida, and Messrs. HILL of Montana, HILLIARD, SMITH of Texas, ENGEL and MICA changed their vote from "aye" to "no."

Mr. BOEHLERT and Mr. LARGENT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GUTKNECHT. Mr. Chairman, I was unavoidably detained earlier today and was not present for rollcall vote No. 172. Had I been present, I would have voted "no".

☐ 1400

AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

In the general provisions title, insert the following new section:

SEC. ____. (a) PROHIBITION ON UNILATERAL ECONOMIC SANCTIONS.—Notwithstanding any other provision of law, the President shall not restrict or otherwise prohibit any exports of food, other agricultural products (including fertilizer), medicines, or medical supplies or equipment as part of any policy of existing or future unilateral economic sanctions imposed against a foreign government.

(b) NATIONAL SECURITY WAIVER.—The President may waiver, for periods of not more than 1 year each, the applicability of subsection (a) with respect to a foreign country or entity if the President, with respect to each such waiver—

(1) determines that the national security so requires; and

(2) transmits to the Congress that determination, together with a detailed description of the reasons therfor, including an explanation of how the sanctions will further the national security.

(c) UNILATERAL ECONOMIC SANCTION DEFINED.—In this section, the term "unilateral economic sanction" means any restriction or condition on economic activity with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

(d) APPLICABILITY.—This section shall apply only to private commercial exports that are not subject to any Federal guarantee or direct credit.

Mr. NETHERCUTT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DIAZ-BALART. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Mr. NETHERCUTT. Mr. Chairman, the policy of the United States of America for years has been to impose unilateral sanctions against trade between our Nation and other nations with which we might disagree on policy matters. The policy of sanctions imposed on other nations with which we might disagree on policy matters is outdated. In 1980, we saw the agriculture markets that were prominent for the United States with the Soviet Union, we saw them disappear with the imposition of unilateral sanctions against the Soviet Union. Representing agriculture as I do, we in the agriculture communities of this country have still not gotten back the markets that we lost in 1980 by virtue of the unilateral imposition of sanctions against the Soviet Union. There are today nations around this country upon which the United States has imposed unilateral sanctions that we are not doing business with, but other countries of the world are doing business with these countries and selling agriculture products and medicines to these countries. We cannot because of our outdated sanctions policy.

What my amendment does is, it lifts those sanctions on all countries on which we currently have sanctions for food and medicine only. There is no way in today's world that food should be used as a weapon in international relations with other countries. It is inhumane, it is improper, and what it eventually does is damage the American agriculture community. My State of Washington exports roughly 90 percent of all the wheat that it grows in our State. We are an export State, and we feed the world. But yet our farmers, in a time of great challenge for American agriculture, are at a distinct disadvantage because we cannot sell to some of these sanctioned countries.

What my amendment does is lift sanctions on all countries on which there are currently sanctions around the world as those sanctions relate to agriculture and medicine. They involve no direct Federal subsidies, these lifting of the sanctions, but it would allow our farmers to sell directly to sanctioned nations and sell our product. We are at a distinct disadvantage because other countries, our competitors for our farmers, are able to sell to those countries and provide food and medicine to those countries. Because of our outdated sanctions policy, American farmers cannot.

This is wrong, it is something that should be changed. The market alone, the dollar market alone for our country and our American agriculture community is $6 billion that we would be able to bring into this country by virtue of sales to those sanctioned nations. Now, I understand the politics of dealing with a terrorist like Saddam Hussein, or the North Koreans or other countries on which we have sanctions and no trade relations. But yet as to agriculture and medicine, it seems to me this is bad policy, because it hurts our farmers. This amendment allows the President to reimpose those sanctions if for national security reasons he feels it is in the national security interests of our country to reimpose those sanctions. So there is a waiver provision in this amendment.

This amendment received consideration in the full Committee on Appropriations, of which I am a member, and I am happy to be a member of the Subcommittee on Agriculture. It was a wonderful debate. Democrats and Republicans alike debated this issue back and forth. The amendment unfortunately lost by a 28–24 vote. But it was a great debate and it is something we ought to have in this country as we decide how to help agriculture in the free market system as we are moving to under the farm bill and from a humanitarian standpoint how we ought to be dealing with people in these other nations who have corrupt governments but not corrupt people.

This is a humanitarian amendment. I fully appreciate the point of order that is being raised against it, I understand that completely, and my friend from Florida and I have discussed this issue at length. I respect him greatly. I respect his views on this whole issue. I understand the likely success of this amendment. But I want to make the very serious point, that we in this country have to make a decision about whether we are going to continue to use food as a weapon and medicine as a weapon. We will be faced in this Congress with the likelihood that the agriculture interests of our country, because of depressed prices, because of depressed markets, will come to this body and say, "We need more Federal assistance." If that is the case, then the logical free market way to get through this is to lift sanctions to allow sales to be made abroad from a free market standpoint.

I want my colleagues to know how seriously I view this issue. I hope that the House will take this matter up at the appropriate time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida insist on his point of order?

Mr. DIAZ-BALART. Mr. Chairman, if I may at this point speak to the point of order.

I have the highest respect for the gentleman from Washington (Mr. NETHERCUTT). He speaks from conviction on this issue. As he mentioned, we have had and will continue to have very intense and serious discussions on this point. I also believe that markets that should be open to the United States at this time are not fully open, the first one being the European Union. The European Union, in violation even of accords entered into with us, continues to put up barriers on essential products of American producers. And so this is a key issue. If there has ever been a matter where the wisdom of the rule, in this case clause 2 of rule XXI prohibiting legislation on an appropriations bill, it is on an issue such as this.

This is a very serious matter that we are discussing today. On the one hand, we all agree that all that can be done to open markets to U.S. producers, including and very especially our farmers, must be done. At the same time, we must recognize that the issue of trading with, opening an entire sector, a very important sector of the economy, of the U.S. production to sponsors of State terrorism is a very delicate matter and a very serious matter which requires great deliberation and study. That is why the rule is wise and it is the committee process and the deliberative process that must bring to the floor legislation dealing with critical matters such as this.

When we talk about states such as North Korea, state sponsor of terrorism, or the Sudan where the President recently ordered an air strike against a medicine manufacturer, is that the only option that should be available to the United States? Military action? Or should sanctions be available to the United States in lieu of and instead of military action? This is a very serious question. Should we tie our hands so that the only action available in American diplomacy is military action? It is a very serious question. When we deal with the issue of the dictatorship in Cuba, 90 miles away, a state sponsor of terrorism, a safe haven for international terrorists with over 100 fugitives from U.S. justice responsible, the state itself with its air force in addition to that for the murder of U.S. citizens, unarmed U.S. citizens over international waters, when we discuss opening of U.S. market, the U.S. market to that state, that regime, that is a very serious matter. And so in essence what I am saying, with all respect to my colleague, and we will continue discussing this issue, yes, we must find ways to help America's farmers, but without helping America's enemies. And we will continue our discussions. They are intense, they are sincere, they will get to the heart of this matter, at the same time protecting the U.S. national security, in essence the national interests of the United States. And so at this time, unless my dear colleague has an announcement to make, I would have an announcement to make myself.

The CHAIRMAN. Does the gentleman continue to reserve his point of order so that the Chair might recognize the gentleman from New York (Mr. SERRANO)?

Mr. DIAZ-BALART. Mr. Chairman, it is my understanding that the gentleman from Washington has an announcement to make. Or I would insist on my point of order.

Mr. NETHERCUTT. Mr. Chairman, I ask unanimous consent to withdraw the amendment in light of the gentleman's insistence on a point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

PARLIAMENTARY INQUIRY

Mr. DIAZ-BALART. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIAZ-BALART. Mr. Chairman, if I insist on the point of order, what would be the difference between the gentleman withdrawing and my insistence on the point of order with regard to how it would affect debate?

The CHAIRMAN. The Chair would then have to rule on the gentleman's point of order.

Is there objection to the gentleman's unanimous-consent request to withdraw the amendment?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just first say that I have the highest respect for the gentleman from Florida. He knows that. I also have quite a bit of respect for the gentleman from Washington (Mr. NETHERCUTT) and a lot of respect for his amendment and even more growing every day for both the gentleman and all of his other policies. I think the gentleman from Florida makes an interesting point, that we should not at times do anything to help enemies we have in foreign governments.

But on the other hand, I do not think we should hurt people that live in the countries where we may have enemies in the government. And so I think that this issue, as the gentleman from Washington has said, is one that we have to deal with. That is why I really think he has been so courageous on this issue. We may run away from this issue but we cannot hide from it. Eventually we are going to be called to answer questions as the greatest Nation on Earth, as the Nation that produces the most food in the world: Why during the period of great prosperity for us we use food and medicine as a weapon to bring people around to our political will?

This issue is not about whether we agree with a government or not. The issue is simply and it has to be repeated over and over again, whether we should deprive people in those countries whose government we disagree with the ability to have food and medicine, something that is so available to us in this country. And yes, at the same time we cannot deny that the way the gentleman from Washington and I and other people have presented this issue, it is also a good investment for this country, not only because we come off as being what we truly are, a good country that does not do this to other people but also because American farmers can sell food and medicine.

□ 1415

I will give my colleagues an example.

The gentleman from Florida did bring up the issue of Cuba. I have a bill to do just that, to sell food and medicine to Cuba.

In the area of food alone, if my colleagues can get past, for a second, the issue of whether we should even give this food away or not and the issue of food alone, the Cuban Government has made it clear that they would purchase up to $850 million in rice from this country, that they would purchase $700 million in corn, that they would purchase over $500 million in chicken.

Now, every time I mention one of these products, I know that a certain State delegation or a different State delegation gets excited. What a wonderful opportunity to do that which is humanely right and that which is good for our farmers.

I must tell my colleagues when I first got elected 9 years ago, coming from a district in the Bronx, I never thought that I would have American farmers supporting a piece of legislation I presented, and they do, and they do because they support the fact that it is a good thing to do and a good thing to establish, Mr. Chairman.

Now, the President, as we know, very recently said that we should do this with all other countries, but he could not do it for Cuba because of the fact that this is handled by legislation, that we cannot sell food and medicine to Cuba, and so I think that while this issue obviously will not be dealt with today, while this issue obviously will not become law anytime soon, while this issue obviously is still at the center of a political debate in this House which is not one that seems for our side to be winning, our side being those of us who agree that we should do this, the fact is that the time is coming for this.

We cannot continue to have food and medicine business, if my colleagues will, with China, with Iraq, were Iran, with Sudan and other countries in the world and continue to argue that one place 90 miles from Miami should not be allowed the same sale.

So I would hope that we do pay attention to this issue, and I would hope that in the near future the sponsorship of our bill will continue to grow. As it is, it is over 150 sponsors at the moment, and the minute we get to 218, we will talk to our colleagues about bringing it to the House.

So I would hope, Mr. Chairman, with all due respect that all Members would see this for what it is. It is something that is right, it is something that is fair, and it is something that is long overdue.

Mr. DIAZ-BALART. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Mr. Chairman, the gentleman said that he came up with incredible numbers that I had not heard before about what Castro says he would buy from the United States. I think the gentleman said $800 million in rice and $500 million in chicken. Where does he buy that from now? Does the gentleman from New York know?

Mr. SERRANO. Yes, those purchases made everywhere but from American farmers.

Mr. DIAZ-BALART. Everywhere.

Mr. Chairman, could the gentleman give me where that everywhere is?

Mr. SERRANO. Well, rice comes from Asia.

Mr. DIAZ-BALART. I know that that is a confidence, but knowing, as I do, that Castro does not make those purchases now, I was curious to find out where the gentleman says that they are made now by Castro based on the fact that he has promised to make them in theory from us.

Mr. SERRANO. Those purchases are made now, and they will be made here later.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I just want to make one final point relative to this debate. It is a good debate, it is a debate that we all ought to be having. It is a debate that we all ought to be having in this country because it affects foreign policy issues, it affects economic issues for our country.

Look what we do in North Korea. We are providing hundreds of millions of dollars of agriculture aid, food aid, at the expense of the taxpayer to a regime that I think by all accounts is a corrupt regime in North Korea. Now I would rather have our country purchase, I should say our farmers sell commodities to North Korea and other such regimes like Iran and Iraq and others with whom we disagree violently on policy issues, but who will purchase our grain and will purchase our apples and purchase our other products, peas and lentils and other foodstuffs that will help from a humanitarian standpoint feed the people of those countries and also feed our farmers in our rural agriculture economy. So on the one hand our country is giving food to North Korea.

What I want to do as we debate this in the days ahead, and I am not as pessimistic as perhaps my friend from New York. I think this has a great chance to be enacted this year if enough people will show their concern and compassion for the issue, and debate it and pursue it very forcefully. I think this is the best policy for our country to deal with these regimes diplomatically very forcefully, but not punish them and us by not providing them food and medicine.

I just will put a plug in here, Mr. Chairman, for H.R. 212. It is the sanctions relief bill that has been introduced, that I introduced, that has lots of cosponsors, and we can have the debate about which sanctions we ought to impose or not impose on which countries. But from a conceptual standpoint, from a policy standpoint, lifting sanctions is the best policy for American agriculture, and I hope this House will adopt this, and the other body as well, along with the President. This is good policy for our country.

Mr. DIAZ-BALART. Mr. Chairman, will the gentleman yield.

Mr. LATHAM. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Mr. Chairman, I agree with the gentleman from Washington (Mr. NETHERCUTT). This is an issue that needs debate. Every single country in the world is not only geographically, but historically and sociologically and politically in a different situation and in a different moment with regard to the certainty that it will have a democratic transition the moment of that democratic transition, and to broad-brush this issue, certainly again I would reiterate the wisdom of not doing so on an appropriations bill at the same time that I reiterate my willingness to continue discussions with those people like the gentleman from Washington (Mr. NETHERCUTT) who feel so strongly out of good-faith in this issue, not out of support for dictatorships, but out of good faith, and I will continue our discussions because it is dangerous to broad-brush, it is indispensable that we not and that we recognize that sending signals to countries; for example, some terrorist states that have absolutely no way that they can pay, sending signals to them that they will no longer be sanctioned, that they will be in a situation where the American market will be open to them before liberation of political prisoners or free elections are held can be very destructive at this particular time.

So I thank the gentleman for yielding, and I look forward to further discussions on this issue which must not be broad-brushed and which must remain leaving to the United States the option in particular instances of not having to have recourse to military action as the only way in which the United States can act.

Mr. LATHAM. Mr. Chairman, I just want to make one point.

I do not think this would be as much of an issue if we did not use embargoes like we have in this recent administration, and talk about sanctions, they are embargoes. No one likes to use that term because in agriculture that has real connotations, has real effects.

We remember the Nixon embargo, the Carter embargo, how that devastated the agriculture. This, in fact, is what we are talking about, our embargoes, and in the last 80 years there have been 120 embargoes put forth by this country and other countries, and in fact over half of them have been put in place in the last 6½ years.

So my colleagues can see the dramatic impact this has had on agriculture in recent years, a major reason for the decline in prices today, the fact that 40 percent of the world's population today is under some type of embargo from the United States, and it is extraordinarily destructive to agriculture, to free trade and our position in the world market.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used by the Food and Drug Administration for the testing, development, or approval (including approval of production, manufacturing, or distribution) of any drug for the chemical inducement of abortion.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 2 hours and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. Does the gentleman wish to designate with whom the time will be divided?

Mr. SKEEN. Mr. Chairman, no, we do not.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to control one-half of the time, 1 hour, and allow the opposition to control one-half.

The CHAIRMAN. Any Member seeking to control 1 hour in opposition?

Ms. KAPTUR. Mr. Chairman, yes, we will on this side control the 1 hour in opposition.

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) will control the 1 hour in opposition. The gentleman from Oklahoma (Mr. COBURN) will control the 1 hour in favor.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are going to hear a lot of debate this afternoon and statements about the intended purpose of this amendment. I want to say from the outset that this amendment is not intended to have an effect on any drug used for any purpose other than that which is specifically spelled out in this amendment.

The taxpayers of the United States spend a great deal of money each year in funding the Food and Drug Administration. There is something terribly wrong when we ask the taxpayers of this country to spend money in a way which is designed to give the Food and Drug Administration the ability to research and approve drugs that are designed to kill unborn children.

Now let me say that again. The purpose of this amendment is to limit the FDA's ability to approve any drug which has its sole purpose to eliminate and terminate an unborn child.

This should not be in a debate about abortion, and I do not intend it to be. It is about how we use taxpayers' money and for what purpose should that money be used.

Abortion is legal in this country. I recognize that. But allowing a Federal agency to spend taxpayers' dollars to perfect and approve a method under which we take life to me seems totally irreconcilable with the fact that our whole country is supposed to be about the pursuit of happiness, the pursuit of freedom and the pursuit of life.

So this amendment will not block Cytotech from being used in other medicines and in other ways, it will not block RU–486 if it has an intended purpose for giving life, saving life, prolonging life. It will not stop any utilization of FDA funds in terms of that effort. Its sole purpose is to say to the FDA none of their money should be used in a manner which will enhance the taking of unborn life.

It is a very simple proposition. Whether one believes in abortion or do not, both sides of this issue believe that we have way too many abortions. None of us think that abortion is a great thing. There are not many people who have been through an abortion who think an abortion is a great thing.

So I want to move our debate not to the issue of abortion, but whether or not we can in good conscience utilize taxpayer dollars to perfect drugs to kill unborn children. That is what the debate is about. It is not about whether or not somebody can have an abortion; we all know that that is possible.

□ 1430

Regrettably so, from my viewpoint. But, rather, the debate is about protecting unborn life from unwise use of Federal taxpayer dollars.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment, and yield myself such time as I may consume.

Mr. Chairman, as the gentleman knows, on many votes we share similar values, a similar point of view, and this Member certainly does not have a voting record of supporting Federal funding for abortion. I have read carefully the gentleman's amendment. I think it is a bit different from the one the gentleman offered 1 or 2 years ago, if I recall.

I think that the wording of the gentleman's amendment has a worthy purpose. The problem is, I oppose the gentleman's amendment respectfully for three reasons. First of all, on the basis of science.

I do not think that we can really say with certainty and the kind of broad language that the gentleman has included in his amendment that you know for certain what every drug will be used for. I do not have a Ph.D. in science myself, but certainly in the area of medical science, if I think about the decade of the brain that we are now working our way through and all of the discoveries that have been made, for example, in the area of mental illness, most of them by accident; in places like France, for example, where patients were on operating tables, and in order to alleviate pain they were using certain types of pain medications, and, all of a sudden, they discovered, my gosh, why did that work to help to diminish hallucinations and other conditions relating to mental illness?

We certainly are in a period of time now where many of these medications that were by accident discovered to have application for the remediation of the symptoms of mental illness are being worked on, and medical science is at a new horizon in terms of hopefully finding answers for the millions and millions of people that suffer from those illnesses.

I think similarly to some of the lab experiments that have been done, even the discovery of the X-ray itself was an accident. They did not go in there, I think it was Mr. Roentgen, was that not the name, to actually discover x-rays, but it happened. All of a sudden we have a major technology like that that has been used around the world now because of the ability of science to probe into the unknown, but then to figure out practical applications.

I think the gentleman's desire to limit abortion is a very worthy objective, and I do not think anybody on this side of the aisle would disagree with the objective. The problem is that you cannot really say to medical science that you are going to know for every drug or every chemical that FDA reviews, you are going to know that it would have an end result that you are talking about.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, perhaps the gentlewoman did not hear my first statement. There is nothing in this amendment that will limit the research of any drug in any way, in any concept, whose purpose is something other than that. So if you were to take Cytotech or RU–486 and say you want to try to use it in a different way, this does not limit that at all. When you file an application with the FDA, you give what your intended purpose is.

What this amendment says is if you bring to the FDA a drug whose only intended purpose is to induce the separation of a blastocyst from the uterine wall, that is the technical term for what it does, that they should not spend money approving that.

If you bring the same drug to the FDA and say this is something that solves a problem with the liver, or this decreases portal hypertension, even though it might have that effect of causing an inducement of abortion, it is still approved.

Let me give you some examples. There is a new hair treatment to grow hair back on the head of the gentleman from California (Mr. WAXMAN), yet it cannot be used around anyone wanting to get pregnant. Why? Because it causes severe birth defects and can in fact induce abortions. That was approved. This would not eliminate that drug from ever coming to market or the FDA spending money on it.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I guess my point is to the gentleman that scientific inquiry and the work of the FDA by its very nature probes into the unknown, and even though the gentleman says that a given drug has to state a purpose, I am saying that we do not always know, once science begins to move, all of the various applications that science might ultimately have for that substance.

So I think that one of the reasons for my opposition to the amendment is I do not think we ought to prejudge science. We ought to let the Food and Drug Administration move forward, the scientists ought to move forward. Let them do what they do best.

I would guess that most drugs have more than one application, and the chemicals that go into them. Even today, many drugs are given, prescription drugs in fact, that may have side effects or other results that even the FDA scientists have not anticipated as they begin.

The second reason I oppose the gentleman's amendment is because I really do believe that this should be within the Food and Drug Administration. I do not think that we should be making this decision on the floor. We should leave it up to the people over at FDA to decide the procedures for drug approval and so forth, and Federal law currently provides that no Federal money can be spent for abortion. That has been on the books for many, many, many years. So I think that we should let the FDA do its job.

Finally, I would say to the gentleman, with all due respect, this subcommittee of the Committee on Agriculture had absolutely no testimony on this issue. The gentleman is bringing a very important issue to the floor. I personally, as just one member of that subcommittee, would have appreciated to have the FDA testify before us, many scientists, to talk about the chemistry of what the gentleman is concerned about, to try to perfect the language of what the gentleman is trying to offer here.

We really have heard from no one in the public on this particular subcommittee. So I find it somewhat uncomfortable to try to accept the gentleman's amendment, when our subcommittee really had absolutely nothing, we did not spend one minute on this within the committee itself.

So for those three reasons, and I want to yield time to other Members to comment, on the basis of science, on the basis of the safety by having the FDA involved, and also committee procedure, I would respectfully oppose the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume to respond.

Mr. Chairman, again, what the gentlewoman just said is it is against the Federal law to use Federal dollars for abortion, but in fact when the FDA approves a drug whose sole purpose is to kill unborn children, that is spending Federal dollars to perform abortion. So I would counter that.

Number two, there was no intention to come before your committee on this issue. This is a well-known issue, this is well documented. There is lots written on RU–486 and Cytotech, and through this discussion I will be happy to give you all of the references in the literature on that.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise today in support of the Coburn amendment's efforts to protect the lives and health of our Nation's women and unborn children.

This amendment would bar FDA's approval and development of new drugs whose primary purpose is to induce abortion. Those are called abortifacients.

Some people believe it is in the best interests of women to make all forms of abortion available to women. However, even for those who support abortion on demand, approving RU–486 is shortsighted and it is a risky approach. Scientific studies have shown a link between abortion and breast cancer. Unfortunately, many who commit abortions do not want to let women know about that risk.

Breast cancer is the leading form of cancer among middle-age American women, but we do not even want to tell women who are considering abortion of this risk.

Ten out of 11 studies on American women report an increased risk of breast cancer after having an induced abortion.

A meta-analysis in which all worldwide data were combined reported that an induced abortion elevates a woman's risk of developing breast cancer by 30 percent. How can we in good conscience approve new forms of abortion before we study the breast cancer and abortion link further and let women know of the risk?

This is the kind of investigation that should be done. This kind of information should be held in hearings before the committee. So I urge the Members to support the Coburn amendment to protect women, both born and unborn.

Ms. KAPTUR. Mr. Chairman, I yield 4½ minutes to the gentlewoman from the State of Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I might just say to the last speaker, very quickly, that in fact the editor of the Journal of the National Cancer Institute has said that there is insufficient evidence that exists to link induced abortion and breast cancer. That is a medical opinion.

Let me move onto this amendment this afternoon. I am shocked, quite frankly, that we are going through this debate again this year after the outcry of the many medical and pharmaceutical organizations who opposed this amendment last year. It is an unprecedented invasion into the FDA's approval process.

Quite frankly, this is a place where Congress has no right to be. We are not scientists. We do not know what is best for the health of American citizens.

This amendment is intended to block research. It blocks not only drugs that are currently in the pipeline, but potential future breakthroughs in biomedical research. It is an attempt to promote an anti-choice agenda. I have respect for people who have a different view of this issue on choice than I do, but the proponents of this amendment are risking the lives of millions of Americans, because this amendment would also block the development of drugs to cure cancer, ulcers, rheumatoid arthritis, epilepsy, and other medical conditions because some of those drugs can cause a spontaneous miscarriage.

Let me read you a portion of a letter from the National Coalition of Cancer Research that is just one of the many medical organizations that is firmly opposed to this amendment:

"Attempting to legislate any drug's approval or disapproval is inappropriate. It starts down a slippery slope of prohibiting development in certain drug categories. The comment that the ranking member of this committee made, not only does it threaten the credibility of the drug approval process, it would impede the development of pharmaceuticals to treat different diseases not related to reproduction, such as cancer. If disease or condition-specific approval is dictated by legislative action, drug researchists' efforts to develop new therapies will be stymied." By passing this, the FDA's approval process would be prevented from having the opportunity to do something about this issue.

Let me just talk to you for a second as a cancer survivor. I am a survivor of ovarian cancer; 25,500 women will contract ovarian cancer this year; one-half of them will die. Any chemotherapy drug that is taken by anyone with cancer, any chemotherapy drug has the propensity to cause a spontaneous miscarriage. Why do we take our personal philosophy about where we are on choice and try to foist it on the millions of Americans who, through no fault of their own, contract cancer or a serious illness?

□ 1445

Why would we relegate millions of women to die because we have a particular view on choice?

Mr. Chairman, it is wrong for us to prevent biomedical research. We have an obligation. We spend billions of dollars to promote what happens at the National Institutes of Health because we believe we have the obligation to cure disease in this country. Do not take an action here this afternoon that would in fact condemn millions to die because somehow we want to score a point on choice in this country.

It is wrong, it is unconscionable, and I plead with my colleagues to defeat this outrageous amendment this afternoon.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to control the time allotted to the gentleman from Oklahoma (Mr. COBURN) during his brief absence.

The CHAIRMAN (Mr. PEASE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I am happy and pleased to yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I think most of us agree that we would like to be seeking alternatives to abortion, rather than making abortion more accessible.

But the one issue that I wanted to speak on today is what has been shown scientifically as an increased risk of breast cancer. Supposedly there is a link between breast cancer and abortion. This should be examined much more thoroughly before any new forms are approved.

Ten out of 11 studies on American women report an increased risk of breast cancer after having an induced abortion, particularly among women with a history of breast cancer in their families. We know this is already a major problem which we are trying to effectively deal with because currently cancer is the leading form, or breast cancer is the leading form of cancer among middle-aged American women.

In the few countries in which RU–486 is available, it is strictly regulated by the government's health care systems. However, in the U.S., control of abortion drugs is more lax, and sometimes they are often dispensed without a doctor's approval, which again potentially endangers women's health.

But because of the potentially dangerous side effects of abortion, and this is not just physical, this is emotional, as well, these drugs should not be administered without consultation and medical follow-up with a doctor. So I hope we give this serious thought.

Ms. KAPTUR. Mr. Chairman, I am very pleased to yield 4 minutes to the gentlewoman from the great State of New York (Mrs. LOWEY), a member of the committee.

Mrs. LOWEY. Mr. Chairman, I thank our ranking member for yielding time to me.

Before I address the overall issue, I would like to respond to my colleague, the gentlewoman from North Carolina (Mrs. MYRICK) by reading another quote.

"The Danish researchers concluded that induced abortion has no effect on the risk of breast cancer." When reporting on a particular study, the New York Times stated: "This longstanding issue shall now be settled. No evidence exists to link induced abortion and breast cancer."

Mr. Chairman, I rise in strong opposition to the Coburn amendment. The amendment would stop the drug approval process in its tracks by placing unprecedented roadblocks in front of the FDA. It puts ideology ahead of science and compromises women's health.

The Coburn amendment would block the final approval of a drug, RU–486, that the FDA has already declared to be safe and effective. I repeat, this amendment would block final approval of a drug that the FDA has already declared safe and effective.

This amendment would make FDA drug approval contingent not on science but on politics. The FDA is charged with protecting the public's health, and should not be subject to congressional interference. Should we subject each FDA decision to a congressional vote? Mr. Chairman, let us allow the FDA to do its job free from right-wing intimidation. The American people do not want the Christian Coalition in charge of our Nation's drug approval process.

This amendment may also prohibit the development of new, more effective contraceptive methods, if Members believe, as some do, that any form of hormonal contraception, like in this bill, is tantamount to an abortion.

What about other drugs that as a side effect may induce abortion, like many chemotherapy drugs and anti-ulcer medication? Will research be halted on these lifesaving drugs as well? This amendment is too vague even to give us a clear answer to that question.

So, Mr. Chairman, this amendment is about much more than RU–486. It is about whether the FDA will be free to test, develop, and approve needed drugs without congressional interference. It is about whether politics or science will govern our Nation's drug approval process.

Since Roe v. Wade, the anti-choice minority has attempted to stymie contraceptive research and suppress advances in reproductive health. For example, there used to be 13 pharmaceutical companies engaged in contraceptive research. There are now four. Thankfully, despite pressure tactics, scientists have made some important progress. Among the most significant is the development of RU–486.

RU–486 would make a dramatic difference in the options available to women facing unintended pregnancies. It could make abortion, already one of the safest medical procedures, even safer. Women in France have been using RU–486 for a decade. It is also available in Sweden and Great Britain.

Over 400,000 women have had abortions using RU–486. The New England Journal of Medicine has published clinical trials confirming its acceptability and effectiveness. Also, RU–486 has another significant advantage over current abortion procedures, it can be given in the privacy of a physician's office.

What will the right do when it is approved? Will it picket every doctor's office in America? Will it harass every woman in the Nation? Thankfully, it cannot. That is why it is fighting to block the approval of this drug.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I just want to respond briefly to the previous speaker. When I hear talk of the so-called anti-choice minority, I find that not only empirically unsound, because the data clearly shows America is moving increasingly toward the right-to-life position. But its insulting as well. Minority? I don't think so. As a matter of fact, two polls recently came out. One was done by Faye Wattleton's group, the former president of the Planned Parenthood Federation of America. According to The Center for Gender Equality Survey, January of 1999: "Seventy percent of women favor more restrictions on abortions;" women, 70 percent. That doesn't sound like a "minority" to me. The survey also found fifty-three percent of women today favor banning abortion except for rape, incest, and life of the mother. Rape, incest and life of the mother is about two or three percent of all the reasons as to why abortions are procured. So most women want most abortions made illegal.

Most of the 4,000 babies who die, each day in America from abortion would be saved if the opinions of a majority of women—if their sentiment—were enacted into law. The Coburn amendment does far less than what a majority of women want and we are not talking even remotely about banning abortion in this pending amendment. Yet, 53 percent of women today favor banning abortion, except for rape, incest, or life of the mother.

The survey interestingly points out that that is up from 45 percent of women just 2 years ago. So there is a sea change occurring. Americans are beginning to wake up to the fact that abortion is violence against children.

There is also a USA Today CNN Gallup poll that found that 55 percent of all men and women say abortion in America should be legal only under rape, incest, or threat to the life of the mother. So again, a majority of men and women and a majority of just women that have been found in the USA Today-CNN poll and the Center for Gender Equality survey that the majority is in favor of protecting the lives of innocent unborn children, except in the most extreme circumstances that, frankly, rarely, rarely happen.

If we had legislation that protected those children, again, we would be saving most of the lives. When polled on funding, an overwhelming majority of Americans in every poll, and I ask Members to look at their own polls in their own districts, most will show clearly an overwhelming majority of Americans are against using taxpayer-funded monies to pay for abortions, except in the rarest of cases.

This legislation, this amendment, the amendment offered by the gentleman from Oklahoma (Mr. COBURN) is the Hyde amendment of the FDA. Let us be very clear about it, it is the Hyde amendment being applied to testing of those drugs that are used to procure an abortion.

I believe history and human rights observance are on our side, the pro-life side. Some day the viewpoint from the pro-abortion side will be seen as so misguided and even cruel that people will say, how could they have imposed such violence on innocent, unborn children, especially at a time when we know more about unborn children than ever before in the history of mankind or womankind. Today microsurgery on unborn children, is almost common place. Children are literally lifted out of the mother's womb and surgery is performed, and then they are reinserted to grow and develop and mature until birth time.

Birth has to be seen, I say to my colleagues, as an event that happens to each and every one of us. It is not the beginning of human life. That happens much, much sooner than that at fertilization.

What the gentleman from Oklahoma (Mr. COBURN) is trying to do with his amendment is to say that babies are not junk. They are not throwaways. Some Members want to allow the FDA to invent the newest form of mousetrap, to come up with another more lethal way of destroying unborn children. We can't allow that to happen. And RU-486 is not really a morning after drug, it is used up to 7 weeks after fertilization. It causes the abortion to occur usually after 7 weeks into the gestational cycle. That is not morning after.

I find it offensive, that my tax dollars, American people, not some so-called anti-choice minority but a pro-life majority are used to test and approve deadly poisons for children.

The pro-abortion side does not enjoy a majority in this country. Through manipulation of poll data over the years the pro-abortion side has given the impression, the perception that that is the case, but now the pollsters are now asking more specific and enlightening questions, and all of a sudden it is revealing that, one, more people are pro-life, and also, when they ask the same question over the last several years, there has been a change in our direction.

My friend from New York Mrs. LOWEY says there is no linkage of abortion and breast cancer. Yet 10 out of 11 studies on American women report an increase in breast cancer when women under goes abortion. The "denial" people remind me, of the tobacco Institute denials who year after year said there is no connection between smoking and lung cancer.

There is a compelling linkage of breast cancer and abortion. Dr. Janet Daling, with a National Cancer Institute-funded study, found that after just one abortion there is an increase in the aggregate of all women of about 50 percent in the propensity to get breast cancer. She is not a pro-lifer. She does not agree with my position or that of the gentleman from Oklahoma (Mr. COBURN).

She also found that if a woman aborts her first baby that number shoots up to 150 percent. Shame on those who say there is no linkage. They are misleading women. They are misleading women. And putting women at risk.

Dr. Daling also found that where there is a history of breast cancer in that family, the vote skyrockets to 270 percent when abortion is involved. So if the mother, or the grandmother or sister or someone in that family has had breast cancer, one abortion means that there is a greater likelihood that she will get breast cancer. Why the coverup

We would hope that the FDA would spend more time looking at drugs to mitigate breast cancer and to try to get rid of that terrible, terrible disease, and that the whole abortion establishment would stop the cover-up, and begin informing women about their risks.

Let me just also point out, Mr. Chairman, that RU-486 and chemical abortions, just like dismemberment abortions, just like those abortions where the baby's brains are literally sucked out, partial birth abortions, chemical abortions are just another way of killing the baby.

I think it is time to stop pro-abortion sophistry and the ignoring of the basic fact that every act of abortion takes a life. It is violence against children. Some day we are going to realize that, Mr. Chairman. We do not want our tax dollars being used to perfect another way, another chemical poison, another baby pesticide to kill babies. That is what we are talking about. Come up with drugs that heal, do not promote drugs and make me and my colleagues on the pro-life side on both sides of the aisle fund and pay for killing agents.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would just like to refer my colleague again to statements from the National Cancer Institute, because we feel so strongly that we should not be mixing up politics and science, confusing our own personal views, and I respect the gentleman's, on whether or not women should have a choice. I would expect that the gentleman respects others'.

In 1996 the National Cancer Institute, concerned that some anti-abortion groups were misrepresenting the science on the subject, issued a statement, not my statement, their statement, and I quote, "The available data on the relationship between induced abortions or spontaneous abortions, miscarriages, and breast cancer are inconsistent, inconclusive. There is no evident of a direct relationship between breast cancer and either induced or spontaneous abortion."

Mr. SMITH of New Jersey. Reclaiming my time, Mr. Chairman, as I pointed out earlier in the debate 10 of the 11 studies on American women reported an increase on breast cancer when the women had an abortion. You may say there needs to be more studies. I say there needs to be more studies. Everybody says that.

But when we get a preponderance of studies pointing in the same direction, I think we should alert women that there is a negative devastating side effect sometimes manifesting itself 20 to 30 years down the line that cannot be ignored and trivialized.

When Janet Daling's study came out, which was National Cancer Institute-funded it received adequate coverage in the Washington Post for one day. Then all trace of the story was killed with spin from the abortion rights side.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to reclaim control of the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond to the National Cancer Institute study. The gentlewoman added one word there that totally throws out what they said, "spontaneous." If we add all the spontaneous abortions in with the induced abortions, we will not get an effect, because the number of spontaneous abortions is close to 600,000 to 700,000 per year, 800,000 in some studies. So by combining that data, a normal response to a wrong and incomplete reproductive event to the termination of a normal event, we do not have good data. They know that. That is why they put that material in there.

I want to continue my point, if I may. I will be happy to debate back and forth with the gentlewoman.

Mr. Chairman, I heard from this floor statements exactly opposite of what I said was the intention of my amendment. I am deeply concerned that people would use untruth about what this intended amendment is. Everyone knows me well enough that I am not going to oppose good research for things that help people get well.

There is nothing, and it does not matter what the gentlewoman says, there is nothing in this amendment that will eliminate any cure for cancer, eliminate any process under which any drug can be studied for cancer, because the actual application that the Food and Drug uses, which is right here, it says, what is the purpose for the IND. And if the purpose is chemical inducement for abortion, then they cannot do it. If it says anything else other than that, they cannot.

Finally, I would like to comment about the comments on whether or not we ought to be involved in this.

□ 1500

If the issue of life is not something this House should debate, I do not know what we should debate. There is nothing more important, whether it is the end of life or beginning of life.

We can have our differences. We have a Supreme Court ruling; I understand that. But to say we should not be debating and then finally to say that Congress should not try to work what it thinks the will is, I would propose that most of those who oppose this amendment voted for the amendments that limited drive-through deliveries, that limited drive-through mastectomies, so they have already said that they believe that Congress should practice medicine.

My colleagues cannot claim both sides of this issue. Either they think it is a proper position for this government or this Congress to get involved in things that are wrong or they do not.

Now my colleagues may not agree with the issue, but to use the false premise that we should not be discussing this is intellectually dishonest; it is inappropriate and misstates the situation.

There is nothing in this amendment that will limit NCI's research whatsoever into any cancer treatment, into any treatment whatsoever in any way. To claim otherwise is to distort the truth for purposes of debate and to not carry out an equitable and fair debate.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, may I inquire of the Chair the remaining time on both sides, please.

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) has 44½ minutes remaining. The gentleman from Oklahoma (Mr. COBURN) has 40½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to state that, as I listened to the gentleman from Oklahoma (Mr. COBURN) and his desire to try to protect life, I think that his amendment and the words of his amendment, in fact, do not do that. So there is not a disagreement with the objective, but rather the means to get there.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) very much for yielding to me this time.

This bill does not provide taxpayers subsidies for abortion. This bill before us is an appropriation to fund the Food and Drug Administration. The Food and Drug Administration receives applications from those private industries that manufacture drugs who come to them and say we want to market our drug. But the law says we must apply to FDA to assure the public that the drug is safe and effective. The FDA then uses its scientific method to determine whether the drug ought to be sold as safe and effective.

The Coburn amendment would prevent the FDA from using science. It would say to the FDA they may not approve a drug that is safe and effective because we are going to substitute a political judgment for what has been a scientific judgment under which the FDA has been mandated in carrying out its responsibilities. So what we are doing is preventing taxpayers' funding of the Food and Drug Administration to determine whether a drug is safe and effective.

Now, there is an interesting argument that the gentleman from Oklahoma (Mr. COBURN) makes, and I am sure he is sincere, that his amendment would only apply to a drug solely to be used for abortion purposes. But that is not what his amendment says. His amendment says that the FDA cannot use any of its funds for testing, development, or approval of any drug for the chemical inducement of abortion. Well, "for the chemical inducement of abortion" may be a side effect of a drug that may be intended to cure cancer. It may be intended for some other purpose.

Now abortion is legal. If abortion is legal, why should we not allow funds to be used by private enterprise to develop a drug that would lead to safer abortions, earlier, safer abortions?

We have heard the story about the link of abortions with breast cancer. I have seen no evidence of that. But let us say that there is a drug that would allow a termination of a pregnancy without any additional risk that may now be out there for those who do decide to terminate a pregnancy.

This amendment is a political amendment. It really is inappropriate in this legislation not to allow the FDA to do its job, which is to use science, to allow research based on science as the FDA considers whether a drug ought to be marketed to the American people.

I would hope that we would oppose this amendment and let FDA do its job and allow a procedure that is legal to be done in the safest possible way.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

I would like to respond to the gentleman from California (Mr. WAXMAN). Number one, the definition of "for" under the dictionary that we have in the House is with the object or purpose of.

The gentleman refuses to address our issue. Our issue is that Federal dollars should not be used to enhance the taking of life. Now, his claim that he has no knowledge of the connection between breast cancer and abortion, I can take that. He probably had not read the studies. I have read every study. Having been trained in science and having read all studies associated with breast cancer and abortion, I think there is some legitimacy to it. I do not know how much there is, but I have read it at least.

Number two is, for the gentleman to object that this is not a place for this debate, again it is not inappropriate, for we have an opportunity as Members of this House to put limitation amendments on appropriations bills. We may not like it, and I understand that, but it does not mean that it is inappropriate or wrong for us to do it.

I also have the legislative history where my dear friend, the gentleman from California (Mr. WAXMAN), has been very effective in doing some of these same things in the past himself. So the use of a limitation amendment on an appropriation bill is both appropriate and within the rules of the House.

So again I want to say this amendment will not, and I will take my colleagues to the application of the Food and Drug Administration, one has to list a purpose or indication for a drug when one applies. If that is something other than the inducement of abortion, then they can approve anything. The gentleman from California (Mr. WAXMAN) knows that. He knows what the forms say. He knows more about the Food and Drug Administration than anybody in this Congress. I understand that. But he also knows full well that this amendment will have its intended purpose, and that no drug whatsoever which has a purpose other than that will be limited in any way.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me?

Mr. COBURN. I am happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I will insert for the RECORD a statement from the Food and Drug Administration where they say very clearly they do not read the gentleman's amendment as he does. Their lawyers have said this will prevent them from dealing with any drug that is brought to them for approval that may have the consequence of terminating a pregnancy.

But my view is, even if its original intended purpose is to terminate a pregnancy, if it is a safer way to do that, we may be saving lives as a result. We may be saving the life of the mother.

Mr. COBURN. Reclaiming my time, let me give the gentleman from California some reasons why we have breast cancer associated with abnormal pregnancies. When a woman is pregnant, there is a large increase of both estrogen and progesterone. The abrupt termination of those, one has turn-on factors in the breast tissue which are not modulated in a normal cycle that the body knows how to do it. That is why we also see an increased risk of breast cancer in women who have late onset pregnancies.

This is not something that is new to the medical community. This is something that we suspect, and now we are starting to see data for. I understand the gentleman's opposition. I would say I would be happy to take an amendment from the gentleman from California (Mr. WAXMAN) that puts the word "solely" in there. I would happily agree to that. But I think his real objection is that we should not be doing this. But the point is I am happy to accept an amendment that will say solely for that, because, as a practicing physician, I know we sometimes get consequences that are ill-effective, and I have no intention of stopping it.

The final point that I would make is the lawyers for the FDA ought to read the legislative history. This passed the House last year, and the history on it shows very much, we actually even had a ruling from the Chair which the gentleman from California (Mr. WAXMAN) had the point of order on, which said this would do that, and the Chair ruled it would not.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment from the gentleman from Oklahoma (Mr. COBURN). The Supreme Court has told us that we have to allow the killing of unborn children on demand. It has not, however, told us the government has an obligation to facilitate this service.

This amendment would help ensure that American taxpayers do not end up funding the approval of drugs that are designed to kill our unborn children. FDA's mission, as it was created by this very Congress, should be to approve drugs that save lives, not end lives.

I would just hasten to add that Congress does have oversight responsibility with regard to all agencies of the Federal Government. It has been stated that Congress is sticking its nose into places it should not be. Well, if Congress should not be here now, then it is assumed that the proponents of that philosophy say that the Federal Government should not have been involved in the Food and Drug Administration's creation.

Second, there has been the point made with regard to the Supreme Court and the Supreme Court decision that has been made. Earlier today we heard an oath from a new Member that said he swore to support and defend the Constitution of the United States. He did not say anything about according to what the Supreme Court says that the Constitution says.

Separation of powers says that the House of Representatives, the Congress, has the constitutional obligation to determine constitutional intent; and that is what the amendment of the gentleman from Oklahoma (Mr. COBURN) is doing right here, saying that it is Congress' obligation to determine how the taxpayers' money is spent.

The point has also been made that Congress are not scientists. Well, there are several of us that happen to be scientists. We are not in the area with regard to medical science, but we have been told about other doctrines of science, other theories of science; and that is one of those old theories that we are asked to subscribe to today.

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And that is that we are led to believe that if a child, if an individual is conceived, that 9 months later it turns into something that it was not. During the Dark Ages and shortly thereafter, that was a scientific theory that was subscribed to, called spontaneous generation, which said basically if rancid meat sat in the corner for 24 days, there will be flies there. So that meant that rancid meat ultimately turned into flies.

Well, that is not the point here. The point is that a child at conception is a child at conception, it is a child 2 months after conception, it is a child 9 months after conception, and it is a child 2 years after it is born.

We should not, as Members of this House, be asked to subscribe to a theory in science that was done away with hundreds of years ago by scientific knowledge at that time. Therefore, we are being asked to facilitate the FDA doing something safe and effective. If that child is a child at conception, and it does not automatically spontaneously generate into a child sometime later, then we are to make sure that drugs are safe and effective for children that are inside the womb as well and not be facilitating the destruction of that human life.

Finally, I will say that there has been much said here about cancer survivorship, and I would be one that would say that I am pleased at the rate of survivorship of Members of this House, Members of this Chamber. My mother is a cancer survivor. However, my father had cancer and he is not a survivor of cancer. This weekend I am going to take part in a relay for life where those survivors of cancer are going to come and celebrate life. My father will not get to take part in that process this year because he is not a survivor of cancer, but I can tell my colleague this: that the way my father raised me is such that he would not take one innocent child's life in order for him to survive cancer.

And that is not what this amendment does. It says and I quote, "None of the funds made available in this act may be used by the Food and Drug Administration for the testing, development, or approval, including approval of production, manufacture or distribution, of any drug for the chemical inducement of abortion."

This amendment by the gentleman from Oklahoma simply deals with a phenomenon of the day, and that is RU486, an abortifacient, that is not being used to treat people and cure people of cancer as it could have my father. Let us remove all the veneer, let us remove all of the camouflage over this and tell the story as it is. The gentleman's amendment will not stop one drop of research into saving people's lives that have cancer. I wish that research would have happened a few years earlier, so that my father could have taken part in that relay for life this weekend.

Let us do say a word for life today. Let us say that innocent preborn life is worth securing, is worth protecting and is at least worth not spending taxpayer dollars on to find a more efficient way to exterminate it.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I am frankly disturbed by the claims that are being made by the proponents of this amendment. The proponents of the amendment say that the drug cannot be used for the sole purpose of abortion or the primary purpose of abortion, but that is not what the text of the amendment says. What the text of the amendment says is none of the funds appropriated shall be used for the testing, development or approval of any drug for the chemical inducement of abortion. Those words are not in there.

But there are more problems than that. The other problems are that there is no recognized definition by the FDA of the words "chemical," "inducement," or "abortion." So nobody is filing applications with the FDA saying we want to use this research solely for the purpose of the chemical inducement of abortion.

The truth is the way this amendment is written it would prevent research on many, many drugs which may have a side effect of causing abortion. And if my colleagues believe the last speaker, many people believe that that is appropriate. Many people believe that it is a worthwhile societal goal to have millions of cancer victims die in order to stop what may be abortions. That is unacceptable both from a human and a scientific standpoint.

The truth is under this amendment we would be banning research of drugs which would cause miscarriages by treating cancer, hypertension, cirrhosis, rheumatoid arthritis, and even some vaccines. We cannot sacrifice scientific research into abortion, which is legal, or equally importantly into cancer and all these other things simply because of a political agenda. And that is what we are talking about here. We are talking about a political agenda.

And the reason this amendment is written so broadly is because there are people who would ban drugs whose primary purpose is for other purposes, like cancer research, in order to stop abortion. And that is wrong. Defeat the amendment.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time and I rise in strong opposition to this amendment which would restrict the FDA from its current system of research and testing of drugs that could eventually save lives.

Reproductive health drugs should be subject to the FDA's strict science-based requirements which any drug must meet before approval can be granted, but this amendment would prevent the FDA from reviewing any drug that could possibly induce miscarriages as a side effect.

Health research is threatened when we legislate decisions that should be left to medical researchers and doctors. Under current law, a company that wants to begin clinical trials on a new drug submits its application to the FDA for approval and, if the application has not been responded to within 30 days, the company is free to move forward. With this amendment, no funds could be used to oversee or even disapprove of such tests.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would say to the gentlewoman that there is nothing in the legislative history or the ruling of the Chair from last year or the legal parameters that we have had that makes the gentlewoman's statement a true statement.

The fact is that all drugs whose sole purpose is something other than the chemical inducement of abortion have free reign at the FDA, and I thank the gentlewoman

Mrs. MORELLA. Reclaiming my time, Mr. Chairman, the gentleman's amendment, though, would say review of any drug that could possibly induce a miscarriage as a possible side effect.

Well, now this amendment is opposed by such groups as the National Coalition for Cancer Research and the American Medical Association, and they believe very strongly, as we do, that attempting to legislate any drug's approval or disapproval is inappropriate and that not only does it threaten the credibility of the drug approval process, but it would impede development of pharmaceuticals that may be used either as contraceptives or to treat diseases related to reproduction.

As a matter of fact, it was during last year's debate that drug companies stated that researchers and pharmaceutical companies would be less likely to invest in drugs that might cause miscarriages, and currently many drugs do have this side effect.

So if disease- or condition-specific approval is dictated by legislative action, we are in big trouble. So I urge my colleagues to vote against this amendment.

Mr. COBURN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. WELDON), and I would note for the House that he is a medical doctor.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and as Yogi Berra said, "It's like deja vu all over again." We are having this argument now and it is the same set of arguments as we had last year when the Coburn amendment passed the House, I believe by a margin of 223 to 202. I would encourage all my colleagues to vote in support of the Coburn amendment.

I believe very strongly that this is a very reasonable and prudent amendment. As has been very, very clearly stated by the gentleman from Oklahoma, when these pharmaceutical companies, medical schools, individuals put in these applications for new drug approval, they put down what its indication is. And the Coburn language is very specific. We had a ruling from the Chair on this issue last year. If the specific indication is to induce chemical abortion, under the provision of his amendment they will be barred from doing that.

Now, I practiced internal medicine for 15 years prior to coming to the House. I still see patients occasionally on weekends. I have had the unfortunate experience of diagnosing people with cancer; indeed, the even more unfortunate experience of seeing many of my patients die. And I would not support any amendment that in any way would interfere with the new development and approval of drugs for the treatment of cancer. And I think it is very disingenuous for anybody to imply that this amendment would have that kind of an implication. This amendment is very, very clear in its language. It is very, very well targeted.

I would also like to point out that what we are talking about today is very, very significant. The FDA has been around for years, and it has safeguarded the American people from the introduction of many potentially dangerous drugs. A great example of this is thalidomide, a drug that was introduced in Europe and produced terrible birth defects. But our American Food and Drug Administration never approved that drug and, thus, prevented millions of American babies from being born with such a type of malformation.

The Food and Drug Administration has never had a drug application before it where the specific intent of the drug was to lead to the death of an unborn baby. Now, abortion, obviously, is a very controversial issue. Every time these issues come up, the arguments are very, very impassioned. And they should be because it is an issue of life and death.

We all know that the baby in the womb has a beating heart. At 40 days it has detectable brain waves. Those are the criteria that I used to use when I practiced medicine to make a determination as to whether or not somebody was dead or alive. So this is a very, very significant issue. And to have the U.S. Food and Drug Administration reviewing a drug and approving a drug where its intended purpose is to kill the unborn baby in the womb, I think, is very, very inappropriate. I think it is very, very appropriate for us to speak on this issue. So, therefore, I would encourage all of my colleagues to vote "yes" on the Coburn amendment.

I just want to touch on one additional issue that has come up in the course of this debate, and that is the reported possible link between abortion and breast cancer. My colleagues, I have reviewed the studies on this issue and the studies are very, very compelling that there really is a link. The statement released by the NCI, I believe, is a very disingenuous statement. It really sincerely ignores the facts on this issue.

If my colleagues actually take the time to read the studies, it is very, very bothersome to me that there are a lot of people within the cancer research community that are turning a blind eye to this issue.

Now, finally, let me close by saying the President of the United States once said in a speech that he wanted to make abortion safe, legal and rare. There are lots of us who hold that abortion is never safe for the unborn baby in the womb, and I do not think anybody would argue with that. Some people may want to turn a blind eye to the humanity of that child in the womb, but it is never safe for the child in the womb.

Might I also say that there has been absolutely no effort on the part of the administration to truly make abortion rare. Indeed, in trying to push through something like this, we are in many ways trying to facilitate abortion, trying to make it easier, make it more common. And I do not think we should be going in that direction.

I applaud the gentleman for introducing this amendment, and I encourage everyone to support it.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent that I be allowed to manage the time of the gentlewoman from Ohio (Ms. KAPTUR).

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I rise in strong opposition to this amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The author of this amendment may, in fact, believe that it is narrowly drawn and will not affect other research that is being done, but I think his comments a few speakers ago, when the gentleman from California was talking, that he was willing to accept a clarifying amendment, indicates even a specter of doubt in his own mind that there may be a problem with this amendment.

The fact is, even with the ruling of the Chair, this issue would not be decided by the Chair; it is ultimately decided across the street at the Supreme Court.

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That is what is to happen if we go through with this type of amendment because it may address RU–486 today, but it will open the door for lawsuits to address other types of research tomorrow and it will not be decided in this body or in the other body, it will be decided in the courts. This is a very dangerous precedent-setting amendment that takes the Congress, in my opinion, down the wrong path where we do not want to go.

The gentleman raised the issue of drive-through mastectomies and drive-through deliveries, and, yes, voted for those. I do not know if the gentleman did or not. I think that is a dangerous position for us to take. But here we are going even further. And I think this amendment is so broadly drawn that it creates a serious problem, and I think the House ought to reject it.

Our other colleague from Indiana talked about removing the veneer. Well, let us do remove the veneer. This is not just about RU–486. This is about chipping away once again at "Roe v. Wade" and getting this in front of the Supreme Court again and seeing if they can overturn a woman's right to choose. That is what this is about. But in the wake of doing that, it creates a lot of damage in the research world.

I hope my colleagues will oppose this poorly drafted amendment.

Mr. COBURN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) who is, I might say, in opposition to my amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding to me, knowing that I oppose his amendment. And I do oppose his amendment very strongly.

The law of the land is that abortion is legal, whether we like it or not. The law of the land and Supreme Court decisions have given women total control over the decision of whether they will get pregnant and carry a pregnancy during the first trimester. That right is compromised as the fetus grows and women have essentially no right to abortion except under extreme circumstances that are life-threatening toward the end of their pregnancy.

Now, that is simply the law of the land. If my colleagues do not like it, bring a bill to ban abortion, and let us debate that on the floor as the representatives of the people. Let us see if America wants a policy that bans abortion.

Italy has reversed their policy banning abortion because if we ban abortion, we just raise the number of women who die, who die getting illegal abortions. And we know that that was true in our history.

When we first made abortions legal, the big change was not an increase in abortions, because there was not any increase in abortion. The big change was a radical, precipitous decline in maternal deaths. So, mark my words, this is about abortion. Women have a right to abortion and they have a right to a variety of safe, legal procedures. Women in Europe have had access to this method for 20 years.

This is not about thalidomide. This is about something that women in Europe have used for 20 years. Our FDA has reviewed it on the basis of science. That is their job. And under that standard, they have found it to be an effective agent. And women have every bit as great a right in America to a pharmaceutical agent as they do to the surgical procedures. Why would men, in America particularly, want to make the decision for women that they have to go, in a sense, under the knife rather than taking a pharmaceutical pill?

So this is, by gum, about a woman's right to choose and the right to abortion in the very earliest months when even there may not have been any fertilization of the egg. This is not necessarily an abortive phase. It depends on what happened and what did not happen, which they do not know at the time they take it. It is a very big advance. And to deny it and stop it on the floor this way is to indicate that we will approach contraceptive research the same way and that we will narrow rigorously the options available to women to manage their reproductive capability and, with it, their health.

I strongly oppose this amendment. This Congress should not be banning by procedure methods of abortion.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman from Florida (Mr. WELDON) who I believe has left the floor.

But he referred to this administration and said they have done nothing to make abortion rare. I would invite him and my other colleagues to join us in supporting our contraceptive coverage bill, because that is really the way we reduce the number of abortions. Having the Federal Employee Health Benefit Plan and other private insurance plans cover contraceptives will reduce the number of abortions, and the administration has been strongly supportive of that.

Mr. Chairman, I am delighted to yield 2 minutes to my colleague, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Coburn amendment.

In my first term in the House of Representatives in 1993, during the Year of the Woman, with my good sisters and a good number of men, we fought here on the House floor so that the United States could have expanded healthy alternatives to surgical abortions. We supported research development and availability of drugs for medical abortions, like RU-486, in the United States.

Since then, I have witnessed RU-486 being made available in Europe, while here in our country in the United States, here in this Congress, we have had to fight back the far right's constant blows against RU-486 and women's health in general.

I am saddened to say it, but this is the same attack by the conservatives as last year and the year before and the year before that. This amendment seeks to deny women the right to early and safe drugs, such as RU-486, when faced with a crisis pregnancy. Further, because it bans the Federal Drug Administration from approving drugs like RU-486, it represents an unprecedented threat to the FDA's approval process.

Let us make no mistake about it. These repeat attacks are an unwarranted intrusion on a woman's life and a woman's right to good health, and this attack is by the extreme right. Let us get the far right out of women's health, get politics out of science, and allow the FDA to determine what drugs are safe for women.

Once again, I urge my colleagues, vote against the Coburn amendment, vote for women and women's health.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Washington State (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I think, as a physician, I listen to this debate and it is very interesting to watch us practice medicine out here on the floor of the House of Representatives.

It is pretty clear that if the gentleman from Oklahoma (Mr. COBURN) wanted to ban RU-486, that is what he would have put in this amendment. But it is very clear that this is not what the intention is. The intention is to get a law out there that they can then get involved in lawsuits. It is a very well-known political strategy over the last 10 years to start something and get involved in the courts and tie it up forever.

Now, if they have pharmaceutical companies, and the gentleman from Oklahoma (Mr. COBURN) knows this, they screen all kinds of drugs. Right now, I heard thalidomide mentioned here on the floor. And it became a very bad drug because of its effects on newborn babies and causing defects. It is now being used for another illness. And when pharmaceutical companies screen, they do not know exactly what it is going to be used for. And what they are essentially doing here is opening the door for a lawsuit against the pharmaceutical company who comes to the FDA, having spent $20 or $40 or $100 million developing a drug, and if somebody says, this causes abortion, therefore, we have a cause of action against them and we stop it, they are interfering in a process that is presently legal.

A woman has a right to an abortion, and pharmaceutical companies have a right to develop drugs to do that in a very safe way. And for us to get into that position, the logical slope that they are headed down here, has already been mentioned. The next thing will be, when the sperm meets the egg, if that is a baby, then the next thing is going to be we must ban all birth control.

We already have difficulty getting birth control paid for by the Federal Employees Health Benefit Program. And so we know what is in their minds. But beyond that, the next thing will be an amendment out here on maybe the HHS appropriation to prevent any money from being used for medical school training of any school that trains anybody to do abortions. Because if we go back and back and back up the stream, why should we waste money training physicians, obstetricians, in the skill of doing a safe abortion? We should not because they are ending the life of a child, and we get into all this inflammatory rhetoric.

Now, everybody knows that is wrong. And this amendment is just the beginning of it. It is designed to do that and it is designed to hide what it is up to.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2½ minutes to my colleague, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me the time for her leadership on this issue.

Mr. Chairman, I rise in opposition. This is an antichoice, an antiscience science amendment. It is not just about RU-486. It is about FDA's ability to test, research, and approve any drug based on sound scientific evidence which may have as a side effect a miscarriage. It could slow or stop research on a wide range of life-saving drugs.

Science, not politics, should determine what drugs are approved. This is why the National Coalition for Cancer Research, the American Medical Assocation, the American Public Health Association, among others, oppose this amendment.

Many drugs, including chemotherapy and antiulcer medication, have the side effects of inducing abortion. This is why pregnant women are advised against taking certain medications.

One of the drugs targeted by this amendment, mefipristone, is not just a drug to make abortion safer. It has also shown to be useful in treating uterine fibrosis, endometriosis, glaucoma, and certain breast cancer tumors.

Another drug targeted by this amendment, methotrexate, has also been used to treat a wide array of conditions including arthritis, lupus, and some forms of cancerous tumors. Blocking research and development of safe and effective drugs in the name of abortion politics is just plain wrong. Never before has Congress told the FDA to approve or disapprove of a particular drug.

This vote is the 108th antichoice vote before this Congress since the new majority came to power. We should not be attempting to appeal or repeal a woman's right to choose procedure by procedure. This is antiscience, antichoice, antiwoman. I urge a "no" vote.

Mr. COBURN. Mr. Chairman, might I inquire of the time remaining?

The CHAIRMAN. The gentleman from Oklahoma (Mr. COBURN) has 23½ minutes remaining. The gentlewoman from New York (Mrs. LOWEY) has 27 minutes remaining.

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

□ 1545

Mr. DEMINT. Mr. Chairman, I rise in support of this amendment, because I think it is important for this Congress to change the culture of this country by renewing our commitment to the value of life. This is not the time to send a signal to all Americans that abortions of convenience are a way to solve the problem of promiscuity and recreational sex. It is a hoax on the American people and women, in particular, to suggest that this is a healthy way to handle an unwanted pregnancy. We must not send the signal that it is easy as a pill to end an unwanted pregnancy.

This is one of the most important issues facing our country today, because as we look around at the violence and the apparent disregard for life in every walk of life, we have got to question if this type of ease in ending life is contributing to that. This amendment will do what it needs to do in stopping the approval of a way of life in America, in restoring value to life to all ages in America.

Ms. KAPTUR. Mr. Chairman, I ask unanimous consent to reclaim my time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentlewoman from Ohio for yielding me this time, because I would like to devote my time to why I think there is confusion about this amendment. The gentleman may be a doctor, but in drawing his amendment it is clear that he is not a lawyer. He says he has drawn an amendment to stop the FDA from approving RU–486. The language he has used instructs us on an amendment to stop the FDA from testing drugs that can treat cancer, high blood pressure, ectopic pregnancy, fibroids, epilepsy. The list is very long. The reason is that although the gentleman mysteriously says that he would accept an amendment to limit the language, he does not propose language of that kind. Why has he brought broad language here?

The reason that his language is defective is that, in the law, it is overinclusive and overbroad. Therefore, in the words he used, it must have unintended effects. In the law it is called a chilling effect. What that means in this case is that a pharmaceutical company will not come forward with a drug that may cure cancer because that company believes it may be sued because of the overinclusive language he has used. It ought to stop every Member in this body when they know that every chemotherapy drug can cause a miscarriage. If, in fact, this amendment had been in the law at the time these drugs were being produced, people who are alive today by the hundreds of thousands would be dead.

I ask you, how many people would be dead today if we consider how many drugs are on the market that have unintended effects that none of us could possibly approve, deadly effects? That is why politics and medicine, or politics and science are like oil and water. You get into politicians overreaching when you insert political judgments into what should be only scientific matters.

Nor is this one of those great ethical issues on the frontiers of science, where ethicists and politicians have some reason to intrude, because abortion is legal, and I regret to say that miscarriages are also legal. We are entitled to ask, where does it begin, where will it end? I believe we must today let it end with legitimate scientific research. If we care anything about the many drugs that will be stopped by this amendment, we must defeat the Coburn amendment.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, in the earlier debate I did not say something that I think needs to be said out here. We hear all these polls, that the American people do not like abortion and all this stuff. But I would tell you, in the election of 1998 in the State of Washington, the issue of partial-birth abortion was on the ballot, and the people turned it down.

Now, you can tell me all you want about polls but the only poll that really matters is when people actually come out and vote. I believe that the gentlewoman from the District of Columbia (Ms. NORTON) has really put her finger on the whole issue. Because if you open up a cause of action against every pharmaceutical company that brings anything to the market or to the FDA for approval that might cause an abortion, you are going to chill the pharmaceutical industry, which is exactly the reverse of what I see in the appropriations process. We put all this money into the National Institutes of Health because we treasure our health care system, including the pharmaceutical industry. It is a bad amendment.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise today in strong opposition to this amendment. This amendment would ban FDA approval of RU–486 which has been found safe and effective for early, nonsurgical abortion and is awaiting final approval by the FDA. RU–486 would expand access to safe abortion for American women. Its consideration for approval should be dependent on the science, not dictated by antichoice ideologues.

This debate is not about RU–486 or abortion. It is about the FDA's ability to test, research, and approve any drugs for a legal purpose based on sound scientific evidence. Reproductive health drugs should be subject to the FDA's strict science-based requirements that any drug must meet before approval can be granted, but they should not be singled out because they are reproductive health drugs.

The FDA found mifepristone which has been available in Europe widely for nearly 20 years, safe and effective for early medical abortion 3 years ago. The approval was based on extensive clinical trials in this country and in France. They await information on manufacturing and labeling of the drug before final approval can be issued.

This amendment could have dangerous implications for the development of drugs that are used for purposes other than terminating a pregnancy. Many drugs, including those for chemotherapy and antiulcer medication, have the side effect of inducing an abortion. That is why pregnant women are advised that taking such a medication could imperil their pregnancy. New developments in the treatment of these and other conditions, for cancer and for other conditions, would be prohibited under the broad scope of this amendment. New contraceptive development would also be targeted.

Mr. Chairman, the right to abortion services should be safe and legal. The Supreme Court grants this right. What this amendment would do, even at the price of letting people who otherwise would not have to die from cancer, die from cancer because it would prevent the development, the approval of certain chemotherapies, what this would do is to deny the FDA the right to approve a drug simply because it would do what is legal and is a guaranteed right and that, Mr. Chairman, is wrong. That is why the amendment should be rejected.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

We have heard again the tactic from the other side, it is to misdirect, to dodge. This is not about creating lawsuits. This is not about preventing drug research in other areas. This amendment is written very clearly. I would happily have taken an amendment from the gentleman from California (Mr. WAXMAN) because then I would have felt he would have been obligated to vote for the amendment, and that is why he would not offer it. We understand that.

This is about spending Federal money in a way to figure out how to kill unborn children. That is what this amendment is about. There is no ulterior motive to it. It is saying, is it a principle position of this country to tax working families and then take that money and spend it on science on how to figure out how to kill an unborn baby. That is what this amendment does. They know that is what it does. The only thing that we are hearing is that this will limit cancer research, this will make unintended consequences. That is not true at all. Having been in the drug manufacturing business, having applied for NDAs and INDs, I understand full well how the FDA works. There is an area on the application. You have to specify what you are applying that drug for. If it is for anything other than the inducement of abortion, this law will have no effect.

The other side understands that but they do not have an argument against that, so, therefore, they use an argument that is not based on any intellectual honesty. It is based on a dishonest pass out of bounds. This is about, and I am not ashamed to say, I do not think one dollar of Federal taxpayer money should be used to figure out how to kill an unborn child. I have no embarrassment for that whatsoever. I am proud to make that statement.

If we look at what is going on in our country, we understand where violence comes from. The first act of violence is to violate a baby in its mother's womb. When we decide that that life has no value, then no life has value, regardless of what the Supreme Court said. At 19 days postconception, a baby has a heartbeat. At 41 days postconception, the baby has brain waves. In this country, in every State, in every territory you are alive if you have brain waves and a heartbeat, and you are only dead if you do not. So explain to me why a baby at 5½ weeks postconception is not considered alive when if you are considered the opposite of that, you are considered dead. We are schizophrenic in our law because we cannot have equal justice under the law for the unborn when we want the convenience of doing what we in fact know is wrong.

Mr. Chairman, I yield 2 minutes to the honorable gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I want to congratulate the gentleman from Oklahoma (Mr. COBURN) for making a necessary stand for life and against the culture of death. The question is about abortion. It is a shame that in discussing this life-and-death issue, the forces of prolife are demonized as antichoice ideologues.

One good thing that has come from this debate has been the use of the word "abortion." You are getting away, however slowly, from the euphemism of "choice," because, of course, there is no choice for the unborn whatsoever. The question is, should Federal funds be used to pay for learning how to make chemical warfare on a defenseless, unborn child? You relegate that child to nothingness because you do not consider the well-being of the child. You only consider the woman who for one reason or another wants an abortion, and that is a tragedy. But life is precious. And once it has begun, that life ought to be protected.

Now, yes, abortion is legal. More is the pity. What a shame on this country's conscience. But the policy of this government and this Congress has been not to coerce money from working people to pay for the extermination of a human life once it has begun. Those people arguing against the gentleman from Oklahoma are all for abortion. They think that is a good thing. God bless them for thinking so. I think it is a horrible thing. I think it is morally wrong. I do not think people ought to be coerced into supporting it because it is morally wrong. I hope Members will support the Coburn amendment as I do.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member of the committee for yielding me this time and for her great service on the Subcommittee on Agriculture.

Mr. Chairman, I want to respond to some of the comments made by the distinguished gentleman from Illinois (Mr. HYDE), and distinguished and respected he is. He talked about the chemical warfare that we would be waging on the unborn. But I want to point out to my colleagues that the Hyde amendment allows for termination of a pregnancy in cases of rape, incest and life of the mother. If this is indeed the Hyde amendment and what the gentleman from Illinois believes and those who support the Hyde amendment, then why would they not want to have women have access to safe, early, nonsurgical abortion?

☐ 1600

I certainly respect the gentleman's religious beliefs and understand them, as a Catholic, myself, and mother of five, grandmother of four, and that we do not think abortion is a good thing. Abortion is a failure, it is a failure across the board. But to deprive the FDA of the opportunity to engage in research which would provide safe, nonsurgical terminations of pregnancy in case of rape, incest and life of the mother seems entirely contradictory to what the amendment offered by the gentleman from Illinois (Mr. HYDE) is, if he sincerely believes in that, and I do believe he is sincere. It would trample on the FDA's ability to test, research and approve drugs based on sound scientific evidence, and in that respect the amendment offered by the gentleman from Oklahoma (Mr. COBURN) is starting to have this body, this room, this Chamber, look like the Flat Earth Society again, Mr. Chairman.

We have our Flat Earth Society days around here, and this appears to be one of them. RU–486 has been available to women in Europe for nearly 20 years. After extensive clinical trials in this country and France, the FDA has determined that this drug is safe and effective for an early medical abortion such as the kind allowed under the Hyde amendment for rape, incest and the life of the mother.

But this amendment is not about access to one safe and effective drug. The Coburn amendment would have a dangerous chilling effect on the development of drugs that are used for a wide variety of purposes, Mr. Chairman. Drugs used to treat other conditions including cancers and ulcers can induce abortion. The FDA's ability to consider approval of these therapies would be abolished.

And RU–486 also has promise for other potential medical uses including treatments for breast cancer, HIV and burns. The Coburn amendment forces researchers to turn away from these promising treatment opportunities.

Mr. Chairman, the Coburn amendment puts a social agenda ahead of a woman's needs, ahead of needs of individuals confronting a variety of diseases, ahead of rulemaking authority of the FDA. Once again, this Congress must decide whether to put political agendas ahead of health research.

Mr. Chairman, I urge my colleagues to oppose the Coburn amendment.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

I wonder if the gentlewoman from California (Ms. PELOSI) might stand and take a question? Might I inquire, and I would be happy to yield her to answer, what part of my amendment would eliminate RU–486 from being used in breast cancer research, burns or any other portion?

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I say the gentleman's amendment would have a chilling effect on the research. Medical research thrives, we have free and open inquiry.

Mr. COBURN. Reclaiming my time, there is nothing in the amendment that will have such an effect.

Again, we are seeing an attempt at characterizing the amendment in something other than it is. I understand why, because there is not a good factual argument against the Federal Government taking taxpayer dollars to figure out how to kill children. It is another part of the problem that we find ourselves in our society today.

There is nothing in this amendment that will limit in any way what the FDA can do if a drug manufacturer comes and uses, says I want to take 486 and get an indication for it for burns and breast cancer treatment; there is nothing in this amendment that will limit them from it. All they have to do is say that is what we are going to do with it.

And if they want to then let a doctor use it in an unapproved way, that is up to them. But to approve a drug for the very purpose of taking life goes against everything our country is founded on: the pursuit of life. And we are pursuing ways to take life.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished Member.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Ohio.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I wonder if the gentleman from Oklahoma is aware that NIH is currently looking at RU–486 as potentially a very effective method of addressing both breast cancer and brain tumors. They feel that there is a substantial potential with RU–486. That ability to research the capability of RU–486 would be completely terminated under this legislation.

So my colleague's suggestion is inconsistent with the facts.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, there is nothing in this amendment that will keep a drug manufacturer or the manufacturer of RU–486 from making an application to use that drug in any way they want except the chemical inducement of abortion. That is a fact.

Mr. MORAN of Virginia. The lawyers' opinion is quite different, but I think we will make that point subsequently on the record.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Virginia, and I would like to pick up where the gentleman left off, particularly acknowledge the gentleman from Oklahoma (Mr. COBURN), that none of us rise to the floor of the House to challenge any of the beliefs, and I know the very sincere beliefs held by you and many who oppose the women's right to choose along with my respected colleague on the Committee on the Judiciary.

But if I might share with those who are listening, the language of this amendment, which indicates that none of the funds appropriated or otherwise made available by this act may be used by the Food and Drug Administration for testing, development or approval including approval of production, manufacturing or distribution of any drug for the chemical inducement of abortion. It may sound narrowly focused, but if I may draw the gentleman's attention to the fact that chemotherapy drugs can cause a miscarriage, most of these drugs would not have been developed and future drugs may be jeopardized just by the broadness of the language.

I rise today in opposition to the Coburn Amendment that would limit FDA testing on the drug mifepristone or RU–486. This amendment, as drafted, would limit FDA testing on any drug that might induce miscarriage, including drugs that treat cancer, ulcers and rheumatoid arthritis.

The FDA is charged with determining whether a drug is safe and effective. Mifepristone satisfied that requirement in 1996 based on clinical trials and it is expected to receive final approval soon.

Mifepristone was developed as a drug that induces chemical miscarriage. It has other potential use in treating conditions such as infertility, ectopic pregnancy, endometriosis, uterine fibroids and breast cancer.

For example, chemotherapy drugs can cause miscarriage. Most of these drugs would have not been developed, and future drugs may be jeopardized. Research of potential treatments for each of these conditions is crucial to women's health. Controversy concerning this particular drug should not be a barrier to treatment.

Science should dictate what drugs are approved by the FDA, not politics. Congress has never instructed the FDA to approve or disapprove a drug. The FDA protocol for drug approval depends upon rigorous and objective scientific evaluation of a drug's safety. Ultimately, this is a decision that should be made by the researchers and doctors.

This amendment could jeopardize the integrity of the FDA approval process. Under this process, a company that wants to begin clinical trials on a new drug must submit an application for FDA approval. If that application has not been approved within 30 days, the company may move forward.

This amendment would prevent the FDA from reviewing any application for a drug that might induce miscarriage. No funds would be available for the FDA to even oversee any trials.

Therefore, I urge my Colleagues to oppose this amendment. We cannot afford to inhibit research on certain health conditions based upon the controversy of the particular drug. We also cannot allow the FDA to be limited in its ability to approve drugs based on politics.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

It is very clear that we have a difference of philosophy and maybe religious beliefs. I happen to think that I am a person who believes in life and that I support the right to life. I also support the right-to-life decision-making being that of the woman, her God and her family, and what we are doing here is to now just intrude into the very infrastructure of government to be able to say that not even our Food and Drug Administration, which has the main responsibility of dealing with the drugs that Americans take to heal themselves, now we are suggesting that even the most benign of drugs that may ultimately cause or induce a miscarriage, we now are prohibiting women, we are prohibiting those who have ulcers, those who have breast cancer, from even getting that fair treatment by the FDA doing that right kind of testing.

This interferes with the 30-day process that the Food and Drug Administration has for any new drug that, if they do not comment on it, the manufacturer can move forward. I think it is tragic when we as a government globally decide to interfere with the private rights of a woman and deny the good testing of a drug that may save lives.

I believe in life. I want to save lives. This amendment should be defeated.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. I appreciate the opportunity, Mr. Chairman, to speak on this amendment.

As my colleagues know, I think the amendment offered by the gentleman from Oklahoma is fraught with two fundamental problems. One is a philosophical inconsistency. I have come, in my brief time here, to view Mr. COBURN as a consistent, conservative voice in this Congress, something that he should be proud of perhaps.

Yet by the same token we have an amendment here that is so counter to that philosophy that we here in this Chamber are now going to wade into the operations of doctors and physicians and clinical experts to decide how to interpret the word "for," because that is what this comes down to. How Mr. COBURN interprets the word "for" is very narrowly. It says it is only RU–486.

The American Medical Association, the American College, American College of Obstetricians and Gynecologists, the American Medical Women's Association and others interpret it is that a whole litany of research will now be off the table because that word "for" is ambiguous, and that is the second problem with this bill. It is intellectually ambiguous.

It is difficult to determine when research begins what the outcome might be. It is difficult for scientists sometimes to know when they are doing research on figuring out how to put a shuttle into space, that they might get technology that produces something far different.

The same is true here, that the problem with this amendment is, it is crafted in such a way that the gentleman says it is to simply stop RU–486 except if RU–486 turns out to cure cancer, then it is okay.

Mr. Speaker, that is not a way for us to be operating in this Chamber. This is a very dangerous amendment.

I understand the argument that the gentleman is making about abortion. I disagree with it with every ounce of my strength, but I understand that. The problem is with this amendment is it conceivably opens the door to prohibitions about all kinds of other types of research.

It is simply not the type of business we should be doing here, and it is not the type of business that anyone that considers themselves in this body a conservative and is intellectually honest in that position should be taking.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, as we close this debate, I would like to address some remarks again to my good friend, the gentleman from Oklahoma (Mr. COBURN) because I respect his point of view. We may differ on this issue, but I certainly respect his point of view.

As a mother and grandmother of four-and-a-half, I have to tell my colleague after 10 years of serving in this body I am so tired of debating abortion on the floor of the House, restriction after restriction, ban after ban, amendment after amendment. If we really want to reduce the number of abortions, please work with us to increase funds for family planning. Work with us to ensure that women have access to prescription contraceptives.

I have been working to prevent unintended pregnancies, reduce the numbers of abortions. We need to make abortions less necessary, not more dangerous, and I am sorry that this amendment is being offered to an otherwise outstanding bill.

The amendment was offered last year. Although it passed the House narrowly, it faced a veto threat from the administration, rejected by the

Senate members of the agriculture appropriations conference committee, and strong opposition from medical groups, patient advocacy organizations and the biomedical community. It was wisely stripped out of the final version of the bill signed by the President.

The amendment faces the same widespread opposition today, but I hope that this year my colleagues will send this amendment to the defeat it frankly deserves right here in the House floor.

Mr. Chairman, Congress should not inject politics into the FDA's drug approval process. This amendment ignores sound science, it puts women's health in jeopardy, and it should be defeated.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the distinguished ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

The prior gentlewoman from New York was so right. We spend an enormous amount of our time in this body trying to restrict women's access to the best and safest reproductive health care. If we can channel this energy into more productive activities, maybe we can find more money for the women and infant care program or even help to prevent more of the unplanned pregnancies that are the cause of this problem. None of us want to support abortion, and hopefully all of us want to create an environment where there will be far fewer abortions.

But what we are talking about today is really the political practice of medicine, and this amendment should be opposed. The drug mifepristone known as RU–486 has been proven a safe and effective method through clinical trials.

We now know that there are researchers at the National Institutes for Health that believe that RU–486 could be a very effective drug in treating breast cancer, in treating brain tumors, and yet this amendment would preclude that kind of research from being conducted because as part of the FDA approval process, drug trials can proceed only if the FDA does not disapprove of a trial. If the FDA is prohibited from reviewing applications under the Coburn amendment, research may be conducted without the safety of review and oversight of the FDA. So women would be asked to participate in trials with no review of the safety of the protocol.

So that is not going to happen, and as a result, we may be precluding very important advances in medicine. But we also are told by the lawyers that there is, and I accept the fact it is unintentional, but it is a very important side effect because there are many drugs whose principal purpose may not be abortion, but in fact, are effective in chemotherapy, cancer treatments, hypertension, cirrhosis, rheumatoid arthritis, ectopic pregnancies, ulcers, epilepsy, severe viral infections, all kinds of drugs that may have a corollary effect of inducing abortion.

Those drugs are important. We should be supporting them. We should not be engaged in the political practice of medicine. I urge rejection of this amendment.

□ 1615

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to my friend from Ohio and the gentleman from Virginia and the gentlewoman from New York this is not a fun debate for me either. I am not happy that we are here doing this. But, you know, if one child is not aborted because we have this debate, I am willing to do it all night long, 365 days a year. That is how much I value life.

Now, I want to discuss for a minute, you say we should not be politicizing the FDA with this action. Well, I want to tell you, the FDA is already politicized. How many drugs do you know of that have been approved of basically on research done overseas? There is zero, except one. Guess what drug that is? Guess what drug that is? That is RU–486.

The vast majority of the studies on RU–486 were not conducted in this country; they were conducted overseas. That totally is a whole new precedent for the FDA. They have never before done that on any new drug approval.

The second thing I would say is this amendment will have no effect whatsoever on any other utilization of any other drug. Cytotec, which is the second drug used with RU–486, is used to protect the lining of the stomach. It is a prostaglandin inhibitor. We use prostaglandins today. We are actually starting to use Cytotec, a very strong component of this, to induce labor. I did it about a week ago, first time.

So we did not learn that from it being studied on the basis of it being an abortifacient or a drug to induce abortion. We learned that because that drug was developed to protect the lining of the stomach for people who have ulcers, consequently learning that you do not dare take that drug if you are pregnant.

Well, if it works in terms of causing uterine contractions, what about using it to induce labor? Maybe it is safer than pitocin or other prostaglandins. So there is no limitation that is going to come about from this amendment.

Five percent of the women who take this drug get a uterine infection, which, when you have a uterine infection, number one, it will affect your ability to conceive in the future. One hundred percent of the women lose more blood with a chemically induced abortion than they would either through a spontaneous or a surgical abortion. It may not be important to you, but if it is you losing the blood, it becomes very important.

Number three, more than one-third of them end up delivering the conceptus outside of the clinic. In France, they have very selected rules on how you can use this drug. None of those are protected and planned in this country.

So is the issue all of the things that we have heard: Not being able to use research? Not being able to get cancer drugs? No, it is not. The issue is nobody from the opposing viewpoint, either from the Republican or Democrat side of the aisle, answered the question, should Federal money be used to help find ways to kill babies? Nobody wants to answer that question. That is because there is not a good answer. Nobody agrees with it. So, therefore, we see arguments that are something other than that. We distort what the argument is because there is not a good argument.

We will not limit in any way the ability of the FDA to do any research. What we will say is, is if your number one goal is to figure out how to kill an unborn baby, number one, first of all, this does not work in 2 days or 3 days or 5 days or 6 days postconception. I am sorry if that is what people think. This works 4 and 5 and 6 and 7 and 8 weeks after. It is not a morning-after drug. That is now how it is going to be used.

What this is going to do is say if you are intending to bring a drug to the market, then the FDA should not spend the first Federal taxpayer's money to figure out how to kill a baby. All right, if that is a consequence of it, of some other intended purpose, maybe that is okay. Because these drugs, Cytotec is going to be used for that. You do not have to have approval of the FDA to use drugs in ways other than how they are indicated. We all know that.

So Cytotec is already being used to induce abortions. The point is should we spend the money, your children's, your grandchildren's, our community's money, to figure out how to take a life? My answer is no. I ask you, should we really do that? I do not believe most people think we should.

That does not say that abortion still is not legal. It is. The question comes, when you have done, as I have, and sat there at the bottom of a table when a woman delivers a 10-week fetus or a 12-week fetus, and hold it in your hand, and she is distraught and crying because that baby was created by her and her partner, and is totally unique to anything else that has ever been created or ever will be created. It has a totally unique genetic structure, it is a God-ordained being, and we are going to say it is okay, we are going to figure out ways to kill those God-ordained beings, and we are going to say for convenience sake, because we made a mistake, because somebody erred, because somebody failed to protect themselves, that it is okay to destroy that life, I reject it. I do not dislike anybody who disagrees with me on that, but I reject that as an argument of the heart and of the soul.

If we are going to decide in this country that you are dead when you do not have heartbeat and brain waves, but you are alive in all 50 States and territories when you do, how can we reject the argument that at 41 days every fetus, every unborn child, has a heartbeat and a brain wave? Now, you cannot deny that scientific fact. That is absolutely proven. So the response to that question is "we will talk about something different."

It is a hard issue, I understand. I wish we did not have unintended pregnancy. The gentlewoman from New York (Mrs. LOWEY) and I have the same goal on that. We believe in getting there a different way. I am not supporting some of her contraceptive research, because I am seeing what is happening with contraceptives and sexually transmitted disease and cancer of the cervix, which is at an all-time high in this country, under the false assumption you are safe, when a condom offers no protection from human papilloma virus whatsoever, yet we tell all our kids they are safe.

Well, I am tired of all the deceit around the arguments. There is good science. I am a scientist by training. I have read the studies. I have looked at it. This amendment is designed for one thing only.

The gentleman from Washington State gave me more credit. I have never thought out about to figure out how to be devious enough to set up lawsuits. My purpose was to say no taxpayer money from Oklahoma or anywhere else ought to be used in figuring out how to kill children.

Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume to close at this point.

Mr. Chairman, I rise in opposition to the gentleman's amendment for many of the reasons that were stated earlier. The first one is that I do not think that this Congress should be prejudging medical science. We have talked this afternoon about how scientific discoveries and how science proceeds, often with unintended consequences. We have talked about how many of the drugs currently being used to treat mental illness in this country were discovered by accident.

They were not discovered in this country, they were discovered in France. They were discovered during operating room procedures when patients were trying to be put at ease and the process of pain remediated during operations, and, all of a sudden, for some reason, certain drugs worked. Eventually they came to this country, and even today we do not understand why they work to help patients with serious mental illness. But for some in our population, they have been able to be given great relief and help through those drugs.

The same was talked about with x-rays. When the scientists invented x-rays, it was an accident. They really went in there with one objective, and, all of a sudden, they made a mistake and it turned out to be an x-ray, and sometimes science is not quite as scientific as it seems. I think that this particular Chamber should not be judging what is science and what is not science.

For the amendment of the gentleman from Oklahoma (Mr. COBURN), which I would really encourage the Members to read if they are going to be voting on this, because I do not think his amendment says what he purports to do in his oral remarks here, but this amendment would absolutely set a dangerous precedent.

This Congress has never legislated the approval or disapproval of any drugs. That is the job of the Food and Drug Administration. We pay for scientists. We, as taxpayers, pay to make sure that what reaches our shelves is safe; but we do not prejudge what is medically relevant.

We also know that many drugs are tested at the end of use for treatment of more than one illness, disease, or condition. We do not really control that. So I would say that on the basis of science alone this amendment should be rejected.

I think that the committee also on which we serve, and we are a very responsible committee, we are the first one on this floor, we are trying to clear this bill under regular order, and I do believe that the gentleman from Oklahoma (Mr. COBURN) has been given sufficient time, actually a lot of time over the last several weeks, to express his points of view, which have been very well articulated.

But the truth is, our subcommittee never had any hearings on this particular matter. The reason is we are the Committee on Appropriations. We do not try to tell FDA what to do. We expect the authorizing committees will deal with that.

If my experience proves me right, my guess would be that if there are concerns about something that is inappropriate, that is best taken to the authorizing committees.

This amendment is not going to be in the Senate bill, and it is not going to become a part of the final legislation.

So I would say based on science, based on safe procedures, that this is something the FDA should be implementing, and also based on regular order, the gentleman's amendment should be defeated. I would urge my colleagues to do so.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Coburn amendment to the Agriculture Appropriations bill that would ban the Federal Drug Administration from using funds to test, develop, or approve Mifepristone (RU–486)—a drug which has been found to be safe and effective for early, non-surgical abortion.

This is yet another political vote and political debate on a drug whose benefits have been scientifically proven. This amendment is an unwarranted intrusion into the work of the FDA, whose job is to decide whether to approve RU–486 or other drugs based on health and safety—not abortion politics.

Medical abortions and RU–486, if approved, would allow more choices to women seeking abortion. Medical abortions are a better health option for some women. Medical abortions allow women to avoid surgery as well as protect their privacy—women can receive RU–486 in pill form in a regular doctor's office, and be spared the trauma of protesters and violence that continue to stigmatize these women for exercising their constitutionally protected right to choose.

Approval of RU–486 is critical so that doctors may use this procedure when they believe it is the safest way to end a pregnancy and leave the woman with the best chance to have a healthy baby in the future.

New contraceptive development would also be targeted. Many anti-choice groups believe that some contraceptive methods cause an abortion. This is untrue. If that contention were accepted as fact, research and development of man new contraceptives would come to a halt. This amendment would deprive women of the benefits of significant contraceptive advances.

Make no mistake, a vote for this amendment endangers the health of women, and adds to the long list of barriers set by the majority in Congress that make reproductive health services more dangerous and difficult to obtain. I strongly oppose the Coburn amendment.

Ms. KAPTUR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 214, not voting 4, as follows:

[Roll No. 173]

AYES—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady

Cannon
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Gallegly
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—214

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Wise
Woolsey
Wu
Wynn

NOT VOTING—4

Brown (CA)
Chenoweth
McCollum
Waters

☐ 1646

Mr. REYES changed his vote from "aye" to "no."

Messrs. DREIER, TAYLOR of North Carolina, OXLEY and BATEMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CHABOT:

Insert before the short title the following new section:

SEC. . (A) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be used to award any new allocations under the market access program or to pay the salaries of personnel to award such allocations.

Mr. CHABOT. Mr. Chairman, the rationale behind this amendment is simple. Hard-working taxpayers should not have to subsidize the advertising costs of America's private corporations, yet this is exactly what the Market Access Program does.

Since 1986, the Federal Government has extracted well over $1 billion from the pockets of American taxpayers and handed it to multimillion dollar corporations to subsidize their marketing programs in foreign countries. In other words, the U.S. taxpayer is helping successful private companies and trade associations advertise their wares in foreign countries.

Mr. Chairman, I think the American people would agree that their money could be better spent on deficit reduction for education. Rather than subsidize private businesses and corporations, that money could much better be spent on deficit reduction or on education or on saving Social Security, on the environment, or on tax cuts.

In the past, we have witnessed MAP supporters present some good-sounding arguments for preserving what is in my view a corporate welfare scheme. The only problem is that when we cut through the pro-MAP propaganda, there is no credible evidence to back up their claims.

Let me give my colleagues an example. MAP supporters have argued that this so-called business government partnership creates jobs. But I think, Mr. Chairman, that the American people know that the only jobs usually created by big government spending programs are for big government bureaucracies.

This view of the MAP program is backed by the General Accounting Office. GAO studies indicated that this program has no discernible effect on U.S. agricultural exports. So if the program cannot increase U.S. exports, how can it possibly create more private-sector jobs?

For years, supporters of MAP have lauded the economic benefits created by the program. However, in April 1999, a GAO report, requested by myself and Senator SCHUMER and a bipartisan group of House Members, concluded that the economic benefits of this program are uncertain at best.

According to that report, it seems that the Foreign Agricultural Service, the bureaucracy which administers this corporate welfare program, has used certain assumptions that the OMB has determined to be inadequate for economic benefit analysis. For example, the Foreign Agricultural Service assumes that there are no opportunity costs for promoting one product over another.

But even if my colleagues do believe these supposed benefits, they have all the more reason to support this amendment. These numbers, if accurate, prove that, given these positive returns on an investment overseas, MAP-supported corporations and trade associations ought to be spending their own money and not the money of the taxpayers of this Nation.

My opposition to MAP is not based solely on the false premises of its supporters. I am offering this amendment today because we simply do not need this wasteful program. Let us be honest. Most American businesses do not benefit and do not try to take advantage of government handouts like this MAP program.

In the case of MAP, as in most corporate welfare programs, beneficiaries consist primarily of politically well-connected corporations and trade associations. Most, if not all of these organizations, would advertise their products overseas, even without MAP funds. They probably would work much harder to ensure that the money is well spent.

Let me give just one example of the kind of waste and mismanagement that this program breeds. We all remember a few years ago when the California Raisin Board sponsored the "I heard it through the grapevine" raisin commercial. Based on the success of that commercial in the U.S., MAP decided that it would be a good idea to use that commercial to attempt to boost raisin sales in Japan and put $3 million into the project.

Not surprisingly, however, the ads played in English, leaving many Japanese confused, unaware that the dancing characters were raisins. Most thought they were potatoes or chocolate. In addition, many Japanese children were afraid of the wrinkled, misshapen figures. This, of course, is the kind of wasteful spending that inevitably occurs when we give someone the ability to spend other people's money.

Mr. Chairman, Congress should end the practice of wasting tax dollars on special interest spending programs that unfairly take money from hard-working families to help profitable private companies pad their bottom line. MAP is a massive corporate welfare program that we should eliminate today.

Finally, in MAP, MAP's proponents have argued that due to recent reforms, big corporations no longer receive MAP funds. It is true that in June 1998, in order to correct some of the more egregious abuses of the MAP, Market Access Program, the Foreign Agricultural Service revised its regulations to limit a company to 5 years of assistance in a particular country. After this 5-year period had expired, companies were to be graduated from the country's market. Translation: These billion-dollar corporations were no longer to receive tax dollars to fund their product promotions.

So I would strongly urge my colleagues to vote to get rid of this very wasteful program.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an annual debate, and I am not sure why we have to have it. Virtually all of our competitor nations spend money to promote their products against ours. We have had testimony from both USDA and many private-sector companies about the success of the program, particularly for small enterprises.

Mr. Chairman, I oppose the amendment and ask my colleagues to do the same.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

□ 1700

Mr. Chairman, I rise in opposition to the gentleman's amendment and am somewhat surprised that a Member from Ohio, where agriculture is our leading industry, would offer this particular amendment. If one reads the changes that have been made in this program, particularly targeting its benefits at small- and medium-sized operations, I think some of what the gentleman has said might have been true many years ago, but they are certainly not true today.

If one looks at what is happening in rural America, which is swimming in surpluses, and we know that for this country to help rural America make it we must expand our exports in spite of collapses in the Asian economy and other places, there is one program we do not want to cut at all and it is this program.

I think what is really hard sometimes for Members who represent only urban or suburban areas, where production does not occur, where people largely reside but perhaps where agricultural development does not happen on an everyday basis, it is hard to understand how a farmer, who may raise beans or may raise animals and who wish to export a product, many times those same farmers cannot even sell in Cincinnati. A farmer over in Butler County, the only way they can get product into the City of Cincinnati is to perhaps sell at their farmers' market. They cannot even get their products on the shelves of the stores in Cincinnati. Imagine how difficult it is for that same farmer to move product into Japan or any other part of Asia or Latin America or Europe.

This market access program is the only mechanism we have to help growers move product abroad. This is not Procter & Gamble. This is not where we can take production and move it anyplace in the world and then distribute the product. This is not U.S. Shoe, where all of their products are made abroad and then imported into Cincinnati and distributed to the rest of the United States. This is trying to help our producers in this country to be able to lift product off our market and take it somewhere else.

And, Mr. Chairman, I underline "producers." This is really a very, very important program. And if my colleagues know the trade accounts of this Nation, where every year we are going into more and more serious trade deficit, every single year more imports coming in here than exports going out, the one rosy light in a very bleak set of tables is agriculture. And the light is not getting brighter; it is getting dimmer as the years go on, but it is still lit up. And the reason is because we have been able to move product elsewhere around the world.

So I would just say to the gentleman, in a State where our leading industry is agriculture, in a Nation where the agricultural accounts represent the only positive side of the trade ledger, this is exactly the program we do not want to cut. And we do not want to cut it particularly at a time when rural America is in deep depressions. This is a time to help our people, not to penalize them, and especially to meet the subsidized kind of programs that our trade competitors have on the books all across the world.

Stand up for American agriculture when she is calling us and asking us to hear her voice.

Mr. EWING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise to oppose this amendment by my colleague. While I am sure it is well intended, it is like some of the other amendments we often get but, fortunately, this year have not gotten on this bill dealing with important crops like peanuts, sugar, and tobacco. But let me speak to the MAP, the Market Access Program.

The United States is outspent more than 20 to 1 by our foreign competitors spending money on export promotion and export subsidies. In 1997, the leading U.S. competitors spent $924 million to promote agricultural exports, much of it in this country, and the United States spends $90 million. Ninety million dollars spent by the United States compared to $924 million by our competitors.

There is no limit placed on the amount that can be spent by exporting countries for agricultural promotion. The WTO does not limit that. And right now, while the U.S. has diminished the amount they have spent, other countries in the world are expanding the amount that they are spending to promote their products in this country and other places in the world.

Foreign spending in the U.S. on promoting our competitors' agriculture is growing. A hundred million was spent in 1997 for that purpose. That much more. The biggest spenders are New Zealand, Italy, Spain, Australia and Canada.

The U.S. exports have gone down over the past 3 years. This is not the time when we should be cutting the funds necessary to promote our exports. SUDA estimates that agricultural exports will be only $49 billion this year. Just 3 years ago they were $60 billion. We have serious problems in American agriculture. The way to address them is not to cut the promotional funds needed to make us competitive around the world, and I reluctantly would rise and ask my colleagues to oppose this amendment.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleagues should wake up and smell the coffee. That Juan Valdez, who is in all our homes, on our television sets, telling us about the virtues of Colombian coffee, and we see him in those advertisements in every grocery store promoting that coffee, where do my colleagues think that money comes from? It comes from the Colombian Coffee Growers Association. And why are they doing it? They are paying to promote their product. Not a brand name but a generic name.

Well, what is wrong with us doing the same thing? How are we going to sell agriculture around the world? We produce in agriculture, which is essentially if we really look at this, a lot of small farmers getting together and promoting a product. They have to, under this program, come up with 50 percent of the money. The Federal Government comes in only after they have initiated it and they do a match.

Remember Riuniti Wine that was advertising all over America a few years ago? Where do my colleagues think the advertising for that came from? Marketing promotion from Italy to get Americans to drink Italian wine.

Now, we export $60 billion worth of food around the world. Why do my colleagues think people buy our food? Because we help promote it, just like anyone would sell anything else. Well, this is the program that helps promote it. Only this program does not allow, as the author of the amendment indicated, big corporate agriculture to benefit. This program ties it to small- and medium-sized companies. He says this is big corporate welfare. Well, there is no big corporate welfare in the Seed Trade Association, in the Asparagus Association, in the Kiwi Commission, in the Prune Board, in the North American Blueberry Council, in the Catfish Institute, in the Apple Association. That is not big corporate welfare. Last time I checked, these products were being grown by small farmers, and they are trying to get their products sold.

Now, why is it good for America? Because the one area where our balance of trade is strong is in agriculture. We export $60 billion and we import $30 billion. We cannot say that about any other industry in America. We are actually selling more than we are taking in. That is what it is all about. Well, this is the program that helps do it. Why would we want to undermine that program?

A lot of the data being quoted is old data. In the last few years we amended this program and we said participants had to come up with a match, they had to be for small businesses, they cannot be those big conglomerates, and so we have limited the amount of funding that can be given to anybody. This helps sell American agriculture. It is the only way we are going to be able to sell it. Support this program. It is not big corporate welfare, it is small American farmers being able to sell their product abroad. I ask for a "no" vote on the amendment.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

I have great respect for the sponsor of this amendment, but not so much respect that I want to vote for it. In fact, I am going to oppose it, simply because what my friend from California just stated is absolutely true.

What happens in this Market Access Program is this. Growers and consortiums, Sunkist for orange juice, TreeTop for apple juice, which is very prominent out my way in the State of Washington, get together and they decide how they can best promote their products overseas. They pay half the freight. The taxpayer pays half and the sponsor, the marketer, pays the other half. And that is what is fair about this program.

It has been cut down dramatically since I have been in this House. I have seen Members on both sides of the aisle have some concern about this; people, by the way, who do not care much about agriculture and do not understand exports, but they have managed to whittle down this particular expenditure in the agriculture appropriations bill such that it is down to virtually very little when it can do so much. It can do so much.

What I think the sponsor does not appreciate, and maybe others who might support this do not appreciate, is that when we submit this amount of money, the small amount of money relative to the rest of the agriculture budget for market promotion, for promotion of our products overseas, that has direct impact on the farmer. It has direct impact on rural America.

And talking about big corporate welfare, that is not the case in this particular program. This helps the grower, the farmer, the person who works the land and presents a product that can be exported overseas and dramatically helps our balance of trade.

As the gentleman from California (Mr. FARR) said, agriculture is a huge benefactor to the balance of trade. It helps our country by exporting products. So, number one, it is a small amount relative to what it used to be and what it is in the agriculture budget; number two, it helps the small farmer, it helps the grower; number three, it helps the American economy, especially the rural economy, because we are essentially buying shelf space and competing with European and other products around the world; and, finally, the governments of these other countries are subsidizing tremendous amounts of money to their growers and their producers to sell products in our country.

So this is a small way, a fair shared way that our products can get on the shelf in Europe, and our growers, our producers, our farmers, our market system, the export market system can work in our country.

So, again, I have great respect for the gentleman from Ohio (Mr. CHABOT). He is a good Member and has good ideas, but this one is one that should be defeated. I hope my colleagues will vote "no" on this amendment.

Mr. BOSWELL. Mr. Chairman, I move to strike the requisite number of words.

We have had some good discussion here already, and I am not going to try to repeat it over and over, but I appreciate the things that have been said. I might just give my colleagues a little lesson in history that some Members might not be aware of about the American farmer. We are in a crisis in agriculture, no question about it. I live out there, as many of my colleagues do. I just spent a week in my district, and it is tough and it is real.

A few years ago, when we had the Ag crisis of the 1980s, it was interesting to me, and that is what motivated me to get involved in this arena, the political arena, we had people going to their lenders and different organizations, and I will not get into that, and they told our farmers to go back and sell their cow herds or sell their sows, or do this or that. In other words, dispose of their factory, in a sense. We do not want to do that again. We have to get out there and be competitive in the export market.

In my State we have to export about 40 percent to make things work. That is kind of a reflection of the country. We have to do about the same thing to make things work. As we have heard many of our colleagues say already, agriculture puts a plus on the trade deficit in our favor, so we cannot let this happen. It is not a time to let up and say we are not going to go out there and be competitive.

In our Committee on Agriculture here a number of weeks ago, we had the Secretary come and talk to us and mention the unprecedented 3 years in a row that there has been overproduction. And so when our people go to sell to someone else, they say, excuse me, we have something we want to sell. And so this is a time when we want to cut back on the promotion. We cannot do that.

So I encourage a "no" vote and hope that we can do that; that we can give a leg up for the American farmer and agriculture production. It is important to all of us. I do not care where we live, what part of the country, what we do, it is important to all of us and let us not forget that.

□ 1715

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, since the Great Depression, American farmers were shackled by the Federal Government with programs and regulations that kept them from producing all they could. We all remember how many farmers were paid not to grow certain crops; they were paid subsidies to grow others.

Over the last few years, our colleagues on the agriculture and agricultural appropriation committees have done an excellent job in reducing harmful government interference in American agriculture and putting it on the road back to the market system that works so well. American farmers are now unshackled and free to produce as they see fit, not as Washington tells them.

However, more work remains to be done. The market access program is a relic of our former government-heavy agricultural system. The MAP program, the Market Access Program, provides millions of dollars in taxpayer subsidies per year to agribusinesses to supplement their international advertising and marketing.

We have heard that agriculture is one of the most important businesses in America, and we have also heard that advertising American agriculture overseas is critical. And I agree with these points. They are certainly true.

The question is not whether agriculture and American farmers are important. Without question, they are very important to this economy. And we all know that advertising is an essential part of doing business. The question is whether MAP is a proper use of taxpayer money. And it is not.

The cost of advertising should be borne by the firms which stand to benefit, not the taxpayers.

Let me also say that I do not believe that working men and women should continue to foot the bill for advertising subsidies to multinational corporations. Promotional advertising for product is simply not the role of government. It is the role of those private concerns that benefit from the sale of those products.

The future and continued performance of American agriculture is not contingent upon handing out taxpayer money for advertising. The success of American agriculture results from the energy and ingenuity of American farmers, not government subsidies.

Let me also say that as far as the GAO report, the GAO report found that there is no clear relationship between the amount spent on government export promotion and changes in the level of U.S. exports.

In a separate report, the GAO questioned whether funds are actually supporting additional promotional activities or if they are simply replacing private industry funds. What is obvious on its face is that money handed out by government bureaucrats does not magically become several dollars.

And let me say that another argument that is often made is that we are being outsubsidized by the European Union and other countries throughout the world. I might point out that our economy is outperforming those countries by every measure.

Our gross national product dwarfs most every other country in the world. We have the most productive workers. Our per capita income is highest. Unemployment is almost nonexistent.

I, for one, do not wish to follow the European model of subsidies. I do not think that many of my colleagues do either. We should continue striving to shed these vestiges of central planning instead of defending those that have crept into our economy in the past.

Government has no business deciding which companies are worthy of advertising funds. That is precisely what the free market is there to do, to allocate resources in the most efficient way possible. The government ought not to be taking tax money from companies to finance the advertising of their competition, which is the direct result of redistribution.

I make no argument that advertising sells products. This is obvious. The point, however, is whether private conditions should pay for the promotion of their own product or whether the American taxpayer should be forced to do so. We do not force the American taxpayer to pay for other corporate expenses like office supplies. American taxpayers should not pay for this cost of doing business.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that, obviously, as we look at this program, the question is, is this a program that is of value to the American people? Is it a program of value to the American farmers? And should we be investing in promoting the American farmers' product abroad?

I think there is value in investing in the promotion of the American farmers, because not only is that a public policy that we support our farmers. True enough, in 1996, we had a farm bill that said we were removing ourselves from the subsidy model and we are going more to a market model. I personally did not support that. But nevertheless, even in a market-driven model, not to have this tool is counterproductive.

This tool simply says that it is a tool to market our farmers who were heretofore dependent and subsidized. Our farmers are having a very difficult time. If we are not going to make the market available as a tool to them, as we pull away the safety net, how do we expect our farmers in rural areas to survive? How is it that they are going to be on a competitive basis with other countries subsidizing large quantities if we expect they have no safety net, and yet we are not going to give them the tools to survive?

We are struggling in rural America. I cannot think of a commodity that made money in my State. And without this tool, they certainly would not have it. And the claim that this only goes to large corporations, indeed, that has been in the past, but this program has been improved. Indeed, it goes now to small farmers, to associations.

What kind of commodities does it support? It supports dry beans, eggs, frozen potatoes, grapes, peanuts. My colleagues would expect me to say peanuts because I am from North Carolina. But also pears. All of these small farmers' products, associations getting together, having their government to recognize the importance of their coming together and promoting their goods.

We travel abroad and we find that other countries are subsidizing the marketing of their products. We make our farmers less competitive when we remove this tool.

So I urge my colleagues to vote against this amendment, as well-meaning as it might be. This is counterproductive to the needs of the farmers in the rural areas.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to make a few points. The idea that this money goes to large corporations is simply bogus. This money is matched by money which is raised from producers, such as pork producers, who are hurting so badly today. The cattlemen, the corn growers, the soybean growers put their own money with this. This is not to enhance a particular brand name. It is to sell U.S., high-quality pork, corn products, feed products overseas.

One part of the argument that I think is really missing is what effect do agricultural exports have on Americans as far as their jobs? And one gentleman made a statement about people working hard to pay taxes and using their money for this. Well, the fact of the matter is, in the State of California, where that gentleman was from, there are 124,000 jobs directly dependent upon agricultural exports. Think of it, 124,000 jobs which could be greatly reduced if we lose our export markets and if we do not continue to grow in our exports.

In Ohio there are 27,000 jobs directly related to agricultural exports. It is extraordinarily important in a State like Ohio to maintain those good, high-paying jobs which are dependent upon agricultural exports.

In the State of Iowa, a smaller population State, it has a huge impact. We have 80,000 jobs in Iowa that are directly related to agricultural exports. So when we talk about this program being some kind of corporate welfare, I hope people here will recognize the fact that our constituents at home are dependent upon agricultural exports.

It is very important that we go and promote high quality American pork overseas, not a particular company, but American pork. It is very important that we promote American soybeans and find new uses for those product overseas for corn products, for beef overseas.

It is extremely important. We have a tremendous number of jobs that are directly dependent.

So let us not just talk about exporting and competing with other nations. Let us talk about at home in our own districts how important it is that we continue to use the tools available that the producers themselves are willing to contribute to to sell their products overseas which create good jobs at home in our own districts, high-paying jobs, and really are the future for agriculture in the international marketplace.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the fiscal year 2000 Agriculture Appropriations bill. I commend the gentleman from New Mexico (Mr. SKEEN), the chairman, and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, and all my colleagues on the subcommittee for bringing this bill to us, a bill which supports American farmers in rural communities. This bill comes to us after much time, deliberation, and discussion. I thank the subcommittee for their hard work.

I want to address the current amendment to eliminate the Market Access Program. This program is vital to the success of our farmers. If this amendment passes, we as a Congress are to blame for handing over U.S. agricultural market share to foreign competitors.

I believe with my whole heart that the American farmers are the most efficient in the world and produce the best products at the lowest prices and provide the safest food of anyone in the world. With this knowledge, I confidently say that given an equal opportunity, American farmers can compete and succeed against agricultural products from any other country.

However, American farmers are not being given this equal opportunity. The United States is outspent by more than 20 to 1 by our foreign competitors, promoting and subsidizing their own product.

In 1997, the leading U.S. competitor spent $924 million to promote their agriculture exports, $100 million of that spent on promotions here in the United States. Conversely, we grant our farmers assistance to the tune of $90 million to help them compete against our competitor's $924 million.

Rather than having this annual debate aimed at eliminating the program, I argue that Congress should rather be discussing a funding increase for the Market Access Program. This is the only program aimed correctly at helping U.S. agriculture products around the world.

Our competitors have no limits on what they will spend to assist their farmers in edging out our product. Their success is evidenced by the fact that U.S. ag exports have decreased by $11 billion since 1996.

In conclusion, let me simply say the Market Access Program is a valuable tool we are able to provide our farmers. This tool not only helps them compete abroad, but it also supports thousands of U.S. export jobs, 24,000 in my State of North Carolina alone.

I urge my colleagues to vote in favor of U.S. farmers by voting against this amendment.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that has been offered by my colleague, who intends on eliminating the Market Access Program.

We revisit this issue annually. Reforms have been undertaken. The Foreign Agriculture Service reviews proposals submitted by the agriculture cooperatives and nonprofit organizations. They must provide matching funds. The FAS scrutinizes expenses and the performances.

Farmers across the country are suffering from prices having dropped. Export opportunities have been withering, and they are trying to gain a market share in countries around the world. They are competing with odds against them.

Eliminating the cost share assistance of MAP would make that struggle even harder.

As we have eliminated the trade barriers between our country and other countries, and we have not required the same relaxation in other countries as our farmers are competing with their hands tied behind their backs, we are trying to help them to search out other markets, other opportunities, beyond their traditional markets. We have tried to do this and we have been successful at it.

The money spent in this program, $90 million, has returned, according to estimates, $12.5 billion trade surplus in agriculture. And when our country has a trade deficit of billions of dollars, this is the only part of our trade and our export that actually has a trade surplus.

□ 1730

In the Northeast and in Maine in particular, there are families that own apple orchards that are hurting. The money that would be helping to generate business for them in the United Kingdom is a generic promotion for MacIntosh apples which they are providing the match for. This is not a government handout but a match is required for them to participate in this program. It is a Federal program that is helping family farmers in a region where family farmers are struggling. I have been working with lobstermen, using the MAP funds trying to open up Asian markets to them. And I have helped family-owned sardine canneries secure assistance.

This is not some huge welfare for huge corporations. This is for fishermen, for farmers, for people who are working in family-owned businesses who have chosen a rugged way of life to put food on the tables of America and the world. This program is aimed at small- and medium-sized companies. It has been reformed and it is working. It is one of the few areas of our Federal export-import program that is working very successfully and is working for small- and medium-sized family farms. I would urge my colleagues to vote against this amendment and to keep this program working.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this shortsighted amendment which would have a huge impact on the constituents in my district, Sonoma and Marin Counties in California, a district where some of the world's finest wines are produced. If this amendment passes, our world famous wine would certainly have a more difficult time competing in the world market. So would our neighboring districts, Napa County, Mendocino County and neighboring States, Oregon and Washington, and States across the country, like Arkansas.

This amendment would impact the small wine producers, those who rely upon Federal export assistance to enter and compete in the global marketplace. Let us be clear. The playing field in the world export market for wines is not level. Unlike Europe and unlike South America, U.S. wine producers receive no production subsidies, no subsidies whatsoever, for their production. Furthermore, our competitors outspend the United States in export subsidies by more than 6 to 1.

Mr. Chairman, small California wineries suffer in such a lopsided marketplace without some marketing assistance. Let there be no mistake, this amendment targets small, family-owned businesses. Eighty-nine percent of the wineries that participate in the Market Access Program are small wineries. Furthermore, the Market Access Program is not a handout. It is a partnership, a partnership between small businesses and the USDA. And it provides funds on a cost-share basis. The European Union export subsidies amounted to approximately $10 billion last year, Mr. Chairman. In fact, the European Union spends more on export promotion for wine than the United States does for all of our agricultural programs combined.

We need only look at last year to see this unfair disparity. Market promotion funds for the American wine industry totalled approximately $5 million. The heavily subsidized European wine industry received $1.5 billion. That is $5 million in the United States and $1.5 billion in Europe. The money we spend to increase the markets for American agricultural products is money well spent. Because of assistance from the Market Access Program, U.S. wine exports had their 14th consecutive record-breaking year in 1998, reaching $537 million. This level is $100 million over the year before, which means that each Market Access Program dollar generated a $20 increase in exports.

Just as important, California wines can now be found on the retail shelves of over 164 countries. In the last 10 years, an additional 7,500 full-time jobs and 5,000 part-time jobs have been created by exporting wine. This is not only good for the American balance of trade, it is good for the American economy.

Mr. Chairman, we should help export U.S. products, not U.S. jobs. Oppose this amendment.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise to oppose the Chabot amendment to the Market Access Program (MAP). Unfortunately, some of my colleagues appear not to understand the importance of MAP to our producers.

Two weeks ago, the director of the Nebraska Department of Agriculture was in town to discuss agriculture policy with Members of Congress and the administration. We discussed in general terms all of the options for supporting American producers, and keeping US agriculture competitive in the world market. But there was one thing the director specifically asked for, and that was continued funding for the Market Access Program.

Nebraska's central location and small population base make it difficult for many individual producers to compete internationally. MAP funds help our producers, and the Nebraska Department of Agriculture, to overcome this hurdle by partially funding market service, and trade and research missions to foreign countries. These funds help support and promote the buying, selling, and development of Nebraska agricultural products. In today's market, this is critical.

Let's face it, our producers must export in order to survive and prosper. And their products must be competitive on the world market. The Market Access Program is one small way we can help our producers. I strongly urge my colleagues to oppose this amendment, and to support our producers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 355, not voting 7, as follows:

[Roll No. 174]

AYES—72

Archer
Armey
Bachus
Barr
Barrett (WI)
Bass
Berkley
Bilbray
Campbell
Chabot
Coble
Coburn
Collins
Conyers
Cox
Crane
DeLay
DeMint
Doggett
Doyle
Duncan
Ehlers
Ehrlich
Fossella
Franks (NJ)
Frelinghuysen
Graham
Hayworth
Hoekstra
Holt
Horn
Hostettler
Istook
Kelly
Kind (WI)
Kleczka
Largent
Lazio
Linder
LoBiondo
Luther
Maloney (CT)
Manzullo
Meehan
Miller (FL)
Moran (VA)
Morella
Myrick
Paul
Petri
Portman
Pryce (OH)
Ramstad
Rivers
Rogan
Rohrabacher
Rothman
Roukema
Royce
Salmon
Sanford
Scarborough
Sensenbrenner
Sessions
Shadegg
Shays
Sununu
Tierney
Toomey
Wamp
Weiner
Wu

NOES—355

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Dunn
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Brown (CA)
Buyer
Chenoweth
Ford
McCollum
Ney
Waters

□ 1755

Mr. VENTO and Mr. GILMAN changed their vote from "aye" to "no."

Messrs. DELAY, COBURN, KIND, ISTOOK and LAZIO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BUYER. Mr. Chairman, on rollcall No. 174, I was present and voted "no", but was not recorded, this is my third new voting card. I will now seal a 4th voting card.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000".

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG OF FLORIDA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida:

At the end of the bill, immediately preceding the short title, insert the following new section:

Sec. . Notwithstanding any other provision of this Act, appropriations under this Act for the following agencies and activities are hereby reduced to the following respective amounts:

Agriculture Buildings and Facilities and Rental Payments:	
Repairs, Renovation and Construction	0
Cooperative State Research, Education and Extension Service:	
Integrated Activities	0
Agricultural Research Service:	
Buildings and Facilities	0
Rural Housing Service:	
Rural Housing Insurance Fund Program Account:	
Administrative Expenses	$375,879,000
Food and Drug Administration:	
Salaries and Expenses	1,198,384,000

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

☐ 1800

Mr. YOUNG of Florida. Mr. Chairman, the agriculture bill as we present it was at the 302(b) level, but was over last year's spending limits. In consultation with many Members on both sides of the aisle, we had some agreement and some disagreement that we would make some adjustments in the total of this bill in order to make additional funding available for some of the other bills that will come along later. So we developed this amendment in lieu of all of the amendments that our friend from Oklahoma had filed in advance of the consideration of the bill.

Mr. Chairman, this bill in its original form is approximately $14 billion new discretionary budget authority. This amendment would reduce that amount by $102,500,000.

We have gone carefully through these accounts. What we are doing in most of these cases is delaying some construction, at least until next year, construction that is not essential to the farm programs that we are all trying to preserve.

By doing this amendment, we are able to guarantee that the money that is going into the system to help our farmers as they are planting and as they are preparing to harvest later in the year, that we help our farmers do what we have to do to help them to stay alive, to keep the family farms and to keep those people who are producing the food for America, to keep them in business.

This amendment, while it is a substantial cut based on the overall amount in the bill, it is not that great. It is merely in most of the cases postponing until next year some of the construction that we would have done originally in this bill. So I would ask the Members to expedite the consideration of this amendment so we can complete this bill and get it into conference.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES

[Fiscal year 2000]

	Amount in committee bill	Amount in amendment	Revised amount by amendment
Agriculture buildings and facilities and rental payments[1]	$166,364,000	($26,000,000)	$140,364,000
Cooperative State Research Education and Extension Service:			
Integrated activities	10,000,000	(10,000,000)	0
Agricultural Research Service:			
Buildings and Facilities	44,500,000	(44,500,000)	0
Rural Housing Service:			
Rural Housing Insurance Fund program account administrative expenses	377,879,000	(2,000,000)	375,879,000
Food and Drug Administration:			
Salaries and Expenses[2]	1,218,384,000	(20,000,000)	1,198,384,000
		(102,500,000)	

[1] Of which $26,000,000 shall be reduced from repairs, renovation, and construction.

[2] Of which $10,000,000 shall be reduced from payments to the General Services Administration.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we had heard on this side that this amendment might be coming, and I want to say to the chairman of our full committee, there is no Member that I would respect more in this House than the gentleman from Florida (Mr. YOUNG). I believe he is a man of integrity who would want to do what is right for America, and especially for rural America, as troubled as she is right now.

We have had an opportunity to review this amendment just for a few moments, and I would have to say overall to the membership that what this amendment does is it cuts an additional $102 million of the funds that are available to the U.S. Department of Agriculture to meet the needs of rural America.

Now, let me say that I oppose the gentleman's amendment, and I strongly oppose it. I am sorry that I have to do that, because the chairman of the subcommittee and I came out of subcommittee in hopes we could have the kind of bipartisan unity that has always characterized this bill when it reaches the floor. But I think that I have to oppose the bill today for many reasons.

One of them is that, overall, if you look at the amount of funds that we will spend in our country today to serve the needs of rural America, we are about 33 percent under for the Year 2000 what we will spend this year just to prevent the hemorrhages that are going on from coast to coast, whether it is cattle country in Florida, whether we are talking about grain producers in the Midwest, whether we are talking about cotton ranchers down in Texas or whether we are talking about the Salinas Valley in California. We are talking about a situation that just does not need Band-Aids, but serious repair.

When we brought this bill for the Year 2000 to the floor, as uncomfortable as we were, we felt that, well, okay, so it is a big Band-Aid to get us through, but we know later in the year we are going to have to do more. Now for us to accept an additional $102 million in cuts is beyond what we feel is the right thing to do for America.

This may be, with all due respect to the majority in this House, the right way to get you out of a political box among various warring factions inside the Republican Caucus, but it is not the right thing to do for America.

For example, one of the major areas you cut is under the Agricultural Research Service. I do not know how many of you have ever been out in these Agricultural Research Service buildings. These are not fancy places. I mean, this is where the structures of the building kind of get rusty. These do not look like America's defense facilities or America's NASA facilities. Yet, in fact this is where the future of America is being reborn every day because of the general use of research that goes on.

Yet in this cut, what do we do? We are cutting the Beltsville Agricultural Research Center by over $13 million. It affects the State of Maryland. For New York, the Plum Island Animal Disease Center. In Pennsylvania, the Eastern Regional Research Center. In California, both in Albany and in Davis, their research labs. In Illinois, and this one really surprised me, in Peoria, the

National Center for the Agricultural Utilization Research Service.

Now, that is only one of the many cuts in this bill. There is an additional $10 million in research that is cut from the Cooperative Research Service and our extension programs. When we cut that additional $10 million, that adds to the $3 million that was already cut below last year, so it is a net negative of $13 million in those cooperative research accounts below this year.

Research really is the seed corn of the future, and, with what is going on in rural America today, we need every single dime of that research working to invent the new technologies for the future that can help us preserve our food and fiber and fuel production inside the boundaries of this country.

We are very troubled by the additional $20 million cut proposed in this amendment in the Food and Drug Administration. Here we are talking about the inspection service for food safety. We all know what is going on across this country with added needs for food safety. We have had plenty of outbreaks, in everything from cyclosporin to E. coli, everything that has affected citizens across this country. We do not need to cut the salaries and expenses account for the Food and Drug Administration.

I heard ad nauseam in our subcommittee about the need to approve different devices and prescription drugs, that FDA was not moving fast enough, we needed to do more. America was not moving fast enough to meet the commercial marketplace. We had to do more for FDA. Well, this budget does less for FDA.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 2 additional minutes.)

Ms. KAPTUR. Mr. Chairman, I would also like to mention that one of the cuts in here relates to the repairs to the South Building along Independence Avenue here, the Agricultural Building, $26 million, a building whose heating and cooling systems dates back to the 1930s, the first major repair as we get ready for the 21st century. We have been waiting and waiting and waiting. This measure actually completely eliminates any construction, real improvements that could occur in that building, one of the relics around this city.

So, Mr. Chairman, I would have to say I know the gentleman is struggling. For those of us on this subcommittee who have worked very hard for many months on this bill, this is an important moment for us.

So I would say to the gentleman from Florida (Mr. YOUNG), I strongly oppose the gentleman in his efforts to remove an additional $102 million from the accounts for the U.S. Department of Agriculture and the Food and Drug Administration, at a time when America is asking us to do more in these areas, and particularly now when rural America is in crisis. This is absolutely not the place to make these cuts.

I would encourage the gentleman to go back and look at some of the other accounts, and would strongly urge the membership to vote no on this Young amendment.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, back in North Dakota this afternoon there are a number of farmers I represent wondering whether they will even be able to get through until next fall. We have had an unprecedented level of rain. It has destroyed the planting season, on top of the hardship they already faced because prices are below the cost of production, at a time when they have not been able to get for their crop what it costs them to grow the crop, and then on top of it production difficulties that have utterly disrupted their ability to get the crop in the ground.

This is a time of crisis in North Dakota. I would think it is a time of crisis well beyond a provincial concern as a North Dakota Congressman, because I am talking constantly with many Members representing farmers around the country. While your production dimensions may be different than ours, the fundamental is the same: Prices have not covered the cost of production, and that is irrespective of commodity and irrespective of region, and it has given us a crisis in agriculture.

I believe the floor consideration of the agriculture appropriations bill has been an utter travesty. At one point we had more than 100 amendments filed against it. Fortunately, we have worked that out. But now I cannot tell you how dispiriting it is to be an advocate for farmers in this country and have the chairman of the House Committee on Appropriations bring forward a $100-plus million cut.

Let me just tell you where $10 million of that would fall: Research and extension. Now, when this body, under a Republican majority, passed the freedom to farm law, you told farmers things were going to be different and they were going to be wonderful. They were going to have freedom to do new things, freedom to plant, freedom to do all kinds of things based upon the marketplace.

We know what has happened. Prices have collapsed and farmers are unprotected and farmers are going broke all over the country.

The agriculture research and extension component of this budget is what we need to deliver on the promise you made to rural America, research to develop the new crop alternatives for people that cannot make money based on what they have been growing; new production methods that are more cost efficient, that will help keep these people in the game. It is part of the promise you made. Then extension, because it is extension that gets the research out of the universities and the land grant universities and out to the farmers so they can put it to work.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. A question: Is the gentleman aware that just a month ago in the supplemental we did add an additional $600 million over and above all the budgetary figures? So we are not ignoring the plight of the farmer. We are trying to expedite this bill to get this amendment considered, whether it goes up or down, and get the bill into conference, so this additional money can get into the hands of the farmer. We did just a month ago add another $600 million over and above every budget figure.

Mr. POMEROY. Mr. Chairman, reclaiming my time, that was relative to a disaster, an emergency disaster occurring in agriculture. The Farm Bureau, another supporter of the freedom to farm bill, said you should have passed $6 billion, not $600 million.

I do not lay this on the chairman's shoulders. I have an enormous amount of respect for the chairman. But the fact of the matter is that that $600 million did not deal with extension and research, the $10 million I am talking about, and I cite that as an example.

Just a few months earlier than that, you set a 302(b) allocation for the Subcommittee on Agriculture of the Committee on Appropriations. The gentleman from New Mexico (Chairman SKEEN) went to work, working with the ranking member, the gentlewoman from Ohio (Ms. KAPTUR) and all of the Members. They came up with a bill within the allocation. They did everything right, and it is not right that agriculture should be bushwhacked on the floor of the House in this dark hour of despair by a $100 million cut.

I urge Members, put party aside, put urban-rural aside, think about what is right and think about what is fair and reject this amendment.

□ 1815

The CHAIRMAN (Mr. PEASE). The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 195, not voting 6, as follows.

[Roll No. 175]

AYES—234

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Luther
Manzullo
Markey
McCrery
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (TX)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Chenoweth
Ford
McCarthy (MO)
McCollum
Waters

☐ 1834

Mr. STRICKLAND and Ms. KILPATRICK changed their vote from "aye" to "no."

Mrs. KELLY and Messrs. LIPINSKI, TIERNEY, DELAHUNT, NETHERCUTT, TAUZIN, and SPENCE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. McCARTHY of Missouri. Mr. Chairman, on rollcall No. 175, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the passage of this bill. I regret doing so, and I intended to support it. The comity in this body requires, I think, that we give notice to one another of actions that are being taken.

Now, I understand the Republican Conference met, and they have had trouble passing this bill, and they had a discussion. I do not know what went on. I was not in the conference. Apparently there was a determination, well, we will cut some programs from the bill. We will cut some items from the bill, $102.5 million. These items were cut after going through the subcommittee and full committee.

My belief is that they were not cut substantively, that is to say, I do not believe for one second that a substantive judgment was made with reference to the merits of these particular projects. In my opinion, these cuts were made essentially as somewhat an across-the-board cut in order to get the requisite number of votes to pass this bill on the Republican side of the aisle.

Now, when we were in charge, I opposed those kinds of amendments, and I oppose them when we are not in charge.

My colleagues will not be surprised to learn that one of the projects cut was mine. Now, it was not mine personally, it was a lab facility, the Beltsville Agricultural Research Center, which this Nation has created. It happens to be located in my district. But it is America's research facility, and it is the best research facility in the world.

Every farmer, not just in America, but throughout the world relies on the research that that institution has produced. In fact, productivity at every farm in America and every farm in the world that uses our technology is very substantially up because of the product of the Beltsville Agricultural Research Center.

I was not singled out. Peoria, Illinois, had a project; the gentleman from Illinois (Mr. LAHOOD) took a hit. Others took a hit. So I do not perceive this to have been a partisan hit. I do not ascribe my colleagues' motives as partisan. I ascribe them to needing to get votes.

But I suggest to my colleagues, and I suggest to my colleagues on the other side, my side of the aisle, this is not the way to legislate. This is not the way to make critical judgments on the priorities of America.

Now, I know one of my colleague's Members had a lot of amendments, and he was going to offer hundreds perhaps until next week, and perhaps this got him on board. It appears that it did. He is not offering amendments anymore.

I talked to the gentleman from Alaska (Chairman YOUNG) for whom I have not only great respect, but unrestrained affection. I think he is one of the finest Members of this body. Frankly, one of the other Members with whom I am very close, and he would say that, I hope it does not hurt his reputation, is the gentleman from New Mexico (Mr. SKEEN). I do not think they would have done this. I do not think they did do it. I think they were the instruments.

But I do not think this is a good day for agriculture, for farmers, for consumers. I want to say something else about this bill. It plays a game, this

$102 million. It takes $10 million in rental payments from FDA and says, we will not pay it.

My colleagues just passed a bankruptcy act that said something about personal responsibility, about paying one's bills. But in the amendment for which my colleagues just voted, they said, but one does not have to pay one's rent, do not worry about it. So that when GSA goes to refurbish or maintain or build new facilities, there will not be any money in the pot.

Why? Because we did not pay our rent. Guess what? It is free. It is supply side maintenance and building of capital assets. That is what this amendment does that my colleagues voted for.

I would hope that my colleagues would vote against this bill. I would hope that we could go back to the board. If my colleagues want to cut, if the majority will is to cut, then let us do so in a rational, considered way, not by this, it was not midnight, but I had no notice of it, and I suggest that perhaps most Members did not have notice of it.

I urge a "no" vote on this legislation.

Mr. RYAN of Wisconsin. Mr. Chairman, I have watched the debate over agriculture appropriations for the past two days. Farmers are the backbone of my state. The economy of Wisconsin is based on agriculture—if our farmers suffer, the economy of our entire state suffers. These issues are vital to the people of the district I serve; however, no issue in agriculture is as vital to the farmers of Wisconsin as the reform of the dairy market order system.

This country, one of the most technologically advanced countries in the world, continues, at the behest of Congress, to force an antiquated system of price-fixing in the dairy industry that violates every free market principle. Congress has been manipulating the dairy industry for far too long. This system had a purpose in the 1930's; it was designed to encourage milk production in regions of this country that were suffering dairy shortages. But this system has outlived its usefulness. Advances in technology and transportation have eliminated the need for this system.

The current marketing order is unfair and inefficient for a number of reasons. Not only does it force higher prices for dairy products based on distance from my home state of Wisconsin; it also allows the Northeast Dairy Compact to operate. This is not a free market system; in fact, it is a system that violates most free market principles. It encourages overproduction and inefficient methods of production.

The farmers in my district are suffering because they live too close to Eau Claire, Wisconsin. How many members of Congress even know how far their district is from Eau Claire, Wisconsin? Yet the way dairy products are priced is based on that distance. Does that make sense to anyone? It surely doesn't make sense to me or the farmers of Wisconsin—a State where we are losing more family farms each year than many of you have in your entire state.

Make no mistake about it—this system hurts Wisconsin and hurts Wisconsin farmers—and this Congress is responsible for that. The USDA reform initiative is a small step to alleviate a situation that has been plaguing dairy farmers in the Midwest for far too long. According to USDA analysis, incorporating the changes in the Federal Milk Marketing Order Class I differential prices lowers average annual revenue in all federal order markets by only $2.8 million and raises farm revenue for the U.S. by $3.2 million. As we all know, these price differentials do not represent the actual market price. This reform is essentially revenue neutral for a $25 billion industry; yet many of my colleagues continue to use scare tactics claiming that these changes will cost hundreds on millions of dollars. The USDA estimates that the reform will result in a loss to farmers in some districts of approximately $.02/per hundredweight.

This system needs to be reformed because it unfairly penalizes the Midwest dairy farmers and it hurts consumers and taxpayers. They are being asked to subsidize inefficiencies in the production of dairy products. They are being asked to pay for a program that continues to waste their tax dollars. They are being asked to pay higher prices at the supermarket for food.

We are no longer giving farmers in certain areas of the country an incentive to product more milk. We are now giving them an incentive to overproduce milk. This type of system does not provide an incentive for farmers to operate efficiently or to produce items that are natural to their agricultural environment. How can we vote against a system that encourages the market to operate more efficiently?

If this House forces its will on the USDA, you will be silencing the voices of millions of farmers around the country who have been heard on this issue by USDA and deserve the right to vote on this reform. This reform must be supported by ⅔ of the farmers in a region before it can be implemented in that region.

The USDA assures us that this reform will only create a more equitable free market system; it will not seriously impact prices paid for dairy products in any region of this country. It will be a win-win for everyone; I urge you to support these minute changes the USDA has made that will mean everything to the farmers in the first district of Wisconsin.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant opposition to H.R. 1906, the Agriculture Appropriations Bill for fiscal year 2000.

It had been my intention to support H.R. 1906 because it contains many worthy, programs that are of benefit not just to our farmers, but to all Americans. However, in a last-minute ploy, the Republican leadership decided to make deep cuts to this bill that call into question their commitment to both American farmers and American consumers who rely on adequate funding for these programs. Those cuts included important agricultural construction projects in California, including improvements to the Agricultural Research Service's Western Regional Research Center at Albany and construction of the Western Human Nutrition Laboratory at Davis. These projects are supported by the Department of Agriculture, they were in the President's budget request, and there was no opposition to including the necessary construction funds prior to today. I am very disappointed that the Republican leadership has chosen to pull the rug out from under these vital facilities.

H.R. 1906, as reported by the Appropriations Committee, was not a perfect bill, but I believe Chairman JOE SKEEN and Ranking Member MARCY KAPTUR and their subcommittee members did a commendable job under tough budget constraints to fund the many deserving programs in this bill. The last-minute amendment offered by Rep. BILL YOUNG to appease the right wing of his party works against that spirit of bipartisanship.

This bill's scope, the so-called "agriculture" appropriations bill, is sweeping, from agriculture research, rural development and land conservation programs to food safety and operations of the Food and Drug Administration. Administration of our farm programs and marketing of our agricultural commodities is also included, yet the greatest share of the funding goes for nutrition programs, including food stamps, school breakfast and lunch, and the Special Supplemental Nutrition Program for Women, Infants and Children or WIC.

I'm particularly grateful to the committee for adding funding within the extension activities of the Cooperative State Research Education and Extension Service for an after-school program in Los Angeles. Our 4–H after school activity program is operating at 21 sites, and over 4,000 kids are participating in educational field trips, getting homework assistance and receiving other types of mentoring. This program is a wonderful antidote to the drug and gang activity to which many of the kids in my district are susceptible. I very much appreciate this one-time infusion of funding so we can sustain the program and establish a long-term partnership between the government and businesses in our community.

I am also grateful that the bill contains an increase of $5 million for farm labor housing in the Rural Cooperative Service and $9 million for rural housing assistance grants, which can also be used for non-profit organizations of farm workers. Migrant and seasonal farmworkers are some of the nation's most poorly housed populations. The last documented national study indicated a shortage of some 800,000 units of affordable housing for farmworkers. However, farmworker households are some of the poorest, yet least assisted households in the nation. So, the need for housing is great, and the committee has responded, within its overall budget constraints, to make some needed progress in this area.

The nutrition programs in this bill benefit many of my constituents and people of all ages across the United States. However, I share the concern that has been expressed about adequate funding for the WIC program. Prior studies have demonstrated that for every $1 spent on the WIC program, up to $3 is saved in costs to Medicaid and other federal programs. That easily makes WIC one of the most cost-effective programs administered by the federal government. Although the committee increased funding by $81 million over last year, the amount provided is $100 million less than the President's budget request.

WIC serves 1.2 million Californians, and we are making enormous strides in using the funds to serve all the mothers and children in need. On May 24, the California Department of Health Services lowered the maximum price it would pay for milk, eggs, cheese, cereal, juice and other foods in the WIC market basket in order to avoid having to cut 25,000 poor mothers and children from its roster. While other states may easily serve their WIC recipients with the funds distributed to them, California must use its funding shrewdly in order to serve all those in need. The Effective Food and Nutrition Education Program (EFNEP) of the Extension Service also plays an important role in working with WIC mothers and others to help them build positive lifelong nutrition habits and skill. I urge the chairman and the committee to reassess the WIC funding level during its conference with the Senate in order to ensure that no qualified women and children miss out on the benefits of this program, which contribute to a healthy America.

California is the largest agricultural producing state in the nation, and I am phased that the committee has recommended funding for other programs of benefit to our farmers. Unlike many producers in the Midwest who have long benefited from agriculture price support programs, many of our California producers have been engaged in market-oriented agriculture for many years. That's why the Market Access Program (MAP) is so important to our cooperatives, small farmers and other producers who are making aggressive efforts to expand markets overseas. I'm pleased that the committee has funded MAP at its full authorized level.

In addition, agricultural research into the special problems that affect California commodities takes on added importance to our producers. Research into integrated pest management and into alternatives to methyl bromide are just some of the vital research projects under way at the University of California, and funding for the Agricultural Research Service, for cooperative federal-state research, for competitive research grants, and for special research grants are all important parts of this bill.

There are many other programs in the bill that I could comment on, including the food safety program and the youth anti-tobacco initiative in the Food and Drug Administration. These are areas where we would all like to do more if possible, but the committee originally reported a responsible bill based on its budget allocation. Now these partisan floor shenanigans call into question our ability to improve funding for these programs if opportunities present themselves later in the appropriations endgame.

In short, I would like to support this bill and the programs of benefit to my constituents and the people of California and the nation. However, I cannot in good conscience vote for final passage because the Republican majority has made a decision to depart from the usual bipartisan manner in which we consider this bill, in pursuit of their own political purposes. I hope that the House-Senate conference committee will make the needed improvements in this bill that will draw the customary widespread, bipartisan support before we send the final version to the President late in this fiscal year.

Mr. MALONEY of Connecticut. Mr. Chairman, I rise in support of the Food Contact Notification (FCN) program. The FCN program was authorized in the Food and Drug Administration Modernization Act of 1997, and received start-up funding in FY 1999. However, FY 2000 Agriculture Appropriations does not provide additional money. Without a funding source, either in the FY 2000 Agriculture Appropriations or through user fees, this program will not be implemented.

By reducing a significant regulatory burden, the FCN reforms expedite the approval of food contact substances, like plastic, paper and aluminum used in food packaging. Under this new streamlined regulatory system, it would be possible for safe food-contact materials to be marketed after only 120 days of filing notification with the FDA—shortening the current process from as much as six years to only a few months. Both consumers and manufacturers would benefit by the availability of better products in a more timely manner.

In fact, during the FY 2000 Agriculture Appropriations hearing the Committee recognized the value of the FCN program. Despite that endorsement, I am concerned that both the Committee and the Administration are relying on the future authorization of user fees to fund the FCN program. Yet to date, no fee authorization bill has been introduced, much less discussed in any detail. Without either an appropriation or an assurance of user fee authorization, the FCN program will not be implemented, and important progress in food packaging will be delayed.

It will be unfortunate if this innovative new program was unintentionally thwarted. For that reason, I urge the Chairman and Ranking Member to assure that at least the authorized level of funding be made available in the event that a fee system cannot be enacted in time for FY 2000.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 185, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is there a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1845

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman opposed to the bill?

Mr. OBEY. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 1906 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, before the short title, insert the following new section:

"SEC. . Notwithstanding any other provision of this Act, the amount otherwise provided for salaries and expenses for the Food and Drug Administration is hereby increased by $20,000,000."

Mr. OBEY. Mr. Speaker, I am opposed to this bill in its present form. In substance, we will be providing one-third fewer dollars this year than we are providing at the present time to support the needs of our farmers, and that creates no compulsion at all to vote for this bill as far as I am concerned.

This recommittal motion restores $21 million to the Food and Drug Administration just cut by the previous amendment. Now, those who are opposed to this amendment will say the money is not needed. If that is the case, I would ask one simple question: Why did we put it in the bill in the first place?

This cut, as the gentleman from Maryland indicated, was not made to solve any substantive problem with the bill. It was made to simply solve a political problem within the majority party caucus because the problem was that last week they had a worse week than Charismatic and they were trying to figure out how to recover. And so what they decided to do is to try to take a nip and a tuck out of some bills without regard to the substantive effect.

This amendment was not meant to solve a substantive problem. It was meant to simply help the majority party get another week through the legislative agenda while they try to figure out how to correct the fact that they are essentially $35 billion from reality in terms of overall appropriations.

If Members are opposed to this amendment, I would simply ask: Are we really doing too much to achieve food safety in this country? Are we really doing too much to inspect foreign fruits and vegetables? Are we really doing too much to speed the delivery of new life-saving drugs to the marketplace?

We will, sometime this year, be voting on about $15 billion for the National Institutes of Health. About $5 billion of that will be for cancer research. We have been told that the chairman of the subcommittee on the majority side wants to double spending for the National Institutes of Health over the next 5 years. That is a lot of "blagole."

But no matter how much we put into research, if we contribute to bottlenecks at FDA, we are delaying the day when new life-saving drugs will reach the marketplace; life-saving drugs that deal with cancer, that deal with Parkinson's Disease, that deal with every other disease known to man.

I would urge my colleagues when they cast their votes tonight on this amendment to vote on substance, not politics; vote to restore this badly needed $21 million. That is the least we can do to correct some of the damage just done by the previous amendment.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I would just say to the gentleman that this particular Member is going to support the gentleman's motion to recommit and then will end the evening by voting against the bill, which I apologize to the subcommittee chair and to the full committee chair. It was not my intention as a loyal member, having gone through all those meetings, to do that. And I would urge all my colleagues to vote "no" on final passage as well, and I feel sad to do that today.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to the motion.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding to me.

Just 2 years ago, Mr. Speaker, we all popped the champagne corks and celebrated the passage of a bipartisan budget agreement signed by the President of the United States, the Democrats and the Republicans in the Congress, and now it is time to follow through on that agreement. We must, on both sides of the aisle, follow through on our obligation.

Look what is ahead in terms of spending: Veterans' bills, processing of their health care claims, water and sewer grants, housing for the low income, education, money for teachers, Medicaid, children's health and immunizations, money for the National Park Service for land acquisition, for trails, for shelters, for the Department of Interior, research money for diabetes, Parkinson's, multiple sclerosis, heart, jobs programs of all natures. In essence, this is only the first appropriations bill. Everything else that is in our $1.7 trillion budget lies down the road.

By supporting this decrease in funding on this bill right now, we free up more money down the road to have more options on these very, very important programs, and that is why we need to pass the bill in its present form, as amended.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, let me simply say that we in the House and our colleagues in the Senate and our President at the White House agreed to a balanced budget proposal in 1997. We set budget caps for this fiscal year and for the next fiscal year. And if my colleagues think this year is tough, wait till next year, because that budget cap goes down even more than it did this year.

But if we are going to be true to ourselves, if we are going to be true to the fiscal restraint that we put into effect and that all of our leaders signed off on, if we are going to stay within that budget cap, we are going to have to make some tough decisions, and today we are making some tough decisions.

Vote against this motion to recommit, vote for the bill. Let us get this bill into conference and get the money on the way to the American farmers where the help is really needed and bring that amount up to over $14 billion just in the supplemental for 1999 and this fiscal year 2000 bill.

Make the tough choice, vote against this motion and let us pass this bill and get it to conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 220, not voting 8, as follows:

[Roll No. 176]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease

Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton

Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)

Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Brown (CA)
Buyer
Chenoweth

Ford
Hilleary
McCollum

Mica
Waters

☐ 1907

Mr. CAMP changed his vote from "aye" to "no."

Mr. DOYLE and Mr. MCINTYRE changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MICA. Mr. Speaker on rollcall No. 176, I was avoidably detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 183, not voting 6, as follows:

[Roll No. 177]

YEAS—246

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan

Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards

Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert

Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McIntyre

McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer

Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Strickland
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—183

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo

Etheridge
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)

Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)

Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schakowsky
Scott
Sensenbrenner

Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stearns
Stenholm
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman

Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Chenoweth

Ford
McCollum

Waters
Wexler

☐ 1923

Mr. SHAYS changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MY TRIBUTE TO DR. HOWARD CAREY: A GOOD NEIGHBOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to recognize the 30th anniversary of Dr. Howard Carey's commitment to the Neighborhood House Association and to his role as president and chief executive officer since 1972. Dr. Carey brings more than 35 years of experience in the field of social work, from both administrative and program perspectives to this leadership position. Serving more than 300,000 San Diego residents, Neighborhood House is one of the largest nonprofit organizations in San Diego, a multipurpose social welfare agency whose goal is to improve the quality of life of the people served. Since Dr. Carey assumed leadership, Neighborhood House has grown from a budget of $400,000 and a staff of 35 to its current budget of $50 million with a staff of 800.

Its multitude of services to strengthen families and to assist them in becoming self-sufficient include not only the two for which it is best known, Head Start, which reaches 6,500 preschoolers in 70 centers and its food bank program which collects and distributes 12 million pounds of food annually, but also housing, counseling, adult day care, emergency food and shelter and inner city youth enrichment program, employment training centers, health services for the mentally ill and elderly, and a senior citizen service center.

Dr. Carey's motto, "being a good neighbor," is emulated by the extended families of employees at Neighborhood House and reaches from the Mexican border to the northern reaches of San Diego County. His legacy is one of excellence. A professional in the best sense of this word, he is a man of honor, strength and determination. He is dedicated to service and to making life better for his neighbors who are in need.

Dr. Carey is a native of Lexington, Mississippi, a graduate of Atlanta's Morehouse College, and holds graduate degrees from Atlanta University and United States International University. He became enchanted with San Diego during his 4 years of military service with the United States Navy and returned with his wife, the former Yvonne Arnold of Newnan, Georgia, a graduate of Spelman College. Dr. Carey and his wife are the parents of two adult children who are themselves graduates of Morehouse and Spelman. One would think that his service to the community through his work at the Neighborhood House would fill his days entirely but Dr. Carey's service extends to leadership and participation in many community organizations and local activities.

☐ 1930

He is chairman of the board of Neighborhood National Bank, a San Diego-based community bank which spurs development in inner city neighborhoods. He was a founding member of Union Bank of California's Community Advisory Board to advise bank managers on the financial needs of low-income and underserved communities. He has held policy-making and advisory positions at the Neighborhood Development Bank, San Diego Unified School District, United Way, the Minority Relations Committee, the Black Leadership Council, former San Diego Mayor Maureen O'Connor's Black Advisory Committee, a Congressional Black Affairs Subcommittee, the Black-Jewish Dialogue, the National Conference of Christians and Jews, the Coalition for Equity and San Diego County's Child Care Task Force.

Professionally he has contributed as a professor at San Diego State University, as a lecturer at the University of California, San Diego, and at National University of San Diego and as instructor for Wooster College in Ohio and at San Diego Community College. His further professional associations include charter membership in LEAD, the National Association of Social Workers, the National Association of Black Social Workers; a founding member of the San Diego Chapter of Alpha Pi Phi Fraternity, Sigma Pi Phi Fraternity, Alpha Kappa Delta, Morehouse College Alumni Association, San Diego Dialogue and the National Conference of Social Welfare.

As impressive as this list is, it does not do justice to Dr. Carey. It is his passion for service that leads him into these activities. He knows that extraordinary measures are sometimes needed to strengthen communities and families, and he is always willing to go that extra mile. Because Dr. Carey and the work of Neighborhood House reaches deep into the hearts and minds of his neighbors and changes lives, his contributions to our community are far-reaching, long-lasting and immeasurable. I sincerely appreciate this opportunity to honor Dr. Carey and his many contributions to San Diego during the past 3 decades.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1501, ADDRESSING YOUTH VIOLENCE AND CHILDREN'S SAFETY; AND H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. DREIER. Mr. Speaker, the Committee on Rules is planning to meet the week of June 14 to grant a rule which may limit the amendment process for floor consideration of H.R. 1501, a bill addressing youth violence and children's safety. Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in Room H–312 in the Capitol by noon this Friday, June 11. Amendments should be drafted to H.R. 1501 as introduced. Members should know that the Committee on Rules may consider amendments relating to the causes of and solutions to youth violence and certain firearms proposals.

Mr. Speaker, the Committee on Rules is also planning to meet the week of June 14 to grant a rule which may limit the amendment process on H.R. 1000, the Aviation Investment Reform Act for the 21st century, the so-called Air 21 bill. Any Member who wishes to offer an amendment should submit, again, 55 copies and a brief explanation of the amendment by noon this coming Monday, June 14, to the Committee on Rules, once again, upstairs in Room 312 here in the Capitol. Amendments should be drafted to the text of the bill as reported by the Committee on Transportation and Infrastructure on May 27. The committee filed this report on H.R. 1000 on May 28. Members should use the Office of Legislative Counsel to assure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

INTRODUCTION OF THE RAILWAY SAFETY AND FUNDING EQUITY ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to speak about the Railroad Safety and Funding Equity Act of 1999, legislation that I have introduced today along with my friend and colleague, the gentleman from Alabama (Mr. CRAMER). Also known as RSAFE, this bill will increase funding for a far-too-long-overlooked aspect of highway and railroad safety grade crossings.

With record levels of motorists on our Nation's roads and highways and with a record amount of freight being moved by rail, the lack of our nation's commitment to funding safety programs is nearing dangerous levels. RSAFE will bolster our Nation's commitment by almost doubling the current Federal grade crossing improvement program.

As two recent train crashes in Illinois showed, one a fatal crash in Bourbonnais and the other in my district in LaGrange, much more can and should be done to upgrade safety at railroad to highway grade crossings. For too long policymakers have accepted it as fact that grade crossings are dangerous, and they have left it at that. RSAFE will take the 4.3 cents per gallon diesel fuel tax that railroads currently pay towards deficit reduction and transfer it into the Department of Transportation Section 130 Grade Crossing Safety program. This money will then be distributed to the States on a formula basis.

Based on estimates of railroads' tax receipts, RSAFE will add approximately $125 million or more to the current $150 million in the Section 130 program. Therefore, among other things, RSAFE will give States much more ability to construct gates at grade crossings, develop and acquire new technology that could serve as alternatives to whistle-blowing and generally remove hazards at grade crossings.

RSAFE also mandates that 5 percent of the new funding will be spent for education and awareness campaigns, such as Operation Lifesaver. Operation Lifesaver works with local law enforcement officials and others to make pedestrians and motorists aware of the dangers at grade crossings. RSAFE also puts 10 percent of the new funding towards upgrading rail-to-rail crossings. The danger posed when two freight trains collide or when a commuter train collides with a freight train are immeasurable in lives and environmental costs.

Since railroad crossing safety is often a local and State issue, RSAFE mandates that the States pay at least a 20 percent share of any project financed with funds under this bill. I think that this is a small price for the States to pay for the safety of their citizens.

The railroads often argue that the 4.3 cent per gallon tax is unfair, that they maintain their own infrastructure unlike the trucking industry. But I think it even more unfair that the taxes go to deficit reduction instead of a program that benefits the railroads and public safety. That is what RSAFE does. It puts railroad money back into the railroads for the benefit of the public.

In addition, after 5 years of increased investment in grade crossing safety, RSAFE repeals the 4.3-cent diesel tax on October 1, 2004. Hopefully, Congress will continue the higher funding for the Section 130 program in the next highway and transportation reauthorization bill. However, until then, every day that the tax goes towards deficit reduction is a day that statistics tell us someone will die at a railroad crossing. In 1998, 428 people died from an incident at a grade crossing, 30 of whom died in my home State of Illinois. Clearly, 428 deaths in 1 year is unacceptable.

So I say to my colleagues and to those in the railroad community:

Please work with Congressman CRAMER and me to pass this legislation so that each day we will not see another life perish due to our own inactivity and inaction.

CHINA HAS YET TO EARN PREFERENTIAL TRADE STATUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 10 years ago this week China's Communist dictatorship sent its tanks and armored carriers crashing through the prodemocracy protests in Tiananmen Square in Beijing. Hundreds of innocent protesters were crushed to death, hundreds more were mowed down by machine guns, hundreds more were arrested and executed.

The men and women who lost their lives in Beijing and the ones who remain jailed are the heirs to the legacy of our Founding Fathers. They quoted Thomas Jefferson, they built a monument fashioned after our Statue of Liberty, they look to the United States as a beacon of hope and of freedom. In the United States, the nation which the thousands of dead at Tiananmen hoped to emulate, is once again coddling the same dictators who had them murdered by renewing China's annual trade privileges. After all, the lure of one billion Chinese low-wage workers is the catalyst of our China policy.

Think about it: no pesky unions, no minimum wage laws, no labor standards, no effective court system to scare away investors. The potential for profit, regardless of human rights for American corporations, is enormous. After all, Wall Street bankers could not care less if the shelves at the Lorain, Ohio, K-Mart are lined with goods manufactured by Chinese slave labor. The lawyers in Washington could not care less if Chinese workers are imprisoned for trying to form unions.

Win Jingshang, a democracy activist who spent nearly two decades in a Chinese prison, told me that American corporate executives, not Chinese spies but American corporate executives, are the vanguard of the Chinese Communist Party revolution in the United States.

It should bother us, all of us, that exactly 10 years after the slaughter of those demonstrators in Tiananmen Square that American CEO's actively roam the government corridors of the Chinese Communist Party dictatorship. It should bother all of us that after cavorting with the butchers of Beijing, these American CEOs streamed into Ronald Reagan National Airport to argue for continued favors, continued trade advantages for the world's worse abuser of human rights. It should bother all of us that the brutal nature of China's Communist regime is totally ignored by all too many in America's business community.

The harsh reality is that the ongoing genocide in Tibet, continued arrest, and torture of democracy activists, proliferation of nuclear technology to North Korea, none of that matters very much to too many people in America's business community. To this I say, the most effective way to toughen our relationship with China is to deny it special trading privileges.

Every year I and others in this body have prodded the administration and the Republican leadership to force China to improve its behavior before giving it preferential trade status. These benefits give China's Communist Party dictators billions and billions of dollars, last year it was 60 billion to be precise, and the commercial technology needed to modernize the People's Liberation Army. Yet each year the same GOP, the same Republican Members of Congress who are the loudest in their criticism of the Clinton administration and its China policy turn around because of corporate business influence in this body, turn around and give Beijing preferential trade status.

Mr. Chairman, what we need to do before granting special trade status to the Communist Chinese is to condition their behavior on something other than what they say. I, for one, am weary of continued Chinese Communist promises that they will behave, they will play fair, they will stop human rights abuses, they will end child labor, they will stop forced abortions, they will begin to behave, they will stop selling nuclear technology to rogue nations, that they will begin to play by the rules.

It was Mao, quoting Soviet leader Lenin, who liked to state promises are like pie crusts, they are made to be broken.

Mr. Speaker, I ask the administration, I ask the President, I ask Republican leadership in this body, I ask the American business community, all of whom are far too strongly supportive of the World Trade Organization entry for China, I ask them to step back and let us see if China can behave for 1 year. We should demand to see if China can stop its human rights abuses, can stop its child labor and slave labor practices, can stop threatening Taiwan before receiving another dollar from U.S. business interests. We must not give China special trading privileges, Mr. Speaker, until we see proof that its Communist Party leaders are capable of abiding by world standards.

FUNDING FOR SOCIALLY DISADVANTAGED FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, earlier today we approved an amendment related to outreach funding for socially disadvantaged farmers. This amendment was offered by our colleague, the gentlewoman from Ohio (Ms. KAPTUR), and she is also to be commended. The amendment was accepted by the subcommittee chairman, the gentleman from New Mexico (Mr. SKEEN). He, too, is to be commended for his support.

This amendment passed, and the House is to be commended for doing that. Let me tell my colleagues why.

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This amendment permits the Secretary of Agriculture to provide additional funding for USDA outreach programs for socially disadvantaged farmers. Under the amendment, the Secretary may transfer up to $7 million to this program.

The 2501 outreach program targets small and socially disadvantaged farmers and ranchers. The program is carried out by colleges and universities, including the 1890 land grant institutions. With funds from this program, these institutions are able to conduct the vital and important work of training and management assistance. Individualized farm plans, upgrading accounting systems, effective utilization of the vast array of other USDA programs, and the best approaches to applying for credit are but a few of the services available at the institutions and through this program.

Mr. Speaker, while the additional dollars provided by this amendment will be a great help to our small farmers, especially those who are socially disadvantaged, there are other steps that Congress should take to assist the

1890 institutions in assisting small farmers. It should concern all of us that of the 1,200 Ph.D. degrees recently awarded this year in agriculture science in the United States, almost half were awarded to non-U.S. citizens, while less than 3 percent were awarded to Afro-Americans. We need a program to encourage more Americans, particularly Afro-Americans, to pursue graduate-level education in agriculture.

The 1890 institutions could use additional support in their research and extension efforts. This additional support is especially needed to strengthen the level of performance and the productivity and the research and extension of the 1890 institutions.

A modest increase of not less than 5 percent in formula funding for existing 1890 programs would go a very long ways in helping the 1890 schools to help small farmers. Additional funding resources for facility funding and extending such funding to institutional facilities is but another prudent resource that would be a wise investment that will produce immeasurable returns for small farmers.

We must also work with the administration to produce either legislation or regulations that assures continuation of the Federal support when a State fails to provide the matching dollars for the land grant institutions. Many of the programs Congress intends to make available are not available to these institutions because the State matching funds are not often provided.

Finally, given the state of affairs of small farmers, especially socially disadvantaged farmers, a special appropriation of not less than $10 million over the next several years should be targeted, and we should consider this now as we are now considering the agriculture appropriation for the next few years. Targeting to reduce the rapid decline of these farmers will be a meaningful investment if we are to stop the erosion and the demise of small farmers.

Mr. Speaker, there can be no doubt that small farmers and ranchers are struggling to survive in America. In fact, small farmers and ranchers are a dying breed. Indeed, in my home State of North Carolina, there has been a 64 percent decline in minority farmers just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992. All farmers, all farmers, are suffering under the severe economic downturn we are now facing, but particularly small and disadvantaged farmers are facing severely.

Mr. Speaker, I commend the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from New Mexico (Mr. SKEEN) for their sensitivity to the needs of socially disadvantaged farmers, but there is very much more we need to do. I hope Congress will be committed to do that in the coming years.

THE PROBLEM OF DRUG ABUSE IN AMERICA

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I come to the floor again tonight to talk about the problem of drug abuse in our Nation and the tremendous toll that illegal narcotics have taken across our great land.

It is getting so that almost every family, certainly every community across the United States, can today claim that they are victimized by illegal narcotics trafficking in their communities and their schools, among their family members. The statistics are really mind-boggling and do not make the front page of today's newspaper, Mr. Speaker, but indeed they are dramatic.

Last year, over 14,000 Americans died in drug-related deaths. That is only the tip of the iceberg, because now we find that many thousands more that were killed in other accidents and suicides and other causes of death are not counted in that toll. In fact, the figure is much, much higher.

I said before on the floor of the House when we had the terrible tragedy at Columbine with a number of students and faculty who were killed in that tragedy, that we have multiple Columbines across our Nation every day. They are sometimes in the silent but violent deaths of our young people through the use of illegal narcotics.

Today heroin has become the drug of choice, and it is destroying lives by the thousands. I come from Central Florida and represent the area from Orlando to Daytona Beach, a relatively peaceful area. But Central Florida now has had such an epidemic, particularly among our young people, of deaths from illegal drugs and overdoses, that a recent headline in the Orlando Sentinel said that illegal drug overdoses now exceed homicides in Central Florida. That is how severe the problem is in my district.

That is one reason why I chose to accept the Speaker's appointment as chairman of the Subcommittee on Criminal Justice Drug Policy and Human Resources. I had the great privilege and opportunity to serve in the last Congress with the gentleman from Illinois (Mr. HASTERT), someone who folks are just learning more about, who is the Speaker of the House of Representatives.

When the gentleman from Illinois (Mr. HASTERT), the gentleman I refer to, served as chairman of the Subcommittee on National Security Criminal Justice and International Affairs, I served with him and at his side. I had the privilege of watching the gentleman from Illinois (Mr. HASTERT) bring together a consensus in this Congress and in the House of Representatives to re-start the war on drugs. You must remember, and I will detail that in just a few minutes, that the war on drugs basically stopped with the election of this President and his taking office in 1993. I will talk more about that in a minute.

But, again, someone who restarted our national effort now leads the House of Representatives, and I am very proud to have served with him in that effort during the past several years as the new majority gained control here in the House of Representatives.

The record of death and destruction across our land we were very much aware of when we took control of the House of Representatives and we saw the change from the Reagan and Bush administration, where we saw a decline year after year in drug use and drug deaths across the Nation. What should be astounding is that since we really had this new policy with this new administration, that the figures began to really go off of the charts. In fact, I brought a chart tonight to illustrate the problem that we had.

Remember what I said just a minute ago. If you look at this chart for a minute you will see these different lines of drug use illustrated in color. You see that drug use was on the decline. This shows that from 1989 on down to the 1992–93 period here, where the Reagan-Bush administration ended their efforts, the "just say no" campaign, the eradication, the enforcement efforts stopped, and a policy of working primarily on treatment, treating the wounded in this battle began. We saw the increases in drug use that these colored lines represent in almost every area.

Only in the last 2 years, again under the leadership of Speaker HASTERT as Chair, have we seen any leveling off, but we still see incredible figures, particularly among our young people in illegal narcotics usage.

Let me give you one figure. Since 1993, again when this administration took control, changed the policy, the figure is this; that we have had an 875 percent increase in heroin usage by our teens. I think if we looked at the charts we would see a dramatic increase in the deaths of our teens. If we look at those more than 14,000 deaths I cited, many of them are among our young people who are now being victimized by very potent illegal hard narcotics that are coming in in an unprecedented stream.

The cost of this whole drug debacle is immense to this country and to the Congress. Right now we are working in our subcommittee to try to coordinate the expenditures of $17.9 billion directly into the war on drugs. That is only the tip of the iceberg, because we spend around a quarter of a trillion dollars in a year. When you take in incarceration, the cost of our judicial system, the social cost, welfare for these drug victims and narcotics users leave a trail of social disruption that is unbelievable, not to mention the pain to their loved ones and families.

So that is a little bit of the direct toll and cost in dollars and in lives, and, as I said in Central Florida we have had just a dramatic increase in deaths, particularly among our young people.

In our prisons across this land we have almost 2 million incarcerated citizens and other individuals there. Seventy percent of them are there because of drug-related offenses. Our U.S. Attorneys tell us that statistics, our Federal Marshals, our DEA agents, and even in conducting hearings in my local community, our local sheriffs told us that 60 to 70 percent of those individuals behind bars at public expense are there because of drug-related offenses.

So if we look at the crime in this country, we can directly relate it, 60 to 70 percent of it, to illegal narcotics.

One of the interesting myths of this whole drug problem is that people behind bars are there for casual use or for possession, and that is simply not the case. I just reviewed a report from the Commissioner for Crime and Enforcement in the State of New York, and they had a very revealing report which in fact indicated that very few individuals are there for mere possession. Almost all the individuals in that State prison system that are there because of drug-related offenses are there because they were selling substantial quantities, participating in the act of a felony, when they were under the influence of illegal narcotics. So many of the crimes are not victimless. Most of them have victims and are felonies and serious offenses against our community.

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So we have an incredible problem, but we have also incarcerated almost 2 million Americans at great cost to the taxpayers because of this problem.

Let me say that, again, the war on illegal narcotics, the war on drugs, died in 1993 with the election of this President and with a majority on the Democrat side that controlled both the House of Representatives, the other body, and the White House from 1993 to 1995.

Sometimes people come to me and say the war on drugs is a failure. I say, yes, the war on drugs is a failure because it died. It not only died, it was killed in 1993. In fact, what this administration did was dealt a death blow to the real effort started under the Reagan administration.

I know because back in the early eighties I worked with Senator Hawkins from Florida when we had a cocaine problem and a drug problem. Under her leadership and under the leadership of the Reagan administration, they began a series of legislative initiatives to stop drugs at their source, to have tough interdiction of drugs as they came from their source, to involve the military and the Coast Guard and other resources in getting drugs before they got to our border, stopping drugs at our border, and then tough enforcement across the land.

We know that works. The statistics prove that that works. Unfortunately, this administration abandoned those policies in 1993. In 1993, and these are facts, this is not partisan rhetoric, but the other side with Democrat control in the White House and the Congress, they stopped many of the eradication programs, the source country problems.

I will tell the Members, if they want to have the most effective way to stop hard drugs at their source, they have source country eradication programs, where we have those countries become involved in alternative crop production, where we have tough enforcement, and where we have eradication of the growth of illegal narcotics. Again, at their source is most cost-effective. There is no question about it.

This administration, the Democratic-controlled Congress, killed those programs in 1993, or severely crippled them. What happened is we saw more and more production.

In 1993, the administration took the first steps towards really cutting the military, not just as we see today and we are trying to make up for, and the many deployments in Kosovo, in Bosnia, on and on, military exercises. But they basically, under the guidance of President Clinton, took the military out of the war on drugs and really changed their mission. It was not their mission to help stop drugs once they came from the source; again, stopping the source, eradication programs, country programs, and then stopping the military involvement, then also cutting the Coast Guard dramatically.

The President led the effort to cut the Coast Guard. That particularly affected my district and the State of Florida, because we had a rush of heroin and cocaine come through Puerto Rico, and Puerto Rico is really guarded. It has a coast all the way around, and it is guarded by the Coast Guard.

The cuts in the Coast Guard dramatically increased the flow of heroin and cocaine and other illegal drugs into Puerto Rico, which is of course part of the United States, and the entry-way. And with no protection, those drugs started coming back into Florida in incredible quantities. The deaths we see in central Florida and throughout the State of Florida, again exceeding homicide, are drug-related, and those drugs we can trace coming through that trail.

Then of course the President made a horrible decision in appointing Jocelyn Elders, the infamous now fortunately ex-Surgeon General who said, just say maybe. When we have a mixed message coming from the White House, when we have a mixed message coming from the chief health officer of the United States to our young people, our young people are not dumb, they pick this up. They get the message that maybe, just say maybe; or if I had it to do over again, I would inhale; or kids, do it if it feels good.

That message went across this land. Fortunately, that Surgeon General has been replaced, and we do not have a Nancy Reagan or leadership at the national level really to bring this message of "just say no" and what drugs can do to our young people.

Those direct actions, and again, this is not political rhetoric but those factual actions took place, and they resulted in, again, this chart we see and the dramatic rise of young 12th grade use here we see by this chart, but also in drugs by numerous strata of young people; again, not just in 12th graders. That is what we are suffering from today.

Stopping illegal narcotics, hard narcotics coming into this country is not a rocket scientist's venture, really. It requires a simple review of where narcotics are coming from. Let me get another chart up here, if I may.

We know where illegal drugs are coming from. This is very interesting because DEA has produced this chart, and this chart is 1997 heroin signature program results. This is an interesting program because technology is so amazing. Just like we can trace DNA to individual human beings, we can trace and DEA can trace through their labs in this case heroin, and they can tell almost the field that it came from and certainly what country of origin, or where it came from.

This little pie chart shows that 75 percent of the heroin came from South America in 1997. We know that from sampling seizures across the land. We know that 6 percent came from Southeast Asia; I am sorry, 5 percent from Southeast Asia, 6 percent from southwest Asia, and 14 percent from Mexico.

This is a very interesting chart because it tells us where the source of most of the death and destruction to my communities and many communities across the land is coming from. That is heroin, 1997.

Let me tell the Members an absolutely startling statistic. If we took this chart back to 1993 or 1992, there was almost zero heroin coming from South America, almost none in South America 6 years ago, at the beginning of this administration. How did we get 75 percent of the heroin coming into the United States in 6 years? It is simple. It is through the policy of this administration. This administration for 6 years blocked any aid or assistance to the country of Columbia in the way of helicopters, in the way of eradication equipment, in the way of ammunition, in the way of resources to stop cocaine and heroin production.

Here we are talking about heroin. Again, it would be almost zero at the beginning of the Clinton administration, and it is 75 percent now coming from South America, and almost 99 percent of that is coming from Columbia. Six years ago there was almost none. So their policy, their direct policy has resulted in these startling figures.

Mexico, which on this pie chart accounts for 14 percent, was also way down on the bottom. It was in single digits as far as Mexican heroin coming into the United States. In 6 years they have managed to make Mexico not only a trafficker and conduit and transit country, but they have also made Mexico a producing country rather than stopping it.

Repeatedly this administration has certified Mexico as cooperating in the war on drugs. As required by Federal law, the President must certify whether this country is cooperating, any country is cooperating to stop the production and transiting of illegal narcotics. Certainly Members can see that production is up by this chart. Again, we would be in single digits in the early 1990s, and almost no heroin coming from that area.

What is absolutely startling, and this chart does not show it, and this is just an unbelievable statistic, but 6 years ago there was almost no coca, no base for cocaine produced in Colombia, almost none. In 6 years, again the policy of this administration stopping aid, stopping resources, stopping equipment in the war on drugs from going to Colombia, Colombia is now the number one producer of cocaine in the world. So we have heroin and poppies growing in unprecedented amounts, heroin coming in in unbelievable quantities in these sources from Colombia. Most of this, again, is due to the policy of this administration.

I do want to say that there is some hope on the horizon. Through the efforts of the gentleman from New York (Chairman GILMAN), who chairs the Committee on International Relations, through the efforts of the full committee on which I serve, the Committee on Government Reform and Oversight, the gentleman from Indiana (Chairman BURTON) and so many others, the gentleman from Florida (Mr. MCCOLLUM), we have repeatedly requested, we have repeatedly helped appropriate, and again, through the tremendous leadership of the gentleman from Illinois (Mr. HASTERT), who now presides over the House of Representatives, we have succeeded in getting the first equipment to Colombia.

I participated with several of the committee chairmen recently in a ceremony at the Sikorsky Helicopter Division, where the Black Hawks are produced in Connecticut, in a contract and delivery ceremony. Soon those helicopters that will be able to get to the high altitudes to eradicate, to go after the drug traffickers at their source, will be there. We will see a dramatic decrease in the amount of heroin, the amount of cocaine coming into this country; a small amount of money, a great amount of results, stopping drugs where they are grown, where they are produced, and interdicting those illegal narcotics as they come from that source, not when they are on our streets, when it is the most difficult to get those.

What I need to do tonight, Mr. Speaker, is show Members and the American people how we got into this situation. It is a direct policy of this administration and the Congress that was controlled by the other side.

I wanted to also talk about the other primary source of illegal narcotics. In addition to the source country now becoming Colombia, and through the policy I described, this chart shows Mexico's statistical tables and it shows opium seizures, cocaine seizures. I believe the dark blue here shows the opium seizures for 1997. The red, the first column is opium seizures, down in 1998. The second is cocaine seizures, down in 1998.

The next is the production. The red shows the yield in 1998 is up. Here is Mexico, our close ally that the United States and this Congress and this House of Representatives have done incredible deeds to assist. In financial trouble we have backed them and actually given them financial stability. In trade we have given them benefits as far as assistance. NAFTA, we gave them almost an open commercial border. We have lost thousands of American jobs to give to lower-paying Mexico jobs.

We have done everything as a good ally, and what have they done? The law requires under certification that the President must certify a country as cooperating in helping to eliminate both the production and the trafficking of illegal narcotics. This administration, this president recommended to this Congress, and we have pending before us a recommendation, to certify Mexico.

From 1997 to 1998, last year there were less seizures of heroin, there were less seizures of cocaine, actually reduced seizures in the country, and more production of illegal narcotics; in this case, heroin.

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I showed my colleagues the other chart that showed how production has risen again repeatedly over the past 6 years, and it was in single digits. So this is the result of what we get from Mexico.

Let me talk a little bit about Mexico, which is the source of 60 percent of the illegal narcotics coming into the United States. We know that DEA, our Drug Enforcement Agency, has confirmed that. The hard narcotics, the heroin, the cocaine, the methamphetamine are coming in unbelievable quantities through our Mexican border.

Now this Congress has, under the leadership of the gentleman from Illinois (Mr. HASTERT), who brought to the floor several years ago a resolution asking Mexico to take certain actions. It has been now over 2 years ago that we asked Mexico to take those actions, again, the source of 60 percent of the hard drugs, the death, the destruction, those 2 million people that are behind our bars in our prisons. We asked Mexico to help us.

What did we ask for? We asked Mexico, first, to extradite to the United States Mexican nationals who are major drug traffickers, send them to the United States for prosecution. We have indicted them. We have requested their extradition. They are guilty of breaking the United States Federal law. We want to try them.

We do not want them in a kangaroo court. We do not want the corrupt judicial system of Mexico to deal with them. We want to try them and bring them to justice. The biggest thing drug dealers fear in the world is being brought to justice in the United States, because they will pay a penalty for their crime here.

To date, the Mexicans have not extradited the first Mexican national. Only after coming to the floor of the House repeatedly, only just before Memorial Day when I, the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Ohio (Mr. GILLMOR), and other leaders on the issue introduced a drug kingpin bill that will tie up the assets of these drug dealers did we start to see any action.

Do my colleagues know what the Mexican Government did? They extradited in the last week one U.S. national who was on our list, one U.S. national, but to date, not one Mexican national. We have requested over 40 major Mexican national drug dealers to be extradited. Instead, what they did with the Masquez brothers just a few weeks ago, and before we introduced this bill, was to kick dirt in our face by judges in Mexico releasing the Masquez brothers, who are the kings of methamphetamine production and trafficking into the United States.

So until we got tough just before Memorial Day, they kicked sand in our face, allowing the kingpins not to be extradited. Fortunately, some of the brothers are still held in prison there.

But we will not give up till these 40 Mexican nationals, whom we know are involved, who have been indicted in the United States, on whom we have a request for extradition pending, some for 6, 7 years, are brought to justice.

So we asked for extradition, and what did we get? Nothing to date. Zero, zip, nada. We asked for the enforcement of Mexican laws. Mexico passed laws, their National Assembly, but they did not enforce the laws. They have not enforced the laws.

What did the Mexicans do to the United States after we made this request again, 2 years, this House of Representatives, what did they do last year? One, the most offensive thing that has ever taken place to our law enforcement officials, what they did is disrupt Operation Casablanca

Operation Casablanca was a U.S. Customs sting operation which was to identify money laundered in the United States and through Mexican banks and Mexican banking officials; and our U.S. Customs officers led that effort. I know that we informed them of what was going on.

Do my colleagues know what they did? The only reason for informing them was limited, because we can trust so few of the Mexican officials; most of them are corrupt from the policeman on the beat all the way to the office of the president. I will talk about that in just a minute.

But what they did was threaten to arrest our Custom officials. We knew that hundreds of millions of dollars was being serviced through these Mexican corrupt bankers. They had the audacity and nerve to threaten our officials.

Only until just before President Clinton went down to meet with President Zedillo did they back off of this threat, and only just before the question of certification by this administration came up did they back off of the threat of going after our Customs officials.

So we asked for enforcement of the laws. What did they do? Again, we got dirt and dust kicked into our faces, and actually threatening our officials.

We had asked over 2 years ago for our DEA agents, and we have a small number in Mexico, and we did have an incident where one of our agents was brutally and savagely murdered back in the 1980s, so we want our DEA agents to be able to protect themselves, and we want assurance of protection and, in some cases, to be able to carry arms. We still have been denied that right by the Mexicans to ensure the safety and security of our drug enforcement agents in that country.

That was another request that we had. We asked that the drugs that are coming in from Colombia that are produced there in South America and transiting, the 60 percent of the drugs, hard drugs, coming into the United States be stopped at the southern border of Mexico; and that could be done by installing radar and other devices at the border. To date, zero, nothing has been done to comply with our request; and that request of this House of Representatives is over 2 years old. Again, the Mexicans have ignored a simple request of cooperation.

Finally, signing a maritime agreement: We know if it is not coming over land, it is coming over water. The Mexicans still deny us a maritime agreement. They refused to sign a maritime agreement, to my knowledge, in the Caribbean, in Central, South America. Only one other country, Haiti, which is still in total disruption, even after we spent 3-plus billion taxpayer dollars to improve their legislative, judicial, and law enforcement system, they have not been able to have their parliament meet and sign a maritime agreement or confirm one. But the Mexican Government still has refused to sign a maritime agreement with the United States.

So here we are again, you know, with the situation. After the introduction of the bill that I described, major drug kingpins bill, which will go after the assets of these drug traffickers, we got a little attention of the administration. The Secretary of State, Mrs. Albright, was to go to Mexico. She was diverted to Kosovo.

I believe they sent the Attorney General to Mexico over the weekend. We also, I believe, had our Drug Czar, who is doing the best job he can, General McCaffrey, under very difficult circumstances. Hopefully, in this high-level working group with the Attorney General, with other officers from Mexico, some additional progress will be made.

But I can assure my colleagues in this Congress this House of Representatives will not sit idle until they begin an honest effort for enforcement, interdiction, cooperation on the agenda, items that are over 2 years old. So some action hopefully was taken this weekend. We do not know; it is not public yet. But we will continue to pressure Mexico because it is the source of so much of the illegal narcotics coming into the United States.

We also know that in order to get from Peru and Bolivia and Colombia, where 100 percent of the cocaine and coca is produced now and where 75 percent of the heroin comes from Colombia, we know that it must transit again by land either through Panama, through the isthmus, and those Central American countries, and/or through Mexico to get to the United States.

Now, what is the policy of this administration relating to stopping drugs in Panama? This is an absolutely unbelievable scenario. What was started under the Carter administration to give away the Panama Canal and 10 billion American dollars in assets, 5,500 buildings is being sewed up into a neat package by the Clinton administration and given to the Panamanians, and at the same time, we have made one simple request. Could we please continue the drug surveillance flights from Howard Air Force Base in Panama, which cover the entire South American region, which cover the area that is producing the hard drugs that I have cited here? That was our question and request.

Now how could a State Department bungle negotiations for a simple request like that with the Panamanian Government? I do not know. But, Mr. Speaker, the administration's State Department managed to bungle the negotiations for having our forward drug surveillance flights go out of Howard Air Force Base.

They did that in an incredibly bungling fashion, and we were basically kicked out May 1. Since May 1, there has not been one drug surveillance flight over the drug-producing or drug-trafficking area of South America from Howard Air Force Base. The United States of America was kicked out of Panama. We closed Howard Air Force Base. We had 15,000 drug surveillance flights last year from Howard Air Force Base covering the whole region.

When I took over as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources in January, we went down there to Panama. We met with folks. "Can you negotiate?" No, they did not think they could negotiate.

"If you cannot negotiate, can we move our forward surveillance drug operations to other areas?"

"Oh, yes, we will have it taken care of, Congressman MICA. Chairman MICA, it is going to be in place. It will all work out."

I am here to tell my colleagues that it is June 1, and May 1 is when we were kicked out. The two other operating locations that were chosen, one was in Mana, Ecuador, in Ecuador. The other was in Curacao and Aruba, Netherlands, and Antilles.

From Mana, today is June 8, not one flight has taken off for surveillance in the drug-producing areas or drug-trafficking areas from Ecuador. There is only an interim agreement in place.

Aruba and Curacao, we sent staff down there this weekend to examine what is going on. At best, we might be at 30 percent capacity of surveillance flights. So we have a gaping hole in our drug surveillance program, almost no flights taking off to cover that area either where drugs are produced or where drugs are trafficking.

An incredible situation, incredibly bungled, as I said, by the State Department. Now the Department of Defense is scrambling, only with an interim agreement in Ecuador, and our staff reported to me on their return from Ecuador that that airfield may take $100 million to $200 million to get it into working order.

Now, is the United States of America going to invest, with an interim agreement that expires in September, any money, hard-earned taxpayer dollars, in a forward surveillance location and increasing and improving the infrastructure in that area when we have no assurances of a permanent operating base?

So they bungled it in Panama. They bungled it in Ecuador. Aruba is operating at maybe 30 percent of capacity, and a gaping hole again in our drug surveillance program.

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So that really is where we are tonight in some of the war on drugs: Panama, a disaster. No forward operating bases. What that does, too, and what is sad about that is it denies countries that have been cooperating, like Peru and Bolivia, and now Colombia that is going to get additional equipment, it denies them the information they need to go after drugs at their source; it denies them the information they need to go after traffickers.

Peru has had a very brave shootdown policy. They ask planes to identify themselves, and when they do not identify themselves and they try to scramble away, they shoot them down. And they have been provided intelligence and surveillance information by those forward operations, again out of Panama, that have been closed down.

Now, it is easy for me to get up here and to criticize this administration, and I do not mean to do it in a partisan manner. I mean to do it in a factual manner. And, hopefully, we will not repeat the mistakes of this administration in this Congress or in the years ahead, because we know we can stop drugs at their source. We know we can interdict hard narcotics. We know if we give information to other countries and a little bit of assistance they can help us in a cost-effective manner before that ever gets into our streets, into our communities, into our schools and becomes a tough task for law enforcement.

But let me, as I conclude, just say again what the Republican Congress has done, what this new majority has done, and under the current Speakership. And again I must give full credit to the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House, who chaired this responsibility and who I worked with in the last Congress, who brought together the source eradication programs that, again, were destroyed by a previously Democratically-controlled Congress and by this White House.

Let me mention, Mr. Speaker, what just 2 years of effort in working with Peru and Bolivia have done. The cocaine production in those two countries is cut in half. In half. There has been tough enforcement. We must salute President Hugo Banzer, President of Bolivia, for his courageous efforts. We must help Bolivia, because Bolivia has committed in 2 years to eliminate that drug trafficking, and they have cut in 2 years by 50 percent. So this is not a "pie in the sky" proposal. It is something we know we can do, and with very few bucks; with very few taxpayer dollars in assisting them.

So, additionally, President Fujimori in Peru, with a tough enforcement, with a tough shootdown policy, with a tough eradication and a productive alternative crop program is making great progress in that country. So we know these programs will work.

This Republican administration, again under the leadership of the current Speaker of the House, when he chaired the subcommittee, has helped us now get aid to Colombia. We are reversing a failed policy there. We will stop the production of heroin and poppy production in Colombia. We will eliminate major drug traffickers. We will give the Colombian National Police, that have done a courageous job, losing 4,000 of their police officers in this battle, hundreds and hundreds of public officials have died in this war, we will give them the arms and the assistance and the aid, the resources to eradicate, to enforce and to interdict drugs cost effectively. And those Blackhawk helicopters are on their way. That is something we have done.

And this Congress, this House and the American people will see a reduction in the amount of heroin coming into the United States. And also cocaine, which again they have turned in 6 years, Colombia, into the major producer of cocaine. Not just a processor or a transiter but the major producer. In 6 years they have managed to do that. We will start eliminating that through the policies of this new majority in the Congress.

We have restored the cuts in the Coast Guard and we are dramatically increasing the assistance that the military provides in getting them back into the war on drugs. I know it was very nice for the Vice President to take the U-2s out of South and Central America in the war on drugs and bring them up to check on oil spills around Alaska. I know it was nice to divert the money for eradication programs of drugs at the source country, which President Clinton did, and put it in Haiti, which basically was more money down the tubes; but, in fact, we do know that getting the military involved in interdiction close to the source does work.

We know that the Coast Guard protecting Puerto Rico and restoring their assets does a great job in protecting our coastlines, both of Puerto Rico and the United States, and we have brought them in 2 years back.

We know that tough enforcement works. In the next week I will be holding hearings on legalization of illegal narcotics and decriminalization. There is a big wave across this country that we must look at decriminalization, make it a health problem, and we should not be tough on drugs and it will all work out.

Mr. Speaker, it does not all work out. Look at the statistics in New York City. We can see since Mayor Rudy Giuliani has taken office what tough enforcement has done. The murders, which were at 2,000 when he took office, 2,000 murders in New York City a year, and most of them drug related, I would venture to say without any question, have been reduced by 70 percent. Just over 600 murders. From 2,000 to 600.

It is safe to walk in New York City because Mayor Guiliani, through a tough enforcement policy, has stopped the violence, the crime, the drug trafficking and he has gone after these folks with a tough enforcement policy that works.

Now, Tom Constantine, who unfortunately is leaving as the head of our DEA, and that is a very sad fact for this Congress and the American people, he produced this chart. This chart should be an eye opener for every Member of Congress and for every American. This shows the heroin addiction population in a city that decided to adopt a lackadaisical enforcement, a tolerant policy. In 1950, the population of Baltimore was over 900,000. In 1996, it was 675,000. In 1950, they had 300 heroin addicts in Baltimore. Listen to this. Three hundred heroin addicts. In 1996, through a liberalized policy, they had 38,985 heroin addicts in Baltimore. This is what a liberalized policy gives us. And on the other hand, look at New York City; 2,000 murders down to 600 murders through tough enforcement, tough prosecution. So we know this policy works.

Now, we are going to have a full hearing and we are giving all sides the opportunity to be heard in our hearings next week about this process of decriminalization, about tough enforcement, about legalization. And I try, as chairman, to be fair, so we will hear from everybody, but I believe that these statistics, these facts, are irrefutable.

So this new majority on our side has started a program, and again I started to mention the things that we have done in replacing the military, the interdiction, the source country, getting the Coast Guard cuts restored, but we have also put in almost $200 million in the past year in education programs, which is matched by the private sector. So it is almost a half billion dollars in education. And we are putting our money where our mouth is so our young people and all Americans know the dangers of illegal narcotics.

So we, again, I believe, are taking the right steps. They took the right steps under the Reagan and Bush administration. Education, enforcement, interdiction, eradication at the source, and treatment are important, but it cannot just be treatment. This cannot just be treating the wounded in a battle. If we went to war and we did not spend any money on armaments, any money on forward surveillance, any money on eradication of the enemy, any money on ammunition, we would not have a war on drugs, we would not have a war. And if we only treat the victims in this war, it does not work. We have seen it does not work.

So tonight, as I close, I ask for my colleagues' assistance to move together in a bipartisan cooperative effort. Mistakes were made in a bipartisan fashion, hopefully, we can make progress in a bipartisan fashion. It is my hope that we can get every Member on both sides of the aisle not to repeat the mistakes of the past and to move forward together. We know that these policies will work. They are tried, they are proven, they are tested.

It is my hope that we can do that because I never want to talk to another mother or another father or another brother, another friend of a young person in my district who has died of a drug overdose. I talked about the cost, the people behind bars, and I talked about what Congress is going to have to appropriate, but we cannot restore a human being, a son or a daughter, to a parent who has lost that child in the war on drugs.

So it is my hope that I will not have to make these speeches every week in my next term in Congress; that I will not have to come before the Speaker and the House and plead for their assistance in restarting the war on drugs.

Mr. Speaker, although I have a few minutes left, I will yield back the balance of my time and pledge to be back here again next week.

WORKING FAMILIES OF AMERICA BEING MISTREATED BY 106TH CONGRESS

The SPEAKER pro tempore (Mr. FLETCHER). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, the working families of this Nation are still being trampled on by this 106th Congress. They are being grossly mistreated in two basic ways: One is indifference and neglect on certain key issues, and the other is active oppression in certain ways.

Indifference and neglect is reflected in the fact that we are not concerned about a minimum wage increase. There is a rumor that the leadership of the majority party has decided that it will agree to a minimum wage vote and that it will take place sometime later rather than sooner, and they are delaying because they want to make sure we get close to the election and be able to say, well, we voted for a minimum wage, or we allowed it on the floor and let the Democrats vote for it, so we did our job.

And, of course, there is a rumor also that the minimum wage being proposed by the majority is 25 cents a year for the next 4 years. An increase of 25 cents per year for the next 4 years means in 4 years the American worker would have a dollar increase instead of the two-step increase being proposed by the Democrats.

But there is no hurry. We have an unprecedented prosperity in the Nation. We have a situation where the value of the stock market in 10 years has grown by $10 trillion. We had the assets and the value of the stock market in 1989 at $3 trillion. Now it is $13 trillion. With a $10 trillion increase in the value of the stock market, we can see that there is a great increase in the wealth and prosperity in America at certain levels. Why not share that with the working families? Why not in the most basic way make certain that the wealth of the Nation in some small way benefits the entire Nation?

A minimum wage is just one tiny part of that effort. Being willing to finance or support more generous health care is another. The President is proposing soon a new benefit in Medicare, should be in Medicaid also, a new benefit which would cover prescription drugs. In this time of great prosperity, the least we could do is to make the miracles of science available at a cheaper cost to all the people who need them in terms of health care. Prescription drugs ought to be covered by Medicare and Medicaid.

We talk a lot about Medicare and we forget that Medicaid is designed to serve the very poorest and they deserve to have the same kind of increase. We should not have two tiers of health care in America. Second class health care is inadequate health care. There should only be one class of health care. But we are refusing to deal with that in a forthright manner on a timetable that is meaningful because we just do not seem to care.

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There is an indifference, an indifference to the poor, an indifference to the plight of the working families who are not sharing the great boost in our wealth. That great jump from $3 trillion in 1989 to $13 trillion in 1999 is not felt by a lot of people who are still out there struggling to make it. So jobs, health care, investment in education are all obvious kinds of actions that should be taken by the government. This Congress, acting in concert with the President, should make certain that we take advantage of this boom in prosperity to take care of some of our problems.

But there exists in this Congress an attitude which goes in the opposite direction. It is stubborn, it is unyielding, it is wrongheaded, but it keeps going on. Take, for example, what happened in the vote on the supplemental budget, or the development of a long-awaited supplemental budget, which included the President's request for $6 billion for the Kosovo war, a war which I think is very necessary, a war which I think we could not afford to have not conducted or been a part of. I do not think we could have walked away from the genocide being committed by the Yugoslavia regime and held up our heads. We have seen it happen too many times already in this century.

What Hitler did was on a grander, more massive scale. They had gas chambers and ovens and millions died, but the numbers are not as important as the action and the kind of thing happening in Kosovo. Certainly if it only means thousands dying, it is still significant and it is happening over and over again. We have seen it happen in Cambodia, we have seen it happen in Rwanda. It is about time that we did something to send a message to the dictators and the sovereign predators that exist throughout the world that somewhere the civilized nations of the world are willing to take a stand against this kind of murderous activity against human beings.

We have done that in Kosovo. So we needed our participation in that effort. The $6 billion was requested by the President. But instead of that bill moving ahead with $6 billion plus the emergency aid requested for South America, for Central America as a result of the floods and the extra aid that was needed for the weather disasters that took place in the Midwest, we had a whole lot of other things piled on top of it and a $6 billion request became a $15 billion request, a $15 billion request most of which came out of the surplus. It was deemed emergency funding and the surplus which is around $100 billion, I think, about the same, a little more maybe in the coming fiscal year, it is going to be about the same amount; the surplus was used for most of it. They could have used the surplus to cover it all, but to make a point the majority decided to offset $2 billion, take away from other programs $2 billion worth of money to cover part of the spending.

Now, the emergency in Central America, the emergency in the Midwest with the tornadoes and storms, et cetera, those were emergencies. They clearly rank as emergencies. Why did we have to make the point that they have to be offset? The point that I want to make is that in the process of the offset, who did they go after? The poorest people in America. The bulk of the cuts for the offset came from domestic accounts, including $1.25 billion from the food stamp program, and $350 million from Section 8 low-income housing programs as well as $22.4 million from the Labor Department contingency fund related to unemployment insurance.

They reached into the programs that serve the poorest people, programs that may benefit the working families on the very lowest levels, and they took out the money to offset and make the point that they want to make cuts in social programs.

There is a coming need, according to the budget that has been promulgated by the majority, a coming need to cut further, maybe $20 billion out of the domestic budget. Some of it could come from defense if they wanted to, but it will probably come out of the domestic budget; $20 billion will be cut and the preview of coming attractions we have seen already. The way the supplemental budget was handled tells you they are going to get it from the people who are the weakest, the people who have no power, working families, poor families, poor people who are not even working, the elderly, those who need Medicaid as well as Medicare; they will suffer as a result of the coming $20 billion cuts or more that may be proposed.

Certainly they are not proposing investing any more money in education. Education, most of which would go into our public school system, is the place that you benefit working families most. Working families' children need an education. There is no way to survive, there is no way for them to take advantage of the prosperity that keeps growing and growing as a result of high technology. The jobs that are available are jobs that require education. You are not going to be in on it, it gets worse all the time, the demands are greater and greater.

I was at a job training consortium in New York City yesterday and they were telling me about the fact that we just need mechanics. In addition to the known need for information technology people, 300,000 vacancies in information technology, they need mechanics. They could hire 30,000 mechanics in the metropolitan area if they could find them. Why do they not have mechanics who would work on trucks and tractors and some of the machinery that industry needs? Why do they not have them? Because the demands have gone up educationally. There are computers and various devices being employed now in trucks and cars and various vehicles that require a little more education than a mechanic had to have 10 years ago or 5 years ago.

So we have a problem, a creeping problem of people in basic areas, as basic as mechanics, auto mechanics, that cannot survive because they do not have the personnel to do the job because the education system is failing to produce that pool of people which is educated. A broad pool of people educated, you can reach in and pull out all kinds of people. The range of people with various kinds of skills and knowhow would be great. You would get the technicians, the mechanics, the theoreticians, the scientists, the geniuses. That certain percentage of people would come out if you have a broad range of people in the pool because we are educating the masses. Mass education is needed more now than ever before.

But working families who need to have free education in the public school system, free but first rate, it cannot be education in facilities that are falling down, it cannot be education in situations where kids are afraid to go to school because of threats to their health and safety. It has to be the kind of education that everybody wants for their child here in this Congress.

I know large numbers of Members of Congress send their children to private school. It is most unfortunate that they have given up on the public education system, but as public officials, whatever choice they choose to make privately, it is disloyal and dangerous to have public officials give up on our education system.

So when you consider what happened in our $15 billion supplemental appropriation, you can see how trampling on working families is a problem. And there is going to be more trampling on working families. It is not just neglect. It is also active oppression to take the money out of the programs that benefit the poor the most. It is even worse than that. The active attack, the oppression which is very aggressive, continues to go on in the Committee on Education and the Workforce. I serve as the ranking Democrat on the Subcommittee on Workforce Protections. As the ranking Democrat on Workforce Protections, I will be the first to tell you that the name of the committee under this majority Republican administration ought to be changed. It is not workforce protection that they are concerned about. It is workforce persecution. It is workforce oppression. Because every bill that is introduced by the majority on that committee is an attempt to make life more difficult for working families.

We have three coming up very soon we have just passed recently in the Subcommittee on Workforce Protections, and now it is going to go to the full committee, and they are a continuation of what was started in the 104th Congress and continued in the 105th Congress, and now it is done on a sort of a guerrilla warfare basis. It is not talked about as much but it is still the same agenda. They are attempting to take away rights that workers have won over the last 50 years.

There is a bill, H.R. 987. It is an attempt to block the implementation of any ergonomic standards, standards which relate to the fact that there are jobs which require repetitive motions that end up in injuries and debilitation of people's muscular faculties; they cannot function. Carpal tunnel syndrome is one of them. Back injuries are a large part of it, people who have repetitive kinds of activities that strain certain parts of their bodies. That is the broad topic of ergonomics the majority on the committee do not even want to have discussed. They do not want to allow the Department of Labor, the Occupational Safety and Health Administration under the Department of Labor to do what they have been doing for years, establish a set of standards to relate to these workplace injuries, workplace dangers.

So they have H.R. 987 which ironically the Republican majority on the committee calls the Workplace Preservation Act. It is an attempt to make the workplace more dangerous by blocking an effort to deal with a clear and present form of injuries that we have been discussing for the last 15 years. So H.R. 987 is one of those examples of an attack on working families through a reduction in the safety provisions in the workplace. There are more than 6,000 people who die every year in our workplace situation, and then many, many others who are injured. This attack on the workers continues by the Republican majority.

They have another one, H.R. 1381. It is an attempt to sabotage overtime payment rates by excluding bonus income. H.R. 1381 is ironically called Rewarding Performance in Compensation Act. But they have a way of reaching in to take out the income that is figured in the bonus in order to reduce the rate of hourly pay so that that is not included when you pay a person overtime. It is a little guerrilla trick, it is almost something you would not see or not respond to if you were not very alert. But it is an attempt to sabotage overtime payment rates by excluding bonus income. H.R. 1381, another attempt to reduce the benefits of working families.

H.R. 1439 is another one. That attempts to undermine the OSHA, Occupational Safety and Health Administration's enforcement by misusing the self-audit process. We have a self-auditing process that we encourage. We want to make a partnership between government and industry. But they want to allow industries to audit themselves and then not allow the result of the audit, which determines whether or not they have certain hazardous conditions in the workplace, in the plant, in the garage, whatever unit of employment this is. After they complete the audit, if they identify things that are wrong, they are allowed to keep it secret and we are saying, "No, you have to reveal what is there." The self-audit process would be misused if you made your survey and audited yourself, identified hazards, and then refused to correct them because, of course, it might cost a great deal, but you keep them secret, nobody else knows about it. Of course you would fire any employee who also knows about it and then would report it. So we have H.R. 1439 which again, an ironical title, is described as the Safety and Health Audit

Promotion and Whistleblower Improvement Act of 1999. The Safety and Health Audit Promotion and Whistleblower Improvement Act of 1999 is an attempt to do just the opposite. It is going to make the workplace less safe.

We have another bill, an alternative which we will offer at the final markup of the full committee which is entitled "The Whistleblower Protection Act." That is H.R. 1851 which I introduced as a countervailing force against the phony H.R. 1439.

But I give you examples of concrete bills, the business that is going on here in this place. We are moving at a very slow pace. Things that ought to be done and ought to be on the agenda are not on the agenda. But the guerrilla warfare against working families, against workers in the workplace, the guerrilla warfare goes on. We ought to come to grips with the fact that this is wrongheaded, stubborn, unyielding, and at a time like this very dangerous in America. We should be investing in our workers in every way instead of oppressing them and neglecting them.

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In another area, education, which I talk about often, education reform is still rhetoric. We are talking, always when we talk about education about nickels and dimes and lots of words.

Everybody has adopted some kind of education platform, everybody is in favor of improving and reforming education, but nobody wants to spend significant amounts of dollars. Words instead of dollars is the order of the day with respect to education. Education reform is rhetoric, too much rhetoric in the area of the majority; and in many cases, in the minority, too, there is too much rhetoric and too little commitment to real dollars for education.

School construction is one of the tests of whether or not we are only concerned with rhetoric and only going to play word games with the voters. Or are we really going to do something significant about education?

The voters have given us a mandate. As my colleagues know, it is one of the few times in history where we have the focus groups and polls, everything keeps repeating the message over and over again. The voters of America want the Congress of the United States, and the President and the entire government to significantly take steps to improve education, to give Federal aid to education in the process of trying to improve education.

Now, because the voters are saying that we will get plenty of rhetoric from both sides, but there is contempt for the whole public education process that is expressed in many ways. They express it in ways which relate to neglect and abandonment and indifference, but also it is sometimes expressed in a very active way. As I said before, there are actions taken which are aggressively against working families and things that working families need. Education and investment in education by the government is one of the things that working families would benefit from greatly, and they need it.

We saw on the floor of the House today a vote which demonstrates great contempt for education, a great contempt for the whole research process. It happens to be an agricultural appropriations bill, and the agriculture appropriations bill, in the hassling back and forth for reasons that I do not clearly understand, the majority knows what it is doing; but for reasons that certainly are not noble and reasons that are not reasonable and were not laid out and described to the Members of Congress in any respectful details, a huge across-the-board cut in agricultural research, something like $100 million cut in agricultural research.

Now, agricultural research is at the heart of America's great food production system. As my colleagues know, agricultural research, the research, the educational part of it, the egghead part of it, that draws great contempt obviously from the majority party members. Instead of them dealing with subsidies which may be wasteful or the Farmers Home Loan Mortgage Program, and there are a lot of wasteful programs in agriculture just as there are in some other places in the government, but because they have constituencies and because the ol' boys network demands that they be protected, they are protected. But academia and research, the people who are on the cutting edge of improving agriculture and responsible for the fact that Americans enjoyed the best food production system in the world, we get the best food at the lowest prices, and everything happened by accident.

There is a long history involving education and research starting with the Morrill Act which created the land grant colleges. The model for land grant colleges was Thomas Jefferson, and the University of Virginia was the first State university. It was a very wise move by Thomas Jefferson who made, of course, numerous wise moves and set certain standards for our entire country that we still should be very grateful for and set us on a course that has proven to be very positive.

Jefferson was not in favor of a national university. He did not want one big, huge university in Washington similar to the Sorbonne, to the Oxford chain in London. He wanted each State to have its own university, and Virginia, of course, was the first example, and later the Morrill Act established land grants for every State. The Federal land grant colleges were established, colleges and universities were established; and going beyond just the establishment of land grant colleges, they were given a mandate for practical education, practical education starting with an assumption that agriculture could be improved greatly if it benefited from science and education.

So applied science in the area of agriculture became the driving force that took our farmers, long before farmers anywhere else in the world, into a whole new realm of production, greatly improving the yield of the land, greatly increasing the kind of production that resulted in our having a tremendous amount of surplus products, as we still do in many areas.

This agriculture research, as my colleagues know, the experimental station, the theoretical base in the universities, the county agents to take it out to the farmers and show them how to apply it, it is one of the great things we should be very proud of, dissemination system for knowledge. As the knowledge was generated in the universities and the experimental stations, it was taken out to the farmers; the farmers applied it, and you got a result.

That is all based on agricultural research. It begins with the research.

So we just walked onto the floor today and found an amendment to wipe out $100 million worth of agriculture research. Is that responsible legislation? Are working families going to benefit from a crippling of our agriculture production system? There are always problems, as my colleagues know, in terms of new kinds of bugs and viruses and various kinds of things that go on and on that can wipe out gains that are made over the years if they are not researched, if they do not keep up with them.

So even in the area of agriculture where we have such a sterling record of performance, today we found the reckless attitude towards the things that matter most to ordinary Americans take hold and in one fell swoop we wiped out some basic parts of our agriculture research system.

Then, as my colleagues know, I think that a lot of this preoccupation with the reduction of programs that benefit working families, that benefit people who are in greatest need in our Nation, a lot of this preoccupation and obsession is based on the fact that eventually we are going to have a proposal on the floor for a huge tax cut, a huge tax cut for the people who are benefiting most from the prosperity that we have generated already.

I said before that the stock market value has gone from $3 trillion in 1989 to $13 trillion in 1999. So do the rich need a tax cut? Do they need some help? As my colleagues know, why are we preoccupied with making the budget safe for a tax cut? Why are we willing to cut food stamps and willing to cut low-income housing in order to make the budget safe for a tax cut? But that is what is coming. The Republican tax cut crouches in the bush like a wounded lion. It is there, it is not going to go away.

One of the problems we have is that the people who represent and care about working families, the great majority of our Nation, of course, made up of working families, those people do not have a tax program for working families. Working families have suffered the biggest tax increase of any group in the last 20 years, the payroll tax, Social Security and Medicare. Those payroll taxes have jumped more percentage-wise than any other taxes. They hit the people on the very bottom. Nobody is proposing to relieve them. I have a few proposals that I would like to offer, and I will offer them in a few minutes.

As my colleagues know, my point is, you need a whole platform, I guess, for working families, and we do not have it. My friends in organized labor, as my colleagues know, they have things that they care about that they are always telling us about, and those are the right kinds of things that working people need; but it all comes in bits and pieces.

We need a whole platform which lays out the need for working families being given their fair share of the great American prosperity in many ways. The Republican tax cut should be answered by a proposal for a tax cut for working families as well.

Between now and Election Day in November 2000 we must lift up a meaningful platform for working families. The showdown will come sometime in the fall of the year 2000. The pattern has been the same for the last, and it will probably be the same as it has been for the last 4 years in the conflict between a Republican-controlled Congress, a Democratically-controlled White House.

The really important measures are going to come down to a negotiation session at the White House between the majority in the Congress and the White House, the President. The really big decisions are going to be made then. What we do with this surplus is really going to really be determined then. Whether we are going to allow working families to have a share of the wealth of America through programs that benefit them will be determined then.

So we have a scenario. We have time, but we have to start now visiting a platform for working families which has all of these components; and you know we have to come to grips with the fact that there is a mind-set in this Nation maybe among powerful people that they do not have to be concerned with the poor. The poor are poor because they did not make it, they are poor because they deserve to be poor. They are not wealthy, they are not able to take care of themselves without some help because that is the way it is, and that is the way it deserves to be, and why should the Nation care?

As my colleagues know, we have whipped the welfare mothers to death, and they are becoming a nonentity in the political discussion. They have been whipped so often and so much, until they almost just disappeared. They may be still aching out there, there may be situations where we are causing more harm than good because we are putting families in a bind, and the children are suffering, and those suffering children are going to create great problems in the future for our health care system, our education system, our corrections system, prison system. As my colleagues know, we may be generating a lot of problems.

Right now, they are invisible. We beat them to death, and now we are going after working families in the workplace, take their overtime, take away safety provisions, et cetera, because there is no ethic which says we have a responsibility to these people.

Let me just take the conversation in a new direction. Because of the war in Kosovo, I think we ought to stop and think, as my colleagues know, and it certainly brings to mind it is one more situation where we are at war, there is no threat to the United States, and there are a lot of elements there that do not fit the description of the war against Hitler.

As my colleagues know, World War II was a war where there was a real threat to the whole Western world, and it was just a matter of if we stood in line, if we did nothing, our time would come. So between, as my colleagues know, Tojo and Hitler we had to act, and it was a war which definitely was a war to save our own way of life. There may be doubts about other wars, but we had the same rationale in the Korean war and in the Vietnam war, and we always made the assumption that, you know, you had to do this, the domino theory of fighting the Communists; if you do not stop them there, they will keep going.

I do not want to get into all of the various arguments, pro and con. Let us just accept war as a fact of life. Let us accept the fact also that the most any citizen can do for their country is place their lives at risk in a war. I mean, I do not know of anything greater that any citizen can do for his Nation, whether they are drafted and forced to go or whether they volunteer, that they are in a situation where they are on the firing line, their lives are at risk, than they are offering this supreme price. And of course, if they are injured and become casualties, they pay a great price, and of course, if they are killed in combat, they die. That is the supreme price, as my colleagues know, to have to give your life. So I do not think there will be any disagreement.

Let me just point out the fact that, mind you, and I got these figures on casualties from the Pentagon, from the Archives, which got them, of course, from Pentagon research, so they are sound figures.

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Who dies in the wars? Who dies? There is a lot of contempt always directed at our big cities, our inner-cities, where the poor live mostly. One of the things that is coming out over and over again, and some Democrats are as guilty as Republicans, is they do not want to do anything about the public school system, because if you had legislation which appropriated large amounts of money for school construction and you did it on the basis of need, where the oldest schools are and the needs are and they do not have libraries and laboratories, buildings are more than 75 years old, if you did it on that basis, most of the money would go to the big cities. They have the greatest need in that area.

Just like we have an insane argument now that is being promulgated by the Committee on Transportation, I think in the Senate, in the other body, that need relates to the fact they say Los Angeles and New York are getting too much transit money, too much mass transit money.

Los Angeles and New York are the places where you have most of the mass transit. New York has more than 30 percent of all the mass transit in the country, of the riders, and yet we do not get 30 percent of the funding. The amount we get, however, has aroused the ire of certain people and they want to cut down the amount New York gets or Los Angeles gets in transit money. That is where the people are.

Why do we have large amounts of casualties come out of the big cities in every war. World War I, World War II, the Korean conflict, the Vietnam conflict, where did most of the casualties come from? The big states with the big cities.

New York has always led in casualties, even back to the Gettysburg battle. The largest numbers of casualties at Gettysburg were soldiers from New York State. They did not break it down by city, but I assure you most of them were poor immigrants out of the cities.

But I will not go back to that. I am not interested in discussing the fact that valor and willingness to fight and all kinds of conditions are in motion to generate casualties. But the fact is that the casualties come out of the places where people live, where the population is. That is where you are going to have the people to put their lives at risk, the people who died, who paid the supreme price. They will be the people that come from the areas where the most people are. It is simple arithmetic.

New York in World War I, there were total casualties of 35,100 official casualties. Out of those there were 7,307 combat deaths, those causalities, larger than any other state. For some reason

California in World War I was very low. I think maybe because it was not as highly urbanized and the poor were not as concentrated then as they are now. Whatever the reason, New York.

Pennsylvania had 29,576 casualties, 5,996 deaths in World War I. By the way, Pennsylvania has Philadelphia, Pittsburgh, the big cities. Illinois has Chicago, Springfield, big cities: 15,000 casualties, 3,000 combat deaths. Ohio, Cleveland and Cincinnati, big cities, 14,487 casualties, 3,073 deaths. Massachusetts, with Boston and a couple other big cities, 11,455 total casualties, 2,253 deaths. Michigan, with Detroit, 9,000. New Jersey, a small highly urbanized state, 8,776 casualties. There is a pattern.

The pattern is the same in World War II. The casualties went up a great deal. New York, 89,656 total casualties, 27,659 deaths in combat from New York State. Why? Because they were braver than anybody else? Maybe. I do not know. The important thing is that is because that is where the people are. Larger numbers came from New York, because that is where the people are, first of all, and probably that is where the poorest people are who were drafted in larger numbers, and they went off and fought and died for their country.

Why do we treat that class of people with great contempt now? Pennsylvania, 81,000 casualties, 24,000 died in combat. Illinois, where Chicago is located, 54,000 casualties, 17,000 died in combat. Ohio, 49,000 casualties, 15,000 died in combat. They came out of the big cities where the people lived. California in World War II, more urbanized, 47,000 total casualties, 17,000 died in combat.

Korea, New York had 8,780 casualties, 2,249 combat deaths. Pennsylvania, again, second, Illinois, third, Ohio, same pattern.

Vietnam, the same pattern: New York, Pennsylvania, Illinois, Massachusetts, Ohio, Michigan, California. Simple arithmetic.

The point is, the people who die, who pay the supreme price for their country, come out of the big states and the big cities. Therefore, we have every right to treat them with great respect. We should honor the dead from these areas by making certain that the living always are given the fullest possible benefits the government can offer.

Why are we abandoning the big city school systems when so many ancestors of the present children in those systems paid such a high price to create and maintain the America that we have now? Think about it. Think about it.

The people who died, who paid the highest price to keep our Nation going, deserve to be respected at all times, not the present attitude, the wrongheadedness, the unyielding stubbornness toward poor people and working families that has taken hold among decisionmakers, not among the voters.

The voters say we want education to be the number one priority of the government. The decisionmakers in Washington say all right, we will play games with you and pretend it is number one, but if you look at the appropriations process, we are not appropriating that kind of money for education.

We had a bill last year which authorized $218 billion for highways and transportation, $218 billion. There was money for mass transit in there. That is part of what is being appropriated this year. They are having a big debate about taking away some of the mass transit funds from New York where the riders live. Where the people are, for some reason, our hearts and our appropriations do not go.

There is some flaw maybe in our whole system. The grand compromise that our forefathers made when they established the Nation, that they had to make because the states existed before the Nation, the grand compromise of giving two representatives to every state created a powerful body which represents a minority, and that body has over the last 20 to 25 years essentially been anti-urban, anti the population centers of the Nation, anti-policies that would benefit the great masses. So we have a reversion kind of thing going here in our great democracy, and our great democracy, one-man, one-vote, is being diluted and distorted in a way which results in policies and power which hurts the great majority. The places where the people live are getting the worst attention or the least attention in terms of their needs.

Education is a clear area of great need. In Kosovo we have had zero casualties, so far have zero casualties, but if ground troops had been needed they would have come from the same places that they always come from, in large quantities they would come out of the big cities.

Go and look at the Vietnam Wall. I love the Vietnam Wall as a monument because it broke the pattern. No more ever will we have tombs of unknown soldiers. Tombs of unknown soldiers mask the great tragedy of war. The fact that the Vietnam memorial lists the names one by one, they are all written there, they are all honored for what they have done in terms of paying the supreme price for their country, they stand out as individuals. I have seen many people cry at that wall because it comes home personally. That is the way war ought to be depicted. It is a very personal kind of set of tragedies.

"Saving Private Ryan", Spielberg's great movie, starts out and is based on the premise that a whole family has contributed a certain number of sons and the last son ought to be saved. I think that in the beginning of the movie when they drive out to the house to meet the mother, it is a very poor family, relatively speaking, a poor family that has given those sons. That is a pattern of World War I, of World War II. Why do we have contempt in our policies for the people that we expect to die for America?

Madam Speaker, I will submit a little summary that I made called Big State, Big City Casualties, which lists some of the things that I have just said about where the casualties are, in which states, and the statistics are by state, and also indicates the cities located in those states.

I have, of course, a bigger record that is more complicated. It lists all the states. In the case of the war in Vietnam they even list the casualties by race. You find that the black casualties there are greater than the proportion of blacks in the population. In Vietnam certainly, when they kept statistics by race, some of the same people were treated with great contempt as we abandon our school systems and abandon our safety net, health care services, welfare. Those same people paid the supreme price for our country in large numbers. Let us stop and think about the pattern of exploitation, negative, abandonment of working families in America.

We need a tax plan which addresses itself to the needs of working families. Not only are we in a situation where the only targets for cuts, for taking away benefits that have existed for years, are programs that benefit working families and poor families, the poor who do not work, the elderly, the disabled, a lot of people who are not working who benefit from these programs, we are not only targeting the cuts for them, we are targeting the benefits of government policy to the rich.

We have got tax proposals that are going to be brought out and put on the table between now and the end of this appropriations process, and, of course, they will be pursued again next year in the final showdown that takes place in this Congress, this two year span. There are going to be tax cuts on the table and a bargaining process, and we are probably going to end up with some kind of tax cut.

All those people who are benefiting from the great increase in wealth, the jump from $3 trillion to $13 trillion, a large amount of that is what you call unearned income. Unearned income is a term I did not invent, but it is all the money you make that does not come from wages directly.

Wage earners provide the principal support for the Federal Government. Almost two-thirds of Federal revenue comes from income and Social Security taxes that are paid by workers, people who earn wages. They are the ones that provide the taxes. It is taxes on earned income.

By contrast, income taxes on unearned income, stocks and bonds and that kind of thing, produce only about

12 percent of the total Federal revenue. I propose, and I think that the working families platform that ought to be adopted by working families and organizations that are supposed to represent them. I propose a massive shift in the burden of the taxes from the earned income of working people to the unearned income of those who are getting the greatest increases in wealth.

Ten years ago, the early 1989, as I said, the value of all U.S. stocks was about $3 trillion. Now it is about $13 trillion, a $10 trillion increase. That is the opportunity. You can get new revenue from that increase and the people who are continuing to earn without any pain being caused.

The great political position that we need a tax cut is not related to pain and the reduction of pain; it is related to a wrong-headed, unyielding, stubborn policy which defines "them" and "us" and disregards the fact that there is a place, there ought to be a place, for working families to share the great wealth of America.

I introduced on March 11 of this year H.R. 1090, which I call the Social Security Protection and Tax Relief Act of 1999. It cuts the Social Security tax rate from 7.65 percent to 6.4 percent.

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This will give a tax cut of $15 for every $10,000 of earned income to all working families and to the rich as well as the poor, if the rich are working and earning wages, and whether or not they pay income tax, of course, they will benefit through the various devices in place in the Tax Code.

So cuts of the social security tax, payroll taxes, where the biggest increases have taken place over the last 20 years, and where the people on the bottom are taxed at the same rate as the people on the top, those cuts would be a great benefit for working families.

My H.R. 1099 imposes a new 12 percent social security tax on all taxable unearned income to offset what you would lose from reducing the taxes on people at the lowest levels. We propose social security taxes on all taxable unearned income.

I also on April 12 introduced another bill, H.R. 1390, the Income Tax Fairness Act of 1999. That cuts all income tax brackets by 3 percentage points, all income tax brackets, from the highest to the lowest. The present rates in the 5 brackets are 15 percent, 28 percent, 31 percent, 36 percent, and 39.6 percent. The new rates would be 12 percent, 25 percent, 28 percent, 33 percent, and 36.6 percent.

I am not on the Committee on Ways and Means, and I know most people would consider it inappropriate that I should be here talking about taxes and changes in the tax policy.

The Committee on Ways and Means is an exclusive committee. For the benefit of people who are not close to Washington, we have a caste system in the Congress. There are exclusive committees and there are other committees for the peasants. I am not on an exclusive committee. The Committee on Appropriations is exclusive, the Committee on Ways and Means is exclusive, the Committee on Commerce and the Committee on Energy are exclusive.

Some of the wrongheadedness and anti-democratic attitudes that are generated come out of the structure itself. It is all wrong to say that education is a lesser committee. The Committee on Education and the Work Force is not an exclusive committee. However, what is more important to the Nation at this point than the education system which brought us to where we are and will take us into the future?

At any rate, I am not on the Committee on Ways and Means, but I think every Member of Congress has a right to speak out and offer the best wisdom that they can offer to stimulate the discussion. Hopefully we will develop a platform which all the people who consider themselves advocates for the average American, the average taxpayer out there, the working families, will also get involved in the debate.

Steve Forbes and the various other conservatives should not be the only ones who are concerned about tax reform. There ought to be a tax reform program that comes from working families and their advocates.

H.R. 1390 cuts deductible depreciation on nonresidential buildings from 2.6 percent per year, and it is based on an estimated useful life of 39 years, et cetera, et cetera, some other details that I think we need not go into.

The estimate is that this tax program that I offer will be either revenue-neutral or a revenue-plus. Total Federal revenue, income and social security taxes, will be reduced by between $190 to $200 billion per year and increased by the same amount or more, $200 to $250 billion a year by the mechanisms in these bills.

I am also convinced that the great social security problem we all talk about, and we have good reason to worry about, the great social security problem could be dealt with if we were to place a social security tax on all unearned income. In addition to the tax on earned income, let us put it on all unearned income. That is the area of greatest growth. That is the area where the ratio of people in the workplace does not determine what goes into the social security coffers.

Let us have a social security tax on unearned income for the first time, and that will save the social security system for at least two generations, and I suspect will go even beyond that and solve the problem once and for all.

In other words, I think working families deserve a platform, a program of their own. I hope the candidates, certainly the candidates in the Democratic Party for president, will break out of the mold, will break out of the conventional wisdom, and move forward and talk in more direct and affirmative terms about programs which benefit the great masses in America.

Finally, I want to conclude on the program that I think benefits the most people, and all of us, but certainly working families in dire need of the public education system that is able to deliver the kind of education that is needed as we go into the new millennium.

As we go into the 21st century, we need the best schools in the world. We are not going to be able to maintain our lead economically if we do not have the best educated populace in the world. We are not going to be able to maintain our strong military if we don't have the best educated populace in the world.

Already we have great shortages in the Navy. I understand the last great super aircraft carrier that was launched was short of personnel by 300 people. They could not find 300 people to staff it. There are other shortages throughout the Navy and other services, shortages of appropriate personnel.

Are there shortages of bodies in a Nation with more than 250 million residents? There is never a shortage of bodies. They are talking about a shortage of people who have the capacity and the prerequisite training to be able to deal with a high-tech military. The Navy needs people who have some kind of education which prepares them to learn how to operate high-tech weapons. The Air Force needs the same kind of people. The Army needs the same kind of people.

Even in the military, we need the best security effort that we can launch, which would be a better educated population through a revamped public education system, everywhere we go, economics, foreign policy, globalization, military, and even social security.

If we are worried about social security, what is the great worry about social security? The number of people who are going to be on social security as we progress into the 21st century, the ratio of people who are earning or drawing money from social security will be far greater than the number of people who are in the work force paying into social security. That is a simple understanding that is correct. We are going to have fewer people paying into social security than are getting benefits from social security. Then we have a situation where if we do not find new sources of revenue, it is going to run out of money.

I have just indicated part of the solution may be to look for other revenue sources for social security. But even if we stay with the primary revenue source of wage-earners paying into the social security fund, if we have an education system which guarantees that the jobs that are created in this Nation will be there and the people who are in the Nation can qualify for them and earn wages and pay into the social security system, we are helping social security.

So education helps to keep us strong militarily, it helps to keep us strong economically. Education is the best investment we can make in social security.

The problem now is that because already we have not been able to fill many of the jobs in the high-tech industries, corporations are contracting out to other nations. Bangalore, India, is called the computer capital of the world because in Bangalore, India, they have numerous contractors from this Nation who are contracting with firms in Bangalore to provide computing services. And because of our high-tech communications facilities, we can do that kind of thing.

In addition to large numbers of corporations contracting to firms located in Bangalore, and the people in Bangalore, of course, pay their social security into the Indian system, not the American system, we have also large numbers who come to this country as foreign workers and improve their skills because they are hired in the jobs that cannot be filled by our corporations. They go back and make the computer and other high-tech industries of their Nation even more efficient and effective as competitors. So wherever we look, we find the need for greater investment in education.

There are many ways we can invest in education. We have talked about a lot of them. I do not think that I would rank reducing the classroom size over construction or construction over reducing the size of the elementary classes, but I would like to say that a school construction initiative which is meaningful would send a message to the whole Nation and the whole public education system.

If we believe in a religion, then the first visible commitment of that religion is manifested in the kind of church they build or temple they have or synagogue they have. The physical facility is not at the heart of what the religion is all about, but the physical facility is a visible manifestation of a commitment.

If we abandon the public schools of this Nation, and we have a situation similar to the one we have now, where we are spending only 23 cents per child on physical infrastructure in the elementary and secondary schools, the Federal commitment, the Federal portion of the commitment to the physical infrastructure right now is about 23 cents per child. We have 53 million children in school. When we look at the amount of money the Federal Government is spending, it is about 23 cents per child.

I propose a bill, H.R. 1820, which I have already introduced and am seeking cosponsors, where we would spend $417 per year per child instead of 23 cents per year per child. For $417 per year per child, we could deal with the crumbling, dilapidated schools, schools that endanger the health of youngsters because they have coal-burning furnaces, lead pipes, some have serious problems in terms of the roof. No matter how many times you repair it, the water seeps into the walls at the top and it keeps coming down. Lead paint, lead is in the paint. There are all kinds of dangers.

Many buildings are just so old. We have a lot of buildings in New York City that are 75 years or older, many that are 50 years old. This is not unique to New York City. All of the big cities have the same problem. Many rural areas, of course, have even worse problems. They never had sound buildings. We need a construction effort.

I conclude by saying that investment in the public education system is one of many of the steps we need to take to end the oppression of working families and provide benefits, and have them share in the wealth, instead of being objects of our contempt.

Madam Speaker, I include for the RECORD the following information on World War II:

BIG STATE, BIG CITY CASUALTIES

State	Total casualties	Combat deaths	Three big cities
		World War I	
New York	35,100	7,307	New York, Buffalo, Albany
Pennsylvania	29,576	5,996	Philadelphia, Pittsburgh, Harrisburg
Illinois	15,984	3,016	Chicago, Springfield, Peoria
Ohio	14,487	3,073	Cleveland, Cincinnati, Dayton
Massachusetts	11,455	2,153	Boston, Amherst, Burlington
Michigan	9,702	2,213	Detroit, Ann Arbor, Lansing
New Jersey	8,766	1,761	Newark, Jersey City, Hoboken
California	6,153	1,352	San Francisco, Oakland, Los Angeles
		World War II	
New York	89,656	27,659	New York, Buffalo, Albany
Pennsylvania	81,917	24,302	Philadelphia, Pittsburgh, Harrisburg
Illinois	54,686	17,338	Chicago, Springfield, Peoria
Ohio	49,989	15,636	Cleveland, Cincinnati, Dayton
Massachusetts	31,910	9,991	Boston, Amherst, Burlington
New Jersey	31,544	9,742	Newark, Jersey City, Hoboken
California	47,073	17,048	San Francisco, Oakland, Los Angeles
		Korean Conflict	
New York	8,780	2,249	New York, Buffalo, Albany
Pennsylvania	8,251	2,327	Philadelphia, Pittsburgh, Harrisburg
Illinois	6,435	1,744	Chicago, Springfield, Peoria
Ohio	6,614	1,777	Cleveland, Cincinnati, Dayton
Michigan	5,181	1,447	Detroit, Ann Arbor, Lansing
		Vietnam	
New York	N/A	4,108	New York, Buffalo, Albany
Pennsylvania	N/A	3,133	Philadelphia, Pittsburgh, Harrisburg
Illinois	N/A	2,926	Chicago, Springfield, Peoria
Ohio	N/A	3,082	Cleveland, Cincinnati, Dayton
Massachusetts	N/A	1,317	Boston, Amherst, Burlington
Michigan	N/A	2,641	Detroit, Ann Arbor, Lansing
California	N/A	5,563	San Francisco, Oakland, Los Angeles

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK (during the Special Order of Mr. WELDON of Pennsylvania), from the Committee on Rules, submitted a privileged report (Rept. No. 106–175) on the resolution (H. Res. 200) providing for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

INFORMATION RELATIVE TO THE COX REPORT

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, I rise tonight to continue to provide for our colleagues in the House and for the constituents that they represent across the country information relative to the Cox report and the way this report is being spun by this administration.

Madam Speaker, I had wanted to go into much of the information I am going to share tonight in more detail yesterday, but because I had to leave after 30 minutes, I could not go into detail last evening. I will do so tonight.

Madam Speaker, I want to start off this evening, as I did last night, by saying it is not my normal course to spend every evening over a given period of time on the floor of this House discussing the same issue. But like eight of my colleagues, I spent almost the last year of my life focusing on the investigation that we were asked to perform by the leadership in both parties in this body on potential security harm done to our country by our policies relative to China and other nations that might benefit from technology developed here in America.

We worked tirelessly behind closed doors, cooperating fully with the FBI and the CIA, and with the full support of George Tenet, who heads the CIA, in trying to determine whether or not there were damages done to our national security, and if so, what was the extent of that damage.

We deliberately made a decision when we began the process last summer that we would not go into the specifics of campaign finance activity or what other motives would have driven policymakers to lower the thresholds for exports, or perhaps the reasons why influence would be allowed by Chinese nationals and others, both at the White House and to other Federal agencies, to allow those key players to gain access to the key decisionmakers that would benefit them in acquiring technology.

☐ 2145

The nine Members that were a part of the Cox committee represent a broad basis of views in this Congress, four Democrats and five Republicans, very serious Members; and our goal was and the result was a totally nonpartisan effort.

We looked at every aspect of technology that may in fact pose problems for us down the road: whether or not that technology had in fact been transferred; if so, to what extent, how it was transferred, and what the implications were for our long-term security.

The almost 1,000-page document that we completed is, I think, very detailed and certainly would be required reading for any American. The problem is, most American citizens, like most Members of Congress, do not have the time to sift through almost 1,000 pages of detailed explanations and stories relative to various technologies that had been transferred out of the U.S. over the past several decades.

Therefore, because much of this is contained within the thousand-or-so-page report, even though 30 percent of that remained classified because the administration would not declassify the entire document, the media, to a large extent, have chosen not to focus on the substance of what is in the Cox committee report.

Unfortunately, the bulk of the American media, and I say the bulk because there are a few exceptions, people like Jeff Girth with the New York Times, who has been doing tireless work in this area before our report was even issued; people like Carl Cameron at Fox News, who continues to do extensive work in this area; people like 60 Minutes, who are right now doing research in these areas, and other network affiliates, they are the exception. The bulk of the mainstream media have chosen to accept the spin that has been given by this White House to the work that we did.

What I am trying to do, Madam Speaker, is to present information to our colleagues, which they could, in turn, provide to their constituents, of a factual basis that compliments the work that was done by the Cox committee.

Now, the public at large can receive copies of the Cox committee report. It is available on the newsstand, or they can get it on the Web site that has been established by the Cox committee itself. Many libraries now have copies of the Cox committee three-volume series.

Last evening, I mentioned the fact that I have now established a Web site on the Cox report that goes beyond the information that is covered in the Cox report and provides the visual explanation of the overview of the problem that we dealt with in the Cox committee.

So our colleagues, Madam Speaker, and all of their constituents can now turn to the Internet where they can access the material I am going to show this evening, and they can download the actual charts that I am going to provide. In addition, smaller versions of these larger charts have been made available to every Member of this body. All they have to do is contact my office, send a staffer over; and be they Republican or Democrat, they can get the charts and all the related information that goes with the charts so they can share this information in a factual way with their constituents.

The Web site where our colleagues and the American people across this country can access this information is www.house.gov/curtweldon. Any American represented by any one of our colleagues can access this information through that Web site.

In fact, last evening, we had a number of contacts from throughout the country from people who want to get additional factual information in an investigational form, in a condensed form about what actually the Cox report focused on.

As I have said in a series of speeches that I have been giving both here and around the country, Madam Speaker, the focus of the Cox committee was not just on our laboratories. Now, if my colleagues listen to Bill Richardson, the Secretary of Energy and the point person that has been asked by the administration to provide the spin for the Cox committee report, my colleagues would think that our report only focused on our laboratories, Los Alamos, Sandia, and Lawrence Livermore in particular. Nothing could be further from the truth, Madam Speaker.

While it is true, the laboratory security was one part of what we looked at, it is only one small part of the bigger picture of the way that we loosened the controls over our technology for the past 7 years.

The American people need to understand that this effort was well beyond our laboratories. But as I did last night, I want to highlight four specific actions that rebut what Secretary Richardson has been saying around the country as the point person for this administration as he has tried to spin the Cox committee report as though it is only concerned with lab security.

Now, Madam Speaker, our colleagues know full well, because they have read the text of Mr. Richardson's speeches, that his focus has been something along the lines of this: This administration was the administration who uncovered the Chinese espionage in 1995 that happened in previous administrations that were run by Republicans, and we took aggressive action in this administration to correct those problems.

Secretary Richardson would have the American people believe and would have our colleagues believe that this administration had no responsibility whatsoever in technology being transferred to China and that the only thing they did was that they uncovered the fact that, in 1995, they learned that China had stolen the designs for our warhead capabilities, the W–88 and the W–87, that occurred in previous administrations. That has been the extent of Secretary Richardson's comments.

He has also gone on to say, now, look, we have taken steps to correct all of this, and today we have corrected the bulk of the problems.

Well, I am here to rebut that, Madam Speaker. I would like to do it in a forum where I could stand directly across from Secretary Richardson, or even the President, and have a chance to go at it verbally and exchange information, but it looks like that is not going to be possible.

The national media outlets will put Secretary Richardson on the Sunday morning talk shows to give the White House spin, but they have yet to give full consideration to the factual rebuttal to what Secretary Richardson has been saying. So I am going to attempt to do that here again on the public record tonight.

First of all, we must remind the American people that contrary to what Secretary Richardson has been saying, it was this administration, under the leadership of then-Energy Secretary Hazel O'Leary in 1993 that ended the policy of color coding laboratory security credentials at our laboratories. My understanding is that she thought having color coded badges was to some extent discriminatory and they were not necessary. So under her administration, acting on behalf of Bill Clinton, we did away with that process in 1993.

Now what did that mean? That meant, Madam Speaker, that all of those employees at our labs that we used to be able to tell by the color of the identifying ID system that they had on them no longer could be done, or no longer could be checked, because we did away with that color coding, making it much more difficult to determine where employees could or could not work or be in a particular classified laboratory setting.

So under Secretary Hazel O'Leary, this administration ended the practice of visually being able to identify what people at our labs could or could not have access to key areas. Now, obviously that made it much easier for unauthorized people to go into areas where they did not have appropriate clearance.

Now, if this policy were so acceptable and defensive, my question is, why did this administration 2 weeks ago reinstate the policy as it existed under President Reagan, President Bush, and even President Carter and before that?

If this policy change, which Secretary O'Leary made on behalf of Bill Clinton in 1993 and 1994, was so critically important and logical, why 2 weeks ago did they go back to the policy as it was under Republican Presidents?

Was perhaps there some new revelation that this relaxation that occurred by the Clinton administration in 1993 and 1994 led to security problems in our laboratories? Bill Richardson has yet to answer that question.

Second point, Madam Speaker, we have not heard Bill Richardson talk about the fact that it was under Secretary Hazel O'Leary, acting on behalf of President Clinton, that FBI background checks of people who worked at our labs and visited our labs were put on hold.

Now, why do we have FBI background checks? They were there to discourage people who should not have access to our country's secrets to get into places where those secrets were kept. That was not done prior to 1993, Madam Speaker. That was done by this administration as a major change in policy that opened the floodgates for people to go to our labs, who in previous years would not have been allowed access to those facilities.

Bill Richardson has not dealt with that issue, because as he said, this administration only inherited problems and did everything to correct them.

Third point. There was an incident involving a retired employee from Lawrence Livermore Laboratory in the 1993 to 1995 time frame, where that employee, former employee, was accused by the Department of Energy of having released sensitive classified information to unauthorized people. The Department of Energy investigated that employee. The Oakland office of the Department of Energy saw fit, based on the factual evidence to remove that former employee's classified status so that he no longer, as a retiree, had access to classified information.

The employee appealed that decision to the Secretary of Energy's office. Hazel O'Leary herself overturned the decision of the Oakland Department of Energy office and allowed that retiree to retain his classified status. When that occurred, Madam Speaker, employees all across DOE involved in sensitive security areas got the feeling that this administration felt that giving away classified secrets was no big deal.

We lowered the threshold for the security clearance process. We stopped the FBI background checks. Then we even had an employee who was accused by the Department of Energy itself, and found guilty of giving classified information. The Secretary herself overturned the Department of Energy decision to take away his security clearance.

Now, those people that I have talked to in the Department of Energy who worked under Hazel O'Leary, way more than one or two people, have said that under her leadership, there were wholesale actions to declassify massive amounts of information, in some cases boxes and cartons of records that no one had gone through, simply declassified, made available for people to read in a spirit that I guess was considered openness, even though these were, in many cases, the most important technical secrets that this country had.

Let me give my colleagues one particular example, Madam Speaker. Secretary Richardson has gone around the country, and he has made the case that when this administration found the evidence in 1995 that China had stolen or received the design for our most capable nuclear warheads, the W–88 and the W–87, that this administration immediately corrected those problems so they would never occur again. Even though Janet Reno cannot properly explain why the Justice Department turned down requests for four wiretaps, for efforts by one of our employees at one of our labs that we thought was a spy, Secretary Richardson has said they took aggressive action.

Now, that is what he said publicly. I wish he would answer this question, because that same year, in 1995, U.S. News and World Report published a special report entitled "Shockwave." "Shockwave" was printed on July the 31, 1995, distributed all across the country and around the world. I am sure a number of these copies were sold in China.

□ 2200

Because when I traveled to Beijing I saw copies of U.S. News and World Report on the shelves that people could buy. The same thing in Russia. These copies were available in North Korea, in Iran or Iraq. This edition of U.S. News and World Report's Special Supplement were sold wherever people would pay the price of whatever this document cost, $3.50. What was in this special report on the last page, which I showed last evening, was startling.

On July 31, 1995, this administration, not the Reagan administration, not the Bush administration, not the Carter administration, this administration leaked the design for our W–87 warhead to U.S. News and World Report. Not just the Chinese, the North Koreans, the Iraqis and Iranians, anyone who would buy U.S. News and World Report on July 31, 1995 got a documented diagram of the W–87, which up until that point in time was classified.

Here is the color version of what the Department of Energy released to U.S. News and World Report. This design shows in some detail the way our most capable nuclear warhead works. It shows and explains the process, it shows and locates the technology, the fuel, the process, the activity, the physics of the way America's most capable warhead would work. This was not secretly stolen by the Chinese, that this administration maintains they found in 1995. This diagram was given to U.S. News and World Report by this administration in 1995, and reproduced in U.S. News and World Report.

As I said last evening, Madam Speaker, I have been told, and I am tracking this down right now, that there was an internal investigation within the Department of Energy to find out who leaked this diagram, this sensitive diagram to U.S. News and World Report. Because I have been told, Madam Speaker, that that individual and group were told to stop the investigation. Why? Because the assumption was that this diagram came from Hazel O'Leary's office herself.

Why are we not hearing Secretary Richardson talk about this, Madam Speaker? Why is he not talking about in 1995, in July, when this diagram for the W–87 was reproduced and sold on newsstands all over the world to anyone who would pay the price? This was not some secret espionage capability of the Chinese. This was the Department of Energy, following Hazel O'Leary's desire to open up to the people of the world our most secret information about technologies important to our country.

There is one additional factor that needs to be investigated, Madam Speaker. There was an individual, or is an individual employed at the Department of Energy who has currently been placed on what I call political administrative leave. His name is Edward J. McCallum. He was the one who briefed Members of Congress and their staffs about problems with one of our nuclear facilities, Rocky Flats. When it was found out that he had done the outrageous thing of informing Congress about security concerns at one of our nuclear sites, what was the response of this administration? They put him on administrative leave. Secretary Richardson has announced that he is going to fire Mr. McCallum because he claims he gave out classified information.

Madam Speaker, I cannot believe this is happening in America, but there is some added irony here. Madam Speaker, I am providing for the Congressional Record, a document dated May 3, 1999, prepared by Mr. McCallum which outlines the problems at Rocky Flats and what steps he took to correct them.

Statement of Edward J. McCallum

Mr. Chairman, thank you for the opportunity to speak with the committee today on the Department of Energy's Safeguards and Security Program. Over the past nine years, I have served as the Director of DOE's Office of Safeguards and Security. In this capacity, I have been responsible for the development and promulgation of policy that governs the protection of the national security assets entrusted to the department, to include those assets that are part of the nation's nuclear weapons program. I am also responsible for providing training and specialized technical advice and assistance to DOE field sites when requested. My office is also charged with conducting special inquiries into incidents of security concern to include, but not limited to, those incidents involving the unauthorized disclosure of classified information.

As you may know the Department of Energy has placed me on Administrative Leave since April 19, 1999. DOE officials allege that I committed a security infraction by claiming that I disclosed classified information during a conversation with a whistleblower from the Rocky Flats site. Based on the Department's own classification procedures and guidelines (CG–SS–3, Chap 10, Dispersal of Radioactive Material), I firmly believe that these allegations are completely unfounded. I have been an authorized classifier in the DOE and it's predecessor organizations for over 25 years and helped develop the first classification guide in this area in 1975. Further DOE also failed to follow its own procedures in investigating these issues before placing me on Administrative Leave. I believe this action to be an obvious act of retaliation against the individual and the office that has tried to bring an increasingly distressing message of lax security at the DOE Laboratories forward since 1995.

Prior to joining the Office of Safeguards and Security I held several high level positions within the department's safeguards and security program areas. From 1988–1989 I served as Director, Office of Security Evaluations. In 1978 I joined the DOE at the Chicago Operations Office and in 1979 became the Director of the Safeguards and Security Division. Prior to joining DOE I served as an officer in the U.S. Army. Active military service included a number of Military Intelligence and Special Forces assignments in Europe and Southeast Asia. I culminated my military duty after over thirty years of active and reserve service.

In fulfilling my responsibilities as the Director, Office of Safeguards and Security, I have attempted to provide senior DOE management with the most sound, professional judgment possible concerning the status of security within the department, along with recommendations as to how best to rectify shortcomings. As you are no doubt aware, much of what I have offered over recent years has not been altogether positive, nor well received. The steady decline in resources available to the DOE safeguards and security program as well as a lack of priority have allowed the department's protection posture to deteriorate to a point where a program that long operated in a defense in depth mode, where no single point failure permitted the system to fail, can no longer afford such a strategy.

The information presented in this statement is not new. It has been repeated consistently over the last decade in Departmental reports such as the Annual Reports to the Secretary in 1995, 1996 and 1997 by the Office of Safeguards and Security. External reviews such as the Report to the Secretary in 1991, by General James Freeze, and the Nuclear Command and Control Staff Report on Oversight in the DOE in 1998 cite similar concerns. There have also been a large number of General Accounting Office Reports on these areas. However, for numerous reasons the department has not been able to resolve these serious and longstanding problems.

COMPUTER SECURITY

One of the primary interests expressed by the Committee, and indeed widely covered by the media recently, is the loss of classified information from the computer systems at the National Laboratories. Indeed, we may be sitting at the center of the worst spy scandal in our Nation's history.

The DOE Computer Security Program suffers from a variety of problems. One of the primary concerns is the protection of unclassified sensitive information processed by the Department and the relationship of these systems to the classified architecture. Relatively little guidance has been issued on how to protect sensitive but unclassified information. System administrators are charged with the responsibility for designing their own protective measures. Unfortunately, many of them do not have the computer security background or knowledge required to implement a sound computer security program. Attempts to issue comprehensive guidance by my office and the Chief Information Officer as early as 1995 met with significant Laboratory resistance. Several Laboratories complained that providing protection such as firewalls and passwords were unnecessarily expensive and a hindrance to operations. Implementation of the proposed Computer Security Manual in 1996 would have prevented many of the problems being reported today.

Another area of great concern is the migration of classified information from systems approved for processing classified data to less secure unclassified processing systems. My office has noted a number of problems in this area to include: Failure to conduct classification reviews before placing information onto an unclassified processing system, intentionally creating unclassified data that is very close to classified data to ease processing, and using personal computers at home to process classified information.

A variety of computer security tools and techniques, such as encryption devices, firewalls, and disconnect features, are available and their use is required; however, these protective measures are not always used. In some cases, this is due to lack of knowledge by system administrators. In other cases, it is due to lack of funding or priority for the required equipment.

PROTECTIVE FORCES

While much of the attention of late has been directed toward the area of foreign visitors and the protection of classified information, equally serious cause for concern exists in other areas as well. For instance, since 1992, the number of protective forces at DOE sites nationwide has decreased by almost 40% (from 5,640 to the current number of approximately 3,500) while the inventory of nuclear material has increased by more than 30%. The number of Protective Force Officers has declined to the point where it is questionable at some facilities whether the DOE Protective Force could defeat an adversary. By 1996 several facilities were no longer capable of recapturing a nuclear asset or facility if it were lost to an adversary. Indeed, a number of sites stopped even training for this mission because resources had been reduced below the minimum level necessary to expect success. We have had some success in increasing these numbers of recent years so that at this time all sites report they can meet this minimum capability. Several sites are using performance tests to verify that their Protective Force can defeat the adversary; however, many of these tests are not realistic. For example, performance tests sometimes are not consistent in providing the adversary with the weaponry or explosive breaching devices used by terrorist groups. At times artificial "safety constrains" are imposed on exercise adversary teams that effectively neutralize their ability to operate. This results in "winning" the performance test, in a less than realistic scenario.

There have been several other consequences of the reduction in the number of Protective Force Officers. First is a relatively older Protective Force (the average Protective Force Officer is now in his/her early 40s). Second, DOE sites are relying on local law enforcement agencies to handle serious security threats. Their ability in nuclear terrorist situations is questionable. Third, sites have difficulty increasing the tempo of security operations during high threat periods. Fourth, Protective Force personnel are displaying lower morale due to reduced training and job stagnation. Finally, an average annual overtime rate in our nuclear weapons facilities of approximately 25% has detrimental effects on safety, training, and response capabilities.

EXERCISES

A centrally funded and well-integrated National-level security exercise program is critical to meet the safeguards and protection needs of DOE and the nation. Exercises that address site response and management of security crisis are required by regulation to be held annually at critical DOE facilities. However, participation by State and local law enforcement, regional offices of the Federal Bureau of Investigation (FBI) and other Federal agencies is inconsistent and varies considerably across the complex. Under Presidential Decision Directives 39 and 62, the Secretary of Energy is directed to conduct exercises to ensure the safety and security of its nuclear facilities from terrorism. DOE is also tasked to support the FBI in its lead as the Federal agency responsible for managing all domestic incidents involving terrorist threat or use of weapons of mass destruction (WMD). In addition, the recent creation of the Department of Justice National Domestic Preparedness Office, the FBI Critical Incident Response Group (CIRG), and other National crisis response assets, requires that DOE plan and practice a new and expanded role in supporting a security crisis response beyond the local site and internal Department level.

Currently, the present DOE organizational structure separates exercise responsibility between Program offices and Safeguards and Security; this hampers the integration of sequential training objectives that can be monitored and tracked and creates confusion at the site level. More importantly, the majority of the funding resides at the site level where expenditures must vie with other program needs each fiscal year, often to their detriment.

PHYSICAL SECURITY SYSTEMS

Another area of concern involves aging and deteriorating security systems throughout the DOE complex. Physical security systems are critical to ensure the adequate protection of Special Nuclear Material (SNM). Many facilities have systems ranging in age from 14 to 21 years, and are based on mid-70's to early-80's technology. Because of the obsolescence of these systems, replacement parts and services are increasingly expensive and hard to obtain. Expensive compensatory measures (i.e., protective force response) are required to ensure needed confidence levels of adequate protection. Older systems are also increasingly vulnerable to defeat by advanced technologies that are now readily and cheaply available to potential adversaries.

Continual reductions, delays or cancellations in line-item construction funding increases the vulnerability risks to sites protection capability. Also, DOE is not realizing significant savings available through advancements in technology that have increased detection, assessment, and delay capabilities.

Some sites are using a variety of nonstandard security alarm and access control systems that have not been fully tested to determine if they contain vulnerabilities, or if they meet Departmental requirements without compensatory measures. Such systems may have back doors or viruses, that allow the insider adversary to cripple the entire site protection system, thus leaving the site vulnerable. Some sites do not have qualified personnel to conduct these vulnerability tests and are generally unwilling to conduct any type of attack on the system to determine if such vulnerabilities can be accomplished.

COUNTERTERRORISM MEASURES

PDD–39, The United States Policy on Counterterrorism, requires all governmental agencies to implement security measures to defend against Weapons of Mass Destruction, including chemical and biological weapons. The Office of Safeguards and Security has developed the necessary policies and requirements for implementing PDD–39. Field Elements, however, have been slow to purchase and install explosive detection systems, with only a limited number of sites having done so. Program Offices claim that there is no funding for such equipment.

PERSONNEL SECURITY

I fear that a recent decision by the department to have program offices fund the cost of clearances for field contractor personnel will have severe repercussions. Since implementing this new approach at the beginning of FY 1999, we have already begun to see a dramatic increase in the backlog of background investigations. As with other security areas, program offices must decide upon competing interests when determining those areas to be funded. Unfortunately, security activities are relegated to a lower tier in terms of importance by some program offices and selected field sites. This appears to be the case with the funding of security background investigations. As the first line of defense against the "insider" threat, the adequate funding and timely conduct of reinvestigations is critical to ensuring the department maintains a protection posture commensurate with the level of threat.

ROLES AND RESPONSIBILITIES

Operating beneath the surface of these major challenges are some fundamental issues that, if properly addressed, could provide the impetus to effect real progress. These challenges, for the most part, are not new, nor are their solutions.

Organizational Structure: In all of the reviews of the safeguards and security program conducted during the last decade, there is a recurring theme. Simply, the Department's organizational structure of the Safeguards and Security Program is such that programmatic authority and responsibility are not properly aligned. The Safeguards and Security Program in its current structure has one organization developing policy, training and providing technical field assistance (NN), another organization providing funding and "implementing guidance" (Headquarters Program Offices), a third organization (Field Site) is responsible for implementation of policy, while a fourth (EH) is responsible for oversight. A fundamental change in both the organizational structure and funding of the Safeguards and Security Program is absolutely necessary before the Department can begin to systematically address the major challenges previously addressed. These organizations must be consolidated with policy, guidance and implementation in one location, with an appropriate budget to participate in the Department decision making.

Safeguards and Security Program Funding: This is the central, driving issue. Budget cutbacks have adversely affected all of DOE. As previously alluded to, however, when Program Offices face funding shortfalls, there is a tendency to cut security programs on a pro rata basis without the benefit of assessing the impact these cuts would have on the department's protection posture. The implementation of virtually every security program, from the Information Security Program to the Protective Force Program, has suffered significantly as a result. I believe many of these cuts are shortsighted and ill advised as they eventually lead to security lapses. Nevertheless, my office has no authority to force the Program Offices to implement departmental security policies and requirements. Similarly, my office has no funds to provide to Program Offices or Field Elements to help pay for appropriate security measures. Without an adequate budget there is simply no authority.

Security Policy and Requirements Formulation. DOE security policies and requirements are based upon current threat data and requirements identified by outside intelligence organizations. DOE, the Department of Defense, the Nuclear Regulatory Commission, the Federal Bureau of Investigation, and the Central Intelligence Agency meet every two years to evaluate current threat data and formulate an agreed upon threat statement that governs security programs throughout the U.S. Government. In addition, the Department of Energy internally reviews this threat statement annually. In DOE parlance, the resulting document is known as the Design Basis Threat. Program Offices are required to use the Design Basis Threat as the baseline for planning security measures. Security requirements are also levied upon the Department by the Office of the President, Congress, and the General Services Administration. For example, Presidential Decision Directive 39 directed all Executive Branch agencies to protect against terrorist attacks. This resulted in an increased need for explosive detection equipment, more frequent security patrols, and hardening of structures. In some cases, Program Offices have directed their field elements not to implement departmental security requirements. This is due to 2 main reasons: The program offices can't afford the new directive, or they simply don't agree with it. In other cases, they have issued interpretive guidance that changes the security policy or undermines the effectiveness of that policy. Again, the Office of Safeguards and Security has no authority to demand compliance with departmental security policies and requirements.

ACCOMPLISHMENTS

I would be less than forthcoming if I failed to mention some positive aspects of the department's safeguards and security program. Let me start by saying that the program is staffed by hard working dedicated men and women throughout the country who are firmly committed to protecting the critical national security assets entrusted to their care. The responsibilities of these individuals are most demanding, even dangerous in some respects. Yet despite the dwindling resources made available to them, these individuals continue to perform in outstanding fashion. Where this department has failed is in providing these professionals the necessary resources to allow them to perform their responsibilities appropriately. The Department has also failed to provide protection so that individuals will bring forward problems and deficiencies without fearing retaliation.

Progress has been made in some of the areas I previously addressed. In the area of physical security, the Department is working to correct identified weaknesses. Specifically, the Department augmented security at some field sites by deploying new technologies to safeguard special nuclear materials and weapons; worked with other agencies to train departmental protective forces; identified and developed more sophisticated detection and deterrent systems; and hired additional security personnel. New explosive detection systems are being installed at selected nuclear facilities and some sites are upgrading access control systems.

In the area of information security, the Secretary recently directed the shut down of classified computer operations at three national laboratories until such time as he was assured that information processed on the systems is being done so securely. From a longer-term perspective, the department is requesting a dramatic increase in budget for information security. The additional funding will be used to help further secure the department's classified and unclassified computer networks. The improvements will help strengthen fire walls, develop better intrusion detection devices, and fund rapid response teams to work with the FBI to detect and track cyber intruders.

In the area of the control, measurement and accountability of special nuclear materials, the Department has established the Fissile Materials Assurance Working Group (FMAWG) to assess needed areas of improvement and make recommendations. In this regard, the FMAWG identified unmeasured materials and initiated actions to resolve discrepancies. They further identified issues regarding the safeguarding of irradiated material and are promulgating policy for implementation. The Department is developing new technologies for tamper indicating devices and proposing pilot projects for field implementation.

A PATH FORWARD

All of these positive steps are good, necessary actions to ensure the adequacy of our protection posture. More is needed, however. As previously addressed, organizational realignment of safeguards and security activities is sorely needed. I understand that this is now under review by the department. While addressing the problems inherent in the current organizational structure of the Department will not in itself solve all of the issues contained in this report, it will establish the necessary framework to allow resolution in a more effective and lasting manner. Simple organizational realignment, however, by itself, will not result in the fundamental change in approach that is required. The Department should work closely with Congress to establish a budget line item for safeguards and security. Doing so will enable a more accurate accounting and control of safeguards and security expenditures. It will also improve the likelihood that policy will be issued in conjunction with the necessary resources to implement that policy.

It should be apparent that attempts to have effective internal oversight of the DOE safeguards and security program have failed over a twenty-year period. While there have been high points and periods when oversight has been effective, organizational and budget pressures have played too central a theme for this function to remain within DOE. An organization like the Defense Nuclear Facilities Board should be established to independently review Security at DOE and the Laboratories. Further a direct reporting mechanism should be established to one or more of the Congressional Committees.

Perhaps the biggest challenge facing the department today as we strive to meet our protection responsibilities is the attitude throughout the complex toward security. There are some that believe that safeguards and security is an overhead expense. I disagree, strongly. Safeguards & security is a mission-critical element. Without it, why bother creating new national defense technologies, if present or future foes can have ready access to it? To treat it as a mission-critical element requires a greater sense of accountability than seen to date. Secretary Richardson has committed to establishing and maintaining a sound safeguards and security program. It will take the commitment not only of the Secretary, however, but of each and every program official throughout the department if this mission essential element is to be fulfilled. It is incumbent upon senior departmental management to make safeguards and security a priority. It is too important to be relegated to a secondary status where its operations are viewed as ancillary. Both Congress and the public rightfully expect our best effort in executing this vital program. We should demand no less from ourselves.

Department of Energy,
Germantown, MD, January 27, 1997.

Memorandum for Distribution List

From: Edward J. McCallum, Director, Office of Safeguards and Security.
Subject: Status of Safeguards and Security.

This report provides a comprehensive review of Safeguards and Security activities throughout the Department of Energy complex during 1996 and provides a candid look at the future of the Program. The report is structured to present a Departmental perspective of the Safeguards and Security Program to senior management and all safeguards and security professionals. For the first time the report also contains a section which summarizes safeguards and security participation in National Nuclear Command and Control activities.

During the past year disturbing trends continued that resulted in additional budget reductions, further diminishing technical resources, reducing mission training and undermining our ability to protect nuclear weapons, special nuclear materials and other critical assets. This is occurring at a time of increased responsibilities resulting from the international transfer of nuclear materials and dismantling of U.S. nuclear weapons. Although traditional and time proven protection principles are still emphasized, it is becoming increasingly difficult to adequately protect our nation's nuclear stockpile in the face of inadequate resources, obsolescent systems, aging protection forces and funding uncertainties. This has increasingly resulted in a "hollow-force" that goes below the "bottom line" and makes it more difficult to fulfill National Security mandates. It is imperative that the Safeguards and Security downward resource spiral be immediately halted. Further, nuclear materials must be consolidated to reduce costs or additional resources must be found for protection. Adequate investment is essential to sustain a vital Safeguards and Security Program that continues to support the nation's security, the public health, safety and our environment.

I am confident that the report will be a valuable tool to stimulate open conversation, provide constructive feedback and assist in addressing the continued viability of the Department's Safeguards and Security Program. Collectively, we must continue to strive to maximize the use of our resources necessary to ensure requisite security for the Nation's and the Department's most vital assets.

Attachment.

Central Intelligence Agency,
Washington, DC, March 16, 1999.

Dr. Ernest Moniz,
Acting Deputy Secretary, Department of Energy, Washington, DC

Dear Dr. Moniz: As the Central Intelligence Agency's representative to the Department of Energy (DOE) Security Management Board, I would like to convey some important perspectives concerning on-going discussions to reorganize the Department's security element. Of concern is consideration that is being given to further decentralize DOE's security management apparatus and assignment of security expenses to indirect costs (i.e., overhead) at the individual sites and Laboratories. In my judgment, and based on our experience at CIA, DOE should undertake such reorganizational and budgetary alignments advisedly.

Using CIA's experience as an example, reorganization through division can be highly ineffective and inefficient. Shortcomings to CIA's 1994 decision to divide the Office of Security were quickly exposed, including: expensive duplication of security activities, deteriorated management focus over a tangential security program, elimination of a coherent security career service, and dilution of CIA's leadership role in the Community. Adding to the difficulties, security managers under this arrangement had limited control over their fiscal fate, having been placed alongside and beneath numerous budgetary layers.

Director Tenet recognized these inefficiencies immediately, and placed me in charge of consolidating CIA's program in 1997. In addition, he has provided security with a stronger voice in its fiscal future. The process to reconstitute our security apparatus has been challenging; but, its benefits have already become apparent through a stronger, more viable security program.

The lessons learned after CIA decentralized its security organization have also been experienced by other agencies, several of which have chosen to reconsolidate their activities. With such stark examples of the shortcomings of decentralization in security apparatuses, I urge you to give strong consideration to the implications of such reorganization of DOE.

Furthermore, in today's world of sophisticated technological threats, and given the developing review at one of the National Laboratories so widely publicized, I would further caution against leading the charge toward field autonomy, and anticipated the Department looking toward reinforcing centralized security expertise.

When appointed to the Security Management Board a year ago I expected that the Department wanted the input of the representatives from other Agencies in security issues of this nature. In fact, I believed that obtaining such outside counsel on issues of this nature was the purpose for which the Board was created. Unfortunately, my experience with the Board indicates that it is a feckless exercise with no accomplishments almost fifteen months after it was established. I would welcome the opportunity to further discuss my views with you at your convenience.

Sincerely,

Raymond A. Mislock, Jr.,
Associate Deputy Director
For Administration for Security.

[From the Wall Street Journal, May 3, 1999]

Congress Brings New Inquires Into Weapons Security Failures

(By John J. Fialka)

Washington.—House and Senate investigators are launching new inquires into the Energy Department's $800 million security program and how it failed to stop the apparent compromise of many of the nation's most valuable nuclear-weapons secrets.

Rep. John D. Dingell, the Michigan Democrat who led several of the House Commerce Committee's previous investigations in the 1980s and early 1990s, charged that the department runs a system of "inverse reward and punishment." People who have identified lax security at the nation's defense labs have been punished and those who somehow finesse, ignore or abuse the program have been rewarded, he said.

The panel will hold hearings this week on the latest example of this seeming paradox: Edward McCallum, the Energy Department's top internal critic of security deficiencies, has been put on leave and is being investigated by the Federal Bureau of Investigations for allegedly leaking secret information. At the same time, Wen Ho Lee, the former Los Alamos nuclear-weapons scientists who allegedly transferred many of the nation's most sensitive nuclear-weapons codes to an unprotected computer between 1983 and 1995, is described by the FBI as being "unprosecutable."

There is no evidence that China obtained any of the codes, although Mr. Lee met with China's weapons experts on two occasions during the 1980s and Chinese scientists were among the most frequent visitors to the lab.

The Commerce Committee has threatened to subpoena 13 Energy Department officials who know about the investigation of Mr. McCallum, a 25-year department veteran who, among other things, has complained about difficulties in trying to protect the secret computer system at Los Alamos. The network of 2,000 computers is used to store digital models of nuclear tests that show, moment-to-moment, how nuclear weapons work.

Committee members have invited Mr. McCallum to testify along with another department veteran, Glenn Podonsky, who runs internal inspections for the agency. While Republicans are leading the charge in the various congressional investigations, the two witnesses and others are expected to tell of foul-ups and budget shortfalls that date to the Carter administration.

Energy Department reports show that Mr. Podonsky, as early as 1994, had identified the problem that researchers could transfer data from the secured computer system to the unprotected one.

Over the weekend, Department of Energy officials said that a classified report prepared by U.S. intelligence agencies in November showed that there had been numerous efforts to penetrate the weapons laboratories' unclassified computer system. The secret report also noted that China was among a number of nations the laboratories should regard as a threat. Still, investigators didn't examine Mr. Lee's computer until March and didn't close down the classified system until last month. The report's findings were first published in the New York Times.

Brooke Anderson, a spokeswoman for Energy Secretary Bill Richardson, said the secretary "is extremely concerned that the hearing may bring potential disclosures of classified information and his priority is to protect the national security." Mr. Richardson, a former member of the Commerce Committee, irritated its leaders after a security hearing last week, accusing the panel of "exhuming the past."

David Tripp, Mr. McCallum's lawyer, said the information involved in the allegations against Mr. McCallum wasn't classified and that he is being punished for being "a pain in the neck" about exposing security problems. Rose Gottemoeller, the assistant energy secretary who removed Mr. McCallum from his job, denied that was the reason, calling Mr. McCallum "a valued security professional" who has made "major improvements."

Despite substantial spending on "gates, guards and guns," one problem that had received relatively little scrutiny is the so-called insider threat. As the Cold War has faded, the threat has grown because many Americans now shun careers in engineering, physics and mathematics—skills in demand at the weapons labs. The shortage forced the labs to turn to foreign-born experts who had become naturalized U.S. citizens, such as Mr. Lee, Taiwanese whose skills included modeling nuclear-weapons explosions on supercomputers.

[From the TelePort of: Ed McCallum, May 7, 1999]

To: Al Santoli.

Memo: This is draft and has not been given to DOE except verbally. It clearly shows there was no classified unless DOE wants to change the published rules./Ed

DRAFT

HERNDON, VA, *May 6, 1999.*

Subject: Classification Analysis of Rocky Flats Transcripts

Mr. JOSEPH MAHALEY,
Director, Office of Security Affairs, U.S. Department of Energy, Washington, DC.

DEAR JOE: Since I have not been given the opportunity to present my technical analysis of the classification decisions that I made during the subject discussions with the DOE contractor whistleblower, Mr. Jeff Peters, I will do so now. The presentation being made in this letter should have been part of the first step of the inquiry process described in DOE Manual 471.2–1B, 7a.(1), and should have been completed before proceeding with any inquiry. If both sides of a technical discussion had been laid on the table before the Department's classification authority, I firmly believe a determination would have been made at that time that the tape conversation and subsequently released transcripts were unclassified.

To date, six authorized classifiers have assessed the transcripts. Two areas of the conversation have been identified for further review. First, reference is made to "20 percentile" and "80 percentile", but no further context is provided by either speaker. Even if the reader can speculate the discussion relates to protective force computer modeling, no specific scenario is developed, no specific facility (e.g. building or vault, as stated in Topic 610 of CG–SS–3) is identified, and no specific attack developed.

DOE Classification Guide, CG–SS–3, Chapter 6, "Vulnerabilities", D. states clearly that information must, "meaningfully aid a terrorist or other malefactor in targeting DOE facilities or bypassing security measures . . .".

Vulnerability is defined in Appendix A, Definitions of CG–SS–3, as "an exploitable capability or an exploitable security weakness. . . . If the vulnerability were detected and exploited by an adversary, then it would reasonably be expected to result in a successful attack . . .". Clearly, no exploitable vulnerability is discussed within the meaning and intent of this classification guide that has been used by DOE for over 25 years.

The second area of conversation identified for review is the statement "Put some HE on top of it and boost it up—you don't need to take it in the middle of Denver, it's going in the middle of Denver anyway." This portion of the conversation refers to a radiological dispersal device. CG–SS–3, Chapter 3, "Malevolent Dispersal of Radioactive Material", provides detailed guidance for classification in this area:

Paragraph C, states that for information to be classified it must be," . . . detailed, specific information that, if not controlled, would significantly enhance the probability of such a dispersal". Further elements of the same paragraph require elements such as "Details of specialized access procedures to areas or equipment . . .". "Detailed scenarios (combining details of radioactive source type, size and form; container design; dispersal mechanism design) . . ."

Topic 1101.1 states specifically "Trivial or generally known methodology" is *Unclassified*.

Topic 1030, "Design of credible Radiation Dispersion Device (RDD), states a design is "Unclassified for unsophisticated designs."

Topic 1052 cites "Generic description of methods that could be used to disperse radioactive material (e.g., fire, *explosives*)" as Unclassified.

Special nuclear materials discussed in the conversations have been publicly associated with the nuclear weapons program and included in Section 51 of the Atomic Energy Act of 1954. They are defined as "Pure Products" and as "High-Grade Materials" in unclassified DOE Regulations and in CG–SS–3.

Further, information concerning radioactive source term and scenarios of worst case dispersal with consequence estimates are contained in great detail in Safety Analysis Reports for each site. These reports contain worst case scenarios for radiological releases. They are unclassified, published and available in DOE Public Reading Rooms and periodically on the internet.

I know of no other issues that have been reviewed or could be considered even close to classified information. Further, I was given a 30-minute briefing on Defense Programs weapons design program(s) in the past. Nothing I have seen or heard of these programs would void or invalidate the published guidance in CG–SS–3.

I firmly believe that I have not disclosed classified information and have not crossed any boundaries, real or imagined. In no case were details or specifics provided any reader. Speculation might cause a reader to draw conclusions that are completely external to these illegally recorded conversations. The transcripts have been reviewed by a number of authorized classifiers and all have reached the conclusion that the conversation does not contain classified information and in no way crossed any prohibited boundaries.

I believe I have seen a rush to judgment on this classification issue and subsequent actions that violate the procedures published in DOE classification guidance and DOE Manuals relative to the investigation of a potential compromise. If the basic elements of "due process" had been followed this would have only been a technical discussion with possible clarified technical guidance provided by one side or the other. In closing, if Defense Programs believes these elements are so sensitive, then why weren't adequate physical protections immediately put in place to allay their concerns?

Sincerely,

DEPARTMENT OF ENERGY,
Germantown, MD, February 3, 1999.

Memorandum for Joseph S. Mahaley, Director, Office of Security Affairs

From: Edward J. McCallum, Director, Office of Safeguards and Security

Subject: Hagengruber Study.

I have completed my initial review of the subject document and offer the following impressions. These thoughts are not intended to be all inclusive, nor do they address all of the facts that I find questionable. In this regard, I have directed the Office of Safeguards and Security (OSS) Program staff to conduct a thorough review of the entire report with respect to its factual accuracy. Upon completion of this review, detailed comments regarding factual inaccuracies will be forwarded. Beyond the factual accuracy of some of the items found in the report, however, it is evident that this study not only misses the mark of the task assigned, but if left unchallenged could serve to damage the Department's standing in the security and intelligence community at large.

In reading the report, I am struck by the elementary understanding it portrays of the Safeguards and Security (S&S) Program, specifically as it relates to the national level directives that provide much of the foundation for many of the areas called into question. There is no mention of the Presidential Decision Directives (PDD) or the requirements contained therein governing federal agencies and their policies toward counterterrorism, explosives detection, radiological sabotage, and chemical/biological weapons defense. In fact the assertions offered are in direct contradiction to President Clinton's policy on Counterterrorism promulgated in PDD–39. For a study that spent the better part of a year examining the Department's S&S Program, I find this glaring omission of national policies to be alarming. Furthermore, it conveys a lack of understanding of the environment in which the Department operates that consequently diminishes the value of any findings or recommendations.

Beyond the lack of depth of understanding of S&S Program requirements, however, I find the team failed to answer the only question that was posed to them. Specifically, whether current—DOE practices ensure that Special Nuclear Material (SNM) and Nuclear Weapons are adequately protected against Raidological Dispersal Device (RDD) and Improvised Nuclear Device (IND) threats. The short statements in the report that we need to change policies to require a higher standard of protection of SNM is gratuitous and provides no new information. The single graphic depicting greater quantities of explosives relative to SNM types was recognized long ago when the Atomic Energy Commission began this program, and again in 1988 when the graded safeguards table for SNM protection was established. I was disappointed to find that the validation of specific time lines of existing guidelines currently in the Secretary's office awaiting completion of this study were completely avoided.

Equally disappointing is the amount of effort and detail directed at the management and organizational issues that have been previously reported in numerous studies to include your Report to the Secretary of October 1997 and the OSS Annual Report to the Secretary of January 1997. That the fragmented and divisive S&S structure is difficult to manage is well acknowledged and has been addressed repeatedly by DOE through reorganization and restructuring (e.g., SAI 26). There is no new information here, and the recommendations offered are confusing and inconsistent with one another. The solution as I understand it would further decentralize authority and responsibility to field sites thereby recreating the exact same environment as existed in Counterintelligence prior to the issuance of PDD 61.

The report wades through a plethora of symptoms and offers the often repeated Laboratory rhetoric to limit Headquarters involvement and trust the contractor to carry out the government's mission. Trust is not the question, execution is. As you know, cost is an essential element of risk management. The House of Representatives, Committee on Commerce, Oversight and Investigations Subcommittee challenged the DOE on the oversight of its contractor's S&S programs throughout the 1980's and early 1990's. Senator Glenn asked the same questions in Senate, Government Affairs Committee hearings. These facts are either unknown or ignored by the report team. I have yet to hear an allegation that DOE provides too much oversight of our contractors except from the Labs. Consequently, the suggestion that S&S should be funded through a site's overhead budget is simply irresponsible. It is unclear to me how this would be the preferred method of funding. Such a move would further remove the Department's control over this critical area. It is precisely this approach to safeguards and security as an "overhead" function that has led to many of our difficulties. It further underscores the lack of understanding of the mission essential element of safeguards and security as it relates to the Department's overall mission. It is precisely this type of thinking that Admiral Crowe's January 1999 report on the embassy bombings in Nairobi and Dar Es Salaam warns against. In his cover letter to Secretary Albright he expresses concern about the ". . . relative low priority accorded security concerns throughout the US government—by the Department, other agencies in general, and on the part of many employees both in Washington and in the field." Admiral Crowe goes on to advise that, "Saving lives and adequately addressing our security vulnerabilities on a sustained basis must be given higher priority by all those involved if we are to prevent such tragedies in the future."

Again, this lack of understanding leads to another distrubing assertion found in the report. Specifically that: "Safeguards and security is not a mission of DOE. Rather, safeguards and security is the responsibility of the DOE and contractor management at individual sites." Such a statement is contrary to Department of Energy's Strategic Plan of September 1997. Under the Strategic Plan's National Security Strategic Goal is the objective to "ensure the vitality of DOE's national security enterprise." In support of this objective is a strategy to "ensure the protection of nuclear materials, sensitive information and facilities." The fact that safeguards and security is found in the Strategic Plan as well as in the Secretary's Performance Agreement with the President clearly raises its level of import to more than "a requirement of operation."

A final point worthy of note is the complete lack of understanding of the Department's Design Basis Threat (DBT) process. The FBI, CIA, DOE, and the military services as well as the Nuclear Command and Control Staff have developed the existing Design Basis Threat over a number of years. It has been extensively reviewed and supporting studies issued by the DIA. Sandia, as well as our other Labs, have been asked to comment and participate in the development process. To describe the process and approach as flawed further underscores the superficial nature and questionable analysis found in the report.

Perhaps most distressing is the lack of balance in its approach to the critical safeguards and security issues facing the Department. Rather, what is provided is a very parochial Defense Programs/Laboratory view that ignores not only the external drivers found in national level policies, but a total lack of understanding of specific procedures implementing these policies. Suffice to say, I am strongly opposed to the continued funding of Phases II and III of this effort. If Phase I is any indication of the quality of effort that might be expected, any further funding in this regard would be imprudent at best. Nonetheless, if the program is continued, I strongly suggest we manage the direction and quality of the next phase.

As stated in this and other studies, successful resolution of the issues facing this Department relative to safeguards and security will require a concentrated effort on the part of all interested parties to include the Office of Defense Programs and the National Laboratories. What concerns me is that critical information concerning these issues is missing from this study. While such an omission may serve certain short term interests, it is not in the best interest of the Department or the nation. As an agency, we must endorse and implement two significant objectives concerning our protection strategy: (1) to protect our nation's critical assets from those who would cause our nation harm, and (2) to protect the forces that secure our facilities from unnecessary vulnerability. To do any less is to undermine our national security responsibility, which is without question, a core mission of this Department.

Mr. WELDON of Pennsylvania. Madam Speaker, Mr. McCallum has been punished and has been placed on administrative leave and may lose his job. Guess who now sits on the corporate board of directors, being paid, overseeing the operation of that same facility? You guessed it, Madam Speaker. Hazel O'Leary. Hazel O'Leary now sits on the board of directors of the company that oversees the Rocky Flats facility that Mr. McCallum attempted to bring to the attention of the Congress was being protected in a woefully inadequate way. What is the response of this administration? To make him the scapegoat.

It is a shame that he did not precede Notra Trulock, because as many of my colleagues know, it was Notra Trulock who began to blow the whistle on this administration for not paying attention in 1995 to security breaches that were occurring in the Department of Energy. But Notra Trulock lucked out. Because when the administration realized that what Notra Trulock was saying was true, they could not go after him. They gave Notra Trulock a $10,000 bonus and now Notra Trulock is on national media programs and talks about how the administration has gotten its act together.

It is a shame that Mr. McCallum did not precede Notra Trulock. Perhaps he would have gotten the $10,000 raise for being the whistle-blower. I can tell my colleagues, Madam Speaker, I am not going to sit by, and neither are a number of our colleagues, and see an innocent individual doing his job professionally be railroaded out of his position because this administration is embarrassed over the policies of their lack of control and decontrol in security measures involving our national laboratories, our Department of Energy facilities, our defense installations, and our military and other technology.

The American people, Madam Speaker, can now read the statement of Mr. McCallum for themselves in tomorrow's CONGRESSIONAL RECORD. The American people also now, Madam Speaker, can read information I provided last evening giving the big picture of the China connection. I want to review that again today in some more detail.

As a member of the Cox committee, I had the opportunity, over the 7 months that we worked aggressively on this project, to meet a number of senior and very capable intelligence officers and people within our intelligence establishment who are absolutely frustrated by what they see occurring in this administration on security issues. When we completed the Cox Commission report, I knew that the American people would not sit through and read, for the most part, a document that is almost a thousand pages in length. Very difficult to understand.

So working with this group of people, and I would add for the record, who are today currently employees of this administration, so I cannot name them because they will be given the same treatment as Mr. McCallum has been given, these people have given me the information that I am providing to our colleagues and to the American people.

This chart, Madam Speaker, for the first time, even though it looks like a hodgepodge of blocks, it can be pulled down on the Internet site, as I have said earlier, and this site is www.house.gov/curtweldon. This document gives the full pictorial representation of what we think China had planned to acquire western technology.

Now, should we fault China for establishing this network? Probably, yes. But as many have said, what country does not spy or look to acquire technology from other countries? I would say we are the fools if we are stupid enough to allow China to access information that we should be controlling. And that is why I think the bulk of the responsibility here, Madam Speaker, lies with our own government. It was our government that failed the American people.

This chart outlines the Central Military Commission of the People's Liberation Army of China. The red boxes on this chart, which are too difficult to read without having the chart directly in front of you, are the various military commands and entities that are a part of the Central Military Commission that we know have been involved in engaging and in acquiring technology for China. Now, some of that acquisition has been legal, and there is nothing wrong with that. If they can buy it, how can we fault China for buying things we are legally willing to sell them or other countries will sell them? Some of it was not legal. By and large, though, much of what they got, they got through legal manipulation that we allowed to occur.

The green boxes are those entities and banks and financial institutions here, in Hong Kong and Macao, as well as in Europe and Asia, that were designed to fund the acquisition of these technologies. Now, because they could not buy them directly, front companies were established, and they are the blue boxes. We estimate there were hundreds and hundreds of front companies established by the Chinese to acquire technologies, paid for by these entities, to go to the arms of the People's Liberation Army, because that is a desire they had for these specific technologies.

A very elaborate scheme, but very simple. The financing through the entities to buy it go back to those entities that wanted to improve their missile systems, their nuclear programs, their computing capabilities, the design of their fighter aircraft, whatever the need might be. Again, if we are stupid enough to sell sensitive technology, how can we just blame China for buying it in the open market? This was the network.

Now, we can see that what we did not look at in the Cox committee is what influenced these people to allow this technology to flow. Was it money, was it influence, was it a desire to increase economic activity for American companies? What was the motivation? We did not look at that in our China committee effort. We thought that should be a follow-on once we determined that there was security harm done to our country. That is why I prepared this document and the document I am going to follow up with.

There are some connections here, Madam Speaker, that the American people need to look at, because some of these green boxes have attached to them campaign donations. Ted Sioeng, $200,000 to $400,000 to the Democratic National Committee. Or John Huang and James Riady, and all of these people who contributed millions of dollars to the Democratic National Committee. Or the temple that gave, through Maria Hsia, $50,000 at a fundraiser at a temple of impoverished religious leaders. Those connections need to be pursued.

This information, Madam Speaker, has been investigated much more thoroughly by the FBI and the CIA than I have. Now, I have seen some of the classified versions of this, which are far more elaborate, which I obviously cannot show publicly. What I have shown here is an unclassified version of the connections between these agencies that have been publicly identified. And in response to a question by a Member of Congress at a public hearing, Louie Freeh, the director of the FBI, was asked: "How much of the information that we are aware about in public form, like this, compares to what you know in the FBI and the CIA about what happened in this entire series of transactions?" This was the response of FBI director Louie Freeh. "The public knows about 1 percent." One percent of what went on that we have in the FBI and the CIA in terms of these connections. One percent, Madam Speaker, which means that 99 percent beyond this our intelligence and our law enforcement agencies know about but we do not.

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Madam Speaker, the individual that Louis Freeh assigned to investigate this, Charles LaBella, when he got through all of this evidence, well beyond what I have, wrote a memorandum to Louis Freeh that I have been told is almost 100 pages in length. That then resulted in Louis Freeh sending a memo to Janet Reno saying there is enough evidence here that you better impanel a special investigative effort, an independent counsel, because of what may be here. Janet Reno refused Louis Freeh and refused Mr. LaBella. That document has never been released to the Members of Congress nor the American public. In fact, I am not aware of any Member of Congress that has read that memo. But I can tell you, Madam Speaker, every Member of this body and every citizen in America should demand of this President one thing, and, that is, to release the LaBella memorandum. If this President and Vice President GORE have nothing to hide, if there are no connections, if there is no scandal, if there is no grand scheme, if there are no implicating factors, it can all go away very quickly by releasing the LaBella memorandum. That document has been subpoenaed by the Congress and it has been refused by Janet Reno to be turned over to us so that we have not had the opportunity to see what Charles LaBella said was there in that 99 percent of information that we do not know about. What I have given to the American people is the unclassified information that they can read, and it in itself is revealing. In fact, Madam Speaker, you will notice there are lines connecting many of these boxes. The solid lines indicate direct working relationships between the PLA entities, the financing entities, and the front companies. So they are directly linked. The dotted lines, which are fewer in number, are those where there is a loosely connected relationship but not a direct relationship. Now, the logical question is, "Well, hold it, Congressman, you can't just draw lines. You've got to provide some documentation." Well, we did. Again working with existing employees of this government who have been frustrated by what they have seen occurring have helped me identify 26 documents that are available on the public record that are not classified, that include newspaper articles, research documents, business reports, company annual reports where you can connect the lines. Each of the numbers on this chart which corresponds with a line gives you a specific document that you can read which I have outlined and identified in the CONGRESSIONAL RECORD yesterday which you can get off of my web site which gives you the public information that supports the linkage between these various entities. It is public information. Now, that is not all. And the media when I brought this out last week said, "Well, wait a minute, you haven't established a direct relationship." I cannot show classified information here. That is a violation of our Federal laws. I have given unclassified documentation which without a doubt shows the connections between the major players in the effort to allow China to acquire technology that they have been wanting to buy.

Now, the administration would have us believe that this is really all concocted by China and that we should make China the evil empire. I am not doing that, Madam Speaker. I cannot blame China if decisions made by this administration allowed technology to flow legally, and that is what occurred in most cases. The influence that was peddled by these financial people ended up lowering the controls over our regulation of technology being sold abroad. The influence exercised by these people and their money influenced key decisionmakers in this administration. In my opinion, that lies in terms of fault at the feet of this administration itself. And as much as we would like to totally blame China, I blame our own government.

Now, are there instances where China went too far? Absolutely. And I would say this again on the record. If we can document that there is direct espionage that took place at our labs or at other facilities, we should use the full force of our law to prosecute those people who in fact spied on America, much like we have done in the past. But we cannot blame a country if we willingly sold them the bulk of this technology because of influence they were able to get by putting some money around or by currying favor with certain people.

Let me go to the second chart, Madam Speaker. The second chart, which was also prepared with the help of existing employees that work for this government who are in sensitive positions, gives the time line, the time line of liberalized and decontrolled technologies to the People's Republic of China. But I want you to know, it was not just China that benefited from these policies. Many of these policy decisions benefited a number of countries who were able to legally buy our technology.

Now, I am not against our companies selling technology abroad. In fact, I am an advocate of our companies being able to sell and compete in the world marketplace. But, Madam Speaker, that is not what occurred here. What occurred here was the elimination in a wholesale way of a legitimate process that was in place under previous administrations to monitor technology and to do it with our allies. As I mentioned last night, the reason I started this chart in 1993 was not because that is when Bill Clinton took office, it was because in 1993 this President ended a process called COCOM. COCOM was an organized group of our allied nations and Japan that met on a regular basis to monitor sensitive technology that was produced in any one of the allied countries. There was an agreement that none of those COCOM nations would sell sensitive technology to countries that we thought might use it against us, so that none of our companies were hurt because all the countries that have this technology were working together so that no one could benefit.

It was this administration in 1993 that unilaterally decided to end COCOM, did away with it. Without even consulting with our allies, we said, "We're doing away with this process." From 1993 on, the floodgates opened. Because now you had companies in Great Britain and France and Japan who said, "Wait a minute, there's no more COCOM, we're not going to let the U.S. sell this technology abroad, we're going to sell competing technology." So now you had a mad scramble, you had American companies trying to keep up with German, French, Italian, British and Japanese firms who now saw American companies selling technologies that under COCOM they could not sell. So the European countries and Japan said, "Wait a minute, we're going to sell that technology as well," and you had a mad scramble to sell technology in a totally uncontrolled fashion. That began in 1993 under this administration. The Commerce Department will tell you it was good for business. Some business leaders will tell you it was good for business. We on the Cox Committee will tell you it was bad for America. Other allied nations will tell you it was bad for international security. Proliferation has never been worse than it has been for the past 6 years. Iran, Iraq, Syria, Libya, North Korea, India, Pakistan, all have cutting-edge technologies that up until 1993 were tightly controlled by COCOM, all of that ended by this administration. That is the focus of the Cox report.

The chronology of this chart takes each technology separately: warhead design, machine tools, low observable technologies, telecommunications, propulsion systems, high-powered computers, encryption technology, space launch technology, and analyses when key decisions were made by this administration and gives you the month and the date that allowed technologies to flow that up until these dates were controlled. And you can see by the number of red dots here that during this time frame, the floodgates opened. We said, "We'll sell anything and everything and we won't consult with our allies." So you have had a mad competition among companies in countries that up until 1993 worked together to make sure that no one could unfairly have a larger share of the market with sensitive technologies. After 1993, the demise of COCOM, the floodgates opened. Everything and anything was for sale. Our companies got their way, they got to sell whatever they wanted, foreign countries and companies the same thing, and China took advantage of it.

Now, there are some interesting other factors about this chart, Madam Speaker. You will notice a gray area in the center of this chart, starting in 1995, ending in 1997. Why did I make that gray? Because in 1995, we have been told by Bill Richardson that this administration found out that China was acquiring our most sensitive technology. And if you listened to Secretary Richardson, this is what he said: "Boy, when we found that out, we took aggressive action. We said, 'We're not going to let China steal our technology.'"

Well, that is what he said. The color in the blue, Madam Speaker, and all the red dots you see here, just under Space Launch alone, 15 separate actions after this administration knew that China had stolen our design technologies that they took in 3 years to give more technology to countries like China. And that is across the board, Madam Speaker. So the blue indicates where this administration knew that China was trying to acquire this technology and doing it illegally, opened the floodgates even further for more technology.

There is one more factor here, Madam Speaker. All of us in America know when the elections were held. It is kind of interesting when you look at this chart from a distance that the bulk of the clustering of these dots are in and around the time frame of 1996. I wonder what was happening in that year, Madam Speaker? Might that have been the year when the presidential elections were being held? Could there be some coincidence that many of these key decisions in terms of policy changes were being done because elections were being held and maybe people were interested and from the standpoint of corporate America in having policymakers make determinations to allow more products to be sold overseas, could that be a reason? That is what the LaBella memorandum referred to, Madam Speaker, that this country needs to see for itself, the reasons why these decisions were made. Why did we change our policy so much? Why did we allow access? Why did we totally decontrol technologies in a way that was not being aware and cognizant of our own security concerns?

But it goes beyond these issues, Madam Speaker. Let us move down to this next item here. PRC Nationals to U.S. High Tech Companies. It was in 1994, in fact it was in March, that Chinese nationals to our U.S. labs and our U.S. high tech companies was allowed. The COMEX review of foreign nationals was abandoned, by this administration. That was in 1994. I am sure that was done because the companies wanted less hassle of foreign nationals going into our high tech companies. And over here in 1997, we revised our deemed exports policy to allow foreign nationals to work at U.S. high tech companies. Now, that was in 1997. These were decisions made that allowed more Chinese nationals to work in our high tech companies in America. And how about the high tech furnace approval for weapons of mass destruction? That approval was given in 1998, Madam Speaker, a technology that gives China capability for the production of weapons of mass destruction. Even though this administration said when they found out about the theft of nuclear secrets, they took aggressive action to control it.

Let us go down further, Madam Speaker. During this same period of time, China and Russia were both violating international arms control agreements. The Missile Technology Control Regime, the control of exports. We caught them on a number of occasions. In fact, in last night's special order, and again the American people can read this through my web site or get a copy of it through the CONGRESSIONAL RECORD last evening—and I did not do the work, the Congressional Research did the work—we documented the arms control violations that we caught Russia and China involved in over 6-year time period. Here is that chronology as documented by the Congressional Research Service.

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The dates, the type of transfer, who the transfer went to are all documented. This was not done by some partisan group; it was done by the Congressional Research Service, a part of the Library of Congress.

These violations of arms control agreements by China, were they sent technology? Where did they send the technology to? Let us look at the chart.

Well, they sent technology to Pakistan, Iran; Iran? North Korea. Syria. They sent solid propellant production technology to Libya, Iran, Egypt. They sent missile accelerometers and gyroscopes to Iran, Syria, Libya, Egypt and Pakistan. They sent antiship missiles to Iran. They sent more material to Pakistan; chemical weapons technology to Iran again.

All of these transfers done by China.

What was the response of this administration? Nothing.

On, yes, two times out of about 17 or 21, I forget which it is, they did impose temporary sanctions; but they eventually waived them.

So not only are we getting Chinese access in a way they never had access before, not only were we helping to expedite and grease the skids for the financing of the purchase of technologies, but we were ignoring violations of arms control agreements that China was required to abide by. We did not call them on these violations.

And at the bottom of the chart, Madam Speaker, even though I could not complete it, I was only able to do this up through 1996, I list a number of times that the major players in the Chinese financing scams visit at the White House, not visited Members of Congress, but were in private visits in the White House itself.

In the case of John Huang, in the one year of 1993 alone, we know of 12 times he was in the White House. In 1994, twice; in 1995, let us see, one, two, three times; or 1994, three times; 1995, three times. These are people that are involved in that elaborate scheme of organizations and financing entities that were given direct access to our White House, to our top policy maker to our commander in chief, to our key leaders who were then being pressured to relax our policies relative to technology being sold abroad.

Madam Speaker, these two charts represent the pictorial view of the Cox committee report. They represent what needs to be explored further.

I am not here as a partisan, Madam Speaker. Both times I ran for mayor of my hometown I was the nominee of the Republican Party and the Democrat Party both times I ran. I work with many Democrats in this body and frequently get up on the floor of this House and praise our Democrat colleagues for their leadership role on defense and security issues. I have joined with members of the Democrats on a number of key issues involving social policy, family medical leave, environmental policies, protection for our workers, and I have supported the President and the administration in some of those issues which my party has not been supportive of. But, Madam Speaker, when it comes to national security, we have a big problem here. This needs to be looked at beyond the Cox committee.

To me, I know why in my mind Janet Reno turned down the recommendation of Louis Freeh based on the memos sent by Charles LaBella to appoint an independent counsel. I am convinced, Madam Speaker, the evidence is there. I am convinced that 99 percent that we have been told we have not seen yet has far more than many people in this country want to become public.

I am also convinced, Madam Speaker, that we had better pay attention here. This is not some story about a dress, this is not some intern in the White House. This is not some story about a travel office. This is not even about Republicans or Democrats. Madam Speaker, this is about the very core of what our country is about. No one, no party official in either party, no elected leader, has the right to allow a wholesale technology faucet to open that we are going to have to pay the price for.

Now, if I am overreaching, Madam Speaker, I do not think I am because, a member of the Cox committee having sat through as many of those meetings as any one of my colleagues, with perhaps the exception of Chairman Cox himself, I know what evidence the FBI and the CIA has, and I have only seen a small fraction of what is not on this chart. I know there is much more.

If there is nothing there, Madam Speaker, the President can clear this entire issue up in a heartbeat. All he has to do is release the entire unabridged version of the Charles LaBella memo to Louis Freeh. If there is nothing to hide, if there is nothing to these connections, if there is no story, I will be happy.

I do not think that is the case, Madam Speaker. I think the reason why Janet Reno did not accept Louis Freeh's recommendation, based on LaBella's memo, is because she knew what is there. That document that LaBella prepared, which I understand is quite voluminous, goes into extensive detail and actually points to individual people.

Madam Speaker, this country, this democracy, needs the American people and its elected officials to see the overview of the evidence that LaBella gave to Freeh that now remains closed and confidential. If there is nothing there, then there is no problem with the memo; if there is no evidence, if there is no story, if there is no substance, the whole thing will go away, and the China story will end, and we will make the necessary corrections to our own policies.

Madam Speaker, I would encourage every one of our colleagues and every constituent in every district of a Member of this body and the other body to demand that this administration do one thing: release the full text, the uncensored text, of the Charles LaBella memorandum to Louis Freeh. Let us see what evidence they thought may be there in terms of a greater scheme for the Chinese to acquire technology by facilitating and greasing the skids of certain key people and certain key agencies that ended up with America's security being harmed. That was the unanimous vote of all nine members of the Cox committee, that America's national security has been harmed by the actions that we investigated in the Cox committee work.

We cannot just stop with this document, and we cannot rely on the mainstream media because with the exception of a few people like those that I have mentioned and some others, the mainstream media is too stinking lazy to go through the investigative details necessary to uncover what is here. We need to have this administration come clean, give us the uncensored text of what Charles LaBella said to Louis Freeh which only went to Janet Reno. When that happens, we will then know the true extent of the China connection and its impact with this administration.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair will remind Members to refrain from making personal references towards the President.

INTRODUCTION OF LEGISLATION TO DENY COMMUNIST CHINA NORMAL TRADE RELATIONS STATUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Madam Speaker, first of all, I would like to commend my colleague, the gentleman from Pennsylvania (Mr. WELDON). We have worked together over these last 10 years while I have been a Member of Congress on many, many occasions, and I find Congressman WELDON to be a patriot, a man of integrity, a man of courage, and I think when all of this is said and done, when we find out the jeopardy that our country has been put in and take the measures that are necessary to correct this situation and to make our country safe again, the gentleman from Pennsylvania (Mr. WELDON) will be on the list of real American heroes that came about to save the day, and I am just proud to serve with him.

Madam Speaker, tonight it is fortuitous that I will be speaking after the gentleman from Pennsylvania (Mr. WELDON) because my remarks are in parallel with what Mr. WELDON has been talking about. It goes into a slightly different subject. Tonight I will be talking about Most Favored Nation status and our economic, as well as military and diplomatic, relations with China. But of course everything that Mr. WELDON has said today amplifies the need that I will be demonstrating for us to reexamine American policy towards Communist China.

In fact, let me state right at the beginning that when it comes to Communist China, we have been treating a hostile power, the world's worst human rights abuser, as a strategic partner, that is what this administration has insisted on us calling Communist China, and I believe that Americans will pay a woeful price for this irrational, amoral and greed-driven policy if we do not change it, and that is what we need to do to change that policy that has been in place to some degree or another for 2 decades, but especially in these last 6 years.

Yesterday I introduced legislation to do just that, to change that policy. It is a bill of disapproval of extending so-called "normal trade relations," which was previously known as Most Favored Nation status, with Communist China. So what my proposal is is that we deny Communist China normal trade relations status with the United States, formerly called Most Favored Nation status.

The time, Madam Speaker, is long since past when the United States should reexamine its fundamental policies toward the Communist dictatorship that now rules the mainland of China. Our commercial policies, as well as our diplomatic and military policies, for the past decade have worked against the interests of our own people and have not, as we had hoped, increased the level of freedom enjoyed by the Chinese people. In fact, some of the initial progress that we saw in China has now gone in the opposite direction, especially since the end of the Reagan administration and the tragic national reversal in China in 1989 at Tiananmen Square when they had the massacre at Tiananmen Square.

The gentleman from Texas (Mr. ARMEY), one of our Republican leaders here in the House, defines "insanity" as doing more of the same, but expecting the results to be different. Well, for 10 years the cause of freedom in China has been in decline. Things are getting worse. So much for the engagement theory, the strategy of engagement, and what we hear from those people advocating normal trade relations and to continuing our relations with China is doing more of the same, but expecting that China is going to be different, that there will be different results now.

Well, that makes no sense. It is the unreasonable and perhaps irrational optimism of some people to assume that continuing our fundamental policies toward China will bring about different results than the retrogression that we have seen in the past decade.

In the past 10 years, the genocide, for example, has continued in Tibet. The Chinese democracy movement has been wiped out, and there has been increasing belligerence by the clique that runs China. The Beijing regime is modernizing and expanding its military power while threatening the United States and bullying its neighbors, especially in Taiwan and the Philippines.

Big business falsely claims that China is a country that is liberalizing through commercial engagement. There is no evidence for that claim. So every time you hear it: Well, we have got to engage them, that is what will make them better; just be aware that there is every evidence to show just the opposite. In fact, the empirical evidence shows that China is going in the opposite direction, that engagement is not making things better, is not causing a freer China, but instead for the last 10 years has resulted in more repression, more militarization.

Furthermore, the trade relationship is working against the people of the United States. So here we are in an economic engagement that is not helping us bring about a freer China, thus, less belligerent, thus a China that will be more peaceful. It is not doing that, but it is also not even helping us economically.

□ 2245

The Chinese are using their $60 billion annual trade surplus with us to modernize their Armed Forces, including building nuclear missiles aimed at the United States, and they are continuing to proliferate weapons of mass destruction. For example, Communist China is reported to be the power behind North Korea's space program. Get into that.

North Korea has a space program. This is a country that has people who are starving by the thousands, that we are giving millions of dollars worth of food aid to, but they have a space program? You got it. Communist China is helping the North Korean regime with a so-called space program. In other words, they are helping them build rockets that, when tested, end up flying right over Japan and land close to Alaska.

North Korea, of course, is not the only looney country Communist China is helping along with deadly weapons technology. You have got Iran, Libya, Pakistan, all have benefitted from Beijing's helping hand. Of course, some of the technology now being handed over is technology based on things that they have stolen, on ideas and engineering techniques that they have stolen from the United States of America.

On April 15 the Washington Post cited a Pentagon study that verified China is continuing to ship weapons of mass destruction technology to the Middle East and South Asia, despite repeated promises to end such activity.

A separate U.S. intelligence report found that China has recently provided North Korea with specialty steel used in the building of missile frames. However, the State Department officials, including Secretary of State Madeleine Albright, have repeatedly avoided answering questions before the House Committee on International Relations hearings when asked about China's ongoing proliferation activities.

When Secretary Albright was in China last summer with the President, China conducted its first successful test of a motor for its new DF–31 ballistic missile that can strike the United States from the Chinese mainland. So here was the President of the United States, so eloquent in his presentation, there he was representing us, along with Secretary of State Albright, supposedly representing our interests. They were aware that this new missile engine was being tested, a missile engine that could threaten the people of the United States. They were also aware that weapons technology had been stolen from the United States that would permit Communist China to build warheads, nuclear warheads, that would be on the top of those new rockets, and these rockets could strike the United States.

Yet there was no record of the Secretary of State or President Clinton raising this issue with their Chinese hosts. Instead, they continued on that visit to praise the increasingly, I would say increasingly brazen communist leaders, as being strategic partners, strategic partners, and the type of people that we can do business with.

This is very sad. It is more than sad, it is frightening. The recent Pentagon report describes how Chinese Government owned companies are selling weapons technology and knowhow and providing training to countries such as Iran and Pakistan. An American military official familiar with the report said that the Chinese are skirting nonproliferation treaties with the United States.

So they have agreed not to proliferate. This was the President's great accomplishment, supposedly, with Communist China. We were going to give them all sorts of things in trade benefits so they would not proliferate, yet we know now they are proliferating and developing weapons of their own and giving them to these hostile and somewhat crazy states, states that are lacking in positive and responsible leadership. But Communist China is shipping them these weapons of mass destruction technology anyway, even though they have made these agreements.

The Chinese are shipping these rogue nations missile components, some of which, of course, are American products as well as American knowhow, and they are shipping the components rather than shipping the whole missile. That way they are saying they are not really proliferating missiles to these other countries.

But they are. They are proliferating on a routine basis, of course, without technically breaking the agreements with the United States, by just sending the parts to the missile. This nefarious behavior could be, we might call it the Mandarin version of a famous Arkansas homily, "smoke, but don't inhale."

After reading the Cox report, one is struck by the mind-boggling loss of our country's most deadly secrets. When you hear the gentleman from Pennsylvania (Mr. WELDON) explain the magnitude of the loss that we have seen, it takes your breath away and makes you wonder how our children will live, what type of lives they will live, whether or not America could be incinerated by a Chinese dictatorship that feels it can afford to lose hundreds of millions of people if it means wiping out its enemy, 100 or 200 million Americans.

The theft of U.S. nuclear secrets by Communist China is surpassed only by the complete abandonment of security precautions at our Department of Energy under the Clinton Administration, as well as a brazen attempt by the Clinton Administration to keep the knowledge of this catastrophic transfer of weapons technology, to keep the news of this from the Congress and the American people.

On May 30, the New York Times reported the utter cynicism and duplicity of the Clinton administration concerning our nuclear weapons programs. After the Cox committee released its report on Chinese espionage at our nuclear labs, Bill Clinton called protecting atomic secrets "a solemn obligation." That is what President Clinton called it.

However, in private, administration officials told reporters, and this is reported by the New York Times, that openness, a euphemism for giving away our nuclear secrets, has its advantages, despite the risks, and has been a potent force for international good.

Hazel O'Leary, who the gentleman from Pennsylvania (Mr. WELDON) has also quoted and talked about some of her policies, in fact Mr. WELDON was right on target and this will even add to what Mr. WELDON was saying, Hazel O'Leary, President Clinton's Secretary of Energy from 1993 to 1997, was the grand poobah of nuclear openness, as we have seen by what Mr. WELDON told us this evening. In fact, she massively declassified secrets and put them on the Energy Department's web site, including the diagrams of some advanced nuclear weapons which we saw tonight in Mr. WELDON'S presentation.

When asked about that recently, Mrs. O'Leary said, "we pulled off an impossible feat," and she recently boasted this while defending her action. She went on, "To say that all of our efforts were negative is not to understand the benefits, not to see what we did in terms of building international trust."

See, the idea is if everybody had all this information, information about deadly weapons technology that we had spent hundreds of billions of dollars developing, that if everyone had it, well then, it might be a more peaceful world. This is worse than the Rosenbergs. This is looney tunes. This is someone who has a fanatical anti-American altitude in a position to hand over to our worst enemies secrets that put our young people and our country in jeopardy.

Needless to say, most defense experts obviously disagree with Mrs. O'Leary's bizarre, and I would say strange, logic. It takes more than a postgraduate degree from an ivy league school to have logic like this. However, O'Leary could not have undertaken this massive giveaway of a decade of brilliant and costly weapons research that permitted the United States to be the arsenal of democracy, she could not have done this without at least the tacit support of the Commander in Chief.

The New York Times surmised that the new age defense policy emanating from the White House explains why Mrs. O'Leary did this. It explains also the administration's slow response when confronted with very real evidence of Chinese spying and the loss of blueprints for frighteningly powerful weapons.

In 1993, O'Leary told a news conference at the start of the openness process, "The United States must stand as a leader. We are declassifying the largest amount of information in the history of our department." O'Leary also did away with a counterintelligence effort, security badges and effective security clearances. She eliminated all of these, as Mr. Weldon alluded to a few moments ago.

Remember the promise to reinvent government? Remember that promise? Well, this is it. This administration reinvented our government policy towards its labs. You might say they turned our nuclear labs into a high-tech K-Mart, I guess in Arkansas you might say Wal-Mart, in terms of the giving away or making available to international missile technicians and spies information that we invested billions of dollars to develop.

This was not a going-out-of-business sale on the part of the United States Government; this was a going-out-of-sanity sale on the part of the United States Government. Those who benefitted the most were the minions of the People's Republic of China, the Communist Chinese, our erstwhile constructive strategic partners.

Madam Speaker, I yield to my friend from Arizona.

Mr. HAYWORTH. Madam Speaker, I want to thank my friend from California and our colleague from Pennsylvania (Mr. WELDON) who preceded us in the well of the House. If there have been two among the 435 honored to serve in this chamber, it has been the gentleman from Pennsylvania and the gentleman from California who, together, have sounded the clarion call to the extent of the threat which affects our national security.

Madam Speaker, I was honored earlier today to bring to this floor a measure that deals with the educational security of rural America, and it is worth noting that there was not a single member of this House present who voted against the legislation for the New Education Land Grant Act.

Madam Speaker, I said at that time, this is an issue that affects us not as Republicans or as Democrats, but as Americans. Madam Speaker, the full House assembled worked its will in bipartisan fashion.

How sad it is, Madam Speaker, to see what transpires in this town via smoke and mirrors and spin, when we are dealing with a problem that threatens the security of every American; to read in the Little Rock Democrat Gazette from one columnist that this is some form of red scare, to have those hurl verbal brickbats at a clear and present danger to the United States.

As my colleague from California no doubt experienced during the district work period, Madam Speaker, I heard from countless constituents, from those who had borne the brunt of battle, from those who had worn the uniform of our country in peacetime and in war, from those who were concerned citizens, asking, what is this Chinese connection? What is this notion of a strategic partnership that would involve illegal political donations to those who would occupy our highest offices in the executive branch, what would possess business leaders to so jeopardize American security to grant technological prowess to the Communist China, and why would there be those within the administration who would turn a deaf ear and a blind eye to the theft of our most precious secrets?

□ 2300

As my colleague from California pointed out, why would there be cabinet officials who would have a curious notion of utopia who would open our national labs, expose our national secrets, create an environment in which an employee at Los Alamos could put on an unsecured computer our legacy codes, the width and breadth of American nuclear knowledge and technological knowhow to fall into the hands of any foreign power, but especially the Communist Chinese?

And how, Madam Speaker, could we have an Attorney General, given the number of wiretaps for national security that were authorized, fail to authorize the two wiretaps involving one Wen Ho Lee, the accused assailant who would surrender our nuclear secrets to the Communist Chinese?

Again, Madam Speaker, as my colleague, the gentleman from California, as our friend, the gentleman from Pennsylvania, so eloquently pointed out, this is not a matter of being Republican or Democrat, this is not a matter of preening and posturing for the latest spin cycle.

Indeed, Madam Speaker, this goes to the core of our national security and the security of every American family and our place in the world, and those who would oppose us and use our technology against us. That is what we deal with.

Mr. ROHRABACHER. Madam Speaker, perhaps the most disturbing part of this whole controversy is the response that we have had from people who are trying to protect the administration from being held accountable for certain things dealing with this controversy.

For example, I heard in a committee hearing, those of us who were complaining about this were accused of vulgar partisanship, as if in bringing this up we were doing this out of partisan concerns.

I certainly explained at that point that the only thing vulgar and the only vulgar partisanship going on was that certain people on the other side felt compelled to have to try to block those of us who were trying to investigate this, trying to hold those who have committed this sin against the American people accountable, claiming that we were being partisan in doing so.

Even today we hear people who are apologists for this, and this has to be labeled a national security catastrophe of a magnitude that we have yet to experience. Even the Rosenberg catastrophe, where Josef Stalin got his hands on the first nuclear weapon, that was horrible, that was a bad thing. That affected the entire Cold War. It probably led to the war in Korea. But that probably was not as bad for our long-term national security as what has happened here.

But we are told even now by these people who are trying to say that, well, it is not really that bad, and how many times will we hear someone say, we spy, our allies spy, everybody spies, so how can we blame China? Yes, in a way, how can we blame China? We have to blame the incompetence or culpability of people in our government to let this happen.

But let me point out, it is not the same when Great Britain or Belgium or Italy or a democratic country spies on us. If Great Britain were to receive these benefits of all of this research that we have had into these terrible weapons systems, no one would worry. It would not be a big problem. We would not like it, but it is a democratic country. Great Britain is not aiming its weapons at the United States. We cannot perceive and conceive of a situation where they will.

But what we are talking about when someone says that, well, we spy, they spy, everybody spies, what they are talking about is a moral equivalency argument. This is the same moral equivalency argument that says there is nothing, no difference between a democracy and a vicious dictatorship.

What this leads to is this, this leads to the type of actions that were taken by Mrs. O'Leary there at the beginning of the administration and probably consistent with the President's world theory that you can just shovel all this information out so every country can have it, regardless if they are a dictatorship or a democracy, and it will not make any difference.

It is more likely, and this is the motive here if you have a moral equivalency argument, we can then let all of this information out and we can build a world authority, and perhaps that was the goal.

Two things we should know about, moral equivalency and globalism. Moral equivalency and globalism, that is a formula for tyranny. It is a formula for the destruction of the United States of America. There is nothing morally equivalent about a democratic country that protects the rights of its people, permits people to worship as they see fit. And yes, we are not perfect, but we have freedom of speech, and where we have imperfections, we can work together and we can try to make things better. But when there is a corrupt official, those who complain are not shot, like they are in Communist China. They are not thrown into a Lao Gai prison system.

There is no moral equivalency between dictatorship and a democratic government, especially the United States of America. It is this leftist concept that probably led Ms. O'Leary, Secretary O'Leary, to give this information out. Now it is being used right in front of our eyes to say, well, spies here, spies there, everybody spies. That is a fallacious argument.

A country that is a dictatorship, unlike a country that is a democracy, cannot be a trusted partner of the United States and a friend of the United States. If we do so, if we put our faith in dictators and gangsters and people who commit these types of heinous abuses against their people, we will pay an awful price. We are paying that price today.

Our administration continues to call it a strategic partner. I yield to the gentleman from Arizona (Mr. HAYWORTH), and then I will give some reasons why China cannot be a strategic partner of the United States.

Mr. HAYWORTH. Madam Speaker, I would thank my colleague from California, who eloquently establishes the dynamic and the challenge which we confront as a Nation. Thank God that we are a constitutional republic with rights guaranteed by the first amendment.

To those who would abridge those rights, to those who would turn a jaundiced eye to the abuses of others abroad, to those who would dare describe repressions, totalitarian regimes as strategic partners, it is time for a little straight talk.

I know my colleague is familiar with the work of Bill Gertz, the Washington Times national security reporter who has authored a comprehensive evaluation of the extent to which our secrets have been stolen and leaked to hostile Nations. The name of the book is entitled "Betrayal."

I would say not only does Communist China present a problem, but North Korea, Pakistan, Iraq, Iran, those nations with whom the Communist Chinese have shared the nuclear technology reaffirms the fact that even in this alleged post-Cold War era, the world remains a dangerous place.

One other note I would point out to my colleague from California, Madam Speaker. When we assemble here in early January of the odd-numbered year every 2 years to take our oath of office, we take our oath of office to the Constitution of the United States. We heard the President and Vice President take a similar oath, to uphold and defend the Constitution of the United States; not the U.N. charter, not the NATO charter, not a utopian notion of a strategic partnership, but our allegiance is to our Constitution, to our sovereignty and to our legitimate national interest.

How tragic it is that it appears those national security interests have been bartered away for campaign contributions, or naively given away for global considerations.

Mr. ROHRABACHER. Madam Speaker, I would like to go through a few reasons of why China is not our strategic partner. People have to understand, there is a lot of rhetoric about China being the worst human rights abuser. People do not understand the specifics of what we are talking about.

What we have here is the world's largest dictatorship. According to Amnesty International, there are thousands of political prisoners who remain even today in the Lao Gai forced labor camps, which are a prison system where you have basically slave labor. Sometimes these are just, as we say, thousands of political prisoners who are making some of these low-cost items, and this suit did not come from China.

□ 2310

But perhaps the suit worn by someone who is reading this CONGRESSIONAL RECORD or listening tonight is made in China. One must remember that that suit might have been made by someone who simply was a religious believer who was thrown into a prison system and forced for decades to work as a slave laborer because of his or her faith.

There are at least 2,000 persons in prison for so-called counterrevolutionary crimes. Some 200 Tiananmen Square protesters, after 10 years, are still in prison for peacefully participating in pro democracy protests.

During the past 2 months, the Chinese Communist government has issued new laws, this is just the last 2 months, that strengthen the Communist party and further restrict freedom of speech and the formation of political parties.

Genocide continues in Tibet where hundreds of thousands have perished since the invasion of 1950. China's own statistics show that, during the 1959 freedom uprising in Tibet 87,000 Tibetans were "eliminated." Today the Tibet Information Center in London cites at least 183 political prisoners at the end of 1998, including 246 women. The Physicians of Human Rights have reported the brutal torture of Tibetan political prisoners by their Chinese jailers, and this torture by their Chinese jailers is rampant.

The Chinese Government has recently issued a new law in Tibet eliminating religion in and promoting Marxism. This is the Chinese Government in Beijing that has kidnapped this young religious leader who would then take the seat of the Dalai Lama someday if he is still alive. What monstrous regime would take a little child who is nothing more than a pacifist religious loader, a figure of pacifism and a religion of Buddhism, and take him away and perhaps murder him.

On May 29, the South China Morning Post Newspaper reported that, since March, Beijing has deployed extra troops to tighten control over Tibet. In addition, they have recruited former People's Liberation Army troops from China to migrate to Tibet to act as sort of a civil guard to assure China's control of Tibet by force.

So here we are, here we are fighting and spending tens of billions of dollars to try to thwart ethnic cleansing in Kosovo, but we are calling the Communist Chinese regime our strategic partners when they are engaged in ethnic cleansing every bit as brutal and every bit as tyrannical as what is going on in Kosovo.

When some people claim that China is not a threat to its neighbors, they conveniently forget that when Mao Tse Tung conquered China in 1950, Tibet was a sovereign country with its own language, its own religion, and its own culture. There is no difference, as I say, between China's occupation and the genocide of Tibet than Japan's brutal occupation and the ethnic cleansing of Manchuria in the 1930s.

The United States tried to pretend at that time in the 1930s that the Japanese were not committing an aggression. They had hoped that by trade and finance that the Japanese would be able to be turned, that the presence of Japanese students at our colleagues and universities, that dancing the Charleston would help the Japanese turn a different way, that Japan would be our friend with this type of engagement.

In 1941, these delusions lead to the tragedy of Pearl Harbor. Given the lethal power of today's weapons of mass destruction, we would not have the luxury of months to build up our Navy and our military and our Air Force to respond to a devastating surprise attack by China's so-called asymmetrical warfare plans.

In the Xinjiang region, in the far regions known as East Turkestan, that is Xinjiang, the suppression of religion, and that is the Muslim religion and political arrests and executions parallel the systematic brutality in Tibet.

In 1999, Amnesty International documented 190 executions of political prisoners in that province after unfair and summary trials. The report also cites 200 political prisoners known to be detained at this time with arbitrary arrests continuing.

Whether it is Tibet or in East Turkestan, while the local populations continue to decline, part through forced abortion, part through sterilization, ethnic Chinese, as I have stated, the ethnic Chinese are moving in. Hordes of them are coming in and establishing these areas as colonies, as resource-rich territories.

China is making major military moves, not only on the continent of Asia, but is moving towards places like the Spratley Islands, bullying our regional democratic allies, such as the Philippines and Indonesia, and threatening the vital sea lanes of the South China Sea.

There are some people who claim that it is wrong to compare the Communist Chinese to Hitler and the Natzis. I agree maybe that that comparison is not right. But I do believe that there is a more accurate comparison; and that is, the Communist Chinese should be compared to the militaristic regimes in the Japanese era of the 1920s, perhaps the regimes of Tojo and Yamamoto.

What was the goal of the Japanese in the 1920s? They believed themselves to be racially superior. They believed they had a right to dominate Asia and to conquer the Pacific. It is ironic that, in less than 10 years before the attack in Pearl Harbor, that Admiral Yamamoto attended graduate school in the United States at Harvard University and as a student in the United States was made aware of many American military strategies.

The Spratley Islands lie close to the coast of the Philippines, Malaysia, and Indonesia. China is now building fortifications on these atolls and reefs while it builds up a blue water navy and a submarine force.

Ironically, there has been no militarization of these islands, the Spratley Islands, since the Japanese used them as stationery aircraft carriers during the early stages of World War II. The Spratleys were turned in at that time, they were turned into military bases in preparation to invade the Philippines.

It was incredibly eerie last December, on the eve of Pearl Harbor Day, when my special assistance Al Santoli and my good friend Jeff Baxter toured the battlefield and the tunnels of Corrigedor right outside of Manila. And on this pleasant tropical mountainous island, American military men and women held out as their ammunition ran out and they held out against overwhelming Japanese occupation force. In fact, my wife's Uncle Lou was captured by the Japanese in the Philippines. He was part of the Bataan Death March where he saw innocent civilians being bayoneted and horrible human rights abuses and abuses and horrible things that happened to those American prisoners.

That was what happened because of our policy in the 1920s, ignoring what was going on in Japan. That was our policy of engagement with the Japanese, just as our policy is now to the Communist Chinese; and they have the same dream the Japanese had, dominating Asia and the Pacific basin.

Two days later after my visit to Corrigedor, my friends and I, including Filipino Congressman Roy Golez, a graduate of the U.S. Naval Academy flew over the Spratley Islands in an antiquated Philippine air force C–130, which is around 150 miles from the Philippines over to the South China Sea.

We dropped out of a thick monsoon cloud cover to about 500 feet over the Spratleys over an outcropping called Mischief Reef. In that lagoon at Mischief Reef, within this oval-shaped reef, there were three large Chinese warships. I witnessed hundreds of Chinese construction workers with sparks flying off their welding torches, building permanent military structures on that reef 150 miles off the coast of the Philippines, and bracketing the South China Sea and all of the routes, the trading routes that go through there. Half or three-quarters of the Japanese trade goes through those areas, that trading route, that waterway.

Within 2 months after that flight, Congressman Golez sent me new photos showing me a three-story Chinese concrete command and control building on the very site that we overflew. This grab of territory and this bullying of the Philippines is a warning we ignore at our own peril.

Again, it is time to fundamentally change our policies toward the Communist Chinese government that controls the mainland of China. We are not talking about isolating China. Those claiming that we are trying to isolate China are setting up a false dichotomy. We are talking about a rational policy towards a hostile dictatorship, not an isolationist policy of ignoring overseas threats.

In fact, those of us who are advocating to have a strong and forceful policy toward China, we are exactly the opposite of those who want to overlook Communist Chinese aggressions.

□ 2320

Those are the ones who are more akin to the isolationists of the past. In fact, they are relying on wishful thinking instead of making the tough decisions that are necessary to avert war. We are the realists. We are not isolationists. We are the ones who are asking for a policy that makes sense when confronting a dictatorship. And dictators do not respect weakness. They respect strength, they respect purpose, they respect people who watch out for their own interests.

I introduced a resolution, as my colleague is aware. I introduced this resolution yesterday and it is a resolution of disapproving the annual extension of normal trade relations, formerly Most Favored Nation status, and we would disapprove that. That is what my resolution states. And this is not intended to isolate China. Instead, it sends Beijing a direct message that the United States will not stand by and let them bully their neighbors and we will stand, instead, for our own Democratic principles, and we will protect the economic as well as the military interests of our country.

And when we talk about our country, we are not just talking about a small business elite, a clique of billionaires who make a short-term profit at a time when the economic policies are hurting us economically and the military consequences are overwhelming.

Madam Speaker, I yield to my colleague, the gentleman from California.

Mr. OSE. Madam Speaker, I thank the gentleman from California, and I am particularly pleased to be here with my good friend in the Speaker's chair. I do not speak often on the floor, and I welcome the chance to come down today.

I, in particular, was sitting in my office listening this evening to the discussion on the floor and I thought of the Cox report that I have been reading, traveling back and forth to my district, and in volume I, on page XXIV, it talks about the basis from the Reagan years for the reaching out to China; that having been a decision on our part here in the United States to use our relationship with the People's Republic of China as a strategic offset in the Cold War with the Soviet Union and also to buttress our ability to launch space-based vehicles.

The determination of the Permanent Select Committee on Intelligence, and as noted here in the Cox report, again on page XXIV in volume I, is that that decision, contrary to what people might hear bandied about by many of our colleagues, no longer is applicable; that the consequence or the necessity of having Red China as an offset to the Soviet Union no longer exists because the Soviet Union no longer exists. So the strategic underpinning of our commercial interaction with China has evaporated.

The reason I bring that up, is that in that same document, on XVIII, it talks about two companies in particular who have engaged in significant commercial interaction with the PRC, having to do with their missile defense and development programs, those being Hughes and Loral, and I just wanted to read to my colleagues some of the verbiage that was agreed upon by the bipartisan China commission that the gentleman from California (Mr. COX) chaired, for the record, having to do with multiple independent reentry vehicles; having to do with accident investigation techniques; having to do with testing, modeling and simulation, hardware design and manufacture of these ballistic missiles.

I quote. "In both 1993 and '95, Hughes failed to apply for or obtain the required Department of State licenses for its activities, because Hughes knew that the Department of State would be unlikely to grant the license and that the licensing process would in any case be lengthy."

It goes on to say, and keep in mind this is a bipartisan unanimous report, "Hughes also engaged in deliberate efforts to circumvent the Department of State licensing requirement."

Now, this is the part that I almost went myself ballistic on the airplane over. "To this end, Hughes sought the approval of a Department of Commerce official for its 1995 activities and claims to have sought the approval of a Department of Defense monitor for some of its 1993 activities, although Hughes knew that neither official was legally authorized to issue the required license." They knew.

This goes on. And it is not just Hughes, it was also Loral. Same page, page XIX, volume I of the Cox report, and these are not my words, this is a bipartisan unanimous writing of the report, "Loral and Hughes deliberately acted without the legally required license and violated U.S. export control laws." This has to do with our most sensitive equipment, dealing with intercontinental ballistic missiles, targeted potentially on the United States.

Where does this lead? Where does this lead? Where is the administration? Again, this is not put out with any singularity. This is a bipartisan report, a unanimously accepted report of the Cox commission.

Mr. ROHRABACHER. Reclaiming my time for a moment, Madam Speaker, the first point the gentleman made, one would understand that. During the Cold War, when we were in a contest with the Soviet Union, we used the China card. We played the China card. And, yes, just like during World War II, when we allied ourselves with Joseph Stalin in order to defeat Adolf Hitler, which was the major threat to peace and freedom at that time, that was a moral thing to do. We were allying ourselves with one bad group in order to defeat a greater threat. It was okay to defeat Adolf Hitler by working with the communists, but after Adolf Hitler was off the scene and defeated, it was no longer the right thing to do working with the communists. That is number one.

When Ronald Reagan was President of the United States and continued to have this policy of working with China, because the Soviet Union was still our enemy, even then we were supporting a democracy movement in China. We were supporting those people who were struggling to build a free China. That is why there was a great surge of democracy at the end of the Reagan administration. And at Tiananmen Square, which, of course, happened right after Reagan left office, there was this great upsurge of democracy in China, and within a few months they were massacred. They were massacred at Tiananmen Square, which was just 10 years ago.

But let me go to this point about the companies that my colleague from California is talking about. I am the chairman of the Subcommittee on Space and Aeronautics of the Committee on Science, and it was the activities of several of these American aerospace companies that first led me several years ago to investigate this issue.

I spent 6 months of my life investigating that American companies were upgrading communist Chinese rockets. Perhaps my friend from Arizona remembers me stopping on the floor and saying something terrible is going on here and I am looking into it. I went around telling people, "I investigated this. I went to the contractors and subcontractors." And, finally, I got enough information to prove exactly what the Cox report has verified and there was an official investigation launched by the Cox report.

But what is significant here is these companies are part of an engagement strategy. My colleagues have to remember we have set down the rules for these companies to go into China. The idea is that engagement will make China more liberal and will then pose less of a threat to the United States. But what are we reading? What is the gentleman telling us? What that report verifies is this policy has had the opposite impact. In a horrible way it has made us vulnerable like we never dreamed we would be vulnerable. Our children now are in jeopardy to be incinerated by these high-tech weapon systems we spent billions of dollars to develop. We could not have imagined that in our worst nightmare. It has been a wrong policy. We have to go back and reexamine it. We have to change that policy.

And what has it done? It has made us less safe over here. It has not been good for us economically. Our companies are setting up factories over there to put our own people out of work. It is corrupting our own political process.

☐ 2330

Those same companies and other companies are lobbying us. They are not over in China lobbying for democracy. They are lobbying us. They are giving us contributions in order to protect their slave trade and their blood money.

I yield to my friend from Arizona.

Mr. HAYWORTH. I thank my colleagues from California. I thank our new Member of the Congress for his perceptive abilities to go right to the bipartisan report and get to the heart of the matter. And as my more senior colleague from California points out, as I sit and hear my two friends reflect on this obscenity committed against our constitutional republic, I cannot help as a student of history step back and realize how prophetic were the words of our 34th President, Dwight David Eisenhower, in his farewell address when he told us to be mindful of the military-industrial complex, of those whose allegiance to our Nation could be subverted. And we have seen it in the case of Hughes and Loral, in the case of Loral, Bernard Schwartz, the top contributor to the Democratic National Committee, and it is tragic that this transpired. But facts are stubborn things. And to look beyond that, to the words of the bipartisan report, that these companies willfully circumvented American law and, Madam Speaker, this points out an affliction, a cancer that is infecting the body politic, when we have those who have sworn to uphold and execute our laws who refuse to enforce the law and apparently have broken those laws.

My colleague from California, in the candor for which he is renowned, pointed a portion of the culpability at the Congress. But the inescapable fact remains that at the other end of Pennsylvania Avenue, there are those who willfully, willingly sought the contributions of a foreign power, of those who are not citizens of the United States, of those who are not eligible to participate in our political system to gain political victory.

At this point, Madam Speaker, we must ask, what price political victory? The betrayal of our most sensitive technologies to put in harm's way the very children the President of the United States spoke of at this podium in his State of the Union address 2 years ago when he came here and bragged to the Congress of the United States that no American child lived or went to sleep that night under the threat of Russian missiles? What price victory, Madam Speaker? What price victory? When those who swear to uphold and defend the Constitution against all enemies, foreign and domestic, and provide for the common defense would allow such a perversion of priorities today to the point where we have not only the Communist Chinese but the outlaw nation that is North Korea and the extremist states of Iraq and Iran and the others who now possess nuclear technology and have within their grasp the ability to harm virtually every American family.

These are questions that cause great unease. There is no partisan glee to this. But the strength of our constitutional republic throughout our history has been that we heed the call and understand the threats and understand the dangers. And we stand again, Madam Speaker, at that very juncture. How tragic the circumstance. But how compelling the call to action for this Congress and for the American people.

Mr. ROHRABACHER. Reclaiming my time for a moment, let me just state that the fight on this issue will be over normal trade relations. If we again renew normal trade relations with Communist China, this body is going to send the signal to not only Communist China but to the world that we are backing away, that we do not have the will to protect our interests, we do not have the will to be the world's leader, we do not have the will to even protect our own national interests and our own national security. All those who are listening, all those people, American people who are out in the hinterland wondering what can I do, what can we do, there are policies that we have to make. The Cox report outlined things that we have to do. First and foremost, we have to quit treating Communist China as if it is a friend, as if it is like Great Britain or a democratic society. First and foremost, we have to quit calling it our strategic partner, quit acting like it is our friend and we have to recognize that it is a hostile power. As a hostile power, we do not have their scientists combing through our laboratories, we do not have exchange programs with their military which I found out they were having exchange programs with our military. We were inviting them here, have been having them here to see how our military conducts its business and to train their own military in logistics and how to run military operations. We have got to quit treating them that way. We have to build a missile defense system. We have got to do it. We have now given them the ability to incinerate our people. Our only hope is to make sure that we rush ahead with technology development to protect them now that that genie is out of the bottle. We have got to make sure that the United States of America ends the trading relationship that gives the Communist Chinese $60 billion in hard currency.

The Communist Chinese, these people who run Beijing, they understand what is going on. At the end of the year, they have $60 billion in hard currency to do with what they want, to modernize their weapons, to make alliances with dictators and gangsters and drug lords all over the world, $60 billion in hard currency to destroy us. We have got to end the rules of the game that gives them that $60 billion. By the way, it is not a free trade situation. The Chinese have high tariffs against any American products that we want to sell there. And we have permitted them to have those high tariffs while their goods flood into the United States at low tariffs. Is this good for American working people? No. In fact, what is happening when you hear about we have about $14 billion where they say, "They bought $14 billion worth of goods from us." But if you look at what those goods are, those are mainly technologies and manufacturing units, so that we are building up their capabilities, their military capabilities and their manufacturing capabilities with that $14 billion, while they flood into our market with about $80 billion worth of goods and services which they sell to us with almost no tariff. So, in other words, when they talk about, "We can't isolate China, we have to trade with them," they are not selling our products over there, they are building factories over there and they are doing it by closing factories here. And here is the real stinger, which I mentioned earlier. Most-favored-nation status or normal trade relations, as they say, what does that really mean in terms of government policy? The real impact of it is, because even if we do not pass it, people can still sell things, we are not saying you cannot sell things to China, all it means is if someone is going to set up a factory in China, he has to do so at his own risk. When he takes his money over there, he does not get a subsidized loan from the Export-Import Bank, or the IMF or the Asian Pacific Bank or any of these other multitude of financial institutions that receive U.S. taxpayer funds. All we are talking about is cutting off these big businessmen from having their investments guaranteed by the taxpayers and these very same taxpayers are having their jobs taken away because they are setting up factories in China to export back to the United States.

Now, who has it been good for? Who has this economic policy been good for? It has not been good for our security, we have already shown that. My colleague from California demonstrated that these companies ended up doing, what, doing something that strategically national security-wise is a nightmare, so it is not good for our national security. It is not good for us economically. They say, "Oh, look at our big economic boom." Well, our good, big economic boom, yes, why do these Americans have to be investing overseas in Communist China for us to have a boom? They could invest in a democratic country like the Philippines, for example, they need investment there. No, they are investing in Communist China because they can cut one deal with a gangster and they think they are going to get a quick profit.

So who has it been good for? It has not been good for our country, for our economy, for the working people. It has been good for a few billionaires. I call them Bill's billionaire buddies. That is who this China policy has been good for. We have got to have the courage to sever ourselves from the policies of the past and fundamentally reexamine those policies and strategies, not for isolation, not for isolation. We want engagement, yes, just the way we would engage Adolf Hitler or Tojo or someone like that. We engaged them in a way that showed them courage and determination and engaged them only in a way that would benefit the people of the United States and the security of the United States, not in a way that would make them think that we were whimpering cowards.

□ 2340

At the end of the day, when the President of the United States goes to Beijing and says, or Madeleine Albright goes to Beijing and mouths some cliche about human rights or talks about, oh, you have got to have a better trade barrier, lower those trade barriers, you got to do this, you got to quit persecuting Christians, you got to quit doing these things that get our Congressmen mad at you; the Chinese dictators, these gangsters, take that as a sign that we do not believe in a darned thing. They take that as a sign that even our President and even our leaders care more about these billionaires than they do about the American people and the national security.

The SPEAKER pro tempore (Mrs. BIGGERT). The time of the gentleman from California (Mr. ROHRABACHER) has expired.

Mr. HAYWORTH. Madam Speaker, I ask unanimous consent that I be given the time until the top of the hour when we have to, by the rules of the House, adjourn.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for the remainder of the time until the top of the hour.

Mr. HAYWORTH. I thank my good friend, the gentlewoman from Illinois in the Chair, and I thank her for the adroit manner in which she is administering the rules of the House this evening, and I thank her for the indulgence to continue this conversation with my two colleagues from California until the top of the hour, which will be 9 p.m. in the Western States from whence we hail.

But, Madam Speaker, it is worth noting that our words and observations tonight carry to the American people not a paranoia, not a panic, but a clear, strong resolve that at long last those of us who are given the constitutional authority to provide for the common defense understand the clear and present danger that confronts our constitutional Republic.

We take no glee in it, we wish it were not so. But as former President Reagan said, facts are stubborn things, and as my junior colleague from California points out and the bipartisan words of the Cox committee report, there are disturbing conclusions drawn that force us to reassess our national security, that force us to reassess our trade policy, that force us to reassess the affairs of state that ofttimes come under the heading of foreign policy.

The challenges are real. No amount of spin, no amount of economic prosperity, no amount of lip-biting and empathy can obscure them from any quarter. And again we offer this because, as I was taught again during our district work period when I had the chance to stand alongside veterans in Flagstaff, Arizona, when more than 200 residents of that city came together to commemorate the sacrifices of our war dead, I was reminded that the words of our Constitution are more than verbiage strewn on parchment. They are a living, breathing part of us as a people, and we dare not, we dare not ignore our duties and our responsibilities. And citizen after citizen came to me expressing their real concerns.

Oh, we do not hear about them from the 24-hour news networks, we do not hear about them except in scant effort by the three major news network anchors, but the American people understand that Abraham Lincoln, whom history predestined would preside over the most divisive bloody conflict in our history, understood full well that the American people, once fully informed, would make the correct decision; and our role is to fully inform and to answer this threat and this cause.

And I am so pleased that our colleague from California joins us in his first term that he brings this report; and I would note, Madam Speaker, that those who may hear these words can gain access to the Cox committee report via my office Web site, and I think my colleague from California has more he would like to share from that report and other observations.

I would yield to him at this time.

Mr. OSE. Madam Speaker, it is ironic that we find ourselves here talking about rocket scientists, because under no circumstances do I pretend to be a rocket scientist. However I think, like so many things we are involved in, whether it be running our families with our spouses or raising our children or running our businesses, the devil of doing anything is in the details that are involved. And I want to run through a few things that are in the Cox report in particular related to what used to be the United States' quantitative and qualitative edge in technology and what damage has occurred as a result of the loss of these secrets.

As many people know, the United States has continually improved its ability to deliver intercontinental ballistic missiles, whether it be telemetry or design or payloads or what have you; year after year after year, compared to the situations in other countries where the technology available, for instance to the People's Republic of China or others, was either based on 1950s design or was wholly unavailable, period. And the reason these things are so important and particularly related to the most current news we hear about the loss of secrets from Los Alamos and other laboratories is that the design warheads and the manner in which they are delivered are significantly improved, both in terms of payload and efficiency, by virtue of having one country steal from us that technology that we have created by virtue of investment over tens of years and billions of dollars.

For instance, what used to be our technology in the 1950s could deliver arguably a relatively small payload accurately. Over the years we have been able to create technology and implement technology that allows us to shrink the size of our warheads, improve the delivery system on a ballistic missile basis and put multiple warheads in a single delivery system as opposed to one warhead per delivery.

The tragedy of the theft of these secrets is that our ostensible trading partners now possess the same ability, as compared to as few as 10 years ago, in the late 1980s, when they were totally incapable, incapable of delivering that kind of a weapon on the United States. And the reason that is important is that, as we go forward, as the House wishes and has adopted with its national ballistic missile defense plan, as we go forward, putting that in place, if we have a missile come to our shores with multiple, independent reentry vehicles, the difficulty of preventing those weapons from detonating are multiplied logarithmically. It is not arithmetic, it is not geometric, it is logarithmic because our ostensible trading partners, instead of having again one warhead per missile have shrunk the size of their warheads and loaded multiple warheads onto the missile, and as they come back into the atmosphere, will release them on target.

This is something that affects every single one of us. It has nothing to do with economic trade in my opinion. This is a national security issue, and it is of great concern to me on this issue, as it has been, as you both know and as many of the others know here as to our intervention in Yugoslavia, that we, number one, are ignoring the national security interests in the case of these ballistic missiles and the information that has been stolen relative to technology and the like in one case, and we are unable to identify a national security interest in another case, that being Yugoslavia.

□ 2350

So the gentleman from Arizona's comment is well made about how to get access to this. I am sure that the gentleman from California (Mr. COX) has it on his web site. I would encourage every American to at least read the forward summary in volume 1. It is frightening information. It is emblematic of the difficulty that we face and the dangers we face in the real world today.

Mr. HAYWORTH. In fact, I thank my colleague for his comments.

Madam Speaker, I would invite every member of this House, with the technological capabilities we all enjoy, to post this unanimous bipartisan report on their individual web sites so that, Madam Speaker, those in this country who are citizens, who are concerned, can have access to this information, full and unfettered, so that they understand the extent to which our national security has been jeopardized.

I yield to my more senior colleague from California.

Mr. ROHRABACHER. I think we have certainly outlined tonight the magnitude of the problem, and my colleague from California has demonstrated that what we are talking about is the survival or the incineration of millions of Americans. I mean, again, it is worse than our worst nightmare could possibly have been 10 and 20 years ago. No one could ever have imagined that this would come about.

But I worked for a guy in the White House who always said that what is important is not just to focus on the problem, but to make sure you always offer a solution, and then look towards the opportunities that you have. So I would just like for a couple of minutes talk about the options that we have and just say, what are they?

Number one, first and foremost, we have to start off with a missile defense system. We have to move forward with missile defense. As my colleague from California just mentioned, it is going to be a lot harder now, because they not only have a missile with one warhead, and a missile that was pretty unreliable, but, thanks to some American companies using technology that we paid for, we paid for it, taxpayers developed that technology to protect us during the Cold War, now it has been given away and stolen and actually sold by our major corporate leaders, some of these major corporate leaders. So we have to go forward with missile defense, do it seriously, and do it as if the lives of our children depend upon it.

Number two, we have to work closely and reestablish close ties and a trusting relationship with the democracies of the Pacific and Asia and the Philippines, Japan, Korea and Thailand, which no longer trust in the word of the United States, which see us kowtowing before this communist dictatorship in Beijing. The democratic peoples of the world have to know they can count on the United States, and especially in that area in Asia and the Pacific region.

Again, we must go back to Communist China and we must alter our fundamental relationship, quit treating them as a friend and begin treating them as a hostile power, which means no more military exchanges, no more scientific exchanges, and especially no more subsidies for our businessmen going over there to invest and building up their economy and their capabilities technologically to build these weapons you are talking about. It is one thing to have the blueprints. It is another thing to have the machine tools and the computer technology in order to accomplish that.

We can start, first of all, doing this by eliminating their ability to have an unfair trade relationship with us, by supporting my resolution of disapproval of normal trade relations in the next couple of weeks, which is going to come before the body.

The American people, all of the veterans you saw and that I saw and you saw in your Memorial Day services, veterans from around the United States, should be here pounding on doors, demanding, demanding that we eliminate most-favored-nation status, that normal trade status with China be denied.

This should be a goal of the American Legion and the Veterans of Foreign Wars. Patriotic organizations around the United States in the next two weeks should mobilize behind this and knock on every Congressman's door, and they will listen if the American people speak. Money talks maybe in these campaign contributions, but in a democracy the voice of the people talk louder, and we can be glad we live in a country where the people's will will be heard. We must invest in democracies and invest in democracy.

What that means is this: How did Ronald Reagan win the Cold War without having to fight with the Soviet Union? We faced the same type of incineration, by the way, you are talking about, with the Soviet Union. The Soviet Union had MIRVed warheads too, did they not? They were a horrible threat to our well-being. For decades we lived under that threat.

Ronald Reagan ended it in a number of ways. He rebuilt our military strength, which is something we need to do, not only missile defense. But what he did, most importantly, was support those people who believe in democracy around the world, whether it was in Nicaragua, where eventually the Nicaraguan freedom fighters, who people on the other side of the aisle did everything they could to prevent us from helping those people they called the Contras, and eventually there was a free election in Nicaragua, and those communists, the Sandinistas, were booted out, even though our colleagues on the other side of the aisle said they represent the real will of the Nicaraguan people.

If we support democracy around the world, and that means especially in China, we should be financing and working just like we did with Lech Walesa in Poland and freedom movements, what Ronald Reagan did all over the world. We should focus on China as if our very national survival depended on us reaching out to the decent freedom-loving people of China. If any message goes out tonight, it should be Communist China, Communist China, may be our enemy. That regime of gangsters may be our enemy.

But our greatest ally, our greatest ally, is the people of China. The Chinese people are our friends. They are wonderful people. They long for the same type of human dignity and freedom and liberty and justice and opportunity for their families that we long for for our families. They do not hate the United States. They are not our enemies. We have to do everything to work for the freedom-loving people and build up that democracy movement that was wiped out by the Communist Chinese once Ronald Reagan left office.

Let us work with them and build Radio Free Asia. Let us support the freedom movement. It is what is true to our principles. Do not let anybody say we are anti-Asian, anti-Chinese. We are not. We are pro-freedom, and we believe that freedom is the right of every person of every color of every religion and every ethnic background. That is our strength.

Mr. HAYWORTH. Madam Speaker, one can almost anticipate the reflexes action of those who man the spin cycles elsewhere in the sectors of this capital city, those cacophony of critics that we are certain to hear.

A couple of notes should be acknowledged as we conclude this time on the House floor. I thank both of my colleagues.

Number one, it is not enough to say everybody does this, for, if that were the case, we would blame Lyndon Johnson for the John Walker Navy espionage spy ring that began operation in the late 1960s.

No, the analogy may be somewhat quaint, but I think it is appropriate. It is one thing to lock your windows and doors and set an alarm and go on vacation and have folks cut that alarm off, somehow circumvent that system, come into what you thought was your secured home and steal your secrets.

It is quite another thing for your neighbor next door to meet the truck of the would-be burglars, to let them in the House, to help them find your most valuable possessions, and then to disavow any knowledge of that action. And that is just how simple and just how sad the current dilemma we face in fact presents itself.

A couple of final notes. It is sad that this administration has worked at cross-purposes. It has, on the one hand, deployed American forces to more locations than any other administration in the post World War II era, and, at the same time, it has denied the efforts of this common-sense conservative Congress to provide for our national defense, to provide the weapons systems, to provide the manpower and material. So you have a situation where there is work at cross purposes.

Worse still, the actions of this Congress to provide a missile defense system at long last after the news of the Chinese theft, those on the left joined us in bipartisan fashion, and yet this President in subsequent correspondence has, pointed out by our majority leader, sought to reassure the Chinese that we would not mount a missile defense system.

Madam Speaker, the American people deserve better. It should be the mission of this Congress to make sure we provide for the common defense.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair will remind Members to direct their remarks to the Chair and not to the television audience.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD (at the request of Mr. GEPHARDT) for after 5 p.m. On Tuesday, June 8, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. PALLONE, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. OSE) to revise and extend their remarks and include extraneous material:)

Mr. FLETCHER, for 5 minutes, on June 10.

Mr. BURTON of Indiana, for 5 minutes, on June 15.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1379. An act to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

ADJOURNMENT

Mr. HAYWORTH. Madam. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until Wednesday, June 9, 1999, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 106th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable DAVID VITTER, First Louisiana.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2529. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Assessment Rate [Docket No. FV99-989-2 FIR] received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2530. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Funding Operations; Investment Management (RIN: 3052-AB76) received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2531. A communication from the President of the United States, transmitting his requests for FY 2000 budget amendments for the Departments of Commerce, Defense, Justice, State, and Transportation, pursuant to 31 U.S.C. 1107; (H. Doc. No. 106—81); to the Committee on Appropriations and ordered to be printed.

2532. A letter from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—William D. Ford Federal Direct Loan Program (RIN: 1840-AC57) received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2533. A letter from the Director, Regulations Policy and Managment Staff, Food and Drug Administration, transmitting the Administration's final rule— Indirect Food Additives: Polymers [Docket No. 92F-0368] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2534. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide a program of grants to children's hospitals to support graduate medical education; to the Committee on Commerce.

2535. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to establish a working capital fund for the United States Agency for International Development; to the Committee on International Relations.

2536. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to address various management concerns of the Department regarding its security cooperation programs; to the Committee on International Relations.

2537. A letter from the Senior Attorney, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule —Rules and Procedures for Funds Transfers (RIN: 1510-AA38) received April 30, 1999, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Government Reform.

2538. A letter from the Senior Attorney, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule —Federal Government Participation in the Automated Clearing House (RIN: 1510–AA39) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2539. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide for appropriate targeting of early retirement offers by Federal agencies; to the Committee on Government Reform.

2540. A letter from the Deputy Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the National Trails System Act to create a third category of long-distance trails to be known as National Discovery Trails and to authorize the American Discovery Trail as the first trail in that category; to the Committee on Resources.

2541. A letter from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans, to authorize payment of these benefits at full rates for certain Filipinos who reside in the United States, to make improvements in veterans home loan guaranty programs, to make permanent certain temporary authorities; to the Committee on Veterans' Affairs.

2542. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule—New Canadian Province Import Code for Territory of Nunavut [Docket No. 990416099–9099–01] (RIN: 0607–AA32) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2543. A letter from the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting the Service's final rule—Child Support Enforcement Program; Grants to States for Access and Visitation Programs: Monitoring, Evaluation, and Reporting (RIN: 0970–AB72) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2544. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election to Claim Education Tax Credit [Notice 99–32] received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2545. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation that addresses various management concerns of the Department of Defense; jointly to the Committees on Armed Services, Small Business, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 7, 1999]

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 91. Resolution authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association (Rept. 106–171). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 105. Resolution authorizing the Law Enforcement Torch Run for the 1999 Special Olympics World Games to be run through the Capitol Grounds (Rept. 106–172). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 898. A bill designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness" (Rept. 106–173). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 8, 1999]

Mrs. MYRICK: Committee on Rules. House Resolution 200. Resolution providing for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes (Rept. 106–175). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

[Omitted From the Record of June 7, 1999]

By Mr. CHABOT (for himself, Ms. Slaughter, and Mr. Shimkus):

H.R. 2005. A bill to establish a statute of repose for durable goods used in a trade or business; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2006. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require persons who are plan administrators of employee pension benefit plans or provide administrative services to such plans, and who also provide automobile insurance coverage or provide persons offering such coverage identifying information relating to plan participants or beneficiaries, to submit to the Federal Trade Commission certain information relating to such automobile insurance coverage; to the Committee on Education and the Workforce.

By Mr. BLUMENAUER:

H.R. 2007. A bill to authorize the Consumer Product Safety Commission to regulate gun safety, to ban the transfer of a firearm to, or the possession of a firearm by, a person who has been convicted of a violent misdemeanor, and to ban the importation or manufacture of handguns which do not have certain safety features, and to ban the transfer of a firearm to, or the possession of a firearm by, a person who has been twice convicted of drunk driving; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2008. A bill to authorize the Consumer Product Safety Commission to regulate gun safety, and to ban the importation or manufacture of handguns which do not have certain safety features; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2009. A bill to apply the same quality and safety standards to domestically manufactured handguns that are currently applied to imported handguns; to the Committee on the Judiciary.

H.R. 2010. A bill to provide for the establishment of a National Firearm Injury Reporting System, and for grants to States for the collection of information on fatal injuries caused by firearms; to the Committee on Commerce.

By Mrs. CHRISTENSEN:

H.R. 2011. A bill to establish the District Court of the Virgin Islands as a court under article III of the United States Constitution; to the Committee on the Judiciary.

By Mr. DEUTSCH (for himself and Mr. Wexler):

H.R. 2012. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 2013. A bill to amend the Inspector General Act of 1978 to provide for the appointment of the Inspector General of certain Federal agencies by the President of the United States; to the Committee on Government Reform.

By Mr. FRANKS of New Jersey (for himself, Mr. Frelinghuysen, and Mrs. Roukema):

H.R. 2014. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 2015. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension for the work opportunity credit and the welfare-to-work credit; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself and Ms. Brown of Florida):

H.R. 2016. A bill to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 1999; to the Committee on Veterans' Affairs.

By Mr. HERGER (for himself and Mr. Pombo):

H.R. 2017. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Resources.

By Mr. HOUGHTON (for himself, Mr. Levin, Mr. Sam Johnson of Texas, Mr. Herger, Mr. Matsui, Mr. Crane, and Mr. English):

H.R. 2018. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. English, Mrs. Thurman, Mr. FOLEY, Mr. COOKSEY, Mr. SHOWS, Mr. SANDLIN, Mrs. CLAYTON, Mr. WYNN, and Mr. PAUL):

H.R. 2019. A bill to amend the Internal Revenue Code of 1986 to provide that the unearned income of children attributable to personal injury awards shall not be taxed at the marginal rate of the parents; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. HOUGHTON, Mr. CAMP, Mr. ENGLISH, Mr. FOLEY, Mr. UPTON, Mr. LAZIO, Mr. BOEHLERT, Mr. GREENWOOD, Mr. LEACH, Mr. SHAYS, Mr. EHLERS, Mr. LOBIONDO, Mr. GILCHREST, Mr. BASS, Mr. HORN, Mr. BILBRAY, Mr. KOLBE, Mr. QUINN, Ms. PRYCE of Ohio, Mr. FRELINGHUYSEN, Mr. MANZULLO, Mr. OSE, Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. DREIER, Mrs. KELLY, and Mrs. ROUKEMA):

H.R. 2020. A bill to amend the Internal Revenue Code of 1986 to provide marriage penalty relief, incentives to encourage health coverage, and increased child care assistance, to extend certain expiring tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mr. BROWN of California):

H.R. 2021. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and title XXVII of the Public Health Service Act to require group health plans and health insurance issuers to provide coverage for human leukocyte antigen testing; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTOSH (for himself, Mr. PITTS, Mr. ROHRABACHER, Mr. ENGLISH, Mr. TANCREDO, Mr. BLILEY, Mrs. CHENOWETH, Mr. SOUDER, Mr. ISTOOK, Mr. SESSIONS, Mr. HOSTETTLER, and Mrs. MYRICK):

H.R. 2022. A bill to prohibit compliance by the executive branch with the 1972 Anti-Ballistic Missile Treaty and the 1997 mutilateral Memorandum of Understanding related to that treaty; to the Committee on International Relations.

By Mr. MCINTOSH (for himself, Mr. PITTS, Mr. ROHRABACHER, Mr. ENGLISH, Mr. TANCREDO, Mr. BLILEY, Mrs. CHENOWETH, Mr. SOUDER, Mr. ISTOOK, and Mr. SESSIONS):

H.R. 2023. A bill to provide a schedule for production of elements for a national missile defense system; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Mr. LIPINSKI, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2024. A bill to amend title 49, United States Code, to require air carriers to conduct safety audits of foreign air carriers as a condition of approval of certain cooperative arrangements between the carriers; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mrs. MALONEY of New York, Mr. WEINER, Mr. UNDERWOOD, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Mr. MEEHAN, and Mr. BRADY of Pennsylvania):

H.R. 2025. A bill to ban the manufacture of handguns that cannot be personalized, to provide for a report to the Congress on the commercial feasibility of personalizing firearms, and to provide for grants to improve firearms safety; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2026. A bill to enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

H.R. 2027. A bill to require that candidates who receive campaign financing from the Presidential Election Campaign Fund agree not to participate in multicandidate forums that exclude candidates who have broad-based public support; to the Committee on House Administration.

By Mr. PITTS (for himself, Mr. SMITH of New Jersey, Mr. MCINTOSH, and Mr. WOLF):

H.R. 2028. A bill to authorize appropriations for fiscal year 2000 for infant and child health programs under chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

By Mr. RADANOVICH (for himself, Mr. GIBBONS, Mr. HERGER, Mr. SKEEN, Mr. SESSIONS, Mrs. CHENOWETH, Mr. HILL of Montana, Mr. STUMP, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. SCHAFFER, Mr. ISTOOK, Mr. CHAMBLISS, and Mr. PETERSON of Pennsylvania):

H.R. 2029. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements; to the Committee on Resources.

By Mr. RAMSTAD:

H.R. 2030. A bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH (for himself, Mr. SENSENBRENNER, Mr. DELAHUNT, and Mr. CANNON):

H.R. 2031. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H.R. 2032. A bill to amend the Department of Energy Organization Act to establish a Nuclear Security Administration and an Office of Under Secretary for National Security in the Department of Energy; to the Committee on Commerce, and in addition to the Committees on Armed Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN of Oregon:

H.R. 2033. A bill to amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communications in which a candidate attacks an opponent of the candidate unless the candidate does so in person; to the Committee on Commerce.

By Mrs. WILSON:

H.R. 2034. A bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING:

H.J. Res. 56. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

By Mr. ROHRABACHER:

H.J. Res. 57. A joint resolution disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H. Con. Res. 125. Concurrent resolution expressing the sense of the Congress in support of the development and use of firearms personalization technology; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California (for himself and Mrs. MORELLA):

H. Con. Res. 126. Concurrent resolution to honor the ExploraVision Awards Program and to encourage more students to participate in this innovative national student science competition; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. PAYNE, Mr. CHABOT, Ms. LEE, and Mr. CONYERS):

H. Res. 199. A resolution to commend the signing of a cease-fire agreement and to urge a swift solution to the crisis in Sierra Leone; to the Committee on International Relations.

[Submitted June 8, 1999]

By Mr. TAUZIN:

H.R. 2035. A bill to correct errors in the authorizations of certain programs administered by the National Highway Traffic Administration; to the Committee on Commerce.

By Mr. HYDE:

H.R. 2036. A bill to protect children; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself and Mr. HYDE):

H.R. 2037. A bill to combat youth violence and to protect children from violent crime; to the Committee on the Judiciary.

By Mr. WELLER (for himself, Mr. CARDIN, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. ENGLISH, Mr. MCCRERY, Mrs. THURMAN, Mr. FOLEY, Mr. COLLINS, and Mr. JEFFERSON):

H.R. 2038. A bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2039. A bill to restore actuarial balance to the Social Security trust funds; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. Evans, Mr. Quinn, Mr. Filner, Mr. Everett, Ms. Brown of Florida, and Mr. McKeon):

H.R. 2040. A bill to provide for a comprehensive assessment of veterans' cemeteries; to the Committee on Veterans' Affairs.

By Ms. GRANGER (for herself, Mrs. Kelly, Mrs. Wilson, and Ms. Pryce of Ohio):

H.R. 2041. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to obstetric and gynecological care; to the Committee on Education and the Workforce.

By Mr. UPTON:

H.R. 2042. A bill to establish a Commission on health policy for employer-sponsored health plans; to the Committee on Education and the Workforce.

By Mrs. KELLY:

H.R. 2043. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to unrestricted medical advice; to the Committee on Education and the Workforce.

By Mr. SHERWOOD:

H.R. 2044. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to pediatric care; to the Committee on Education and the Workforce.

By Mr. TOOMEY:

H.R. 2045. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to emergency medical care; to the Committee on Education and the Workforce.

By Mr. FLETCHER:

H.R. 2046. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure access by participants and beneficiaries of group health plans to information regarding plan coverage, managed care procedures, health care providers, and quality of medical care; to the Committee on Education and the Workforce.

By Mr. TALENT (for himself and Mr. Dooley of California):

H.R. 2047. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce.

By Mr. BLAGOJEVICH (for himself and Mrs. McCarthy of New York):

H.R. 2048. A bill to amend section 922(x) of title 18, United States Code, to prohibit the transfer to and possession of handguns, semiautomatic assault weapons, and large capacity ammunicition feeding devices by individuals who are less than 21 years of age, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia (for himself and Mr. Wolf):

H.R. 2049. A bill to rename Wolf Trap Farm Park for the Performing Arts as "Wolf Trap National Park for the Performing Arts"; to the Committee on Resources.

By Mr. LARGENT (for himself and Mr. Markey):

H.R. 2050. A bill to provide consumers with a reliable source of electricity and a choice of electric providers, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO:

H.R. 2051. A bill to amend title 49, United States Code, to require the Secretary of Transportation to investigate and hold public hearings in response to petitions claiming unreasonably high air fares or inadequate air carrier competition at airports; to the Committee on Transportation and Infrastructure.

By Mr. DeFAZIO (for himself and Mr. Walden of Oregon):

H.R. 2052. A bill to provide the State of Oregon with a role in decisions made on environmental restoration and waste management at the Department of Energy's Hanford Reservation; to the Committee on Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. Boehlert):

H.R. 2053. A bill to allow taxpayers to designate contributions to charity on their return of tax and to establish the Checkoff for Charity Commission to ensure that such contributions are paid to the designated charities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. Ose, Ms. Pryce of Ohio, Mr. Ramstad, Mr. Shays, Mr. Schaffer, Mr. Foley, Mr. Shaw, Mr. Gary Miller of California, Mr. Nethercutt, Mr. Sandlin, and Mr. Davis of Florida):

H.R. 2054. A bill to amend the Internal Revenue Code of 1986 to reduce for individuals the maximum rate of tax on unrecaptured section 1250 gain from 25 percent to 20 percent; to the Committee on Ways and Means.

By Ms. ESHOO:

H.R. 2055. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Commerce.

By Mr. FORBES:

H.R. 2056. A bill to establish United States Government policy regarding the necessity of requiring the full withdrawal of all Syrian military, security, intelligence and proxy forces from Lebanon and the restoration of Lebanon's independence; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOSTETTLER (for himself, Mr. Aderholt, Mr. Bartlett of Maryland, Mrs. Chenoweth, Mr. Jones of North Carolina, Mr. Lewis of Kentucky, Mr. McIntosh, Mr. Pickering, and Mr. Tancredo):

H.R. 2057. A bill to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees; to the Committee on the Judiciary.

By Mr. ISAKSON:

H.R. 2058. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for estate tax purposes equal to the value of the decedent's individual retirement plans, section 401(k) plans, and certain other retirement plans; to the Committee on Ways and Means.

By Mr. KING (for himself and Mr. Stupak):

H.R. 2059. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependant children of Federal, State, and local law enforcement officers who are killed in the line of duty; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself and Mr. Cramer):

H.R. 2060. A bill to amend title 23, United States Code, and the Internal Revenue Code of 1986 to make revenues from excise taxes imposed on fuel used in trains available for projects for the elimination of hazards of railway-highway crossings, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Kentucky:

H.R. 2061. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to reduce the amount of funds to a State that does not have in effect certain provisions; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself and Mr. Castle):

H.R. 2062. A bill to amend the Right to Financial Privacy Act of 1978 with respect to financial exploitation of older or disabled individuals; to the Committee on Banking and Financial Services.

By Mr. MARKEY:

H.R. 2063. A bill to provide for a study of marketing practices of the firearms industry; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 2064. A bill to suspend temporarily the duty on instant print film; to the Committee on Ways and Means.

H.R. 2065. A bill to suspend temporarily the duty on instant print film; to the Committee on Ways and Means.

By Mr. PICKERING (for himself, Mr. Thompson of California, and Mr. Chambliss):

H.R. 2066. A bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes; to the Committee on Agriculture.

By Mr. RYAN of Wisconsin:

H.R. 2067. A bill to require that, for purposes of the 2000 census, members of the armed forces on active duty be allocated to their home of record, and overseas military dependents be allocated to their last United States residence or, alternatively, to the same place as the member of the armed forces; to the Committee on Government Reform.

By Mr. SALMON (for himself, Mr. Baker, Mr. Graham, Mr. Cunningham, Mr. Stump, Mr. Paul, Mr. Goss, Mr. Campbell, Mr. Royce, Mr. Hoekstra, Mr. Souder, Mr. Cooksey, Mr. Coburn, Mr. McCrery, Mrs. Kelly, Mr. Foley, Mr. Hayworth, Mr. Barton of Texas, Mr. Sessions, Mr. Sensenbrenner, and Mr. Calvert):

H.R. 2068. A bill to amend title XVIII of the Social Security Act to remove the sunset and numerical limitation on Medicare participation in Medicare+Choice medical savings account (MSA) plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2069. A bill to permit Secretary of Health and Human Services to adjust Medicare payments to reflect deviations from generally accepted practice in overserving or underserving Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2070. A bill to provide for development and implementation of a single, unified prospective payment system for post-care hospital services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT:

H.R. 2071. A bill to suspend temporarily the duty on a certain chemical used in the textile industry and in water treatment; to the Committee on Ways and Means.

H.R. 2072. A bill to suspend temporarily the duty on a certain chemical used in the paper industry; to the Committee on Ways and Means.

H.R. 2073. A bill to suspend temporarily the duty on a certain chemical used in water treatment; to the Committee on Ways and Means.

H.R. 2074. A bill to suspend temporarily the duty on a certain chemical used in water treatment and beauty care products; to the Committee on Ways and Means.

H.R. 2075. A bill to suspend temporarily the duty on a certain chemical used in photography products; to the Committee on Ways and Means.

H.R. 2076. A bill to suspend temporarily the duty on a certain chemical used in peroxide stabilizer and compounding; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 2077. A bill to establish a National Forest Preserve consisting of certain Federal lands in the Sequoia National Forest in the State of California to protect and preserve remaining Giant Sequoia ecosystems and to provide increased recreational opportunities in connection with such ecosystems; to the Committee on Resources.

By Mr. TALENT:

H.R. 2078. A bill to suspend temporarily the duty on a certain chemical used in the textile industry; to the Committee on Ways and Means.

By Mr. THUNE:

H.R. 2079. A bill to provide for the conveyance of certain National Forest System lands in the State of South Dakota; to the Committee on Resources.

By Mr. TRAFICANT:

H.R. 2080. A bill to amend title 18, United States Code, to transport maximum security prisoners across State lines to prisons that are not classified to handle maximum security prisoners; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mrs. McCarthy of New York, Mr. Moore, Ms. Kilpatrick, Mr. Wu, Mr. Holden, Ms. Hooley of Oregon, and Mr. Udall of Colorado):

H.R. 2081. A bill to provide for the appointment of an Assistant United States Attorney for each judicial district for the purpose of prosecuting firearms offenses; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2082. A bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma:

H. Con. Res. 127. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to Rosa Parks; to the Committee on House Administration.

By Mr. SHERMAN (for himself, Mr. Gilman, Mr. Gejdenson, Mr. Smith of New Jersey, Mr. Lantos, Mr. Berman, Mr. Waxman, Mr. Ackerman, Mr. Martinez, Mr. Menendez, Mr. Hilliard, Mr. Wexler, Mr. Rothman, Mr. Crowley, Mr. Hoeffel, Mr. Nadler, and Mr. Weiner):

H. Con. Res. 128. Concurrent resolution expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community; to the Committee on International Relations.

By Mr. BILBRAY (for himself and Mr. Greenwood):

H. Res. 201. A resolution recognizing the importance for families to pledge to each other to be organ and tissue donors; to the Committee on Commerce.

By Ms. KAPTUR (for herself, Mrs. Morella, Mrs. Maloney of New York, Mrs. Kelly, Mrs. Capps, Mrs. Jones of Ohio, Ms. Lee, Ms. Woolsey, Ms. Millender-McDonald, Mrs. Napolitano, Mr. Frost, Mr. Brown of Ohio, Ms. Roybal-Allard, Mrs. Thurman, Mr. Reyes, Mrs. Northup, Mr. Filner, Mrs. Mink of Hawaii, Ms. Jackson-Lee of Texas, Ms. Hooley of Oregon, Mr. Costello, Ms. Slaughter, Ms. Berkley, Ms. Stabenow, Ms. DeLauro, Ms. Rivers, Mr. Fattah, Ms. Lofgren, Mr. Cummings, Mr. Conyers, Ms. Schakowsky, Mr. Brown of California, Ms. Kilpatrick, and Mr. Sanders):

H. Res. 202. A resolution expressing the sense of the House of Representatives that the artwork displayed in the Capitol and in the office buildings of the House of Representatives should represent the contributions of women to American society; to the Committee on House Administration.

By Mr. RYAN of Wisconsin:

H. Res. 203. A resolution acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as firefighters; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of June 7, 1999]

H.R. 8: Mr. Bilirakis, Mr. Jefferson, and Mr. Abercrombie.

H.R. 14: Mr. Greenwood.

H.R. 21: Mr. King, Mr. Berman, and Mrs. Myrick.

H.R. 25: Mr. Franks of New Jersey.

H.R. 48: Mr. Goodling.

H.R. 49: Ms. Carson and Mr. Moore.

H.R. 72: Mr. Lucas of Kentucky, Mr. Peterson of Minnesota, Mr. Hall of Texas, and Mr. Blunt.

H.R. 116: Mr. Clay.

H.R. 175: Mr. Young of Alaska, Mr. Pallone, Mr. Menendez, Mr. McCollum, Mr. Gonzalez, Mr. Martinez, Mr. Towns, Mr. Kind, Mr. Green of Texas, Mr. Thompson of Mississippi, Mr. Bryant, Mr. Owens, Mr. Reyes, Mr. Holt, Mr. Diaz-Balart, Ms. Eddie Bernice Johnson of Texas, and Ms. Waters.

H.R. 194: Mr. Camp.

H.R. 206: Mr. Gejdenson.

H.R. 219: Mr. Chabot.

H.R. 242: Mr. Terry and Mr. Latham.

H.R. 316: Ms. Eddie Bernice Johnson of Texas.

H.R. 324: Ms. Pelosi.

H.R. 353: Mr. Phelps, Mr. Latham, Mr. Ortiz, and Mr. Isakson.

H.R. 354: Ms. Pryce of Ohio.

H.R. 363: Mr. Pickett.

H.R. 383: Ms. Danner.

H.R. 417: Mr. Delahunt.

H.R. 443: Mr. Weiner.

H.R. 483: Mr. Allen and Mr. Maloney of Connecticut.

H.R. 486: Mr. Boehlert, Mrs. Bono, and Mr. Thune.

H.R. 500: Mr. Filner.

H.R. 518: Mr. Hyde.

H.R. 561: Mr. Frelinghuysen and Mr. Martinez.

H.R. 614: Mr. Pickett and Mr. Campbell.

H.R. 625: Mr. Jefferson.

H.R. 673: Mr. Bilirakis.

H.R. 688: Mr. McKeon and Mr. Peterson of Pennsylvania.

H.R. 708: Mr. Snyder.

H.R. 710: Mr. Taylor of Mississippi.

H.R. 749: Mr. Istook.

H.R. 785: Mr. Lewis of Georgia.

H.R. 798: Mr. Sessions and Mr. Thompson of Mississippi.

H.R. 832: Mr. Gejdenson and Mr. Hinchey.

H.R. 835: Mr. Hayworth, Mr. Kennedy of Rhode Island, Mr. Walsh, Mr. Sessions, Mr. Hostettler, and Mr. Payne.

H.R. 845: Mrs. Johnson of Connecticut.

H.R. 859: Mr. Sam Johnson of Texas.

H.R. 860: Mrs. Mink of Hawaii and Mr. Abercrombie.

H.R. 906: Mr. Engle.

H.R. 965: Mr. Goodling, Mr. Weller, Mr. Boehlert, Mr. Barcia, Mr. Schaffer, Mr. Weldon of Florida, Mr. Owens, Mr. Green of Texas, Mr. McGovern, Mr. Rahall, Mr. Bilbray, and Mr. Rohrabacher.

H.R. 1037: Mr. Moran of Virginia, Mr. Wynn, Ms. Lee, and Mr. Meehan.

H.R. 1053: Ms. Lee.

H.R. 1071: Mr. Frank of Massachusetts.

H.R. 1082: Mr. Thompson of California.

H.R. 1083: Mr. Baker, Mr. Kingston, Mr. Norwood, Mr. Sweeney, and Mr. Etheridge.

H.R. 1093: Mr. Gutknecht.

H.R. 1095: Mrs. Capps, Ms. Slaughter, Ms. Rivers, Mr. Minge, Mr. Markey, Mr. Rush, Ms. Velázquez, Mr. Brown of California, and Mr. Filner.

H.R. 1108: Mr. Cummings.

H.R. 1111: Mr. Snyder, Mr. Clement, and Mr. Frank of Massachusetts.

H.R. 1149: Ms. Kilpatrick.

H.R. 1187: Mr. Bartlett of Maryland, Mr. Phelps, Ms. Jackson-Lee of Texas, Mr. Inslee, Mr. McCollum, Mr. Lipinski, Mr. LoBiondo, Ms. Pelosi, Mr. Hefley, Mr. Clyburn, Mr. Meehan, Mr. LaTourette, Mr. Moakley, Mr. Spratt, and Mr. Costello.

H.R. 1193: Mr. Tierney, Ms. Carson, Mr. Weldon of Pennsylvania, Mr. Towns, and Mr. Costello

H.R. 1196: Mr. Forbes.

H.R. 1229: Mr. Ney.

H.R. 1247: Mr. Cunningham, Mr. Shows, Mr. Boehlert, Mr. King, Mr. Hyde, Mr. Skelton, Ms. Kaptur, Mr. Underwood, Ms. Berkley, and Mr. Capuano.

H.R. 1289: Mr. Hinchey, Mr. Faleomavaega, and Mr. Underwood.

H.R. 1300: Mr. Costello and Mrs. Morella.

H.R. 1304: Mr. Turner, Mr. Rothman, Mr. Dicks, Mr. Gary Miller of California, Mr. Holt, Mr. LoBiondo, Mrs. Morella, Ms. Berkley, Mr. Pastor, Mr. Gilman, Mr. Barcia, Mr. Wu, Mr. Franks of New Jersey, and Mrs. Kelly.

H.R. 1313: Mr. Abercrombie, Mr. Blumenauer, Mrs. Christensen, Mr. Boucher, and Mr. Rahall.

H.R. 1315: Mr. Dixon.

H.R. 1317: Mr. Kleczka.

H.R. 1324: Mr. Gilman, Mrs. Jones of Ohio, Mr. Farr of California, and Ms. Pelosi.

H.R. 1326: Mr. Hall of Texas, Mr. Cooksey, Ms. Carson, Mr. Holt, and Mr. LaHood.

H.R. 1336: Mr. LaTourette.

H.R. 1349: Mr. Sensenbrenner, Mr. Riley, and Mr. Jones of North Carolina.

H.R. 1355: Mr. Bonior, Mr. Lantos, and Mr. Greenwood.

H.R. 1382: Mr. Bachus, Mr. Petri, Mr. Archer, Mr. Souder, and Mr. Pickett.

H.R. 1387: Mr. Price of North Carolina, and Ms. Hooley of Oregon.

H.R. 1388: Mrs. Roukema, Mr. Maloney of Connecticut, Mr. Gejdenson, Mr. Hinchey, Mr. Rush, Mr. DeFazio, Mr. King, Mr. Inslee, Mr. Smith of Washington, Mr. Lewis of Georgia, Mr. Rodriguez, Mr. Meehan, Ms. Schakowsky, Mr. Costello, Mr. Coyne, Mr. Lipinski, Mr. Serrano, Mr. McIntosh, Mr. Bishop, Mrs. Mink of Hawaii, Mr. Neal of Massachusetts, Mr. Payne, Mr. Pastor, Ms. Velázquez, Mr. Mica, Mr. Matsui, Mr. Stark, Ms. Pelosi, Mr. Price of North Carolina, Mr. Walsh, Mr. Sherman, Mr. Andrews, Mr. Menendez, Mr. Shaw, Mr. Lampson, Mr. Shays, Mr. Baker, and Mr. Crowley.

H.R. 1398: Mr. Herger.

H.R. 1399: Mrs. Thurman, Mr. Lampson, Mr. Hall of Ohio, Mrs. Morella, Ms. Carson, and Mr. Brown of Ohio.

H.R. 1414: Mr. Moore.

H.R. 1423: Mr. Green of Texas, Mr. Oxley, Mr. Kolbe, Mrs. Morella, Ms. Schakowsky, Ms. Kilpatrick, and Mr. Reyes.

H.R. 1424: Mr. Green of Texas, Mr. Oxley, Mr. Kolbe, Mrs. Morella, Mr. Barcia, and Mr. Reyes.

H.R. 1456: Mr. Brown of California, Mrs. Tauscher, Mr. Abercrombie, Mr. Clay, Mrs. Morella, and Mr. Bachus.

H.R. 1459: Mr. Goodling.

H.R. 1463: Mr. Hyde and Mr. Frelinghuysen.

H.R. 1484: Mr. Clement.

H.R. 1485: Mr. Brown of California, Mr. McDermott, and Ms. Pelosi.

H.R. 1491: Mr. Hinojosa.

H.R. 1495: Mr. Rahall, Mr. Pastor, Ms. Norton, Ms. Millender-McDonald, Mr. Meeks of New York, and Mr. Dixon.

H.R. 1496: Mr. Gutierrez, Mr. Jones of North Carolina, Mr. DeMint, and Mr. Radanovich.

H.R. 1520: Mr. Jefferson, Mr. Armey, Mrs. Morella, Mr. Frost, and Mr. Souder.

H.R. 1546: Ms. Dunn.

H.R. 1567: Mrs. Northup.

H.R. 1579: Mr. Gillmor, Mr. Barcia, Mr. Meehan, Mr. Clay, Mr. Markey, Mr. Tierney, Mr. Udall of Colorado, Mr. Lipinski, Ms. McCarthy of Missouri, Mr. Kildee, Mr. Gonzalez, Ms. Millender-McDonald, Mr. Davis of Florida, Mr. Levin, Ms. Lee, and Mrs. Napolitano.

H.R. 1584: Mr. Castle, Mr. Gilman, and Mr. Greenwood.

H.R. 1585: Mr. Inslee and Mrs. Kelly.

H.R. 1586: Mr. Bachus and Mr. Terry.

H.R. 1592: Mr. Clyburn, Mr. Barrett of Nebraska, Mr. Wicker, Mr. Tauzin, Mr. Pickett, Mr. Collins, Mr. Kingston, Mr. Moran of Kansas, Mr. Burton of Indiana, Mr. Bryant, Mr. Gilman, Mr. Dickey, Mr. Peterson of Minnesota, Mr. King, and Mr. Camp.

H.R. 1603: Mr. Sensenbrenner.

H.R. 1621: Mr. Callahan.

H.R. 1631: Mr. Barcia.

H.R. 1665: Mr. Boucher, Mr. Fossella, Mr. Pickett, and Mr. Franks of New Jersey.

H.R. 1670: Ms. Kilpatrick and Mr. Jackson of Illinois.

H.R. 1691: Mr. Weller, Mr. Blunt, and Mr. Green of Wisconsin.

H.R. 1710: Mr. Calvert.

H.R. 1714: Mr. Dreier, Mr. Burr of North Carolina, and Mr. Pickering.

H.R. 1731: Mrs. Thurman, Mr. Boehlert, and Mr. Baldacci.

H.R. 1734: Mr. Eshoo.

H.R. 1776: Mr. English, Ms. Hooley of Oregon, Mr. Edwards, Mrs. Myrick, MR. Baldacci, Mr. Goode, Mr. Bishop, Ms. Danner, Mr. Young of Alaska, Mr. Rahall, Mr. Hill of Montana, and Mr. Upton.

H.R. 1824: Mrs. Northup, and Mr. Neal of Massachusetts.

H.R. 1839: Mr. Gilman, Mr. Wynn, Mr. English, and Mr. Menendez.

H.R. 1857: Mr. Doyle, and Mr. Hinchey.

H.R. 1858: Mr. Barton of Texas, and Mr. Kasich.

H.R. 1862: Ms. Slaughter, Mr. Bonior, Mr. Engel, Ms. Berkley, and Mr. Gejdenson.

H.R. 1932: Mr. Regula, Mr. Burton of Indiana, Mrs. Roukema, Mr. Wolf, Mr. Lazio, Mr. Smith of New Jersey, Mr. Forbes, Mrs. Morella, Mr. Edwards, Ms. Waters, Mr. McDermott, Mr. Obey, Mr. Brown of Ohio, Mr. Bentsen, Mr. Dicks, Mrs. Lowey, Mr. Payne, Mr. Jefferson, Mr. Borski, Mr. Klink, Mr. Udall of Colorado, Ms. DeGette, Mr. Tierney, Mr. Meehan, Mr. Conyers, Mr. McIntyre, Mr. Condit, Mr. Hall of Texas, Mr. McNulty, Mr. Hall of Ohio, Mr. Olver, Mr. Capuano, Mr. Gilchrest, Mr. Gallegly, Mr. Pease, Mr. Horn, Mr. Upton, Mr. Rogan, Mr. Goodling, Mr. Portman, Mr. Hobson, Mr. Dixon, Mr. McHugh, Mr. Markey, and Mr. Castle.

H.R. 1937: Mr. Schaffer, Mr. Hefley, Mr. McInnis, Mr. Norwood, and Mr. Largent.

H.J. Res. 55: Mr. Hilleary, Mr. Tiahrt, Mr. Ose, Mr. Rohrabacher, Mr. Turner, and Mr. Cunningham.

H. Con. Res. 34: Mr. Quinn.

H. Con. Res. 60: Mr. Regula, Mr. McIntosh, Ms. Carson, and Mr. Sweeney.

H. Con. Res. 77: Mr. Gallegly.

H. Con. Res. 94: Mr. Bartlett of Maryland, and Mr. Ballenger.

H. Con. Res. 107: Mrs. Cubin, Mr. Ryan of Wisconsin, Mr. Sensenbrenner, Mr. Jones of North Carolina, Mr. Crane, Mr. Cunningham, Mr. Sessions, Mr. Ney, Mr. Doolittle, Mr. Gibbons, Mr. Brady of Texas, and Mr. Foley.

H. Con. Res. 109: Mr. Skelton, Mr. Weiner, and Mr. Davis of Florida.

H. Con. Res. 116: Mr. Lewis of Georgia, Mr. Pallone, Mr. Cummings, Ms. Jackson-Lee of Texas, Mr. Frank of Massachusetts, Mr. McGovern, Mr. McDermott, Mr. Brown of California, Ms. Pelosi, Mr. Brown of Ohio, Mr. Farr of California, and Ms. Rivers.

H. Con. Res. 119: Mr. Holt and Mr. Shows.

H. Con. Res. 124: Mr. Lantos, Mr. Abercrombie, Mr. Cook, Mr. Underwood, and Ms. Roybal-Allard.

H. Res. 16: Mr. Ramstad.

H. Res. 41: Ms. Hooley of Oregon, Mr. Nethercutt, Mr. McIntyre, and Mr. Radanovich.

H. Res. 80: Mr. Peterson of Pennsylvania.

[Submitted June 8, 1999]

H.R. 7: Mr. Calvert.

H.R. 17: Mr. Hulshof and Mr. Boehner.

H.R. 36: Ms. Eshoo, Mr. Farr of California, and Mrs. Tauscher.

H.R. 44: Mr. Hinchey.

H.R. 65: Mr. Hinchey, Mr. Clement, and Mr. Hansen.

H.R. 82: Mr. LoBiondo and Mr. Weiner.

H.R. 121: Mr. Callahan.

H.R. 155: Mr. Collins.

H.R. 179: Mr. Abercrombie and Mr. Cramer.

H.R. 184: Mr. Bateman.

H.R. 205: Mr. Hansen.

H.R. 212: Mr. Ney, Ms. Lofgren, Mr. Gutknecht, Mr. Inslee, and Mr. Coburn.

H.R. 218: Mr. Gekas.

H.R. 232: Mrs. Morella and Mr. Isakson.

H.R. 239: Mr. Brown of California, Mr. Waxman, Mr. Davis of Illinois, Mr. Jefferson, Mr. Capuano, and Mr. Gejdenson.

H.R. 248: Mr. Paul and Mr. Moran of Kansas.

H.R. 271: Mr. Lipinski, Mr. Lazio, and Ms. Berkley.

H.R. 274: Mr. Bilbray, Mr. Largent, Mr. Isakson, Mr. Turner, Mr. Ose, Mr. Calvert, Ms. Berkley, Mr. Dicks, Mrs. Capps, Mr. Moakley, Mr. Farr of California, Mr. Pombo, Mr. Olver, Mr. Weller, Ms. Millender-McDonald, and Mr. Gekas.

H.R. 303: Mr. Hinchey, Mr. Goss, Mr. Clement, and Mr. Hansen.

H.R. 315: Mr. Becerra and Mrs. Mink of Hawaii.

H.R. 347: Mr. Hunter and Mr. Whitfield.

H.R. 353: Mr. Andrews, Mr. Gary Miller of California, Mr. Murtha, Mr. Farr of California, Ms. Hooley of Oregon, Mr. Abercrombie, and Mr. Larson.

H.R. 354: Mr. Greenwood and Mr. Coyne.

H.R. 358: Mr. Reyes.

H.R. 360: Mr. Martinez and Mr. Bonior.

H.R. 382: Mr. Martinez.

H.R. 405: Mr. Holden, Mr. Blumenauer, Ms. Ros-Lehtinen, Ms. Hooley of Oregon, Mr. Maloney of Connecticut, Mrs. Kelly, and Mr. Barrett of Wisconsin.

H.R. 413: Mr. Greenwood, Mrs. McCarthy of New York, Ms. Hooley of Oregon, Mr. Lampson, Mr. Allen, Mr. Wynn, Mrs. Tauscher, Mr. Holt, Mr. Castle, and Mr. Fattah.

H.R. 417: Mr. Reyes.

H.R. 425: Ms. Kilpatrick, Ms. Velázquez and Mr. Martinez.

H.R. 486: Mr. Tiahrt, Mr. Davis of Florida, and Mr. Sweeney.

H.R. 489: Mr. Green of Texas, Mr. Jackson Illinois, Mr. Meeds of New York, and Ms. Danner.

H.R. 515: Mr. Wu, Mr. Vento, and Mr. Menendez.

H.R. 531: Mr. LoBiondo, Mr. Bateman, Mr. Clement, and Mr. Sessions.

H.R. 534: Mr. ANDREWS and Mr. DAVID of Virginia.

H.R. 558: Mr. CAMPBELL.

H.R. 576: Mrs. NORTHUP.

H.R. 595: Mr. KANJORSKI, Ms. KILPATRICK, Mr. FILNER, and Mr. FROST.

H.R. 629: Ms. KILPATRICK.

H.R. 655: Mr. TIERNEY, Mr. PRICE of North Carolina, and Mr. MOAKLEY.

H.R. 664: Mr. UDALL of New Mexico.

H.R. 679: Mr. DAVIS of Illinois.

H.R. 680: Mr. SMITH of Washington, Mr. GOODE, Mr. SALMON, and Mr. SANDERS.

H.R. 690: Mr. FILNER and Mr. RODRIGUEZ.

H.R. 693: Mr. SANDERS.

H.R. 716: Mr. BARR of Georgia.

H.R. 721: Mr. FALEOMAVAEGA, Mr. CLEMENT, and Mr. GILCHREST.

H.R. 724: Mr. WEINER and Ms. JACKSON-LEE of Texas.

H.R. 732: Mr. BARCIA.

H.R. 750: Mr. MASCARA and Mr. CALVERT.

H.R. 756: Mrs. NORTHUP and Mr. FLETCHER.

H.R. 765: Mr. CHAMBLISS and Mr. SCHAFFER.

H.R. 776: Mr. BERMAN, Ms. PELOSI, Mr. WAXMAN, Mr. ENGEL, and Mr. GEJDENSON.

H.R. 783: Mr. CAMPBELL, Mr. TRAFICANT, Mr. PETERSON of Pennsylvania, Mr. BORSKI, Ms. STABENOW, Mr. WELLER and Mr. ABERCROMBIE.

H.R. 784: Mr. RAHALL, Mr. MCINTYRE, Mr. DELAHUNT, Mr. HINCHEY, Mr. BUYER, and Ms. MCCARTHY of Missouri.

H.R. 792: Mr. CANADY of Florida, Mr. GILCHREST, Mr. ISAKSON, Mr. KINGSTON, and Mr. TERRY.

H.R. 797: Mr. BROWN of California.

H.R. 798: Ms. BERKLEY.

H.R. 803: Mrs. MYRICK, Mr. LEWIS of Kentucky, Mr. CALLAHAN, Mrs. THURMAN, Mr. WICKER, Mr. DIAZ-BALART and Mr. SMITH of Washington.

H.R. 804: Mr. DOYLE, Mrs. CAPPS and Mr. WEYGAND.

H.R. 809: Ms. BROWN of Florida and Ms. WOOLSEY.

H.R. 815: Mr. PHELPS, Mr. WATKINS, and Mr. MEEKS of New York.

H.R. 817: Mr. HULSHOF.

H.R. 827: Ms. BALDWIN, Mrs. TAUSCHER, Ms. CARSON, Mr. UDALL of New Mexico, Ms. NORTON, Mr. GILCHREST, Mr. THOMPSON of Mississippi and Mr. COSTELLO.

H.R. 828: Ms. KILPATRICK.

H.R. 842: Mr. BOYD.

H.R. 846: Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Ms. CARSON, and Ms. PELOSI.

H.R. 850: Mr. UDALL of New Mexico.

H.R. 854: Mr. OLVER and Mr. BOUCHER.

H.R. 860: Mr. COYNE.

H.R. 869: Mr. BOEHLERT, Mr. FRANKS of New Jersey, and Mr. BILBRAY.

H.R. 890: Mr. ENGEL and Mr. BLUMENAUER.

H.R. 895: Mr. TIERNEY, Mr. PALLONE, and Ms. LOFGREN.

H.R. 919: Mr. MCNULTY.

H.R. 920: Mr. WEINER, Mr. BLAGOJEVICH, and Ms. SCHAKOWSKY.

H.R. 922: Ms. ROS-LEHTINEN and Mr. BACHUS.

H.R. 941: Mr. JEFFERSON and Mr. MARTINEZ.

H.R. 957: Mr. SCHAFFER, Mr. PASTOR, Mr. BISHOP, Ms. BROWN of Florida, and Mr. CRAMER.

H.R. 959: Ms. ESHOO and Ms. PELOSI.

H.R. 979: Mr. WALDEN of Oregon, Mrs. LOWEY, Ms. KILPATRICK, Mr. CAPUANO, Mr. SHIMKUS, Mr. PHELPS, Mr. FRANK of Massachusetts, Ms. LEE, Mr. BROWN of California, Mr. MASCARA, and Mr. LAZIO.

H.R. 996: Mr. JOHN, Mr. KIND, Mr. MENENDEZ, and Ms. VELÁZQUEZ.

H.R. 997: Mr. TURNER, Mrs. CAPPS, Mr. MOAKLEY, Mr. DICKS, Mr. POMBO, Mr. CALVERT, Mr. KNOLLENBERG, Mr. OLVER, Mr. HOLT, Mr. ORTIZ, and Mr. HALL of Ohio.

H.R. 1001: Mr. DICKEY, Mr. BLUMENAUER, Mr. FRANKS of New Jersey, Mr. PITTS, Mr. DEFAZIO, Mr. PICKETT, Mr. SENSENBRENNER, and Mr. SWEENEY.

H.R. 1020: Mr. SKELTON, Mrs. CHRISTENSEN, Mr. REYES, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. SANDERS, Mr. SMITH of WASHINGTON, and Mr. WAXMAN.

H.R. 1032: Mr. SHUSTER, Mr. LARGENT, and Mr. COOK.

H.R. 1044: Mr. GREENWOOD, Mr. RADANOVICH, Mr. EVANS, and Mr. PICKETT.

H.R. 1046: Mrs. MINK of Hawaii.

H.R. 1063: Mr. CAPUANO, Mrs. MINK of Hawaii, and Mr. BILBRAY.

H.R. 1070: Mr. CUNNINGHAM, Mr. SALMON, Mr. ANDREWS, Mr. CARDIN, Mr. DICKS, Mr. SHAW, Mr. LAMPSON, and Mr. BONILLA.

H.R. 1071: Mr. FARR of California and Mr. HINOJOSA.

H.R. 1102: Mr. BONIOR, Mr. MCNULTY, Mr. QUINN, Mr. KING, Mr. WOLF, Mr. LEVIN, Mr. UPTON, Mrs. MINK of Hawaii, Mr. GOODLING, Mr. EWING, Mr. FORBES, and Mr. MCINTOSH.

H.R. 1106: Mr. COOKSEY, Mr. KINGSTON, and Mr. TAYLOR of Mississippi.

H.R. 1111: Mr. WEYGAND and Mr. HOYER.

H.R. 1112: Mr. VENTO.

H.R. 1115: Mr. COOK, Mr. BLAGOJEVICH, Mr. HINCHEY, and Mr. LOBIONDO.

H.R. 1130: Mr. STUPAK, Mr. MARTINEZ, and Mr. LANTOS.

H.R. 1154: Ms. KILPATRICK, Mr. WEINER, and Mr. RODRIGUEZ.

H.R. 1159: Mr. BACHUS.

H.R. 1180: Mr. LAHOOD, Mr. HOLT, Ms. KAPTUR, and Mr. THOMPSON of Mississippi.

H.R. 1194: Mr. CLYBURN.

H.R. 1217: Mr. LEACH, Mr. MORAN of Kansas, Mr. SPENCE, Mr. MOORE, Mr. EVANS, Mr. ROTHMAN, Mr. QUINN, Mr. PICKETT, Mr. FRANKS of New Jersey, Ms. MCCARTHY of Missouri, and Mr. BILIRAKIS.

H.R. 1221: Mr. YOUNG of Florida, Mrs. MEEK of Florida, Mr. COOK, and Ms. SLAUGHTER.

H.R. 1227: Ms. PELOSI.

H.R. 1228: Mr. MCHUGH.

H.R. 1254: Mr. DIAZ-BALART.

H.R. 1256: Mr. BRYANT.

H.R. 1264: Mr. BAKER and Mr. ARMEY.

H.R. 1265: Mr. BARTON of Texas, Mr. DINGELL, and Mr. PALLONE.

H.R. 1272: Mr. HOSTETTLER.

H.R. 1273: Mr. BLUNT.

H.R. 1287: Mr. FOSSELLA and Mr. EWING.

H.R. 1291: Mr. EDWARDS, Mr. STUMP, Ms. RIVERS, Ms. SCHAKOWSKY, Mr. LARSON, Mrs. CAPPS, Mr. GREENWOOD, Mr. MCKEON, and Mr. METCALF.

H.R. 1292: Mr. NEAL of Massachusetts and Mr. BROWN of California.

H.R. 1294: Mr. JEFFERSON and Mr. KUYKENDALL.

H.R. 1300: Mr. LATHAM and Mr. PETERSON of Minnesota.

H.R. 1326: Mr. JONES of North Carolina, Mrs. ROUKEMA, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BARRETT of Wisconsin.

H.R. 1331: Mr. UNDERWOOD, Mr. PRICE of North Carolina, and Mr. ENGEL.

H.R. 1337: Mr. FLETCHER, Mr. EHRLICH, Mr. NUSSLE, and Mr. NEAL of Massachusetts.

H.R. 1344: Mr. OLVER and Mr. MCINNIS.

H.R. 1347: Mr. SHOWS and Mr. BLUNT.

H.R. 1352: Mr. BLUMENAUER, Mr. NADLER, Mr. LIPINSKI, Mr. HINCHEY, Mr. OLVER, Mr. FILNER, Ms. BERKLEY, Mr. MENENDEZ, Mr. ENGLISH, Mr. MARTINEZ, Mr. CROWLEY, and Ms. SANCHEZ.

H.R. 1355: Mr. NADLER and Mr. DEUTSCH.

H.R. 1372: Mr. LOBIONDO.

H.R. 1380: Mr. CALVERT.

H.R. 1434: Mr. GRAHAM.

H.R. 1436: Mr. GRAHAM.

H.R. 1437: Mr. GRAHAM.

H.R. 1438: Mr. GRAHAM.

H.R. 1439: Mr. GRAHAM.

H.R. 1445: Mrs. MORELLA, Mr. PRICE of North Carolina, and Mr. TERRY.

H.R. 1469: Mr. BOSWELL.

H.R. 1495: Mr. HINCHEY and Mr. LANTOS.

H.R. 1497: Mr. HINOJOSA, Mrs. TAUSCHER, Ms. KILPATRICK, Ms. BERKLEY, Ms. GRANGER, and Mrs. MALONEY of New York.

H.R. 1505: Mrs. MEEK of Florida, Mr. LEACH, Mr. ANDREWS, Mr. SOUDER, Mr. LATOURETTE, Mr. PETERSON of Pennsylvania, Mr. HOEFFEL, Mr. CALLAHAN, Mr. DOYLE, Mr. RAHALL, Mrs. THURMAN, Mr. QUINN, and Mr. BACHUS.

H.R. 1507: Mr. GIBBONS, Ms. BERKLEY, Mr. PASTOR, and Mrs. BONO.

H.R. 1511: Mr. WATTS of Oklahoma, Mr. FOLEY, Mr. CANADY of Florida, and Mr. TERRY.

H.R. 1515: Mr. WALSH, Mr. PRICE of North Carolina, Mr. BALDACCI, Ms. BROWN of Florida, Mr. HALL of Ohio, Mr. BLAGOJEVICH, Ms. JACKSON-LEE of Texas, Mr. CARDIN, Mrs. MINK of Hawaii, Mr. KIND, Mr. ACKERMAN, Ms. KILPATRICK, Ms. CARSON, Mr. STARK, Mr. MATSUI, Mr. KILDEE, Mr. COSTELLO, Ms. WOOLSEY, Mr. KLECZKA, Ms. RIVERS, Mr. HINCHEY, Mr. KUCINICH, Mr. DIXON, and Ms. BALDWIN.

H.R. 1530: Mr. STEARNS and Mr. DEUTSCH.

H.R. 1543: Mr. DIAZ-BALART.

H.R. 1578: Mr. BLUNT and Mr. HERGER.

H.R. 1593: Mr. CALVERT.

H.R. 1621: Mr. LOBIONDO.

H.R. 1625: Mr. DAVIS of Virginia.

H.R. 1631: Mr. WATERS and Ms. NORTON.

H.R. 1634: Mr. TIAHRT, Mr. FOLEY, Mr. NEY, Mr. SHIMKUS, Mr. ENGLISH, Mr. MCCOLLUM, Mr. KINGSTON, Mr. CLEMENT, and Mr. WATTS of Oklahoma.

H.R. 1671: Ms. CARSON.

H.R. 1690: Mr. BROWN of California.

H.R. 1704: Mr. RAHALL.

H.R. 1706: Mr. BURTON of Indiana.

H.R. 1710: Mr. BURTON of Indiana and Mr. GRAHAM.

H.R. 1736: Mr. BARRETT of Wisconsin, Mr. ACKERMAN, Mr. TIERNEY, Mr. DEFAZIO, Mr. BONIOR, Mr. HINCHEY, and Mr. COYNE.

H.R. 1760: Mr. LATOURETTE, Mr. BARCIA, Mr. ETHERIDGE, Mr. NEY, Mr. MCGOVERN, Mr. HORN, Mr. MCHUGH, and Ms. HOOLEY of Oregon.

H.R. 1773: Mr. COYNE.

H.R. 1777: Mr. MALONEY of Connecticut and Mr. HINCHEY.

H.R. 1788: Mr. BALLENGER, Mr. FROST, Mr. SANFORD, Ms. SCHAKOWSKY, Mr. BROWN of California, Mr. KASICH, Mr. LIPINSKI, Mr. WEINER, and Mr. LOBIONDO.

H.R. 1791: Mr. PASTOR and Mr. SHAYS.

H.R. 1795: Mr. GARY MILLER of California, Mr. EHLERS, and Mr. RAHALL.

H.R. 1798: Mr. FROST.

H.R. 1804: Mr. JEFFERSON.

H.R. 1819: Mr. HINCHEY.

H.R. 1827: Mr. SESSIONS, Mr. GOODE, Mr. DOOLITTLE, Mr. MCHUGH, Mr. TERRY, Mr. SOUDER, Mr. ENGLISH, and Mrs. MYRICK.

H.R. 1832: Mr. MORAN of Virginia and Mr. SANDLIN.

H.R. 1837: Mr. WALSH, Mr. LATOURETTE, Mr. WEYGAND, Mr. PHELPS, Mr. LEWIS of Kentucky, Mr. HOLT, Mr. GALLEGLY, Mr. DIXON, Mr. GREEN of Texas, and Mr. ETHERIDGE.

H.R. 1838: Mr. SCHAFFER, Mr. FORBES, and Mr. WEXLER.

H.R. 1841: Mr. DIAZ-BALART, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. BROWN of California, and Mr. WYNN.

H.R. 1842: Mr. GONZALEZ, Mr. DELAHUNT, Mr. METCALF, Mr. WATTS of Oklahoma, Mr.

McHUGH, Mr. KENNEDY of Rhode Island, and Mr. GREEN of Wisconsin.

H.R. 1847: Ms. CARSON.

H.R. 1848: Mr. SANDERS, Ms. SLAUGHTER, and Ms. KILPATRICK.

H.R. 1849: Mr. MOORE.

H.R. 1850: Mr. FRANKS of New Jersey, Ms. BERKLEY, and Mrs. MALONEY of New York.

H.R. 1871: Mr. FARR of California, Mr. GEORGE MILLER of California, Mr. RUSH, Mr. BERMAN, and Mr. HINCHEY.

H.R. 1885: Mr. WEINER and Mr. DELAHUNT.

H.R. 1899: Mr. ENGLISH, Mr. MATSUI, Mr. EHRLICH, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. DeFAZIO, Mr. CROWLEY, Mr. WEINER, Mr. MALONEY of Connecticut, Mr. McDERMOTT, Mr. McNULTY, Mr. BAIRD, Mr. McGOVERN, Mr. WELDON of Pennsylvania, Mr. PAYNE, Ms. PELOSI, Mr. TRAFICANT, Mr. KILDEE, Ms. SLAUGHTER, Mr. PETERSON of Minnesota, Ms. McCARTHY of Missouri, Mr. LaTOURETTE, Mr. GORDON, Mrs. CAPPS, Mr. KLECZKA, Mr. WU, Mr. TIERNEY, Mr. ACKERMAN, Mr. QUINN, Ms. KILPATRICK, Mr. HINCHEY, Mr. FORBES, and Mr. MASCARA.

H.R. 1913: Mr. MINGE.

H.R. 1917: Mr. FRANK of Massachusetts, Mr. BRYANT, Mr. NEY, Mr. MOAKLEY, Mr. COOK, Mr. BOUCHER, Mr. DELAHUNT, Mr. OLVER, Mr. DUNCAN, Mr. BONIOR, and Mr. OBERSTAR.

H.R. 1921: Mr. CALVERT.

H.R. 1929: Ms. KILPATRICK and Mr. BROWN of California.

H.R. 1939: Mr. RANGEL, Mr. CALVERT, Ms. MILLENDER-McDONALD, Mr. CAPUANO, and Mr. BORSKI.

H.R. 1941: Mr. FROST, Mr. GREEN of Texas, Mr. MEEHAN, Mr. PETERSON of Minnesota, Ms. DANNER, Mrs. CHRISTENSEN, Mr. FARR of California, Ms. KILPATRICK, Mr. HINCHEY, and Mr. DeFAZIO.

H.R. 1975: Mr. ADERHOLT.

H.R. 1977: Ms. DeLAURO, Mr. WOLF, Mr. CAMP, Mr. McNULTY, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. OBERSTAR, Mr. SANDERS, Ms. MILLENDER-McDONALD, Mrs. MORELLA, Mr. PETERSON of Minnesota, and Mr. HINCHEY.

H.R. 1979: Mrs. KELLY.

H.R. 1980: Mr. HORN.

H.R. 1993: Mr. CLEMENT, Mr. CLYBURN, and Ms. HOOLEY of Oregon.

H.R. 1994: Mr. WATKINS and Mr. ENGLISH.

H.R. 1998: Mr. OBERSTAR and Mr. MEEHAN.

H.R. 1999: Mr. OBERSTAR and Mr. BAKER.

H.R. 2003: Mr. ENGEL, Ms. ROYBAL-ALLARD, and Mrs. McCARTHY of New York.

H.R. 2004: Ms. McKINNEY, Mr. DICKS, and Ms. ROS-LEHTINEN.

H.R. 2013: Mr. CLEMENT.

H.J. Res. 21: Mr. POMBO and Mr. DEAL of Georgia.

H.J. Res. 46: Mr. STUPAK, Mr. KING, Mr. OWENS, Mrs. KELLY, and Mr. HINCHEY.

H.J. Res. 47: Mr. BROWN of California.

H.J. Res. 55: Mr. TAYLOR of North Carolina.

H. Con. Res. 8: Mr. GRAHAM.

H. Con. Res. 30: Mr. PETERSON of Pennsylvania and Mr. MILLER of Florida.

H. Con. Res. 97: Mr. SERRANO, Mr. CAPUANO, Mr. WEINER, Mr. McGOVERN, Mr. WEYGAND, Mr. LUTHER, Ms. HOOLEY of Oregon, Mr. OLVER, and Mr. ABERCROMBIE.

H. Con. Res. 100: Mr. ROTHMAN and Ms. BERKLEY.

H. Con. Res. 109: Mr. BARRETT of Nebraska and Mr. CAMPBELL.

H. Con. Res. 112: Mr. SHOWS and Mr. SAXTON.

H. Con. Res. 113: Mr. PHELPS.

H. Con. Res. 119: Mr. FROST and Mr. ENGLISH.

H. Con. Res. 120: Ms. ROS-LEHTINEN, Mr. PASTOR, Ms. CARSON, Mr. SMITH of Washington, Mr. CALVERT, and Mr. GREEN of Texas.

H. Res. 19: Mr. FRELINGHUYSEN, Mr. BAIRD, Mr. GARY MILLER of California, and Mr. KILDEE.

H. Res. 89: Mr. CAPUANO and Mr. LANTOS.

H. Res. 147: Mr. LEWIS of Georgia and Mr. McGOVERN.

H. Res. 155: Mr. BONIOR, Mr. BILIRAKIS, Mrs. BONO, Mr. CONDIT, Mr. DELAHUNT, Mr. DIAZ-BALART, Mr. DREIER, Mr. DUNCAN, Mr. ENGEL, Mr. FILNER, Mr. FOLEY, Ms. KILPATRICK, Mr. LoBIONDO, Mr. MATSUI, Mr. NADLER, Mrs. NAPOLITANO, Mrs. TAUSCHER, and Mr. WEYGAND.

H. Res. 169: Mr. PORTER and Mr. BROWN of California.

H. Res. 183: Mr. ROHRABACHER, Mr. WICKER, Mrs. KELLY, and Mr. CHAMBLISS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of June 7, 1999]

H.R. 111: Mr. FARR of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1401

OFFERED BY: MR. COX OF CALIFORNIA

AMENDMENT NO. 14: At the end of division A (page 326, after line 16), insert the following new title:

TITLE XIV—PROLIFERATION AND EXPORT CONTROL MATTERS

SEC. 1401. REPORT ON COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA AND OTHER COUNTRIES WITH THE MISSILE TECHNOLOGY CONTROL REGIME.

(a) REPORT REQUIRED.—Not later than October 31, 1999, the President shall transmit to Congress a report on the compliance, or lack of compliance (both as to acquiring and transferring missile technology), by the People's Republic of China, with the Missile Technology Control Regime, and on any actual or suspected transfer by Russia or any other country of missile technology to the People's Republic of China in violation of the Missile Technology Control Regime. The report shall include a list specifying each actual or suspected violation of the Missile Technology Control Regime by the People's Republic of China, Russia, or other country and, for each such violation, a description of the remedial action (if any) taken by the United States or any other country.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall also include information concerning—

(1) actual or suspected use by the People's Republic of China of United States missile technology;

(2) actual or suspected missile proliferation activities by the People's Republic of China;

(3) actual or suspected transfer of missile technology by Russia or other countries to the People's Republic of China: and

(4) United States actions to enforce the Missile Technology Control Regime with respect to the People's Republic of China, including actions to prevent the transfer of missile technology from Russia and other countries to the People's Republic of China.

SEC. 1402. ANNUAL REPORT ON TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The President shall transmit to Congress an annual report on transfers to the People's Republic of China by the United States and other countries of technology with potential military applications, during the 1-year period preceding the transmittal of the report.

(b) INITIAL REPORT.—The initial report under this section shall be transmitted not later than October 31, 1999.

SEC. 1403. REPORT ON IMPLEMENTATION OF TRANSFER OF SATELLITE EXPORT CONTROL AUTHORITY.

Not later than August 31, 1999, the President shall transmit to Congress a report on the implementation of subsection (a) of section 1513 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2174; 22 U.S.C. 2778 note), transferring satellites and related items from the Commerce Control List of dual-use items to the United States Munitions List. The report shall update the information provided in the report under subsection (d) of that section.

SEC. 1404. SECURITY IN CONNECTION WITH SATELLITE EXPORT LICENSING.

(a) SECURITY AT FOREIGN LAUNCHES.—As a condition of the export license for any satellite to be launched outside the jurisdiction of the United States, the Secretary of State shall require the following:

(1) That the technology transfer control plan required by section 1514(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) be prepared by the Department of Defense, and agreed to by the licensee, and that the plan set forth the security arrangements for the launch of the satellite, both before and during launch operations, and include enhanced security measures if the launch site is within the jurisdiction of the People's Republic of China or any other country that is subject to section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(2) That each person providing security for the launch of that satellite—

(A) be employed by, or under a contract with, the Department of Defense;

(B) have received appropriate training in the regulations prescribed by the Secretary of State known as the International Trafficking in Arms Regulations (hereafter in this section referred to as "ITAR");

(C) have significant experience and expertise with satellite launches; and

(D) have been investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as "Secret".

(3) That the number of such persons providing security for the launch of the satellite shall be sufficient to maintain 24-hour security of the satellite and related launch vehicle and other sensitive technology.

(4) That the licensee agree to reimburse the Department of Defense for all costs associated with the provision of security for the launch of the satellite.

(b) DEFENSE DEPARTMENT MONITORS.—The Secretary of Defense shall—

(1) ensure that persons assigned as space launch campaign monitors are provided sufficient training and have adequate experience in the ITAR and have significant experience and expertise with satellite technology, launch vehicle technology, and launch operations technology;

(2) ensure that adequate numbers of such monitors are assigned to space launch campaigns so that 24-hour, 7-day per week coverage is provided;

(3) take steps to ensure, to the maximum extent possible, the continuity of service by monitors for the entire space launch campaign period (from satellite marketing to launch and, if necessary, completion of a launch failure analysis); and

(4) adopt measures designed to make service as a space launch campaign monitor an attractive career opportunity.

SEC. 1405. REPORTING OF TECHNOLOGY PASSED TO PEOPLE'S REPUBLIC OF CHINA AND OF FOREIGN LAUNCH SECURITY VIOLATIONS.

(a) Monitoring of Information.—The Secretary of Defense shall require that space launch monitors of the Department of Defense assigned to monitor launches in the People's Republic of China maintain records of all information authorized to be transmitted to the People's Republic of China, including copies of any documents authorized for such transmission, and reports on launch-related activities.

(b) Transmission to Other Agencies.—The Secretary of Defense shall ensure that records under subsection (a) are transmitted on a current basis to appropriate elements of the Department of Defense and to the Department of State, the Department of Commerce, and the Central Intelligence Agency.

(c) Retention of Records.—Records described in subsection (a) shall be retained for at least the period of the statute of limitations for violations of the Arms Export Control Act.

(d) Guidelines.—The Secretary of Defense shall prescribe guidelines providing space launch monitors of the Department of Defense with the responsibility and the ability to report serious security violations, problems, or other issues at an overseas launch site directly to the headquarters office of the responsible Department of Defense component.

SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS OF EXPORTING HIGH-PERFORMANCE COMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) Review.—The Secretary of Energy, the Secretary of Defense, and the Secretary of State, in consultation with other appropriate departments and agencies, shall conduct a comprehensive review of the national security implications of exporting high-performance computers to the People's Republic of China. As part of the review, the Secretary shall conduct empirical testing of the extent to which national security-related operations can be performed using clustered, massively-parallel processing or other combinations of computers.

(b) Report.—The Secretary of Energy shall submit to Congress a report on the results of the review under subsection (a). The report shall be submitted not later than six months after the date of the enactment of this Act and shall be updated not later than the end of each subsequent 1-year period.

SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S REPUBLIC OF CHINA OF HIGH-PERFORMANCE COMPUTERS.

(a) Revised HPC Verification System.—The President shall seek to enter into an agreement with the People's Republic of China to revise the existing verification system with the People's Republic of China with respect to end-use verification for high-performance computers exported or to be exported to the People's Republic of China so as to provide for an open and transparent system providing for effective end-use verification for such computers and, at a minimum, providing for on-site inspection of the end-use and end-user of such computers, without notice, by United States nationals designated by the United States Government. The President shall transmit a copy of the agreement to Congress.

(b) Definition.—As used in this section and section 1406, the term "high performance computer" means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(c) Adjustment of Composite Theoretical Performance Levels for Post-shipment Verification.—Section 1213 of the National Defense Authorization Act for Fiscal Year 1998 is amended by adding at the end the following:

"(e) Adjustment of Performance Levels.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in that subsection.".

SEC. 1408. PROCEDURES FOR REVIEW OF EXPORT OF CONTROLLED TECHNOLOGIES AND ITEMS.

(a) Recommendations for Prioritization of National Security Concerns.—The President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify, on a continuing basis, those controlled technologies and items the export of which is of greatest national security concern relative to other controlled technologies and items.

(b) Recommendations for Executive Department Approvals for Exports of Greatest National Security Concern.—With respect to controlled technologies and items identified under subsection (a), the President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify procedures for export of such technologies and items so as to provide—

(1) that the period for review by an executive department or agency of a license application for any such export shall be extended to a period longer than that otherwise required when such longer period is considered necessary by the head of that department or agency for national security purposes; and

(2) that a license for such an export may be approved only with the agreement of each executive department or agency that reviewed the application for the license, subject to appeal procedures to be established by the President.

(c) Recommendations for Streamlined Licensing Procedures for Other Exports.—With respect to controlled technologies and items other than those identified under subsection (a), the President shall submit to Congress the President's recommendations for modifications to licensing procedures for export of such technologies and items so as to streamline the licensing process and provide greater transparency, predictability, and certainty.

SEC. 1409. NOTICE OF FOREIGN ACQUISITION OF UNITED STATES FIRMS IN NATIONAL SECURITY INDUSTRIES.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 2170(b)) is amended—

(1) by inserting "(1)" before "The President";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) Whenever a person engaged in interstate commerce in the United States is the subject of a merger, acquisition, or takeover described in paragraph (1), that person shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover. Whenever any executive department or agency becomes aware of any such planned merger, acquisition, or takeover, the head of that department or agency shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover.".

SEC. 1410. FIVE-AGENCY INSPECTORS GENERAL EXAMINATION OF COUNTERMEASURES AGAINST ACQUISITION BY THE PEOPLE'S REPUBLIC OF CHINA OF MILITARILY SENSITIVE TECHNOLOGY.

Not later than January 1, 2000, the Inspectors General of the Departments of State, Defense, the Treasury, and Commerce and the Inspector General of the Central Intelligence Agency shall submit to Congress a report on the adequacy of current export controls and counterintelligence measures to protect against the acquisition by the People's Republic of China of militarily sensitive United States technology. Such report shall include a description of measures taken to address any deficiencies found in such export controls and counterintelligence measures.

SEC. 1411. OFFICE OF TECHNOLOGY SECURITY IN DEPARTMENT OF DEFENSE.

(a) Enhanced Multilateral Export Controls.—

(1) New international controls.—The President shall work (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to establish new binding international controls on technology transfers that threaten international peace and United States national security.

(2) Improved sharing of information.—The President shall take appropriate actions (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

(b) Office of Technology Security.—(1) There is hereby established in the Department of Defense an Office of Technology Security. The Office shall support United States Government efforts to—

(1) establish new binding international controls on technology transfers that threaten international peace and United States national security; and

(2) improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

At the end of subtitle A of title XXXI (page 419, after line 3), insert the following new section:

SEC. 3106. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE CYBER SECURITY PROGRAM.

(a) Increased Funds for Counterintelligence Cyber Security.—The amounts provided in section 3103 in the matter preceding paragraph (1) and in paragraph (3) are each hereby increased by $8,600,000, to be available for Counterintelligence Cyber Security programs.

(b) OFFSETTING REDUCTIONS DERIVED FROM CONTRACTOR TRAVEL.—(1) The amount provided in section 3101 in the matter preceding paragraph (1) (for weapons activities in carrying out programs necessary for national security) is hereby reduced by $4,700,000.

(2) The amount provided in section 3102 in the matter preceding paragraph (1) of subsection (a) (for environmental restoration and waste management in carrying out programs necessary for national security) is hereby reduced by $1,900,000.

(3) The amount provided in section 3103 in the matter preceding paragraph (1) is hereby reduced by $2,000,000.

At the end of title XXXI (page 453, after line 15), insert the following new subtitle:

Subtitle F—Protection of National Security Information

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the "National Security Information Protection Improvement Act".

SEC. 3182. SEMI-ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORTS REQUIRED.—The President shall transmit to Congress a report, not less often than every six months, on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People's Republic of China, particularly with respect to the theft of sophisticated United States nuclear weapons design information and the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

(b) INITIAL REPORT.—The first report under this section shall be transmitted not later than January 1, 2000.

SEC. 3183. REPORT ON WHETHER DEPARTMENT OF ENERGY SHOULD CONTINUE TO MAINTAIN NUCLEAR WEAPONS RESPONSIBILITY.

Not later than January 1, 2000, the President shall transmit to Congress a report regarding the feasibility of alternatives to the current arrangements for controlling United States nuclear weapons development, testing, and maintenance within the Department of Energy, including the reestablishment of the Atomic Energy Commission as an independent nuclear agency. The report shall describe the benefits and shortcomings of each such alternative, as well as the current system, from the standpoint of protecting such weapons and related research and technology from theft and exploitation. The President shall include with such report the President's recommendation for the appropriate arrangements for controlling United States nuclear weapons development, testing, and maintenance outside the Department of Energy if it should be determined that the Department of Energy should no longer have that responsibility.

SEC. 3184. DEPARTMENT OF ENERGY OFFICE OF FOREIGN INTELLIGENCE AND OFFICE OF COUNTERINTELLIGENCE.

(a) IN GENERAL.—The Department of Energy Organization Act is amended by inserting after section 212 (42 U.S.C. 7143) the following new sections:

"OFFICE OF FOREIGN INTELLIGENCE

"SEC. 213. (a) There shall be within the Department an Office of Foreign Intelligence, to be headed by a Director, who shall report directly to the Secretary.

"(b) The Director shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

"(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

"OFFICE OF COUNTERINTELLIGENCE

"SEC. 214. (a) There shall be within the Department an Office of Counterintelligence, to be headed by a Director, who shall report directly to the Secretary.

"(b) The Director shall carry out all counterintelligence activities in the Department relating to the defense activities of the Department.

"(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

"(d)(1) The Director shall keep the intelligence committees fully and currently informed of all significant security breaches at any of the national laboratories.

"(2) For purposes of this subsection, the term 'intelligence committees' means the Permanent Select Committee of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 212 the following new items:

"Sec. 213. Office of Foreign Intelligence.
"Sec. 214. Office of Counterintelligence.".

SEC. 3185. COUNTERINTELLIGENCE PROGRAM AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall establish and maintain at each national laboratory a counterintelligence program for the defense-related activities of the Department of Energy at such laboratory.

(b) HEAD OF PROGRAM.—The Secretary shall ensure that, for each national laboratory, the head of the counterintelligence program of that laboratory—

(1) has extensive experience in counterintelligence activities within the Federal Government; and

(2) with respect to the counterintelligence program, is responsible directly to, and is hired with the concurrence of, the Director of Counterintelligence of the Department of Energy and the director of the national laboratory.

SEC. 3186. COUNTERINTELLIGENCE ACTIVITIES AT OTHER DEPARTMENT OF ENERGY FACILITIES.

(a) ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.—(1) The Secretary of Energy shall assign to each Department of Energy facility, other than a national laboratory, at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

(2) An individual assigned to a facility under this subsection shall be stationed at the facility.

(b) SUPERVISION.—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

SEC. 3187. DEPARTMENT OF ENERGY POLYGRAPH EXAMINATIONS.

(a) COUNTERINTELLIGENCE POLYGRAPH PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense activities of the Department of Energy. The program shall consist of the administration on a regular basis of a polygraph examination to each covered person who has access to a program that the Director of Counterintelligence and the Assistant Secretary assigned the functions under section 203(a)(5) of the Department of Energy Organization Act determine requires special access restrictions.

(b) COVERED PERSONS.—For purposes of subsection (a), a covered person is any of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) ADDITIONAL POLYGRAPH EXAMINATIONS.—In addition to the polygraph examinations administered under subsection (a), the Secretary, in carrying out the defense activities of the Department—

(1) may administer a polygraph examination to any employee of the Department or of any contractor of the Department, for counterintelligence purposes; and

(2) shall administer a polygraph examination to any such employee in connection with an investigation of such employee, if such employee requests the administration of a polygraph examination for exculpatory purposes.

(d) REGULATIONS.—(1) The Secretary shall prescribe any regulations necessary to carry out this section. Such regulations shall include procedures, to be developed in consultation with the Director of the Federal Bureau of Investigation, for identifying and addressing "false positive" results of polygraph examinations.

(2) Notwithstanding section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) or any other provision of law, the Secretary may, in prescribing regulations under paragraph (1), waive any requirement for notice or comment if the Secretary determines that it is in the national security interest to expedite the implementation of such regulations.

(e) NO CHANGE IN OTHER POLYGRAPH AUTHORITY.—This section shall not be construed to affect the authority under any other provision of law of the Secretary to administer a polygraph examination.

SEC. 3188. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

"SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

"a. Any individual or entity that has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and that commits a gross violation or a pattern of gross violations of any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this subtitle relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $500,000 for each such violation.

"b. The Secretary shall include, in each contract entered into after the date of the enactment of this section with a contractor of the Department, provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section.".

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of that Act (42 U.S.C. 2282a) is amended by inserting "SAFETY" before "REGULATIONS".

(c) CLERICAL AMENDMENT.—The table of sections in the first section of that Act is amended by inserting after the item relating to section 234 the following new items:

"234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

"234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.";

SEC. 3189. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking "$20,000" and inserting "$400,000"; and

(2) in clause b., by striking "$10,000" and inserting "$200,000".

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of such Act (42 U.S.C. 2275) is amended by striking "$20,000" and inserting "$400,000".

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of such Act (42 U.S.C. 2277) is amended by striking "$2,500" and inserting "$50,000".

SEC. 3190. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.

(a) BACKGROUND REVIEW REQUIRED.—The Secretary of Energy may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) MORATORIUM PENDING CERTIFICATION.—(1) During the period described in paragraph (2), the Secretary may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following:

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress a certification described in paragraph (3).

(3) A certification referred to in paragraph (2) is a certification by the Director of Counterintelligence of the Department of Energy, with the concurrence of the Director of the Federal Bureau of Investigation, that all security measures are in place that are necessary and appropriate to prevent espionage or intelligence gathering by or for a sensitive country, including access by individuals referred to in paragraph (1) to classified information of the national laboratory.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.—In the case of a program undertaken pursuant to an international agreement between the United States and a foreign nation, the moratorium under subsection (b) shall not apply to the admittance to a facility that is important to that program of a citizen of that foreign nation whose admittance is important to that program.

(f) SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

(g) DEFINITIONS.—For purposes of this section:

(1) The term "background review", commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

SEC. 3191. REQUIREMENTS RELATING TO ACCESS BY FOREIGN VISITORS AND EMPLOYEES TO DEPARTMENT OF ENERGY FACILITIES ENGAGED IN DEFENSE ACTIVITIES.

(a) SECURITY CLEARANCE REVIEW REQUIRED.—The Secretary of Energy may not allow unescorted access to any classified area, or access to classified information, of any facility of the Department of Energy engaged in the defense activities of the Department to any individual who is a citizen of a foreign nation unless—

(1) the Secretary, acting through the Director of Counterintelligence, first completes a security clearance investigation with respect to that individual in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department; or

(2) a foreign government first completes a security clearance investigation with respect to that individual in a manner that the Secretary of State, pursuant to an international agreement between the United States and that foreign government, determines is equivalent to the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department.

(b) EFFECT ON CURRENT EMPLOYEES.—The Secretary shall ensure that any individual who, on the date of the enactment of this Act, is a citizen of a foreign nation and an employee of the Department or of a contractor of the Department is not discharged from such employment as a result of this section before the completion of the security clearance investigation of such individual under subsection (a) unless the Director of Counterintelligence determines that such discharge is necessary for the national security of the United States.

SEC. 3192. ANNUAL REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DEFENSE FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DOE DEFENSE FACILITIES.—Not later than March 1 of each year, the Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall submit a report on the security and counterintelligence standards at the national laboratories, and other facilities of the Department of Energy engaged in the defense activities of the Department, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall be in classified form and shall contain, for each such national laboratory or facility, the following information:

(1) A description of all security measures that are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility.

(2) A certification by the Director of Counterintelligence of the Department of Energy as to whether—

(A) all security measures are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility; and

(B) such security measures comply with Presidential Decision Directives and other applicable Federal requirements relating to the safeguarding and security of classified information.

(3) For each admission of an individual under section 3190 not described in a previous report under this section, the identity of that individual, and whether the background

review required by that section determined that information relevant to security exists with respect to that individual.

SEC. 3193. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report, in consultation with the Director of Counterintelligence of the Department of Energy, on the security vulnerabilities of the computers of the national laboratories.

(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called "red team" of individuals to perform an operational evaluation of the security vulnerabilities of the computers of the national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3194. GOVERNMENT ACCESS TO CLASSIFIED INFORMATION ON DEPARTMENT OF ENERGY DEFENSE-RELATED COMPUTERS.

(a) PROCEDURES REQUIRED.—The Secretary of Energy shall establish procedures to govern access to classified information on DOE defense-related computers. Those procedures shall, at a minimum, provide that each employee of the Department of Energy who requires access to classified information shall be required as a condition of such access to provide to the Secretary written consent which permits access by an authorized investigative agency to any DOE defense-related computer used in the performance of the defense-related duties of such employee during the period of that employee's access to classified information and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN DOE DEFENSE-RELATED COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE defense-related computer shall have any expectation of privacy in the use of that computer.

(c) DEFINITIONS.—For purposes of this section:

(1) The term 'DOE defense-related computer" means a computer of the Department of Energy or a Department of Energy contractor that is used, in whole or in part, for a Department of Energy defense-related activity.

(2) The term "computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to, or operating in conjunction with, such device.

(3) The term "authorized investigative agency" means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(4) The term "classified information" means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated.

(5) The term "employee" includes any person who receives a salary or compensation of any kind from the Department of Energy, is a contractor of the Department of Energy or an employee thereof, is an unpaid consultant of the Department of Energy, or otherwise acts for or on behalf of the Department of Energy.

(d) ESTABLISHMENT OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall prescribe such regulations as may be necessary to implement this section.

SEC. 3195. DEFINITION OF NATIONAL LABORATORY.

For purposes of this subtitle, the term "national laboratory" means any of the following:

(1) The Lawrence Livermore National Laboratory, Livermore, California.

(2) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(3) The Sandia National Laboratories, Albuquerque, New Mexico.

(4) The Oak Ridge National Laboratories, Oak Ridge, Tennessee.

EXTENSIONS OF REMARKS

UNITED STATES-CHINA TRADE RELATIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. SMITH of New Jersey. Mr. Speaker, the Administration's toothless human rights policy towards China has failed miserably. In the five years since President Clinton de-linked China's MFN status from human rights considerations, there has been regression—not progress—within China. Even standing apart from new revelations of nuclear espionage and the skyrocketing U.S.-China trade deficit, this deteriorating situation justifies a fundamental reassessment of U.S.-China trade policy. A couple of examples may help flesh out the seriousness of the matter.

In 1992 the U.S. and Chinese Governments signed a Memorandum of Understanding (MOU) prohibiting trade in slave-made goods, which was followed by a 1994 Statement of Cooperation. Notwithstanding those agreements and China's own laws against slave-made exports, Beijing is turning the Laogai—the Chinese Gulag—into a profit-making venture. Slave-made products—from office supplies to Christmas decorations—regularly make their way to the shelves of American stores. Even the State Department has been forced to admit that "[f]orced labor is a problem" and that China's cooperation with the MOU "has been inadequate." Indeed, the Department reports that in every case where the United States asked to visit a suspect facility during 1998, "the [Chinese] Ministry of Justice refused the request, ignored it, or simply denied the allegations made without further elaboration." In short, the MOU is not worth the paper it is written on.

Similarly, in October 1998, the Chinese regime signed the International Covenant on Civil and Political Rights. Taking the bait, the Administration used China's promise to sign the ICCPR as a reason not to raise China's human rights violations at last year's meeting of the UN Human Rights Commission. The Administration heralded China's signature as an improvement—something that would lay the groundwork for future human rights accountability within China. Admittedly, the ICCPR contains many worthwhile guarantees, such as the right of political self-determination (Article 1), the basic rights of criminal defendants (Article 14), the right of free expression (Article 19), and the right to free elections (Article 25). But within two months after signing the ICCPR, the Chinese government violated each of those provisions in a brutal, systematic crackdown on democratic dissent that continues to this day. In fact, in the last month alone, Chinese officials have detained over 150 dissidents.

The slave labor MOU and the ICCPR signing are only two of many examples. But they illustrate a fundamental lesson that we ignore at our peril: When dealing with the Communist dictatorship of the People's Republic of China, the United States cannot settle for paper promises or deferred compliance. We must stop accepting pledges of future improvement in place of actual improvements. The Chinese dictatorship regularly tells bold-faced lies about the way it treats its own people, such as by asserting that no one died at Tiananmen Square, and that there is complete religious freedom in China. How, then, can we take its word when it comes to matters of mere commerce? We cannot. Reforms within China must precede the rewards of WTO membership, and should be a prerequisite for annual MFN status.

When I say "reforms," I do not mean only economic reforms. We must also demand respect for the basic rights of the Chinese people. The Administration's policy of so-called "constructive engagement" on behalf of human rights has been a disaster, even according to the Administration's own benchmarks.

In quarterly reports, Amnesty International has been tracking the seven human rights policy goals that President Clinton publicly announced before his trip to Beijing in 1998. Those reports detail a complete lack of progress in all categories, and even some regression, during the past year: Release all prisoners of conscience and Tiananmen Square prisoners: "Total failure, Regression"; review all "Counter-Revolutionary" Prison terms: "Total failure, no Progress"; allow religious freedom: "Total failure, no progress"; prevent coercive family planning and harvesting of organs: "No progress"; fully implement pledges on human rights treaties; "No progress"; review the "Re-education through labor" system: "Total failure, no progress"; and end police and prison brutality: "Total failure, no progress".

The Communist government of the PRC continues to engage in systematic violations of basic human rights on a massive scale. It does not allow significant political dissent. It prohibits the free exercise of religion and imprisons religious leaders, ranging from the 10-year-old Panchen Lama to the elderly Catholic Bishop Su of Baoding Province. It summarily executes political prisoners in the Xinjiang Uighur Autonomous Region. It harvests and sells the internal organs of executed prisoners. It forces women who have "unauthorized" pregnancies to abort their children and submit to sterilization. It continues to brutalize the indigenous peoples of Tibet and East Turkestan.

The failure of the Administration's current policy to effect any improvement should come as no surprise. While the rulers of the Chinese Communist Party may be ruthless and despotic, they are not stupid. If there are no costs associated with the brutality that keeps them in power, then they have no incentive to become less brutal.

Thus, when big business and the Clinton Administration really want to change Beijing's conduct—for instance, in the effort to get China to respect international copyright—what do they do? Do they decide that we should be patient, that we should constructively engage for a few years, and sooner or later Beijing will come around? No. They use economic sanctions—the very same sanctions they say would be counterproductive as a means of promoting political and religious freedom in China. I am aware of at least three occasions since 1991 when the U.S. Trade Representative threatened to impose billions of dollars in sanctions to vindicate U.S. intellectual property interests. In each of those cases, when faced with the sanctions, the Chinese government changed its behavior.

By their actions, big business and the Clinton administration show their faith in sanctions. By their reactions, Chinese leaders show the efficacy of sanctions. Thus, the question before us is not "Can economic sanctions work?" It is, "Why do we use sanctions to protect software, but not human life; to protect musical recordings but not fundamental political and religious freedoms; to stop movie piracy, but not torture?" In all the years I have been asking that question, I have not yet heard a good answer.

We have abandoned the American ideals of freedom and democracy for the sake of marginally cheaper consumer goods. We have squandered our patrimony of liberty for the profit of corporations who want access to China's inexpensive labor market. The people of the United States are waking up to this reality and, I believe, will no longer stand for it.

It is time to do an about face, to condition expanded trade relations upon respect for internationally recognized, fundamental human rights. American interests and American values demand no less.

FINANCIAL INCENTIVES ON DOCTORS NOT TO PROVIDE CARE: FEDERAL COURT EXPLAINS THE DANGERS: REASONS WHY WE SHOULD PASS H.R. 1375

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. STARK. Mr. Speaker, recently, I introduced H.R. 1375, a bill to limit the amount of financial pressure an HMO can place on a doctor to discourage referrals and testing. A recent Federal Appeals Court case provides new documentation on why we should pass such legislation.

Current regulations allow an HMO to withhold up to 25% of a doctor's compensation as a way to discourage "unnecessary" treatment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The problem is, such "withholds" can discourage necessary as well as unnecessary treatments and tests. My bill would limit any HMO "withhold" to 10% and encourage the use of quality measures as the basis of payments to doctors.

On August 18, 1998, the US 7th Circuit issued a majority opinion in the case of Herdrich v. Pegram, Carle Clinic Association, and Health Alliance Medical Plans. Following are portions of that opinion—exhibit #1 for why we need a national policy limiting HMOs and medical plans for putting too much financial pressure on doctors.

On March 7, 1991, Pegram, Herdrich's doctor, discovered a six by eight centimeter "mass" (later determined to be her appendix) in Herdrich's abdomen. Although the mass was inflamed on March 7, Pegram delayed instituting an immediate treatment of Herdrich, and forced her to wait more than one week (eight days) to obtain the accepted diagnostic procedure (ultrasound) used to determine the nature, size and exact location of the mass. Ideally, Herdrich should have had the ultrasound administered with all speed after the inflamed mass was discovered in her abdomen in order that her condition could be diagnosed and treated before deteriorating as it did, but Carle's policy requires plan participants to receive medical care from Carle-staffed facilities in what they classify as "non-emergency" situations. Because Herdrich's treatment was considered to be "non-emergency," she was forced to wait the eight days before undergoing the ultrasound at a Carle facility in Urbana, Illinois. During this unnecessary waiting period, Herdrich's health problems were exacerbated and the situation rapidly turned into an "emergency"—her appendix ruptured, resulting in the onset of peritonitis. In an effort to defray the increased costs associated with the surgery required to drain and cleanse Herdrich's ruptured appendix, Carle insisted that she have the procedure performed at its own Urbana facility, necessitating that Herdrich travel more than fifty miles from her neighborhood hospital in Bloomington, Illinois. The "market forces" the dissent refers to hardly seem to have produced a positive result in this case—Herdrich suffered a life-threatening illness (peritonitis), which necessitated a longer hospital stay and more serious surgery at a greater cost to her and the Plan. And, as discussed below, we are far from alone in our belief that market forces are insufficient to cure the deleterious affects of managed care on the health care industry.

Across the country, health care critics and consumers are complaining that the quality of medical treatment in this nation is rapidly declining, leaving "a fear that the goal of managing care has been replaced by the goal of managing costs." (Jan Greene, Has Managed Care Lost Its Soul? Health Maintenance Organizations Focus More on Finances, Less on Care, Am. Hosp. Publishing Inc., May 20, 1997.)

An increasing number of Americans believe that dollars are more important than people in the evolving [HMO] system. Whether justified or not, this assumption needs to be taken seriously, according to keepers of the industry's conscience. University of Pennsylvania bioethicist Arthur Caplan argues that managed care should take a lesson from professional sports, which has alienated some fans because money and profits have eclipsed the reasons why fans are about the games: hero worship and the virtues of teamwork, loyalty and trust-worthiness. The same goes for doctors. "People go to their doctor not because he's a good businessman . . . but because he's a good advocate, someone we can admire," says Caplan. "If we have to struggle with him to get what we want, we will have no trust anymore."

To regain trust, HMOs need to be more sensitive to the doctor-patient relationship and remove the physician from direct financial interest in patient care, says Caplan. Instead, doctors should have a predetermined budget and be able to advocate for patients without direct personal gain or loss.

Another hot-button issue for HMO members is the fear that a lifesaving experimental procedure will be denied because of its cost. Caplan says the industry should follow the lead of the handful of HMOs that have established outside, independent panels to make final decisions.

Even care providers fear that they "have become somewhat preoccupied with [their] ownership status and consequently have not paid as much attention as [they] should have to improving [their] basic core competencies." (Id.) The specter of money concerns driving the health care system, says a group of Massachusetts physicians and nurses, "threatens to transform healing from a covenant into a business contract. Canons of commerce are displacing dictates of healing, trampling our professions' most sacred values. Market medicine treats patients as profit centers." (For Our Patients, Not for Profits: A Call to Action, JAMA, Dec. 3, 1997, at 1773.) As one professional stated, "It's too bad. We used to spend most of our time worrying about how to do a better job. Now we worry about doing a better job at a lower price." (Id.)

Thousands of American physicians and nurses, outraged by the increasingly "corporate" nature of American medicine, recently staged a reenactment of the Boston Tea Party by symbolically dumping $1 million each minute into Boston Harbor to dramatize the amount of health care money that is being wasted to pay for HMO marketing, profits, and administrative salaries. See Id.

The shift to profit-driven care is at a gallop. For nurses and physicians, the space for good work in a bad system rapidly narrows. For the public, who are mostly healthy and use little care, awareness of the degradation of medicine builds slowly; it is mainly those who are expensively ill who encounter the dark side of market-driven health care. We criticize market medicine not to obscure or excuse the failings of the past, but to warn that the changes afoot push nursing and medicine farther from caring, fairness, and efficiency.

Another commentator observed that "American 'market theology' is being invoked as an excuse for the downgrading of patient care and the growing absence of compassion in health care." (Bob LeBow, Nation Needs to Take Control of Health Care System for Patients, not Profits, Idaho Statesman, Dec. 2, 1997, at 6A). Instead of providing health care, doctors are forced to "spend many hours persuading health insurance companies that we are not trying to manipulate them into paying more money than Medicare does for kidney transplants." (Gabriel M. Danovitch, et al., And How the Decisions Are Made, 331 New Eng. J. Med., at 331–32 (1984).)

In order to minimize health care costs and fatten corporate profits for HMOs, primary care physicians face severe restrictions on referrals and diagnostic tests, and at the same time, must contend with ever-shrinking incomes.

Sixty percent of all managed-care plans, including HMOs and preferred-provider organizations, now pay their primary-care doctors through some sort of "capitation" system, according to the Physician Payment Review Commission in Washington, D.C. That is, rather than simply pay any bill presented to them by your doctor, most HMOs pay their physicians a set amount every month—a fee for including you among their patients. At Chicago's GIA Primary Care Network, for instance, physicians get $8.43 each month for every male patient . . . and $10.09 for every female patient. . . Some HMOs, such as Oxford Health Plans, Cigna and Aetna, have "withhold" systems, in which a percentage of the doctors's monthly fees are withheld and then reimbursed if they keep their referral rates low enough. Others, like U.S. Healthcare, pay bonuses for low referral rates. (John Protos, Ten Things Your HMO Won't Tell You, Inside, June 30, 1997, at 44.)

There is ample evidence that the bottom-line mentality is taking over. HMOs refer to the proportion of premiums they pay out for patient care as their "medical-loss ratio"—a chilling choice of words. The Association of American Medical Colleges reported last November that medical-loss ratios of for-profit HMOs paying a flat fee to doctors for treatment averaged only 70% of their premium revenue. The remaining 30% went for administrative expenses—and profit.

* * * * *

Along the same lines as its "market forces" argument, the dissent submits that the defendants' plan "encouraged physicians to use resources more efficiently." Although we agree, at least in principle, with the idea that financial incentives may very well bring about a more effective use of plan assets, we certainly are far from confident that it was at work in this particular case. The Carle health plan at issue was not used as efficiently as it should have been. Indeed, the eight-day delay in medical care, and the onset of peritonitis Herdrich incurred as a result of such delay in diagnosis, subjected her to a life threatening illness, a longer period of hospitalization and treatment, more extensive, invasive and dangerous surgery, increased hospitalization costs, and a greater ingestion of prescription drugs.

The dissent also somehow contends that "ERISA tolerates some conflict of interest on the part of fiduciaries," and therefore, "allowing a plan sponsor to designate its own agent as a fiduciary reassures the sponsor that, in devoting its assets to the plan, it has not relinquished all ability to ensure that the plan's resources are used wisely."

* * * * *

A doctor who is responsible for the real-life financial demands of providing for his or her family—sending four children to school (whether it be college, high school or primary school), making house payments, covering office overhead, and paying malpractice insurance—might very well "flinch" at the prospect of obtaining a relatively substantial bonus for himself or herself. Here, the Carle physicians were intimately involved with the financial well-being of the enterprise in that the yearly "kickback" was paid to Carle physicians only if the annual expenditure made by physicians on benefits was less than total plan receipts. According to the complaint, Carle doctors stood to gain financially when they were able to limit treatment and referrals. Due to the dual-loyalties at work, Carle doctors were faced with an incentive to limit costs so as to guarantee a greater kickback.

* * * * *

In summary, we hold that the language of the plaintiff's complaint is sufficient in alleging that the defendant's incentive system depleted plan resources so as to benefit physicians who, coincidentally, administered the Plan, possibly to the detriment of their patients. The ultimate determination of whether the defendants violated their fiduciary obligations to act solely in the interest of the Plan participants and beneficiaries, see 29 U.S.C. §1104(a)(1), must be left to the trial court. On the surface, it does not appear to us that it was in the interest of plan participants for the defendants to deplete the Plan's funds by way of year-end bonus payouts. Based on the record we have before us, we hold that the plaintiff has alleged sufficiently a breach of the defendants' fiduciary duty.

IN SPECIAL RECOGNITION OF CULLEN T. GALLAGHER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young man from Ohio's Fifth Congressional District. Recently, I had the opportunity to nominate Cullen T. Gallagher for an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

I am pleased to announce that Cullen has been offered an appointment and will be attending the Air Force Academy with the incoming cadet class of 2003. Attending one of our Nation's military academies is one of the most rewarding and demanding time periods these young men and women will ever undertake. Our military academies turn these young adults into the finest officers in the world.

Mr. Speaker, Cullen has demonstrated the kind of leadership and dedication needed to enter the Air Force Academy with the class of 2003. While attending Perkins High School in Sandusky, Ohio, Cullen excelled academically attaining a grade point average of 3.795, which ranks him forty-first in his class of one-hundred sixty students. Cullen is a member of the National Honor Society, the Academic Challenge Team, and the Who's Who Among American High School Students. In October, 1998, Cullen was named the Rotary Club's Student of the Month.

In addition, he attended the National Youth Leadership Forum on Law and the Constitution in Washington, D.C., and attended the United States Air Force Academy Summer Scientific Seminar. Outside the classroom, Cullen is the president of the Ski Club, and is a member of the Spanish Club, Drama Club, Marching Band, and Show Choir. On the fields of competition, Cullen is a member of the Perkins High School Varsity Cross Country and Tennis teams.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Cullen T. Gallagher. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Cullen will do very well at the Air Force Academy, and I wish him much success in all of his future endeavors.

TRIBUTE TO WESTLAKE HILLS ELEMENTARY SCHOOL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to celebrate the designation of Westlake Hills Elementary School as a United States Department of Education National Blue Ribbon School.

The Blue Ribbon Award for Educational Excellence recognizes a school's achievement in all facets of academic development including teacher training, student achievement, educational innovation, and community involvement.

Westlake Hills Elementary School has far transcended the norm in all these areas and has demonstrated its deep commitment to molding well rounded, socially conscious leaders for the 21st century through its outstanding range of programs.

Westlake Hills teachers frequently participate in workshops and conferences on a wide range of educational issues, showing the tremendous value Westlake Hills places on maintaining the high caliber of its faculty and keeping its teachers abreast of new idea in education. These teachers then employ these ideas in the classroom, resulting in projects including a 6th grade "wax museum" and a 1st grade "dinosaur dig." In addition, Westlake Hills recognizes the importance of involving a child's first and most influential teachers in the learning experience, with 75% of Westlake Hills parents logging in an astounding 12,000 hours of volunteer time.

These efforts are reflected in the test scores of the student body, which place Westlake Hills above all the other elementary schools in its district. Westlake Hills has also answered President Clinton's "America Reads Challenge" by forging a partnership with nearby Pepperdine University, in order to ensure that each and every child can read both independently and effectively.

Along with its demonstrated excellence in the classroom, Westlake Hills realizes the importance of extracurricular activities in creating the "total" student. Over 200 children participate in clubs for subjects including drama, physical fitness, and Spanish. A club also exists for computers, making use of the school's technology center.

Westlake Hills believes that their goal in forming the "total" student would also be incomplete without instilling in the students a sense of their responsibilities as members of their local community. They have joined General Colin Powell's "Make a Difference" volunteer program, where the children share their time assisting senior citizens.

Mr. Speaker, distinguished colleagues, please join me in celebrating the recognition of Westlake Hills Elementary School as a National Blue Ribbon School. It is a prime example of the extremely positive effects which a partnership between all members of a school community can produce. Westlake Hills' approach to public education is a paradigm which all American schools should strive to emulate.

A TRIBUTE TO THE DE JONG FAMILY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the de Jong family of San Diego County, California. Over the last few years, I have had the privilege of working with Arie de Jong and other members of a family that epitomizes the American success story. The de Jong's are close friends to America, which has given them the opportunity to lead and succeed.

On May 26, the de Jong family celebrated 50 years of American heritage with a reunion in Poway, California. Since 1948, when Tom de Jong moved to America, the de Jong family has been an important piece of San Diego's community.

I have attached an article from the online edition of the San Diego Union Tribune that explains more family history and this recent celebration.

In addition, I want to extend my personal congratulations on their first 50 years in American history, and wish them health and happiness for the next 50 years.

FAR-FLUNG FAMILY MEETS, MARKS 50 YEARS IN U.S.

(By John Berhman)

POWAY—The de Jong family is a coming-to-America success story.

Fifty years ago, from their native Holland, the family—a mother, father and 10 children—traveled across the United States to a relative's sparse cattle ranch here. From that beginning, they grew into one of the most successful and well-known families in North County.

The family's Hollandia Dairy in San Marcos in an institution. Family members have spread out all over California and the country, many of them working in the dairy business.

Yesterday, many of them returned to their American roots, celebrating 50 years of being in this country with a family reunion where it all started.

They met at Old Wyoming Picnic Grounds, the family homestead at the end of Old Pomerado Road in south Poway. They gathered around shady oak trees and three stone buildings that served as the family's first homes in this country to reminisce and give thanks.

It is quite an extended family now. From 10 brothers and sisters have come 54 children and nearly 100 grandchildren, most of whom are expected during the reunion. About five family members, mostly cousins, are attending from Holland. Other family members have come from Oregon, Michigan, New Mexico and various parts of California.

"This is wonderful. This is what family and friends are all about. And, this great country. We feel so privileged to be a part of this country," Tom de Jong, at 73 the oldest of the 10 brothers and sisters, said yesterday at the kickoff of the event.

Tom was the first of the family to come to America. That was in 1948, when he took a job working on his uncle Sam Bruinsma's ranch in what is now Poway. Bruinsma was married to Tom's father's twin sister, Tante Jet.

Impressed with America and the opportunities it offered, Tom wrote to his parents, insisting they join him.

The rest of the family did indeed follow the oldest son, arriving in New York on May 26, 1949. This week's reunion—expected to draw more than 200 de Jongs and close friends—marks the 50th anniversary of that event.

"I will never forget that day," Arie de Jong, 60, perhaps the best known of the clan, said yesterday. "The Statue of Liberty and that New York skyline—and coming to America.

"America has been good to us."

Arie, after helping his family start the Hollandia Dairy, became a millionaire in the trash-hauling business. Among the possessions he has acquired are the three stone structures in Poway that his family first lived in.

The reunion, the first of its kind for the family, was Arie's idea.

"It's really for the kids and the grandkids through," he said. "It's to show them where their family started in this country."

Arie has arranged a busy schedule that included a barbecue picnic last night at the old family homestead, a trip to Catalina today and tomorrow, another barbecue and picnic Saturday at nearby Big Stone Lodge, and church on Sunday followed by final farewells.

A TRIBUTE TO H. GAYLON GREENHILL

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to honor a distinguished public servant. H. Gaylon Greenhill, Chancellor of the University of Wisconsin-Whitewater, has decided to retire after 37 years of dedicated service to the institution and our region. Chancellor Greenhill has done so much to advance the cause of higher education in Wisconsin, and it is for his service that I salute him today.

H. Gaylon Greenhill has served in a variety of capacities at the University of Wisconsin-Whitewater throughout his tenure. Before being appointed chancellor in 1991, he served as Chairman of the Political Science department, Dean of Summer School and Extension Services, Acting Dean of the College of Letters and Sciences, Vice Chancellor for Academic and Student Affairs, and Vice Chancellor and Dean of Faculties.

Chancellor Greenhill received his Bachelor's degree in Social Studies at University of Wisconsin-River Falls and earned his Master's and Doctorate degree in Political Science from the University of Illinois. He was a Fulbright Scholar at the University of Oslo from 1960–61.

During his tenure as chancellor at UW-Whitewater, the university developed and implemented the campus exterior plan, constructed the Irvin L. Young Auditorium, renovated the James R. Connor University Center and Hyer Hall, and made major technological advances such as the construction of a fiber optic computer network, the addition of numerous workstations in computer labs and the complete wiring of the residence halls.

Under Chancellor Greenhill's leadership, UW-Whitewater has been ranked in U.S. News & World Report's top tier of midwestern regional universities for five consecutive years. UW-Whitewater has also recently received accreditation from the North Central Association and National Council for Accreditation of Teacher Education.

Chancellor Greenhill initiated the Excellence for the 21st Century Campaign to raise $10 million for scholarships and university betterment. Not only did UW-Whitewater surpass this goal, it did it two years early and had $2.4 million in excess.

Chancellor Greenhill will retire from UW-Whitewater effective June 30, 1999. I know that I speak for everyone in the UW-Whitewater family when I wish him and his family well as they begin this new and exciting stage in their lives together. Thank you for your service to your community, Chancellor, and thank you for what you have done for the university.

IN HONOR OF THE LATE MAJOR JOHN B. MAHAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. McINNIS. Mr. Speaker, it is with a heavy-heart that I wish to take this moment to recognize the life and career of one of The United States' great men, Major John B. Mahan. Sadly, Major John Mahan died after suffering a stroke in 1995. While his family and friends remember the truly exceptional life of Major Mahan, I, too, would like to pay tribute to this remarkable man.

Major John B. Mahan served proudly in the U.S. Army from 1938 until his retirement in 1961. During that time, he served in North Africa. While in North Africa, Major Mahan was wounded and had to spend months in a stateside hospital to recover. In the Marine Division, Major Mahan served in the Korean War as a liaison officer/transportation officer in some of the war's most intense months.

Later in his life, Major Mahan was stationed at Fort Carson as company commander. In 1957, he was chosen to be the Commandant of Cadets in the R.O.T.C program for the Denver Public School District. Major Mahan put his all into the R.O.T.C. program, running it until his retirement.

Although his professional accomplishments will long be remembered and admired, most who knew him well remember Major John Mahan, above all else, as a friend, It is clear that he is truly missed, yet his family can take solace in the knowledge that each is a better person for having known Major John Mahan.

ANOTHER REASON WE NEED A RX BENEFIT FOR EVERYONE IN MEDICARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. STARK. Mr. Speaker, a number of us have introduced H.R. 1495, a bill to provide a prescription drug for everyone in Medicare. A provision in that bill requires a system to prevent drug errors and the use of contra-indicated drugs.

Over-prescription and reactions among multiple prescriptions costs Americans billions of dollars a year in illness—and thousands of deaths. If we can reduce those errors, the total health care system can make enormous savings.

A new article in the May/June 1999 issue of the Journal of the American Pharmaceutical Association provides another example of why we should improve the quality of drug use among all Medicare beneficiaries. Following is the abstract of Rajender Aparasu's study entitled. "Visits to Office-Based Physicians in the United States for Medication-Related Morbidity."

Objective: To examine the prevalence, nature, demographics, and resource use associated with visits to office-based physicians in the United States during 1995 for medication-related morbidity.

Design: A nationwide cross-sectional survey of ambulatory care visits to physician offices, based on data from the National Center for Health Statistics' 1995 National Ambulatory Medical Care Survey.

Setting: Physician office-based settings in the United States.

Patients: Patients visiting office-based physicians for principal diagnoses of adverse effect of medications (ICD–9–CM E-code 930.00–947.9).

Main Outcome Measures: Weighted measures of prevalence, nature, demographics, and resource use associated with visits related to adverse effects of medications.

Results: An estimated 2.01 million (95% confidence interval, 1.69 to 2.34 million) visits for medication-related morbidity were made to office-based physicians in the United States during 1995, representing an annual rate of 7.70 visits per 1,000 persons. Medication-related visit rates were greater in women, in patients between 65 to 74 years of age, and in the Midwest. The most frequently cited reasons for medication-related visits were skin rash, nausea, and shortness of breath. The therapeutic agents responsible for medication-related visits were most often hormone and synthetic substitutes (13.32%), antibiotics (11.55%), and cardiovascular drugs (9.30%). Medication-related visits most often involved diagnostic services and medication therapy. The majority included instructions for a scheduled follow-up, and fewer than 1% resulted in hospital admission.

Conclusion: Medication-related ambulatory care utilization can pose a significant burden on health care resources unless specific strategies are initiated to control medication-related problems. The provision of pharmaceutical care can play an important role in reducing medication-related problems and associated health care costs.

IN SPECIAL RECOGNITION OF ELBERT GILL IN CELEBRATION OF HIS RETIREMENT FROM THE OTTAWA COUNTY BOARD OF ELECTIONS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay a very special tribute to one of the truly outstanding individuals from Ohio's Fifth Congressional District, Mr. Elbert Gill. On Monday, May 31, 1999, Elbert Gill will retire from service as Chairman of the Ottawa County Board of Elections.

Elbert Gill has certainly been a valuable asset to the Ottawa County Board of Elections. Since joining the Board of Elections in March 1989, Mr. Gill has worked diligently to serve the voters of Ottawa County in every manner possible. Whether it is his generosity in taking the staff to meetings or assisting with trouble-shooting on election night, Elbert Gill has given unselfishly of his time and helped make Ottawa County one of the best Boards of Elections in the state of Ohio.

Mr. Speaker, Elbert Gill embodies the very spirit of American workmanship through his conscientious attention to detail. In his job as Chairman of the Ottawa County Board of Elections, Mr. Gill has epitomized the word that best describes him—service. Although he is retiring after ten years on the board, his hard work, commitment, and dedication to the citizens of Ottawa County will continue long into the future.

Mr. Speaker, it has often been said that America succeeds due to the remarkable accomplishments and contributions of her citizens. It is very evident that Elbert Gill has given freely of his time and energy to assist in the preservation of American ideals. Our electoral process is the backbone of our nation, and those individuals, like Elbert Gill, who work hard to make that system free and democratic are true American patriots.

Mr. Speaker, at this time, I would urge my colleagues to stand and join me in paying special tribute to Elbert Gill. On the occasion of his retirement as Chairman of the Ottawa County Board of Elections, we thank him for his service and we wish him all the best in the future.

TRIBUTE TO JUSTICE FOR HOMICIDE VICTIMS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Justice for Homicide Victims. The Board of Directors of the California Center for Family Survivors of Homicide, which includes its action arm, Justice for Homicide Victims has been a constant advocate for victims rights.

Today, we honor those who make it possible to help create a working environment with legislators so victims and their survivors may attain equal rights. Marcella Leach, Executive Director of JHV, is one of the many dedicated individuals who help to make the public and legislators alike aware of the need for victims rights.

Justice for Homicide Victims was founded in 1984 by Ellen Griffin Dunne. The first goal of JHV was to establish a public perception that those who commit serious or malicious crimes should be punished accordingly.

JHV has been working tirelessly to effect legislative change. As a result, JHV helped implement a newly passed Victims Bill of Rights. In addition to support services through their hotline and at murder trials, JHV cooperates with the District Attorney's office on a regular basis which results in positive relationship and spreads JHV's goals and objectives.

JHV has worked for many years to educate and inform legislators on many aspects of the law. This year, JHV was honored to be the most organization for the Governor's Crime Summit and their efforts helped in the passage of legislation that was previously thought to be unattainable.

Mr. Speaker, distinguished colleagues, please join me in celebrating the success of the California Center for Family Survivors of Homicide and Justice for Homicide Victims.

LEGISLATION HONORING FALLEN FIREFIGHTERS

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, today I am introducing a resolution honoring firefighters throughout our nation that have died in the line of duty. It is appropriate that the Congress pay its respect to these individuals.

Just last week, the District of Columbia lost two brave and dedicated public servants. Firefighter Anthony Phillips died while fighting a fire at a DC town house. Firefighter Louis Matthews died days later from burns sustained while fighting the same blaze.

There are over 1.1 million firefighters on active duty everyday in the United States, and over the last 10 years, we have lost 1,109 of these courageous individuals to circumstances associated with doing their job.

Almost a month ago, the National Fire Protection Agency announced that 91 firefighters died in the line of duty during the year 1998. That is the lowest number of deaths in the last 10 years, and one of the lowest totals on record. While we are pleased to see the number of deaths decrease, clearly all Americans look forward to the day when we don't lose a single firefighter.

These brave individuals, many of whom serve as volunteers without compensation, risk their lives daily to insure that we can exit safety from our homes when they catch fire and provide life-saving care when we are injured in an accident. It is for these reasons that we honor these courageous individuals.

I trust my colleagues will join me in paying tribute to those who have made the ultimate sacrifice, both in the District I serve, and all across the nation.

IN HONOR OF THE LATE STAFF SERGEANT ALVIN W. PLASTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a man who exemplified courage and determination, Staff Sergeant Alvin W. Plaster. Tragically, Alvin Plaster died in 1996 after a long battle with a grave illness. While family and friends remember the truly exceptional life of Staff Sergeant Alvin W. Plaster, I, too, would like to pay tribute to this remarkable man.

Persistence and dedication displayed on the part of Alvin Plaster is what got him into the Army. Failing the physical examination twice, he convinced an Army physician to bend the rules slightly and let him enlist. From 1942 to 1945, Alvin Plaster was Staff Sergeant in the Quartermaster Corps. He served with integrity, enthusiasm, and most of all, pride.

Individuals such as Alvin Plaster, who contribute selflessly, are a rare breed. Though his family and friends no doubt mourn his absence, they have all gained immensely through knowing Alvin W. Plaster.

CHILD SAFETY AND YOUTH VIOLENCE PREVENTION ACT

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. ROGAN. Mr. Speaker, today, the House Judiciary Committee will introduce legislation designed to help fight the scourge of violence among young people. Included in this bill is a proposal I authored with my colleague ROD BLAGOJEVICH of Illinois.

Our plan, HR 1717, known as the Violent Youth Offender Accountability Act, will prohibit violent juvenile felons from ever purchasing a firearm. Under current law, many states permit juveniles who have been convicted of violent felonies to have their criminal records expunged upon reaching age 18. As a result, it is perfectly legal for a juvenile with a record as a violent felon to legally purchase a deadly weapon. Mr. Speaker, this is wrong.

As many of my colleagues know, I spent nearly a dozen years as a criminal trial court judge and gang murder prosecutor. Some of the most serious crimes I have seen were committed by juveniles. We need to ensure that our streets are kept safe, and that young people learn how serious committing a violent crime can be. One of the surest ways to meet this goal is by keeping firearms out of the hands of serious criminals of any age.

We must also take steps to ensure that the law applies equally to all Americans. The Juvenile Justice bill includes a key provision of our bill which will apply the same standard to juveniles as to adults who have committed serious felonies. Crimes that are considered "serious violent felonies" and would disqualify an adult from legally purchasing a firearm must also apply to juveniles. Under current federal law, these crimes include: murder, rape, manslaughter, robbery, extortion, arson and similar severe crimes.

Mr. Speaker, we need to keep guns out of the hands of violent criminals. I am proud that my colleague ROD BLAGOJEVICH and I have reached across party lines to stand for what is right: protecting our nation's youth. Later this week, the Judiciary Committee will mark up legislation incorporating our proposals and a number of key measures to ensure that the same goal is met. We must not cease in our efforts to ensure safe, effective schools and communities our children deserve nothing less.

MEDICARE MODERNIZATION NO. 8: SETTING THE GOAL OF MOVING TO A SINGLE, UNITED P.P.S. SYSTEM FOR POST-CARE HOSPITAL SERVICES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. STARK. Mr. Speaker, as part of a series of bills to provide for the modernization of Medicare, I am today introducing a bill to set the goal that by the year 2010 Medicare develop and use a single, united prospective payment system for post-acute hospital services.

Currently, payment for post-acute care is a Tower of Babel, with different PPS and non-PPS systems used depending on whether one goes to a non-PPS hospital, a skilled nursing home, a home health agency, or some other form of therapy. The different payment rates and systems greatly increase Medicare's complexity and makes the system vulnerable to 'gaming'—the placement of a patient where the provider will get the most money, not where the patient will get the best care.

The Congressional advisory commission MedPAC, and other health experts, have long-warned that the proliferation of payment systems makes it evermore difficult for us to know what we are buying and how well patients are being treated.

But moving to a single, unified, and simpler system is not easy. In many areas, the data or basic research is not available. Therefore, my bill sets out a long-term goal for Medicare to move in this direction. I hope that HCFA can develop these simplifications and cross-comparisons sooner, but if not, the bill sets a 'hammer' of requiring the provider communities and HCFA to come together to achieve this goal by the end of the next decade.

In the long run, this effort should yield savings and improve quality measurement. My introduction of this bill is a signal that this is the direction we should be moving.

Following are some quotes from the March 1999 MedPAC report to Congress on why this wonky issue is also an important issue:

> To guide the development of consistent payment policies across post-acute care settings, MedPAC recommends that common data elements be collected to help identify and quantify the overlap of patients treated and services provided. Further, it is important to put in place quality monitoring systems in each setting to ensure that adequate care is provided in the appropriate site. We also support research and demonstrations to assess the potential of alternative patient classification systems for use across settings to make payments for like services more comparable. . .
>
> A lack of readily available data on patient function and health status limits the ability to identify where differences and overlaps in patients occur and to compare costs and payments across provider types. In particular, policymakers are concerned that payment policies may furnish incentives for providers to place patients in settings for financial, rather than for clinical reasons. A core set of common data about patients in all post-acute care settings will improve considerably the ability to monitor and make policy decisions about post-acute care.

IN SPECIAL RECOGNITION OF THE LATE MAJ. GEN. WALTER A. CHURCHILL (RET.), U.S. MARINE CORPS, FOR HIS DEDICATED SERVICE TO THE UNITED STATES OF AMERICA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GILLMOR. Mr. Speaker, I rise to pay special tribute to a truly outstanding individual from the state of Ohio, the late Major General Walter A. Churchill (ret.), United States Marine Corps. On Monday, June 7, 1999, a special celebration will take place in Toledo, Ohio to honor the outstanding life and military career of General Churchill.

Mr. Speaker, Walter Augustus Churchill, Sr. was born on November 12, 1903. At the age of 19, he enlisted in the United States Marine Corps and began a distinguished military career culminating with the rank of Major General in 1962. General Churchill retired from the United States Marine Corps on December 1, 1963, after a remarkable 41 years and 8 days of service to his country.

During his career in the Marine Corps, General Churchill served the United States proudly around the world at Guantanamo Bay, Iceland, Guam, Guadalcanal, and other areas of the Pacific theater in World War II. While serving in World War II, General Churchill was awarded the Bronze Star Medal with Combat "V" for Valor and a Gold Star as Commander of the Fifth Field Service Command, Fleet Marine Force, Pacific.

After his military career, General Churchill was instrumental in forming the United States Marines Youth Foundation, whose goal is to keep children free from the dangers of drugs and substance abuse. General Churchill was also the Chairman of the Board and CEO of Churchill Supermarkets, Inc., the family business of five supermarkets. His tireless dedication and innovation helped propel General Churchill's standing in the business community.

Always the community activist, General Churchill was a member of the Toledo City Council and was Chairman of the Toledo Republican Executive and Central Committees. He was a member of the Toledo Rotary Club, National Association of Grocers, Ohio Automobile Association, and many more. Among others, General Churchill was recognized as "Marine of the Year," "Grocer of the Year," and, in 1992, he received the President's Distinguished Service Award.

Mr. Speaker, I would urge my colleagues to stand and join me in paying tribute to the late Major General Walter A. Churchill. For his unwavering service above and beyond the call of duty, we owe him our most gracious thanks.

TRIBUTE TO DAVID AND ELAINE GILL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Elaine and David Gill for their almost fifty years of leadership and devotion to the Brandeis-Bardin Institute and the Los Angeles Jewish community.

Since they first attended the Brandeis Collegiate Institute in the 1950s, Elaine and David have forged a warm, longstanding relationship with the Brandeis-Bardin Institute as a whole. Both of them have served on the Board and David is a member of the Executive Committee. Elaine has served as chair of the Alonim Committee, the Women of Brandeis-Bardin, and as co-chair of the Brandeis-Bardin Associates. The Gills have recognized the important role that BBI plays in enhancing the spiritual life of Jews of all ages and levels of observance, and they have committed their time and energy to ensuring the Institute's continued success and development.

The Gills' relationship with the Brandeis-Bardin Institute exists on the personal level as well. All four of their sons have attended Camp Alonim, the youth resident summer camp held on the grounds of the Institute. Between 1971 and 1994, at least one of their sons was involved with the camp either as a camper or a staff member. In fact, both of the couple's married sons met their wives at Alonim. A third generation of Gills, grandsons Jasper, Jonah, and Micah, are all future campers.

In addition to all their efforts on behalf of Brandeis-Bardin, Elaine and David have found time to volunteer with several other Jewish organizations, showing that their dedication to the local Jewish community extends far beyond the tree-lined gates of the institute.

At Valley Beth Shalom, one of the largest Conservative synagogues in the San Fernando Valley, the Gills have both been active members. They have served as pararabbinic counselors and they have been instrumental in developing the synagogue's havurah program, which brings together families with similar interests for social and religious fellowship. David has been chairman of the Board and has led two building fund campaigns. Elaine is currently Religious Vice President.

The Gills have also devoted an extraordinary amount of time to the Los Angeles Jewish Federation which offers a wide range of activities and services to individuals throughout Los Angeles. Together, David and Elaine have led several missions to Israel and they have each chaired committees too numerous to mention.

Mr. Speaker, distinguished colleagues, please join me in honoring Elaine and David Gill's outstanding work with the Brandeis-Bardin Institute and the Los Angeles Jewish community. They are the true embodiment of the concept that "all Israel are responsible for one another."

MILITARY HOME OF RECORD ACT OF 1999; LEGISLATION TO CLARIFY THE "HOME OF RECORD" FOR MILITARY PERSONNEL FOR THE PURPOSE OF THE 2000 CENSUS

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, I am here today to introduce legislation that I feel is essential to achieving an accurate count in Census 2000.

Military personnel are a unique group because they often pay taxes and vote in a state in which they are stationed; therefore, it is difficult to clearly define their actual residence. Most would not be residing in the place they have been stationed were it not for their military service. Many have family in another state.

My bill will provide clarity by ensuring that military personnel are allocated to their "Home of Record." This will ensure that federal funding and redistricting are based on an accurate count of the population.

Currently, the Census Bureau plans to use "Home of Record" data for counting military personnel who are stationed overseas in Census 2000. This bill requires the Census Bureau to work in partnership with the Department of Defense to count military personnel who have been stationed in the United States as well.

This bill is not a radical shift in policy for the Census. In the 1990 Census as well as in the 1970 Census the Department of Commerce utilized "home of record" data. In 1992, the Supreme Court stated that the Secretary of the Department of Commerce was acting within the law when he used "home of record" data from the personnel files to count military personnel in the 1990 Census.

I am not seeking to uproot years of tradition here today; I am merely fighting to ensure that the Census is done in a fair and equitable manner, accounting for all U.S. citizens in their proper home. These men and women have claimed a state to be their "home"-why shouldn't we honor that claim. There are many states that, merely based on location, have been chosen to house military personnel. Counting military personnel as residents of these states when they are voting and paying taxes elsewhere simply does not make sense.

I urge all my colleagues to join me in cosponsoring this legislation.

IN HONOR OF THE LATE DR. THEODORE MILLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. McINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements of one of Pueblo, Colorado's treasured pediatric physicians. Tragically, Dr. Theodore Miller died after a long battle with prostate cancer. While his family and friends remember the truly exceptional life of Dr. Theodore, I, too, would like to pay tribute to this remarkable man.

As a pediatrician in Pueblo, Colorado, for forty years, Dr. Miller's bedside manner was the best around. According to former patients and colleagues, Dr. Miller was the kind of man who took time for the children to get them directly involved with their diagnosis and recovery. Dr. Miller's love for his work was evident through his dedication to his partner, and his patients.

Dr. Theodore Miller served in the medical corps in World War II, and moved to Pueblo Colorado soon after. He graduated from Northwestern Medical School in 1945 and started his partnership in 1951. After forty years of serving the community of Pueblo, Dr. Miller retired in 1991. He was a member of the American Academy of Pediatrics, and the Colorado State Medical Society Dr. Miller also served on the American Board of Pediatrics, and was once president of the Pueblo County Medical Society.

Although his professional accomplishments will long be remembered and admired, most who knew him well remember Dr. Miller, above all else, as a friend. it is clear that the multitude of those who have come to know him, mourn his absence. However, Mr. Speaker, I am confident that, in spite of this profound loss, the family and friends of Dr. Theodore Miller can take solace in the knowledge that each is a better person for having known him.

HONORING THE SERVICE OF RUTH SQUIRES

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. ROGAN. Mr. Speaker, this year marks the 36th year of service for a teacher in my district. Sadly, as students and parents in La Crescenta, CA, would agree, it also marks the end of her distinguished career in education. To honor this service to our youth and to our Nation, I ask my colleagues here today to join me in saluting Ruth Squires.

Ruth's career in teaching would carry her from coast to coast. She began her career in New York State, earning a degree at the State University Teachers' College In Cortlind. Eventually finding her way to California, Ruth joined the faculty at Rosemont Middle School in La Crescenta in 1963. She immediately became actively involved in both community and school events. She is best known for her leadership in the school's production on the United States Constitution. This community event is Ruth's trademark, bring to life the two-hundred year old document that is the foundation of our government.

In her 36 years at Rosemont, Ruth has taught history, social science and economics, and served as a mentor for her peers. Currently, she is the chair of the history and social science department. And her leadership has not gone unnoticed. In 1988, she was awarded the prestigious Masonic Award, and in 1993, received the John Del Monte Award for her service to campus and community. Ruth is also recognized by "Who's Who, American University and Colleges Edition."

Mr. Speaker, too often, the service of those who mean the most goes unnoticed. Although another school year has come to an end, we must not let it pass without recognizing the service of the men and women in education who have unconditionally served our youth. Ruth Squires is one of these patriots.

For her three decades of service to the families of California's 27th Congressional District, and for her distinguished work in the La Crescenta community, I ask my colleagues to join me in honoring the service of Ruth Squires.

TRIBUTE TO THE REPUBLIC OF CROATIA FOR CELEBRATING THE NINTH ANNIVERSARY OF ITS INDEPENDENCE ON MAY 30, 1999, AND FOR OPENING A NEW CONSULATE GENERAL IN CHICAGO ON APRIL 8, 1999

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Republic of Croatia for celebrating the 9th anniversary of its independence on May 30, 1999, and for opening a new Consulate General in Chicago on April 8, 1999.

I am proud, and especially proud today, to be one of the more than 2 million people of Croatian descent living in the United States who have maintained their links with Croatia. Croatian Americans arrived in the United States with little except for the belief in the "American Dream" and a perseverance to succeed and watch their children excel. Since they first arrived in large numbers in the United States more than one hundred years ago, Croatian Americans have done well in all aspects of American historical, socio-cultural and political life. Their sons and daughters have grown up to be doctors, lawyers and other professionals who have served the country which welcomed their ancestors with open arms.

Croatia is a country rich in history, culture and beauty. Its people have a special appreciation for the United States and Americans. A Croatian poet, Antun Gustav Matos, wrote in 1906 that "America is presently the most important factor in the creation of Croatian democracy, the best school of Croatian vitality."

Today these words are even more meaningful than they were in 1906.

We all remember Croatia's lengthy war for independence that made headlines worldwide in the early part of this decade. We celebrated when Croatia finally broke from the Serbian-dominated Yugoslavia in 1991, after such great loss of human life, to become its own independent country. Today, we stand with the Croatians to pay tribute to their courage and perseverance. We pay tribute to Croatia's fully functioning, democratic political structure, and its commitment to further economic development.

I also want to pay tribute to the Republic of Croatia's opening of a new Consulate General in Chicago on April 8, 1999. The three-day series of events entitled Croatia in Chicago was the largest gathering ever of the Croatian community in the U.S. and it demonstrated that the partnership between Croatia and the U.S. is constantly being strengthened. One particularly special event was a Gala Dinner organized by the Croatian community in Chicago. There were 1,400 guests in attendance and the revenues of the dinner went to benefit the children's hospitals in Croatia.

Lastly, Mr. Speaker, I want to associate myself with the remarks of Ambassador Robert Gelbard at the Groatia in Chicago event. Mr. Gelbard said "As our trade and business ties grow so must Groatia's integration into the full range of Western and Euro-Altantic institutions." I believe we must do all we can to help Croatia achieve these goals, and we must continue to reinforce to the Croatian people that our goal is a full partnership with Croatia. Finally, I ask my colleagues to join me in paying tribute to th Republic of Croatia for celebrating the ninth anniversary of its independence and for opening a new Consulate General in Chicago.

THE POTOMAC—AN ENDANGERED RIVER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. CUNNINGHAM. Mr. Speaker, as a member of the Congressional Sportsmen's Caucus and District of Columbia Appropriations Subcommittee, I am deeply concerned about the environment in and around our nation's capital.

Two years ago the Congressional Sportsmen's Caucus held a monthly informational briefing on fishing in the Washington, D.C. area. Following that briefing I submitted for the record an article written by Charles Verharen, a Professor at Howard University and avid local fisherman, that highlighted threats to the Potomac River fishery.

At the request of local fishermen, a study on the impact of sediment discharge on anadromous fish was initiated by the U.S. Fish and Wildlife Service (FWS), with the Maryland Department of Natural Resources, the Interstate Commission for the Potomac River Basin, the District of Columbia Fish and Wildlife, and the National Marine Fisheries Service. The report concludes that this sediment discharge is causing a significant adverse impact to anadromous fish during the spawning season.

I have attached another article by Charles Verharen that describes the impact of this environmental problem. In addition, I have enclosed the summary of recommendations from the Fish and Wildlife Service report to update my colleagues on the problems facing the Potomac River environment.

JOE FLETCHER'S FISH STORY

(By Charles Verharen)

Joe Fletcher is tempted to cry over his beloved river. And a recent U.S. Fish and Wildlife Service report claims he has good reason.

Joe and his family have rented fishing boats on the Potomac at Fletcher's Boat House for three generations. One of Joe's favorite stories—not about a fisherman but a ferry passenger—shows why he's sad.

Joe's story starts in colonial times when the Potomac was one of the greatest fisheries in the world. George Washington owned highly profitable commercial fishing rights on the Potomac near Mount Vernon. The king of all fish in the Potomac was the sturgeon, ranging up to ten feet in length and weighing over four hundred pounds. Potomac caviar was a delicacy prized around the world.

In colonial Washington, the only way across the Potomac was by ferry. One time a sturgeon leaped out of the water and landed on a Georgetown passenger sitting in a small ferry's stern. The fish was so huge that it crushed the man's hip and he died from the injury several weeks later.

Joe's doubly sad when he tells this story—sad about the passenger and sad that sturgeon leap out of the Potomac no more. But now Joe's got something else to be sad about. He fears that the sturgeon's fate threatens rockfish (striped bass) and shad, abundant at Fletcher's Cove even in times when the Potomac was one of the most polluted rivers in America.

Ironically, Joe blames this new threat of extinction on pure water. The Washington Aqueduct drinking water treatment plant discharges the equivalent of up to twenty five dump-truck loads of aluminum and copper sulfates and other waste material into the Potomac above Chain Bridge every day as a by-product of its water purifying process.

Joe fears the chemicals are damaging the spawn and fry—as well as fishing. "Every time the water treatment plant dumps a big load into the river," Joe claims, "the fish just stop biting."

Joe can't imagine Washingtonians would sit still if they saw twenty five trucks parked on Key Bridge dumping waste into the Potomac. And twenty five trucks a day adds up to over nine thousand trucks a year. "How many times would nine thousand trucks go around the Beltway?", Joe wonders.

A recent U.S. Fish and Wildlife Service report on the Washington Aqueduct confirms Joe's fears. Prepared by Fish and Wildlife's Chesapeake Bay field office and a panel of area-wide fisheries biologists, the report advocates eliminating all Washington Aqueduct waste discharges into the Potomac, one of fourteen American Heritage Rivers targeted for "environmental, economic, and social restoration projects."

Surprisingly, the panel claims shortnose sturgeon have been found in the lower and middle Potomac, and Aqueduct waste discharge points are potential spawning habitats for sturgeon. The panel's report asks the Environmental Protection Agency to investigate the Aqueduct's potential threat to a sturgeon comeback.

The EPA gives the Washington Aqueduct a permit to discharge its waste. Long past its expiration date, the permit has been "administratively extended." The EPA won't renew the permit in its present form because the Army Corps of Engineers which operates the Washington Aqueduct isn't doing everything it can to clean up its waste.

The Corps could truck the waste to disposal sites but a citizens group that calls itself "CRUDD" (Committee for Responsible Urban Disposal at Dalecarlia, the old name for the Aqueduct) doesn't want the trucks threatening their children's safety and their Palisade neighborhood's clean air.

The waste could be pumped to Washington's Blue Plains waste water treatment plant through existing sewer lines, but the Washington Aqueduct would have to pay for using the lines and enlarging Blue Plains treatment capacity. The local governments that buy clean water from the Aqueduct don't feel that Washington area residents want to pay extra taxes to stop the Potomac pollution.

Those same customers want to save money by paying chicken farmers and other polluters upstream to stop their discharge. The EPA allows polluters to buy and sell pollution rights from one another. But that kind of exchange wouldn't save the fish.

Joe Fletcher thinks that if Washingtonians knew how dirty their clean drinking water makes the Potomac, they might want to pay a little extra so the shad and the rockfish have a chance to make a comeback. Joe even dreams about the day he might see a sturgeon breaking the water close to his boat—but not too close!

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE
Annapolis, MD, March 2, 1999.

Re: Washington Aqueduct Report.

MS. PATRICIA GLEASON,
U.S. EPA, Region III,
Water Protection Division,
Philadelphia, PA.

MS. GLEASON: The U.S. Fish and Wildlife Service with Maryland Department of Natural Resources, Interstate Commission for the Potomac River Basin, District of Columbia Fish and Wildlife, and National Marine Fisheries Service have completed a report on the sediment discharges from the Washington Aqueduct, Washington, D.C. The enclosed report concludes that significant adverse impacts to anadromous fish during the spawning season could occur from the sediment discharges. The report entitled, "Washington Aqueduct Sediment Discharges Report of Panel Recommendations" includes recommendations to the Aqueduct Administrators on how to minimize the impacts during the spawning season.

We appreciate the opportunity to provide information relevant to fish and wildlife resources. If you have any questions on this report, please contact David W. Sutherland at (410) 573-4535 or DavidXSutherland@fws.gov.

Sincerely,

ROBERT J. PENNINGTON,
ACTING SUPERVISOR,
Chesapeake Bay Field Office.

Enclosure.

WASHINGTON AQUEDUCT SEDIMENT DISCHARGES

REPORT OF PANEL RECOMMENDATIONS

Fisheries Panel Summary of Recommendations, March 1999

A panel of fisheries biologists from the District of Columbia, State of Maryland, Interstate Commission on the Potomac River Basin, National Marine Fisheries Service, and U.S. Fish and Wildlife Service was convened to provide recommendations on minimizing impacts to migratory fish from sediment discharges at the Washington Aqueduct. The fisheries panel provides these recommendations to the administrators at the Washington Aqueduct in an effort to advance the anadromous (and resident) fish restoration efforts in the Potomac River. By minimizing the adverse effects to water quality from sediment discharges at the Dalecarlia and Georgetown settling basins, fisheries resource managers have a better chance at achieving fish and habitat restoration goals for the Potomac River.

1. The goal is to eliminate sediment discharges to the Potomac River. If sediment discharges are absolutely necessary, the panel recommends eliminating the flocculent/sediment discharges from February 15 to June 15, to avoid the early and late spawning activities of migratory fish.

2. Mix the flocculent/sediments with raw river water in the settling basins to produce an effluent, that when discharged to the river, reduces the adverse impacts of concentrated sediments on migratory fish.

3. Slow the rate of flocculent/sediment discharge to the river to a minimum of 72 hours per basin. We recommend that the ratio of discharge to river flow be less that 0.1%. This will also reduce the adverse impacts to migratory fish from concentrated sediments entering the river.

4. Monitor water quality daily at the discharge sites to identify a time when water quality conditions are least sensitive to sediment discharges in the river. The water quality monitoring parameters include: pH, temperature, alkalinity, and conductivity.

5. Remove rocks from the Dalecarlia outfall to ensure controlled and measurable sediment discharge rates, and establish outfall maintenance and discharge monitoring plans to promote safe operation and predictable discharge rates.

6. Create a panel of stakeholders to assist the Washington Aqueduct with issues relating to the Potomac River ecosystem. These entities could include citizen coalition, local, state, interstate, and federal representatives.

INTRODUCTION OF MEDICARE MODERNIZATION NO. 7: "MEDICARE CLINICAL PRACTICE PATTERNS ACT OF 1999"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. STARK. Mr. Speaker, today I rise to introduce the seventh bill in my Medicare modernization series: the "Medicare Clinical Practice Patterns Act of 1999." This bill would give the Secretary the authority to document patterns of clinical practice in the Medicare program, determine the effectiveness of treatment, and bring medicare policy in line with that of the private sector. If implemented, the "Clinical Practice Patterns Act" would help to standardize the delivery of health services within Medicare, thereby improving the quality of care provided to Medicare beneficiaries and achieving savings for the program overall.

Earlier this year, I introduced H.R. 1544, the "Patient Empowerment Act of 1999." The "Patient Empowerment Act" was the first step toward eliminating the wide variation in treatment patterns across the U.S., as identified by Dr. John Wennberg in the Dartmouth Atlas. The "Clinical Practice Patterns Act" builds on this theme by developing evidence-based clinical guidelines to assist providers in treating various illness.

Mr. Speaker, there are literally millions of doctors, nurses, and health administrators working in thousands of different hospitals, all trained at different schools in different communities, who provide care to the 39 million elderly, disabled, and ESRD patients covered by Medicare. With all of these elements interacting together, it's no wonder that we have such wide variation in treatment patterns across the United States.

Medicare is a combination of both art and science. For most treatments, there are no empirical data on clinical effectiveness that suggest one method is better than another. In these cases, providers use their "best guess" to make treatment decisions—relying on their individual knowledge, preferences, and the resources available to them. This "art" of medicine exacerbates the variation in treatment patterns, and Medicare expenditures, across the U.S.

Yet, as Wennberg notes, there is virtually no difference in health outcomes between low and high spending areas. If less expensive treatments are available, why aren't we prescribing them more readily? By collecting and distributing data on clinical effectiveness, and encouraging providers to use treatment guidelines, we may be able to minimize practice variation. We simultaneously may be able to achieve substantial savings for Medicare.

Following is a portion of an interview from the May/June 1999 issue of Health Affairs by Princeton professor Uwe Reinhardt with HHS Secretary Donna Shalala discussing how Medicare's financial problems would be greatly reduced if the variation in clinical practices were minimized:

REINHARDT. "Count on me to be a real thorn in the side of the status quo, then, because I believe that if everyone in America could consume medical care while spending at rates similar to those of Minnesota, Oregon, and Wisconsin, providing health care to the aging baby-boom generation would be a piece of cake, wouldn't it?"

SHALALA. "Absolutely, and the doctors would feel as though the system were fairer. But once the infrastructure is built and physicians get comfortable with consuming a certain level of resources, it's very difficult to work your way out unless you buy yourself out, as we have attempted to do with the downsizing of medical residency positions through HCFA's New York demonstration."

Clinical practice guidelines are being used more and more throughout the private sector to improve the quality of health care as well as to increase the efficiency of the health industry. This practice does not in any way diminish the art of medicine, it only improves the science behind treatment decisions.

Medicare is a natural candidate for clinical practice guidelines. With an outstanding database of information on beneficiaries across the country, and the resources of the NIH and AHCPR at hand, Medicare could effectively implement a program to improve clinical effectiveness and achieve savings through efficiency.

IN SPECIAL RECOGNITION OF WILLIAM S. HEFRON ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GILLMOR: Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that William S. Hefron, of Amherst, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Bill as accepted his offer of appointment and will be attending West Point this fall with the incoming cadet class of 2003. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

While attending Lorain Catholic High School, Bill has attained a grade point average of 4.062 on a 4.3 scale, which places him third in his class of sixty-six students. Bill's scholastic honors include the Lorain Catholic Honor Roll and National Honor Society. Bill is also taking several AP classes to further his outstanding academic achievements.

Outside of the classroom, Bill has distinguished himself as an outstanding student-athlete. On the fields of competition, Bill is a Varsity letter winner in cross country, track, football, and basketball. During his Junior season, Bill was captain of the cross country team, Most Valuable Runner, and a school record holder. In track, Bill won the 800 meters at the District Track & Field Meet, and placed fifth in Regional competition. And currently, Bill is the Secretary of the Senior Class.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to William S. Hefron. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Bill will do very well during his career at West Point, and I wish him the very best in all of his future endeavors.

IN HONOR OF THE LATE KEITH CLARK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I would like to take this moment to honor the remarkable life and exceptional achievements of a great Coloradan and American, Keith Clark. In doing so, I wish to pay tribute to Keith for all of his many years of service and sacrifice on behalf of this nation. At the same time, I would also like to offer my deepest sympathies to the family and friends of Keith as they grieve at his passing. Like those who knew him well, the entire Grand Junction community will miss both Keith and his tireless service on their behalf.

For 29 years in Grand Junction, Colorado's School District 51, Keith was a pillar of education who served with great distinction, both as a teacher and as an advocate for improving our schools. Keith was, for nearly three decades, a powerful voice of leadership and vision for education in the Grand Valley. It is clear, Mr. Speaker, that his leadership in education will continue to benefit students in our school system for many years to come. I know that this is a legacy that Mr. Clark would take great pride in.

In addition to his service as an educator, Keith also served his country with great valor as a B–52 pilot during World War II. Mr. Clark flew and fought bravely over the skies of North Africa and Italy in defense of the nation he loved deeply.

At one might surmise from his sustained service and selfless sacrifice, Keith was also a fierce patriot and proud American. He believed deeply in our constitutional form of government and in the bedrock principles—like freedom, liberty, and individual self-determination—upon which this great republic stands.

It is with this, Mr. Speaker, that I say thank you to Mr. Keith Clark for his decades of service, both in defense of our country as an airman and in defense of our future as an educator. He was truly a great American.

At the same time, I would also like to offer my heart-felt condolences to Keith's family: his wife of 52 years Anita, his children Katie and Cal, and his three granddaughters Amber, Lily and Hillary. I hope that these family members, like everyone who has had the good-fortune of knowing Keith, will take solace in the undisputable fact that they are a better person for having known him.

SALUTING THE SERVICE OF JOAN KELLY

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. ROGAN. Mr. Speaker, none of us here today would have found success without the help and guidance of a teacher. As students, we were all influenced by those who commit their lives to the service of others. Too often, this service goes unnoticed. Today, I would like to salute the service of a teacher who has dedicated over a decade of her career to the students in my district.

Joan Kelly has taught in La Crescenta, California for 11 years. However, her work as a teacher began long before her move to my district. Throughout her life, Joan has committed herself to serving the needs of students and the needs of the community.

Joan is a native of Brooklyn, New York. A graduate of Fordham University, she taught elementary school and worked extensively in the New York area. Her work with students and parents led her to develop a counseling program in Yonkers, New York. This program is a shining example of her relentless pursuit of innovative and creative ways to reach students.

Joan joined the faculty at Rosemont Middle School in the Spring of 1987. Her efforts as a math, history, and English teacher and school administrator contributed to Rosemont being recognized as a U.S. Department of Education Blue Ribbon School of Excellence and a California Distinguished School.

In her years of service at Rosemont Middle School, Joan has proven herself to be a leader. She is often called on by colleagues to direct teacher in-service programs, passing on to her peers a lifetime of knowledge about education. Further, she has instilled in teachers the skills to help students be the best they can be. In 1993, she was awarded the prestigious Masonic Award for her service.

Mr. Speaker, the strength of our nation tomorrow depends on the quality of the education our youth receive today. And one need look no further than the roster of Joan's former students to see the leaders of tomorrow. For her service to our nation, and for her commitment to public education, I ask my colleagues here today to join me in recognizing Joan Kelly.

PERSONAL EXPLANATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. HULSHOF. Mr. Speaker, I missed three votes last night, rollcall Numbers 167, 168 and 169. These votes were missed due to a canceled airline flight. On these votes, I would have voted "aye".

TRIBUTE TO DR. AUGUSTO ORTIZ AND MARTHA ORTIZ

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. ROMERO-BARCELÓ Mr. Speaker, I am pleased to rise today to pay tribute to Dr. Augusto Ortiz and his wife Martha, who have for half a century provided medical and clinical services to the Spanish-speaking population of Arizona. I wish to recognize their selflessness and commitment to the health and welfare of their fellow Americans.

During the past year in particular, we have witnessed many discussions about the role that Puerto Rican-Americans play in the mainstream United States. Some have questioned our right to equality as Americans because of our language and our culture, but I want to assure you that the patriotic and law abiding citizens of Puerto Rico have distinguished themselves in all facets of life in the United States, be it in defense of our nation, as community leaders, as athletes, professionals, scientists or as performing artists, making numerous contributions to our great nation. Our language and culture have enhanced and enriched our national culture, contributing to the service and understanding of our fellow citizens throughout the United States.

The merging of our cultures is especially evident in the life of Dr. and Mrs. Ortiz. Their lifelong commitment to Arizona is enhanced by the fact that Dr. Ortiz is a Puerto Rican-American who together with his wife have dedicated their lives to the service of their fellow human beings. Thousands of Arizonans feel deep gratitude for Ortiz' commitment to their health and lives.

How is it that this "Jibaro Puertorriqueño" came to lead his life in the desert? While a boy in Puerto Rico, Dr. Ortiz dreamt of helping others. His parents encouraged his love of learning and dedication to the public service. After graduating from medical school at the University of Illinois in 1945, he joined the military and served as a physician at several posts throughout the country. In the early 1950's, while stationed at Luke Air Force Base in Phoenix, Arizona, Dr. Ortiz volunteered to assist Dr. Carlos Graeth to provide medical services to the 80,000 Hispanics in Maricopa County. They were the only two Spanish speaking doctors in the County.

Dr. Ortiz became a champion for the rights of those he served. His involvement in improving human needs and access to medical care, better education, housing and jobs led him to become politically active and an ally for people who lacked a voice, particularly farm workers. He worked to improve field sanitation conditions and was instrumental in enacting state laws to regulate the use of pesticides.

Martha Ortiz was the organizational brains of this effort. She served as the full time administrator, personnel director and business manager of the office mostly as a volunteer, because she refused to accept payment for her services. She ably handled the many "pay what you can" patient alternatives that enabled the medical practice to continue to make health services available and affordable to low income and indigent residents of Arizona.

Since 1972, Dr. Ortiz has headed the University of Arizona Rural Health Office and has successfully directed more efficient health services including prevention-focused health campaigns, mobile clinics and community health boards. He is a living model to aspiring doctors and others in the health professions.

During their 50 year commitment to their fellow man and woman, Dr. and Mrs. Ortiz have been awarded many rightfully deserved honors and recognitions at the community, state and national levels.

As a fellow Puerto Rican-American, as a fellow Hispanic and as a fellow American, I am pleased and proud to recognize the achievements of this couple who have made a difference in the lives of thousands. Dr. Ortiz deserves our deepest gratitude and the nation's recognition. I ask my colleagues in Congress to join with me in saluting and honoring, Dr. Augusto Ortiz and his wife Martha Ortiz.

CONGRATULATIONS TO ROBERT M. "BOB" ROSE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Robert M. "Bob" Rose was honored with the honorary degree of Doctor of Humanities during the 1999 academic convocation at Missouri Valley College on Sunday, May 16, 1999.

Mr. Rose is a graduate of Marshall High School in Marshall, Missouri. He also earned a degree from the U.S. Military Academy in West Point, N.Y., a Master of Arts degree in English Literature from the University of Pennsylvania, a Master of Arts degree in International Affairs from The George Washington University and is a graduate of both the U.S. Army Command and General Staff College at Fort Leavenworth, Kansas, and the U.S. Army War College at Carlisle Barracks, Pa.

In 1949, Mr. Rose was commissioned as a Second Lieutenant and he remained a commissioned officer in the U.S. Army until 1971. His overseas service included Germany from 1950 to 1953, Korea from 1960 to 1961, another tour in Germany from 1965 to 1967 and Vietnam from 1967 to 1968. His service time in the United States was divided among Fort Knox, Ky., Fort Meade, Md., Washington, D.C., and various service schools.

Key positions held by Rose while in the U.S. Army included instructor and assistant professor of English at the U.S. Military Academy in West Point from 1956 to 1959, commander of combat units from platoon to division support command in Vietnam and staff officer from battalion to Department of Army headquarters (Pentagon). Rose was promoted to colonel in 1968 and he retired from military service on February 1, 1971.

As a civilian, Rose was the managing partner of Rose and Buckner Store on the east side of the Marshall square. Bob was the third generation of the Rose family in this position. The store closed upon his retirement. Other local business and civic offices held by Rose include being past president and board member of the Marshall Rotary Club, serving on the board of directors of Wood and Huston Bank in Marshall, serving on the board of directors of Wood and Huston Bancorporation Inc. in Marshall and acting as past chairman of the board for Corwin Corporation in Kansas City.

Rose was also a board trustee of Ridge Park Cemetery Association in Marshall, a board member of the Missouri River Chapter of the American Red Cross, executive board member of the Great Rivers Council of Boy Scouts of America, past chairman of the Missouri Valley College Board of Trustees and a member of various military, veteran and civic organizations.

Rose in an active member of First United Methodist Church in Marshall. He and his wife Betty are the parents of one son.

Mr. Speaker, I know the Members of the House will join me in congratulating Robert M. "Bob" Rose for his honorary degree of Doctor of Humanities, and for his lifelong service to his community and to his country.

PERSONAL EXPLANATION

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. THOMAS. Mr. Speaker, I was not present for the vote on final passage of H.R. 1915, Jennifer's Law or Grants to the States to Improve the Reporting of Unidentified and Missing Persons. If I had been present I would have voted "aye".

TRIBUTE TO D. MAE JOHNSON, W. RAY JOHNSON, MYSER JAMES KEELS, PASTOR CHESTER RIGGINS, AND JAMES E. WALTON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to D. Mae Johnson, W. Ray Johnson, Myser James Keels, Pastor Chester Riggins, and James E. Walton, Ph.D., for being selected the 1999 Portraits of Success program Honorees by KSEE 24 and Companies that Care. In celebration of African-American History Month, these five leaders were honored for their unique contributions to the betterment of their community.

D. Mae Johnson was a teacher in Fresno and Oakland for twenty years; during this time she also obtained a master's degree in both Counseling and Guidance from California State University, Fresno (CSUF) and Administration from Pepperdine University. For the past 20 years she has been executive director of Quality Group Homes one of the Central Valley's largest providers of residential treatment care for adolescents and children. Mrs. Johnson is involved with many professional, church and community organizations, including being a lifetime member of the NAACP. In 1997, she helped found the Fresno chapter of Links Inc., a nonprofit humanitarian organization that provides support services to enrich the quality of life through cultural, civic and educational activities. Inspired by her niece's long struggle with Sickle Cell Disease, she worked with Fresno Links and St. Agnes Hospital, to bring to Fresno, the only Sickle Cell Anemia program in the Valley.

W. Ray Johnson has been a dedicated public servant for three decades. He is the Director of Community Resources for the City of Fresno. He reports to the City Manager, and works closely with the Mayor and City Council members. He was formerly the Fresno Deputy City Manager and Director of Human Resources. One of his proudest accomplishments was his role in establishing a facility for the African-American Museum for which he has helped to secure almost half-a-million dollars in funding over the years. He is currently instrumental in setting up the African-American Multi-Service Center as a one-stop facility to work with youth and gang members. Mr. Johnson has served on many boards and commissions, including two terms as vice president of the NAACP. His many awards include State of California Black Women Organized for Political Action, Man of the Year award, United Black Men Community Service award, California State Assembly Civic Involvement award, and the California State Senate Outstanding Community Contribution award.

Myser James Keels has long given himself to benefit the Fresno community. For 27 years, he was a groundsman with the Fresno County Parks and Recreation Department until has retirement in 1995. Along with park upkeep and worker supervision, he also provided supervision of adult and youth offender programs. He gave ten years to the County of Fresno Social Security Board, eight to the County Human Services Advisory Board, and two to the Equal Opportunities Commission. Mr. Keels also served on the Conservation Corps Commission Community at Large Revitalization Board, Southwest Edison Planning Committee, Fresno Neighborhood Alliance, as a deacon for St. Joseph's Baptist Church, president of the Black Political Council, president of the Coalition for Cooperative Development & Community Development Corporation, treasurer of King of Kings Center Board of Directors, vice chairperson of Westside Fellowship and board member of Central California Legal Services. Honors and awards have come from these entities and many more including a special Certificate of Appreciation for 11 years of assisting alcoholics in their recovery.

Pastor Chester Riggins has served the St. Rest Missionary Baptist Church since 1950 as a Sunday School teacher, Baptist training union instructor, church clerk, financial secretary, deacon, chairman of the Deacon Board and chairman of the Church Pulpit Committee. For many years he was a mail carrier for the Postal Services, but resigned in 1979 to serve the church full time. Pastor Riggins' activities outside the church have included being the temporary chairman for organizing the Fresno Model Cities Program, member and officer of the West Fresno Interdenominational Ministers' Alliance, charter member of the Fresno Police Program, member of the Concerned Citizens for Quality Education, secretary-treasurer of the Home Mission Board of the California State Convention and 1st Vice Moderator Emeritus of the St. John Missionary Baptist Association.

Dr. James E. Walton, Ph.D., has been teaching since 1967 and has been a professor of English at CSUF since 1990. He previously taught at Mt. Union College for 20 years and was an exchange professor in Osaka, Japan in 1988. Dr. Walton served as a member of Search Committees at CSUF for the Dean of Education, Human Relations Director and vice president and has been a member of the Committee on Academic Policies and the

Committee on Faculty and Strategic Planning. Apart from the university, he has served as Library Trustee, on the Fair Housing Board, and as a Board Member of the American Red Cross, Junior League, and the NAACP.

Mr. Speaker, it is with great honor that I pay tribute to D. Mae Johnson, W. Ray Johnson, Myser James Keels, Pastor Chester Riggins and Dr. James E. Walton, Ph.D. for being recognized as the KSEE 24 Companies that Care 1999 African-American Portraits of Success honorees. I applaud the contributions, ideas, and leadership they have exhibited in our community. I ask my colleagues to join me in wishing these fine people many more years of success.

TRIBUTE TO ROBERT D. ANDERSON, JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Robert D. Anderson, Jr., an extraordinary citizen of San Mateo County, California, who will be honored by the San Mateo Central Labor Council on Saturday, June 12, 1999.

Robert D. Anderson, Jr. has been a leader in both the labor movement and his community for the last twenty-five years. After nineteen years of exceptional leadership and service, Bob has announced that he is stepping down as President of the San Mateo County Labor Council.

Throughout his career bob has dedicated himself to improving the living and working conditions for families in San Mateo County and the airline industry nationwide. He is a former United Airlines mechanic and a member of the International Association of Machinists, Local Lodge 1781. He is currently the ground safety coordinator at San Francisco International Airport.

During his tenure as President he helped establish, build and chair the San Francisco Airport Labor Coalition and its predecessor, the Airport Health and Safety Coalition. He has also served on the advisory boards of the California Occupational Safety Coalition and Health Administration, and the Labor Occupational Health program at the University of California, Berkeley.

Over the last twelve years bob has worked with labor and community leaders to bring affordable, high-quality, around-the-clock childcare to families who work non-traditional hours. He has also served on the Board of Directors of PALCARE, San Mateo County's community-based childcare center since its opening in 1993.

Mr. Speaker, Robert D. Anderson, Jr. is an outstanding individual, a respected labor and community leader, and a valued friend. I salute him for his remarkable contributions and commitment to our community and I ask my colleagues to join me in honoring him upon his retirement as President of the San Meteo Central Labor Council.

HONORING NAVAL COMMANDER KENT ROMINGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the career of one of Del Norte, Colorado's natives who has shown great character and motivation, Naval Commander Kent Rominger. In doing so, I would like to honor this individual who has illustrated the notion of duty and service for Colorado and the Navy alike.

Kent Rominger has been flying for the Navy since 1978, when he earned his degree in civil engineering from Colorado State University. As a Naval officer, Rominger flew in Operation Desert Storm. In 1992, Officer Rominger was selected to join the astronaut program. Since his start in the astronaut program. Commander Rominger has piloted three previous space missions, one of those being in the space shuttle *Discovery.*

On May 27, 1999, Kent Rominger returned to the space shuttle *Discovery* and guided six astronauts into orbit. As commander, Rominger oversaw all aspects of the mission and the crew. This is a great honor for Rominger to command a space shuttle that he once piloted into space.

Kent Rominger is an outstanding citizen of Colorado who's accomplishments will be long remembered and admired. Selfless service and dedication makes Commander Rominger a valued and respected man. His achievement are a great service to us all, and for that we owe him a debt of gratitude.

IN RECOGNITION OF THE SOLANO COALITION FOR BETTER HEALTH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased today to recognize the Solano Coalition for Better Health (SCBH), which is celebrating its 10th Anniversary year. On June 5, SCBH kicked off its 10th Anniversary Celebration by hosting an Enrollment Day for the Solano Kids Insurance Program (SKIP), in an effort to promote free or low cost health insurance options for Solano County children, and it's fitting that we honor SCBH at this time for its many contributions to the community.

SCBH is a nonprofit organization of health care administrators, government officials, local physicians, representatives from the business and educational communities, and neighborhood advocates. Its focus is to improve the health and quality of life in Solano County by sharing resources through effective partnerships. It is a nationally recognized model of public and private partnerships, creating system changes in the provision of care and services to promote and improve the health and safety of the people and their communities.

SCBH works in a collaborative fashion and places high value on efforts that benefit the community, neighborhoods and people of Solano County, and meets the interests and needs of individuals and specific constituencies within the community.

SCBH recognizes and values diverse communities, neighborhoods and people within Solano County and encourages their participation in improving the health of all county residents, through a multi-lingual network of health and social services providers, reflective of the population of Solano County in gender, sexual orientation, culture, ethnicity, and disability.

SCBH is innovative in its approach to addressing the health needs of Solano County residents and is not adverse to taking risks for potential rewards. Further, it recognizes and values the unique importance of innovative approaches in responding to health issues that disproportionately impact ethnic communities.

SCBH has initiated such unique programs as:

(1) the Partnership HealthPlan of California, a public/private organization designed to provide a cost-effective method of health care delivery to Medi-Cal recipients in Solano County, which has now expanded to include Napa County

(2) Healthier Solano Communities, an initiative that promotes wellness in each of Solano County's seven cities by creating or supporting a team in each city to look at issues in each city that impact health and wellness; identify one or more issues in each city that can be addressed; and, develop partnerships and plans to address those issues.

(3) the Community Services Task Force, which includes volunteers who are service providers from public, private, County nonprofit, and community based organizations, and advocates for health and human services that are culturally, linguistically, geographically, physically, and financially accessible to all residents of Solano County.

(4) Solano Health Improvement Initiative (SHII), which addresses the most critical indicators of health in the community, and has expanded countywide efforts to pursue strategies that address three initial goals:

1. All children will be healthy and ready to learn when they enter school.

2. Comprehensive prevention, early detection, and support services will be developed for individuals living with cancer in Solano County.

3. People with diabetes or at risk of diabetes will live well and independently in the community.

In recognition of the SHII's outstanding cancer community outreach efforts, the U.S. Postal Service presented the first Prostate Cancer Awareness Stamp Dedication in California on June 5th at the SCBH's 10th Anniversary celebration.

(5) SKIP which provides outreach efforts to enroll children in free or low cost health insurance options in Solano County.

Mr. Speaker, SCBH participants are people who are personally committed and who dedicate their time, talent and knowledge to influence the organizations they represent to support the Coalition's mission. I commend them for their outstanding contributions to the community.

HONORING THE ACHIEVEMENT OF REBECCA KREPICK

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor the achievement of Rebecca Krepick. On May 29, 1999, Rebecca graduated from Klein High School. I ask my colleagues in the House of Representatives join me in congratulating her and her family.

Although this achievement deserves recognition in and of itself, Rebecca accomplished much more. When she was in second grade, the Anthony Robinson Foundation offered 600 students a $20,000 scholarship if they maintained a B+ average, participated in community service, and were a model student for 10 years. On the day of graduation, less than thirty of these students completed the program. Rebecca's achievement should be recognized and commended.

Rebecca and her fellow scholarship recipients are examples of what is right with public education. They should be held up as role models for other students everywhere to emulate.

Rebecca plans to use the scholarship at the University of Houston, one of the finest universities in our nation. Rebecca's parents, Mr. and Mrs. George Barbosa, family, friends and community are very proud of her. We wish her well in her future education pursuits. Mr. Speaker, I ask that all Members join me in congratulating Rebecca Krepick for her outstanding achievement.

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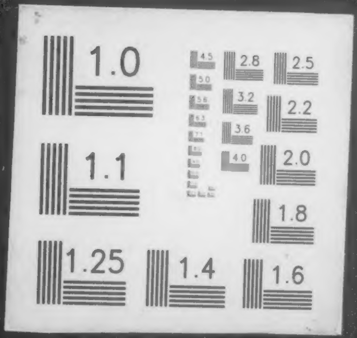
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